



## AGENDA

### MEETING OF THE MINTURN PLANNING COMMISSION Minturn, CO 81645 • (970) 827-5645

**Meeting will be held online via Zoom Conferencing and call-in.  
Public welcome to join meeting using the following methods:  
Register to Join from PC, Mac, Linux, iOS or Android:**

**[https://us02web.zoom.us/webinar/register/WN\\_GApIdVCrTCODqoTtgha\\_hQ](https://us02web.zoom.us/webinar/register/WN_GApIdVCrTCODqoTtgha_hQ)**

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**Phone:**

+1 651 372 8299 US or +1 301 715 8592 US

**Meeting ID: 881 1029 7360**

Due to an anticipated large viewing, and restrictions within the virtual meeting platform, the Town is making additional efforts during the COVID pandemic to make these meetings as readily accessible to all. If you do not intend to actively participate, please view the meeting on the Town of Minturn's [YouTube](#) channel where it will be live streamed and archived. For members of the public without internet access, there is availability at the Town Hall for meeting viewing, reservations are required.

**Wednesday, April 14, 2021**

**Regular Session – 6:30 PM**

**CHAIR – Lynn Teach**

**COMMISSION MEMBERS:**

Jeff Armistead

Eliot Hovey

Tom Priest

Christopher Manning

Jena Skinner

When addressing the Commission, please state your name and your address for the record prior to providing your comments. Please address the Commission as a whole through the Chair. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

**Regular Session – 6:30pm**

1. **Call to Order**
  - Roll Call
  - Pledge of Allegiance
2. **Approval of Agenda**
  - Items to be Pulled or Added
3. **Approval of Minutes**
  - March 24, 2021
4. **Public comments on items, which are NOT on the agenda (5min time limit per person)**
5. **Appointment of the Planning Chair**
6. **Planning Commission Comments**

## DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

7. **Minturn North PUD – Railroad Planned Unit Development Preliminary Plan Review**  
  
**Recommendation:** Denial

## PROJECTS AND UPDATES

8. **Project Updates**
  - Chapter 16 Zoning Code Amendment
9. **Planning Director Report & Minor DRB Approvals by Director**
  - Belden Place Preliminary Plan Application Status
10. **Future Meetings**
  - April 28, 2021
  - May 12, 2021
11. **Adjournment**



## AGENDA

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**<https://us02web.zoom.us/j/85851416631>**

**Phone:**

+1 651 372 8299 US

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**Meeting ID: 858 5141 6631**

**Wednesday, March 24, 2021**

**Regular Session – 6:30 PM**

**CHAIR – Lynn Teach**

**COMMISSION MEMBERS:**

Jeff Armistead

Lauren Dickie

Burke Harrington

Christopher Manning

Jena Skinner

When addressing the Commission, please state your name and your address for the record prior to providing your comments. Please address the Commission as a whole through the Chair. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

### **Regular Session – 6:30pm**

**1. Call to Order**

- Roll Call

Lynn T. called the meeting to order at 6:30 pm.

Those present at roll call: Lynn T., Lauren D., Burke H., Chris M, and Jeff A.

Staff Members Present: Town Planner Scot Hunn and Planner I Madison Harris.

- Pledge of Allegiance

## 2. Approval of Agenda

- Items to be Pulled or Added

Motion by Chris M., second by Lauren D., to approve the agenda as presented. Motion passed 5-0.

## 3. Approval of Minutes

- March 10, 2021

Motion by Jeff A., second by Chris M., to approve the minutes of March 10, 2021 as presented. Motion passed 5-0.

## 4. Public comments on items, which are NOT on the agenda (5min time limit per person)

No Public Comment.

## 5. Planning Commission Comments

Jeff A. expressed that he will miss Burke H. and Lauren D. as this is their last Planning Commission meeting.

# DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

## 6. 832 Main Street – New Single Family Residence Conceptual Plan Review

Review and conceptual approval of plans for a new single family residence at 832 Main Street.

### Recommendation: Conceptual Approval with Conditions

This is a new home. A tear down at 832 Main. 3 bedroom, just over 4,000 square foot home. There are challenges to the site with the setback to the river. There is parking that is provided in the garage and in front of the garage. Staff has questions about maneuverability. There were some comments from the Town Engineer that need to be resolved, exterior light fixtures should be shown, the 30 foot river setback should be shown more clearly, and then there are minor encroachments of roof overhangs into the 30 foot river setback.

This project is in the South Town Residential Zone District. It has multiple roof forms. Just under the 50% impervious coverage, and providing well in excess of required snow storage. Staff is recommending conceptual due to a small safety fence at rear of lot being within the 30 foot river setback and requiring a variance. The lot currently has an estimated 90% impervious coverage, which will be greatly reduced with the proposed house. Most of the deck structure will be removed and plant native grasses. There are minor roof overhangs encroaching into the 30 foot river setback which is not allowed by

the current code. The goal of the code is to get the riparian area to function as intended and create movement corridors for animals along the river. We might want to revise the code to allow for flexibility to allow us to enforce the intent of the code. There are two spaces in front of the garage that might have some practical difficulty.

*Note: Jena S. joined the meeting at 6:40 pm. Lauren D. reverts to her status as an alternate member.*

Michael Pukas, PO Box 288 Gypsum, CO 81637.

This is an encumbered lot, with a 20 foot front yard setback and a 30 foot river setback to the rear, so not a lot of room to build a house. It is right up against the setbacks, and trying to keep in character of what the Town wants. This is a riverfront lot with tremendous views on the east side of the lot and so the applicant is trying to maximize the views. The entry is intended to be a unique element. A box that is clad in a metal panel system that is unique to the other materials of the other building. Materials will be corrugated metal for base of building that will be painted a darker grey palette. There will be horizontal siding under the shed roof which is stained. Under the gable roof there will be vertical weathered barn wood siding. Metal at front entry might be a copper metal cladding that will patina over time with some weathering. Currently there is a large deck that covers the backyard which is a pre-existing non-conforming structure. The bigger issue is lot coverage. With the driveway and turnaround required, there is only a small portion of the deck that can remain. Within that 30 foot setback on top of the rock wall, the rock wall is manmade and the applicants don't know who built it or when. There is a guardrail there currently on the deck, but the new owners want to construct a safety fence so that their pets cannot go over the wall. At this time he would like to remove the fence from the application that is currently within the 30 foot setback and come back with a separate variance as he does not want this review process to be held up. He would like the Board to grant the roof overhangs within the 30 foot setbacks up to 18 inches and maybe a height minimum to be consistent with the other provisions of the code. Concerning having Intermountain Engineering review projects as the Town Engineer, some comments might be above and beyond the standard practice. He had a layering graphical issue with the submission, so some comments were valid, but some were excessive. The property to the north at 822 Main St., the south portion of the building encroaches into their setback, and will be adjacent to the Jones' garage. Even if the unfinished basement is finished, there is enough property. There will be a bathroom, and should it convert to a bedroom, it would be a bunk room. Will be installing snow fencing on the roof that is closest to their neighbors (on the north side).

Burke H. thinks that Mr. Pukas has done a great job with a challenging lot. In regards to the window well, is that allowed in the setback?

- Scot H. said that it is.
- Burke H. said in regards to the roof variance, he was originally against it, but now with the explanation, would feel better if the code was revised rather than grant a variance. He clarified that we don't need to partner with any other entity to change it. Regarding the fence in the 30 foot setback, agree that there is safety issue. The options are landscaping, a berm, or maybe some trees. He's not

opposed to the fence, and there is definitely a hardship. Parking looks challenging. Concerning the engineering comments, the planning department should have comments and while all comments might not be necessary for building permit, they should still be considered as a professional opinion and is good for all parties.

- Mr. Pukas stated that he has no problem with having comments from Intermountain Engineering, but there are two different engineers commenting with two very different styles and types of comments over the last couple of projects. They should just be commenting on the engineering, and not the survey work.

Jeff A. agrees with Burke H. on everything that he said. One of his questions was the roof and snow fencing, but that was addressed. He is fine with removing the fencing in the 30 foot river setback from the plans and revisiting that at a later date. His biggest question concerning the 30 foot setback, as he agrees with roof overhang and why, but how do we address the deck within that setback?

- Scot H. stated that it is a pre-existing non-conforming structure and can technically keep all of it, except for the impervious coverage limit. Can only improve up to 50% of the valuation of the deck, but instead they are removing most of it.
- Jeff A. then clarified that if they didn't touch it then it would be ok, but since they are touching it to reduce it, and will most likely upgrade the leftover piece, he wants to make sure we are covered.
- Scot H. said that he will go back through and review Article 22, but he is comfortable that what they are doing is permissible.
- Jeff A. said that there have been other instances where people knock down 3 walls, but keep the 4<sup>th</sup> wall and thus the structure can stay where it is. Trying to make sure that there is something in the code that provides for it to remain as proposed without a variance.
- Scot H. stated that he believes the code does allow for it to remain, but will review the code again and, if need be, ask Town Attorney Mike Sawyer for his opinion.
- Jeff A. stated that the backing out onto Highway 24 is more of a CDOT issue. Quite a few people on that end of Town have a similar situation where they back into their driveway from Highway 24. This is more a safety thing for the owners.

Lauren D. said that with respect to the fence, it will need a variance. She is fine with the condition of taking out the fence in the 30 foot river setback from the plans for approval tonight. Thinks the code should be amended for the roof, but doesn't know if it can be done in time, otherwise it will need a variance.

Chris M. agrees with Jeff A., Burke H., and Lauren D. The overhangs would be best to address through a change in the code, but they could go through a variance. Supports approving it without the fence. Thinks the deck works if Scot H. has already looked at it.

Jena S. suggested memorializing where the deck was on the building permit plans to show where it used to be. She is in favor of the roof overhang encroaching, but doesn't think a variance is appropriate. Backing out onto Highway 24 really isn't a problem with the on-street Main Street parking so you are not backing out into a drive lane. Thinks the fence is fine as they are allowed in floodplains.

Lynn T. likes the design of the house. She doesn't have issue with overhangs into setback, but thinks the code needs to be revised instead of a variance. Likes the idea of landscaping where the fence would go. There are electric fence options. If go with actual fence, it would need a variance.

Mr. Pukas stated that regarding the roof overhangs, doesn't think applying for a variance is the right way to go as there is not a hardship that they can argue for, and thinks that an amendment to the code needs to happen. Regarding Burke H.'s comment building a berm in the back for safety, any animal will run up and over the berm, and so not a valid safety measure. They would not be allowed to build a berm anyways as it is within the 30 foot setback. Backing out onto Highway 24 is uncomfortable, but it is something that people just have to deal with.

Scot H. stated that we are working on a draft ordinance to address some minor changes to some zone districts. Considering a berm not meeting the code, he does think it meets the code. And along with the electric fence, there is a way to do that.

Motion by Lauren D., second by Jeff A. to approve with conditions 832 Main Street a New Single Family Residence for a Final Plan Review. All in favor 5-0.

1. The Applicant shall revise the site and/or floor plans to show all proposed exterior light locations and provide final cut sheets/specifications for proposed exterior light fixtures prior to or concurrent with building permit applications to ensure compliance with the Town's lighting standards.
2. The Applicant shall provide the Town with an updated Grading and Drainage Plan to more clearly demonstrate that positive drainage will be provided around the structure, and that the drainage is maintained on the Jones' property.
3. The Applicant shall provide the Town with an updated Site and Landscape Plan that more clearly labels the 30-foot live stream/creek setback line.
4. The Applicant and Staff shall address Intermountain Engineering's concerns prior to, or concurrent with, the Building Permit application process to the satisfaction of Staff.
5. All existing features must be labeled as such on plans moving forward.
6. No building permit will be issued for the current design until such time that the Minturn Municipal Code is amended to allow for roof overhangs into the 30 foot river setback.

*Note: Lauren D. was attending in her status as an alternate.*

5 minute recess called at 7:58 pm.

*Note: Lauren D. left the meeting.*

*Note: Jeff A. recused himself.*

**7. 947-987 Main Street – Midtown Mixed Use Development Conceptual Review**

Review and provide feedback on a proposed mixed use development at 947-987 Main Street.

Scot H. introduced the project. This is multiple properties in South Town. He thought it was best to get the applicants in front of the Planning Commission as Staff originally had comments on the layout. This is a Mixed Use development. Staff originally thought this would be able to come in as a CUP, but in talks with the attorney, determined that this will need to come in as a PUD. This is a conceptual level review, and just trying to get feedback from the Planning Commission on layout and circulation patterns and topics like that.

Jeff Armistead, PO Box 1112, Minturn, CO 81645, representing Dan Armistead. The old Alpine Glass Building was built in the 50s. The Quintana property was owned by that family for over 60 years. The old Alpine glass building is the housing for Steam Master to store their large equipment and their client's furniture on the main floor, the upper floor has two apartments with tenants. There are some smaller homes built in the 80s, all trailers on Quintana property were removed in 2019. The intention is to take all of the lots and be combined into one contiguous new comprehensive plat and create a micro-community. This is aimed at the missing middle for housing, to serve the blue collar working class that is the foundation of this town. A number of different housing types, and commercial spaces. Proposing 50%+ deed restriction to locals housing: specifically the single family homes (cottages) 1-8 and the 16 apartments at the rear of the property. The apartment building will be attached to the commercial building that currently houses Steam Master which will be refaced and joined. It will have underground parking. Total 18 apartments including the two above the commercial building: studio, 1 bedroom, and 2 bedroom. This whole parcel is up against the forest service open space. The cottages are a single family residential zone: detached cottages (large size), medium sized family home, and a micro home. The micro homes are modeled after the homes next to the Trout Club. The footprint should be something similar in size to a studio apartment: 500-600 sq. ft. range. The small, medium, large housing types allow for entry level housing. This could be a unique opportunity to propose a product that not too many people have seen. The two townhouses (5 units each), will meet height restrictions. It will be similar in mass and scale to 1003 Main St which is close to this property and thus fits the area. Each will have two-car garages. Commercial Building A sits parallel to Highway 24 is approximately 3000 sq. ft. with commercial on the main floor with residential above. Proposed as 4 units, not bigger than is allowed by the code. Would be geared towards new commercial that meets the code and some community plan objectives. Parking: not contiguous to the house, but set off to the side, for the micro-homes. Sidewalk would need to be maintained and shoveled. The cottages and townhomes have their own garages and parking out in front.

The commercial parking is handled in the parking lot. The pocket park and picnic tables are proposed to be a community garden, gathering space, gazebos, and mini stage for music are all talking topics. To separate the commercial from the residential, would use asphalt for commercial parking and drive, and concrete for the residential. The majority of concrete and asphalt areas are proposed to be snowmelted. Researching on keeping and using the melted water, but currently just going back into the ground and to the river. Regarding water taps and sewer, there is a moratorium on taps and on sewer until Dowd Lift station is upgraded. Will most likely phase this, with the commercial and apartment building in back of property first with infrastructure and underground power. Between the existing uses, this property has about 50% of the taps from the trailers that were on here. Very similar from a multi-use standpoint to the historical use.

Jena S. said that this is a very active area of South Minturn. She likes that this has some commercial in there. Would really caution that second entrance as CDOT is trying to get rid of it.

- Mr. Armistead said that CDOT said that if the Fire Department wanted it then it could be left with a breakaway gate.
- Jena S. likes the 50% workforce housing and the fact that the apartment building is rental. Likes the cottages and micro-homes. Any property that has been previously disturbed should be treated as such. Detached parking doesn't bother her. Dealing with water will be the biggest problem. Maintaining the water on your property and historical flow. She would like to see some treatment along the highway to make sure there is a nice interface between what you have and the roadway.

Burke H. is excited about this. Like the fact that the townhome and the cottages have garages. The one thing that might concern him, is that people around here have a lot of stuff, and with the micro-homes, there might be an issue with people piling stuff around their house. There aren't any storage options. What is the anticipated commercial use?

- Jeff A. said that it is just proposed to suit. With living above, that can be limiting, so it remains to be seen. Would love a coffee shop or something of that nature.
- Burke H. said that the concern would be noise, disturbance, and parking, plus what serves as a good amenity for the community. How would the dual entrance work?
- Mr. Armistead said that they are drawn where the existing entrances are, however after talking with CDOT we would keep the entrance where the commercial building is, and close off the one by the townhomes are with sidewalk access or a breakaway gate for the Fire Department.
- Burke H. said that Moab and Steamboat have done similar projects so might want to check into that.
- Mr. Armistead said that in response to the storage comment, there will most likely be a master HOA with at least two sub-HOAs, one managing the residential and one managing the commercial, so there will be HOAs governing what people can have outside their house.

Dan Armistead, 1003 Main St. Unit C, Minturn, CO 81645.

There will be a master HOA with 4-5 sub-associations. These will be detached condominiums, not single family homes. The Steam Master building will be one HOA. Will only rent to year round residents who work in the valley. The townhomes will have their own HOA, the micro-homes will have their own HOA, and the commercial building at the front of the property will have their own HOA. Goal is affordable housing.

Chris M. asked for clarification on what the Phase 1 would look like.

- Mr. J. Armistead said that it would be the green building and apartment building attached.
- Chris M. thinks this would be great for the people of Minturn. Wonders if the commercial building in the front could have a space split off for lockers for rent for equipment.
- Mr. J. Armistead said that is something that has been on their mind. They are mindful of the fact that it would probably be something that would only be offered to the people who live in that community.

Lynn T. thinks it is a little too dense due to parking. Wished the pocket park, the tables, and the community garden space would be combined into one space since there will most likely kids. Please check into whether or not Sales Tax generation is required in the commercial buildings.

- Scot H. stated that he didn't think it was required in this zone district.
- Lynn T. said that with the many little HOAs, and the little spaces of green, it is a lot of maintenance. Need to be mindful of all of the kids that might live in this development. She clarified the parking analysis. The apartment building will be 2 stories?
- Mr. J. Armistead said that 3 stories technically, but not pushing the existing height limit. Will most likely need to pump water from the parking garage.
- Lynn T. would like to see the figures for the square footage of the green space.
- Mr. J. Armistead said that density can be looked at through a number of different perspectives. One way of looking at it is number of units per acre, and trying to find some relevance to what that means. Because of the different types of products and uses proposed, you could rationalize and adjust the number of apartments to bring down the density number, but will most likely keep the building the same size and just increase the apartment size which raises the price tag. There needs to be a discussion of what happens if the building and mass stay the same, and so it won't feel any different from the outside whether it had 6 units or 12 units.
- Lynn T. asked for clarification on how they would just be owning the unit, not the land under the unit.
- Mr. J. Armistead said that it is like a condo where you own your condo individually and then collectively own the land which is maintained by the HOA and subHOAs. Might be looking into a relief on parking requirements.
- Lynn T. stated that it would be nice if the parking spaces in front of the community garden space could be moved elsewhere and extend the green space.

She clarified the setback from the highway.

- Mr. J. Armistead went into further detail on the benefits of requesting variations from the code through the PUD process. There will need to be a Phase 1 Environmental Site Assessment study done.

Lynn T. opened public comment.

Dan Armistead, 1003 Main St. Unit C, Minturn, CO 81645.

Mr. D. Armistead wanted to clarify that they are showing two extra parking spaces than is required by the code. And if they could have a zero foot front setback, then there could be 10-20 extra linear feet that could be attributed to green space.

Lynn T. closed public comment.

*Note: Jeff A. unrecused himself.  
5 minute recess called at 9:29 pm.*

**8. 806 Cemetery Road – Minturn Cemetery District – New Maintenance Shed and Service Yard Improvements Project**

Review and provide feedback for a new additional maintenance shed to store burial and operations equipment that is currently in storage space exposed to the elements.

Pedro Campos, 48 East Beaver Creek Blvd, Avon, CO 81620.

This is for a new maintenance shed and service yard. When the existing maintenance building was built the Cemetery District negotiated an additional triangle of land labeled Lot 3. This new building would house the equipment that currently is exposed to the elements all winter or covered in canvas tents. To install this building they would have to encroach beyond the current parcel. They would be adding a little over 3000 square feet to their land which would become Lot 4. The building would be steel and prefabricated.

Scot H. said that the next steps would be the amended final plat so that the ground can be purchased, but from a code standpoint everything appears to be fine.

Sydney Harrington, 532 Taylor Ave. #A, Minturn, CO 81645.

Ms. Harrington provided background on the Cemetery District and the importance of being able to provide ground casket burials during winter.

Jeff A. clarified who owns the property that is being conveyed.

- Scot H. said the Town.

Jena S. stated that you can't put a building on the property line, so you will need to vacate that lot line.

Lynn T. opened public comment and then closed public comment.

## PROJECTS AND UPDATES

### 9. Project Updates

- Chapter 16 Zoning Code Amendment
  - Scot H. stated that there are some quick changes that staff would like to put in an ordinance, but that's it.

### 10. Planning Director Report & Minor DRB Approvals by Director

- Belden Place Preliminary Plan Application Status
- Minturn North Preliminary Plan Application Status
  - Scot H. said that both of these PUDs have gone through the referral and post-referral processes and that staff expects them to come before the Planning Commission either the April 14<sup>th</sup> meeting or the following one.

### 11. Future Meetings

- April 14, 2021
  - Chris M. might be gone.
- April 28, 2021

### 12. Adjournment

13. Motion by Jena S., second by Chris M., to adjourn the regular meeting of March 24, 2021 at 9:55 pm. Motion passed 5-0.

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Lynn Teach, Commission Chair

ATTEST:

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Scot Hunn, Planning Director

Minturn Planning Department  
Minturn Town Center  
301 Boulder Street  
Minturn, Colorado 81645



Minturn Planning Commission  
Chair – Lynn Teach  
Jeff Armistead  
Elliot Hovey  
Chris Manning  
Tom Priest  
Jena Skinner

## Planning Commission Review

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### Minturn North Planned Unit Development Preliminary Plan Review

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**Meeting Date:** April 14, 2021  
**File Name/Process:** Minturn North Planned Unit Development (PUD) Preliminary Plan Review  
**Owner/Applicant:** Minturn Crossing, LLC.  
**Representative:** Greg Sparhawk, GPS Designs  
**Legal Description:** A parcel of land located in the NW ¼ of the NW ¼ of Section 26, Township 5 South, Range 81 West of the 6<sup>th</sup> Principle Meridian.  
**Existing Zoning:** Game Creek Character Area  
**Proposed Zoning:** Planned Unit Development (PUD)  
**Staff Members:** Scot Hunn, Planning Director  
Madison Harris, Planner I  
Jeffery Spanel, Town Engineer  
Michael Sawyer, Town Attorney  
Richard Peterson-Cremer, Town Attorney

**Staff Recommendation: Denial**

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#### I. Introduction:

The following report has been prepared for the benefit of the Minturn Planning Commission, the Applicant, and the general public as the Town of Minturn commences its public review of the Minturn North Planned Unit Development (PUD) Preliminary Plan application.

This proposal is significant from the standpoint of the potential positive and negative impacts of additional residential development within the Town after decades of relatively stable or stagnant population growth and new development.

A conceptual plan for the PUD was presented to the Town in late 2019 and early 2020. The concept plan was generally well received and, at that time, the Town staff, consultants and, importantly, the

Planning Commission provided valuable feedback for the Applicant's use in refining concepts, addressing potential areas of concern and developing detailed plans and reports for the Preliminary Plan application.

Over the past year, the Applicant has worked with the Town to submit a Preliminary Plan application and to provide the required level and amount of information, detailed studies, and engineered plans necessary to facilitate a comprehensive review of the proposal by the Town. The application was received in March 2020, and an initial completeness review was conducted by Town staff at that time to determine the type and amount of additional information necessary for the Town to perform a comprehensive and proper review of the application. Several items were requested at that time and the Applicant re-submitted updated plans, project descriptions, governing documents, and technical studies in Fall 2020. A second round of completeness review and comments from Town staff and Town consultants was performed in November and December 2020. At that time, the Town identified several aspects of the application still lacking in sufficient detail to allow for proper review of the project.

In January 2021, at the request of the Applicant, the Town initiated the public review and "referral" process wherein the application was sent to Town staff and consultants, as well as public, quasi-public and non-profit "referral agencies" such as CDOT, Colorado Parks and Wildlife, Colorado Geologic Service, Eagle River Water and Sanitation District, the Eagle River Fire Protection District, Eagle County Government, and the Eagle River Watershed Council to solicit comments regarding the proposal.

Following the official "referral" process, the Applicant has, in many instances, addressed concerns and questions posed by the Town, its consultants, and external referral agencies. With certainty, the staff can report that because of the cooperative relationship between the Applicant and the Town, certain aspects of the proposed PUD design have been improved upon since the Conceptual Plan review in early 2020 and since the Applicant provided an updated application in Fall 2020. Accordingly, certain aspects and elements of the PUD could be viewed at this time as complying with the applicable standards of the Town's governing documents - the Minturn Municipal Code and the 2009 Minturn Community Plan.

That being said, there remain significant, unresolved issues related to the design of the project, potential impacts from the project, demonstration of adequate public facilities such as legal access and roadway design, and required mitigation measures to address identified or potential hazards. Staff has identified upwards of 100+ issues and technical details still needing to be addressed and/or corrected at this time.

While some outstanding issues or technical details needing correction are of a nature that they could be addressed as a condition of approval of the PUD Preliminary Plan, resolution of many of the outstanding issues have a direct impact on the Town's (staff's and the Planning Commission's) ability to make positive findings for required Preliminary Plan for PUD standards and criteria; the findings necessary to recommend approval of the proposal to the Town Council.

Addressing such issues will take additional time to allow for the Applicant to provide adequate responses to the Town and referral agencies, and for the Town to review those responses before

Town staff and the Planning Commission can make any determinations or positive findings as to the proposal’s compliance with the standards for a Planned Unit Development Preliminary Plan.

Because the Applicant has requested to commence the public hearing process, staff agreed to place this application on the April 14, 2021 Planning Commission Agenda in the spirit of cooperation. In this instance and because staff is unable to complete its review or make required positive findings for several criteria, the Minturn Municipal Code provides the following options for staff and the Planning Commission:

- a. Approve the PUD/preliminary development plan as submitted;
- b. Approve the PUD/preliminary development plan with conditions.
- c. Deny the PUD/preliminary development plan as submitted.

Therefore, it is with disappointment that staff is currently recommending denial of the application because positive findings cannot be made at this time. However, staff also believes that the Applicant, given additional time, can provide necessary information and materials to allow the Town to complete its review at which time staff believes it is likely that positive findings could be made for a preponderance of the required criteria and standards for approval.

Importantly, the Planning Commission has the option to open the public hearing and allow the Applicant and staff to introduce the proposal and to discuss the objectives of the PUD Preliminary Plan process with the Planning Commission and the general public, and to allow the Applicant to seek initial feedback from the Commission; but, to then continue or “table” the hearing to a specified date no more than ninety (90) days from the April 14th hearing date to allow the Applicant to provide the required information and to allow Town staff, consultants and referral agencies sufficient time to complete the review process to ensure that staff and referral agency comments and concerns are adequately addressed.

Despite staff’s recommendation, the following sections of this report will provided an introduction to the Minturn North PUD Preliminary Plan proposal, provide background information pertinent to the Town’s process and applicable sections of Chapter 16 - Zoning of the Minturn Municipal Code that will apply to the Planning Commission’s review of the proposal.

**II. Background:**

**Game Creek Character Area - PUD Holding Zone**

The following excerpts from the Minturn Municipal Code (MMC) provide background information regarding the Game Creek Character Area as well as the purpose of the Planned Unit Development (PUD) overlay zoned district within the Town’s land use regulations.

Section 16-12-10 – *Character Area Characteristics* of the MMC describes the railroad property located on the north side of Town as follows:

*“The Game Creek Character Area is visually prominent from the north entryway into the Town. The area is predominantly devoted to railroad use and will require a comprehensive planning effort prior to redevelopment. In addition to the rail yard, the area contains the*

*Taylor Avenue neighborhood, some commercial uses and a community parking lot. The area is bisected by the railroad right-of-way, which is intended to remain as a continuous transportation corridor. Most of the area lacks adequate street rights-of-way and utilities. The Community Plan has identified this area as an appropriate area for extension of the Old Town commercial core, mixed-use and residential development; however, high impact industrial uses are discouraged. Enhancement of the Eagle River corridor is a community priority.”*

Section 16-12-30 of Minturn’s Town Code provides the following general description of the site:

*“This area is currently owned by the Union Pacific Railroad; however, trains are no longer utilizing the corridor or the rail yard. The historic industrial zoning is no longer appropriate due to the probable abandonment of the rail line and potential conflict with future commercial and residential development. Redevelopment of this area will have a significant impact on the future character and size of the Town.”*

The MMC provides further direction as to the Town’s stated goals for redevelopment and future use of the railroad properties:

*“It is an objective of the Town to plan and redevelop the rail yard as a master planned development that is compatible with the existing Town character. Future development and land use decisions for this area need to incorporate community input and involve an open public process. The PUD Holding Zone and the PUD review process will provide for the flexibility, innovation and public input necessary to achieve the goals and objectives of the Community Plan and this Chapter. This area has been identified in the Community Plan as an area suitable for expansion of Old Town and as a "potential Town Center" site. Development in this area needs to incorporate appropriate residential and low-impact land uses along Taylor Avenue to minimize impacts to the existing neighborhood. The rail corridor should be maintained and improved access to and across the Eagle River should be incorporated into proposed development plans.”*

### **PUD Overlay Zone District Purpose and Intent**

Section 16-15-10 - *Purpose and General Provisions*, from the MMC sets forth the purpose and intent of the PUD Overlay Zone District:

*“The purpose of the Planned Unit Development (PUD) Overlay Zone District is to allow flexibility for landowners to creatively plan for the overall development of their land and to achieve the purpose and objectives of this Code and the Community Plan. An applicant for a PUD must demonstrate that departure from existing ordinances is warranted and that the proposed PUD significantly contributes to the following:*

*“The proposed PUD is consistent with the Community Plan and the character of the Town and:*

- *Provides for new technology and promotes innovative and efficient land use patterns;*
- *Permits the integration of land uses and contributes to trails and pedestrian circulation;*
- *Preserves valued environments and natural resources and achieves a more*

*desirable environment;*

- *Maintains or improves air and water quality;*
- *Provides for a wide range of housing opportunities;*
- *Improves the overall design character and quality of new development;*
- *Permits the integration rather than separation of uses, so that necessary facilities are conveniently located in relation to each other;*
- *Establishes land use patterns that promote and expand opportunities for public transportation and trails and for safe, efficient, compact street and utility networks that lower development and maintenance costs and conserve energy;*
- *Preserves valued environmental, historic or mineral resource lands and avoids development in natural hazard areas;*
- *Maintains and enhances surface and ground water quality and quantity;*
- *Provides applicants the opportunity to contribute to the Town's multi-use trail system; to provide and maintain access to public lands and rivers;*
- *Establishes incentives for applicants to encourage the provision of long-term affordable housing; and*
- *Is consistent with the purposes and goals of the Community Plan and these Land Use Regulations.”*

In many ways, the proposed Preliminary Plan addresses the intents and objectives of the Minturn Municipal Code with regard to master planning of the Game Creek Character Area as well as the provisions and objectives of the PUD Overlay Zone District. However, as noted in this report, the Applicant must address numerous substantive and technical issues prior to the staff and the Planning Commission being able to make necessary findings and recommendations.

### **III. Proposal Overview:**

As noted previously, the Applicant presented conceptual plans for the Minturn North PUD in late 2019 and early 2020. The Applicant received favorable feedback and direction from the Town at that time because the concept - very similar in layout, density and the range and type of housing contemplated as is being proposed today - generally addresses the type and character of residential growth envisioned by the Town for this area of the Game Creek Character Area.

Since that time, the Applicant and the team working on the design of the subdivision has incorporated several changes including improvements to the layout and locations of proposed open space areas to provide active and passive areas for use by residents of the Town as well as for protection of areas like steep hillsides and the Game Creek Drainage.

Improvements and revisions have also been made to aspects such as proposed regional trail (ECO Trail) alignments, drainage improvements and proposed parking throughout the subdivision. Additionally, the Applicant has increased the proposed “locals only” housing restrictions to be placed on the subdivision and has also proposed a transfer fee to generate funds from the sale of lots that would be dedicated toward the creation of a community land trust (land that could be reserved for affordable housing in the future).

Last, the Applicant has worked with the Town staff to update and bolster the three documents that will guide and control development within the subdivision: the PUD Guide (which sets forth zoning, use and development restrictions), the Design Standards or “guidelines” (which establish architectural and other controls on design and construction within the subdivision) and the

Homeowners Association Covenants (which will further restrict uses and terms of maintenance, covenant enforcement and governance within the subdivision).

The proposal generally includes the following:

- Creation of ninety-two (92) residential lots, subdivided in two phases, and ranging in size from 2,500 sq. ft. to 10,100 sq. ft.
- Creation of three multi-family lots to accommodate the construction of twenty-four (24) multi-family residential units.
- Dedication of 6.40 acres of open space inclusive of open air, active and passive recreation facilities (pocket parks, trails, a community garden area, and trailhead parking areas).
- Development of new roadways; on-street parking areas; sidewalks; stormwater and drainage improvements; a regional trail segment; sewer and water line improvements and gas lines as well as undergrounding of existing overhead utility lines.
- Improvements to off-site public facilities at Hwy. 24 and along Minturn Road based on a cost sharing agreement with the Town that has yet to be fully negotiated.
- Provision of a voluntary Housing Plan inclusive of commitments from the Applicant to deed restrict 21% of the lots (24 total lots) created for “Locals Only” purchase.
- A PUD Guide, Architectural Design Standards or “guidelines,” and Homeowners Association covenants to govern development of the subdivision.

Use	Lot Size	Lots	Max # of Units
<b>Standard Lot**</b>	5,000 sq. ft.	24 Lots	48 Units
<b>Compact Lot*</b>	4,000 sq. ft.	36 Lots	72 Units
<b>Cottage Lot</b>	2,500 sq. ft.	24 Lots	24 Units
<b>Estate Lot*</b>	6,000 -10,100 sq. ft.	8 Lots	16 Units
<b>Multi-Family Lots</b>	10,000 sq. ft.	3 Lots	24 Units
<b>Total:</b>		<b>95 Lots</b>	<b>184 Units</b>

\* Estate and Compact lots are proposed to allow for Accessory Dwelling Units.

\*\* Standard Lots are proposed to allow for single-family or duplex structures.

The project is proposed to be phased, with availability of water taps (ability to serve the development) being a key consideration in the phasing and future negotiations between the developer and the Town as part of the Subdivision/Development Improvements Agreement process that occurs during the Preliminary Plan stage of review.

#### **IV. Summary of Process and Code Requirements:**

The Preliminary Plan for Planned Unit Development application represents the second required application and review in a three stage PUD approval process. The process started with a Conceptual Development Plan review - a high level “schematic” review - and it ends in the Final Plan and Final (subdivision) Plat. This is a very technical and detailed review of the final details of a proposed subdivision and the associated development agreements setting forth how and when public infrastructure will be constructed and financed.

The Preliminary Plan review is the stage in the process where detailed plans, reports and engineering solutions are required from the Applicant for review by the Town to ensure that the proposal can be constructed in accordance with the Town’s standards as well as the guiding principles and goals of the Community Plan.

This is also the stage in the process where, upon any approval, vested property and development rights are granted for the type, amount and timing of residential units and other uses. Review of detailed plans and cost estimates for public improvements such as roads, water and sewer lines, utilities, sidewalks and trails, open spaces and parks and other amenities are considered as part of a Subdivision Improvements Agreement (SIA) or development agreement between the developer and the Town; the SIA is then finalized and financial guarantees and timing of improvements are agreed upon at the Final Plan and Final Plat stage of the development review process.

The Applicant completed the Conceptual Plan review before the Town of Minturn Planning Commission in early 2020 and has since been working with the Town to submit the Preliminary Plan application. Following the conceptual plan review, the intent of the Preliminary Plan Review is to present detailed drawings and design solutions based on conceptual level feedback given by the Town staff, Planning Commission, Council and citizens.

As this is a Preliminary Development Plan for PUD Review, and there will be formal action taken to approve or deny the proposal at this stage of review, staff has made a formal recommendation.

Again, it is important for the Planning Commission and the general public to understand that, based on the Applicant’s ability to address outstanding issues of concern or technical aspects of the proposal that can be revised, staff’s recommendation may change as permitted by the Minturn Municipal Code.

**Preliminary Development Plan Review Purpose and Criteria – Staff Analysis**

The Preliminary Development Plan review is the second step in the review of the proposed PUD. The Town Code, Section 16-15-130 – PUD preliminary development plan application, provides the following description of the Preliminary Development Plan review purpose and process:

*“(a) The purpose of the preliminary plan review is for the applicant to specifically respond to the issues and concerns identified during concept plan review and to propose detailed, properly engineered solutions to those problems that conform in all respects to the approved concept plan. The burden at the preliminary plan stage is on the applicant to provide detailed information and mitigation proposals to be evaluated by the Town. The preliminary plan shall include a Community Plan and Development Guidelines to the development of the PUD (hereinafter the "PUD Community Plan and Development Guidelines"), specifying the standards and limitations that will guide the future development of the property.”*

**Section 16-15-140 – Preliminary development plan submittal requirements.**

The preliminary plan submission is intended for the applicant to respond to the issues and concerns identified during concept plan review and to formulate detailed, properly engineered solutions to those issues and concerns that conform to the approved sketch plan. The preliminary plan stage is when the applicant is to provide more detailed information and mitigation proposals to be evaluated by the Town. These requirements are included in the Preliminary Plan PUD checklist (below).

Item:	Requirement:	Provided?
(1)	<p><i>PUD Guide specifying the limitations that will guide the future development of the property.</i></p> <p><b>Staff comment:</b> A PUD Guide was provided. Staff has made comments and suggested revisions. In response, the Applicant has made several suggested revisions and has recently submitted (as of April 7th) an updated version of this document that will establish zoning and controls on use and development in the subdivision. Staff requires additional time to review more recent changes by the Applicant. Conditions 1-30 found in Appendix A pertain to the PUD Guide. Staff will continue to work with the applicant to resolve these outstanding issues.</p>	Yes
(2)	<p><i>A Community Plan and Development Guidelines that illustrates the proposed land uses, building locations, and housing unit densities</i></p> <p><b>Staff comment:</b> Design Guidelines have been submitted. Staff made comments during the completeness review and during the referral period in January; a majority of staff’s suggested revisions have been addressed by the applicant. Condition 31 found in Appendix A pertains to the Design Guidelines. Staff will continue to work with the applicant to resolve this outstanding issue.</p>	Yes
(3)	<p><i>An open space, park and recreation plan that identifies the areas of common open space, parks and recreation lands and describes any agreement proposed to preserve the open space, parks and recreation lands and how this will be implemented by deed or other agreement. This plan shall also describe the source of funds for long-term maintenance.</i></p> <p><b>Staff comment:</b> An open space, park and recreation plan that identifies the areas of common open space, parks and recreation lands has been submitted. However, the negotiations concerning land dedication and costs associated through the Subdivision Improvements Agreement are ongoing.</p>	Yes
(4)	<p><i>A traffic study</i></p> <p><b>Staff comment:</b> A traffic study has been submitted and found sufficient by CDOT for their purposes of access. However, the Town Engineer requires further details shown on the civil drawings of how turning Taylor Avenue into a one way, as depicted in the report, is a preferable, safe and workable approach.</p>	Yes
(5)	<p><i>Proposed trails, sidewalks and traffic circulation patterns, including snow removal patterns and snow storage areas, and the proposed status of street ownership.</i></p>	Yes

	<b>Staff comment:</b> These items have been submitted, however Conditions 105 and 106 found in Appendix A need to be addressed, as staff does not have sufficient detail to make positive findings.	
(6)	<i>Proposed grading and drainage plans.</i>  <b>Staff comment:</b> Grading and Drainage plans have been submitted. However, Conditions 71, 83, 105, 107, 108, and 118 found in Appendix A need to be addressed, as staff does not have sufficient detail to make positive findings.	Yes
(7)	<i>Detailed descriptions and commitments for the proposed source of legal and physical water supply and engineering plans for the proposed storage and distribution system for water supply (domestic and irrigation) and sewage disposal.</i>  <b>Staff comment:</b> Eagle River Water and Sanitation District (ERWSD) has recently (as of the week of April 5th) stated that they are comfortable with the proposed layout and alignment of the sanitary collection system improvements for the project and that outstanding issues related to design of certain aspects of the system can be worked through with the Applicant. Condition 46, 103, 109-111, and 121 also need to be addressed, as staff does not have sufficient detail to make positive findings.	Yes
(8)	<i>Economic data and supporting market analysis to justify any proposed commercial and industrial elements.</i>  <b>Staff comment:</b> There are no proposed commercial or industrial elements.	N/A
(9)	<i>Proposed development covenants, deed restrictions or other applicable codes.</i>  <b>Staff comment:</b> Homeowners Association (HOA) covenants and a deed restriction documents have been submitted, however, Conditions 44-70 pertain to the HOA covenants and need to be addressed prior to any positive findings being made. Staff has determined that we will draft the deed restriction document for the Applicant's locals only housing plan.	Yes
(10)	<i>An environment assessment or environmental impact report, unless waived by the Town Planner.</i>  <b>Staff comment:</b> Phase 1 and Phase 2 Environmental Site Assessment Reports as well as an Environmental Impact Report have been submitted. Staff and Referral Agencies had submitted several comments. These documents have been updated and seem to address the majority of the comments and concerns. Staff will continue to work with the Applicant to correct any outstanding	Yes

	issues, with the biggest concerns being any areas of contamination on the site following years of industrial uses and the mitigation, remediation or cleanup measures proposed.	
(11)	<p><i>An impact analysis that describes the impact of the proposed PUD upon the school district.</i></p> <p><b>Staff comment:</b> The applicant submitted an Ability to Serve letter from Eagle County School District which detailed the impacts of the proposed project which was sufficient for the Town’s review.</p>	Yes
(12)	<p><i>A fiscal impact analysis of the estimated demands for Town services and a statement of projected Town tax revenue based upon the historic Town tax levy and a schedule of projected revenue.</i></p> <p><b>Staff comment:</b> A Fiscal Impact Analysis and a statement of projected Town tax revenue has been provided. Ehlers Public Finance Advisors, consultant to the Town, identified some discrepancies and had requested confirmation on certain topics following the referral process. The applicant has provided an updated analysis, however, staff has not received confirmation to whether it addressed these comments. Staff will continue to work with the Applicant and Ehlers Public Finance Advisors to ensure that the analysis provided addresses any outstanding concerns by Ehlers.</p>	Yes
(13)	<p><i>Final site plans and architectural forms planned for the first phase of the proposed development.</i></p> <p><b>Staff comment:</b> Detailed site plans have been submitted, however the Town Engineer and staff are recommending they be altered to address several issues. Conditions 71 and 74-120 found in Appendix A need to be addressed prior to any positive findings being made. The developer is not proposing architectural forms as individual development of lots will be by private parties who purchase lots. However, the Applicant has provided draft Design Standards or “guidelines” that would apply to all development in the subdivision - Phase I and Phase II.</p>	Yes
(14)	<p><i>Detailed plans for fire protection and emergency medical services.</i></p> <p><b>Staff comment:</b> Ability to serve letters from Eagle River Fire Protection District (ERFPD), Eagle County Sheriff’s Office, and Eagle County Paramedic Services were submitted with the application. During the referral process ERFPD submitted further comments and requirements concerning applications which need to be applied for. Some of these are still outstanding. These need to be rectified before positive findings can be made. (Please see ERFPD Referral Comments attached to this report).</p>	Yes

(15)	<i>The PUD shall include a phasing plan that demonstrates that the PUD can be completed within a reasonable period of time, which shall be determined prior to final approval of the PUD.</i>  <b>Staff comment:</b> The applicant has submitted a phasing plan.	Yes
(16)	<i>If development is proposed to occur in phases, then financial guarantees shall be proposed to ensure that project improvements and amenities are constructed as presented and approved.</i>  <b>Staff comment:</b> This has not been provided or is being worked on between the Applicant and the Town. Condition 123 found in Appendix A pertains to the addressing of this issue before Final Plat within the Subdivision Improvements Agreement.	No
(17)	<i>The preliminary plan application shall be accompanied by an application for an amendment to the Character Area zoning map.</i>  <b>Staff comment:</b> This was provided.	Yes
(18)	<i>The PUD shall consider the recommendations made by the applicable analysis documents, as well as the recommendations of referral agencies.</i>  <b>Staff comment:</b> The Applicant has responded to many of the recommendations made by referral agencies and the applicable analysis documents. However, there are many outstanding issues or suggested revisions that need to be worked through before positive findings can be made. <u>Please note:</u> some referral agency comments may be subjective in nature and based on recommended best practices and not necessarily objective standards that need to be met.	Yes

As noted above, most required elements of the Preliminary Development Plan for PUD application were provided in some form. Staff has worked for several months to review initial materials provided, to provide initial comments and suggestions for revisions, and to then work with the Applicant to resolve issues that have arisen during the public review and referral period.

In certain instances, the Preliminary Plan submission provides the necessary details to allow staff to determine general conformance with the Minturn Municipal Code and the 2009 Minturn Community Plan; in other instances, the submittal still lacks the requisite detail while also not adequately addressing concerns and outstanding issues identified by staff and outside referral agencies.

Formal action is required by the Planning Commission to give Town Council, the Applicant, and the Planning Director feedback and a recommendation on whether the proposal meets the criteria and standards and if the Applicant should proceed to the third stage in the process – the Final Plan:

*The Planning Commission shall conduct a public hearing on the preliminary development plan application for a PUD. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the findings of the Town staff and other agencies and the information given at the public hearing. The Planning Commission may confer with the applicant on changes deemed advisable and the kind and extent of such changes, and request staff input. In reviewing the plan, the Planning Commission shall make findings on the following evaluation criteria before making a recommendation to the Town Council:*

*2. Preliminary development plan evaluation criteria:*

- a. The resulting development will be consistent with the Community Plan and the proposed PUD reflects the character of the Town.*
- b. The area around the development can be planned to be in substantial harmony with the proposed PUD.*
- c. The adjacent and nearby neighborhoods will not be detrimentally affected by the proposed PUD.*
- d. The mass and scale of individual buildings and the overall density of the PUD shall be consistent in scale and character to avoid abrupt and/or severe differences with the surrounding area.*
- e. The PUD can be completed within a reasonable period of time, which shall be determined prior to final approval of the PUD.*
- f. The PUD provides for the appropriate treatment of the Eagle River corridor as a community recreational amenity and focal point.*
- g. The residents of the PUD have easy access to recreational amenities.*
- h. Any increase in density proposed above what is permitted in the underlying zone shall be mitigated by increasing the land dedications to open space, recreational amenities or other public facilities and services.*
- i. Any proposed commercial or industrial development can be justified.*
- j. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area.*
- k. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.*
- l. Residential density and intensity of other uses shall be limited as required by the Town Council, upon consideration of the Community Plan, the Official Zone District Map and the specific characteristics of the subject land.*
- m. A favorable finding is made on the environmental assessment or environmental impact report.*
- n. The preliminary plan for PUD shall comply with the following open space and recreation standards:*
  - i. A minimum of twenty-five percent (25%) of the gross land area shall be reserved for common recreation and usable open space. Parking areas, street rights-of-way and minimum yard setbacks shall not be counted when determining usable open space. Water bodies, lands within critical wildlife habitat, riparian ecosystems and one-hundred-year floodplains that are preserved as open space shall count towards this minimum standard, even when they are not usable by or accessible to the residents of the PUD.*

- ii. *All common open space and recreational facilities shall be shown on the preliminary plan for PUD and shall be constructed and fully improved according to the development schedule established for each development phase.*
  - iii. *All privately owned common open space shall continue to conform to its intended use, as approved in the preliminary plan. To ensure that all the common open space identified in the preliminary plan will be used as common open space, restrictions and/or covenants shall be placed in each deed to ensure their maintenance and to prohibit the division of any common open space.*
3. *Recommendation of Planning Commission. After the close of the public hearing, the Planning Commission shall make one (1) of the following recommendations to the Town Council, with the reasons clearly stated:*
- a. *Approve the PUD/preliminary development plan as submitted;*
  - b. *Approve the PUD/preliminary development plan with conditions.*
  - c. *Deny the PUD/preliminary development plan as submitted.*

*The Planning Commission may continue the public hearing to receive additional information for up to ninety (90) days to a fixed date, time and place. An applicant shall have the right to request and be granted one (1) continuance. All subsequent continuances shall be granted at the discretion of the Planning Commission upon good cause shown.*

- Section 16-15-160 of the Minturn Municipal Code

Staff has purposefully not provided responses to each of the above criteria and/or standards with regard to positive or negative findings until such time that the Applicant addresses outstanding issues of major concern as well as more minor, technical revisions requested.

As noted elsewhere in this report, staff is recommending denial but the Planning Commission is encouraged to consider entertaining a continuance for up to ninety (90) days to allow the Applicant to address outstanding issues and items of concerns. As these items are addressed, staff will update the staff report to better reflect the application status.

## **V. Outstanding Issues**

As stated in this report, staff is unable to make positive findings for several required PUD Preliminary Plan standards and requirements due to the overall amount of unresolved, substantive issues identified by staff, Town consultants, and referral agency partners who reviewed the proposal or which have only been responded to in recent days prior to drafting of this report - not allowing for staff and external review agencies to determine if issues and recommended revisions have been adequately resolved.

Staff has worked with the Applicant for several months to identify and resolve such issues; the Applicant has addressed many such issues, to date. However, the Applicant has requested a hearing before the Planning Commission prior to the completion of requested revisions and further studies and, specifically, prior to resolving what staff considers to be significant design related issues that

either pose safety concerns to current and future residents and/or do not comply with the Town's standards.

The Applicant has also indicated that certain issues related to design of the subdivision will result in the Applicant requesting consideration of variations to the Town standards, which is permissible during the PUD review process. The Town may consider variations upon demonstration by the Applicant that variations meet or exceed the Town's standards in accordance with commonly and locally accepted best practices and/or performance based criteria.

The following is an abbreviated list of substantive, outstanding issues that preclude staff from making positive findings at this time:

1. The Town requires notice by UPRR of legal access approvals (including utilities) prior to Preliminary Plat/vested rights (see memorandum by Karp Neu Hanlon dated April 9, 2021 attached hereto).
2. Engineering and design issues pertaining to road design. Issues focus on road and intersection alignments, separation distances between intersections, and grades.
3. Rockfall hazard mitigation design needs to be submitted for review. Further landslide, avalanche, and debris flow hazard evaluations are required.
4. 100+ outstanding technical issues of concern and required or suggested revisions that must be addressed by the Applicant, but which can either be worked through with the Applicant or which could be made conditions of approval (to be fully addressed prior to Final Plan and Final Plat review by the Town).
5. Numerous issues brought up by outside referral agencies that have not been addressed in this report.

Given the amount and type of unresolved issues identified by staff at this time, **staff is recommending to the Planning Commission that they:**

1. Recommend denial of the application to the Town Council

Should the Commission recommend approval, it is important to note that any significant proposed changes made to the PUD Preliminary Plan or related documents impacting vested rights after a recommendation of approval by the Planning Commission would result in such proposed amendments coming back before the Planning Commission prior to an amended application moving forward to Town Council.

**Minturn Planning Department**  
Minturn Town Center  
301 Boulder Street  
Minturn, Colorado 81645



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Elliot Hovey  
Chris Manning  
Tom Priest  
Jena Skinner

## **Karp Neu Hanlon Memo regarding:**

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**Legal Access Issues on UPRR Property  
relating to Minturn North PUD**

Glenwood Springs – Main Office

201 14<sup>th</sup> Street, Suite 200  
P. O. Drawer 2030  
Glenwood Springs, CO 81602

Aspen

323 W. Main Street  
Suite 301  
Aspen, CO 81611

Montrose

1544 Oxbow Drive  
Suite 224  
Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

[\\*Direct Mail to Glenwood Springs](#)

DATE: April 9, 2021  
TO: Minturn Planning Commission  
FROM: Karp Neu Hanlon, P.C.  
RE: Legal Access Issues on UPRR Property relating to Minturn North PUD

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As part of the Preliminary PUD Plan and Preliminary Subdivision Plat, the applicant must show legal access and ability to complete the development as depicted on the plat and in engineered drawings, including for roadway improvements and utility installations. The applicant must also be prepared to dedicate or secure necessary legal rights for the Town or other utility service entities to ensure this access is perpetual and unconditional. At this time, Minturn Crossing cannot demonstrate that the necessary rights have been or will be granted by the landowner, Union Pacific Railroad (UPRR) to complete the construction as proposed.

The Traffic Study associated with the Minturn North development identifies large scale traffic demands associated with the proposed subdivision traveling (a) Minturn Road to Dowd Junction, (b) Taylor Ave. to Railroad Ave., and (c) Minturn Road to Railroad Ave. to Bellm Bridge and Highway 24. The subdivision proposal also contemplates the installation of significant utility infrastructure within Minturn Road, Taylor Ave. and Railroad Ave. By subdividing the Railroad property into 95 lots, Minturn Road, Taylor Ave. and Railroad Ave. become a part of the Town's access and utility infrastructure system. As such, it is imperative that all of these access routes and utility corridors be established through permanent, non-terminable rights to these roadways.

We have conducted a review of the existing and available title work for the proposed development and existing appurtenant roadways, and have concluded that at this time there is no legal access necessary to facilitate the development and improvements as envisioned. We have determined that UPRR should convey the following instruments.

- Easement deed for the “u” shaped crossing of the railroad tracks, not including a right to locate utilities. An “at-grade crossing agreement” is also required for this segment.
- Easement deed for all other portions of Railroad Ave. located on UPRR property including both roadway and utility access.
- Deed conveying any remaining portions of Taylor Ave. on UPRR property to the Town in fee.
- Deed conveying Minturn Road to the Town in fee (preferred), or an easement deed for

Minturn Road located on UPRR property including both roadway and utility access.

The Town, applicant, and UPRR have engaged in discussions surrounding these conveyances and at this time have not reached resolution on several issues. These outstanding issues include the means of conveyance for some segments (fee or easement), utility access rights for other service providers, UPRR reserved use rights, indemnification provisions that violate TABOR, and waiver of the Town's governmental immunity. Most of these items are nonnegotiable from the Town's perspective and require UPRR to alter its standard approach to these matters.

At this time, the Town Attorney cannot provide any assurances that were this development to move forward, it would be able to construct any of the proposed improvements, utility installations, or provide the Town and other entities ongoing access to maintain their facilities.

**Minturn Planning Department**  
Minturn Town Center  
301 Boulder Street  
Minturn, Colorado 81645



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Elliot Hovey  
Chris Manning  
Tom Priest  
Jena Skinner

## **Staff Memorandum Sent to Applicant Regarding:**

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### **Appendix A - List of Conditions (Draft)**



To: Minturn North Development Team  
From: Town of Minturn  
Date: March 31, 2021  
Re: Conditions of Approval – Minturn North Development Application

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Several items included below are basic editing of a Planning document for clear and consistent communication between the applicant, Planning Commission and Town Council. Regardless of level of importance each item must be addressed. Items highlighted in yellow must be resolved prior to 4/8/21 to avoid a staff recommendation of denial. (April 8, 2021: Items that are struck through have been resolved.)

To communicate/address an item with staff, you may (only) add content as a redlined update to the original conditions document (this document). All items must be addressed by identifying the page number, paragraph, table, etc. of the appropriate report or plan sheet. Simply adding the words “addressed” is insufficient. If anyone on the development team fundamentally disagrees with a condition, the representative team member must write, in detail, the reasoning for the variation to the code/recommendation, cite best practice language for the variation and identify specific real-world examples of the variation working properly in the field.

### **CONDITIONS FOR APPROVAL (DRAFT):**

#### PUD Guide:

1. Small scale Alternative Energy (page 6): Add as an allowed use. Must define what this is. Solar? EV charging? Wind? HERs rating?
2. Dimensional Limitation Table (page5): Please remove any listing of “allowed uses” from this table.
3. Dimensional Limitation Tale (page 5): Please update caption for table as it is now in Section 5 rather than Section 4.
4. Housing Plan (page 4): Please remove “All applications submitted to the Town of Minturn for construction and landscaping shall be accompanied by a letter of approval from the Minturn North DRB.” The Town will not enforce private covenants and, therefore, cannot withhold Town of Minturn DRB approval or a building permit based on Minturn North DRB approval.
5. PUD Summary Table (page 7): Please update caption for table as it is now in Section 7 rather than Section 5.
6. Illustration of Public and Private Property Ownership (Page7): This no caption and the labels were not edited as requested [insert comment]
  7. Open Space, Buffer Area, and Recreation Amenity Management Plan (page 7): [insert comment]
8. Roads and Parking (page 9): Design dimensions are still called out
9. Illumination Standards (page 13): please remove from PUD Guide and move to covenants as the Town will not enforce these standards.

10. Riparian Corridor Plan (page 15): [specifically call out which points are not addressed] [include specifications of how staff will address them]
11. Building Height [receive direction during internal meeting]
12. Variations: Need to explain variations requested. Uses supposedly conform with the adjacent residential zone, but this is not necessarily reflected in Sec. 7, Land Use/zoning. All variations from MMC should be enumerated and justified in detail.
13. Building Height (Page 5): explain in detail why the town guidelines are insufficient.
14. Minor Amendments (page 6): describe in detail how this varies from Town code and why it is necessary instead of following 16-15-230. Some items listed under Minor Amendment would require plat amendment under Chapter 17: easement locations (also easement amendment), lot line adjustments. Altering road alignments after such careful engineering is concerning. Need standards for approval, not pure discretion.
15. Major Amendments: revise to “shall be governed by the Minturn Municipal Code.”
16. Conflicts: Sentence “This PUD outlines the requirement for 20% of Driveway, Parking and Sidewalk snow storage area.” Please clarify intent of this, refer to other section where this requirement lives? This should be located in the dimensional limitations table. Consider a design guideline requiring “logical snow storage placement, eg, not in back yard.
17. Land Use/Zoning: Please include a Use Table. Please include a Zoning Map. Please include alternative energy uses. There needs to be a limited use category to include “home occupations”, possibly other uses that need Town review. Per Sec. 5 this is supposed to conform with neighboring zone district uses?
18. Trail Locations, Fencing Requirements, Park Equipment and Maintenance Obligations: Remove from the PUD Guide, and move to the SIA.
19. Lane Widths (page 9): This does not need to be in the PUD Guide.
20. Homeowners Association. A “Temporary Master Association” is unacceptable because the HOA will have ongoing DRB obligations and likely trail maintenance obligations. Sub-associations will have ongoing maintenance obligations. Here and other places in the document refer to DRB approval occurring prior to submission to the Town: The Town will not condition its procedures on the HOA processing its separate approval requirements. Please remove temporary HOA from PUD and any reference of a Town process being contingent on HOA approval.
21. Roads and Parking: This does not relate to zoning. This section is more appropriate in the SIA. Please remove this from the PUD guide.
22. Monument Signage: add that such monument signage shall not be located in the ROW.
23. Illumination Standards: holiday lighting exception may be more appropriate in HOA covenant as Town has a different standard and will not be enforcing this.
24. Landscaping SFE: Need to substantively address the SFE issue relating to open space dedications and see comment from Holland & Hart and Martin & Wood re: analysis of outdoor irrigation on public spaces.
25. Erosion control during construction and landscaping of public areas to be dedicated is more appropriate for SIA.
26. Sight triangle: Please include code sec. 16-16-90 prohibition on “planting, fence, wall, structure or temporary or permanent obstruction” within the sight triangle. Exceptions for fencing design can be permitted.
27. Construction Management: This section should be in the SIA.

28. Game Creek Riparian Corridor Plan: This section should be in the SIA (remove from PUD guide). Discuss the natural resource, the importance of its protection and how you plan to protect it.
29. Definitions: Add this provision “For the purposes of this PUD Guide, the following terms shall have the meanings set forth below unless the context clearly indicates otherwise.
30. All other words used in this PUD Guide shall first have the meaning defined in the Minturn Municipal Code Chapter 16 and then their plain meaning.”

#### Design Guidelines:

31. Sustainability (page 15): please beef this section up as it is lacking – this is a focus of the 2021-23 Minturn Strategic Plan, please support the Strategic Plan by including requirements within the design guidelines that support these goals.

#### Housing Plan:

32. Locals Housing: Town acknowledges your offer of 20% deed restricted locals housing
33. Locals Housing: We will draft deed restriction.

#### Plats, Plans and Surveys:

34. Sub-Association for Icehouse Ave.: There is no reference to sub-association in the HOA covenant or other resubmitted document. Sub-association must maintain road, culvert, and rock-fall mitigation. Please revise application materials accordingly.
35. Sub-Association for Spur Rd.: Unresponsive to comment regarding creation of a second sub-association and ownership and maintenance of the “Spur Road” as depicted on Sheet C6.7.1 (which does acknowledge it is private). Please acknowledge second sub-association and revise application materials accordingly.
36. Restrictions to Overflow Parking: Please identify actual restrictions to incorporate this requirement.
37. Buck rail Fence: Design and cost estimate for fence need to be included in the plans.  
**Minturn North may need to maintain ownership and liability of this fence for purposes of railroad requirements.**
38. Minturn Road and Railroad Ave: the Town requires notice by UPRR of legal access approvals (including utilities) prior to Preliminary Plat/vested rights. **TABOR and governmental immunity compromised by current railroad requests.**
39. Public Trail: To be the responsibility of the HOA as a perpetual public easement.
40. 404 Permits: Submission required.
41. Design, Engineering, and Material Standards: Provide design, engineering, or material standards for bridge (culvert), foot paths identified in plans, trails identified in plans, parks and park equipment, restroom facility. USFS has trail construction standards. Be more specific.
42. CDOT: Need CDOTs confirmation on the Downtown mitigation plan
43. Preliminary Plat: does not depict schedule B-2 exceptions (i.e. existing easements), which must be depicted even if being vacated by final plat. After review of the Title Commitment, there appears at the very least to be a utility easement running through the property. Existing overhead power lines are also apparent and should be depicted.

Existing dedications should be depicted. Please revise. Cannot approve preliminary plan without compliant preliminary plat.

HOA Covenant:

44. Recitals: (1) Specify that the purpose is to establish a plan for development of a “planned community”, as defined in CRS 38-33.3-103(22), such designation is required by CRS 38-33.3-205(1)(a); (2) State the initial number of Lots, and the maximum number of the Lots that Declarant wants the right to include in the community. See CRS 38-33.3-205(1)(d)
45. **§1.12:** REVISE - “Project... has the same meaning as “common interest community” and “planned community” under the CCIOA”. A planned community is a type of CIC, they are not the same, and this definition of “Project” includes property that may be added in the future, but such “expansion property” is not included within the definition of CIC in CRS 38-33.3-103(8).
- a. Alt language: “Project” means the planned community known as Minturn North created by this Declaration, consisting of the Property, the Lots and any other Improvements constructed on the Property as shown on the Plat.
46. **§1. ADD DEFINITIONS, Suggested Provisions:**
- a. “Allocated Interests” means the Association votes assigned to each Lot as set forth in Exhibit ## and the Common Expense liability percentage allocated in Section ## and Exhibit ##.
- i. “Common Elements” means all the Property as labeled on the Plat, except the Lots, Units and the Expansion Property, which the Association owns for the common use and enjoyment of the Owners on a non-exclusive basis as provided below. The Common Elements include the unimproved land surrounding the Lots, the easements benefiting the Project as granted in this Declaration or the Plat, the water, sewer and other utility or communication lines and facilities serving the project which are not owned by any public entity, any portion of the Property not dedicated to the public and the private access roads. The term Common Elements shall also include the Limited Common Elements, which are exclusively reserved for use by an Owner or as otherwise provided in this Declaration. The Common Elements shall not include any portion of the Property dedicated to the public pursuant to this Declaration or the Plat including, without limitation, roads, recreation areas, parking areas, trails and trail access areas
- ii. “Common Expense” means:
1. any and all of the Association’s costs, expenses and liabilities including, without limitation, costs, expenses and liabilities incurred for (A) managing, operating, insuring, improving, repairing, replacing and maintaining the Common Elements; (B) providing facilities, services and other benefits to Owners and their Guests; (C) administering and enforcing the covenants, conditions, restrictions, reservations and easements created in the Association Documents, (D) levying, collecting and enforcing the Assessments; (E) regulating and managing the Project; (F)

- operating the Association; (G) utilities not separately metered and billed directly to Unit Owners;
  - 2. other expenses declared to be Common Expenses pursuant to the Association Documents or the Act, and expenses agreed upon as Common Expenses by the Association; and
  - 3. reserves for any such costs, expenses and liability.
- b. “Expansion Property” means the parcels described in Exhibit B and identified on the Plat as “Expansion Property”, which may be converted into additional Lots, Units, or common elements.
47. Planned Community: Specify that the purpose is to establish a plan for development of a “planned community”, as defined in CRS 38-33.3-103(22), such designation is required by CRS 38-33.3-205(1)(a); (2) State the initial number of Lots, and the maximum number of the Lots that Declarant wants the right to include in the community. See CRS 38-33.3-205(1)(d)
48. Section 2.2(a): Needs to be consistent with the limitations of CRS 38-33.3-303. Provide redline revisions addressing this and other matters.
49. **§3.5:** Clarify that Special Assessments may be levied for maintenance, repair or replacement of “Common Elements” as well as for construction of new capital improvements.
50. **Section 3.6** the voting requirement of 2/3 of members to adopt an assessment seems high (and potentially difficult to achieve). Consider lowering to 50 or 55%. Consider excluding emergencies from the vote requirement. Set a dollar amount limit for special assessments that may be levied without Owner approval, and/or require Owner approval only for capital improvements. (2) Remove quorum requirement language because it conflicts with earlier language in this section.
51. **§3.7:** Revise to state the formulas used to establish the allocation of votes and common expense liability as required by CRS 38-33.3-205(1)(k) and 207(2).
52. **§3.8:** (1) Delete “unless owned by the Declarant” from the last sentence of 3.8.1. It violates CRS 38-33.3-207(2), which prohibits allocations that discriminate in favor of the Declarant. (2) Delete portion 3.8.3 that states “...but if notice is not given, the date when payments shall be due shall be deferred to a date after such notice is given” as this language will impede the Association’s collection efforts.
53. **§3.10.2:** Revise “Thirty (30) days following the mailing of such notice, and upon compliance with C.R.S. § 38-33.3-316(11)(a), ...”. This CCIOA provision states requirements to be fulfilled prior to a foreclosure action.
54. **§3.12:** The existing language is either unclear or incorrect as to the Association’s lien priority. Consider the following alternate language:
- a. Subordination of Lien. The Assessment lien provided for in this Declaration shall be subordinate to (i) the lien of real estate taxes and special governmental assessments, (ii) liens and encumbrances recorded prior to the recordation of the Declaration, and (iii) liens for all sums unpaid for a First Mortgage of record, recorded before the assessment to be enforced became delinquent, except that the Association claims the priority for the 6 month assessment lien as granted in the CCIOA. The Assessment lien shall be superior to and prior to any homestead exemption provided now or in the future by applicable law. Transfer of a Unit shall not affect the Association’s lien except that transfer of a Unit pursuant to

foreclosure of any First Mortgage, shall only extinguish the Association's liens as provided in the Act. The Executive Board may reallocate and assess the extinguished amount. No transfer shall relieve the grantee of a Unit from liability for, or the Unit from any Assessment lien made after the transfer.

55. **§3.13:** Remove anything requiring the Association to provide an "audited" financial statement as that is very impractical due to the expense.
56. **§3.14:** This can be deleted if the suggested language for 3.12 is used.
57. **§3.15:** This should be deleted because it is confusing if not misleading. Property subjected to the Declaration, including portions of the Property dedicated to the public, cannot be exempt as described. As a practical matter, the Association likely will not incur Common Expenses that need to be assessed to the Owners for such dedicated property if the public entity is responsible for such related expenses. The Association must be able to levy assessments to cover Common Expenses the public entity is not responsible for, or otherwise refuses to pay.
58. **Article IV:** The Association's Maintenance responsibilities need to be addressed. Although it appears that most Common Elements are being dedicated to the public. The Site Plan depicts at least one private access driveway ("Spur Road") that appears to serve 6-8 Lots. To the extent one or more multi-family buildings containing more than 2 Units are contemplated, the Association should be responsible for the Common Elements of such buildings (i.e. maintenance, repair, or replacement of structural components, mechanical systems, and exterior surfaces).
59. Section 5.1 only contemplates an Architectural Control Representative appointed by the Declarant. This needs to be scalable as the Declarant starts to transfer control, the Board gets to appoint a representative. Then when Declarant Control ends, the representative needs to be only appointed by the Board. Provide redline revisions addressing this and other matters.
  - a. Example provisions:
    - i. Section 5.1. General. No structure or thing shall be placed, erected, or installed upon any Lot and no Improvements or other work including, without limitation staking, clearing, excavation, grading and other site work, exterior alterations of existing Improvements shall occur, except in compliance with this Article and the Design Guidelines, or as otherwise permitted by this Declaration.
      1. No approval shall be required to repaint the exterior of a structure in accordance with the originally approved color scheme or to rebuild in accordance with originally approved plans and specifications. Any Owner may remodel, paint, or redecorate the interior of his or her Unit without approval. However, modifications to the interior of enclosed porches, patios, and similar portions of a Unit visible from outside the structure shall be subject to approval.
      2. All dwellings constructed on any portion of the Property shall be designed by and built in accordance with the applicable code, and as approved by the Town of Minturn and/or Eagle County. All structures requiring a building permit shall have a foundation designed by a Colorado licensed engineer.

3. This Article shall not apply to Declarant's activities or the Associations activities during the Declarant Control Period.
60. Section 5.2 needs to be written so that it applies not only to purchase from Declarant, but from purchases subsequent to the one from Declarant. Architectural control needs to function after Declarant control terminates. Provide redline revisions addressing this and other matters.
61. Section 5.2. Declarant's Design Review. Each Owner, by virtue of their ownership of any interest in any portion of the Property, acknowledges that, as the developer of Minturn North and as an Owner of portions of the Property, Declarant has a substantial interest in ensuring that the improvements within Minturn North enhance Declarant's reputation as a community developer and do not impair Declarant's ability to market, sell, or lease its property. Therefore, each Owner agrees that no activity within the scope of this Article shall be commenced on such Owner's Lot unless and until the Declarant, or its designee(s), has given its prior written approval for such activity, which approval may be granted or withheld in Declarant's sole discretion.
  - a. Declarant shall be acting solely in Declarant's interest and shall owe no duty to any other Person in reviewing and acting upon any request for approval. Declarant's rights under this Article shall continue so long as Declarant may exercise Development Rights or Special Declarant Rights.
  - b. Declarant may delegate all or a portion of the rights reserved in this Article to a Design Review Committee ("DRC"), which may consist of Declarant, Persons appointed by the Executive Board, or Persons appointed by Declarant. Any such delegation shall be in writing, specify the scope of responsibilities delegated, and shall be subject to Declarant's right to: revoke the delegation; and Declarant's right to veto any decision that Declarant determines, in its sole discretion, to be inappropriate or inadvisable for any reason.
62. Section 6.7 should reference the Town's lighting code section. Section was revised to add provision about temporary holiday lighting, but does not reference MMC as requested. Provide redline revisions addressing this and other matters.
63. Section 6.9 restriction on clotheslines may violate the Town's climate action policy. Provide redline revisions addressing this and other matters.
64. Section 6.15 Please note that the activities identified under Section 6.15 may not be permitted under the Town's code and this language is not operative to waive the Town's enforcement in this regard. Provide redline revisions addressing this and other matters.
65. Section 6.16. CCIOA contains restrictions on the use of covenants to waive potential claims against the developer. I will need to review this language with CCIOA lawyer for compliance with these provisions. I am also not comfortable with a mandatory arbitration provision being used as a shield in the covenants.
66. Insurance provisions: Insurance provisions have not changed. The Declaration has detailed provisions about insurance. My understanding is that there are no common elements. Do all of the insurance provisions make sense?
67. Sections 9.1 and 10.7 seem to run afoul of CRS 38-33.3-120 and 38-33.3-217. Please identify how you plan to correct these issues.

68. Landscaping SFE: Need to acknowledge that owners will be limited in their landscaping unless 2<sup>nd</sup> SFE is available for purchase.
69. Sub-Association: The Covenants need to have provisions for the sub-Associations to own, manage and maintain common elements such as rock fall hazard mitigation and private roadway segments.
70. **Additional Comments:** (1) Regardless of the Declaration provisions that unfairly benefit the Declarant may be unenforceable. The Declaration may not impose limitations on the Association's power to deal with the Declarant that are more restrictive than those imposed on the Association's power to deal with others. CRS 38-33.3-302(2). (2) It's likely that all provisions providing indemnity to the Declarant are valid and enforceable. (3) Anything that purportedly "waives" or "releases" a person's right to sue may be invalid regardless of inclusion.

General Engineering Comments:

71. General comments: Revised submittal does not bring the plans to a point where they are ready for construction. The Town requires 90% level drawings.
72. Grading Plan: Must include licensed agreements from UPRR for work on Railroad property.

Site Overview:

73. Phase 1 and Phase 2 Environmental Site Assessment: Approval by SGM of the submittal is a requirement.

Preliminary Plat & Topographical Survey:

74. Contour interval labels are not shown on the topographical survey.
75. Topographic & as-built utility information for Minturn Road & Taylor Street should be included on the enlarged mapping.
76. Mapping should extend to include the limits of disturbance shown on the infrastructure plans.
77. The point of beginning should be labeled.
78. The bearing for the northerly boundary line should be reversed to match the legal description.
79. Provide closures for all lots and tracts with the final plat.
80. Label right of way widths.
81. Minturn Road is shown much wider than the 40' existing right of way. The plat should include the proposed right of way of at least 60 feet for dedication to the Town. The location of the existing road should be shown on the plat.
82. This project is entirely dependent for access on Minturn Road all the way from Main Street to its connection with HW 24 to the North. Including "Railroad Avenue" adjacent to Booco's first filing. The design does not include any detail of offsite Minturn Road or "Railroad Avenue which belongs to the Railroad.
83. The plat does not show utility, drainage and trail easements depicted on the infrastructure plans. Revise the plat.

Traffic Study and Road Design:

84. One-Way on Taylor: Jeff - please see sheet C6.2.2 and provide detailed comments – referencing intersection of Taylor and Minturn Rd
85. Fifth Street: The road designs do not meet Minturn Town Code – Refer to Appendix C, Chapter 4 – Roadway Design & Technical Standards (Section 2.02 – Permissible Intersection Grades). Town engineer recommends changing road design to conform with MMC. If variation from MMC is being requested – applicant must justify request in writing.
- a. “Grades for all streets at Intersections should be a maximum of 4%” – MMC Appendix C, §2.02 (and a driveway is defined as an “intersection.”)
  - b. Table 4.02 stipulates a 30’ transition distance for driveways and 50’ for Residential Street intersections (essentially all of 5<sup>th</sup> Ave would need at 4% or less slope).
86. Fifth Street: Reference Eagle County Site Development Standards; Section 4-620 Roadway Standards; Paragraph J. Geometric Standards: (staff recommends aligning Spur and Ice House Roads to mitigate several issues).
- a. Section 2; Paragraph b – Maximum Grade:
    - i. Paragraph (1) Ability to Negotiate Grade: “A maximum Grade of 8% is generally negotiable under year-round conditions by two wheel drive vehicles with mud and snow tires where stopping and starting are not required.”
    - ii. Paragraph (2) states “A maximum of 6% is more appropriate for suburban roads where stopping and starting are not required.”
    - iii. Paragraph (4) allows an increased grade on low volume roadways; but stipulates “There shall be no access approaches in the segment with the increased grade”.
  - b. There are two intersections and as many as 12 driveways proposed along Fifth. Plans do not meet these standards.
87. Spur Road: Explain in detail the alternate route.
88. Spur Road and Ice House Road: Reference Eagle County Site Development Standards; Section 4-620 Roadway Standards; Paragraph J. Geometric Standards:
- a. Section 9 Access Approaches and Driveways; Paragraph c (4) Driveways are limited to no more than 3 residences. The spur road should be designed as a local urban street.
89. Minturn Road: Reference Eagle County Site Development Standards; Section 4-620 Roadway Standards; A 50’ minimum right of way width required – refer to Table 4-620 J.
90. Road Design and Layout – Minturn Road: The road design & layout needs to be adjusted such that the change from local to collector status is clearly delineated to vehicular drivers.
91. Driveway Access on Public Roads: This remains a significant safety concern considering the steepness of certain streets, number of access points, intersections, and the one-way design of Taylor. Designating driveway locations is a standard requirement and would be particularly useful in this situation to mitigate these stated concerns. [Table 4.02 of the MMC identifies a Driveway as an intersection, and given that every intersection must be a maximum grade of 4%, the slope of the street needs to be 4% at every driveway]

92. Road Design – Geometric Design, Right of Way Widths: Reference Eagle County Site Development Standards; Section 4-620 Roadway Standards;
- a. Paragraph J. Geometric Standards: Section 9 Access Approaches and Driveways; Paragraph c (4) Driveways are limited to no more than 3 residences. The spur road should be designed as a local urban street.
  - b. A 50' minimum right of way width required – refer to Table 4-620 J.
93. Site Distance Triangles:
- a. Both Fourth Street/Taylor site triangles and directional arrows appear to be misplaced and need to be revised.
  - b. Provide site distance information for Ice House & Spur Road.
  - c. Provide site distance information for Taylor/Minturn road intersection.
94. Auto-turn Analysis: In the case of the spur road, negotiating the intersection is further aggravated by a required warped access that would result in an 8% grade from the center line of spur road and the edge of pavement for 5<sup>th</sup> street to the end of the uphill curb return and its intersection with edge of 5<sup>th</sup> street pavement. Minturn road standards limit this warped section to a 3% grade. Staff recommendation -widen the radius of curb returns to keep the trucks on the road.
- a. Please label the center points of all intersections with the stationing for both the main road and the secondary road and the elevation on the Plan and Profile drawings.
95. Off Street Parking: Revise the parking plan to provide a count for guest and for resident parking. Provide a summary of how many spaces are required and how many spaces are provided organized by street name. List how many off-street parking spaces will be provided for each lot. Staff recommends assigning driveway locations to maximize on-street parking (reference Wildridge plats) wherever possible. Cottage lots to consider sharing driveways.
96. Public Parking: Wherever public parking spaces are provided on the detailed site plan, label how many spaces of what type are provided at each location.
- a. The plans indicate both parallel and head-in guest parking. The 9' width for parallel parking should be adequate, but no dimensioning is provided for the length of parallel spaces. No dimensions are provided for the head-in parking spaces. Please provide a dimensioned parking plan.
97. Retaining Structures: The soils adjacent to public parking areas stipulate Geocell protection as design build. As this is a public improvement, the design of retaining structures should be provided as a part of the design approval
98. Fourth Street:
- a. Label stationing at Taylor Avenue and Minturn Road at their intersections with Fourth Street.
  - b. Provide centerline curve data and stationing for the PC and PT,
  - c. Show stations, offsets and elevations to define parking areas.
99. Fifth Street:
- a. Label stationing at Taylor Avenue and Minturn Road for their intersections with Fifth Street.
  - b. The grade of Taylor Avenue at the intersection with Fifth Street is greater than 10%.
  - c. Provide centerline curve, stationing for the PC and PT, and tangent bearings.

- d. Provide Fifth Street stations and elevation for the intersections of Ice House and the Spur Road.
100. Ice House Road:
- a. Label Cul-de-sac radius.
  - b. Show centerline curve data
  - c. Show stations and offsets sufficient to define parking areas
101. The Spur road
- a. The spur road should be designed as an urban street with a turn around.
  - b. See comments above concerning intersection design.
102. Minturn Road
- a. Label centerline stationing of Minturn Road at each intersection with elevation.
  - b. Provide centerline curve data, PC and PT stations, tangent bearings, and elevations.
  - c. The retaining wall proposed at station 36+00 needs to be designed.

Site Engineering:

103. Storm sewer, water, sanitary sewer, and shallow utilities do not appear on corresponding drawings. All utilities need to be shown on all construction plans to identify vertical and horizontal conflicts
104. The north end of Taylor Avenue is outside the proposed right of way and does not match existing conditions. Address.
105. Snow Storage in Park Areas: Provide details on civil drawings identifying grading and drainage around snow storage areas to mitigate impacts to adjoining lots.
106. Snow storage needs to be reviewed by Public Works – (Snow storage plan requested-staff to provide snow storage plan details for developer details):
- a. Plat note that sidewalks must be kept clear pursuant to MMC.
  - b. Snow storage is on the wrong side of the sidewalk in most places.
  - c. There appears to be no storage on most of the west side of Minturn Road.
  - d. The following concerns were identified regarding snow storage in the park areas:
    - i. The storage areas are not readily accessible – this should be discussed with Public Works and corrected.
    - ii. Snowmelt flows onto adjacent lots and into Game Creek.
    - iii. Storm water management plan needs to address storm water quality for these flows.
  - e. Parallel parking along roadways will make snow plowing challenging – snow removal & hauling will be required.
107. Grading and Drainage: improvements extend onto UPRR property
- a. Provide details of all off-site improvements.
  - b. Grading plans and underlying topography should extend to catch points.
  - c. Provide evidence of easements or permission for this work.
108. Grading and Drainage: Flows
- a. Drainage arrows indicate flow toward the site. Provide additional grading detail to show there is no resultant ponding.

109. Water Designs: I (Jeff Spanel) reviewed your proposed valve placement with John Volk & Arnold Martinez. Two valves will be sufficient at the fire hydrant tees provided two hydrants are never isolated at one time. As an example, please refer to Sheet C9.2.2. The town would like to see a valve on the north side of the tee on the southern fire hydrant and a valve on the north side of the tee at the northern hydrant. Sorry for the cryptic description, but you haven't added stationing to the plans yet. Mainline tees such as at Ice House and Spur Road should have valves at all three connections. One of our previous comments was to show all utilities on all plans, particularly in the profiles. Public Works is particularly concerned about the water line crossing at Game Creek – it will likely have to be deepened or insulated. A concern was raised about service lines crossing sewer mains and the high pressure gas main with adequate separation while maintaining frost cover. Please verify crossing are adequate and add utility crossing information & requirements to the plans.
110. Highpoint on water main: "No additional comment" Does this mean it was resolved?
111. Disconnecting water & sewer services: provide details of how the service disconnection will be accomplished.
112. Fire Hydrants: Public works will need to inspect hydrants prior to re-use. Fire hydrants should be closer than 10 feet behind the sidewalks.
113. Sanitary Sewer Drawings: Require confirmation from ERWSD that the sanitary sewer drawings have been approved.
114. Sheet 10.2.13 – The sewer main is missing tie-ins for the Minturn Townhomes.
115. Street Lighting Plan: Provide a street lighting plan.
116. Sidewalks: Section 1.01A of the Minturn Town Code specifies 5-foot attached walks. – This will be a variation request and needs to be explained to the Commission and Council why this variation is being proposed.

#### Hazard Mitigation

117. Rockfall Hazard Mitigation: Submit rockfall hazard mitigation design for review. Landslide, avalanche, and debris flow hazard evaluations are required.
118. Rockfall Mitigation: The rockfall path must be shown on the site and grading plans.

#### Subdivision Improvements Agreement:

119. Phasing Plan: There needs to be a clear delineation of what is included in Phase 1 & Phase 2 on the engineering plans.
120. County Road: provide plans for the work applicant intends to conduct on County Rd.
  121. Water Main: Identify the 12" water main in Minturn Rd. within the Phase 2 cost estimates.
122. Phasing Break Out:
  - a. The cost estimates do not track to the detailed estimate and require additional detail.
  - b. Provide rational (in writing) for the cost sharing ratios.
123. Financial guarantees shall be proposed to ensure that project improvements and amenities are constructed as presented and approved before Final Plat (Added April 8, 2021)

**Minturn Planning Department**  
Minturn Town Center  
301 Boulder Street  
Minturn, Colorado 81645



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Elliot Hovey  
Chris Manning  
Tom Priest  
Jena Skinner

## **Eagle River Water and Sanitation District Memo Regarding:**

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**Minturn North PUD's proposed layout  
and alignment of the sanitary collection  
system improvements for the project**



April 8, 2021

Madison Harris  
Town of Minturn  
301 Boulder St. #309  
Minturn, CO 81645

**RE: North Minturn PUD**

Dear Madison,

Eagle River Water and Sanitation District Staff have been working closely with the Developers and Engineers for the North Minturn PUD project and feel comfortable with the proposed layout and alignment of the sanitary collection system improvements for the project. There are some minor details to work through prior to issuing a construction plan approval letter but believe there are no major issues that would prohibit the project from moving forward.

Please let me know if you have any questions or need any additional information.

Sincerely,

A handwritten signature in blue ink that reads "Tug Birk".

Tug Birk  
ERWSD  
Development Review Coordinator

Cc: Michelle Metteer  
Greg Sparhawk  
Jason Cowles P.E.  
Len Wright Ph.D.

**Minturn Planning Department**  
Minturn Town Center  
301 Boulder Street  
Minturn, Colorado 81645



**Minturn Planning Commission**  
Chair – Lynn Teach  
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Elliot Hovey  
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Tom Priest  
Jena Skinner

## **SGM's Review Regarding:**

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### **Phase 1 and Phase 2 Environmental Site Assessments**



## MEMORANDUM

**TO:** Michelle Metteer, Town Manager

**FROM:** Eric Petterson & Rachel Kattnig-SGM,  
Keith Pollman & Kay Vollmayer, P.E. - Bronco Environmental

**DATE:** April 2, 2021

**RE:** Minturn North Phase I & II Review

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The July 2020 Phase I of the Subject Property prepared by ESA appears to have been conducted and prepared in accordance with the requirements of ASTM1527-13; we don't have any comments or concerns regarding the preparation of the Phase I. However, the interpretation(s) presented in the Jacobs Soil Screening Assessment attached to the Phase I and the Environmental Site Assessment (ESA) Phase II should have been more thorough. The Jacobs reports states that the only SVOC (semi-volatile organic compounds) detected during their investigation at a concentration exceeding the Nov. 2020 EPA (residential) RSL (regional screening levels), was benzo(a)pyrene and that this exceedance occurred only in the 0-1' soil sample from SB08. Both Jacobs and ESA state that the source of the benzo(a)pyrene is unknown. However, both reports should have pointed out the PAH compounds, including benzo(a)pyrene, were detected at concentrations below the RSLs in the 0-1' soil samples from 15 of the 20 soil borings. The soil samples results suggest that PAH compounds are widespread at low concentrations in the surface soils throughout the site. PAH compounds deposited by diesel emissions from idling locomotives have often been reported in surface soils from railroad facilities and may be the source of the PAH compounds at the subject property. The reported arsenic levels are consistent with background levels in Colorado and should not be viewed as a REC (recognized environmental condition).

The CTL/Thompson report is essentially correct; however, a couple of the RSLs they listed are too high by an order of magnitude; this may be a typo or possibly from use of micrograms vs. grams, etc. Regardless, their soil sampling also confirms that PAHs are widespread throughout the surface soils but at concentrations compliant with the residential RSLs. We agree with their conclusion that the soil surrounding SB08 can be disposed at a municipal landfill, although it is not necessary to remove all soils across the site if they are below the residential RSLs to protect future workers or residents at the property. Additional sampling may be a good idea, to ensure that "clean" or residential-standard compliant soils are not also excavated and disposed, and that the full extent of soils with non-compliant residential RSL amounts are removed.

To conclude, the Phase I was conducted according to the ASTM standards and the Phase II investigation addressed the potential REC onsite in accordance with accepted industry and

regulatory practices. PAH compounds were found to be widespread in surface soil at the property but for the most part at concentrations compliant with the November 2020 EPA Regional Screening Levels for residential exposure. Therefore, based on our experience with regulatory agencies in this region and with properties under similar conditions, there should be no additional assessment or remediation efforts required before approving the subject property for residential, or other use. There are other ways to further lower PAH levels in some areas to further reduce concentrations, and other options for use of these soils, if the Town desires.

We would welcome the opportunity to discuss these items with Town staff.



Eric Petterson  
Environmental Team Lead

**Minturn Planning Department**  
Minturn Town Center  
301 Boulder Street  
Minturn, Colorado 81645



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Elliot Hovey  
Chris Manning  
Tom Priest  
Jena Skinner

## **All Referral Comments Received for Minturn North PUD's Project Application**

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1. Town Staff and Town Attorney
  2. Town Engineer (Intermountain Engineering)
  3. CDOT
  4. Colorado Geological Survey
  5. Colorado Parks and Wildlife
  6. Eagle County
  7. Eagle County School District
  8. Eagle River Fire Protection District
  9. Eagle River Water and Sanitation District
  10. Eagle River Watershed Council
  11. Ehlers Public Finance Advisors
  12. Holland and Hart/Martin and Wood
  13. SGM
  14. United States Forest Service
  15. Veracity
  16. Xcel Energy
-

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



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Lauren Dickie  
Burke Harrington  
Christopher Manning  
Jena Skinner

February 15, 2021

Minturn Crossing, LLC  
Attn: Gregory Sparhawk  
P.O. Box 333  
Minturn, CO. 81645

Sent via email: gregs@gpsdesigns.com

Re: Minturn Preliminary PUD Application – Town Staff Referral Comments

Greg:

The Minturn North Planned Unit Development Preliminary Plan application was sent out on a 21-day referral starting on January 11, 2021 and ending on February 1, 2021. You should have received a Dropbox link containing all referral agency comments received by the Town to date; the following letter summarizes the Town of Minturn Planning Department's and Town Attorney's comments.

**Planning Department:**

1. PUD Guide – General Comments:

- Overall, the PUD Guide is well written and provides the type of information needed to properly administer and enforce the PUD. That said, staff respectfully suggests that certain sections of the document read more like a proposal or marketing narrative instead of a regulatory document. As such, staff suggests that you consider revising the document – particularly on pages 3-4 under Section 1 – Purpose and Intent - to remove references to “we,” “our,” or any discussions of what the developer is proposing. Simply, if the PUD is approved and the PUD Guide becomes the zoning document for the development, the document should be written in a non-speculative nature.
- The “Purpose and Intent” section provides a good overview of the proposal. In that sense, though, certain portions of this section also read more like a proposal found in an application narrative. Staff respectfully suggests that it is more customary – and will be more appropriate for this type of document - for the purpose and intent section of a PUD guide to describe in a more general sense the purposes of the document rather than the intentions of the Developer. For example, the purpose and intent section might read something like:

*“The purpose of the Minturn North Planned Unit Development Guide (the “Guide”) is to guide the orderly development of all lands within the Minturn North Planned Unit Development (the “PUD”), a 116 lot residentially-oriented project with open space, public trail dedications and other public and private improvements, located in north Minturn. The PUD is designed to provide a project that will add diversity to Minturn’s housing stock, incrementally increasing the size of the Town of Minturn through an organic method of allowing individual lot ownership and development that will best replicate the historic growth and fabric of the Town.*”

*“Therefore, it is the intent of the Guide to:*

- *Describe the intended character, rationale and design intent for the PUD;*
- *Establish and describe land use categories and permitted uses as a matter of zoning;*
- *Provide definitions specific to the administration of the PUD;*
- *Prescribe dimensional limitations, including but not limited to, building and impervious coverage, building setbacks, and building height limitations;*
- *Describe management plans and standards for open space, parking, locals housing, signage, landscaping, erosion control, exterior illumination, stormwater, wildlife mitigation, riparian areas, and construction.*
- *Create processes for the proper administration and enforcement of the PUD, including but not limited to procedures for major and minor amendments, density transfers, and phasing.”*

You may also consider a similar section to describe the “General Development Principles” used to create the land plan and set forth the controls that the PUD will illustrate; to explain via bullet points or a short narrative how the subdivision was conceived, what the objectives are by way of street and lot layouts/orientation, range of lot sizes, sidewalk and trail improvements (i.e., connectivity), etc.

- Portions of the Purpose and Intent section address the “builder’s rule” and the housing plan. Please consider organizing both topics under their own section heading such as “Lot Mix and Disposition” (including the “Builder’s Rule”) and “Housing Plan.”
- Suggest adding a section covering “Minturn North Home Owners Association/Architectural Design Review Process” – this section could describe in a general sense the establishment and purpose of the HOA and the Architectural Control Committee, while also providing a references to the Declaration of Covenants and the Design Guidelines (the paragraph on page 5 describing the design guidelines could serve this purpose if given a section heading).
- Please consider removing the paragraphs starting at the top of page 4 that describe the developer’s intentions regarding off-site improvements, site clean-up, and potential benefits upon approval of final plat. This information is important for the Town and citizens to understand but may not be needed within the PUD regulatory document.
- Suggest establishing the Minturn North PUD Guide as “the Guide” in the first sections of the document so all subsequent references can be shortened to “the Guide.”
- Suggest creating separate sections to address: “General Development Principles,” “Phasing Plan;” also, suggest integrating maps within and throughout the text/narrative of the PUD to illustrate development tracts and/or lot numbers, and open space parcels.
- Suggest adding a separate “Sustainability” section that discusses sustainability goals, standards (within the PUD Guide) that are intended to encourage energy efficient building and site design (see additional comments regarding the sustainability section included within the draft Design Guidelines document).
- Suggest revising the Land Use/Zoning Categories and Corresponding Tables section on page 6 to include specific reference for allowed alternative energy production uses, including but not limited to small-scale solar energy collection systems and/or small-scale wind energy collection systems, as both terms are defined in Section 19 – Definitions and Illustrations.

## 2. PUD Guide – Specific Revisions/Comments (by page):

- Page 1 – Phasing Plan Map: Suggest making this image larger for legibility.

- Page 4 – Conflicts Between the PUD Guide and Other Regulations: please remove reference to “and drafted proposed,” – staff suggests if the PUD is approved, reference to a *draft* zoning code will not be relevant.
- Page 5 – Dimensional Limitations Table: Suggest adding new section (4) heading before the dimensional limitations table such as “Dimensional Limitations” or “Development Controls” and remove any listing of “allowed uses” from this table.
- Page 5 – Dimensional Limitations Table: Suggest adding table caption/footnote (e.g., “Table 4.1 – Dimensional Limitations”).
- Page 5 – Dimensional Limitations Table: Suggest not showing proposed variations from Town Code in red in the table as the Town Code standards and dimensional limitations may change in the future in which case the variations will be outdated. This information (variations) is important to the Town’s review of the PUD and should be listed in a separate document outlining any and all planning or engineering related variations sought for the PUD.
- Page 5 – First paragraph after table: suggest removing reference to the current code requirement for snow storage as this standard may change in the future.
- Page 5 – Second paragraph after table: please remove “All applications submitted to the Town of Minturn for construction and landscaping shall be accompanied by a letter of approval from the Minturn North DRB.” The Town will not enforce private covenants and, therefore, cannot withhold Town of Minturn DRB approval or a building permit based on Minturn North DRB approval.
- Page 5 – Last paragraph: suggest distinguishing between encroachments in the front setback vs. the side or rear by changing “Eaves and other roof overhangs may extend a maximum of 2’ into setbacks” to “Eaves and other roof overhangs may extend a maximum of 2’ into side and rear setbacks.”
- Page 5 – Last paragraph: suggest assigning or defining what “minimal amount” means (suggest defining “a minimal amount but in no case more than one (1’) foot”).
- Page 6 – Minor Amendments: Suggest that you incorporate the exact language from the Minturn Municipal Code to introduce this section:
 

*“Minor deviations that may be authorized are those that appear necessary in light of technical or engineering considerations first discovered during actual development and that are not reasonably anticipated during the initial approval process, as long as they comply with the applicable requirements and standards of the Minturn Municipal Code.”*
- Page 6 – Minor Amendments: This section allows for adjustments to parcel setbacks; staff suggests this provision allow for minor adjustments in property boundaries as well and that any adjustments to setbacks be further defined and limited (i.e., “no more than one (1’) foot so long as drainage, snow storage and minimum separation distance requirements between structures are maintained in accordance with Town standards and/or applicable building, energy, or fire codes.”) to ensure that other fundamental elements of the PUD standards are upheld. Also suggest removing reference to MMC Sec. 16-15-230(a)(1)(2) as this section may change in the future. However, reference to the “Minturn Municipal Code” is appropriate.
- Page 6 – Major Amendments: Suggest that this section also include language – introducing the section - from the Minturn Municipal Code describing what constitutes a “major” amendment and what the process will be:
 

*“Changes in use resulting in more intensity of development, major rearrangement of lots into areas not previously containing development, overall increases in development intensity or density, and decreases in the area or provisions for open space will require approval by the Town Council following the procedures of this Article for the submittal of a PUD preliminary plan; however, certain submittal requirements shall be waived if determined by*

*the Planning Director and deemed unnecessary given the information already on file with the Planning Department. At a minimum, a revised development plan shall be submitted showing the proposed changes to the plan. An amendment to a PUD may be filed by any owner within the PUD, subject to any homeowner association rules and regulations.”*

- Page 6 – Major Amendments: If the above language is added, proposed language included in this section may still be appropriate to further define what types of changes are considered “major” and staff is supportive of retaining the following statement:  
*“While some of these items also fall within the Minor Amendment process, they will be deemed Major if the Planning Director deems the changes will substantively affect the character and use of the PUD and its surroundings.*
- Page 6 – Major Amendments: Suggest eliminating reference to Planning Director approval of Major Amendments as such amendments will only be approved by the Town Council pursuant to the Minturn Municipal Code.
- Page 6 – Appeals: please revise this statement to read *“Appeals to a determination of a Major Amendment of the PUD may be made and considered in accordance with the provisions of the Minturn Municipal Code.”*
- Page 6 – Under Public Use Category: Suggest providing a separate sentence or description of “Other Recreational” uses; this could be wide ranging and it may be helpful to narrow the potential uses. Also, suggest adding “stormwater infrastructure” to the list.
- Page 6 - Land Use/Zoning Categories and Corresponding Tables: Suggest adding language to either define the types and duration of temporary buildings or structures, or provide a direct reference to the definitions of the Minturn Municipal Code (e.g., “Temporary buildings erected within the PUD will be permitted and maintained in accordance with the applicable definitions and standards of the Minturn Municipal Code.”)
- Page 6 – Land Use/Zoning Categories and Corresponding Tables: Suggest removing “Single Family Attached” as a use type; staff is unsure what is meant by this term as “attached” residential development typically denotes duplexes, townhomes or multi-family which are already listed.
- Page 7 – PUD Summary Table: Suggest creating table caption/footnote (e.g., “Table 5.1 – PUD Summary”).
- Page 7 – PUD Summary Table: Suggest revising the table to list or separate statistics for “Phase I” and “Phase II.”
- Page 7 – Illustration of Public and Private Property Ownership: suggest adding a caption or heading/footnote to this illustration (e.g. “Property Ownership Map” or something to that effect). Also, the graphics and text (“Open Space Calculation,” “Street/Public Dedication Calc” and “Proposed Ownership”) are somewhat difficult to read. Staff suggests revising this graphic to increase the size of labels and consider changing the labels to read “Open Space,” “Street Right of Way/Public Land,” and “Private Land.”
- Page 7 – Density Transfer Policies, Procedures and Criteria: Suggest removing references to the “proposal;” consider using the word “project” instead. Also, please consider adding “pursuant to the requirements of the Minturn Municipal Code” after “A transfer of density may be approved as a major amendment to the PUD...”
- Page 7 – Density Transfer Policies, Procedures and Criteria: Suggest removing any mention of prepayment of taps and the developer’s ability to sell or transfer/use those taps as this information does not appear germane to transfer of development rights.
- Page 7 – Open Space, Buffer Area and Recreation Amenity Management Plan: Suggest removing any reference to plan sheets provided for the Preliminary Plan submittal since they will likely not be available or attached as exhibits to the PUD Guide; any mapping that is necessary to communicate the open space parcel locations and sizes should be a

separate illustration or figure (with labels for each open space or trail parcel such as “Parcel 1”) within the text of the PUD Guide. Another way to communicate this information (in addition to a map exhibit) would be to create a general narrative (e.g., *“Open space within the Minturn North PUD is provided for the enjoyment of residents of Minturn North as well as the general public. Trails, passive and active open space parcels, park land and community garden areas provide public benefits for recreation, pedestrian travel and connectivity, as well as critical infrastructure for drainage, stormwater and snow management.”*) along with a table outlining each parcel, its acreage, intended use, and ownership.

- Page 8 – Phases: Suggest this information related to open space improvements by phase should either be removed (with the understanding that the information will be provided to the public, Planning Commission and Town Board during the review of the PUD Preliminary Plan proposal, and included within the SIA for Phase I), or moved to a separate “Phasing Plan” section.
- Page 8 – Housing Plan: This section contains great information and description of the overall development intent and principles for the PUD, as well as details on phasing and infrastructure. Staff respectfully suggests that this information be contained on the first page or pages of the PUD Guide under “Purpose and Intent,” “Phasing Plan” or under “General Development Principles” to provide additional overview of the objectives of the PUD.
- Pages 8-9 – Housing Plan: Suggest that the Housing Plan section should contain a general description of the affordable or “Locals Only” housing approach; the challenges presented by the sale of lots rather than units; descriptions of how the program will work (i.e., the first right of offer and/or any restrictions on short term rental to comply with the Town’s requirements); and, the intent of the PUD with regard to distribution and restriction of 20% locals only deed restrictions. (Staff will have separate comments regarding the overall housing plan for community housing in a later section of these comments.)
- Page 9 – Roads and Parking: This section provides a great overview of the design and intent of public roads and parking areas, as well as the intended requirements that must be met for private parking on each individual lot. Only suggestions are to 1) consider removing specific reference to the design dimensions of road lane widths due to the fact that, through the review of the application, the design may change slightly; and 2) consider providing a map exhibit showing public parking areas and on-street parking areas.
- Page 10 – Offsite Improvements: Suggest removing this section as this information is important but will not be enforceable through the PUD Guide; it will, however, be addressed in the SIA documents for both Phase I and Phase II. If you believe that this information should remain in the PUD Guide document, staff suggests that it be moved to the section covering “Phasing Plan.”
- Page 10 – Master Sign Program: Thank you for adding this section to the PUD Guide. On line two in the first paragraph of Section 11, please change “Town of Minturn Public Works” to “the standards of the Minturn Municipal Code.” Also, suggest creating subparagraphs or sections to address “Way Finding Signs,” “Temporary Signs” (for real estate sales and construction management), permanent “Neighborhood Identification and Monument Signs” to correspond to the graphics provided. One thing to keep in mind for this section is that you can label each graphic with a caption/footnote (e.g., “Example of Temporary Signage”) along with your disclaimer “Image graphics here are for dimension information only...” Additionally, this section can be where you describe intended materials and lighting to be used for monument and other temporary signs.
- Pages 12-13 – Illumination Standards: This section provides great information regarding the intent of the developer to limit artificial lighting throughout the PUD. Only

suggestion is to consider removing any reference to “proposed lighting” and specific photos of potential pole light fixture design; this information will likely change at construction (as noted in the text) and would be more appropriate in the Draft Design Guidelines and/or in the SIA for Phase I.

- Page 13 – Illumination Standards: Suggest revising the sentence regulating holiday lighting to read something like: *“An exception to the Minturn North PUD Illumination Standards is made for temporary holiday lighting and displays. Such lighting and displays may be installed on private property for a period not exceeding forty-five (45) days before, during and after the following nationally recognized holidays...”* Alternatively, you could specify each Holiday where lighting is allowed with the dates “From” and “To” during which lighting and displays (other than the United States Flag in the case of the Fourth of July) may be displayed and turned on. For instance, the period of outdoor holiday lighting spanning Halloween, Thanksgiving, Christmas and New Years could start October 15 and terminate January 31 of each year.
- Page 13 – Landscaping and Erosion Control Standards: Suggest revising the first sentence to include “and publicly maintained property” after “open spaces.”
- Page 13 – Landscaping and Erosion Control Standards: Suggest considering a graphic to illustrate the site triangle restricted planting area. Also, staff respectfully requests that you revise the paragraph:
  - Remove “application” after Town of Minturn DRB” in the 8<sup>th</sup> line down from the top;
  - Remove the sentence *“DRB applications to the Town of Minturn from homes within this PUD are required to be accompanied by a signed approval from the Minturn North Design Review”* as this will not be something the Town enforces. If such requirement is stated in a private covenant, the Town may recognize such restriction but will not enforce a private covenant (i.e., the Town cannot legally deem a Town DRB application or building permit application incomplete; or otherwise deny issuance of a permit based on the inability of the applicant to provide evidence of Minturn North DRB approval).
- Pages 13-14 – Landscaping and Erosion Control: The erosion control standards or requirements are helpful and appropriate. However, it is difficult to determine if the standards apply to the Developer responsibilities undertaken during initial horizontal construction of infrastructure, over lot grading and utility installation during both phases; or, if they will apply to construction on individual lots.
- Page 14 – Snow Management Plan: Suggest removing reference to plan sheets which may not be available or attached to the PUD Guide document, and instead provide a graphic (map or maps) within the narrative section showing where snow storage will be provided. Also, suggest the following revision to text: “All private parcels will be held to a minimum requirement of twenty percent (20%) of adjacent paved surfaces for snow storage.”
- Page 14 – Snow Management Plan: Suggest adding a sentence informing the reader that “For all lots fronting public sidewalks, removal of snow from sidewalks is the responsibility of individual lot owners or as required in accordance with applicable Town of Minturn ordinances.”
- Page 14 – Wildlife Management/Mitigation Plan: Suggest removing the word “current” in front of “Game Creek area.” Also, suggest adding provisions and/or working with the Colorado Parks and Wildlife Division (CPW) to integrate wildlife sensitive standards into the PUD Guide and/or the Design Guidelines, including requirements or suggested standards for exterior illumination, exterior landscaping (wildlife resistant plant materials/avoidance of attractant plants such as ornamental and fruit bearing trees), and refuse controls (bear proof trash containers).

- Page 14 – Construction Management: Thank you for adding this section regarding construction management. Please consider removing specific reference to plan sheets of the PUD submittal as well as details regarding phasing (since these will or should be addressed elsewhere in the PUD Guide and/or SIA) and, instead, consider adding a graphic within the narrative section if needed to illustrate development of the project. Additionally, construction management plan sections of PUD guide documents and/or covenant documents typically address general construction management and best practices that will apply to the development of individual tracts or lots rather than specifying details horizontal construction of infrastructure and public improvements by the master developer. Hours of construction, how the master developer will address things like erosion control and mitigation of mud and debris being tracked off site, construction screening and/or fencing (for master developer and for individual lot construction), security and/or limits on trash during construction (bear proof containers and daily site inspection to ensure trash clean-up as requirements) should be included in this section.
- Page 15 – Riparian Corridor Plan: Suggest adding specific reference to “Game Creek” in front of “the Riparian corridor.” Also, it may be helpful to provide a graphic of the Game Creek Corridor, specifying the location of “crossings” or other improvements, delineating any wetlands and/or setbacks to the live stream, as well as more narrative describing the current state of the riparian area, specific enhancements or management techniques to be used during and after construction to ensure protection and enhancement of the riparian areas (e.g., additional plantings, annual clean-up days, partnerships with schools and/or non-profits to monitor or “adopt” the riparian corridor) as an added public benefit.
- Pages 15-17 – Definitions: Please see comments and/or make the following revisions to proposed definitions:
  - *“Affordable Housing Lot/Unit – Shall mean any lot or dwelling unit within the Minturn North PUD that is deed restricted in perpetuity as “locals only” or resident occupied; or, which meets the requirements of the Town of Minturn community housing guidelines and administrative procedures in effect at the time of development of the lot or unit.”*
  - “Building Height” – Please either define “grade mesh” or provide more descriptive illustrations with labels. Also, consider deferring to the Town of Minturn Building Height definition and calculation methods, as well as including mention of “wind energy collection systems” as an element – similar to solar panels or mechanical vents – that may project no more than 4’ higher than the allowable building height.
  - “Density Transfer” – *Shall mean the re-assignment by Major PUD Amendment process of allowable residential density, calculated in dwelling units, from one parcel or phase of development to another.* (Note: the density transfer process should not permit transfer of square footage since the entitlements sought by the developer have been presented as maximum number of units, not on a maximum residential square foot basis).
  - “Developer” – suggest striking all text in this definition following the word “either” in the fifth line; language regarding the process or requirement for assignment is important but should be included in the SIA and/or other document.
  - “HERS” – this is defined but does not appear to be mentioned or described as a primary objective of the PUD development or design guidelines. Staff is in support of more robust standards or statements of intent with regard to sustainability and the achievement (in individual building projects) of specific HERS related goals or standards.
  - Setback – change “with” in the first line to “within” and add “on individual building lots” after “behind” on line two. Also, this definition references a

'build-to' line which may be interpreted differently than a building envelope line or setback line. Please consider removing language specifying which minor deviations are permitted and replace with a general statement "(See the Minturn North Design Guidelines for processes for review and approval of minor deviations to, and allowable encroachments within, prescribed setback areas)"

- *"Short Term Rental – Shall mean the renting or leasing of any residential dwelling unit for a period of less than thirty (30) days or as defined by the Town of Minturn Municipal Code in effect at the time."*

### 3. Design Guidelines:

- General Comment: The guidelines are well thought out and drafted in a manner that future residents or builders wanting to build in Minturn North will understand the design intentions and process for gaining approval. That said, the Town has historically not encouraged separate, HOA controlled architectural/design review boards or processes independent of the Town of Minturn Design Review Board.
- General Comment: Will the Design Guidelines provide a process for major and minor deviations to setbacks or building envelopes?
- Section 3 - Scoping and Submittal Requirements (page 4): It may be obvious or implicit in the document, but it may be helpful to add language (under "Scoping") in this section specifying that property owners are required to go through a Minturn North process prior to Town review. Also, under the same section, if the Town ultimately votes to permit a separate HOA DRB process, it will be helpful to provide details regarding the process – who does someone apply to; using what forms (perhaps attach a Minturn North DRB Application Form as an exhibit or attachment to the Design Guidelines); in what time frames/general description of the frequency meetings; and what the criteria for approval will be.
- Section 5 – Materials (pages 7-9): On page 9 under "Colors," please consider adding language to more expressly encourage an eclectic mix and vibrancy of colors and provide images to reinforce the existing palette or fabric evident in Minturn. One of the defining characteristics of "funkiness" in Minturn emanates from the bright colors often used for the main body color and/or trim colors found throughout the community.
- Section 9 – Sustainability (page 15): This section starts to lay the groundwork for a built environment that may very well raise the bar for sustainable, energy efficient construction within a major new neighborhood in the Town. In this sense, staff encourages you to integrate more specifics and requirements ("shall" rather than "should") into the Design Guidelines as the primary tool to implement and enforce sustainable practices. While the PUD Guide can also establish requirements and set the tone for sustainable design, the Guidelines document will be enforced via private covenants and can be used to not just require but incentivize the use of certain fixtures and best practices. This section is also a place where the information, photos (Do/Don't) could be used to illustrate the integration of solar and/or small-scale wind for alternative energy production on individual homes/lots.
- Section 10 – Construction Management (page 16): This section along with details provided on Sheet A08 set forth great information and requirements for managing the impacts from construction. Staff suggests that this section can be bolstered by providing a few more specifics/requirements addressing how to manage erosion control (including graphics/renderings of best practices such as silt fencing, installation of gabion rock on site and/or gravel pads to deal with mud from tires, or washing stations on site), as well as securing and/or screening sites and a map similar to Sheet A08 (but at a different scale) showing locations and examples of truck wash-outs and the preferred location of

erosion control fencing on a typical site. Is it the intention of the developer/HOA to require fencing around sites and, if so, will mesh screening be required?

- Section 10 – Construction Management (page 16): Please consider adding a requirement for a pre-construction meeting with the Minturn North DRB Administrator to ensure that, prior to construction site disturbance limits are established; any required erosion control and/or security fencing is installed; and, in-line with Section 5.3 – *Procedures* of the Declaration of Covenants, any/all construction deposits are in place.

4. Declaration of Covenants:

- Section 6.3 – Miscellaneous Structures: Request further information as to what types of “refrigerating, cooling or heating apparatus” the Declarant may install in the future and why such equipment would not benefit from being screened.
- Section 6.7 – No Nuisance Light, Sounds or Odors: Suggest this section reference or provide the same controls on holiday lighting as proposed within the PUD Guide.
- Section 6.8 – Restrictions on Parking and Storage: This section restricts parking of certain classes of vehicles, trailers and recreational equipment, in part, on “streets.” Staff’s understanding is that the majority of streets within the development will be publicly owned and maintained. Please review if this section needs to be revised to specify or differentiate between public and private streets.
- Section 6.10 – Garbage and Refuse Disposal: Suggest adding language that specifically requires “bear proof” or “wildlife resistant” trash or refuse containers. Also, please consider revising this section to allow for “composting” when discussing the use of an “appropriate, clean container suitably located” on the Property (e.g., add “for composting and” before “garbage pickup.”)

5. Housing Plan:

- Although the Town has not yet received referral comments from the Eagle County Housing and Development Authority, staff believes more collaboration working with the County is needed with regard to the proposed “Locals Only” housing plan.
- Staff recognizes that the Minturn North Locals Only Housing Plan is voluntary at this juncture; the Preliminary Plan was submitted for review prior to the Town adopting inclusionary housing requirements (Ordinance No. 7, Series 2020). In this sense, the proposal to deed restrict up to 20% of the overall number of for sale lots to locals (as defined in the housing plan), to provide eligibility requirements and restrictions on short-term rentals is recognized as an overall benefit to the community.
- That said, staff is also aware anecdotally that upwards of 90% of the lots for which the Developer has taken deposits/reservations in Phase I have been reserved by local Eagle County residents. This is indicative of the severe housing needs in the valley, the project’s unique and convenient location in the Eagle River Valley, and a desire by locals to be able to design and build their own homes. Staff requests that you continue to work with the Town and Eagle County Housing and Development Authority representatives to further refine the housing plan, possibly increasing the minimum percentage of deed restricted lots from 20% to a minimum of 50% (again given the strong demand by locals in the first round of reservations), and that you consider additional techniques such as the creation of a local Community Land Trust for the Minturn North PUD that would, through a transfer tax or other funding mechanism, provide money for the CLT to buy certain “Locals Only” lots, particularly in Phase II. Such land leases, along with deed restrictions, would be intended to not only ensure local ownership but would serve maintain controls on costs of ownership – from one owner to the next - into the future through resale price appreciation caps that work with eligibility requirements.

**Town Engineer:**

1. Comments from Town Engineer, Jeff Spanel, Intermountain Engineering, are attached and have been provided to the Applicant on February 11, 2021.

**Town Attorney:**

1. Plats, Plans and Surveys:

- Lots 87 to 94 (located on Icehouse Ave. north of the bridge) will need to be part of a sub-Association. The Town will not take ownership of the bridge and roadway to serve these lots. Further, the lots require permanent rockfall mitigation. The Town will not take ownership of the rockfall mitigation. These common elements should be conveyed to a sub-Association specific to these lots.
- The “half street” that is located off of Fifth Street is essentially a private driveway. The Town will not take ownership of this driveway. A sub-Association will need to be established that owns and maintains this street area.
- The project presents a dense development scenario with limited common parking. Parking areas next to the park/open space areas could be used as overflow parking for the development. The developer needs to propose restrictions that prevent these spaces from being monopolized by residents of the development.
- Driveway access along the public roads should be located to maximize on-street parking opportunities.
- Rock fall hazard is identified on the north side of the creek. The developer needs to submit a report from a qualified engineer providing a design for the rockfall hazard mitigation and describing how this hazard can adequately be mitigated in order to protect property and human life.
- Snow storage is provided in park areas behind lots. The grading and drainage plan needs to demonstrate that snow melt will not infiltrate adjoining yards.
- Grading plan identifies grading below Minturn Road. The drainage plan also identifies that drainage will be carried in swales and culvers on the UPRR property. Developer must demonstrate the legal right to undertake this work on the UPRR lands.
- The easement agreement for Minturn Road requires construction of a buckrail fence along boundary with RR property. Design and cost estimate for the fence needs to be included in the plans.
- Legal access needs to be established for Minturn Road, Taylor Ave. and Railroad Ave. in order to provide access to the project. A separate letter about legal access issues is included in the referral comments.
- The plans identify a trail running between rear lots along the length of the development. The Town is not willing to accept dedication of this property and improvement.
- Developer needs to identify the status of wetlands permitting for areas identified in Phase II. Army Corps of Engineer permits will be required before a final plat for Phase II can be recorded.
- The plans did not include design, engineering, or material standards for: bridge over Game Creek, foot paths identified in plans, trails identified in plans, parks and park equipment, restroom facility. These plans need to be submitted to the Town for review and approval.
- The developer needs to provide evidence that CDOT has agreed that its conceptual level plans for improvements within the CDOT ROW are acceptable. Developer must also identify the point at which it will seek an access permit from CDOT for the approvals.
- The Preliminary Plat needs to depict the schedule B-2 exceptions (in the title commitment) that are easements crossing the property.

## 2. HOA Covenants:

- Section 2.2(a) needs to be consistent with the limitations of CRS 38-33.3-303.
- Section 3.6 the voting requirement of 2/3 of members to adopt an assessment seems high (and potentially difficult to achieve). Consider lowering to 50 or 55%.
- Section 5.1 only contemplates an Architectural Control Representative appointed by the Declarant. This needs to be scalable as the Declarant starts to transfer control, the Board gets to appoint a representative. Then when Declarant Control ends, the representative needs to be only appointed by the Board.
- Section 5.2 needs to be written so that it applies not only to purchase from Declarant, but from purchases subsequent to the one from Declarant. Architectural control needs to function after Declarant control terminates.
- Section 6.7 should reference the Town's lighting code section.
- Section 6.9 restriction on clotheslines may violate the Town's climate action policy.
- Please note that the activities identified under Section 6.15 may not be permitted under the Town's code and this language is not operative to waive the Town's enforcement in this regard.
- Section 6.16. CCIOA contains restrictions on the use of covenants to waive potential claims against the developer. I will need to review this language with CCIOA lawyer for compliance with these provisions. I am also not comfortable with a mandatory arbitration provision being used as a shield in the covenants.
- The Declaration has detailed provisions about insurance. My understanding is that there are no common elements. Do all of the insurance provisions make sense?
- Sections 9.1 and 10.7 seem to run afoul of CRS 38-33.3-120 and 38-33.3-217.
- The Covenants need to have a provision limiting irrigated landscaping to 2000 square feet per lot unless the lot owner purchases a second SFE from the Town.
- The Covenants need to have provisions for the sub-Associations to own, manage and maintain common elements such as rock fall mitigation and private roadway segments.
- The adequacy of environmental reports needs to be confirmed by an outside consultant.

## 3. PUD Guide:

- The introduction and descriptive language in the PUD Guide is helpful, but potentially not part of a zoning document. It might fit better with the application cover letter or as provisions in the SIA. Staff can work with the applicant to find the appropriate location for the descriptions.
- The PUD Guide is the zoning for the property. On page 4, the following language should be deleted:  
*“This PUD has been designed to closely replicate the existing, and drafted proposed, Chapter 16 zoning code for the Town of Minturn. Because this project is specific to a sloping site and promotes alternative lot sizing there are areas where this PUD is in conflict with the existing Zoning regulations. Allowed uses for these lots will conform to the adjacent residential zone per the Minturn Zoning Code, unless identified differently within this guide.”*
- On page 5, the Town may not be comfortable with a different methodology for calculating building height.
- On page 6, minor amendments must be approved by Planning Commission per the Code. Major amendments must be approved by Town Council after consideration by the Planning Commission. The PUD cannot vary the code in this manner.
- On page 6, appeals to a determination of a Major amendment “shall be governed by the Minturn Town Code.”
- On page 7, language about specific trail locations, fencing requirements, park equipment and maintenance obligations should be in the SIA, not the PUD Guide.

- Need to confirm lane widths on page 9 with Intermountain Engineering as consistent with Town engineering standards.
- On page 13, there is a discussion about temporary irrigation of landscaping in native areas. The Town and the applicant need to discuss whether non-irrigated landscaping is appropriate in all public areas. The applicant must also identify the number of SFEs associated with landscaping irrigation in publicly dedicated areas for purpose of water rights dedication and payment of system improvement fees.

4. Affordable Housing Deed Restriction

- The developer needs to facilitate referral comments from Eagle County Housing. If the referral indicates that resident/employee occupied housing is the appropriate form of housing mitigation, the Town has a form resident/employee occupied deed restriction.

Greg, one thing each staff member and consultant has commented on during our review is that you and your team have put an enormous amount of effort into this application and have worked diligently to address concerns along the way. As with any application of this type, the amount of information and levels of detail necessary to ensure proper review and, therefore, good decision making, is incredible and time consuming to fully review. We appreciate your patience as we have done our best to review the application in a timely manner and to provide thorough and thoughtful comments aimed at making sure the PUD can be developed and regulated in the best possible manner if ultimately approved by the Town.

As you review these comments and make necessary revisions to the PUD Preliminary Plan, PUD Guide, or Declarations of Covenants, please keep in mind that these documents will provide the backbone for the Town's and the HOA's ability to implement and enforce the terms of the PUD. Our comments are provided in this spirit to ensure clear interpretation and enforcement of the documents and, therefore, the practical application of the design and regulatory intent of the PUD.

Please contact me at (970) 827-5645 or at (970) 343-2161 if you have questions or require further assistance in this matter.

Sincerely,



Scot Hunn, AICP/MPA  
Planning Director

Cc: Michelle Metteer  
Michael Sawyer  
Jeff Spanel  
Arnold Martinez  
Madison Harris  
File

February 8, 2021

Madison Harris  
Town of Minturn  
PO Box 309  
Minturn CO 81645  
Via email: [planner1@minturn.com](mailto:planner1@minturn.com)

RE: Minturn Crossing, North Minturn PUD  
Preliminary Plan Review

Project No. 19-0064

Dear Ms. Harris

Inter-Mountain Engineering reviewed the Preliminary Plan submittal and offers the following comments:

**General:**

1. All text labels should be “masked” on plans for legibility.
2. The submittal includes a very good set of conceptual plans but lack detail necessary for construction.

**Site Overview:**

1. The Phase 1 Environmental Site Assessment (ESA) identifies a couple of limitations to their investigation – the site visit occurred with 1-2 feet of snow cover, and the UPRR would not provide any background information. The Phase 2 ESA scope was limited to an investigation of the area identified in the Soil Screening Assessment provided with the conceptual plans. We recommend both ESA reports be directed to a qualified expert for evaluation.

**VAIL VALLEY OFFICE**

30 Benchmark Road, Suite 216 | PO Box 978 | Avon, CO 81620

**DENVER OFFICE**

9618 Brook Hill Lane | Lone Tree, CO 80124

**970.949.5072 | [info@inter-mtn.net](mailto:info@inter-mtn.net)**

February 8, 2021  
Madison Harris  
Town of Minturn  
RE: Minturn Crossing, North Minturn PUD  
Preliminary Plan Review  
Project No. 19-0064

### **Preliminary Plat & Topographical Survey**

1. Contour interval labels are not shown on the topographical survey.
2. Topographic & as-built utility information for Minturn Road & Taylor Street should be included on the enlarged mapping.
3. Mapping should extend to include the limits of disturbance shown on the infrastructure plans.
4. The point of beginning should be labeled.
5. The bearing for the northerly boundary line should be reversed to match the legal description.
6. Provide closures for all lots and tracts with the final plat.
7. Label right of way widths.
8. Minturn Road is shown much wider than the 40' existing right of way. The plat should include the proposed right of way of at least 60 feet for dedication to the Town. The location of the existing road should be shown on the plat.
9. This project is entirely dependent for access on Minturn Road all the way from Main Street to its connection with HW 24 to the North. Including "Railroad Avenue" adjacent to Booco's first filing. The design does not include any detail of offsite Minturn Road or "Railroad Avenue which belongs to the Railroad.
10. The plat does not show utility, drainage and trail easements depicted on the infrastructure plans. Please revise the plat.

### **Traffic Study and Road Design:**

1. The traffic study recommends changes to the intersection of Minturn Road with Taylor Avenue to improve site distance. Two alternatives are suggested.
  - a. If the intersection is reconfigured, the angle of approach should be no less than 70° and should only be approved as a variance to town standard 90° approach. This may require both horizontal and vertical adjustments of both Taylor Avenue and Minturn Road alignments.
  - b. The report also suggests a ONE-WAY alternative for a portion of Taylor Avenue.
  - c. Neither alternative is developed on the infrastructure plans. Please address.
2. The plan and profile for Fifth Street shows an undesirable situation at the intersection with the common driveway (Spur Road). A steep grade approaching 9% on 5<sup>th</sup> street on the east side of the intersection could make it difficult for a driver to stop for cars or pedestrians in the intersection, particularly in winter conditions. The approach to the intersection should be no more than 4% for 100 feet. A variance could be requested for up to 6%. It looks like the designer could adjust the profile to improve the situation. The current design looks like density has been maximized ignoring good street design. The proximity of the Spur Road and Ice House Road also magnifies the traffic conflicts in this area. ITE guidelines require these roads to line up or be separated by 125 feet. A redesign of the northern portion of the project (future phase) should be considered to eliminate these safety issues.

February 8, 2021  
Madison Harris  
Town of Minturn  
RE: Minturn Crossing, North Minturn PUD  
Preliminary Plan Review  
Project No. 19-0064

3. The design and construction of Minturn Road needs to be coordinated with future planning for the northerly end of Minturn. Please provide design drawings for all required improvements to Minturn Road and the access improvements at Minturn Road and Highway 24.
  - a. An ECO Trail extension is in preliminary stages of planning and the location of the road, particularly the proposed crossing for the trail must be considered.
  - b. The future Dowd Junction water main extension should be completed in conjunction with the paving of Minturn Road.
  - c. Currently there is some question regarding the width and location of the existing road. The right of way width is in question; various maps show the width of the right of way to be 40-60 feet. There is also a question if the road is located within an easement a license or a right of way. As a collector road, we recommend this be a minimum 60-foot dedicated right of way, or wider if required for the construction of the road, adjacent bike path, water main and required snow storage.
4. Please provide copies of CDOT Access Permit Applications
5. The geometric design of streets for this project should meet the minimum standards of Section 1102.1 of the CDOT design manual for local off system streets and roads, and the ITE RECOMMENDED GUIDELINES FOR SUBDIVISION STREETS, Refer to TABLE 1102.4A from the CDOT manual. The maximum grade for the Town of Minturn is 6% based on prevailing practice in Eagle County. Minturn Road should be designed as a collector with a design speed of 30mph, and minimum curve radius of 275 feet. Lane widths should be 11 feet not counting the drainage pan width. The rest of streets should be designed as local streets with a design speed of 20mph, and minimum curve radius of 100 feet (ITE GUIDELINE). The lane widths should be at least 10 feet not counting the drainage pan. The curb-to-curb width for local streets should be a minimum of 24 feet. During Conceptual review it was requested the traffic consultant comment on drive lane widths
6. Demonstrate all intersections comply with site distance triangles as shown on Table 1102.4B of the CDOT manual.
7. Proposed widths of right of way widths are narrow. Typical width of residential right of ways is 50' to allow room for road surface, walks and shallow utilities. Utility easements are proposed along the right of way line for shallow utilities – is there a reason this is not just made part of the road right of way?
8. The Typical road sections do not specify the structural cross section. Please provide pavement design for each road.
9. An “Auto-Turn” analysis was requested at conceptual review and must be provided to demonstrate fire & trash truck access.

February 8, 2021  
Madison Harris  
Town of Minturn  
RE: Minturn Crossing, North Minturn PUD  
Preliminary Plan Review  
Project No. 19-0064

10. The site information provides a count for guest, but not resident parking – please revise the parking plan to provide both. Provide a summary of how many spaces are required and how many spaces are provided organized by street name. List how many off-street parking spaces will be provided for each lot.
11. Wherever public parking spaces are provided on the detailed site plan, label how many spaces of what type are provided at each location.
12. The plans indicate both parallel and head-in guest parking. The 9' width for parallel parking should be adequate, but no dimensioning is provided for the length of parallel spaces. No dimensions are provided for the head-in parking spaces. Please provide a dimensioned parking plan.
13. Please demonstrate access to a lot such as lot 41 or 67 and leave the public parking in the street available.
14. The soils adjacent to public parking areas stipulate Geocell protection as design build. As this is a public improvement, the design of retaining structures should be provided as a part of the design approval.

**Site Engineering:**

1. Storm sewer, water, sanitary sewer, and shallow utilities do not appear on corresponding drawings. All utilities need to be shown on all construction plans to identify vertical and horizontal conflicts.
2. The north end of Taylor Avenue is outside the proposed right of way and does not match existing conditions. Please address.
3. Snow storage needs to be reviewed by Public Works:
  - a. Snow storage is on the wrong side of the sidewalk in most places.
  - b. There appears to be no storage on most of the west side of Minturn Road.
  - c. The following concerns were identified regarding snow storage in the park areas:
    - i. The storage areas are not readily accessible – this should be discussed with Public Works and corrected.
    - ii. Snowmelt flows onto adjacent lots and into Game Creek.
    - iii. Storm water management plan needs to address storm water quality for these flows.
  - d. Parallel parking along roadways will make snow plowing challenging – snow removal & hauling will be required.
4. Grading and drainage improvements extend onto UPRR property
  - a. Provide details of all off-site improvements.
  - b. Grading plans and underlying topography should extend to catch points.
  - c. Provide evidence of easements or permission for this work.
5. Drainage arrows indicate flow toward the site. Please provide additional grading detail to show there is no resultant ponding.

February 8, 2021  
Madison Harris  
Town of Minturn  
RE: Minturn Crossing, North Minturn PUD  
Preliminary Plan Review  
Project No. 19-0064

6. The Wetlands report identifies Jurisdictional Wetlands. Further permitting will be required to carry out the wetlands disturbance identified on the grading plans.
7. Water designs, details and construction must meet ERWSD standards.
8. Is there a highpoint in the watermain between stations 15+00 – 20+50 and 37+46?
9. The plans call for disconnecting water & sewer services to existing homes to the east, including mains. Service interruption must be minimal – provide details of how the service disconnection will be accomplished.
10. The plan calls for removal of existing fire hydrants. Public works should evaluate salvage.
11. Is there a reason a number of fire hydrants are located 10 feet behind sidewalks?
12. The fire department should review proposed fire hydrant locations.
13. The soils in Minturn Road proved to be corrosive when tested for the water interconnect. The soils corrosivity tests included in the application need to be completed.
14. Please provide the ERWSD review of sanitary sewer drawings.
15. Sheet 10.2.13 – The sewer main is missing tie-ins for the Minturn Townhomes.
16. We ask the rockfall path be shown on the site and grading plans. The town should carefully consider avoiding development in rock fall hazard areas all together. Even if the protection is 98% effective as the rock fall report says, the consequences of failure are unthinkable.
17. Streetlights are shown on the road plans – please provide a street lighting plan.
18. Why is the sidewalk 5’ wide along Lot 70 and 4’ everywhere else?
19. Designs for trails, footpaths, parks, and public restroom need to be provided.

**Subdivision Improvements Agreement:**

1. The unit prices used to formulate the detailed estimate are consistent with what is being seen in contracts for similar work in the area.
2. Quantities were not verified; however, the following was noted:
3. The estimate includes only 185 feet of 12-inch pipe in Minturn Road Phase 1. It should include all of the 12 “water main along Minturn Road in Phase 1.
4. Cathodic protection, if required, should be included for all of the roads.
5. The off-site Minturn Road costs from the project going north to Highway 24 do not include anything for widening or realignment.
6. The estimate of phase 2 costs includes 8” water line but does not include the 12” water main in Minturn Road.
7. Phasing Break out:
  - a. The cost estimates do not track to the detailed estimate and require additional detail.
  - b. Provide rational for the cost sharing ratios.

February 8, 2021  
Madison Harris  
Town of Minturn  
RE: Minturn Crossing, North Minturn PUD  
Preliminary Plan Review  
Project No. 19-0064

Please call with any questions.

Sincerely,  
Inter-Mountain Engineering

A handwritten signature in blue ink, appearing to read "Jeffery M. Spanel". The signature is stylized with large loops and a long horizontal stroke extending to the right.

Jeffery M. Spanel PE

CC: Michelle Metteer; Michael Sawyer; Scot Hunn



**COLORADO**  
Department of Transportation

Region 3 Traffic Section  
222 S 6th St, Rm 100  
Grand Junction, Colorado 81501  
(970) 683-6270

<<<Email>>>

March 2, 2021

ATTN: Craig MacPhee, P.E.  
PO Box 150335  
Lakewood, CO 80215

**RE: TIS Review Comments for Minturn Crossing PUD.**

Dear Mr. Craig MacPhee:

The purpose of this letter is to provide comments to the traffic study for Minturn Crossing PUD dated February 19, 2021 by Craig MacPhee, PE from CivTrans Engineering Inc. CDOT has reviewed the traffic study and we have the following comments.

Review Comments:

1. The 20-year condition should be 20 years out from opening year of the project, which would be at least be year 2042. The difference between 2040 (year used in the study) and 2042 is negligible, so no need to revise the report for this. Just keep this in mind for future traffic studies.
2. Tables 4 & 5, LOS for SWB at US-24 and Main Street - Why does the delay decrease when the Project traffic is added?
3. Please provide all Synchro files when submitting the revised report.
4. As presented, a waiver for sight distance at the US-24 and Main Street intersection will not be approved by CDOT. Even though this is an existing issue, the project is adding significant traffic to the intersection which further increases the risk of crashes. The traffic report must present mitigation options that will be implemented by the developer for this project.
5. Southbound left-turn deceleration lane warrant at US-24 & Main Street - The statement in the conclusion that the forecasted volume "barely exceeds the 25 vph threshold" is quite a stretch. This statement needs to be revised to more accurately represent where the forecasted volume is in relation to the left-turn warrant threshold.

The access application has been place upon hold until these comments have been addressed.  
If you have any questions, please let me know.

Respectfully,



Brian Killian  
Region 3 Access Program Manager

Cc: Mark Bunnell, CDOT R-3 Traffic Resident Engineer



## Madison Harris

---

**From:** Amy Crandall <acrandall@mines.edu>  
**Sent:** Friday, January 29, 2021 2:30 PM  
**To:** Madison Harris  
**Cc:** Jill Carlson  
**Subject:** CGS Review - Minturn North PUD  
**Attachments:** EA-21-0008\_1 Minturn North PUD.pdf

Hi Madison,

Colorado Geological Survey's review of the Minturn North Planned Unit Development is attached. We do have concerns with landslide, avalanche, and debris flow hazards at this site and recommend the risk associated with these hazards be evaluated prior to PUD approval. Another concern is regarding the proposed steep slopes associated with Lots 87 through 90 (within Tract A).

Please call or email if you have questions or need further review.

Thank you,

Amy Crandall, P.E.  
Engineering Geologist  
Land Use Review Program  
**Colorado Geological Survey**  
1801 Moly Road, Golden, CO 80401  
303-384-2632 | [acrandall@mines.edu](mailto:acrandall@mines.edu)

# COLORADO GEOLOGICAL SURVEY

1801 Moly Road  
Golden, Colorado 80401



Karen Berry  
State Geologist

January 29, 2021

Madison Harris  
Town of Minturn  
Planner1@minturn.org

**Location:**  
NW NW Section 26  
T5S, R81W of the 6<sup>th</sup> P.M.  
39.5938, -106.4304

**Subject: Minturn North Planned Unit Development**  
**Town of Minturn, Eagle County, CO; CGS Unique No. EA-21-0008**

Dear Ms. Harris:

Colorado Geological Survey has reviewed the Minturn North Planned Unit Development (PUD) referral. I understand the applicant proposes a 116 lot residential development of up to 184 dwelling units within 19 acres in Minturn. The site is bordered by Taylor Street on the east, Minturn Road on the west, and extends approximately 400 feet to the north of Game Creek. With this referral, CGS received a request for review (Email dated January 11, 2020); Preliminary PUD Architectural Plans (GPS Design, LLC, December 18, 2020); Civil Plans (Yarnell Consulting & Civil Design, LLC, December 18, 2020); Preliminary Plat (Gore Range Surveying, LLC, January 5, 2021); Geologic Hazard Review (Kumar & Associates, Inc., March 5, 2020); Soils and Foundation Investigation (CTL Thompson, Inc., August 26, 2020); Drainage Report (Wright Water Engineers, Inc., December 18, 2020); and other documents.

According to Eagle County geologic hazard mapping, the steep slope to the east of the development and north of Game Creek is mapped as a rockfall hazard. The civil and architectural plans showing the proposed lot layout of Estate Lots 87 through 90 (within Tract A) are exposed to this rockfall hazard. Available LiDAR imaging also indicates areas of steep slopes (up to approximately 40 percent). A portion of the project site is also mapped as underlain by fan deposits. As stated on page 2 of Kumar's report, "The collapse potential of the bearing soils appears low and is expected to be mitigatable with the foundation design." Additionally, CTL stated on page 5 of their report, "Based on our subsurface investigation and the results of our swell consolidation tests, we also estimate the risk of collapsible soil to be low." Kumar's assessment of geologic hazards and recommendations and CTL's characterization of subsurface conditions and geotechnical recommendations are valid. However, CGS has the following comments/concerns:

**Rockfall.** According to Kumar's Geologic Hazard review (page 2), "Rockfall from the isolated outcrops appears to be an active process." Kumar performed rockfall analysis (CRSP Version 4.0) in the area to the north of Game Creek. As noted on page 4 of their report, "we characterize the risk that a rockfall will reach the proposed development area to be moderate." As recommended by Kumar on page 6, "an effective protection method other than complete avoidance would be an MSE wall or a flexible rockfall barrier located uphill to the east of the proposed building area." The rockfall hazard analysis and mitigation methods recommended by Kumar are valid for the area. However, the proposed mitigation options will require maintenance and repairs to preserve their effectiveness. Maintenance may include cleaning out accumulated debris and replacing damaged, worn, or corroded components. **CGS recommends the town retain Kumar to review the rockfall protection plans when available to ensure that they are consistent with their recommendations and recommends the town require an inspection and maintenance plan for any rockfall mitigation constructed.**

**Landslide, Avalanche, Debris Flow Hazards.** Kumar or CTL did not address the landslides mapped upslope and to the east of the site (Eagle County 1041 geologic hazard mapping). Many other landslides are mapped throughout this area, including the Meadow Mountain Landslide and Dowds #1 Landslide, which are younger-

aged landslides. Most landslides occur on dip slopes (where the land surface is inclined in the same direction, and at a similar angle, as the underlying rocks), where large masses of rock tend to slide down the dipping slope. However, smaller landslides can be found on hillsides that slope opposite the dip of the underlying bedrock. Although not mapped directly on the proposed development, **CGS recommends the town require additional evaluation and/or site-specific studies to evaluate the risk for landslides within the proposed development.**

Also, the risk of an avalanche hazard was not addressed by Kumar or CTL. Mears (CGS Special Publication 7, "Colorado Snow-Avalanche Area Studies and Guidelines for Avalanche-Hazard Planning") did not map avalanche paths in the Minturn area, but that does not mean avalanche hazards do not exist in this area. An avalanche on the Minturn Mile backcountry trail did occur in 2019. **CGS recommends that the risk of an avalanche hazard should be evaluated by a qualified professional.**

Landslides and avalanche hazards may also occur off-site, affecting the proposed development due to debris flows or mudflows transferred by creeks/drainages. **CGS agrees with CTL (page 5) that the risk for mudflow and debris inundation emanating from Game Creek to the mapped debris fan be evaluated prior to PUD approval.** The risk of slope instability and mudflow may also increase as a result of events that reduce upslope hillside vegetation, such as avalanche, disease, wildfire, grading, creation of defensible space, and other disturbances.

**Steep Slopes - Proposed Slopes.** Per the Overall Grading Plan (sheet C5.0.0), the area north of Game Creek that includes Estate Lots 87 through 90 will consist of 3:1 to 2:1 (horizontal:vertical) grade changes. CTL did not provide specific recommendations for permanent site slopes in their report. CGS agrees with CTL (pages 5 and 8) that "Site-specific studies with slope stability analysis should be conducted on these lots." **CGS recommends the town require this analysis to be completed, submitted, and reviewed prior to platting lots within Tract A.** Recommendations regarding permanent site slopes should also be provided.

Additionally, retaining walls are noted on the grading plan within the northern portion of Ice House Avenue of Tract A. **CGS recommends the town also require a local and global stability analysis as part of the overall retaining wall design for walls.**

CGS also recommends all disturbed or graded slopes are promptly re-vegetated to control runoff and erosion. In addition, erosional setbacks associated with Game Creek should also be evaluated and, if necessary, included in the drainage plans.

The project team should incorporate Kumar's recommendations regarding rockfall mitigation (pages 5-7) and CTL's recommendations regarding site earthwork (page 6), foundations and the removal of existing fill soils (pages 8 and 9), control of surface drainage and maintenance (pages 16 and 17), subsurface drainage (page 12), and the requirement for additional, site-specific geotechnical studies for Lots 87 through 90 (pages 5 and 8) in project planning and design.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at 303-384-2632 or email [acrandall@mines.edu](mailto:acrandall@mines.edu).

Sincerely,



Amy Crandall, P.E.  
Engineering Geologist



# COLORADO

## Parks and Wildlife

Department of Natural Resources

Area 8 - NW Region  
0088 Wildlife Way  
Glenwood Springs, CO 81601  
P 970.947.2969 | F 970.947.2936

Town of Minturn  
Ms. Madison Harris, Planner  
Mr. Scot Hunn, Contract Planner  
301 Boulder Street #309  
Minturn, CO 81645

January 30, 2021

Dear Ms. Harris & Mr. Hunn,

Thank you for giving Colorado Parks and Wildlife (CPW) an opportunity to provide comment on the proposed Minturn North PUD project. CPW has a statutory authority to manage all wildlife species in Colorado. This responsibility is embraced and fulfilled through CPW's mission to protect, preserve, enhance, and manage the wildlife of Colorado for the use, benefit, and enjoyment of the people of the State and its visitors.

The proposed action includes the development of 18.95 acres. The PUD guide states the project will include a total of 116 lots for a total of 184 housing units, with approximately 6.40 acres dedicated as open space.

The proposed action site lies within and immediately adjacent to a variety of wildlife habitat. Furthermore, the development site exists within elk Data Analysis Unit (DAU) E-16, and mule deer DAU D-8. The E-16 DAU has been experiencing significant declines in elk populations, equating to a roughly 60% decline over the last 10 years. Additionally, as of the 2020 updated herd management plan for mule deer, the D-8 population is on a downward trajectory and is under CPW's established objective range. Subsequently, CPW has continued to reduce the mule deer population objective in the area to accommodate for human generated impacts and overall mule deer population decline.

CPW has also dramatically reduced hunting quotas for both elk and mule deer since the mid 2000s. Mule deer doe quotas have been reduced to negligible levels, while limited cow elk licenses have ostensibly been eliminated. These reductions in doe and cow quotas are in an attempt to protect the reproductive, fawn and calf-bearing portion of the herd. While these license reductions are an attempt to recover population levels, reproductive success and recruitment into the population has failed to rebound.

In addition to the pressing issues associated with local ungulate populations, the Eagle Valley has seen a significant increase in human-predator conflicts. These conflicts namely involve mountain lions and black bears. The Town of Minturn lies within the state's only designated Special Management Area (SMA) for mountain lions. Public reports of mountain lions in the SMA were rare 10-20 years ago. Now reports number in the hundreds annually and come from a variety of groups and members of the community. Minturn also lies within a human-black bear conflict area. Black bear conflicts in the Eagle Valley continue to rise compared to historic levels. These issues directly correlate with the human



footprint on the landscape and increasingly require mitigating management actions by local governments.

Specific to the Minturn area, habitat loss, fragmentation, and human disturbance continue to be significant concerns in managing not only the local deer and elk populations, but also a variety of other wildlife species. While the proposed action will result in a net loss of marginal habitat, the indirect impacts to the resource stand to be far more significant. The Minturn, and Dowd Junction areas along with portions of the Highway 24 corridor have been identified or already slated for a variety of developments and infrastructure improvements. As with many of these proposed actions, CPW continues to encourage local governments to approach the assessment of impacts to wildlife and the surrounding landscape through a more holistic and comprehensive lens. Specifically, impacts generated by one particular development will likely be accentuated and heightened due to the impacts generated by other surrounding developments, and vice versa. As such, CPW encourages continued dialogue with town planning staff, and initial dialogue with the applicant to potentially better account for these comprehensive impacts.

While the Environmental Impact Report (EIR) makes mention of a variety of wildlife habitat, it fails to capture the full extent of crucial habitat types (elk and mule deer migration corridors, elk winter concentration area, elk severe winter range, documented golden eagle nests, canada lynx potential habitat, etc), and the extent to which this proposed action will generate and contribute to indirect impacts. The one site visit informing the EIR was conducted in the summer and therefore did not capture the extent to which radiating and indirect disturbances from this parcel will potentially impact migratory and wintering wildlife.

It is with the above in mind that CPW offers the following recommendations:

- Construction & site disturbance should occur outside of the December 1 – April 30<sup>th</sup> timeframe, annually, to protect wintering elk.
- Open Space or natural sites disturbed during construction should be immediately reclaimed with a CPW-approved big game seed mix to provide adequate forage and reduce the potential for weeds. The site should be monitored for weeds on an annual basis.
- Removal of the proposed recreation path and overlook to the northeast. CPW further recommends that this open space area implement seasonal use restrictions, particularly during winter months, in order to provide for a buffer to elk winter range as well as provide for temporal use by wintering elk or migrating mule deer.
- It is recommended that fencing throughout the parcel should be constructed per CPW Wildlife Friendly fencing guidelines.
- Bear-proof trash canister covenant: The project area lies within a mapped black bear- human conflict zone. To prevent habituation of black bears, CPW recommends all residences utilize bear-proof canisters and dumpsters. CPW encourages enforcement of this practice to ensure effectiveness.
- Vegetation management on the parcel to minimize attractants for black bears, as well as minimize the visual cover available to mountain lions adjacent to buildings and dwellings.
- Adopt appropriate storm water drainage systems to avoid sediment loading into Game Creek.
- CPW recommends continued dialogue with town staff and the applicant on how to avoid excessive disturbance to the Game Creek riparian corridor, creation of social trails, and other human specific degradation of Game Creek that high-density residential development can create.

- The development parcel lies within the CPW recommended 1/4mi buffer for golden eagle nests. However, the current status of this nest is unknown, therefore, CPW recommends the applicant conduct nest monitoring to determine the potential for disturbing an active nest. Additionally, if it is determined that the nest is active, through both monitoring and consultation with CPW, it is further recommended to implement seasonal restrictions to human encroachment within 1/2mi radius of active nests from December 15 through July 15 annually.
- CPW further recommends that the Town of Minturn explore financial funding mechanisms generated by this and future developments to help account for and potentially offset indirect and direct impacts associated with the developments.
- Increasingly critical, CPW recommends the Town of Minturn adopt a holistic approach to assessing cumulative impacts to wildlife and natural resources in the local area. This locale is slated for a wide variety of actions in the near future that will result in both direct and indirect impacts to wildlife. CPW welcomes continued dialogue surrounding how to anticipate, minimize or avoid these impacts.

CPW appreciates the opportunity to provide comments on this project. For additional information or to request clarification on CPW's comments for this project, please contact District Wildlife Manager Devin Duval at (970) 930-5264.

Sincerely,



Matt Yamashita  
Area Wildlife Manager

Cc. Devin Duval, District Wildlife Manager  
Danielle Neumann, Land Use Specialist



February 1, 2021

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

[Via Email]

Re: Referral - Minturn North PUD Preliminary Plan

Ms. Harris,

Thank you for the opportunity to participate in the planning process for the Minturn North PUD Preliminary Plan. Please consider the following comments as the project is reviewed.

**Planning Comments:**

1. Under the strategies for Economic Resources, the Eagle County 2005 Comprehensive Plan (the "2005 Plan") states, *"Encourage retirement housing as part of mixed-use developments in existing towns and unincorporated communities."* There are stipulations in Minturn North PUD Guide for local housing; there is no mention of residential units designated for older adults. Eagle County recommends designating and designing units for older adults.
2. In the 2005 Plan, one of the strategies under Transportation is to *"Supplement regional bus systems with town and/or resort transit systems."* As a development of this size, the Town of Minturn might consider a feeder system into the existing regional ECO Transit service.
3. Under strategies for Wildlife Resources in the 2005 Plan, it states, *"Maintain trails and trailhead areas."* Eagle County encourages additional parking beyond the 14 spaces being proposed in the project narrative. The narrative states that overflow parking could occur in the parallel parking spaces on Minturn Road, but does not outline the number of parallel parking spaces available, making it unclear if the parking demand will be reasonably met. On the busiest weekend, the neighbors stated there could be up to 40 cars at the trailhead, and the applicant observed 24 cars on the busiest weekends. The proposed 14 spots do not accommodate typical weekend traffic, and it is unclear if the parallel parking will suffice.

**ECO Trails Comments:**

1. The application includes an "ECO Trail Extension." However, the trail is not consistent with ECO Trails design standards or the desired user classification. As an example, the application denotes an 8ft sidewalk, when the Eagle Valley Trail Plan envisions a 10 foot multi-use path. Eagle County requests that the Town of Minturn work with the applicant to deliver the trail as envisioned, by updating the application in the following manner:

- a. Overall, please use the ECO Trails [Design and Construction Standards](#) for Eagle Valley Trail (ECO Trail Extension).
  - b. The minimum trail width should be 10 feet. This is an important design standard to ensure enough space for two way multi-use traffic and increase safety for passing.
  - c. When engineering is developed, please make sure the cross slope is somewhere between 2% to 3%.
  - d. When engineering is developed, 3 feet or more is preferred for clearance from trees, poles, walls, fences, railings.
  - e. If possible, 5 feet or more is preferred for separation from parked cars. However, 4 feet as proposed is acceptable since the terrain is difficult.
  - f. It is unclear if the pavement and road base thickness and shoulder width meet ECO Trails Design Standards. Please add a typical pavement section to the detail sheet including pavement and road base thickness, and shoulder width. Please see Chapter 4, starting on page 2 for ECO Trails Design Standards.
  - g. Based on an initial analysis, the location of the trail may have a steep adjacent slope. Therefore, adjacent slope grades may require safety railing. This can be determined during the engineering process.
  - h. The Eagle Valley Trail network is typically asphalt, but concrete is encouraged because it is easier to maintain. Please see the ECO Trails Design Standards for surfacing in Chapter 4, page 3.
2. The future Eagle Valley Trail from this project to Highway 24 is in the early design stages. The original proposed alignment was for the trail to be on the northeast side of the Minturn/County Road. However, due to wildlife concerns, the County is exploring the feasibility of constructing the Eagle Valley Trail on the other side of the Minturn/County Road. Eagle County requests the developer of the Minturn North PUD to be flexible and open to keeping the Eagle Valley Trail on the southwest side of Minturn Road through this project area rather than crossing Minturn Road in case the County finds that side feasible and decides to construct the Eagle Valley Trail on that side. The County should know the outcome of this issue in the spring of 2021.
  3. If the Eagle Valley Trail ends up on the original proposed alignment, which is the northeast side of Minturn/County Road, The County requests that the sanitary sewer manhole be moved out of the proposed crosswalk to assist with maintenance and provide improved mobility.

Please contact me at (970) 328-8750 or at [morgan.beryl@eaglecounty.us](mailto:morgan.beryl@eaglecounty.us) if you have questions or would like to request a meeting to discuss these comments.

Sincerely,

Morgan Beryl [via email]  
Community Development Director

Cc: File

## Madison Harris

---

**From:** SANDRA MUTCHLER <sandra.mutchler@eagleschools.net>  
**Sent:** Wednesday, January 13, 2021 6:31 PM  
**To:** Madison Harris  
**Cc:** Tom Braun; Michelle Metteer  
**Subject:** Re: Minturn North PUD Referral  
**Attachments:** Minturn North PUD cash in lieu 9.21.2020.pdf

Madison

Nice to meet you. Attached is the letter we sent in originally. We are still requesting a cash in lieu payment for this development in support of this. Tom Braun, district planner will be in contact and follow up on the status of the Town of Minturn adopting language to define the calculation method used.

Sandra Mutchler  
Chief Operations Officer  
Eagle County Schools  
948 Chambers Avenue  
PO Box 740  
Eagle CO 81631  
970-328-2747 (o)  
303-435-5939 (c)

On Mon, Jan 11, 2021 at 11:39 AM Madison Harris <[planner1@minturn.org](mailto:planner1@minturn.org)> wrote:

Dear Ms. Mutchler:

You are receiving this referral from the Town of Minturn as part of the Town's review of the **Minturn North Planned Unit Development** proposal - a 116 lot residential development where up to 184 dwelling units of varying types and sizes, including accessory dwelling units and multi-family units, would be permitted in two phases along with parks and open space dedications, on- and off-site public infrastructure improvements, and locals' only housing commitments.

The Applicant completed a conceptual review of the proposal in early 2020, and has been working with the Town since March 2020 to bring forth the attached Preliminary Plan proposal.

In order for the Town to facilitate this review:

- Please provide any comments or questions to **Madison Harris, Planner I** at [planner1@minturn.org](mailto:planner1@minturn.org)
- The referral period is twenty-one (21) days and **ends on Monday, February 1, 2021 at 5pm.**

The Preliminary Plan review is the second of a three stage review and approval process by the Town for all new, major Planned Unit Development projects.

The referral process is intended to allow our community partners and stakeholders the opportunity to understand the proposal, to assess potential impacts and mitigation efforts, and to provide comment to the Town prior to the plans being reviewed by the Town of Minturn Planning Commission and Town Council.

We welcome your comments and will make ourselves available to meet with you virtually if you have questions.

Please alert Town staff if you require hard copies of any of the Minturn North PUD Preliminary Plan materials.

Here is the link to download the files, please be aware that this link expires on January 18<sup>th</sup>:

<https://wetransfer.com/downloads/bdba8d691dfb8f06d3ca6d717d165f5820210111182003/242d21c3fae73a301bab54c6061065420210111182004/484159>

Thank you for taking the time to review this proposal.

*Madison Harris*

Planner I

Town of Minturn

[Planner1@minturn.org](mailto:Planner1@minturn.org)

970-827-5645 Ext. 2

**Sandra Mutchler, C.P.A.**

Chief Financial Officer  
sandra.mutchler@eagleschools.net



September 21, 2020

Mr. Scot Hunn, Town Planner  
Town of Minturn  
301 Boulder Street  
Minturn, CO 81645

RE: Minturn North PUD Proposal

Dear Scot:

Last month Tom Braun and I met with Greg Sparhawk to discuss the proposed Minturn North PUD proposal. It is our understanding that the Town would like feedback from the Eagle County School District regarding our “ability to serve” students that may be generated by this development. This letter provides our preliminary response based on preliminary project information provided by Greg. I assume we will be included in your referral agency review and we look forward to providing comments on a final application once that is submitted.

**Proposed Development**

It is our understanding that the project will include townhomes, single-family lots of various sizes (some of which may be developed as duplexes, and the potential on some lots for accessory dwelling units. For the purposes of our analysis of potential student generation, we have assumed duplexes are developed on all lots that allow for them, and we have not included the potential ADU’s (due to their small size they are not expected to generate students). Based on information from Greg and on the above assumptions, we modeled a development with 140 total units:

- 24 townhome units
- 68 single units (68 SF lots)
- 48 duplex units (24 duplex lots)

**Student Generation**

ECSD has actual student generation data for existing towns, neighborhoods and projects throughout the Valley. Existing student generation rates for townhomes and single-family/duplex units from the Town of Minturn and a sample from the Town of Eagle were used. Based on these samples, the total range of student that we estimate could be generated by this development are:

**Sandra Mutchler, C.P.A.**

Chief Financial Officer  
sandra.mutchler@eagleschools.net



Elementary: 11-30 students  
Middle School: 10-18 students  
High School: 13-25 students  
Total: 34-73 students

**School Capacities**

Based on current school boundaries, students from the project would attend Red Sandstone Elementary, Homestake Peak Middle School and Battle Mountain High School. Based on our recent school capacity and enrollment forecasting report, each of these schools are expected to have capacity sufficient to accommodate students from this project. It should be noted that this project was included in our enrollment forecasting.

**School Land Dedications**

State statutes allow local jurisdictions to adopt ordinances requiring school land or cash in lieu dedications for new subdivisions or development projects. The purpose of this dedication is to provide resources (in the form of land or cash) to a school district necessary to serve the residents of a proposed development.

Eagle County and the Town of Vail, Avon, Eagle and Gypsum have adopted school dedication ordinances. It is our understanding that Minturn does not have a school dedication ordinance. While the District has capacity to serve students from this project, students from this project will impact school facilities. ECSD would ask the Town to work with the developer to provide a cash in lieu school dedication for this project. We look forward to discussing this with you in the near future.

Regards

*Sandra Mutchler*

Sandra Mutchler  
Chief Operations Officer



# Eagle River Fire Protection District

Occupancy: **MINTURN NORTH DBA MINTURN CROSSING MASTER (PUD)**

Occupancy ID: **TEMP RAILROAD**

Address: **MINTURN RD  
MINTURN CO 81645**

Inspection Type: **Plan Review**

Inspection Date: **1/29/2021**

By: Woodworth, Mick (0019)

Time In: **08:00**

Time Out: **11:48**

Authorized Date: **01/29/2021**

By: Woodworth, Mick (0019)

Form: Plan Review  
Inspection 1.4

## Inspection Description:

**\*\* PLAN REVIEW LETTER - PLEASE READ THE FOLLOWING CAREFULLY \*\***

The submitted plans have been REVIEWED by Eagle River Fire Protection District and the comments identified below. The issuance of a permit for this project is based on the plans submitted and compliance with the applicable codes. Conditions found, or other data collected or submitted, shall not prevent the fire official from requiring correction of errors found during fire / life safety inspections.

## Inspection Topics:

### PROJECT / REVIEW INFORMATION:

CODE USED IN REVIEW: The submitted plans have been reviewed for compliance to the 2015 edition of the International Fire Code, as amended, and applicable NFPA Standards.

Code required

**Status: COMPLETE**

**Notes:**

### GENERAL PLAN REVIEW INFORMATION / SUMMARY:

General notes on the project / review

**Status: COMPLETE**

**Notes:**

### PLAN REVIEW COMMENTS:

THE FOLLOWING ITEMS WERE NOTED DURING THE FIRE DEPARTMENT PLAN REVIEW:

ITEMS noted and any corrections required.

**Status: COMPLETE**

**Notes: Comments:**

- 1) A concurrency evaluation may be required. The GC shall discuss this with the fire district.  
NFPA 1 chapter 15
- 2) Turning radius for fire apparatus shall meet previous discussion and plans.
- 3) Water supply shall meet requirements, NPFA and IFC
- 4) Fire sprinklers shall be installed where required by NFPA and IFC.
- 5) Fire Alarms shall be installed as required by NFPA and IFC.

**ADDITIONAL PERMITS REQUIRED:**

The following additional permits will be required for this project. Please submit plans in electronic format to prevention@eagleriverfire.org

Additional permits

**Status:** COMPLETE

**Notes:** Fire alarm

Fire Sprinkler

Flush and Flow test

BDA

**Additional Time Spent on Inspection:**

Category	Start Date / Time	End Date / Time
Code Research	1/28/2021 8:00:00 AM	1/28/2021 12:00:00 PM
Notes:		

**Total Additional Time: 240 minutes**

**Inspection Time: 228 minutes**

**Total Time: 468 minutes**

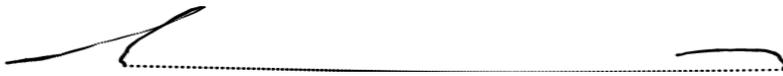
**Summary:**

**Overall Result:** Complete

**Inspector Notes:**

**Inspector:**

Name: Woodworth, Mick  
Rank: Fire Marshal  
Work Phone(s): 970-736-5064  
Email(s): mwoodworth@eagleriverfire.org  
Woodworth, Mick:



Signed on: 01/29/2021 11:49

Signature

Date



February 1 2021

Madison Harris  
Town of Minturn  
301 Boulder Street #309  
Minturn, CO 81645

**Transmitted via Email:** [planner1@minturn.org](mailto:planner1@minturn.org)

**Subject: Minturn North PUD Referral**

Dear Ms. Harris,

Thank you for the opportunity to provide referral comments on the Minturn North Preliminary Plan for a Planned Unit Development (PUD) and Zone Change (the "Project") on behalf of the Eagle River Water and Sanitation District. Upon our review of the application materials provided by the Town, we submit the following comments:

- On November 5, 2020 we submitted an Ability to Serve letter to the Town requesting that the Town limit the issuance of building permits to no more than 85 net new SFEs effective from the date of that letter until the new Dowd Lift Station is operational due to current capacity limitations at Dowd Lift Station #4. The November 5, 2020 letter referenced 162 SFEs for the Project based upon our understanding of the project at the time. Upon review of the application materials, the District is now aware that the maximum allowed density for the Minturn North PUD could be as high as 184 SFEs. I can confirm that the District will be able to provide wastewater service for the maximum density of 184 SFEs subject to the completion of the Dowd Lift Station project.
- The District is currently reviewing wastewater collection system infrastructure plans submitted by the Applicant and has requested a hydraulic analysis of the proposed wastewater collection system improvements. Further changes to the design and layout of the proposed wastewater collection system infrastructure submitted by the Applicant may be required as we continue our review.
- The Applicant is proposing the use of a privately owned and operated low pressure wastewater forcemain system to provide service to eight "estate" lots. If this determined to be an acceptable alternative to the use of a gravity main to provide wastewater service to the estate lots, the Applicant will need to provide an appropriate mechanism to assign responsibility for financing, operation, and maintenance of the private system serving those eight estate lots such as a separate homeowner's association for the lots that utilize the low pressure wastewater forcemain system.
- Service to the Project requiring the extension of mainline infrastructure is subject to the District's Infrastructure Acceptance Process outlined in Article IX of the District's Rules and Regulations. Following the construction of wastewater collection system infrastructure by the Applicant and subsequent dedication of the infrastructure to the District, individual customers may connect to the wastewater collection system for service subject to the payment of all applicable impact fees.

The District appreciates the opportunity to comment on the proposed Minturn North PUD. Please contact me if you have any questions or need any further clarification on the above comments.

Sincerely,



**Jason Cowles**

Director of Engineering and Water Resources



461 Railroad Ave, Unit C  
PO Box 1477  
Gypsum, Colorado 81637

970-827-5406  
info@erwc.org  
www.erwc.org  
Tax ID#: 20-4448864

Advocates for our rivers

Madison Harris  
Planner 1, Town of Minturn  
[planner1@minturn.org](mailto:planner1@minturn.org)  
970-827-5645 Ext. 2

### RE: Referral comments for Minturn North PUD Plan

Dear Ms. Harris,

Thank you for the opportunity to provide comments regarding the Minturn North project. The Eagle River Watershed Council (ERWC) advocates for the health and conservation of the Eagle River and its tributaries in order to protect and enhance the high-quality natural and human values provided to our communities by rivers. Vigorously protecting our aquatic systems ensures they will continue to provide their numerous social, economic, and ecosystem benefits in perpetuity. Although a project like Minturn North will impact the community of Minturn in variety of ways, our comments remain specifically concerned with potential impacts to stream and aquatic ecosystem health.

The project application proposes a variety of housing types and higher residential densities laid out between Taylor Street and the Minturn Road/County Rd. The proposal has many exciting aspects, including redevelopment of brownfields, clustering new development near Minturn's existing urban core, and maintaining or improving public access to public lands and trails in Game Creek. ERWC applauds the developer's consideration of these values in planning. We have identified some specific concerns with the initial design related to stormwater systems and stream buffers around Game Creek.

Although it is too soon to assess the final stormwater plan until the development has reached a finer design resolution, the proponents' general preference to rapidly route stormwater to receiving streams without onsite treatment or infiltration is highly worrisome. We hope that final stormwater systems will instead be optimized to target water quality improvement prior to discharge to the Eagle River, and not solely designed around meeting hydrologic milestones for detention and runoff attenuation. We also hope that riparian protections around Game Creek will be enhanced more explicitly described in final approvals.

### Stormwater

In the Drainage Report, project designers have specified a design that promotes rapid conveyance to receiving streams as the priority for stormwater systems.

“It is understood that detention will not be provided as part of the Project. The goal of this Project will be to effectively convey the drainage to Game Creek and the Eagle River prior to the peaks of those drainages reaching the Project area.”

– Wright Water Engineers Drainage Report, page 13

We find this design paradigm as currently described in the project to be conceptually deficient and socially out-of-step with the general trend being pushed in Eagle County projects towards favoring increased onsite treatment, detention, and infiltration of stormwater via Low Impact Design/Green Infrastructure techniques, rather than rapid routing of stormwater to receiving watercourses. The

overarching goal of the project's drainage design should be decreasing connected impervious areas, not increasing them.

As the wounds of Colorado's mining history and other point source pollution issues in mountain towns have been addressed over time, urban runoff has moved forward to become a central driver of water quality degradation. Urban and suburban runoff, in addition to delivering pollutants to receiving waters, cause physical changes to surface waters as a result of the volume and energy of stormwater discharges. Further, scientific literature implicates common pollutants in urban runoff from impervious surfaces (primarily roads and highways, parking lots and roofs) as a key factor in water quality degradation (Schueler2003).<sup>1</sup> "Urban Stream Syndrome" is a term used to describe the consistently observed ecological degradation of streams draining urban lands and generally includes the following symptoms: riparian buffer degradation, water chemistry changes, temperature changes, a 'flashier' runoff hydrograph, altered base flows, and instream habitat alterations.<sup>2</sup>

While it is understandable that this project does not wish to be responsible for water quality treatment and infiltration of stormwater originating from large hillslopes northeast of Taylor Street (i.e., basins OS1 – OS7 described in the Drainage Report), the project should absolutely be responsible for enhanced stormwater treatment for runoff originating in basins S4, S2, and the lower portions of S1 (A3-5 and B1-15 in the Proposed Condition Drainage Map). It is these basins that will be subject to the large increases in impervious surface area and associated new pollutant loading from urban residential land use practices. It should no longer be considered acceptable in planning and design to directly route polluted runoff to receiving streams from developed areas. Decreasing, not increasing, the amount of directly connected impervious surfaces should be a primary design paradigm for the project. Implementing these concepts may require dedication of significantly more aerial coverage within the developable project space than the proponents have contemplated within their current design. On the other hand, failing to implement these concepts may result in very significant future monetary and social costs to Town of Minturn and the greater community in the event of water quality degradation in receiving streams down the line. Although ERWC recognizes that neither of these streams are in entirely pristine conditions within town boundaries, lower Game Creek and the Eagle River in Minturn should not be viewed merely as convenient effluent endpoints for untreated stormwater runoff from new developments. Taken in sum, new projects currently underway or being contemplated in Maloit Park, the Martin Creek area, North Minturn/Taylor Street, and Dowd Junction represent a significant transformation of pervious surfaces to urban/impervious surfaces in the valley, and the potential for cumulative effects to the Eagle River and its tributaries should not be underestimated.

Within the last decade in Vail and Avon, adverse water quality impacts to aquatic life have been identified and increasingly linked to near-stream suburban and urban development, increases in near-stream impervious areas, and lack of functional riparian buffer.<sup>3</sup> Gore Creek and the urbanized portions of small tributaries like Red Sandstone Creek were placed on the state's 303(d) of impaired waters. The Town of Vail is currently investing several million dollars in attempted corrective actions including reclamation of riparian buffer right-of-ways, restoration of degraded riparian vegetation, and enhanced stormwater treatment systems. Partner organizations like ERWC and Eagle River Water & Sanitation District (ERWSD) have invested significant time and resources in addressing these issues as well. It would be a short-sighted loss to inflict similar impacts to Game Creek and the Eagle River in Minturn, when the knowledge and regulatory tools and opportunities already exist to proactively avoid this type of

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<sup>1</sup> Schueler, T., 2003. Center for Watershed Protection. Impacts of Impervious Cover on Aquatic Systems.

<sup>2</sup> Walsh, C. J., Roy, A., Feminella, J., Cottingham, P., Groffman, P., Raymond, M., 2005. The urban stream syndrome: current knowledge and the search for a cure. The North American Benthological Society.

<sup>3</sup> Leonard Rice Engineers. 2013. Gore Creek Water Quality Improvement Plan. Report prepared for Eagle River Watershed Urban Runoff Group.

water quality issue. Retrofitting water quality improvements and riparian protections in the future to address regulatory water quality impairments is very expensive and can be avoided. In terms of stream and river protection, the adage ‘an ounce of prevention buys a pound of cure’ is highly applicable.

ERWC recognizes that just beyond the project boundary, Game Creek was long ago covered over by the railroad company and what used to be a lively natural stream confluence is now represented by several hundred feet of steel pipe. At some point, lower Game Creek could be fully daylighted and no longer sit as the forgotten barrier to aquatic organism passage that it currently is. In keeping with this vision, it is better to push for the best possible stream-friendly stormwater systems in the new neighborhood, so that if opportunities arise in the future to reconnect the lower creek, the community is already well- positioned to take advantage of them and not further hamstrung by non-treated stormwater issues tied to the Minturn North development.

### **Alluvial Fan Geomorphology and Flood Hazard/Fluvial Hazard Risk**

The north portion of the project area straddling the mouth of Game Creek canyon lays atop an alluvial fan formation. Alluvial fans are fluvial geomorphological features that form when steep streams suddenly decrease in slope at valley mouths and the stream water no longer has the ability to carry the sediment load accrued from erosion and mass wasting in the upper watershed. Prior to interference and hardening of watercourses during western settlement, streams on alluvial fans typically and regularly moved their channels back and forth across these features on a relative short-time scale as their sediment transport capacity suddenly decreased from confined upstream reaches and the sediment load is deposited on the lower-gradient fan, causing channel fill and lateral movement.

The fan feature, which is a distributory stream channel type, is clearly identifiable in the high-resolution topographic survey completed for the project and included in the ‘Existing Conditions Drainage Map.’ In this context, we believe the application errs in describing the north portion of the site as ‘minimal flood hazard’. Several relict/inactive paleochannels appear present in the surface topography on this map, indicative of shifting outflow channels in the relative recent geologic past. Although Game Creek has been in its current location since at least 1960 (based on review of aerial photographs available from USGS Earth Explorer web application) and likely longer since the railroad construction circa ~1887, this is a relatively short time period for inferring stream channel stability. The project proponents have also proposed an additional culvert stream crossing for Icehouse Road. In a very high flow event, culvert crossings are much more likely than bridges to become plugged either with sediment debris or woody material, raising flood heights far beyond those estimated by clearwater inundation models like HECRAS, or triggering an avulsion event into the neighborhood.

Traditional flood hazard analyses that consider only flood inundation elevations from clearwater flows may greatly underestimate the risks for channel avulsion and non-clearwater flow events such as sediment or debris flows to rapidly shift a water course on fan features, triggering large damages. Although alluvial fans do not have a wide floodplain like a traditional valley-bottom river, they should not be considered free of stream-related hazard due to their relatively high risk for channel avulsions. Increasing amounts of flood-related damage and financial loss to human developments located outside of traditional FEMA flood hazard zones in recent years have prompted the Colorado Water Conservation Board (CWCB) to issue a mapping protocol and guidance/education to communities about fluvial hazard zones.<sup>4</sup> These materials, in conjunction with further guidance from FEMA, suggest that channel avulsion hazards and non-traditional flood risk on features like alluvial fans should not be treated lightly.<sup>5</sup> CWCB staff has suggested in addition to municipalities considering more stringent zoning and planning in these areas, that

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<sup>4</sup> <https://www.coloradofhz.com/about>

<sup>5</sup> FEMA. 2016. Guidance for Flood Risk Analysis and Mapping: Alluvial Fans. Guidance Document #75.

it may be highly appropriate to encourage residents in fluvial hazard zones to purchase flood insurance, *even when they are not in the traditionally mapped Special Flood Hazard Zone* (i.e., not in the 100-year floodplain).

### **Riparian Buffers**

By far the simplest, most robust, and most cost-effective method to protect water-resource related community values like water quality, instream aquatic life, flood attenuation and protection, and animal habitat, is to provide strong, enforceable protections and setbacks for riparian corridors on our valley's streams. The PUD application specifies future creation of a Riparian Corridor Plan to protect aquatic and terrestrial vegetation resources in the Game Creek riparian zone, but we found few additional details available as to the scope and intent of this item. We believe the application can be strengthened by increasing riparian buffer widths and providing stronger specific language on riparian protections, as well as removing the Icehouse Road culvert crossing from the plan.

Minturn Town Code Appendix B, Section II article C describes setbacks guidelines for water bodies including the Eagle River as well as tributary creeks and wetlands, and generally encourages setbacks to be conformant with water resource protection goals and objectives outlined in the Eagle River Watershed Plan. Unfortunately, the code does not further-identify or mention specific actual distances that target protection of water quality or habitat based on best-available science. For comparison elsewhere in the valley, Eagle County currently specifies a 75' setback from surface waters. Town of Eagle specifies a 50' setback, and may revisit city code in the future to increase this distance. Town of Vail currently promotes a tiered approach, with larger setbacks on the mainstem of Gore Creek and somewhat smaller setbacks on tributary streams. Vail's planning guidance recommends a 30' setback from stream center on smaller tributary streams, but in the near future they may consider adopting a 10' minimum prohibition of clearing or disturbance to riparian vegetation from the stream's ordinary high-water mark (defined by the 2-year return flow elevation) plus an additional 25' setback for buildings.

In general, the vague character of Minturn's current code makes it comparatively deficient to other local peer governments in terms of tangible stream protections and could benefit from updates that are more reflective of current scientific water quality guidance. Because the PUD process provides municipalities with a degree of flexibility in variances to code, opportunities exist to specify designs that meet *or exceed* current town code. This provides Town of Minturn with a suitable opportunity to require more-stringent water quality protections than existing ordinance language might require for Minturn North.

Based on estimates from the application's Environmental Impact Report Figure 2 ('Site Plan') the current stream buffer on Game Creek appears to be approximately 25' on either side of the creek centerline. Depending on the additional provisions governing landscaping and building envelopes on the adjacent lot and the parking areas and community park, this may be an inadequate distance both to protect water quality and to preserve native streamside vegetation communities. We recommend increasing this distance and providing enforceable guidance for riparian vegetation protection to prevent encroachment by streamside landowners or park users. This will ensure that Game Creek's riparian corridor continues to preserve its existing functions of stormwater pollutant attenuation, flood shear stress dissipation and bank stabilization, and habitat and movement corridors for terrestrial and semi-aquatic animal species. This issue is likely to impact Lots 080, 086, 087, 091, Icehouse Road, and the Lot A-East Park and Lot-A West trailhead parking.

Within a riparian setback, no clearing, alteration, removal, or disturbance of native vegetation should be allowed, especially the current existing woody *Populus-Salix* (willow-cottonwood) communities. It is further recommended that these setback corridors are maintained as fully undevelopable right-of-ways and ownership is transferred either directly to the town as a condition of project approval, or maintained

as undevelopable open space in perpetuity within the subdivision HOA legal entity. Use of landscaping chemicals including pesticides and herbicides should be prohibited at streamside locations and limited on the edges of the buffer. Non-native plantings and turf grasses should be prohibited as well. This protects both the habitat value provided by the vegetation, as well as the flood attenuation and water quality-protective benefits of the buffer. Disturbance or encroachment for water, sewage, or transportation infrastructure should be minimized or avoided whenever possible. Even within an undeveloped setback, the incursion of soft surface trails, pedestrian access, pets, etc., will likely permanently diminish the areas' values for terrestrial and aquatic-dependent wildlife. ERWC recognizes that within municipal areas, protecting water quality and realizing socially desirable values like stream access will sometimes outweigh additional aquatic-dependent values like wildlife.

The biological assessment and wetlands mapping identified 0.36 acres of wetland within the project site adjacent to Game Creek and generally specified prohibition of development within this zone as the primary mitigation strategy. The proposed Icehouse Road crossing will incur some level of wetlands encroachment and filling, for which the proponents have identified purchase of credits in a wetlands bank as the preferred mitigation route. It should be noted that no mitigation banks exist in the Eagle River watershed, therefore purchased mitigation credits will accrue out-of-basin and provide no ecological or social benefits locally to the Eagle River watershed generally or in Minturn specifically. Additionally, banking systems sometimes fail to produce functional benefits equal to the loss of the existing naturally-functioning wetlands they replace. We question the need generally for access to the parcels north of Game Creek by an additional road crossing closely parallel to the existing County Road. The proposed cul-de-sac location and design for the larger 'estate' lots north of the creek could be reconfigured to access the County Road directly and forgo the need for incursion to the existing stream channel, wetlands, and riparian buffer.

If a separate access to the north lots is desirable by the town and a new stream crossing for the project becomes a forgone conclusion, we believe the culvert design should be discarded in exchange for a bridge that spans either the full width of the 100-year flow delineated by the engineering analysis, or the full width of the mapped wetland corridor and riparian vegetation community, whichever distance is greater. In addition to providing a much higher level of ecological protection of the Game Creek corridor than the proposed culvert, this will also provide stronger protections against a debris blockage during high flow events that may cause channel avulsion or direct flood flows into the nearby residential parcels and will cleanly avoid the significant aquatic organism passage (AOP) problems posed by the culvert. Based on rough estimates from the provided engineering drawings, this span is likely to be in the range of 30-40 feet. For the same set of reasons (ecological enhancement/AOP, sediment transport, and increased flood clearance), we strongly recommend the town require replacement of the existing County Road culvert with a free span bridge at that location as well. It is also worth noting that the currently estimated capacity of the County Road culvert and the steel pipe under the railroad are both well below the 100-year return period storm flow estimate provided in this application for Game Creek, meaning that even without the infrastructure changes proposed by this project, the County Road crossing and lower culvert under the railroad property is currently at high failure risk during flood flows.

### **Additional water quality monitoring for streams above/below project site boundaries**

Eagle County and other municipalities have more recently begin to implement water quality monitoring requirements for many new developments in the region in order to transparently and publicly identify and track potential water quality impacts from continuing urbanization. Implementing stream monitoring locations above and below the developments provides bracketing of project impacts and the ability to separate out background influences on water quality from impacts specific to the project. We recommend Minturn consider adding a stream monitoring requirement to the project approval that specifies sufficient funding for field data collection, lab analytics, and public reporting. Monitoring should seek to establish

baseline conditions prior-to and during project build-out, and for at least five years after final project completion. Data collection and analysis should follow an approved QA/QC plan and be archived in a public-facing long-term repository such as the CDSN AWQMS database or the EPA/USGS Water Quality Portal. If specific impacts such as declines in aquatic life index scores or other water quality metrics related to urban runoff are identified and reasonably tied to the project, sufficient contractual and financial obligations should be placed on the developers as project approval requirements in order to require construction of additional water quality improvement BMPs onsite at their expense.

### **Closing**

Thank you for providing the opportunity to comment on this project. We look forward to the additional level of detail in any continuing development plans to better-understand the full level of aquatic impacts that may arise as Eagle continues to grow along the river corridor. If you have additional questions on our comments or require additional information, please contact ERWC at your convenience.

Sincerely,

Holly Loff  
Executive Director  
970-827-5406  
loff@erwc.org

Bill Hoblitzell  
Water Resources Program advisory staff  
970-471-6216

## MEMORANDUM

TO: Madison Harris, Planner   
FROM: James A. Mann, Senior Municipal Advisor  
DATE: January 30, 2021  
SUBJECT: Minturn North Planned Unit Development Review

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Ehlers has been requested to review the documents submitted respecting the proposed Minturn North PUD. Based on the development plans, it is understood that 92 single-family residential units and 24 multi-family residential units will be constructed resulting in 348 new Town residents. It is anticipated that the development will generate approximately \$119 M of market valuation and will be completed over a four-year build out period.

While Ehlers has not reviewed every document in the files transmitted, we focused our attention on the following documents for both an understanding of the development and the technical information regarding the impact to the Town:

- MinturnNorth\_PUD\_20-0925 (Civil Designs)
- secIII-DG-Draft-20-0925 (Design Guidelines)
- secII-MINTURN NORTH PUD GUIDE (Overview)
- secIV-MINTURN NORTH SUBDIVISION IMPROVEMENT AGREEMENT
- secVII\_a-2020.08.19 Minturn Crossing - Traffic Impact Study (1)
- secVII\_b-Impacts\_Draft 2 (2) (Potential Incremental Town Revenues)
- secVII\_b-NORTHMINTURN\_IMPACTS2020\_DRAFT2 (2) (Revenue Detail)

While we reviewed the above documents, the majority of our comments are related to the Minturn North Subdivision Improvement Agreement and the potential incremental town revenues and the revenue detail that was provided in the analysis prepared by Stan Bernstein and Associates, dated September 14, 2020.

We do note that there appears to be some disconnect between projection documents on the overall build-out of the proposed development. As an example, the Traffic Impact Study references a build-out trajectory of 65% by 2025 and then completion over the next 10 years, while the financial projection assumes build-out completion by 2024 (2025 if delayed one year). Absorption based on the planned financial impacts may result in the increase traffic counts ahead of what is included in the Traffic Impact Study.

In respect to the Subdivision Improvement Agreement, we offer the following comments:

1. Improvements to be Completed - No Comments
2. Time of Completion - proponent if given broad authority to complete the construction in up to two phases, however there is no stipulation of when the proponent must commence the first phase. Town may wish to consider a start date, that if not met, null and voids the agreement and approvals.
3. Restriction on Building Permits - No comments

4. Partial or Full Release of Plat Restriction – suggest that the lifting of any plat restriction be undertaken with on a letter of credit, bond, cash, or cashiers check in the amount of an engineers estimate of the remaining improvements for that particular phase. A 10% position would not leave the Town adequate resources to complete the improvements. Further, would not suggest than any other “substituted security” or “collateral” be accepted.
5. Responsibility for Utility Installation – suggest the elimination of the statement referencing “...to the extent such utilities can be moved by exercising reasonable efforts...” Reasonable efforts is an extremely broad term and can be interpreted in many different ways.
6. Collateral – collateral should only be in the form of a letter of credit (from a financial institution agreed upon by the Town), bond, cash, or cashiers check.
7. Legal Encumbrance – Town may wish to consider that the approvals are not transferable to another proponent without the Town’s expressed consent.
8. Execution – No Guarantee – No comments.
9. Enforcement – No Comments
10. Blank
11. Standards for Acceptance – no comments
12. Preservation of Other Remedies – no comments
13. Stipulations – no comments
14. Section Headings – no comments
15. Additional Provisions: Vested Rights – 30 years seems to be excessive.
16. Additional Provisions: Model Homes – no comments
17. Additional Provisions: Phasing of Impact Fees – no comments
18. Additional Provisions: Limitation on Fees and Increases – Suggest that the Town reject the ability to raise or implement additional impact fees.
19. Additional Provisions: Impact Fee Recovery – if any impact fee recovery is to be afforded proponent, suggest that a metric be defined to identify the proper percentage of reimbursement. 40% would suggest that the improvements identified in the development exhibits will serve an additional 77 residential units.
20. Additional Provisions: Buffer Tracts – no comments
21. Additional Provisions: Preliminary Plan; Subsequent Final Plats – no comments
22. Additional Provisions – no comments
23. Cost Recovery – suggest rejection of this provision, unless there is new construction that will benefit from the improvements (See comments under sub 19)
24. Rights of Way – No comments
25. Limitation on Increases on Use Taxes – suggest rejection of the provision
26. Administrative Changes to the Final Plat – suggest rejection of the provision
27. Amendment – no comments
28. Notice and Cure – no comments
29. Assignment – suggest any assignment be at the expressed consent of the Town
30. Headings for Convenience Only – no comments
31. Entire Agreement – no comments
32. Severability – no comments
33. Final Plat Approval – no comments

In respect to the report on “Incremental Town of Minturn Revenues, and General Fund Expenditures, By Individual Accounting Funds” report, and supporting documentation, we offer the following comments:

- It does not appear that a market analysis has been undertaken to support either the planned absorption or the estimated values to be generated from the development. This document would be helpful in determining the validity of the numbers presented.
- Ehlers does not question the methodology used by Stan Bernstein and Associates related to the revenue and expense forecasting, however as it relates to several conclusions' the Town may wish additional consideration for:
  - Additional personnel and equipment that may be necessary to meet the service needs of an additional 348 new residents and over what time frame
- The analysis assumes that 80% of the units will be occupied for a full year. The occupancy analysis should be further explored to ensure that the number is accurate. A review of the 2015-2019 Census data identifies that Eagle County as a whole has a 69.8% owner occupancy rate. The assumption used in the analysis should be confirmed.
- Based on the conclusions respecting the General Fund, it would appear that there will be a revenue net benefit from the development
- It would appear that there will be additional Capital Fund dollars available for town-wide improvement. As the improvements within the development will presumably not require significant maintenance in years 1-10, the funds will be available for other areas of the town.
- The calculations utilized for the Water Enterprise Fund do not reflect the Town's current rate methodology and thus are not accurate. Suggest that the analysis be updated to reflect current rate methodology and charges.

Other than the suggestion that the project absorption and values be supported by additional information, owner occupancy percent confirmation, and the updating of the benefit to the water enterprise, Ehlers believes that the from a pure financial position the project would appear to be a net benefit to the Town. This does not take into consideration the comments made regarding the Subdivision Improvement Agreement.

**MEMORANDUM**

January 31, 2021

TO: Michelle Metteer & Michael Sawyer, Esq.

FROM: Meghan N. Winokur (Holland & Hart) & Cristy Radabaugh, P.E. (Martin and Wood Water Consultants, Inc.)

RE: Comments on North Minturn PUD Consumptive Use Analysis  
34284.0014

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On behalf of the Town of Minturn, this memorandum sets forth the combined comments of Holland & Hart LLP and Martin and Wood Water Consultants, Inc. on the North Minturn PUD Consumptive Use Analysis dated December 18, 2020 prepared by Wright Water Engineer, Inc. (“WWE Report”). The WWE Report was prepared on behalf of Minturn Crossing, LLC (“Minturn Crossing”), which is proposing to acquire an 18-acre parcel from Union Pacific Railroad (the “Property”) and obtain developable lots that will be sold for individual development (the “Development”).

Our comments on the WWE Report are addressed in turn as follows:

**Section 2.2:** Minturn Crossing and the Town must agree upon a definition of Accessory Dwelling Unit (“ADU”) for purposes of the Development and assign an SFE unit to be used for ADUs. If the Eagle River Water and Sanitation District’s definition of an Efficiency or Studio Unit is to be relied upon for the Development, then it must be made clear in all Development planning documents that ADUs are limited to one room with an integral Cooking Facility (as defined in the ERWSD Rules & Regulations) and one bathroom. We agree if ADUs are limited accordingly, then it is acceptable to define an ADU as being equal to 0.5 SFE. If, however, a less restrictive definition of ADU is to be used for the Development, then there should be an independent analysis of the associated water demands to determine the proper SFE designation.

**Section 2.3:** We have confirmed with Town staff that it is acceptable to rely upon the demand assumptions that SGM used in the Capital Improvement Plan (“CIP”) for the Town in determining the water demands for the Development.

**Section 2.4:** We understand that six mobile homes located on the Property are currently provided with Town water service. We agree it may be appropriate for this existing use to offset additional demand associated with the Development but it seems likely that the use per mobile home is less than one SFE.<sup>1</sup> The Town may be willing to agree to a six-SFE offset for purposes

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<sup>1</sup> Our comments focus on water demands and offsets for existing use, not on the calculation of System Improvement Fees and Tap Fees.

of determining what additional demands are associated with the Development, if the Town's other technical concerns with the WWE Report are addressed to the Town's satisfaction.

**Section 2.5:** The Town may agree it is preferable that drought tolerant vegetation be required within the Development. However, we wish to point out that drought tolerant plants do not necessarily have a lower watering requirement than non-drought tolerant plants.

**Section 3.0:** We agree with the SFE definition that is relied upon in the WWE Report. If any lots will have residences that exceed 3,000 square feet, then more than one SFE would need to be assigned to each such lot.

**Section 3.0: Table 2:** We have two comments on Table 2. First, we would prefer a footnote be added clarifying that only 2,000 square feet of the pervious area may be irrigated. This is a critical fact and we want to assure it is absolutely clear that pervious areas exceeding 2,000 square feet per lot cannot be watered. Second, we recommend that the Development approvals and homeowners association covenants explain the intent and guidelines for the pervious areas that may not be irrigated. For example, will such areas be non-irrigated native vegetation, gravel or mulch?

**Section 4.0:** The demand estimate figures must be revised to account for all water uses, including but not limited to uses within parks, public restrooms, the "pea patch", community gardens, and open space areas. Such figures must also be expressed in the manner that the Town requires in order to evaluate its ability to serve water and to consider the augmentation requirements associated with the development. Outdoor water use for vegetation should be assumed at an application rate of 17 inches per year with an estimated loss of 20% between the point of diversion and place of delivery.

**Section 5.0:**

- An indoor consumptive use assumption of 5% of water deliveries is acceptable to the Town. However, please note that indoor use deliveries are 100% depletive to the stream until un-consumed water is returned to the river at the Avon wastewater treatment plant outfall. This does not impact the consumptive use analysis itself but will impact the augmentation requirements associated with indoor uses. We want to make sure Minturn Crossing is aware of this fact.
- An outdoor consumptive use assumption of 85% of water deliveries must be used. This is a standard assumption and consistent with the assumptions used in the Town's approved plan for augmentation in Case No. 07CW225. This revision will have a significant impact on WWE's analysis, and Table 5 must be revised accordingly.
- The WWE analysis can consider a 20% system loss between the point of the diversion and place of water delivery.

- Table 5 should include consumptive use (or impact to the river) as an average annual volume calculated at the following locations: 1) point of diversion, 2) place of delivery (the Development), and 3) below the Avon wastewater treatment plant. The table should include water volumes associated with the entire Development, including residential use and public spaces. The Town will consider these values in its assessment of the payment for cash in lieu of water rights per Ordinance No. 02-2018.
- See below for more information on residential use per SFE, based on the CIP water use values.

**Table 1  
Town of Minturn Residential Water Calculations per SFE**

<b>Diversions</b>		
Diversions for Indoor Use per SFE	0.20	af/yr water diversion
Diversions for Outdoor Use per SFE	0.09	af/yr water diversion
Total Diversions	0.29	af/yr water diversion
<b>Deliveries</b>		
Indoor Delivery per SFE	0.16	af/yr water delivery
Outdoor Delivery per SFE	0.07	af/yr water delivery
Total Deliveries	0.23	af/yr water delivery
<b>Consumptive Use (after wastewater return flows reach the Eagle River)</b>		
Indoor CU per SFE	0.01	af/yr water consumption
Outdoor CU Per SFE	0.06	af/yr water consumption
Total Consumptive Use	0.07	af/yr water consumption

- Outdoor use deliveries should be assumed to be 17 inches per year and applied to the anticipated size of irrigated areas.
- The Town will consider the proposed equivalents for non-residential water use based on reasonable engineering assumptions, such as an SFE equivalent associated for public restrooms. The Town does not have an SFE or EQR schedule.

**Section 5.1:**

- The consumptive use estimate should not be reduced based upon the use of efficient fixtures or the extent of proposed irrigation within the Development. First, the irrigation proposed is 2,000 square feet per lot, which is the maximum allowed per SFE. We recognize that drought tolerant plants are proposed to be required, but even if a low-water vegetation requirement were imposed, this would still not provide the basis for a credit because no such credit is authorized under the Code, and policing such a requirement would be an undue burden on the Town. Second, the demand assumptions set forth in the CIP and used in Section 2.3 of the

WWE Report already consider the use of some water-saving fixtures. It would be inappropriate to give a credit twice for efficient fixtures.

- The proposed temporary irrigation of parks and open space areas has not been accounted for in the consumptive use analysis. Further, we would expect the Town will require at least some permanent irrigation of certain areas within the lands designed for parks and open space uses. Finally, indoor use in all bathroom facilities within public areas such as parks and open space areas must be included in the consumptive use analysis. We do not anticipate that the Town would approve the Development with no permanent irrigation within parks and open space areas. Minturn Crossing needs to work with the Town staff concerning this issue, and the WWE Report should be revised accordingly.

**Section 6:** As described above, the Town does not agree to Minturn Crossing's proposed assumptions on the lack of irrigation needs for parks/open space, consumptive use (because outdoor use is 85% consumptive and was not considered in the WWE calculations), or credit for water-efficient fixtures and irrigation parameters.

The Town has temporarily limited its future development approvals to 70 SFEs. The WWE Report does not specifically address the phasing associated with the Development, but it is worth repeating that this entire project cannot be served in the immediate future by the Town's water supplies and water system.

Please let us know if you have any questions regarding our comments on the WWE Report. We look forward to evaluating the water demands and consumptive use analysis for the Development in more detail after we have received the additional and revised information described above. Finally, we strongly recommend that Jonathan Kelly, P.E. of Wright Water Engineers review the WWE Report and revised analysis requested herein, as we understand that Mr. Kelly has significant expertise in evaluating water demands and consumptive use calculations for proposed new developments.



## Memorandum

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**To:** Michelle Metteer, Minturn Town Manager

**From:** Cristy Radabaugh, P.E. (Martin and Wood Water Consultants)  
Meghan N. Winokur (Holland & Hart)

**Date:** March 22, 2021

**Subject:** Comments on North Minturn PUD Consumptive Use Analysis dated March 10, 2021

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On behalf of the Town of Minturn, this memorandum sets forth the combined comments of Holland & Hart LLP and Martin and Wood Water Consultants, Inc. on the North Minturn PUD Consumptive Use Analysis dated March 10, 2021 prepared by Wright Water Engineers, Inc. (WWE Report). The WWE Report was prepared on behalf of Minturn Crossing, LLC (Minturn Crossing), which is proposing to acquire an 18-acre parcel from Union Pacific Railroad (the Property) and obtain developable lots that will be sold for individual development (the Development). We appreciate that the WWE Report incorporates our past comments.

Our comments on the WWE Report are provided below.

**Sections 2.1:** The Developer has addressed in the WWE Report that accessory dwelling units (ADUs) are actually “accessory apartments” under Minturn’s code. The PUD Guide needs to be clear that the ADUs will meet the “accessory apartment” definition and be attached structures limited to 750 square feet with one bathroom and one kitchen. We suggest adding a note to Figure 4.1 explaining the ADUs and adding the explanation also to the text of the design guidelines.

**Section 3.1 and Section 3.4 :** Phase 1 is proposed to include 70.5 SFEs for residential uses and 30,266 square feet of outdoor spaces with irrigation water needs. This is in excess of the 70 SFEs that the Town can approve for water service under the growth moratorium. Under the moratorium, the Town considered existing constraints regarding its treatment capabilities and legal and physical water supplies. The water use associated with 70 SFEs was determined to be the maximum additional water use that can be approved by the Town for major development projects. The developer needs to reduce or otherwise modify the Phase 1 development request to fit within the moratorium.

The irrigated spaces associated with parks, windrows, and open spaces in the Development are over 90,000 sq ft, and the entire Development should limit the irrigated areas to 280,000 sq ft. Considering the entire Development as proposed, the developer could reduce the

allowed irrigated areas to 1,300 square feet for each of the 140 SFE-lots considered as follows: up to 1,300 sq ft of outdoor irrigation for each of the 68 cottage, compact, and estate lots; up to 2,600 sq ft of outdoor irrigation for the 48 standard lots (based on 1,300 sq ft for each side of the duplex); up to 10,400 sq ft of outdoor irrigation at the three multi-family lots (based on 1,300 sq ft for each unit). Note that there are no additional outdoor water uses associated with the ADUs. Reducing the irrigated areas in this way will allow the Development to stay within the total allowed irrigated area. Alternatively, the developer could modify the proposal to include fewer residential SFEs in Phase 1 and allocate some SFEs to cover the water uses associated with the irrigated parks, windrows, and open spaces.

**Section 3.2 Residences:** The Development includes lots that will be sold to individual owners for subsequent development. It is necessary that the Lot Type and associated number of SFEs be clearly identified and communicated so that purchasers understand the maximum development potential on each lot. The developer shall keep track of Lot Types that have been sold, the count of each Lot Type that is remaining unsold, and mapping of same. These materials shall be provided electronically to the Town at least twice annually in May and November, or at another mutually agreed schedule, until all lots are sold under each phase of the project.

**Section 3.3 Public Restroom:** The proposed 1.5 SFEs for a public restroom with two toilets and two sinks is reasonable.

**Section 4.0 Consumptive Use Estimate:** The data regarding delivery and consumptive use presented in Table 6 is correct, but it appears “At Point of Diversion” values were calculated as “At Point of Delivery” multiplied by 1.2. The “At Point of Delivery” data should be divided by 0.8 to calculate the “At Point of Diversion” results. The difference between the presented data and the revised calculation is fairly small (0.05 af increase for Phase 1 diversions and 0.11 af increase for Phase 2 diversions). This change impacts Tables 6 through 8.

January 29, 2021

Madison Harris, Planner I  
Town of Minturn  
301 Boulder Street #309  
Minturn, CO 81645

**RE: Environmental Review of Minturn North PUD**

Dear Ms. Harris,

SGM is providing this letter to document our review of the Minturn North PUD application as it relates to potential environmental impacts, on behalf of the Town. As part of this effort, we reviewed the PUD Narrative (GPS Designs 2020), the Biological Assessment and Cultural Records Review (CTL Thompson 2021), the Limited Phase II Environmental Site Assessment (CTL Thompson 2020), and the Environmental Impact Report (EIR; CTL Thompson 2020).

We offer the following as items that could use additional discussion or clarification.

**Dust.** Much of the PUD is within previously disturbed areas (which is a good land redevelopment practice); however, railyards are notorious for having a variety of potentially harmful constituents from old practices. The EIR should disclose the results of soil sampling (see CTL Thompson Phase II 2020) and provide a description of the level of risk associated with polycyclic aromatic hydrocarbons, elevated arsenic, and other constituents in site soils when mobilized during construction, or how these constituents would be remediated through removal. The EIR should also discuss a dust control plan to control particulate matter mobilization, especially given the close proximity to residential areas.

**Game Creek Protection.** Game Creek is a locally important waterway. CPW has documented brown trout (*Salmo trutta*), rainbow trout (*Oncorhynchus mykiss*), and at one time native cutthroat trout (*Oncorhynchus clarkii*) as occurring various segments of Game Creek. The Biological Assessment should provide a discussion of direct, indirect, and cumulative impacts to fisheries and riparian habitats along Game Creek. A discussion of stormwater controls and how drainage from the PUD, and drainage from the roadway crossing and adjacent trailhead parking lot should be presented to ensure that stormwater or drainage flows are not directly delivered to Game Creek. Given the proximity to both Game Creek and the Eagle River, we would recommend stormwater flows are somehow treated (such as use of vegetated discharge ways to help with fine sediment retention, or a dry well installation to help settle out oils, sediments, etc.), prior to discharging into either waterway.

**Big Game.** A portion of the PUD area occurs within CPW-mapped Elk Severe Winter Range, and based on the application, the proponent would be encouraging and promoting the use of local trails. The Biological Assessment and EIR should review CPW big game data and present a discussion on direct, indirect, and cumulative impacts, especially where more critical habitats (such as Severe Winter Range, or Winter Concentration Areas) are concerned.

At this time, elk populations in this area are seeing unprecedented population declines of around 60 percent over the past 10 years. One theory is that expanded recreational pressures are driving down calf survivorship and calf recruitment. At the very least, a wintertime closure of area trails should be used to prevent disturbance and indirect impacts to wintering elk in the area. Further, with the PUD being within elk Severe

Winter Range, it is inevitable that loose or uncontrolled dogs, or even barking dogs will either directly or indirectly impact wintering elk in the area. Wintering elk are already on a calorie-deficient diet, and harassment by dogs (or humans hiking or skiing through the area) puts additional stress on elk (and deer), which are already physiologically stressed due to winter conditions. The Applicant should provide a plan to prevent dogs from harassing elk, and a plan on how to minimize human impacts on elk wintering in the area. We would encourage the Town and Applicant to meet with CPW to discuss impact issues to big game species, especially in the greater context of indirect impacts and recreational impacts across the Minturn valley.

**CPW Species of Greatest Conservation Need.** There are other CPW listed Species of Greatest Conservation Need (SGCN) occurring in the area. The EIR and Biological Assessment should review those species and discuss direct, indirect, and cumulative impacts.

**Black Bear.** The project occurs within black bear (*Ursus americanus*) habitats, and a CPW-mapped Bear-Human Conflict Area; black bears are already known to be an issue in Minturn. The Biological Assessment and EIR should discuss potential black bear issues, and the PUD and development guide should provide “best management practices” to reduce the risk of bear encounters, such as no bird feeding in the summer months, no fruit-bearing trees or shrubs, no feeding pets outside, and use of bear proof trash containers. Bears will be an issue for the PUD, and the developer should take proactive steps to minimize the risks to residents and bears. CPW should also be consulted on minimizing bear issues.

**Reclamation and Noxious Weeds.** The Biological Assessment and EIR documented the presence of several noxious weed species. Early weed treatment through the use of suitable herbicides is strongly recommended prior to the start of construction to begin reducing the density and seedbank in the project area. A noxious weed management plan, with biannual treatments is recommended given the nearby native habitats, and very high likelihood that noxious weeds will expand their presence and spread into nearby habitats. We also recommend a Reclamation Plan that discusses topsoil retention (and testing), erosion control, and long-term vegetation establishment to further reduce erosion and noxious weed issues.

In summary, the application states that there are no “significant” environmental concerns, which is mostly correct; however, there are several issues that are not addressed, and which should be in order to fully inform the Town of potential impacts. The application should provide more adequate disclosures and proposed mitigation of the anticipated impacts to these resources, or the Town should consider including stipulations to address these concerns.

Thank you for this opportunity to provide comments on the project. If you have any questions please feel free to email me at [ericp@sgm-inc.com](mailto:ericp@sgm-inc.com), or I can be reached by phone at 970-309-5190.



Eric Petterson

Environmental Team Lead

## Madison Harris

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**From:** Ebbert, Cynthia K -FS <cynthia.ebbert@usda.gov>  
**Sent:** Friday, January 29, 2021 2:05 PM  
**To:** Madison Harris  
**Cc:** Veldhuis, Leanne -FS  
**Subject:** RE: Minturn North PUD Referral

Dear Madison Harris,

Thank you very much for giving the Forest Service the opportunity to comment on the Minturn North PUD proposal. We will continue to remain engaged with the progress of this project since it is adjacent to National Forest lands. At this time, we want to ensure the general public has access to the Game Creek and Cougar Ridge trail system by continuing to provide a trailhead parking lot. It appears this has already been addressed with the potential relocation of the trailhead parking to a nearby area.

We appreciate our relationship with the Town of Minturn and look forward to staying engaged with this project.

Sincerely,  
Cindy Ebbert



**Cindy Ebbert**  
**Realty Specialist (Acting)**  
**Forest Service**  
**Eagle-Holy Cross Ranger District**  
**White River National Forest**

**p: 970-274-9912**  
[cynthia.ebbert@usda.gov](mailto:cynthia.ebbert@usda.gov)

P.O. Box 190  
Minturn, CO 81645  
[www.fs.fed.us](http://www.fs.fed.us)



**Caring for the land and serving people**

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**From:** Madison Harris <[planner1@minturn.org](mailto:planner1@minturn.org)>  
**Sent:** Monday, January 11, 2021 11:37 AM  
**To:** Veldhuis, Leanne -FS <[leanne.veldhuis@usda.gov](mailto:leanne.veldhuis@usda.gov)>  
**Subject:** Minturn North PUD Referral

Dear Ms. Veldhuis:

You are receiving this referral from the Town of Minturn as part of the Town's review of the **Minturn North Planned Unit Development** proposal - a 116 lot residential development where up to 184 dwelling units of varying types and sizes, including accessory dwelling units and multi-family units, would be permitted in two phases along with parks and open space dedications, on- and off-site public infrastructure improvements, and locals' only housing commitments.

The Applicant completed a conceptual review of the proposal in early 2020, and has been working with the Town since March 2020 to bring forth the attached Preliminary Plan proposal.

In order for the Town to facilitate this review:

- Please provide any comments or questions to **Madison Harris, Planner I** at [planner1@minturn.org](mailto:planner1@minturn.org)
- The referral period is twenty-one (21) days and **ends on Monday, February 1, 2021 at 5pm.**

The Preliminary Plan review is the second of a three stage review and approval process by the Town for all new, major Planned Unit Development projects.

The referral process is intended to allow our community partners and stakeholders the opportunity to understand the proposal, to assess potential impacts and mitigation efforts, and to provide comment to the Town prior to the plans being reviewed by the Town of Minturn Planning Commission and Town Council.

We welcome your comments and will make ourselves available to meet with you virtually if you have questions.

Please alert Town staff if you require hard copies of any of the Minturn North PUD Preliminary Plan materials.

Here is the link to download the files, please be aware that this link expires on January 18<sup>th</sup>:

<https://wettransfer.com/downloads/bdba8d691dfb8f06d3ca6d717d165f5820210111182003/242d21c3fae73a301bab54c6061065420210111182004/484159>

Thank you for taking the time to review this proposal.

*Madison Harris*

Planner I

Town of Minturn

[Planner1@minturn.org](mailto:Planner1@minturn.org)

970-827-5645 Ext. 2

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Madison Harris, Planner  
Town of Minturn  
01 Boulder Street, #309  
Minturn, CO 81645

January 26, 2021

RE: Minturn North PUD

Dear Madison,

Please see the following comments in response to your request for my review of the Minturn North PUD. I submit these comments in my current capacity as a consultant to the Town of Minturn to provide pedestrian and bicycle multi-use trail planning services.

The proposed Minturn North PUD plan includes a widened sidewalk section that would serve as a route for pedestrians and bicyclists and function as part of the regional Eagle Valley Trail system. My review has focused on this facility with additional minor comments provided on other pedestrian and bicycle facilities proposed for the PUD.

Please advise me if you need additional information or any clarification on these comments provided below.

*1. Minturn Road Sidewalk Location and Design:*

The proposed EVT sidewalk segment is eight feet wide. Two-way sidewalks intended to serve as routes by bicyclists, solo or groups of pedestrians, with pets or strollers, and joggers or other permitted wheeled devices (e.g., skateboards, etc.) are recommended as 10 feet wide at minimum by AASHTO and CDOT pedestrian and bicycle standards. 8 feet wide may be acceptable for short constrained sections but is considered a one-way route when multi-use is expected and encouraged. Additionally, it is easier to drive a standard-size maintenance vehicle on a 10-foot sidewalk or path, eliminating the need for specialized equipment.

It is advised that the applicant, for the Town's benefit, further amend the roadway design to increase the width of the sidewalk to 10 feet to improve the long-term functionality of the 8-foot width currently proposed, or seek additional property from UPRR to provide additional width.

Parallel parking spaces are proposed adjacent to the sidewalk and may present a challenge for safety and access, with doors opening onto the sidewalk if parking users are encroaching into the concrete gutter pan. Additional sidewalk width may help mitigate this concern. Several Colorado town or city design examples exist where streets have been narrowed to encourage or force traffic calming, with parking provided and ample bicycle and pedestrian routes travel alongside. The current design appears to need refinement and a greater level of detail for the next phase of the review process.

*2. Road Crossings and Merging:*

An engineer's review and design are recommended for the trail crossing of Minturn Road near Game Creek and revisions incorporated into the construction plans, costs and phasing for the project. The traffic flow and speed on Minturn Road has historically been uninterrupted and it will take some time for a change in habit. Visibility of the crossing location appears to be acceptable but should be reviewed. MUTCD approach and crossing signs, with a crosswalk or other pavement markings provided by the PUD are advised, subject to an engineer's review. A speed table crossing (see West Beaver Creek Road in Avon) might be a beneficial safety feature at this location and help slow traffic down in general as it enters the town.

The plans appear to need refinement where the sidewalk ends near the Taylor Street intersection. On the cover sheet (A01), there appears to be another road crossing proposed where the sidewalk ends near the intersection with Taylor Street. A possible merge into the town-bound road shoulder should be considered for bicyclists at this point as well. Studies of bicycling traffic patterns show that people will use the shortest route

whenever possible and additional review should consider how to anticipate this reality and amend the design to incorporate safety features (signs, markings, etc.) to the extent possible.

### 3. *Project Timing:*

It's recommended that the construction of the widened sidewalk on Minturn Road be added to the list of Phase I improvements rather than be a part of the undetermined timeline for Phase II improvements. Coordinating with the Town and Eagle County's plans to construct the trail in 2022 or 2023 would be most efficient and likely save on costs for all parties, ensure design compatibility and provide the public benefit in the foreseeable future rather than at an unknown future year with an interim gap in an important community facility.

### 4. *Game Creek-Minturn Mile Trail Connection:*

My apologies if this item has been addressed in the application as I was unable to find it, but I'm assuming this item has been or will be vetted with neighbors as well as the USFS through this process. I've not provided specific comment.

### 5. *Ownership and Maintenance:*

Questions and responses appear in various locations in the PUD referral packet regarding proposed ownership and maintenance of certain paths, trails, sidewalks, trailheads, parks and parking in the development. Applicant has proposed that Town take ownership of all infrastructure listed above. No HOA is proposed that might otherwise own and maintain these features, with materials citing that these features might be found in other parts of town and maintained by the Town.

I've attached a list of items customary for path, trail and sidewalk monthly or seasonal maintenance. Personnel and a range of equipment are required for all tasks. The list may be helpful in the conversation between about ownership, maintenance and cost coverage and is excerpted from a recently updated list found in the Eagle County Mid-Valley Trails Plan and similar to the current Eagle Valley Trail Plan. Please see the attached two pages.

It was not clear who will build the internal path that is proposed in-between lots, but applicant will construct the fencing. Is it the applicant's intent that the Town fund the path improvement? The home-front sidewalk construction on streets appears to be associated with the phased costs to be borne by the applicant.

Minturn Road Sidewalk: Snow removal for the sidewalk appears to rely on use of the UPRR adjacent property. Will the lease or sale of property to the developer (and transmitted to the Town) include an additional snow storage area? There appear to be slope and drainage improvements that will be constructed on UPRR property that are affiliated with the road and sidewalk construction. Are those under easement as well and available for snow storage for the trail/road? What commonly occurs on these types of adjacent facilities using a constrained space is snow is plowed onto the sidewalk or trail, and then must be cleared from the pedestrian-bicycle facility. It can laborious and require additional maintenance efforts. This is a maintenance question the Town may want to contemplate and review if public or private property is available for snow removal.

Thank you for your request for my review and please do not hesitate to contact me if you have any questions regarding my comments as submitted.

With kind regards,

*Ellie Caryl*

Ellie Caryl, Planner/Partner

[www.veracitygws.com](http://www.veracitygws.com)

Ellie Caryl, Planner/Partner: [elliecaryl@gmail.com](mailto:elliecaryl@gmail.com) / mobile: 970-618-2228

Andrew McGregor, Planner/Partner: [amcgregor555@gmail.com](mailto:amcgregor555@gmail.com) / mobile: 970-618-0860

Mail/Delivery: 48 Wildwood, Glenwood Springs, CO 81601

- Benches and picnic tables, with shade structures.
- Landscaping.
- Restrooms.
- Drinking fountains
- Bike repair stations

## Recommended Trail and Shared Roadway Maintenance Schedule:

The maintenance standards below are recommended as a minimum level that all managing jurisdictions should strive to achieve monthly and annually. These standards are nationally accepted for paved or unpaved trail networks.

### MONTHLY:

#### **Sweeping:**

- ❑ Sweep paved surfaces, to anticipate higher use levels in early April through mid-November.
- ❑ Sweep trail sections that are heavily impacted by debris from adjacent road gravel or hillsides more frequently, and inspect after storm events.
- ❑ Sweeping is often cited in trail-user surveys as the most deficient item in trail maintenance.

#### **Surfacing:**

- ❑ Repair hazardous surface conditions as soon as possible upon discovery. Root heaves, settled areas and holes are very wide cracks are paved surface hazards that can have serious consequences if not corrected.

#### **Drainage:**

- ❑ Clean culverts as needed.
- ❑ Correct adjacent areas of poor drainage causing gravel or water to wash over trail surface.
- ❑ Deflect water from singletrack trails to prevent erosion or gully development due to water flow.

#### **Vegetation:**

- ❑ During the growing season, perform weed and vegetation control including mowing and clipping up to 2 feet on each side of the trail as needed.
- ❑ Maintain a 10-foot minimum overhead clear zone on paved trails, 8 feet on singletrack trails.

#### **Litter:**

- ❑ Empty trash containers as needed.
- ❑ Remove trash from adjacent ground as needed.

#### **Inspections:**

- ❑ Inspect trail surface, shoulders and structures such as bridges, walls, signposts every two weeks or each month at minimum. A checklist is a common tool and ensures consistency by varied staff and jurisdictions.

**SEASONALLY:**

- ❑ In spring, after the snow has fully melted and the paved trail has been swept for the first time, a meticulous inspection should be performed.
- ❑ Perform seasonal inspections of unpaved routes to remove debris and restore trail tread.
- ❑ Repaint trail or road crosswalk or bike lane striping as needed.
- ❑ Install or replace signs
- ❑ Inspect and repair (or add) trail furniture and fencing as needed.
- ❑ Repair and retrofit general trail surface cracks or holes, shoulder erosion, structure damage.
- ❑ Seal-coat to protect asphalt surface to the extent possible. Every 5 years is encouraged to prolong asphalt life.
- ❑ Inspect bridge structures periodically, as recommended by the manufacturer or a structural engineering professional (typically two to five years).
- ❑ Plow trails identified as 4-season routes as soon as practicable after each snow-event.
- ❑ In the case of widened shoulders or specially designated bike lanes on Town, County, State or Federal roads, seasonal maintenance should include restriping, debris clearing, pavement repair of edges and potholes, and chip seals.
- ❑ Clear snow from roadways to the edge of asphalt if possible, to accommodate the use of roadways by pedestrians or winter-bicyclists as linking routes between disconnected trail segments or sidewalks.
- ❑ Seasonally, inspect the roadway for hazards that may not affect motorists but could pose challenges for bicyclists. Focus shoulder inspection of raveled edges, ruts and cracks and striping wear.
- ❑ Review annually the need for safety sign installation, install in the spring if possible in preparation for biking and tourism high-use seasons.
- ❑ If possible, sweep shared roadways prone to drainage or erosion issues and also popular as cycling routes on an additional monthly or as-needed basis. Shoulders free of debris enable to stay as far to the right of the roadway as possible and avoid conflicts with motorized vehicles.

## Madison Harris

---

**From:** Selchert, Ryan J <Ryan.J.Selchert@xcelenergy.com>  
**Sent:** Wednesday, January 13, 2021 2:13 PM  
**To:** Mace, Britt; Madison Harris  
**Subject:** RE: Minturn North Referral

Hi Madison-

I would like to add a couple other comments to the Minturn North PUD Referral.

In addition to the pocket easements Britt mentioned for the transformer and pedestals XCEL will also need:

- 1) 2 pocket easements, 20' by 20' for the switch gear. (One on the North end of the property, and one on the south) They will also need to be outside of the dedicated snow storage area.
- 2) A 10' easement along the South side of fourth St. on front of lots 18 and 19.
- 3) A 10' easement along the footpath that follows the game creek trail.

XCEL will need to bore gas and electric utilities under Game Creek where the bridge for Icehouse Ave. crosses Game Creek.

There is existing 2" gas main along Taylor Ave that services the existing houses on the East side of the street. Each of the units along Taylor Ave will tie into the existing 2" Main for gas service. The following is a potential for each service installation:

- 1) Road cut / repair might be required
- 2) Curbs and side walks might need to be cut / replaced
- 3) Gas installation may be restricted to summer months if a Town Moratorium is in place for digging in ROW.

If you have any questions or concerns please feel free to reach out at any time.

Thank you,

### **Ryan Selchert**

#### **Xcel Energy**

Planner, Mountain Division

200 W 6th Street, PO Box 1819

Silverthorne, CO 80498

P: 970.262.4068 C: 970.390.5628

E: [Ryan.J.Selchert@xcelenergy.com](mailto:Ryan.J.Selchert@xcelenergy.com)

*My Office Hours: Tuesday to Friday, 6:00-4:30*

---

**From:** Mace, Britt <Britt.Mace@xcelenergy.com>  
**Sent:** Tuesday, January 12, 2021 8:34 AM  
**To:** Madison Harris <planner1@minturn.org>  
**Cc:** Selchert, Ryan J <Ryan.J.Selchert@xcelenergy.com>  
**Subject:** Minturn North Referral

Hi Maddison,

Thank you so much for sending all the information! Sorry it was such a hassle! Thank you for your time.

I see that the snow storage is located in the utility easement; however transformers and pedestals cannot be located in dedicated snow storage areas as that will lead to our above ground equipment to be buried in snow and could damage our equipment, delay outages and emergencies.

Also each transformer will need a 10x10' pocket easement and each pedestal will need a 5x5 pocket easement. The above ground equipment will not be installed on top of the newly installed electrical lines, they will be installed along the property lines offset from the electrical lines.

Other instructions for customer:

- You must apply for each address that will need service in the building and any common/house meters needed. (common/house meter usually runs common lights in stairwells, signs, snowmelt, irrigation, Etc.)
- Will need to know total loads for gas and electric to determine if main will need reinforcement for your project. If reinforcement is needed it will be at customer cost.
- Must let Xcel know if you need 3Ph or 1Ph power.
- If temp power is needed then a transformer will need to set in a permanent location and you must apply for temp power.
- New transformers on the lot must located 10' away from buildings, 20' away from doors and 10' away from windows, reference Standards for Electric Installation and use (blue book) [Xcel Energy Standard for Electric Installation and Use \(Blue Book\)](#) Drawings CR-30A
- If the buildings do not own their own lot, and the lot is owned by HOA the meters will need to be located on the building at a single point of service.
- If house/common meter is needed, customer must run the electric service lateral to the Transformer or Pedestal (point of distribution).
- **Meter Locations:** Meters cannot be located inside the building and must be accessible. We do not allow ice or snow shields. Meters must be located under a non-drip edge and there shall be no adjacent rooflines, which will drip directly on or towards a neighboring meter installation. See Standards for Electric Installation and use (blue book) Section 4.3, under number 3, page 33 ***"Note: Due to excessive snowfall, ice and snow shields will not be permitted in the following Colorado counties: Eagle, Lake, Park and Summit. Meters shall be installed on the gable or non-drip side of a building or in an approved remote location from the building or structure in these counties."*** [Xcel Energy Standard for Electric Installation and Use \(Blue Book\)](#)

Please note – this is not a final assessment of what the new service request will entail. There may be additional things in the field I cannot see. Once an application has been submitted to XCEL we can start the full design process and identify the scope of work that will need to be done for this request.

Thanks!

**Britt Mace**

Xcel Energy

Designer, Mountain Division

200 W. 6th St. PO.Box 1819 Silverthorne, CO 80498 -1819

P: [970.262.4032](tel:970.262.4032) F: [970.262.4038](tel:970.262.4038)

E: [britt.mace@xcelenergy.com](mailto:britt.mace@xcelenergy.com)

Office Hours: Monday - Friday 8:30am - 4:00pm. For immediate concerns please contact the front desk [970.262.4025](tel:970.262.4025)

**Minturn Planning Department**  
Minturn Town Center  
301 Boulder Street  
Minturn, Colorado 81645



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Elliot Hovey  
Chris Manning  
Tom Priest  
Jena Skinner

## **Referral Agency Responses Regarding Applicant's Response to Their Comments**

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1. CDOT
  2. Colorado Geological Survey
  3. Eagle County
  4. Eagle River Watershed Council
  5. Ehlers Public Finance Advisors
  6. Eagle River Water and Sanitation District
  7. SGM
  8. Veracity
  9. Xcel Energy
-

## Madison Harris

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**From:** Madison Harris  
**Sent:** Tuesday, March 30, 2021 2:09 PM  
**To:** Michelle Metteer  
**Subject:** FW: Minturn North PUD Referral Follow Up

**From:** Killian - CDOT, Brian [mailto:brian.killian@state.co.us]  
**Sent:** Tuesday, March 30, 2021 1:37 PM  
**To:** Madison Harris <planner1@minturn.org>  
**Cc:** Kandis Aggen - CDOT <kandis.aggen@state.co.us>  
**Subject:** Re: Minturn North PUD Referral Follow Up

Madison,

We don't yet know what mitigation features will be required for Main St, we are still working out the details. But, it will most likely include a new stop bar on the Main St connection to Hwy 24 and sight distance requirements such as limiting parking on the north side of the highway next to the river.

Thanks,

Brian Killian  
Region 3 Access Program Manager  
Traffic & Safety



P 970-683-6284 | C 970-210-1101 | F 970-683-6290  
222 S. 6th St, Room 100 Grand Junction, CO 81501  
[brian.killian@state.co.us](mailto:brian.killian@state.co.us) | [www.codot.gov](http://www.codot.gov) | [www.cotrip.org](http://www.cotrip.org)

On Tue, Mar 30, 2021 at 1:29 PM Madison Harris <[planner1@minturn.org](mailto:planner1@minturn.org)> wrote:

Hi Brian,

Thank you for your update. We understand the left turn lane requirements, but need clarification on approvals for mitigation work at the Main Street connection with Bellm Bridge (Downtown).

Thanks,

Madison

**From:** Killian - CDOT, Brian [mailto:[brian.killian@state.co.us](mailto:brian.killian@state.co.us)]  
**Sent:** Monday, March 29, 2021 9:27 AM  
**To:** Madison Harris <[planner1@minturn.org](mailto:planner1@minturn.org)>  
**Cc:** Kandis Aggen - CDOT <[kandis.aggen@state.co.us](mailto:kandis.aggen@state.co.us)>  
**Subject:** Re: Minturn North PUD Referral Follow Up

Madison,

CDOT has been working with this developer to obtain CDOT access permits and to complete a traffic study. They are required to build a left turn deceleration lane to County Rd and may need to do some improvements at the Main St connection as well.

Please let me know if you have any questions.

Thanks,

Brian Killian  
Region 3 Access Program Manager  
Traffic & Safety



P 970-683-6284 | C 970-210-1101 | F 970-683-6290

222 S. 6th St, Room 100 Grand Junction, CO 81501

[brian.killian@state.co.us](mailto:brian.killian@state.co.us) | [www.codot.gov](http://www.codot.gov) | [www.cotrip.org](http://www.cotrip.org)

On Fri, Mar 19, 2021 at 12:58 PM Madison Harris <[planner1@minturn.org](mailto:planner1@minturn.org)> wrote:

Hello,

I hope you are doing well. This email is to let you know that we are tentatively scheduling the Minturn North PUD on April 14th for a Planning Commission hearing. This meeting will start at 6:30 pm. We have received some revised documents, which are updated upon receipt here: <https://www.minturn.org/planning-zoning/pages/active-planning-applications>. Please let me know if you would like me to send anything specific to you. I did have a question for the Town's records, whether or not anyone from the Minturn North PUD Team has reached out to resolve or address any comments made throughout the referral period. If you could let me know, that would be much appreciated.

Thank you for your time,

*Madison Harris*

Planner I

Town of Minturn

[Planner1@minturn.org](mailto:Planner1@minturn.org)

970-827-5645 Ext. 2

## Madison Harris

---

**From:** Amy Crandall <acrandall@mines.edu>  
**Sent:** Friday, March 19, 2021 3:52 PM  
**To:** Madison Harris; Scot Hunn  
**Subject:** Minturn North PUD Referral

Good Afternoon Madison!

I had a phone conversation with George Benecke (CTL Thompson) and Gregory Sparhawk (GPS Designs, LLC) on March 1 at 3:00 PM. We discussed the review comments provided in our January 29, 2021 letter. CTL indicated that they would be performing an additional evaluation; however, this may not be performed until after the snow melts. In reviewing the link you sent, it does not appear that CTL updated or provided a supplemental geologic hazard or soils report. Do you know if this additional evaluation has been performed? If so, we will review and provide updated comments.

Thanks!

Amy Crandall, P.E.  
Engineering Geologist  
Land Use Review Program  
**Colorado Geological Survey**  
1801 Moly Road, Golden, CO 80401  
303-384-2632 | [acrandall@mines.edu](mailto:acrandall@mines.edu)

## Madison Harris

---

**From:** gregory sparhawk <gregs@gpsdesigns.com>  
**Sent:** Monday, March 29, 2021 12:58 PM  
**To:** Morgan Beryl  
**Cc:** Kevin Sharkey; Madison Harris  
**Subject:** Re: Minturn North referral

thank you Morgan,  
Kevin, my apologies for not including you in the discussion.

Morgan,  
I will add language in the design guidelines encouraging aspects of aging in place. Further we are developing an informational package that will go to the purchasers of lots. I will include information on the value of this along with suggestions in this packet.  
Understood on the parking response, thanks for the clarification.

Kevin,  
I did speak with Ellie briefly about some of our hurdles/road blocks on the trail design but am certainly happy to chat with you as well. I realize what we are providing is not ideal, but I hope it is still seen as a valuable part of the connection.

Thank you both very much.  
Best,  
Greg

Gregory Sparhawk, aia  
**gps designs, llc**  
co . dc . md . wa . va  
425 495 7241

On Monday, March 29, 2021, 08:36:00 AM MDT, Morgan Beryl <morgan.beryl@eaglecounty.us> wrote:

Morning, Gregory. I am ccing Kevin Sharkey from ECO Trails so he is in the loop and to encourage you two to talk. I've also cc'd Madison as she requested to be kept in the loop.

In terms of the planning items, my response is as follows:

- 1. Housing:** I think our intent was that perhaps some tracts or lots should be preserved for older adult housing as a primary use. Meaning you could sell that property to someone who specializes in developing older adult housing. However, if you are not able to accomplish this, updating the PUD Guide with some required aging in place design standards would be a good start.
- 2. Parking:** Thank you for showing the number of parking stalls and being more clear about what is out there. If your traffic study works and the Town is supportive of the parking plan, Eagle County will be supportive. I agree, I never like to pave paradise for Easter weekend. I think most of our concern was that we were unclear on what was actually available.
- 3. ECO Trails:** I encourage you to discuss with Kevin. Maybe he can help you make some headway with some of the partners and you two can work together to come up with a solution that works for everyone.

Madison - will the application be going out on referral again?

Thanks,

-----

**We have a new Eagle County COVID-19 website!**

For the most recent information, please visit [www.eaglecountycovid.org](http://www.eaglecountycovid.org)

[One Valley Voice](#) on Facebook

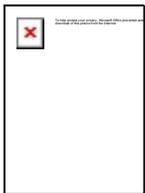
**Stay Informed! Sign up for the Community Development Monthly E-Newsletter [here](#).**

**Morgan Beryl**

Eagle County Government  
Community Development Director

(o) 970.328.8750

(c) 970-471-9533



On Fri, Mar 26, 2021 at 3:55 PM gregory sparhawk <[gregs@gpsdesigns.com](mailto:gregs@gpsdesigns.com)> wrote:

Good afternoon Morgan,

I am working on the Minturn North PUD project that the county provided referral comments on.

Please accept my apologies for not reaching out to you to discuss the items you identified. I am afraid this is due to my lack of understanding on the process.

I wanted to send out this email to you to summarize our response and also make myself available to you to chat about any of these at your convenience.

With regard to the comment on designating age restrictions on some of the units. My apologies if that was not clear in the submittal, but we aren't planning on building any homes. We are providing vacant parcels so that people can purchase them and build what suits them best. I can add some information in our design guidelines though that encourages aging-in-place design.

Your comment about parking at Game Creek has been echoed since we first began this process. I have been out to the trailhead and taken counts on numerous occasions and the most cars ever counted out there has been 24 cars. 40 cars would actually cause parking almost all the way into town. With all due respect, I think peoples perception of busy weekends might be causing them to exaggerate. I designed the plan in such a way to avoid a large parking lot that would be vacant for much of the year. We are developing our signage and parking plan and will call out the spaces as you have recommended. we have a number of overflow spots that will accommodate many more vehicles. It is our plan to provide signage restricting their usage by locals on busy trail days (typically weekends during the summer). This will open the trailhead parking up to over 40 spaces ( 14 spaces at the trailhead, 18 spaces further up the trail, and 19 spaces parallel along Minturn Road)

We are going to do everything we can to accommodate the comments on the ECO trail, but please bear with me on this one. I originally contacted Union Pacific to discuss the 40' right of way that they were providing to us and had to argue pretty hard to get them to expand to 50' (i tried for 55'). This almost blew up when i mentioned we wanted the extra space to put the trail extension in the ROW. I was told that the railroad would absolutely not allow a bike path on their property. I was able to talk him down by backpedaling and saying it will just be a large sidewalk. We are trying to work through including the road, parallel parking for the town, a small windrow for snow, the bike path and a split rail fence into a pretty narrow space. While I know we will be unable to meet all of your criteria, we will be adding signage along this portion of trail advising cyclists to maintain slow and cautious speeds while entering town. I know it is not a great solution, but was thinking that perhaps a lane stripe along the path might also help in this area. I will ask our civil engineer if we can shift the manhole cover as well, I agree that does seem like a bad location for it.

My apologies for the lengthy email and for not getting back to you on your referral.

Thank you for your time, have a wonderful weekend.

Greg

Gregory Sparhawk, aia

**gps designs, llc**

co . dc . md . wa . va

425 495 7241

## Madison Harris

---

**From:** gregory sparhawk <gregs@gpsdesigns.com>  
**Sent:** Monday, April 5, 2021 1:41 PM  
**To:** Bill Hoblitzell  
**Cc:** Holly Loff; Madison Harris  
**Subject:** Re: Minturn North

Bill....

wow. that was a really thoughtful response.

thank you very much for your willingness to work with us on some of these items. i also appreciate your explanation on the items that i brought into question. after reading your points on monitoring, I full agree. we will just want to be sure we are monitoring the spot that the creek enters the PUD as well to be able to see any potential impacts from neighbors farther upstream.

thanks again Bill.

Greg

Gregory Sparhawk, aia  
**gps designs, llc**  
co . dc . md . wa . va  
425 495 7241

On Monday, April 5, 2021, 01:08:15 PM MDT, Bill Hoblitzell <bill@lotichydrological.com> wrote:

Hi Greg,

I spent some time with your questions/comments below, and rather than writing a separate letter, opted to reply to them in the colored font individually for easier organization. I will submit a more-formalized response letter to Minturn from ERWC acknowledging a couple of the important corrections/clarifications you made surrounding our initial round of comments (regarding our lack of recognition of some of the stormwater treatment for the project, and the Game Creek buffer protections you've described). I am around this week except for Thursday if you want to do some more follow-up, thanks.

Bill

On Fri, Mar 26, 2021 at 3:04 PM gregory sparhawk <[gregs@gpsdesigns.com](mailto:gregs@gpsdesigns.com)> wrote:

Hello Bill,

This is Greg Sparhawk (we've worked together on trail maintenance in the past and we chatted about a mtn bike trail up the hillside next to town)..

I'm working on the Minturn North project that Eagle River Watershed supplied referral comments to. My apologies, but I honestly did not realize I was supposed to reach out to each agency, and have just been working off of supplying responses to the town. I spoke with Michelle this afternoon and she directed me to get in touch with you to go over the referral.

I am more than open to getting on a call and discussing concerns related to this project, but wanted to send through a quick overview of how we have responded to the Watershed's comments.

I did want to point out one item that seemed to be a pretty major one, that of the water quality being conveyed to the Eagle. The referral response seemed to indicate that we are not providing any treatment, just conveyance. My apologies if this wasn't clear in our submittal, but we show 3 storm water treatment vaults at each point on the property where the new storm water system ties into the existing pipes that cross the tracks. I believe the drainage report also referenced those.

Thanks for pointing this out. Our understanding of the design was based primarily on the drainage report, which showed no treatment and identified 3 outlets to convey flow under the road and railroad property to the river. It specifically stated '*It is understood that detention will not be provided as part of the Project.*' The goal of this Project will be to effectively convey the drainage to Game Creek and the Eagle River". However, based on your clarifications, I do see that it states

later that "Water quality infrastructure is being designed by Yarnell and information on water quality treatment is provided in the form of a memo included in Appendix E." (seVII\_k WWE Page 13, 2nd paragraph). On Yarnell's site Drawing Packet sheet # C5.2.8 (Page 38 of the pdf), I see three Stormtech Square DVS (Dual-Vortex Separator) vaults, which are designed to reduce TSS, gross solids, trash/debris, and some amount of hydrocarbons. As you noted, these are located at the S side of the railroad crossing (DVS-144), at bottom of 4th st (DVS 144), and at a lowpoint on the Minturn Rd N of the creek (DVS-84). These devices will definitely provide an improvement over raw stormwater conveyance. To function effectively, these vaults require regular maintenance and cleaning of deposited sediments and pollutants, and it is important that the town is able to plan for and establish capacity for covering that maintenance cost in perpetuity, or the water quality benefits will be rendered negligible.

While the partial treatment achieved from these types of vaults can probably be declared 'industry *standard*' practice, I would still say that 'industry *best*' practice is to promote the use of landscaped surface detention features and maximum infiltration of typical storm flows onsite into groundwater over rapid transference to streams. It would still be preferable if less design emphasis were placed on efficient conveyance and treatment, and more emphasis placed on onsite infiltration. While achieving some level of stormwater treatment with the vaults is good, more modern LID/Green Infrastructure approaches to stormwater design try to place a greater emphasis on not generating so much polluted runoff from impervious surfaces in the first place. Because the Minturn North site is a blank slate and not a re-development, it is fair to say that there is reasonably high potential for incorporating Green Infrastructure/LID design into the stormwater treatment paradigm for the development. Vault treatment trains are definitely better than no treatment, but generally in Eagle County we have come to view them as the necessary go-to in tight urban situations where available real estate for retro-fitting older stormwater sewers is at a minimum, not the first choice in a new development. ERWC recognizes that assigning more space to Green Infrastructure/LID types of stormwater infrastructure is likely to reduce developable area for sale within the subdivision, and is likely considered undesirable by the development team as a result. Again, this isn't anything we can ask the town to require of the project, but it's something we can point out for consideration to the P&Z and council during the approval process.

At any rate, we can definitely note to Madison that my review of the project drainage is faulty and missed important aspects of your engineer's design that will provide additional water quality benefits beyond our original reading of the plan..

With regards to the flood hazards and alluvial fan geomorphology, we have asked our geotechnical engineer to go out and evaluate these risks once the snow melts off. We will be supplying his report for everyone's review as soon as we have it. We are planning that the Town will want resolution to this item prior to any final approval.

Thanks for directing the technical staff to take an additional look. Fluvial Hazard Zones (FHZ) as a separate planning tool have only recently been promoted by the state's water conservation board, so there really isn't much guidance for the town on that type of thing. I can explain where we are coming from a little bit better on that one as well...

While the potential fluvial hazards inherent to developing on alluvial fans are definitely far from a fatal flaw for this project, they are worth at least considering when planning for strong setbacks around the stream channel and considering the advantages/disadvantages of various stream crossing types that avoid pinching the channel's full available capacity down to just enough to pass estimated 100-year design flows. We hope this consideration provides stronger motivation to consider a wider freespan crossing of the creek rather than a culvert. While the open bottom culvert design proposed is commendable for its nod to promoting (hopefully) better fish passage, a free span will both fully support that goal, allow for passage of larger flows, and mitigate against debris flows and plugging during extreme events.

To paint that picture a little better, pasted below are a few pictures of a neighborhood in Basalt that received a heavy sediment flow during a summer thunderstorm after the Lake Christine Fire. There have been two fires started at the Two Elk shooting range in recent years, one of which moved up the hillside before being contained. It's about a 2 mile run up and over Cougar Ridge from there at which point, most of the north facing lodgepole forest in Game Creek is riddled with beetle kill and standing dead.. It's not a very far-fetched scenario to consider the likelihood a fire in Game Creek canyon is initiated naturally or accidentally by anthropogenic activity either in Minturn or at the ski area in the next 10-20 years, and the subsequent potential for non-modeled non-clearwater flows to come out of the canyon. While it's definitely very difficult (close to impossible?) to really estimate the true probability of that type of risk in these developments, encroaching on the stream channel as little as possible and not adding additional blockage hazards like culverts is at least one way of structurally mitigating for potential damages from these low-probability/high-consequence events. It would benefit the County to do the same with the Minturn Road culvert and consider a free span there as well. Game Creek canyon is also a prominent wildlife movement corridor. This development will significantly increase movement barriers between the mouth of the canyon and the river/Meadow Mtn for a variety of species, especially because of the location of the estate lots on the north side of the creek. While large ungulates (deer/elk) are more likely to use the hillslope to the NE to move

around the development, smaller species would still be maintain movements along the stream corridor if wider free spans are utilized and a robust strip of native riparian vegetation for cover is maintained along the stream and property owners are prevented from encroaching this buffer corridor.



With the Riparian buffer, we have planned out the project to keep all impacts a minimum distance per code, but also moved most of our open space to this area to further create a separation. I have attached the updated EIR here from the engineers but we are also looking to fence along the game creek trail extension (varying distances from the buffer) with split rail and provide signage asking people to stay clear of it. In addition we will be providing lot buyers with informational documents that identify the concerns brought up in your report regarding the use of pesticides and interference. This area will be dedicated to the Town upon completion so they will have the ability to further limit use and access if they wish.

I think this is a really helpful explanation and a well thought-out approach, and ERWC can provide additional correspondence to the town in support of the importance of it and commending this part of the design if needed/helpful. We believe it is really important that town understands it is much easier to set a strict standard for the creekside homeowners in the beginning, and preferably own and control the ROW as town land, rather than have to fight those battles on the backend, which then tend to create homeowner perceptions that the town is engaging in a regulatory 'takings' when it tries to implement good science-based stream protections.

For the creek crossing, unfortunately, we are unable to safely access much of the northern parcels from Minturn Road so are limited to a crossing at Ice House. I understand that the culvert is not the preferred option as well, but the preliminary numbers on a full span bridge at that area are much higher. We are also proposing a culvert at Minturn Road. Both of these have been designed to minimize sediment build up and allow for proper flow of the creek to the point where they tie into the existing pipe at the Railroad property.

We definitely understand there are cost differences and trade-offs that Minturn North (and any other development) have to consider and negotiate/compromise on appropriately with the town. Our organizational comments are designed to come solely from the context of water quality, habitat/wildlife protection, and physical/geomorphic stream function. From that perspective, while the open culverts at Ice House Rd and Minturn Rd do provide some minimal benefits as far as aquatic organism passage and are of course designed to pass the design-standard clearwater flood flows and the 'typical' annual sediment transport (bed load transport during bankfull flows), they fall short of providing the other benefits discussed above (best-available aquatic organism passage, animal movement, increased mitigation against blockages and damage from large non-design events like debris flows). We recognize it is up to the town to weigh the social and ecological benefits of various design options against the potential economics of the development's preferred option and make the best/most-appropriate choice they can during approval processes.

For the monitoring, we completely understand the intent here but are concerned that there is no historical data that shows if the creek is in an ongoing state of decline or improvement. We believe that by installing the storm water system along with the treatment vaults that we will be improving the overall quality. But if it is in a slow decline, and by improving it we are only slowing that decline, I don't think it would be fair to be penalized for making conditions better. I do have strong concerns with site activity that continues to be done on the parcel at the end of Taylor and the impacts they are having on the creek.

ERWC is not interested in penalizing members of the community or businesses for doing perfectly normal economic and social activities like developing private property and constructing homes. We definitely recognize that most stream issues are cumulative and result from 'death-by-a-thousand-cuts' type impacts, they are rarely the fault of any one particular development or action over time. However, if water quality and habitat is to be protected over the long term, and we expect to make any progress on improving locations with already-impaired water quality, we have to begin holding towns and developments (i.e. ourselves) accountable for foreseeable and preventable impacts right from the start, rather than decades later.

Requesting/requiring water quality monitoring components for new developments is something that actually has a fairly strong history in Eagle County. The County first implemented this type of requirement in the early 2000's with Adams Rib. Those developers were required to monitor baseline chemical and macroinvertebrate conditions above/below/within their development envelope prior-to/during/and post-construction as an enforceable condition of PUD approval. Town of Eagle recently committed to increased monitoring above/below the whitewater park and associated downtown riverfront developments. ERWC has supported similar pushes to include monitoring components to be tied to developments at the Haymeadow in Eagle, the proposed Edwards River Park, and the proposed Red Canyon Ranch east of downtown Eagle. We will push for similar monitoring requirements if/when the development proposals at Maloit Park come to the table. When we survey valley residents, they often believe that Gilman/Eagle Mine or I-70 are the biggest water quality issues in our area. What now amounts to decades of local science in numerous west slope mountain communities (Vail,

Aspen, Snowmass, Silverthorne etc.) has shown that creeping urbanization, stormwater runoff, loss of riparian buffers, and near-stream urban/suburban land management practices (pesticides/herbicides/fertilizers) are in fact the most prevalent modern threats to our valley's streams and the most frequent modern cause of state-listing a water body for 303(d) regulation under the Clean Water Act. When these listings have occurred, town governments have then found themselves struggling to find solutions to retrofit stream protections on dispersed ownership private property in order to improve water quality.

We recognize that Minturn North is inset within an area that saw industrial railroad activity for much of the last century and since then has basically been unmaintained as a post-industrial brownlands. I agree with you that it is unlikely the development footprint will generate a water quality signal that is apparent over the background issues in Minturn (the river has obviously been heavily modified from Martin Creek to Game Creek over time, and most of the riparian zone and floodplain in this stretch is now absent or heavily altered/degraded). However, in the event that conditions decline in the future in ways unrelated to the mine (for example, an aquatic life 303(d) listing), it is the town that is most likely to be held accountable by the state, not the Minturn North project proponents. Because of this reality, we wish to strongly impress on the Town staff and council the importance of data collection that brackets the downtown area and any areas of new urbanization in order to 1) establish a better modern baselines (existing long term monitoring sites were located to target the mine and the mouth of Gore Creek, none exist in downtown Minturn), and 2) track changes over time. In keeping with 'the polluter pays' principle inherent in most US environmental regulations, we continue to believe that placing a monitoring component or a requirement for ongoing financial contribution to monitoring by the project proponents (i.e. the future Minturn North HOA) as a condition of the PUD approval is pretty reasonable.

Sorry for the lengthy email, and my apologies for not reaching out sooner; it was my misunderstanding about how this process goes. I am around if there is a time that you'd like to get on the phone to discuss these. I am happy to have any of our engineers available as well if you feel they can help add any clarity.

Thanks Bill,  
have a good weekend.  
Greg

Gregory Sparhawk, aia  
**gps designs, llc**  
co . dc . md . wa . va  
425 495 7241

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Bill Hoblitzell  
Lotic Hydrological  
970 471-6216  
[bill@lotichydrological.com](mailto:bill@lotichydrological.com)

[lotichydrological.com](http://lotichydrological.com)

## Madison Harris

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**From:** James A. Mann <jmann@ehlers-inc.com>  
**Sent:** Thursday, March 25, 2021 2:43 PM  
**To:** Madison Harris  
**Subject:** RE: Minturn North PUD Referral Follow Up

Madison –

I noted that the applicant only responded to the grading concern raised by Mr Spanel. Ehlers has not received anything in respect to our referral comments.

Is there anything in particular that you would like Ehlers to prepare for related to the April 14<sup>th</sup> meeting? Also, will the meeting be in person or via video conference?

Thanks.

J

**James A. Mann**, CIPMA  
Senior Municipal Advisor  
O: (303) 802-2306 | M: (414) 507-6981 | [ehlers-inc.com](http://ehlers-inc.com)



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**From:** Madison Harris <planner1@minturn.org>  
**Sent:** Friday, March 19, 2021 12:59 PM  
**To:** Scot Hunn <planner@minturn.org>  
**Subject:** Minturn North PUD Referral Follow Up

Hello,

I hope you are doing well. This email is to let you know that we are tentatively scheduling the Minturn North PUD on April 14th for a Planning Commission hearing. This meeting will start at 6:30 pm. We have received some revised documents, which are updated upon receipt here: <https://www.minturn.org/planning-zoning/pages/active-planning-applications>. Please let me know if you would like me to send anything specific to you. I did have a question for the Town's records, whether or not anyone from the Minturn North PUD Team has reached out to resolve or address any comments made throughout the referral period. If you could let me know, that would be much appreciated.

Thank you for your time,

*Madison Harris*

Planner I  
Town of Minturn  
[Planner1@minturn.org](mailto:Planner1@minturn.org)  
970-827-5645 Ext. 2



April 8, 2021

Madison Harris  
Town of Minturn  
301 Boulder St. #309  
Minturn, CO 81645

**RE: North Minturn PUD**

Dear Madison,

Eagle River Water and Sanitation District Staff have been working closely with the Developers and Engineers for the North Minturn PUD project and feel comfortable with the proposed layout and alignment of the sanitary collection system improvements for the project. There are some minor details to work through prior to issuing a construction plan approval letter but believe there are no major issues that would prohibit the project from moving forward.

Please let me know if you have any questions or need any additional information.

Sincerely,

A handwritten signature in blue ink that reads "Tug Birk".

Tug Birk  
ERWSD  
Development Review Coordinator

Cc: Michelle Metteer  
Greg Sparhawk  
Jason Cowles P.E.  
Len Wright Ph.D.

## Madison Harris

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**From:** Eric Petterson <ericp@sgm-inc.com>  
**Sent:** Sunday, March 21, 2021 11:24 AM  
**To:** Madison Harris  
**Subject:** RE: Minturn North PUD Referral Follow Up

Hi Madison! Yes, I did talk with the applicants at length on how to beef up their discussions and disclosures of impacts. The applicant was on the line as well, and he's going to incorporate some items into their proposal too. Our call was on February 25. Let me know what else you may need?

**Eric Petterson**  
*Environmental Team Lead*



118 W Sixth St, Suite 200  
Glenwood Springs, CO 81601  
970.384.9017 / 970.309.5190 cell  
ericp@sgm-inc.com  
www.sgm-inc.com



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**From:** Madison Harris <planner1@minturn.org>  
**Sent:** Friday, March 19, 2021 12:59 PM  
**To:** Scot Hunn <planner@minturn.org>  
**Subject:** Minturn North PUD Referral Follow Up

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I hope you are doing well. This email is to let you know that we are tentatively scheduling the Minturn North PUD on April 14th for a Planning Commission hearing. This meeting will start at 6:30 pm. We have received some revised documents, which are updated upon receipt here: <https://www.minturn.org/planning-zoning/pages/active-planning-applications>. Please let me know if you would like me to send anything specific to you. I did have a question for the Town's records, whether or not anyone from the Minturn North PUD Team has reached out to resolve or address any comments made throughout the referral period. If you could let me know, that would be much appreciated.

Thank you for your time,

*Madison Harris*  
Planner I  
Town of Minturn  
[Planner1@minturn.org](mailto:Planner1@minturn.org)  
970-827-5645 Ext. 2

## Madison Harris

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**From:** Ellie Caryl <ellieveracity@gmail.com>  
**Sent:** Monday, March 22, 2021 9:45 AM  
**To:** Madison Harris  
**Cc:** Scot Hunn  
**Subject:** Re: Minturn North PUD Referral Follow Up

Hi Madison and Scot,

The applicant did contact me and our conversation is recapped in the email I sent to you March 2 (copied below). In summary, I provided feedback to Greg Sparhawk but also acknowledged that the authority to accept a lesser trail width for the Eagle Valley Regional Trail line falls with Eagle County and the Town.

On March 3, I sent you another short email to recap my other comments that Mr. Sparhawk and I did not discuss (copied below). I looked through the revised application and there appeared to be some clarification on ownership of trails to be transferred to Minturn but no other revisions. Phasing timeline appears to be the same, but I believe the County has also pushed the EVT construction from a target 2022 or 2023 construction to 2024 per a recent presentation to the County Commissioners, but that's a question to clarify with Kevin Sharkey of ECO Trails. Michelle may also have a very recent update from Kevin about his current timeline for the trail construction.

Kevin Sharkey and Town Staff including InterMountain Engineering as Town Engineer should be the final decision makers on what final conditions to apply given all discussions and negotiations with the applicant to date, and if the Eagle Valley Trail width as proposed will be acceptable.

I hope this helps answer your question about my communications with the applicant. Please don't hesitate to let me know if you have any further questions. Thank you!

Ellie

On Fri, Mar 19, 2021 at 12:58 PM Madison Harris <[planner1@minturn.org](mailto:planner1@minturn.org)> wrote:

Hello,

I hope you are doing well. This email is to let you know that we are tentatively scheduling the Minturn North PUD on April 14th for a Planning Commission hearing. This meeting will start at 6:30 pm. We have received some revised documents, which are updated upon receipt here: <https://www.minturn.org/planning-zoning/pages/active-planning-applications>. Please let me know if you would like me to send anything specific to you. I did have a question for the Town's records, whether or not anyone from the Minturn North PUD Team has reached out to resolve or address any comments made throughout the referral period. If you could let me know, that would be much appreciated.

Thank you for your time,

*Madison Harris*

Planner I

Town of Minturn

[Planner1@minturn.org](mailto:Planner1@minturn.org)

970-827-5645 Ext. 2

**Ellie Caryl <[ellieveracity@gmail.com](mailto:ellieveracity@gmail.com)>**

to Scot, Madison, Michelle



Hello again Scot and Madison,

My conversation with Greg this morning (at his request) was brief and focused on the 10' Eagle Valley Trail (EVT) width standard. The trail is currently proposed at 8' and he explained his difficulties working with UPRR and meeting the two-way trail width standard.

I provided him with some history that 10' is the standard but some locations on the EVT are narrower for short distances where constrained by a cliff traverse, or existing development but only for a few hundred feet. The PUD EVT section is approximately 2,000 feet. We discussed how he could possibly shave some width off a few other features, or vehicle lane narrowing for traffic calming, etc.

I did explain that it's the Town's decision and working with ECO Trails (Kevin) to decide if the 8' is acceptable, all things considered (the land development pattern proposed by the applicant, finite right-of-way by UPRR, level of expected trail use, narrowing lanes as traffic calming into Town while also ensuring safety, providing c&g for drainage, separation from vehicle doors, etc.). At the end of the conversation, I encouraged him to see if he could find at least 6" on either edge of the road to boost the width, but of course the authority to decide this matter rests with the Town in consultation with IME and Kevin.

Just wanted to get this recap to you quickly as he said that he's meeting with Michelle and Jeff Spanel today.

Ellie

**Ellie Caryl <[ellieveracity@gmail.com](mailto:ellieveracity@gmail.com)>**

to Scot, Madison



Hi again Scot and Madison,

I had another meeting so my conversation with Greg yesterday morning was brief and we didn't discuss any of my other review comments, such as:

1. Provide an engineered design for the trail crossings of the road (including signs, markings and possibly a speed table like Avon) and the merge area near the railroad track crossing.
2. Construct the trail in the time frame to coordinate with the County construction of trail in 2022 or 2023 - although this may be pushed to 2024 per a recent presentation by Kevin Sharkey so he'll need to provide guidance on that. My comment was directed at pinning down what seemed like an open-ended timeline for construction of the EVT trail section by the development.
3. Clarify construction responsibility, ownership and maintenance questions for the internal trails (particularly for the 10' trail called out to be built in the greenway strip between the lots and heading north-south) and snow removal plan for the EVT onto adjacent UPRR property.

Hope this helps to distill my remaining comments, in addition to the EVT width standard.

Please don't hesitate to let me know if you have any questions.

Ellie



## Madison Harris

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**From:** Selchert, Ryan J <Ryan.J.Selchert@xcelenergy.com>  
**Sent:** Friday, March 19, 2021 3:33 PM  
**To:** Madison Harris; Scot Hunn  
**Subject:** RE: Minturn North PUD Referral Follow Up

Hi Madison-

Thank you for the information and for reaching out. The Minturn North PUD Team has been in constant contact with Xcel Energy. They have been very responsive to XCEL's concerns, but at this time we are still working through a couple items.

Thank you,

**Ryan Selchert**  
**Xcel Energy**  
Planner, Mountain Division  
200 W 6th Street, PO Box 1819  
Silverthorne, CO 80498  
**P: 970.262.4068 C: 970.390.5628**  
**E:** [Ryan.J.Selchert@xcelenergy.com](mailto:Ryan.J.Selchert@xcelenergy.com)  
*My Office Hours: Tuesday to Friday, 6:00-4:30*

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**From:** Madison Harris <planner1@minturn.org>  
**Sent:** Friday, March 19, 2021 12:59 PM  
**To:** Scot Hunn <planner@minturn.org>  
**Subject:** Minturn North PUD Referral Follow Up

**EXTERNAL - STOP & THINK** before opening links and attachments.

Hello,

I hope you are doing well. This email is to let you know that we are tentatively scheduling the Minturn North PUD on April 14th for a Planning Commission hearing. This meeting will start at 6:30 pm. We have received some revised documents, which are updated upon receipt here: <https://www.minturn.org/planning-zoning/pages/active-planning-applications>. Please let me know if you would like me to send anything specific to you. I did have a question for the Town's records, whether or not anyone from the Minturn North PUD Team has reached out to resolve or address any comments made throughout the referral period. If you could let me know, that would be much appreciated.

Thank you for your time,

*Madison Harris*  
Planner I  
Town of Minturn  
[Planner1@minturn.org](mailto:Planner1@minturn.org)  
970-827-5645 Ext. 2

**Minturn Planning Department**  
Minturn Town Center  
301 Boulder Street  
Minturn, Colorado 81645



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Elliot Hovey  
Chris Manning  
Tom Priest  
Jena Skinner

## **Minturn North Preliminary Plan for PUD Application Packet**

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**Below is the link to the complete  
application for Minturn North PUD in one  
document**

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<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:69b99e73-badd-44a5-8271-161b38f7a08b>

Please utilize this link and the bookmarks within to navigate the document.

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