



## **AGENDA**

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order and times of agenda items listed are approximate and intended as a guideline for the Town Council.

**MEETING OF THE MINTURN TOWN COUNCIL**  
**Minturn Town Center 302 Pine Street**  
**Minturn, CO 81645 • (970) 827-5645**

**Wednesday March 17, 2021**

**Meeting to be held via Zoom Conferencing and call-in.**  
**Public welcome to join meeting using the following methods:**

<https://us02web.zoom.us/j/84989152543>

**Or join by phone:**

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

**Webinar ID: 849 8915 2543**

**Regular Session – 5:30pm**

**MAYOR – John Widerman**  
**MAYOR PRO TEM – Earle Bidez**

**COUNCIL MEMBERS:**

Terry Armistead  
George Brodin  
Brian Eggleton  
Eric Gotthelf  
Gusty Kanakis

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. 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 – 5:30pm**

**1. Call to Order**

- Roll Call
- Pledge of Allegiance

**2. Public comments on items which are ON the consent agenda or are otherwise NOT on the agenda as a public hearing or action item. (5-minute time limit per person)**

**3. Approval of Consent Agenda (5Min)**

*A Consent Agenda is contained in this meeting agenda. The consent agenda is designed to assist making the meeting more efficient. Items left on the Consent Agenda may not be discussed when the Consent Agenda comes before the Council. If any Council member wishes to discuss a Consent Agenda item please tell me now and I will remove the item from the Consent Agenda and place it in an appropriate place on the meeting agenda so it can be discussed when that item is taken up by the Board. Do any Council members request removal of a Consent Agenda item?*

- March 3, 2021 Meeting Minutes                      Pg 4
- 482 Eagle River St Review                              Pg 18

**4. Approval of Agenda**

- Items to be Pulled or Added
- Declaration of Conflicts of Interest

**5. Special Presentations**

- Eagle County Sheriff's Office Annual Update – Undersheriff Loya
- Council Comments/Committee Reports

**PUBLIC HEARINGS AND/OR ACTION ITEMS**

- 6. Public Hearing/Action Item:** Public Hearing regarding condition violations on the Burk Harrington Construction CUP – Richard Petersen-Cremer                      Pg 48

**COUNCIL INFORMATION / UPDATES**

**7. Staff Updates (5 Min)**

- Manager's Report                      Pg 77
- Future Agenda Items                      Pg 79

**MISCELLANEOUS ITEMS**

**8. Future Meeting Dates**

- a) Council Meetings:
- April 7, 2021
  - April 21, 2021
  - May 5, 2021

**9. Other Dates:**

- 
- 

**10. Adjournment**



## OFFICIAL MINUTES

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**Wednesday March 3, 2021**

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<https://us02web.zoom.us/j/82998687894>

**Or join by phone:**

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

**Webinar ID: 82909868-7894**

**Passcode: 473555**

**Executive Session – 5:30pm**

**Regular Session – 6:15pm**

**MAYOR – John Widerman**  
**MAYOR PRO TEM – Earle Bidez**

### COUNCIL MEMBERS:

Terry Armistead

George Brodin

Brian Eggleton

Eric Gotthelf

Gusty Kanakis

These minutes are formally submitted to the Town of Minturn Town Council for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/827-5645 302 Pine St. Minturn, CO 81645.

**The Minturn town Council will open the Regular Meeting at 5:30 for the purpose of convening into Executive Session. At approximately 6:15pm the Council will convene into Regular Session for the remainder of the meeting.**

## Regular Session – 5:30pm

### 1. Call to Order

- Roll Call

The meeting was called to order by Mayor John Widerman at 5:31pm using the ZOOM on-line meeting format.

Those present include: Mayor John Widerman, Mayor Pro Tem Earle Bidez and Town Council members Terry Armistead, George Brodin, Brian Eggleton, Eric Gotthelf, and Gusty Kanakis.

Staff present: Town Manager Michelle Metteer, Town Planner Madison Harris, Town Attorneys Michael Sawyer and Richard Peterson-Cremer, and Town Treasurer/Town Clerk Jay Brunvand.

- Pledge of Allegiance

### EXECUTIVE SESSION

### 2. An Executive Session for the purpose of determination of positions relative to matters that may be subject to negotiations, development of negotiations and instruction of negotiations under CRS Section 24-6-402(4)(e) – ERWSD/Battle Mountain

Motion by George B., second by Eric G., to convene in Executive Session for the purpose of determination of positions relative to matters that may be subject to negotiations, development of negotiations and instruction of negotiations under CRS Section 24-6-402(4)(e) – ERWSD/Battle Mountain. Motion passed 7-0.

Those present in the Executive Session included: Mayor John Widerman, Mayor Pro Tem Earle Bidez and Town Council members Terry Armistead, George Brodin, Brian Eggleton, Eric Gotthelf, and Gusty Kanakis. Note: Eric Gotthelf was excused absent.

Staff present: Town Manager Michelle Metteer, Town Attorney Michael Sawyer, Town Water Attorney Meghan Winokur.

Town Council will convene in Regular Session from Executive Session at 6:10pm.

### REGULAR SESSION

Those present include: Mayor John Widerman, Mayor Pro Tem Earle Bidez and Town Council members Terry Armistead, George Brodin, Brian Eggleton, Eric Gotthelf, and Gusty Kanakis.

Staff present: Town Manager Michelle Metteer, Town Planner Madison Harris, Town Attorney Richard Peterson-Cremer, and Town Treasurer/Town Clerk Jay Brunvand.

**3. Public comments on items which are ON the consent agenda or are otherwise NOT on the agenda as a public hearing or action item. (5-minute time limit per person)**

**4. Approval of Consent Agenda (5Min)**

*A Consent Agenda is contained in this meeting agenda. The consent agenda is designed to assist making the meeting more efficient. Items left on the Consent Agenda may not be discussed when the Consent Agenda comes before the Council. If any Council member wishes to discuss a Consent Agenda item please tell me now and I will remove the item from the Consent Agenda and place it in an appropriate place on the meeting agenda so it can be discussed when that item is taken up by the Board. Do any Council members request removal of a Consent Agenda item?*

- February 17, 2021 Meeting Minutes

Motion by Brian E., second by Eric G., to approve the March 3, 2021 Consent Agenda as presented. Motion passed 7-0.

**5. Approval of Agenda**

- Items to be Pulled or Added
- Declaration of Conflicts of Interest

Motion by Gusty K., second by Earle B., to approve the March 3, 2021 Agenda as presented. Motion passed 7-0.

**6. Special Presentations**

- Council Comments/Committee Reports
  - Water Report

Raw water from MW3 (Monitoring Well 3), has been the recent focus of attention on the proposed new well fields. The location of the test well, that has provided sample water quality data, is at the base of Battle Mountain, on the East side of the Railroad Tracks and Highway 24, approximately 1 mile south of the shooting range. The quality of this water is, so far, suitable to pipe to the new WTP (Water Treatment Plant) and treat to produce drinking water.

Modeling this proposed Well field and understanding how it will draw ground water is necessary for long term success. The science and study currently underway is to model or predict the effect of pulling well/ground water for an extended period. The real crux to this modeling is, in twenty or thirty years, will this well field begin pulling contaminated water from the Superfund site? The superfund site is about one half to three quarter of a mile west of the well field. There is a Highway Bed, and a river between the well field area and the superfund site. Modeling is being undertaken to predict where the water for the well will draw from over a long period, 30 plus years. Looking ahead and learning from the past:

It has been frequently asked, “why does Minturn even need to develop the additional well field. The reasons are straight forward on face value, but, like all things water, complex when

scrutinized. Redundancy of water source is prudent. A wildfire and/or flood could render the Cross Creek drainage unusable for a long period of time. The water flows in Cross Creek are subject to ever increasing dry climate/drought conditions. There is simply not an abundance of water available.

Water in the Colorado River watershed is of prime concern to everyone from the Colorado River headwaters to southern California. It is responsible planning to secure this source now for Minturn's future community needs.

Brian E. updated that applications for the Minturn Scholarship are now open. Refer to the town website for the application and requirements. Completed applications are due March 31<sup>st</sup>. He also updated that we are moving to a new group of qualified individuals in the state wide COVID vaccine schedule. Although things are looking up, Brian E. reminded all to be virus vigilant.

Terry A. informed all of a Sunday night fundraiser for victims caught in a recent back country avalanche. This concert is available on YouTube for viewing and donations.

John W. noted the Climate Action Collaborative goals. A formal update will be available in a near future meeting.

## PUBLIC HEARINGS AND/OR ACTION ITEMS

### **7. Public Hearing/Action Item:** Public Hearing regarding condition violations on the Happy Hammer Construction CUP – Metteer

Michelle M. stated of recent issue, and the reason for a request for public hearing, is due to Cozzens Construction receiving a third violation notice within a 12-month period. As outlined and approved within Resolution 27 – Series 2018 condition #6, three violations within one-year trigger a recommendation to Council for revocation of the CUP.

In October of 2020 – The Town received a resident complaint regarding the storage of a non-work- related vehicle.

From October to December of 2020, two notices of violation had been sent to Sean Cozzens of Cozzens Construction for failure to remove a non-work-related vehicle.

In January 2021 Town staff received a complaint from a concerned resident regarding the storage of an abandoned and/or unregistered vehicle within the CUP area. On Thursday, January 28, 2021 Town staff visited the CUP site and identified the vehicle with expired registrations which appeared to be non-work related. A second staff visit on February 2, 2021 found the vehicle in violation to still be present on the CUP property. (See attached Notice of Violation dated February 2021). As indicated by Condition #3 of the Conditional Use Permit; There shall be no inoperable/unlicensed vehicles kept on the property for longer than 5 days as required by the Minturn Municipal Code, Sec 7-2-70.

These violations were/are Cozzens Construction's third notice of violation. As identified in Resolution 27- Series 2018, a third notice of violation in a 12-month period initiates staff to escalate the issue to the Council-level for recommended revocation of the CUP. Revocation is at the sole discretion of the Town Council.

Michelle M. noted the violating trailer had been removed yesterday.

George B. asked of the notification of the process for violations. Michelle M. outlined the notification letter sequence.

Ms. Ginger Cozzens, co-leaseholder and spouse of Mr. Cozzens, was present to represent the leaseholders. She stated they had difficulty confirming the owner of the trailer. Once it was confirmed the camper trailer was removed.

Earle B. asked of the fencing of the site, its fenced and screened on three sides.

Public Comment opened  
No Comment  
Public Comment Closed

John W. noted the enforcement is a concern of the Town for storage lease lots on the railroad property.

Michelle M. noted the Res 27-2018 requires Staff to bring such violations to Council with a revocation recommendation. She noted compliance seems to be most active once they are summoned to the Council level. She noted Council does not need to follow Staff's recommendation.

George B. asked where this goes back to, does this go back to two violations?

Richard P-C. stated they should note that three violation had occurred within a single year and an additional violation would result in an immediate summons to Council.

Terry A. felt we are working through the kinks of this system and saw areas where the process could be revised. She stated with regards to the revocation recommendation from staff that she did not want to go against the Staff recommendation but rather institute a process where both sides work together. She felt this was a small group of CUP holders but that we are spending a lot of time on these issues and encouraged lease holders to work with the Town.

Earle B. agreed that the process be refined in order to be less of a burden on Staff time. He was disappointed that these hearings are coming forward. He felt it important to learn who owned the trailer so to act quickly if it appears somewhere else in town.

Brian E. agreed that three warnings and a Council meeting was not appropriate use of Staff time. He felt it important to work with all the lease holders to develop a reasonable enforcement process.



Motion by Eric G., second by Earle B., to reject the staff recommendation to revoke the Happy Hammer CUP although finding this is a third violation motion passed 7-0.

**8. Public Hearing/Action Item: Resolution No. 09 – Series 2021 A Resolution creating a Town Procurement Policy – Metteer**

Richard P-C stated the attached resolution will set a Procurement Code for the Town to govern purchasing, solicitation for services, and disposal of surplus Town property. This code is based on similar codes we have prepared for other Towns, with modifications for Minturn. The Policy generally follows the existing Town Ethics Code and expenditure limits for employees and the Town Manager. It outlines the processes for Requests for Proposals, Requests for Qualifications, and Invitations to Bid, based on projected expenditures. There is also an appeal process to ensure that any complaints can be handled by the Town before going to court.

One area that Council may wish to discuss is in Section IV.m.2, the Eagle County resident business preference amount. As drafted, this policy provides a five percent discount off of the bid for the purposes of comparison with other bids. Cost is only one element of the selection process, so this will not be decisive in all situations, but can steer more Town expenditures to local businesses.

George B. felt this was good business practice.

Gusty K. requested the use of prequalified vendors be added to the Resolution to include the State Bid Process, Source Well, and Public Surplus Option. He stated all three programs are well established, prequalified through the State, and used by many jurisdictions.

Michelle M. agreed with Gusty K., the Town has used some of these programs in the past and they would be utilized. She asked if they needed to be added to the resolution to ensure they are adopted within the document. Although the Resolution does not preclude those uses, they would be added.

Brian E. felt this could be used as support in our grant applications to show fair and equitable programing. He expressed his desire for the importance of using local organizations if they are qualified as expressed in the Resolution.

Eric G. was in favor of increasing from 5% the cost factor for local sourcing to support our local economy.

Michelle M. felt it important that maintaining or establishing the 5% cost factor be addressed this evening in order to be able to implement the policy quickly. It was noted most often the cost factor is between 4-8%. Eric G. recommended 7%.

Public Comment opened  
No Comment  
Public Comment Closed

Motion by Eric G., second by Gusty K., to approve Resolution No. 09 – Series 2021 A Resolution creating a Town Procurement Policy as amended. Motion passed 7-0.

Amendments:

- Include in the Resolution the use of State certified vendors of:
  - The State Bid Program
  - Source Well
  - Pubic Surplus Option
- Increase the local cost factor from 5% to 7%

**9. Public Hearing/Action Item:** Ordinance No. 02 – Series 2021 (First Reading) An Ordinance creating a School District Land Dedication Policy – Metteer

Michelle M. noted we are looking at new applications, this would not be retroactive to Belden and Minturn North PUD applications currently filed.

Richard P-C stated many local governments require dedication of land to the local school district or a fee in lieu in order to offset impacts of additional density on school facilities. The attached ordinance adds such a requirement to the Town's subdivision code, Chapter 17, that the applicant for a subdivision either dedicate a certain amount of land to the school district or pay a fee in lieu thereof. The amount of land to be dedicated is determined by an equation in the ordinance based on the number of residential units being constructed on the subdivided lots. If the Town decides to collect a fee in lieu of land, that amount is determined by valuing the amount of land that would otherwise be dedicated based on an average land value set by the Town Council. That amount will be set at the next Council meeting by resolution. He noted this is based on an Ordinance in place in Eagle, and it has been tested and approved by the ECSD with those approved PUD's.

George B. confirmed this is ongoing in local towns and we are following suit.

Earle B. noted the cost for an individual house and asked how the math is calculated on an empty lot. Richard P-C. noted this would be based on vacant land. Discussion ensued. It was noted fees will be addressed based on local like communities to determine how this will be sensitive to the town land values. Richard P-C noted this is only applicable to PUD's not single buildings.

Terry A. asked how the funds are forwarded to the school district and is that money reserved by the district. The revenue is required to be set aside by the school district for district housing, land and school development within the Town of Minturn.

Brian E. agreed with Terry A.'s concerns. He did want to make sure it was applied properly. He was concerned with land vs cash in lieu noting that VSSA appears to be last in line to district funding sources. He was concerned requiring developers to pay additional fees when we are

attempting to create affordable housing sources.

Earle B. confirmed this would be only within the Town. Richard P-C. stated this is an option for the District that it be within Minturn. Earle B. stated if were required to be within Town it would make it more palatable. Richard P-C. stated the school district should be consulted on this as they may NOT be able to attribute this only within the Town.

Terry A. asked if any other towns keep the money for the School District for use within the town by the town? Richard P-C. stated he would need to research this escrow option.

John W. asked if this Ordinance would be conflicting with other PUD's that are on the near horizon. Michelle M. stated we would need it in the next one or two meetings.

Brain E. stated the District has a lot of land in Maloit Park. He asked how we could incentivise the fee to application to that area.

Earle B. felt if they were open to an agreement that covers our concerns he felt it unnecessary for the Town to hold the money. He also wanted to see a cost analysis to see what impact it would have on developers.

Public Comment opened

No Comment

Public Comment Closed

Summary of items of concerns:

- Fee assessment based on local land costs (Vail/Avon)
- Research option for a paper trial of the money and how it is spent
- Does the District have the ability to earmark Minturn collected funds for expenses specifically within Minturn.
- Local housing plan exemptions

Motion by Brian E., second by Earle B., to continue to the April 7, 2021 meeting Ordinance No. 02 – Series 2021 (First Reading) An Ordinance creating a School District Land Dedication Policy as presented. Motion passed 7-0.

## DISCUSSION/DIRECTION ITEMS

### **10. Discussion/Action Item: Exterior Illumination Standards – Metteer/Peterson-Cremer**

Michelle M. stated A Minturn resident submitted a request for Council to review the outdoor lighting regulations as they pertain to holiday lighting. This request was submitted to a Town Council member and subsequently approved by the Mayor for addition to an upcoming agenda.

Minturn prides itself on its “small town, funky and eclectic” character. Many town documents cite

this description and consequent pride our residents feel. However, because no town documents define funky or eclectic, its application on the ground is open to interpretation. Town residents are afforded room to interpret these concepts and the independence to define these descriptions for themselves.

The Minturn Municipal code is in place to afford this independence while creating over-arching boundaries toward maintaining pleasant living conditions between neighbors and within neighborhoods. The outdoor lighting section of the Minturn Municipal Code (Exterior Illumination Standards, Section 16-17-180) is an example of this effort as outlined under the purpose and intent of this code section:

Sec. 16-17-180. - Exterior illumination standards.

Purpose and intent. The purpose of this Article is to establish rules and regulations governing the installation of outdoor lighting in the Town. These regulations are intended to:

- Promote appropriate light for safety and security;
- Help preserve the small-town character;
- Prevent inappropriate and poorly designed or installed outdoor lighting;
- Reduce glaring and offensive light sources;
- Reduce nighttime light pollution and protect the night sky;
- Provide clear guidance pertaining to exterior light fixtures for developers and homeowners; and
- Phase out existing nonconforming fixtures that are in violation of this Article, including those owned by the Town.

(b) Definitions

*Holiday/ornamental lighting* means festoon-type lights.

Within the illumination standards are a list of “exceptions” to the code. These exceptions include:

Sec. 16-17-180. - Exterior illumination standards.

(f) Exemptions. The following exterior light fixtures shall be exempt from the regulations contained in this Article:

1. Illumination of the United States flag, provided that such lighting does not interfere with the vision of drivers or pedestrians or otherwise create an unsafe condition for the public. No more than two (2) lights per pole are permitted.
2. Lights and lighting devices which are part of a Town event or public gathering, so long as the event or gathering is of a temporary nature.
3. Holiday/ornamental lighting.
4. Construction lighting used for the purpose of illuminating construction work activities, provided that the illumination source is directed internally towards the project site and is turned off each night when work is halted.

Minturn does not currently have a date range limitation for holiday lighting – they are allowed

year-round. There is also no timing limitation – holiday lights are allowed 24 hours/day. Holiday lights are also not required to reflect downward as other outdoor lighting must do for maintaining the dark sky requirements.

In almost all areas of town, holiday lights are used without issue (or at least without complaints to town). A quick drive down Main Street shows almost 30 properties utilizing some form of holiday lighting. This is an integral expression of character throughout town and typically valued within Minturn's "funky and eclectic" community.

The exemption for the holiday/ornamental lighting is the root cause for the requested Council discussion. As is evident from the attached photos, this exception allows for the abuse in using such lighting when neighbor relations are strained. Complaints have been submitted pertaining to the highly illuminated deer on top of a 10' post immediately outside of the next-door neighbor's dining room window. Because holiday lights are exempt from municipal code enforcement, no action by the town has been taken.

Of question for this discussion is: Does the Council want to amend the code and enforce restrictions on holiday lighting? To that end, is a single neighborly dispute jeopardizing the ability for an entire town to utilize festive lighting? If the Council decides to amend the code, how would any restrictions be enforced?

Any restrictions on holiday lighting would need to be applied uniformly throughout the Town and be unrelated to the content of the lighting displays. Some Town codes include restrictions to Winter months, requirements that lights be turned off by a certain time, or limitations on the amount of space a display can occupy. Due to the widespread display of holiday lights throughout the Town and during all seasons, enforcement of any such limitations could quickly become a resource-consuming activity.

Eric G. felt it reasonable to add holiday lighting be restricted to a specific time at night in an effort to protect the dark sky regulations.

George B. likes the lights and felt this was a specific incident and was not in favor of changing the rules to appease one dispute in the town. He felt this was better resolved between the neighbors.

Gusty K. felt the deer and other light was not holiday lighting and could be addressed with our current code. Note: it was unclear from the picture exhibited what the "other" lighting was. It later was identified as a second very bright deer.

Terry A. felt this was a clear case of one neighbor harassing another neighbor. She felt it was not on Council to teach a citizen how to behave with their neighbor. She stated this is not in the spirit of Minturn or holiday. It is inappropriate and shameful behavior.

Earle B. agreed with Terry A. and asked how or what can we do to address this without modifying the code? We should not pass law for the case of one harassing neighbor.

Brian E. felt this kind of intimidation was horrible and they should be publicly shamed. He felt

this was so inappropriate for a single family to behave this way. He was interested in having the code reviewed as suggested by Gusty K. and Earle B. to see what could be done.

John W. felt it was ridiculous the time and cost spent by the affected neighbor and the Town all due to a single neighbor, felt additional law was not appropriate, was in favor of reviewing existing code.

Michelle M. noted we would review the nuisance code and other current code to see if it was in violation in other areas of our existing code.

George B. asked if other towns face this, Richard P-C stated some regulate this by before and after the season or time of day restrictions. Richard P-C felt having staff police this in the middle of the night was not appropriate.

Brian E. agreed that it would be appropriate to review for code enforcement. He noted the extreme hardship the affected neighbor is subjected to by the harassing neighbor.

Direction given: The Council did not desire to amend the existing code at this time in order to address a single specific concern. Further, Richard P-C will review the existing code for items that could be used to require compliance of the offending neighbor to include violations, fines, and other as appropriate.

## COUNCIL INFORMATION / UPDATES

### 5. Staff Updates (5 Min)

- Manager's Report

#### **Infrastructure Input Session - Congressman Joe Neguse**

Congressman Neguse's staff member, Jill Grano, held a listening session for western slope municipalities and counties on Monday, February 22<sup>nd</sup>. I participated on behalf of Minturn and provided feedback regarding the need for funds toward infrastructure relating to water systems and multi-modal transportation. Jill Grano has been a good connection to the Congressman's office, and anyone is encouraged to reach out directly: [Jill.Grano@mail.house.gov](mailto:Jill.Grano@mail.house.gov)

#### **Minturn Small Businesses Grant Application Update**

The small business grant application process was well received. Ten businesses applied for grant assistance and approximately \$21,000 was awarded.

#### **Community Plan Update**

The team is wrapping up the application for the Department of Local Affairs, Energy/Mineral Impact Assistance Fund grant which is due the first week in March. This grant will be a request for \$130,000 which would be matched with funds from the Town to complete the update to the 2009 Community Plan.

#### **Wildland Fire Program**

Eagle River Fire Protection District (ERFPD) Chief Karl Bauer updated the town managers of Eagle County on our bi-weekly call about the increasing risk of wildfires around our mountain-town communities. This discussion is closely related to the ongoing drought conversations and how communities can mitigate risk through a variety of action steps. Chief Bauer will be visiting the Minturn Town Council on April 7, 2021 to provide more information.

Of note in the wildland fire conversation was **the elimination of the USFS Upper Colorado River Fire Management Unit (UCR) Minturn Crew**. This was the crew that led the response during the 2018 Minturn Shooting Range fire. With this loss, the closest USFS responding agency for forest fires is in Summit County.

### **Drought Mitigation Coordination**

I am currently leading an effort with all the town managers in the Eagle River Valley to create a coordinated message of support for healthy streams and watersheds. With the ongoing drought, water providers anticipate another dry summer – which means the need to educate residents on the importance of keeping as much water as possible in our rivers. The managers will be providing an update at the next Mayor, Manager, Commissioner and Partners meeting on March 12<sup>th</sup> and will look for initial approval from the Mayors for the consideration by each community to support a joint Resolution around this effort. More to come.

### **Active Planned Unit Development (PUD) Applications**

For anyone wanting information pertaining to Minturn’s current PUD applications, information has been uploaded to the Town’s website and can be found at: <https://www.minturn.org/planning-zoning/pages/active-planning-applications>. This step is in line with the Council’s Strategic Plan goal of fostering transparent communication.

### **Minturn Scholarship Fund**

Applications are now available for the Minturn Scholarship Fund at <https://www.minturn.org/home/news/minturn-2021-scholarships>.

### **Colorado Department of Wildlife**

Councilmember Armistead and I participated in a joint call with representatives from the Colorado Department of Wildlife and the United States Forest Service on efforts pertaining to the mitigation of off-leash dog walkers along the gated road leading to the Minturn water treatment plant. This area is a severe winter elk habitat range and an important location for elk to rest for the winter. Off-leash dog walkers have continued to cause disturbances in the area, so the town staff offered to assist with educating residents on this vital need for wildlife to not be disturbed. Minturn will be creating sandwich board signs with a goal of encouraging dog walkers to utilize less wildlife-sensitive areas for their off-leash dog walking.

**Speed Feedback Sign** (Sample Sign):

During the 2021 budget process last fall/winter, Council approved the purchase of a speed feedback sign for installation in the 1100-block of Main Street/HWY 24 in the westbound (north) direction. Staff has started the permitting process for this effort and will be purchasing the approved feedback sign. We are hopeful for a spring installation.



**Railroad Activation Information**

The towns of Minturn, Eagle, Avon and Red Cliff, in conjunction with Eagle County are seeking feedback from residents. Information and the ability to leave comments can be found at: <https://engage.avon.org/tennessee-rail-line>

In addition, Michelle M. noted she will be out of town March 15-19. As a heads up we will be appointing planning commissioners whose terms are expiring and applications are being solicited through March 31.

Michelle M. stated she has been working with her local colleagues on healthy rivers. This will be coming to the Council in the near future as it develops.

Michelle M. noted we will be having yet another CUP review upcoming due to three violations within one 12-month period.

- Future Agenda Items

**MISCELLANEOUS ITEMS**

**6. Future Meeting Dates**

- a) Council Meetings:
- March 17, 2021
  - April 7, 2021
  - April 21, 2021

**7. Other Dates:**

**8. Adjournment**

Motion by Earle B., second by Brian E., to adjourn the meeting at 8:14pm.



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John Widerman, Mayor

ATTEST:

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Jay Brunvand, Town Clerk



To: Mayor and Council  
From: Madison Harris, Planner I  
Date: March 11, 2021

Agenda Item: Recent Planning Commission Recommendations and Actions

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**REQUEST:**

Review and ratification of Planning Commission actions from their regular meeting of March 10, 2021. The following actions were taken by the Planning Commission, acting as the Minturn Design Review Board, which may be called-up for further review by the Minturn Town Council:

**482 Eagle River Street – Hutton Residence**

- Final Plan DRB Application for New Construction of a Single-Family Home

**INTRODUCTION:**

***482 Eagle River Street Final Plan***

At their regular meeting of March 10, 2021, the Planning Commission, acting as the Town of Minturn Design Review Board, reviewed the final plans for a new construction at the Hutton Residence located at 482 Eagle River Street. The plans approved by the DRB are for:

- **New Single-Family Residence**

Site plans (exterior elevation renderings and floor plans) are attached for reference.

No neighbors spoke at the DRB hearing where the DRB discussed proposed exterior materials and colors, as well as the proposed deck encroachment in context to Chapter 16 – *Zoning*, and Appendix ‘B’ *Design Review Standards and Guidelines*, of the Town of Minturn Municipal Code. However, Staff did read into the record concerns submitted by a citizen who resides across the street who had concerns about adequate parking and snow storage, and construction parking management due to the narrowness of the one-way street.

The DRB unanimously supported the proposed construction as meeting the objectives and requirements of the MMC and design standards,

Ultimately, the DRB voted 5-0 to approve the new construction of a single-family residence as a Final Plan review, with the conditions proposed by Town Staff, plus two conditions implemented by the Planning Commission:

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 as well as consistency with fixtures found on the existing residential structure on the subject property.
2. The Applicant shall provide the Town with an encroachment agreement between ERWSD and the owner of the property.
  3. The Applicant shall address Intermountain Engineering’s concerns prior to, or concurrent with, the Building Permit application process.
  4. The Applicant shall address Public Works Director Arnold Martinez’s concerns regarding curbstop and water meter location and the size of the water line, prior to, or concurrent with, the Building Permit application process.
  5. The Applicant shall insure there is no leaching from the corrugated rusted metal used as siding

**ANALYSIS:**

In reviewing the application, the Planning Commission considered the criteria and findings required by the Minturn Municipal Code, as well as testimony of staff and the Applicant. No members of the public spoke at the DRB hearing, although staff read into the record comments submitted prior to the meeting.

**COMMUNITY INPUT:**

No members of the public spoke at the DRB hearing, although staff read into the record comments submitted prior to the meeting. Public notice was provided in accordance with the Minturn Municipal Code as a matter of posting of the official agenda and packet materials for public review prior to the hearing.

**BUDGET / STAFF IMPACT:**

N/A.

**STRATEGIC PLAN ALIGNMENT:**

The Planning Commission’s review of proposed development projects and their actions to approve final plans for individual projects, acting as the Town of Minturn Design Review Board, aligns with the following key strategies:

**PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT**

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

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

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

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Approve the following application on consent:

1. 482 Eagle River Street – Hutton Residence – Final Plan

**ATTACHMENTS:**

- Proposed exterior elevation drawings and site plans for 482 Eagle River Street
- Staff Report
- Letter from Inter-Mountain Engineering detailing review



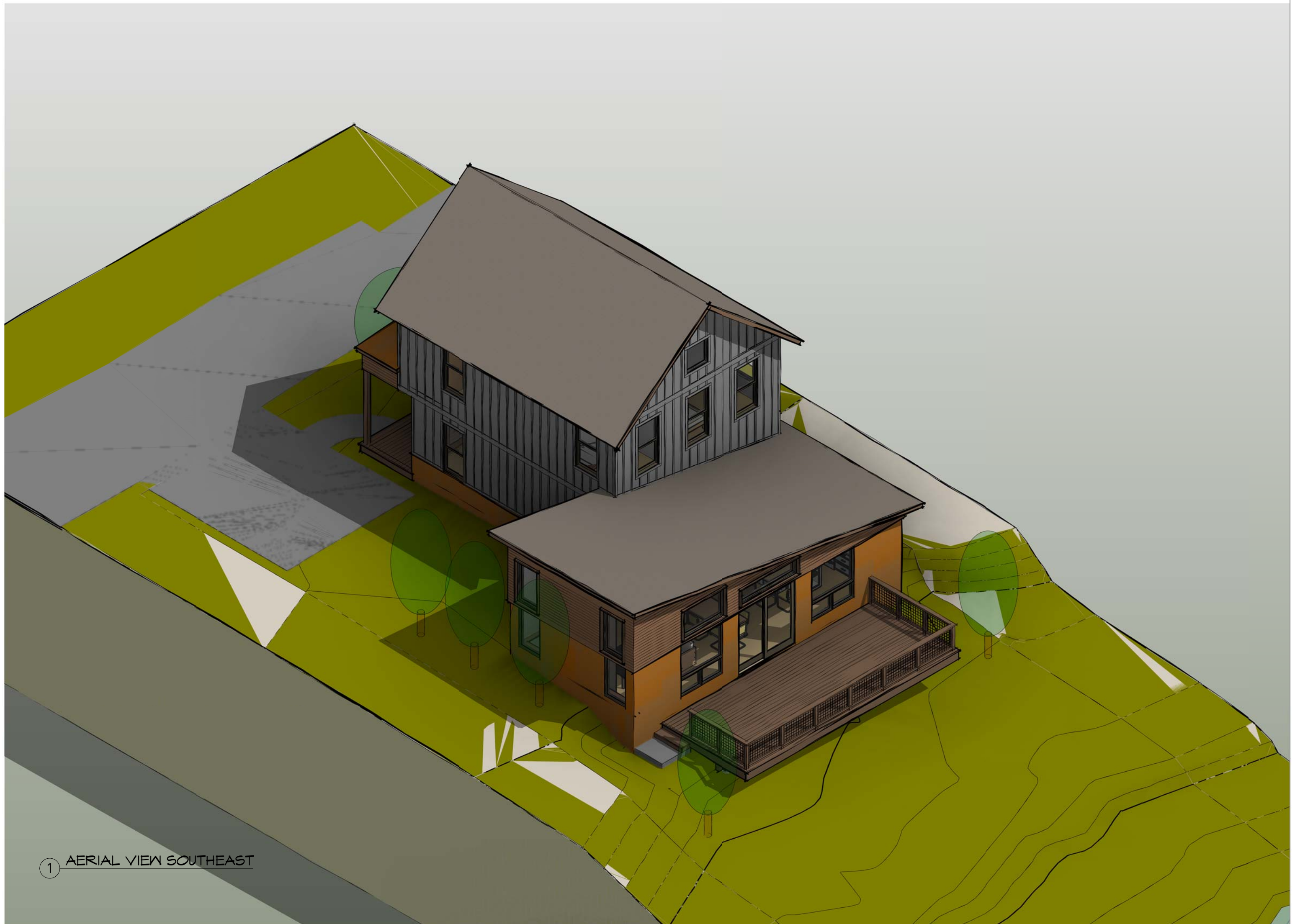
④ AERIAL VIEW NORTHWEST



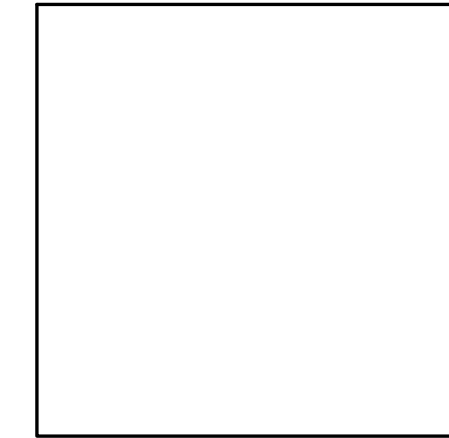
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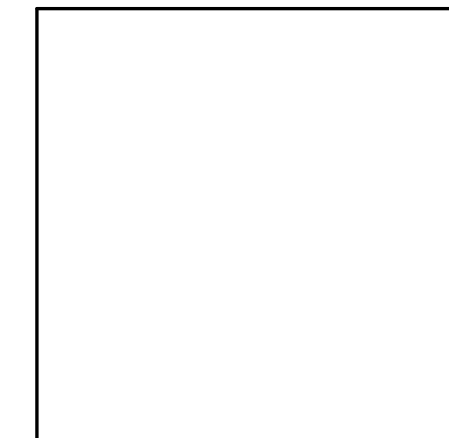
③ AERIAL VIEW SOUTHWEST



① AERIAL VIEW SOUTHEAST



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**Hutton Residence**  
 Lot 14, Block 2, Booco's 2nd Addition to Minturn  
 Parcel Number: 2103-263-02-025  
 482 Eagle River Street  
 Minturn, CO 81645

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#	Description	Date
1	DRB Submission	09/01/21

Project Number: 1908  
 Designed by: mpp  
 Drawn by: mpp  
 Checked by: mpp

**AERIAL VIEWS**



4 GROUND VIEW NORTHWEST



2 GROUND VIEW NORTHEAST



3 GROUND VIEW SOUTHWEST



1 GROUND VIEW SOUTHEAST

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Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

GROUND VIEWS

GENERAL NOTES

- 1. ALL WORK SHALL BE AS SPECIFIED AND IN ACCORDANCE WITH ALL NATIONAL, STATE AND LOCAL CODES, LAWS, PERMITS AND ORDINANCES...
- 2. THESE DOCUMENTS ARE NOT INTENDED TO INCLUDE ALL LABOR, MATERIALS, EQUIPMENT, AND SERVICES REQUIRED TO COMPLETE ALL WORK DESCRIBED HEREIN...
- 3. IT IS THE RESPONSIBILITY OF THE G.C. TO BRING TO THE ATTENTION OF THE ARCHITECT ANY CONDITIONS WHICH WILL NOT PERMIT CONSTRUCTION...
- 4. SHOULD A CONFLICT OCCUR IN OR BETWEEN DRAWINGS AND SPECIFICATIONS, THE SPECIFICATIONS SHALL TAKE PRECEDENCE...
- 5. DIMENSIONS: A) ALL DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS...
- 6. THE G.C. SHALL SUBMIT SAMPLES OF ANY MATERIALS PROPOSED FOR SUBSTITUTION TO THE ARCHITECT FOR REVIEW AND APPROVAL BEFORE THE WORK IS TO BE PERFORMED...
- 7. THE G.C. SHALL SUBMIT REQUIRED SHOP DRAWINGS TO THE ARCHITECT FOR REVIEW AND APPROVAL BEFORE THE WORK IS TO BE PERFORMED...
- 8. THE G.C. SHALL BE RESPONSIBLE FOR THE SAFETY AND CARE OF ADJACENT PROPERTIES DURING CONSTRUCTION...
- 9. THE G.C. SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE STARTING WORK.
- 10. THE JOB SITE SHALL BE MAINTAINED IN A CLEAN, ORDERLY CONDITION, FREE OF DEBRIS AND LITTER...
- 11. THE G.C. SHALL PERFORM ALL PHASES OF CONSTRUCTION SUCH THAT ALL NEW CONSTRUCTION FITS FLUSH AND SEAMLESSLY WITH ADJACENT EXISTING CONDITIONS...
- 12. THE G.C. SHALL PROVIDE ALL NECESSARY BLOCKING, BACKING, AND FRAMING FOR LIGHT FIXTURES, ELECTRICAL UNITS, A.C. EQUIPMENT, RECESSED ITEMS, AND ALL OTHER ITEMS AS REQUIRED.
- 13. ALL CONSTRUCTION, STAGING, CONTRACTOR PARKING AND MATERIALS STORAGE SHALL BE CONFINED TO THE LIMITS OF THE EXISTING DRIVEWAY AND THE IMMEDIATE PERIMETER OF THE EXISTING BUILDING...
- 14. CHANGES TO THESE CONTRACT DOCUMENTS SHALL BE NOTED IN THE FIELD AND MAINTAINED ON-SITE FOR THE DURATION OF THE PROJECT FOR CONSTRUCTION OBSERVATION.
- 15. AS-BUILT DRAWINGS WILL BE PROVIDED TO THE TOWN/COUNTY, IF REQUIRED.
- 16. UTILITY METER LOCATIONS TO BE APPROVED BY UTILITY COMPANIES.
- 17. ALL INTERIOR NON-BEARING WALLS TO BE 2x4, U.O.N.
- 18. ALL INTERIOR BEARING WALLS TO BE 2x6, U.O.N. SEE STRUCTURAL DWG'S FOR SPECS.
- 19. ALL EXTERIOR WALLS TO BE 2x6, U.O.N. SEE STRUCTURAL DWG'S FOR SPECS.
- 20. ALL HORIZONTAL FRAMING DIMENSIONS ARE TO THE FACE OF WOOD FRAMING, U.O.N.
- 21. ALL VERTICAL FRAMING DIMENSIONS ARE FROM THE T.O. PLYWOOD, U.O.N.
- 22. ALL HORIZONTAL DIMENSIONS FOR OPENINGS ARE TO THE CENTER LINE OF R.O.
- 23. ALL VERTICAL DIMENSIONS FOR OPENINGS ARE TO THE TOP OF R.O.

GENERAL SITE NOTES

- 1. THE GENERAL CONTRACTOR SHALL PROVIDE EROSION CONTROL IN CONFORMANCE WITH TOWN/COUNTY GUIDELINES.
- 2. THE CONSTRUCTION LIMIT LINE IS THE CONTRACT LINE. DO NOT DISTURB ANY EXISTING TREES OR VEGETATION DESIGNATED TO REMAIN OR LOCATED OUTSIDE OF THE CONSTRUCTION LIMIT LINE WITHOUT APPROVAL OF THE OWNER AND THE TOWN/COUNTY.
- 3. THE GENERAL CONTRACTOR SHALL VERIFY EXISTING SITE INFORMATION, INCLUDING STRUCTURES, UTILITIES, PROPERTY LINES, LIMITS OF ROADWAYS, AND CURBS AND GUTTERS THAT MAY AFFECT THE SCOPE OF WORK PRIOR TO BEGINNING SITE CONSTRUCTION.
- 4. EXISTING UTILITIES ARE INDICATED FOR INFORMATION ONLY AND NOT INTENDED TO SHOW EXACT LOCATION. THE ARCHITECT IS NOT RESPONSIBLE FOR THE LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES, OR ANYTHING NOT SHOWN OR DETAILED AND INSTALLED BY ANY OTHER CONTRACTOR. THE GENERAL CONTRACTOR SHALL LOCATE ALL UTILITIES AND MAINTAIN THE LOCATION DURING ALL PHASES OF THE WORK...
- 5. CONFORM TO EAGLE RIVER WATER AND SANITATION DISTRICT SPECIFICATIONS FOR SEWER CONSTRUCTION. PROVIDE SEWER CLEANOUT WITH LOCATION TO BE REVIEWED BY TOWN ENGINEER.
- 6. THE GENERAL CONTRACTOR SHALL PROVIDE DRAWINGS SHOWING PROPOSED UTILITY SERVICE CONNECTIONS FOR THE ENGINEER'S REVIEW PRIOR TO CONSTRUCTION.
- 7. ROAD CUTS AND ANY OTHER CONSTRUCTION IN ROAD RIGHT-OF-WAY SHALL CONFORM TO TOWN GUIDELINES.
- 8. ALL COMPACTION SHALL BE IN ACCORDANCE WITH THE SOILS REPORT PREPARED BY THE GEOTECHNICAL ENGINEER.
- 9. PROVIDE WRITTEN NOTIFICATION OF ALL DISCREPANCIES BETWEEN EXISTING AND PROPOSED SITE IMPROVEMENTS.
- 10. CONTRACTOR(S) SHALL TAKE ALL NECESSARY STEPS AS REQUIRED TO PROPERLY PROTECT AND MAINTAIN HIS WORK FOR THE DURATION OF THIS CONTRACT.
- 11. THESE DRAWINGS DO NOT SPECIFY SAFETY MATERIALS, EQUIPMENT, METHODS OR SEQUENCING, TO PROTECT PERSONS AND PROPERTY. IT SHALL BE THE GENERAL CONTRACTOR'S RESPONSIBILITY TO DIRECT AND IMPLEMENT SAFETY OPERATIONS AND PROCEDURES TO PROTECT THE OWNER, OTHER CONTRACTORS, THE PUBLIC AND OTHERS.
- 12. ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.
- 13. CONTRACTOR(S) SHALL EMPLOY A LICENSED SURVEYOR TO ESTABLISH ALL WORK LINES.
- 14. CONTRACTOR(S) SHALL STAKE OUT ALL AREAS, INCLUDING WALKS, PAVEMENTS, WALLS, POOLS AND FENCES AND SHALL OBTAIN THE APPROVAL OF THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.
- 15. CONFLICTS OR DISCREPANCIES WITH GRADES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY AND PRIOR TO PROCEEDING WITH WORK.
- 16. ALL FINISHED GRADES SHALL PROVIDE FOR NATURAL RUNOFF OF WATER WITHOUT LOW SPOTS OR POCKETS. SET FLOW LINES ACCURATELY AND PROVIDE A MINIMUM 2.5% GRADIENT UNLESS OTHERWISE NOTED.
- 17. GRADUALLY ROUND OFF TOPS AND TOES OF ALL PLANTED SLOPES, UNLESS SHOWN OTHERWISE IN GRADING DETAILS.
- 18. GRADE AWAY FROM ALL BUILDINGS AT A MINIMUM SLOPE OF 10% IN UNPAVED AREAS AND MINIMUM SLOPE OF 2% IN PAVED AREAS.
- 19. CLEANOUTS SHALL BE PROVIDED FOR ALL CHANGES IN LINES AND/OR GRADE OR THE SANITARY SEWER SERVICE.
- 20. CONFORM TO TOWN/COUNTY STANDARDS FOR WATER CONSTRUCTION. MAINTAIN 10 FEET MINIMUM SEPARATION BETWEEN WATER AND SEWER UNDERGROUND SERVICE PIPES. MAINTAIN SEVEN FEET MINIMUM COVER AT UNDERGROUND WATER SERVICE AND ASSOCIATED LINES. NEW CURB STOPS AND SERVICE LINES SHALL BE INSTALLED FOR EACH UNIT. CURB STOPS SHALL BE LOCATED ON THE PROPERTY LINE IN A SPOT APPROVED BY THE TOWN PUBLIC WORKS DIRECTOR.
- 21. IF UTILITY CONNECTION POINTS ARE NOT KNOWN AT THE TIME OF BUILDING PERMIT SUBMISSION, LOCATIONS TO BE COORDINATED AND APPROVED BY TOWN/COUNTY AND SERVICE PROVIDERS IN ADVANCE.

ENERGY CODE NOTES

- GO TO COMPLY WITH ALL REQUIREMENTS OF THE 2015 INTERNATIONAL BUILDING CODE, THE 2015 INTERNATIONAL RESIDENTIAL CODE, AND THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE, AS WELL AS ANY AMENDMENTS ADOPTED BY THE TOWN'S AND/OR COUNTY'S MUNICIPAL CODE REQUIREMENTS, INCLUDING BUT NOT LIMITED TO:
- CLIMATE ZONE 1
- FENESTRATION U-FACTOR 0.32
- CEILING R-VALUE 49
- WOOD FRAME WALL R-VALUE 20.9 OR 13+10
- MASS WALL R-VALUE 19/21
- FLOOR R-VALUE 59
- BASEMENT WALL R-VALUE 15/19 - CONTINUOUS FRAMING CAVITY
- SLAB R-VALUE AND DEPTH 10, 4FT
- CRAWL SPACE WALL R-VALUE 15/19 - CONTINUOUS FRAMING CAVITY
- HEATED SLAB ON GRADE R-VALUE 15/19

ABBREVIATIONS

Table of abbreviations for general construction terms, including AND, AT, ANCHOR BOLT, AIR CONDITIONING, ACCESSIBLE, ACoustical, ACoustic CEILING TILE, AREA DRAIN, ADJACENT, ABOVE FINISHED FLOOR, ABOVE FINISHED GRADE, AGGREGATE, ALTERNATE, ALUMINUM, ANODIZED, ACoustical-PANEL CEILING, APPROXIMATE, ARCHITECTURAL, ASPHALT, ATTENTION, AUTOMATIC, AUDIOVISUAL, BOARD, BITUMINOUS, BUILDING, BLOCKING, BEAM, BOTTOM OF, BOTTOM, BEARING, BRICK, BRICK, BASEMENT, CHANNEL, CABINET, CATEGORY, CATCH BASIN, CEMENT BOARD, CEMENTITIOUS BACKER UNIT, CENTER TO CENTER, CLOSED CIRCUIT TELEVISION, CEMENT, CERAMIC, CORNER GUARD, CHILLER, CAST IRON, CAST-IN-PLACE, CONTROL JOINT, CENTERLINE, CEILING, CLEAR, COUNTER, CLEANOUT, COLUMN, CONCRETE, CONDITION, CONNECTION, CONTINUOUS, CONTRACTOR, COORDINATE, CORRIDOR, CARPET, CERAMIC TILE, CENTER, COUNTERSINK, COLD WATER, DEMOLISH OR DEMOLITION, DEEP, DEPTH, DOUBLE, DEGREE, DEMOLISH OR DEMOLITION DEPARTMENT, DRINKING FOUNTAIN, DIAMETER, DIFFUSER, DIMENSION, DIMENSIONS, DISPENSER, DIVISION, MEMBER, MANUFACTURER, MAN HOLE, MINIMUM, MISCELLANEOUS, MASONRY OPENING, MOISTURE RESISTANT, MOUNTED, MOUNTING, METAL, MULLION, EXISTING, CONCRETE MASONRY UNIT, EAST, EACH, EXPANSION BOLT, EXPANSION JOINT, ELECTRICAL, ELEVATOR, EMERGENCY, ENCLOSURE, ENGINEER, ETHYLENE PROPYLENE DIENE M-GLASS, EQUAL, EQUIPMENT, EXHAUST, EXISTING, EXPANSION, EXTERIOR, FIRE ALARM, FACE BRICK, FLOOR DRAIN, FLOOR DRAIN OR FIRE DEPARTMENT, FIRE DEPARTMENT CONNECTION, FIRE EXTINGUISHER, FIRE EXTINGUISHER CABINET, FURNITURE, FIXTURES AND EQUIPMENT, FLUSH FLOOR BOX, FINISH FLOOR ELEVATION, FLAT HEAD, FIRE HOSE CABINET, FINISH, FIXTURE, FLASHING, FLOOR, FLOURESCENT

ABBREVIATIONS

Table of abbreviations for foundation and framing terms, including FOUNDATION, FACE OF, FIRE PROTECTION, FIREPROOFING, FIRE RESISTANT, FIBER REINFORCED CONCRETE, FIRE RETARDANT TREATED, FEET/FOOT, FINISH, FURNITURE, FURNISHING, FABRIC WALL COVERING, FABRIC WRAPPED PANEL, GAUGE, GALVANIZED, GRAB BAR, GENERAL CONTRACTOR, GENERAL, GLASS FIBER REINFORCED CONCRETE, GLASS, GLAZING, GRANULAR, GROUND, GLASS FIBER REINFORCED GYPSUM, GALVANIZED SHEET METAL, GAS VALVE, GYPSUM WALL BOARD, GYPSUM, HIGH/HEIGHT, HOSE BIB, HANDICAPPED, HARDWOOD, HARDWARE, HEIGHT, HOLLOW METAL, HANDRAIL, HOLD OPEN, HORIZONTAL, HOUR, HOSE REEL CABINET, HEATING, HEATING VENTILATION AND AIR CONDITIONING, HOT WATER, INSIDE DIAMETER, INCH/INCHES, INCANDESCENT, INCLUDED/INCLUDING, INFORMATION, INSULATION, INSULATED OR INSULATION, INTERIOR, INTERMEDIATE, INVERT, JANITOR, JANITOR'S CLOSET, JOINT, JOINT, JOINT, KITCHEN, KNOCK OUT, LAMINATE, LAVATORY, FOUNDS, LONG LEG HORIZONTAL, LONG LEG VERTICAL, LIGHT, MASONRY, MAXIMUM, MECHANICAL, MEDIUM, MEMBRANE, MANUFACTURER, MAN HOLE, MINIMUM, MISCELLANEOUS, MASONRY OPENING, MOISTURE RESISTANT, MOUNTED, MOUNTING, METAL, MULLION, NEW, NORTH, NOT APPLICABLE, NOISE CRITERIA, NOT IN CONTRACT, NUMBER, NOMINAL, NON COMBUSTIBLE, NOT TO SCALE, OUTSIDE AIR, ON CENTER, OUTSIDE DIAMETER, OVERFLOW DRAIN, OWNER FURNISHED, CONTRACTOR INSTALLED, OFFICE, OWNER FURNISHED, OWNER INSTALLED, OVERHEAD, OPENING, OPPOSITE, OVERFLOW ROOF DRAIN, PAINT, PAINTING, PARTICLE BOARD, PRECAST, POWER DRIVEN FASTENER, PERFORATED, PERIMETER, PERPENDICULAR, PLATE, PLASTIC LAMINATE, PLASTER, PLUMBING, POUNDS PER LINEAR FOOT, FIXTURE, FLASHING, PANEL, PAINT OR PAINTED

ABBREVIATIONS

Table of abbreviations for material and quantity terms, including POLISHED, PAIR, PREFABRICATED, PROJECT, POUNDS PER SQUARE FOOT, POINT, PRESSURE TREATED, PAINTED, PARTITION, POLYVINYL CHLORIDE, QUARRY TILE, QUANTITY, RADIUS/RISER, RETURN AIR, RADIUS, RESILIENT BASE, RUBBER, REFLECTED CEILING PLAN, ROOF DRAIN, RECESSED, RECEPTACLE, REFERENCE, REFRIGERATOR, REGISTER, REINFORCED REINFORCING, RELOCATE, REMOVABLE, RECOMMENDED, REQUIRE/REQUIRED, RESILIENT, REVISION/REVISED, ROOM, ROUGH OPENING, RATED, RATINGS, RAIN WATER LEADER, SOUTH, SUPPLY AIR, SELF ADHERED FLASHING, SOLID CORE, SCHEDULE, STORM DRAIN, SECTION, SQUARE FEET/FOOT, SPRINKLER HEAD, SHOWER, SHEET, SIMILAR, SHEET METAL, SURFACE MOUNTED, STANDPIPE, SPECIFIED OR SPECIFICATION, SPRINKLER OR SPEAKER, SQUARE, STAINLESS STEEL, SERVICE SINK, STATION, SOUND TRANSMISSION COEFFICIENT, STEEL, STORAGE, STRINGER, STRUCTURE OR STRUCTURAL, SUBCATEGORY, SUSPENDED, SYMMETRICAL, SYSTEM

PROJECT DIRECTORY

Project Address: Lot 14, Block 2, Booco's 2nd Addition to Minturn, Parcel Number: 2103-263-02-025, 482 Eagle River Street, Minturn, CO 81645

Owner: Steve & Emily Hutton, 2632 Woodgreen Drive, Belden, MS 38826-9529, (901) 490-8476, shutton@huttonis.com

Architect: mpp design shop, inc., Michael Furkas, PO Box 288, Gyjsupum, CO 81637, (970) 390-4931, michael@mppdesignshop.com

General Contractor: K2 Mountain Consultants, LLC, (770) 343-2766, chrisk@k2mc.co

Structural Engineer: Ewing Engineering, Inc., Albert Ewing, PO Box 2525, Vail CO 81655, (970) 444-5153, ewing-vail@comcast.net

Land Surveyor: Archibeque Land Surveying, Ltd., Ted Archibeque, PO Box 3045, Eagle CO 81631, (970) 320-6020, tede@prolandsurvey.com

SHEET INDEX

Table with 2 columns: Sheet Number and Description. Lists sheets for AERIAL VIEWS, GROUND VIEWS, IMPROVEMENT SURVEY PLAT, TOPOGRAPHIC SURVEY, SITE & LANDSCAPE PLANS, LOT & BUILDING ANALYSIS, FOUNDATION PLAN, BASEMENT FLOOR PLAN, LOWER LEVEL FLOOR PLAN, UPPER LEVEL FLOOR PLAN, ROOF PLAN, ELEVATIONS, BUILDING SECTIONS, GENERAL NOTES, STRUCTURAL FOUNDATION PLAN, STRUCTURAL BASEMENT FLOOR PLAN, STRUCTURAL LOWER LEVEL FRAMING PLAN, STRUCTURAL UPPER LEVEL FRAMING PLAN, STRUCTURAL ROOF FRAMING PLAN, STRUCTURAL DETAILS.



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Hutton Residence

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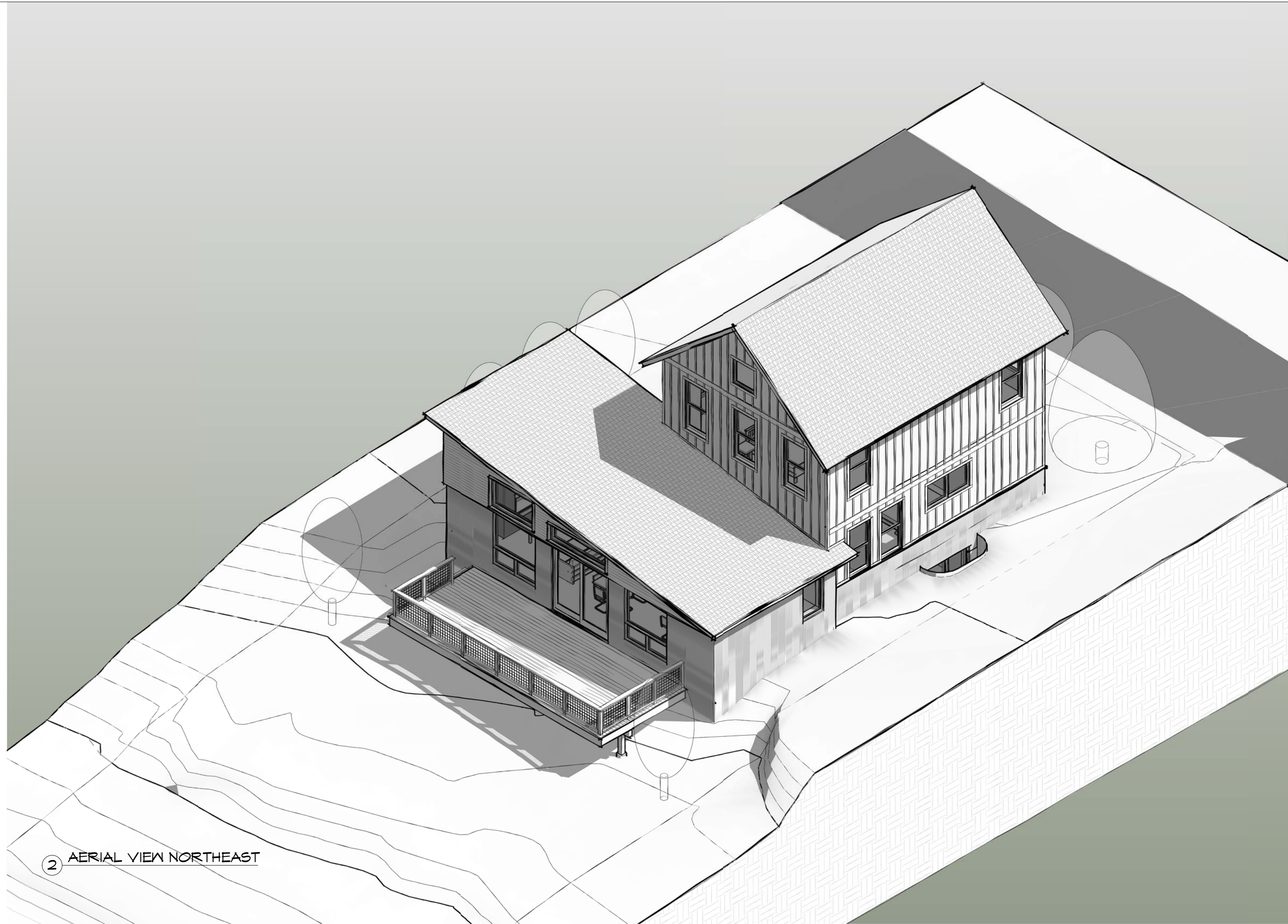
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Table with 2 columns: Field and Value. Shows Project Number: 1908, Designed by: mpp, Drawn by: mpp, Checked by: mpp.

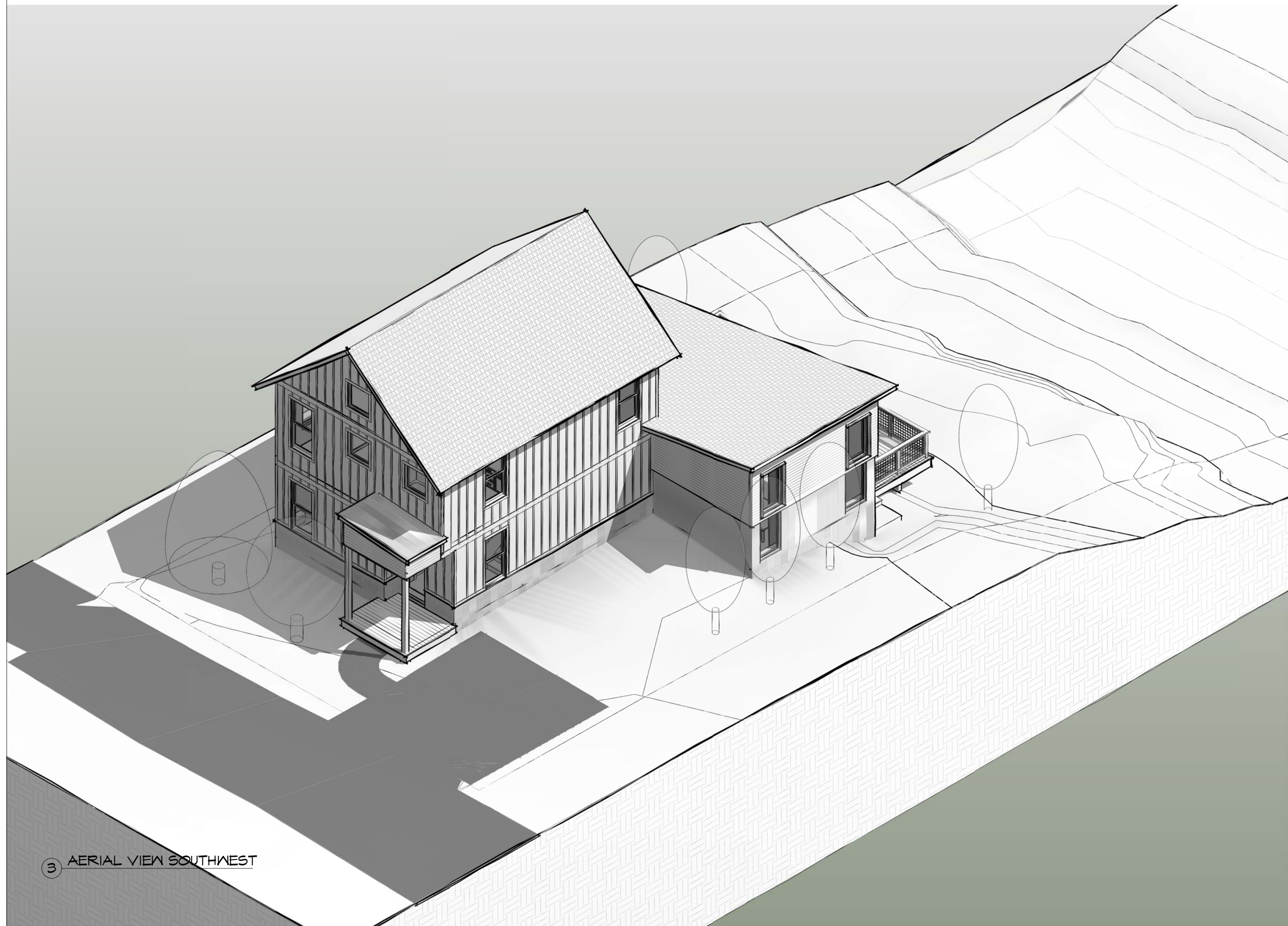
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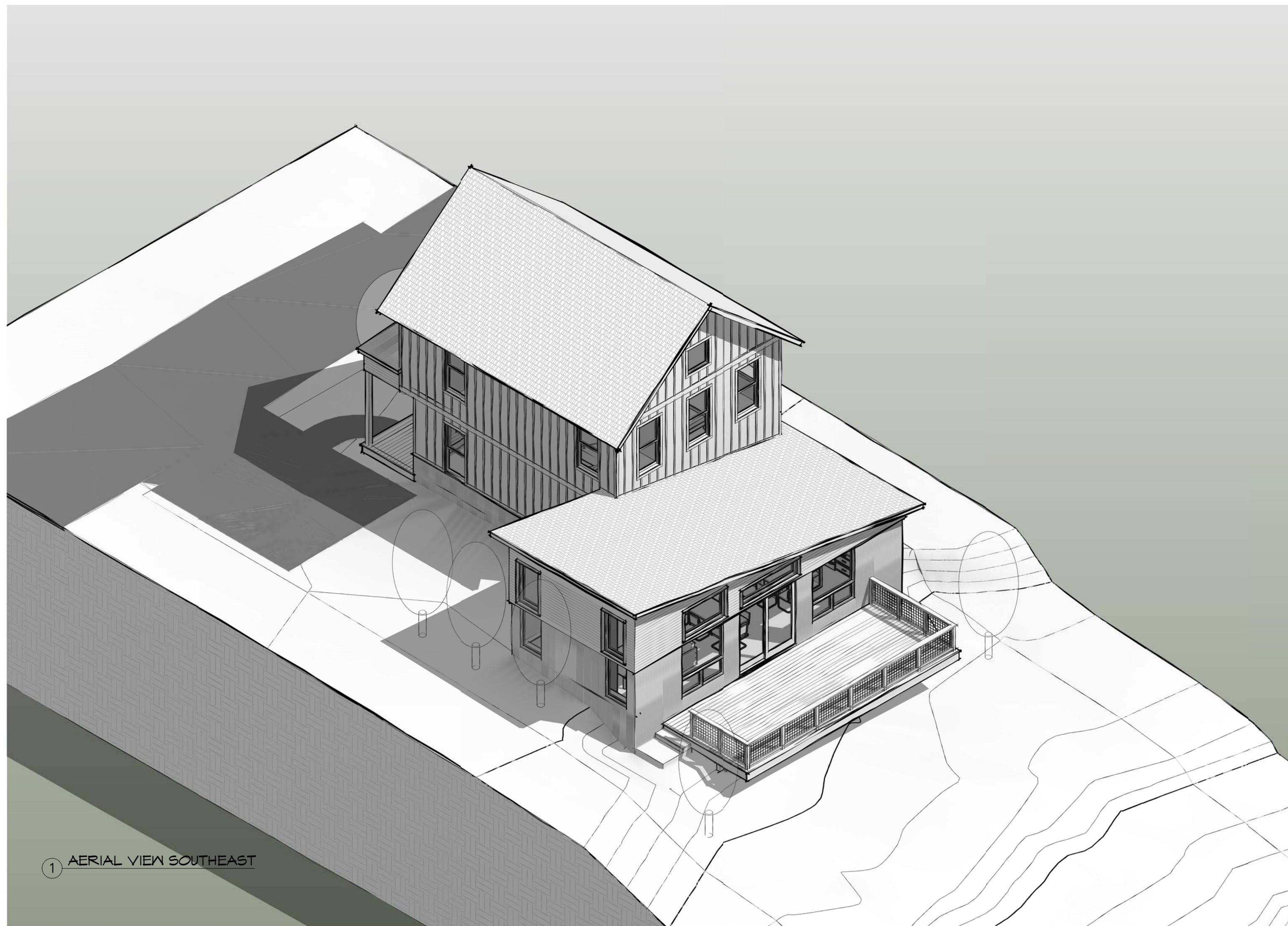
4 AERIAL VIEW NORTHWEST



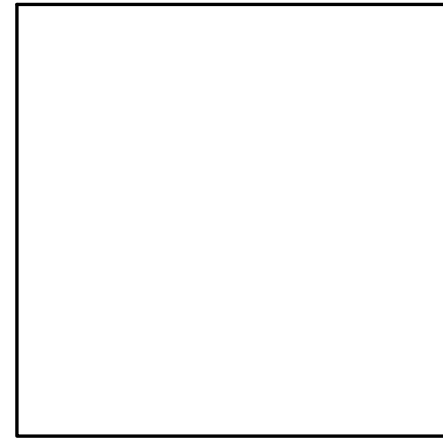
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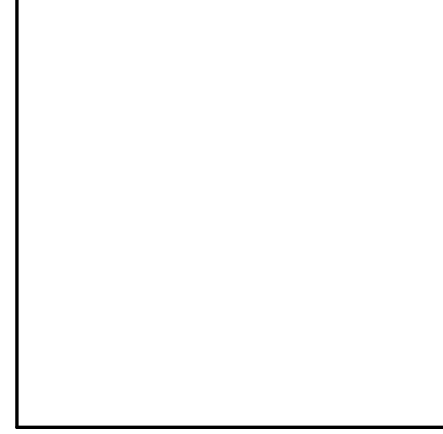
3 AERIAL VIEW SOUTHWEST



1 AERIAL VIEW SOUTHEAST



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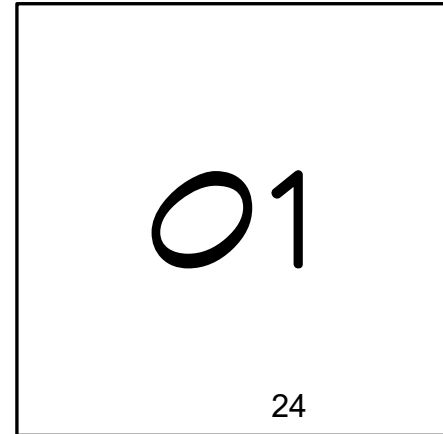
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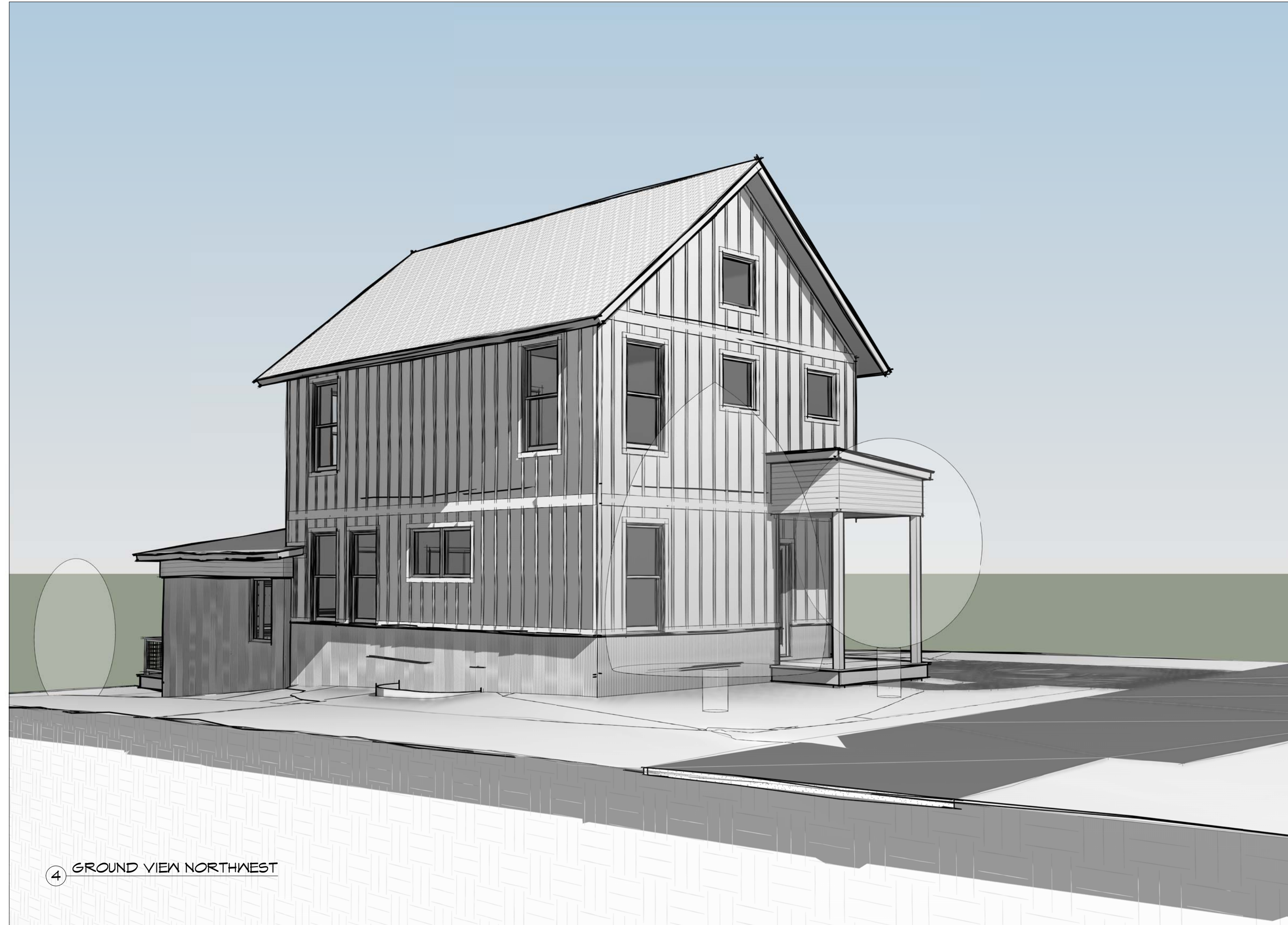
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**AERIAL VIEWS**







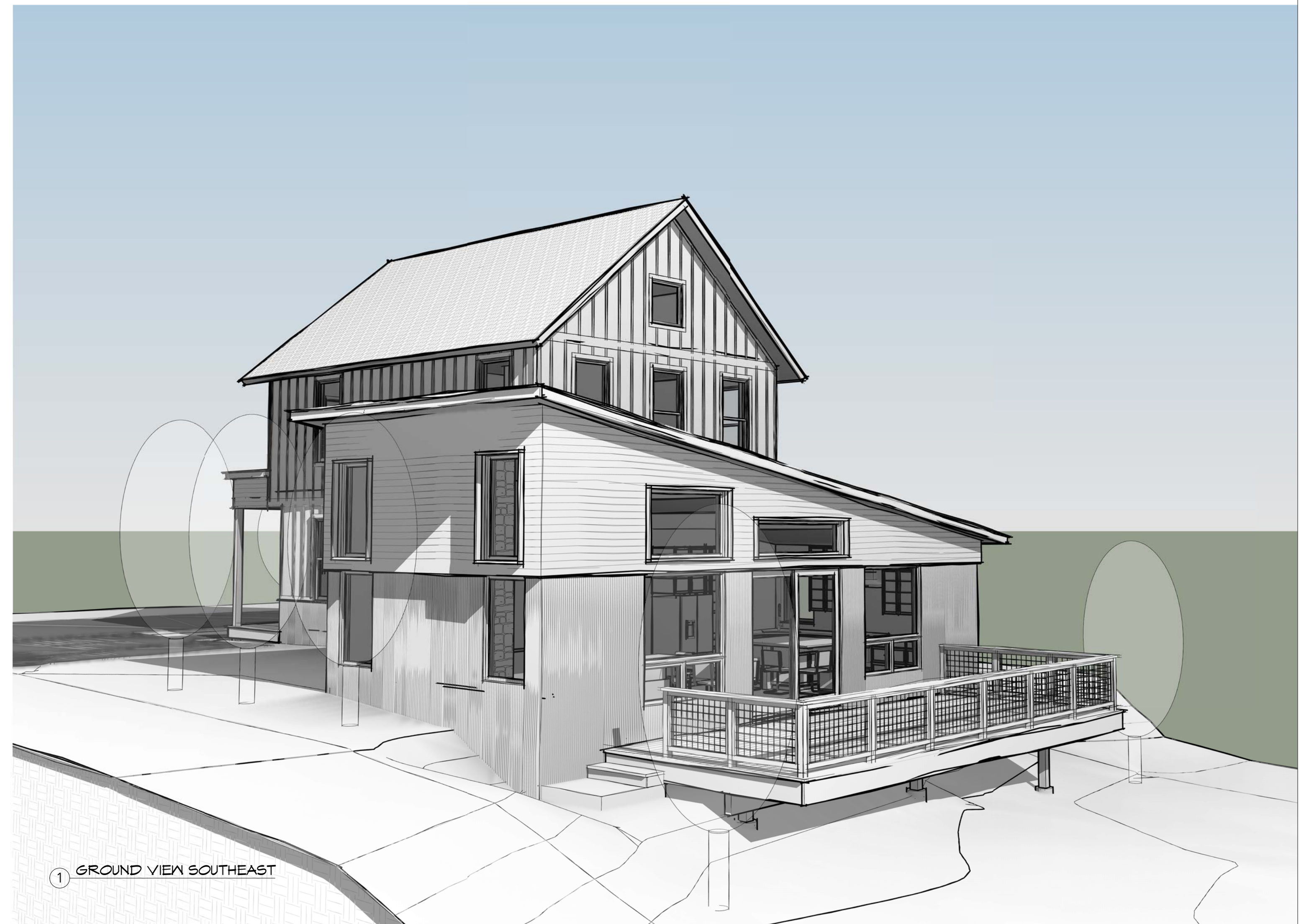
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#	Description	Date
1	DRB Submission	09/01/21

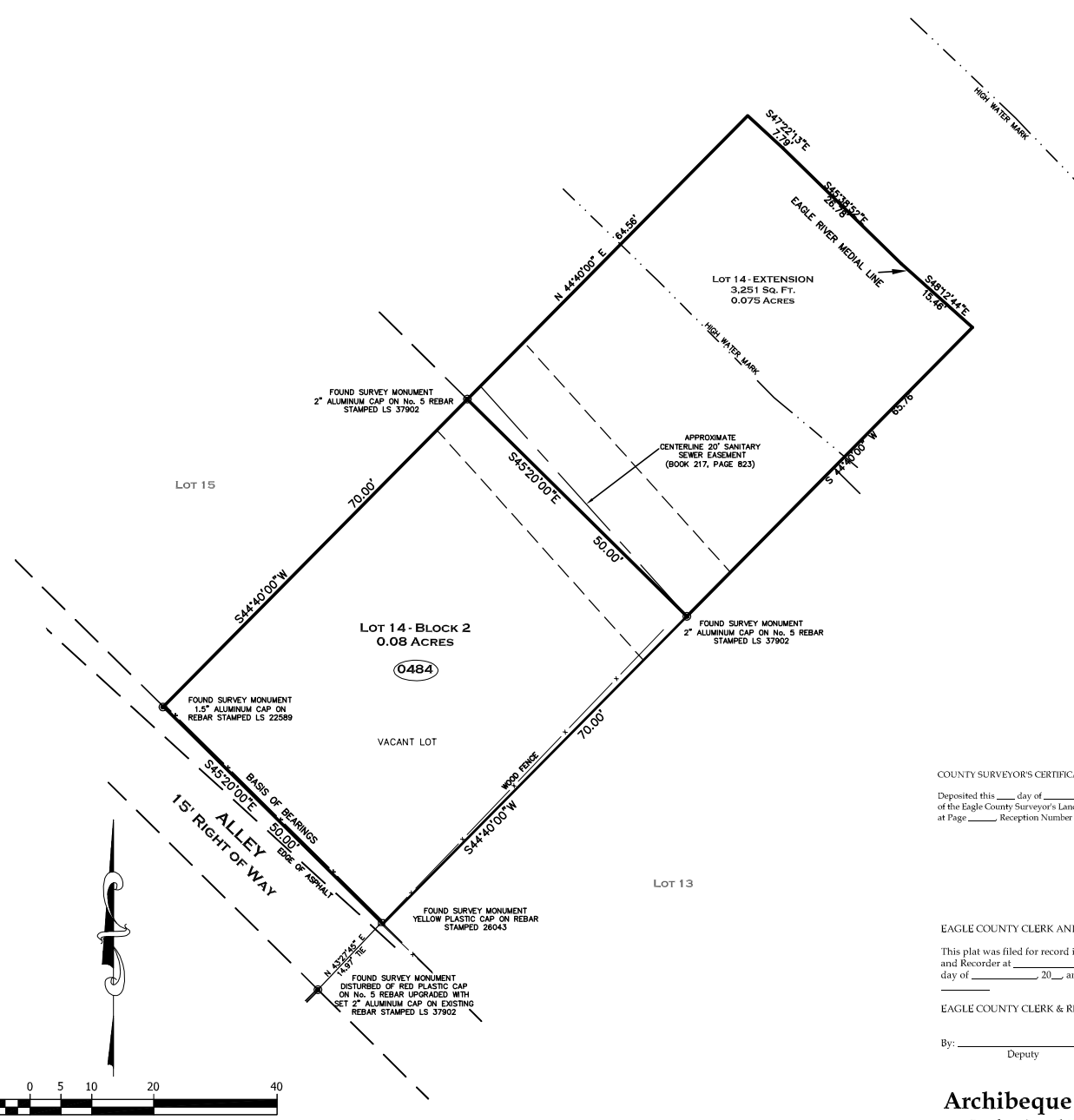
Project Number: 1908  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

GROUND VIEWS

# IMPROVEMENT SURVEY PLAT

## LOT 14, BLOCK 2, BOOCO'S 2ND ADDITION TO MINTURN

### TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



**SURVEYED LEGAL DESCRIPTION**  
 Lot 14, Block 2, Booco's 2nd Addition to Minturn, according to the Plat thereof as recorded in the Office of the Eagle county Clerk and Recorder, County of Eagle, State of Colorado.

Together with Lot 14 Extension:

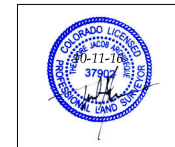
A Parcel of land situate in Section 26, Township 5 South, Range 81 West, of the Sixth principal Meridian, Town of Minturn, being the extension of Lot 14, Block 2, Booco's 2nd Addition to Minturn, according to the Plat thereof as recorded in the Office of the Eagle county Clerk and Recorder, County of Eagle, State of Colorado, and lying south and West of the medial line of the Eagle River, being more particularly described as follows:  
 Beginning at northerly corner of said Lot 14; thence N44°40'00"E, 64.56 feet to the medial line of said Eagle River; thence upon said medial line the following 3 courses: 1) S47°22'13"E, 7.79 feet; thence S43°38'52"E, 26.78 feet; thence S48°12'34"E, 15.46 feet; thence departing said medial line S44°40'00"W, 65.76 feet to the easterly corner of said Lot 14; thence upon the northeasterly line of said Lot 14 N45°20'00"W, 50.00 feet to the point of beginning.  
 Containing 3,251 sq. ft. more or less.

**NOTES:**

- 1) Survey Date: October 6, 2016.
- 2) Location of Improvements, Lot lines, and Easements are based upon the Booco's Addition to the Town of Minturn, and Survey Monuments found at the time of this survey as shown herein.
- 3) STREET ADDRESS: 0484 Main Street (Not Posted).
- 4) Basis of Bearing: S45°20'00"E between found survey monuments marking the south west line for lot 14, as shown and described herein.
- 5) This Plat was prepared for the exclusive use of STEVE HUTTON and is valid only if print has original seal and signature of surveyor.
- 6) Lineal Units of the U.S. Survey Foot were used herein.

**SURVEYOR'S CERTIFICATE**

I, Theodore J. Archibeque a Licensed Professional Land Surveyor in the State of Colorado, hereby certify that this Improvement Survey Plat was done by me or under my responsible charge, and that it was performed using the standard care and practice used in the area at the time of the survey, and is based upon the my knowledge, information and belief. This certification is not a guarantee or warranty, either expressed or implied. The Notes herein are a part of this certification.



Theodore J. Archibeque, PL5 37902  
 Professional Land Surveyor  
 State of Colorado

**COUNTY SURVEYOR'S CERTIFICATE**

Deposited this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, at \_\_\_ M in Book \_\_\_ of the Eagle County Surveyor's Land Survey Plats/ Rights-of-Way Surveys at Page \_\_\_ Reception Number \_\_\_\_\_

\_\_\_\_\_  
 County Surveyor

**EAGLE COUNTY CLERK AND RECORDER CERTIFICATE**

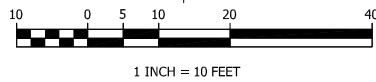
This plat was filed for record in the office of the Eagle County Clerk and Recorder at \_\_\_\_\_ o'clock \_\_\_ M, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, and is duly recorded in Reception No. \_\_\_\_\_

**EAGLE COUNTY CLERK & RECORDER**

By: \_\_\_\_\_  
 Deputy

**Archibeque Land Consulting, Ltd**  
 ~ Professional Land Surveying & Mapping ~  
 105 Capitol Street, Suite 5 - P.O. Box 3893  
 Eagle, Colorado 81631  
 970.328.6020 Office 970.328.6021 Fax

IMPROVEMENT SURVEY PLAT		
LOT 14, BLOCK 2, BOOCO'S 2ND ADDITION TO MINTURN		
TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO		
DRAWN BY: CAP	JOB NUMBER: 05152	DRAWING NAME: 05152_JSP2.DWG
SHEET 1 of 1	DATE: 10-11-16	CHECKED BY: TJA

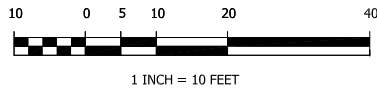
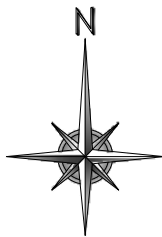
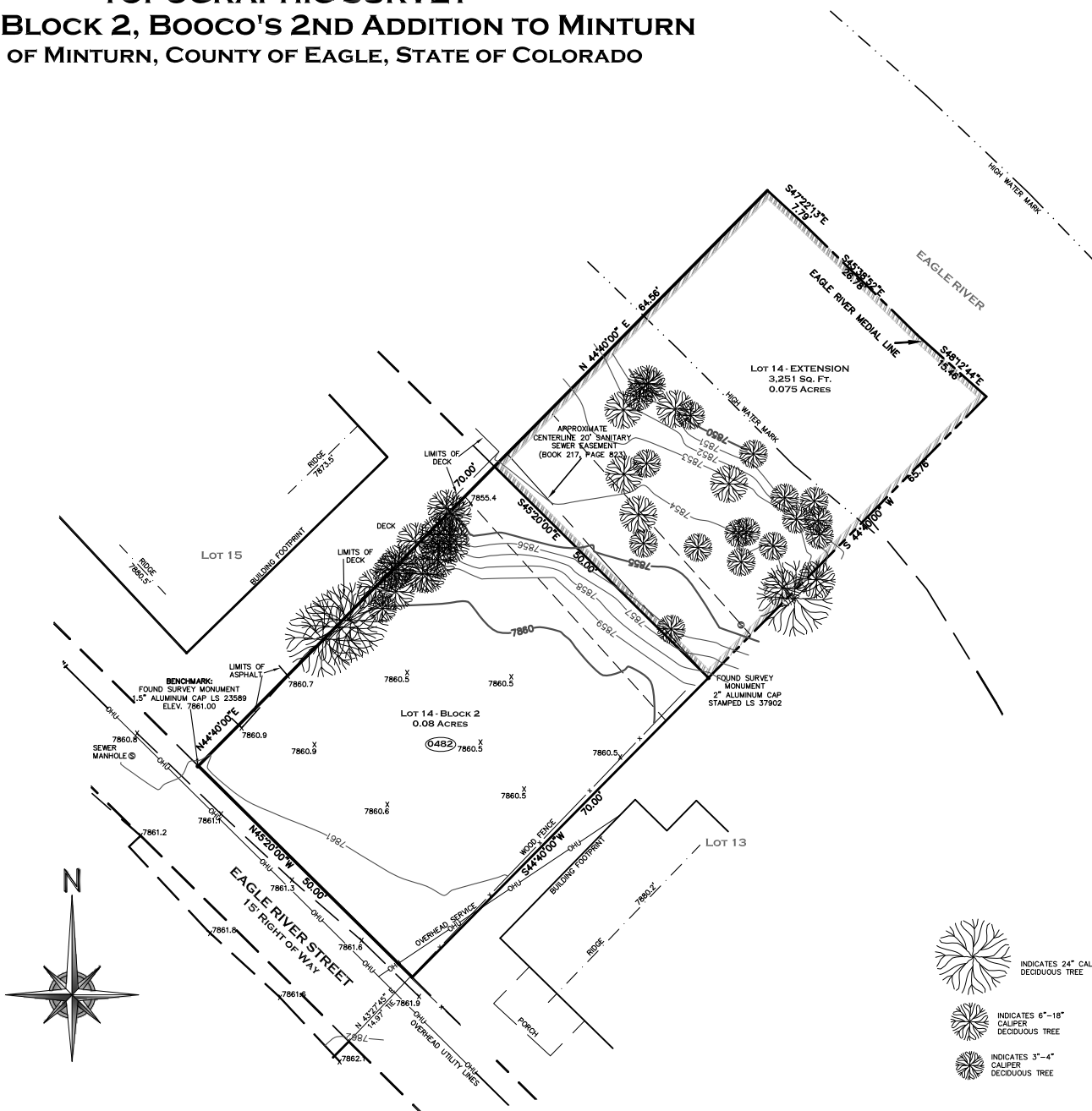


NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect, or no events may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon. Additionally, this document is prepared for the sole purpose of use by the parties stated herein. The improvements are generally illustrated as shown and only appear (unless at the time of fieldwork) improvements and encroachments are noted. Archibeque Land Consulting, Ltd, its owner(s) and employee(s) will not be liable for more than the cost of this document, and then only to the parties specifically shown hereon. Acceptance and/or use of this document for any purpose constitutes acknowledgment and agreement to all terms stated herein.

# TOPOGRAPHIC SURVEY

## LOT 14, BLOCK 2, BOOCO'S 2ND ADDITION TO MINTURN

### TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



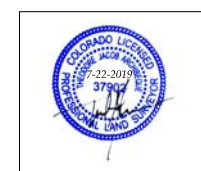
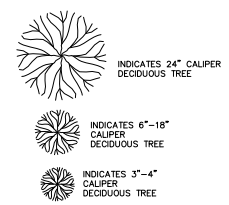
**LEGAL DESCRIPTION**

Lot 14, Block 2, Booco's Addition to the Town of Minturn, according to the recorded Plat thereof, County of Eagle, State of Colorado.

**NOTES:**

- 1) Survey Date: April 18, 2014.
- 2) Location of Improvements, Lot lines, and Easements are based upon the Plat of Booco's Addition to the Town of Minturn & Title Commitment No V50034033 provided by Land Title, and Survey Monuments found, as shown hereon.
- Pertaining to said title commitment, Schedule B-2, Item 14 is a right of way easement for Sanitary Sewer granted in document recorded at Book 217, Page 823 and pertains to subject property. The mathematical location was not definable for the document and is shown approximate hereon.
- 3) Street Address: 0484 Main Street. (Not Posted)
- 4) Elevation Datum: 7861.00' on the southwest property corner, this NAVD 88 Elevation was interpolated from public data sets.
- 5) Contour Interval: 1 foot.
- 6) Utilities are shown approximately and should be field verified prior to excavation.
- 7) Surveyor does not warrant or certify to the integrity of any Digital Data supplied in conjunction with this map and survey.
- 8) This Topographic Survey was prepared for the exclusive use of Nancy Hassett, and is valid only if print has original seal and signature of surveyor.
- 9) Lineal Units of the U.S. Survey Foot were used herein.

I, Theodore J. Archibeque, a Professional Land Surveyor in the State of Colorado, hereby certify that this Topographic Map was based upon my knowledge, information and belief, and was prepared by me or under my responsible charge, and that it was performed in accordance with standard care and practice used in the area at the time of the survey. This certification is not a guaranty or warranty, either expressed or implied and the Notes hereon are a part of this certification.



Theodore J. Archibeque PLS 37902  
Colorado Professional Land Surveyor

07-22-2019 TJA REVISED STREET NAME

**Archibeque Land Consulting, Ltd**  
~ Professional Land Surveying & Mapping ~  
105 Capitol Street, Suite 5 - P.O. Box 3893  
Eagle, Colorado 81631  
970.328.6020 Office 970.328.6021 Fax

TOPOGRAPHIC SURVEY		
LOT 14, BLOCK 2, BOOCO'S 2ND ADDITION TO MINTURN		
TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO		
DRAWN BY:	KMD	JOB NUMBER: 05152
SHEET 1 of 1	DATE: 05-09-2014	DRAWING NAME: 05152_TOPO.dwg
CHECKED BY:	TJA	

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect, or no events may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon. Additionally, this document is prepared for the sole purpose of use by the parties stated hereon. The improvements are generally situated as shown and only appear (within the time fieldwork) improvements and encroachments are noted. Archibeque Land Consulting, Ltd., its owner(s) and employee(s) will not be liable for more than the cost of this document, and then only to the parties specifically shown hereon. Acceptance and/or use of this document for any purpose constitutes acknowledgment and agreement to all terms stated herein.

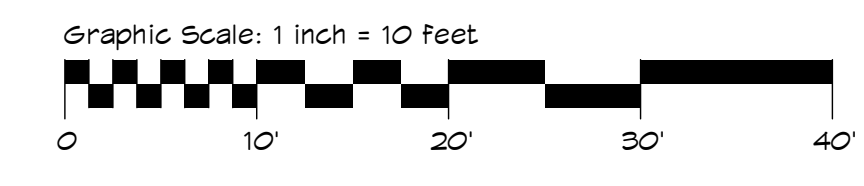


**Planting Schedule**

Type Mark	Count	Type
1	1	Chokecherry/Prunus virginiana
2	1	Colorado blue spruce/Picea pungens 'Glauca'
3	5	Quaking aspen/Populus tremuloides
Grand total: 7		

② LANDSCAPE PLAN  
1" = 10'-0"

① SITE PLAN  
1" = 10'-0"



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(970) 390-4931  
michael@mppdesignshop.com

**Hutton Residence**  
Lot 14, Block 2, Booco's 2nd Addition to Minturn  
Parcel Number: 2103-263-02-025  
482 Eagle River Street  
Minturn, CO 81645

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#	Description	Date
1	DRB Submission	09/01/21

Project Number: 1908  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

**SITE & LANDSCAPE PLANS**

**AS1**  
28

EFFECTIVE LOT AREA & ALLOWABLE COVERAGES

EFFECTIVE LOT AREA	BUILDING LOT COVERAGE	IMPERVIOUS SURFACE AREA - 50%
5,270 SF	2,108 SF	2,635 SF

BUILDING LOT COVERAGE PHASE 1

BUILDING FOOTPRINT COVERAGE	1,328 SF
SHED ROOF COVERAGE	34 SF
	1,361 SF

IMPERVIOUS SURFACE AREA PHASE 1

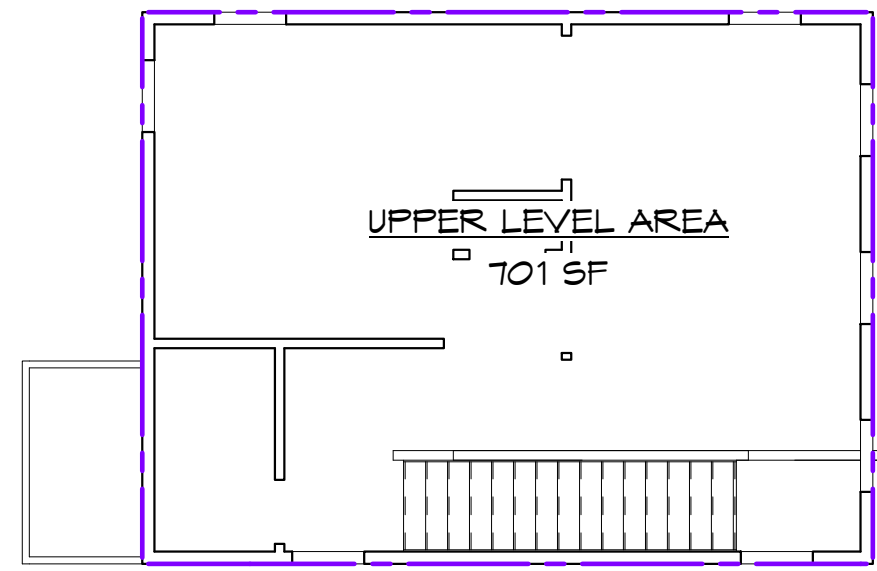
BUILDING FOOTPRINT COVERAGE	1,328 SF
DECK COVERAGE	354 SF
SHED ROOF COVERAGE	34 SF
DRIVENWAY COVERAGE	351 SF
WALKWAY COVERAGE	40 SF
	2,107 SF

LIVEABLE FLOOR AREA PHASE 1

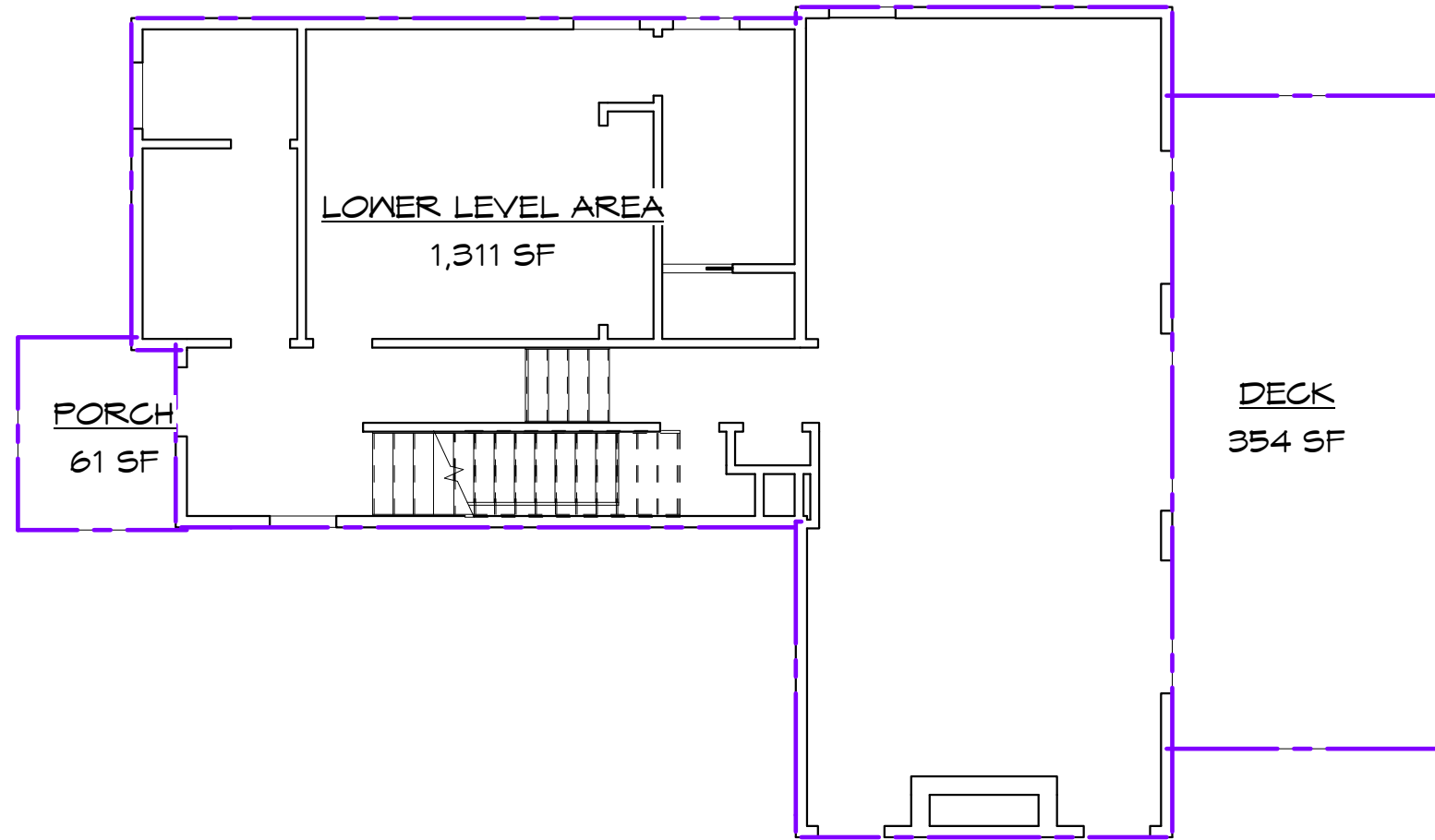
LOWER LEVEL AREA	1,311 SF
UPPER LEVEL AREA	701 SF
	2,012 SF

TOTAL BUILDING AREA PHASE 1

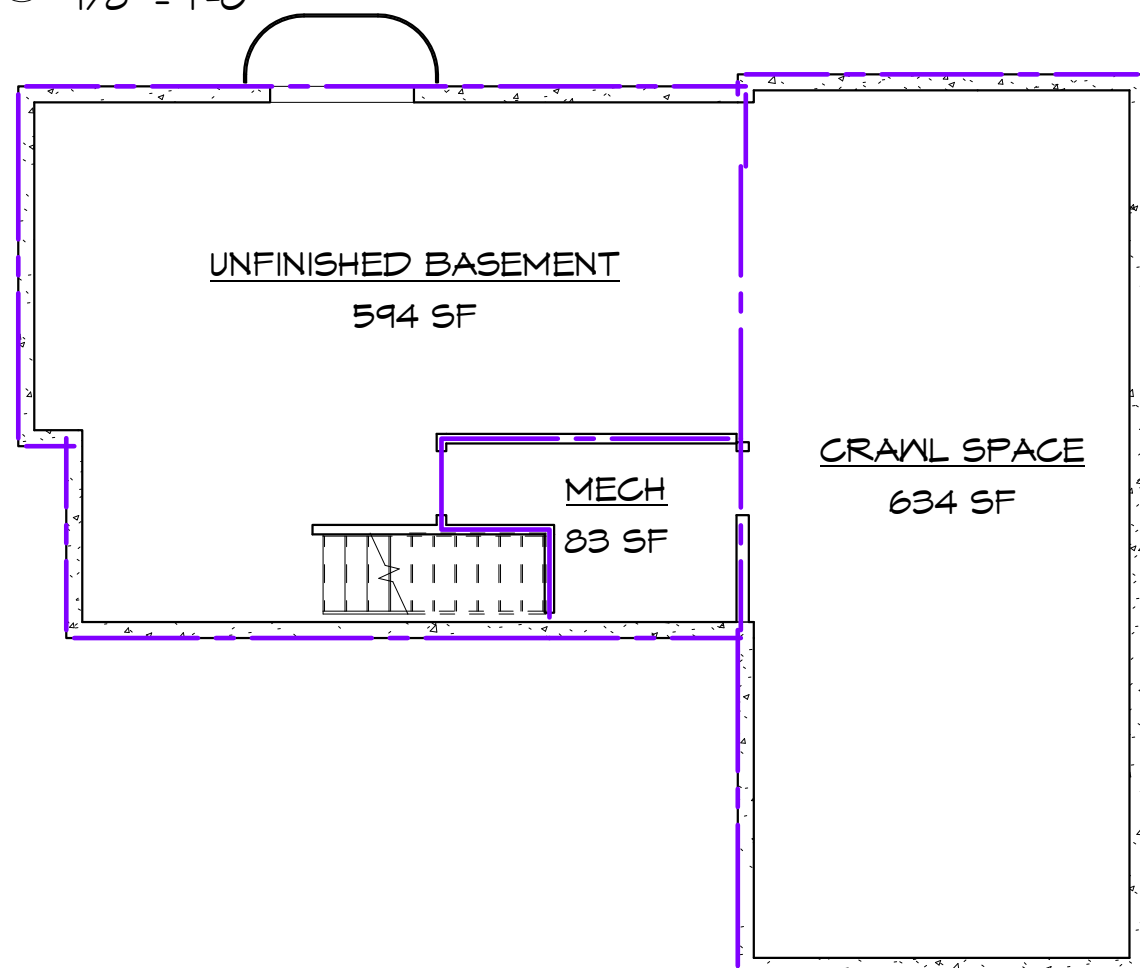
UNFINISHED BASEMENT	594 SF
MECH	83 SF
LOWER LEVEL AREA	1,311 SF
UPPER LEVEL AREA	701 SF
	2,689 SF



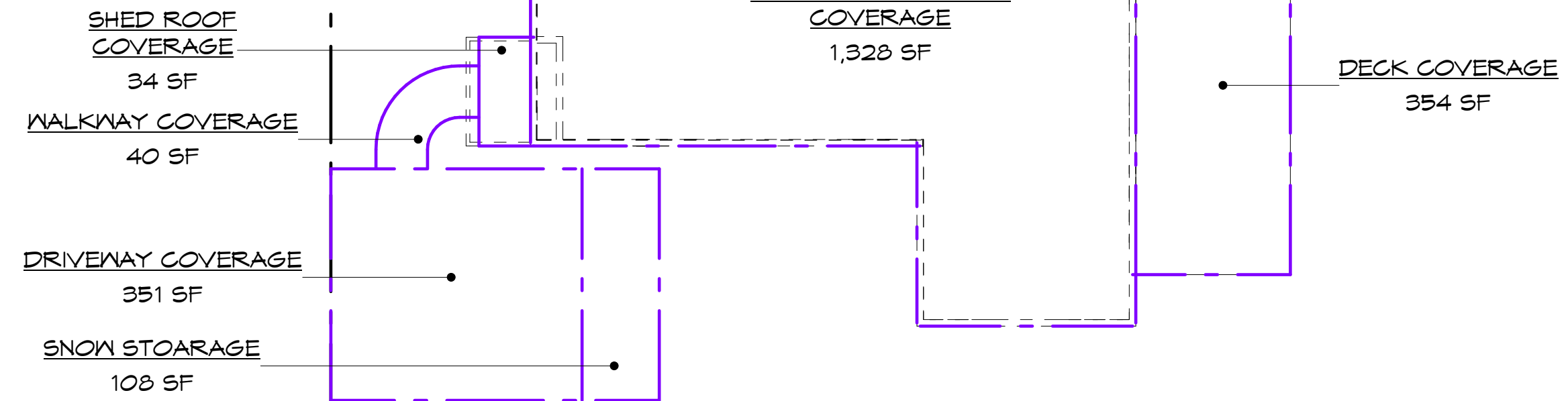
① UPPER LEVEL AREA PHASE 1  
1/8" = 1'-0"



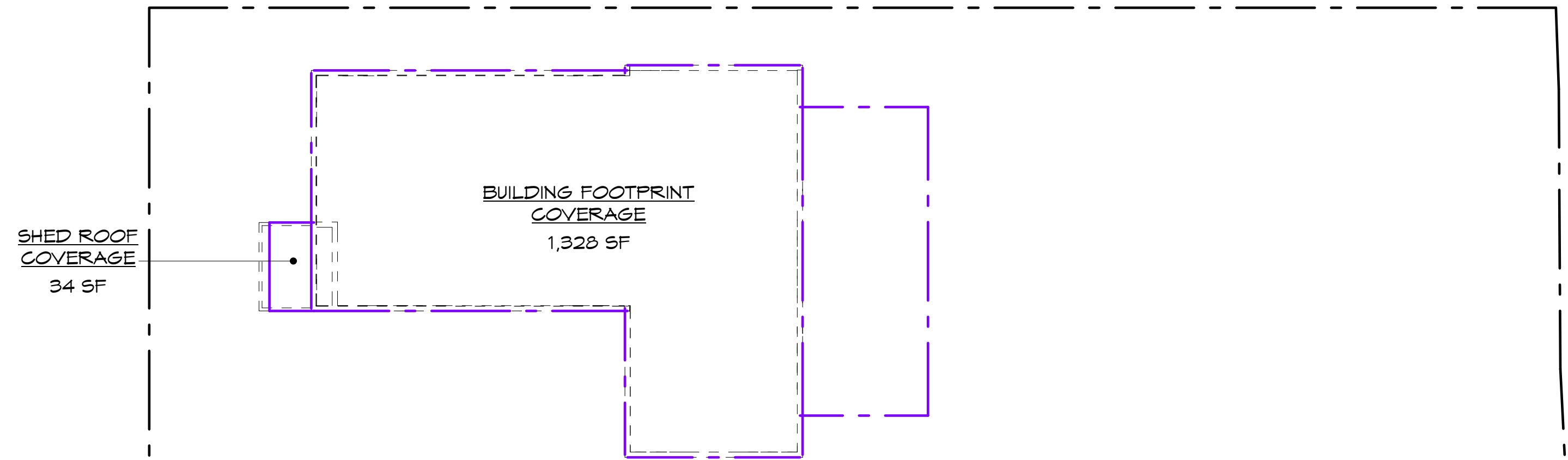
⑥ LOWER LEVEL AREA PHASE 1  
1/8" = 1'-0"



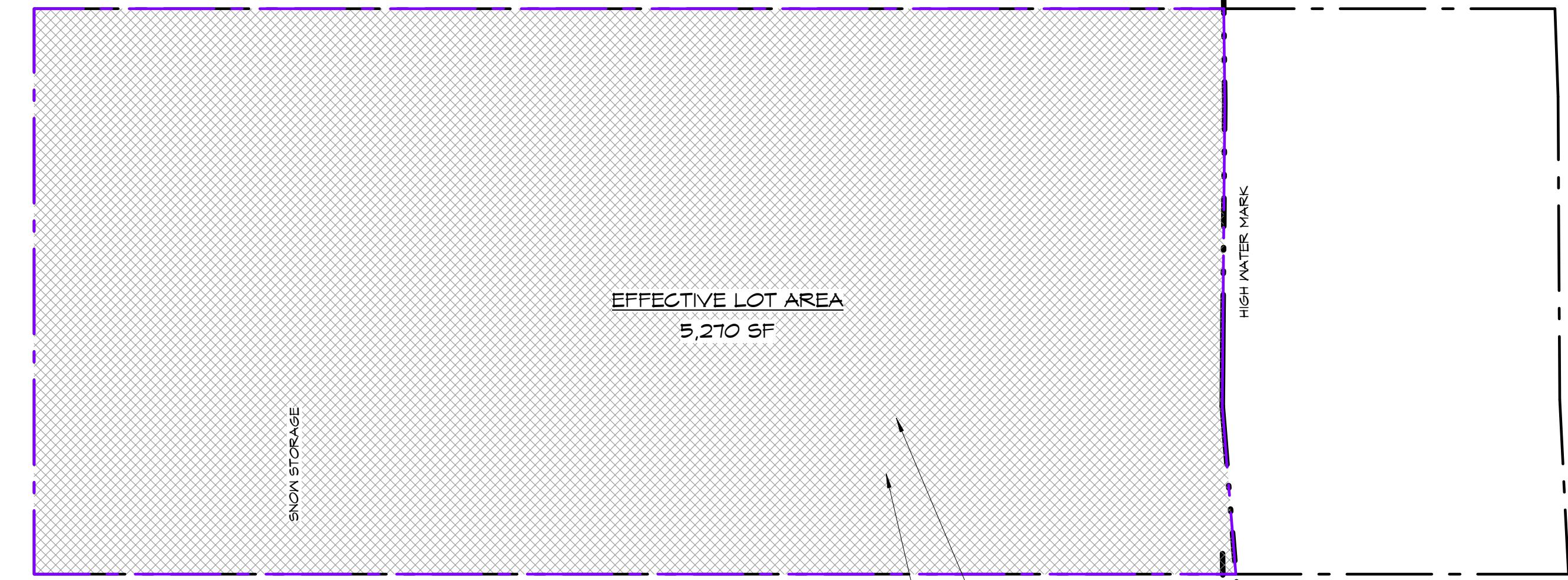
⑤ BASEMENT AREA  
1/8" = 1'-0"



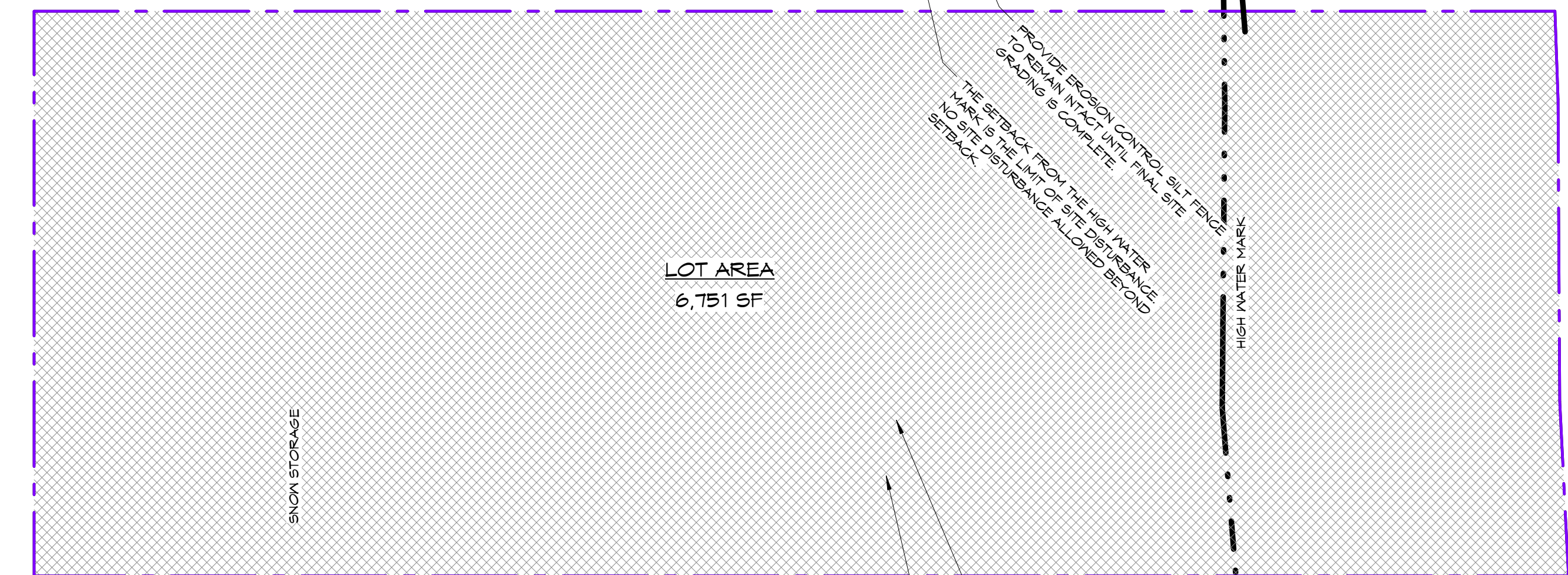
④ IMPERVIOUS SURFACE AREA PHASE 1  
1" = 10'-0"



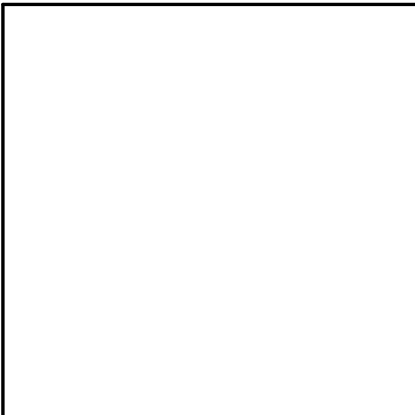
③ BUILDING LOT COVERAGE PHASE 1  
1" = 10'-0"



② EFFECTIVE LOT AREA  
1" = 10'-0"



① LOT AREA  
1" = 10'-0"



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michael@mppdesignshop.com



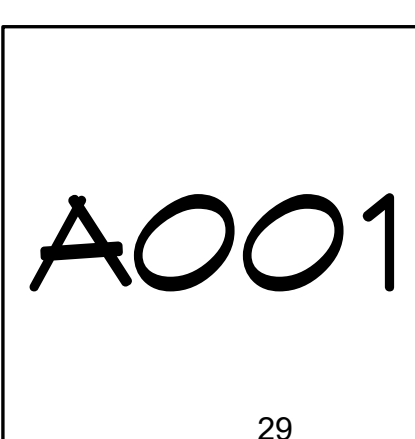
Hutton Residence  
Lot 14, Block 2, Booco's 2nd Addition to Minturn  
Parcel Number: 2103-263-02-025  
482 Eagle River Street  
Minturn, CO 81645

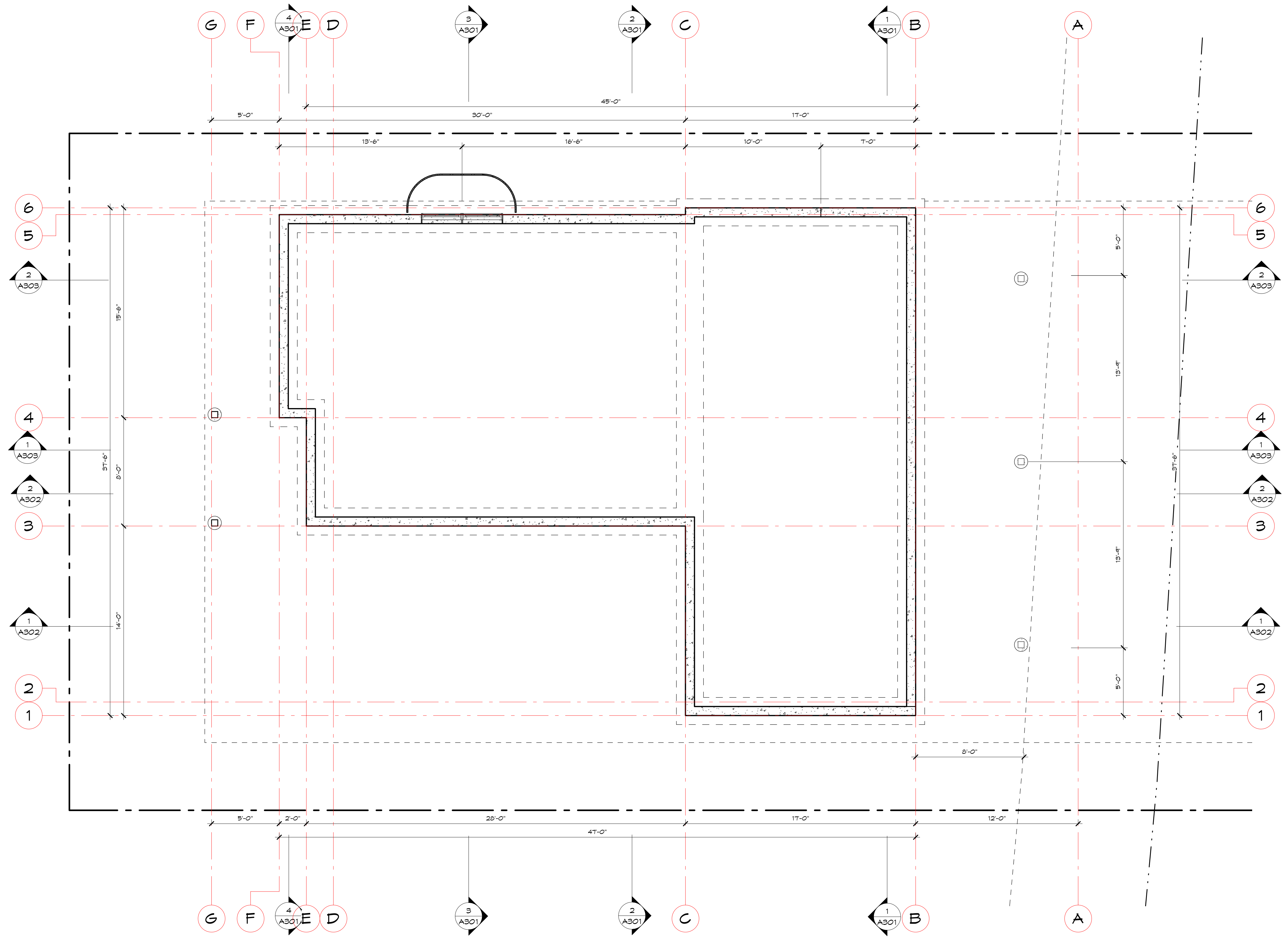
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#	Description	Date
1	DRB Submission	09/01/21

Project Number: 1908  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

LOT & BUILDING ANALYSIS





① FOUNDATION PLAN  
1/4" = 1'-0"

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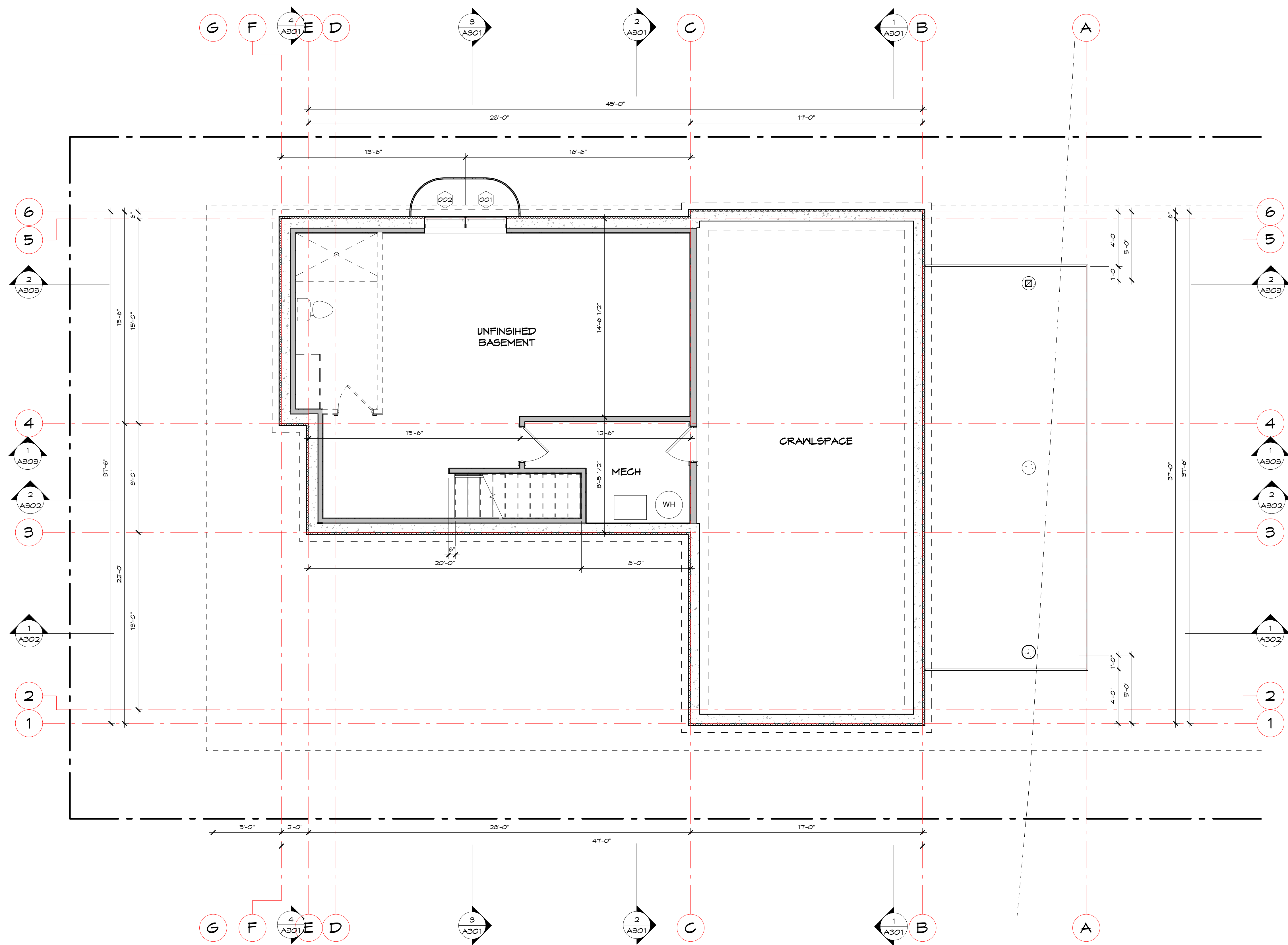
Description	Date

Project Number: 1908  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

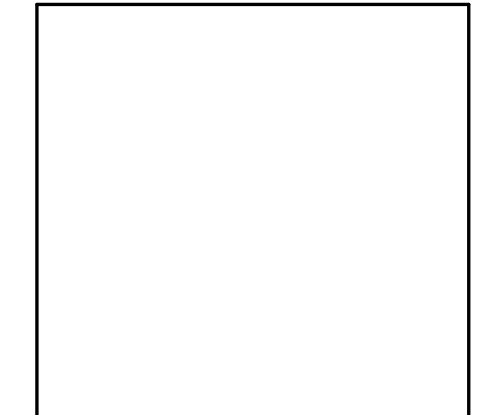
FOUNDATION PLAN

A101

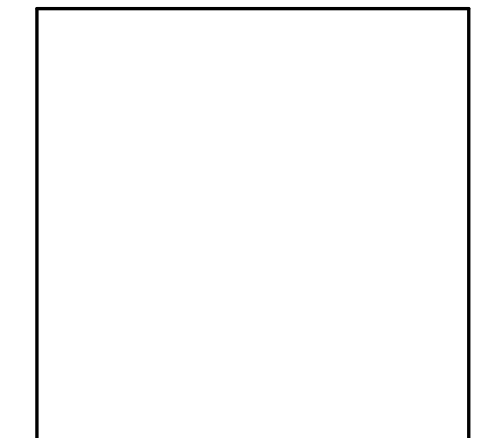
30



1 BASEMENT FLOOR PLAN  
1/4" = 1'-0"



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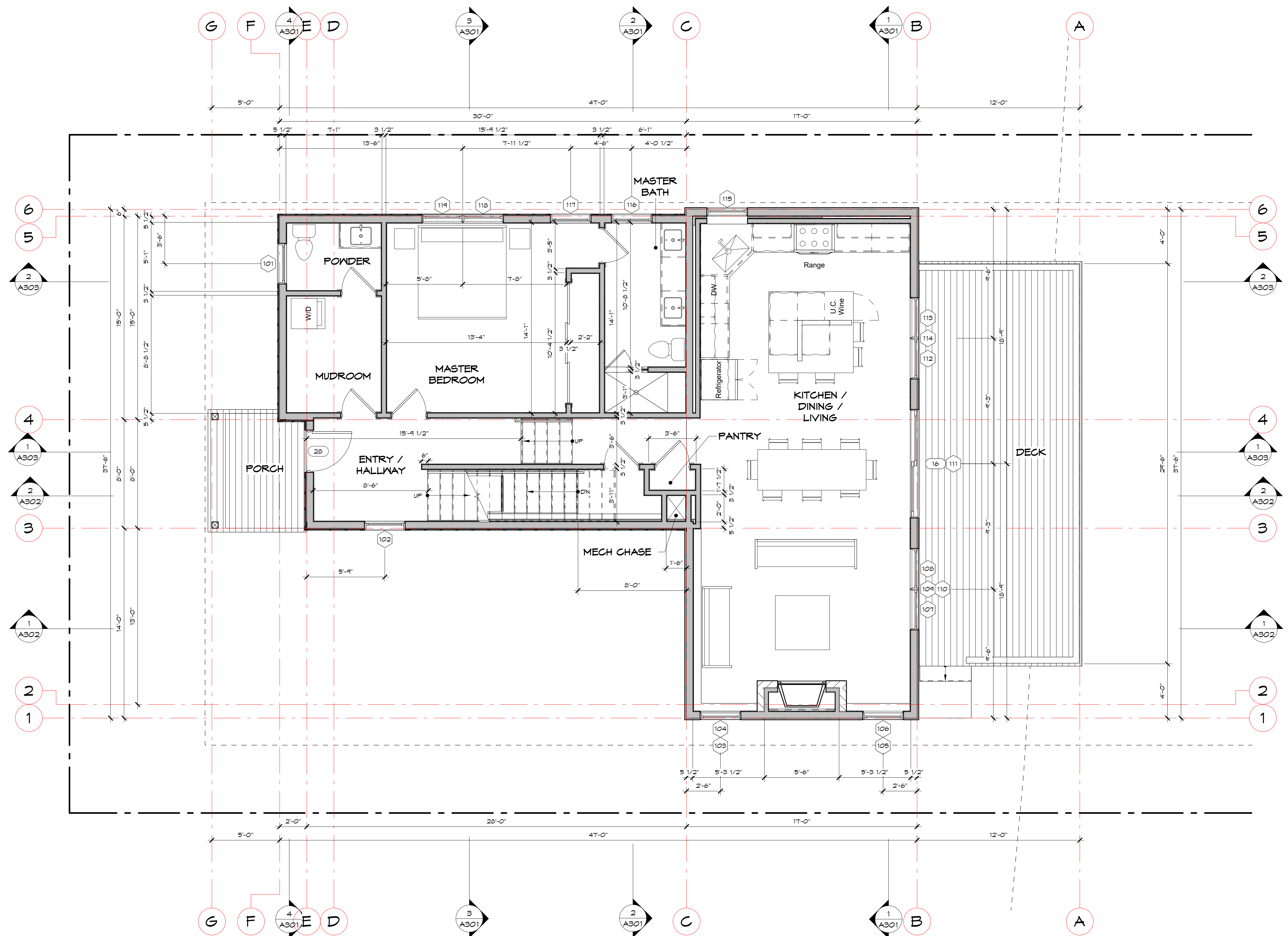
#	Description	Date
1	DRB Submission	03/01/21

Project Number: 1908  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

BASEMENT FLOOR PLAN

A102

31



① LOWER LEVEL FLOOR PLAN  
1/4" = 1'-0"

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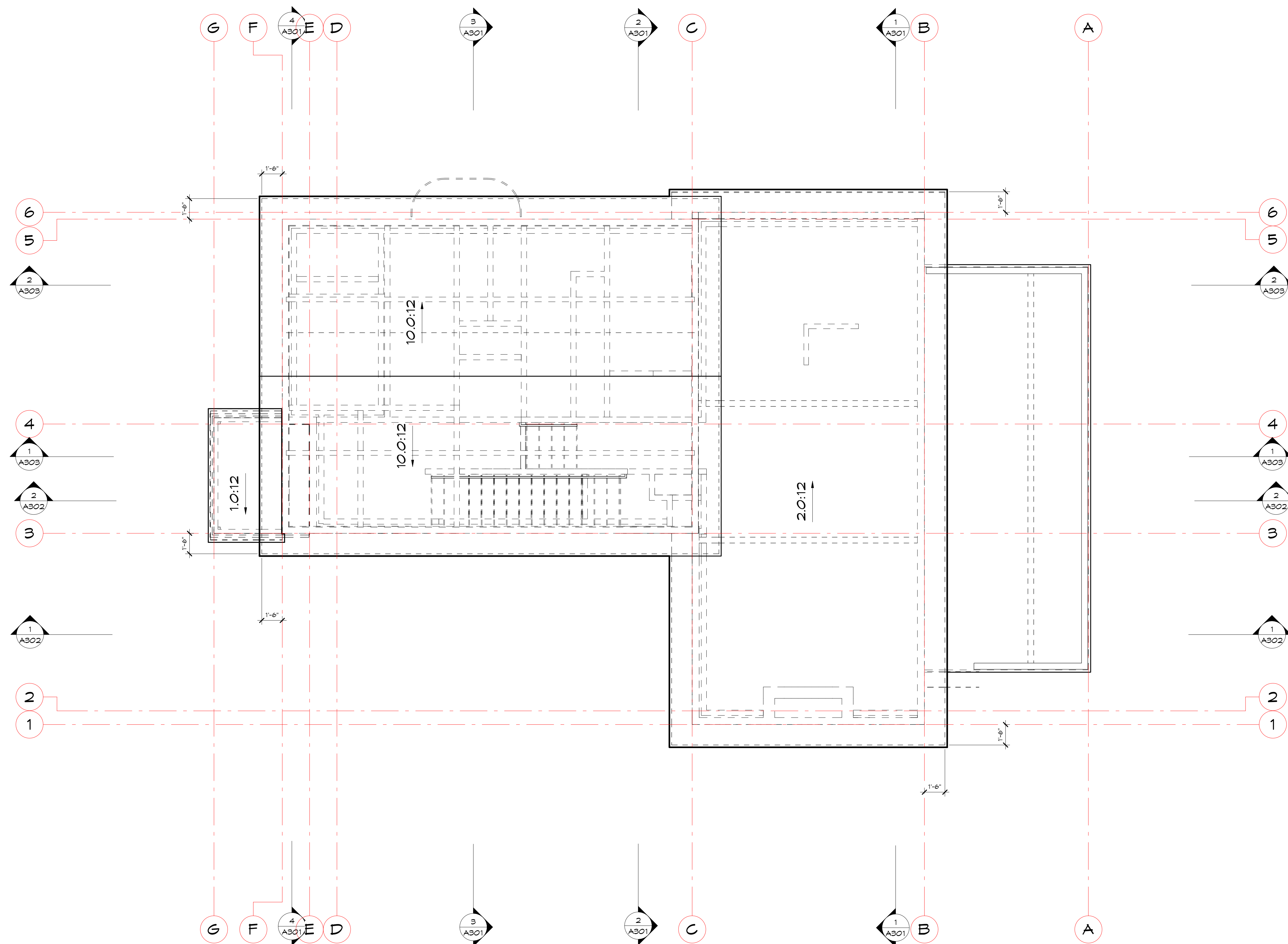
LOWER LEVEL FLOOR PLAN

**A103**

32







① ROOF PLAN  
1/4" = 1'-0"

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Gypsum, CO 81637  
(970) 390-4931  
michael@mppdesignshop.com

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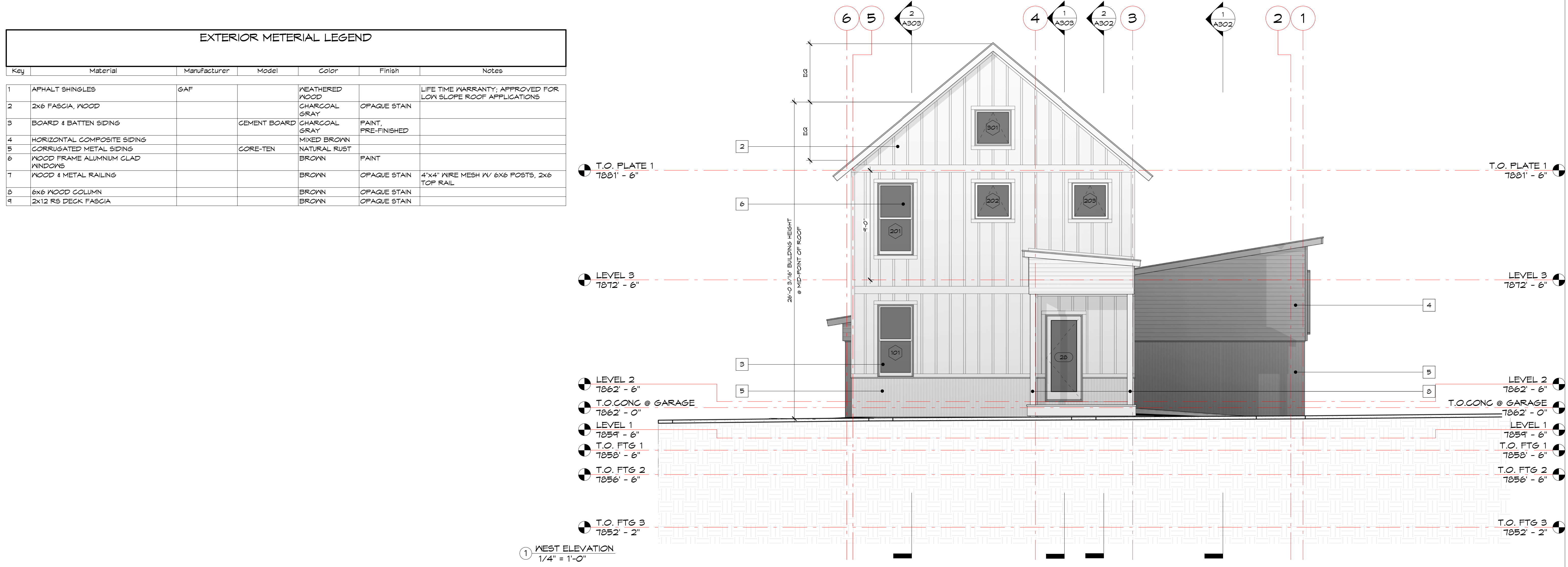
ROOF PLAN

A105

34

WINDOW SCHEDULE							
Mark	Type #	Window Type	Width	Height	Head Height	Type Comments	Window Comments
101		Double Hung	3'-0"	6'-0"	8'-0"		
102		Double Hung	3'-0"	6'-0"	8'-0"		
116		Double Hung	3'-0"	6'-0"	8'-0"		
117		Double Hung	3'-0"	6'-0"	8'-0"		Egress
201		Double Hung	3'-0"	6'-0"	8'-0"		Egress
204		Double Hung	3'-0"	6'-0"	8'-0"		Egress
205		Double Hung	3'-0"	6'-0"	8'-0"		Egress
206		Double Hung	3'-0"	6'-0"	8'-0"		
207		Double Hung	3'-0"	6'-0"	8'-0"		
208		Double Hung	3'-0"	6'-0"	8'-0"		
209		Double Hung	3'-0"	6'-0"	8'-0"		Egress
210		Double Hung	3'-0"	6'-0"	8'-0"		Egress
12							
001	2	Casement	3'-0"	5'-0"	8'-0"		
002	2	Casement	3'-0"	5'-0"	8'-0"		
103	2	Casement	3'-0"	5'-0"	8'-0"		
105	2	Casement	3'-0"	5'-0"	8'-0"		
4							
115	3	Casement	3'-0"	4'-6"	8'-0"		
1							
107	4	Awning	3'-0"	2'-0"	3'-6"		
108	4	Awning	3'-0"	2'-0"	3'-6"		
112	4	Awning	3'-0"	2'-0"	3'-6"		
113	4	Awning	3'-0"	2'-0"	3'-6"		
4							
118	6	Awning	3'-0"	3'-0"	8'-0"		
119	6	Awning	3'-0"	3'-0"	8'-0"		
202	6	Awning	3'-0"	3'-0"	8'-0"		Egress
203	6	Awning	3'-0"	3'-0"	8'-0"		
301	6	Awning	3'-0"	3'-0"	5'-0"		
302	6	Awning	3'-0"	3'-0"	5'-0"		
6							
104	7	Fixed Picture	3'-0"	5'-0"	13'-8"		
106	7	Fixed Picture	3'-0"	5'-0"	13'-8"		
2							
109	8	Fixed Picture	6'-0"	4'-6"	8'-0"		
114	8	Fixed Picture	6'-0"	4'-6"	8'-0"		
2							
110	9	Fixed Picture	6'-0"	3'-6"	12'-2"		
1							
111	10	Fixed Picture	8'-0"	2'-0"	7'-8"		
1							
Grand total: 33							

EXTERIOR MATERIAL LEGEND						
Key	Material	Manufacturer	Model	Color	Finish	Notes
1	APHALT SHINGLES	GAF		WEATHERED WOOD		LIFE TIME WARRANTY; APPROVED FOR LOW SLOPE ROOF APPLICATIONS
2	2X6 FASCIA, WOOD			CHARCOAL GRAY	OPAQUE STAIN	
3	BOARD & BATTEN SIDING		CEMENT BOARD	CHARCOAL GRAY	PAINT, PRE-FINISHED	
4	HORIZONTAL COMPOSITE SIDING			MIXED BROWN		
5	CORRUGATED METAL SIDING	CORE-TEN		NATURAL RUST		
6	WOOD FRAME ALUMINIUM CLAD WINDOWS			BROWN	PAINT	
7	WOOD & METAL RAILING			BROWN	OPAQUE STAIN	4"x4" WIRE MESH IV/ 6X6 POSTS, 2X6 TOP RAIL
8	6X6 WOOD COLUMN			BROWN	OPAQUE STAIN	
9	2X12 RS DECK FASCIA			BROWN	OPAQUE STAIN	



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 PO Box 288  
 Gypsum, CO 81637  
 (970) 390-4931  
 michael@mppdesignshop.com

Hutton Residence  
 Lot 14, Block 2, Booco's 2nd Addition to Minturn  
 Parcel Number: 2103-263-02-025  
 482 Eagle River Street  
 Minturn, CO 81645

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#	Description	Date
1	DRB Submission	09/01/21

Project Number: 1908  
 Designed by: mpp  
 Drawn by: mpp  
 Checked by: mpp

ELEVATIONS

A201

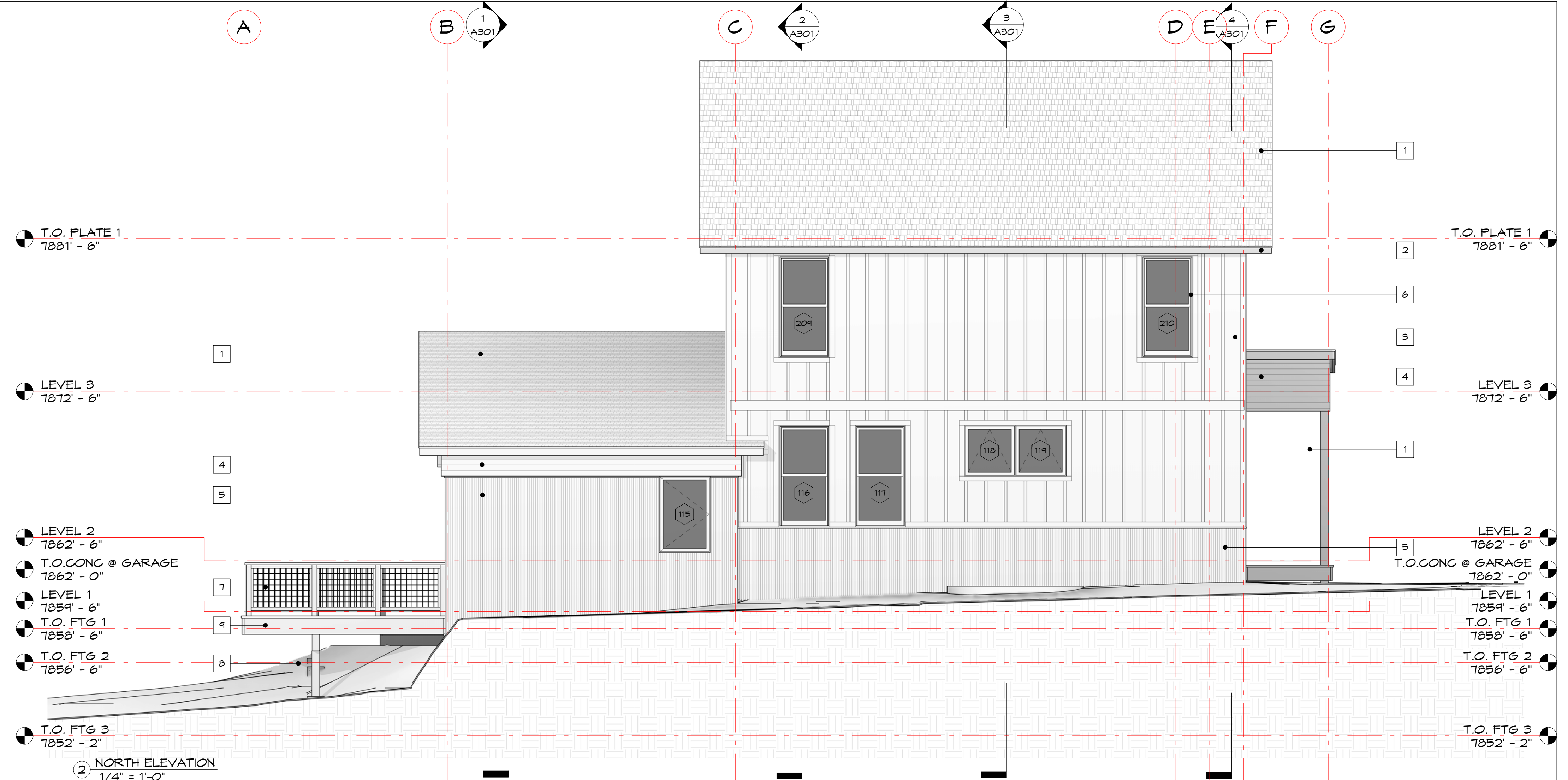
35

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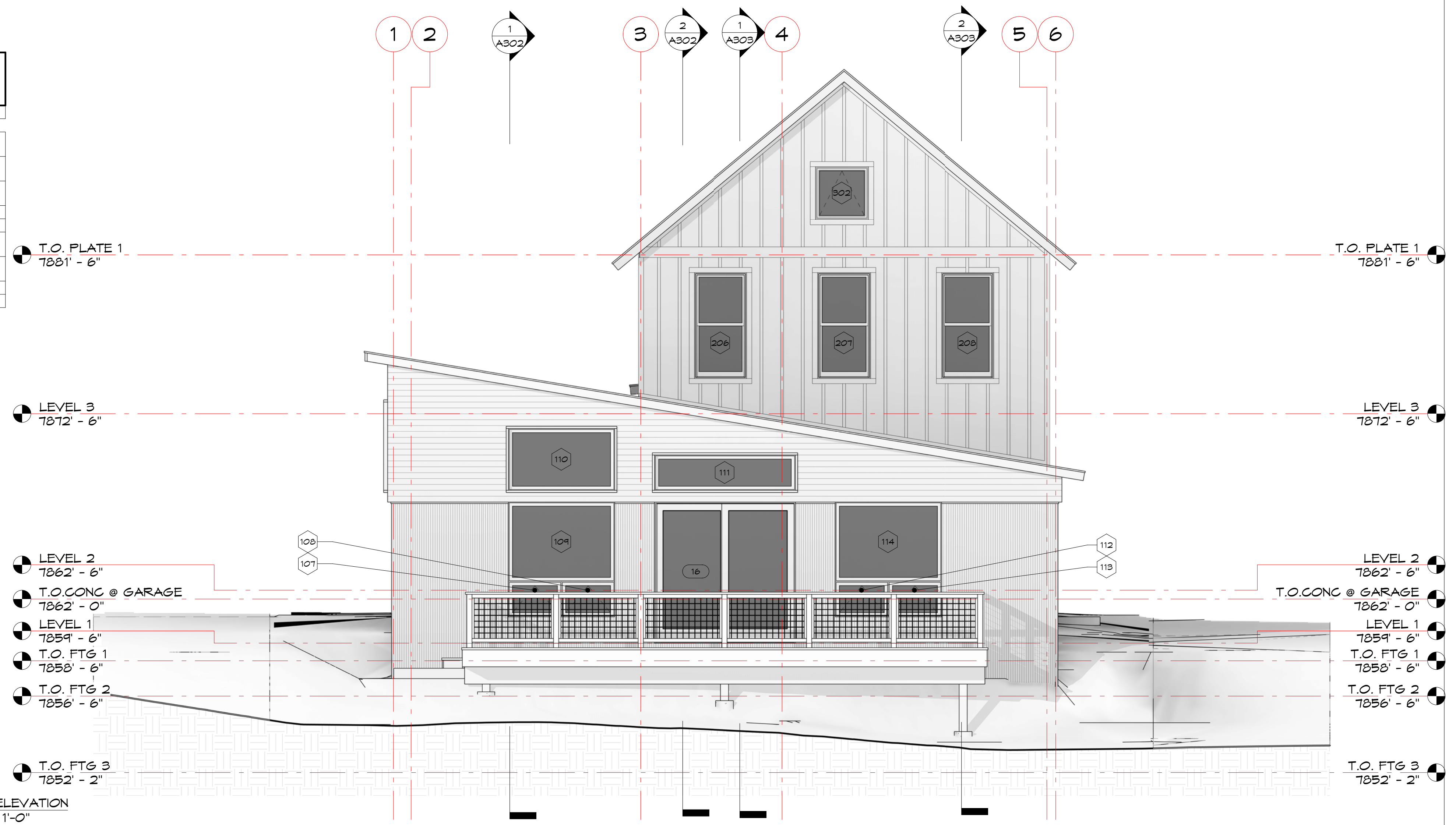
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1	DRB Submission	09/01/21

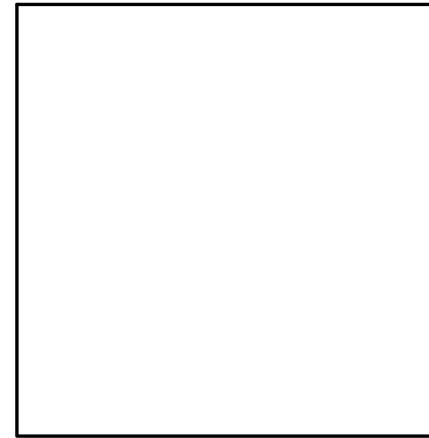
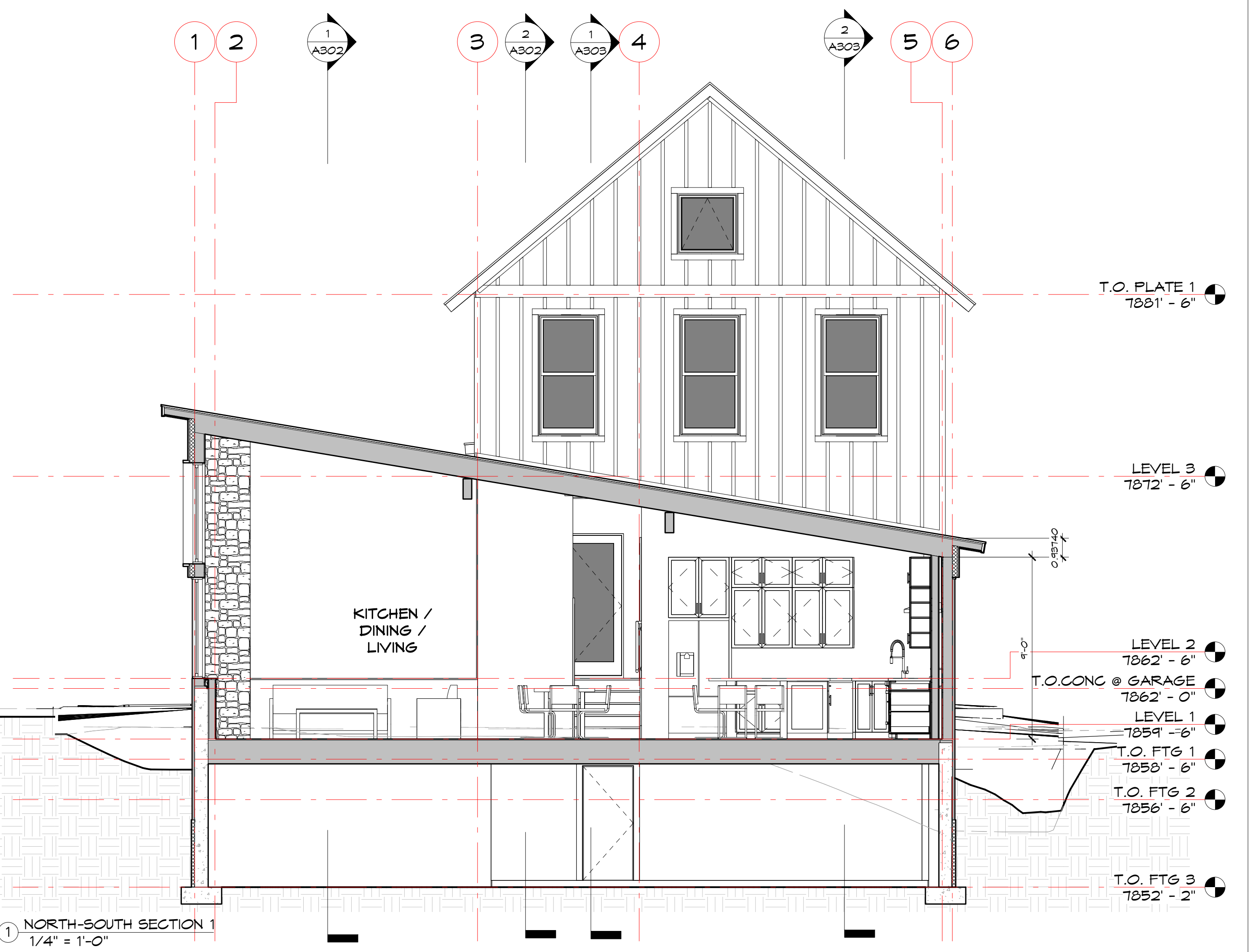
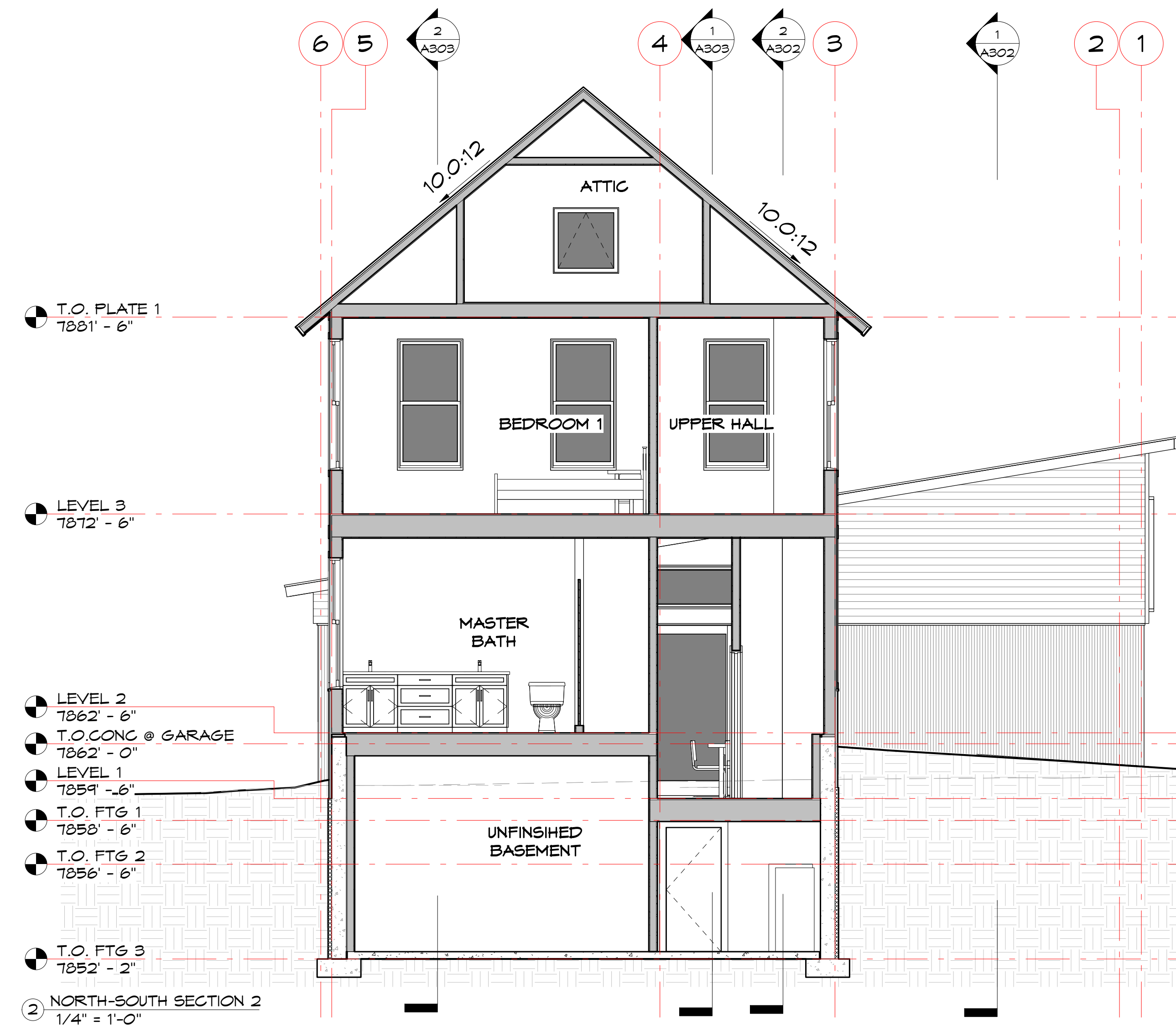
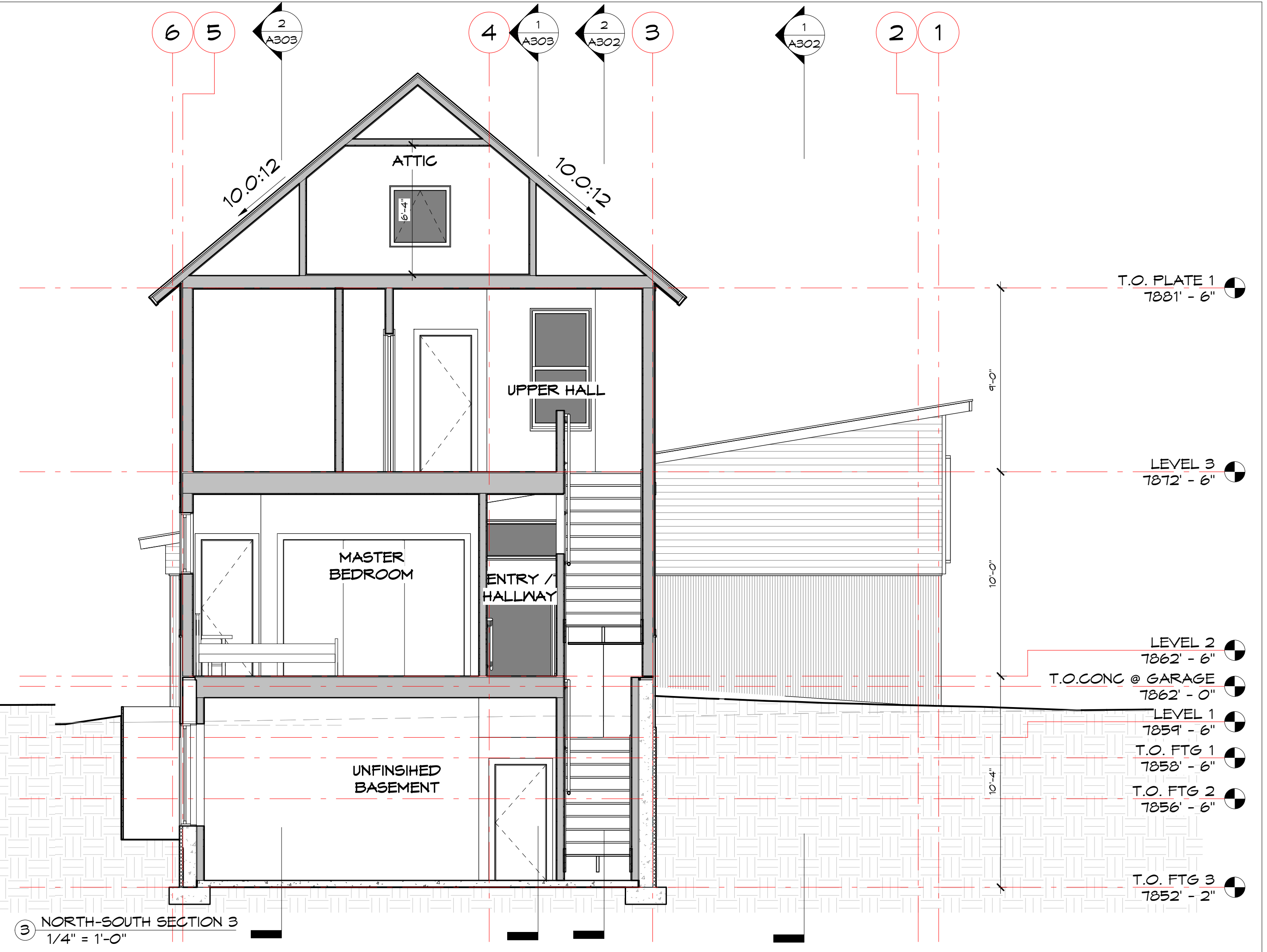
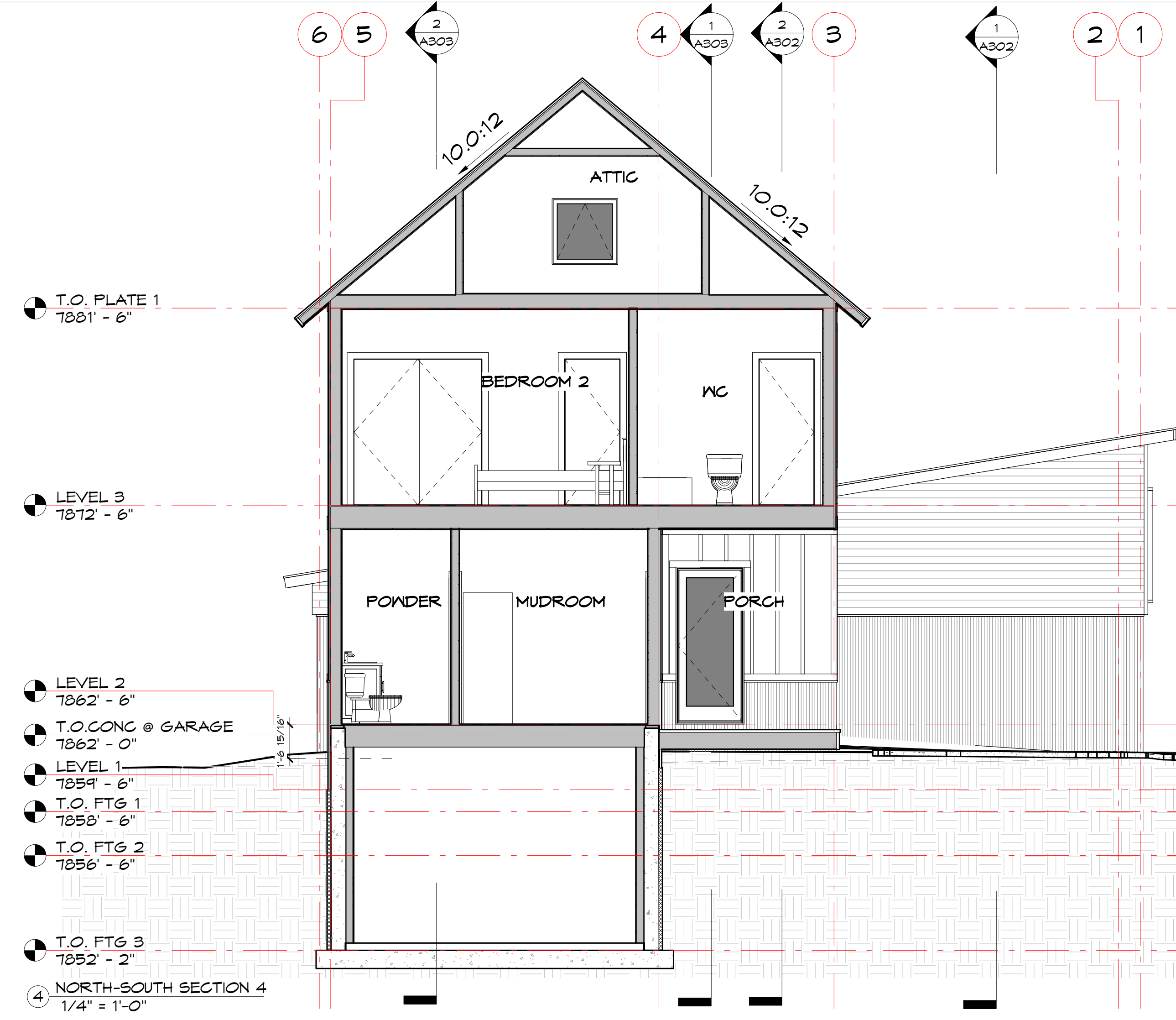
Project Number: 1908  
 Designed by: mpp  
 Drawn by: mpp  
 Checked by: mpp

ELEVATIONS

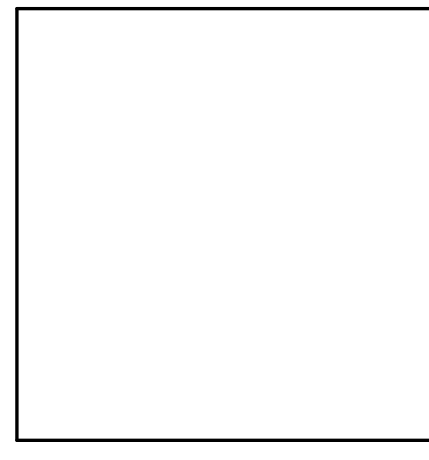


EXTERIOR MATERIAL LEGEND						
Key	Material	Manufacturer	Model	Color	Finish	Notes
1	APHALT SHINGLES	GAF		WEATHERED WOOD		LIFE TIME WARRANTY, APPROVED FOR LOW SLOPE ROOF APPLICATIONS
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3	BOARD & BATTEN SIDING		CEMENT BOARD	CHARCOAL GRAY	PAINT, PRE-FINISHED	
4	HORIZONTAL COMPOSITE SIDING			MIXED BROWN		
5	CORRUGATED METAL SIDING	CORE-TEN		NATURAL RUST		
6	WOOD FRAME ALUMINIUM GLAD WINDOWS			BROWN	PAINT	
7	WOOD & METAL RAILING			BROWN	OPAQUE STAIN	4"x4" WIRE MESH IV/ 6X6 POSTS, 2x6 TOP RAIL
8	6x6 WOOD COLUMN			BROWN	OPAQUE STAIN	
9	2x12 RS DECK FASCIA			BROWN	OPAQUE STAIN	





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Hutton Residence  
Lot 14, Block 2, Booco's 2nd Addition to Minturn  
Parcel Number: 2103-263-02-025  
482 Eagle River Street  
Minturn, CO 81645

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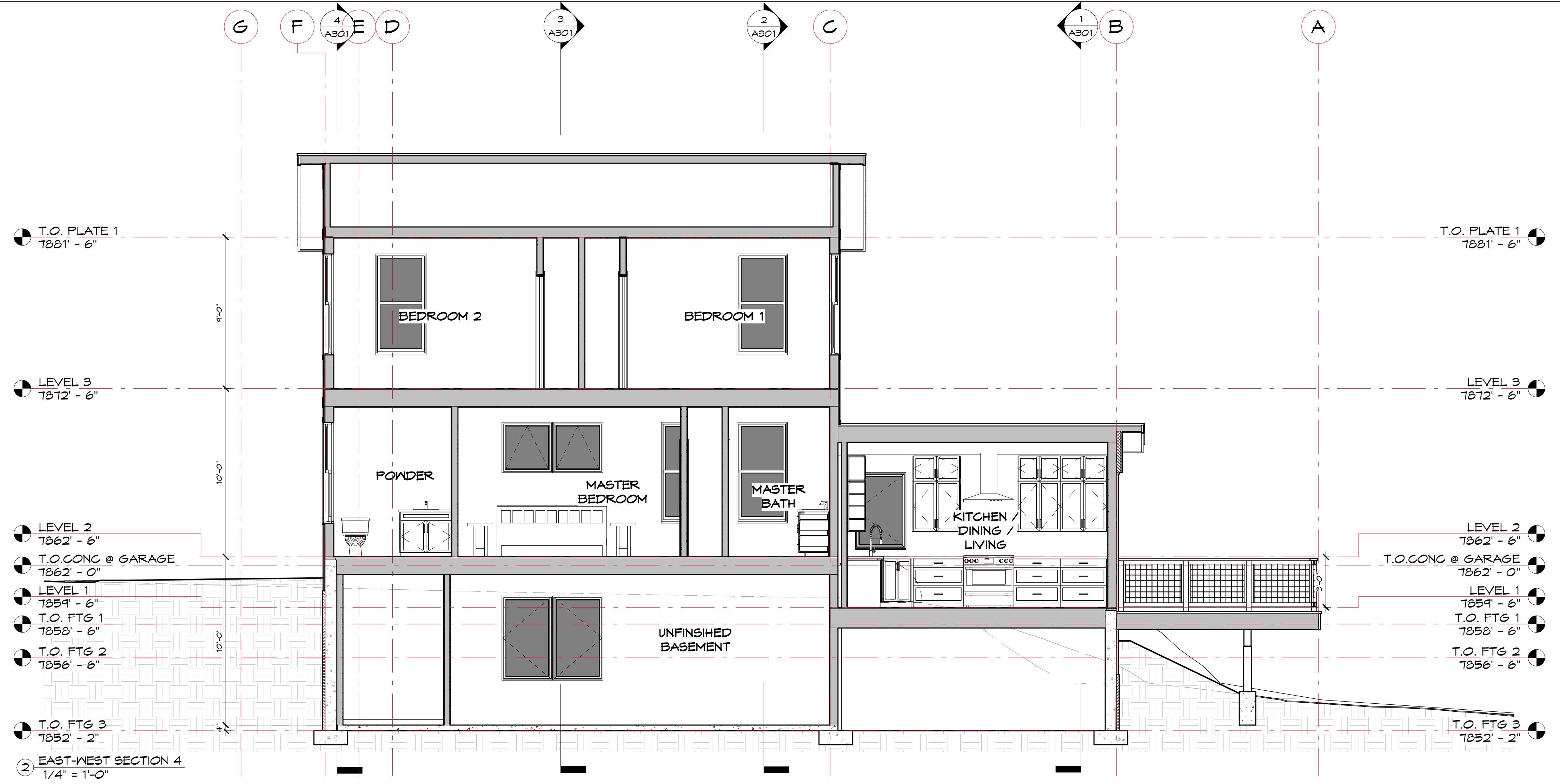
Description	Date
1 DRB Submission	09/01/21

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Checked by: mpp

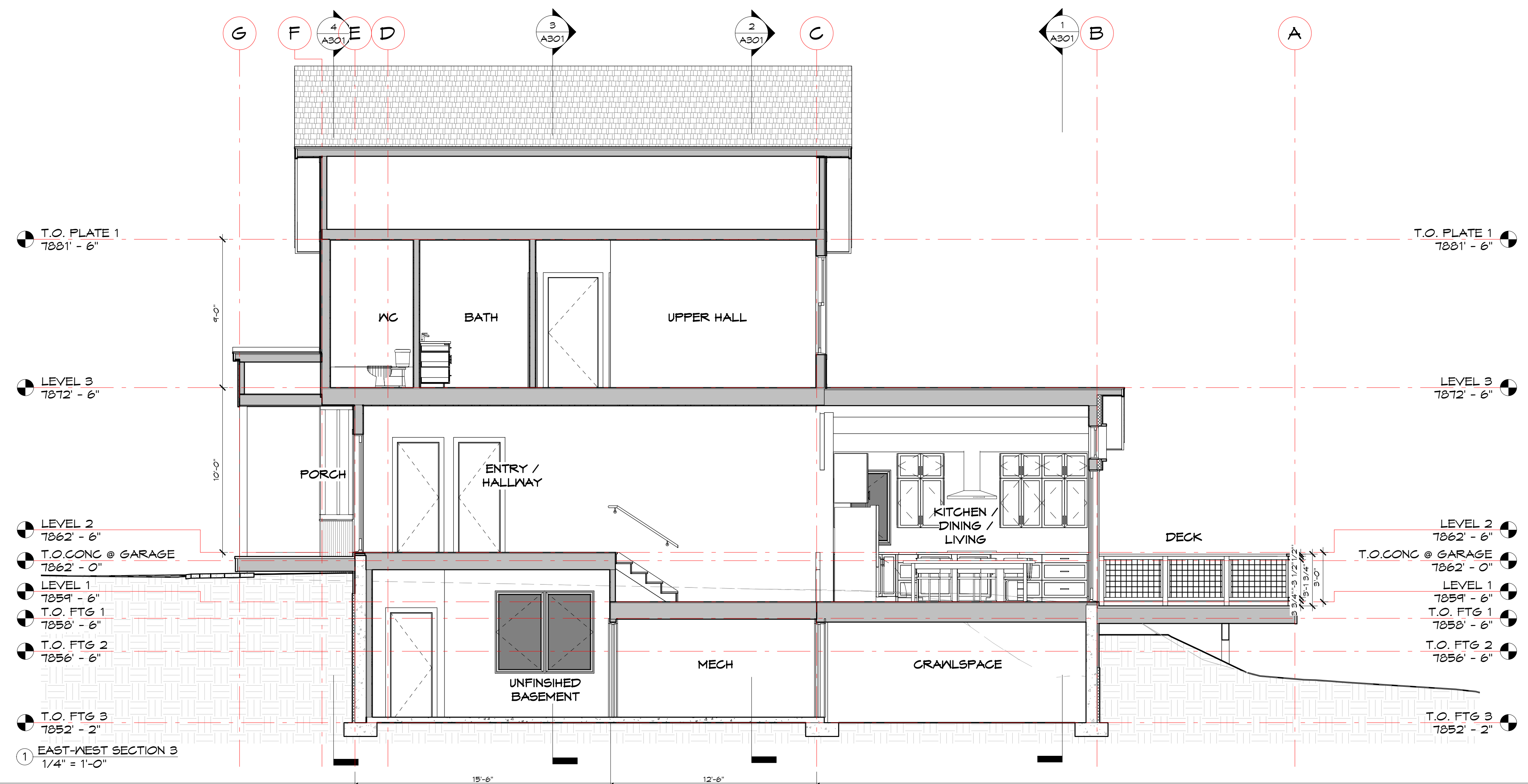
BUILDING SECTIONS

A301





② EAST-WEST SECTION 4  
1/4" = 1'-0"



① EAST-WEST SECTION 3  
1/4" = 1'-0"

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№	Description	Date
1	DRB Submission	09/01/21

Project Number: 1908  
Designed by: mpp  
Drawn by: mpp  
Checked by: mpp

BUILDING SECTIONS

A303

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

## Design Review Board Hearing

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### Hutton Residence – Final Plan Review for New Home

482 Eagle River Street

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<b>Hearing Date:</b>	March 10, 2021
<b>File Name and Process:</b>	Single-Family Residence Final Plan Review
<b>Owner/Applicant:</b>	Emily and Steve Hutton
<b>Representative:</b>	Michael Pukas, MPP Design Shop, Inc.
<b>Legal Description:</b>	Lot 14, Block 2, Booco's 2 <sup>nd</sup> Addition to Minturn
<b>Address:</b>	482 Eagle River Street
<b>Zoning:</b>	Old Town Character Area – Mixed Use Zone District
<b>Staff Member:</b>	Scot Hunn, Planning Director Madison Harris, Planner I
<b>Recommendation:</b>	<b>Approval, with Conditions</b>

---

### Staff Report

#### I. Summary of Request:

The Applicants, Emily and Steve Hutton, request Final Plan review of a new, three-bedroom, 2,689 square foot single-family residence located at 482 Eagle River Street in the Old Town Mixed Use Zone District. Although the DRB has not reviewed any conceptual plans, the Applicants have been proactive in meeting with Town staff prior to submitting plans for a new home and have provided a relatively complete and thorough



set of site, landscaping, and architectural plans allowing staff to conduct a final plan level review of the project.

### **Proposed Plans**

The plans show a two-story, three-bedroom structure with a maximum building height - measured to the midpoint of the roof - of 26 feet above proposed grade, well within the maximum allowable 28-foot limit within the Mixed Use Zone District.

Additionally, the massing, forms, and scale of the proposed structure, as well as proposed exterior materials, textures and detailing also appear to achieve the design objectives of Appendix B – Design Guidelines and Standards. Per the Applicant’s letter of intent,

*“The design concept for the structure is based on the concept of a farm-house style building that has been added onto with additions that reflect an industrial mining aesthetic. The front mass of the building will be a 2-story volume with a gable roof with asphalt shingles, painted cement-board panel board-and-batten siding, rusted corrugated metal wainscot base siding, rusted corrugated metal roofing at the front entry, and aluminum clad windows.”*

Parking is adequate, with two off-street spaces provided within a road base driveway for three bedrooms. However, the plans show an “unfinished basement” with a window well that appears to meet requirements for egress (i.e., the space could be used for a fourth bedroom if finished). Should the unfinished basement be completed and utilized as a bedroom, a third parking spot will be required.

This project is split up into two phases – a single-family home followed by the future development of a single car garage and space above the garage that will be architecturally integrated with the home. This staff report is only reporting on Phase 1. Phase 2 will need to be reviewed in accordance with the requirements of the Minturn Municipal Code in effect at the time the property owner decides to apply for review and approval.

According to staff’s analysis of development standards and dimensional limitations in Section III below the project appears to meet the Town’s standards.

However, staff has identified the following minor issues needing to be addressed prior to or concurrent with building permit application or during the construction process:

- **Exterior Light Fixtures** – the floor plans and elevations should be updated prior to building permit to show all exterior lighting locations as well as cut sheet/specifications.

With the exception of the above issue, staff believes that the Applicants and their representative have provided a complete, detailed set of plans necessary to complete a thorough final plan review.

As a reminder, the Planning Commission has the option to review the proposal as a “conceptual” plan review if the Commission feels that the plans are *not* sufficient or are in need of revisions and additional review prior to final plan approval; or, the Commission may take action to approve, approve with conditions, or deny the Final Plans.

Staff is **recommending approval**, with conditions.

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

This is a final plan-level of review for a new single-family residential structure on a legally created lot within the Town of Minturn. This is a formal hearing providing the Applicant and staff the opportunity to discuss the proposal with the Planning Commission, acting as the Design Review Board, and to address the DRB’s concerns or feedback regarding suggested revisions to the project.

As noted above, if the DRB feels that the plans are complete, appropriate, and meet the intent and purposes of the Minturn Municipal Code, Chapter 16, the DRB has the option to take final action to approve or approve with specific conditions and giving the Applicant and staff clear direction on any recommended revisions to the plans. No variances are required or requested at this time.

### **Design Review Process**

Appendix ‘B’ of the Minturn Municipal Code, Section 16-21-615 - *Design Review Applications*, subsection “d” below outlines the criteria and findings necessary for DRB review and approval of all new, major development proposals:

*(d) Administrative procedure.*

*(1) Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in this Chapter.*

*(2) Criteria and findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board (DRB), shall consider the following factors with respect to the proposal:*

- a. The proposal's adherence to the Town's zoning regulations.*
- b. The proposal's adherence to the applicable goals and objectives of the Community Plan.*
- c. The proposal's adherence to the Design Standards.*

*(3) Necessary findings. The Design Review Board shall make the following findings before approving a Design Review application:*

- a. That the proposal is in conformance with the Town zoning regulations.*

- b. That the proposal helps achieve the goals and objectives of the Community Plan.
- c. That the proposal complies with the Design Standards.

Staff suggests that the final plans for 482 Eagle River Street meet or can be revised to meet the required findings ‘a,’ ‘b,’ and ‘c’ or subparagraph 3 – *Necessary findings*.

**III. Zoning Analysis:**

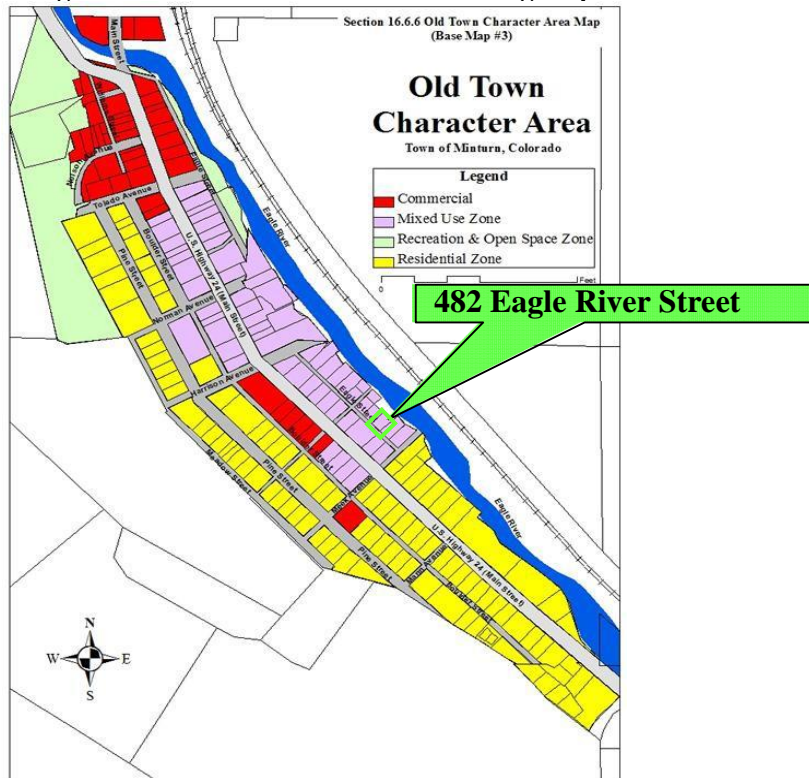
**Zoning**

The subject property is located within the “Old Town Character Area” Mixed Use Zone District, described as follows:

- (a) *This area allows a compatible mix of **residential uses**, low-impact commercial uses and institutional uses that serve residents and visitors. The Old Town Mixed-Use Zone can accommodate various types of development if found not to significantly impact nearby properties.*
- (b) *The Old Town Mixed-Use Zone is intended to **provide sites for combined residential and low-impact commercial and service uses** which maintain a predominantly residential appearance. **This area can accommodate reasonable growth where land and services are available and when services and amenities are needed for residents and visitors.***

- Town of Minturn Town Code Section 16-6-40

**Figure 1: Old Town Character Area Zoning Map**



**Dimensional Limitations and Development Standards**

The following table summarizes the lot, development and dimensional standards and limitations applicable to the subject property pursuant to Sections 16-2-40. - *General lot requirements and dimensional standards* and 16-16-20 – *Parking Required for Residential and Lodging Uses*.

<b>Regulation</b>	<b>Allowed/Required</b>	<b>Proposed/Existing</b>
Minimum Lot Area:	5,000 sq. ft.	5,270 sq. ft. (.155 ac.)
Maximum Building Height:	28 feet	26 feet
Minimum Front Setback:	10 feet	10 feet
Minimum Side Setback:	5 feet	5 feet
Minimum Rear Setback:	10 feet	10+ feet
Maximum Lot Coverage:	40% (2,108 sq. ft.)	1,361 sq. ft. (25.83%) Proposed
Maximum Impervious Coverage:	50% (2,635 sq. ft.)	2,107 sq. ft. (39.98%) Proposed
Minimum Snow Storage Area:	5% of Driveway (351 sq. ft. x .05 = 17.55 sq. ft.)	112.5 sq. ft.
Parking:	2 spaces	2 spaces

**Note:** the above calculations are based on the following:

**Lot 14 = .155 acres x 43,560 sq. ft./acre = 6,751.8 sq. ft.**  
**(Note: a portion of Lot 14 is encumbered by the Eagle River and thus is not counted in the calculation for lot area)**  
**Effective Lot Area is 5,270 sq. ft.**

**351 sq. ft. parking area x .05% = 17.55 sq. ft. (Required Snow Storage)**

**IV. Applicable Standards and Design Guideline Criteria:**

**Design**

In addition to the development standards listed above, the following general design principles are provided for reference.

**Final Site, Grading and Drainage Design**

The design guidelines encourage designs that integrate or account for snow storage and snow shed from roof structures, along with ensuring that the orientation of buildings – to street frontages and neighboring properties – is considered.

The proposed design maintains the structure and roof forms within required setbacks, with only minor encroachments of roof overhangs of less than 18” into the northern side yard setback. Generally, setbacks are maintained thus allowing for full use of side yard areas for snow shed and drainage. Likewise, the site plan and final grading and drainage

details generally demonstrate that proper (positive) grading and drainage will be directed in swales away from the structure; that drainage is handled on the subject property.

### **Mass and Form**

The following excerpt from the Design Guidelines is applicable to the proposed home design:

#### *“c. Massing and Scale*

*“A simple central form with additive features shall be designed. This style creates visual interest and is appropriate for the community due to its compatibility with existing structures. Buildings and improvements should complement, rather than overpower, the adjacent natural and built environment. Homes are encouraged to be sheltering in nature, with consistent setbacks from the street with prominent porches or overhanging eaves.*

*“Building mass, form, length and height shall be designed to provide variety and visual interest while maintaining a scale that is similar or compatible to adjacent structures.”*

*-Town of Minturn Design Guidelines*

### **Staff Response:**

Staff believes that the design and scale of the proposed structure incorporates a simple central form with additive features and is complimentary to adjacent single-family residential structures and character on nearby parcels. Staff further suggests that the scale of the project is appropriate and will not overpower surrounding natural and built environments. Proposed roof forms and pitches, materials and textures are compatible and complimentary to the surrounding built and natural environments.

## **V. Issues and Areas of Non-Conformance:**

### **Issues or Required Plan Revisions**

The following issues or areas of refinement have been identified by staff that must be addressed prior to any building permit submittal:

#### **Encroachments into Easements**

The back deck is cantilevered over and into an existing sewer easement. The applicant has indicated that this has been approved by Eagle River Water and Sanitation District.

Staff referred this final plan to the Town Engineer (Intermountain Engineering) and the Town Public Works Department for comments. Attached are comments from Jim Kunkel regarding the Improvement Survey Plat, Topographic Survey, and Site Plan.

### **Water Service**

During his review of the plans, the Town Public Works Director, Arnold Martinez, requested the following be added to the plans:

- Location of water meter
- Size of water line
- Curbstop location should be in front along the border of the property

### **Exterior Light Fixtures**

The plans should be updated to show exterior light locations. Light fixtures and lighting solutions are to be dark sky compliant.

## **VI. Staff Recommendation and Suggested Conditions:**

Staff suggests that the Final Plans for 482 Eagle River Street generally **comply** with or exceed the applicable provisions and/or minimum standards of Chapter 16 and the Town of Minturn Design Standards (Appendix 'B') of the Minturn Town Code.

Staff is **recommending approval** of the Final Plans, with the following recommended condition(s):

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 as well as consistency with fixtures found on the existing residential structure on the subject property.
2. The Applicant shall provide the Town with an encroachment agreement between ERWSD and the owner of the property.
3. The Applicant shall address Intermountain Engineering's concerns prior to, or concurrent with, the Building Permit application process.

March 5, 2021

Madison Harris  
Town of Minturn Planner  
PO Box 309  
Minturn, CO 81645

Re: 210019 Hutton Residence Lot 14, Block 2, Booco's 2<sup>nd</sup> Addition, Minturn CO.

**Improvement Survey Plat comments:**

1. The boundary was prepared 4 -1/2 years ago. Please provide updated title commitment and boundary survey.
2. Please submit closure calculations for the boundary.
3. Label point of beginning for the Lot 14 Extension.
4. Please provide a Legend showing line types, and symbols.
5. Witness monuments are required for the northerly and easterly corners of the property.
6. Show the acreage of the parcel to three decimal places. The legal description should provide the source for the lot 14 extension portion of the description.

**Topographic Survey**

1. The description of the most westerly boundary monument is different than the description on the ISP.
2. The survey needs to be updated to 2021 with an updated title commitment.

**Site Plan**

1. Please label contour elevations, at least for index contours.
2. The proposed deck encroaches onto the sewer easement. Please provide encroachment agreement with ERWSD.jk0722
3. Show existing utilities and proposed services.

Sincerely



Jim Kunkel



To: Mayor and Council  
From: Michelle Metteer / Richard Peterson-Cremer  
Date: March 17, 2021  
Agenda Item: Burke Harrington Construction Conditional Use Permit (CUP) Review

---

**UPDATE TO FEBRUARY 17 COUNCIL MEMO:**

**REQUEST:**

Staff requests a public hearing that was continued from the February 17, 2021 meeting for the purposes of following the process outlined in Resolution 28 – Series 2018, a Resolution approving conditional use permit application CU 03 – 2018 for Burke Harrington Construction, UPRR Railroad Ave, Town of Minturn.

As discussed during the Feb 17<sup>th</sup> Council meeting, which the CUP holder was unable to attend, the town manager would schedule to meet with the CUP holder prior to the continued meeting date. Burke and I have met and reviewed the issues, almost all of which stem from vehicles with expired registration. The other issue has been the Jeep Wagoneer, which is owned by a client of the CUP holder and being kept in the leased area while work is being done on their home. It is unclear if this vehicle is to be considered “work-related.” Staff will work on this definition and others for bringing forward at a later date to rectify issues with the Resolutions pertaining to:

- Staff recommendations for CUP (not immediate revocation)
- Definitions within the CUP and Resolutions
- Fine/Fee structure applicability
- Parking

Additionally, Burke requested a quarterly meeting with the town manager for review of the properties. I am supportive of this request but remind everyone that the CUP must be in compliance at all times.

**(for background only) MEMO FROM FEBRUARY 17 COUNCIL MEETING:**

**INTRODUCTION:**

A complete introduction and background of the Union Pacific Railroad (PUD Holding Zone) Conditional Use process can be reviewed within the Staff Report provided during the 2020 CUP review process and included as an attachment herein.

Of recent issue, and the reason for a request for public hearing, is due to Burke Harrington Construction receiving a third violation notice within a 12-month period. As outlined and approved within Resolution 28 – Series 2018 condition #6, three violations within one-year trigger a recommendation to Council for revocation of the CUP.

**ANALYSIS:**

In May of 2020 – The Town received several resident complaints regarding the storage of non-work-related vehicles, and the absence of fencing and/or green screening around lease area boundaries.



In June of 2020 – A site visit was conducted with Burke Harrington to discuss issues of non-compliance. From this visit a warning letter was sent detailing the specific areas of non-compliance and providing a warning period to correct the potential violations before official violation notices were sent.

By July 2020 the two warnings had not been addressed and therefore two violation notices were sent to Burke Harrington Construction for failure to remove a non-work-related vehicle and for failure to erect screened fencing.

In January 2021 Town staff received a complaint from a concerned resident regarding the storage of abandoned and/or unregistered vehicles within the CUP area. On Thursday, January 28, 2021 Town staff visited the CUP site and identified multiple vehicles with expired registrations as well as a vehicle which appeared to be non-work related. A second staff visit on February 2, 2021 found all vehicles in violation to still be present on the CUP property. (See attached Notice of Violation dated January 2021). As indicated by Condition #3 of the Conditional Use Permit; There shall be no inoperable/unlicensed vehicles kept on the property for longer than 5 days as required by the Minturn Municipal Code, Sec 7-2-70.

These violations were/are Burke Harrington Construction’s third notice of violation. As identified in Resolution 28 – Series 2018, a third notice of violation in a 12-month period initiates staff to escalate the issue to the Council-level for recommended revocation of the CUP. Revocation is at the sole discretion of the Town Council.

**COMMUNITY INPUT:**

Significant – Many Minturn residents, a large number specifically from Taylor Ave, expressed their disapproval of activity in the railyard and identified preferable uses to include an open space area.

**BUDGET / STAFF IMPACT:**

Staff impact has been significant (at times) and remains ongoing.

**STRATEGIC PLAN ALIGNMENT:**

Following the process outlined in Resolution 28 – Series 2018 and publicly approved follows the Minturn Strategic Plan as follows:

**PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT**

**RECOMMENDED ACTION OR PROPOSED MOTION:**

The process for addressing PUD Holding Zone Conditional Use Permits as outlined in Resolution 28 – Series 2018 requires staff to recommend revocation of the CUP – the Resolution provides no leeway on this matter. The Resolution does allow for the Council to hear the issues and make an independent determination based on all considerations – it does not require the Council to revoke the permit. Should Council determine not to revoke the permit, staff will look for direction on improved methods to ensure compliance, as violations may no longer be an impetus in and of themselves for a violating CUP holder to follow the conditions outlines.

ATTACHMENTS:

- 2021 Notice of Third Violation to Burke Harrington Construction, CUP holder
- Resolution 28 – Series 2018
- 2020 CUP Planning Dept Report

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



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

February 4, 2021

Burke Harrington  
PO Box 2943  
Vail, CO 81658  
bhcco@comcast.net

Via: Email and Certified Mail

Re: Burke Harrington Construction Contractor Storage CUP Third and Final Notice of Violation and Recommendation for Revocation

Burke Harrington:

This is the third and final notice of violation to your Conditional Use Permit (CUP). Upon inspection by Town staff, no less than three vehicles with expired registrations were located on the premise. In addition, the Jeep Wagoneer appeared to be filled with clothes and moving boxes, indicating this vehicle is of a personal nature and not work-related. Inserted below are photos dated January 28, 2021 and February 2, 2021 of the multiple unregistered vehicles with expired tags and the non-work related vehicle. Unrelated work-vehicles of any kind are not permitted within the permitted premises pursuant to CUP Condition Number 2 of your permit as set forth below. Further, unlicensed vehicles are not to remain on the property for a period greater than five days, pursuant to CUP Condition Number 3 of your permit as set forth below.

This is your third and final notice of violation. Although each of these issues are an independent violation, the result is your third notice of violation. Two former notices of violation were sent via email and USPS on July 8<sup>th</sup>, 2020 and July 17<sup>th</sup>, 2020, which are incorporated herein by reference.

CUP Condition Number 6 set forth below directs staff to recommend revocation of a CUP to Town Council after three violations have accrued within a one-year period. **You are hereby notified that because this is your third notice of violation, pursuant to CUP Condition Number 6, Town staff is recommending to Town Council that your CUP be revoked. Town Council will take up this matter during a public hearing at its regular meeting on Wednesday February 17, 2021.** At this hearing, you will have the opportunity to respond to staff's recommendation and present evidence relating to these alleged violations during this hearing.

As a reminder, the terms governing your use of the lease areas under the Conditional Use Permit approved in 2018 are as follows:

- 1. Request that only business- related items related to the expressed business be located on leased property. No vehicle shall exceed 40' 2" in length.**

2. **No recreational vehicles or ATV' s of any kind. Not limited to boats, snowmobiles, ATV' s. RV' s, campers, pop-ups, conversion vans, trailers, un-related work vehicles, etc.**
3. **No inoperable / unlicensed vehicles kept on property for longer than five (5) days. Sec. 7-2-70.**
4. Leased lots to be maintained in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Sec. 7- 4- 50.
5. Lessees are to maintain business in contained areas only.
6. Annual report by the Code Compliance Officer to Council — re: Violations
  - a. 3 violations in 1 year
  - b. Recommendation to Council to revoke CUP
7. **Lessees to meet with Town Council every 3 years for CUP review.**
  - a. **Report from Code Compliance Office**
  - b. **Report from Planning Director**
8. Hours of operation: 7 days a week. 7:00 a.m. to 7:00 p.m.
9. Maintain noise and vibration standards. Sec. 16-18-30
10. All leased areas to be fenced and screened (Green covering) on all perimeter fencing of leased property
11. Supplies, parking, vehicles, and equipment within fenced area or designated leased area only
12. Proper fuel containment/inspected by Eagle River Fire Protection District for small volume (less than 100 gallons) in OSHA approved containers.
13. All parking must be done within the fenced yard and/or building
14. Any chemical storage will require material safety data sheets. No chemical storage within 30' river setback
15. Emergency access of 20' through the yard and at both access gates
16. Off-season use will require site storage of snow and keeping emergency access cleared.
  - a. Maintain proper snow storage or sufficient snow removal
17. **Conditional use granted as long as the applicant complies with the conditions and has a valid lease agreement with the owner of the property.**
18. **Town staff inspects the site for compliance at any time.**

Please feel free to contact the Minturn Planning Department at (970) 827-5645, Extension 2 if you have questions, or if you would like to view the Conditional Use Permit.

Sincerely,



Madison Harris  
Planner I

Cc: Michelle Metteer, Town Manger  
Scot Hunn, Town Planner  
Richard Peterson-Cremer, Attorney  
Michael J Sawyer, Attorney  
Anna Dancer, Union Pacific Railroad

















**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 28 – SERIES 2018**

**A RESOLUTION APPROVING CONDITIONAL USE APPLICATION CU 03 – 2018  
FOR BURKE HARRINGTON CONSTRUCTION, UPRR RAILROAD AVE, TOWN OF  
MINUTURN**

**WHEREAS**, The Burke Harrington Construction has submitted a land use application for a Conditional Use Permit to allow for construction storage; and

**WHEREAS**, The Town of Minturn Town Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Sec. 16.21.30; and

**WHEREAS**, public notice was given pursuant to Minturn Municipal Code Sec. 16.21.610; and

**WHEREAS**, on October 10, 2018 the Planning Commission held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620 and approved the application as presented with conditions; and

**WHEREAS**, on November 7, 2018 the Town Council held a public hearing on the application pursuant to Minturn Municipal Code Section 16.21.620; and

**WHEREAS**, The Town Council may approve the application as submitted or may approve the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the application including the following findings:

- 1) Upon receipt of a completed and proper application, the Planning Director shall set a public hearing for the Planning Commission and give public notice as required by this Chapter.
- 2) Criteria; findings. Before acting on a conditional use permit application, the Planning Commission and Town Council shall consider the following factors with respect to the proposed use:
  - a. The relationship and impact of the use on the community development objectives of the Town.
  - b. The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs.
  - c. The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.

d. The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.

e. Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:

1. That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.
2. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed use will comply with each of the applicable provisions of this Chapter.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO HEREBY AND HEREWITH:**

Section 1. that the application for a Conditional Use Permit for File No. CU 03 – 2018 be approved subject to the following conditions:


1. Request that only business-related items related to the expressed business be located on leased property. No vehicle shall exceed 40'2" in length.
2. No recreational vehicles or ATV's of any kind. Not limited to boats, snowmobiles, ATV's, RV's, campers, pop-ups, conversion vans, trailers, un-related work vehicles, etc.
3. No inoperable / unlicensed vehicles kept on property for longer than five (5) days. Sec.7-2-70.
4. Leased lots to be maintained in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Sec. 7-4-50.
5. Lessees are to maintain business in contained areas only.
6. Annual report by the Code Compliance Officer to Council – re: Violations
  - a. 3 violations in 1 year
  - b. Recommendation to Council to revoke CUP
7. Lessees to meet with Town Council every 3 years for CUP review.
  - a. Report from Code Compliance Office

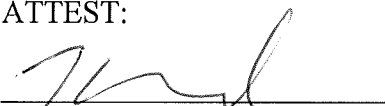
b. Report from Planning Department

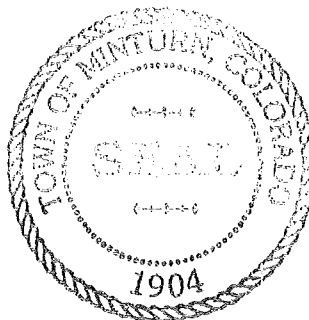
8. Hours of operation: 7 days a week. 7:00 a.m. to 7:00 p.m.
9. Maintain noise and vibration standards. Sec. 16-18-30
10. All leased areas to be fenced and screened (Green covering) on all perimeter fencing of leased property
11. Supplies, parking, vehicles, and equipment within fenced area or designated leased area only
12. Proper fuel containment / inspected by Eagle River Fire Protection District for small volume (less than 100 gallons) in OSHA approved containers.
13. All parking must be done within the fenced yard and/or building
14. Any chemical storage will require material safety data sheets. No chemical storage within 30' river setback
15. Emergency access of 20' through the yard and at both access gates
16. Off-season use will require site storage of snow and keeping emergency access cleared.
  - a. Maintain proper snow storage or sufficient snow removal
17. Conditional use granted as long as the applicant complies with the conditions and has a valid lease agreement with the owner of the property.
18. Town staff inspects the site for compliance at any time.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 7<sup>TH</sup> day of November, 2018.**

**TOWN OF MINTURN**

By:   
Matt Scherr, Mayor

ATTEST:  
  
Jay Brunvand, Town Clerk





## 2020 Union Pacific Railroad Property Conditional Use Permit Reviews

### Overview of Zoning, the CUP Process, and Enforcement Issues

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<b>Zoning:</b>	Game Creek Character Area PUD Holding Zone
<b>Staff:</b>	Scot Hunn, Planning Director Madison Harris, Planner I

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### Staff Report

#### I. Overview:

The following sections outline the Conditional Use Permit review process, the requirements and necessary findings of the Minturn Municipal Code, and a summary of enforcement chronology and issues associated with historic storage and parking uses on leased Union Pacific Railroad (UP) property located on the north side of the Town.

This overview is provided for the Council’s benefit and use in reviewing four separate CUPs for parking and contractor storage uses occurring on the UP property. Importantly, the standards and findings listed below are germane to each of the four CUP reviews before the Council at the October 21, 2020 regular meeting.

#### II. Summary of Process and Code Requirements:

This is a Conditional Use Permit (CUP) review by the Town of Minturn Town Council, acting as the Town of Minturn Zoning Board of Adjustment – the body responsible for review of CUPs in accordance with the standards, criteria and findings outlined in Section 16-21-620 – *Conditional Use*, Minturn Municipal Code. Any action of the Town of Minturn Town Council should be based on the following standards and findings:

*(e) Conditions and procedure of issuance.*

*(1) The Town Council may approve the application as submitted or may approve the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the application*

*(d) Administrative procedure.*

*(1) Upon receipt of a completed and proper application, the Planning Director shall set a public hearing for the Planning Commission and give public notice as required by this Chapter.*

*(2) Criteria; findings. Before acting on a conditional use permit application, the Planning Commission and Town Council shall consider the following factors with respect to the proposed use:*

*a. The relationship and impact of the use on the community development objectives of the Town.*

*b. The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs.*

*c. The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.*

*d. The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.*

*e. Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:*

*1. That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.*

*2. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

*3. That the proposed use will comply with each of the applicable provisions of this Chapter.”*

### **III. Chronology/Background:**



In 2017, the Minturn Town Council listed compliance and enforcement of the Minturn Municipal Code, as well as adherence to recommendations of the 2009 Community Plan, as a priority for the entire town. In doing so, the Council also focused on uses and, in certain instances, ongoing code enforcement and nuisance-related issues occurring at the UP properties located within the “Game Creek Character Area PUD Holding Zone District” which is generally situated north of the Eagle River Inn and Saloon buildings, west of Taylor Avenue, and east of the Eagle River.

In order to address such issues and concerns, the Town initiated outreach to existing leaseholders on UP property in 2017 with several existing lease holders operating contractor storage, as well as commercial uses (Turn Table Restaurant and lodging uses) on UP property with the goal to allow those uses to continue, but only via the approval of Conditional Use Permits (CUPs) as a means to regulate those uses more closely through the imposition and enforcement of “conditions” or standards for storage (fencing, screening, parking, hours of operation, for instance).

According to the Minturn Municipal Code, any uses occurring on the UP properties – located within the “Game Creek Character Area PUD Holding Zone District” - require the approval of a Planned Unit Development (PUD), or, if master planning the UP property is not proposed, a Conditional Use Permit. Unfortunately, UP has been largely uninvolved in the CUP process; typically, UP executes leases for various lease areas within the railroad property without communication with the Town, leaving the Town to discover 1) new leases and uses occurring in the railyard through code enforcement activity, and 2) changes in lessors (subleasing) making it difficult for the Town to determine who to contact as a matter of code compliance.

After an extensive public process with hours of public comments submitted, Conditional Use Permits were ultimately issued in late 2018 for the following business entities operating with leases on the UP property:

- Burke Harrington Construction (BHC)
- Happy Hammer Carpentry (Cozzens Construction)
- The Turntable Restaurant / Minturn Mountain Motel
- Minturn Builders Alliance Cooperative

The CUPs were approved with the following conditions or standards:

1. Request that only business- related items related to the expressed business be located on leased property. No vehicle shall exceed 40' 2" in length.
2. No recreational vehicles or ATV' s of any kind. Not limited to boats, snowmobiles, ATV' s. RV' s, campers, pop-ups, conversion vans, trailers, un-related work vehicles, etc.
3. No inoperable / unlicensed vehicles kept on property for longer than five (5) days. Sec. 7- 2-70.
4. Leased lots to be maintained in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Sec. 7- 4- 50.
5. Lessees are to maintain business in contained areas only.
6. Annual report by the Code Compliance Officer to Council — re: Violations
  - a. 3 violations in 1 year

- b. Recommendation to Council to revoke CUP
7. Lessees to meet with Town Council every 3 years for CUP review.
  - a. Report from Code Compliance Office
  - b. Report from Planning Director
8. Hours of operation: 7 days a week. 7:00 a.m. to 7:00 p.m.
9. Maintain noise and vibration standards. Sec. 16-18-30
10. All leased areas to be fenced and screened (Green covering) on all perimeter fencing of leased property
11. Supplies, parking, vehicles, and equipment within fenced area or designated leased area only
12. Proper fuel containment/inspected by Eagle River Fire Protection District for small volume (less than 100 gallons) in OSHA approved containers.
13. All parking must be done within the fenced yard and/or building
14. Any chemical storage will require material safety data sheets. No chemical storage within 30' river setback
15. Emergency access of 20' through the yard and at both access gates
16. Off-season use will require site storage of snow and keeping emergency access cleared.
  - a. Maintain proper snow storage or sufficient snow removal
17. Conditional use granted as long as the applicant complies with the conditions and has a valid lease agreement with the owner of the property.
18. Town staff inspects the site for compliance at any time.

Following approval of the CUPs, no significant code enforcement investigations or actions (notices of violation) on UP property were taken in 2019.

However, in Spring 2020 the Town began receiving complaints from multiple parties regarding the state of some of the lease areas. Complaints and investigations by the Town identified issues related to:

- A lack of 100% screening (or lack of maintenance of green mesh fabric on fencing) of lease area boundaries
- Noise and/or hours of operation
- Use of sites for operation contractor yards rather than for “contractor storage”
- Parking outside of the approved leased areas
- Parking of unregistered/unlicensed vehicles
- Storage of non-business-related vehicles, trailers and equipment

Following investigations by the Town, two CUP holders – Burke Harrington Construction and Minturn Builders Alliance – were notified of violations of the terms of their respective Conditional Use Permits.

#### **General Code Enforcement Chronology:**

- **September 2017** – Correspondence was sent from the Town to UP representative Jason Mashek to notify UP of “review” of existing uses and permits on UP property and to request list of active, valid lease holders.
- **November 2017** – Correspondence was sent from Town to J. Mashek apprising UP of the Town’s intent to enforce Minturn Municipal Code (MMC) provisions and to gain compliance

of existing uses and businesses operating on UP property by “having all occupied addressed with the PUD Holding Zone properly permitted by April 1, 2018.”

- **January 2018** – Correspondence was sent from the Town to individual businesses operating on UP property that the Town had commenced the process to work with UP and individual business owners to enforce the provisions of the MMC and to bring businesses into compliance. A stated goal was to assist the UP and individual businesses in applying for Conditional Use Permits and to address or “eliminate” issues such “sub-leasing, outdoor storage of unapproved items, businesses without [conditional] use permits...or businesses in violation of their permit...”
- **February 2018** – Correspondence from the Town to J. Mashek appealing for cooperation in gaining compliance for existing lease holders and to get those businesses operating without CUPs to work with the Town to make application. This correspondence put the UP on notice that any businesses (leaseholders) operating without valid CUPs will not have their annual business licenses renewed (as of April 2018).
- **February 2018** – Additionally correspondence from the Town to individual business owners operating on UP property that the Town had commenced the process to work with UP and individual business owners to enforce the provisions of the MMC and to bring businesses into compliance. The correspondence included application forms for Conditional Use Permits.
- **February 2018** – Correspondence from J. Mashek (UP) stating that tenants of UP property were permitted to sub-lease, but only if approved by UP. Mr. Mashek clarified that no existing lessee has permission to sub-lease.
- **February 2018** – Correspondence from the Town to J. Mashek clarifying that intent of Town is to ensure that lease area boundaries are delineated and fenced (for screening and security purposes) and that the Town was interested in controlling traffic on the one access road traversing the UP property. In a response from J. Mashek to town staff, Mr. Mashek clarified that storage of extraneous vehicle storage (non-business related, inoperable, or unregistered vehicles) are “not allowed” but that that sub-leasing to allow for such storage is “difficult for us to monitor.” Mr. Mashek further inquired “If you can point to the tenants where you know (or have a good suspicion) are subleasing for trailer/auto/camper/boat storage, please let me know and I will get it handled.
- **September 2018** – Business owners operating on UP property applied for Conditional Use Permits to continue contractor storage/light industrial uses.
- **November 2018** – Following public hearings before the Planning Commission and Town Council, the Council signed resolutions permitting these uses conditional on adherence with the approved contractor standards.
- **May 2020** – The Town received several complaints regarding the storage of non-work-related vehicles, the absence of fencing and/or green screening around lease area boundaries, and the operation of machinery outside of specified operating hours 7am-7pm.
- **June 2020** – Site visits were conducted with Minturn Builders Alliance representative and Burke Harrington to discuss issues of non-compliance.
- **June 2020** – Letters were sent to these CUP holders (Minturn Builders Alliance and Burke Harrington Construction) detailing specific areas of non-compliance and providing a warning period to correct the potential violations before official violation notices were sent.
- **July 2020** – Two violation notices were sent to Burke Harrington Construction for failure to remove a non-work-related vehicle and for failure to erect screening fence.

### **Burke Harrington Construction Chronology:**

- **Late 1990's** – BHC enters into a lease agreement with Union Pacific Railroad.
- **2017** – the Town commenced code enforcement actions to address the condition of the property (fencing and screening of storage areas) as well as suspected subleasing/storage of recreational vehicles occurring within the leased areas.
- **2018** – the Applicants applied for an amendment to the Conditional Use Permit.
- **December 2019** – Burke Harrington Construction obtains a new lease through Union Pacific Railroad but no update of a new lease or CUP application is received by the Town.
- **May 2020** – The Town received several complaints regarding the storage of non-work-related vehicles, the absence of fencing and/or green screening around lease area boundaries, and the operation of machinery outside of specified operating hours 7am-7pm.
- **June 2020** – Site visits were conducted with Minturn Builders Alliance representative and Burke Harrington to discuss issues of non-compliance.
- **June 2020** – Letters were sent to these CUP holders (Minturn Builders Alliance and Burke Harrington Construction) detailing specific areas of non-compliance and providing a warning period to correct the potential violations before official violation notices were sent.
- **July 2020** – Two violation notices were sent to Burke Harrington Construction for failure to remove a non-work-related vehicle and for failure to erect screening fence.
- **August 2020** – Burke Harrington Construction installs fencing and mesh screening material while also removing the offending vehicle on the existing CUP lease area.
- **August 2020** – Burke Harrington Construction applies for a new Conditional Use Permit for contractor storage at the proposed lease site.

### **Minturn Builders Alliance/Cooperative Chronology:**

- **December 2005** – Rocky Mountain Custom Landscapes (RMCL) and Minturn Builders Alliance (MBA) were granted approval, with fourteen (14) conditions for a conditional use permit for a contractor storage yard and associated parking in a different location near Taylor Street.
- **March 2009** - The Minturn Builders Alliance Cooperative was formed, and the location of the previously approved CUP was moved to its current location along the Eagle River with administrative approval from the Town staff.
- **2013** - MBAC obtained an additional lease from Union Pacific Railroad for a small area located just to the east and across an internal access road from the MBA's main lease area. This additional area is currently being used/subleased for contractor storage and operations for a plant nursery and other storage uses.
- **2017** - The Town commenced code enforcement actions to address the condition of the property (fencing and screening of storage areas) as well as suspected sub-leasing/storage of recreational vehicles occurring within the leased areas.
- **2018** – The Applicants applied for an amendment to the Conditional Use Permit.
- **May 2020** – The Town received several complaints regarding the storage of non-work-related vehicles, the absence of fencing and/or green screening around lease area boundaries, and the operation of machinery outside of specified operating hours 7am-7pm.
- **June 2020** – Site visits were conducted with Minturn Builders Alliance representative and Burke Harrington to discuss issues of non-compliance.

- **June 2020** – Letters were sent to these CUP holders (Minturn Builders Alliance and Burke Harrington Construction) detailing specific areas of non-compliance and providing a warning period to correct the potential violations before official violation notices were sent.

**Cozzens Constructions Chronology:**

- **August 17, 2008** – Cozzens Construction enters into a lease agreement with Union Pacific Railroad.
- **2017** – The Town commenced code enforcement actions to address the condition of the property (fencing and screening of storage areas) as well as suspected sub-leasing/storage of recreational vehicles occurring within the leased areas.
- **2018** – The Applicants applied for an amendment to the Conditional Use Permit.

**Turntable Restaurant & Motel Chronology:**

- **June 2006** – The Turntable Restaurant and Motel uses were approval via CUP with twelve (12) conditions for the operation of the restaurant, motel and associated parking.
- **2016** – The ownership of the restaurant and motel changed.
- **2016** – A new liquor license for the restaurant was granted, along with a parking plan for restaurant and motel patrons and residents.
- **2017** – The Town commenced code enforcement actions to address sub-leasing of parking spaces within the designated parking areas for the restaurant and motel as well as storage and screening issues.
- **2018** – The Applicant applied for an amendment to the Conditional Use Permit and began actively cooperating with the Town to address issued identified by the Town.

**IV. Zoning Analysis:**

**Zoning**

The subject property is located within the “Game Creek Character Area” PUD Holding Zone District. The description and purposes of the PUD Holding Zone District are as follows:

***Sec. 16-12-10. - Character Area characteristics.***

*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.*

- Town of Minturn Municipal Code Section 16-12-10

**Sec. 16-12-30. - Game Creek PUD Holding Zone.**

- (a) *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.*
  
- (b) *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.*
  
- (c) *PUD or special review required: Planned Unit Development master development plan for the PUD Holding Zone is the preferred review process for future development of the Game Creek Holding Zone. **If circumstances arise that do not provide for the submittal of a PUD master development plan for the entire Game Creek PUD Holding Zone, the owners may apply to the Town for a Planned Unit Development on a portion of the property or may apply for a special review use permit for consideration of a temporary use.***

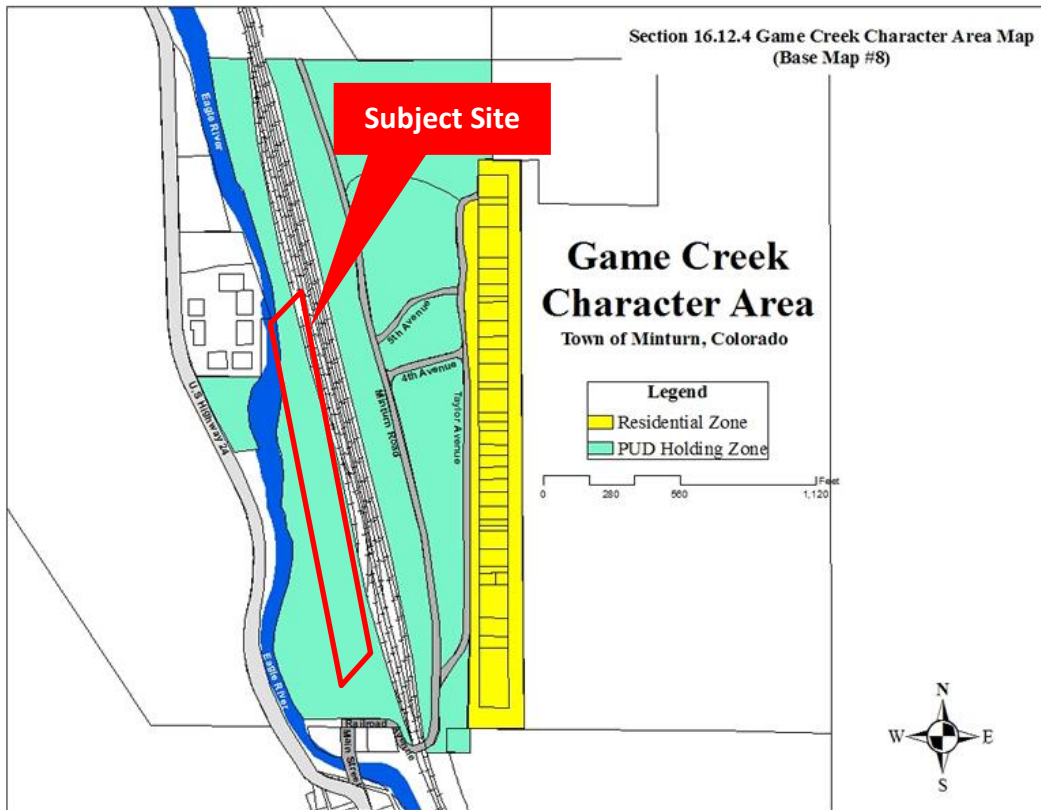


Figure 1: Game Creek Character Area Zoning Map

### Dimensional Limitations and Development Standards

The only applicable dimensional limitation and/or development standard for the PUD Holding Zone is the 30’ river setback to be measured from the mean highwater mark on the Eagle River. The lease area boundary for the proposed Burke Harrington Construction Conditional Use Permit is located approximately 50 feet from the Eagle River.

Because it is anticipated by the Town that any future development or redevelopment of the holding zone will be master planned and reviewed as part of a Planned Unit Development (PUD) or special use permit, dimensional limitations and other standards are also anticipated to be established as part of any such review.

The Town of Minturn Design Standards and Guidelines, under Section C – *Design Criteria*, subsection ‘c’ – *Materials and Screening*, offers the following guidance:

#### c. Screening

*Both residential and commercial areas within the Town shall be required to screen certain visually obtrusive areas, including, but not limited to, refuse storage, general storage, loading areas, mechanical equipment and parking areas.*

*“The screening may occur with landscaping, compliant with Sections 16-16-140, 16-16-150 and 16-16-160, or these uses may be screened with fencing or by*

*containing the uses within a structure or parapet walls. Fences shall not exceed 3-feet in height for opaque fences and 4 feet in height for fences with you can see through. Higher fences may be used to screen the sides and rear of the lot but should not exceed 6 feet in height. In no case shall a fence or screening structure obstruct a driver's view of an intersection."*

**V. Issues and Discussion Topics:**

**Visibility / Unsightliness**

While a majority of equipment associated with the business is to be stored within an existing building, areas outside the building and within the lease area will be used for storage and parking of vehicles as well. This area is visible from certain vantage points from Taylor Avenue residential zone district and U.S. Highway 24.

Chain link fencing and green mesh screening have been installed around current approved leased areas that have CUPs attached to them. Certain conditions and standards directed at ensuring that the site is maintained in an orderly fashion and also limiting the storage of certain equipment and/or vehicle types and sizes apply.

**VI. Staff Findings and Analysis:**

The following section provides staff responses to each of the applicable Conditional Use criteria.

**a. *The relationship and impact of the use on the community development objectives of the Town.***

**Staff Response:**

Under "Community Character / Urban Design" of the 2009 Community Plan (the Town's comprehensive plan), strategy number CCS 1.8 states – "*Enforce ordinances aimed at maintaining the health, safety, welfare and aesthetic of the town – snow, trash, nuisance abatement and zoning/land use.*"

Under "Economy" of the 2009 Plan, the Economy vision statement states, in part, that "*A diverse mix of businesses catering to the local community and tourist are necessary for a stable, year-round economy. Special efforts should be made to promote the existing businesses in town and to also facilitate new business development.*"

In 2018, the intent of the Town – working *with* existing lease holders to identify and propose solutions to existing conditions and issues – was to conduct the CUP process so that existing uses could continue as a means to protect existing business operations in the Town while also allowing the Town to regulate such uses and enforce Town Code provisions for safety, nuisances, and general aesthetics. Ultimately, the goals of this process were to:

- Maintain the diversity and mix of businesses
- Contribute to the year-round economy
- Protect the health, safety, welfare, and the aesthetics of the town.



Testimony and participation at public hearings before approval of the CUPs led to the development of the contractor storage standards and terms of use that were attached to the CUPs as conditions of approval.

However, in the interim year and a half, compliance with those conditions – and maintenance of the sites - has waned or was never fully realized in some instances. In other instances, original lease and CUP holders have since sub-leased their areas to secondary users who may or may not have been aware of the terms of use.

In 2020, this has resulted in numerous complaints being received by the Town and has caused the Town to spend considerable time and resources responding to those complaints while increasing monitoring of business operations and existing conditions at all of the existing CUP lease areas.

The UP property – and the lease areas - is one of the first things people see when they enter Town from the North, and often it is not an aesthetically pleasing sight. While it is true that this is a unique piece of land which allows light industrial/contractor storage uses that are not permitted elsewhere in Town and thus adds to the diversity and mix of businesses, it has become apparent that more work is needed to ensure that such uses can remain in this area while not becoming a detriment to the image of the town, the enjoyment of adjacent or nearby properties, or the resources and efficacy of the Town government.

In accordance with the terms of CUP approvals for the contractor storage uses on UP property, the Town is conducting reviews of each existing CUP, nearly two years following their original approval. Staff anticipates that as part of this review process the Town will re-examine the 18 conditions or standards/terms of use to better understand which standards are “working” or enforceable, and which are not.

- b. The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs.***

**Staff Response:**

The current operations on UP property, inclusive of parking and requested storage uses within the lease boundaries, have minimal material impact or effect on the distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and/or needs.

- c. The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.***

**Staff Response:**

Use of the leased areas for contractor storage associated with an existing business in close proximity to an existing storage site does not result in a material increase in local traffic, congestion, pedestrian safety, traffic flow and control, access, maneuverability and snow removal in the immediate vicinity of the subject property.

- d. *The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.*

**Staff Response:**

Until the late 1990's the character of the area in question had been a working railyard. This railyard was established prior to the town becoming incorporated in 1904 and prior to a majority of the homes being built along Taylor Avenue.

Staff believes that the main factor impacting the character of the surrounding area or, importantly, the compatibility of the use within the Game Creek Character Area is the visual or aesthetic quality of the lease area. Fencing/screening has already been erected around the leased areas boundaries.

- e. *Necessary findings. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a conditional use permit be granted:*
1. *That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.*

**Staff Response:**

Generally, the subject site is located within a historically industrial and commercial area. Yet, the Town's master plan and guiding policy statements for the Game Creek Character PUD Holding Zone anticipate the discontinuance of industrial uses in favor of commercial and residential re-development:

*"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."*

- Town of Minturn Municipal Code Section 16-12-10

It should be noted that the Community Plan does provide goals and strategies geared toward supporting existing businesses, and the uses proposed for these CUPs primarily include storage within leased areas. As such, staff suggests that the use does not constitute "high impact industrial uses."

A primary purpose of the Conditional Use Permit review is to ensure that permitted uses are, in effect, temporary and inspected on some regular basis for compliance; that, any such approval granted by the Town is valid so long as the terms and conditions are adhered to which has been an issue with existing contractor storage CUPs in recent months requiring more staff time than originally anticipated.

2. *That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

**Staff Response:**

Generally, the location and uses, if properly conditioned, should not be detrimental to the public health, safety or welfare, nor should they be materially injurious to the properties or improvements in the vicinity if the site is maintained in accordance with the standards of the Minturn Municipal Code and any conditions of approval.

3. *That the proposed use will comply with each of the applicable provisions of this Chapter.*

**Staff Response:**

If appropriate conditions of approval are attached with any granting of a CUP in this instance, and if such conditions are enforceable (jointly) by the Town and the Applicant, staff believes that this finding can be met.

**VII. Staff Recommendation:**

1. All material representations made by the Applicant as part of the application and during public hearings on the matter shall become conditions of approval and enforceable by the Town.
2. Only business-related items related to the expressed business shall be located on leased property. No vehicle shall exceed 40' 2" in length.
3. No recreational vehicles or ATV' s of any kind. Not limited to boats, snowmobiles, ATV' s, RV' s, campers, pop-ups, conversion vans, trailers, un-related work vehicles, etc.
4. No inoperable / unlicensed vehicles kept on property for longer than five (5) days (pursuant to Section 7-2-70 Minturn Municipal Code).
5. Leased lots to be maintained in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended (pursuant to Section 7- 4- 50 Minturn Municipal Code).
6. Lessees are to maintain and conduct business in contained areas only.
7. Annual report by the Code Compliance Officer to Council — re: Violations
  - a. 3 violations in 1 year
  - b. Recommendation to Council to revoke CUP
8. Lessees to meet with Town Council every 3 years for CUP review.
  - a. Report from Code Compliance Office
  - b. Report from Planning Director

9. Hours of operation: 7 days a week. 7:00 a.m. to 7:00 p.m.
10. Maintain noise and vibration standards (pursuant to Sec. 16-18-30, Minturn Municipal Code).
11. All leased areas to be fenced and screened (green mesh screening materials) on all perimeter fencing of leased property
12. Supplies, parking, vehicles, and equipment shall be located only within fenced areas or designated leased area only.
13. Proper fuel containment/inspected by Eagle River Fire Protection District for small volume (less than 100 gallons) shall be required in OSHA approved containers.
14. All parking must be located within the fenced yard and/or building(s).
15. Any chemical storage will require material safety data sheets be maintained on the lease site at all times. No chemical storage is permitted within 30' river setback areas along the Eagle River.
16. Emergency access of 20' through the Union Pacific railyard and at both access gates shall be maintained.
17. Off-season use will require site storage of snow and keeping emergency access cleared.
  - a. Maintain proper snow storage or sufficient snow removal.
18. Conditional Use Permit is granted conditional upon the applicant complying with these standards and so long as the grantee maintains a valid lease agreement with the owner of the property.
19. Town staff may inspect the site for compliance at any time.

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Town Council  
Mayor – John Widerman  
Mayor Pro Tem – Earle Bidez  
Council Members:  
Terry Armistead  
George Brodin  
Brian Eggleton  
Eric Gotthelf  
Gusty Kanakis

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## **TOWN MANAGER UPDATE**

### **March 17, 2021**

#### **Planning Commission Openings**

Four planning commission seats will be open for appointment at the April 7, 2021 Minturn Town Council meeting. One-year of Minturn residency is required to apply. Anyone who has a background in planning, development, construction, architecture or similar expertise is strongly encouraged to apply. Submit inquiries to [planner1@minturn.org](mailto:planner1@minturn.org).

#### **Tennessee Pass Rail Line**

Anyone wishing to obtain information regarding the potential for a Tennessee Pass rail line reactivation is encouraged to go to: [https://engage.avon.org/tennessee-rail-line?tool=news\\_feed#tool\\_tab](https://engage.avon.org/tennessee-rail-line?tool=news_feed#tool_tab). The most recent documents have been posted and there is also a portal for leaving comments for municipal council members.

#### **Holy Cross Energy Transmission Lines**

The United States Forest Service is working to bring open the second round of comments on the draft environmental analysis by spring 2021. Residents interested in learning about the high transmission power lines, the route lines will be taking, local impacts and more should visit the USFS project site at: <https://www.fs.usda.gov/project/?project=57224>.

#### **Planned Unit Development Applications**

The planning department has created a web page to provide information related to open PUD applications. Anyone interested in learning about development proposals should visit: <https://www.minturn.org/planning-zoning/pages/active-planning-applications>.

#### **Small Communities Grant Application**

Minturn is applying this week for a \$50,000 matching grant application toward the planning and design of a new water treatment plant. More information about the grant can be found here: <https://cdphe.colorado.gov/water-quality/drinking-water-resources-for-water-systems/grants-and-loans/grants/small-communities>.

#### **Minturn Fitness Center**

The MFC board and staff have been hard at work making improvements to scheduling and equipment in an attempt to improve the public experience. The board's next meeting is scheduled for April 6, 2021 from 1:00-3:00 pm. Anyone wishing to provide feedback in advance can send inquiries to [manager@minturn.org](mailto:manager@minturn.org).

### **CDOT Grant Award - Outdoor Summer Seating**

Minturn received a \$50,000 grant for the construction of outdoor seating areas in the downtown and Eagle Park areas. This effort will promote patronage at local restaurants while allowing for outdoor seating to ensure covid social distancing protocols can be maintained. This will include seating structures and additional picnic tables. Construction is expected to begin this spring.

### **Town Clean-Up Day**

Clean-up day is scheduled for June 5, 2021. The Town is wanting to provide ample notice that **ONLY ONE VEHICLE-LOAD PER HOUSEHOLD WILL BE ALLOWED THIS YEAR.** For those of you who are used to bringing upwards of 10+ truckloads, please prepare in advance. The Town wishes to leave space for everyone to utilize this service. Thank you for your understanding.

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Town Council  
 Mayor – John Widerman  
 Mayor Pro Tem – Earle Bidez  
 Council Members:  
 Terry Armistead  
 George Brodin  
 Brian Eggleton  
 Eric Gotthelf  
 Gusty Kanakis

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

<b>REGULAR TOWN COUNCIL MEETINGS</b>
<b>March 17, 2011</b>
Special Presentation – Eagle County Sheriff’s Office Annual Update
Public Hearing – Burke Harrington Construction Conditional Use Permit Review
<b>April 7, 2021</b>
Ordinance No. 02 - Series 2021 (First Reading) – An Ordinance creating a School District Land Dedication Policy
Ordinance No. ____ - Series 2021 – (First Reading) An Ordinance setting the SFE Schedule within Chapter 13 of the Minturn Municipal Code
Special Presentation – Wildland Fire Program – Chief Karl Bauer, ERFPD
Public Hearing – Reid Philips CUP violations review
<b>April 21, 2021</b>
Ordinance No. 02 - Series 2021 (Second Reading) – An Ordinance creating a School District Land Dedication Policy
Ordinance No. ____ - Series 2021 (Second Reading) – An Ordinance setting the SFE Schedule within Chapter 13 of the Minturn Municipal Code
Resolution ____ - Series 2021 A Resolution setting the fee for the School Dist Land Dedication Policy
<b>DATE TO BE DETERMINED</b>
An Ordinance adopting Specified Sustainability Building Codes