



**Wednesday, July 5, 2023
Regular Session – 5:30pm**

AGENDA

**Town Council Meeting Minturn Town Hall / Council Chambers
302 Pine St Minturn, CO**

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate. This agenda and meetings can be viewed at www.minturn.org.

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/84451419791>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 844 5141 9791**

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

PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

- 1. CALL TO ORDER**
- 2. ROLL CALL & PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF CONSENT AGENDA** Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.
 - 3.1 June 21, 2023, Meeting Minutes Pg 4
 - 3.2 Liquor License: The Daily Grind Coffee, DBA Vail Mtn Coffee & Tea CO annual renewal of a Beer and Wine License Craig Arseneau 23698 US Hwy 24141, Craig Arseneau, President Pg 11

- 3.3 335 Pine Street – New Addition to Existing Single Family Residence Pg 14
4. **APPROVAL OF REGULAR AGENDA** Opportunity for amendment or deletions to the agenda.
5. **LIQUOR LICENSE:**
- 5.1 Liquor License – New Hotel and Restaurant License application: MEATUNA LLC, DBA The Crazy Chicken, Kyle Fowler, Owner/Manager, 455 Main St – Brunvand Pg 44
6. **DECLARATION OF CONFLICTS OF INTEREST**
7. **PUBLIC COMMENT** Citizens are invited to comment on any item on the Consent Agenda, or not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.
8. **COUNCIL COMMENTS & COMMITTEE REPORTS**
9. **STAFF REPORTS**
- 9.1 Manager’s Report Pg 55
10. **SPECIAL PRESENTATIONS** Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.
- 10.1 Special Presentation – Vail Valley Mountain Trails Alliance Meadow Mountain trail network plan review – Ernest Saeger Pg 57
11. **BUSINESS ITEMS** Items and/or Public Hearings are listed under Business may be old or new and may require review or action by the Council.
- 11.1 Ordinance 08 – Series 2023 (Second Reading) An Ordinance Amending sections of Chapter 17 Article 4 Administrative Replat Pg 65
- 11.2 Resolution 19 – Series 2023 A Resolution Approving the Minturn North Preliminary Development Plan for Planned Unit Development (PUD) and Preliminary Plat Land Use Applications Pg 79
- 11.3 Ordinance 09 – Series 2023 (First Reading) An Ordinance Approving the Amendment to the Official Game Creek Character Area and Zone District Map Pg 340
12. **DISCUSSION / DIRECTION ITEMS**
13. **FUTURE AGENDA ITEMS** Pg 345
14. **ADJOURN**

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

- July 19, 2023
- Aug 2, 2023,
- Aug 16, 2023



**Wednesday, June 21, 2023
Regular Session – 5:30pm**

OFFICIAL MINUTES

**Town Council Meeting Minturn Town Hall / Council Chambers
302 Pine St Minturn, CO**

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PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER

Mayor Earle B. called the meeting to order at 5:30__pm.

2. ROLL CALL & PLEDGE OF ALLEGIANCE

Those present included: Mayor Earle Bidez, Town Council members, Lynn Feiger, Gusty Kanakis, Brian Rodine, and Tom Sullivan. Note: Terry Armistead and Kate Schifani were excused absent.

Staff present: Attorney Richard Peterson-Cremer, Town Manager Michelle Metteer, and Town Clerk/Treasurer Jay Brunvand (zoom).

3. APPROVAL OF CONSENT AGENDA Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file

documents after the public hearing has been closed, or which do not require council deliberation.

3.1 June 7, 2023, Meeting Minutes

Motion by Gusty K., second by Lynn_, to approve the Consent Agenda of June 21, 2023 as presented. Motion passed 5-0. Note: Terry Armistead and Kate Schifani were excused absent.

4. **APPROVAL OF REGULAR AGENDA** Opportunity for amendment or deletions to the agenda.

Motion by Tom S., second by Gusty K., to approve the Agenda of June 21, 2023 as presented. Motion passed 5-0. Note: Terry Armistead and Kate Schifani were excused absent.

5. **DECLARATION OF CONFLICTS OF INTEREST**

Tom S. stated he had a conflict of interest with agenda item 10.2, the encroachment agreement, and would recuse himself.

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

Earle B. reminded all of the watering schedule for even (M,W,F) and odd (T,Th,Sa)

7. **COUNCIL COMMENTS & COMMITTEE REPORTS**

8. **STAFF REPORTS**

8.1 Manager's Report

Michelle M. highlighted the fence modification remediated at the cemetery. She displayed a photo of the results where the spear points of three sections of 20ft each were modified. She stated this was not what was discussed nor proposed and will discuss the matter with the Cemetery District and would consider siting the Cemetery District into the Municipal Court to have them mitigate the remaining fence.

Richard P-C updated on the quasi-judicial matter of Minturn North and as such reminded all Council members to not discuss the matter with citizens which might affect their impartiality.

9. **SPECIAL PRESENTATIONS** Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.

10. BUSINESS ITEMS Items and/or Public Hearings are listed under Business may be old or new and may require review or action by the Council.

10.1 Acceptance of the Fiscal Year 2022 Financial Audit – Brunvand

Town Auditor, Joe Hood of Maggard and Hood, was present via zoom to present the findings of the audit. It was noted the audit is required by state law to be conducted annually and that the town is in good standing with a clean audit.

He noted the Muni Court bank account of \$2,241.60 and recommended the Town consider closing this and reappropriating the balance as it has sat untouched for decades. He noted the positive sales tax growth. He noted the increasing legal fees and that it is reflective of the legal actions the town is involved with. Earle B. asked if Mr. Hood had any concerns and he stated all was well under control and looked very good. He felt water fees were being well reviewed to ensure we have the funds necessary to undertake our needed infrastructure increases in the Enterprise Fund.

Motion by Tom S., second by Gusty K., to accept the FY2022 Financial Audit as presented. Motion passed 5-0. Note: Terry Armistead and Kate Schifani were excused absent.

10.2 Ordinance 07 – Series 2023 (Second Reading) – An Ordinance approving an Encroachment Agreement at 701 Boulder Street – Metteer

Note: Tom S. recused himself due to a conflict of interest as he was representing the property owner.

Michelle M. presented:

The owner of 701 Boulder has requested a license to encroach for a driveway that encroaches into the end of Boulder Street. Town Code Chapter 13, Article 3 requires that encroachments into Town right-of-way be done by Ordinance and meet certain requirements including that the agreement be fully revocable, that the Town be indemnified and covered by the licensee's insurance. This ordinance will authorize the Mayor to sign the encroachment license and agreement for 701 Boulder that is attached as an exhibit. The ordinance finds that the agreement is in conformance with the applicable code provisions and that the encroachment will not interfere with the Town's use of its right-of-way at this location. Additionally, staff is requesting that encroachment fees be waived for this encroachment due to the Town's use of a snow storage easement on the property. It was noted there are no changes from First Reading.

Tom S., representing the property owner, stood for questions.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Gusty K., second by Brian R., to approve Ordinance 07 – Series 2023 (Second Reading)

An Ordinance approving an Encroachment Agreement at 701 Boulder Street as presented. Motion passed 4-0. Note: Tom S. stood recused due to a conflict of interest and Terry A. and Kate S. were excused absent. Note the quorum stood at 4.

Tom S. resumed his seat at the dais.

10.3 Ordinance 08 – Series 2023 (First Reading) An Ordinance Amending sections of Chapter 17 Article 4 Administrative Replat

Richard P-C. presented:

Staff is proposing a text amendment to Chapter 17, Article 4, Administrative Replat Procedures. This section of code allows the Planning Director to administratively approve minor replats such as lot line adjustments and vacations for up to 4 lots when the total number of lots does not increase. The Planning Commission reviewed this ordinance at their regular meeting of June 14, 2023. There was one correction requested within the intent paragraph, but the Planning Commission forwarded a recommendation of approval to the Town Council. That correction has been made within the ordinance that is before the Council for review. No member of the public spoke at the June 14, 2023 Planning Commission meeting. The ordinance was noticed according to Sec. 16-21-610 and within the Town’s posting boxes.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Tom S., second by Gusty K., to approve Ordinance 08 – Series 2023 (First Reading) Amending sections of Chapter 17 Article 4 Administrative Replat as presented. Motion passed 5-0. Note: Terry Armistead and Kate Schifani were excused absent.

10.4 Resolution 18 - Series 2023, A Resolution updating the fee for Cash in Lieu

Richard P-C. presented:

At Council request, past calculations of a cash-in-lieu rate regarding the Town of Minturn’s (Town’s) policy which requires a developer to bring water rights/water supplies to the Town or to instead provide a payment in lieu of a dedication of water rights were reviewed. The current work presented in this memorandum builds on past assessments completed in 2016, 2018, and 2021.

For the purpose of a cash-in-lieu policy, this memorandum utilizes the amount of water needed to meet the indoor demands of a single-family equivalent (SFE) and includes 2,000 square feet (sq. ft.) of outdoor lawn and gardens per unit. This is consistent with the Town’s current definition an SFE and the values used in the Town’s Capital Improvement Plan from 2019 by SGM.

Indoor Water Usage. Indoor water use for one SFE is 0.16 acre-feet per year (af/yr). Considering an average system loss of 20%, the diversion to meet this indoor

demand is 0.20 af/yr.

Outdoor Water Usage. The outdoor water use is estimated at a maximum of delivery of 0.07 af/yr. With an average system loss of 20%, the diversion needed to meet this demand is 0.09 af/yr.

Table 1

Summary of Annual Water Needs

Unit	Annual Diversion of Water (af)	Annual Delivery of Water (af)
1 SFE Indoor Use	0.20	0.16
2,000 sf Outdoor Use	0.09	0.07
Annual (af)	0.29	0.23

Although some of the water for new development would currently be provided from Minturn’s senior water rights, there will come a time when junior water is used exclusively for new development. Junior water would need to be augmented at all times when there is a call, which is conservatively estimated to be 100% of the time. If senior water can be used to supply new development (based on staying within the consumptive use limits and considering the location of use restrictions associated with Minturn’s senior water rights), then the augmentation demands are reduced.

ESTIMATE OF CASH-IN-LIEU RATES

To determine the basis for cash-in-lieu rates, we considered the cost of leasing Eagle Park Reservoir water from the Colorado River Water Conservancy District (River District). The River District’s current price in 2023 for its water leased from Eagle Park Reservoir for municipal and industrial use is \$1,783/af to be paid every year.

The water marketing policy calls for the River District to update its lease rates annually, with the annual increase to be no more than a Consumer Price Index (CPI) plus New Growth Index (NGI). As the leasing costs are for a single year, they must be capitalized to a present worth for the purpose of a one-time cash payment to the Town in lieu of a developer’s bringing an actual water supply for the developer’s units.

It is assumed that the River District’s lease can be renewed in perpetuity, as the units to be built or their replacements must be assumed to be permanent units. It is noted that the River District’s water marketing policy allows for a lease term of up to 40 years, with the lessee’s option to extend the lease for another 35 years. There has also been historical limitations on the amounts of water that an entity can lease, so there may come a time when additional water should be leased by an entity other than Minturn or augmentation water may need to be leased from a different entity.

The initial annual lease cost would be based on the water needed for augmentation, which can be estimated as the diversion, delivery, or consumption amount. Then, increasing the initial annual

lease payment for subsequent years (essentially in perpetuity) by an annual increase of 2.96% (which is the average of the annual increases shown in the River District’s materials from 2011 to 2022) and using a 4% internal rate of return for the Town (as previously discussed with Mike Sawyer), I arrived at a present worth, or a one-time “cash-in-lieu” payment shown below.

Table 2

Criteria	Annual Volume (af)	One Time Cash-in-Lieu Payment per SFE
1 SFE Diversion	0.29	\$51,067
1 SFE Delivery	0.23	\$40,501
1 SFE Consumption	0.07	\$12,326

Summary of Estimated One-Time “Cash-in-Lieu” Payment for Eagle Park Water

Note: Minturn must determine whether the fee should be based on the diversion, delivery, or consumption amount. My notes are not clear regarding what Minturn decided in 2021-2022.

Lynn F. asked if CIL should be the equivalent of the cost of actual water rights that could be delivered. She asked which formula would be most applicable. It was expressed this could be best answered by the water engineer. Lynn F. asked why the number would go down. Richard P-C stated as each fee is reviewed annually it could rise or fall based on actual costs.

Discussion ensued as to rate options. It was decided that another temporary rate would be established and then, once the water engineer could be available, Council would revisit the matter.

Motion by Tom S., second by Brian R., to approve Resolution 18 – Series 2023 A Resolution updating the fee for Cash in Lieu to \$13,329.33 as presented until it can be further reviewed by the water engineer and discussed again at the Aug 16, 2023 Council Meeting. Motion passed 5-0. Note: Terry A. and Kate S. were excused absent.

11. DISCUSSION / DIRECTION ITEMS

- Discussion/Direction – Asphalt Art

Michelle outlined the two submitted designs for consideration. She felt it would be appropriate to have BOTH options. It was noted this does NOT include the bulb out options. It was noted that one sunburst rendition could be done on Nelson and Main and the elongated bird rendition could be done on 1st St between the Country Club and Magustos or the sidewalk.

Discussion ensued on what would be most appropriate for the locations. Michelle M. noted this is budgeted and she is looking for council direction to proceed working with the local artists to brighten the area. The intent would be to do this and still have traffic flow during the install.

Direction was given to proceed and in addition to consider painting the crosswalk and Bellm Bridge deck.

12. FUTURE AGENDA ITEMS

Lynn F. stated we were gifted a very large poster and expressed a desire to have it hung, she asked it be hung in the Council Room. She noted it would cost a little money to have it mounted.

13. EXECUTIVE SESSION

13.1 An Executive Session for the purposes of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to C.R.S. 24-6-402(4)(e)

- Battle Mountain
- Holy Cross Energy

Motion by Gusty K., second by Tom S., to convene in Executive Session for the purposes of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to C.R.S. 24-6-402(4)(e) as presented. Motion passed 6-0. Note: Kate S. was excused absent.

- Battle Mountain
- Holy Cross Energy

14. ADJOURN

Motion by Gusty K., second by Tom S., to adjourn at 8:32pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

- July 19, 2023
- Aug 2, 2023,
- Aug 16, 2023
- Sep 6, 2023



To: Mayor and Council

From: Jay Brunvand

Date: June 21, 2023

Agenda Item: Annual renewal of Hotel and Restaurant Liquor License

REQUEST:

Staff is requesting Council to review and approve the attached annual renewal of a Hotel and Restaurant Liquor License for the Daily Grind Coffee CO, DBA Vail Mtn Coffee & Tea located at 23698 US Hwy 24.

INTRODUCTION:

This establishment has an existing H&R License and this is the annual renewal.

ANALYSIS:

Not Applicable

COMMUNITY INPUT:

Not Applicable

BUDGET / STAFF IMPACT:

The applicant has submitted the required fee of \$125.00.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #4 the Town will advance decisions/projects/initiatives that expand future opportunity and viability for Minturn. Both as an employer and a sales tax contributor these businesses each help further Minturn.

RECOMMENDED ACTION OR PROPOSED MOTION:

This item is approved on the Consent Agenda, no separate motion is required.

ATTACHMENTS:

- Application and supporting documentation for the license renewal.

Submit to Local Licensing Authority

VAIL MTN COFFEE & TEA CO
PO BOX 549
Minturn CO 81645

Fees Due	
Renewal Fee	550.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$ <u>75.00</u>
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$ <u>625.00</u>

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Colorado Beer and Wine License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name THE DAILY GRIND COFFEE CO INC		Doing Business As Name (DBA) VAIL MTN COFFEE & TEA CO	
Liquor License # 03-13697	License Type Hotel & Restaurant (city)		
Sales Tax License Number [REDACTED]	Expiration Date 09/08/2023	Due Date 07/25/2023	
Business Address 23698 US HIGHWAY 24 Minturn CO 81645			Phone Number
Mailing Address PO BOX 549 Minturn CO 81645		Email	
Operating Manager <u>Craig Arseneau</u>	Date of Birth <u>10/26/62</u>	Home Address <u>4802 Meadow Lane, Vail CO 81657</u>	Phone Number <u>(970) 393-3061</u>
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease _____			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input checked="" type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. Yes No

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. Yes No

Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <i>Craig Arsenault</i>	Title <i>President</i>
Signature <i>Craig Arsenault</i>	Date <i>6/19/2023</i>

Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For	Date
Signature	Title
	Attest

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



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Amanda Mire
Sage Pierson
Tom Priest

Design Review Board Hearing

Final Plan Review for New Addition to a Single-Family Home

335 Pine Street

Hearing Date:	June 14, 2023
File Name and Process:	Addition to Single-Family Residence Final Plan Review
Owner/Applicant:	Nicole Magistro and Zach Locke
Representative:	Michael Pukas, MPP Design Shop
Legal Description:	Subdivision: Booco 2nd Block: 1 Lot: 4
Address:	335 Pine Street
Zoning:	Old Town Character Area – Residential Zone District
Staff Member:	Madison Harris, Planner I
Recommendation:	Approval

Staff Report

I. Summary of Request:

The Applicants request Final Plan review of a new, one-bedroom, 1,404 square foot addition to an existing 3-bedroom single-family residence located at 335 Pine Street in the Old Town Residential Zone District. Although the DRB has not reviewed any conceptual plans, the Applicant's representative, Michael Pukas, has been proactive in meeting with Town staff prior to submitting plans for a new addition and has 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-level structure with a new master bedroom above a new two car garage accessed off of Meadow Lane. The building height - measured to the midpoint of the roof from finished grade – is shown at 25 feet and .5 inches, well within the maximum 28-foot allowable height limit within the Old Town Residential 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.

Parking is adequate, with three off-street spaces provided (two in the garage and one surface space at the front of the lot). The single family residence requires two spaces, and the addition requires one.

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

Staff believes that the Applicant 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**.

II. Summary of Process and Code Requirements:

This is a final plan-level of review for a new addition 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.

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 335 Pine 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” Residential Zone District, described as follows:

- (a) The neighborhood is bisected by Highway 24 and is **characterized by single-family residences** with a mix of business and institutional uses. **The residences are typically one (1) and two (2) stories, with outbuildings and minimal setback between structures.***
- (b) **The purpose of this zone is to provide for continued residential use and redevelopment** that preserves the unique character and scale of the neighborhood. An objective is to retain the historically residential areas as quiet and safe neighborhoods while allowing for limited home-based occupations and home-based businesses to encourage permanent residency. **This area can accommodate reasonable growth where land and services are available.***

- Town of Minturn Town Code Section 16-6-20

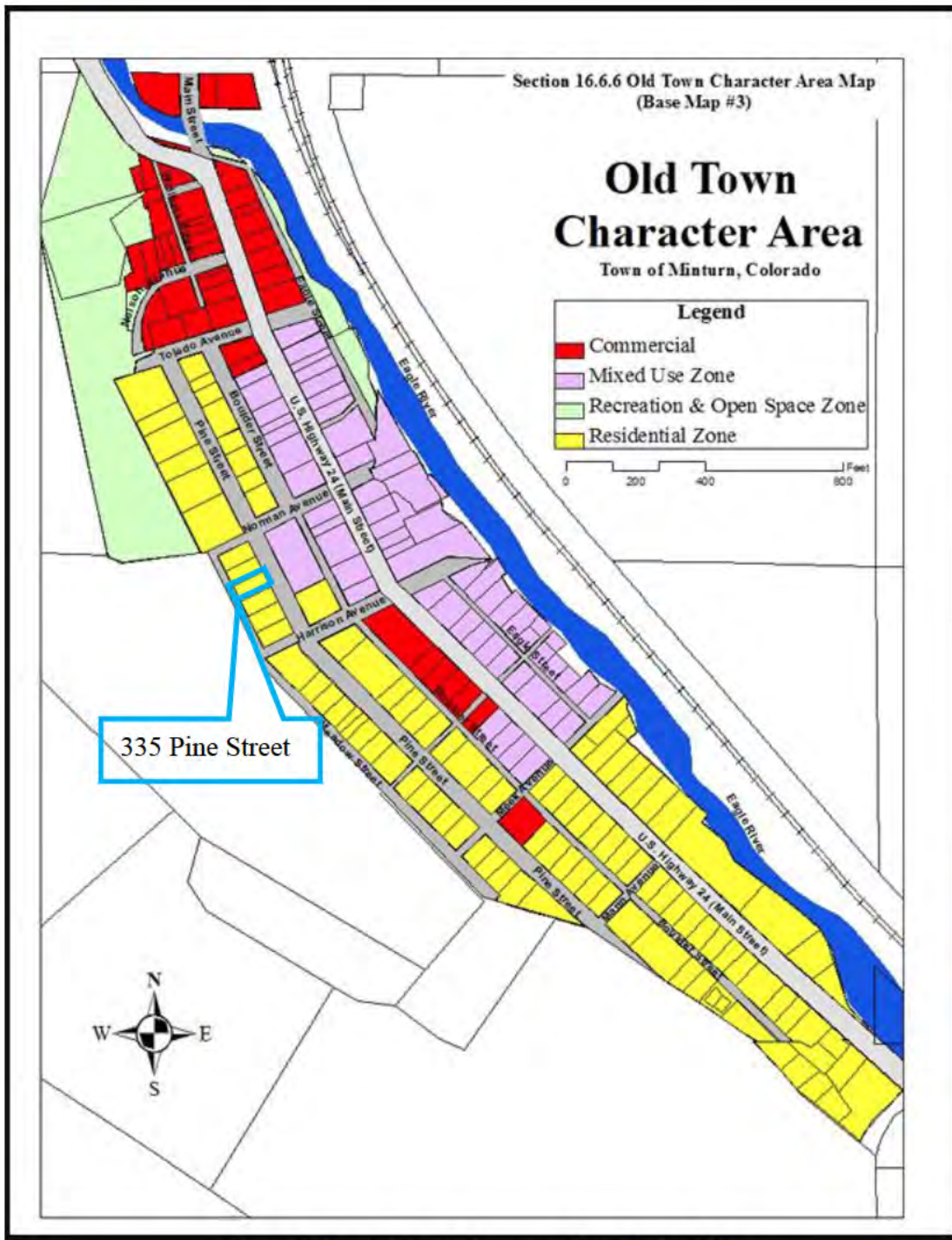


Figure 1: Game Creek Character Area Zoning Map

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*.

Regulation	Allowed/Required	Proposed/Existing
Minimum Lot Area:	5,000 sq. ft.	5,008 sq. ft. (.115 ac.)
Maximum Building Height:	28 feet	25 feet .5 inches
Minimum Front Setback:	10 feet	Existing not changing
Minimum Side Setback:	5 feet	5 feet
Minimum Rear Setback:	10 feet	10 feet
Maximum Lot Coverage:	45% (2,253.6 sq. ft.)	1,959 sq. ft. (39.12%) Proposed
Maximum Impervious Coverage:	55% (2,754.4 sq. ft.)	2,716 sq. ft. (54.23%) Proposed
Minimum Snow Storage Area:	5% of Driveway (785 sq. ft. x .05 = 39.25sq. ft.)	217 sq. ft.
Parking:	3 spaces	3 spaces

Note: the above calculations are based on the following:

$$\text{Lot 4} = .115 \text{ acres} \times 43,560 \text{ sq. ft./acre} = 5008 \text{ sq. ft.}$$

$$785 \text{ sq. ft. parking area} \times .05\% = \underline{39.25 \text{ sq. ft. (Required Snow Storage)}}$$

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.

Appendix B(III)(2) – Old Town Character Area.

“Old Town has long been considered the downtown area of Minturn and the visual gateway of Town. This is due to the location of existing retail and restaurant business in this area. A unique character has evolved with many differing architectural styles for the commercial storefronts and the converted residential buildings currently used for retail activity. The use of local materials and style is common in towns that have evolved over many years and could be defined as an organic growth process where additions and remodels occur as a town grows. Though the structures in Old Town may not look identical, there are common features that are consistent. It is the consistency of these elements that shall be the basis of additional requirements for Old Town.”

Staff Response:

Staff recommends that the muntins from the front windows of the original house be carried through the addition to further help join the original with the addition if the stated intent changes and the original windows are not replaced. Within the letter of intent, it is stated that all of the windows will be replaced, and if there is uniformity throughout the original and addition, staff believes this design guideline will be satisfied.

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.

Staff Response:

This application was submitted before the updated snow storage guidelines went into effect, and so this is being reviewed underneath the previous regulations which state that 5% of the driveway area shall be devoted to snow storage. As presented, the plans comply with the Code in effect at the time of application.

The proposed design maintains the structures within required setbacks, thus allowing for full use of side yard areas for snow shed and drainage. Likewise, the site plan and final grading details generally demonstrate that proper (positive) grading will be directed in swales away from the structure; that drainage is handled on the subject property. The Town Engineer has reviewed the grading plan and deemed it sufficient.

Mass and Form

The following excerpts from the Design Guidelines should be considered by the Design Review Board when reviewing the proposed project:

Appendix B(II)(C)(1)(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.”

Staff Response:

Staff believes that the design and scale of the proposed structures incorporate 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. While the roof eave does encroach into the side setback at certain points, Sec. 16-2-50(k) allows the roof eave up to eighteen (18) inches into these setbacks. Also, to note, the awning on the rear of the structure does encroach into the rear setback, however, Sec. 16-2-50 (g)(3) permits awnings to encroach if they are maintained a minimum of five feet from the rear lot line.

V. Issues and Areas of Non-Conformance:

Issues or Required Plan Revisions

There are no issues that staff has identified at this time.

VI. Staff Recommendation and Suggested Conditions:

Staff suggests that the Final Plans for 335 Pine Street **comply** with applicable provisions of Chapter 16 and the Town of Minturn Design Standards (Appendix 'B') of the Minturn Town Code.

Staff is, therefore, recommending approval of the Final Plans, with no conditions.

Design Review Application

Submission Info

User	71.211.8.2
Submission Id	1982cef0-da77-4d44-a2d2-e32847eed9d2
Start Date	5/2/2023 4 34 58 PM
Receipt Id	207052796
IP Address	71.211.8.2
Receipt Date	5/2/2023 4:52:35 PM
Statu	Submitted
Workflow Completed Date	
Submitted Date	5/2/2023 4:52:35 PM

Response Data

Town of Minturn Design Review Application Project Information

Section Title: Project Information

Is this a Minor or Major DRB Project?
Major

Project Name:
Magistro-Locke Addition

Street Address:
335 Pine Street

City:
Minturn

State
Colorado

Zip:
81645

Zoning:
Old Town Residential

Application Request:
a garage and bedroom suite addition to an existing single family dwelling

Town of Minturn - Design Review Application - Applicant Information

Section Title: Applicant Information

Name:

Michael Pukas

Mailing Address:

PO Box 288

City:

Gypsum

State:

CO

Zip:

81637

Phone:

19703904931

Email:

michael@mppdesignshop.com

Is the Property Owner different than the Applicant?:

Yes

Town of Minturn - Design Review Application - Property Owner Information

Section Title: Property Owner Information

Name:

Nicole Magistro & Zach Locke

Mailing Address:

225 Main Street, Unit C

City:

Edwards

State:

CO

Zip:

81632

Phone:

(970) 390-5159

Email:

nicolemagistro@gmail.com

Town of Minturn - Design Review Application - Additional Information

Section Title Additional Information

Lot Size:

0 115 acre 5 008 square feet

of Stories:

2

Type of Residence

SingleFamily

Snow Storage (sq ft):

127

of Bedrooms:

4

Building Footprint (sq ft):

1974

of On site Parking Space

3

Total Impervious Surfaces (sq ft):

2707

Town of Minturn - Design Review Application - Uploads

Section Title: Submittal Checklist Requirements (as applicable)

Letter of Intent:

[2207_Magistro_letter-of-intent_05-01-2023.pdf](#)

Vicinity Map

[2207_Magistro_Vicinity-Map.jpg](#)

Improvement Location Certificate of Survey (ILC or ILS):

[335 Pine Street ISP-TOPO 24X36 09-27-2022.pdf](#)

Preliminary Building Plans and Elevations:

[2207 Magi tro DRB 05 01 2023 pdf](#)

Town of Minturn - Design Review Application - Applicant Review & Signature

Minor DRB Fee

\$75.00

Major DRB Fee:

\$200.00

Section Title: Applicant Signature

I declare under penalty of perjury in the second degree that the statements made in the above application are true and complete to the best of my knowledge.:

true

Signature:

Michael Pukas

Date:

05/02/2023

Data Fields

Name	Michael Pukas
Address1	
Address2	
City	
State	
Zip	
Phone	
Email	michael@mppdesignshop.com
CompanyName	

Payment Info

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207052796

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5/2/2023 10:52:35 PM

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CC

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Payment

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Complete



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Workflow Info

[Review Step](#)

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5/2/2023 10:52:35 PM

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Application Submitted

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71.211.8.2

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Submitted

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Email Sent

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System

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Email message sent to michael@mppdesignshop.com.

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Submitted

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5/2/2023 10:52:36 PM

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Email Sent

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System

:
Email message sent to planner1@minturn.org.

:
Submitted

May 01, 2023
Revised May 25, 2023

Town of Minturn
Attention: Planning Department
302 Pine Street
P.O. Box 309
Minturn, CO 81645
Tel: (970) 827-5645
Fax: (970) 827-5545
e-mail: planner@minturn.org

Regarding: Magistro-Locke Residence Addition

Location: 335 Pine Street
Minturn, CO 81645
Parcel Number: 2103-263-18-023
Booco's 2nd Addition to Minturn, Block 1, Lot 4

This application is for Design Review approval of an addition to an existing single family dwelling. The addition will consist of a new 2-car garage at grade, accessed from Meadow Street, and a bedroom and bathroom suite on the upper level above the garage. The front door of the existing house faces Pine Street. There will be no changes to existing building footprint or structure. There is an existing shed on the northwest corner of the property that encroaches into the side yard setback that will be removed, as it is in the location of the proposed addition.

Currently, vehicle access to the property is from Pine Street, where there is one existing surface parking space on brick pavers. This access will be maintained. The brick pavers are to be removed and replaced with a permeable paving material.

A second access to the lot is proposed from Meadow Street, which is a gravel alley at the back of the lot. The second access is required to access the 2-car garage. It is not possible to access the garage from Pine Street.

The following existing hardscape areas will be removed and replaced with permeable pavers set in a sand bed, which will have grass growing in between:

- The brick parking area adjacent to Pine Street on northeast corner of the lot
- The concrete walkway on the south side of the house from the side entrance to the back yard
- The patio pavers and masonry retaining walls in the backyard

There is canopy roof supported on timber brackets above the overhead garage door on the west elevation. It is proposed this be considered a canopy or shading device to allow it's encroachment into the rear yard setback up to 4'-6".

All existing windows and doors in the existing house are to be replaced with new windows and doors to match the proposed new construction.

The existing windows at the front of the house facing Pine Street on the lower and upper levels, and on part of the south side lower level are divided lite windows & doors. All other windows & doors in the

house are single lite windows & doors with no muntins. The proposed replacement windows & doors at the front of the existing house facing Pine Street only are to be divided lite. All other replacement windows & doors in the existing house, and new windows & doors at the proposed addition are to be single lite with no muntins. The intention is the addition is to have a modern aesthetic while complimenting the traditional aesthetic of the existing structure. Having divided lite windows & doors facing Pine Street will keep the traditional aesthetic as viewed from the street. All other windows & doors being single lite with no muntins will bring a continuity to the entire structure with the addition appearing as an integral and cohesive part of the structure.

The proposed addition exterior building materials are to be vertical wood siding with a nickel-gap, painted white; new windows & doors to be black with factory paint finish; asphalt shingle roofing at upper roofs in charcoal gray; standing seam metal roofing at the canopy in charcoal gray; heavy timber brackets supporting the canopy to be painted white.

Proposed permeable grass pavers to replace existing impermeable grade surfaces:



Front of existing house from Pine Street:



Back yard from Meadow Street:



BRIAN

ARCHITECTURAL SCALE, WET LISTED EXTERIOR WALL SCONCE

alva



31" Brian, shown with "Down Light" option and Matte Black finish



APPLICATIONS	Indirect wall grazing luminaire for exterior/interior use: flanking doors, on columns, on building facades, between windows. Suitable for marine environments
SIZES	<ul style="list-style-type: none">• 15.5"H x 7"W x 4"D• 31"H x 7"W x 4"D• 46.5"H x 7"W x 4"D
WEIGHT	<ul style="list-style-type: none">• 15.5"H - 6 lb• 31"H - 8 lb• 46.5"H - 10 lb
MOUNTING	<ul style="list-style-type: none">• Steel mounting system with mounting plate and cover with rubber gaskets between the junction box and mounting plate• Mounts to center of J-box at 5.5" from top of rectangular shade
SPECIFICATIONS	<ul style="list-style-type: none">• Dark Sky Compliant, Full cut-off (applies to "Down Light" version)• High efficiency, fully integrated proprietary LED module• IP66 Rated• BUG Rating B1-U0-G0• 120-277V input• 100,000+ hours rated life time• 10 Year Limited Warranty (excludes shade)• Title 24 Compliant• ADA Compliant
LAMPING	<ul style="list-style-type: none">• 3000K and 3500K• 35W
CONSTRUCTION	Manufactured from aluminum with industrial powder coat finish

SPECIFICATIONS SUBJECT TO CHANGE, REVISED 04/05/2021

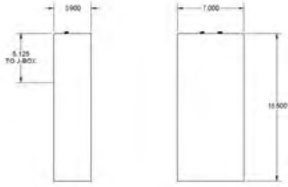
BRIAN

ARCHITECTURAL SCALE, WET LISTED EXTERIOR WALL SCONCE

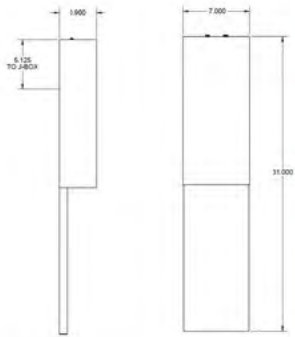
alva

Design Options

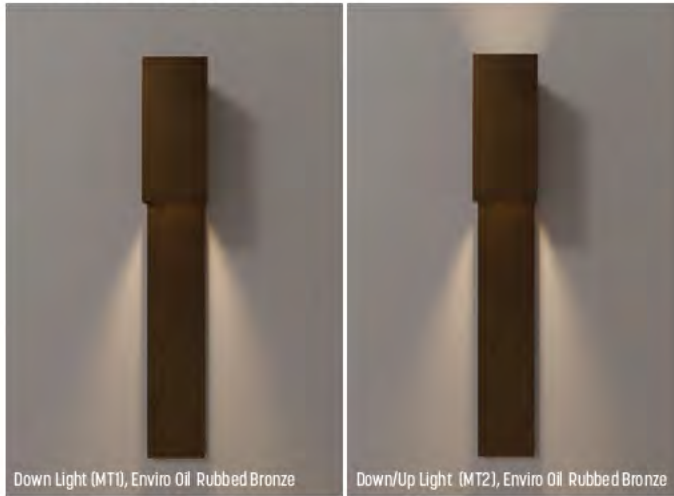
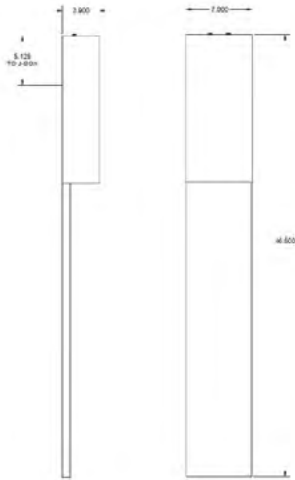
NO PANEL (15.5" H FIXTURE)



SHORT PANEL (15.5" H PANEL, 31" H FIXTURE)



LONG PANEL (31" H PANEL, 46.5" H FIXTURE)



Metal Powder Coat Finish Options



ESN - Enviro Satin Nickel



EOB - Enviro Oil-Rubbed Bronze



GR - Graphite



DBT - Dark Bronze Textured



WHT - Matte White



BLK - Matte Black

SPECIFICATIONS SUBJECT TO CHANGE, REVISED 04/05/2021

ORDER CODE:

BRIAN				
MODEL	LENGTH	CCT	SHADE LIGHT	METAL TRIM
	15 15.5"	3000 3000K	MT1 Down Light Only	ESN Enviro Satin Nickel
	31 31"	3500 3500K	MT2 Down and Up Light	EOB Enviro Oil-Rubbed Bronze
	46 46.5"			GR Graphite
				DBT Dark Bronze Textured
				WHT White
				BLK Black

LETTER

[mpp design shop](http://mppdesignshop.com)

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

Thank you for your consideration.

SIGNED: Michael Pukas

GENERAL NOTES

- ALL WORK SHALL BE AS SPECIFIED AND IN ACCORDANCE WITH ALL NATIONAL, STATE AND LOCAL CODES, LAWS, PERMITS AND ORDINANCES, AND SHALL BE PERFORMED TO THE HIGHEST STANDARDS OF CRAFTSMANSHIP BY JOURNEMEN OF THE APPROPRIATE TRADES.
- THESE DOCUMENTS ARE NOT INTENDED TO INCLUDE ALL LABOR, MATERIALS, EQUIPMENT, AND SERVICES REQUIRED TO COMPLETE ALL WORK DESCRIBED HEREIN. THE GENERAL CONTRACTOR (G.C.) SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE STARTING WORK.
- IT IS THE RESPONSIBILITY OF THE G.C. TO BRING TO THE ATTENTION OF THE ARCHITECT ANY CONDITIONS WHICH WILL NOT PERMIT CONSTRUCTION ACCORDING TO THE INTENTIONS OF THESE CONTRACT DOCUMENTS (CD'S), AND TO NOTIFY THE ARCHITECT AT ONCE IF ANY DISCREPANCIES APPEAR IN THE CD'S, OR BETWEEN THE CD'S AND EXISTING CONDITIONS. IT IS THE RESPONSIBILITY OF THE ARCHITECT TO PROVIDE DETAILS AND/OR DIRECTIONS REGARDING DESIGN INTENT WHERE IT IS ALTERED BY EXISTING CONDITIONS OR WHERE NEGLECTED IN THE DOCUMENTS.
- SHOULD A CONFLICT OCCUR IN OR BETWEEN DRAWINGS AND SPECIFICATIONS, THE SPECIFICATIONS SHALL TAKE PRECEDENCE, UNLESS A WRITTEN DECISION FROM THE ARCHITECT HAS BEEN OBTAINED WHICH DESCRIBES A CLARIFICATION OR ALTERNATE METHOD AND/OR MATERIALS.
- DIMENSIONS: (A) ALL DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS; (B) ALL PLAN DIMENSIONS ARE TO FACE OF CONCRETE, FACE OF STUD, AND CENTER LINE OF COLUMN/BEAM, U.O.N.; (C) FLOOR TO FLOOR DIMENSIONS ARE FROM TOP OF PLYWOOD SUBSURFACE TO TOP OF PLYWOOD SUBSURFACE, U.O.N.; (D) VERIFY IN FIELD (V.I.F.) ALL EXISTING CONDITIONS, DIMENSIONS, LOCATIONS AND SITE CONDITIONS PRIOR TO NEW CONSTRUCTION.
- 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. WORK SHALL CONFORM TO THE APPROVED SAMPLES.
- THE G.C. SHALL SUBMIT REQUIRED SHOP DRAWINGS TO THE ARCHITECT FOR REVIEW AND APPROVAL BEFORE THE WORK IS TO BE PERFORMED. WORK SHALL CONFORM TO THE APPROVED SHOP DRAWINGS.
- THE G.C. SHALL BE RESPONSIBLE FOR THE SAFETY AND CARE OF ADJACENT PROPERTIES DURING CONSTRUCTION. FOR COMPLIANCE WITH FEDERAL AND STATE O.S.H.A. REGULATIONS, AND FOR THE PROTECTION OF ALL WORK UNTIL IT IS DELIVERED COMPLETED TO THE OWNER.
- THE G.C. SHALL VERIFY AND COORDINATE ALL OPENINGS THROUGH FLOORS, CEILING, AND WALLS WITH ALL ARCHITECTURAL, STRUCTURAL, MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS.
- THE JOB SITE SHALL BE MAINTAINED IN A CLEAN, ORDERLY CONDITION, FREE OF DEBRIS AND LITTER, AND SHALL NOT BE UNREASONABLY ENGBERED. EACH SUB-CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS AS OF RESULT OF HIS/HER OPERATION UPON COMPLETION OF HIS/HER WORK.
- THE G.C. SHALL PERFORM ALL PHASES OF CONSTRUCTION SUCH THAT ALL NEW CONSTRUCTION FITS FLUSH AND SEAMLESSLY WITH ADJACENT EXISTING CONDITIONS, AND SHALL NOT ENDANGER ANY EXISTING CONDITIONS OR OTHER WORK.
- 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.
- 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. ALL ACTIVITY PERFORMED AS PART OF THIS PROJECT SHALL BE CONTAINED ON THE PROJECT PROPERTY.
- CHANGES TO THESE CONTRACT DOCUMENTS SHALL BE NOTED IN THE FIELD AND MAINTAINED ON-SITE FOR THE DURATION OF THE PROJECT FOR CONSTRUCTION OBSERVATION.
- AS-BUILT DRAWINGS WILL BE PROVIDED TO THE TOWN/COUNTY, IF REQUIRED.
- UTILITY METER LOCATIONS TO BE APPROVED BY UTILITY COMPANIES.
- ALL INTERIOR NON-BEARING WALLS TO BE 2x4, U.O.N.
- ALL INTERIOR BEARING WALLS TO BE 2x6, U.O.N. SEE STRUCTURAL DWG'S FOR SPEC'S
- ALL EXTERIOR WALLS TO BE 2x6, U.O.N. SEE STRUCTURAL DWG'S FOR SPEC'S
- ALL HORIZONTAL FRAMING DIMENSIONS ARE TO THE FACE OF WOOD FRAMING, U.O.N.
- ALL VERTICAL FRAMING DIMENSIONS ARE FROM THE T.O. PLYWOOD, U.O.N.
- ALL HORIZONTAL DIMENSIONS FOR OPENINGS ARE TO THE CENTER LINE OF LINE OF R.O.
- ALL VERTICAL DIMENSIONS FOR OPENINGS ARE TO THE TOP OF R.O.

SITE NOTES

- THE GENERAL CONTRACTOR SHALL PROVIDE EROSION CONTROL IN CONFORMANCE WITH TOWN/COUNTY GUIDELINES.
- 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.
- 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.
- 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 DETAILLED BY ANY OTHER CONTRACT. THE GENERAL CONTRACTOR SHALL LOCATE ALL UTILITIES AND MAINTAIN THE LOCATION DURING ALL PHASES OF THE WORK. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGES TO UTILITIES OR STRUCTURES AND ANY INJURIES THEREFROM. RESTORATION OF ANY UTILITIES DAMAGED BY THE GENERAL CONTRACTOR SHALL BE AT THE GENERAL CONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE OWNER.
- CONFORM TO EAGLE RIVER WATER AND SANITATION DISTRICT SPECIFICATIONS FOR SEWER CONSTRUCTION. PROVIDE SEWER CLEANOUT WITH LOCATION TO BE REVIEWED BY TOWN ENGINEER.
- THE GENERAL CONTRACTOR SHALL PROVIDE DRAWINGS SHOWING PROPOSED UTILITY SERVICE CONNECTIONS FOR THE ENGINEER'S REVIEW PRIOR TO CONSTRUCTION.
- ROAD CUTS AND ANY OTHER CONSTRUCTION IN ROAD RIGHT-OF-WAY SHALL CONFORM TO TOWN GUIDELINES.
- ALL COMPACTION SHALL BE IN ACCORDANCE WITH THE SOILS REPORT PREPARED BY THE GEOTECHNICAL ENGINEER.
- PROVIDE WRITTEN NOTIFICATION OF ALL DISCREPANCIES BETWEEN EXISTING AND PROPOSED SITE IMPROVEMENTS.
- CONTRACTOR(S) SHALL TAKE ALL NECESSARY STEPS AS REQUIRED TO PROPERLY PROTECT AND MAINTAIN HIS WORK FOR THE DURATION OF THIS CONTRACT.
- 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 DESIGN AND IMPLEMENT SAFETY OPERATIONS AND PROCEDURES TO PROTECT THE OWNER, OTHER CONTRACTORS, THE PUBLIC AND OTHERS.
- ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.
- CONTRACTOR(S) SHALL EMPLOY A LICENSED SURVEYOR TO ESTABLISH ALL WORK LINES.
- CONTRACTOR(S) SHALL STAKE OUT ALL AREAS, INCLUDING WALLS, PAVEMENTS, POOLS AND FENCES AND SHALL OBTAIN THE APPROVAL OF THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.
- CONFLICTS OR DISCREPANCIES WITH GRADES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY AND PRIOR TO PROCEEDING WITH WORK.
- ALL FINISHED GRADES SHALL PROVIDE FOR NATURAL RUNOFF OF WATER WITHOUT LOW SPOTS OR POCKETS. SET FLOW LINES ACCURATELY AND PROVIDE A MINIMUM 2% GRADIENT UNLESS OTHERWISE NOTED.
- GRADUALLY ROUND OFF TOPS AND TOES OF ALL PLANTED SLOPES, UNLESS SHOWN OTHERWISE IN GRADING DETAILS.
- GRADE AWAY FROM ALL BUILDINGS AT A MINIMUM SLOPE OF 10% IN UNPAVED AREAS AND MINIMUM SLOPE OF 2% IN PAVED AREAS.
- CLEANOUTS SHALL BE PROVIDED FOR ALL CHANGES IN LINES AND/OR GRADE OR THE SANITARY SEWER SERVICE.
- 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.
- 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 2018 INTERNATIONAL BUILDING CODE, THE 2018 INTERNATIONAL RESIDENTIAL CODE, AND THE 2018 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 6B
 PENETRATION U-FACTOR 0.30
 SKYLIGHT U-FACTOR 0.35
 CEILING R-VALUE 49
 WOOD FRAME WALL R-VALUE 20+5 OR 19+10 - CAVITY + CONTINUOUS EXTERIOR
 MASS WALL R-VALUE 15/20
 FLOOR R-VALUE 30
 BASEMENT WALL R-VALUE 15/19 - CONTINUOUS + CAVITY
 SLAB R-VALUE 4 DEPTH 10, 4"
 CRAWL SPACE WALL R-VALUE 15/19 - CONTINUOUS + CAVITY
 HEATED SLAB ON GRADE R-VALUE 5, 4"

ABBREVIATIONS

AND	AND
ANCHOR BOLT	AB
AIR CONDITIONING	AC
ACCESSIBLE	ACC
ACOUSTICAL	ACoust
ACOUSTIC CEILING TILE	ACT
AREA DRAIN	AD
ADJACENT	ADJ
ABOVE FINISHED FLOOR	AFF
ABOVE FINISHED GRADE	AFS
AGGREGATE	AGGR
ALTERNATE	ALT
ALUMINUM	ALUM
ANODIZED	ANOD
ACOUSTICAL PANEL CEILING	APC
APPROXIMATE	APPROX
ARCHITECTURAL	ARCH
ASPHALT	ASPH
ATTENTION	ATTN
AUTOMATIC	AUTO
AUDIOVISUAL	AV
BOARD	BD
BITUMINOUS	BIT
BUILDING	BLDG
BLOCK	BLK
BLOCKING	BLKS
BEAM	BM
BOTTOM OF	BO
BOTTOM	BTM
BEARING	BRG
BRICK	BRK
BRACKET	BRKT
BASEMENT	BSMNT
CHANNEL	C
CABINET	CAB
CATEGORY	CAT
CATCH BASIN	CB
CEMENT BOARD	CB
CEMENTITIOUS BACKER UNIT	CBU
CENTER TO CENTER	CC
CLOSED CIRCUIT TELEVISION	CCTV
CEMENT	CEM
CERAMIC	CER
CORNER GUARD	CG
CHILLER	CH
CASH-IN-PLACE	CFP
CONTROL JOINT	CLJ
CENTERLINE	CL
CEILING	CLS
CLEAR	CLR
COUNTER	CNTR
CLEANOUT	CO
COLUMN	COL
CONCRETE	CONC
CONCRETE	COND
CONNECTION	CONN
CONSTRUCTION	CONST
CONTINUOUS	CONT
CONTRACTOR	CONTR
COORDINATE	COORD
CORRIDOR	CORR
CARPET	CPT
CERAMIC TILE	CT
CENTER	CTR
COUNTERSINK	CSK
GOLD WATER	GW
DEMOLISH OR DEMOLITION	(D)
DEEP DEPTH	DD
DOUBLE	DEL
LAVATORY	LAV
DEGREE	DES
DEMOLISH OR DEMOLITION	DEMO
DEPARTMENT	DEPT
DRINKING FOUNTAIN	DF
DIAMETER	DIA
DIFFUSERS	DIFF
DIMENSION	DM
DIMENSIONS	DMS
DISPENSER	DISP
DIVISION	DIV
DAMP PROOFING	DMFP
DOWN	DN
DOOR OPENING	DO
DOOR	DR
DRAIN	DRN
DOWNPOUT	DS
DOWN SPOUT	DS
DETAIL	DTL
DISHWASHER	DWS
DWG	DWG
DRAWING	DWR
DRAWER	DWR
EXISTING	(E)
CONCRETE MASONRY UNIT	CMU
EAST	E
EACH	EA
EXPANSION BOLT	EB
EXPANSION JOINT	EJ
EXIST	EX
ELECTRICAL	ELEC
ELEVATOR	ELEV
EMERGENCY	EMER
ENCLOSURE	ENCL
ENGINEER	ENG
ELECTRICAL PANEL	EP
ETHYLENE PROPYLENE DIENE M-CLASS	EPDM
EQUAL	EQ
EQUIP	EQUIP
EXHAUST	EXH
EXISTING	EXIST
EXPANSION	EXP
EXTERIOR	EXT
FIRE ALARM	FA
FACE BRICK	FB
FLOOR DRAIN	FD
FLOOR DRAIN OR FIRE DEPARTMENT	FD
FIRE DEPARTMENT CONNECTION	FDG
FIRE EXTINGUISHER	FE
FIRE EXTINGUISHER CABINET	FE
FURNITURE, FIXTURES AND EQUIPMENT	FFFE
FINISH FLOOR BOX	FFB
FINISH FLOOR ELEVATION	FFP
FLAT HEAD	FH
FIRE HOSE CABINET	FHC
FINISH	FIN
FIXTURE	FIX
FLASHING	FLASH
FLOOR	FLR

ABBREVIATIONS

FLUOR	FLUOR
FLUORESCENT	FNL
FOUNDATION	FND
FACE OF	FO
AIR CONDITIONING	FR
FIREPROOFING	FRP
FIRE RESISTANT	FRF
FIBER REINFORCED CONCRETE	FRG
FIRE RESISTANT TREATED	FRT
FEET/FOOT	FT
FOOTING	FTG
FURNITURE	FURN
FURRING	FURR
FABRIC WALL COVERING	FVC
FABRIC WRAPPED PANEL	FWP
GAUGE	GA
GALVANIZED	GALV
GRAB BAR	GB
GENERAL CONTRACTOR	GC
GENERAL	GEN
GLASS FIBER REINFORCED CONCRETE	GFRG
GLASS	GL
GLAZING	GLAZ
GRANULAR	GRAN
GROUND	GRD
GLASS FIBER REINFORCED CONCRETE	GRFG
GALVANIZED SHEET METAL	GSM
GAS VALVE	SV
GYPSON WALL BOARD	GWB
GYPSON	GYP
HIGH/HEIGHT	H
HOSE BIBB	HB
HANDICAPPED	HC
HARDWOOD	HWD
HARDWARE	HDWR
HEIGHT	HGT
HOLLOW METAL	HM
HANDRAIL	HNDRL
HOLD OPEN	HO
HORIZONTAL	HORIZ
HOUR	HR
HOSE REEL CABINET	HRG
HEATING	HTG
HEATING VENTILATION AND AIR CONDITIONING	HVAC
HOT WATER	HW
INSIDE DIAMETER	ID
INCANDESCENT	INCAND
INCLUDED/INCLUDING	INCL
INFORMATION	INFO
INSULATION	INSUL
INSULATED OR INSULATION	INSUL
INTERMEDIATE	INTERM
INVERT	INV
JANITOR	JAN
JANITOR'S CLOSET	JC
JOIST	JST
JOINT	JT
KITCHEN	KIT
KNOCK OUT	KO
LAMINATE	LAM
DOUBLE	DEL
LAVATORY	LAV
POUNDS	LB
LONG LEG HORIZONTAL	LLH
LONG LEG VERTICAL	LLV
LIGHT	LT
MASONRY	MAS
MAXIMUM	MAX
MECHANICAL	MECH
MEDIUM	MED
MEMBRANE	MEMBR
MANUFACTURER	MFR
MAN HOLE	MH
MINIMUM	MIN
MISCELLANEOUS	MISC
MASONRY OPENING	MO
MOISTURE RESISTANT	MR
MOUNTED	MTD
DETAIL	MTD
MOUNTING	MTG
METAL	MTL
MULLION	MULL
NEW	(N)
NORTH	N
NOT APPLICABLE	NA
NOISE CRITERIA	NC
NOT IN CONTRACT	NIC
NUMBER	NO
NOMINAL	NOM
NON COMBUSTIBLE	NON
NOT TO SCALE	NTS
OUTSIDE AIR	OA
ON CENTER	OC
OUTSIDE DIAMETER	OD
OVERFLOW DRAIN	OD
OWNER FURNISHED, CONTRACTOR INSTALLED	OFCI
OWNER FURNISHED, OWNER INSTALLED	OF
OVERHEAD	OH
OPENING	OPNG
OPPOSITE	OPP
OVERFLOW ROOF DRAIN	ORD
PAINT	P
PAVING	PAV
PARTICLE BOARD	PBD
PRECAST	PC
POWER DRIVEN FASTENER	PDF
PERFORATED	PERF
PERIMETER	PERM
PERPENDICULAR	PERP
PLATE	PL
PLASTIC LAMINATE	PLM
PLASTER	PLAS
PLUMBING	PLBS
POUNDS PER LINEAR FOOT	PLF
PLYWOOD	PLYWD

ABBREVIATIONS

PANEL	PNL
PAINT OR PAINTED	PNT
POLISHED	POL
FIRE PROTECTION	FP
PREFABRICATED	PREFAB
PROJECT	PROJ
POUNDS PER SQUARE FOOT	PSF
POINT	PT
PRESSURE TREATED	PT
PAINTED	PTD
PARTITION	PTN
POLYVINYL CHLORIDE	PVC
QUARRY TILE	QT
QUANTITY	QTY
RADIUS/RISER	R
RETURN AIR	RA
RADIUS	RAD
RESISTANT BASE	RB
RUBBER	RBR
REFLECTED CEILING PLAN	RCP
ROOF DRAIN	RD
RECESSED	REC
RECEPTACLE	RECP
REFERENCE	REF
REFRIGERATOR	REFR
REGISTER	REG
REINFORCED REINFORCING	REINF
RELOCATE	REL
REMOVABLE	REM
RECOMMENDED	RECOM
REQUIRED/REQUIRED	REQ
REQUIRED	REQD
RESILIENT	RESIL
REVISION/REVISED	REV
ROOM	ROOM
ROUGH OPENING	RO
RATED	RTD
RATING	RTG
RAIN WATER LEADER	RWL
SOUTH	S
SUPPLY AIR	SA
SELF ADHERED FLASHING	SAF
SOLID CORE	SC
SCHEDULE	SCHED
STORM DRAIN	SD
SECTION	SECT
SQUARE FEET/FOOT	SQ
SPRINKLER HEAD	SH
SHOWER	SHR
SHEET	SHT
SIMILAR	SIM
SHEET METAL	SM
SURFACE MOUNTED	SM
STANDPIPE	SP
SPECIFIED OR SPECIFICATION	SPEC
SPEAKER	SPK
SPEAKER	SPKR
SQUARE	SQ
STAINLESS STEEL	SS
SERVICE SINK	SSK
STATION	STA
SOUND TRANSMISSION COEFFICIENT	STC
STEEL	STL
STORAGE	STOR
STRINGER	STRG
STRUCTURE OR STRUCTURAL	STRCT
SUBCATEGORICAL	SUBCAT
SUSPENDED	SUSP
SYMMETRICAL	SYM
SYSTEM	SYS
TREAD	T
TOP AND BOTTOM	T&B
TONGUE AND GROOVE	T&G
TOWEL BAR	TB
TELEPHONE/TELECOM	TEL
TELEPHONE	TELE
TEMPERATURE	TEMP
TEMPORARY	TEMP
THICKNESS	THK
THROUGH	THRU
TACK BOARD	TBD
TOILET	TLT
TEMPERED	TMPP
TOP OF BEAM	TOB
TOP OF CONCRETE	TOC
TOP OF STEEL	TO
TUBE STEEL	TS
TELEVISION	TV
TYPICAL	TYP
UNFINISHED	UNFIN
UNLESS NOTED OTHERWISE	UNO
UNLESS OTHERWISE NOTED	UNO
URNAL	URNL
VENTILATION AND AIR CONDITIONING	VAC
VARIABLES	VAR
VINYL COMPOSITION TILE	VCT
VERTICAL	VERT
VESTIBULE	VEST
VERIFY IN FIELD	VIF
VISION PANEL	VP
WAPOR RETARDER	WR
VINYL FURNISHED, CONTRACTOR INSTALLED	VF
VINYL WALL COVERING	VWC
W/CE/WE/ST	W
WITHOUT	W/O
WATER CLOSET	WC
WOOD	WOOD
WINDOW	WIN
WIRE MESH	WM
WATERPROOF/WATERPROOF FING	WP
WATERPROOF MEMBRANE	WPM
WEATHER-STRIPPING	WS
WEATHERSTRIPPING	WSCT
WEIGHT	WT
WELDED WIRE VALVE	WV
WELDED WIRE FABRIC	WWF
WELDED WIRE MESH	WWM

PROJECT DIRECTORY

Project Address
 335 Pine Street
 Minturn, CO 81645
 Parcel Number: 2103-263-18-023
 Booco's Second Addition to Minturn
 Block 1, Lot 4

Owner:
 Nicole Magistro & Zach Locke
 225 Main Street
 Unit C104
 Edwards, CO 81632-8145
 (970) 390-5154
 nicolemagistro@gmail.com
 zach_locke@yahoo.com

Architect:
 mpp design shop, inc.
 Eron Parks, AIA
 Gypsum, CO 81637
 (970) 390-4931
 michael@mppdesignshop.com

General Contractor:
 tbd

Structural Engineer:
 tbd

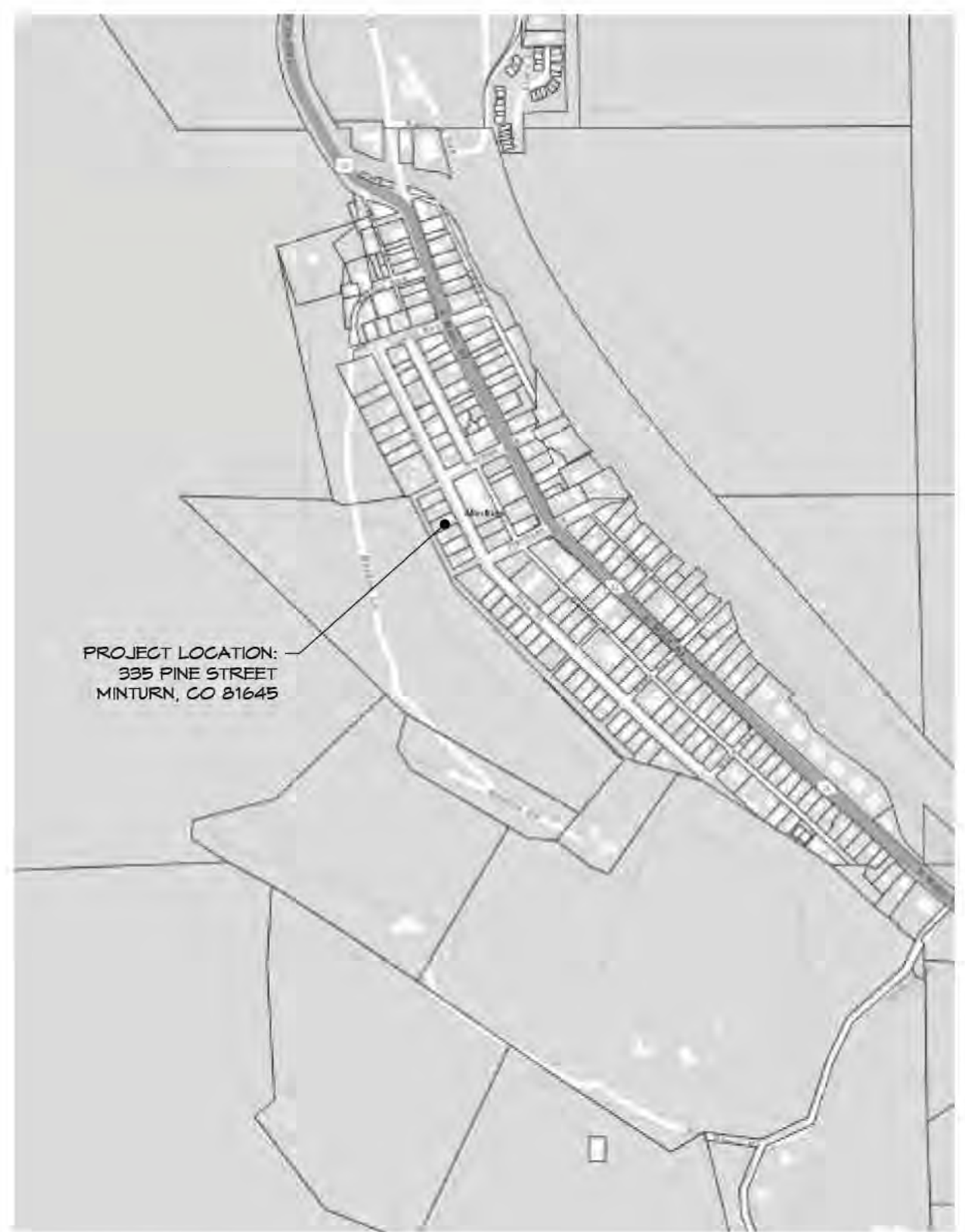
Land Surveyor:
 Meridian Land Surveying, LLC
 Eron Parks, PLS
 PO Box 2225
 Gypsum, CO 81637
 (970) 524-0463
 ewatts.mls@gmail.com

SHEET INDEX

COVER	01	AERIAL VIEWS
	02	PERSPECTIVE VIEWS
	ILC	IMPROVEMENT LOCATION CERTIFICATE
	AS101	SITE DEMO, SITE & LANDSCAPE PLANS
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	A002	WINDOW & DOOR SCHEDULES
	A101	FOUNDATION, MECHANICAL & ROOF PLANS
	A102	LOWER & UPPER LEVEL FLOOR PLANS
	A201	EAST & SOUTH ELEVATIONS
	A202	WEST & NORTH ELEVATIONS

ENERGY CODE COMPLIANCE NOTES

- IRC 402.4.1.1: ALL AIR BARRIER AND THERMAL BARRIERS TO BE INSTALLED PER MANUFACTURER'S INSTRUCTIONS.
- IRC 402.4.5: ALL IC-RATED RECESSED LIGHTING FIXTURES TO BE SEALED AT HOUSING/INTERIOR FINISH AND LABELED TO INDICATE <2.0 CFM LEAKAGE AT 75 Pa.
- IRC 403.6: AUTOMATIC OR GRAVITY DAMPERS ARE INSTALLED ON ALL OUTDOORS AIR INTAKES AND EXHAUSTS
- IRC 402.4.1.2: BLOWER DOOR TEST @ 50 Pa. <5 ACH IN CLIMATE ZONE 7
- IRC 402.4.1.2: BLOWER DOOR TEST @ 50 Pa. <3 ACH IN CLIMATE ZONE 7
- IRC 303.2: CONDITIONED BASEMENT WALL INSULATION INSTALLED PER MANUFACTURER'S INSTRUCTIONS.
- IRC 303.2: UNVENTED CRAWL SPACE WALL INSULATION INSTALLED PER MANUFACTURER'S INSTRUCTIONS.
- IRC 303.2: WALL INSULATION TO BE INSTALLED PER MANUFACTURER'S INSTRUCTIONS
- IRC 303.1.1.1, 303.2: CEILING INSULATION INSTALLED PER MANUFACTURER'S INSTRUCTIONS. BLOWN INSULATION MARKED EVERY 300 FT²



VICINITY MAP

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 michael@mppdesignshop.com

Magistro-Locke Residence Addition
 335 Pine Street
 Minturn, CO 81645
 Parcel Number: 2103-263-18-023
 Booco's 2nd Addition to Minturn, Block 1, Lot 4

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#	Description	Date
1	DRB	05/01/23
2	DRB Re-sub	05/18/23
3	DRB Re-sub	05/28/23



4 AERIAL VIEW NORTHWEST



2 AERIAL VIEW NORTHEAST



3 AERIAL VIEW SOUTHWEST



1 AERIAL VIEW SOUTHEAST

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3	DRB Re-sub	05/28/23

Project Number: 2207
 Designed by: mpp
 Drawn by: mpp
 Checked by: mpp

AERIAL VIEWS



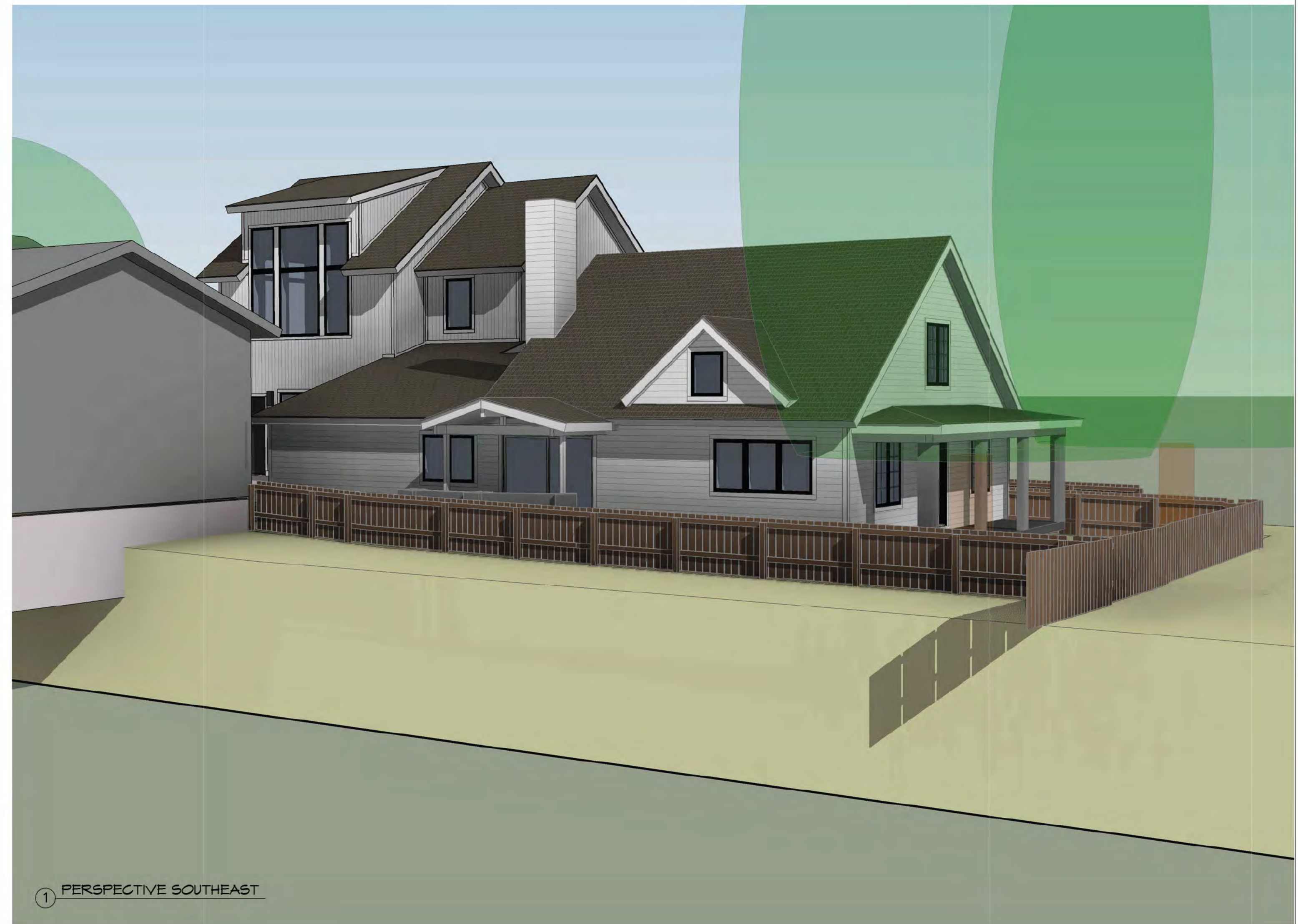
4 PERSPECTIVE NORTHWEST



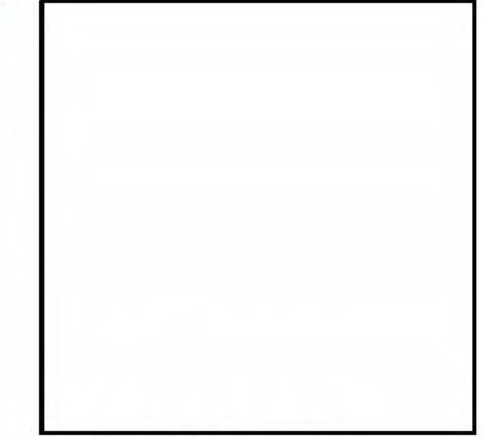
2 PERSPECTIVE NORTHEAST



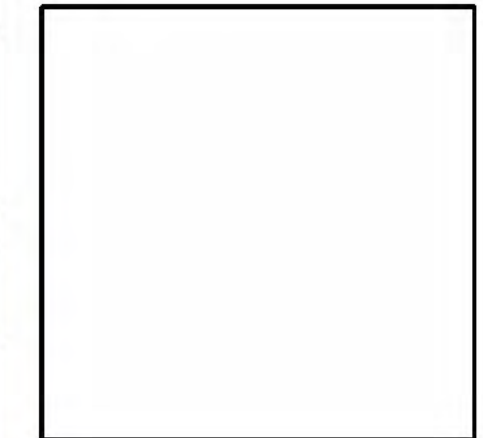
3 PERSPECTIVE SOUTHWEST



1 PERSPECTIVE SOUTHEAST



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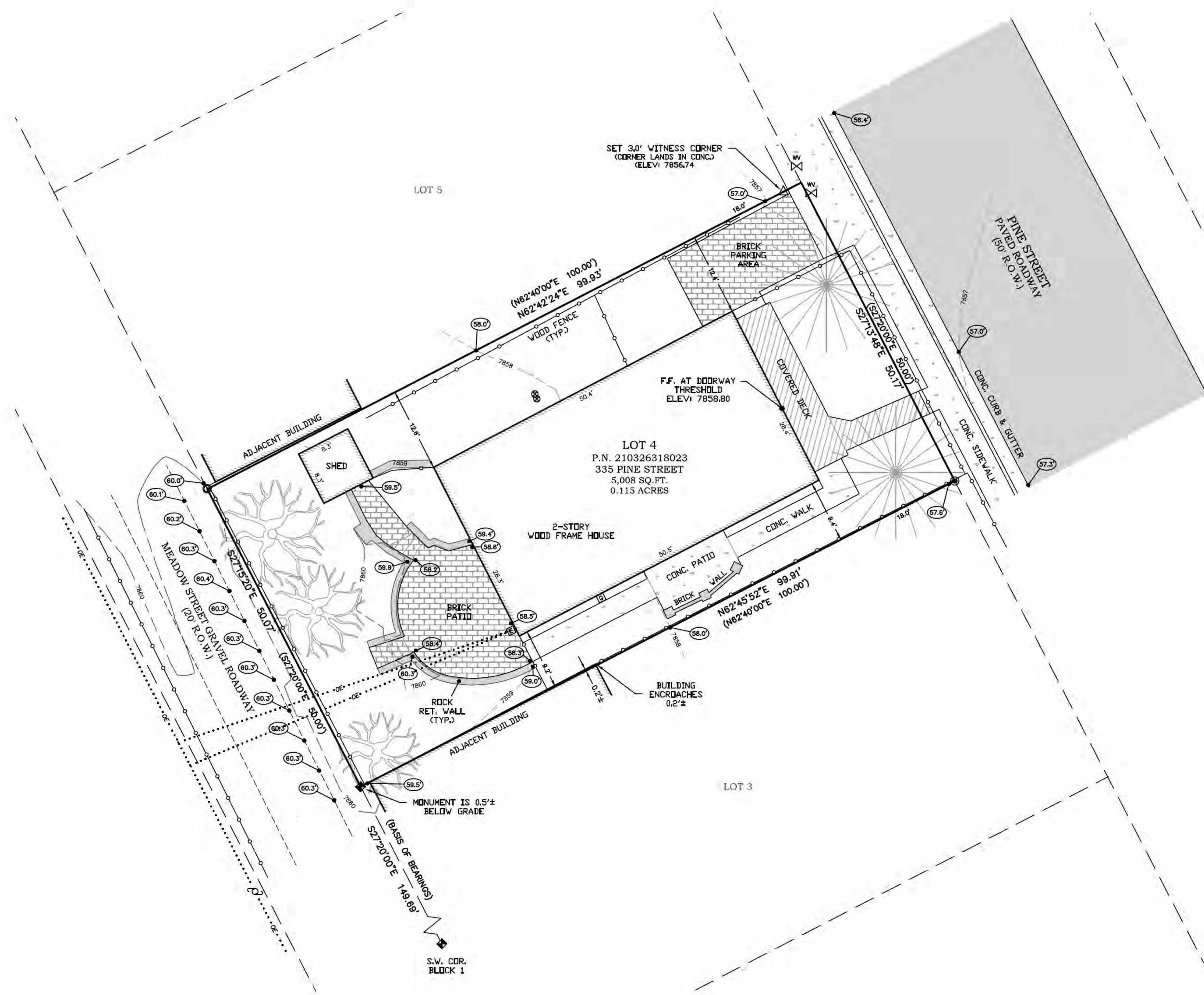
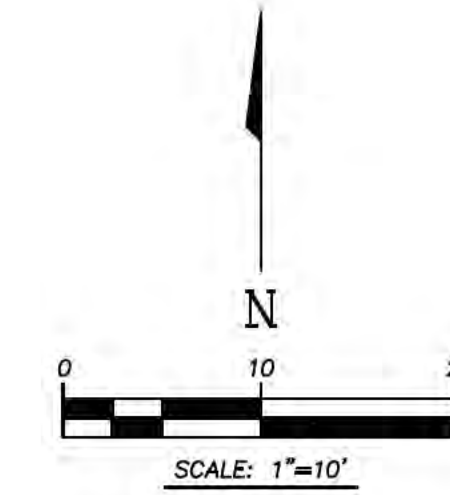
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3	DRB Re-sub	05/28/23

Project Number: 2207
 Designed by: mpp
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 Checked by: mpp

PERSPECTIVE VIEWS

IMPROVEMENT SURVEY PLAT WITH TOPOGRAPHY

Lot 4, Block 1, Booco's 2nd Addition to Minturn
Located in Section 26, T5S, R81W of the 6th P.M.
Town of Minturn, Eagle County, Colorado



LEGEND

- FOUND NO.5 REBAR WITH 1.5" ALUMINUM CAP LS38233 (PROPERTY CORNER)
- FOUND NO.5 REBAR WITH ILLEGIBLE 1.5" ALUMINUM CAP (PROPERTY CORNER)
- ◆ FOUND NO.5 REBAR WITH 1.5" ALUMINUM CAP LS4551 (PROPERTY CORNER)
- ▲ SET NO.5 REBAR WITH 1.5" ALUMINUM CAP LS38403 (PROPERTY CORNER)
- (ALL PROPERTY MONUMENTS FOUND OR SET ARE AT GROUND LEVEL UNLESS NOTED)
- ⊞ POWER/UTILITY POLE
- ⊞ WATER VALVE
- ⊞ SEWER CLEANOUT (PVC)
- ⊞ GAS METER
- ⊞ ELECTRIC METER
- OVERHEAD POWER LINE
- ☀ TREE (CONIFEROUS)
- ☀ TREE (DECIDUOUS)
- ⊞ GROUND ELEVATION

NOTES

1. DATE OF SURVEY: SEPTEMBER 19-27, 2022.
2. POSTED ADDRESS: 335 PINE STREET.
3. BEARINGS ARE BASED ON THE LINE BETWEEN THE SOUTHWEST CORNER OF LOT 4 AND THE SOUTHWEST CORNER OF LOT 1, BOTH BEING A FOUND NO.5 REBAR WITH 1.5" ALUMINUM CAP LS4551 HAVING A BEARING OF S27°20'00"E AS SHOWN HEREON. BEARING WAS DERIVED FROM THE PLAT OF BOOCO'S 2ND ADDITION TO MINTURN, RECORDED OCTOBER 9, 1901 AS RECEPTION NO. 24, EAGLE COUNTY, COLORADO.
4. LINEAR UNITS USED TO PERFORM THIS SURVEY WERE U.S. SURVEY FEET.
5. THIS IMPROVEMENT SURVEY PLAT IS BASED ON THE PLAT OF BOOCO'S 2ND ADDITION TO MINTURN, RECORDED OCTOBER 9, 1901 AS RECEPTION NO. 24, EAGLE COUNTY, COLORADO.
6. THIS IMPROVEMENT SURVEY PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY MERIDIAN LAND SURVEYING, LLC. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND/OR TITLE OF RECORD, MERIDIAN LAND SURVEYING, LLC. RELIED UPON TITLE COMMITMENT NO. V50065202-7 ISSUED BY LAND TITLE GUARANTEE COMPANY, EFFECTIVE DATE: JUNE 21, 2022.
7. ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) REFERENCED FROM NATIONAL GEODETTIC SURVEY (NGS) BENCHMARK STATION S-280 HAVING A PUBLISHED ELEVATION OF 7894.20.
8. CONTOUR INTERVAL EQUALS 1 FOOT.

SURVEYOR'S CERTIFICATION

I, O. ERON WATTS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, HEREBY CERTIFY THAT THIS "IMPROVEMENT SURVEY PLAT" AS DEFINED BY C.R.S. 38-51-102 WAS PREPARED FOR ZACHARY LOOKE AND NICOLE MAGISTRO AND IS THE RESULT OF A MONUMENTED LAND SURVEY PERFORMED BY ME OR UNDER MY RESPONSIBLE CHARGE. IS BASED UPON THE PROFESSIONAL LAND SURVEYORS KNOWLEDGE, INFORMATION AND BELIEF, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

O. ERON WATTS, PLS 38403
COLORADO REGISTERED PROFESSIONAL
LAND SURVEYOR



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. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

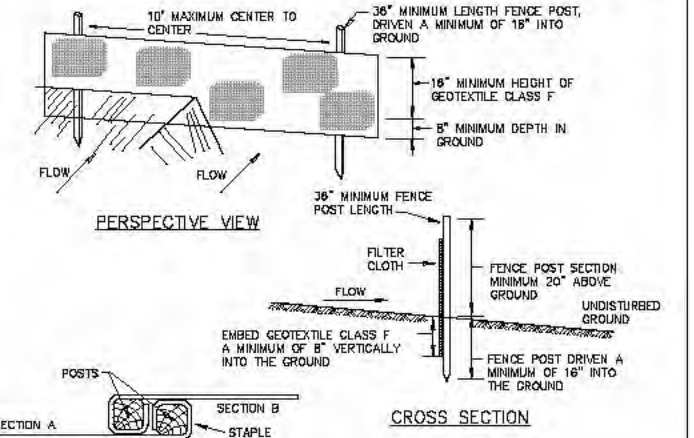
REV J 05/17/2023 - ADD TITLE COMMITMENT INFO & SPOT ELEVATIONS PER TOWN OF MINTURN ENGINEER COMMENTS
REV 21 05/24/2023 - ADD 5' INTERVAL SPOT ELEVATIONS PER TOWN OF MINTURN ENGINEER COMMENTS

IMPROVEMENT SURVEY PLAT WITH TOPOGRAPHY		
LOT 4, BLOCK 1, BOOCO'S 2ND ADDITION TO MINTURN LOCATED IN SEC. 26, T5S, R81W OF THE 6TH P.M. TOWN OF MINTURN, EAGLE COUNTY, COLORADO 335 PINE STREET		
SHEET: 1 OF 1	DATE: 5/27/2022	P.O. Box 2225 Gypsum, CO 81637 (970) 524-0963
DRAWN BY: EW/EW	DWG NO.: 22046-01	

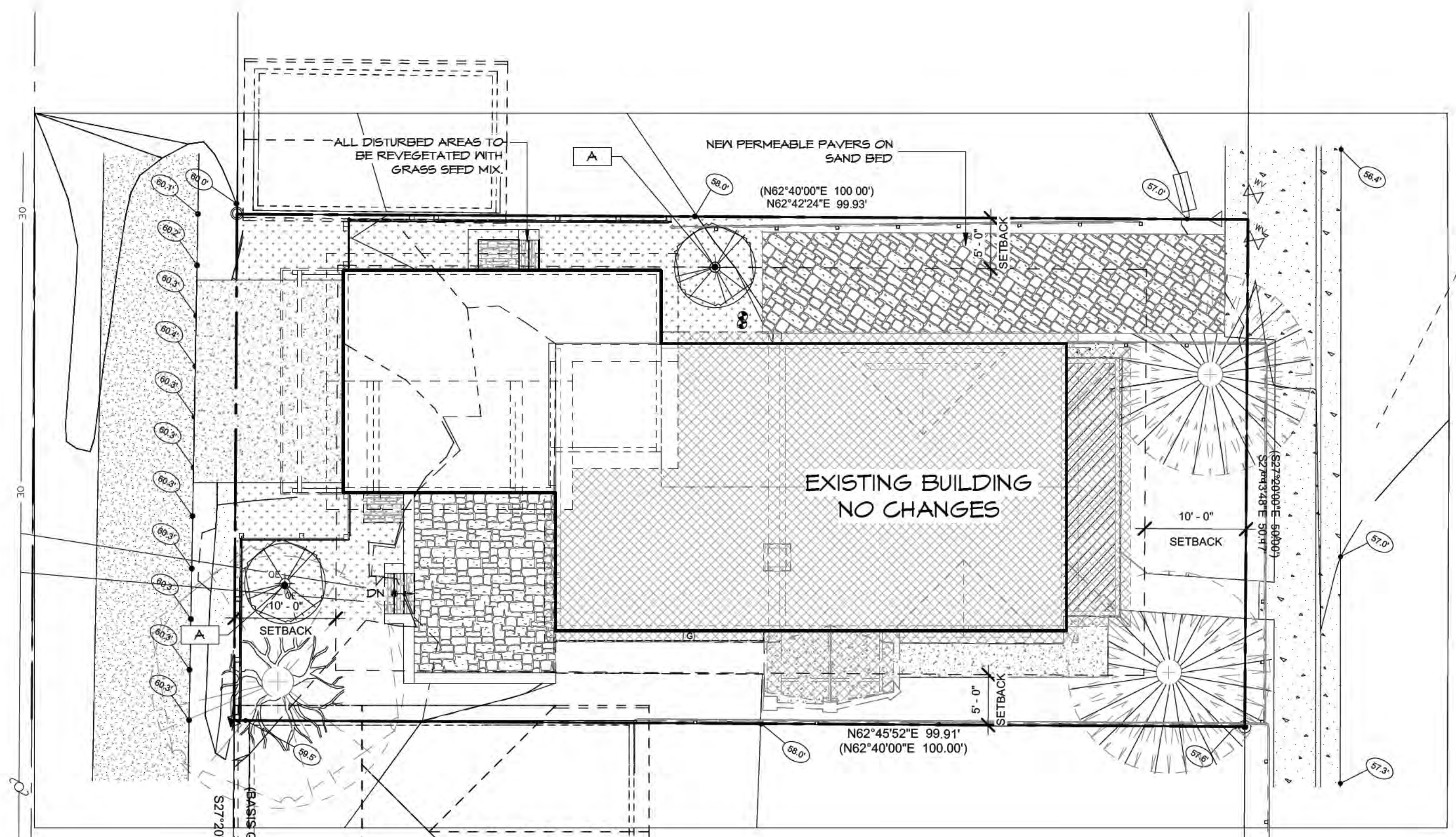
PLANTING SCHEDULE			
Type	Count	Type	Description
A	2	Crab Apple	NON-FRUIT BEARING

LANDSCAPE NOTES

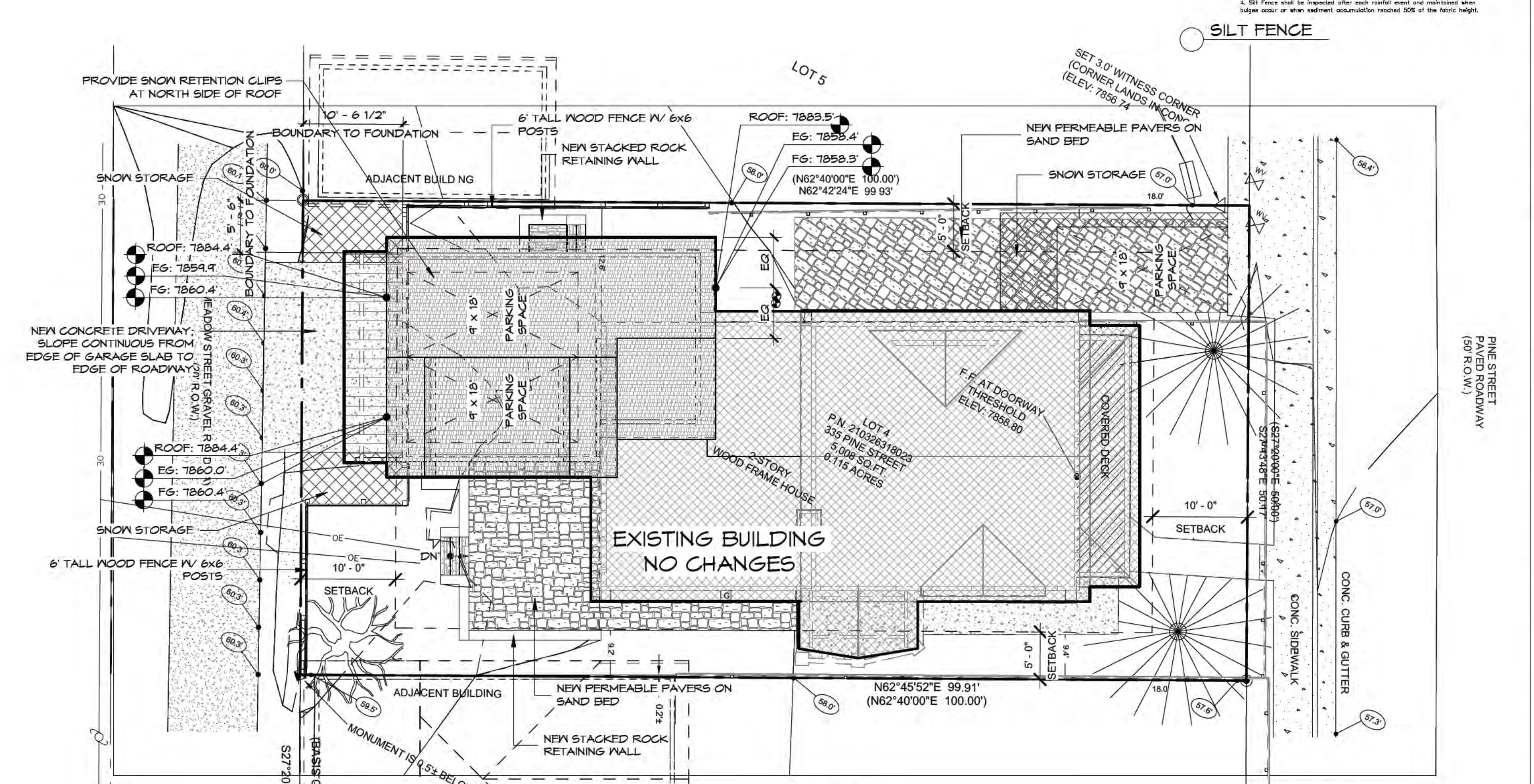
- ALL DISTURBED GROUND AREAS TO BE RESEED WITH DROUGHT TOLLERANT GRASS SEED MIX.
- ALL NEW TREE, SHRUB, FLOWER BED, GRASS AREAS, ETC. PLANTINGS TO HAVE TEMP IRRIGATION FOR 2 YEARS MINIMUM, OR UNTIL ESTABLISHED.



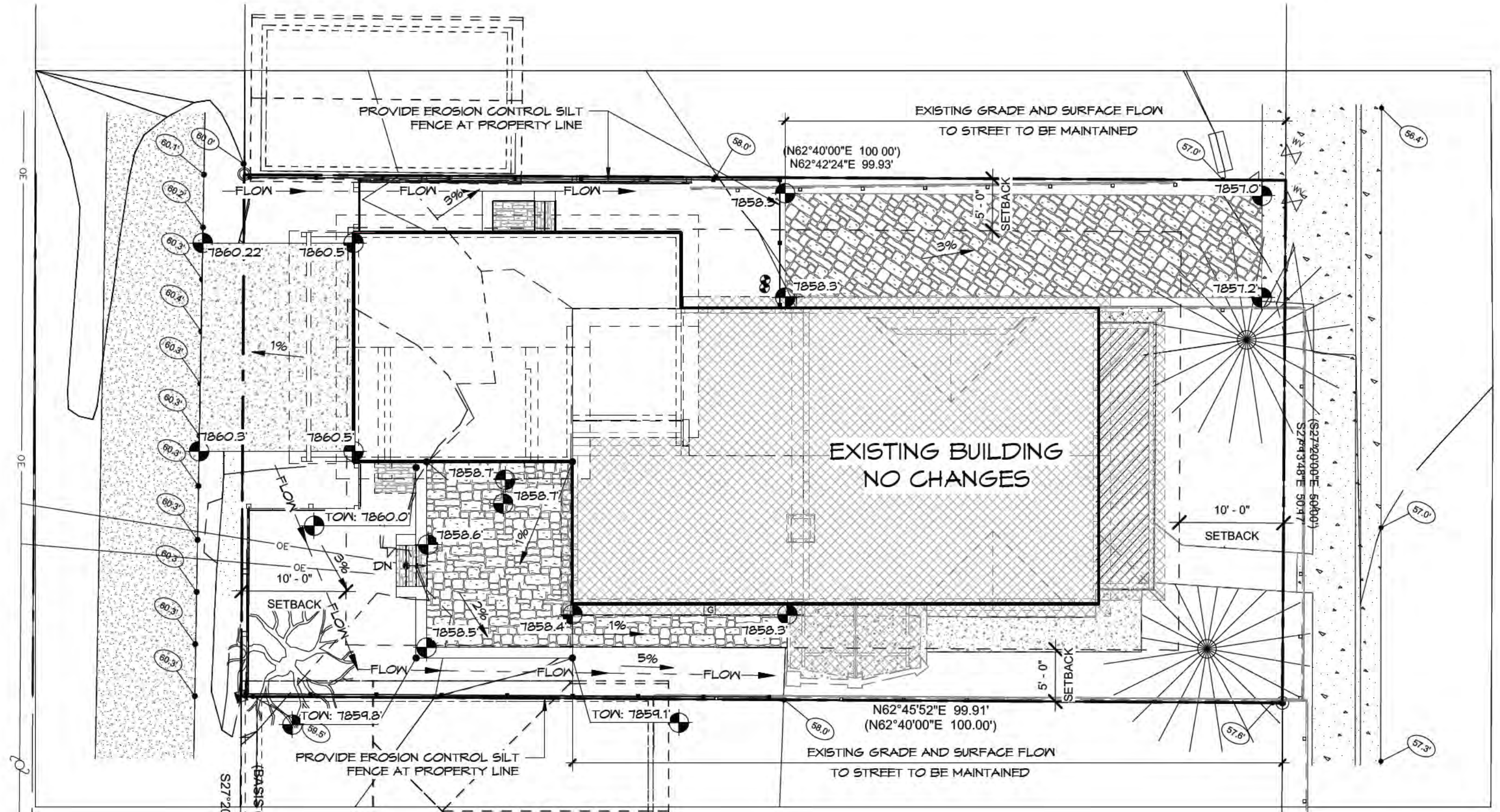
SILT FENCE
 1. Fence shall be a minimum of 36" high and 18" wide at the base. The fence shall be constructed of 1/2" x 1/2" mesh (minimum) or 1/4" x 1/4" mesh (maximum) and shall be of heavy duty material. The fence shall be installed in a trench 12" deep and 18" wide. The fence shall be installed in a trench 12" deep and 18" wide. The fence shall be installed in a trench 12" deep and 18" wide.



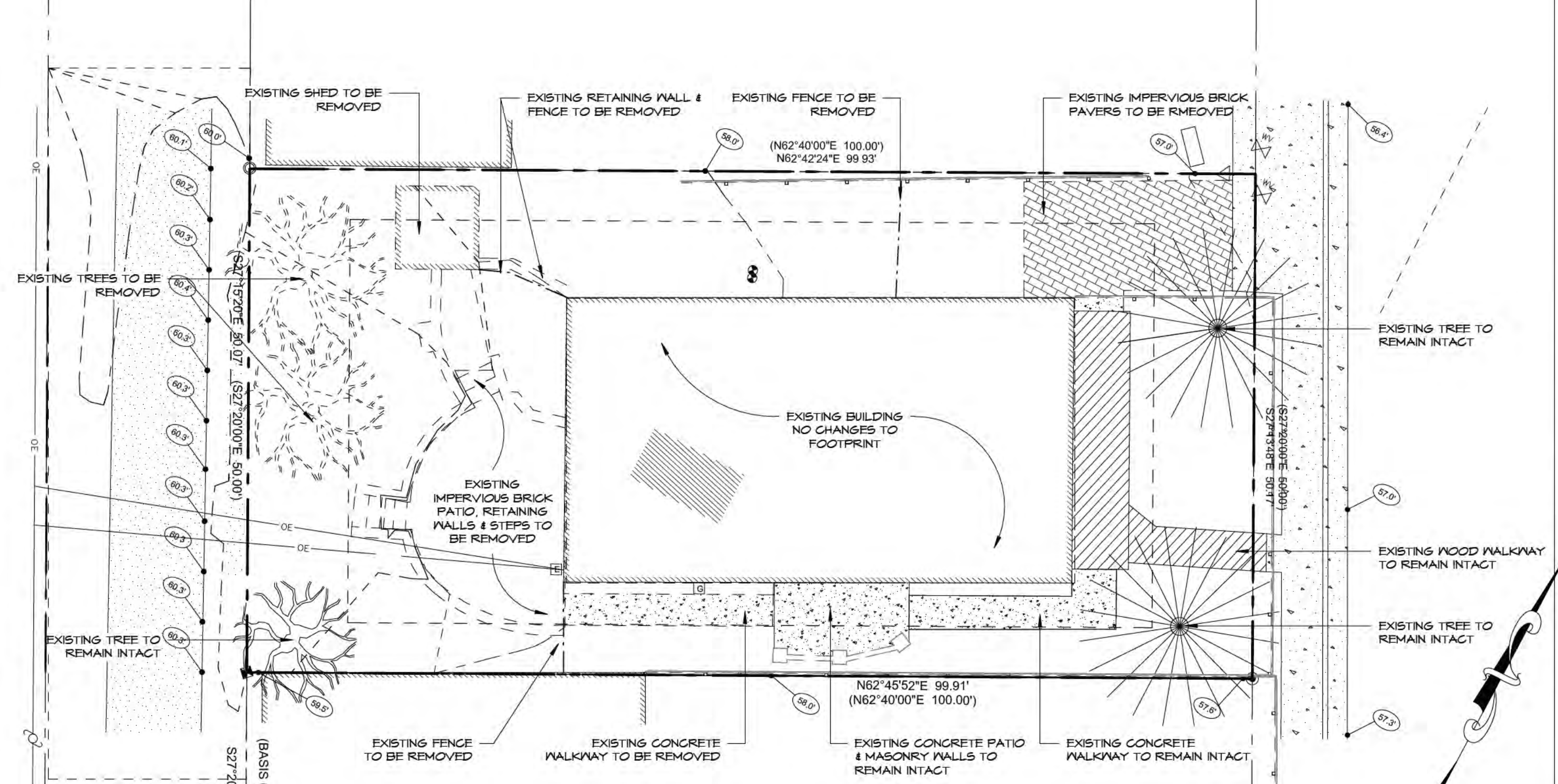
4 LANDSCAPE PLAN
1" = 10'-0"



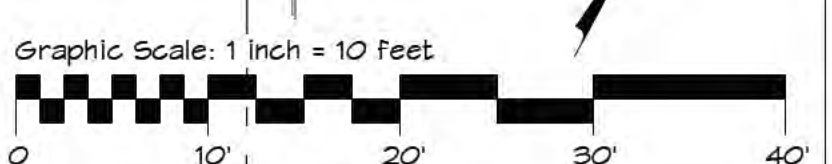
2 SITE PLAN
1" = 10'-0"



3 SITE GRADING & DRAINAGE PLAN
1" = 10'-0"



1 SITE DEMO PLAN
1" = 10'-0"



mpp design shop, inc.
 PO Box 288
 Gypsum, CO 81637
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 michael@mppdesignshop.com

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2	DRB Re-sub	05/18/23
3	DRB Re-sub	05/28/23

Project Number: 2207
 Designed by: mpp
 Drawn by: mpp
 Checked by: mpp

SITE DEMO, SITE & LANDSCAPE PLANS

AS101
 37

WINDOW SCHEDULE SEQUENTIAL

Mark	Type	Description	Width	Height	Head Height	U-FACTOR	Comments
211	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 0"	<=0.3	EGRESS
215	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 0"	<=0.3	EGRESS
205	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 0"	<=0.3	
207	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 0"	<=0.3	EGRESS
209	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 0"	<=0.3	EGRESS
208	2	FIXED	2' - 11 1/2"	1' - 11 1/2"	9' - 11 1/2"	<=0.3	
210	2	FIXED	2' - 11 1/2"	1' - 11 1/2"	9' - 11 1/2"	<=0.3	
206	2	FIXED	2' - 11 1/2"	1' - 11 1/2"	9' - 11 1/2"	<=0.3	
212	3	FIXED	2' - 11 1/2"	3' - 11 1/2"	11' - 11 1/2"	<=0.3	
216	3	FIXED	2' - 11 1/2"	3' - 11 1/2"	11' - 11 1/2"	<=0.3	
213	4	FIXED	4' - 11 1/2"	5' - 11 1/2"	8' - 0"	<=0.3	
214	5	FIXED	4' - 11 1/2"	3' - 11 1/2"	11' - 11 1/2"	<=0.3	
204	6	CASEMENT	2' - 11 1/2"	4' - 5 1/2"	6' - 11 1/4"	<=0.3	
217	6	CASEMENT	2' - 11 1/2"	4' - 5 1/2"	6' - 11 1/4"	<=0.3	
203	6	CASEMENT	2' - 11 1/2"	4' - 5 1/2"	6' - 11 1/4"	<=0.3	
201	6	CASEMENT	2' - 11 1/2"	4' - 5 1/2"	6' - 11 1/4"	<=0.3	
101	6	CASEMENT	2' - 11 1/2"	4' - 5 1/2"	11' - 6"	<=0.3	
202	6	CASEMENT	2' - 11 1/2"	4' - 5 1/2"	6' - 11 1/4"	<=0.3	
102	7	AWNING	4' - 11 1/2"	2' - 11 1/2"	8' - 0"	<=0.3	
103	7	AWNING	4' - 11 1/2"	2' - 11 1/2"	8' - 0"	<=0.3	
E104	8	CASEMENT	1' - 11 1/2"	4' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E103	8	CASEMENT	1' - 11 1/2"	4' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E202	8	CASEMENT	1' - 11 1/2"	4' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E201	8	CASEMENT	1' - 11 1/2"	4' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E102	8	CASEMENT	1' - 11 1/2"	4' - 5 1/2"	4' - 10"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E101	8	CASEMENT	1' - 11 1/2"	4' - 5 1/2"	4' - 10"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E105	9	CASEMENT	2' - 5 1/2"	4' - 11 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E115	10	CASEMENT	2' - 5 1/2"	3' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E114	10	CASEMENT	2' - 5 1/2"	3' - 5 1/2"	4' - 10"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E113	10	CASEMENT	2' - 5 1/2"	3' - 5 1/2"	4' - 10"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E111	10	CASEMENT	2' - 5 1/2"	3' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E112	10	CASEMENT	2' - 5 1/2"	3' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E106	10	CASEMENT	2' - 5 1/2"	3' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E107	10	CASEMENT	2' - 5 1/2"	3' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E108	11	CASEMENT	2' - 2 1/2"	2' - 11 1/2"	6' - 0"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E204	12	3648 CSMT	2' - 5 1/2"	2' - 11 1/2"	8' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E205	12	3648 CSMT	2' - 5 1/2"	2' - 11 1/2"	8' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E206	12	3648 CSMT	2' - 5 1/2"	2' - 11 1/2"	4' - 3"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E203	12	3648 CSMT	2' - 5 1/2"	2' - 11 1/2"	6' - 0"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E110	21	FIXED TRAP	3' - 0"	2' - 0"	9' - 0"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E109	22	FIXED TRAP	4' - 6"	3' - 8"	10' - 8"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE

TOTAL WINDOW COUNT: 41

WINDOW SCHEDULE

Mark	Type	Description	Width	Height	Head Height	U-FACTOR	Comments
205	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 0"	<=0.3	
207	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 0"	<=0.3	EGRESS
209	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 0"	<=0.3	EGRESS
211	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 0"	<=0.3	EGRESS
215	1	CASEMENT	2' - 11 1/2"	5' - 11 1/2"	8' - 0"	<=0.3	EGRESS
206	2	FIXED	2' - 11 1/2"	1' - 11 1/2"	9' - 11 1/2"	<=0.3	
208	2	FIXED	2' - 11 1/2"	1' - 11 1/2"	9' - 11 1/2"	<=0.3	
210	2	FIXED	2' - 11 1/2"	1' - 11 1/2"	9' - 11 1/2"	<=0.3	
212	3	FIXED	2' - 11 1/2"	3' - 11 1/2"	11' - 11 1/2"	<=0.3	
216	3	FIXED	2' - 11 1/2"	3' - 11 1/2"	11' - 11 1/2"	<=0.3	
213	4	FIXED	4' - 11 1/2"	5' - 11 1/2"	8' - 0"	<=0.3	
214	5	FIXED	4' - 11 1/2"	3' - 11 1/2"	11' - 11 1/2"	<=0.3	
101	6	CASEMENT	2' - 11 1/2"	4' - 5 1/2"	11' - 6"	<=0.3	
201	6	CASEMENT	2' - 11 1/2"	4' - 5 1/2"	6' - 11 1/4"	<=0.3	
202	6	CASEMENT	2' - 11 1/2"	4' - 5 1/2"	6' - 11 1/4"	<=0.3	
203	6	CASEMENT	2' - 11 1/2"	4' - 5 1/2"	6' - 11 1/4"	<=0.3	
204	6	CASEMENT	2' - 11 1/2"	4' - 5 1/2"	6' - 11 1/4"	<=0.3	
217	6	CASEMENT	2' - 11 1/2"	4' - 5 1/2"	6' - 11 1/4"	<=0.3	
102	7	AWNING	4' - 11 1/2"	2' - 11 1/2"	8' - 0"	<=0.3	
103	7	AWNING	4' - 11 1/2"	2' - 11 1/2"	8' - 0"	<=0.3	
E101	8	CASEMENT	1' - 11 1/2"	4' - 5 1/2"	4' - 10"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E102	8	CASEMENT	1' - 11 1/2"	4' - 5 1/2"	4' - 10"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E103	8	CASEMENT	1' - 11 1/2"	4' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E104	8	CASEMENT	1' - 11 1/2"	4' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E201	8	CASEMENT	1' - 11 1/2"	4' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E202	8	CASEMENT	1' - 11 1/2"	4' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E105	9	CASEMENT	2' - 5 1/2"	4' - 11 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E106	10	CASEMENT	2' - 5 1/2"	3' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E107	10	CASEMENT	2' - 5 1/2"	3' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E111	10	CASEMENT	2' - 5 1/2"	3' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E112	10	CASEMENT	2' - 5 1/2"	3' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E113	10	CASEMENT	2' - 5 1/2"	3' - 5 1/2"	4' - 10"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E114	10	CASEMENT	2' - 5 1/2"	3' - 5 1/2"	4' - 10"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E115	10	CASEMENT	2' - 5 1/2"	3' - 5 1/2"	6' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E108	11	CASEMENT	2' - 2 1/2"	2' - 11 1/2"	6' - 0"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E203	12	3648 CSMT	2' - 5 1/2"	2' - 11 1/2"	6' - 0"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E204	12	3648 CSMT	2' - 5 1/2"	2' - 11 1/2"	8' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E205	12	3648 CSMT	2' - 5 1/2"	2' - 11 1/2"	8' - 6"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E206	12	3648 CSMT	2' - 5 1/2"	2' - 11 1/2"	4' - 3"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E110	21	FIXED TRAP	3' - 0"	2' - 0"	9' - 0"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E109	22	FIXED TRAP	4' - 6"	3' - 8"	10' - 8"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE

TOTAL WINDOW COUNT: 41

EXTERIOR DOOR SCHEDULE

Mark	Type	Description	Width	Height	U-FACTOR	Comments
E1A	1	INSWING ENTRY FRENCH DOOR	3' - 1 7/16"	6' - 10"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E1B	2	SLIDING PATIO DOOR	5' - 11 1/2"	6' - 7 1/2"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
E1C	3	SLIDING PATIO DOOR	7' - 11 1/2"	6' - 7 1/2"	<=0.3	FIELD VERIFY EXISTING WINDOW & R.O. SIZE
1A	4	INSWING FLUSH PANEL DOOR	3' - 0"	7' - 0"	<=0.3	
1B	4	INSWING FLUSH PANEL DOOR	3' - 0"	7' - 0"	<=0.3	
1C	5	OVERHEAD GARAGE DOOR	18' - 0"	8' - 0"	<=0.3	

TOTAL EXTERIOR DOOR COUNT: 6

mpp design shop, inc.

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

Magistro-Locke Residence Addition

335 Pine Street
Minturn, CO 81645
Parcel Number: 2103-263-18-023
Booco's 2nd Addition to Minturn, Block 1, Lot 4

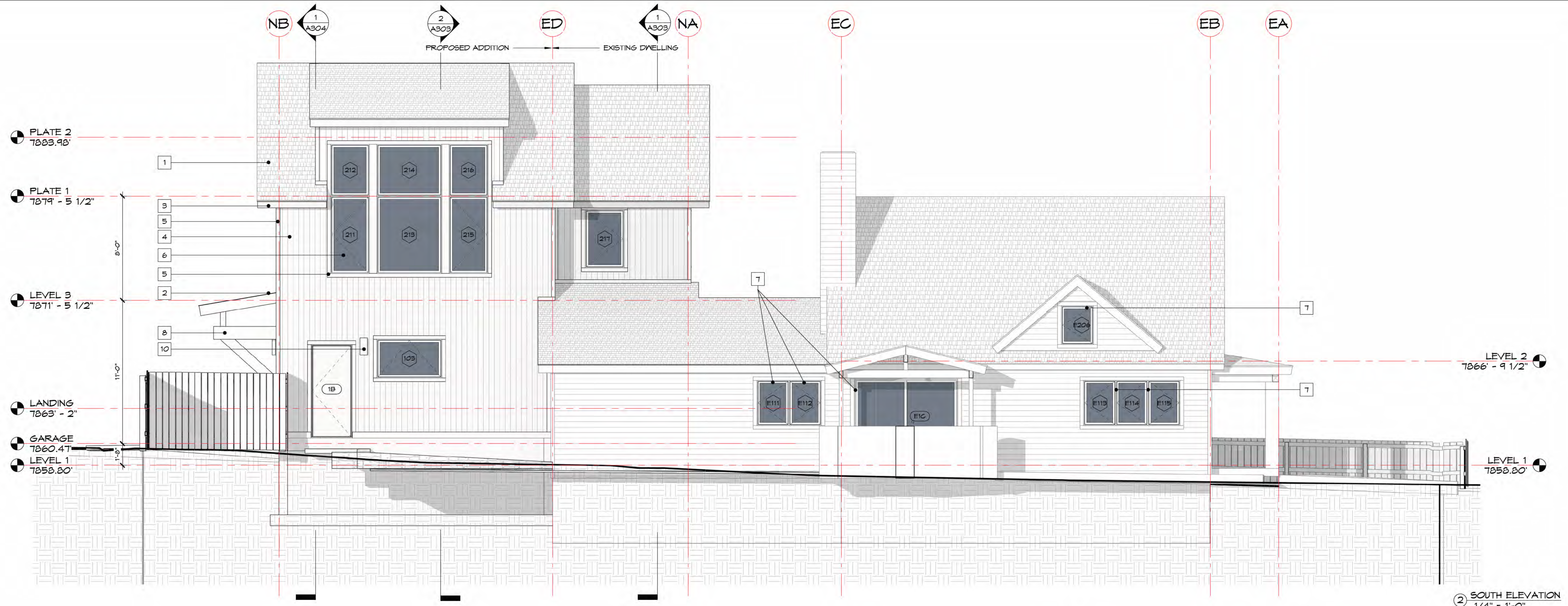
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#	Description	Date
1	DRB	05/01/23
2	DRB Re-sub	05/18/23
3	DRB Re-sub	05/28/23

Project Number: 2207
Designed by: mpp
Drawn by: mpp
Checked by: mpp

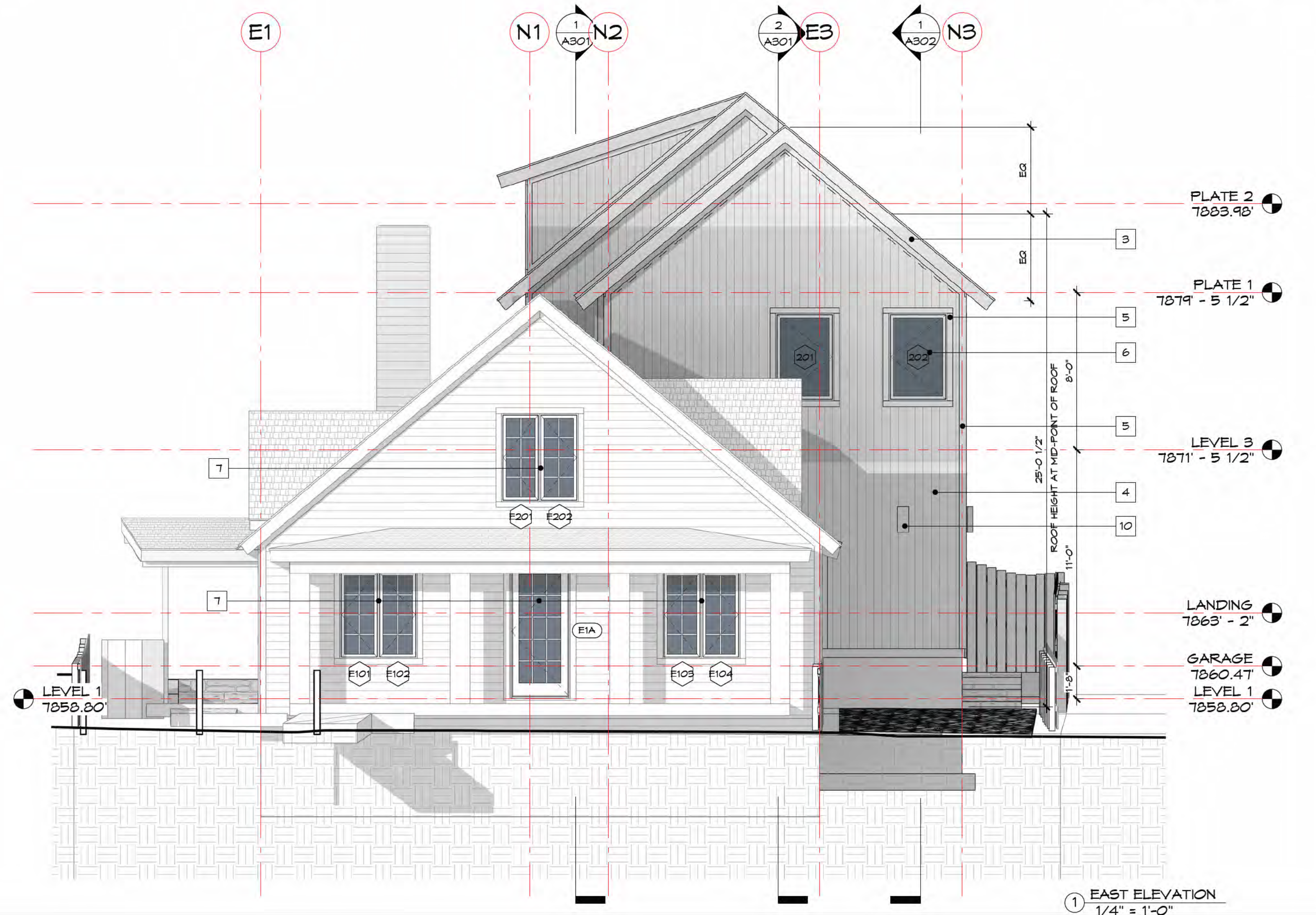
WINDOW & DOOR SCHEDULES

A002



2 SOUTH ELEVATION
1/4" = 1'-0"

EXTERIOR MATERIAL LEGEND						
Key	Material	Manufacturer	Model	Color	Finish	Notes
1	ASPHALT SHINGLES 1			GRAY	FACTORY PAINT	LIFE TIME WARRANTY
2	STANDING SEAM METAL ROOF			GRAY	FACTORY PAINT	
3	WOOD FASCIA			WHITE	PAINT	
4	VERTICAL WOOD SIDING W/ NICKEL GAP			WHITE	PAINT	
5	WOOD TRIM			WHITE	PAINT	
6	WINDOWS			BLACK	FACTORY PAINT	
7	NEW WINDOWS & DOORS AT EXISTING BUILDING			BLACK	FACTORY PAINT	
8	HEAVY TIMBER BEAMS			WHITE	PAINT	
9	OVERHEAD GARAGE DOOR			BLACK	FACTORY PAINT	
10	EXTERIOR WALL SCOECE	Alva	Brian, 15.5" HIGH, NO PANEL	MATTE BLACK	POWDER COAT	DARK SKY COMPLIANT





To: Mayor and Council
From: Jay Brunvand
Date: July 5, 2023
Agenda Item: New Application for a Hotel and Restaurant Liquor License

REQUEST:

Staff is requesting Council to review and approve the attached application for a new Hotel and Restaurant Liquor License for the MEATUNA llc, dba The Crazy Chicken at 455 Main St.

INTRODUCTION:

This establishment is taking over the BC Wings location. BC Wings previously held the same class liquor license which expired in March 2023. Because this application is for the same class license and due to the short time period between the two establishments, I did not require MEATUNA to prove the needs of the neighborhood with a petition. This application has been reviewed and meets the requirements for a new H&R license. The applicant, Kyle Fowler's background has been reviewed and his background does not include concerns that would prove poor moral turpitude or otherwise would preclude him from holding a liquor license.

Staff is recommending approval of the license application.

Council is asked to consider the application has an existing H&R License and this is the annual renewal.

ANALYSIS:

Not Applicable

COMMUNITY INPUT:

A formal Public Hearing is required as part of this process.

BUDGET / STAFF IMPACT:

The applicant has submitted the required fee of \$1,186.00.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #4 the Town will advance decisions/projects/initiatives that expand future opportunity and viability for Minturn. Both as an employer and a sales tax contributor these businesses each help further Minturn.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve the application for a new Hotel and Restaurant Liquor License for the MEATUNA llc, dba The Crazy Chicken at 455 Main St. as presented.

ATTACHMENTS:

- Application and supporting documentation for the application.

**TOWN OF MINTURN
LIQUOR LICENSING AUTHORITY**

Follow-up findings and report for application for a New Hotel and Restaurant Liquor License.

Owner Name and Address: MEAUNA LLC P.O. Box 2843 Vail, CO 81658

Establishment Name and Address: The Crazy Chicken, 455 Main St Minturn, CO 81645

TO THE ABOVE APPLICANT AND OTHER INTERESTED PARTIES;

Pursuant to Colorado Revised Statutes, 12-47-312(1), the applicant is hereby advised that with regard to the application for a Hotel Restaurant Liquor License, an investigation has been made, and based on the results thereof, the following has been determined:

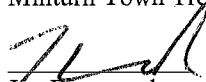
1. The Neighborhood for the application has been established by historical practice as the complete boundaries of the Town of Minturn and as such the approval of this establishment would not create an undue concentration of licensed establishments, thereby finding
 - This application meets the reasonable requirements of the neighborhood.
 - The previous use of this building has been that of a hotel and restaurant establishment, this is not a change of use.
 - The granting of this license does meet the desires of the adult inhabitants as evidence by the approved previous use, remonstrances, or otherwise or the lack thereof.
 - The application has been reviewed by the Planner and has been found:
 - i. To meet the needs of the Town of Minturn Zoning as reviewed. The Planner has confirmed that parking be provided of the scale of one parking space per six seats in the restaurant pursuant to MMC 16-16-30. Since this is a change of ownership the parking needs are met as outlined in the currently approved parking plan for the previous occupant.
 - ii. That selling liquor in the manner currently proposed in the application is not in violation of the zoning codes as stated in the Minturn Municipal Building Code – Chapter 16.
2. That the application was filed on May 31, 2023 in the Town Clerk/Treasurer's office and a public hearing has been scheduled for Wednesday July 5, 2023. In accordance with C.R.S. 12-47-311(1) the Town must hold the application for not less than 30 days; this hearing date represents 35 days. As of this writing I have received no concerns either written or verbal, pro or con.
3. The liquor license applied for is for that of a Hotel and Restaurant Liquor License as defined by the State of Colorado and that the type of Liquor License is appropriate for the needs and desires of the applicant.
4. That the Notice of Public Hearing on this matter was posted on the premises by the Town Treasurer on Friday, June 13, 2023 at least 10 days prior to the Public Hearing, and that the publication of the hearing was published in a newspaper of general circulation on June 19, 2023 at least 10 days prior to the Public Hearing.
5. That from the evidence submitted the applicant is leasing the premises where the proposed liquor license will be utilized from 5-76-99 Holdings LLC., and that 5-76-99 Holdings LLC of whom is the lawful owner of the premises. Further, the premise lease exceeds the term of the proposed license as required by Colorado State Law.
6. That pursuant to C.R.S. 12-47-313(1)(d) – Restrictions for applications for new license, the building where the applicant proposes to exercise the privilege of selling liquor at retail does not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.

7. That Minturn Police/ECSO has conducted a background investigation on Kyle Fowler, the owner and manager of Meatuna LLC, DBA The Crazy Chicken. During this investigation, Minturn Police/ECSO did not find any unresolved issues that would preclude obtaining a liquor license. Although, staff recommends approval by the Minturn Town Council it is recommended the following conditions to be placed on the license approval:

- It is recommended at a minimum the licensee/manager, and a server be server trained by an authority such as T.I.P.S and that a certified server be on duty at all times while alcoholic beverages are served.
- That the Liquor Authority emphasize the requirement of operating an orderly establishment.
- The public hearing on this application will be held on Wednesday, July 5, 2023 at 5:30pm in the Council Chambers of the Minturn Town Hall, 302 Pine St, Minturn, CO. At said hearing, the applicant shall have an opportunity to be heard regarding all matters related to this application, including all matters set forth herein.

The applicant is advised and encouraged to read a copy of the State of Colorado Liquor and Beer Codes and Regulations.

Local Liquor Licensing Authority
Minturn Town Treasurer


Jay Brunvand

Dated this 20th day of JUNE, 2023.

Colorado Liquor Retail License Application

New License
 New-Concurrent
 Transfer of Ownership
 State Property Only
 Master file

• All answers must be printed in black ink or typewritten
 • Applicant must check the appropriate box(es)
 • Applicant should obtain a copy of the Colorado Liquor and Beer Code: SBG.Colorado.gov/Liquor

1. Applicant is applying as a/an
 Individual
 Limited Liability Company
 Association or Other
 Corporation
 Partnership (includes Limited Liability and Husband and Wife Partnerships)

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation
Meatuna LLC
FEIN Number
[REDACTED]

2a. Trade Name of Establishment (DBA) State Sales Tax Number Business Telephone
The Crazy Chicken
[REDACTED]
9709881837

3. Address of Premises (specify exact location of premises, include suite/unit numbers)
455 Main St

City Minturn	County Eagle	State CO	ZIP Code 81645
----------------------------------------------------------	----------------------------------------------------------	------------------------------------------------------	------------------------------------------------------------

4. Mailing Address (Number and Street) PO Box 2843	City or Town Vail	State CO	ZIP Code 81658
------------------------------------------------------------------------------------------------	---------------------------------------------------------------	------------------------------------------------------	------------------------------------------------------------

5. Email Address
Kylefowler5@gmail.com

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date
-------------------------------------------	------------------------------	--------------------------	-------------------------

Section A Nonrefundable Application Fees*	Section B (Cont.) Liquor License Fees*
---------------------------------------------------------	------------------------------------------------------

<input type="checkbox"/> Application Fee for New License.....\$1,100.00	<input type="checkbox"/> Liquor-Licensed Drugstore (County)\$312.50
<input checked="" type="checkbox"/> Application Fee for New License w/Concurrent Review\$1,200.00	<input type="checkbox"/> Lodging & Entertainment - L&E (City)\$500.00
<input type="checkbox"/> Application Fee for Transfer\$1,100.00	<input type="checkbox"/> Lodging & Entertainment - L&E (County)\$500.00

Section B Liquor License Fees*	
----------------------------------------------	--

<input type="checkbox"/> Add Optional Premises to H & R.....\$100.00 X Total _____	<input checked="" type="checkbox"/> Manager Registration - H & R\$30.00
<input type="checkbox"/> Add Related Facility to Resort Complex \$75.00 X Total _____	<input type="checkbox"/> Manager Registration - Tavern\$30.00
<input type="checkbox"/> Add Sidewalk Service Area.....\$75.00	<input type="checkbox"/> Manager Registration - Lodging & Entertainment.....\$30.00
<input type="checkbox"/> Arts License (City)\$308.75	<input type="checkbox"/> Manager Registration - Campus Liquor Complex\$30.00
<input type="checkbox"/> Arts License (County)\$308.75	<input type="checkbox"/> Optional Premises License (City).....\$500.00
<input type="checkbox"/> Beer and Wine License (City).....\$351.25	<input type="checkbox"/> Optional Premises License (County).....\$500.00
<input type="checkbox"/> Beer and Wine License (County).....\$436.25	<input type="checkbox"/> Racetrack License (City).....\$500.00
<input type="checkbox"/> Brew Pub License (City)\$750.00	<input type="checkbox"/> Racetrack License (County).....\$500.00
<input type="checkbox"/> Brew Pub License (County).....\$750.00	<input type="checkbox"/> Resort Complex License (City).....\$500.00
<input type="checkbox"/> Campus Liquor Complex (City).....\$500.00	<input type="checkbox"/> Resort Complex License (County).....\$500.00
<input type="checkbox"/> Campus Liquor Complex (County).....\$600.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (City).....\$160.00
<input type="checkbox"/> Campus Liquor Complex (State).....\$500.00	<input type="checkbox"/> Related Facility - Campus Liquor Complex (County).....\$160.00
<input type="checkbox"/> Club License (City).....\$308.75	<input type="checkbox"/> Related Facility - Campus Liquor Complex (State).....\$160.00
<input type="checkbox"/> Club License (County).....\$308.75	<input type="checkbox"/> Retail Gaming Tavern License (City)\$500.00
<input type="checkbox"/> Distillery Pub License (City).....\$750.00	<input type="checkbox"/> Retail Gaming Tavern License (County).....\$500.00
<input type="checkbox"/> Distillery Pub License (County).....\$750.00	<input type="checkbox"/> Retail Liquor Store License-Additional (City).....\$227.50
<input checked="" type="checkbox"/> Hotel and Restaurant License (City).....\$500.00	<input type="checkbox"/> Retail Liquor Store License-Additional (County).....\$312.50
<input type="checkbox"/> Hotel and Restaurant License (County).....\$500.00	<input type="checkbox"/> Retail Liquor Store (City).....\$227.50
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City).....\$600.00	<input type="checkbox"/> Retail Liquor Store (County).....\$312.50
<input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County).....\$600.00	<input type="checkbox"/> Tavern License (City).....\$500.00
<input type="checkbox"/> Liquor-Licensed Drugstore (City).....\$227.50	<input type="checkbox"/> Tavern License (County).....\$500.00
	<input type="checkbox"/> Vintners Restaurant License (City)\$750.00
	<input type="checkbox"/> Vintners Restaurant License (County).....\$750.00

* Note that the Division will not accept cash

Questions? Visit: SBG.Colorado.gov/Liquor for more information

Do not write in this space - For Department of Revenue use only

Liability Information

License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$
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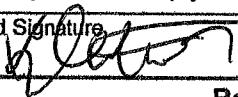
Application Documents Checklist and Worksheet

Instructions: This checklist should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable. **Questions? Visit: SBG.Colorado.gov/Liquor for more information**

Items submitted, please check all appropriate boxes completed or documents submitted	
I.	Applicant information <input checked="" type="checkbox"/> A. Applicant/Licensee identified <input checked="" type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input checked="" type="checkbox"/> C. License type or other transaction identified <input checked="" type="checkbox"/> D. Return originals to local authority (additional items may be required by the local licensing authority) <input checked="" type="checkbox"/> E. All sections of the application need to be completed <input type="checkbox"/> F. Master file applicants must include the Application for Master File form DR 8415 and applicable fees to this Retail License Application
II.	Diagram of the premises <input checked="" type="checkbox"/> A. No larger than 8½" X 11" <input checked="" type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input checked="" type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input checked="" type="checkbox"/> E. Bold/Outlined Licensed Premises
III.	Proof of property possession (One Year Needed) <input type="checkbox"/> A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk <input checked="" type="checkbox"/> B. Lease in the name of the applicant (or) (matching question #2) <input type="checkbox"/> C. Lease assignment in the name of the applicant with proper consent from the landlord and acceptance by the applicant <input type="checkbox"/> D. Other agreement if not deed or lease. (matching question #2)
IV.	Background information (DR 8404-I) and financial documents <input checked="" type="checkbox"/> A. Complete DR 8404-I for each principal (individuals with more than 10% ownership, officers, directors, partners, members) <input checked="" type="checkbox"/> B. Fingerprints taken and submitted to the appropriate Local Licensing Authority through an approved State Vendor. Master File applicants submit results to the State using code 25YQHT with Identogo. Do not complete fingerprint cards prior to submitting your application. The Vendors are as follows: Identogo – https://uenroll.identogo.com/ Phone: 844-539-5539 (toll-free) Colorado Fingerprinting – http://www.coloradofingerprinting.com Appointment Scheduling Website: http://www.coloradofingerprinting.com/cabs/ Phone: 720-292-2722 Toll Free: 833-224-2227 Details about the vendors and fingerprinting in Colorado can be found on CBI's website here: https://cbi.colorado.gov/sections/biometric-identification-and-records-unit/employment-and-background-checks <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license <input type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
V.	Sole proprietor/husband and wife partnership (if applicable) <input type="checkbox"/> A. Form DR 4679 <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
VI.	Corporate applicant information (if applicable) <input type="checkbox"/> A. Certificate of Incorporation <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation (out of state applicants only)
VII.	Partnership applicant information (if applicable) <input type="checkbox"/> A. Partnership Agreement (general or limited). <input type="checkbox"/> B. Certificate of Good Standing
VIII.	Limited Liability Company applicant information (if applicable) <input checked="" type="checkbox"/> A. Copy of articles of organization <input checked="" type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Copy of Operating Agreement (if applicable) <input type="checkbox"/> D. Certificate of Authority if foreign LLC (out of state applicants only)
IX.	Manager registration for Hotel and Restaurant, Tavern, Lodging & Entertainment, and Campus Liquor Complex licenses when included with this application <input checked="" type="checkbox"/> A. \$30.00 fee <input checked="" type="checkbox"/> B. If owner is managing, no fee required

Name Meatuna LLC		Type of License		Account Number	
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):					
a. Been denied an alcohol beverage license? <input type="checkbox"/> <input checked="" type="checkbox"/>					
b. Had an alcohol beverage license suspended or revoked? <input type="checkbox"/> <input checked="" type="checkbox"/>					
c. Had interest in another entity that had an alcohol beverage license suspended or revoked? <input type="checkbox"/> <input checked="" type="checkbox"/>					
If you answered yes to 8a, b or c, explain in detail on a separate sheet.					
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail. <input type="checkbox"/> <input checked="" type="checkbox"/>					
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? <input type="checkbox"/> <input checked="" type="checkbox"/>					
Waiver by local ordinance? <input type="checkbox"/> <input type="checkbox"/>					
Other: _____					
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. <input type="checkbox"/> <input type="checkbox"/>					
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. <input type="checkbox"/> <input type="checkbox"/>					
13. a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016? <input type="checkbox"/> <input type="checkbox"/>					
b. Are you a Colorado resident? <input checked="" type="checkbox"/> <input type="checkbox"/>					
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee. <input type="checkbox"/> <input checked="" type="checkbox"/>					
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement? <input checked="" type="checkbox"/> <input type="checkbox"/>					
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____					
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:					
Landlord Rich Wilcox; 5-76-99 Holdings LLC		Tenant Kyle Fowler; Meatuna LLC		Expires 08/31/2028	
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16. <input type="checkbox"/> <input checked="" type="checkbox"/>					
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8½" X 11".					
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.					
Last Name		First Name		Date of Birth	
				FEIN or SSN	
				Interest/Percentage	
Last Name		First Name		Date of Birth	
				FEIN or SSN	
				Interest/Percentage	
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.					
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: <input type="checkbox"/> <input checked="" type="checkbox"/>					
Has a local ordinance or resolution authorizing optional premises been adopted? <input type="checkbox"/> <input checked="" type="checkbox"/>					
Number of additional Optional Premise areas requested. (See license fee chart) _____					
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.					

Name Meatuna Lic	Type of License	Account Number		
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following: a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? <input type="checkbox"/> <input type="checkbox"/> If "yes" a copy of license must be attached.				
20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation Yes No a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? <input type="checkbox"/> <input type="checkbox"/> b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? <input type="checkbox"/> <input type="checkbox"/> c. How long has the club been incorporated? d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above? <input type="checkbox"/> <input type="checkbox"/>				
21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following: a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) <input type="checkbox"/> <input type="checkbox"/>				
22. Campus Liquor Complex applicants answer the following: a. Is the applicant an institution of higher education? <input type="checkbox"/> <input type="checkbox"/> b. Is the applicant a person who contracts with the institution of higher education to provide food services? <input type="checkbox"/> <input type="checkbox"/> If "yes" please provide a copy of the contract with the institution of higher education to provide food services.				
23. For all on-premises applicants. a. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application - DR 8000 and fingerprints.				
Last Name of Manager		First Name of Manager		
24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No <input type="checkbox"/> <input type="checkbox"/>				
25. Related Facility - Campus Liquor Complex applicants answer the following: <input type="checkbox"/> <input type="checkbox"/> a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex. b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager		First Name of Manager		
26. Tax Information. Yes No a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> <input checked="" type="checkbox"/> b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> <input checked="" type="checkbox"/>				
27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.				
Name Kyle Fowler	Home Address, City & State 1265 N Frontage Rd W 1104	DOB 04/23/1984	Position Owner	%Owned 100
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned

Name Meatuna LLC		Type of License	Account Number	
<p>** If applicant is owned 100% by a parent company, please list the designated principal officer on above.</p> <p>** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)</p> <p>** If total ownership percentage disclosed here does not total 100%, applicant must check this box:</p> <p><input checked="" type="checkbox"/> Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.</p>				
Oath Of Applicant				
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.				
Authorized Signature 		Printed Name and Title Kyle Fowler		Date 5/28/23
Report and Approval of Local Licensing Authority (City/County)				
Date application filed with local authority 5/31/2023		Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) TOWN OF MINTURN 7/5/2023		
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-1 (Individual History Record) or a DR 8000 (Manager Permit) has been:				
<input checked="" type="checkbox"/> Fingerprinted <input checked="" type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants				
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license (Check One)				
<input type="checkbox"/> Date of inspection or anticipated date _____ <input checked="" type="checkbox"/> Will conduct inspection upon approval of state licensing authority				
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000? Yes No <input type="checkbox"/> <input type="checkbox"/>				
<input type="checkbox"/> Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000? <input type="checkbox"/> <input type="checkbox"/>				
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.				
<input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period? <input type="checkbox"/> <input type="checkbox"/>				
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.				
Local Licensing Authority for TOWN OF MINTURN		Telephone Number 9708275645 Ext 1		<input checked="" type="checkbox"/> Town, City <input type="checkbox"/> County
Signature	Print	Title	Date	
Signature	Print	Title	Date	

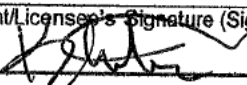
Tax Check Authorization, Waiver, and Request to Release Information

I, Kyle Fowler am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Kyle Fowler (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101, et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <p style="text-align: center;">Kyle Fowler</p>		Social Security Number/Tax Identification Number <p style="text-align: center;">[REDACTED]</p>	
Address <p style="text-align: center;">1265 N Frontage Rd W Unit 1104</p>			
City <p style="text-align: center;">Vail</p>		State <p style="text-align: center;">CO</p>	Zip <p style="text-align: center;">81657</p>
Home Phone Number <p style="text-align: center;">[REDACTED]</p>		Business/Work Phone Number	
Printed name of person signing on behalf of the Applicant/Licensee <p style="text-align: center;">Kyle Fowler</p>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed <p style="text-align: center;">5/28/23</p>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

Individual History Record

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant, Tavern and Lodging and Entertainment class of retail license

Notice: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". **Any deliberate misrepresentation or material omission may jeopardize the license application.** (Please attach a separate sheet if necessary to enable you to answer questions completely)

1. Name of Business Meatuna LLC; DBA The Crazy Chicken		Home Phone Number NA	Cellular Number [REDACTED]	
2. Your Full Name (last, first, middle) Fowler, Kyle Christopher		3. List any other names you have used NA		
4. Mailing address (if different from residence) PO Box 2843, Vail CO 81658		Email Address [REDACTED]		
5. List current residence address. Include any previous addresses within the last five years. (Attach separate sheet if necessary)				
Street and Number		City, State, Zip		From
To				
Current	1265 N Frontage Rd West, Unit 1104	Vail, CO 81657	10/16	Current
Previous	NA	NA	NA	NA
6. List all employment within the last five years. Include any self-employment. (Attach separate sheet if necessary)				
Name of Employer or Business		Address (Street, Number, City, State, Zip)		Position Held
From		To		
Golden Aspen Leaf		455 Main St, Minturn, CO 81645		Bartender/ Mgr
5/17		1/23		
NA		NA		NA
NA		NA		NA
NA		NA		NA
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
Name of Relative		Relationship to You		Position Held
Name of Licensee				
NA		NA		NA
NA		NA		NA
NA		NA		NA
NA		NA		NA
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? (If yes, answer in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? (If yes, explain in detail.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.) Yes No
 No charges pending. See attached document.

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (If yes, explain in detail.) Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.) Yes No

Personal and Financial Information

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth [Redacted] b. Social Security Number [Redacted] c. Place of Birth Kansas City, MO d. U.S. Citizen Yes No

e. If Naturalized, state where NA f. When NA g. Name of District Court NA

h. Naturalization Certificate Number NA i. Date of Certification NA j. If an Alien, Give Alien's Registration Card Number NA k. Permanent Residence Card Number NA

l. Height 6' m. Weight 170 n. Hair Color Brown o. Eye Color Brown p. Gender Male q. Do you have a current Driver's License/ID? If so, give number and state. Yes No # [Redacted] State CO

14. Financial Information.

a. Total purchase price or investment being made by the applying entity, corporation, partnership, limited liability company, other. \$ 20,000

b. List the total amount of the personal investment, made by the person listed on question #2, in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid. \$ 20,000

* If corporate investment only please skip to and complete section (d)
 ** Section b should reflect the total of sections c and e

c. Provide details of the personal investment described in 14b. You must account for all of the sources of this investment. (Attach a separate sheet if needed)

Type: Cash, Services or Equipment	Account Type	Bank Name	Amount
Cash	Checking	US Bank	\$10,000
Cash	Credit Card	Discover	\$10,000

d. Provide details of the corporate investment described in 14 (a). You must account for all of the sources of this investment. (Attach a separate sheet if needed)

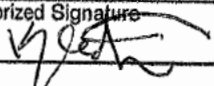
Type: Cash, Services or Equipment	Loans	Account Type	Bank Name	Amount
NA	NA	NA	NA	NA
NA	NA	NA	NA	NA
NA	NA	NA	NA	NA

e. Loan Information (Attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
NA	NA	NA	NA	NA
NA	NA	NA	NA	NA
NA	NA	NA	NA	NA
NA	NA	NA	NA	NA

Oath of Applicant

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge.

Authorized Signature  Print Signature Kyle Fowler Title Owner Operator Date 5/28/23



To: Minturn Town Council
From: Michelle Metteer
Date: July 5, 2023
RE: Town Manager Update

Minturn Water Tank #2 Decommission Prep

I am currently working with engineers to understand the most effective process of decommissioning Minturn's steel bolted water tank. I anticipate getting a new service line up to the Medina property this summer in coordination with a driveway project in the same area. Once a new service line is installed, we can take the old tank offline. Our goal is to eventually rehabilitate the steel bolted tank and reuse it in the future.

Bolts Ditch Headgate Site Visit

Last week I provided a site tour of the Bolts Ditch headgate to ERWSD representatives. ERWSD currently has legislation in Congress for approval of their independent use of the headgate. For questions, please review the [Minturn/ERWSD IGA](#) approved by the town council in March of 2022.

Water Treatment Plant Analysis Update

I am working with a bevy of consultants toward understanding all options available for a new water treatment system. In addition to researching the viability of a package plant, a membrane plant and rehabilitation of the slow sand filters, the team is now conducting research into understanding the option of expanding Minturn's current wells on Cross Creek. Investigating wells is a slow process and I do not expect to have answers immediately.

Coinciding with the WTP alternative analysis delay is the compromise of Minturn's \$3M in Congressionally Directed spending. These funds were slated to be spent in 2023 but with the investigation of the wells option, these funds will not be spent in their designated fiscal year approved. I will be seeking to understand from our congressional representatives if Minturn can use this money in future years or if the town will have to forfeit these grant dollars.

Speed Bump Installations

Complaints continue regarding speeding on residential roads (and on HWY 24). Unfortunately, some residents won't just follow the speed limit – which would solve the problem, so the town has purchased additional speed bumps for four more locations in town. Pine Street receives the most complaints followed by Boulder St and Railroad Ave leading up to Taylor.

CDOT Flashing Speed Sign Permit Application

Residents (and visitors) are speeding entering and exiting the north Minturn part of town. A resident was cited for going 53 mph in a 25mph zone just last week. Staff is working on permitting for a flashing speed sign at the entry of town, but in the meantime, we ask residents (and visitors) to please slow down. Please note, MANY of the speeding violations throughout town are due to LOCAL RESIDENTS.

Sidewalk Repairs – Main Street

The sidewalk on the east side of Main Street from the north end of 472 Main Street to the south end of 474 Main Street is being removed and replaced. Work is currently underway and for safety purposes we ask pedestrians to use the west Main Street sidewalk.



Water Rates

I am currently preparing the next edition of the Special Newsletter covering water issues. The next edition will explain how water rates are determined. As we have all seen, when water rates are held too low for too long, problems result. Capital projects are delayed, and repair/replacement costs increase. Minturn is now in what has surmounted as the perfect storm whereby rates were held too low for decades, capital projects were delayed far too long, and now the system is breaking down without sufficient funds in the bank to cover the costs.

Minturn Water Tank #3 (New concrete tank)

The new concrete tank is about ready to be brought online. Finishing work is being conducted now and the paint color, alpine, chosen by the council last year is done. Final touches will include having the excavation company return to complete grading and road work to finished standards.



Dowd Junction to Minturn ECO Trail Connection

The NEPA process for the Minturn to Dowd Junction ECO Trail connection concluded on June 16th with a signed approval by the USFS. Construction is expected to commence shortly.

Connect Minturn Recreation Plan



Trail History

- Minturn's support of trails and recreation for its community

VVMTA Completed Projects:

- Mini Mile: 2018
- Everkrisp: 2019
- Minturn Bike Park: 2020
- Cougar Ridge: 2015-2020
- Game Creek: 2021
- Half Nelson: 2022
- Meadow Mountain: 2022
- Full Nelson: 2023



Community's Recreation Values

2022 Community Survey:

“A sense of community and recreational amenities and programs at two of the top five attributes of the Minturn Community.”

“When asked why they choose to live in Minturn, the top two answers by far were quality of life and recreational activities.”

Residents strongly supported, “expanding recreation amenities (parks and trails) more generally,” and “other than improvements to water infrastructure, recreation-related projects were top priorities for survey respondents.”



By The Numbers

- Trail Counters owned and managed by the VVMTA



Meadow Mountain: **53,027**

Jan - Dec 2022



Grouse: **39,975**

Jan - Dec 2022



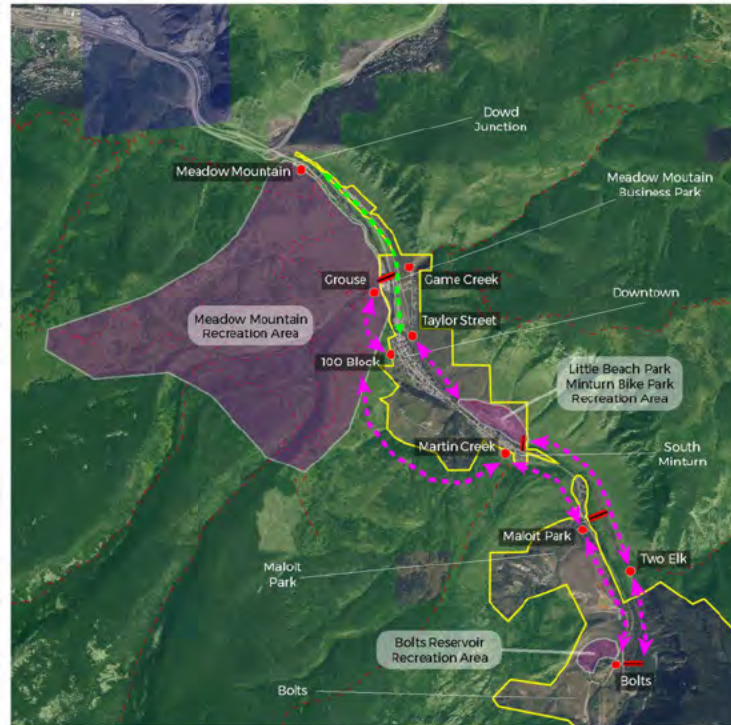
Minturn Bike Park **27,433**

Jan - Dec 2022

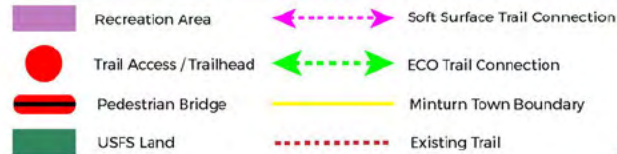
Connect Minturn Recreation Plan

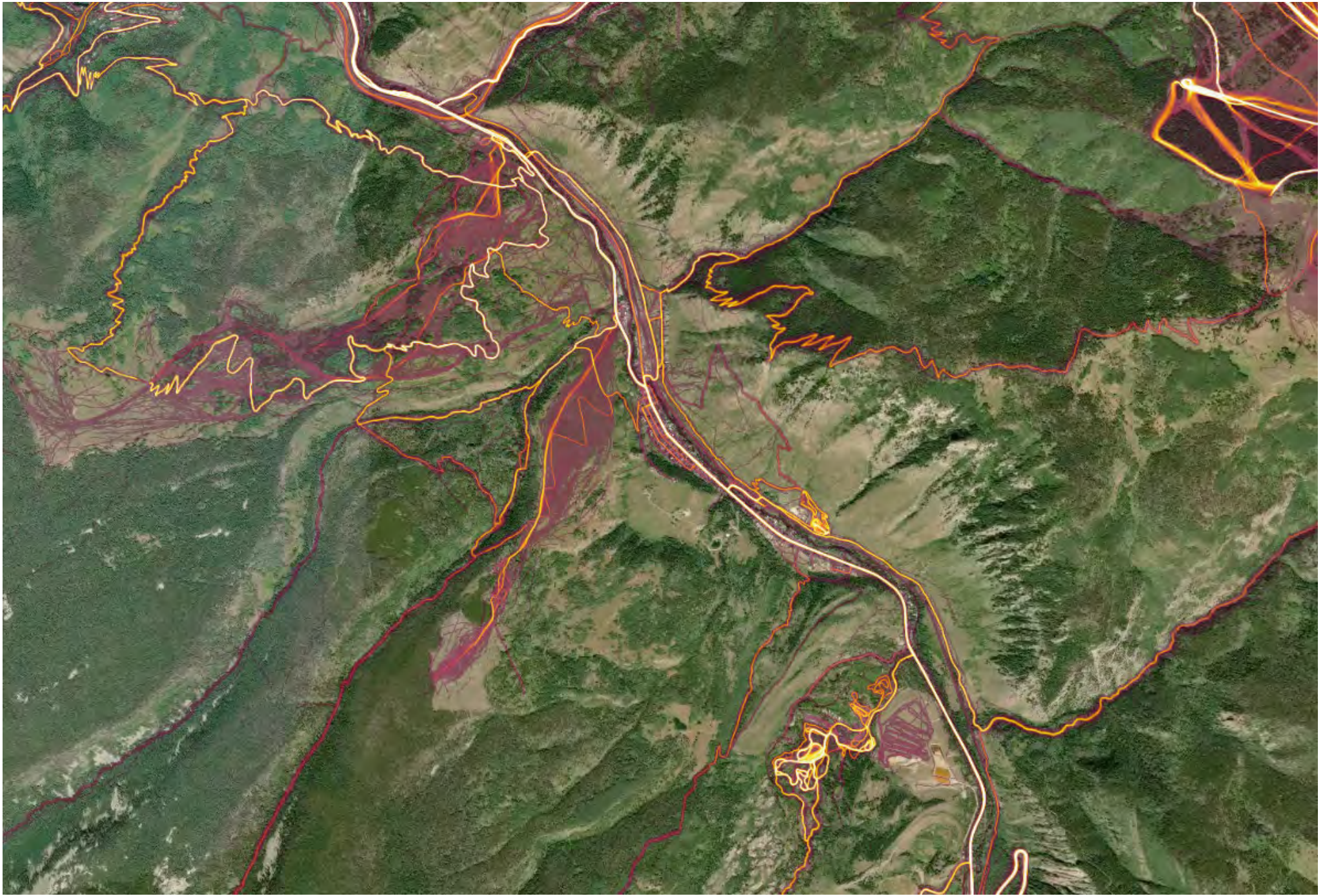
Overview

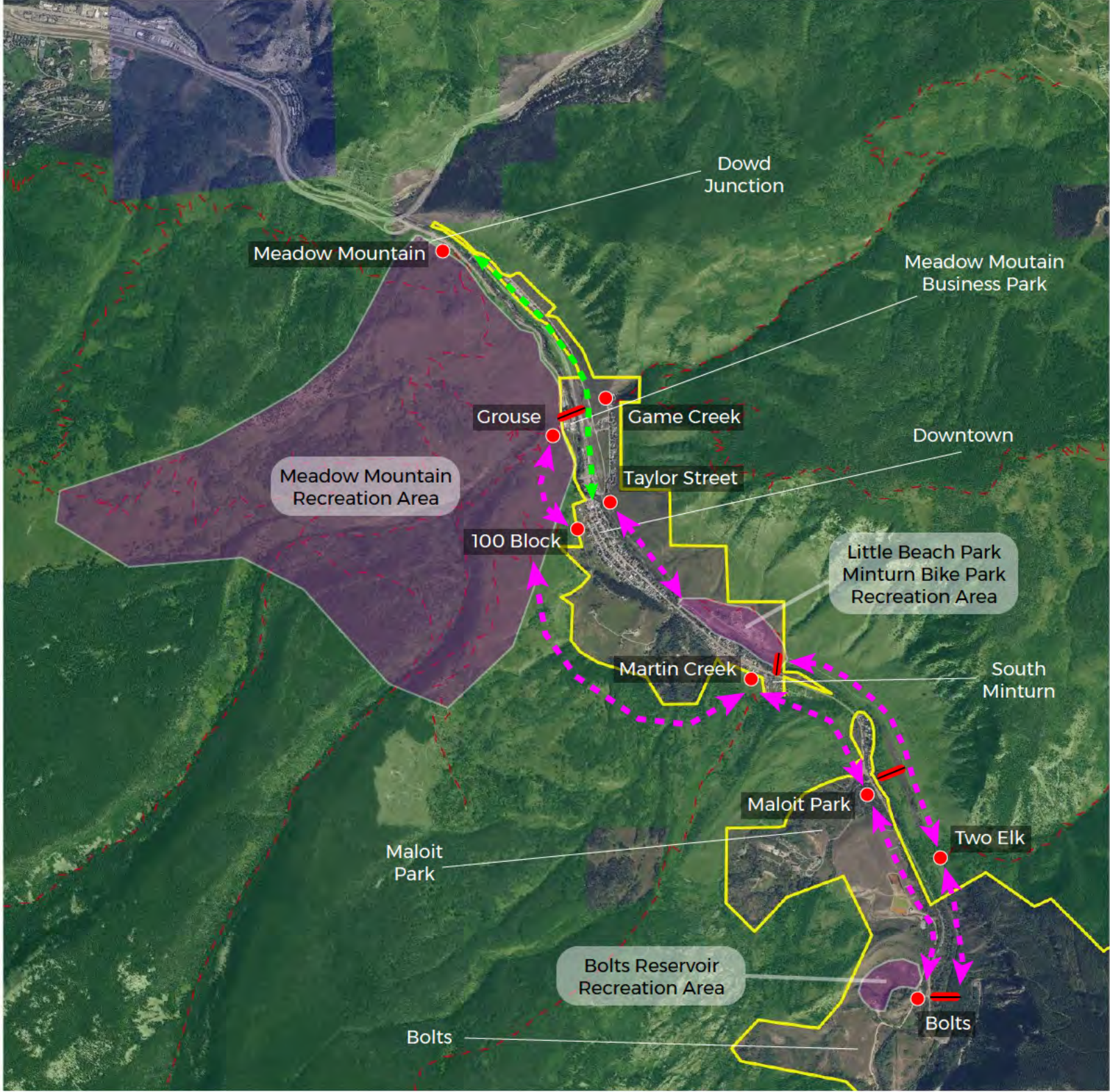
- Soft Surface Trails vs. Sidewalks/Paved Paths
- Minturn Ring Route Concept
- Embrace & Enhance Recreation Areas
 - Meadow Mountain
 - Grouse
 - Little Beach Park Recreation Area Plan
 - Bolt's Lake/Maloit Park











CONNECT MINTURN RECREATION PLAN







CONNECT MINTURN RECREATION PLAN

- | | | | |
|------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------|-------------------------------|
|  | Recreation Area |  | Soft Surface Trail Connection |
|  | Trail Access / Trailhead |  | ECO Trail Connection |
|  | Pedestrian Bridge |  | Minturn Town Boundary |
|  | USFS Land |  | Existing Trail |



- Prioritize projects and scope
- Community feedback
- Meet with the Forest Service
- Feedback from the CPW
- Begin site visits and planning
- Submit project proposal to the Forest Service for Environmental Review



To: Mayor and Council
From: Madison Harris, Planner I
Date: June 16, 2023
Agenda Item: Ordinance 08 - Series 2023 Amending Article 4, Chapter 17 of the MMC

REQUEST:

Review and approve Ordinance 08- Series 2023 on first reading amending Article 4, Chapter 17 administrative replat regulations of the Minturn Municipal Code.

INTRODUCTION:

Staff is proposing a text amendment to Chapter 17, Article 4, Administrative Replat Procedures. This section of code allows the Planning Director to administratively approve minor replats such as lot line adjustments and vacations for up to 4 lots when the total number of lots does not increase.

ANALYSIS:

The Planning Commission reviewed this ordinance at their regular meeting of June 14, 2023. There was one correction requested within the intent paragraph, but the Planning Commission forwarded a recommendation of approval to the Town Council. That correction has been made within the ordinance that is before the Council for review.

COMMUNITY INPUT:

No member of the public spoke at the June 14, 2023 Planning Commission meeting. The ordinance was noticed according to Sec. 16-21-610 and within the Town’s posting boxes.

BUDGET / STAFF IMPACT:

TBD.

STRATEGIC PLAN ALIGNMENT:

The comprehensive review and updating of the Town’s land use and subdivision regulations and processes 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 destination recreation location as a valley-wide benefit and **competitive advantage.**

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve Ordinance 08 - Series 2023 amending Article 4, Chapter 17 Administrative Replat Regulations of the Minturn Municipal Code.

ATTACHMENTS:

- Karp Neu Hanlon Memo
- Ordinance 08 - Series 2023

Glenwood Springs – Main Office

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

Aspen

323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose

1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

[*Direct Mail to Glenwood Springs](#)

DATE: June 9, 2023
TO: Minturn Planning Commission
FROM: Karp Neu Hanlon, P.C.
RE: Administrative Replat Procedures

Staff is proposing a text amendment to Chapter 17, Article 4, Administrative Replat Procedures. This section of code allows the Planning Director to administratively approve minor replats such as lot line adjustments and vacations for up to 4 lots when the total number of lots does not increase. However, the existing language at Sec. 17-4-10 requiring the replat to be “within the boundaries of one (1) subdivision” has proven problematic and serves no real policy purpose in the dense layout of Minturn where subdivisions are indistinguishable and most public infrastructure has already been built out. Instead, many owners wishing to make simple lot line adjustments and vacations have been required to bring Amended Final Plats through Planning Commission and Town Council. We are proposing to remove the requirement that the land all be within a single subdivision and allow for a streamlined process, as most municipalities do, for these types of minor adjustments. The Planning Department will ensure that adequate public infrastructure is in place or required as part of a development, and ensure compliance with existing zoning and engineering standards, as it currently does for administrative replats within a single subdivision. Existing call-up and referral procedures will also continue to allow Planning Commission and Town Council the opportunity to review these if desired.

Staff also reviewed the rest of Article 4 and made some tweaks throughout the match the code’s other standards, procedures, and general practices that have not been updated since this was adopted. The existence of plat standards within this article is somewhat odd, and we will be working soon on a consolidated plat standards article in chapter 17 where this will live with revised standards.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 8 – SERIES 2023**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING ARTICLE 4, CHAPTER 17
ADMINISTRATIVE REPLAT REGULATIONS OF THE
MINTURN MUNICIPAL CODE.**

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

WHEREAS, the Planning Director has initiated and proposed the text amendment to Minturn Municipal Code Chapter 17, the Town Subdivision Regulations, Article 4, Administrative Replat Procedure as provided herein; and

WHEREAS, on June 14, 2023 the Minturn Planning Commission recommended approval of this ordinance; and

WHEREAS, the Minturn Planning Commission and Town Council have determined that the text amendments to the Subdivision Regulations Chapter 16 as provided herein are necessary and proper.

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

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

SECTION 2. Article 4, Chapter 17 of the Minturn Municipal Code is hereby amended read as set forth in Exhibit A to this Ordinance, with additions shown in double underlined text and ~~striketrough language~~ is deleted. Sections of Chapter 17 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 21st DAY OF JUNE 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 5th DAY OF JULY 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO



Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 5th DAY OF JULY 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

ARTICLE 4 Administrative Replat Procedure

Sec. 17-4-10. Intent.

These procedures are to provide an abbreviated process for replat applications that demonstrate compliance with the criteria contained herein. The administrative replat process is intended to be accomplished within a period of thirty (30) business days. This time frame may vary depending upon the circumstances of each individual case. A final development plan, and/or subdivision development plan or administrative site plan shall be completed for each site prior to building permits being issued when applicable. ~~The administrative replat shall include one (1) contiguous parcel of land within the boundaries of one (1) subdivision. Right of way cannot be included within the boundaries of an administrative replat. Parcels separated by right of way cannot be replatted administratively.~~

Sec. 17-4-20. Prerequisite.

The criteria for the Planning Director in making the administrative designation shall include, but not be limited to, the following:

- (1) An overall final drainage report, ~~and street construction, and other site infrastructure~~ plans have been approved for the final plat governing the administrative replat proposal and a subdivision improvement agreement is in place to guarantee all required public improvements. For subdivisions or lots created prior to Town regulations requiring drainage reports, street construction, and subdivision improvement agreements, the Applicant will provide to the Town evidence that: (a) all public streets and sidewalks required to serve the lots have been constructed, the administrative replat will not impact existing drainage conditions, and the lots that are subject to the administrative replat are served with utilities that would be otherwise be covered by a subdivision improvement agreement (such as water, wastewater, electric, gas, telephone, etc).
- (2) No additional right-of-way dedications, public improvements, traffic studies, drainage studies or subdivision improvement agreements are required.
- (3) ~~The perimeter boundaries of the administrative replat coincide with existing lot lines. The perimeter boundary of the existing subdivision is not affected. No more than four~~ (4) platted lots are included in the application.
- (4) If the property that is subject to the administrative replat is located within a Planned Unit Development, the application does not include any property located outside of the Planned Unit Development boundaries.
- (5) Town Right-of-way cannot be included within the boundaries of an administrative replat or modified by an administrative replat. Parcels separated by right-of-way cannot be replatted administratively.

Sec. 17-4-30. Administrative process determination.

- ~~(a) The applicant shall submit all required presubmittal materials, in accordance with Planning Department requirements, along with a justification letter that details how the proposed administrative replat meets the applicable criteria contained herein.~~
- ~~(b) Upon the Planning Department's acceptance of the presubmittal materials, the applicant will be scheduled for and must attend a presubmittal conference with the Town Planner and Town Engineer to discuss the merits of the proposed administrative replat. During the presubmittal meeting, the Town Planner and Town Engineer will make an initial determination as to the proposal's eligibility to be processed administratively.~~
- (a) Prior to submitting an application pursuant to this Article 17.4, the Applicant shall comply with the preapplication requirement in Section 16-21-140.
- ~~(b)~~ (e) At the next regularly scheduled staff meeting following the ~~presubmittal~~ preapplication meeting, the proposal will be presented to the Planning Director for final determination as to whether the proposal can be processed administratively. The applicant will be notified by the case planner of the determination to approve or deny the request for administrative processing as soon as practical.
- ~~(c)~~ (d) The Planning ~~Director~~Division Manager reserves the right to refer any request for an administrative replat to the Town Council for consideration at a regular meeting of the Town Council. ~~The Planning Division will notify the applicant if the Planning Division Manager determines that Town Council review is desired.~~
- ~~(d)~~ (e) If the Planning ~~Director~~Division Manager denies a request for administrative replat process, the applicant can appeal the decision to the Town Council, within ten (10) working days of the Planning ~~Director's~~Division Manager's decision, by filing a letter of appeal with the Planning Department. The Planning Director will notify the Town Council upon receipt of the letter of appeal, and the matter will be scheduled within (30) thirty days for final Town Council determination. The applicant will be notified by the Planning Department of the date the Town Council will consider the appeal and the requirement to provide justification on his or her behalf.
- ~~(e)~~ (f) Upon a determination that the application can be processed administratively, the applicant must submit the formal application within ninety (90) working~~sixty (60)~~ days of the Planning Director's determination that an administrative replat is allowed. Failure to submit the application within the ninety (90)~~sixty (60)~~ working days of the Planning Division Manager's determination, in writing, will render the decision voidable.
- ~~(f)~~ (g) The Planning Director, at the Planning ~~Director's~~Division Manager's discretion, may waive the ~~presubmittal~~ preapplication conference. If a waiver is granted, the Planning Director will issue a letter of confirmation.

Sec. 17-4-40. Approval criteria for administrative replat.

~~The Town Council shall consider the following criteria for~~ shall govern approval of an administrative replat:

- (1) Whether the administrative replat is consistent with the efficient development and preservation of the entire final plat.
- (2) Whether the administrative replat will adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest.
- (3) A lot line vacation when there is no increase in the number of lots in the original plat; i.e., the combination of two (2) or more lots into one (1) lot up to a maximum of four (4) lots.
- (4) An adjustment of lot lines ~~for impacting~~ a maximum of four (4) existing lots ~~(e.g., four [4] lots into two [2] lots)~~, in which the original subdivision or Town layout is not substantially modified and additional lots are not created.
- (5) Use of the administrative replat procedures is compatible with the site's existing planned unit development, when applicable, as well as the Town's community plan.
- (6) Approval is in keeping with the spirit and intent of the subdivision regulations and will not weaken the purposes of those regulations.
- (7) Approval will not adversely affect public health, safety and welfare.
- ~~(8) The subdivision of lots within an approved final plat for property located within an approved master development plan or PUD.~~
- (8) Whether the administrative replat will cause a greater non-conformity with zoning standards than may presently exist.
- (9) The administrative replat will not reduce the overall amount of open space within a neighborhood or a planned unit development.

Sec. 17-4-50. Formal submittal process.

- (a) Upon receipt of all required information, the Planning Department shall review the formal submittal within five (5) business days to determine if it is consistent with the standards set forth in these regulations.
- (b) Staff will refer the application to the Town Engineer and Town Surveyor. If the application has not adequately addressed ~~at~~ other outside referral agencies through submittal letters of approval at Paragraph 17-4-60(10) below, staff will notify those agencies with a fourteen-day referral period. This referral process may extend the thirty-day review period.
- (c) The applicant will be notified of any outstanding issues upon completion of this internal review.
- (d) The applicant shall submit a final Mylar for signature ~~by the Town Council~~ following completion of all outstanding issues raised by the referral process and staff's determination that the administrative replat complies with all specified plat content requirements per Section 17-4-70 herein.

- (e) The final Mylar shall be an original drawing in black ink on twenty-four-by-thirty-six-inch single/double matte Mylar or photographic blackline positive Mylar of the same, or equivalent.
- ~~(f) Prior to recordation of the replat, the applicant must submit all required documentation, recordation fees and a certificate of taxes paid, along with the approved administrative replat in accordance with the Town Council approval.~~
- (g) The applicant shall provide evidence through a current title insurance policy or commitment, no more than thirty (30) days old from the date the Mylar is submitted, that the signature of the owner on the Mylar is the owner of the property.
- ~~(h) No plat shall be recorded on the replatting of real property unless all delinquent taxes and special assessments thereon have been paid and unless such property is classified in the appropriate zoning district as defined in Chapter 16 of this Code.~~
- (i) Upon acceptance of the final Mylar by the Planning Director, the administrative replat will be signed by the Mayor and attested by the Town Clerk.
- (j) Within thirty (30) days receipt of the Mylar, the applicant shall record the administrative replat with the office of the County Clerk and Recorder.

Sec. 17-4-60. Formal submittal requirements.

The following are requirements for formal submittal:

- (1) Land use application (the application is available in the Planning ~~Division~~Department office).
- (2) Application fee (fee schedule is available in the Planning Division office).
- (3) A letter of intent that explains, justifies and validates the request, ~~stating all facts relied upon and providing documentation where possible~~ addressing each of the criteria contained in Sections 17-4-20 and 17-4-50.
- (4) Proof of ownership, which includes an updated or current title insurance policy or title commitment no more than ninety (90) days old.
- (5) A notarized letter of authorization from the landowner permitting a representative to process the application with a disclaimer that no other party's consent is required.
- (6) An administrative replat exhibit, per Section 17-4-70 below. The format for all plats shall be in upper-case sans serif. Font size shall be readable when reduced to an eleven-by-seventeen-inch size. No plats shall include copyright restrictions.
- ~~(7) Certificate of taxes paid.~~
- (8) One (1) set of traverse closure computations corresponding to the administrative plat.
- (9) One (1) set of monument records if applicable.
- ~~(10) Letters from any referral agencies stating their recommendation regarding the replat and any existing facility they have over or across the land, including:~~

- a. ~~All special districts providing maintenance of infrastructure within or adjacent to the property.~~
 - b. ~~All known easement beneficiaries and/or utility providers.~~
 - c. ~~All landowners abutting the property.~~
- (11) Any easements or roadway vacations associated with an administrative replat must be processed separately.
- (12) ~~A submittal requirements matrix is available in the Planning office Department listing the complete list of submittal items and the proper number of copies. There may be other submittal requirements based on an engineering review.~~

Sec. 17-4-70. Plat exhibit.

The administrative replat exhibit shall be an original drawing in black ink on twenty-four-by-thirty-six-inch single/double matte Mylar or photographic blackline positive Mylar of the same, or equivalent, and shall contain the following information:

- (1) The title of the subdivision, as dedicated, shall be located at the top of each sheet. On each sheet, in smaller lettering, the second line of the title block shall read "A REPLAT OF _____," followed by the legal description of the lots and blocks included within the administrative replat. On each sheet, the next line of the title block shall indicate the quarter section, section, township, range and 6th Principal Meridian in which the administrative replat is located. The name of the County and the State shall be included on the last line of the subtitle.
- (2) Each sheet of the administrative replat shall show the date of the survey, north arrow, sheet number and the written and graphic scale. The drawing date and any revision dates shall be shown on the cover sheet. On the bottom left-hand corner of each page, the Case No. XX-XXX shall be added. The minimum scale of the drawing shall be one (1) inch to one hundred (100) feet. Acceptable larger scales are one (1) inch to twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet and sixty (60) feet.
- (3) Vicinity map (scale of 1" = 2000' preferred) showing the administrative replat in relation to section lines and existing or proposed streets within one (1) mile.
- (4) An accurate and complete monumented land survey pursuant to Section 38-51-102(13), C.R.S., shall be made of the land to be included in the administrative replat. A traverse of the boundary when computed from field measurements on the ground must have a minimum unadjusted ratio of closure of one (1) part in fifteen thousand (15,000).
- (5) The monumented land survey shall be an accurate reflection of the legal description. The legal description shall be in the following format:

"A parcel of land in the ¼ Section __, Township __ South, Range __ West of the Sixth Principal Meridian, County of Eagle, State of Colorado, more particularly described as follows:

"(Include the Lots, Block, if any, and name of the subdivision as dedicated. The area of the subdivision to the nearest one-hundredth (.01) of an acre, more or less, shall be included.)"

- (6) ~~If the subdivision of which the replat is a part was recorded prior to July 1, 1975, t~~The legal description must include a metes-and-bounds legal description.
- (7) One (1) corner of the replat shall be tied (distance and bearing) to two (2) adjacent section or quarter section corners of the Public Land Survey System. The monuments found/set at the section or quarter-section corners must be described on the plat.
- (8) The surveyor shall rehabilitate or upgrade any section or quarter-section corners used to control the survey of the subdivision as required by the Rules of Procedure promulgated by the State Board of Registration for Professional Engineers and Professional Land Surveyors.
- (9) This Section is not applicable if the subdivision of which the replat is a part was tied (distance and bearing) to two (2) adjacent section or quarter-section corners of the Public Land Survey System.
- (10) A note indicating the line being referenced and the existing monuments that define the referenced line shall be included on the replat. If the subdivision of which the replat is a part uses bearings, the surveyor may use the same basis of bearings for the replat.
- (11) If the original basis of bearings is not used or the original subdivision did not use bearings, the surveyor must establish a basis of bearing in accordance with Article 6 of this Chapter.
- (12) The administrative replat shall be monumented pursuant to Subsections (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10) of Section 38-51-105, C.R.S.
- (13) Where applicable, the monuments set by the surveyor on the boundary of the subdivision shall be thirty (30) inches long, solid steel pins, one-half ($\frac{1}{2}$) inch to three-fourths ($\frac{3}{4}$) inch in diameter, set in a concrete collar at least six (6) inches in diameter and twelve (12) inches in depth.
- (14) Offsets, which are to be set on the extension of any lot line, shall be noted on the plat at the time of recording and shall comply with Section 38-51-105, C.R.S. This note shall specify the standard offset distance and any nonstandard distances. An example of a note is as follows:
 - a. All offset notes are one-inch metal disks embedded in concrete sidewalks set on the lot line extended, five (5) feet from the platted lot corner along all streets except as follows: Nonstandard offsets for lot lines between:
 1. Lots 1 and 2, Block 1, is 5.87 feet.
 2. Lots 3 and 4, Block 1, is 6.03 feet.
 - b. If no offset monuments are to be set in conjunction with the administrative replat, the following note shall be included on the plat:

Note: No offset monuments are to be set in conjunction with this administrative replat.

- (15) A Colorado land survey monument record for each section or quarter-section corner that the subdivision is tied to or controlled from must be prepared and sealed at the time the plat is submitted to the Planning Department.
- (16) Each monument record shall describe both the supporting and contradicting evidenced, as well as the monument found and accepted, established, restored or rehabilitated, and at least three (3) accessory or reference points. If the latest monument records on file meet the above-described criteria and the reference points are still existing, the surveyor only needs to submit copies of the latest monument records with the plat.
- (17) The following note shall be placed on the administrative replat exhibit:

Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a Class 2 misdemeanor pursuant to Section 18-4-508, C.R.S.
- (18) The plat shall show complete survey and mathematical information, including curve data, and other data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines. Distances and bearings shall be used.
- (19) The boundary of the administrative replat shall be delineated with a heavy solid line.
- (20) The lines of all proposed lots shall be fully dimensioned with distances and bearings. Where a lot line intersects a street line at right angles, the bearing may be omitted. If a lot line intersects a curved street, the bearing on the line shall be shown. If the lot line is not radial to a curved street line or a curved property line, the lot line shall be labeled N.R. and the radial bearing at the point of intersection shall be shown.
- (21) The location of lots, blocks, tracts and parcels adjoining the administrative replat shall be shown. Adjoining lots and blocks shall be labeled and the name of adjoining subdivisions, as dedicated, shall be shown.
- (22) The blocks in the administrative replat shall be numbered consecutively throughout the administrative replat, commencing with Block 1. The lots in each block shall be numbered consecutively, commencing with Lot 1.
- (23) The names and widths of all public streets shall be shown on the administrative replat. Existing rights-of-way shall bear notations of dedication by book and page number. Private drives and streets shall be labeled as such.
- (24) All easements shall be clearly labeled, identified and dimensions shown and tied to reference points within the subdivision, and be shown by dashed lines. Existing easements shall bear a notation of dedication of conveyance by book and page number. If any easement of record can not be definitely located, a statement of the existence, the nature thereof and its recorded reference shall be placed in the note section. Easements shall be designated and the disposition thereof indicated in the note section. Easements that abut the exterior boundary of the subdivision shall be shown and clearly labeled.
- (25) All plats having lots bordering a collector or larger street/road shall contain a note limiting or prohibiting ingress and egress to that street/road.

- (26) The identification and designation of the boundary lines of any one-hundred-year developed floodplain and the source of the designation shall be shown on the plat.
- (27) The appropriate traffic sight triangles shall be designated and dimensions shown on the plat. Sight triangles shall be shown at the intersection of all roadways and at the intersection of all private drives/access points with public roadways.
- (28) All standard notes and certificates required by the Planning Department shall be included on the plat. All notes not meeting these specifications shall be removed. The surveyor shall seal the plat so that the seal does not obscure any information shown on the plat.

Sec. 17-4-80. Expiration of approval.

- (a) Unless extended as provided herein, failure by the applicant to submit all required documentation within ~~sixty (60)~~ ninety (90) days of approval shall render approval of the administrative replat voidable and may result in the necessity for a new submittal of the administrative replat. Resubmittals are subject to all processing fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the Planning Department.
- (b) The Planning Director may grant extensions of time up to twelve (12) months upon a written request by the applicant or staff for showing good cause. Good cause may include, but not be limited to, that signatories are out of state or country or a major change was requested by the Town Council.
- (c) An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines. The request shall list any changes in the character of the neighborhood and any changes in the ~~County Master~~ Comprehensive Plan, zoning resolution or subdivision regulations that have occurred since approval of the administrative replat. These changes may affect the administrative replat and the anticipated time schedule for completing the platting process. A fee schedule is available from the Planning ~~Division~~ Department office. Additional review of the administrative replat may occur, resulting in additional conditions as applicable.
- (d) The denial of an extension by the Planning Director may be appealed to the Town Council in writing within ten (10) working days of the decision by the Planning Director.

Sec. 17-4-90. Recordation procedure.

The administrative replat shall be recorded in accordance with the final plat regulations.

TOWN OF MINTURN, COLORADO ORDINANCE
NO. 07 - SERIES 2023
AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO, AUTHORIZING A REVOCABLE
LICENSE TO ENCROACH AND AGREEMENT
FOR THE ENCROACHMENT OF PHYSICAL
IMPROVEMENTS AND ASSOCIATED USES INTO
THE BOULDER STREET RIGHT-OF-WAY.

THE TOWN OF MINTURN, COLORADO, ORDAINS
THIS ORDINANCE ENACTED ON SECOND
READING AND ORDERED PUBLISHED BY TITLE
ONLY AND POSTED IN FULL ON THE OFFICIAL
TOWN WEB SITE THIS 21st DAY OF JUNE, 2023.

Town of Minturn
Earle Bidez, Mayor

Attest: Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 8 - SERIES 2023
AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING ARTICLE 4, CHAPTER
17 ADMINISTRATIVE REPLAT REGULATIONS OF
THE MINTURN MUNICIPAL CODE.

* *

INTRODUCED, READ BY TITLE, APPROVED
ON THE FIRST READING AND ORDERED
PUBLISHED BY TITLE ONLY AND POSTED IN
FULL ON THE OFFICIAL TOWN WEBSITE THE
21st DAY OF JUNE 2023. A PUBLIC HEARING ON
THIS ORDINANCE
SHALL BE HELD AT THE REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF
MINTURN, COLORADO ON THE 5th DAY OF JULY
2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL
302 PINE STREET, MINTURN COLORADO 81645.

Town of Minturn
Earle Bidez, Mayor

Attest: Jay Brunvand, Town Clerk

**PUBLISHED IN THE VAIL DAILY ON SATURDAY,
JUNE 24, 2023.**



To: Mayor and Council
From: Scot Hunn, Planning Director
Date: June 30, 2023
Agenda Item: Minturn North - Updated Preliminary Plan for PUD Review

REQUEST:

Review and approve the following:

1. Updated Minturn North Preliminary Development Plan for PUD
2. Updated Minturn North Preliminary Plat for Subdivision
3. Updated Minturn North Zone District Amendment
4. Accompanying Ordinance and Resolution

INTRODUCTION:

At their regularly scheduled meeting of June 28, 2023, the Minturn Planning Commission reviewed the Updated Minturn North Preliminary Plan for PUD applications - collectively an Updated Preliminary Plan, Updated Preliminary Plat for Subdivision, and Updated Zone District Amendment.

The Preliminary Plan was remanded back to the Planning Commission by the Council on May 5, 2022, and the Applicant has been working diligently since that time to update and revise the applications based on Council direction, and to proceed through the Town's review processes.

At their meeting of June 28, 2023, the Planning Commission considered the updated application(s), as well as the staff report, testimony of staff and consultants, as well as testimony of the Applicant and of the public. The following topics were discussed during the public hearing:

- Drainage and stormwater management details and a comparison between previous Preliminary Plan iterations and the Updated Preliminary Plan.
 - Citizens and Commission members expressed concern and/or questions regarding the updated drainage design and how it compares to previous designs (more naturalized, low-impact ditch/swale conveyance vs. previous designs that included curb, gutter, piping, vault and treatment) and asked questions about how well the proposed drainage design will work to handle drainage from offsite.
 - The Town Engineer confirmed that the updated low-impact design, while scaled back from previous designs, is adequate and appropriate for the current density and subdivision design.

- Staff discussed referral agency comments - particularly those from the Eagle River Watershed Council, Eagle County, and the Colorado Geological Survey - pertaining to or recommending additional analyses and evaluation of potential hazards such as land or mudslides, avalanche, flooding.
 - Staff highlighted that in response to referral comments received, staff was suggesting specific conditions of approval requiring the Applicant to address referral agency (and Town Engineer) comments and recommendations.
- Lot coverage variation requests, including proposed building and impervious material coverage
 - Staff highlighted the variance requests to allow for increased lot coverage by buildings, and increased coverage by impervious materials on each residential lot.
 - Staff described how the variance was being compared with the lot coverage standards applicable to the adjacent Game Creek Character Area Residential Zone District because the Game Creek Character Area “PUD Holding Zone” (the underlying zone district) has no lot or impervious coverage standards.
 - One citizen requested that the Applicant provide examples of how the PUD compares to setback and other lot standards in the Game Creek Residential Zone District.
- Pedestrian and Vehicular Improvements and connectivity
 - Staff and/or the Applicant highlighted proposed improvements to Minturn Road, the regional ECO Trail connection, as well as proposed improvements to Railroad Avenue and the “S” curves, including sidewalk sections, pedestrian crossings, speed bumps, and improved pedestrian crossing over the railroad tracks.
 - Citizens questioned the details of proposed improvements, inquiring as to the sizing and location of the proposed sidewalk, as well as the extent of improvements (whether sidewalks would connect the PUD to the sidewalk improvements along Railroad Avenue.
 - Staff shared plans by Intermountain Engineering showing the location and extent of the proposed Railroad Avenue improvements and the Town Engineer explained the design and that the Town was still working to finalize details to complete the connection between the PUD and Railroad Avenue.
 - Citizens expressed support or requests for additional connectivity (more sidewalks and/or pathways) to connect Taylor Avenue with Minturn Road.
 - Citizens also expressed concern that plans no longer included improvements to Taylor Avenue and staff explained that because the Updated Preliminary Plan no longer proposes or requires any individual driveways along Taylor Ave, there is no practical reason to require or expect improvements as part of this PUD; and, that the Town will likely look at improvements to Taylor Avenue and other streets in Town in the future as part of capital improvements planning and budgeting. As it stands now, unlike with the original PUD request, the Town is no longer being requested to provide upwards of \$1.5 million to help contribute to the improvements on Taylor Avenue.

- Snow storage was discussed, with several citizens asking questions about how the updated plans compare to previous plan iterations and questioning the adequacy of the current plan.
 - Staff and the Applicant explained that snow storage areas are accommodated on the updated plans specifically within larger open space tracts along Taylor Avenue.
 - Staff highlighted that snow storage and civil engineering plans had been reviewed and endorsed by the Town of Minturn Public Works department.
- Construction timelines were discussed.
 - One citizen asked about the anticipated construction timeline for infrastructure and construction of homes.
 - The Applicant anticipates a 2-3 year total buildout timeline.
- Minturn Mile/Game Creek Trailhead parking provisions were discussed, with one citizen supporting the proposed provision by the developer of 20 parking spaces along the west side of Taylor Avenue, but also stating that usage has increased significantly.
- Private vs. public road ownership was discussed, with several citizens expressing concern over proposed private ownership of Miles End Lane and questioning whether they or other visitors or residents could use or walk on private roads.
 - Staff and the Applicant addressed this concern, with the Applicant stating an intent - not to preclude or exclude public use - but to reduce the burden on the Town to maintain certain streets in the PUD.
 - Staff suggested a condition of approval requiring that the subdivision plat and other control documents provide for public access on privately owned streets.
- Local, or community housing provisions were discussed, with several citizens expressing concern and asking questions about the adequacy of proposed deed restrictions and the 1% transfer fee.
 - Staff explained that any proposed deed restrictions or other offers for mitigation such as the transfer fee were strictly voluntary because the PUD preliminary plan was applied for before the Town adopted housing requirements.
- The PUD approval process was discussed with several citizens questioning the process and staff's handling of updated plans.
 - One citizen questioned how the preliminary plan was permitted to change over time without being sent back to conceptual level review, as well as why the project needed to be reviewed as a PUD rather than straight zoning.
 - Staff explained that the Code requires that this property - as located within the Game Creek Character Area PUD Holding Zone - required review of a "master planned" community using the PUD process.
 - One citizen expressed concern that the PUD included private covenants and the perception that the PUD is not reflective of the existing community character and fabric.
 - Citizens expressed concern that the plans were just now being reviewed after a long period of time since the previous public hearings and requesting that the

- review be slowed and that the Town should facilitate a design charrette with citizen input.
- Staff explained that the Town is following the Code and required processes after the plans were remanded back to the Planning Commission and that the Code does not require or provide opportunities for design charrettes as part of the PUD approval process.
 - Water taps/SFEs and the Applicant’s Consumptive Use Analysis was discussed, and the fact that Holland and Hart, the Town’s Water Legal Counsel had a few remaining requested revisions to the Applicant’s analyses.
 - A condition was added by the Planning Commission to require the Applicant to resolve all final consumptive use calculations prior to Final Plan/Final Plat applications.

At the end of the public hearing, and following deliberation by the Commission members, the Commission voted unanimously to forward recommendations for approval, with conditions, of the Updated Preliminary Plan and the Updated Preliminary Plat for Subdivision, while also voting unanimously to forward a recommendation for approval without conditions of the Updated Zone District Amendment.

Staff is recommending approval of the Updated Preliminary Plan, Updated Preliminary Plat for Subdivision, and Updated Zone District Amendment.

Should the Town Council choose to act to approve the applications, staff has attached an ordinance for approval of the zone change, as well as a resolution memorializing approval of the preliminary plan and preliminary plat applications.

ANALYSIS:

The ongoing review of the Minturn North Planned Unit Development is being facilitated in accordance with the Town of Minturn Municipal Code and land use regulations. As outlined in staff’s report on the updated plans, several iterations of preliminary plans, as well as hours worth of public review and testimony have shaped the current proposal which seeks to address critical feedback provided by the staff, Planning Commission, Town Council and the general public over the past 3 years.

As outlined in the attached staff report, staff believes that the Updated Preliminary Plan, as well as companion subdivision and zone change applications, conform with a preponderance of the applicable Town of Minturn Code requirements specific to the use and approval processes specific to the Game Creek Character Area “PUD Holding Zone” as well as the code requirements for review and approval of PUDs, subdivisions, and rezoning. Additionally, staff outlines in the attached report that the Updated Preliminary Plan also demonstrates conformance with the vision, goals and policies of the 2009 Community Plan as well as the Town’s strategic plans.

Last, the attached report provides opinions by staff related to or comparing previous plan iterations - which staff supported - and the Updated Preliminary Plan, highlighting the fact that the UPRR property, in hindsight, is perhaps a deceptively difficult and expensive site to design for and develop; that previously proposed density was untenable; and that the updated plans represent a more reasonable and feasible approach to meeting the Town's stated vision/objective for the PUD Holding Zone - for low impact transitional residential development adjacent to existing Taylor Avenue residential uses - while allowing the land owner to realize a reasonable use and value from their property.

COMMUNITY INPUT:

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, and following Section 16-21-610 Public notice. Please see summary above for the discussion topics at the June 28, 2023 public hearing by the public.

BUDGET / STAFF IMPACT:

N/A.

STRATEGIC PLAN ALIGNMENT:

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:

1. Approve on first reading Ordinance No. 9 - Series 2023 amending the zoning for the subject property from Game Creek Character Area "PUD Holding Zone" to "Minturn North PUD Overlay Zone District."
2. Approve Resolution No. 19 - Series 2023 approving the Updated Preliminary Plan and Updated Preliminary Plat for Subdivision applications.
 - a. Legal has advised that this resolution be continued to the July 19, 2023 meeting so that it can be approved at the same time the ordinance is approved.

ATTACHMENTS:

- Town of Minturn Planning Commission Staff Report
- Town Attorney Memos and Legal Document Exhibits
- Referral Agency Comments
- Written Public Comments (Received as of 6/30/23)
- Link to Minturn North PUD - Updated Preliminary Plan Application Package
- Resolution No. 19 - Series 2023 (Approval of Preliminary Plan and Preliminary Plat)
- Ordinance No. 9 - Series 2023 (Approval of Zone District Amendment)

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



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Amanda Mire
Sage Pierson
Tom Priest

Town of Minturn Planning Commission Public Hearing

Minturn North Planned Unit Development

Updated Preliminary Development Plan for PUD Updated Preliminary Subdivision Plat Updated Zone District Amendment

Hearing Date: June 28, 2023
File Name/Process: Minturn North Planned Unit Development (PUD) Preliminary Plan
Owner/Applicant: Minturn Crossing, LLC.
Representative: Rick Hermes, Resort Concepts
Legal Description: A parcel of land located in the NW ¼ of the NW ¼ of Section 26, Township 5 South, Range 81 West of the 6th Principal Meridian.
Existing Zoning: Game Creek Character Area – PUD Holding Zone District
Proposed Zoning: Minturn North PUD Overlay Zone District
Staff: Scot Hunn, Planning Director
Madison Harris, Planner I
Jeffery Spanel, Town Engineer
Richard Peterson-Cremer, Assistant Town Attorney

Staff Recommendation: **Approval with Conditions**

I. Executive Summary:

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

Summary of Request

The Applicant requests review by the Planning Commission of the *updated* Minturn North Preliminary Plan for PUD as well as companion applications for a Preliminary Subdivision Plat (to legally subdivide and create underlying parcels associated with the proposed PUD), and an application for Amendment to the Official Zone District Map (to change the underlying/existing zoning from Game Creek Character Area "PUD Holding Zone" to the "Minturn North PUD Overlay Zone"), collectively referred to in this report as the "Updated Preliminary Plan."

Background and Updated Plans

The Minturn North PUD proposal has been in the Town's review process - first for a Conceptual Plan review, followed by several rounds of Preliminary Plan review - since 2019. The following is a general background and timeline of previous plan reviews before the Town related to the Minturn North Planned Unit Development proposal:

- November 2019 – The Applicant, Minturn Crossing, LLC., applied for a Conceptual Planned Unit Development review.
- December 2019/January 2020 – The Applicant completed a Conceptual Plan review of a residential PUD (Planned Unit Development) before the Minturn Planning Commission and Town Council. No formal action was required or taken other than the Planning Commission recommending that the Applicant could proceed forward to the next stage in review, the Preliminary Plan for PUD application.
- Spring 2020– The Applicant applied for a Preliminary Plan review – the second in a three-step approval process. A global pandemic as well as several months of review and commentary by the Town and referral agencies resulted in the Applicant making significant changes to the Preliminary Plan application, causing significant delays in bringing the proposal before the Planning Commission for review.
- Summer 2021 - The Minturn North Preliminary Plan for PUD, along with companion subdivision and zone change applications, were reviewed by the Planning Commission from April-August 2021, with the Planning Commission ultimately recommending denial of the proposal.

- Fall/Winter 2021/2022 - The Applicant then revised the Preliminary Plan based upon Town staff comments, referral agency comments, as well as Planning Commission, Town Council, and citizen testimony before presenting a revised Preliminary Plan to the Town Council at a special meeting held May 5, 2022.
- At their special meeting of May 5, 2022, the Town Council remanded (sent back) the Preliminary Plan to the Planning Commission with suggested revisions for further review.

Based upon feedback from the Town Council at their special meeting of May 5, 2022, the Applicant revised the Minturn North Preliminary Plan for PUD proposal again to address overarching concerns related to project density, design and layout of the subdivision (grading, drainage, and other infrastructure-related improvements), and off-site impacts. Below is a brief summary of the changes made by the Applicant based on direction given by the Town Council on May 5, 2022:

- The previous proposal was a 19-acre, two-phase, 73 lot residential development with up to 193 proposed dwelling units of varying types and sizes.
 - The Updated Preliminary Plan is now a single-phase, 11-acre residential development with up to thirty-nine (39) proposed single-family dwelling units on 39 lots, along with a "Dedication Parcel" that will be deeded to the Town for Town purposes including but not limited to open space/park land, snow storage area(s), parking, or community/employee housing.
- The previous proposal included single-family and duplex style residential units, with allowances for accessory dwelling units (ADUs) and multi-family buildings that would have been constructed in two phases along with parks and open space dedications.
 - The Updated Preliminary Plan proposal now includes 100% single-family style residential structures with no provisions for accessory dwelling units or apartments.
- Previous plans included voluntary "Locals Only" housing commitments (the latest plan reviewed by the Town Council in May 2022 included up to 31% of the overall units - the multi-family units that were proposed - as deed restricted for "Locals Only," along with a 1% transfer tax to generate funds that would have gone to the Town for housing or other discretionary purposes.
 - The Updated Preliminary Plan proposes six (6) single-family homes on Lots 34-39 to be deed restricted as "Locals Only," while Lots 1-33 will also carry a deed restriction requiring a 1% assessment to be paid to the Town by any non-resident buyer.

- Previous plans included two phases spread over nearly 19 acres, including lands lying north of Game Creek. Infrastructure (roads, water, sewer, sidewalks, for example) would have been constructed by the developer, while lots would have been sold on the open market and developed over an unspecified/unlimited time frame by individual owners who would build according to Town building regulations and Minturn North Design Guidelines.
 - The Updated Preliminary Plan proposal includes one phase to be constructed on 11 acres, with all infrastructure and homes to be built by the developer according to Minturn North Architectural Design Guidelines and the Town's building regulations.
 - House plans for each lot have been pre-designed to suit each proposed lot and can be further customized to individual buyers' needs.
- Previous plans included a "PUD Guide" as required by the Town of Minturn Municipal Code to provide regulations on overall development, along with architectural design guidelines.
 - Updated Preliminary Plans also include a PUD Guide and Design Guidelines documents, both of which have been significantly revised based on the current proposal.
- Previous plans included provisions for density transfers between phases.
 - The Updated PUD Guide does not permit or propose density transfers as the Applicant is proposing to construct the PUD in one phase.
- Previous plans included significant improvements to Taylor Avenue, including realignment and a complete reconstruction of the roadway, as well as the creation/formalization of on-street parking along the west side of Taylor Avenue.
 - Updated Preliminary Plans do not propose improvements to Taylor Avenue, but will include open space, snow storage areas, drainage improvements, and landscaping along the west side of Taylor Avenue while not precluding the continued use of the Taylor Avenue roadway and shoulder area for parking.
- Previous plans included provisions for improvements to Minturn Road, the inclusion of an extension to the future Eagle County Regional Trail, and improvements to pedestrian infrastructure (sidewalks) within the development.
 - The Updated Preliminary Plans also include the same improvements to Minturn Road; an internal sidewalk linking Taylor Avenue south along a new 4th street to the future ECO Trail improvements slated to be

constructed along the east side of Minturn Road; and enhanced pedestrian improvements over the railroad tracks and along the north side of Railroad Avenue.

- Previous plans included significant open space to be provided over two phases, with the majority of open space occurring north of Game Creek in a second phase that may not have ever been constructed.
 - The Updated Preliminary Plan proposal exceeds the Town's recommended 25% open space standard by providing 31% open space within one (1) phase, in addition to a .98 acre land dedication to the Town for Town uses including potential open space, or park areas, housing, parking or other civic uses.
 - The Updated Preliminary Plan is designed to better integrate open spaces within and around the subdivision, while a more "open" and less dense approach to lot layout that fits the site better lends itself to a more rural feel.
- Previous plan iterations included extensive (and expensive) infrastructure improvements inclusive of more roadways, curb & gutter improvements and more sidewalk areas that would also require more maintenance, repairs and replacements over the life of the neighborhood.
 - The Updated Preliminary Plan includes fewer overall infrastructure improvements and, importantly, a more simplified layout and design that should lend itself to less costly initial construction costs as well as less costly long-term maintenance of the neighborhood.
- Previous plan proposals included public and private ownership of infrastructure improvements, and the Applicant previously proposed to share the cost of off-site infrastructure improvements (extensive improvements to Taylor Avenue, for example) with the Town.
 - The Updated Preliminary Plan still proposes to include public and private improvements (with private streets and common areas being maintained by a Homeowners Association) but the Applicant is no longer requesting or proposing a cost-sharing arrangement to fund infrastructure. The Applicant is proposing to pay for improvements to Minturn Road, Railroad Avenue, the ECO Trail, and a new 4th Avenue cross street connecting Taylor Avenue to Minturn Road.

Pursuant to the Town of Minturn Municipal Code, the Council's actions on May 5, 2022, resulted in the Minturn North Preliminary Development Plan for PUD application being **remanded, or sent back, to the Planning Commission for additional review** – with

specific feedback and/or recommendations for the plans to be updated and revised - before being presented to the Town Council again.

The Applicant has been working with the Town since that time to revise and resubmit the Updated Preliminary Plan - complete with updated technical studies and impact analyses that are based on the updated density, design, and development plans - based on feedback by the Council, and to effectively start the Preliminary Plan for PUD review process over.

Process Overview

The Preliminary Development Plan for PUD review before the Town of Minturn Planning Commission and Town Council is the second of a three-stage public review and approval process necessary for the creation of any Planned Unit Development within the Town of Minturn. The following outlines the steps involved in the Town of Minturn PUD approval process:

1. Concept Development Plan Review (*Completed winter 2020*).
2. **NOW - PUD Preliminary Development Plan Review (inclusive companion applications for a Preliminary Subdivision Plat and Amendment to the Zone District Map).**
3. Final Plan and Final Subdivision Plat for PUD (inclusive of a Subdivision Improvements Agreement).

The Preliminary Plan for PUD application and review process is detailed in nature and is intended to demonstrate the feasibility of the project from financial, technical/design, regulatory, and community need standpoints. The numerous plans, reports, legal documents and other graphic materials required by the Town of Minturn Municipal Code (MMC) are intended to give staff, decision makers, partner referral agencies, and the general public detailed information and understanding of:

- How the proposal aligns with the Town's Strategic and Community Plan goals, policies and priorities.
- How and over what time period the property will be developed.
- How development and ongoing maintenance of public and private property within the PUD will be managed.
- What costs, revenues and other benefits are expected over time.
- What areas of non-compliance, if any, there are with regard to Town requirements and what potential solutions or mitigation might look like.
- What issues may need to be addressed as conditions of Preliminary Plan approval prior to any Final Plan/Final Subdivision Plat application being filed with the Town.

As a reminder, the Minturn North Preliminary Plan for PUD application was originally received by the Town in late winter/early spring of 2020, prior to the Town's adoption of inclusionary housing requirements, and prior to the adoption of the recently adopted 2023 Minturn Community Plan.

Although the Minturn North Preliminary Plan for PUD has been revised several times since the Town initially received the application, the application has never been withdrawn and the Applicant has pursued revisions - often at the direction of the Planning Commission, Town Council, or staff - and the resolution of issues consistently and in good faith. Accordingly, the application has been "active" since 2020 and, therefore, is not subject to new regulations or community plan policies adopted after the initial Preliminary Plan application in 2020.

That being said, any Final Plan/Plat for PUD application that is submitted to the Town will be reviewed in context to the 2023 Minturn Community Plan.

Following review by the Planning Commission of the remanded and Updated Preliminary Plans the Planning Commission will send the three applications along with three separate recommendations - for approval, approval with conditions, or denial - to the Town Council for review. The Town Council's review will result in action by the Council to approve, approve with conditions, or deny one or more of the applications.

All public hearings will be advertised and the general public is encouraged to participate in the public review process by reviewing the Minturn North Preliminary Plan for PUD application and associated materials at the Town's website (<https://www.minturn.org/planning-zoning/pages/active-planning-applications>), by submitting any written comments to the Town by emailing "Planner I" (planner1@minturn.org), or by attending the public hearings and giving public comment.

Summary of 2021 Planning Commission Review of Preliminary Development Plan for PUD

Starting in April 2021, the Minturn Planning Commission held four public meetings over the course of four months to review previous versions of the Preliminary Development Plan for PUD, Preliminary Subdivision Plat, and Amendment to the Official Zone District Map applications.

During the review period, and specifically as part of the Planning Commission's public hearing process, the Applicant and Town staff identified and worked to resolve several outstanding issues related to legal access across Union Pacific Railroad property, street and utility design within the PUD, and off-site improvements required to serve the

project. In several instances over that same period, the Applicant redesigned and refined certain aspects of the project to address areas of concern.

During the Planning Commission's previous review, the Commission discussed the following topics:

- Subdivision design, including several variations to Town standards (minimum lot size, lot coverage, and setbacks, for instance)
- Snow Management and Storage
- Traffic Impacts and Road Improvements
- Visual Impacts and Proposed Building Placement and Massing
- Density and Compatibility
- Public Amenities and Open Space Plan
- Sidewalk Design and Accessibility
- Parking (on site for each lot and on-street)
- Roadway Design, Driveway Placement and Alleyways

On August 25, 2021, the Planning Commission held their last public hearing to consider the previous Preliminary Plan application package and voted unanimously to recommend *denial* of the Preliminary Plan for PUD, while also forwarding a recommendation to the Minturn Town Council to approve of the Preliminary Subdivision Plat and the Zone District Amendment. Staff had recommended approval of the Preliminary Plan, with several detailed conditions that would have had to be addressed and resolved prior to any Final Plan and Final Plat application (the last of three steps in the review and approval process).

The Planning Commission's recommendation for denial of the previous Preliminary Plan was based, in part, on the Commission's finding that the previous Preliminary Plan did not comply with all applicable Town standards for approval of a PUD. Specifically, while the Commission members individually expressed support for the PUD, in concept, the Commission pointed to concerns regarding proposed density at full build-out, the potential for a protracted build-out period, existing off-site conditions/safety concerns at the "S-Curve" on Railroad Avenue, and the potential for the PUD to exacerbate those conditions - without further mitigation - as reasons for denial.

Following the Planning Commission's 2021 recommendation for denial, the plans were revised once again to address concerns expressed by the Planning Commission, staff, consultants and adjacent property owners residing on Taylor Avenue.

The revised plans were presented to the Town Council at a public hearing on October 6, 2021. At that meeting, the Council determined that the changes made to the Preliminary Plan since Planning Commission's action to deny the Preliminary Plan were not of a nature that significantly changed the character of the Preliminary Plan, nor substantial

enough to warrant remanding the Preliminary Plan back to the Planning Commission for further review.

From October 2021 to April 2022, the Applicant worked on further revisions to the previous Preliminary Plans while continuing to work with Town staff and consultants to address previously identified issues related to design, engineering, and legal aspects such as obtaining necessary easements and/or agreements ensuring long-term access across UPRR lands.

In April 2022, the Applicant requested review of the previous Preliminary Plan by the Minturn Town Council to ensure that plan revisions were responsive to previously stated concerns and issues. However, upon further review by the Town Council at a special meeting held on May 5, 2022, the Council acted to remand the previous Preliminary Plans back to the Planning Commission due, in part, to:

- Concerns over total project density
- Water capacity and/or the Town's ability to serve the entire two-phase build-out
- Layout, engineering and infrastructure design
- Construction impacts
- Lack of usable open space
- Potential impacts on local infrastructure and pedestrian safety.

Overall Summary

Following action on May 5, 2022, by the Town Council to remand the Preliminary Plan back to the Planning Commission for further review, with specific feedback from the Council to the Applicant to revise the plans, the Applicant began working to revise the Preliminary Plan to:

- Lower project density while remaining generally consistent with previous subdivision layout iterations, with residential lots oriented primarily along road alignments traversing the site from south to north, thus working with the natural contours of the property as well as sun angles and views.
- Simplify the land plan (including layout and design of roads, water and sewer lines; grading and drainage plans; phasing plan; open space and recreation plan)
- Reevaluate the real estate product and timing of the project development and absorption by the local market - focusing more on single-family units custom built by the developer within one phase, and less on the provision of a wide variety of residential unit types that would have been built by individuals and developers over a protracted period based on local market conditions.

While significantly less dense and presumably less expensive (from an infrastructure cost standpoint) than previous residentially-oriented Preliminary Plan proposals, the Updated Preliminary Plan proposal is still significant from the standpoint of the potential positive and negative impacts of additional residential development within the Town after decades of relatively stable or stagnant population growth.

The Applicant has spent considerable time and resources re-evaluating and revising all plans and associated technical studies to:

- Resolve all outstanding issues related to legal access and other agreements required from Union Pacific Railroad.
- Work with the Town and UPRR to address existing conditions at the "S" Curve and Railroad Avenue and to commit to construction of pedestrian improvements (sidewalk and widened railroad track crossing surface).
- Work with partner agencies like Eagle County Road and Bridge and ECO Trails to coordinate improvements to Minturn Road as well as the regional ECO Trail.

The Town has invested considerable time and resources as well during the continued review and analysis of the Updated Preliminary Plan application - from pre-application meetings and coordination between the Applicant and the Town, to this Planning Commission Hearing - to provide a thorough, transparent, and timely review and, ultimately, to facilitate a fair and efficient hearing process.

It is worth noting that such investment of Town resources - focused on the review of the proposed PUD - has been based, in part, by the fact that this type, location, and style of development and density is 1) reflective of and supported by the Town's growth and development policies and goals, and 2) in substantial conformance with the concept development plan that was unanimously endorsed by the Town of Minturn Planning Commission and Town Council in 2020.

It is also fair to say that neither the Town, the property owner (UPRR), the Applicant or perhaps even the service providers and other stakeholders realized in 2019 how difficult it would be to design a project that met market demand and local needs, while addressing significant, decades-old infrastructure issues that will affect any development of the subject property.

In other words, the Union Pacific Railroad property has consistently and appropriately been identified in the Town of Minturn Municipal Code as well as the 2009 Town of Minturn Community Plan as the most logical, efficient, and cost effective location to extend and invest in public infrastructure and to, therefore, manage the design and development of growth that compliments rather than overpowers the Town. Yet, the UPRR property is a deceptively difficult property to develop. Staff suspects that several town officials and citizens arrived at the same conclusions during previous reviews of the Preliminary Plan.

Staff believes that the Updated Preliminary Plan that has been presented benefits from 3-4 years of planning, design, analysis of previous Preliminary Plan iterations, and public feedback. Ultimately, staff believes the last 3 plus years of critique and revisions to previous Preliminary Plans has also resulted in the realization - by the Applicant and perhaps by the Town - that the UPRR property and, specifically, the surrounding transportation infrastructure (local roads serving the existing Taylor Addition and Minturn Towne Homes) likely cannot support the type and amount of density previously proposed in earlier Preliminary Plan iterations.

The Updated Preliminary Plan appears to address most, if not all, previous concerns - namely the project density, the complexity of the engineering, the layout of the subdivision, the cost of infrastructure needed to support previous plans, and timing/phasing of the project - while achieving conformance with the requirements of the Minturn Municipal Code without the need for significant amounts of variation requests.

Staff Observations and Findings

Staff finds that the Updated Preliminary Plan is compliant with the purposes and intents of the "PUD Overlay District" (Chapter 16, Article 15 of the Minturn Municipal Code) as well as several guiding policies and strategies outlined in the 2009 Minturn Community Plan.

Staff further suggests that while some outstanding issues must be discussed during the Planning Commission's review of the Updated Preliminary Plan, this iteration of plans and reports has generated significantly fewer (and less technical) issues or concerns by staff, Town consultants, and referral agencies than previous Preliminary Plan iterations.

Of those concerns or issues, most items are of a technical nature and are expected to be resolved following Preliminary Plan review and prior to any Final Plan/Final Plat and Subdivision Improvement Agreement (SIA) submission by the Applicant. Other issues such as referral agency concerns regarding hazards and natural resource protection deserve additional discussion with the Planning Commission; however, staff believes that these issues also can be addressed by the Applicant prior to any Final Plan/Plat applications and that, ultimately, the project can be designed to meet all town requirements and standards while eliminating or fully mitigating any potential hazards while minimizing potential impacts on the natural environment. **Outstanding Issues and discussion topics are outlined in Section IX (starting on pg.49).**

Additionally, staff and the Town's consultant team have determined that the proposal meets a preponderance of 1) the Town of Minturn Preliminary Development Plan for PUD standards and findings, and 2) the goals and policies of the 2009 Minturn Community Plan.

Recommendation

Based on overall findings of conformance with the applicable standards and approval criteria of the Minturn Municipal Code (MMC) as well as with the 2009 Minturn Community Plan, staff is recommending:

1. Approval of the Updated Preliminary Plan, with conditions.
 2. Approval of the Updated Preliminary Subdivision Plat, with conditions.
 3. Approval of the Amendment to the Zone District Map, without conditions.
-

Report Organization

The remainder of this report briefly summarizes and addresses:

- Section II: Project Description
- Section III: PUD Overlay Zone District - Intent, Purpose, & Process
- Section IV: Summary of Process and Code Requirements
- Section V: Zoning and Compatibility Analysis
- Section VI: Community Plan Conformance
- Section VII: Staff Analysis and Findings for Preliminary Plan, Preliminary Plat, and Zone Change Criteria
- Section VIII: Variation Requests
- Section IX: Outstanding Issues & Discussion Topics
- Section X: List of External Referral Agencies
- Section XI: Staff Recommendations, Suggested Conditions, and Motions

This report contains "Staff Response" or "Staff Comment" sections throughout the document responding to PUD standards and recommending specific aspects of the project that the Applicant will be required or, in certain instances, *encouraged* to address prior to, or concurrent with, any Final Plan and Final Plat application (the next stage of review). **These recommendations and requirements correlate to suggested "conditions of approval" found at the end of this document under Section XI (starting on pg. 55).**

II. Property and Project Description:

Property History

The Minturn North PUD project is proposed on land located at the north end of Town on the Union Pacific Railroad parcel within the Game Creek Character Area, generally between Minturn Road to the west and Taylor Avenue to the east. Historically, this parcel has been used for heavy industrial uses - railroad and rail yard purposes as well as residential uses (several mobile homes have been in use on a small portion of the property).



Figure 1: Minturn North PUD Vicinity Map

Property and Project Overview

According to the Updated Preliminary Plan application, the PUD is envisioned as a strictly residential neighborhood with lots, streets, sidewalks, and various open spaces designed to closely complement and respect the scale and development pattern of the existing Taylor Avenue neighborhood as well as other established neighborhoods in Minturn. The updated plans also provide amenities and off-site improvements to

serve the project and the Town. The following narrative has been updated in the application's PUD Guide document to reflect the updated PUD design and layout:

"The Minturn North PUD transforms an 'infill' dormant property into a thoughtful, diverse and inclusive 39 single-family residential neighborhood. This PUD Guide seeks to acknowledge the rich heritage of the Town of Minturn by providing an appropriately scaled built environment interconnected by open space, play space, and connective circulation patterns. Minturn North resident lifestyle and service needs are provided within walking distance to the Town of Minturn core."

- PUD Narrative by Applicant

The Minturn North PUD property has approximately .4 miles of frontage along Minturn Road and .38 miles of frontage along Taylor Avenue. It is surrounded by the following uses:

North	UPRR Property/Vacant
South	100 Block Downtown; Private Residential Uses
East	Private Residential and Home Business Uses
West	Light Industrial/Business Uses (Rail Yard & Meadow Mountain Business Park)

The Updated Preliminary Plan includes a total of 39 lots of varying sizes accessed by Minturn Road, Taylor Avenue, and a series of internal roads (4th Street, Miles End Lane, and Silverstar Trail). The updated plans also include open spaces (various buffer areas and open space tracts within Planning Area 3, or PA-3 as depicted on the Updated Preliminary Plan site plan) that will provide open air, landscaped areas.

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These open space tracts will also play a critical function as part of the updated stormwater and drainage plan, while providing naturalized and/or preserved buffers along Game Creek, as well as snow storage capacity along local streets. The Updated Preliminary Plans also include the provision of one larger (.98-acre) parcel at the far south end of the PUD as a "Town Dedication Parcel," as well as a significant extension of the regional ECO trail and dedicated parking for the Game Creek trailhead.

Use	Lot Size Range	Lots	Max # of Units
Single-Family Residential	6839 - 11456 sq. ft.	1-33	33 Units

Single-Family Residential	4312 - 5619 sq. ft.	34-39	6 Units
Total:	284577/6.533 acres	39 Lots	39 Units

III. PUD Overlay Zone District - Intent, Purpose & Process:

Purpose and Intent of Preliminary Plan for PUD Review

The Preliminary Plan for PUD application is the second in a three stage PUD approval process, starting with Conceptual Development Plan review - a high level "schematic" review meant to present concepts and ensure that proposed developments generally meet the Town's PUD standards and Community Plan goals and policies - and ending in the Final Plan and Final (subdivision) Plat stage - a very technical and detailed review of the final details of a proposed subdivision and associated development agreements setting forth how and when public infrastructure will be constructed and financed.

PUD Overlay Zone District Purpose and Intent

PUDs have been used extensively in Eagle County to create master planned communities and to allow incorporated towns as well as Eagle County government to evaluate and to encourage proposals that achieve better design, phasing and financing of development to avoid hazards, to respond to market conditions, to increase open space and environmental protection through clustering of residential and commercial development on a site, and to otherwise avoid rigid standards prescribed by typical zoning, development, and subdivision regulations.

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

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

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

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

desirable environment;

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

IV. Summary of Process and Code Requirements:

Planned Unit Development (PUD) Approval Process

As noted above, the Applicant is requesting review of a Preliminary Development Plan for PUD pursuant to Section 16-15-130 – *PUD preliminary development plan application* and Section 16-15-140 – *Preliminary development plan submittal requirements* of the Town Code.

Additionally, the Applicant is proposing to rezone the subject property from Game Creek Character Area "PUD Holding Zone District" to the "Minturn North PUD Overlay Zone District," requiring an amendment to the Town's official zoning map pursuant to Section 16-21-410 – *Amendments to Text of Land Use Regulations or Character Area and Zone District Map*, MMC, which is being evaluated during the Preliminary Plan for PUD stage of review.

Preliminary Development Plan Review Purpose and Criteria

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

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

Section 16-15-140: Preliminary development plan submittal requirements.

The Preliminary Plan submission is intended for the applicant to respond to the issues and concerns identified during concept plan review and to formulate detailed, properly engineered solutions to those issues and concerns that conform to the approved sketch

plan. The preliminary plan stage is when the applicant is to provide more detailed information and mitigation proposals to be evaluated by the Town. Preliminary Plan submittal requirements are listed below along with staff commentary regarding whether the Applicant's submittal meets the Town's requirements.

1. *PUD Guide specifying the limitations that will guide the future development of the property.*

Staff comment:

An updated PUD Guide was provided and meets the Town's requirements.

2. *A Community Plan and Development Guidelines that illustrates the proposed land uses, building locations, and housing unit densities.*

Staff comment:

Updated Design Guidelines have been submitted and meet the Town's requirements.

3. *An open space, park and recreation plan that identifies the areas of common open space, parks and recreation lands and describes any agreement proposed to preserve the open space, parks and recreation lands and how this will be implemented by deed or other agreement. This plan shall also describe the source of funds for long-term maintenance.*

Staff comment:

An updated open space, park and recreation plan that identifies the areas and proposed ownership of open space, park and/or recreation lands has been submitted. Final level details concerning land dedication of public or common open space and associated ownership and/or maintenance responsibilities will be finalized as part of the Subdivision Improvements Agreement process during any Final Plan review.

4. *A traffic study*

Staff comment:

An updated traffic study was submitted with the original Preliminary Plan application and has now been updated by the project's traffic engineering company to reflect the most current design of the PUD. (Note: access permits were previously issued by CDOT for the project for the previous iteration of Preliminary Plan; new access permits have applied for reflecting the current plans and current, reduced traffic generation numbers.)

5. *Proposed trails, sidewalks and traffic circulation patterns, including snow removal patterns and snow storage areas, and the proposed status of street ownership.*

Staff comment:

These items were provided and are depicted on site plans and civil engineering plans.

6. *Proposed grading and drainage plans.*

Staff comment:

Updated grading and drainage plans have been provided and reviewed by the Town Engineer.

7. *Detailed descriptions and commitments for the proposed source of legal and physical water supply and engineering plans for the proposed storage and distribution system for water supply (domestic and irrigation) and sewage disposal.*

Staff comment:

Updated engineering plans for domestic water and sewer infrastructure have been provided, along with updated consumptive (water) use calculations which have been reviewed by the Town's engineering and water rights consultants.

The Eagle River Water and Sanitation District (ERWSD) reviewed the original Preliminary Plan application and has since reviewed the most recent, updated plans. The District recently confirmed that the proposed design can meet the District's requirements.

8. *Economic data and supporting market analysis to justify any proposed commercial and industrial elements.*

Staff comment:

There are no proposed commercial or industrial elements within the proposed PUD. However, the Applicant has provided a Fiscal Impact Report detailing estimated costs and revenues to be generated by the proposed PUD. This report has been updated to reflect the most recent, Updated Preliminary Plan.

9. *Proposed development covenants, deed restrictions or other applicable codes.*

Staff comment:

Updated HOA covenants and deed restriction documents have been submitted and reviewed by the Town Attorney.

10. *An environment assessment or environmental impact report, unless waived by the Town Planner.*

Staff comment:

Environmental Site Assessment Reports as well as an Environmental Impact Report have been submitted and have been reviewed by the Town's consultants and referral agents.

11. *An impact analysis that describes the impact of the proposed PUD upon the school district.*

Staff comment:

The Applicant submitted an Ability to Serve letter from Eagle County School District confirming the fact that the Town does not have school land dedication (or fee-in-lieu-of) requirements; but that the Applicant had voluntarily offered to pay the District to offset any impacts from the PUD.

12. *A fiscal impact analysis of the estimated demands for Town services and a statement of projected Town tax revenue based upon the historic Town tax levy and a schedule of projected revenue.*

Staff comment:

An updated Fiscal Impact Analysis and a statement of projected Town costs and/or tax revenues associated with the PUD has been provided and reviewed by Town staff and UMB Bank, the Town's fiscal and municipal finance consultant.

13. *Final site plans and architectural forms planned for the first phase of the proposed development.*

Staff comment:

Updated, detailed site plans, draft architectural guidelines, and 3D architectural renderings have been submitted and reviewed by the Town and consultant team. These documents have been found to meet the Town's requirements and/or provide the necessary level of detail and information.

14. *Detailed plans for fire protection and emergency medical services.*

Staff comment:

Updated 'Ability to Serve' letters from the Eagle River Fire Protection District, Eagle County Sheriff's Office, and Eagle County Paramedic Services were submitted.

15. *The PUD shall include a phasing plan that demonstrates that the PUD can be completed within a reasonable period of time, which shall be determined prior to final approval of the PUD.*

Staff comment:

A phasing plan will not be necessary as this proposal is now a single-phase PUD. However, the Applicant has provided plans, information, and cost estimates for on- and off-site improvements that will be updated and finalized (to 100% construction level drawing) following any Preliminary Development Plan for PUD approval, and used to formulate a Subdivision Improvement Agreement (SIA) as part of any Final Plan/Final Plat application specifying construction timing, cost estimates, and financial guarantees for the construction of all infrastructure and public improvements necessary to serve the development. Updated plans are generally viewed by staff and consultant team members as simplified and more financially feasible to construct and serve than previous iterations of Preliminary Plan designs. Additionally, staff believes that full build-out of the PUD within a reasonable period of time can be achieved.

16. *If development is proposed to occur in phases, then financial guarantees shall be proposed to ensure that project improvements and amenities are constructed as presented and approved.*

Staff comment:

While a traditional phasing plan is no longer proposed or necessary, the Applicant has provided detailed, preliminary level infrastructure plans and cost estimates along with a draft SIA and indications of financial contributions toward on- and off-site public improvements as well as indications of financial guarantees that will be used as collateral for construction of public improvements. Final details regarding the timing of improvements and corresponding financial guarantees will be negotiated and approved at the time of Final Plan/Plat and Subdivision Improvements Agreement (SIA).

17. *The preliminary plan application shall be accompanied by an application for an amendment to the Character Area zoning map.*

Staff comment:

The Applicant has provided an application for an Amendment to the Official Zone District Map in compliance with the Town's requirements to permit rezoning of the property from Game Creek Character Area "PUD Holding Zone District" to "The Minturn North PUD Overlay District."

18. *The PUD shall consider the recommendations made by the applicable analysis documents, as well as the recommendations of referral agencies.*

Staff comment:

The Preliminary Plan has been designed to respond to several comments received during the previous Preliminary Plan application review stage in 2021-22.

The Updated Preliminary Plan has been re-referred to the same referral agencies and a **list of agencies that provided comments is provided Section X (pg. 55)** of this report. The Applicant has provided written responses to most, if not all, of the referral agency comments and, in several cases, has considered and/or incorporated suggested revisions into the application. In limited instances, and in response to certain referral agency comments provided in spring 2023, staff suggest that additional discussion is recommended during the Planning Commission hearing process.

Additionally, staff has crafted recommended conditions of approval to address outstanding issues raised by referral agencies and the Town Engineer based on the premise and the collective opinion of several Town staff and consultants that the issues, while substantive, are also not likely to affect the overall design of the PUD but which may lead to more technical design and layout revisions that may be completed prior to any Final Plan/Plat application and review process. **Condition(s) 1 & found in Section XI pertain to certain referral agency recommendations.**

v. Zoning and Compatibility Analysis

Existing Zoning

The Minturn North Planned Unit Development (PUD) property is located within the "Game Creek Character Area - PUD Holding Zone District."

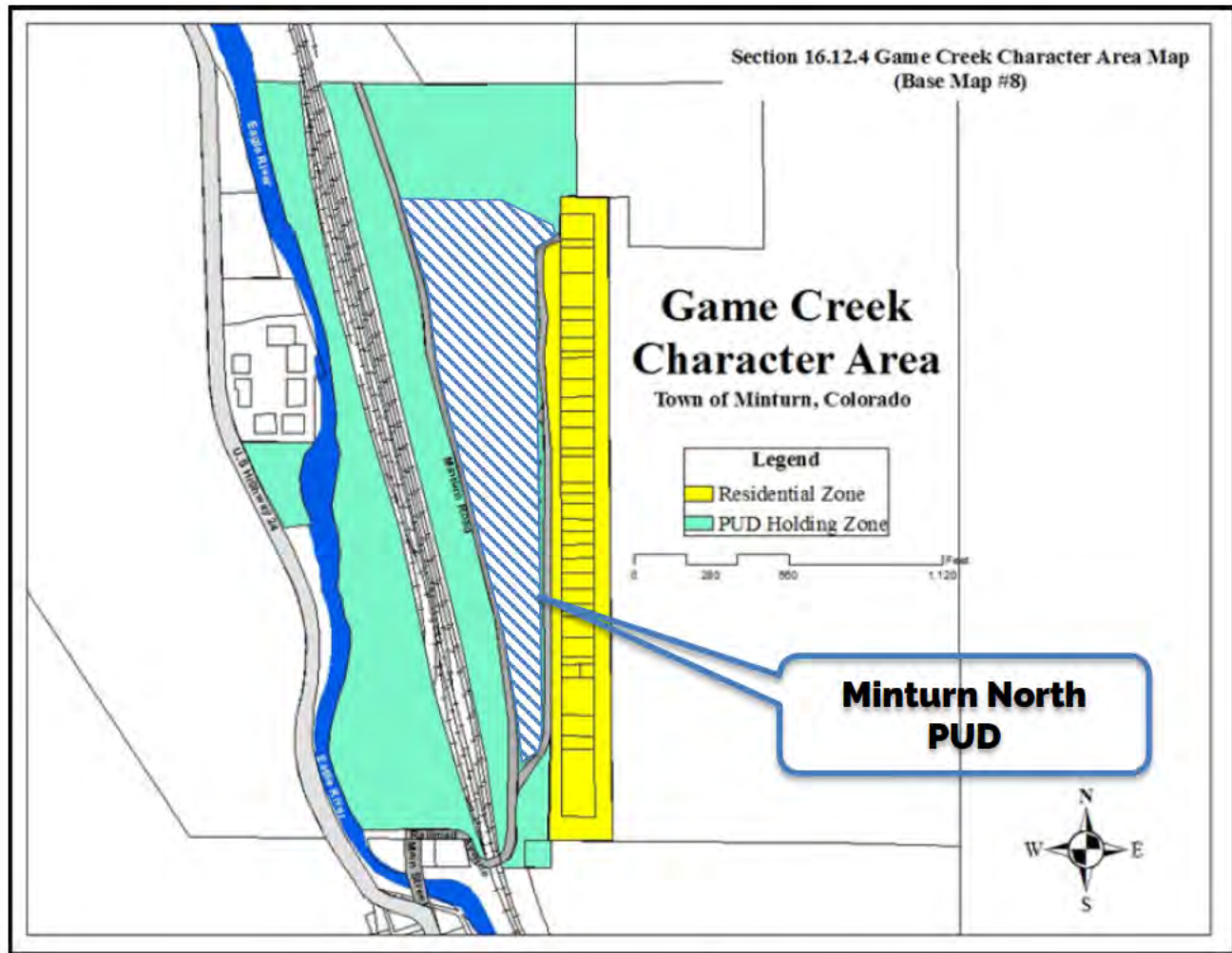


Figure 2: Game Creek Character Area Zoning Map

Although the subject property is "zoned" within the character area, there are no approved uses or development standards for the PUD Holding Zone area. Effectively, then, there is no zoning for the property in a traditional sense, but rather more of a policy "placeholder" setting forth the intent of the area and requiring review of a PUD plan to

establish site specific zoning and land use entitlements before any development may take place on the subject property.

The following excerpts from the Minturn Municipal Code (MMC) provide background information regarding the Game Creek Character Area as well as the purpose of the Planned Unit Development (PUD) overlay zone district. Section 16-12-10 – *Character Area Characteristics* of the Minturn Municipal Code (MMC) describes the railroad property located on the north side of Town as follows:

*"The Game Creek Character Area is visually prominent from the north entryway into the Town. The area is predominantly devoted to railroad use and will require a comprehensive planning effort prior to redevelopment. In addition to the rail yard, the area contains the Taylor Avenue neighborhood, some commercial uses and a community parking lot. The area is bisected by the railroad right-of-way, which is intended to remain as a continuous transportation corridor. Most of the area lacks adequate street rights-of-way and utilities. **The Community Plan has identified this area as an appropriate area for extension of the Old Town commercial core, mixed-use and residential development; however, high impact industrial uses are discouraged.** Enhancement of the Eagle River corridor is a community priority."*

Section 16-12-30 - *Game Creek PUD Holding Zone* of Minturn's Town Code provides the following general description of the site:

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

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

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

neighborhood. The rail corridor should be maintained and improved access to and across the Eagle River should be incorporated into proposed development plans."

Although the Union Pacific Railroad has entertained sale of this property in the past, staff is not aware of any formal PUD proposals that have been brought forth for review prior to Minturn North PUD.

Proposed Zoning and Compatibility

The proposed "Minturn North PUD Overlay Zone District" will create, or "overlay" the existing Game Creek Character Area "PUD Holding Zone" designation. This district will allow for residential and recreation/open space uses. Effectively, while the property is technically zoned ("PUD Holding Zone"), the Minturn Municipal Code does not prescribe any "permitted uses" or development controls (setbacks, limits on building height or lot coverage) within the Game Creek Character Area PUD Holding Zone. Therefore, this parcel is a bit of a "blank slate" other than the direction given in the Town Code regarding envisioned residential and/or mixed-use development.

The adjacent Taylor Avenue area and the Minturn Towne Homes development are both zoned "Residential" within the Game Creek Character Area and have similar if not slightly higher densities (units per acre) in comparison to the proposed PUD.

The proposed PUD zoning and regulating plan (the "Minturn North PUD Guide") calls for two primary use categories - Residential and Open Space - to be created or overlaid upon the Property to allow for residential and recreation/open space uses.

Surrounding land uses primarily include single-family, duplex (two-family), and multi-family (townhome) residential uses with similar densities and lot configurations as are being proposed within the Minturn North PUD. Additionally, railyard and contractor storage uses remain on U.P. properties to the west and north. Adjacent and nearby residential development is predominantly one and two-story structures, with some three-story buildings, all with similar lot and block configuration (lengthwise, from north to south, and east to west), similar densities of units per acre, and similar development patterns.

Design and Layout of Subdivision

Staff believes the proposed uses, specifically the types, numbers, and sizes of residential lots and dwelling units, as well as the design of streets, sidewalks and public open

spaces and/or recreational areas within the PUD are designed to respond to existing neighborhood layout and characteristics found along Taylor Avenue (the Taylor Addition) as well as other residential development patterns elsewhere in Town. Per the application narrative:

"The average lot within the Minturn North neighborhood is slightly smaller than the average lot within the adjacent Taylor Street neighborhood. All homes within Minturn North are subject to a 28' height limitation as defined in the Town of Minturn Code. Homes have been designed to provide for a diverse range of users from young family to empty nester retiree, and range in size from 1,700 s.f. to 4,500 s.f., compatible with the size of existing single-family, townhome, and duplex structures within the immediate area."

Additionally, staff provides the following observations and opinions regarding the Updated Preliminary Plan's layout and design relative to the Town's standards and guiding policies:

- The Updated Preliminary Plan design and layout generally responds better to Minturn Municipal Code and/or community plan language that supports development of the subject property for "appropriate" and context sensitive levels of residential uses that respect the character of surrounding residential development.
- The previous Preliminary Plan iterations had proposed numerous variations or "variances" to achieve a certain neo-traditional block and lot pattern as well as a certain density level. The Updated Preliminary Plan proposes minimal variance requests for minimum lot size, minimum lot dimension, and maximum lot coverage. **Staff suggests that of these variation requests, the Planning Commission and Applicant should review and discuss proposed variations to lot (building) and impervious coverage limits.**
- The previous Preliminary Plan iterations were based on a traditional (what is typically referred to as "Neo-Traditional" neighborhood design) with a grid pattern street and lot configuration generally running north-south on the property. While grid pattern street, block and lot patterns are ubiquitous in most towns and are not exclusive to flat areas or building sites, staff suggests that the previous Preliminary Plan design and layout proved difficult (and expensive to design and construct) given the UPRR property's shape and topography or slope.
- The Updated Preliminary Plan includes a similar north-south internal road and lot layout, but significantly reduces the amount of overlot grading and infrastructure (roads, alleys, curbs, gutters, stormwater/drainage facilities, and sidewalks) required to build. Rather, the updated plans are simplified and include more Low

Impact, rural elements to match existing conditions on Taylor Avenue, including less formalized roads with shoulders, landscape buffers and drainage ditches, but no curb and gutter.

Building Massing and Architectural Character

From a massing and character standpoint, the PUD proposes the same building height (28') and setbacks (20' front yard, 10' rear yard, and 5' side yard) as are required in the adjacent Game Creek Character Area "Residential Zone District." However, the Applicant is requesting consideration of variations to Building Lot Coverage and Impervious/Impermeable Surfaces Limits that are well in excess of typical residential zone coverage limits. **These particular variation requests should be further considered and discussed during the Planning Commission's review.**

Design Guidelines have been provided and used to reflect homes that have, effectively, been pre-designed (staff is of the understanding that most if not all lots and homes have been pre-sold at the time of writing this report) to fit the proposed lots and to comply with the proposed design guidelines and architectural standards offered with the updated Preliminary Plan application. Per the application narrative:

"The homes that have been designed, and the Design Guidelines included in the submittal, promote the Town's eclectic style by incorporating architectural elements and materials commonly used throughout the Town. Each home will be customized to suit the individual personalities of each homeowner. The primary exterior building form colors range from painted white to dark stain. An eclectic mix of colorful accents are encouraged to be used on additive building forms, shutters, windows, and doors to personalize each residence to its inhabitants."

Overall, staff believes the proposed updated layout and design of lots, setbacks, and other development controls prescribed in the Updated Design Guidelines and Updated PUD Guide documents, will create and promote a style, massing and architectural character that respects existing neighborhood characteristics apparent in the "Taylor Addition," the Minturn Towne Homes neighborhood, as well as other well-established neighborhoods in Minturn.

VI. Community Plan Conformance:

Community Plan Purpose and Vision

The 2009 Town of Minturn Community Plan is the guiding document setting forth a community-generated vision, values and goals for future growth, the character of the town, and fiscal decision-making to ensure the vibrancy of the Town is preserved and enhanced:

"Many of the activities and responsibilities of local government such as development plan approval, capital improvements, infrastructure and facility planning and zoning recommendations require conformance to a community's master plan. The Town of Minturn 2009 Community Plan will serve as a guide for these and other decision-making processes in the future. In short, this Community Plan will help establish the compass bearing for the Town of Minturn, and like any good navigation aid, should be periodically adjusted as changing conditions warrant."

- Town of Minturn Community Plan (p. 6)

The 2009 Community Plan provides the following background regarding the Town's vision and values relative to growth and development:

"Throughout the recent past, Minturn has strived to maintain its own identity separate from the other communities in the Eagle Valley. In 2008, residents voted to approve the annexation of approximately 4,300 acres on Battle Mountain to be used as a private ski and golf resort community. The prevailing sentiment of the residents was the desire to guide their own future by controlling the development on Battle Mountain, while maintaining the authentic 'small mountain town character' of the original town site. Any potential growth will require effective master planning to serve the newly developed areas, as well as to mitigate any potential impact upon services of the current Town. This in mind, the Town set out in late 2008 to begin a comprehensive update of its Community Plan, the specific name the Town of Minturn has chosen to give to its Master Plan."

- Town of Minturn Community Plan (p. 5)

Last, the Town's vision statement is clearly articulated on page 9 of the Plan:

"The Town of Minturn values:

- *Its natural environment*

- *Its people living in community*
- *Its history*
- *Its funky, eclectic style**

"From our roots as a mining and railroad town, Minturn has evolved into a one-of-a-kind Rocky Mountain town with a vibrant sense of community. We have built and continue to foster a unique environment which is sensitive to its natural setting, with a wide variety of housing opportunities. We possess a diverse economy based on the support of local business and complementary land development."

- *Town of Minturn Community Plan (p. 9)*

Community Plan Organization – Goals and Strategies

The Community Plan is organized around the following topics or sections:

- Community Character/Urban Design
- Sustainability and Green Building Practices
- Land Use/Transportation
- Affordable Housing
- Public Services and Facilities
- Economic Development
- Natural Resources
- Parks and Recreation

The following is a brief listing of applicable goals, objectives and strategies outlined in the plan for each policy area:

Community Character and Urban Design:

Goal (CCG1): Maintain, Build Upon and Promote the Town's Image as a Unique, Eclectic Non-Resort Town with a Strong Sense of Community

- (CCS 1.1) *Encourage and promote the use of public venues for a wide range of community events*
- (CCS 1.2) *Consider size limits for residential structures*
- (CCS 1.3) *Develop town signage including information kiosks, gateway signs and way-finding system*

- (CCS 1.4) *Develop and implement methods to maintain the town's eclectic architecture, scale and vibrant color palette*
- (CCS 1.5) *Investigate methods to preserve and protect historic structures*
- (CCS 1.6) *Incorporate local public art into new development and public improvements*
- (CCS 1.7) - *Support and enhance the Minturn Market as an integral part of downtown*
- (CCS 1.8) *Enforce ordinances aimed at maintaining the health, safety, welfare and aesthetic of the town – snow, trash, nuisance abatement and zoning/land use*
- (CCS 1.9) *Encourage development to utilize non-intrusive lighting systems*
- (CCS 1.10) *Examine existing hillside development regulations for improvement*
- (CCS 1.11) *Allow a variety of lot sizes (small and large lot) as appropriate to specific areas*

Staff Response:

The Updated Preliminary Plan and associated PUD Guide, Design Guideline, and HOA Covenant documents limit the size of homes while also addressing requirements and plans for snow management and storage, trash, nuisance abatement, lighting, zoning, and land use. The PUD is not located on a property that would require or be subject to Hillside Development regulations by the Town.

Sustainability and Green Building Practices

Goal (SGG 1): Encourage Green and Sustainable Practices Throughout the Community

- (SGS 1.1) *Develop and incorporate green building guidelines that address energy and resource efficiency, indoor air quality and on-site energy generation*
- (SGS 1.2) *Incorporate low impact development (LID) standards for site design into development requirements*
- (SGS 1.3) *Promote and encourage increased opportunities for businesses, residents and town government to reduce waste*
- (SGS 1.4) *Incorporate "Firewise" guidelines in building and site-planning practices*

Goal (SGG 2): Develop and Practice Green and Sustainable Processes

- (SGS 2.1) *Incorporate the concept of green infrastructure into the planning and design of improvements to town systems*
- (SGS 2.2) *Develop and ensure the integrity of a comprehensive recycling program for town facilities*
- (SGS 2.3) *Ban the use of plastic bags in the town*

Staff Response:

Per the application narrative, the Applicant is proposing specific measures - through infrastructure design and individual home design - that will support the Town's sustainable and/or green building goals and policies. Each lot will be developed with an electric vehicle (EV) charging station, as well as firewise materials and firewise, waterwise landscape design principles. From a neighborhood wide perspective, the application highlights the fact that infrastructure (roads and other hard, impervious surfaces) have been kept to a minimum while stormwater and drainage facilities have been designed with naturalized, "Low Impact Development" or LID standards and principles in mind.

Land Use/Transportation

Goal (LUG 1): Enhance the Town's Status as a Walkable and Bikeable Community

- (LUS 1.1) Develop and comply with a future land use plan for the entire town (land use element of this Community Plan) which encourages a compatible mix of land uses promoting mass transit, the use of bicycles and increased walkability/accessibility*
- (LUS 1.2) Develop comprehensive parking plan for the town which offers alternative parking strategies/standards specific to Minturn - aimed at increasing parking efficiency and ease of development/redevelopment*
- (LUS 1.3) Promote the development of a cohesive downtown*
- (LUS 1.4) Support and promote the expansion of public transit service to outlying communities*
- (LUS 1.5) Promote redevelopment areas as mixed-use centers*
- (LUS 1.6) Partner with owners of large land holdings on mutually beneficial redevelopment projects*

Staff Response:

The Updated Preliminary Plan generally achieves a higher level of conformance with the 2009 Minturn Community Plan Future Land Use Map (FLUM) than previous Preliminary Plan iterations. The Updated Preliminary Plan also can be viewed favorably with respect to the provision and design of internal circulation (roads, sidewalks and trail connections) as well as external circulation improvements (off-site improvements to Minturn Road as well as pedestrian safety improvements along Railroad Avenue) which should enhance walkability and multimodal (bikes, pedestrians and vehicles) transportation in and around the Game Creek Character Area. Such improvements should be considered important from the standpoint of supporting transportation, mobility, as well as the mass transit goals of the Town.

Affordable Housing

Goal (AHG 1): Promote Affordable Housing

- (AHS 1.1) Promote the development of housing opportunities for all income levels throughout all areas of town*
- (AHS 1.2) Allow a variety of lot sizes (small and large lot) as appropriate to specific areas*
- (AHS 1.3) Develop an affordable housing program, to include housing assistance for town employees, qualified town residents and other eligible Eagle County employees*
- (AHS 1.4) Leverage town-owned property for the development of affordable housing*

Staff Response:

In June 2020, the Town adopted its first "Inclusionary Housing" Ordinance setting forth specific requirements for mitigating housing affordability and focusing on "locals only" restrictions for any new development proposed over five (5) dwelling units. The Minturn North PUD Preliminary Plan was submitted *prior* to passage of the ordinance; therefore, the Town's inclusionary housing regulations do not apply to this PUD.

Nevertheless, the Applicant has consistently (since original Preliminary Plan application) offered to voluntarily restrict a portion of the overall lots or units as "Locals Only" in previous Preliminary Plan iterations, and (in previous iterations) to dedicate the proceeds from a 1% transfer fee on all real estate sales to a "Community Land Trust" which would then provide funding for affordable housing (perhaps down payment assistance) within the Town. However, details of how such land trust would work or how proceeds from the transfer fee would be used/administered were never finalized.

The Updated Preliminary Plan includes a housing plan with similar, voluntary "Locals Only" restrictions on Lots 34-39, as well as eligibility criteria for the Town to administer. Additionally, the Updated Preliminary Plan includes a 1% Transfer Tax on all sales of Lots 1-33 to non-residents. This mechanism is offered to first encourage local ownership, or, alternatively to generate funds from sales to non-residents that can be used in the future to fund down payment assistance and other tools that the Town might use to support local ownership and renters in the Town.

Public Services and Facilities

Goal (PFG 1): Ensure that Public Facilities are Planned and Implemented to Support New Growth and Existing Population Centers

- (PFS 1.1) Implement streetscape improvements with pedestrian-scale site elements including sidewalks, paving, signage, lighting and site furnishings*
- (PFS 1.2) Develop a Capital Improvement Plan prioritizing upgrades to existing infrastructure including roads, water and storm water drainage and pedestrian/bicycle amenities*
- (PFS 1.3) Ensure that impacts from new development on existing infrastructure are mitigated*
- (PFS 1.4) Incorporate the concept of green infrastructure into the planning and design of improvements to town systems*
- (PFS 1.5) Develop and implement a comprehensive sidewalk and trails plan addressing both accessibility and bicycles*
- (PFS 1.6) Develop and implement a plan to bury utilities throughout the community*
- (PFS 1.7) Support and promote infrastructure which is attractive to small business – snow removal, loading zones, sidewalks*
- (PFS 1.8) Incorporate the future use of alternative energies into planning processes*
- (PFS 1.9) Develop a comprehensive parking plan that addresses the needs of both the business community and residents*

Staff Response:

The proposed PUD is expected to have significant positive and negative benefits, impacts, and effects on the Town and its infrastructure, public facilities, and services. The plans include significant improvements such as sidewalks, connection to the regional Eco Trail, paved streets, drainage improvements to serve the PUD and neighboring residential development. Additionally, the plans include burying of existing overhead utilities, as well as the installation of a stormwater management system that currently does not exist in the Taylor Avenue area.

Impacts from increased residential development – on transportation, sewer and water infrastructure; police and emergency service providers; as well as the general enjoyment of existing town amenities – have been evaluated using fiscal and financial impact studies and analyses prepared by qualified professionals as part of the Preliminary Plan for PUD application process. Additionally, the Updated Preliminary Plan application includes 'Ability to Serve' letters from Emergency Service Providers. Importantly, the proposal includes demonstration of mitigation - either through design and construction, or via the voluntary provision of fees and contributions - for things such as school land dedication and off-site road and sidewalk improvements.

Economic Development

Goal (EDG 1): Diversify the Town's Economy

- (EDS 1.1) Encourage and provide incentives for business to locate in the downtown area*
- (EDS 1.2) Encourage the development of flexible space in commercial areas – space which can be easily adjusted as market conditions permit (office to retail to restaurant)*
- (EDS 1.3) Attract essential services necessary to form a "complete" community – grocery, pharmacy, hardware store, movie theater*
- (EDS 1.4) Develop a comprehensive marketing strategy promoting the town*
- (EDS 1.5) Utilize redevelopment opportunities to help expand and diversify the town's economic/employment base*
- (EDS 1.6) Support and promote practices which are attractive to small business infrastructure, taxes, city services*
- (EDS 1.7) Investigate opportunities for future annexations*
- (EDS 1.8) Develop a web-portal which promotes the town*
- (EDS 1.9) Promote the town's unique history to capitalize on the heritage tourism market*

Staff Response:

The Updated Preliminary Plan proposes residential housing products that, according to the Applicant, have largely been pre-sold to existing Minturn residents, or individuals currently residing in Eagle County. Additionally, the Updated Preliminary Plan application includes voluntary "Locals Only" deed restrictions and eligibility requirements, as well as voluntary transfer assessment on "non-local" or non-resident purchases to contribute to the Town's community housing goals and policies. Such voluntary provisions should serve to "expand and diversify the town's economic and employment base" and "Support and promote practices which are attractive to small business infrastructure, taxes, city services."

No commercial development is proposed.

Additionally, the design of the PUD as well as the architectural design standards that have been developed for the project will "promote the town's unique history," the project can be seen as complementing the Town's image.

Natural Resources

Goal (NRG 1): Protect and Promote the Eagle River as a Community Asset

- (NRS 1.1) Support and fund ongoing river restoration efforts*

- (NRS 1.2) *Improve and enhance public access to the Eagle River*
- (NRS 1.3) *Strengthen development standards supporting habitat restoration and protection of the river*
- (NRS 1.4) *Promote the Eagle River as a focal point of the community/gathering space*

Goal (NRG 2): Protect and Promote USFS lands as a Community Asset

- (NRS 2.1) *Maintain and improve access to public lands*
- (NRS 2.2) *Promote development of USFS lands where appropriate*

Goal (NRG 3): Preserve, Protect and Enhance Environmentally Sensitive Lands

- (NRS 3.1) *Examine existing hillside development regulations for improvement*
- (NRS 3.2) *Maintain historic wildlife migration corridors*
- (NRS 3.3) *Support efforts to mitigate the impact of the mountain pine beetle infestation*
- (NRS 3.4) *Incorporate "Firewise" guidelines in building and site planning practices*

Goal (NRG 4): Preserve, Protect and Enhance Ridgelines and View Corridors

- (NRS 4.1) *Develop methods to regulate development on ridgelines and preserve specific view corridors*

Staff Response:

The proposed PUD will have direct and lasting impacts on the achievement of the above goals and strategies aimed at protection and/or enhancement of community amenities and treasured natural resources such as the Game Creek drainage and access to public lands by directing development away from sensitive, valued, or hazardous natural areas such as hillsides and ridgelines, floodplains or floodways; and, by directing development toward an area of town that has been previously impacted by industrial uses and, importantly, where public infrastructure and services already exist – where density and reinvestment in existing infrastructure *should be* directed in an efficient manner.

No development is proposed on ridgelines and no specific view corridors have been mapped or designated in Town planning documents within or around the subject property. Plans include significant improvements and forethought with regard to preserving and enhancing trailhead parking and access to the Game Creek trail. Additionally, the Updated Preliminary Plan, like previous Preliminary Plan iterations, includes appropriate live stream setbacks to ensure that improvements on specific lots (Lots 1-7) do not encroach upon or impact Game Creek and associated riparian areas.

Condition Nos. 1 & 2 found in Section XI addresses outstanding issues or recommendations from partner referral agencies with regard to hazard analysis and/or mitigation evaluation, and natural resource protection that, if agreed to and implemented, should serve to increase the project's overall compliance with the Town's community plan goals and policies.

Parks and Recreation

Goal (PRG 1): Enhance Recreational Opportunities for all Town Residents and Visitors

- (PRS 1.1) Support and promote the development of a regional trail system*
- (PRS 1.2) Support and promote the development of a centralized gathering space in the downtown area*
- (PRS 1.3) Investigate opportunities for the development of playgrounds and parks*
- (PRS 1.4) Promote, maintain and improve access to open space*
- (PRS 1.5) Promote, maintain and improve access to the Eagle River*
- (PRS 1.6) Support and promote the development of recreational facilities and programs for multiple user groups*
- (PRS 1.7) Promote existing recreational opportunities/facilities*

Staff Response:

The PUD provides or enhances access to public lands and open space through the dedication of open space in excess of the Town's recommended amounts as well as a commitment to construct a significant section of the future regional Eco Trail segment planned to connect the north side of Town to the segment of trail located in Dowd Junction. Importantly, the Plan shows improved Game Creek trailhead parking areas..

The PUD provides just over 4-acres (184,259 sq. ft.) of open space (or roughly 31% of the overall land area in the PUD).

Previous iterations of the Preliminary Plan proposed more open space, however a significant portion of that open space was to be provided within the then proposed "Phase II," on a steep, mostly undevelopable parcel located north of Game Creek. That area would have qualified as open space based on the Town of Minturn's code requirements, however there was no guarantee that Phase II would have ever been developed, and there were significant concerns by the Division of Wildlife that the hillside area in question was valuable wildlife habitat and perhaps not the best place for additional impacts by recreational users (if a trail had been developed, for instance), even if mitigated by seasonal closures.

For these reasons, there were questions about the previously proposed Minturn North PUD Open Space Plan that staff believes have now been fully addressed and mitigated.

VII. Staff Analysis and Findings:

The following section outlines the evaluation criteria that the Planning Commission must consider in any action to approve, approve with conditions, deny or continue the Minturn North Preliminary Development Plan for PUD, Preliminary Plat, and Zone District Amendment.

Preliminary Plan for PUD - Overview of Staff Findings and Observations:

The following summarizes staff's overall interpretation of how the Minturn North Preliminary Plan for PUD addresses the stated goals of a PUD overlay zone district:

- Staff believes that the Updated Preliminary Plan supports several goals, policies and implementation strategies of the 2009 Town of Minturn Community Plan as well as the Minturn Municipal Code.
- The Updated Preliminary Plan demonstrates efficient land use patterns by locating development close to existing development and infrastructure within the Town of Minturn, thus directing residential growth and density inward and, therefore, avoiding costly sprawl and undesirable impacts to sensitive or valued environmental areas elsewhere in or around the Town.
- Because the Updated Preliminary Plan is proposed to be constructed in one phase, there is no traditional Phasing Plan required or necessary. However, the Updated Preliminary Plan is accompanied by detailed engineering plans, as well as preliminary level cost estimates, a draft Subdivision Improvements Agreement (SIA), and indications of financial guarantees and feasibility to construct the project in a reasonable time period.
- The Updated Preliminary Plan has been reviewed in light of the 2009 Community Plan goals and policies that encourage infill development and logical extensions of utilities and services to serve future development.
- The Preliminary Plan integrates various lot sizes and homes on all 39 lots will be custom designed to "fit" each lot (lot topography and setbacks, for instance) while providing variation in the home size and design from one lot to the next. Additionally, the Updated Preliminary Plan will contribute to trails and pedestrian circulation.

- The Updated Preliminary Plan has been designed to maintain or improve air and water quality through controls written into the PUD Guide and Design Guideline documents, as well as the Homeowner's Association covenants.
- The Updated Preliminary Plan proposal includes improvements to existing infrastructure designed to upgrade existing utility and infrastructure in the area, while proposed improvements/contributions toward sidewalk and trail connections promote safe, efficient, pedestrian and multi-modal networks. Further, proposed trail and public trailhead parking improvements appear to provide public benefits to the residents of the PUD as well as the general public.

Staff Findings

The following section outlines the Town staff's findings related to Preliminary Plan for PUD standards and criteria:

1. *Preliminary development plan evaluation criteria:*
 - a. *The resulting development will be consistent with the Community Plan and the proposed PUD reflects the character of the Town.*

Staff Response/Finding:

The Preliminary Plan and the proposed development appears to address and meet the intent of the 2009 Community Plan and a preponderance of 2009 Community Plan goals and implementation strategies. (Please refer to Section VI of this staff report.)

- b. *The area around the development can be planned to be in substantial harmony with the proposed PUD.*

Staff Response/Finding:

The Updated Preliminary Plan has been planned to a significant degree to be harmonious and in character with the type and density of residential development existing in the surrounding neighborhood and the applicant has worked with the Town and public service providers to address needed improvements and particular design issues related to existing and proposed public infrastructure.

Planning for Minturn North infrastructure and public facilities (roads, sidewalks, water, sewer, snow storage, drainage, utilities and

stormwater improvements and/or replacements to existing improvements) has involved careful coordination with Town staff, Eagle River Water and Sanitation District, and other service providers to ensure that required infrastructure and proposed upgrades to existing infrastructure in the immediate vicinity of the PUD have been planned to be in substantial harmony with the surrounding areas.

The Applicant has also provided detailed demolition/construction management, and erosion control plans demonstrating that potential impacts from construction of the PUD can be properly mitigated while minimizing temporary impacts on neighboring properties.

One prominent issue that has been discussed and addressed at length between the Applicant, Town staff, and U.P. is the existing conditions of the "S-Curve" along Railroad Avenue. The Applicant has worked closely with the Town and the Union Pacific Railroad to provide necessary easements and agreements, as well as preliminary engineering for sidewalk and railroad crossing improvements to enhance pedestrian safety from the PUD as well as existing residential uses already located in the Taylor Avenue area.

- c. *The adjacent and nearby neighborhoods will not be detrimentally affected by the proposed PUD.*

Staff Response/Finding:

The Updated Preliminary Plan represents an infill development on previously disturbed industrial lands that meshes well with the surrounding residential neighborhood, and which has been planned to provide logical improvements, extensions and connections to existing public infrastructure (roads, water, sewer, and stormwater improvements for example).

One could view any development of currently vacant land next to an existing residential neighborhood - any change to an existing condition - as a significant change. During the review of previous Preliminary Plan iterations, neighbors to this potential development had expressed concerns about the placement and reconstruction of Taylor Avenue relative to existing conditions (existing driveways, existing parking configurations, and existing improvements such as retaining walls) and future conditions (placement of new driveways, on-street parking, and snow storage areas). The Updated Preliminary Plan no longer proposes any improvements to Taylor Avenue.

Overall, staff believes that the PUD has been planned and updated to enhance rather than to detrimentally affect the nearby neighborhood while responding to neighborhood concerns over density, traffic, and overall subdivision design. Care has been taken to understand and plan around (or in many cases integrate with and upgrade) existing conditions and infrastructure,

- d. *The mass and scale of individual buildings and the overall density of the PUD shall be consistent in scale and character to avoid abrupt and/or severe differences with the surrounding area.*

Staff Response/Finding:

The Updated Preliminary Plan has been designed with densities and dimensional limitations (lot sizes, lot coverage standards, setbacks and height restrictions) to produce a mass and scale that matches or is similar to the requirements of the adjacent Game Creek Character Area "Residential Zone District." **Variations to lot coverage and impervious materials coverage should be discussed further with the Planning Commission.**

- e. *The PUD can be completed within a reasonable period of time, which shall be determined prior to final approval of the PUD.*

Staff Response/Finding:

Staff believes that all horizontal and vertical construction within the PUD can be completed within a reasonable time frame. This is a single-phase PUD and the Applicant/Developer intends to construct all horizontal and vertical improvements within a 2-3 year period.

- f. *The PUD provides for the appropriate treatment of the Eagle River corridor as a community recreational amenity and focal point.*

Staff Response/Finding:

The PUD is not adjacent to and does not have any frontage along the Eagle River. However, Game Creek traverses the northernmost portion of the PUD. The proposed 30' Game Creek Live Stream Setback as well as the proposed construction of, and/or upgrades to, drainage and stormwater systems that do not currently exist on the subject property or within the Taylor Avenue area, are viewed as benefits to the overall health of the Eagle River by providing enhanced treatment of stormwater entering and exiting the PUD. The only recommended revision to planning and development control documents is to ensure that the live stream setback is measured from the Ordinary High Water

Mark (OHWM) rather than to the centerline of the creek in conformance with the Town Code requirements.

- g. The residents of the PUD have easy access to recreational amenities.*

Staff Response/Finding:

The Updated PUD Preliminary Plan includes usable open spaces as well as proximity and access to recreational amenities such as the Game Creek trail and other hiking/biking trails in the vicinity in the same manner as existing residential uses occurring along Taylor Avenue. However, development of the PUD should be viewed as providing enhancements to connectivity and safety (sidewalks and ECO Trail improvements) that will benefit the larger community as well as residents of the PUD.

- h. Any increase in density proposed above what is permitted in the underlying zone shall be mitigated by increasing the land dedications to open space, recreational amenities or other public facilities and services.*

Staff Response/Finding:

Although the subject property is zoned "PUD Holding Zone" within the Game Creek Character Area, there are effectively no permitted uses associated with this zoning classification. Therefore, there are no "underlying" densities listed for the Holding Zone.

Additionally, while there are six (6) existing mobile homes on the property, any new residential development will effectively equate to a significant increase in density compared to what has existed historically on the subject property.

However, based on previous analyses conducted by Town staff during the conceptual review in 2019, the existing density on Taylor Ave. is approximately 6-7 units per acre. This does not reflect full build out of the lots in this area (which, historically, have been developed well below the maximum allowable for units and for lot coverage). For example, if lots within the "Taylor Addition" were built to their full potential (i.e., lots developed as duplex units or if more single-family homes included accessory dwelling units), the density could be as high as 11-12 units per acre.

Based on consistent feedback - from the Planning Commission, Town Council, and citizens - provided during the review of previous Preliminary Plan proposals, the updated Preliminary Plan for PUD has

been revised to reduce the number of lots and units. The 39 units now proposed to be constructed on 13.5 acres (Parcel 2 of the proposed UPRR Subdivision) will result in a gross density of approximately 3 units per acre.

Additionally, per the application materials, the average lot size in the Taylor Addition is 0.168 acres, while the updated Minturn North Preliminary Plan for PUD proposes the exact same average lot size of 0.168 acres.

The PUD provides significant open space and recreational amenities in excess of Town requirements. For instance, "recommended" open space within a PUD is 25% of the total land area included within the PUD. The Applicant is proposing 31% of the Minturn North PUD be reserved for open space and/or common area uses. Open space calculations do not include an additional .98 acres of land (the "Dedication Parcel") located on the southernmost end of the PUD and which is intended to be dedicated to the Town.

Last, sidewalk and trail networks are proposed that will connect residents and visitors to existing trailheads while enhancing walkability in this area of the Town.

- i. *Any proposed commercial or industrial development can be justified.*

Staff Response/Finding:

No commercial or industrial development is proposed in this PUD.

- j. *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area.*

Staff Response/Finding:

Proposed street networks and/or improvements to existing roadways serving the area are or can be planned to be adequate to support the anticipated traffic. The Updated Preliminary Plan for PUD includes a similar road layout as previous plan iterations, with a cross street running east to west proposed at or near the location of existing "4th Avenue" to connect Taylor Avenue with Minturn Road; and another road (Miles End Lane) running north to south through the PUD to provide internal circulation.

The Applicant has worked closely with the Town of Minturn Town Engineer (Jeff Spanel, Intermountain Engineering), Town Attorney

(Michael Sawyer and Richard Peterson-Cremer, Karp Neu Hanlon), the Union Pacific Railroad, and Eagle County Road and Bridge Department to ensure that 1) road layout, rights-of-way, grades, and design profiles meet or exceed Town standards and/or locally accepted best practices for road design, and 2) on-site and off-site road improvements will be adequate to support anticipated traffic.

- k. *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.*

Staff Response/Finding:

The Updated Preliminary Plan application includes detailed plans for grading, drainage and stormwater improvements/facilities throughout the PUD as well as off-site areas. These proposed improvements, while required in most instances as part of the project, should be viewed as a vast improvement over existing conditions along Taylor Avenue and across the subject property where there are few drainage or stormwater treatment facilities. Specifically, the PUD drainage and stormwater facilities were designed, in part, to address and handle existing drainage patterns and volumes originating from off-site (uphill and running through existing lots on Taylor Avenue).

- l. *Residential density and intensity of other uses shall be limited as required by the Town Council, upon consideration of the Community Plan, the Official Zone District Map and the specific characteristics of the subject land.*

Staff Response/Finding:

Staff believes that the proposed 100% residential use and proposed density conforms to the 2009 Community Plan, is similar to if not less dense than the surrounding residential development patterns and densities, and is appropriate for this location, particularly considering the feedback given during previous Preliminary Plan reviews where Planning Commission members, Town Council members and citizens expressed concerns regarding previously proposed lot layout, density, and potential impacts.

- m. *A favorable finding is made on the environmental assessment or environmental impact report.*

Staff Response/Finding:

An Environmental Impact Report was provided and reviewed by staff, Town consultants, and referral agencies charged with reviewing and

assessing the overall environmental impacts associated with this updated Preliminary Plan application. Overall, staff believes that a favorable finding can be made that the project has been designed properly and in accordance with the Town's standards and, importantly, that additional revisions can be made to the plans, if required, to further mitigate any potential environmental impacts.

- n. *The preliminary plan for PUD shall comply with the following open space and recreation standards:*
- i. *A minimum of twenty-five percent (25%) of the gross land area shall be reserved for common recreation and usable open space. Parking areas, street rights-of-way and minimum yard setbacks shall not be counted when determining usable open space. Water bodies, lands within critical wildlife habitat, riparian ecosystems and one-hundred-year floodplains that are preserved as open space shall count towards this minimum standard, even when they are not usable by or accessible to the residents of the PUD.*
 - ii. *All common open space and recreational facilities shall be shown on the preliminary plan for PUD and shall be constructed and fully improved according to the development schedule established for each development phase.*
 - iii. *All privately owned common open space shall continue to conform to its intended use, as approved in the preliminary plan. To ensure that all the common open space identified in the preliminary plan will be used as common open space, restrictions and/or covenants shall be placed in each deed to ensure their maintenance and to prohibit the division of any common open space.*

Staff Response/Finding:

The original Preliminary Plan iterations included approximately 32% open space including the setting aside of steep hillside areas located north of Game Creek and "Lot 73" shown on previous plans as occurring in "Phase II." This area is no longer being considered as part of the PUD.

That being said, within the Updated Preliminary Plan, several open space tracts are to be platted (created on a subdivision plat) and preserved resulting in a total open space provision of 31%. Open space tracts are located along the entirety of the property's easternmost boundary along Taylor Avenue; these open space areas will be critical to provide buffering/landscaping, drainage and stormwater facilities, as well as snow storage in the wintertime. Open space "Tract B," which encompasses that portion of the Game Creek drainage traversing the northernmost portion of the PUD, a 30' live stream setback from Game Creek is proposed to

preserve and protect the riparian corridor in full compliance with Town of Minturn live stream setback requirements.

Open space areas, unless proposed to be dedicated to the Town, will be privately maintained through the Minturn North Home Owner's Association.

Taken as a whole, the updated Preliminary Plan exceeds the Town's standards and recommendations for the provision of common recreation and/or usable open space.

Preliminary Plat:

Section 17-5-80 - *Preliminary plat review*, of the Minturn Municipal Code outlines the following standards or criteria for the Town Council's review of the Preliminary Plat:

"The Town shall consider the following in its review of the preliminary plat:

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

Staff Response:

There are some technical details that still need to be worked through between the Applicant and staff. However, staff and the Town's consultant team agree that all remaining issues are, indeed, technical in nature and can be addressed prior to or as part of any final plat for subdivision application.

Amendment to the Zone District Map:

Section 16-21-450 - *Standards*, of the Minturn Municipal Code outlines the following standards or criteria for the Town Council's review of the Amendment of the Zone District Map:

"The wisdom of amending the text of these Land Use Regulations, the Character Area Zoning Map or any other map incorporated in these Land Use Regulations is a matter committed to the legislative discretion of the Town Council and is not controlled by any

one (1) factor. In determining whether to adopt, adopt with modifications or disapprove the proposed amendment, the Town Council shall consider the following:

1. *Consistency with Master Plan.* Whether and the extent to which the proposed amendment is consistent with the purposes, goals, policies and Character Area Zoning Map of the Master Plan.
2. *Compatible with surrounding uses.* Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate Character Area and zone district for the land, considering its consistency with the purpose and standards of the proposed zone district.
3. *Changed conditions.* Whether and the extent to which there are changed conditions that require an amendment to modify the use, density or intensity.
4. *Effect on natural environment.* Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife habitat, vegetation and wetlands
5. *Community need.* Whether and the extent to which the proposed amendment addresses a demonstrated community need.
6. *Development patterns.* Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute spot zoning, and whether the resulting development can logically be provided with necessary public facilities and services.
7. *Public interest.* Whether and the extent to which the area to which the proposed amendment would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area.

Staff Response:

The proposed rezoning from the Game Creek Character Area "PUD Holding Zone" District to the "Minturn North PUD Overlay District" conforms with the goals and policies of the 2009 Community Plan.

The proposed zone district amendment (and the resultant residential development) is compatible with surrounding residential and open space uses; responds to changing market conditions and community needs; presents a land development pattern that is efficient and in keeping with logical and orderly growth; and considers impacts to the environment and the public's interest.

VIII. Variation Requests:

As is permitted and encouraged with any Planned Unit Development, the Applicant may request variations ("variances") from the Town's standards that would otherwise apply to any new development located in one of the Town's established zone districts.

Staff has outlined in detail the purposes and objectives of the PUD Overlay Zone District and process which include allowing flexibility in the design and construction of a new development to achieve certain goals such as compact development patterns, preservation of valued environmental areas and/or open spaces, and the provision of local's housing.

In this case - and in stark contrast to previous iterations of the Preliminary Plan - the Applicant is requesting minimal variances as part of the Updated Preliminary Plan for PUD and has provided justifications for each request - to increase maximum lot and impervious coverage, as well as to reduce minimum lot dimensions and minimum lot area for certain lots.

Generally, staff suggests that because there is effectively no underlying zoning or development restrictions currently applicable to the underlying "PUD Holding Zone," staff and the Town can only review the Updated Preliminary Plan in context to surrounding development controls and dimensional limitations.

Staff is generally supportive of all requested variations to Town standards as a means to incentivize and permit creativity and flexibility in the design of the PUD - a major tenet of the PUD Overlay Zone District purpose and intent. Specifically, the request to allow for minimum lot sizes of 4,000 square feet and/or reductions in required lot frontage appear reasonable and in-line with either existing lot sizes found elsewhere in Town currently, or with anticipated changes to the Town's Zoning Code (Chapter 16) in the future.

Staff suggests that the Planning Commission discuss with the Applicant the proposed variations from lot and impervious coverage standards during the hearing process to better understand proposed coverage limits and to ensure that such variations will not produce adverse impacts or a development pattern that is wholly inconsistent with existing development patterns and/or the Town's community development goals and policies.

IX. Updates and Outstanding Issues:

The following section outlines updates to the Minturn North Preliminary Plan for PUD since the Applicant last presented plans to the Planning Commission and the Town Council in 2021 and 2022, respectively.

Traffic Impacts:

The Planning Commission scrutinized the previous Preliminary Plan's impact on existing traffic and transportation networks in the Town due to the previously proposed project density. Specifically, the Planning Commission discussed what level and type of improvements would be necessary to improve existing roads and/or intersections serving the development.

Staff Comment: Based on the updated traffic study submitted by the Applicant, verification by the Town Engineer, and requirements by CDOT, there will still need to be turn lanes added at the intersection of Hwy. 24 and the County road to accommodate existing (background) traffic utilizing that northern route (Minturn Road to County Road). CDOT had previously approved access permits for the project, however those previous permits have expired. The Applicant has re-applied for access permits based on the Updated Preliminary Plan and what should be viewed as a significant downward departure in offsite impacts from traffic due to reduced density of the project.

The Planning Commission based its denial of the previous Preliminary Plan, in part, on the potentially negative impacts of additional traffic generated from the previous Preliminary Plan on the "S-Curve" and Railroad Avenue. Since the Planning Commission hearings in 2021, the Applicant has responded by 1) reducing overall project density and, 2) working with UPRR and the Town to present additional improvements on the north side of the S-Curve and along the north side of Railroad Avenue to provide sidewalk connections that presently do not exist.

Lot and Impervious Coverage Limits - Variation Requests

The Updated Preliminary Plan, specifically the proposed PUD Guide document which will set forth all zoning and development controls/dimensional limitations (setbacks, building height limits, and lot coverage limits) - includes allowances for lot and impervious coverage by buildings and other non-permeable surfaces such as driveways, patios and walkways that exceed coverage limits permitted in other strictly low-density, single-family residential zone districts within the Town.

The Applicant is asking for a variation from underlying zoning requirements and dimensional limitations to allow for a range of 60-75% coverage (depending on the lot), with higher coverage limits proposed on smaller lots (Lots 34-39), and lower coverage limits proposed for larger lots with a 5,000 sq. ft. minimum lot size. Staff understands that these percentages may be higher than actually required to accommodate the size of homes (and patios and driveway areas) contemplated for each of the lots as a matter of overestimation or caution; ensuring that final designs for certain lots - particularly Lots 34-39 - account for all surfaces that could be construed as impervious per the Town's definitions, even though those surfaces may actually be permeable (permeable paver patios, for instance).

Additionally, staff understands that the proposed maximum coverage limit by buildings and impervious materials for Lots 34-39 is so high (75%) because the Applicant is accounting for the surface of Silver Star Trail which will be constructed within an easement burdening Lots 34-39. This is a unique situation which certainly should be considered by the Planning Commission.

It is worth noting again that the "PUD Holding Zone" within the Game Creek Character Area lists no allowed uses or dimensional limitations. Therefore, it is difficult from a practical standpoint to determine the percentage or degree of requested variation because there is no starting point (e.g., 40%) provided by underlying dimensional limitations.

That being said, staff (and the Applicant) have used the dimensional limitations applicable within the adjacent Game Creek Character Area "Residential Zone District" as the basis for comparison of the proposed PUD and typical Town standards.

Staff suggests that while variations to lot and impervious coverage limits may 1) be justified, and 2) be warranted and/or appropriate to achieve Town goals and objectives, **the Applicant should be prepared to discuss the requested variations with the Planning Commission.**

Referral Agency Comments and Recommendations

While the Town received referral responses from several of the agencies that the Updated Preliminary Plan was sent to, two of the Town's referral agency partners - the Eagle River Watershed Council (ERWC) and the Colorado Geological Survey (CGS) - provided comments aimed at concerns and recommendations related to hazards identification, evaluation and mitigation, as well as recommendations related to bolstering natural resource protection.

Staff Comment:

The following commentary is offered to explain the staff's position(s) relative to referral comments received from the Eagle River Watershed Council and the Colorado Geological Survey. Staff has provided recommended conditions of approval for the Preliminary Development Plan for PUD application based on these referral agency comments and recommendations.

ERWC

The Eagle River Watershed Council provided written comments in response to the Town's referral of the Updated Preliminary Plan application. Primary issues identified by ERWC included:

- Stormwater Modeling - ensuring that the proposed Preliminary Plan and associated water runoff modeling use consistent percentages of lot and/or impervious coverage.
 - The Applicant's response to this issue confirms that additional revisions will be made to project drainage reports and/or civil engineering drawings specifically to address ERWC's comments prior to or concurrent with any Final Plan/Plat application.
 - The Town Engineer reviewed the ERWC comments and the response from the Applicant and provided additional comments reiterating that the Town Engineer will also require final drainage infrastructure details for any Final Plan/Plat application.
- Stormwater Approach - recommendations for onsite water quality and retention, along with comments questioning the methodology used in technical reports.
 - The Applicant's response stated disagreement with ERWC's recommendations and critiques on this issue stating that the project team's approach to modeling and design of stormwater and proposed onsite conveyance and treatment was "wholistic" to include on-site and offsite drainage.
 - The Town Engineer reviewed ERWC's comments and provided additional comments reiterating that the Town Engineer will also require final drainage infrastructure details for any Final Plan/Plat application.
 - The Town Engineer also reiterated that the Town of Minturn Municipal Code does not require the developer to address off-site stormwater but does require the developer to ensure that drainage coming from offsite needs to be properly accommodated and designed for within the PUD (again, referring back to previous comments by Intermountain Engineering that final drainage details including sizing of all drainage facilities)

needs to be provided at Final Plan/Plat and final construction drawings.

- Alluvial Fan Geomorphology and Flood Hazard/Fluvial Hazard Risk - ERWC comments were extensive on topics ranging from alluvial fan/hazard risk, to recommendations on flood hazard analyses and the design of proposed mitigation (berming) intended to address flood hazards in proximity to Game Creek.
 - The Applicant's response to these comments highlighted the existing floodplain limits and the fact that the civil engineering plans had been designed to reduce risk while remaining outside the floodplain with proposed (berm) improvements.
 - The Town Engineer has reviewed this comment by ERWC and has agreed with ERWC that additional analysis ("flood, mud, and debris flow hazard evaluation") should be performed as part of any Final Plan/Plat application.

- Riparian Buffers - ERWC points out that the 30' live stream setback for the PUD should be measured to the Ordinary High Water Mark, not the centerline of Game Creek, in accordance with best practice as well as the Town's regulations. ERWC also recommends that the Town require "full legal dedication of stream tracts and live stream setback areas directly to town ownership" to provide the highest level of management and enforcement.
 - The Town staff agrees with the recommendation/clarification that live stream setback should be measured from OHWM. These changes will be noted on any Final Plan/Plat application.
 - The Town staff does not agree with ERWC regarding ownership requirements of stream tracts.

- Water Quality Monitoring - ERWC recommends that the Town require the developer to provide baseline and ongoing water quality monitoring.
 - The Applicant responded by stating that additional monitoring should not be required or warranted (as a burden on the developer) based on the level of impacts contemplated within proximity to Game Creek.
 - Staff suggests that the Town may consider this recommendation in the future.
 - The Town Engineer agrees with the Applicant in this case that monitoring should not be the developer's responsibility.

CGS

- CGS comments addressed potential for landslide, avalanche and/or debris flow hazards in the area of the Game Creek Character Area and

the recommendation for additional hazards analyses that may impact project design, particularly proposed improvements and mitigation such as ditches and berms. CGS also provided recommendations regarding steep (2:1) slopes proposed on Lots 2-7.

- The Applicant provided a response to CGS stating that the application already adequately addresses stated concerns and potential risk factors and that portions of the previous Preliminary Plan iterations that included proposed development north of Game Creek (an area thought to pose increased rockfall and debris flow hazards) had been removed from this proposal.
- The Town Engineer reviewed CGS's comments as well as the Applicant's response and states that the Applicant should address landslide, avalanche and debris flow specifically as part of any Final Plan/Plat application.

X. External Referral Agencies:

The Town sent the Updated Preliminary Plan application package to 11 external agencies and/or stakeholder groups on April 18, 2023 and received comments from the following agencies:

1. Colorado Department of Transportation (CDOT)
2. Colorado Parks and Wildlife
3. Eagle River Water and Sanitation District
4. Xcel Energy
5. Eagle County
6. Eagle River Fire Protection District
7. Colorado Geologic Survey
8. Eagle River Watershed Council

A copy of all referral commentary as well as the Applicant's response to referral agency comments is attached hereto under **Attachment 1 starting on page 60**.

XI. Staff Recommendations and Suggested Conditions:

The following sections outline staff's recommendations for three, separate but related applications required for preliminary plan approval:

- Preliminary Development Plan for PUD Application
- Preliminary Plat Application
- Zone District Amendment Application

Preliminary Development Plan for PUD:

Staff believes the Minturn North Preliminary Development Plan for PUD application **conforms** to a majority of Town goals and policies and the applicable requirements of the Town of Minturn Municipal Code.

Staff is **recommending approval with conditions** of the Preliminary Development Plan for PUD based on a finding that applicable standards are met or can be met as conditioned.

The following suggested conditions of approval are provided as an initial list (to be added to during the hearing process if necessary and appropriate):

1. The Applicant shall work with the Town Engineer prior to or concurrent with any Final Plan/Plat application to address referral comments related to further evaluation of hazards that may impact final design of all civil engineering and/or subdivision design(s).
2. The Applicant shall work with the Town Engineer prior to or concurrent with any Final Plan/Plat application to adequately address all remaining technical plat and/or civil engineering details and suggested revisions outlined in letters from Intermountain Engineering dated May 22, 2023, and June 20, 2023.
3. The Applicant shall work with the Town to finalize any/all outstanding issues related to the draft Subdivision Improvements Agreement and associated 100% construction level plans prior to or concurrent with Final Plan/Plat application submittal.

Preliminary Plat:

Staff believes the updated Minturn North Preliminary Plat application **generally conforms** to the requirements of the Minturn Municipal Code but that several revisions must be completed prior to the Applicant submitting a final plat for consideration by the Town. Staff is **recommending approval of the Preliminary Plat** with one condition requiring the Applicant to resolve all outstanding issues and technical revisions already identified by the Town staff.

The following suggested condition of approval is provided in the event the Planning Commission takes action to recommend approval of the Preliminary Plat with conditions:

1. The Applicant shall work with Town staff to update the Minturn North PUD Preliminary Plat prior to or concurrent with any Final Plan/Plat application to address any/all outstanding technical and/or legal requirements as noted in previous staff and consultant referral comments.

Zone District Amendment:

Staff believes the application for Amendment to the Official Zone District Map - from the Game Creek Character Area "PUD Holding Zone District" to the Minturn North PUD Overlay Zone District **complies** with the applicable standards and criteria of the Minturn Municipal Code.

Staff is **recommending approval of the Zone District Amendment** and staff does not believe conditions of approval are necessary in the event the Planning Commission forwards a recommendation for approval to the Town Council.

Suggested Motions - Alternatives:

The Planning Commission will have the following options available when taking action on each of the applications - Preliminary Development Plan for PUD application, Preliminary Plat, and Zone District Amendment:

1. Approval
2. Approval with conditions
3. Denial
4. Continuance

The following suggested motion language is offered to assist the Planning Commission:

Preliminary Development Plan for PUD:

Approval:

"I move the Minturn Planning Commission forward a recommendation for approval of the Minturn North Preliminary Development Plan for PUD with staff recommended findings because the application conforms to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan."

Approval with Conditions:

"I move the Minturn Planning Commission forward a recommendation for approval, with conditions, of the Minturn North Preliminary Development Plan for PUD with staff recommended findings because the application conforms, as conditioned, to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan."

Denial:

"I move the Minturn Planning Commission forward a recommendation for denial of the Minturn North Preliminary Development Plan for PUD, because the application does not conform to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan."

Note that in the event of a denial motion, the Planning Commission may request staff assistance in making appropriate findings to support such action.

Continuance:

"I move the Minturn Planning Commission continue the Minturn North Preliminary Plan to a date certain."

Preliminary Plat:

Approval:

"I move the Minturn Planning Commission forward a recommendation for approval of the Minturn North Preliminary Plat, with staff recommended findings because the application conforms to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan."

Approval with Conditions:

"I move the Minturn Planning Commission forward a recommendation for approval, with conditions, of the Minturn North Preliminary Plat, with staff recommended findings because the application conforms, as conditioned, to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan."

Denial:

"I move the Minturn Planning Commission forward a recommendation of denial of the Minturn North Preliminary Plat, because the application does not conform to the

applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan."

Note that in the event of a denial motion, the Planning Commission may request staff assistance in making appropriate findings to support such action.

Continuance:

"I move the Minturn Planning Commission continue the Minturn North Preliminary Plat to a date certain to allow staff and/or the Applicant additional time to address issues and concerns by the Planning Commission."

Zone District Amendment:

Approval:

"I move the Minturn Planning Commission forward a recommendation of approval of the Amendment to the Official Zone District Map with staff recommended findings because the application conforms to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan.

Approval with Conditions:

"I move the Minturn Planning Commission forward a recommendation of approval, with conditions, of the Amendment to the Official Zone District Map, with staff recommended findings because the application conforms, as conditioned, to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan."

Denial:

"I move the Minturn Planning Commission forward a recommendation of denial of the Amendment to the Official Zone District Map, because the application does not conform to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan."

Note that in the event of a denial motion, the Planning Commission may request staff assistance in making appropriate findings to support such action.

Continuance:

"I move the Minturn Planning Commission continue the Amendment to the Official Zone District Map to a date certain to allow staff and/or the Applicant additional time to address issues and concerns by the Planning Commission."

Attachments:

1. Staff and Referral Agency Review Comments
2. Applicant June 2, 2023 Response to Referral Agency Review Comments
3. Written Public Comments Received as of 6.23.23

June 23, 2023

TO: MINTURN PLANNING COMMISSION AND TOWN COUNCIL

FROM: TOWN ATTORNEY

RE: PROPOSED EASEMENT AND CROSSING DOCUMENTS FROM UPRR

As part of the approval of the Minturn North PUD and subdivision plat, the applicant is required to demonstrate adequate legal and physical access to the property together with any off-site improvements associated with the proposed development. In the situation of Minturn North, certain easements and rights-of-way will be created on the subdivision plat. Other easements for public roads are being granted by Union Pacific Railroad (“UPRR”) to facilitate the new uses of the Minturn North property. This memorandum evaluates the easements granted by UPRR.

Minturn Road and Railroad Ave.

Historically, Minturn Road has existed within current Town boundaries by virtue of an Easement Deed from the Denver and Rio Grande Railroad Company to Eagle County granted in 1904. **Exhibit A.** With the passage of time and construction of new roadway improvements, the physical location of Minturn Road in certain places no longer follows the easement granted almost 120 years ago. Further, the location of Railroad Ave. (from north Main Street to the track crossing) does not appear to be in any deeded right-of-way benefiting Minturn. Instead, this portion of Railroad Ave. is located on Union Pacific Railroad Company (“UPRR”) property. This memorandum does not discuss potential rights that the Town may have for these two roadways by virtue of adverse possession.

As part of the proposed Minturn North subdivision, UPRR has proposed to grant the Town new easements for both Minturn Road and Railroad Ave. UPRR has proposed an arrangement that contemplates vacating the old easement for Minturn Road and granting a new easement for both Minturn Road and Railroad Ave. **Exhibit B.** Eagle County as the party who received the easement in 1904 would vacate the old easement for Minturn Road.

The new proposed easement for Minturn Road and Railroad Ave. is contained in one document. **Exhibit C.** The new easement gives the Town the right to construct, use and maintain specific defined areas for “roadway, sidewalk, and utilities.” UPRR has asked that the westerly 25 feet within the Minturn Road easement not be used for Sidewalk purposes. The intent is to keep pedestrian traffic on the east side of Minturn Road and away from the railyard (previously UPRR had required that Minturn construct and maintain a fence if a sidewalk/trail was to be located on the west side of the roadway). The Town may grant licenses to third parties for

installation of utilities after providing UPRR with 14 days notice and a plan set for the location of the utilities.

UPRR retains the right to install fiber optic and signal lines, telephone and electric poles and lines, within the easement area subject to providing the Town with 14 days notice and a plan set. UPRR's reserved rights in the Minturn Road and Railroad Ave. easements may not interfere with the Town's use for public road and utility purposes. The Town has an obligation to maintain the improvements within the easement "consistent with the requirements of Colorado law" and in such a manner as to not interfere with UPRR tracks. The Town has an agreement to "indemnify, defend and hold harmless" the UPRR for the Town's "performance of its obligations in the Easement – subject to said obligation being lawful under TABOR.

The easement granted for Minturn Road is 50 feet in width. The easement for Railroad Ave. is variable width between 29 and 40 feet in width to be confirmed and possibly modified subject to UPRR survey work confirming that the proposed improvements fit within the easement. The Railroad Ave. easement allows for the installation of a sidewalk along the north side of the existing roadway. Town staff have evaluated that the improvements associated with the Minturn North development can be physically accommodated within the Minturn Road easement.

Railroad Ave. Crossing Agreement

Railroad Ave. crosses the tracks at what is referred to as the "S" curve. At this location, UPRR has proposed a different form of Easement Deed for the Town's interest to maintain the roadway at this location. **Exhibit D.** The easement for the "S" curve is only for "an at at-grade public road crossing and sidewalk" and does not include the right to locate utilities in the easement. The easement is generally 40 feet in width. UPRR retains the right to maintain its tracks and appurtenances in the area (e.g. utility lines) so long as they do not unreasonably interfere with Minturn's use of the easement. Railroad uses of the crossing are deemed not to interfere with the roadway uses.

The easement is subject to a Public Highway At-Grade Crossing Agreement. The Crossing Agreement requires the Town to have contractors performing work within the "S" Curve to have insurance and execute a Right of Entry Agreement. If UPRR determines that the Town's facilities constitute a threat to the Railroad's operations, UPRR may perform work to fix the problem and send the bill to the Town. Any "non-railroad" facilities placed within the "S" curve area must be approved by UPRR. Council should consider Section 11 A. which provides that if the tracks are reactivated, that the Railroad will work with Minturn to determine what improvements are necessitated by the reactivation, which may include cost allocations to Minturn.

The Crossing Agreement allows the Railroad to require upgrades to the crossing under various circumstances. These include need to change the grades of the crossing, the installation of warning devices, and the installation of roadway improvements in between tracks. In these situations, the Town would be liable for some or all of the upgrade costs. The Crossing Agreement also contains detailed provisions about the requirements for performing work within the UPRR right-of-way (including reimbursing various UPRR costs). Finally, the Crossing Agreement does

Page 3

include an indemnification provision for damage caused to UPRR facilities. The indemnity provisions are subject to the Constitutional limitations imposed by TABOR.

It is worth noting that the Crossing Agreement as presented to Council for consideration does include modifications from the form originally presented by UPRR. Because this Crossing is part of an application that allows UPRR to sell property, changes to the form were permitted that otherwise would not be allowed for other municipal crossings.

Dowd Junction Crossing Agreement

An identical Crossing Agreement is proposed for the crossing of Minturn Road (County Road 14) near Dowd Junction. **Exhibit E.** The Crossing Agreement for this location does raise a couple of issues. It is worth noting that the crossing of Minturn Road at Dowd Junction is within the municipal boundaries (which stop at the east side of the railroad ROW). However, the roadway headed east and north is a County Road at this location, not a Minturn Town road. Further, the bridge crossing the Eagle River is a County bridge. UPRR is proposing to grant the Town the Crossing Agreement at this location because it is tied to a Town project (Minturn North). However, the roadway and bridge on either side of this crossing are owned by Eagle County.

Process for Adopting

Minturn will not formally approve the various UPRR documents until approval of the Final Plat for Minturn North. UPRR is proposing to execute the documents now. All documents would be placed in an escrow until approval of a final plat for Minturn North (**Exhibit F**).

Handwritten notes:
Bill [unclear]
[unclear]
[unclear]
[unclear]
[unclear]



James A. Weber

Filed August 1978

304 James A. Weber

Committee

on the

Environment

by Hon. J. P. [unclear]

THIS AGREEMENT, made and entered into this 13th day of August, A. D. 1904, by and between THE DENVER AND RIO GRANDE RAILROAD COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Colorado, and hereinafter referred to as the Railroad Company, party of the first part, and the COUNTY OF EAGLE, organized and existing under and by virtue of the laws of said State, and hereinafter referred to as the County, party of the second part, WITNESSETH THAT

WHEREAS, the use by the public of the lands, premises and yards of the Railroad Company at or near the town of Minturn, in said county and state for public travel, and the crossing of its tracks within said yards by the public as heretofore practiced, involve great danger to the public, and danger and annoyance to said Railroad Company, and an impediment and hindrance to its operations, and

WHEREAS, it is the desire of said Railroad Company and of said County that there shall be located, laid out and constructed public roads in the vicinity of said yards, in such manner as to avoid as far as possible such dangers, annoyances and hindrances, and

WHEREAS, the people of the said town of Minturn have petitioned the Board of County commissioners of said County to construct such bridge over the said Eagle River and to locate, lay out and construct such roads, and to provide for such crossing over the tracks of said Railroad Company in the vicinity of said yards as shall better accommodate the public and minimize the dangers to public travel in said vicinity, and the dangers and hindrances to said Railroad Company;

NOW, THEREFORE, for and in consideration of the covenants and agreements hereinafter set forth, to be by the respective parties hereto kept, done and performed, it is agreed by and between said parties as follows, to-wit:

201900427

1. Said Railroad Company agrees to grant and does hereby grant unto said County an easement for a right of way for a public road forty (40) feet wide over and across the lands and premises of said Railroad Company in the West Half of the Northwest Quarter of Section Twenty-six (26), Township Five (5) South of Range Eighty-one (81) West of the 6th Principal Meridian, between the points hereinafter designated and as shown on the attached blue print, which is made and accepted as part and parcel of this agreement.

a. From a point marked E on said blue print to a point marked D thereon;

b. From a point marked B on said blue print to a point marked A thereon;

c. From a point marked H on said blue print to a point marked I thereon;

d. From a point marked F on said blue print to a point marked G thereon.

2. Said Railroad Company agrees to permit said County to use for the purposes of a public highway, and in order to afford ingress to and egress from Block B on the northerly side of the Eagle River, a strip of land as and of the dimensions shown on said blue print between a point marked B and a point marked J thereon, for such period of time as said Railroad Company shall not require the use thereof for an extension or enlargement of its round-house or other facilities, and until said Railroad Company shall furnish to said County for the use of the public other lands for a highway to afford ingress to and egress from the said Block B as aforesaid; provided, however, that said Railroad Company shall have the right at any time to terminate and discontinue the use by the public and said County of said last de-

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scribed strip of land, upon furnishing to said County for the use of the public other lands for a highway to afford ingress to and egress from said Block B as aforesaid.

3. Said Railroad Company also agrees to permit the public to cross its lands, premises and tracks along the roadways now in use for such period of time as shall be required hereunder for said County to locate and construct the proposed new bridge over Eagle River between the points designated A and B on the attached blue-print and the proposed new highways between the points designated C to H to I, and B to J on said blue print, but not longer than until November 15th, 1904, except as to the present traveled road from L to M and from M to the south line of said Railroad Company's lands in said Section 26, the license to use which last described portions of roadways is provided for in Section 8 of this agreement.

4. Said Railroad Company further agrees at its sole cost and expense to install at the earliest practicable date, and thereafter to maintain and operate an alarm gong at the site of the proposed new crossing of its tracks in the south end of its said Minturn yard, between the said points B and C, as shown on said blue print, said gong to be connected with its double main tracks only, and further agrees to construct and thereafter to maintain a sixteen (16) foot plank crossing satisfactory to the County Commissioners of said County, over and across its tracks between said points B and C, as shown on said blue print.

5. Said County agrees, at its sole cost and expense, to locate, construct and complete ready for use by the public on or before November 15th, 1904, and as a part of its system of highways a new wagon bridge of sufficient strength and of such dimensions as shall safely subserve the public convenience across the Eagle

201900427

River between points marked A and B on said blue print, together with the necessary approaches thereto, and thereafter to forever maintain the same in good, safe and serviceable condition and repair.

6. Said county further agrees, at its sole cost and expense, to enter at once upon the construction of, and thereafter with reasonable diligence to complete ready for public use highways on the easterly side of said Railroad Company's yard at Minturn along the lines hereinbefore designated and between the points B and E, H and I, and J and E, as shown on attached blue print, and after the completion thereof, to forever maintain the same, in good safe and serviceable condition for the use of the public as highways.

7. Said County further agrees by appropriate action to at once vacate for public use, and as a part of its system of highways, two bridges across said Eagle River, designated on said blue print as bridge No. 1, in the vicinity of the point designated K on said blue print, and bridge No. 2, near the point designated L thereon.

8. Said County further agrees at once by appropriate action to vacate for public use, and as a part of its system of public highways or roads, used by the public or any portion thereof, all and singular the lands and premises within the exterior boundary lines of the lands and premises of said Railroad Company at or in the vicinity of said town of Minturn, as shown on said attached blue print between the points designated thereon as follows:

B to C, K to P, E to M, H to N and M to K, provided however that said roads designated on said print as extending from H to C from M to P and from M to N shall not be closed to public travel by said Railroad Company until said County shall have completed the construction of said new bridge between said points

all its rights in and to

marked A and B on said blue print, and the approaches thereto, and until said Railroad Company shall have completed the proposed new crossing over its tracks between the points B and C, as shown on said blue print, and provided, further, that said bridges designated on said blue print as Bridges No. 1 and No. 2, and said roads from L to M and from M to the south line of said Railroad Company's lands in the northwest quarter of said Section 26 shall not be closed to public travel by the said Railroad Company prior to December 31st, 1968, unless said County prior to said December 31st, 1968, shall have completed the construction of the proposed new public road on and along the right of way herein provided for between the points designated F and G on said blue print.

IN WITNESS WHEREOF, said Railroad Company has caused these presents to be duly executed by the hand of its Manager, and said County has caused these presents to be executed by the Chairman of its Board of County Commissioners, and its corporate seal to be hereunto affixed and attested by its Clerk, they being thereunto duly authorized by resolution of said Board of County Commissioners on the day and year first above written.

THE DENVER AND RIO GRANDE RAILROAD COMPANY,

By James Jackson
Manager.

THE BOARD OF COUNTY COMMISSIONERS OF EAGLE COUNTY, COLORADO,

ATTEST:

James D. Loofer By Arthur M. Kingis
Clerk. Chairman.

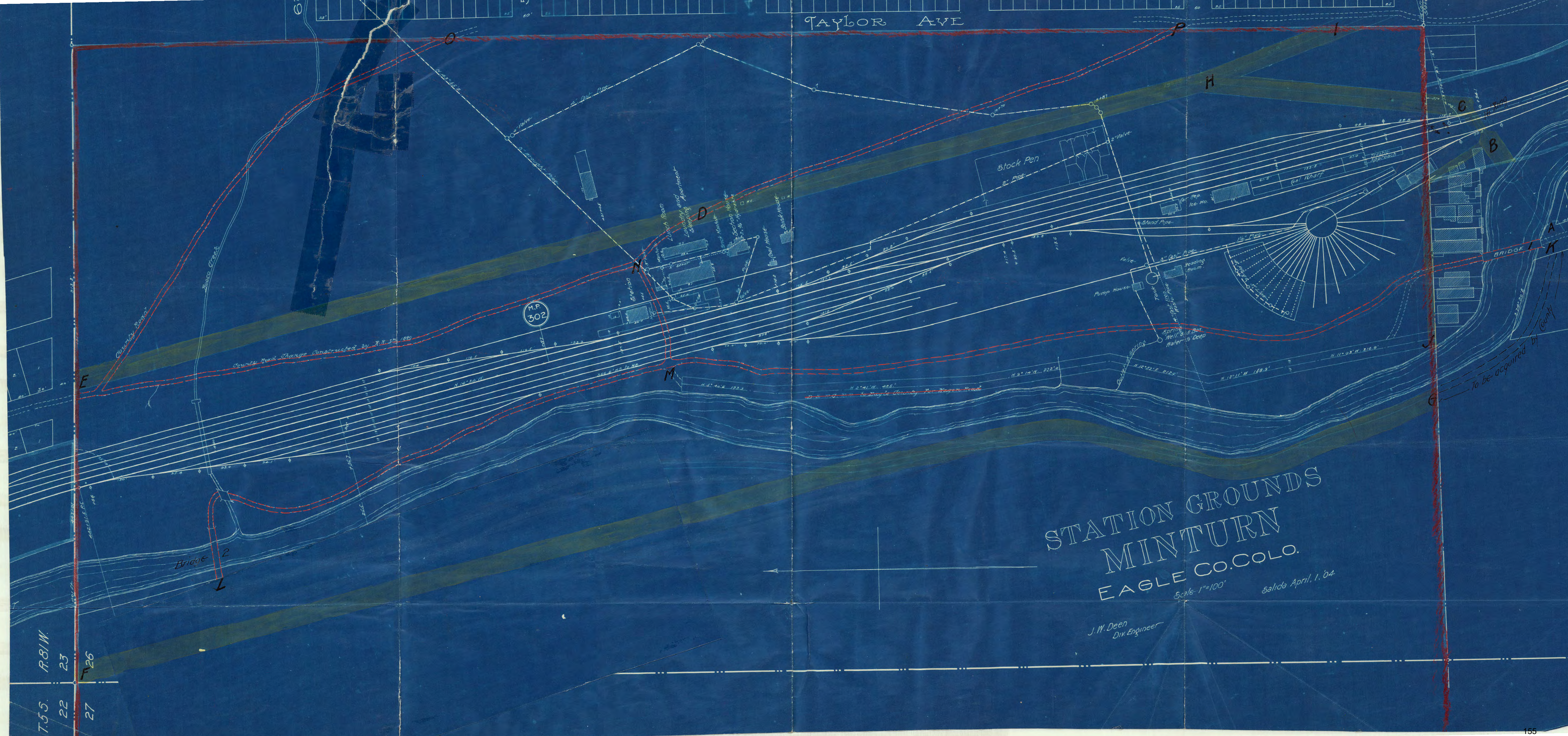
Arthur M. Kingis
Jack Loofer
John Auld

Board of County Commissioners of Eagle County, Colorado.

(C:R:10:64)

201900427

TAYLOR AVE



STATION GROUNDS
 MINTURN
 EAGLE CO. COLO.
 Scale 1"=100'

J. W. Deen
 Div. Engineer

Salida April, 1, '04

T.55. R.81/W
 22 23
 27 F.26

To be acquired by County

EASEMENT TERMINATION

This EASEMENT TERMINATION ("**Termination**") is executed as of _____, 2023 ("**Effective Date**") by **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation ("**UP**"), successor-in-interest to The Denver and Rio Grande Railroad Company, and **EAGLE COUNTY, COLORADO** a body corporate and politic ("**Eagle County**").

RECITALS:

WHEREAS, pursuant to that certain Agreement dated August 13, 1904, by and between The Denver Rio Grande Railroad Company, predecessor-in-interest to UP, and Eagle County, recorded January 10, 2019 at reception number 201900427 ("**Rio Grande Easement**"), certain easement rights and obligations were created for purposes of a right-of-way for public roads and bridges over portions of the real property as more particularly described in the Rio Grande Easement attached hereto as **Exhibit A**;

WHEREAS, the Rio Grande Easement was for the benefit of Eagle County, and includes certain roads and bridges that no longer exist and are no longer needed by Eagle County:

WHEREAS, UP and Eagle County desire to terminate the Rio Grande Easement.

AGREEMENT:

NOW, THEREFORE, UP and Eagle County hereby declare as follows:

1. As of the Effective Date, the Rio Grande Easement is hereby terminated and shall be of no further force or effect.

(Signature Pages to Follow)

IN WITNESS WHEREOF, UP and Eagle County have executed this Termination as of the Effective Date.

EAGLE COUNTY, COLORADO
a body corporate and politic

By: _____
Printed Name: _____
Title: _____

STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

On _____, 2023, before me, _____, Notary Public in and for the State of Colorado, personally appeared MATT SCHERR, who is the Chair of the Board of County Commissioners of EAGLE COUNTY, COLORADO, and who is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to in the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

(Seal)

EXHIBIT A

**RIO GRANDE EASEMENT
(TO BE ATTACHED)**

**RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:**

Town of Minturn
Attn: Town Manager
301 Boulder Street, #309
Minturn, Colorado 81645

(Space Above for Recorder's Use Only)

3185-08

EASEMENT DEED
FOR MINTURN ROAD AND RAILROAD AVENUE

This EASEMENT DEED FOR MINTURN ROAD AND RAILROAD AVENUE ("Easement Deed") is made this ____ day of _____, 2023, between **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation ("**Grantor**"), and the **TOWN OF MINTURN**, a municipal corporation or political subdivision of the State of Colorado ("**Grantee**"), whose address is 301 Boulder St., #309, Minturn, Colorado 81645.

Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, to it paid by Grantee, the receipt whereof is hereby confessed and acknowledged, grants to Grantee, its successors and assigns, a non-exclusive easement ("**Easement**"), for the purpose of constructing, using, maintaining, repairing, renewing and reconstructing a public roadway, sidewalk, and utilities (collectively, "**Easement Improvements**") on, along, across and under certain property in Eagle County, State of Colorado, described and depicted in **Exhibits A-1, A-2, and A-3**, each of which are attached and by reference made a part hereof (collectively, the "**Easement Area**") for access to Grantee's adjacent property.

The Easement is granted for the purpose described above only; PROVIDED, HOWEVER, that Grantee is prohibited from using the Westerly twenty-five feet (25') of that certain portion of the Easement Area described and depicted in **Exhibit A-2** for sidewalk or pedestrian/bike trail purposes. The Easement is in gross and personal to Grantee, and may not be assigned, in whole or in part, without Grantor's prior written consent, which may be withheld in Grantor's sole discretion. Grantee may grant licenses and sub easements in the Easement Area for utilities. Prior to granting a license or sub easement, Grantee shall provide Grantor with information and a plan set showing the proposed location and configuration of the proposed license or sub easement agreement and allow Grantor fourteen (14) days to provide written comments. Any use of the Easement by Grantee or Grantee's licensees and sub easement holders shall be

coordinated with Grantor to ensure that such use will not harm or frustrate Grantor's then existing use(s) of the Easement Area.

Grantor, its successors and assigns, reserves the right to construct and to maintain at any and all times, fiber optic or signal lines and facilities, pipe, telephone, and electric pole and wire lines, over, under and across the Easement Area, but in such a way as to not unreasonably interfere with Grantee's use of the Easement; it being understood that the rights so reserved by Grantor, its successors and assigns, are retained along with the general right of Grantor, its successors and assigns, to use of the Easement Area for any purpose not inconsistent with Grantee's use of the Easement. Prior to installing any new use within the Easement Area or repairing or reconstructing an existing use, Grantor shall provide Grantee with information and a plan set showing the proposed location and configuration of the proposed use and allow Grantee fourteen (14) days to provide written comments. Any use of the Easement by Grantor or Grantor's licensees shall be coordinated with Grantee to ensure that such use will not harm or frustrate Grantee's use of the Easement, and that any damage to the Easement Improvements caused by the activities of Grantor or Grantor's licensees are repaired and replaced to as substantially similar of a condition that existed before any work was undertaken.

Any notices required or desired to be given under this Easement Deed shall be in writing and personally served, given by overnight express delivery, or given by mail. Any notice given by mail shall be sent, postage prepaid, by certified mail, return receipt requested, addressed to the party to receive at the following address or at such other address as the party may from time to time direct in writing:

Grantor: UNION PACIFIC RAILROAD COMPANY
ATTN: Gregg A. Larsen, Senior Manager-Real Estate
1400 Douglas Street, Mail Stop 1690
Omaha, Nebraska 68179
Telephone: (402) 544-8552
Email: galarsen@up.com

Grantee: TOWN OF MINTURN
ATTN: Michelle Metteer, Town Manager
301 Boulder St, Suite # 309
Minturn, Colorado 81645
Telephone: (970) 827-5645, Extension No. 8
Email: manager@minturn.org

The Easement is granted subject to all outstanding leases, licenses and other outstanding rights, including, without limitation, those for pipe, telephone, electric and fiber optic lines and the right of renewals and extensions of the same, and subject also to all conditions, limitations, restrictions, encumbrances, reservations or interests of any person that may affect the Easement Area, whether recorded or unrecorded.

The Easement is also limited to such rights as Grantor may have in the Easement Area and is granted without warranty, express or implied. No damages shall be recoverable from

Grantor because of any dispossession of Grantee or because of failure of, or defect in, Grantor's title.

Grantee shall maintain and repair the Easement Improvements consistent with the requirements of Colorado law. Grantee shall also maintain and repair such Easement Improvements in such manner not to cause any interference with Grantor's tracks and appurtenances or rail operations, or the facilities or access rights of utility companies or other occupants of the Easement Area. If Grantee fails to perform its maintenance obligations and continues in default in the performance of any provision of this Easement Deed for a period of sixty (60) days after written notice from Grantor to Grantee specifying such default, Grantor may, at its sole discretion, initiate an action in the District Court of Eagle County to enforce this Easement Deed.

To the extent it may lawfully do so and subject to the conditions and limitations imposed by the Taxpayer Bill of Rights in the Colorado Constitution, Grantee shall indemnify, defend, and hold harmless Grantor and its affiliates, its and their officers, agents, employees, successors or assigns (the "Indemnitees"), against and from any and all liability (including, without limitation, strict, consequential or punitive damages), claims, demands, actions, causes of action, costs and expenses of whatsoever nature including, without limitation, court costs and attorneys' fees, arising from Grantee's performance of its obligations described herein, except to the extent caused by the negligence or intentional conduct of the Indemnitees. The term "affiliate" (or "affiliates" as the case may be) as used in this Easement Deed means any corporation which directly or indirectly controls, or is controlled by, or is under common control with Grantor. NOTHING HEREIN SHALL BE CONSTRUED AS A WAIVER BY GRANTEE OF ANY OF THE IMMUNITIES AVAILABLE TO GRANTEE PURSUANT TO THE PROVISIONS OF THE COLORADO GOVERNMENTAL IMMUNITY ACT, C.R.S. § 24-10-101 ET. SEQ.

Nonuse of the Easement Area or any portion thereof, for a period of two (2) year will be deemed an abandonment of the Easement Area, whereupon Grantor will notify Grantee, its successors or assigns, in writing that the Easement will cease and terminate, and the title to the Easement Area will be freed from the burden of the Easement. Upon receipt of Grantor's written notice of intent to terminate based on abandonment by Grantee, its successors or assigns, Grantee will have thirty (30) days after its receipt of such termination notice to object in writing to the intent to terminate. If no objection is timely received, Grantee will be deemed to have abandoned any possessory rights. If an objection is timely received, the parties will mediate the dispute. If a resolution cannot be reached through mediation, either party may file a District Court action in Eagle County, Colorado for a factual determination of abandonment. Within one hundred eighty (180) days after termination or abandonment as contemplated by this Easement Deed, Grantee, at its sole expense, shall (a) peacefully and quietly vacate and surrender possession of the portions of the Easement Area no longer encumbered by the Easement, and (b) deliver to Grantor a fully executed and acknowledged release and quitclaim for such abandoned or terminated portions of the Easement Area in recordable form satisfactory to Grantor.

(Signature Pages to Follow)

EXHIBITS A-1, A-2 AND A-3

**LEGAL DESCRIPTION OF EASEMENT AREA
(TO BE ATTACHED)**

EXHIBIT A-1

A PART OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6th P.M.
TOWN OF MINTURN, EAGLE COUNTY, COLORADO

PARCEL DESCRIPTION:

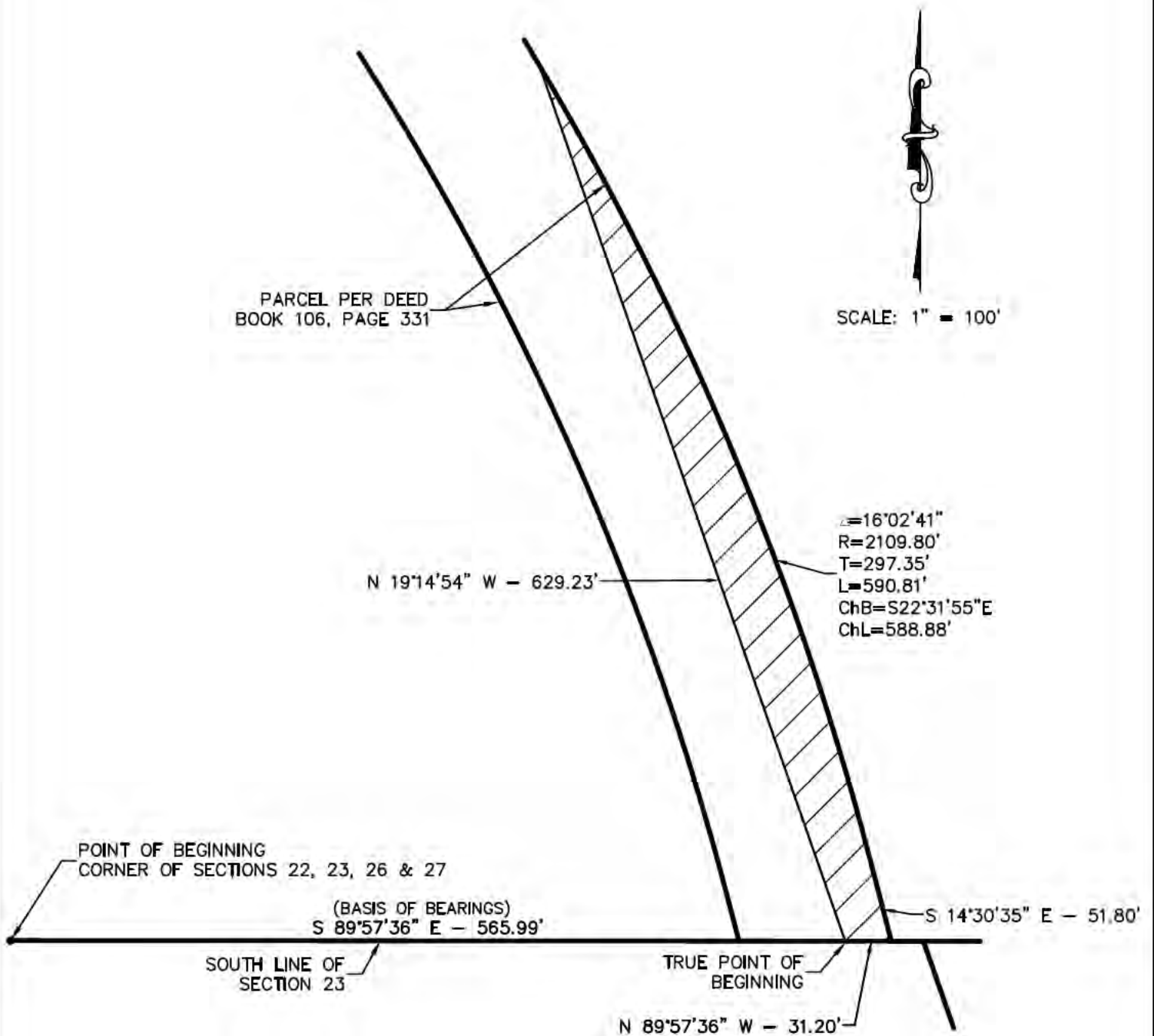
A PARCEL OF LAND SITUATED IN A PARCEL DESCRIBED IN BOOK 106 AT PAGE 331, IN THE OFFICE OF THE CLERK AND RECORDER, COUNTY OF EAGLE, STATE OF COLORADO; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER OF SECTION 22, 23, 26 & 27, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE ALONG THE SOUTH LINE OF SAID SECTION 23 S89°57'36"E 565.99 FEET TO THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE N19°14'54"W 629.23 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID PARCEL DESCRIBED IN BOOK 106 AT PAGE 331; THENCE ALONG SAID EASTERLY BOUNDARY 590.81 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2109.80 FEET, AN INTERIOR ANGLE OF 16°02'41" AND A CHORD WHICH BEARS S22°31'55"E 588.88 FEET; THENCE S14°30'35"E 51.80 FEET TO A POINT ON SAID SOUTH LINE OF SAID SECTION 23; THENCE ALONG SAID SOUTH LINE N89°57'36"W 31.20 FEET TO THE TRUE POINT OF BEGINNING, SAID PARCEL CONTAINING 19,508 SQUARE FEET, MORE OR LESS.



EXHIBIT A-1

A PART OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6th P.M.
TOWN OF MINTURN, EAGLE COUNTY, COLORADO



Gore Range Surveying, LLC
PO Box 19
Avon, CO 81620
(970) 479-0698 • fax (970) 479-0055

EXHIBIT A-2

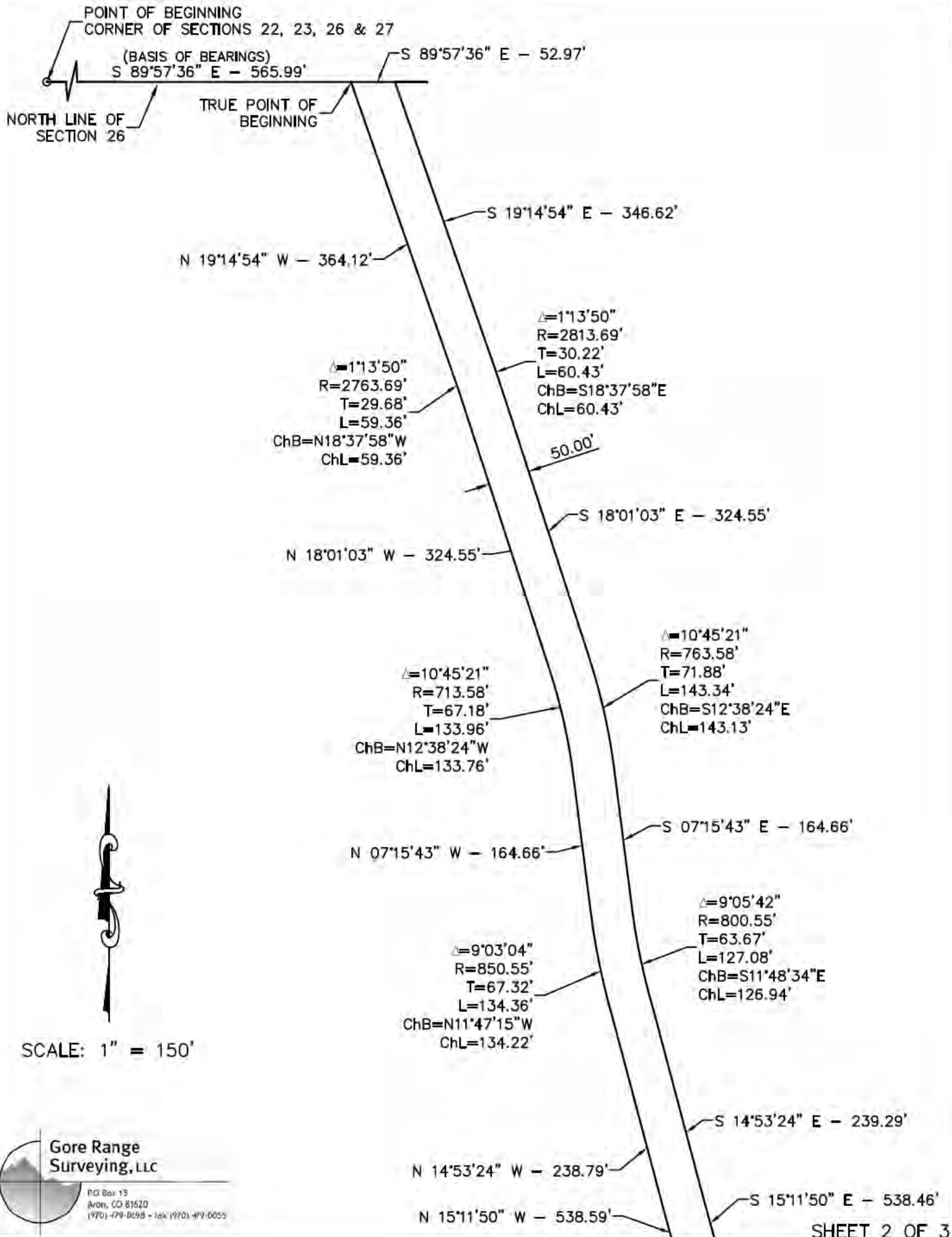
A PARCEL OF LAND SITUATED IN THE NW1/4 SECTION 26,
TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN
EAGLE COUNTY, COLORADO

PARCEL DESCRIPTION:

A PARCEL OF LAND SITUATED IN A PART OF THE NW $\frac{1}{4}$ OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER OF SECTIONS 22, 23, 26 & 27, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE ALONG THE NORTH LINE OF SAID SECTION 26 S89°57'26"E 565.99 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S 89°57'36"E 52.97 FEET; THENCE DEPARTING SAID NORTH LINE S19°14'54"E 346.62 FEET; THENCE 60.43 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2813.69 FEET, AN INTERIOR ANGLE OF 01°13'50" AND A CHORD WHICH BEARS S18°37'58"E 60.43 FEET; THENCE S18°01'03"E 324.55 FEET; THENCE 143.34 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 763.58 FEET, AN INTERIOR ANGLE OF 10°45'21" AND A CHORD WHICH BEARS S12°38'23"E 143.13 FEET; THENCE S07°15'43"E 164.66 FEET; THENCE 127.08 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 800.55 FEET, AN INTERIOR ANGLE OF 09°05'42" AND A CHORD WHICH BEARS S11°48'34"E 126.94 FEET; THENCE S14°53'24"E 239.29 FEET; THENCE S15°11'50"E 538.46 FEET; THENCE 252.18 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2013.41 FEET, AN INTERIOR ANGLE OF 07°10'35" AND A CHORD WHICH BEARS S11°36'33"E 252.02 FEET; THENCE S08°01'15"E 215.43 FEET; THENCE 216.72 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2208.58 FEET, AN INTERIOR ANGLE OF 05°37'20" AND A CHORD WHICH BEARS S05°12'35"E 216.64 FEET TO A POINT ON THE RIGHT OF WAY OF TAYLOR AVENUE AS RECORDED AT RECEPTION No. 928909 IN THE OFFICE OF THE EAGLE COUNTY CLERK AND RECORDER; THENCE ALONG SAID RIGHT OF WAY S35°51'19"W 18.87 FEET; THENCE 117.61 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 188.33 FEET, AN INTERIOR ANGLE OF 35°46'45" AND A CHORD WHICH BEARS S17°57'56"W 115.70 FEET; THENCE N01°18'52"W 82.27 FEET; THENCE 252.86 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2158.58 FEET, AN INTERIOR ANGLE OF 06°42'42" AND A CHORD WHICH BEARS N04°39'54"W 252.72 FEET; THENCE N08°01'15"W 215.43 FEET; THENCE 245.92 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1963.41 FEET, AN INTERIOR ANGLE OF 07°10'35" AND A CHORD WHICH BEARS N11°36'33"W 245.76 FEET; THENCE N15°11'50"W 538.59 FEET; THENCE N14°53'24"W 238.79 FEET; THENCE 134.36 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 850.55 FEET, AN INTERIOR ANGLE OF 09°03'04" AND A CHORD WHICH BEARS N11°47'15"W 134.22 FEET; THENCE N07°15'43"W 164.66 FEET; THENCE 133.96 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 713.58 FEET, AN INTERIOR ANGLE OF 10°45'21" AND A CHORD WHICH BEARS N12°38'23"W 133.76 FEET; THENCE N18°01'03"W 324.55 FEET; THENCE 59.36 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2763.69 FEET, AN INTERIOR ANGLE OF 01°13'50" AND A CHORD WHICH BEARS N18°37'58"W 59.36 FEET; THENCE N19°14'54"W 364.12 FEET TO THE TRUE POINT OF BEGINNING, SAID PARCEL CONTAINING 133,530 SQUARE FEET, MORE OR LESS.





Gore Range Surveying, LLC

PO Box 19
Avon, CO 81620
(970) 479-0698 • fax (970) 479-0055

N 15°11'50" W - 538.59'

S 15°11'50" E - 538.46'

50.00'

$\Delta=7^{\circ}10'35''$
R=1963.41'
T=123.12'
L=245.92'
ChB=N11°36'33"W
ChL=245.76'

$\Delta=7^{\circ}10'35''$
R=2013.41'
T=126.26'
L=252.18'
ChB=S11°36'33"E
ChL=252.02'

N 08°01'15" W - 215.43'

S 08°01'15" E - 215.43'

$\Delta=6^{\circ}42'42''$
R=2158.58'
T=126.57'
L=252.86'
ChB=N04°39'54"W
ChL=252.72'

$\Delta=5^{\circ}37'20''$
R=2208.58'
T=108.45'
L=216.72'
ChB=S05°12'35"E
ChL=216.64'

N 01°18'52" W - 82.27'

S 35°51'19" W - 18.87'*

$\Delta=35^{\circ}46'45''$
R=188.33'
T=60.79'
L=117.61'
ChB=S17°57'56"W *
ChL=115.70'

TAYLOR AVENUE
(RECEPTION No. 928909)

SOUTH LINE NW $\frac{1}{4}$
SECT. 26, T5S, R81W, 6th P.M.



SCALE: 1" = 150'

*BEARINGS ROTATED 00°04'02" CLOCKWISE
FROM RECEPTION No. 928909

Gore Range Surveying, LLC
 PO Box 15
 Avon, CO 81620
 (970) 479-0698 • fax (970) 479-0055

EXHIBIT A-3

A PART OF SW1/4 NW1/4 SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6th P.M.
TOWN OF MINTURN, EAGLE COUNTY, COLORADO

PARCEL DESCRIPTION:

A PARCEL OF LAND SITUATED IN A PART OF THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 26,
TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF EAGLE, STATE OF COLORADO, SAID PARCEL BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

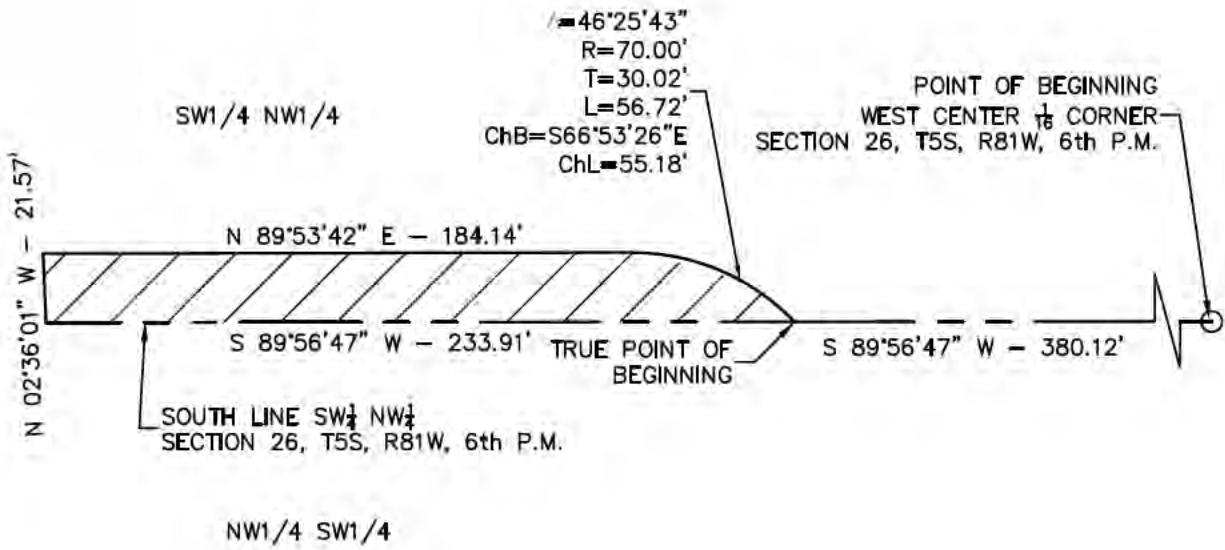
BEGINNING AT THE WEST CENTER $\frac{1}{16}$ CORNER OF SAID SECTION 26; THENCE
ALONG THE SOUTH LINE OF THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SAID SECTION 26
S89°56'47"W 380.12 FEET TO THE TRUE POINT OF BEGINNING; THENCE
CONTINUING ALONG SAID SOUTH LINE S89°56'47"W 233.91 FEET; THENCE
DEPARTING SAID SOUTH LINE N02°36'01"W 21.57 FEET; THENCE N89°53'42"E
184.14 FEET; THENCE 56.72 FEET ALONG THE ARC OF A CURVE TO THE
RIGHT HAVING A RADIUS OF 70.00 FEET; AN INTERIOR ANGLE OF 46°25'43"
AND A CHORD WHICH BEARS S66°53'26"E 55.18 FEET TO THE TRUE POINT
OF BEGINNING, SAID PARCEL CONTAINING 4,733 SQUARE FEET, MORE OR
LESS.



SHEET 1 OF 2

EXHIBIT A-3

A PART OF SW 1/4 NW1/4 SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6th P.M.
TOWN OF MINTURN, EAGLE COUNTY, COLORADO



SCALE: 1" = 60'

**Gore Range
Surveying, LLC**
P.O. Box 19
Avon, CO 81620
(970) 479-0698 • fax (970) 479-0055

PUBLIC HIGHWAY AT-GRADE CROSSING AGREEMENT

RAILROAD AVENUE
DOT NUMBER 253531V
MILE POST 301.66, TENNESSEE PASS SUBDIVISION
MINTURN, EAGLE COUNTY, COLORADO

THIS AGREEMENT ("Agreement") is made and entered into as of the ____ day of _____, 202_ ("Effective Date"), by and between **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation, to be addressed at 1400 Douglas Street, Mail Stop 1690, Omaha, Nebraska 68179, Attn: Real Estate Department ("Railroad"), and the **TOWN OF MINTURN**, a municipal corporation or political subdivision of the State of Colorado to be addressed at 301 Boulder St., #309, Minturn, Colorado 81645 ("Political Body").

RECITALS:

Railroad and Political Body desire to document the Political Body's use of an existing at-grade public crossing wherein vehicular traffic on Railroad Avenue traverse on, along and across Railroad's property at Railroad's Mile Post 301.66, DOT Number 253531V, on Railroad's Tennessee Pass Subdivision at or near Minturn, Eagle County, Colorado (the "Crossing Area"). The Crossing Area is shown on the print marked **Exhibit A** and described in the legal description marked **Exhibit A-1** with each exhibit being attached hereto and hereby made a part hereof. The portion of the public crossing located within the Crossing Area on Railroad's property is the "Roadway".

AGREEMENT:

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

Section 1. EXHIBIT B

The general terms and conditions marked **Exhibit B** are attached hereto and hereby made a part hereof.

Section 2. GRANT OF EASEMENT

Upon completion of the execution of this Agreement, the Railroad shall execute and deliver to the Political Body a nonexclusive easement in the form Easement Deed marked **Exhibit C**, attached hereto and hereby made a part hereof, for the property described and shown on **Exhibit A** and **Exhibit A-1**, for the sole purposes of constructing,

using, maintaining, repairing, renewing and reconstructing the Roadway and sidewalks located within the Crossing Area.

Section 3. DEFINITION OF CONTRACTOR

For purposes of this Agreement the term "Contractor" shall mean the contractor or contractors hired by the Political Body to perform any work on any portion of the Railroad's property and shall also include the Contractor's subcontractors and the Contractor's and subcontractor's respective employees, officers and agents, and others acting under its or their authority.

Section 4. CONTRACTOR'S RIGHT OF ENTRY AGREEMENT - INSURANCE

A. Prior to Contractor performing any work within the Crossing Area, including maintenance and repair work, the Political Body shall require the Contractor to:

- Execute the Railroad's then current Contractor's Right of Entry Agreement;
- Obtain the then current insurance required in the Contractor's Right of Entry Agreement; and
- Provide such insurance policies, certificates, binders and/or endorsements to the Railroad.

B. If the Political Body's own employees will be performing any maintenance or repair work, the Political Body may self-insure all or a portion of the insurance coverage subject to the Railroad's prior review and approval.

Section 5. WORK TO BE PERFORMED BY RAILROAD; BILLING SENT TO POLITICAL BODY; POLITICAL BODY'S PAYMENT OF BILLS

If Railroad, in its sole and absolute discretion, determines there is a threat to the continuity of Railroad's operations and/or the safety of the Railroad's personnel, trains, property, facilities, operations and/or the public and, in connection with such threat, Railroad performs any work, or as may otherwise be requested by Political Body to perform any work, Political Body agrees to reimburse the Railroad within thirty (30) days of its receipt of billing from the Railroad for one hundred percent (100%) of all actual costs incurred by the Railroad in connection with such work, including, but not limited to, all actual costs of engineering review, inspection, flagging (unless flagging costs are to be billed directly to the Contractor), procurement of materials, equipment rental, manpower and deliveries to the job site and all direct and indirect overhead labor/construction costs including Railroad's standard additive rates.

Section 6. CONDITIONS TO BE MET BEFORE POLITICAL BODY AND/OR CONTRACTOR CAN COMMENCE WORK

Neither the Political Body nor the Contractor may commence any work within the Crossing Area or on any other Railroad property until:

- (i) The Railroad and Political Body have executed this Agreement.
- (ii) The Railroad and Colorado Public Utilities Commission ("CPUC") has provided to Political Body the Railroad's and CPUC's written approval of the Political Body's plans and specifications for any work to be performed within the Crossing Area.
- (iii) Each Contractor has executed Railroad's Contractor's Right of Entry Agreement and has obtained and/or provided to the Railroad the insurance policies, certificates, binders, and/or endorsements required under the Contractor's Right of Entry Agreement.
- (iv) Each Contractor has given the advance notice(s) required under the Contractor's Right of Entry Agreement to the Railroad representative named in the Contractor's Right of Entry Agreement.

Section 7. NON-RAILROAD IMPROVEMENTS

A. Submittal of plans and specifications for protecting, encasing, reinforcing, relocation, replacing, removing and abandoning in place all non-railroad owned facilities (the "Non Railroad Facilities") including, without limitation, utilities, fiber optics, pipelines, wirelines, communication lines and fences is required. The Non-Railroad Facilities plans and specifications shall comply with Railroad's standard specifications and requirements, including, without limitation, American Railway Engineering and Maintenance-of-Way Association ("AREMA") standards and guidelines. Railroad has no obligation to supply additional land for any Non Railroad Facilities and does not waive its right to assert preemption defenses, challenge the right-to-take, or pursue compensation in any condemnation action, regardless if the submitted Non Railroad Facilities plans and specifications comply with Railroad's standard specifications and requirements. Railroad has no obligation to permit any Non-Railroad Facilities to be abandoned in place or relocated on Railroad's property.

B. Upon Railroad's approval of submitted Non-Railroad Facilities plans and specifications, Railroad will attempt to incorporate them into new agreements or supplements of existing agreements with Non-Railroad Facilities owners or operators. Railroad may use its standard terms and conditions, including, without limitation, its standard license fee and administrative charges when requiring supplements or new agreements for Non-Railroad Facilities. Non Railroad Facilities work shall not commence before a supplement or new agreement has been fully executed by Railroad and the Non Railroad Facilities owner or operator, or before Railroad and Political Body mutually agree in writing to supplement this Agreement, or enter into a separate agreement, with terms and conditions covering the Non Railroad Facilities.

Section 8. EFFECTIVE DATE; TERM; TERMINATION

This Agreement is effective as of the Effective Date first herein written and shall continue in full force and effect for as long as the Roadway remains on the Railroad's property, subject to the abandonment provisions contained in the Easement.

Section 9. FUTURE PROJECTS

Projects within the Crossing Area involving substantial maintenance, repair, reconstruction, renewal and/or demolition of the Roadway shall not commence until Railroad, CPUC, and Political Body agree on the plans for such future projects, cost allocations, right of entry terms and conditions and temporary construction rights, terms and conditions.

Section 10. ASSIGNMENT; SUCCESSORS AND ASSIGNS

A. Political Body shall not assign this Agreement without the prior written consent of Railroad.

B. Subject to the provisions of Paragraph A above, this Agreement shall inure to the benefit of and be binding upon the successors and assigns of Railroad and Political Body.

Section 11. SPECIAL PROVISION

A. If the Railroad, in its sole and absolute discretion, reactivates the track at the location of the Crossing Area, Political Body shall cooperate with Railroad to evaluate and implement any improvements necessitated by such reactivation, including without limitation, changes in grade and warning devices, and will enter into separate agreements with Railroad as may be required by Railroad for the construction, cost allocations and continued use of the Roadway.

B. In the event the Political Body fails to perform its obligations set forth in this Agreement and the Railroad, in its sole and absolute discretion, determines there is a threat to the continuity of Railroad's operations and/or the safety of the Railroad's personnel, trains, property, facilities, operations and/or the public, Railroad, without any liability to Political Body, and at the expense of the Political Body, may take any and all action it deems reasonably necessary to remediate the threat, protect the road crossing, restore Railroad's operations and to insure the safety of Railroad's personnel, trains, property, facilities and/or operations.

C. Political Body's covenants to indemnify under the terms of this Agreement (a) shall not be deemed a waiver of sovereign immunity under the Colorado Governmental Immunity Act ("Act"), (b) shall only be effective to the extent of the limits of the Act as set forth in CRS Section 24-10-114, as those may be amended, (c) shall only be effective if the City's obligation to indemnify or pay costs is insured by the Colorado

Intergovernmental Risk Sharing Agency ("CIRSA") or CIRSA's successor as the Political Body's liability carrier.

D. This Agreement is expressly made subject to the limitations of the Colorado Constitution, except for any issues involving this Agreement that are preempted by Federal law. To that end, no financial obligation or covenant to indemnify contained herein shall create a debt or multi-year fiscal obligation or an obligation of future appropriations by the Town of Minturn, contrary to Article X, § 20, Colo. Const., or any other constitutional, statutory, or charter debt limitation. As used herein, the term "appropriation" shall mean and include the due adoption of an appropriation ordinance and budget (or similar applicable funding device) which contains an allocation of sufficient funds for the performance of fiscal obligations (other than in connection with a covenant to indemnify) arising under this Agreement.

E. Notwithstanding anything to the contrary contained in this Agreement, Railroad agrees and understands that Political Body is relying on and does not relinquish or waive, by any provision of this Agreement, any applicable limitations of liability provided to Political Body by the Act.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed as of the Effective Date first herein written.

UNION PACIFIC RAILROAD COMPANY
(Federal Tax ID #94-6001323)

By: _____
Printed Name: _____
Title: _____

TOWN OF MINTURN

By: _____
Printed Name: _____
Title: _____

EXHIBIT A
TO PUBLIC HIGHWAY AT-GRADE CROSSING AGREEMENT

Exhibit A will be a print showing the Crossing Area (see Recitals)

EXHIBIT A-1
TO PUBLIC HIGHWAY AT-GRADE CROSSING AGREEMENT

Exhibit A-1 will be the legal description for the Crossing Area (see Recitals)

EXHIBIT B
TO PUBLIC HIGHWAY AT-GRADE CROSSING AGREEMENT

SECTION 1. CONDITIONS AND COVENANTS

A. The Railroad makes no covenant or warranty of title for quiet possession or against encumbrances. The Political Body shall not use or permit use of the Crossing Area for any purposes other than those described in this Agreement. Without limiting the foregoing, the Political Body shall not use or permit use of the Crossing Area for railroad purposes, or for gas, oil or gasoline pipelines. Any lines constructed on the Railroad's property by or under authority of the Political Body for the purpose of conveying electric power or communications incidental to the Political Body's use of the property for highway purposes shall be constructed in accordance with specifications and requirements of the Railroad, and in such manner as not adversely to affect communication or signal lines of the Railroad or its licensees now or hereafter located upon said property. No nonparty shall be admitted by the Political Body to use or occupy any part of the Railroad's property without the Railroad's written consent. Nothing herein shall obligate the Railroad to give such consent.

B. The Railroad reserves the right to cross the Crossing Area with such railroad tracks as may be required for its convenience or purposes. In the event the Railroad shall place additional tracks upon the Crossing Area, the Political Body shall, at its sole cost and expense, modify the Roadway to conform with all tracks within the Crossing Area.

C. The right hereby granted is subject to any existing encumbrances and rights (whether public or private), recorded or unrecorded, and also to any renewals thereof. The Political Body shall not damage, destroy or interfere with the property or rights of nonparties in, upon or relating to the Railroad's property, unless the Political Body at its own expense settles with and obtains releases from such nonparties.

D. The Railroad reserves the right to use and to grant to others the right to use the Crossing Area for any purpose not inconsistent with the right hereby granted, including, but not by way of limitation, the right to construct, reconstruct, maintain, operate, repair, alter, renew and replace tracks, facilities and appurtenances on the property; and the right to cross the Crossing Area with all kinds of equipment.

E. INTENTIONALLY OMITTED

F. If any property or rights other than the right hereby granted are necessary for the construction, maintenance and use of the Roadway and its appurtenances, the Political Body will acquire all such other property and rights at its own expense and without expense to the Railroad.

SECTION 2. INTENTIONALLY OMITTED

SECTION 3. INJURY AND DAMAGE TO PROPERTY

If the Political Body, in the performance of any work contemplated by this Agreement or by the failure to do or perform anything for which the Political Body is responsible under the provisions of this Agreement, shall injure, damage or destroy any property of the Railroad or of any other person lawfully occupying or using the property of the Railroad, such property shall be replaced or repaired by the Political Body at the Political Body's own expense, or by the Railroad at the expense of the Political Body, and to the satisfaction of the Railroad's Assistant Vice President Engineering-Design.

SECTION 4. RAILROAD MAY USE CONTRACTORS TO PERFORM WORK

The Railroad may contract for the performance of any of its work by other than the Railroad forces. The Railroad shall notify the Political Body of the contract price within ninety (90) days after it is awarded. Unless the Railroad's work is to be performed on a fixed price basis, the Political Body shall reimburse the Railroad for the amount of the contract.

SECTION 5. MAINTENANCE AND REPAIRS

A. The Political Body shall, at its own sole expense, maintain, repair, and renew, or cause to be maintained, repaired and renewed, the entire Crossing Area and Roadway, except the portions between the track tie ends, which shall be maintained by and at the expense of the Railroad.

B. If, in the future, the Political Body elects to have the surfacing material between the track tie ends, or between tracks if there is more than one railroad track across the Crossing Area, repaired or replaced, the Railroad, at the Political Body's expense, shall install such replacement surfacing.

SECTION 6. CHANGES IN GRADE

If at any time the Railroad shall elect, or be required by competent authority to, raise or lower the grade of all or any portion of the track(s) located within the Crossing Area, the Political Body shall, at its own expense, conform the Roadway to conform with the change of grade of the trackage.

SECTION 7. REARRANGEMENT OF WARNING DEVICES

If the change or rearrangement of any warning device installed hereunder is necessitated for public or Railroad convenience or on account of improvements for either the Railroad, highway or both, the parties will apportion the expense incidental thereto between themselves by negotiation, agreement or by the order of a competent authority before the change or rearrangement is undertaken.

SECTION 8. SAFETY MEASURES; PROTECTION OF RAILROAD COMPANY OPERATIONS

It is understood and recognized that safety and continuity of the Railroad's operations and communications are of the utmost importance; and in order that the same may be adequately safeguarded, protected and assured, and in order that accidents may be prevented and avoided, it is agreed with respect to all of said work of the Political Body that the work will be performed in a safe manner and in conformity with the following standards:

A. **Definitions.** All references in this Agreement to the Political Body shall also include the Contractor and their respective officers, agents and employees, and others acting under its or their authority; and all references in this Agreement to work of the Political Body shall include work both within and outside of the Railroad's property.

B. **Entry on to Railroad's Property by Political Body.** If the Political Body's employees need to enter Railroad's property in order to perform an inspection of the Roadway, minor maintenance or other activities, the Political Body shall first provide at least ten (10) working days advance notice to the Railroad Representative. With respect to such entry on to Railroad's property, the Political Body, to the extent permitted by law, agrees to release, defend and indemnify the Railroad from and against any loss, damage, injury, liability, claim, cost or expense incurred by any person including, without limitation, the Political Body's employees, or damage to any property or equipment (collectively the "Loss") that arises from the presence or activities of Political Body's employees on Railroad's property, except to the extent that any Loss is caused by the sole direct negligence of Railroad.

C. **Flagging.**

(i) If the Political Body's employees need to enter Railroad's property as provided in Paragraph B above, the Political Body agrees to notify the Railroad Representative at least thirty (30) working days in advance of proposed performance of any work by Political Body in which any person or equipment will be within twenty-five (25) feet of any track, or will be near enough to any track that any equipment extension (such as, but not limited to, a crane boom) will reach to within twenty-five (25) feet of any track. No work of any kind shall be performed, and no person, equipment, machinery, tool(s), material(s), vehicle(s), or thing(s) shall be located, operated, placed, or stored within twenty-five (25) feet of any of Railroad's track(s) at any time, for any reason, unless and until a Railroad flagman is provided to watch for trains. Upon receipt of such thirty (30) day notice, the Railroad Representative will determine and inform Political Body whether a flagman need be present and whether Political Body needs to implement any special protective or safety measures. If flagging or other special protective or safety measures are performed by Railroad, Railroad will bill Political Body for such expenses incurred by Railroad. If Railroad performs any flagging, or other special protective or

safety measures are performed by Railroad, Political Body agrees that Political Body is not relieved of any of its responsibilities or liabilities set forth in this Agreement.

(ii) The rate of pay per hour for each flagman will be the prevailing hourly rate in effect for an eight-hour day for the class of flagmen used during regularly assigned hours and overtime in accordance with Labor Agreements and Schedules in effect at the time the work is performed. In addition to the cost of such labor, a composite charge for vacation, holiday, health and welfare, supplemental sickness, Railroad Retirement and unemployment compensation, supplemental pension, Employees Liability and Property Damage and Administration will be included, computed on actual payroll. The composite charge will be the prevailing composite charge in effect at the time the work is performed. One and one-half times the current hourly rate is paid for overtime, Saturdays and Sundays, and two and one-half times current hourly rate for holidays. Wage rates are subject to change, at any time, by law or by agreement between Railroad and its employees, and may be retroactive as a result of negotiations or a ruling of an authorized governmental agency. Additional charges on labor are also subject to change. If the wage rate or additional charges are changed, Political Body shall pay on the basis of the new rates and charges.

(iii) Reimbursement to Railroad will be required covering the full eight-hour day during which any flagman is furnished, unless the flagman can be assigned to other Railroad work during a portion of such day, in which event reimbursement will not be required for the portion of the day during which the flagman is engaged in other Railroad work. Reimbursement will also be required for any day not actually worked by the flagman following the flagman's assignment to work on the project for which Railroad is required to pay the flagman and which could not reasonably be avoided by Railroad by assignment of such flagman to other work, even though Political Body may not be working during such time. When it becomes necessary for Railroad to bulletin and assign an employee to a flagging position in compliance with union collective bargaining agreements, Political Body must provide Railroad a minimum of five (5) days notice prior to the cessation of the need for a flagman. If five (5) days notice of cessation is not given, Political Body will still be required to pay flagging charges for the five (5) day notice period required by union agreement to be given to the employee, even though flagging is not required for that period. An additional thirty (30) days notice must then be given to Railroad if flagging services are needed again after such five day cessation notice has been given to Railroad.

D. **Compliance With Laws.** The Political Body shall comply with all applicable federal, state and local laws, regulations and enactments affecting the work. The Political Body shall use only such methods as are consistent with safety, both as concerns the Political Body, the Political Body's agents and employees, the officers, agents, employees and property of the Railroad and the public in general. The Political Body (without limiting the generality of the foregoing) shall comply with all applicable state and federal occupational safety and health acts and regulations. All Federal Railroad Administration regulations shall be followed when work is performed on the Railroad's premises. If any failure by the Political Body to comply with any such laws,

regulations, and enactments, shall result in any fine, penalty, cost or charge being assessed, imposed or charged against the Railroad, the Political Body shall reimburse, and to the extent it may lawfully do so, indemnify the Railroad for any such fine, penalty, cost, or charge, including without limitation attorney's fees, court costs and expenses. The Political Body further agrees in the event of any such action, upon notice thereof being provided by the Railroad, to defend such action free of cost, charge, or expense to the Railroad.

E. **No Interference or Delays.** The Political Body shall not do, suffer or permit anything which will or may obstruct, endanger, interfere with, hinder or delay maintenance or operation of the Railroad's tracks or facilities, or any communication or signal lines, installations or any appurtenances thereof, or the operations of others lawfully occupying or using the Railroad's property or facilities.

F. **Supervision.** The Political Body, at its own expense, shall adequately police and supervise all work to be performed by the Political Body, and shall not inflict injury to persons or damage to property for the safety of whom or of which the Railroad may be responsible, or to property of the Railroad. The responsibility of the Political Body for safe conduct and adequate policing and supervision of the Crossing Area shall not be lessened or otherwise affected by the Railroad's approval of plans and specifications, or by the Railroad's collaboration in performance of any work, or by the presence at the work site of the Railroad's representatives, or by compliance by the Political Body with any requests or recommendations made by such representatives. The Political Body will give due consideration to suggestions and recommendations made by Railroad for the safety and protection of the Railroad's property and operations.

G. **Suspension of Work.** If at any time the Political Body's engineers or the Vice President-Engineering Services of the Railroad or their respective representatives shall be of the opinion that any work of the Political Body is being or is about to be done or prosecuted without due regard and precaution for safety and security, the Political Body shall immediately suspend the work until suitable, adequate and proper protective measures are adopted and provided.

H. **Removal of Debris.** The Political Body shall not cause, suffer or permit material or debris to be deposited or cast upon, or to slide or fall upon any property or facilities of the Railroad; and any such material and debris shall be promptly removed from the Railroad's property by the Political Body at the Political Body's own expense or by the Railroad at the expense of the Political Body. The Political Body shall not cause, suffer or permit any snow to be directly plowed or cast upon the Railroad's property during snow removal from the Crossing Area.

I. **Explosives.** The Political Body shall not discharge any explosives on or in the vicinity of the Railroad's property without the prior consent of the Railroad's Vice President-Engineering Services, which shall not be given if, in the sole discretion of the Railroad's Vice President-Engineering Services, such discharge would be dangerous or would interfere with the Railroad's property or facilities. For the purposes hereof, the

"vicinity of the Railroad's property" shall be deemed to be any place on the Railroad's property or in such close proximity to the Railroad's property that the discharge of explosives could cause injury to the Railroad's employees or other persons, or cause damage to or interference with the facilities or operations on the Railroad's property. The Railroad reserves the right to impose such conditions, restrictions or limitations on the transportation, handling, storage, security and use of explosives as the Railroad, in the Railroad's sole discretion, may deem to be necessary, desirable or appropriate.

J. **Excavation.** The Political Body shall not excavate from existing slopes nor construct new slopes which are excessive and may create hazards of slides or falling rock, or impair or endanger the clearance between existing or new slopes and the tracks of the Railroad. The Political Body shall not do or cause to be done any work which will or may disturb the stability of any area or adversely affect the Railroad's tracks or facilities. The Political Body, at its own expense, shall install and maintain adequate shoring and cribbing for all excavation and/or trenching performed by the Political Body in connection with construction, maintenance or other work. The shoring and cribbing shall be constructed and maintained with materials and in a manner approved by the Railroad's Assistant Vice President Engineering - Design to withstand all stresses likely to be encountered, including any stresses resulting from vibrations caused by the Railroad's operations in the vicinity.

K. **Drainage.** The Political Body, at the Political Body's own expense, shall provide and maintain suitable facilities for draining the Roadway and its appurtenances, and shall not suffer or permit drainage water therefrom to flow or collect upon property of the Railroad. The Political Body, at the Political Body's own expense, shall provide adequate passageway for the waters of any streams, bodies of water and drainage facilities (either natural or artificial, and including water from the Railroad's culvert and drainage facilities), so that said waters may not, because of any facilities or work of the Political Body, be impeded, obstructed, diverted or caused to back up, overflow or damage the property of the Railroad or any part thereof, or property of others. The Political Body shall not obstruct or interfere with existing ditches or drainage facilities.

L. **Notice.** Before commencing any work, the Political Body shall provide the advance notice to the Railroad that is required under the Contractor's Right of Entry Agreement.

M. **Fiber Optic Cables.** Fiber optic cable systems may be buried on the Railroad's property. Protection of the fiber optic cable systems is of extreme importance since any break could disrupt service to users resulting in business interruption and loss of revenue and profits. Political Body shall telephone the Railroad during normal business hours (7:00 a.m. to 9:00 p.m. Central Time, Monday through Friday, except holidays) at 1-800-336-9193 (also a 24-hour, 7-day number for emergency calls) to determine if fiber optic cable is buried anywhere on the Railroad's premises to be used by the Political Body. If it is, Political Body will telephone the telecommunications company(ies) involved, arrange for a cable locator, and make arrangements for

relocation or other protection of the fiber optic cable prior to beginning any work on the Railroad's premises.

SECTION 9. INTERIM WARNING DEVICES

If at anytime it is determined by a competent authority, by the Political Body, or by agreement between the parties, that new or improved train activated warning devices should be installed at the Crossing Area, the Political Body shall install adequate temporary warning devices or signs and impose appropriate vehicular control measures to protect the motoring public until the new or improved devices have been installed.

SECTION 10. OTHER RAILROADS

All protective and indemnifying provisions of this Agreement shall inure to the benefit of the Railroad and any other railroad company lawfully using the Railroad's property or facilities.

SECTION 11. INTENTIONALLY OMITTED

SECTION 12. REMEDIES FOR BREACH OR NONUSE

A. If the Political Body shall fail, refuse or neglect to perform and abide by the terms of this Agreement, the Railroad, in addition to any other rights and remedies, may perform any work which in the judgment of the Railroad is necessary to place the Roadway and appurtenances in such condition as will not menace, endanger or interfere with the Railroad's facilities or operations or jeopardize the Railroad's employees; and the Political Body will reimburse the Railroad for the expenses thereof.

B. Nonuse by the Political Body of the Crossing Area for public highway purposes continuing at any time for a period of eighteen (18) months shall, at the option of the Railroad, work a termination of this Agreement and of all rights of the Political Body hereunder.

C. The Political Body will surrender peaceable possession of the Crossing Area and Roadway upon termination of this Agreement. Termination of this Agreement shall not affect any rights, obligations or liabilities of the parties, accrued or otherwise, which may have arisen prior to termination.

SECTION 13. MODIFICATION - ENTIRE AGREEMENT

No waiver, modification or amendment of this Agreement shall be of any force or effect unless made in writing, signed by the Political Body and the Railroad and specifying with particularity the nature and extent of such waiver, modification or amendment. Any waiver by the Railroad of any default by the Political Body shall not affect or impair any right arising from any subsequent default. This Agreement and Exhibits attached hereto and made a part hereof constitute the entire understanding

between the Political Body and the Railroad and cancel and supersede any prior negotiations, understandings or agreements, whether written or oral, with respect to the work or any part thereof.

EXHIBIT C
TO PUBLIC HIGHWAY AT GRADE CROSSING AGREEMENT

FORM OF EASEMENT DEED

**RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:**

Town of Minturn
Attn: Town Manager
301 Boulder Street, #309
Minturn, Colorado 81645

(Space Above for Recorder's Use Only)

3185-10

EASEMENT DEED

THIS EASEMENT DEED is made this ____ day of _____, 2023, between **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation ("Grantor"), and the **TOWN OF MINTURN**, a municipal corporation or political subdivision of the State of Colorado to be addressed at 301 Boulder St., #309, Minturn, Colorado 81645 ("Grantee").

Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, to it paid by Grantee, the receipt whereof is hereby confessed and acknowledged, grants to Grantee, its successors and assigns, a non-exclusive easement ("Easement"), for the sole purposes of constructing, using, maintaining, repairing, renewing and reconstructing an at-grade public road crossing over Railroad Avenue, on, along and across DOT No. 253531V at Railroad's Milepost 301.66 on Railroad's Tennessee Pass Subdivision (the "Roadway"), including any sidewalks adjacent or related thereto, located at or near Minturn, Eagle County, Colorado, as described and depicted in **Exhibit A**, attached and by reference made a part hereof (the "Easement Area").

The Easement is granted for the purposes described above only. Without limitation of the foregoing, this grant does not include the right to install utilities of any nature, including, without limitation, fiber optic, cable television, electrical, gas or liquid distribution, or telephone lines.

Grantor, its successors and assigns, reserves the right to construct and to maintain at any and all times railroad tracks and appurtenances, fiber optic or signal lines and facilities, pipe, telephone, and electric pole and wire lines, over, under and across the

Easement Area, but in such a way as to not unreasonably interfere with Grantee's use of the Easement; it being understood that the rights so reserved by Grantor, its successors and assigns, are retained along with the general right of Grantor, its successors and assigns, to use of the Easement Area for any purpose not inconsistent with Grantee's use of the Easement, including but not limited to any and all general railroad purposes.

The Easement is granted subject to the terms and conditions contained in the separate Public Highway At-Grade Crossing Agreement dated _____, 2023, as signed by Grantor and Grantee, and is also subject to all outstanding leases, licenses and other outstanding rights, including, without limitation, those for pipe, telephone, electric and fiber optic lines and the right of renewals and extensions of the same, and subject also to all conditions, limitations, restrictions, encumbrances, reservations or interests of any person that may affect the Easement Area, whether recorded or unrecorded.

The Easement is also limited to such rights as Grantor may have in the Easement Area and is granted without warranty, express or implied. No damages shall be recoverable from Grantor because of any dispossession of Grantee or because of failure of, or defect in, Grantor's title.

If Grantee, its successors or assigns, abandons the Easement Area or any portion of the Easement Area, the Easement will cease and terminate with respect to the portion of the Easement Area so abandoned, and the title to the Easement Area will be freed from the burden of the Easement. Nonuse of the Easement Area or any portion thereof, for public highway purposes continuing at any time for a period of eighteen (18) months will be deemed an abandonment of the Easement Area or portion thereof not used.


(Signature Pages to Follow)

EXHIBIT A
TO FORM OF EASEMENT DEED

**LEGAL DESCRIPTION OF EASEMENT AREA
(TO BE ATTACHED)**



LEGEND:

CROSSING AREA ----- 

UPRRCO. R/W OUTLINED ----- 

CROSSING AREA = 1,802 SQ. FT. +/-

NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY

MINTURN, EAGLE COUNTY, COLORADO

M.P. 301.66 - TENNESSEE PASS SUB.

MAP DRGW V-7A / S-24A

SCALE: 1" = 100'

OFFICE OF REAL ESTATE
OMAHA, NEBRASKA DATE: 7-7-2021

PJB FILE: 0318510 193

CADD FILENAME	0318510
SCAN FILENAME	X

EXHIBIT A-1

A PART OF THE NW14 SW1/4, SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6th P.M.
TOWN OF MINTURN, EAGLE COUNTY, COLORADO

PARCEL DESCRIPTION:

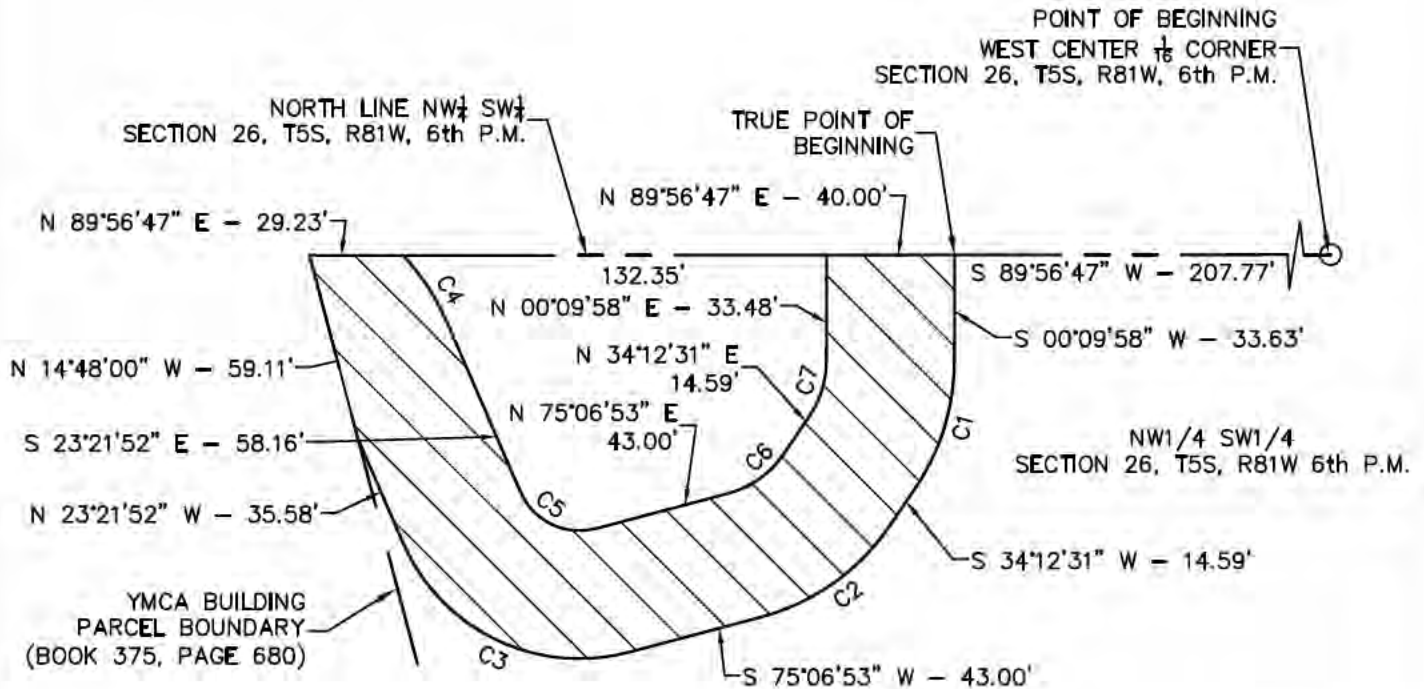
A PARCEL OF LAND SITUATED IN A PART OF THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EAGLE, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST CENTER $\frac{1}{16}$ CORNER OF SAID SECTION 26; THENCE ALONG THE NORTH LINE OF THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SAID SECTION 26 S89°56'47"W 207.77 FEET TO THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH LINE S00°09'58"W 33.63 FEET; THENCE 41.59 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 70.00 FEET, AN INTERIOR ANGLE OF 34°02'33" AND A CHORD WHICH BEARS S17°11'14"W 40.98 FEET; THENCE S34°12'31"W 14.59 FEET; THENCE 49.98 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 70.00 FEET, AN INTERIOR ANGLE OF 40°54'22" AND A CHORD WHICH BEARS S54°39'42"W 48.92 FEET; THENCE S75°06'53"W 43.00 FEET; THENCE 85.37 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET, AND INTERIOR ANGLE OF 81°31'15" AND A CHORD WHICH BEARS N64°07'30"W 78.35 FEET; THENCE N23°21'52"W 35.58 FEET TO A POINT ON THE WESTERLY BOUNDARY OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY SAID POINT ALSO BEING ON THE EASTERLY BOUNDARY OF PARCEL OF LAND DESCRIBED BY DEED RECORDED IN BOOK 375 AT PAGE 680 IN THE OFFICE OF THE EAGLE COUNTY CLERK AND RECORDER; THENCE ALONG SAID COMMON BOUNDARY N14°48'00"W 59.11 FEET TO A POINT ON SAID NORTH LINE; THENCE ALONG SAID NORTH LINE N89°56'47"E 29.23 FEET; THENCE DEPARTING SAID NORTH LINE 24.82 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 70.00 FEET; AN INTERIOR ANGLE OF 20°18'43" AND A CHORD WHICH BEARS S33°31'13"E 24.69 FEET; THENCE S23°21'52"E 58.16 FEET; THENCE 28.46 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, AN INTERIOR ANGLE OF 81°31'15" AND A CHORD WHICH BEARS S64°07'30"E 26.12 FEET; THENCE N75°06'53"E 43.00 FEET; THENCE 21.42 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, AN INTERIOR ANGLE OF 40°54'22" AND A CHORD WHICH BEARS N54°39'42"E 20.97 FEET; THENCE N34°12'31"E 14.59 FEET; THENCE 17.82 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, AN INTERIOR ANGLE OF 34°02'33" AND A CHORD WHICH BEARS N17°11'14"E 17.56 FEET; THENCE N00°09'58"E 33.48 FEET TO A POINT ON SAID NORTH LINE; THENCE ALONG SAID NORTH LINE N89°56'47"E 40.00 FEET TO THE TRUE POINT OF BEGINNING, SAID PARCEL CONTAINING 11,802 SQUARE FEET, MORE OR LESS.



EXHIBIT A-1

A PART OF THE NW1/4 SW1/4, SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6th P.M. TOWN OF MINTURN, EAGLE COUNTY, COLORADO



CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	41.59	70.00	34°02'33"	S17°11'14"W	40.98
C2	49.98	70.00	40°54'22"	S54°39'42"W	48.92
C3	85.37	60.00	81°31'15"	N64°07'30"W	78.35
C4	24.82	70.00	20°18'43"	S33°31'13"E	24.69
C5	28.46	20.00	81°31'15"	S64°07'30"E	26.12
C6	21.42	30.00	40°54'22"	N54°39'42"E	20.97
C7	17.82	30.00	34°02'33"	N17°11'14"E	17.56



SCALE: 1" = 60'

Gore Range Surveying, LLC
 P.O. Box 15
 Avon, CO 81620
 (970) 479-0698 • fax (970) 479-0055

SHEET 2 OF 2

PUBLIC HIGHWAY AT-GRADE CROSSING AGREEMENT

EAGLE COUNTY ROAD 14
DOT NUMBER 253532C
MILE POST 302.93, TENNESSEE PASS SUBDIVISION
EAGLE COUNTY, COLORADO

THIS AGREEMENT ("Agreement") is made and entered into as of the ____ day of _____, 202_ ("Effective Date"), by and between **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation, to be addressed at 1400 Douglas Street, Mail Stop 1690, Omaha, Nebraska 68179, Attn: Real Estate Department ("Railroad"), and the **TOWN OF MINTURN**, a municipal corporation or political subdivision of the State of Colorado to be addressed at 301 Boulder St., #309, Minturn, Colorado 81645 ("Political Body").

RECITALS:

Railroad and Political Body desire to document the Political Body's use of an existing at-grade public crossing wherein vehicular traffic on Eagle County Road 14 traverse on, along and across Railroad's property at Railroad's Mile Post 302.93, DOT Number 253532C, on Railroad's Tennessee Pass Subdivision at or near Minturn, Eagle County, Colorado (the "Crossing Area"). The Crossing Area is shown on the print marked **Exhibit A** and described in the legal description marked **Exhibit A-1** with each exhibit being attached hereto and hereby made a part hereof. The portion of the public crossing located within the Crossing Area on Railroad's property is the "Roadway".

AGREEMENT:

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

Section 1. EXHIBIT B

The general terms and conditions marked **Exhibit B** are attached hereto and hereby made a part hereof.

Section 2. GRANT OF EASEMENT

Upon completion of the execution of this Agreement, the Railroad shall execute and deliver to the Political Body a nonexclusive easement in the form Easement Deed marked **Exhibit C**, attached hereto and hereby made a part hereof, for the property described and shown on **Exhibit A** and **Exhibit A-1**, for the sole purposes of constructing,

using, maintaining, repairing, renewing and reconstructing the Roadway and sidewalks located within the Crossing Area.

Section 3. DEFINITION OF CONTRACTOR

For purposes of this Agreement the term "Contractor" shall mean the contractor or contractors hired by the Political Body to perform any work on any portion of the Railroad's property and shall also include the Contractor's subcontractors and the Contractor's and subcontractor's respective employees, officers and agents, and others acting under its or their authority.

Section 4. CONTRACTOR'S RIGHT OF ENTRY AGREEMENT - INSURANCE

A. Prior to Contractor performing any work within the Crossing Area, including maintenance and repair work, the Political Body shall require the Contractor to:

- Execute the Railroad's then current Contractor's Right of Entry Agreement;
- Obtain the then current insurance required in the Contractor's Right of Entry Agreement; and
- Provide such insurance policies, certificates, binders and/or endorsements to the Railroad.

B. If the Political Body's own employees will be performing any maintenance or repair work, the Political Body may self-insure all or a portion of the insurance coverage subject to the Railroad's prior review and approval.

Section 5. WORK TO BE PERFORMED BY RAILROAD; BILLING SENT TO POLITICAL BODY; POLITICAL BODY'S PAYMENT OF BILLS

If Railroad, in its sole and absolute discretion, determines there is a threat to the continuity of Railroad's operations and/or the safety of the Railroad's personnel, trains, property, facilities, operations and/or the public and, in connection with such threat, Railroad performs any work, or as may otherwise be requested by Political Body to perform any work, Political Body agrees to reimburse the Railroad within thirty (30) days of its receipt of billing from the Railroad for one hundred percent (100%) of all actual costs incurred by the Railroad in connection with such work, including, but not limited to, all actual costs of engineering review, inspection, flagging (unless flagging costs are to be billed directly to the Contractor), procurement of materials, equipment rental, manpower and deliveries to the job site and all direct and indirect overhead labor/construction costs including Railroad's standard additive rates.

Section 6. CONDITIONS TO BE MET BEFORE POLITICAL BODY AND/OR CONTRACTOR CAN COMMENCE WORK

Neither the Political Body nor the Contractor may commence any work within the Crossing Area or on any other Railroad property until:

- (i) The Railroad and Political Body have executed this Agreement.
- (ii) The Railroad and Colorado Public Utilities Commission ("CPUC") has provided to Political Body the Railroad's and CPUC's written approval of the Political Body's plans and specifications for any work to be performed within the Crossing Area.
- (iii) Each Contractor has executed Railroad's Contractor's Right of Entry Agreement and has obtained and/or provided to the Railroad the insurance policies, certificates, binders, and/or endorsements required under the Contractor's Right of Entry Agreement.
- (iv) Each Contractor has given the advance notice(s) required under the Contractor's Right of Entry Agreement to the Railroad representative named in the Contractor's Right of Entry Agreement.

Section 7. NON-RAILROAD IMPROVEMENTS

A. Submittal of plans and specifications for protecting, encasing, reinforcing, relocation, replacing, removing and abandoning in place all non-railroad owned facilities (the "Non Railroad Facilities") including, without limitation, utilities, fiber optics, pipelines, wirelines, communication lines and fences is required. The Non-Railroad Facilities plans and specifications shall comply with Railroad's standard specifications and requirements, including, without limitation, American Railway Engineering and Maintenance-of-Way Association ("AREMA") standards and guidelines. Railroad has no obligation to supply additional land for any Non Railroad Facilities and does not waive its right to assert preemption defenses, challenge the right-to-take, or pursue compensation in any condemnation action, regardless if the submitted Non Railroad Facilities plans and specifications comply with Railroad's standard specifications and requirements. Railroad has no obligation to permit any Non-Railroad Facilities to be abandoned in place or relocated on Railroad's property.

B. Upon Railroad's approval of submitted Non-Railroad Facilities plans and specifications, Railroad will attempt to incorporate them into new agreements or supplements of existing agreements with Non-Railroad Facilities owners or operators. Railroad may use its standard terms and conditions, including, without limitation, its standard license fee and administrative charges when requiring supplements or new agreements for Non-Railroad Facilities. Non Railroad Facilities work shall not commence before a supplement or new agreement has been fully executed by Railroad and the Non Railroad Facilities owner or operator, or before Railroad and Political Body mutually agree in writing to supplement this Agreement, or enter into a separate agreement, with terms and conditions covering the Non Railroad Facilities.

Section 8. EFFECTIVE DATE; TERM; TERMINATION

This Agreement is effective as of the Effective Date first herein written and shall continue in full force and effect for as long as the Roadway remains on the Railroad's property, subject to the abandonment provisions contained in the Easement.

Section 9. FUTURE PROJECTS

Projects within the Crossing Area involving substantial maintenance, repair, reconstruction, renewal and/or demolition of the Roadway shall not commence until Railroad and Political Body agree on the plans for such future projects, cost allocations, right of entry terms and conditions and temporary construction rights, terms and conditions.

Section 10. ASSIGNMENT; SUCCESSORS AND ASSIGNS

A. Political Body shall not assign this Agreement without the prior written consent of Railroad.

B. Subject to the provisions of Paragraph A above, this Agreement shall inure to the benefit of and be binding upon the successors and assigns of Railroad and Political Body.

Section 11. SPECIAL PROVISION

A. If the Railroad, in its sole and absolute discretion, reactivates the track at the location of the Crossing Area, Political Body shall cooperate with Railroad to evaluate and implement any improvements necessitated by such reactivation, including without limitation, changes in grade and warning devices, and will enter into separate agreements with Railroad as may be required by Railroad for the construction, cost allocations and continued use of the Roadway.

B. In the event the Political Body fails to perform its obligations set forth in this Agreement and the Railroad, in its sole and absolute discretion, determines there is a threat to the continuity of Railroad's operations and/or the safety of the Railroad's personnel, trains, property, facilities, operations and/or the public, Railroad, without any liability to Political Body, and at the expense of the Political Body, may take any and all action it deems reasonably necessary to remediate the threat, protect the road crossing, restore Railroad's operations and to insure the safety of Railroad's personnel, trains, property, facilities and/or operations.

C. Political Body's covenants to indemnify under the terms of this Agreement (a) shall not be deemed a waiver of sovereign immunity under the Colorado Governmental Immunity Act ("Act"), (b) shall only be effective to the extent of the limits of the Act as set forth in CRS Section 24-10-114, as those may be amended, (c) shall only be effective if the City's obligation to indemnify or pay costs is insured by the Colorado

Intergovernmental Risk Sharing Agency ("CIRSA") or CIRSA's successor as the Political Body's liability carrier.

D. This Agreement is expressly made subject to the limitations of the Colorado Constitution, except for any issues involving this Agreement that are preempted by Federal law. To that end, no financial obligation or covenant to indemnify contained herein shall create a debt or multi-year fiscal obligation or an obligation of future appropriations by the Town of Minturn, contrary to Article X, § 20, Colo. Const., or any other constitutional, statutory, or charter debt limitation. As used herein, the term "appropriation" shall mean and include the due adoption of an appropriation ordinance and budget (or similar applicable funding device) which contains an allocation of sufficient funds for the performance of fiscal obligations (other than in connection with a covenant to indemnify) arising under this Agreement.

E. Notwithstanding anything to the contrary contained in this Agreement, Railroad agrees and understands that Political Body is relying on and does not relinquish or waive, by any provision of this Agreement, any applicable limitations of liability provided to Political Body by the Act.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed as of the Effective Date first herein written.

UNION PACIFIC RAILROAD COMPANY

(Federal Tax ID #94-6001323)

By: _____

Printed Name: _____

Title: _____

TOWN OF MINTURN

By: _____

Printed Name: _____

Title: _____

EXHIBIT A
TO PUBLIC HIGHWAY AT-GRADE CROSSING AGREEMENT

Exhibit A will be a print showing the Crossing Area (see Recitals)

EXHIBIT A-1
TO PUBLIC HIGHWAY AT-GRADE CROSSING AGREEMENT

Exhibit A-1 will be the legal description for the Crossing Area (see Recitals)

EXHIBIT B
TO PUBLIC HIGHWAY AT-GRADE CROSSING AGREEMENT

SECTION 1. CONDITIONS AND COVENANTS

A. The Railroad makes no covenant or warranty of title for quiet possession or against encumbrances. The Political Body shall not use or permit use of the Crossing Area for any purposes other than those described in this Agreement. Without limiting the foregoing, the Political Body shall not use or permit use of the Crossing Area for railroad purposes, or for gas, oil or gasoline pipelines. Any lines constructed on the Railroad's property by or under authority of the Political Body for the purpose of conveying electric power or communications incidental to the Political Body's use of the property for highway purposes shall be constructed in accordance with specifications and requirements of the Railroad, and in such manner as not adversely to affect communication or signal lines of the Railroad or its licensees now or hereafter located upon said property. No nonparty shall be admitted by the Political Body to use or occupy any part of the Railroad's property without the Railroad's written consent. Nothing herein shall obligate the Railroad to give such consent.

B. The Railroad reserves the right to cross the Crossing Area with such railroad tracks as may be required for its convenience or purposes. In the event the Railroad shall place additional tracks upon the Crossing Area, the Political Body shall, at its sole cost and expense, modify the Roadway to conform with all tracks within the Crossing Area.

C. The right hereby granted is subject to any existing encumbrances and rights (whether public or private), recorded or unrecorded, and also to any renewals thereof. The Political Body shall not damage, destroy or interfere with the property or rights of nonparties in, upon or relating to the Railroad's property, unless the Political Body at its own expense settles with and obtains releases from such nonparties.

D. The Railroad reserves the right to use and to grant to others the right to use the Crossing Area for any purpose not inconsistent with the right hereby granted, including, but not by way of limitation, the right to construct, reconstruct, maintain, operate, repair, alter, renew and replace tracks, facilities and appurtenances on the property; and the right to cross the Crossing Area with all kinds of equipment.

E. INTENTIONALLY OMITTED

F. If any property or rights other than the right hereby granted are necessary for the construction, maintenance and use of the Roadway and its appurtenances, the Political Body will acquire all such other property and rights at its own expense and without expense to the Railroad.

SECTION 2. INTENTIONALLY OMITTED

SECTION 3. INJURY AND DAMAGE TO PROPERTY

If the Political Body, in the performance of any work contemplated by this Agreement or by the failure to do or perform anything for which the Political Body is responsible under the provisions of this Agreement, shall injure, damage or destroy any property of the Railroad or of any other person lawfully occupying or using the property of the Railroad, such property shall be replaced or repaired by the Political Body at the Political Body's own expense, or by the Railroad at the expense of the Political Body, and to the satisfaction of the Railroad's Assistant Vice President Engineering-Design.

SECTION 4. RAILROAD MAY USE CONTRACTORS TO PERFORM WORK

The Railroad may contract for the performance of any of its work by other than the Railroad forces. The Railroad shall notify the Political Body of the contract price within ninety (90) days after it is awarded. Unless the Railroad's work is to be performed on a fixed price basis, the Political Body shall reimburse the Railroad for the amount of the contract.

SECTION 5. MAINTENANCE AND REPAIRS

A. The Political Body shall, at its own sole expense, maintain, repair, and renew, or cause to be maintained, repaired and renewed, the entire Crossing Area and Roadway, except the portions between the track tie ends, which shall be maintained by and at the expense of the Railroad.

B. If, in the future, the Political Body elects to have the surfacing material between the track tie ends, or between tracks if there is more than one railroad track across the Crossing Area, repaired or replaced, the Railroad, at the Political Body's expense, shall install such replacement surfacing.

SECTION 6. CHANGES IN GRADE

If at any time the Railroad shall elect, or be required by competent authority to, raise or lower the grade of all or any portion of the track(s) located within the Crossing Area, the Political Body shall, at its own expense, conform the Roadway to conform with the change of grade of the trackage.

SECTION 7. REARRANGEMENT OF WARNING DEVICES

If the change or rearrangement of any warning device installed hereunder is necessitated for public or Railroad convenience or on account of improvements for either the Railroad, highway or both, the parties will apportion the expense incidental thereto between themselves by negotiation, agreement or by the order of a competent authority before the change or rearrangement is undertaken.

SECTION 8. SAFETY MEASURES; PROTECTION OF RAILROAD COMPANY OPERATIONS

It is understood and recognized that safety and continuity of the Railroad's operations and communications are of the utmost importance; and in order that the same may be adequately safeguarded, protected and assured, and in order that accidents may be prevented and avoided, it is agreed with respect to all of said work of the Political Body that the work will be performed in a safe manner and in conformity with the following standards:

A. **Definitions.** All references in this Agreement to the Political Body shall also include the Contractor and their respective officers, agents and employees, and others acting under its or their authority; and all references in this Agreement to work of the Political Body shall include work both within and outside of the Railroad's property.

B. **Entry on to Railroad's Property by Political Body.** If the Political Body's employees need to enter Railroad's property in order to perform an inspection of the Roadway, minor maintenance or other activities, the Political Body shall first provide at least ten (10) working days advance notice to the Railroad Representative. With respect to such entry on to Railroad's property, the Political Body, to the extent permitted by law, agrees to release, defend and indemnify the Railroad from and against any loss, damage, injury, liability, claim, cost or expense incurred by any person including, without limitation, the Political Body's employees, or damage to any property or equipment (collectively the "Loss") that arises from the presence or activities of Political Body's employees on Railroad's property, except to the extent that any Loss is caused by the sole direct negligence of Railroad.

C. **Flagging.**

(i) If the Political Body's employees need to enter Railroad's property as provided in Paragraph B above, the Political Body agrees to notify the Railroad Representative at least thirty (30) working days in advance of proposed performance of any work by Political Body in which any person or equipment will be within twenty-five (25) feet of any track, or will be near enough to any track that any equipment extension (such as, but not limited to, a crane boom) will reach to within twenty-five (25) feet of any track. No work of any kind shall be performed, and no person, equipment, machinery, tool(s), material(s), vehicle(s), or thing(s) shall be located, operated, placed, or stored within twenty-five (25) feet of any of Railroad's track(s) at any time, for any reason, unless and until a Railroad flagman is provided to watch for trains. Upon receipt of such thirty (30) day notice, the Railroad Representative will determine and inform Political Body whether a flagman need be present and whether Political Body needs to implement any special protective or safety measures. If flagging or other special protective or safety measures are performed by Railroad, Railroad will bill Political Body for such expenses incurred by Railroad. If Railroad performs any flagging, or other special protective or

safety measures are performed by Railroad, Political Body agrees that Political Body is not relieved of any of its responsibilities or liabilities set forth in this Agreement.

(ii) The rate of pay per hour for each flagman will be the prevailing hourly rate in effect for an eight-hour day for the class of flagmen used during regularly assigned hours and overtime in accordance with Labor Agreements and Schedules in effect at the time the work is performed. In addition to the cost of such labor, a composite charge for vacation, holiday, health and welfare, supplemental sickness, Railroad Retirement and unemployment compensation, supplemental pension, Employees Liability and Property Damage and Administration will be included, computed on actual payroll. The composite charge will be the prevailing composite charge in effect at the time the work is performed. One and one-half times the current hourly rate is paid for overtime, Saturdays and Sundays, and two and one-half times current hourly rate for holidays. Wage rates are subject to change, at any time, by law or by agreement between Railroad and its employees, and may be retroactive as a result of negotiations or a ruling of an authorized governmental agency. Additional charges on labor are also subject to change. If the wage rate or additional charges are changed, Political Body shall pay on the basis of the new rates and charges.

(iii) Reimbursement to Railroad will be required covering the full eight-hour day during which any flagman is furnished, unless the flagman can be assigned to other Railroad work during a portion of such day, in which event reimbursement will not be required for the portion of the day during which the flagman is engaged in other Railroad work. Reimbursement will also be required for any day not actually worked by the flagman following the flagman's assignment to work on the project for which Railroad is required to pay the flagman and which could not reasonably be avoided by Railroad by assignment of such flagman to other work, even though Political Body may not be working during such time. When it becomes necessary for Railroad to bulletin and assign an employee to a flagging position in compliance with union collective bargaining agreements, Political Body must provide Railroad a minimum of five (5) days notice prior to the cessation of the need for a flagman. If five (5) days notice of cessation is not given, Political Body will still be required to pay flagging charges for the five (5) day notice period required by union agreement to be given to the employee, even though flagging is not required for that period. An additional thirty (30) days notice must then be given to Railroad if flagging services are needed again after such five day cessation notice has been given to Railroad.

D. **Compliance With Laws.** The Political Body shall comply with all applicable federal, state and local laws, regulations and enactments affecting the work. The Political Body shall use only such methods as are consistent with safety, both as concerns the Political Body, the Political Body's agents and employees, the officers, agents, employees and property of the Railroad and the public in general. The Political Body (without limiting the generality of the foregoing) shall comply with all applicable state and federal occupational safety and health acts and regulations. All Federal Railroad Administration regulations shall be followed when work is performed on the Railroad's premises. If any failure by the Political Body to comply with any such laws,

regulations, and enactments, shall result in any fine, penalty, cost or charge being assessed, imposed or charged against the Railroad, the Political Body shall reimburse, and to the extent it may lawfully do so, indemnify the Railroad for any such fine, penalty, cost, or charge, including without limitation attorney's fees, court costs and expenses. The Political Body further agrees in the event of any such action, upon notice thereof being provided by the Railroad, to defend such action free of cost, charge, or expense to the Railroad.

E. **No Interference or Delays.** The Political Body shall not do, suffer or permit anything which will or may obstruct, endanger, interfere with, hinder or delay maintenance or operation of the Railroad's tracks or facilities, or any communication or signal lines, installations or any appurtenances thereof, or the operations of others lawfully occupying or using the Railroad's property or facilities.

F. **Supervision.** The Political Body, at its own expense, shall adequately police and supervise all work to be performed by the Political Body, and shall not inflict injury to persons or damage to property for the safety of whom or of which the Railroad may be responsible, or to property of the Railroad. The responsibility of the Political Body for safe conduct and adequate policing and supervision of the Crossing Area shall not be lessened or otherwise affected by the Railroad's approval of plans and specifications, or by the Railroad's collaboration in performance of any work, or by the presence at the work site of the Railroad's representatives, or by compliance by the Political Body with any requests or recommendations made by such representatives. The Political Body will give due consideration to suggestions and recommendations made by Railroad for the safety and protection of the Railroad's property and operations.

G. **Suspension of Work.** If at any time the Political Body's engineers or the Vice President-Engineering Services of the Railroad or their respective representatives shall be of the opinion that any work of the Political Body is being or is about to be done or prosecuted without due regard and precaution for safety and security, the Political Body shall immediately suspend the work until suitable, adequate and proper protective measures are adopted and provided.

H. **Removal of Debris.** The Political Body shall not cause, suffer or permit material or debris to be deposited or cast upon, or to slide or fall upon any property or facilities of the Railroad; and any such material and debris shall be promptly removed from the Railroad's property by the Political Body at the Political Body's own expense or by the Railroad at the expense of the Political Body. The Political Body shall not cause, suffer or permit any snow to be directly plowed or cast upon the Railroad's property during snow removal from the Crossing Area.

I. **Explosives.** The Political Body shall not discharge any explosives on or in the vicinity of the Railroad's property without the prior consent of the Railroad's Vice President-Engineering Services, which shall not be given if, in the sole discretion of the Railroad's Vice President-Engineering Services, such discharge would be dangerous or would interfere with the Railroad's property or facilities. For the purposes hereof, the

"vicinity of the Railroad's property" shall be deemed to be any place on the Railroad's property or in such close proximity to the Railroad's property that the discharge of explosives could cause injury to the Railroad's employees or other persons, or cause damage to or interference with the facilities or operations on the Railroad's property. The Railroad reserves the right to impose such conditions, restrictions or limitations on the transportation, handling, storage, security and use of explosives as the Railroad, in the Railroad's sole discretion, may deem to be necessary, desirable or appropriate.

J. **Excavation.** The Political Body shall not excavate from existing slopes nor construct new slopes which are excessive and may create hazards of slides or falling rock, or impair or endanger the clearance between existing or new slopes and the tracks of the Railroad. The Political Body shall not do or cause to be done any work which will or may disturb the stability of any area or adversely affect the Railroad's tracks or facilities. The Political Body, at its own expense, shall install and maintain adequate shoring and cribbing for all excavation and/or trenching performed by the Political Body in connection with construction, maintenance or other work. The shoring and cribbing shall be constructed and maintained with materials and in a manner approved by the Railroad's Assistant Vice President Engineering - Design to withstand all stresses likely to be encountered, including any stresses resulting from vibrations caused by the Railroad's operations in the vicinity.

K. **Drainage.** The Political Body, at the Political Body's own expense, shall provide and maintain suitable facilities for draining the Roadway and its appurtenances, and shall not suffer or permit drainage water therefrom to flow or collect upon property of the Railroad. The Political Body, at the Political Body's own expense, shall provide adequate passageway for the waters of any streams, bodies of water and drainage facilities (either natural or artificial, and including water from the Railroad's culvert and drainage facilities), so that said waters may not, because of any facilities or work of the Political Body, be impeded, obstructed, diverted or caused to back up, overflow or damage the property of the Railroad or any part thereof, or property of others. The Political Body shall not obstruct or interfere with existing ditches or drainage facilities.

L. **Notice.** Before commencing any work, the Political Body shall provide the advance notice to the Railroad that is required under the Contractor's Right of Entry Agreement.

M. **Fiber Optic Cables.** Fiber optic cable systems may be buried on the Railroad's property. Protection of the fiber optic cable systems is of extreme importance since any break could disrupt service to users resulting in business interruption and loss of revenue and profits. Political Body shall telephone the Railroad during normal business hours (7:00 a.m. to 9:00 p.m. Central Time, Monday through Friday, except holidays) at 1-800-336-9193 (also a 24-hour, 7-day number for emergency calls) to determine if fiber optic cable is buried anywhere on the Railroad's premises to be used by the Political Body. If it is, Political Body will telephone the telecommunications company(ies) involved, arrange for a cable locator, and make arrangements for

relocation or other protection of the fiber optic cable prior to beginning any work on the Railroad's premises.

SECTION 9. INTERIM WARNING DEVICES

If at anytime it is determined by a competent authority, by the Political Body, or by agreement between the parties, that new or improved train activated warning devices should be installed at the Crossing Area, the Political Body shall install adequate temporary warning devices or signs and impose appropriate vehicular control measures to protect the motoring public until the new or improved devices have been installed.

SECTION 10. OTHER RAILROADS

All protective and indemnifying provisions of this Agreement shall inure to the benefit of the Railroad and any other railroad company lawfully using the Railroad's property or facilities.

SECTION 11. INTENTIONALLY OMITTED

SECTION 12. REMEDIES FOR BREACH OR NONUSE

A. If the Political Body shall fail, refuse or neglect to perform and abide by the terms of this Agreement, the Railroad, in addition to any other rights and remedies, may perform any work which in the judgment of the Railroad is necessary to place the Roadway and appurtenances in such condition as will not menace, endanger or interfere with the Railroad's facilities or operations or jeopardize the Railroad's employees; and the Political Body will reimburse the Railroad for the expenses thereof.

B. Nonuse by the Political Body of the Crossing Area for public highway purposes continuing at any time for a period of eighteen (18) months shall, at the option of the Railroad, work a termination of this Agreement and of all rights of the Political Body hereunder.

C. The Political Body will surrender peaceable possession of the Crossing Area and Roadway upon termination of this Agreement. Termination of this Agreement shall not affect any rights, obligations or liabilities of the parties, accrued or otherwise, which may have arisen prior to termination.

SECTION 13. MODIFICATION - ENTIRE AGREEMENT

No waiver, modification or amendment of this Agreement shall be of any force or effect unless made in writing, signed by the Political Body and the Railroad and specifying with particularity the nature and extent of such waiver, modification or amendment. Any waiver by the Railroad of any default by the Political Body shall not affect or impair any right arising from any subsequent default. This Agreement and Exhibits attached hereto and made a part hereof constitute the entire understanding

between the Political Body and the Railroad and cancel and supersede any prior negotiations, understandings or agreements, whether written or oral, with respect to the work or any part thereof.

EXHIBIT C
TO PUBLIC HIGHWAY AT GRADE CROSSING AGREEMENT

FORM OF EASEMENT DEED

**RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:**

Town of Minturn
Attn: Town Manager
301 Boulder Street, #309
Minturn, Colorado 81645

(Space Above for Recorder's Use Only)

3286-25

EASEMENT DEED

THIS EASEMENT DEED is made this ____ day of _____, 2023, between **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation ("Grantor"), and the **TOWN OF MINTURN**, a municipal corporation or political subdivision of the State of Colorado to be addressed at 301 Boulder St., #309, Minturn, Colorado 81645 ("Grantee").

Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, to it paid by Grantee, the receipt whereof is hereby confessed and acknowledged, grants to Grantee, its successors and assigns, a non-exclusive easement ("Easement"), for the sole purposes of constructing, using, maintaining, repairing, renewing and reconstructing an at-grade public road crossing over Eagle County Road 14, on, along and across DOT No. 253532C at Railroad's Milepost 302.93 on Railroad's Tennessee Pass Subdivision (the "Roadway"), including any sidewalks adjacent or related thereto, located at or near Minturn, Eagle County, Colorado, as described and depicted in **Exhibit A**, attached and by reference made a part hereof (the "Easement Area").

The Easement is granted for the purposes described above only. Without limitation of the foregoing, this grant does not include the right to install utilities of any nature, including, without limitation, fiber optic, cable television, electrical, gas or liquid distribution, or telephone lines.

Grantor, its successors and assigns, reserves the right to construct and to maintain at any and all times railroad tracks and appurtenances, fiber optic or signal lines and facilities, pipe, telephone, and electric pole and wire lines, over, under and across the

Easement Area, but in such a way as to not unreasonably interfere with Grantee's use of the Easement; it being understood that the rights so reserved by Grantor, its successors and assigns, are retained along with the general right of Grantor, its successors and assigns, to use of the Easement Area for any purpose not inconsistent with Grantee's use of the Easement, including but not limited to any and all general railroad purposes.

The Easement is granted subject to the terms and conditions contained in the separate Public Highway At-Grade Crossing Agreement dated _____, 2023, as signed by Grantor and Grantee, and is also subject to all outstanding leases, licenses and other outstanding rights, including, without limitation, those for pipe, telephone, electric and fiber optic lines and the right of renewals and extensions of the same, and subject also to all conditions, limitations, restrictions, encumbrances, reservations or interests of any person that may affect the Easement Area, whether recorded or unrecorded.

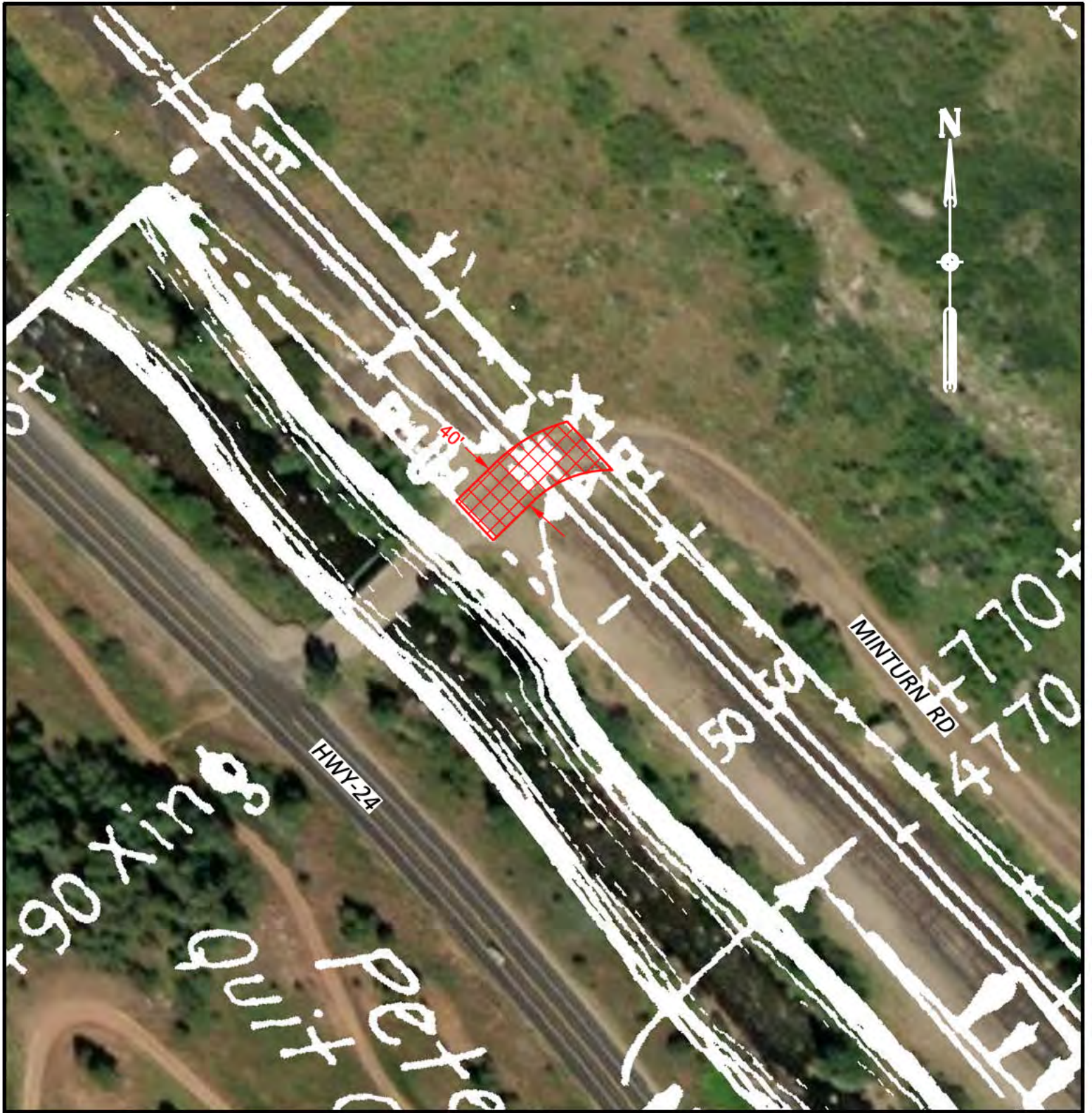
The Easement is also limited to such rights as Grantor may have in the Easement Area and is granted without warranty, express or implied. No damages shall be recoverable from Grantor because of any dispossession of Grantee or because of failure of, or defect in, Grantor's title.

If Grantee, its successors or assigns, abandons the Easement Area or any portion of the Easement Area, the Easement will cease and terminate with respect to the portion of the Easement Area so abandoned, and the title to the Easement Area will be freed from the burden of the Easement. Nonuse of the Easement Area or any portion thereof, for public highway purposes continuing at any time for a period of eighteen (18) months will be deemed an abandonment of the Easement Area or portion thereof not used.


(Signature Pages to Follow)


EXHIBIT A
TO FORM OF EASEMENT DEED

**LEGAL DESCRIPTION OF EASEMENT AREA
(TO BE ATTACHED)**



LEGEND:

CROSSING AREA 

UPRRCO. R/W OUTLINED 

CROSSING AREA = 4,153 SQ. FT. +/-

NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY

MINTURN, EAGLE COUNTY, COLORADO

M.P. 302.93 - TENNESSEE PASS SUB.

MAP DRGW V-7A / 24

SCALE: 1" = 100'

OFFICE OF REAL ESTATE
OMAHA, NEBRASKA DATE: 9-20-2021

PJB FILE: 0328625 216

CADD FILENAME	0328625
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SCAN FILENAME	X
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EXHIBIT A-1

PART OF SW 1/4 NE 1/4 SECTION 22, TOWNSHIP 5 SOUTH, RANGE 81 WEST, 6th P.M.
EAGLE COUNTY, COLORADO

PARCEL DESCRIPTION:

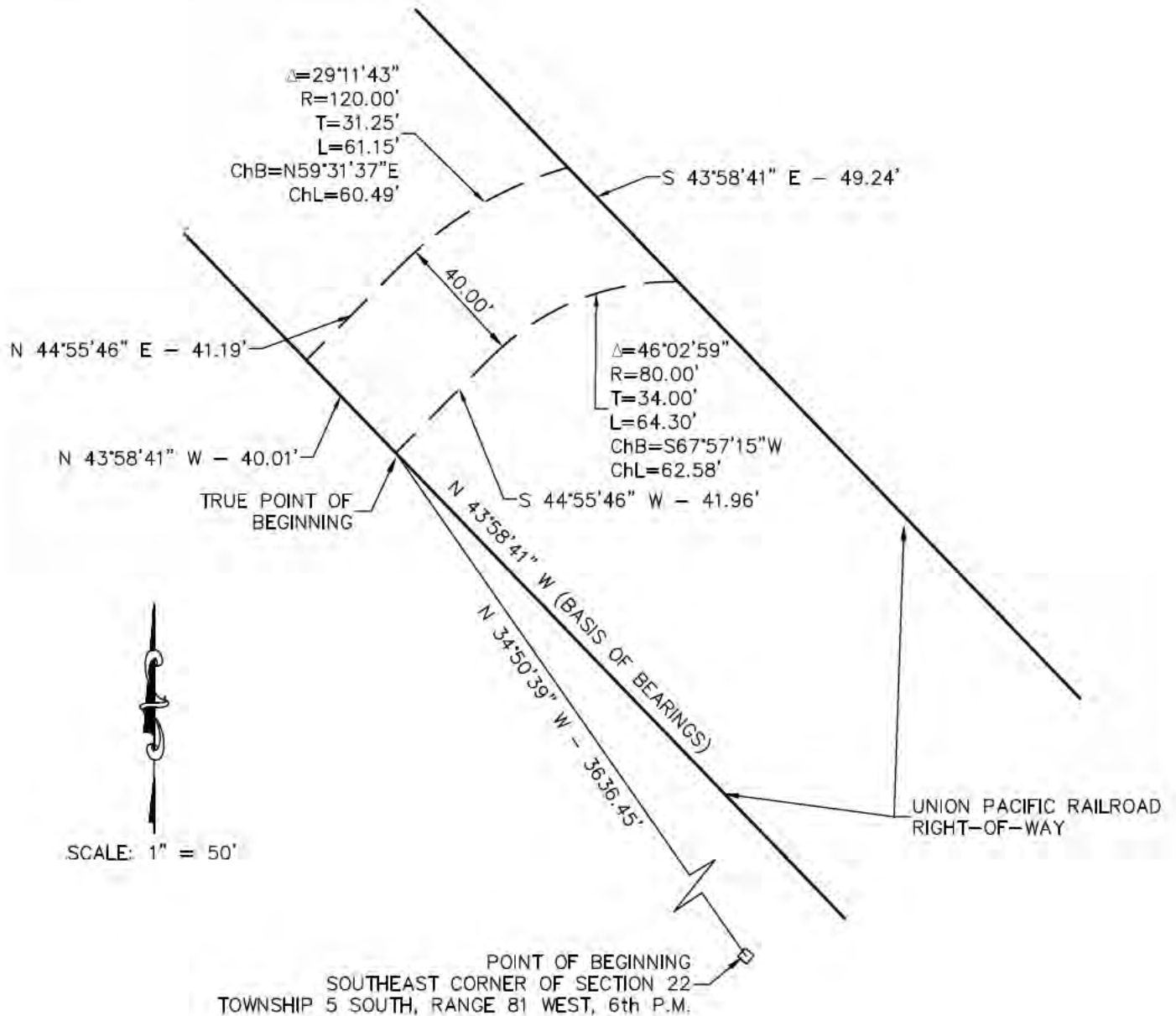
A PARCEL OF LAND, FORTY FEET IN WIDTH, SITUATED IN A PART OF THE SW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 22, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6th PRINCIPAL MERIDIAN, COUNTY OF EAGLE, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 22; THENCE N34°50'39"W 3636.45 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY N43°58'41"W 40.01 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY N44°55'46"E 41.19 FEET; THENCE 61.15 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 120.00 FEET, AN INTERIOR ANGLE OF 29°11'43" AND A CHORD WHICH BEARS N59°31'37"E 60.49 FEET TO A POINT ON SAID RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY S43°58'41"E 49.24 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY 64.30 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET, AN INTERIOR ANGLE OF 46°02'59" AND A CHORD WHICH BEARS S67°57'15"W 62.58 FEET; THENCE S44°55'46"W 41.96 FEET TO THE TRUE POINT OF BEGINNING.



EXHIBIT A-1

PART OF SW 1/4 NE 1/4 SECTION 22, TOWNSHIP 5 SOUTH, RANGE 81 WEST, 6th P.M.
EAGLE COUNTY, COLORADO



Gore Range Surveying, LLC
 P.O. Box 15
 Avon, CO 81620
 (970) 479-0698 • fax (970) 479-0055



June 5, 2023
June 23, 2023

Scot Hunn
Planning Director, Town of Minturn
Sent via email

Re: Legal Review of Minturn North Preliminary Plan Application

Updated Review of June 5 resubmittal in Red Font by Richard Peterson-Cremer

Dear Scot:

I have reviewed the preliminary plan materials submitted by the applicant dated April 11, 2023. I have the following comments on the materials.

Notice

1. The applicant should supply materials demonstrating compliance with the Notification of Surface Development statute CRS 24-65.5.101 et seq. **This has been completed.**
2. Notice of the preliminary plan public hearings before both the planning commission and the Town Council shall be provided per the Town Code. **This has been completed.**

Preliminary Plat

3. The preliminary plat is titled “final plat”. This should read “Preliminary Plat.” **This has been completed.**
4. Is UPRR aware that they are being asked to sign the plat as the owner? I understand that before a conveyance can occur the property must be subdivided. I also think we can do a phased closing / recording of public approval documents so that after the plat is signed, UPRR conveys to the applicant, and then the applicant signs all other Town approval documents which are recorded in the public records. **This has been completed. There will be two plats: one to subdivide the larger parcel into Minturn North and UPRR property; and a second plat to subdivide the smaller single family lots with Minturn North signing as Owner.**
5. The preliminary plat does not depict easements of record impacting the site. The title commitment identifies several easements and property interests that purport to burden the development property. The applicant needs to review the easements in the title

commitment and have any exceptions removed that do not burden the property. For easements that do burden the property, the applicant needs to: (a) show them on the preliminary plat and applicable construction documents to demonstrate that the proposed development does not conflict with recorded easements or property interests of record, or (b) identify those easements which the developer will have legally removed from title prior to the recordation of the final plat. See Schedule B, Part II exception nos. 9, 13, 14, 18, 19, 22, 25, 26, and 29. Note number 4 on the preliminary plat should be updated to reflect the most recent title commitment. **This has been completed but we suggest working with the title company to have the encumbrances removed from the title commitment that the surveyor has determined do not affect this property.**

6. The Town Surveyor/Engineer should confirm: (a) the accuracy of the legal description in the title commitment/preliminary plat, (b) that the legal description properly abuts adjoining Town ROWs and or subdivisions (no gaps), and (c) that the legal description is based off of the correct monument (the “rail monument issue”). **This has been completed; see Town Engineer letter.**
7. Prior to preparation of the final plat, the applicant should consult with the Town attorney about the form of the plat certificates. **This work is ongoing and will be required at Final Plat.**
8. The Town will need to discuss with the applicant and Greg Larson the appropriateness of the easement reservations to UPRR (plat note number 6). UPRR is not dedicating Minturn Road to the Town in fee. Each of the items listed in the reserved easements are generally rights already preserved by UPRR in Minturn Road. The Town does not understand the need for extensive utility and drainage easements not adjacent to the railyard parcel. The Town is concerned about having too many reserved rights for UPRR within this subdivision and the resulting impacts on public utilities. **This was an error and has been corrected.**
9. The preliminary plat identifies several easements to be created. Plat note 6 states that all of the easements are reserved to UPRR. This appears to be an error because many of the easements depicted only benefit a sub-set of lot owners or the HOA. Each easement needs to be clearly identified on the preliminary plat. The recipient of each easement created needs to be clearly identified as well (and the dedications should be moved to the Certificate of Dedication and Ownership). The applicant needs to work with the town on clearly identifying which easements are dedicated to which parties. For easements that may be dedicated to both the Town and the HOA, the parties need to think through potential conflicts (e.g. the Town constructs a trail within the Utility, Drainage, Landscape & Trail Easement and the HOA digs up part of the trail to fix a utility line). **The UPRR reservations were in error and has been corrected. Dedication of easements is a final platting issue that we continue to work on with the applicant in the Certificate of Dedication and Ownership.**
10. On sheet 2 of the preliminary plat please update the numbering to note “sheet 2 of 4”. The easements identified on sheet 2 located on Tract C should be moved to a separate detail

sheet (perhaps a sheet 5) for clarity purposes. **Numbering matter has been addressed. Tract C easements should be separately depicted on entire tract.**

11. On sheet 3 of the preliminary plat, UPRR is only dedicating an easement for Minturn Road. Sheet 3 identifies a “Utility, Drainage & Landscape Easement” which is not listed as an easement in Note 6. Sheet 3 also identifies an “Access, Utility, Drainage & Landscape Easement” which is not listed as an easement in Note 6. On sheet 3 along Miles End Road, there are several 10’ x 5’ boxes that simply say “perpendicular” or “radial”. Are these easements? For whom? Miles End Lane is identified as a “50’ public right-of-way”. The PUD application indicates this will be a private road. Terminology and dedication to the HOA need to be added. **These have been mostly addressed and we will continue to work with the applicant to depict all necessary features on the plat.**
12. On sheet 4 of the preliminary plat, Minturn Road is shown as a “50’ public right-of-way”. This is incorrect. Sheet 3 identifies a “Utility, Drainage & Landscape Easement” which is not listed as an easement in Note 6. For Miles End Lane, the preliminary plat states “50’ public right-of-way.” Looking at the contours of Miles End Lane that is not uniformly correct. The PUD application indicates that Miles End Lane will be owned and maintained by the HOA. The terminology and dedication to the HOA need to be added. Sheet 4 also has 10’ x 5’ boxes that simply say “perpendicular” or “radial”. Are these easements? For whom? Tract G is identified as Right of Way” for Silver Start Trail. To whom is this dedicated (I assume the HOA)? The trail easement needs to extend across Tract G. Same for Tract F open space. **These have been mostly addressed and we will continue to work with the applicant to depict all necessary features on the plat.**
13. The Certificate of Dedication and Ownership needs to list the recipient of the various tracts created by the plat (these likely are either the Town or the HOA). I cannot locate a Tract E. **We provided applicant with Certificate of Dedication and Ownership template language and will continue to work with applicant to finalize to our satisfaction.**
14. Will the Game Creek open space have any public uses? **Question has been answered and no public uses will be allowed.**

Construction Plans

15. All construction plans that depict work outside of the Property, must identify the legal authority under which such work will be performed. This includes property owned by UPRR and Eagle County. Construction sheets showing work along Minturn Road must include an overlay of the easement that UPRR will be granting to the Town so that Staff can confirm that all improvements (including fill slopes and drainage features) are located in an area that the Town has the legal right to maintain in the future (e.g. Sheet Nos. C-3 to C13). The applicant is required to obtain all necessary approvals for work to be performed pursuant to the proposed subdivision. **We have discussed this with the applicant and UPRR. Town engineer has confirmed that all necessary easements have been granted for ongoing maintenance. The S turn/RR Ave. legal rights are in good form for execution subject to updated survey and confirmation that improvements fit within the easement, and**

approval by the Colorado Public Utilities Commission. We are working with Eagle County on conditional approval of the Minturn Road/County Road paving and will work on an agreement potentially including the county as a beneficiary of warranties and construction bonds.

16. The Utility Plan shows a sanitary sewer line running through UPRR property at 4th Street. Please provide the legal authority for that sewer line. **This has been addressed through a license agreement with UPRR.**

Subdivision Improvement Agreement – Final plat matters

17. A Word copy of the draft SIA must be provided to the Town. The form of the SIA must be consistent with the Town's template and provisions of the Town code. Detailed comments on the draft cannot be provided until a redline of the proposed SIA has been prepared. Even without preparing a redline, it appears that there are provisions in the draft SIA that do not conform with the Town's standards. Staff would note that posting security and paying all required Town fees is a pre-requisite to recording the final plat. **This has been provided and we are working on revisions.**
18. The SIA will not be approved until final plat. The following constitutes preliminary comments on that document which will be updated after preliminary plan approval.
19. The engineer's cost estimate only includes Minturn Road offsite improvements. All public improvements must be included in the engineer's cost estimate including internal roadways, utilities, the ECO trail, off-site pedestrian improvements, the gravel parking for game creek, etc. **This has been addressed and is under review by the Town engineer for final plat.**
20. Provision for the dedication of the Game Creek Trail parking easement to the Town needs to be added. **We have discussed a separate form of easement and survey necessary to complete this task at final plat.**
21. The applicant is responsible for providing engineering and cost estimates together with obtaining all approvals necessary to implement its development plans, including approvals from Eagle County and CDOT. The applicant, at the applicant's expense, must pay for all improvements identified in its application materials. Provisions in the draft SIA to the contrary must be changed. **We are working on conditional approval with Eagle County for Minturn Road/County Road. Applicant has submitted necessary CDOT application.**
22. Town staff will not support a 20 year vested rights for this development. For a single phase development 5 to 10 years would be the normal period. **This has been revised to 10 years.**

Missing Components

23. The PUD application does not include any plans to build active recreation areas (Sec. 16-15-140 (a)(2) and (b)(3)). The proposed PUD will create several house sites that will

include children. There are no active recreation areas in north Minturn for children to use. Applicant provided responsive information to this and will be seeking guidance from Planning Commission and Town Council regarding use of open space.

24. The PUD application makes reference to a separate document creating public rights (e.g. emergency vehicles) in the private roads. No such document has been provided. Applicant needs to consider that several public utilities will be located within the private road right-of-way and will need legal easements granted. We will continue working with applicant to resolve/dedicate necessary public easements for public use.
25. The application states “Applicant has also agreed to pay for improvements between the PUD and Bellm Bridge to allow for safe pedestrian access. There are no plan sheets for these improvements. These improvements are also not included in the engineer’s cost estimate. Town Engineer has designed this project and applicant has agreed to pay for construction.

Other Items

26. Review with Town Engineer that all of the property subject to this application was included in the annexation identified as Schedule B, Part II exception nos. 10 and 16. Town Engineer has confirmed this.
27. UPRR should quit claim any interest in the reverter clause included the Dedication of Taylor Avenue recorded as reception No. 144697 (Schedule B, Part II exception no. 12). After the property is developed, Taylor Ave. will not be contiguous with any property owned by UPRR.

PROVIDED, however, that in the event that use of said land for the above-described purposes should ever be abandoned, or the roadway be vacated, then the title to that portion of the presently existing roadway which is situated in the West one-half of the Northwest one-quarter of Section 26, Township 5 South, Range 81 West of the Sixth Principal Meridian, County of Eagle, State of Colorado, shall revert to and vest absolutely in said Grantor, its successors and assigns forever.

UPRR provided a quit-claim deed for this reverter and accepted the Town Attorney’s minor edits. Is now in final form and complete.

28. The Town water attorney will provide separate legal comments on matters involving water rights dedication and calculation of water service to be provided to the proposed development. Holland and Hart has provided separate comments.

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29. The locals housing deed restriction and the non-resident housing deed restriction will be approved as part of the final plat process. The Town will endeavor to provide comments on these draft documents prior to final plat consideration. Versions of these document in MS Word need to be provided to the Town. **We have reviewed the forms of deed restriction and provided applicant with edits.**

Very truly yours,

KARP NEU HANLON, P.C.



Michael J. Sawyer

MJS:

cc: Michelle Metteer
Jeff Spanel

Glenwood Springs – Main Office
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602

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Office: 970.945.2261
Fax: 970.945.7336
**Direct Mail to Glenwood Springs*

May 8, 2023

Scot Hunn
Planning Director, Town of Minturn
Sent via email

Re: Legal Review of Minturn North Preliminary Plan Application

Dear Scot:

I have reviewed the preliminary plan materials submitted by the applicant dated April 11, 2023. I have the following comments on the materials.

Notice

1. The applicant should supply materials demonstrating compliance with the Notification of Surface Development statute CRS 24-65.5.101 et seq.
2. Notice of the preliminary plan public hearings before both the planning commission and the Town Council shall be provided per the Town Code.

Preliminary Plat

3. The preliminary plat is titled “final plat”. This should read “Preliminary Plat.”
4. Is UPRR aware that they are being asked to sign the plat as the owner? I understand that before a conveyance can occur the property must be subdivided. I also think we can do a phased closing / recording of public approval documents so that after the plat is signed, UPRR conveys to the applicant, and then the applicant signs all other Town approval documents which are recorded in the public records.
5. The preliminary plat does not depict easements of record impacting the site. The title commitment identifies several easements and property interests that purport to burden the development property. The applicant needs to review the easements in the title commitment and have any exceptions removed that do not burden the property. For easements that do burden the property, the applicant needs to: (a) show them on the preliminary plat and applicable construction documents to demonstrate that the proposed development does not conflict with recorded easements or property interests of record, or (b) identify those easements which the developer will have legally removed from title prior to the recordation of the final plat. See Schedule B, Part II exception nos. 9, 13, 14, 18,

- 19, 22, 25, 26, and 29. Note number 4 on the preliminary plat should be updated to reflect the most recent title commitment.
6. The Town Surveyor/Engineer should confirm: (a) the accuracy of the legal description in the title commitment/preliminary plat, (b) that the legal description properly abuts adjoining Town ROWs and or subdivisions (no gaps), and (c) that the legal description is based off of the correct monument (the “rail monument issue”).
 7. Prior to preparation of the final plat, the applicant should consult with the Town attorney about the form of the plat certificates.
 8. The Town will need to discuss with the applicant and Greg Larson the appropriateness of the easement reservations to UPRR (plat note number 6). UPRR is not dedicating Minturn Road to the Town in fee. Each of the items listed in the reserved easements are generally rights already preserved by UPRR in Minturn Road. The Town does not understand the need for extensive utility and drainage easements not adjacent to the railyard parcel. The Town is concerned about having too many reserved rights for UPRR within this subdivision and the resulting impacts on public utilities.
 9. The preliminary plat identifies several easements to be created. Plat note 6 states that all of the easements are reserved to UPRR. This appears to be an error because many of the easements depicted only benefit a sub-set of lot owners or the HOA. Each easement needs to be clearly identified on the preliminary plat. The recipient of each easement created needs to be clearly identified as well (and the dedications should be moved to the Certificate of Dedication and Ownership). The applicant needs to work with the town on clearly identifying which easements are dedicated to which parties. For easements that may be dedicated to both the Town and the HOA, the parties need to think through potential conflicts (e.g. the Town constructs a trail within the Utility, Drainage, Landscape & Trail Easement and the HOA digs up part of the trail to fix a utility line).
 10. On sheet 2 of the preliminary plat please update the numbering to note “sheet 2 of 4”. The easements identified on sheet 2 located on Tract C should be moved to a separate detail sheet (perhaps a sheet 5) for clarity purposes.
 11. On sheet 3 of the preliminary plat, UPRR is only dedicating an easement for Minturn Road. Sheet 3 identifies a “Utility, Drainage & Landscape Easement” which is not listed as an easement in Note 6. Sheet 3 also identifies an “Access, Utility, Drainage & Landscape Easement” which is not listed as an easement in Note 6. On sheet 3 along Miles End Road, there are several 10’ x 5’ boxes that simply say “perpendicular” or “radial”. Are these easements? For whom? Miles End Lane is identified as a “50’ public right-of-way”. The PUD application indicates this will be a private road. Terminology and dedication to the HOA need to be added.
 12. On sheet 4 of the preliminary plat, Minturn Road is shown as a “50’ public right-of-way”. This is incorrect. Sheet 3 identifies a “Utility, Drainage & Landscape Easement” which is

not listed as an easement in Note 6. For Miles End Lane, the preliminary plat states “50’ public right-of-way.” Looking at the contours of Miles End Lane that is not uniformly correct. The PUD application indicates that Miles End Lane will be owned and maintained by the HOA. The terminology and dedication to the HOA need to be added. Sheet 4 also has 10’ x 5’ boxes that simply say “perpendicular” or “radial”. Are these easements? For whom? Tract G is identified as Right of Way” for Silver Start Trail. To whom is this dedicated (I assume the HOA)? The trail easement needs to extend across Tract G. Same for Tract F open space.

13. The Certificate of Dedication and Ownership needs to list the recipient of the various tracts created by the plat (these likely are either the Town or the HOA). I cannot locate a Tract E.

14. Will the Game Creek open space have any public uses?

Construction Plans

15. All construction plans that depict work outside of the Property, must identify the legal authority under which such work will be performed. This includes property owned by UPRR and Eagle County. Construction sheets showing work along Minturn Road must include an overlay of the easement that UPRR will be granting to the Town so that Staff can confirm that all improvements (including fill slopes and drainage features) are located in an area that the Town has the legal right to maintain in the future (e.g. Sheet Nos. C-3 to C13). The applicant is required to obtain all necessary approvals for work to be performed pursuant to the proposed subdivision.

16. The Utility Plan shows a sanitary sewer line running through UPRR property at 4th Street. Please provide the legal authority for that sewer line.

Subdivision Improvement Agreement

17. A Word copy of the draft SIA must be provided to the Town. The form of the SIA must be consistent with the Town’s template and provisions of the Town code. Detailed comments on the draft cannot be provided until a redline of the proposed SIA has been prepared. Even without preparing a redline, it appears that there are provisions in the draft SIA that do not conform with the Town’s standards. Staff would note that posting security and paying all required Town fees is a pre-requisite to recording the final plat.

18. The SIA will not be approved until final plat. The following constitutes preliminary comments on that document which will be updated after preliminary plan approval.

19. The engineer’s cost estimate only includes Minturn Road offsite improvements. All public improvements must be included in the engineer’s cost estimate including internal roadways, utilities, the ECO trail, off-site pedestrian improvements, the gravel parking for game creek, etc.

Page 4

20. Provision for the dedication of the Game Creek Trail parking easement to the Town needs to be added.
21. The applicant is responsible for providing engineering and cost estimates together with obtaining all approvals necessary to implement its development plans, including approvals from Eagle County and CDOT. The applicant, at the applicant's expense, must pay for all improvements identified in its application materials. Provisions in the draft SIA to the contrary must be changed.
22. Town staff will not support a 20 year vested rights for this development. For a single phase development 5 to 10 years would be the normal period.

Missing Components

23. The PUD application does not include any plans to build active recreation areas (Sec. 16-15-140 (a)(2) and (b)(3)). The proposed PUD will create several house sites that will include children. There are no active recreation areas in north Minturn for children to use.
24. The PUD application makes reference to a separate document creating public rights (e.g. emergency vehicles) in the private roads. No such document has been provided. Applicant needs to consider that several public utilities will be located within the private road right-of-way and will need legal easements granted.
25. The application states "Applicant has also agreed to pay for improvements between the PUD and Bellm Bridge to allow for safe pedestrian access. There are no plan sheets for these improvements. These improvements are also not included in the engineer's cost estimate.

Other Items

26. Review with Town Engineer that all of the property subject to this application was included in the annexation identified as Schedule B, Part II exception nos. 10 and 16.
27. UPRR should quit claim any interest in the reverter clause included the Dedication of Taylor Avenue recorded as reception No. 144697 (Schedule B, Part II exception no. 12). After the property is developed, Taylor Ave. will not be contiguous with any property owned by UPRR.

PROVIDED, however, that in the event that use of said land for the above-described purposes should ever be abandoned, or the roadway be vacated, then the title to that portion of the presently existing roadway which is situated in the West one-half of the Northwest one-quarter of Section 26, Township 5 South, Range 81 West of the Sixth Principal Meridian, County of Eagle, State of Colorado, shall revert to and vest absolutely in said Grantor, its successors and assigns forever.

28. The Town water attorney will provide separate legal comments on matters involving water rights dedication and calculation of water service to be provided to the proposed development.
29. The locals housing deed restriction and the non-resident housing deed restriction will be approved as part of the final plat process. The Town will endeavor to provide comments on these draft documents prior to final plat consideration. Versions of these document in MS Word need to be provided to the Town.

Very truly yours,

KARP NEU HANLON, P.C.



Michael J. Sawyer

MJS:

cc: Michelle Metteer
Jeff Spanel

June 20, 2023

Mr. Scott Hunn.
Town of Minturn
PO Box 309
Minturn CO 81645
Via email: scot@vailplanning.com

RE: Minturn North PUD
Preliminary Plan Engineering Review
ERWC & CGS Referral Comments
Project No. 19-0064

Dear Scot:

We reviewed the referral letters from the Eagle River Watershed Council (ERWC) dated May 12, 2023 and the Colorado Geological Survey (CGS) dated May 16, 2023, and offer the following:

Eagle River Watershed Council:

1. Stormwater infrastructure design and calculations:
 - a. Applicant agreed to have Wright Water & Boundaries Unlimited address the comments and provide a revised report prior to final approval.
2. Stormwater approach appears focused on flood heights over water quality:
 - a. “Applicant disagrees with the statement that stormwater is focused on flood heights over quality. The Applicant and consultant team involved in the design of the civil engineering has taken a holistic approach to resolving drainage and water quality including solving for the lack of drainage and water quality measures from Taylor Street”.
 - i. The plans for Taylor Street and the property above the street routes storm flows around and through the development, but no water quality measures are provided. The developer is required to address off-site storm flows such that they do not endanger properties within the proposed development, but the MMC does not require a developer to address storm water quality concerns from adjacent properties.
 - ii. Our May 22, 2023 list of “Items to Be addressed with Construction Plan Submittal” requests the Stormwater Quality Report include commentary regarding the sizing of channels, inlets, riprap, and culverts.
3. Alluvial Fan Geomorphology and Flood Hazard/Fluvial Hazard Risk:
 - a. Applicant feels this concern has been adequately addressed – we do not agree.
 - b. The Wright Water report recommends flood, mud, and debris flow hazard evaluation. We agree this should be studied.

VAIL VALLEY OFFICE

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

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9618 Brook Hill Lane | Lone Tree, CO 80124

970.949.5072 | info@inter-mtn.net

June 20, 2023

Page 2 of 2

Mr. Scot Hunn

RE: Minturn North PUD

Preliminary Plan Engineering Review

ERWC & CGS Referral Comments

Project No. 19-0064

4. Riparian Buffers;
 - a. Applicant feels the home owner's association is best suited to manage riparian areas. We do not have an opinion on this matter.
5. Additional Water Quality Monitoring for Streams Above/Below Project Site Boundaries:
 - a. We agree with the applicant – this should not be a developer's responsibility.

Colorado Geological Survey Comments:

1. Landslide, Avalanche, Debris Flow Hazards:
 - a. Applicant believes qualified professionals including Kumar and CTL Thompson reports adequately address concerns relating to hazards.
 - i. Kumar Report addresses Rockfall north of the development site.
 - ii. CTL Thompson report is a Soils and Foundation investigation.
 - iii. Wright Water report recommends flood hazards, mud, and debris flow evaluation.
 - b. We do not agree with the applicant. None of the reports specifically address landslide, avalanche or debris flow hazards at this site and it would be appropriate for one of the consultants to comment on the risk and recommend if site specific study is warranted.
2. Steep Slopes – Proposed Slopes
 - a. Applicant responded that the steep slope conditions will be addressed with the specific development plan for each lot.
 - b. Our May 22, 2023 list of "Items to Be addressed with Construction Plan Submittal" requests the geotechnical engineer review and provide any necessary stabilization recommendations for the proposed 2:1 slopes.

Please let me know of any questions. Thank you.

Sincerely,

Inter-Mountain Engineering



Jeffery M. Spanel PE

CC: Michelle Metteer; Madison Harris, Richard Peterson-Cremer, Michael Sawyer

May 22, 2023

Ms. Madison Harris
Town of Minturn
PO Box 309
Minturn CO 81645
Via email: planner1@minturn.org

RE: Minturn North PUD
Preliminary Plan Engineering Review
Project No. 19-0064

Dear Madison:

We reviewed the Preliminary Plan resubmittal dated March 10, 2023 for Minturn North PUD. Our review compares the submittal with engineering requirements of Section 16-15-140 and Section 17-5-70 of the Minturn Municipal Code (MMC).

MMC Section 16-15-140:

Subsection (a) General Requirements:

(3). Traffic Study: An update to the Traffic Study prepared October 3, 2022 by CivTrans Engineering Inc. has been provided. The report concludes the reduction in density to 39 single family homes will significantly reduce traffic impacts. Significant information from the report:

- i. Current traffic at the intersection of Main Street and US 24 requires turn lanes; the additional traffic from Minturn North will add to the need for highway improvements.
- ii. Current traffic at the intersection of County Road and US 24 requires turn lanes. The additional traffic from Minturn North adds to the need for improvements. “County Road” as referred to in the report and the CDOT Permits refers to the extension of Minturn Road across the railroad tracks.
- iii. CDOT Access Permits must be submitted with the application for Final Plat.
- iv. The original traffic study recommends changes to the intersection of Minturn Road and Taylor Avenue. The current development plan proposes no improvements to Taylor Ave.

(4). Proposed circulation plan: The Circulation plan shows traffic entering & exiting the property from both Minturn Road & Taylor Ave.

(5). Proposed grading & drainage plans:

Grading & Drainage Plan:

- i. The plan shows off-site grading & storm sewer construction. Agreements for construction & permanent easements must be provided. Plans must be revised to delineate existing & proposed easements both on the property and required for off-site construction.

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Ms. Madison Harris

RE: Minturn North PUD

Preliminary Plan Engineering Review

Project No. 19-0064

- ii. A Limited Phase II Environmental Site Assessment prepared September 23, 2020, by CTL Thompson Inc has been provided. The report identifies an area of contamination which needs to be removed and disposed of at an appropriate disposal site. The limits of the removal along with requirements for excavation & disposal requirements need to be added to the grading plan.
- iii. 2:1 slopes are proposed in the drainage swales and the front portion of lots 1 – 7. The geotechnical engineer should review and provide any necessary stabilization recommendations.
- iv. The inlet at Station 23+74 along Minturn Road should include water quality devices.
- v. “Snout & Bio-skirt” storm water quality control devices are specified. The devices are suitable but not used previously in Minturn. Public Works should review maintenance requirements.

Road Plans

i. General:

- a. There are several road sections which show a steep grade to the adjoining lots, particularly along Miles End Lane. Please explain or demonstrate access to these lots.

ii. Minturn Road:

- a. Minturn Road is proposed as a public street to be maintained by the Town and/or Eagle County.
- b. Plans for Minturn Road Improvements are provided from Taylor Ave. to the northern end of the property. Resurfacing of Minturn Road extending from the north end of the property to US 24 is proposed, and construction plans and details need to be included with the construction set of plans.
- c. The proposed grade matches the existing surface except for a small fill (approximately 2’) at the intersection with Fourth Ave. The maximum slope is 7.4% at the crossing of Game Creek – this matched the existing slope.
- d. Centerline slope meets the requirements of the MMC.

iii. Fourth Ave.

- a. Fourth Ave is proposed as a public street to be maintained by the Town.
- b. Proposed grades meet the requirements of the MMC.
- c. The drainage channel runs along the south side of the roadway and is approximately 5 feet deep with steep slopes. A safety barrier such as a guard rail is required.
- d. The proposed road section is 12-feet with curb and gutter on both sides of the street. Proposed travel lanes are 10.5 feet wide and appropriate.
- e. A 5-foot-wide detached sidewalk is proposed on the north side of the street.

iv. Miles End Lane:

- a. Miles End Lane is proposed as a private road maintained by the home owner’s association.
- b. The proposed road section is 12-feet with mountable curb and gutter on both sides of the street. Proposed travel lanes are 10.5 feet wide and appropriate.
- c. There are several road sections which show a steep grade to the adjoining lots, particularly along Miles End Lane. Please explain or demonstrate access to these lots.

v. Silver Star Trail:

- a. Silver Star Trail is proposed as a private road maintained by the home owner’s association.
- b. The proposed section is 12.5 feet wide with mountable curb on the east (lot side) and vertical curb on the west side of the road. The road is a common driveway to serve two lots. The narrow width will not allow full-sized vehicles to pass, and we suggest the same section as the Driveway to Lots 31 and Lots 6 & & be considered. No turn around is proposed at the dead end; however, the length of the dead end is less than

100 feet and acceptable for this purpose. We recommend review by the Fire Department.

vi. Driveway to lots 31 to 33 and lots 6 & 7:

- a. The driveway is proposed as an access road maintained by the home owner's association.
- b. The proposed section is 15.5 feet wide with mountable curbs on both sides of the road. The road is a common driveway to serve the lots and the narrow width is satisfactory. No turn around is proposed at the dead end; however, the length of the dead end is acceptable for a private drive for this limited number of lots. We recommend review by the Fire Department.

vii. CDOT Access Permits:

- a. Current CDOT Access Permits need to be provided for the "County Coad" and Main Street intersections with US 24 with the application for Final Plat.

viii. Minturn Trail:

- a. The Minturn Trail segment needs to be designed and approved by ECO Trails. Refer to Chapter 4 Trail Design & Construction Standards of the Eagle County Regional Trails Plan.
- b. The proposed trail on the plans stops south of Game Creek. Kevin Sharkey, Trails manager, will require the trail to extend to the north boundary of Minturn North.
- c. The Dowd to Minturn trail is out to bid and plans are to construct the trail this summer. Kevin Sharkey will discuss extending the trail to meet the trail at the Minturn North property with the railroad. Gregg Larsen indicated the railroad will consider granting an easement or license for this trail segment.

(6). Domestic water & sanitary sewer plans:

- i. The plan shows off-site water & sewer lines. Agreements for construction & permanent easements must be provided. Plans must be revised to delineate existing & proposed easements both on the property and required for off-site construction.

Sanitary Sewer: Sanitary sewer service is provided by the Eagle River Water & Sewer District (ERWSD). Their September 1, 2022 "Ability to Serve" letter conditions service pending the review of construction drawings and completion of upgrades to the Dowd Junction Lift Station

- a. Detailed review & approval of the sewer plans by the ERWSD needs to be provided during Preliminary Plan review.
- b. The "Ability to Serve" letter includes conditions pending the completion of upgrades to the Dowd Junction Lift Station - **"we request that the Town limit the issuance of building permits to no more than 85 net new SFEs until the new lift station is operational, effective from the date of our original letter from October 10, 2020"**. The conditions should be evaluated during Preliminary Plan review and the Town should inventory the taps issued since October 10, 2020 to determine the availability of sewer service remaining until the lift station upgrades are complete.

Domestic Water Service:

- a. Water main design & construction must conform to the requirements of the MMC and ERWSD.
- b. Water valve locations must be reviewed & approved by Minturn Public Works prior to construction plan submittal.
- c. Fire hydrant locations must be approved by the Eagle River Fire Protection District.

Ms. Madison Harris

RE: Minturn North PUD

Preliminary Plan Engineering Review

Project No. 19-0064

(9). Environmental Assessment: A Limited Phase II Environmental Site Assessment prepared September 23, 2020, by CTL Thompson Inc has been provided. The report identifies an area of contamination which needs to be removed and disposed of at an appropriate disposal site. The limits of the removal along with requirements for excavation & disposal requirements need to be added to the grading plan.

(12). Final Site Plans: The Overall Site Plan is satisfactory.

(13). Emergency Services Plan: “Ability to Serve” letters have been provided from the Eagle River Fire Protection District (ERFPD), the Eagle County Sheriff’s and Eagle County Paramedic Services have been provided.

(14 & 15) Phasing Plan:

- i. No Phasing is proposed.

Subsection (b) Character Area & Zone District Requirements:

(1). Subdivision: Please refer to the comments in MMC Section 17-5-70 (b) Preliminary Plat below.

(2). Phasing: No phasing is proposed.

MMC Section 17-5-70:

(b) Preliminary Plat:

- i. Please refer to comments in the attached letter from James Kunkle PE & PLS.
- ii. The title commitment identifies several easements and property interests that appear to impact development property. The preliminary plat must depict the easements impacting the site.
- iii. Contiguity with the Taylor Ave and Minturn Road right of way and/or easement must be clearly shown on the plat.

(c) Scale: Maps are drafted to an appropriate scale.

(d) Required maps & reports: The submittal appears to include the required information.

(e) Grading & Drainage Plan: Please refer to the MMC Section 16-15-140 comments above.

(f) Utility plans: Please refer to the MMC Section 16-15-140 comments above

(g) Erosion Control Plans: Please refer to the MMC Section 16-15-140 comments above.

(h) Professional qualifications: Plans & surveys have been prepared by registered professionals.

Subdivision Improvements Agreement:

- a. Engineers Cost Estimate: Several the unit costs are lower than we are seeing in the current market; for example:
 - i. Mobilization is \$15,000, which is approximately 0.6% of the total construction cost. Typically, this category includes equipment mobilization, contractor overhead, bonding cost and contractor profit.
 - ii. The cost should include construction survey, construction period engineering including observation of the work, contract administration and materials testing.
 - iii. Traffic control at \$10,000 seems low.
 - iv. Demolition should expand to include the removal of all underground deep & shallow utilities (plugging pipes is not acceptable), structures trailers, overhead utilities & poles as well.
 - v. Earthwork – please review the unit cost, we have seen costs as high as \$42/YD for export & disposal.
 - vi. The estimate references “Arch CMP Cleaning” The drainage report references several pipes. Does the estimate include all culverts including those off-site?

May 22, 2023

Page 5 of 5

Ms. Madison Harris

RE: Minturn North PUD

Preliminary Plan Engineering Review

Project No. 19-0064

- vii. It would be helpful to group the estimate into categories – General; Stormwater Management; Demolition: etc.
- viii. We have attached the estimate included with the previous submittal – please review the tasks to assure everything has been captured in the estimate.

Please note our comments have been prepared to reflect a Preliminary Plan review.

Thank you for the opportunity to review this plan – we are excited to be a part of this project.

Sincerely,

Inter-Mountain Engineering



Jeffery M. Spanel PE

CC: Michelle Metteer; Scot Hunn, Richard Peterson-Cremer, Michael Sawyer

P.O. Box 3901
Eagle, Colorado 81631

**YARNELL CONSULTING
& CIVIL DESIGN, LLC**

229 Midland Avenue
Basalt, Colorado 81621

(970) 323-7008

3/16/2022

Project Name: North Minturn P.U.D. (Phase 1)

Project No.: 20.004

CONSTRUCTION BID TABULATION: BASE BID

Contractor:

Signature of Preparer:

Item No.	Description	Quantity	Units	Unit Price	Ext. Price
GENERAL					
1	Mobilization	1	LS	\$ 56,000.00	\$ 56,000.00
2	Traffic Control - Barrels & Signage	90	Day	\$ 103.00	\$ 9,270.00
3	Traffic Control - Flagmen	30	Day	\$ 980.00	\$ 29,400.00
STORMWATER MANAGEMENT					
4	Vehicle Tracking Control	1,000	SF	\$ 2.50	\$ 2,500.00
5	Silt Fence	5,000	LF	\$ 2.50	\$ 12,500.00
6	Concrete Wash-out	3	Ea	\$ 650.00	\$ 1,950.00
DEMOLITION					
7	Remove Mobile Home with Associated Appurtenances	6	Ea	\$ 7,600.00	\$ 45,600.00
8	Sawcut	200	LF	\$ 2.65	\$ 530.00
9	Remove 6" Asphalt Pavement	73,070	SF	\$ 0.35	\$ 25,574.50
10	Remove Overhead Utilities	1,590	LF	\$ 1.00	\$ 1,590.00
11	Remove Overhead Utility Pole	11	Ea	\$ 200.00	\$ 2,200.00
12	Remove Below-Grade Electric Utilities	187	LF	\$ 20.00	\$ 3,740.00
13	Remove Below-Grade Natural Gas Utilities	706	LF	\$ 20.00	\$ 14,120.00
14	Remove Below-Grade Communication Utilities	459	LF	\$ 20.00	\$ 9,180.00
15	Remove Communication Pedestal	4	Ea	\$ 125.00	\$ 500.00
16	Remove Fire Hydrant	2	Ea	\$ 1,500.00	\$ 3,000.00
17	Remove 6" Fire Hydrant Lateral	127	LF	\$ 50.00	\$ 6,350.00
18	Abandon Fire Hydrant Lateral Connection at Main	2	Ea	\$ 1,225.00	\$ 2,450.00
19	Remove 8" Sanitary Sewer Main	713	LF	\$ 45.00	\$ 32,085.00
20	Remove Sanitary Sewer Manhole	3	Ea	\$ 2,100.00	\$ 6,300.00
21	Disconnect Sanitary Sewer Service from Main	9	Ea	\$ 1,800.00	\$ 16,200.00

P.O. Box 3901
Eagle, Colorado 81631

**YARNELL CONSULTING
& CIVIL DESIGN, LLC**

229 Midland Avenue
Basalt, Colorado 81621

(970) 323-7008

3/16/2022

Project Name: North Minturn P.U.D. (Phase 1)

Project No.: 20.004

CONSTRUCTION BID TABULATION: BASE BID

Contractor:

Signature of Preparer:

Item No.	Description	Quantity	Units	Unit Price	Ext. Price
EARTHWORK					
21	Strip & Stockpile Topsoil (9-inch Depth)	7,778	CY	\$ 10.25	\$ 79,722.22
22	On-Site Earthwork (Including Moisture-Conditioning and Compaction)	22,500	CY	\$ 12.80	\$ 288,000.00
23	Import Structural Fill	1,000	CY	\$ 38.60	\$ 38,600.00
24	Export Unsatisfactory Soils	1,000	CY	\$ 32.00	\$ 32,000.00
25	Cast-in-Place Concrete Retaining Wall	0	SFF		\$ -
26	12-inch Angular Riprap	50	Tons	\$ 91.80	\$ 4,590.00
SANITARY SEWER UTILITY					
27	Sanitary Sewer Manhole (4' dia.)	7	Ea	\$ 5,760.00	\$ 40,320.00
28	8" PVC Sanitary Sewer Main	1,110	LF	\$ 87.25	\$ 96,847.50
29	Sanitary Sewer Service Connection	32	Ea	\$ 275.00	\$ 8,800.00
30	Sanitary Sewer Service Stub (~25 LF in length per each)	29	Ea	\$ 3,290.00	\$ 95,410.00
31	Sanitary Sewer Clean-out	29	Ea	\$ 750.00	\$ 21,750.00
32	2" PVC Sanitary Sewer Force Main	0	LF		\$ -
STORM SEWER UTILITY					
33	Storm Sewer Manhole (4' dia.)	2	Ea	\$ 5,450.00	\$ 10,900.00
34	Storm Sewer Manhole (5' dia.)	2	Ea	\$ 6,500.00	\$ 13,000.00
35	Storm Sewer Manhole (6' dia.)	2	Ea	\$ 6,920.00	\$ 13,840.00
36	CDOT Type 13 Valley Inlet	13	Ea	\$ 4,270.00	\$ 55,510.00
37	CDOT Type 13 Combination Inlet	14	Ea	\$ 4,770.00	\$ 66,780.00
38	18" HDPE Storm Sewer Main	1,256	LF	\$ 99.60	\$ 125,097.60
39	24" HDPE Storm Sewer Main	619	LF	\$ 119.00	\$ 73,661.00
40	30" HDPE Storm Sewer Main	255	LF	\$ 145.00	\$ 36,975.00

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Item No.	Description	Quantity	Units	Unit Price	Ext. Price
41	3'x6' Reinforced Concrete Box Culvert	0	LF		\$ -
42	Reinforced Concrete Headwall	0	SFF		\$ -
43	18-inch Reinforced Concrete Flared End Section	0	Ea		\$ -
44	24-inch Reinforced Concrete Flared End Section	0	Ea		\$ -
45	30-inch Reinforced Concrete Flared End Section	0	Ea	\$ 1,425.00	\$ -
46	Contech CDS 4045 Unit	2	Ea	\$ 82,500.00	\$ 165,000.00
	WATER UTILITY				
47	8-inch Ductile Iron Water Main with Polywrap	0	LF		\$ -
48	8-inch PVC Water Main with Polywrap on Fittings	360	LF	\$ 105.60	\$ 38,016.00
49	12-inch Ductile Iron Water Main with Polywrap	0	LF		\$ -
50	12-inch PVC Water Main with Polywrap on Fittings	1,620	LF	\$ 145.40	\$ 235,548.00
51	8-inch Fitting with Thrust Block & 30 LF Restrained Joints Either Direction	8	Ea	\$ -	\$ -
52	12-inch Fitting with Thrust Block & 30 LF Restrained Joints Either Direction	2	Ea	\$ -	\$ -
53	Lower Existing 8-inch Water Main & 30 LF Restrained Joints Either Direction	5	Ea	\$ 7,180.00	\$ 35,900.00
54	Lower Existing 12-inch Water Main & 30 LF Restrained Joints Either Direction	5	Ea	\$ 8,690.00	\$ 43,450.00
55	Sacrificial Anode Cathodic Protection System	500	LF	\$ 1.40	\$ 700.00
56	8-inch Gate Valve	7	Ea	\$ 3,450.00	\$ 24,150.00
57	12-inch Gate Valve	4	Ea	\$ 5,320.00	\$ 21,280.00
58	6-inch Ductile Iron Fire Hydrant Lateral with Polywrap	300	LF	\$ 109.70	\$ 32,910.00
59	Fire Hydrant	9	Ea	\$ 12,330.00	\$ 110,970.00
60	6-inch Tee Connection to Existing Water Main	5	Ea	\$ 3,765.00	\$ 18,825.00
61	8-inch Tee Connection to Existing Water Main	2	Ea	\$ 4,360.00	\$ 8,720.00
62	12-inch Tee Connection to Existing Water Main	1	Ea	\$ 4,930.00	\$ 4,930.00
63	3/4-inch Wet Tap	29	Ea		\$ -
64	1-inch Wet Tap	29	Ea	\$ 800.00	\$ 23,200.00

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CONSTRUCTION BID TABULATION: BASE BID

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<i>Item No.</i>	<i>Description</i>	<i>Quantity</i>	<i>Units</i>	<i>Unit Price</i>	<i>Ext. Price</i>
65	3/4-inch Copper Water Service Stub (~25 LF in length per each)	29	Ea		\$ -
66	1-inch PureCore Water Service Stub (~25 LF in length per each)	29	Ea	\$ 2,675.00	\$ 77,575.00
67	3/4-inch Curb Stop	29	Ea		\$ -
68	1-inch Curb Stop	29	Ea	\$ 450.00	\$ 13,050.00
	DRY UTILITY				
69	2-inch Natural Gas Main	2,484	LF	\$ 21.00	\$ 52,164.00
70	Natural Gas Service Stub (~25 LF in length per each)	29	LF	\$ 525.00	\$ 15,225.00
71	Natural Gas Connection to Existing Main	2	Ea	\$ 475.00	\$ 950.00
72	Install 4-inch PVC Electric Conduit from Holy Cross Energy	2,509	LF	\$ 16.00	\$ 40,144.00
73	Install 4-inch PVC Electric Conduit Service Stub (~25 LF in length per each)	29	Ea	\$ 920.00	\$ 26,680.00
74	Install Electric Transformer Pad	15	Ea	\$ 1,750.00	\$ 26,250.00
74	2-inch PVC Conduit for Communication & Cable Utilities	5,018	LF	\$ 14.90	\$ 74,768.20

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Project Name: North Minturn P.U.D. (Phase 1)

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Contractor:

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<i>Item No.</i>	<i>Description</i>	<i>Quantity</i>	<i>Units</i>	<i>Unit Price</i>	<i>Ext. Price</i>
	FLATWORK				
75	3-foot Concrete Pan	1,931	LF	\$ 41.65	\$ 80,426.15
76	6-inch Aggregate Base Beneath Pans	196	Ton	\$ 45.00	\$ 8,798.12
77	6-inch Concrete Sidewalk	16,455	SF	\$ 12.45	\$ 204,864.75
78	6-inch Aggregate Base Beneath Sidewalks	555	Ton	\$ 45.00	\$ 24,991.03
79	Cast Iron Truncated Domes	40	SF	\$ 165.00	\$ 6,600.00
80	6-inch Reinforced Concrete Cross Pan	650	SF	\$ 18.40	\$ 11,960.00
81	6-inch Aggregate Base Beneath Cross Pans	66	Ton	\$ 45.00	\$ 2,961.56
82	4-inch Hot-Mix Asphalt Pavement	1,753	Ton	\$ 200.00	\$ 350,559.00
83	6-inch Aggregate Base Beneath 4" Asphalt Pavement	2,390	Ton	\$ 45.00	\$ 107,557.88
84	3-inch Hot-Mix Asphalt Pavement	253	Ton	\$ 200.00	\$ 50,531.25
85	4-inch Aggregate Base Beneath 3" Asphalt Pavement	227	Ton	\$ 45.00	\$ 10,232.58
86	Concrete Mountable Curb with 18" Gutter	3,163	LF	\$ 40.40	\$ 127,785.20
87	Concrete Vertical Curb with 18" Gutter	1,397	LF	\$ 42.55	\$ 59,442.35
88	6-inch Aggregate Base Beneath Curb/Gutter	385	Ton	\$ 45.00	\$ 17,313.75
89	Grass-Pave2 on 6-inch Aggregate Base Course (need detail for final price)	4,000	SF	\$ 4.95	\$ 19,800.00
	SIGNAGE & STRIPING				
90	Traffic Sign	10	Ea	\$ 470.00	\$ 4,700.00
91	Parking striping	250	LF	\$ 1.15	\$ 287.50
92	Center line striping	3211	LF	\$ 1.05	\$ 3,371.55
93	Construction Testing	1	LS	\$ 125,000.00	\$ 125,000.00
94	Construction Survey	1	LS	\$ 200,000.00	\$ 200,000.00
95	BOND (1.5 %)	1	LS	\$ 58,360.00	\$ 58,360.00
96					

March 6, 2023

Madison Harris
Town of Minturn Planner 1
PO Box 309, 302 Pine Street
Minturn, CO 81645-0309

Plat Review Minturn North Final Plat

My comments are as follows:

1. Subdivision boundary monuments are not shown or described.
2. Conflicting boundary evidence including references to the rail monument for the C-W 1/16th corner of Section 26 should be shown. Existing monuments for Taylor Addition lots should also be shown.
3. Show limits for the 100-yr floodplain of Game Creek, or the 50' setback, whichever covers a larger area.
4. Please submit closure and area calculations for all lots and tracts.
5. A legend for all line types and symbols is needed.
6. The right of way for Minturn Road from Main Street to Highway 24 should be shown.

Please call with any questions.

Jim Kunkel



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

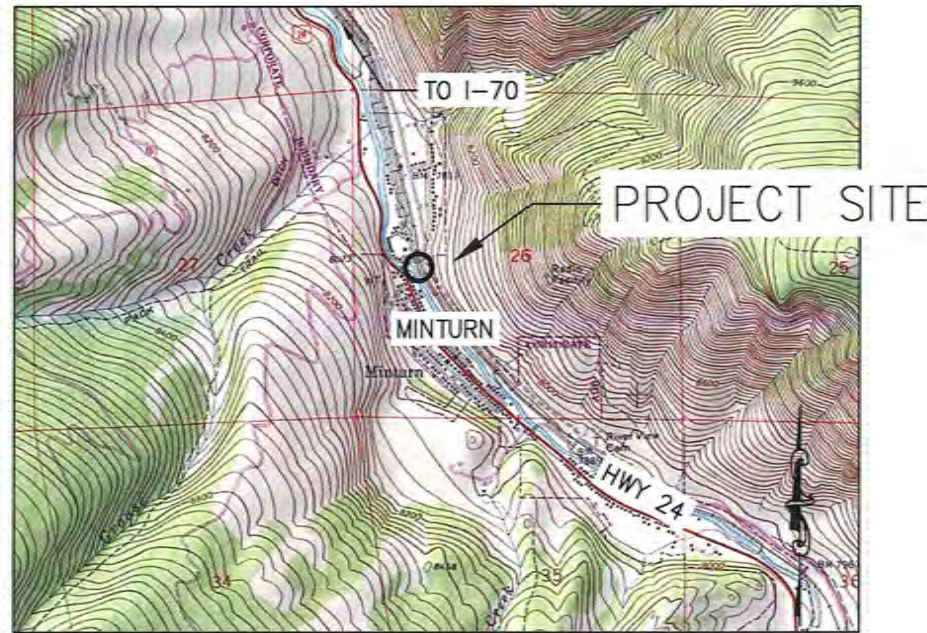


Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Amanda Mire
Sage Pierson
Tom Priest

S-curve at Railroad Avenue

Attached is the cost estimate and engineering plans drawn up by Inter-Mountain Engineering to make improvements to the S-curve at Railroad Avenue.

CONSTRUCTION PLANS FOR RAILROAD AVENUE - PEDESTRIAN IMPROVEMENTS TOWN OF MINTURN EAGLE COUNTY, COLORADO



SECTION 22/23, T5S, RANGE 81W

PROJECT CONTACT INFORMATION

OWNER (TOWN OF MINTURN)	MICHELLE METTEER	(970) 827-5645
WATER (TOWN OF MINTURN PUBLIC WORKS)	ARNOLD MARTINEZ	(970) 376-4270
SEWER (ERWSD)	TUG BIRK	(970) 477-5449
ELECTRIC & GAS (XCEL ENERGY)	BRITT MACE	(970)262-4032
TELEPHONE (QWEST)	SAM TOOLEY	(970) 468-6860
GEOTECHNICAL ENGINEER (HP-KUMAR)	STEVEN PAWLAK, P.E., C.C.E.	(970) 945-7988
CIVIL ENGINEER (INTER-MOUNTAIN ENG.)	BRAD STEMPIHAR, P.E.	(970) 949-5072
LAND SURVEYOR (INTER-MOUNTAIN ENG.)	JAMES KUNKEL, P.E., P.L.S.	(970) 949-5072

PRELIMINARY
NOT FOR CONSTRUCTION

811
FOR BURIED UTILITY INFORMATION
THREE (3) BUSINESS DAYS
BEFORE YOU DIG
CALL 811
(or 1-800-922-1987)
UTILITY NOTIFICATION
CENTER OF COLORADO (UNCC)
www.uncc.org

**Inter-Mountain
ENGINEERING**
Civil Engineers & Surveyors
4801 US HWY 6&24, SUITE 201, BOX 978, AVON, CO 81620 PHE (970)949-5072
6051 S. HUNTER PARKWAY, SUITE 106, CENTENNIAL, CO 80111 PHE (303)944-6220

CLIENT: TOWN OF MINTURN
This document was prepared for the exclusive use of the Client specified herein. The use of this document or the information contained herein by any other person or entity is not authorized. In the event that any other person or entity desires to use this information, they must first obtain written authorization from Inter-Mountain Engineering. This document and any information contained herein is intended to be used within one year of the date hereof. Use after that period is not authorized.

COVER SHEET
RAILROAD AVENUE - PEDESTRIAN IMPROVEMENTS
TOWN OF MINTURN
EAGLE COUNTY COLORADO

DRAWN BY: PJM
SCALE: NA
DATE ISSUED: 1/17/23
PROJECT NO.: 15-0044
SHEET: 1 OF 6

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GENERAL CONSTRUCTION NOTES

1. THE CONTRACTOR SHALL CONFORM TO ALL TOWN OF MINTURN ("OWNER") RULES, REGULATIONS AND STIPULATIONS WHILE ACCESSING THROUGH OR WORKING ON SITE.
2. ALL SITE CONSTRUCTION, EQUIPMENT, AND MATERIALS FOR ROADS, SIDEWALKS, CURBS, EARTHWORK, AND OTHER INFRASTRUCTURE DEVELOPMENT NOT SPECIFICALLY SPECIFIED TOWN STANDARDS SHALL BE CONSTRUCTED ACCORDING TO THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION 2021 EDITION, LATEST EDITION, AND ANY GEOTECHNICAL REPORTS OR SUPPLEMENTAL SPECIFICATIONS PROVIDED WITH THE CONTRACT. WHEN STANDARDS CONFLICT, THE STANDARD JUDGED MOST RESTRICTIVE BY THE ENGINEER SHALL PREVAIL. THE CONTRACTOR SHALL OBTAIN COPIES OF THE STANDARDS AND SPECIFICATIONS IN ITS MOST CURRENT EDITION AND HAVE THAT COPY ON THE SITE AT ALL TIMES.
3. THE CONTRACTOR SHALL KEEP (1) SET OF CONSTRUCTION DRAWINGS MARKED UP TO FULLY INDICATE AS-BUILT CONDITIONS. SAID DRAWINGS SHALL BE PROVIDED TO THE OWNER, ENGINEER, AND CDOT UPON COMPLETION OF THE WORK AND PRIOR TO FINAL ACCEPTANCE. CONTRACTOR IS RESPONSIBLE TO PROVIDE AT THEIR OWN EXPENSE SURVEY AS-BUILTS OR PROVIDE AT LEAST THREE SWING-TIES FROM PHYSICAL MONUMENTS TO ALL MANHOLES, INLETS, FITTINGS, SERVICE LINE STUBS, AND UTILITIES.
4. THE CONTRACTOR SHALL NOT SCALE DRAWINGS FOR CONSTRUCTION PURPOSES. ANY MISSING DIMENSIONS OR DISCREPANCIES IN PLANS, FIELD STAKING OR PHYSICAL FEATURES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER. ASSUMPTIONS MADE BY THE CONTRACTOR WITH REGARD TO THE DIMENSIONS OR DISCREPANCIES IN PLANS, FIELD STAKING OR PHYSICAL FEATURES ARE AT THE CONTRACTOR'S RISK.
5. CONSTRUCTION SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER OR ENGINEER WILL BE RESPONSIBLE FOR MONITORING OR ASSURING CONTRACTOR'S COMPLIANCE WITH ANY APPLICABLE SAFETY LAWS, PROGRAMS, REGULATIONS, OR POLICY.
6. THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE OWNER AND ENGINEER AT LEAST 72 HOURS PRIOR TO THE START OF CONSTRUCTION. NO CONSTRUCTION WILL BE PERMITTED PRIOR TO THE PRE-CONSTRUCTION MEETING.
7. CONTRACTOR SHALL OBTAIN AT THEIR EXPENSE ALL PERMITS, BONDS, AND INSPECTIONS WHICH ARE NECESSARY TO PERFORM THE PROPOSED WORK. PERMITS SHALL BE OBTAINED A MINIMUM OF 48 HOURS IN ADVANCE OF CONSTRUCTION. INSPECTIONS SCHEDULED A MINIMUM OF 48 HOURS IN ADVANCE OF CONSTRUCTION.
8. HOURS OF CONSTRUCTION SHALL BE LIMITED TO MONDAY TO FRIDAY FROM 7:00AM TO 7:00 PM. NO WORK WILL BE ALLOWED AT NIGHT, SATURDAYS, SUNDAYS, LEGAL HOLIDAYS, DURING ADVERSE WEATHER CONDITIONS OR SPECIAL EVENTS WITHOUT PRIOR AUTHORIZATION FROM THE OWNER IN COMPLIANCE WITH THE CONDITIONS OF THE PROJECT.
9. CONTRACTOR SHALL CONSTRUCT AND MAINTAIN TEMPORARY DRIVEWAY CONSTRUCTION ENTRANCES TO ALL LOTS ACCEPTABLE TO THE OWNER AND ENGINEER.
10. THE CONTRACTOR SHALL MAINTAIN EXISTING DRAINAGE CHANNELS, CULVERTS AND APPURTENANCES DURING CONSTRUCTION AS NECESSARY TO PROTECT ROADS AND PROPERTY.
11. ALL SITE FINISHED GRADES SHALL PROVIDE FOR NATURAL RUNOFF OF WATER WITHOUT LOW SPOTS OR POCKETS. ALL SITE PAVING (EXCEPT SURROUNDING BUILDING FOUNDATIONS) SHALL HAVE A MINIMUM SLOPE OF 2.0% (ASPHALT), 1.0% (CONCRETE), UNLESS OTHERWISE NOTED. ALL DRAINAGE LANDSCAPE FLOW LINES SHALL BE GRADED TO HAVE A MINIMUM SLOPE OF 2.0%, UNLESS OTHERWISE NOTED.
13. CONTRACTOR SHALL PROVIDE AND MAINTAIN APPROVED EROSION AND SEDIMENT CONTROL "BEST MANAGEMENT PRACTICES" (BMP) FOR THE PROJECT DURATION. CONTRACTOR SHALL INSPECT BMP'S WEEKLY AND AFTER EVERY PRECIPITATION EVENT. CONTRACTOR SHALL DOCUMENT INSPECTION AND MAKE REPORTS AVAILABLE UPON REQUEST. ACCUMULATED SEDIMENT AND DEBRIS SHALL BE REMOVED FROM A BMP WHEN THE SEDIMENT LEVEL REACHES ONE HALF THE BMP HEIGHTS OR, AT ANY TIME THAT THE BMP FUNCTIONALITY IS ADVERSELY IMPACTED. ALL NECESSARY MAINTENANCE AND REPAIR SHALL BE COMPLETED WITHIN 24 HOURS OF IDENTIFICATION, UNLESS OTHERWISE AGREED UPON. TEMPORARY CONTROL STRUCTURES SHALL BE REMOVED AFTER VEGETATION HAS BEEN 70% ESTABLISHED OR WITHIN A REASONABLE TIMEFRAME AFTER CONSTRUCTION COMPLETION.
14. CONTRACTOR SHALL LIMIT ALL CONSTRUCTION ACTIVITIES, INCLUDING EQUIPMENT AND MATERIAL STORAGE, TO WITHIN THE PROPERTY CONSTRUCTION LIMITS OF DISTURBANCE (UNLESS OTHERWISE AGREED UPON WITH THE NEIGHBORING PROPERTY OWNER), EXCEPT AS LIMITED BY OTHER SITE FACTORS. ADDITIONAL AREAS REQUIRED BY THE CONTRACTOR FOR STORAGE, STAGING, OR ANY OTHER FUNCTIONS SHALL BE OBTAINED BY THE CONTRACTOR WITH NO ADDITIONAL COST TO THE OWNER. ANY DISTURBANCE BEYOND THESE LIMITS SHALL BE RESTORED BY THE CONTRACTOR AT THEIR OWN EXPENSE, INCLUDING REGRADING, SEEDING AND MULCHING TO THE SATISFACTION OF THE OWNER AND LAND OWNER. CONSTRUCTION ACTIVITY IN ADDITION TO NORMAL CONSTRUCTION PROCEDURE SHALL INCLUDE THE PARKING OF VEHICLES OR EQUIPMENT, DISPOSAL OF LITTER AND ANY OTHER ACTION WHICH WOULD ALTER THE EXISTING CONDITIONS.
15. A STORMWATER MANAGEMENT PLAN (SWMP) IS REQUIRED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL (CDPHE) WATER QUALITY CONTROL DIVISION (WQCD) CONSTRUCTION ACTIVITY THAT INCLUDE ONE (1) ACRE OF MORE OF CONSTRUCTION ACTIVITY DISTURBANCE. CONTRACTOR SHALL BE RESPONSIBLE TO PREPARE AND SUBMIT A SWMP, IF REQUIRED.
16. THE CONTRACTOR SHALL TAKE ALL APPROPRIATE PRECAUTIONS TO SIGNIFICANTLY REDUCE ANY POTENTIAL POLLUTION CAUSED BY THEIR ACTIVITIES, INCLUDING VEHICLE FUELING, STORAGE OF FERTILIZERS OR CHEMICALS, ETC. THE CONTRACTOR SHALL HAVE IDENTIFIED PROCEDURES FOR HANDLING POTENTIAL POLLUTANTS AND HAVE IDENTIFIED SPILL PREVENTION AND RESPONSE PROCEDURES PRIOR TO ANY ACTIVITIES AT THE PROJECT SITE.
17. IF ANY GROUNDWATER IS ENCOUNTERED, CONTRACTOR SHALL IMMEDIATELY CONTACT THE OWNER AND ENGINEER. WORK SHALL BE HALTED UNTIL THE CONTRACTOR OBTAINS A CDPHE CONSTRUCTION DEWATERING PERMIT.
18. ALL DISCHARGES ARE SUBJECT TO THE PROVISIONS OF THE COLORADO WATER QUALITY ACT AND THE COLORADO DISCHARGE PERMIT REGULATIONS. PROHIBITED DISCHARGES INCLUDE SUBSTANCES SUCH AS: WASH WATER, PAINT, AUTOMOTIVE FLUIDS, SOLVENTS, OILS OR SOAPS. NY OTHER DISCHARGES, INCLUDING STORM WATER DISCHARGES FROM INDUSTRIAL FACILITY OR CONSTRUCTION SITES, MAY REQUIRE COLORADO DISCHARGE PERMIT SYSTEM PERMITS FROM CDPHE BEFORE WORK BEGINS. FOR ADDITIONAL INFORMATION AND FORMS, GO TO CDPHE WEBSITE AT [HTTPS://WWW.COLORADO.GOV/PACIFIC/CDPHE/NEWS/WATER-QUALITY-PERMITS](https://www.colorado.gov/pacific/cdphe/news/water-quality-permits).
19. UNLESS OTHERWISE IDENTIFIED BY CDOT OR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL (CDPHE) WATER QUALITY CONTROL DIVISION (WQCD) AS SIGNIFICANT SOURCES OF POLLUTANTS TO THE WATERS OF THE STATE, THE FOLLOWING DISCHARGES TO STORM WATER SYSTEMS ARE ALLOWED WITHOUT A COLORADO DISCHARGE PERMIT SYSTEM PERMIT: LANDSCAPE IRRIGATION, DIVERTED STREAM FLOWS, UNCONTAMINATED GROUND WATER INFILTRATION TO SEPARATE STORM SEWERS, DISCHARGES FROM POTABLE WATER SOURCES, FOUNDATION DRAINS, AIR CONDITION CONDENSATION, IRRIGATION WATER, SPRINGS, FOOTING DRAINS, WATER LINE FLUSHING, FLOWS FROM RIPARIAN HABITATS AND WETLANDS, AND FLOW FROM FIRE FIGHTING ACTIVITIES.
20. THE CONTRACTOR SHALL REMOVE ALL SEDIMENT, MUD, AND CONSTRUCTION DEBRIS THAT MAY ACCUMULATE IN THE FLOWLINES AND PUBLIC RIGHT-OF-WAYS AS A RESULT OF THE SITE DEVELOPMENT. SEDIMENT REMOVAL SHALL BE CONDUCTED IN A TIMELY MANNER AND DIRECTED BY THE ENGINEER.
21. THE CONTRACTOR SHALL MAINTAIN DUST CONTROL THROUGHOUT THE CONSTRUCTION PERIOD BY APPLICATION OF WATER AND/OR AN ACCEPTABLE DUST PALLIATIVE DAILY OR MORE FREQUENTLY AS NEEDED OR DIRECTED BY THE OWNER. CONTRACTOR TO SUPPLY PROJECT WATER.
22. ALL AREAS OF EXCAVATION OR EMBANKMENT SHALL BE TREATED WITH SEEDING, MULCHING AND TOPSOIL AS INDICATED ON THE PLANS. AREAS OF RESEEDING/RESTORATION SHALL BE IN ACCORDANCE WITH SECTION 212 OF THE CDOT STANDARD SPECIFICATIONS AND THE ASSOCIATED PROJECT SPECIFICATIONS.
23. ALL PLACED TOPSOIL SHALL BE 4" DEEP, UNLESS OTHERWISE NOTED IN THE PLANS OR PROJECT SPECIFICATIONS. IF THE TOPSOIL IS NOT GENERATED WITHIN THE PROJECT LIMITS, IT SHALL BE TREATED WITH AN HERBICIDE APPLICATION AFTER PLACEMENT AND BEFORE NATIVE SEEDING. HERBICIDE TREATMENT SHALL BE PERFORMED BY A LICENSED HERBICIDE APPLICATOR AND SHALL BE INCLUDED IN THE COST OF SEEDING (NATIVE).
24. FINE GRADING OF TOPSOIL PRIOR TO SEEDING IS INCIDENTAL TO TOPSOIL PLACEMENT.
25. ALL EXCESS MATERIAL AS A RESULT OF THE PROJECT SHALL BECOME THE PROPERTY OF THE CONTRACTOR.
26. WHERE IT IS REQUIRED TO CUT EXISTING ASPHALT OR CONCRETE, THE CUTTING SHALL BE DONE TO THE NEAT WORK LINE USING SAW, CUTTING WHEEL OR OTHER APPROVED METHOD BY THE ENGINEER.
27. CONSTRUCTION WASTE MATERIALS WILL BE DISPOSED OF BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER, UNLESS OTHERWISE NOTED ON THE PLANS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN A DISPOSAL SITE FOR ALL UNUSABLE MATERIAL.
28. THE CONTRACTOR IS REQUIRED TO RESET, ADJUST, OR REPLACE ITEMS THAT ARE AFFECTED THE CONSTRUCTION AND DESIGNATED TO REMAIN. THIS INCLUDES, BUT NOT LIMITED TO: LANDSCAPE, SPRINKLER SYSTEMS, SIGNS, UTILITIES, ROADS AND SIDEWALKS, AND OTHER ITEMS AS MAY BE IDENTIFIED BY THE ENGINEER OR PLANS. UNLESS SPECIFICALLY NOTED ON THE PLANS, THE CONTRACTOR WILL NOT BE COMPENSATED FOR WORK OUTSIDE THE PROJECT LIMITS.
29. ALL WATER AND SEWER LINE CONSTRUCTION SHALL CONFORM TO CURRENT TOWN OF MINTURN AND/OR ERW&SD STANDARDS, SPECIFICATIONS, AND CONSTRUCTION DETAILS. ALL PIPE AND FITTINGS USED IN THE TOWN'S SYSTEM SHALL MEET OR EXCEED THE LATEST AWWA SPECIFICATIONS.

30. THE CONTRACTOR IS WARNED THAT CONFLICTS WITH EXISTING UTILITY SERVICES MAY EXIST. PRIOR TO BEGINNING ANY CONSTRUCTION, THE CONTRACTOR SHALL CALL THE UTILITY NOTIFICATION CENTER OF COLORADO (UNCC) AT 811 OR 1-800-922-1987 FOR UTILITY LINE LOCATIONS AT LEAST THREE (3) BUSINESS DAYS, NOT INCLUDING THE DAY OF ACTUAL NOTIFICATION, PRIOR TO ANY EXCAVATION ACTIVITIES. CONTRACTOR SHALL THEN LOCATE ALL UTILITIES (INCLUDING DEPTH BY POT-HOLING) WITHIN THE PROJECT LIMITS AT THEIR OWN EXPENSE. ANY CONFLICTS WITH THE PROPOSED CONSTRUCTION SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER SO THAT MINOR LINE OR GRADE CHANGES CAN BE MADE TO ELIMINATE ANY CONFLICTS WITH THESE EXISTING UTILITIES. WHERE CONFLICTS EXIST BETWEEN NECESSARY CONSTRUCTION ACTIVITIES AND EXISTING UTILITIES IN THE OPINION OF THE CONTRACTOR, ENGINEER, AND RESPECTIVE UTILITY OWNER, AFFECTED UTILITIES WILL BE RELOCATED BY THE UTILITY OWNER AT THEIR COST.
31. OWNER AND ENGINEER ASSUME NO RESPONSIBILITY FOR UTILITY LOCATIONS. LOCATIONS SHOWN ON THE PLANS ARE PLOTTED FROM THE BEST AVAILABLE INFORMATION (Q1-D), BUT MAY NOT BE ADEQUATE FOR THE PURPOSE OF CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR VERIFICATION AND ACCURATE LOCATION (INCLUDING DEPTH) OF ALL EXISTING UTILITIES PRIOR TO THE BEGINNING OF ANY CONSTRUCTION. ALL EXISTING UTILITIES SHALL BE PROTECTED FROM DAMAGE BY THE CONTRACTOR. ANY CONFLICTS WITH THE PROPOSED CONSTRUCTION SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER IMMEDIATELY SO THAT MINOR LINE OR GRADE CHANGES CAN BE MADE TO ELIMINATE ANY CONFLICTS WITH EXISTING UTILITIES. DAMAGED UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT NO EXPENSE TO OWNER.
32. WHERE EXISTING SURFACE FEATURES RELATED TO EXISTING UNDERGROUND UTILITIES ARE TO BE ADJUSTED TO FINAL GRADES, INCLUDING VALVE BOXES, MANHOLE FRAMES, LIDS, AND GRATE, SANITARY SEWER CLEAN-OUTS, AND STORM DRAIN INLETS, CONTRACTOR SHALL MAKE SUCH ADJUSTMENTS TO THE SATISFACTION OF THE ENGINEER AND RESPECTIVE UTILITY OWNER AND AT THE CONTRACTOR EXPENSE, UNLESS SEPARATE PAY ITEMS ARE INCLUDED IN THE CONTRACT DOCUMENTS.
33. ALL WORK AND ACTIVITIES IN OR AROUND THE EXISTING UTILITIES SHALL BE COORDINATED BY THE CONTRACTOR WITH THE APPROPRIATE UTILITY COMPANY.
34. ALL EXCAVATIONS FOR UTILITY LINES, CULVERTS, TRENCHES, OR TUNNELS SHALL MEET THE REQUIREMENTS OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA), COLORADO INDUSTRIAL COMMISSION, COLORADO DIVISION OF MINES, OR THE COLORADO DEPARTMENT OF TRANSPORTATION, WHICHEVER APPLIES.
35. OVERSIZED BOULDERS (ROCK EXCAVATION - AS DEFINED IN CDOT SPECIFICATIONS 203.02D) ENCOUNTERED DURING THE WORK SHALL BE REMOVED AND STOCKPILED IN LOCATIONS ACROSS THE SITE AS DESIGNATED BY THE OWNER. NO EXTRA PAYMENT WILL BE DUE FOR THIS ITEM OF WORK, UNLESS OTHERWISE STATED IN THE CONTRACT DOCUMENTS.
36. CONSTRUCTION STAKING IS BY CONTRACTOR AND TO BE PERFORMED BY A COLORADO LICENSED PROFESSIONAL LAND SURVEYOR. THE CONTRACTOR SHALL PROTECT ALL EXISTING SURVEY MONUMENTS FROM DAMAGE DURING CONSTRUCTION. ANY MONUMENTS DISTURBED BY THE CONTRACTOR SHALL BE RESET AND DOCUMENTED BY A LICENSED LAND SURVEYOR AT THE CONTRACTOR'S EXPENSE. CONTACT INTER-MOUNTAIN ENGINEERING FOR SITE BENCHMARKS.
37. THE CONTRACTOR SHALL PREPARE THE TRAFFIC CONTROL PLAN. A TRAFFIC CONTROL PLAN MUST BE PREPARED BY AN AMERICAN TRAFFIC SAFETY SERVICES ASSOCIATION (ATSSA) CERTIFIED INDIVIDUAL OR A PROFESSIONAL TRAFFIC ENGINEER, CONSISTENT WITH THE MUTCD.
38. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGMEN OR OTHER DEVICES NECESSARY TO PROVIDE FOR PUBLIC SAFETY IN ACCORDANCE WITH THE CURRENT MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), INCLUDING THE STATE OF COLORADO AMENDMENTS. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION ZONE TRAFFIC CONTROL.
39. THE PLACEMENT OF ROADWAY STRIPING ON THE ASPHALT MUST BE VERIFIED AND ACCEPTED BY ENGINEER 24 HOURS PRIOR TO ACTUAL STRIPING. ALL STRIPING MUST BE PLACED IN ACCORDANCE WITH CDOT M&S STANDARDS DESCRIBED ON STANDARD PLAN NO. S-627-1.
40. ALL MATERIALS SAMPLING, TESTING AND INSPECTIONS SHALL BE PERFORMED BY A GEOTECHNICAL ENGINEER OR QUALIFIED INDEPENDENT CONSULTANT IN ACCORDANCE WITH THE LATEST REVISIONS OF CDOT STANDARD SPECIFICATIONS AND FIELD MATERIAL MANUAL. SAMPLING, TESTING AND INSPECTION OF MATERIALS BY A QUALIFIED INDEPENDENT CONSULTANT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR. SUBGRADE SHALL BE PROOF-ROLLED, FREE FROM DEFLECTION TO THE SATISFACTION OF THE ENGINEER. ANY FAILING AREAS SHALL BE REPAIRED AND PROOF ROLLED AGAIN UNTIL ACCEPTED BY THE GEOTECHNICAL ENGINEER WITH NO ADDITIONAL COST TO OWNER. THE CONTRACTOR SHALL PROVIDE COPIES OF ALL TEST REPORTS AND INSPECTION RECORDS TO THE ENGINEER. CONSTRUCTION TESTING AND INSPECTION SHALL BE AT A MINIMUM FOR THE FOLLOWING STAGES OF CONSTRUCTION:
 - A. SUBGRADE - PRIOR AND DURING CONSTRUCTION
 - B. AGGREGATE BASE COURSE - DURING CONSTRUCTION
 - C. ASPHALT PLACEMENT - DURING CONSTRUCTION
 - D. RETAINING WALLS - DURING CONSTRUCTION
40. UNLESS OTHERWISE SPECIFIED OR INDICATED ON THE PLANS AND DETAILS, ALL DISTURBED AREAS SHALL BE COMPACTED AS FOLLOWS USING THE STANDARD PROCTOR DENSITY (ASTM D-698):
 - 95% BELOW ROADS, TRAILS, PATHS, UTILITY INFRASTRUCTURE
 - 90% WITHIN RIGHT-OF-WAY NOT BENEATH ROAD AND IN DRAINAGE CHANNELS
 - 85% OUT OF THE RIGHT-OF-WAY BENEATH EARTHWORK & LANDSCAPING
41. RETAINING WALLS GREATER THAN 4- FEET IN HEIGHT SHALL BE DESIGNED BY A REGISTERED COLORADO PROFESSIONAL STRUCTURAL ENGINEER OR QUALIFIED SOILS ENGINEER.
42. THE ENGINEER SHALL MAKE AN ON-SITE VISIT WITHIN FORTY-EIGHT (48) HOURS NOTIFICATION PERIOD FOR THE PURPOSE OF OBSERVING PROOF-ROLLS ON SUBGRADE AND AGGREGATE BASE COURSE AND FOR GENERAL OBSERVATION OF CONSTRUCTION METHODS BEING EMPLOYED AT THESE STAGES OF CONSTRUCTION. OBSERVATIONS OF THE WORK IN PROGRESS AND/OR FIELD TESTING PERFORMED BY THE ENGINEER SHALL IN NO WAY EXCUSE THE CONTRACTOR FOR DEFECTS DISCOVERED IN THEIR WORK.
43. COMPACTION TESTING MAY BE DONE PERIODICALLY BY THE OWNER. THESE TESTS ARE INTENDED TO PROVIDE THE OWNER A GREATER DEGREE OF ASSURANCE THAT THE CONTRACTOR IS COMPLYING WITH COMPACTION REQUIREMENTS. CONTRACTOR IS NOT TO RELY UPON THESE TESTS FOR FILL CONTROL. NOR ARE THESE TESTS TO BE CONSTRUED AS A GUARANTEE BY THE ENGINEER OF THE CONTRACTOR'S CONTRACTUAL OBLIGATION.
44. UPON COMPLETION OF CONSTRUCTION, THE SITE SHALL BE CLEANED AND RESTORED TO A CONDITION EQUAL TO, OR BETTER THAN, THAT WHICH EXISTED BEFORE CONSTRUCTION, OR TO THE GRADES AND CONDITION AS REQUIRED BY THESE PLANS.
45. AFTER ACCEPTANCE BY THE OWNER AND ENGINEER, PUBLIC IMPROVEMENTS DEPICTED IN THESE PLANS SHALL BE GUARANTEED TO BE FREE FROM MATERIAL AND WORKMANSHIP DEFECTS FOR A MINIMUM PERIOD OF TWO (2) YEARS FROM THE DATE OF ACCEPTANCE, UNLESS OTHERWISE AGREED UPON IN THE CONTRACT DOCUMENTS.
46. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT AND PRESERVE ALL TREES, LANDSCAPING FENCES, AND STRUCTURES OUTSIDE THE PROJECT LIMITS IN A MANNER ACCEPTABLE TO THE ENGINEER.
47. CONTRACTOR SHALL MAINTAIN ACCESS TO FIRE DEPARTMENT HYDRANTS AND CONNECTIONS SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
48. ALL ASPHALT PAVING SHALL MEET CDOT SX GRADING AND THE DESIGN BASED ON A 75 GYRATION MIX OR OTHER APPROVED MIX UNLESS OTHERWISE SPECIFIED IN THE DETAILS, BY A QUALIFIED ENGINEER. ALL PAVING SHALL BE 4" (2-LIFTS) PG 58-28 OVER 6" CDOT CLASS-6 ROAD BASE COMPACTED TO 95% STANDARD PROCTOR, UNLESS OTHERWISE NOTED ON THE CONSTRUCTION PLANS. CONTRACTOR TO SUBMIT MIX DESIGNS TO ENGINEER PRIOR TO START OF CONSTRUCTION.
49. ALL CONCRETE PAVING SHALL MEET CDOT CLASS B-ASTM C150 TYPE II (CLASS 1 SULFATE), 4,500 MINIMUM COMPRESSIVE STRENGTH WITH SINTA F19 FIBERS) OVER 4" CDOT CLASS-6 ROAD BASE COMPACTED TO 95% STANDARD PROCTOR, UNLESS OTHERWISE NOTED ON THE CONSTRUCTION PLANS. CONTRACTOR TO SUBMIT MIX DESIGN TO ENGINEER PRIOR TO THE START OF CONSTRUCTION.

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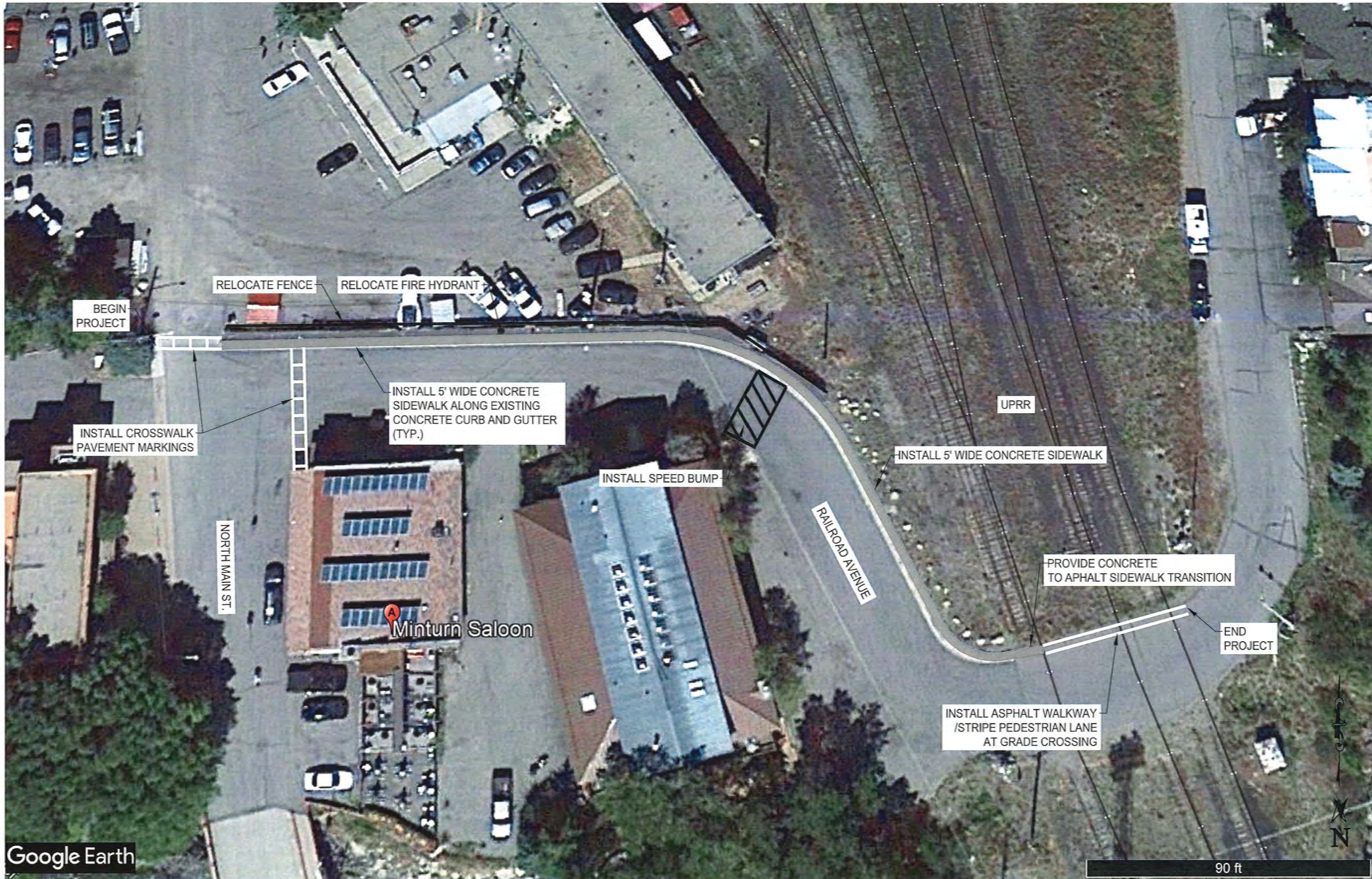
4080 US HWY 6&24, SUITE 303, BOX 978, AVON, CO 81602 PH: (970)468-0072
651 S. REVERE PARKWAY, SUITE 106, CHRISTENBURG, CO 80111 PH: (303)468-0220

TOWN OF MINTURN

RAILROAD AVENUE - PEDESTRIAN IMPROVEMENTS
TOWN OF MINTURN
EAGLE COUNTY COLORADO

GENERAL NOTES

DRAWN BY: PJM
SCALE: NA
DATE ISSUED: 1/17/23
PROJECT NO: 15-0044
SHEET NO: 2 OF 6



Google Earth



CLIENT: TOWN OF MINTURN

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OVERALL AERIAL SITE PLAN

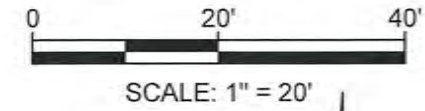
RAILROAD AVENUE - PEDESTRIAN IMPROVEMENTS

TOWN OF MINTURN

EAGLE COUNTY COLORADO

DRAWN BY: PJM
SCALE: NA
DATE ISSUED: 1/17/23
PROJECT NO: 15-0044
EXHIBIT: 3 OF 6

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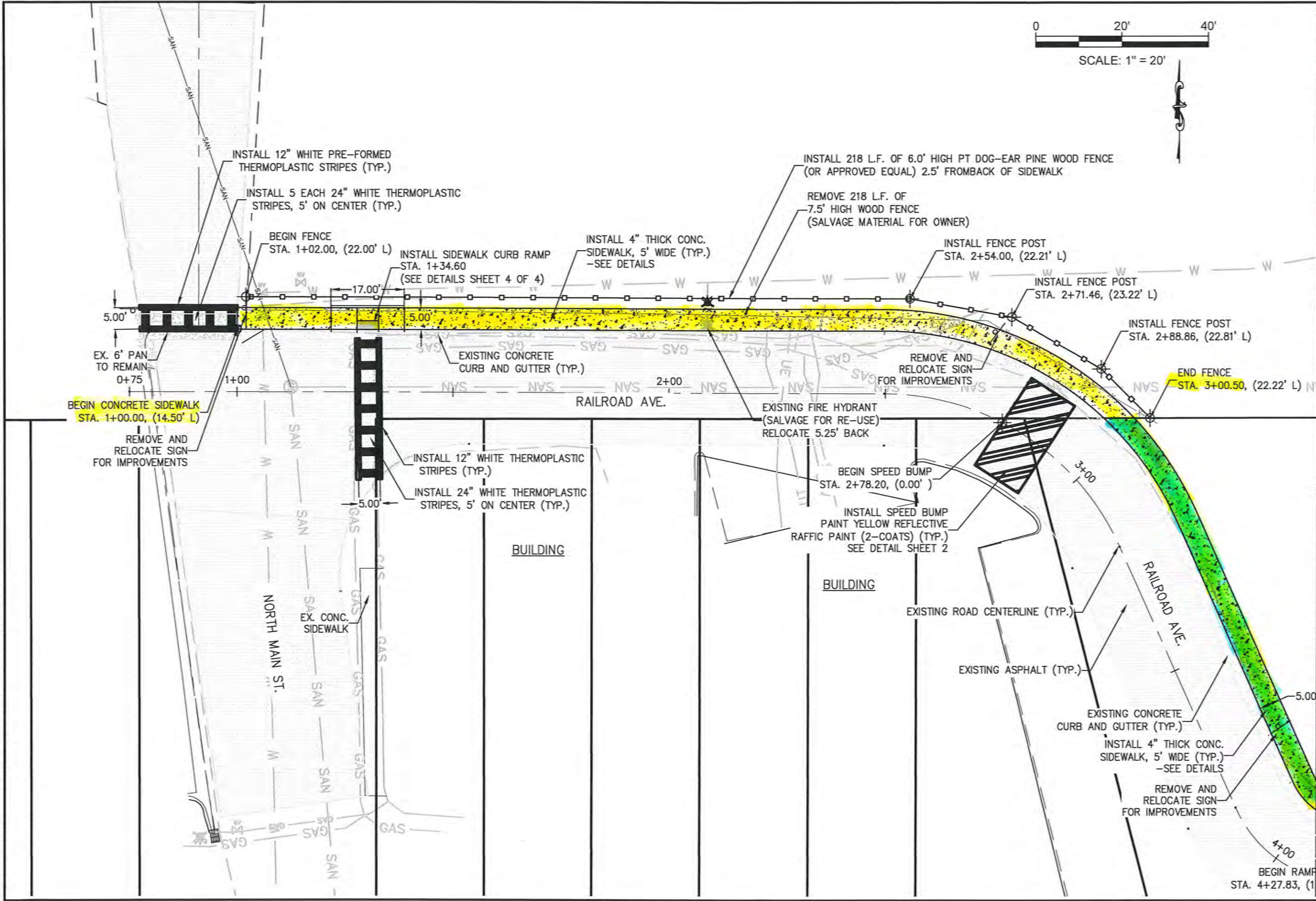


4001 US HWY 6&24, SUITE 203, BOX 978, AVON, CO 81620 PH: (970) 946-5072
655 S. REVERIE PARKWAY, SUITE 106, CENTENNIAL, CO 80111 PH: (303) 946-6230

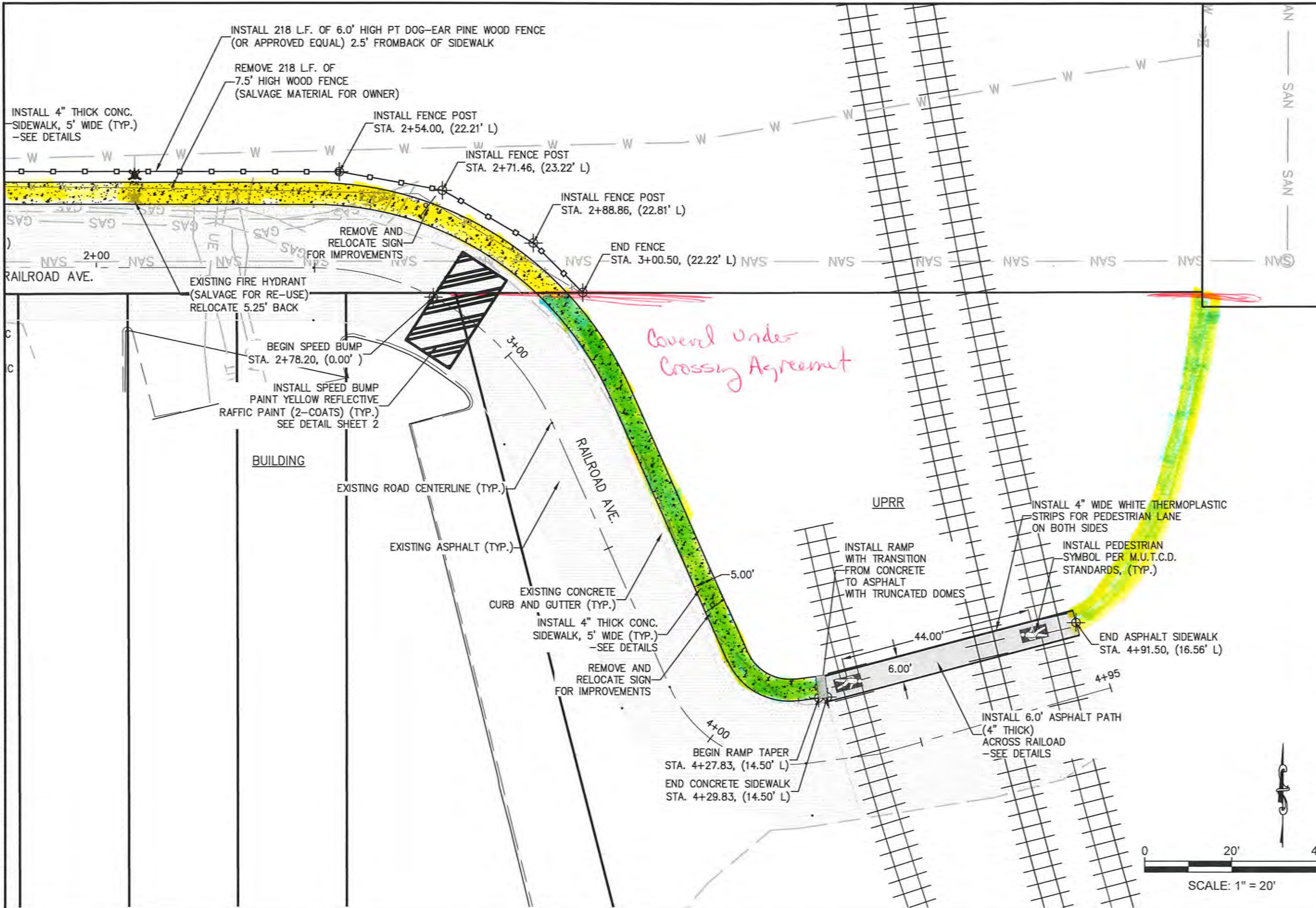
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SITE PLAN -1
RAILROAD AVENUE - PEDESTRIAN IMPROVEMENTS
TOWN OF MINTURN
EAGLE COUNTY COLORADO

DRAWN BY:	PJM
SCALE:	1" = 20'
DATE ISSUED:	1/17/23
PROJECT NO.:	15-0044
EXHIBIT:	4 OF 6



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Inter-Mountain
ENGINEERS & Surveyors
 Civil Engineers & Surveyors
 4081 US HWY 6624, SUITE 203, BOX 974, AVON, CO 81602 PH: (970)949-0072
 651 S. RIVIERE PARKWAY, SUITE 09, CENTENNIAL, CO 80111 PH: (303)948-0220

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SITE PLAN-2

RAILROAD AVENUE - PEDESTRIAN IMPROVEMENTS

TOWN OF MINTURN

EAGLE COUNTY COLORADO

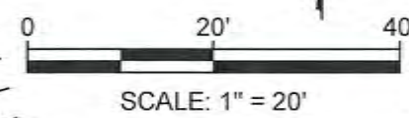
DRAWN BY: PJM

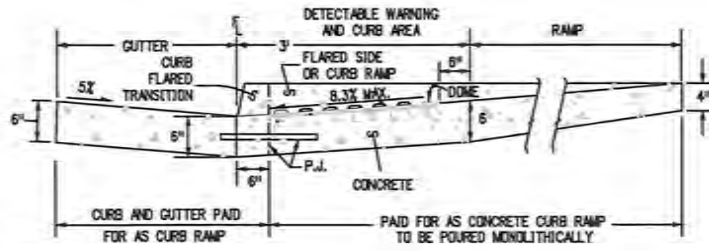
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DATE ISSUED: 1/17/23

PROJECT NO. 15-0044

EXHIBIT 5 OF 6



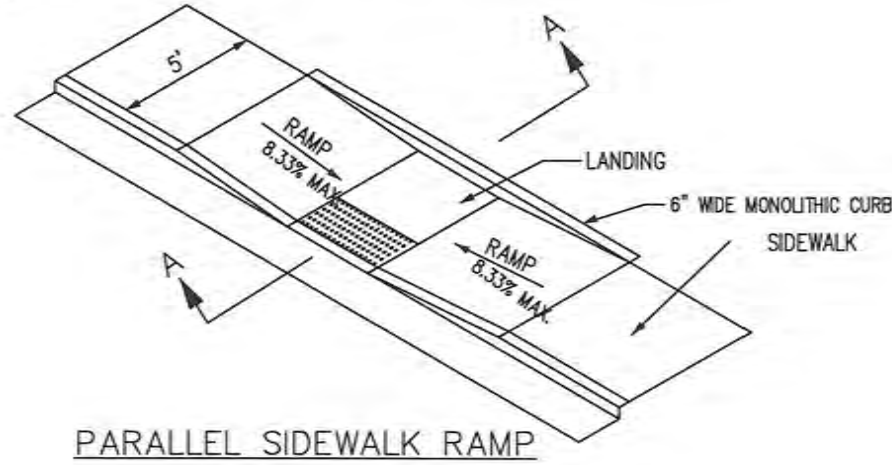


P.J.=PERMISSIBLE JOINT WITH EPOXY-COATED DEFORMED NO. 4 BY 18 IN. BARS CONFORMING TO AASHTO M 284 AT 18 IN. SPACING.

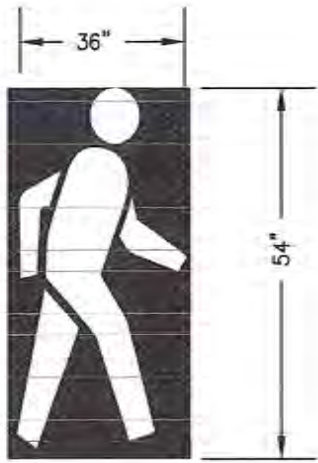
SECTION VIEW PARALLEL SIDEWALK RAMP

NOTES

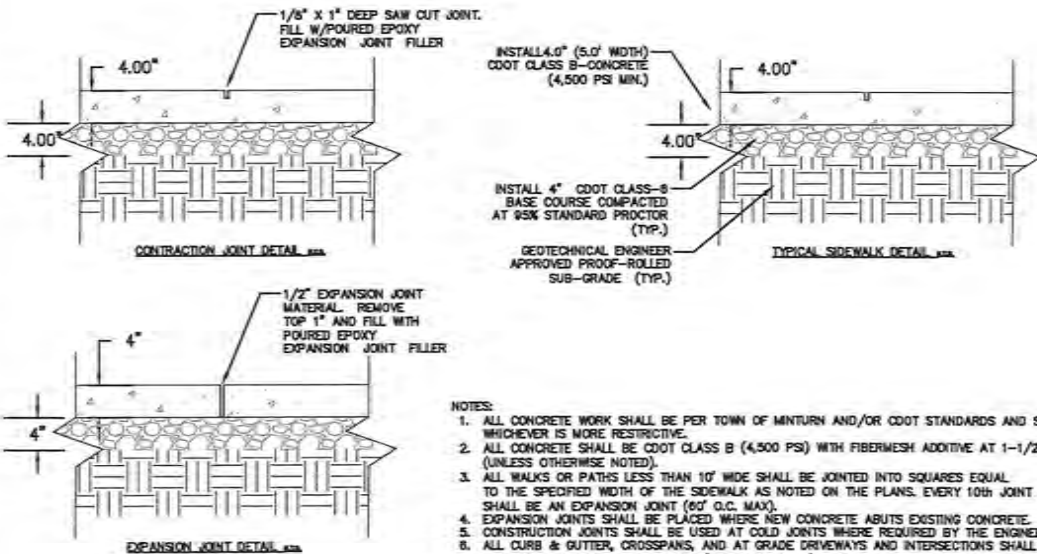
1. SITE CONDITIONS WILL VARY. CONFIGURATION OF RAMPS, LANDINGS, AND TRANSITIONS MAY BE CHANGED BUT THEY MUST MEET THE DIMENSIONS AND SLOPES SHOWN HERE. THE USE OF FLARES, CURB WALLS, ETC. ARE AT THE DISCRETION OF THE ENGINEER.
2. THE TRUNCATED DOME PLATE SHALL BE EMBEDDED IN THE CONCRETE CURB RAMP WHILE CONCRETE IS PLASTIC.
3. THE TRUNCATED DOME PLATE TO BE USED SHALL BE ON THE CDOT APPROVED PRODUCT LIST.
4. WHEN DETECTABLE WARNING SURFACE IS CUT, GRIND OFF REMAINING PORTION OF ANY CUT DOMES. SEAL ALL CUT PANEL EDGES TO PREVENT WATER DAMAGE.
5. THE DETECTABLE WARNING SURFACE SHALL SPAN THE ENTIRE WIDTH OF THE RAMP. IF CONDITIONS DO NOT ALLOW THE ENTIRE SPAN, THE DETECTABLE WARNING SURFACE SPAN SHALL NOT BE MORE THAN 2 INCHES AWAY FROM EACH SIDE OF RAMP.



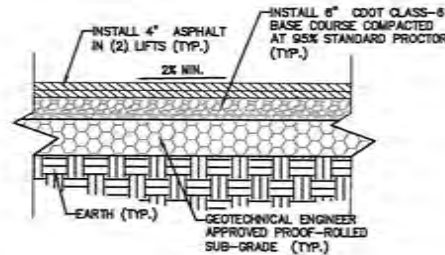
PARALLEL SIDEWALK RAMP



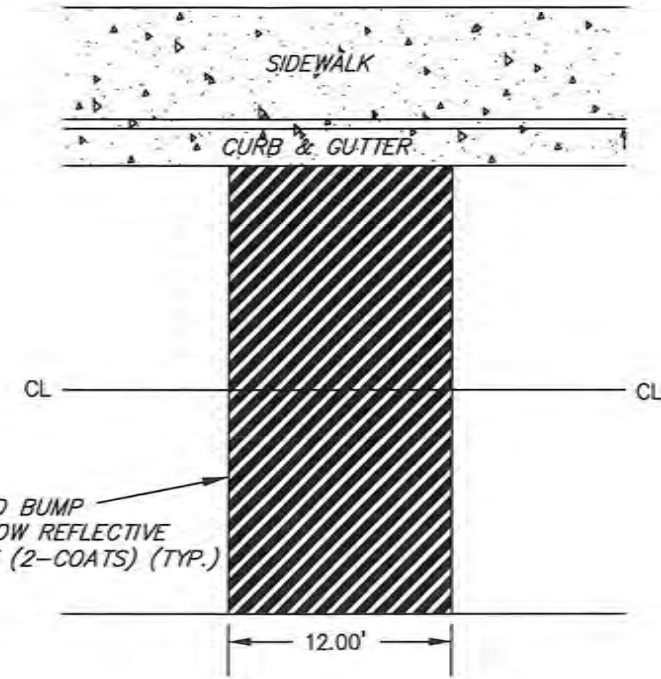
PEDESTRIAN SYMBOL PER M.U.T.C.D. STANDARDS (TYP.)



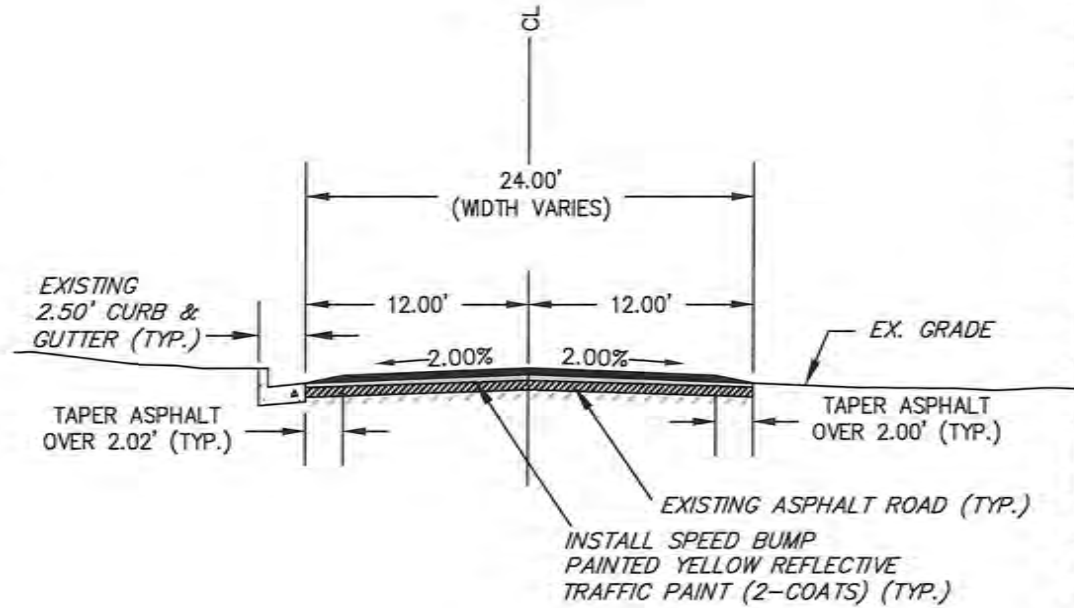
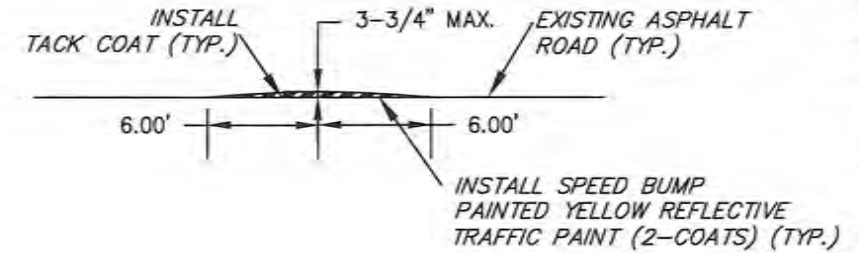
TYPICAL CONCRETE AND JOINT DETAILS NTB



TYPICAL ASPHALT PAVING DETAILS NTB



INSTALL SPEED BUMP PAINTED YELLOW REFLECTIVE TRAFFIC PAINT (2-COATS) (TYP.)



TYPICAL SPEED BUMP DETAILS NTB



4801 US HWY 6624, SUITE 303, BOULDER, CO 80504
651 S. REVERE PARKWAY, SUITE 106, CENTENNIAL, CO 80111

TOWN OF MINTURN
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TYPICAL DETAILS SHEET
RAILROAD AVENUE - PEDESTRIAN IMPROVEMENTS
TOWN OF MINTURN
EAGLE COUNTY COLORADO

DRAWN BY:	PJM
SCALE:	1" = 20'
DATE ISSUED:	1/17/23
PROJECT NO.:	15-0044
EXHIBIT	6 OF 6

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Railroad Avenue - Pedestrian Improvements
Town of Minturn, Colorado
Preliminary Engineer's Opinion of Probable Costs
Project Number: 150044
Date: January 17, 2023



		Quantity	Unit	Unit Price	Total
1 General Conditions					
a.	Mobilization (10%)	1	LS	\$6,850.00	\$6,850.00
b.	Traffic Control (2%)	1	LS	\$1,375.00	\$1,375.00
c.	Construction Staking (2%)	1	LS	\$1,375.00	\$1,375.00
d.	Soils/Concrete Testing (2%)	1	LS	\$1,375.00	\$1,375.00
Subtotal					\$9,600.00
2 Demolition					
a.	Fence Removal (Salvage Material For Owner)	218	LF	\$25.00	\$5,450.00
b.	Temporary Removal of Sign & Post	3	EA	\$75.00	\$225.00
Subtotal					\$5,675.00
3 Roadway Construction					
3.1 Roadway					
a.	Install 24.0' X 12.0' Asphalt Speed Bump	1	EA	\$2,500.00	\$2,500.00
b.	Install 24" White Striping (Thermoplastic For Crosswalk)	48	LF	\$10.00	\$480.00
c.	Install 12" White Striping (Thermoplastic For Crosswalk)	112	LF	\$5.00	\$560.00
d.	Install Yellow Paint (Reflective With Glass Beads For Speed Bumps (2-Coats) (Solvent Based)	288	SF	\$3.50	\$1,008.00
e.	Install 4" White Striping (Solvent Based)	120	LF	\$2.00	\$240.00
f.	Install Painted Symbol (Pedestrian Walking)	2	EA	\$400.00	\$800.00
Subtotal					\$3,088.00
3.2 Sidewalks					
a.	Unclassified Excavation & Haul-Off - Average 8" Depth	1,995	SF	\$1.75	\$3,491.25
b.	Subgrade Prep (Fine Grading, Moisture Condition, & Recompact)	1,995	SF	\$0.25	\$498.75
c.	Install CDOT Class 6 Road Base (4" Depth) Under Concrete - (Complete-In-Place)	40	TON	\$40.00	\$1,600.00
d.	Install CDOT Class 6 Road Base (6" Depth) Under Asphalt - (Complete-In-Place)	10	TON	\$40.00	\$400.00
e.	Install 4" Thick Concrete Sidewalk (5.0' Width) w/ Sinta 19 Fibers - *ADA Ramp Quantity Excluded*	1,555	SF	\$12.00	\$18,660.00
f.	Install 4" Thick Asphalt Sidewalk (6.0' Width) Across RR Tracks	355	SF	\$5.00	\$1,775.00
g.	Install CDOT Type 2 Parallel Curb Ramp w/ Truncated Domes (Complete-In-Place)	1	EA	\$3,775.00	\$3,775.00
h.	Install 24" Width x 5.0' Truncated Domes For RR-Xing (Complete-In-Place)	10	SF	\$100.00	\$1,000.00
Subtotal					\$27,708.75
3.3 Miscellaneous					
a.	Install Wood Fence (42" Height) - Pressure-Treated Dog-Ear Pine (Or Approved Equal)	18	LF	\$100.00	\$1,800.00
b.	Install Wood Fence (72" Height) - Pressure-Treated Dog-Ear Pine (Or Approved Equal)	200	LF	\$115.00	\$23,000.00
c.	Re-install Existing Sign & Post	3	EA	\$500.00	\$1,500.00
d.	Landscape Repair (Regrading, 4" Topsoil, & Native Hand Broadcast Seeding w/ Straw)	1	LS	\$750.00	\$750.00
Subtotal					\$26,300.00
4 Storm Water /Utilities					
4.1 Utilities					
a.	Relocate Existing Fire Hydrant	1	EA	\$5,000.00	\$5,000.00
Subtotal					\$5,000.00
TOTAL - Construction Costs					\$77,371.75
Contingency (10%)					\$7,737.18
OVERALL TOTAL - Construction Costs					\$85,108.93

****Disclaimer: Contractor responsible to confirm actual project quantities and shall include all associated costs in the Unit Price to complete the Work. Engineer quantity estimates are based on current plans and current information available at this time. Actual quantities and costs may change once the project elements are finalized or negotiated or due to construction market volatility, unforeseen conditions and time of construction.**

MEMORANDUM

May 16, 2023

TO: Scot Hunn, Planning Director
Madison Harris, Planner I

FROM: Holland & Hart LLP
Martin and Wood Water Consultants, Inc.

RE: Comments on Minturn North PUD Preliminary Development Plan Application
and Minturn North PUD Consumptive Use Analysis

On behalf of the Town of Minturn, this memorandum sets forth the combined comments of Holland & Hart LLP and Martin and Wood Water Consultants, Inc. regarding the Minturn North PUD (the “Project”) Preliminary Development Application, revised April 11, 2023 (the “Application”), including the Minturn North PUD Consumptive Use Analysis dated March 2023, prepared by Wright Water Engineers, Inc. (the “WWE Report”), and Applicant’s responses dated April 12, 2023, to the Town’s Completeness Review No. 2.

Application – Temporary Irrigation of Common Areas

The Application proposes to use temporary irrigation to establish native seed on approximately 99,000 square feet of Common Areas. *See Appendix W – Preliminary Landscape Plan.* The Application proposes to limit temporary irrigation to a two-year growth cycle, after which the temporary irrigation must be removed by the Applicant unless otherwise approved by the Town Engineer. *See Application Sec. 8.1.*

The irrigation of 99,000 square feet of Commons Areas in a single two-year period is anticipated to place a significant burden on the water treatment plant and the Town’s water supplies. As such, we recommend that temporary irrigation be limited to a maximum of 50,000 square feet in any given year. This would require the Applicant to have at least two phases of temporary irrigation.

We further recommend that the Applicant be required to notify the Town planning department and Town Manager in writing at least 90 days in advance of beginning any temporary irrigation. Such notice should include a map or drawing of the area to be irrigated and indicate when the temporary irrigation will begin and end. We also recommend that that the Applicant be required provide written notification to the Town planning department and Town Manager at the end of each two-year temporary irrigation period. Such notice should state that the temporary irrigation period has ended, identify the plants established within the temporary irrigation area, and describe the plan for removing the temporary irrigation system.

WWE Report

Our comments on the WWE Report are as follows:

Section 1.0. Introduction. The description of the proposed development and the SFE count should be revised to be consistent with the Application.

The Application reflects the following:

	Max. Building Area	Max. Irrigated Area	SFEs per Lot	Total SFEs
Lots 1-33	6,000 sf per Lot	4,000 sf per Lot	2	66
Lots 34-39	3,000 sf per Lot	2,000 sf per Lot	1	6
Common Areas	n/a	2,000 sf total	n/a	1
			Total	73

Section 3.1. Residences. This section, including Tables 2 and 3, should be revised to be consistent with the Application, as summarized in the table above.

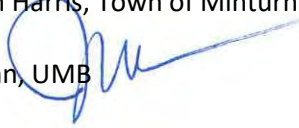
Section 3.2. Common Areas. This section should be revised to be consistent with the Application, which states that irrigated common areas will not exceed 2,000 square feet and will require 1 SFE.

Section 4.0. Consumptive Use Estimate. This section should be revised to be consistent with the proposed development and SFE count described in the Application, and consumptive use calculations should be updated based on the same.

Figure 2. Minturn North PUD – Preliminary Plan Revisions. This figure should be revised to be consistent with the Application.

21468553_v1

Memo

To: Madison Harris, Town of Minturn
From: Jim Mann, UMB 
Date: May 16, 2023
CC:
Subject: Minturn North PUD – Supplemental Review

The developers associated with the Minturn North PUD project have submitted updated documents related to the development, to which the Town has requested review by UMB. In evaluating the materials that have been submitted, we have limited our review to those documents that are financial related, specifically:

- Minturn North Narrative
- Appendix Q Town of Minturn Financial Impact and Estimate
- Appendix R Draft Subdivision Improvement Agreement
- Appendix AA Off-Site Improvements Engineers Cost Estimate

UMB did not review a revised development *pro forma*, as no additional numbers were provided. The developer has significantly modified the original plan to include a reduced number of new housing units with an average market value of \$2.5 MM.

Based on our review of the above documents, excluding a review of a development *pro forma*, we did not note any item of substance that we could not reconcile. Further, it does not appear through the documentation that has been provided, that the Town is being requested to fund, cost share, or otherwise provide any improvements to the benefit of the proposed development.

Therefore, we do not have any comments related to the revised submittals.

Madison Harris

From: Killian - CDOT, Brian <brian.killian@state.co.us>
Sent: Thursday, April 20, 2023 7:55 AM
To: Madison Harris
Cc: karen.berdoulay@state.co.us; kandis.aggen@state.co.us
Subject: Re: Minturn North PUD Referral

Madison,

Thanks for the opportunity to comment. CDOT worked with this development a few years ago on a CDOT access permit and left turn lane design at the County Road/Hwy 24 intersection, however, the permit has since expired. This development will need to resubmit a CDOT access permit application and traffic study to CDOT. CDOT may require a left turn deceleration lane be constructed due to the increase in traffic volumes.

Please let me know if you have any questions.

Thanks,

Brian Killian
Region 3 Access Program Manager
Traffic & Safety



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

On Tue, Apr 18, 2023 at 1:13 PM Madison Harris <planner1@minturn.org> wrote:

Dear Ms. Berdoulay, Ms. Aggen, and Mr. Killian,

You are receiving this referral from the Town of Minturn as part of the Town's review of the Minturn North Planned Unit Development proposal. This is an updated application from the version you last viewed in 2021. The referral process is intended to allow our community partners and stakeholders the opportunity to understand the proposal, to assess potential impacts and mitigation efforts, and to provide comment to the Town prior to the plans being reviewed by the Town of Minturn Planning Commission and Town Council. We welcome your comments and will make ourselves available to meet with you if you have questions. [Here](#) is the link to download the files which expires in 7 days.

Please provide comments to Madison Harris, Planner I at planner1@minturn.org by May 16, 2023 at 5:00 pm.

Thank you for taking the time to review this proposal.

Sincerely,

Madison Harris

Planner I

Town of Minturn

Planner1@minturn.org

970-827-5645 Ext. 2

Madison Harris

From: Duval - DNR, Devin <devin.duval@state.co.us>
Sent: Tuesday, May 16, 2023 1:23 PM
To: Madison Harris; Michelle Metteer
Subject: Re: Minturn North PUD Referral
Attachments: Minturn North - CPW Comments.pdf

Madison & Michelle,

Please find attached the Jan 30, 2021 CPW Comment Letter. I am resubmitting this as part of this application, most of the letter is still applicable to the updated PUD app. Additional comments will be submitted once I have my supervisor's signature. Additional comments will pertain to indirect impacts associated with the proposed development, human-wildlife conflict, the development of a Wildlife Mitigation Plan, and future uses of the parcel north of Game Creek. Please let me know if you have any questions. Thanks.

-Devin

On Tue, Apr 18, 2023 at 1:24 PM Madison Harris <planner1@minturn.org> wrote:

Dear Mr. Duval and Ms. Neumann,

You are receiving this referral from the Town of Minturn as part of the Town's review of the Minturn North Planned Unit Development proposal. This is an updated application from the version you last viewed in 2021. The referral process is intended to allow our community partners and stakeholders the opportunity to understand the proposal, to assess potential impacts and mitigation efforts, and to provide comment to the Town prior to the plans being reviewed by the Town of Minturn Planning Commission and Town Council. We welcome your comments and will make ourselves available to meet with you if you have questions. [Here](#) is the link to download the files which expires in 7 days.

Please provide comments to Madison Harris, Planner I at planner1@minturn.org by May 16, 2023 at 5:00 pm.

Thank you for taking the time to review this proposal.

Sincerely,

Madison Harris

Planner I

Town of Minturn

Planner1@minturn.org

970-827-5645 Ext. 2

--

Devin Duval
District Wildlife Manager



C 970.930.5264

0088 Wildlife Way, Glenwood Springs, CO 81601

devin.duval@state.co.us | cpw.state.co.us





COLORADO

Parks and Wildlife

Department of Natural Resources

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

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

January 30, 2021

Dear Ms. Harris & Mr. Hunn,

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Matt Yamashita
Area Wildlife Manager

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

COLORADO GEOLOGICAL SURVEY

1801 Moly Road
Golden, Colorado 80401



Matthew L. Morgan
State Geologist and Director

May 16, 2023

Madison Harris
Town of Minturn
Planner1@minturn.org

Location:
NW¼ NW½ Section 26
T5S, R81W of the 6th P.M.
39.5938, -106.4304

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

Dear Ms. Harris:

The Colorado Geological Survey has reviewed the revised Minturn North Planned Unit Development (PUD) referral. The applicant proposes a 39-lot residential development on 13.485 acres in Minturn. The site is bordered by Taylor Street on the east, Minturn Road on the west, and Game Creek on the north. With this referral, CGS received a request for review (Email dated April 18, 2023); final plat (Slagle Survey Services, December 9, 2022); civil plans (Boundaries Unlimited Inc., March 1, 2023); drainage report (Wright Water Engineers, Inc. (WWE), December 2022); and other documents. CGS previously reviewed the geologic hazard review (Kumar & Associates, Inc., March 5, 2020) and soils and foundation investigation (CTL Thompson, Inc., August 26, 2020) and provided comments in our January 29, 2021 letter. No new geological or geotechnical information was provided with the referral documents.

According to Eagle County geologic hazard mapping, the steep slope north of Game Creek is mapped as a rockfall hazard. The revised civil plans and plat have eliminated development north of Game Creek; concerns regarding rockfall hazards, as discussed in Kumar's geologic hazard review and our previous letter, have been addressed. However, as discussed in our January 29, 2021 letter, CGS continues to have the following comments/concerns.

Landslide, Avalanche, Debris Flow Hazards. Kumar or CTL did not address the landslides mapped upslope and to the east of the site (Eagle County 1041 geologic hazard mapping). Many other landslides are mapped throughout this area, including the Meadow Mountain Landslide and Dowds #1 Landslide, which are younger-aged landslides. Also, the risk of an avalanche hazard was not addressed by Kumar or CTL. Mears (CGS Special Publication 7, "Colorado Snow-Avalanche Area Studies and Guidelines for Avalanche-Hazard Planning") did not map avalanche paths in the Minturn area, but that does not mean avalanche hazards do not exist in this area. **CGS recommends that a qualified professional evaluate the risk of a landslide and avalanche hazard.**

Landslides and avalanche hazards may also occur off-site, affecting the proposed development due to debris flows or mudflows transferred by creeks/drainages. As shown in the figure below (Figure 1) and as referenced in WWE's drainage study and CTL and Kumar's reports, an alluvial/debris fan is located at the mouth of Game Creek, which could be a source of debris inundation during a flood event. It should also be noted that existing residential structures are located within/adjacent to the mouth of Game Creek and within the alluvial/debris fan.

As indicated by WWE (page 18) in the drainage report, "Evaluations with regard to mud and debris flows should be completed and evaluated with regard to the proposed development." CGS agrees and **recommends the risk of flood hazards, mudflows, and debris inundation emanating from Game Creek to the alluvial/debris fan should be evaluated by a qualified engineering geologist/geotechnical engineer/civil engineer for both the proposed and existing developments prior to PUD approval.** The risk of slope instability and mudflow may also increase as a

result of events that reduce upslope hillside vegetation, such as avalanche, disease, wildfire, grading, creation of defensible space, and other disturbances. The mud and debris flow evaluation study should address these considerations, especially avalanche and wildfire.

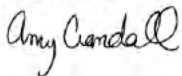
As shown on sheet C.6 of the civil plans, a 2.5-high deflection berm is planned between Game Creek and Lots 1-5, and a trapezoidal ditch (24 inches deep) is proposed along the east side of the development. These proposed improvements should be reevaluated to account for the potential of a mud and debris flow emanating from Game Creek.

Steep Slopes - Proposed Slopes. Per the overall grading plan (sheet C.6), Lots 2-7 will consist of 2:1 (horizontal:vertical) grade changes. CTL did not provide specific recommendations for permanent site slopes in their report. **CGS recommends the proposed slopes be analyzed/evaluated and building footprints established with appropriate setbacks from steep slopes.**

The PUD guide indicates an approximate 30-foot setback is associated with Game Creek. This setback line and any other setback established during further evaluations should be clearly shown in the civil and drainage plans.

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

Sincerely,



Amy Crandall, P.E.
Engineering Geologist

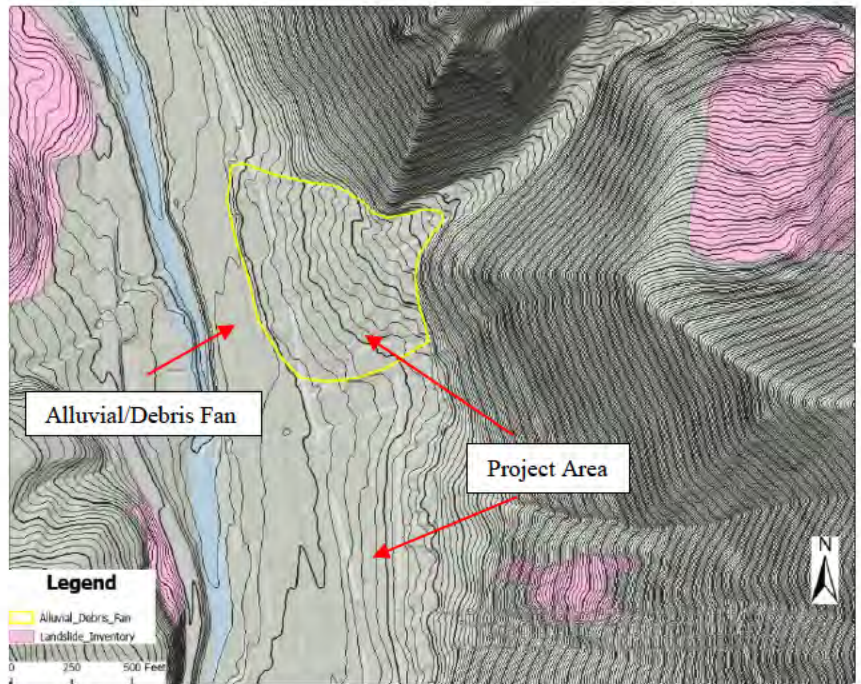


Figure 1: Alluvial/Debris fan and mapped landslides within/adjacent to the project site.



Community Development

Janet Aluise

970-328-8739

janet.aluise@eaglecounty.us

www.eaglecounty.us

June 21, 2023

Town of Minturn
Attn: Madison Harris, Planner I
301 Boulder Street, # 309
Minturn, CO 81635

[Via Email planner1@minturn.org]

Re: IAR-9349-2023 - Interagency Referral - Minturn North PUD

Dear Ms. Harris:

Thank you for the opportunity to participate in the planning process of the Minturn North Planned Unit Development in the Town of Minturn. Please consider the following comments from Eagle County Departments:

Planning Comments: No additional comments from the Planning Division.

Open Space/Natural Resources Comments:

Eagle County Natural Resources staff noted the changes to Section 4.3 Planning Area 3 (PA-3) – Open Space of the PUD Guide (Appendix C) and appreciate the clarification of permitted uses within PA-3. The concerns outlined below remain to be addressed from the initial referral. Game Creek should be protected from development related impacts because not only do the water resources in Eagle County provide safe and clean water for human consumption, Game Creek also provides important habitat for terrestrial and aquatic wildlife, including four Federally endangered fish species, and is an integral part of healthy and resilient landscapes.

Below are policies from the 2005 Eagle County Comprehensive Plan relevant to this application for the Applicant's consideration. The Town of Minturn may also consider these comments in the decision on this application:

1. Water Quality
 - a. 3.6.3.f - Water quality in Eagle County should meet the highest applicable standards;
 - b. 3.6.3.g - Surface and groundwater supplies should be protected from agricultural, industrial and development related impacts.

Measurement of the stream setback. Section 4.3 (B) of the PUD indicates that the "Setback shall be platted and no less than 30' from stream centerline," however, Section 16-2-50 (b) of the Minturn Municipal Code states that a live stream setback is a strip of land measured horizontally from the ordinary high water mark on each side of any live stream, river, or creek.

It appears that the PUD Guide should be updated to replace 'centerline' with 'ordinary high water mark.'

Width of the stream setback. Eagle County Natural Resources staff noted that the proposed minimum 30' setback from the centerline of Game Creek is quite narrow. While the required stream setback is 30 feet, the Town of Minturn's Municipal Code states that if necessary to protect the live stream, river or creek, additional setback distances may be required by the Planning Commission. The Planning Commission may wish to evaluate whether a 30 foot setback is adequate to protect the important water quality and riparian habitat provided by Game Creek and the adjacent wetlands. The report for the wetland delineation performed in July 2020 will be critical to this evaluation as setbacks are crucial for protecting wetlands. The full wetland delineation report was not provided in Appendix AC – Birch Ecological Wetlands Memorandum. The standard stream setback requirement per Section 3-340.C.6 of the Eagle County Land Use Regulations for unincorporated Eagle County is a minimum of 75', which allows for the protection of water resources, including wetlands and riparian areas. Stream setbacks are environmentally important because they can provide stream bank stabilization, stream shading, flood water storage, wildlife habitat, and water quality protection by capturing and filtering sediment and pollutants from stormwater and landscaping irrigation runoff and snowmelt. Stream setbacks also help to minimize human disturbance of riparian areas and wetlands.

Uses in the stream setback. Currently the PUD Guide lists the following proposed uses for PA-3 (stream setback, Section 4.3 (A)) in addition to native vegetation and greenspace: stormwater and drainage, snow storage, and uses determined to be similar by the Town of Minturn Town Manager. Per Minturn's Code, a stream setback shall be protected in its natural state free from human made structures or other improvements and appurtenances, and vegetated with natural riparian vegetation. Placing stormwater drainage facilities, such as the detention berm proposed in the Drainage Report (Appendix M.4) and storing snow within the setback is likely to introduce a potentially significant quantity of pollutants into the stream and is not in compliance with the Code, therefore, Eagle County staff recommends that these activities take place in a different planning area.

Stormwater Runoff and Drainage. Upon review of the Drainage Report (Appendix M.4) and the Stormwater Quality Report (Appendix M.5), stormwater will be conveyed off-site through culverts that drain to the Eagle River and Game Creek. Water resources in Eagle County, including the Eagle River, continue to face impacts to water quality and aquatic life due, in part, to pollution from urban runoff. Low Impact Design has been incorporated into the civil engineering drainage plans, however, staff recommends that specific stormwater quality Best Management Practices (BMPs) be included in the PUD Guide. The revised application proposes a variance to the Town of

Minturn's maximum impervious surface area requirement of 50% to have greater than 50% impervious surface areas in Planning Area 1 (PA-1, maximum 65% impervious surface area) and Planning Area 2 (PA-2, maximum 75% impervious surface area). Impervious surfaces prevent absorption of water into the ground and increase runoff of stormwater and other pollutants, which have the potential to impact the water quality of Game Creek and the Eagle River. Staff recommends that the proposed stormwater drainage improvements provided in the Drainage Report (Appendix M.4) appropriately mitigate the proposed increase in impervious surface area throughout the development.

2. River and Riparian Habitat

a. 3.6.4.h - Aquatic and riparian habitats should be protected from agricultural, industrial and development related impacts.

Upon reviewing the Environmental Impact Report (EIR) for the subject property in Appendix O, Game Creek provides habitat for four Federally endangered fish species. Staff recommends a wider stream setback to mitigate impacts to the aquatic and riparian habitat of Game Creek.

3. Water Quantity

a. 3.6.2.c - Water conservation efforts by all water users in Eagle County should be implemented

Staff appreciates the Applicant's proposed minimal use of sod in PA-5, Open Space. However, staff recommends that the proposed 1,595 square feet of permanent irrigation for sod on single family lots found in the Preliminary Landscape Plan (Appendix W) be reduced in size to maximize water conservation efforts. Staff believes this could be accomplished while still providing adequate usable outdoor space for residents.

4. Wildlife Concerns

a. 3.7.2.a - The integrity, quality and interconnected nature of critical wildlife habitat in Eagle County should be preserved;

b. 3.7.2.b - The well-being of wildlife species of economic importance should be actively monitored and protected;

c. 3.7.2.c - The well-being of wildlife species of less economic importance and those on the rare and endangered species list should be actively monitored and protected;

d. 3.7.3.d - Development in areas critical to the continued well being of Eagle County's wildlife populations should not be allowed;

e. 3.7.3.e - Where disturbances to wildlife habitat cannot be avoided, development should be required to fully mitigate potential negative impacts.

The EIR (Appendix O) for the subject property states that approximately 2.5 acres in the northeastern portion of the PUD occur within elk severe winter range. However, the Natural Resource Findings (Appendix U) states that 0.25

acres of elk severe winter range is located on the PUD. Staff recommends that the Applicant clarify the inconsistency between Appendix O and Appendix U regarding the acreage of elk severe winter range on the property. The PUD also occurs in mule deer and moose summer range. Elk and mule deer are wildlife species of economic importance in Eagle County and both mule deer and elk populations have been steadily declining within the County. Development within elk severe winter range can impact the integrity and connectivity of critical wildlife habitat within Eagle County. Staff recommends that development within elk severe winter range be avoided to the greatest extent practical to preserve critical wildlife habitat and that the Applicant work with Colorado Parks and Wildlife on any additional mitigation measures. Additionally, the EIR and Natural Resource Findings report identify important mitigation measures for protecting wildlife, and Eagle County staff recommends that the Applicant integrate these measures into the PUD Guide.

In addition, the proposed development is close to Game Creek, which is habitat for four Federally endangered fish species. Staff recommends the Applicant provide mitigation strategies for impacts to fish habitat in Game Creek. The EIR identified potential habitat for migratory birds that are protected under the Migratory Bird Treaty Act. Staff recommends that the Applicant adhere to the recommendations provided in the EIR to mitigate impacts to migratory birds.

- f. 3.7.5.g - Wildlife friendly measures should be incorporated into the design of individual home sites and neighborhoods;
- g. 3.7.5.h - Measures designed to protect wildlife from contact with human activities and disturbances should be implemented and enforced.

Staff appreciates the Applicant's proposed mitigation strategies to reduce conflict with wildlife such as bears and mountain lions. Staff recommends that the fruit bearing native shrubs proposed in the Preliminary Landscape Plan (Appendix W) be removed to align with the Minturn North Design Guidelines (Appendix K) and to reduce potential wildlife conflicts. In addition, staff recommends the outdoor feeding of domestic animals and wild birds be prohibited as an additional important mitigation strategy.

ECO Trails Comments: No additional comments from ECO Trails.

ECO Transit Comments: No additional comments from ECO Transit.

Road and Bridge Comments: No additional comments from Road and Bridge.

Please contact me at (970) 328-8739, or at janet.aluise@eaglecounty.us if you have questions or would like to request a meeting to discuss these comments. Eagle County reserves the right to offer additional comments as more information is provided.

Sincerely,

Janet Aluise
Senior Planner
[Via Email]

Cc: Trent Hyatt, Deputy Community Development Director
Ben Gerdes, P.E., County Engineer
Maureen Mulcahy, Natural Resources Policy Manager
Emily Seddon, Natural Resources Planner
Kevin Sharkey, Trails Program Manager
Tanya Allen, Director of Regional Transport
John Harris, Road and Bridge Director
File



Community Development

Janet Aluise

970-328-8739

janet.aluise@eaglecounty.us

www.eaglecounty.us

May 16, 2023

Town of Minturn
Attn: Madison Harrison, Planner I
301 Boulder Street, # 309
Minturn, CO 81635

[Via Email planner1@minturn.org]

Re: IAR-9349-2023 - Interagency Referral - Minturn North PUD

Dear Ms. Harris:

Thank you for the opportunity to participate in the planning process of the Minturn North Planned Unit Development in the Town of Minturn. Please consider the following comments from Eagle County Departments:

Planning Comments:

The 2005 Eagle County Comprehensive Plan provides an overview for growth within unincorporated areas, but these policies may seem relevant to this application for the decision-makers in the Town of Minturn:

1. Development Policies
 - a. 3.2.4.e. Urban and suburban type growth should be appropriately designed and should be located within or immediately contiguous to existing towns and community centers;
 - b. 3.2.4.g - Redevelopment and or revitalization of currently underdeveloped, outdated, rundown, or otherwise dysfunctional areas should be encouraged;
 - c. 3.2.4.j - Development should be fully responsible for the mitigation of development related impacts upon both the natural and built environment.
2. Community and Character
 - a. 3.2.5.k - Local communities should establish unique venues, attractions and design standards directed toward enhancing individual community character and developing a sense of place.
 - b. 3.2.6.f - New developments should include a mix of housing types;
 - c. 3.3.3.d - d. The potential impacts of second-home ownership and an aging resident population in Eagle County should be identified and incorporated into the decision making process.
3. Efficient Transportation
 - a. 3.5.2.b - Pedestrian paths should be safe, well-designed, well maintained and appropriately networked within and between communities;
 - b. 3.5.2.d - Bike paths should be safe, well designed, well maintained and appropriately connected within and between communities.

4. Water Quantity
 - a. 3.6.2.c - Water conservation efforts by all water users in Eagle County should be implemented;
 - b. 3.6.2.e - Collaborative efforts on regional land and water use planning efforts to address future growth, water supply, and stream flow protection should be encouraged.

Open Space/Natural Resources Comments:

Below are policies from the 2005 Eagle County Comprehensive Plan relevant to this application that may be considered in the decision on this application by the Town of Minturn:

1. Water Quality
 - a. 3.6.3.f - Water quality in Eagle County should meet the highest applicable standards;
 - b. 3.6.3.g - Surface and groundwater supplies should be protected from agricultural, industrial and development related impacts.

Measurement of the stream setback. Section 4.3 (B) of the PUD indicates that the "Setback shall be platted and no less than 30' from stream centerline," however, Section 16-2-50 (b) of the Minturn Municipal Code states that a live stream setback is a strip of land measured horizontally from the ordinary high water mark on each side of any live stream, river, or creek. It appears that the PUD Guide should be updated to replace 'centerline' with 'ordinary high water mark.'

Width of the stream setback. Eagle County Natural Resources staff noted that the proposed minimum 30' setback from the centerline of Game Creek is quite narrow. While the required stream setback is 30 feet, the Town of Minturn's Municipal Code states that if necessary to protect the live stream, river or creek, additional setback distances may be required by the Planning Commission. The Planning Commission may wish to evaluate whether a 30 foot setback is adequate to protect the important water quality and riparian habitat provided by Game Creek and the adjacent wetlands. The report for the wetland delineation performed in September 2020 will be critical to this evaluation as setbacks are crucial for protecting wetlands (the full wetland delineation report was not provided in the Environmental Impact Report). The standard stream setback requirement per Section 3-340.C.6 of the Eagle County Land Use Regulations for unincorporated Eagle County is a minimum of 75', which allows for the protection of water resources, including wetlands and riparian areas. Stream setbacks are environmentally important because they can provide stream bank stabilization, stream shading, flood water storage, wildlife habitat, and water quality protection by capturing and filtering sediment and pollutants from stormwater and landscaping irrigation runoff and snowmelt. Stream setbacks also help to minimize human disturbance of riparian areas and wetlands.

Uses in the stream setback. Currently the PUD Guide lists the following proposed uses for PA-3 (stream setback, Section 4.3 (A)) in addition to native vegetation and greenspace: stormwater and drainage, snow storage, and uses determined to be similar by the Town of Minturn Town Manager. Per Minturn's Code, a stream setback shall be protected in its natural state free from human made structures or other improvements and appurtenances, and vegetated with natural riparian vegetation. Placing stormwater drainage facilities, such as the detention berm proposed in the Drainage Report (Appendix M.4) and storing snow within the setback is likely to introduce a potentially significant quantity of pollutants into the stream and is not in compliance with the Code, therefore, Eagle County staff recommends that these activities take place in a different planning area.

Stormwater Runoff and Drainage. Upon review of the Drainage Report (Appendix M.4) and the Stormwater Quality Report (Appendix M.5), stormwater will be conveyed off-site through culverts that drain to the Eagle River and Game Creek. Water resources in Eagle County, including the Eagle River, continue to face impacts to water quality and aquatic life due, in part, to pollution from urban runoff. Low Impact Design has been incorporated into the civil engineering drainage plans, however, staff recommends that specific stormwater quality Best Management Practices (BMPs) be included in the PUD Guide.

2. River and Riparian Habitat

a. 3.6.4.h - Aquatic and riparian habitats should be protected from agricultural, industrial and development related impacts.

Upon reviewing the Environmental Impact Report (EIR) for the subject property in Appendix O, Game Creek provides habitat for four Federally endangered fish species. Staff recommends a wider stream setback to mitigate impacts to the aquatic and riparian habitat of Game Creek.

3. Water Quantity

a. 3.6.2.c - Water conservation efforts by all water users in Eagle County should be implemented

Staff appreciates the Applicant's proposed minimal use of sod in PA-5, Open Space. However, staff recommends that the proposed 1,595 square feet of permanent irrigation for sod on single family lots found in the Preliminary Landscape Plan (Appendix W) be reduced in size to maximize water conservation efforts. Staff believes this could be accomplished while still providing adequate usable outdoor space for residents.

4. Wildlife Concerns

a. 3.7.2.a - The integrity, quality and interconnected nature of critical wildlife habitat in Eagle County should be preserved;

- b. 3.7.2.b - The well-being of wildlife species of economic importance should be actively monitored and protected;
- c. 3.7.2.c - The well-being of wildlife species of less economic importance and those on the rare and endangered species list should be actively monitored and protected;
- d. 3.7.3.d - Development in areas critical to the continued well being of Eagle County's wildlife populations should not be allowed;
- e. 3.7.3.e - Where disturbances to wildlife habitat cannot be avoided, development should be required to fully mitigate potential negative impacts.

The EIR (Appendix O) for the subject property states that approximately 2.5 acres in the northeastern portion of the PUD occur within elk severe winter range. However, the Natural Resource Findings (Appendix U) states that 0.25 acres of elk severe winter range is located on the PUD. Staff recommends that the Applicant clarify the inconsistency between Appendix O and Appendix U regarding the acreage of elk severe winter range on the property. The PUD also occurs in mule deer and moose summer range. Elk and mule deer are wildlife species of economic importance in Eagle County and both mule deer and elk populations have been steadily declining within the County. Development within elk severe winter range can impact the integrity and connectivity of critical wildlife habitat within Eagle County. Staff recommends that development within elk severe winter range be avoided to the greatest extent practical to preserve critical wildlife habitat and that the Applicant work with Colorado Parks and Wildlife on any additional mitigation measures. Additionally, the EIR and Natural Resource Findings report identify important mitigation measures for protecting wildlife, and Eagle County staff recommends that the Applicant integrate these measures into the PUD Guide.

In addition, the proposed development is close to Game Creek, which is habitat for four Federally endangered fish species. Staff recommends the Applicant provide mitigation strategies for impacts to fish habitat in Game Creek. The EIR identified potential habitat for migratory birds that are protected under the Migratory Bird Treaty Act. Staff recommends that the Applicant adhere to the recommendations provided in the EIR to mitigate impacts to migratory birds.

- f. 3.7.5.g - Wildlife friendly measures should be incorporated into the design of individual home sites and neighborhoods;
- g. 3.7.5.h - Measures designed to protect wildlife from contact with human activities and disturbances should be implemented and enforced.

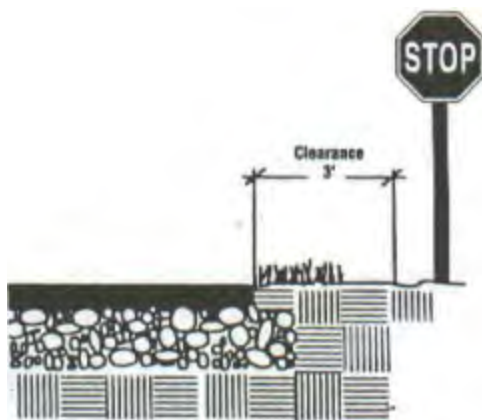
Staff appreciates the Applicant's proposed mitigation strategies to reduce conflict with wildlife such as bears and mountain lions. Staff recommends that the fruit bearing native shrubs proposed in the Preliminary Landscape Plan (Appendix W) be removed to align with the Minturn North Design Guidelines (Appendix K) and to reduce potential wildlife conflicts. In addition,

staff recommends the outdoor feeding of domestic animals and wild birds be prohibited as an additional important mitigation strategy.

ECO Trails Comments:

1. The application includes a 25 foot wide Utility, Drainage, Landscape, and Trail Easement to accommodate the first Minturn segment of the Eagle Valley Trail. The easement runs along the east side of Minturn Road from the south edge of the development to a point just short of the north end of the development property. Eagle County has the following comments about the proposed Eagle Valley Trail segment on the Minturn North PUD application:

- a. Overall, the conceptual drawings seem to incorporate the ECO Trails [Design and Construction Standards](#) for Eagle Valley Trail. Please continue to follow these standards as the design advances.
- b. The trail width (10 feet) and easement (25 feet) meet the standards.
- c. The cross slope appears to be somewhere between 2% to 3% - which is the standard.



3 feet or more of horizontal clearance is desirable.

- d. 3 feet or more of horizontal clearance is desired for clearance from trees, poles, walls, fences, railings. Please double check the horizontal clearance of the following items:
 - i. The hydrant near Tract C seems less than 3 feet away from the Eagle Valley Trail edge of asphalt.
 - ii. There is an overhead electric power pole that seems less than 3 feet from the Eagle Valley Trail by Lot 17.
 - e. It is unclear if the pavement and road base thickness and shoulder width meet ECO Trails Design Standards. Please add a typical pavement section to the detail sheet including pavement and road base thickness, and shoulder width. Please see Chapter 4, starting on page 2 for ECO Trails Design Standards.
2. The future Eagle Valley Trail from this project to Highway 24 has been designed and the project is currently out for bid with the goal of completing the trail in 2023. The trail will be

located on the northeast side of the Minturn/County Road. Due to wildlife concerns, the trail will be closed in the winter. Please add a connection to the new trail at the next design phase.

ECO Transit Comments:

From an ECO Transit perspective, we do not currently provide direct, fixed-route service to this area and we likely would not in the future, given the proposed density and potential value of the homes in question likely resulting in homeowners with multiple personal vehicles, as well as the fact we would not want to deviate from existing service on Highway 24. What would be nice, however, would be improvements to the pedestrian access from this neighborhood and the adjacent existing homes to the Meadow Mountain Business Park. We have an existing bus stop at that location (Highway 24 & Meadow Mountain Business Park) that would benefit from easier pedestrian access from/to these neighborhoods. As far as I can tell, those neighborhoods have already created a desired path/social trail along the railroad tracks that would benefit from real pedestrian improvements, but I know how challenging it can be to deal with railroads. ECO Transit supports this development's inclusion of accessible pedestrian and cyclist access to the Eagle Valley Trail.

Road and Bridge Comments:

Eagle County Road and Bridge understands that this project will pave the County's portion of Minturn Road. If this is indeed the case, Road and Bridge does not have any issues with the project.

Please contact me at (970) 328-8739, or at janet.aluise@eaglecounty.us if you have questions or would like to request a meeting to discuss these comments. Eagle County reserves the right to offer additional comments as more information is provided.

Sincerely,

Janet Aluise
Senior Planner
[Via Email]

Cc: Trent Hyatt, Deputy Community Development Director
Ben Gerdes, P.E., County Engineer
Maureen Mulcahy, Natural Resources Policy Manager
Kevin Sharkey, Trails Program Manager
Emily Seddon, Natural Resources Planner
Tanya Allen, Director of Regional Transport
John Harris, Road and Bridge Director
File



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Advocates for our rivers.

5/12/2023

Madison Harris
Planner 1, Town of Minturn
planner1@minturn.org

RE: Referral comments for new Minturn North PUD Development

Dear Ms. Harris,

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

The project application proposes a single-family housing subdivision between Taylor Street and the Minturn Road/County Rd. ERWC previously submitted comments regarding stormwater, riparian buffers, geologic risks on the Game Creek alluvial fan, and the benefits of tying funding for additional instream water quality monitoring on reaches of the Eagle River near the development to the project. Due to significant changes to the original project, we have reviewed the new plans for this submission in full. Many of the original comments remain relevant to the new development, and we urge staff to review those as well.

Stormwater

1) Potential error in runoff calculations for stormwater appurtenances

The engineering firm appears to have used an incorrect impervious coverage assumption from Minturn town code in runoff calculations that may result in a significant underestimation of runoff volumes and associated culvert dimensional needs. ERWC may be misinterpreting the report and does not mean to suggest the consultant's calculations have produced an error, rather, we suggest clarification may be warranted on input values for some of the runoff model parameters.

In the Appendix M.4 Section 2.2 Hydrologic Criteria, paragraph 4 states:

"The offsite drainage basins were modeled historically with an imperviousness of 2%. **Imperviousness of single-family residential areas were set at 50% as based on Town Code** and the design guidelines. Routing of flows for the modeling was developed with the Kinematic wave equation as outlined in the USDCM."

The developer has requested an impervious coverage of up to 75% for the 6 deed restricted lots and up to 65% percent for lots 1-33 (see Appendix PUD guide and Appendix G Dimensional Limitations). Runoff modelling using 50% impervious coverage versus these significantly larger numbers will underestimate the runoff volume produced and potentially underestimate the required culvert and stormwater appurtenance size required to pass and treat these volumes.

The report further states that 2 of the 3 existing culverts under the railroad tracks are currently inadequate to convey the existing 100 year storm flow and are not proposed to be modified. Given these conditions, if this interpretation of the report is correct, it may be necessary to re-perform the drainage analysis to ensure culvert and treatment train process volumes are adequate to pass and treat storm flows.

2) *Stormwater approach appears focused on flood heights over water quality*

In Section 1.2 General Approach bullet 5, the consultant states that ‘moving stormwater from the site to the receiving waters prior to peaks from other nearby drainages’ is a guiding principle of system design. This appears to reference the ‘beat the peak’ methodology in stormwater, although it is not explicitly referenced and Town of Minturn has no peak timing analysis required in its code that ERWC is aware of. ERWC urges caution in this approach, as it maximizes a single metric of concern in stormwater (instream flooding of downstream areas) over all other metrics of equal or greater concern (water quality, local aquifer recharge, localized erosion from increased ‘flashiness’ of stream hydrology, etc.)

For a more-thorough discussion of stormwater impacts to water quality and instream habitat, please see our original comments regarding the avoidance of detention and infiltration strategies on this site, they are still relevant and attached separately for your reference.

We note that in addition to drainage conveyances, designers have identified a series of active treatment technologies (Snouts and Bio Skirts) in drainage inlets. If properly maintained, these will provide some measure of treatment for pollutants like fine sediment and oils/grease/hydrocarbons. They will provide a lesser degree of treatment for pollutants like pesticides/herbicides, nitrogen, etc. An increased preference for some level of onsite detention and infiltration would likely provide higher water quality protection for receiving waters than rapid removal and discharge to streams.

Alluvial Fan Geomorphology and Flood Hazard/Fluvial Hazard Risk

We note that although the engineer responsible for the Drainage Plan recommends a mudflow hazard analysis for the Game Creek alluvial fan, none is currently contemplated for this project.

Section 4.4 of the Appendix M.4 Drainage Report notes that the:

“proposed development is located near a historical alluvial fan. Evaluations with regard to mud and debris flows should be completed and evaluated with regard to the proposed development.”

We would also offer this correction: the proposed development, specifically portions to the north of existing 4th St, are located on a historical alluvial fan, not ‘near’ one.

The north portion of the project area straddling the mouth of Game Creek canyon lays atop an alluvial fan formation. Alluvial fans are fluvial geomorphological features that form when steep streams suddenly decrease in slope at valley mouths and the stream water no longer has the ability to carry the

sediment load accrued from erosion and mass wasting in the upper watershed. Prior to interference and hardening of watercourses during western settlement, streams on alluvial fans typically and regularly moved their channels back and forth across these features on a relative short time scale as their sediment transport capacity suddenly decreased from confined upstream reaches and the sediment load is deposited on the lower-gradient fan, causing channel fill and lateral movement.

Traditional FEMA flood hazard analyses that consider only flood inundation elevations from clearwater flows, and may greatly underestimate the risks for channel avulsion and non-clearwater flow events such as sediment or debris flows to rapidly shift a water course on fan features, triggering large damages. Although alluvial fans do not have a wide floodplain like traditional valley bottom river, they should not be considered free of stream-related hazard due to their relatively high risk for channel avulsions. Increasing amounts of flood-related damage and financial loss to human developments located outside of traditional FEMA flood hazard zones in recent years have prompted the Colorado Water Conservation Board (CWCB) to issue a mapping protocol and guidance/education to communities about fluvial hazard zones.¹ These materials, in conjunction with further guidance from FEMA, suggest that channel avulsion hazards and non-traditional flood risk on features like alluvial fans should not be treated lightly.²

CWCB staff has suggested in addition to municipalities considering more stringent zoning and planning in these areas, that it may be highly appropriate encourage residents in fluvial hazard zones to purchase flood insurance, *even when they are not in the traditionally mapped Special Flood Hazard Zone* (i.e., not in the 100-year floodplain).

According to the project plan, a soft surface ditch will divert runoff from the upper end of Taylor Street and a constructed berm will provide protection to residences on the south side of Game Creek from overbanking or debris flows in Game Creek.

Recommendation:

We recommend the proposed berm should be constructed in all locations beyond the 30' riparian setback from the stream channel and vegetation and soils within the setback should remain undisturbed. This will allow some level of continued minor lateral movements by the channel while preserving a water quality and habitat protective buffer.

Riparian Buffers

By far the simplest, most robust, and most cost-effective method to protect water-resource related community values like water quality, instream aquatic life, flood attenuation and protection, and animal habitat, is to provide strong, enforceable protections and setbacks for riparian corridors on our valley's streams. The plan identifies a 30' live stream setback, consistent with Minturn code (which specifies measurement from the high-water mark, not the centerline), to be managed as naturalized open space within the PUD. ERWC applauds the developer's intention to protect stream habitat and water quality with this design.

¹ <https://www.coloradofhz.com/about>

² FEMA. 2016. Guidance for Flood Risk Analysis and Mapping: Alluvial Fans. Guidance Document #75.

ERWC has observed that stream setbacks maintained on private lands in Eagle County are routinely ignored, encroached, or otherwise degraded, with little authority for true legal enforcement available to homeowners associations or private residences. The Town of Vail in particular has faced repeated difficulties in enforcing live stream setbacks in locations where the town does not own the stream tract. Similarly in Edwards, developments like Brett Ranch originally set strong conservation goals for seasonal protections for wildlife and vegetation protections to prevent bank erosion, but with no actual regulatory authority, they find themselves completely at a loss to prevent homeowner incursions including mowing and removal of streamside vegetation, proliferation of social trails, and frequent pet incursions during nesting seasons. Thus, ample evidence suggests that voluntary stream setbacks are frequently used in Eagle County by developers to paint their design plan as 'stream friendly' then quickly forgotten and ignored in the following years by residents once the development is complete

ERWC strongly recommends that the Town of Minturn specifically require full legal dedication of stream tracts and live stream setback areas directly to town ownership for management and enforcement, rather than allowing them to be maintained as undevelopable open space solely within the subdivision HOA legal entity.

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

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

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

Closing

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



Regards,
James Dilzell
Executive Director
Eagle River Watershed Council



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Advocates for our rivers

Madison Harris
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970-827-5645 Ext. 2

RE: Referral comments for Minturn North PUD Plan

Dear Ms. Harris,

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

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

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

Stormwater

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

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

– Wright Water Engineers Drainage Report, page 13

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

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

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

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

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

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

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

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

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

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

Alluvial Fan Geomorphology and Flood Hazard/Fluvial Hazard Risk

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

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

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

⁴ <https://www.coloradofhz.com/about>

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

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

Riparian Buffers

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

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

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

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

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

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

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

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

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

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

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

Closing

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

Sincerely,

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

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

Madison Harris

From: Selchert, Ryan J <Ryan.J.Selchert@xcelenergy.com>
Sent: Friday, April 28, 2023 12:10 PM
To: Madison Harris
Subject: RE: Minturn North PUD Referral
Attachments: Minturn North comments 4-28-23.docx; utility site plan - with comments.pdf

Hi Maddison-

After I sent this review to you, Phil Harris from the Minturn North project sent me a new site plan. (dated 3.20.23) He is making progress with meeting XCEL standards, but there are still a few corrections to be made.

I have attached the latest comments and concerns to this email. My main concerns are still:

- 1) There needs to be a point of connection (transformer or pedestal on each lot) .
- 2) The electric equipment needs to be more on the property line in order to serve two lots
- 3) The electric equipment needs to be at least 5' from water / sewer taps – 10' is preferred. Does the town have a specific clearance requirement between water / sewer taps and electric equipment?
- 4) Distribution must be along the front of the lots. – no rear lot distribution. I think Silver Star Trail is the only concern at this point.
- 5) The CTV can not go in the electric Feeder trench. – it can go in the electric distribution / gas trench.

I still I did not have building out lines or elevation plans. It is important to note:

- 1) There are strict standards in regards to transformer clearances. Maintaining a 20' separation from transformer to building, will meet all clearance requirements regarding transformers and houses. Please refer to the blue book for specific guidance.
- 2) Meters can not be under a drip edge of the roof line. They must be in a safe, easily accessible location, on the front third of the house. Please refer to the "blue book" for specific guidance.

Please fee free to reach out at any time with any questions or concerns,

Ryan Selchert
Xcel Energy
970.390.5628

From: Selchert, Ryan J
Sent: Wednesday, April 26, 2023 9:44 AM
To: Madison Harris <planner1@minturn.org>
Subject: RE: Minturn North PUD Referral

Hi Madison-

I have completed the review for Minturn North PUD. Please see the referral notes and Utility site plan comments attached.

There are a quite a few corrections that will need to be made. Please let me know if you would like to set up a meeting to go over the XCEL comments and concerns.

Through out the review I made a comment that 10' separation is required between gas / electric trench and sewer / water. That is a typical clearance that towns / and county's request from their sewer and water. While 10' is still recommended, if Minturn is ok with sewer and water being closer to the utility trench, I am happy to reconsider the 10' requirement.

A few quick comments: (please see attached "referral notes" for a full list of comments)

- 1) the gas and electric trench can not be in ROW and need to be within 10' easement.
- 2) There needs to be a point of connection (transformer or pedestal on each lot)
- 3) There needs to be gas main on each side of the road.
- 4) Proper clearances need to be met from the electric and gas trench.
- 5) Distribution must be along the front of the lots. – no rear lot distribution.

I did not see building out lines or elevation plans. It is important to note:

- 1) There are strict standards in regards to transformer clearances. Maintaining a 20' separation from transformer to building, will meet all clearance requirements regarding transformers and houses. Please refer to the blue book for specific guidance.
- 2) Meters can not be under a drip edge of the roof line. They must be in a safe, easily accessible location, on the front third of the house. Please refer to the "blue book" for specific guidance.

Please feel free to reach out at any time with any questions or concerns,

Ryan Selchert
Xcel Energy
970.390.5628

From: Madison Harris <planner1@minturn.org>
Sent: Tuesday, April 18, 2023 1:56 PM
To: Selchert, Ryan J <Ryan.J.Selchert@xcelenergy.com>
Subject: RE: Minturn North PUD Referral

EXTERNAL - STOP & THINK before opening links and attachments.

Hi Ryan,

Both the zip folder and the pdfs are pretty large. Do you mind trying this sharepoint link to see if maybe that works? [Minturn North PUD Referral](#)

Thanks,
Madison

Madison Harris
Planner I
Town of Minturn
Planner1@minturn.org
970-827-5645 Ext. 2

From: Selchert, Ryan J <Ryan.J.Selchert@xcelenergy.com>
Sent: Tuesday, April 18, 2023 1:31 PM

To: Madison Harris <planner1@minturn.org>

Subject: RE: Minturn North PUD Referral

Hi Madison-

Is there a way you can send me the proposal in a PDF form or Zip drive? I can not access the link on XCEL computers.

Thank you,

Ryan Selchert
Xcel Energy
970.390.5628

From: Madison Harris <planner1@minturn.org>

Sent: Tuesday, April 18, 2023 1:12 PM

To: Flenniken, Kelly <Kelly.Flenniken@xcelenergy.com>; McCloud, Brad D <Brad.D.McCloud@xcelenergy.com>;
britt.mace@xcelenergy.com; Selchert, Ryan J <Ryan.J.Selchert@xcelenergy.com>

Subject: Minturn North PUD Referral

EXTERNAL - STOP & THINK before opening links and attachments.

Dear Ms. Flenniken, Mr. McCloud, Mr. Selchert, and Ms. Mace,

You are receiving this referral from the Town of Minturn as part of the Town's review of the Minturn North Planned Unit Development proposal. This is an updated application from the version you last viewed in 2021. The referral process is intended to allow our community partners and stakeholders the opportunity to understand the proposal, to assess potential impacts and mitigation efforts, and to provide comment to the Town prior to the plans being reviewed by the Town of Minturn Planning Commission and Town Council. We welcome your comments and will make ourselves available to meet with you if you have questions. [Here](#) is the link to download the files which expires in 7 days.

Please provide comments to Madison Harris, Planner I at planner1@minturn.org by May 16, 2023 at 5:00 pm.

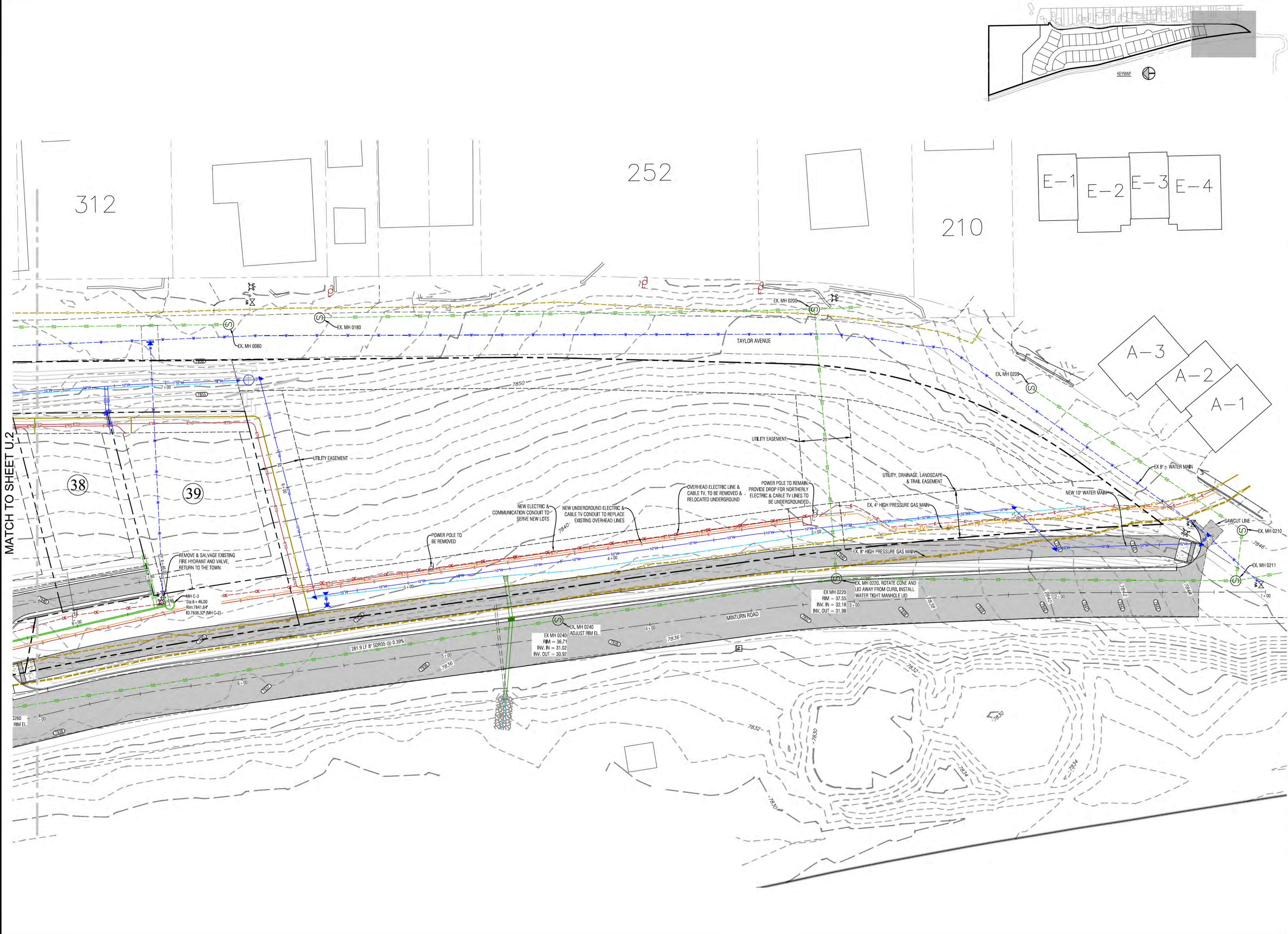
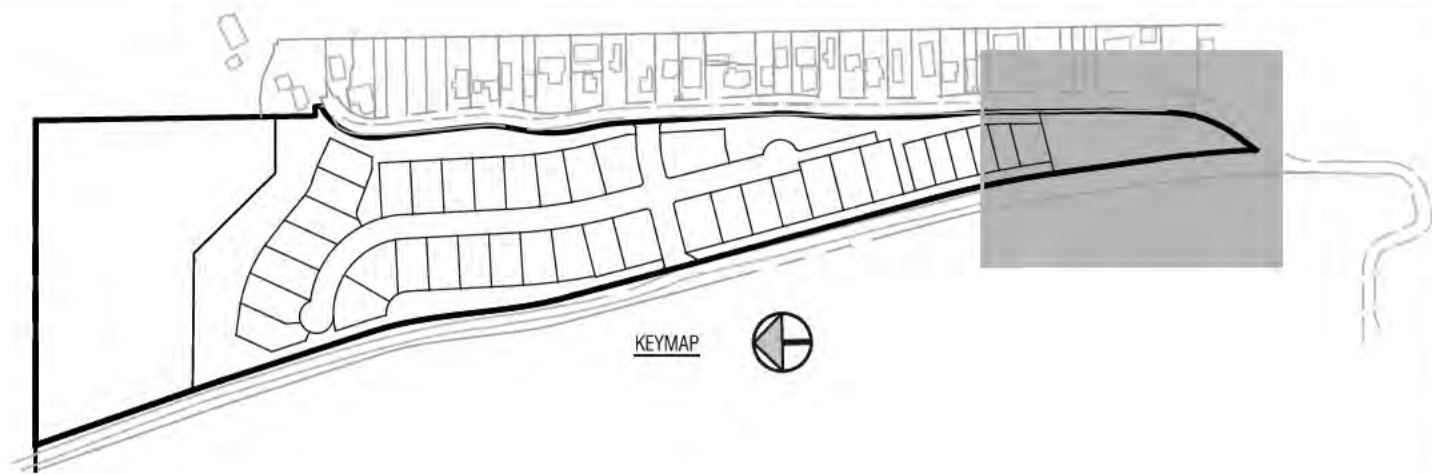
Thank you for taking the time to review this proposal.

Sincerely,

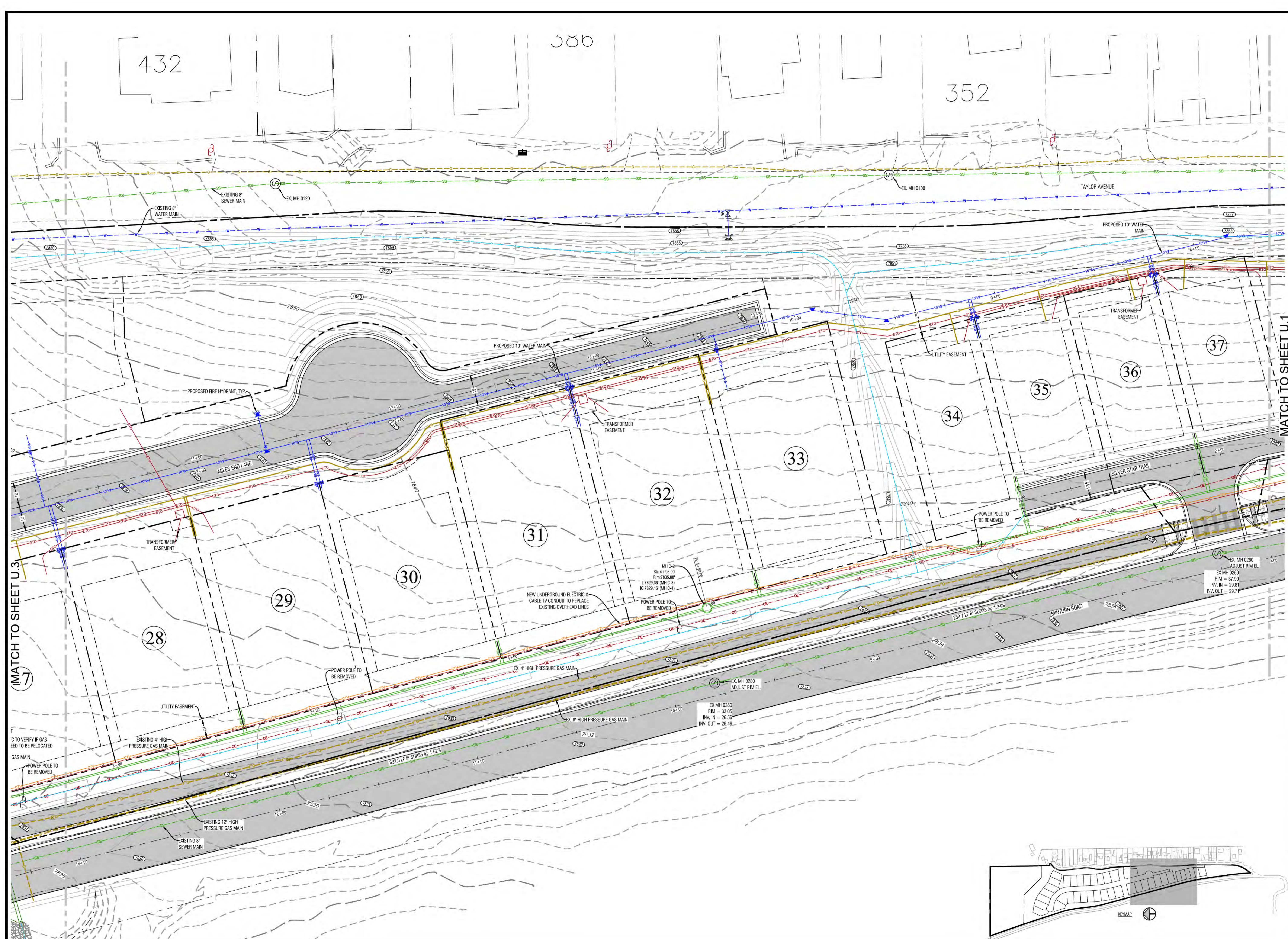
Madison Harris
Planner I
Town of Minturn
Planner1@minturn.org
970-827-5645 Ext. 2

No.	Date	Revision
1		
2		
3		
4		
5		

PROJECT NO.
 22038
 Designer:
 PAH
 Drafter:
 RWJ
 Date:
 12/25/22



MATCH TO SHEET U.2



MATCH TO SHEET U.3

MATCH TO SHEET U.1

Boundaries Unlimited
Civil Engineering

923 Cooper Ave.
Glenwood Springs,
(T) 970.945.3...
www.bu-inc.

Subsurface Utility Engineering
Required Project: **TBD**

If "Yes", SUE Certification by
Firm: **TBD**
Job #: **TBD**
Date: **TBD**

Engineer or Surveyor

NOT FOR CONSTRUCTION

Client Information
MINTURN NORTH LAND
PO BOX 963
EDWARDS, CO 81632
970 926-1722

Scale: 1" = 20'

811

Know what's below
Call before you dig

TOWN OF MINTURN, COLORADO

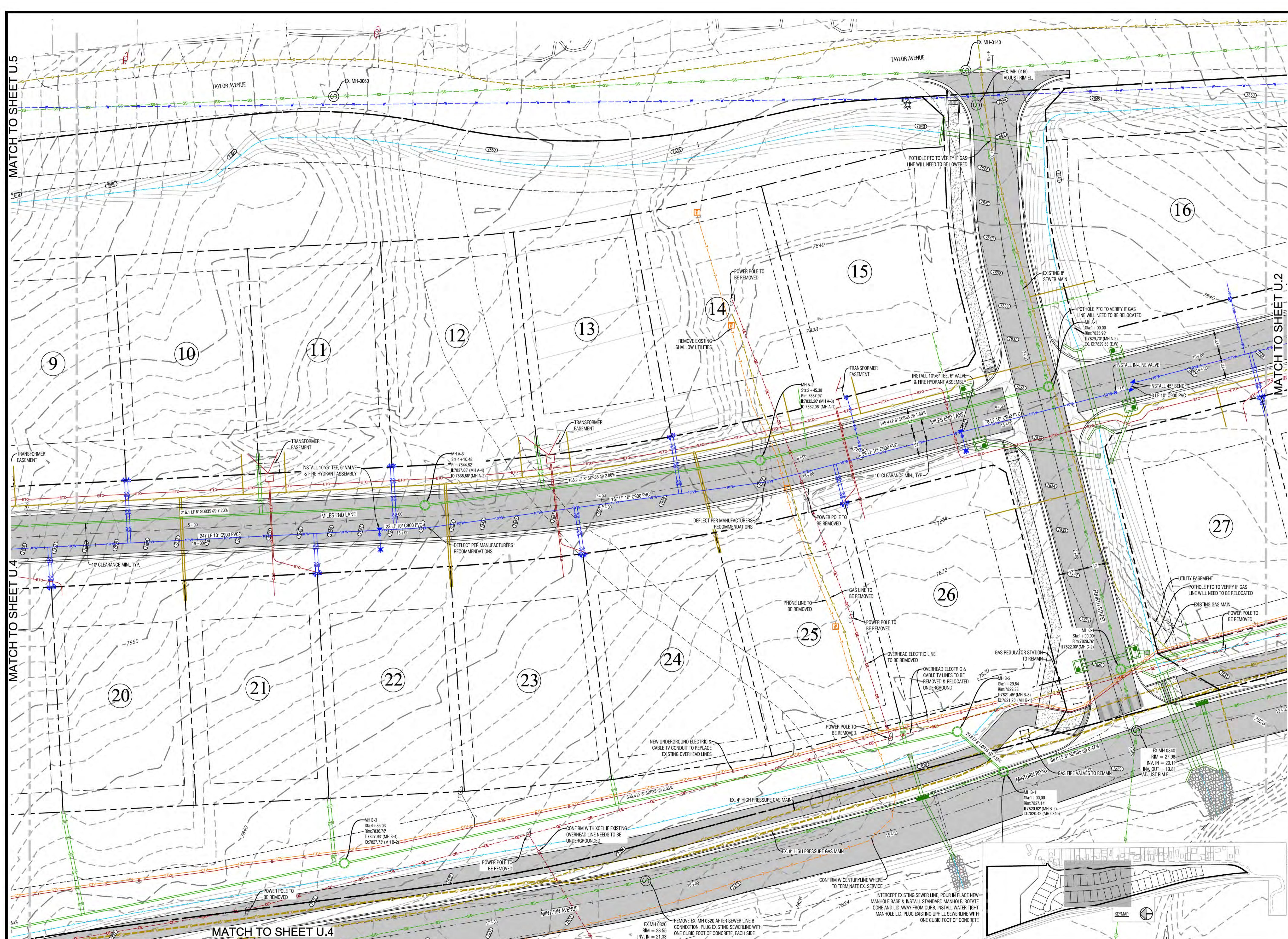
Minturn North P.U.D.

No.	Date	Revision

By	Check	Appr.

PROJECT NO. 22008
Designer: PAH
Reviewer: RWJ
Date: 12/25/22

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Boundaries Unlimited
 Civil Engineering
 923 Cooper Ave.
 Glenwood Springs, CO 81601
 (T) 970.945.1111
 www.bu-inc.com

Subsurface Utility Engineering
 Required Project: TBD
 If "Yes", SUE Certification by: TBD
 Firm: TBD
 Job #: TBD
 Date: TBD

Engineer or Surveyor
 (Professional Seal)

NOT FOR CONSTRUCTION

Client Information
MINTURN NORTH LAND
 PO BOX 263
 EDWARDS, CO 81632
 970.926-1722

Scale: 1" = 20'

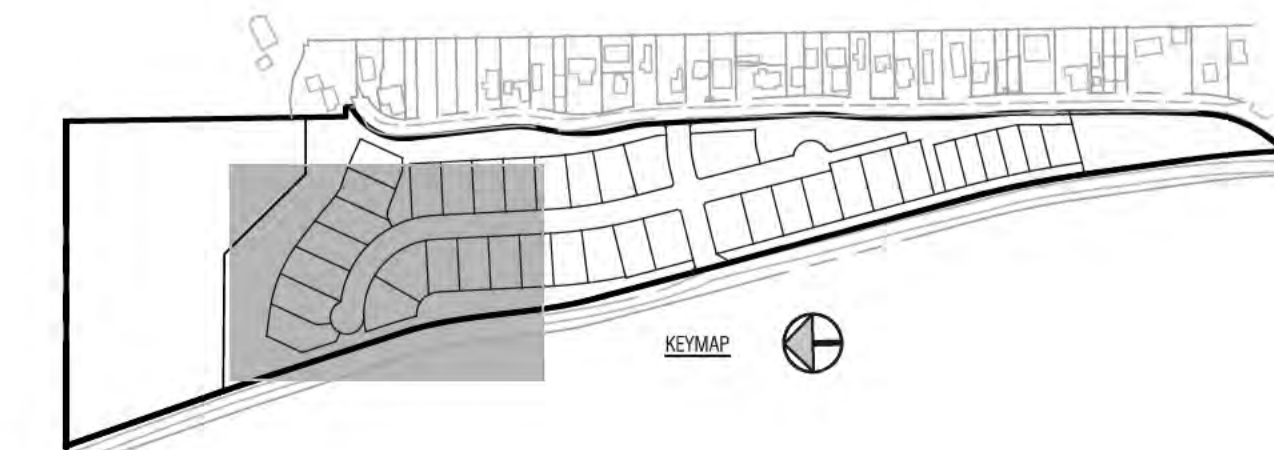
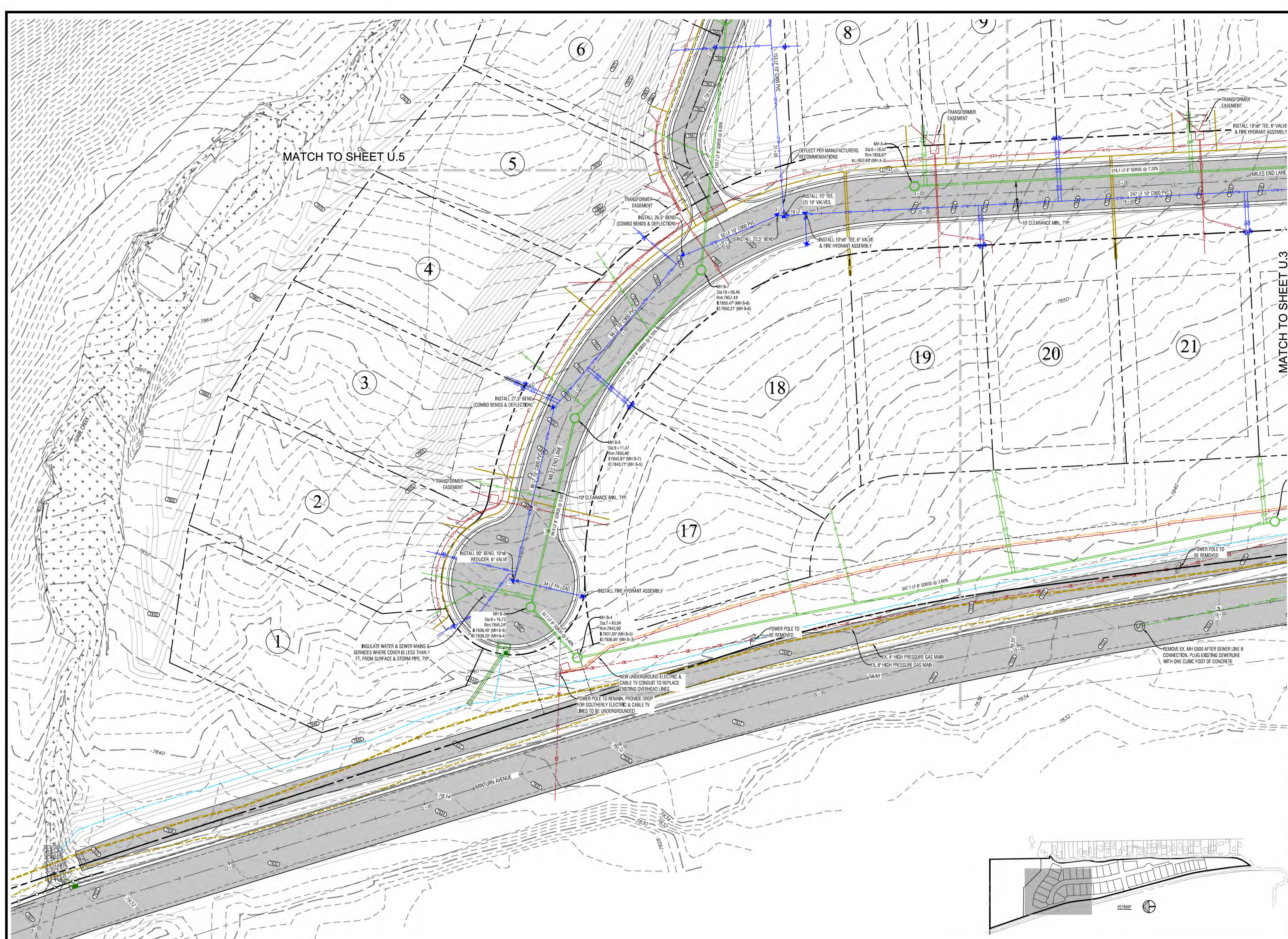
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TOWN OF MINTURN, COLORADO
Minturn North P.U.D.

By	Date	Revision

PROJECT NO. 22088
 Designer: PAH
 Drafter: RW
 Date: 12/25/22

T-288; 22088 c-utility.dwg



Boundaries Unlimited
 923 Cooper Ave.
 Glenwood Springs, CO 81601
 (T) 970.945.3333
 www.bu-inc.com

Subsurface Utility Engineering
 Required Project: **TBD**
 If "Yes", SUE Certification by: **TBD**
 Firm: **TBD**
 Job #: **TBD**
 Date: **TBD**

Engineer of Survey

NOT FOR CONSTRUCTION

Client Information:
MINTURN NORTH LAND
 PO BOX 963
 EDWARDS, CO 81632
 970 926-1722

Scale: 1" = 20'

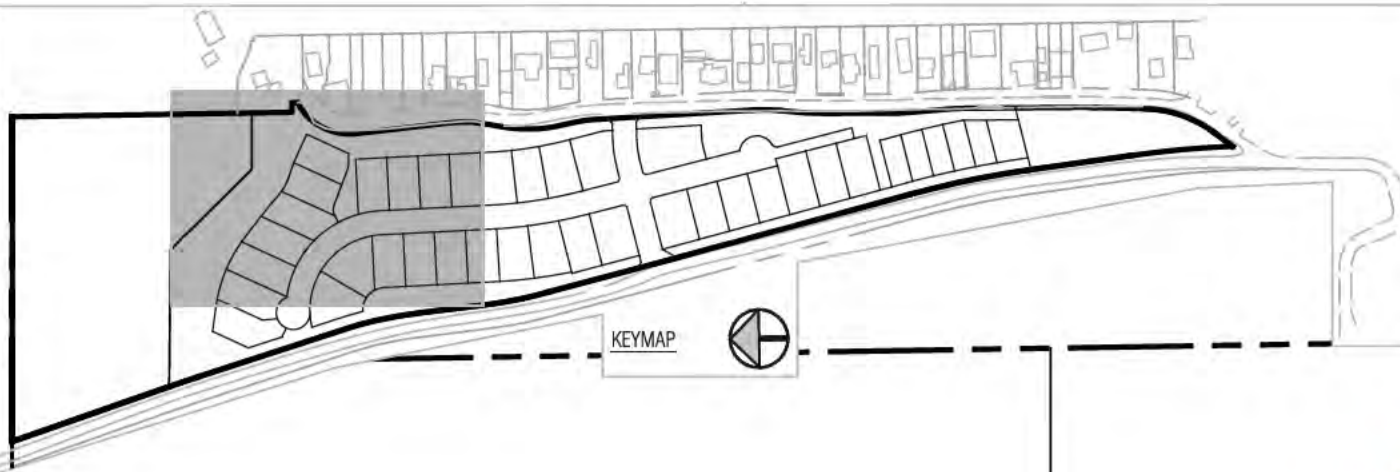
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TOWN OF MINTURN, COLORADO
Minturn North P.U.D.

By	Date	Revision

PROJECT NO.: 22038
 Designer: PAH
 Drafter: RWJ
 Date: 12/25/22

I-296: 22038 c-utility.dwg



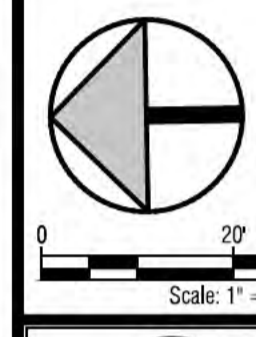
MATCH TO SHEET U.4

MATCH TO SHEET U.3

923 Cooper Ave.
Glenwood Springs,
(T) 970.945.3100
www.bu-inc.
Subsurface Utility Engineering
Required Project: TBD
If "Yes", SUE Certification by:
Firm: TBD
Job #: TBD
Date: TBD
Engineer or Surveyor



Client Information
MINTURN NORTH LAND
PO BOX 263
EDWARDS, CO 81632
970.926-1722



811
Know what's below
Call before you dig

TOWN OF MINTURN, COLORADO
Minturn North P.U.D.

No.	Date	Revision	By
1			
2			
3			
4			
5			

PROJECT NO. 22038
Designer: PAH
Drawer:
Rev: 12/25/22
Date: 12/25/22

Minturn North comments – 4/28/23 – based on plans dated 3.20.2023

- 1) CTV can not go in same trench as 600 AMP electric feeder. CTV can go in 200 Amp electric distribution trench .
- 2) Electric distribution for Silver Star trail needs to be in front of the lots – no rear lot distribution.
- 3) Each lot needs a point of distribution for electric service (ped or transformer)
- 4) Ped transformer needs to be on property line in order to serve two lots – W / sewer taps need to have 5' clearance 10' preferred.
- 5) XCEL does not allow “gas stub outs”

Minturn North XCEL comments 4-26-23

- 1) The 600 AMP electric feeder, depicted on map, must maintain a 5' separation from All other utilities. Must maintain 10' separation from sewer and water. Feeder must be in sole trench.
- 2) The 200-amp electric / gas trench needs to maintain 10' separation from water / sewer
- 3) On lots 34 – 39, it appears the intent is to run gas services from the rear lot. The electric / gas services must be fed from front lot distribution. The distribution must be along silver Star Trail.
- 4) Every lot will need a point of connection for electric service. (Transformer or pedestal) Point of connection can be on lot line and serve 2 lots.
- 5) Transformers must have 10' clearance from water sewer taps.
- 6) Gas main to be on property within 10' easement not in ROW
- 7) Gas main to run along east and west side of miles end lane. (Double main)
- 8) Gas “stub outs” are not allowed.
- 9) Lots 17– 26 need an electric point of connection. (Transformer or pedestal)
- 10) Transformers need to be on lot line, to serve 2 lots.

Bill Hoblitzell and Kristin Thomas

262 Taylor Street

June 21, 2023

Re: Public comment to Minturn Town Council regarding events and processes surrounding the Minturn North PUD application

Hello Council and Staff,

I am here once again to discuss Minturn North.

What began earlier this year as a disheartened feeling regarding the progression of circumstances around this development application has now, based on recent information and review of the PUD plan, moved to deepening distrust, frustration, and anger.

As you are aware, the project last year changed hands from the Comerford/Sparhawk vehicle and will next week, after close to one year, finally receive the first public oversight and review of the new project. The original project proposed a development that attempted to be openly and honestly responsive to Minturn community values regarding physical development types and patterns in our small town. Although it was progressing iteratively through successive rounds of public feedback, that project's funders pulled support, ending its journey in local hands. It is apparent in hindsight or post mortem analysis that it mostly failed under its own weight, as the 190 and then approximately 120 units that were proposed were simply too much to be accepted by the community on that site.

In the intervening time, the project rights were purchased by Rick Hermes / Resort Concepts. Subsequently, this developer substantially altered the scope and character beyond recognition, eventually submitting back to planning staff something that is completely unrecognizable in concept and character from the earlier project.

Although it has the same name and purports to merely be responsive and accommodating to the issues identified by town residents with the earlier project, it is not. It is an entirely different project. Anyone paying attention can clearly see this. Those who claim otherwise, I would declare at this juncture, are blind, uninformed on details, or potentially, being willingly disingenuous.

The new project should not have proceeded to a later and higher level design phase (it has now proceeded to approximately 80% design or whatever planning and engineering staff would wish to call the level) without first being brought back before the public at a very high concept level (i.e., 10-20% design) for initial and early public input. Since this did not happen, the developer, in collaboration with town planning staff, has been able to glide through our planning process with almost zero public feedback or oversight for almost a calendar year. Since the new project was allowed to proceed under the earlier progress approvals of the earlier project, the PUD application has technically remained open throughout and town residents have been prevented from direct and public discourse with town leadership when it was needed most.

Town staff's decision to consider this the 'same' project placed a de facto community gag order on both community leadership and community residents for nearly a year, a time when we as a community more than ever needed to conduct a post-mortem examination on the original project. Although it collapsed, the first project spoke directly and positively in numerous ways to previously-identified community goals and intrinsic community values articulated in our collective master planning documents including the 2009 Community Plan and Minturn 2030 Future Landuse Map, and our Strategic Housing Plan.

Despite its attempt to be a project that spoke directly to Minturn's desire for continued modestly-sized residential development laid out 'as a real town', and its attempts to create the conditions for home development that avoided the high-end real estate tendencies of the rest of the Eagle County by providing potential options for first time home buyers as well as existing local families, targeting working-class sensibilities in size, and acknowledging Minturn sensibilities in allowing for individual aesthetics and style options, it failed.

For those of us who attended all the meetings, it is obvious there is no single 'one' reason, but quite a combination—too many units overall, potentially drawn out building timelines, safety issues with existing overloaded road infrastructure, and later, geotechnical acrobatics in the grading plans. In particular, a vocal opposition from Taylor St residents voiced overwhelming objections to several aspects of the proposal. I live on Taylor Street as well, and I recognize that Taylor Street in particular experiences the impacts from any railroad development much more so than other residents. Many of Taylor Street's concerns were genuine and important, while others may have been less so. Despite this, I still do not think this a 'Taylor Street *only*' issue or decision. I think all residents of town have legitimate hopes, concerns, and valid input to provide on major town decisions, and many components of that proposal were highly aligned with previously articulated Minturn community values and plans.

The current project speaks to few or none of those values.

The new development has been able to exploit legitimate (but solvable!) resident concerns about total unit numbers and density, Taylor Street parking and snow storage impacts, traffic and safety, and other issues. It has exploited these as social cover to swap the previous development plans instead for a semi-private, high-end resort style suburb development. In allowing the developer to do so, residents, staff and council are now also allowing him to wipe away and ignore all the *good* aspects of the original Minturn North proposal

He has thrown the baby out with the bathwater, and we are helping him do it.

Relative affordability of homes has become irrelevant.

Minturn's repeatedly stated community desire for authenticity and individuality of development is long-forgotten or being willfully ignored.

Our community's proportion of full time owner-occupied residences is currently among the highest in the valley. The stated community desire to avoid decisions that drive this statistic in the wrong direction, towards that of our neighboring resort communities, is being kicked squarely in the teeth.

Legal agreements to cede a significant portion of town land use authority from our existing municipal government forever into the hands of a private development corporation specializing in high end

vacation real estate is being slid across the table right under our faces, and everyone seems to be trying their hardest not to look down.

The proposed covenants demanded by the developer for private streets, enforceable architectural controls, and ongoing contractual requirements to use their own staff for all Design Review will cover nearly 60% of the Hollywood Heights land area, and over 10% of the total households in Minturn.

All of our currently remaining water taps are being demanded to provide two taps per lot for a mere 33 residences, even on lots with houses proposed well-under the 3000 sqft SFE equivalency ratio for a single tap requirement.

In my reading of the PUD details, it also appears to explicitly state that all remaining unused taps previously awarded by the town will still be owned by the private neighborhood—whether are used for a completed house or not.

It is difficult to identify a public need or reason for this voracious thirst beyond the developer's private need to ensure that he maintains enough water permanently tied to the development to be able to maintain and market the potential for increasing home size in future remodels or rebuilds.

In addition to ensuring the potential for prospective wealthy buyers to build homes that are greatly out of character in Minturn, a significant portion of our town's remaining human drinking water supply is being pledged to outdoor irrigation--over a football field and a half of it by my calculation--to ensure the individual homes on oversized lots in the development remains as perpetually green and flowery as the peer communities in Beaver Creek, Arrowhead and Edwards that this project so clearly seeks to emulate.

This is a raw deal for the community, and there is no need to point out which of the two parties is on the receiving end.

Considering these circumstances, I am requesting the following actions from council at the earliest possible time, preferably tonight at the June 21, 2023 meeting:

- 1) These events have exposed a clear flaw in our planning processes and code, in that there are apparently no off-ramps within the process that provide opportunity for council and staff to identify points where and when a project significantly changes and revert it back to a basic high-or concept-level public review and design approval before proceeding towards a more complete design level. 'High level community consensus' for any PUD layout should include at a minimum street layout, general lot and residence size, and community governance structure. Once these are agreed upon by the community at a conceptual level, then and only then, should the project proceed towards higher design levels.

Such criteria for identifying project change and triggering a new concept-level public review might include: change in ownership, major change in design or character, significant change in size (either up or down), change in operational/governance characteristics, or other criteria not identified here. Should these triggering criteria occur, it is time for staff to take an application back to the people and the elected leadership before proceeding further. If such 'offramps' or process decision points existed already, we would not be once again heading into what may well become yet another contentious community fight.

Please explicitly direct legal and planning staff at your earliest reasonable time to review our town's planning processes and develop these criteria in a reasonable time frame.

If such offramps or decision points actually already exist in our code, please direct staff to provide a public report of which parts of our code are responsive to this need, and to provide a publicly-available and code-referencing narrative account of their reasoning and how they came to the decision that Resort Concepts could proceed under previous project approvals without review or public input for the last year.

- 2) I also request that town council direct staff to immediately prepare and publicly publish a financial update detailing and itemizing the total cost of planning and legal staff time that has been spent reviewing Minturn North matters since the time the project ownership changed hands last year, with costs to Town of Minturn reported in both hours and dollars
- 3) It has been related to me second hand or anecdotally that town staff has apparently stated (or perhaps bragged?) that Minturn North P&Z review will either '*get done in one P&Z meeting*', or '*will not take more than one meeting*', or something similar to that effect. It is beyond difficult to describe the level of deep frustration, anger, and now distrust, of our planning staff that arises in hearing about a potential or even just rumored intention of staff to rush what is likely the most significant development project downtown Minturn will face for a decade through our review process—presumably to avoid prolonged public review and discourse, and avoid the potential conflict or opposition to their planning decisions that they know or fear may await.

In response, I request that council provide explicit and clear direction to staff immediately, during tonight's council meeting, that the P&Z process will not be rushed, and will be provided as much hearing time at both the P&Z level and the council level (should it receive P&Z recommendation) as is necessary to honor our community resident's needs for investigation, feedback, input, and dialogue with both our elected and appointed leadership committees.

- 4) In light of the effective year-long gag order that has been placed over this new project in terms of public oversight, and either the perception or actual existence of staff bias towards ramming a project approval recommendation through P&Z and council, I am requesting that council remove public comment time limits for all matters related to Minturn North review and approval at both P&Z hearings and council hearings—as long as comments being provided are substantive in nature and germane to both the specific and conceptual-level community development issues that have arisen in association with this project. I request this to acknowledge that input from actual community residents is of the highest value and importance in the planning process—and not secondary or inferior to that of the project proponent—who has at this time now received dozens or likely hundreds of hours of personal time and attention from town staff in the last year. Please remove time limits immediately, beginning with the June 28th hearing, and extending for any subsequent P&Z and council meetings pertaining to Minturn North until explicitly re-instated by council.

- 5) The final request is harsh in tone, but I feel due to circumstances of the last year is now necessary. I request that council explicitly and in no uncertain terms remind planning staff where and to whom their professional obligations lay. That is: staff serves at the pleasure of council, and council serves on behalf of the residents of Minturn. Staff does not work for real estate developers, and should not be unduly spending its time and Minturn's community financial resources to potentially pave the way for a biased planning process and/or public hearings. At least within the context of Minturn North, it has sometimes become difficult to discern whether staff continues to or still desires to operate within this context.

I realize that I am making direct and strong criticism of staff actions, and I am aware of the tone and potentially controversial and divisive nature of these requests to council.

However I feel the public process and potential situation in terms of permanently marring both the physical and social character of our community has significantly moved off the rails. The avenues for alternative collaborative actions and choices surrounding Minturn North are slowly closing out on town residents, apparently via our own town staff's help.

Please consider these requests carefully, and if possible, please act on them promptly.

Regards,

Bill Hoblitzell and Kristin Thomas

Minturn Residents, 262 Taylor Street

970-471-6216

Madison Harris

From: Hannah Conoley <hconoley95@hotmail.com>
Sent: Thursday, June 22, 2023 10:14 AM
To: Madison Harris; scot@hunnplaning.com
Subject: Public Comment: Minturn North Concerns

Hello!

I am reaching out to share my concern about the Minturn North development. Regretfully, I was unable to attend the 6/21 meeting and wanted to ensure my comments and concerns were shared!

My partner and I moved to Minturn in 2020, relocating from Avon, because we were in search of a local and supportive community. In Avon, where we lived for over 7 years, we were surrounded by empty 2nd homes or short-term rentals with disrespectful visitors. Minturn, at first, provided an awesome and friendly community... full-time year-round local neighbors & kids playing in the streets. We loved the community we moved into and the small-town culture Minturn has worked so hard to protect. In the last 3 years we have seen many beloved houses around us being sold for crazy prices which has influenced the increase of 2nd homeowners and short-term rentals....which in turn has led to a steep decline in the friendly and supportive community atmosphere Minturn is known for. Now, I am more often greeted by empty and dark houses, unfriendly 2nd homeowners, rowdy short-term rental guests and the general feel in Minturn has become up-tight.

I am extremely worried about the Minturn North development and the lack of effort in gearing new developments towards locals and young people who would love to raise their families in this town (me!). Based on the information I inquired about and received from Minturn North/Resort Concepts, the prices and lot sizes seem very geared towards weekend warriors and 2nd home owners. An extremely small percentage of this development is "affordable" for our community's workforce and along with the high density plans I have viewed; this development would take away from the quality of living for "local" residents and create a neighborhood that is likely empty for significant portions of the year. Additionally, I am concerned about the creation of an HOA style neighborhood which encourages an "us vs. them" mentality within the community, as can be seen in many Avon developments and most clearly, Eagle Ranch. Lastly, the increase of water taps for the Minturn North development seems out of line with the goals of our community, such as continuing to push for water conservation and allowing older, existing homes to grow as needed for the residents.

Thank you for taking the time to read my concerns and I hope they are taken into serious consideration before council moves this project forward any further.

Sincerely,
Hannah Conoley
501 Main St. Minturn

28. Appendix V: ERWSD Ability to Serve Letter – Pg. 1135
29. Appendix W: Preliminary Landscape Plan – Pg. 1138
30. Appendix X: Consumptive Use Analysis – Pg. 1141
31. Appendix Y: Preliminary Plat – Pg. 1165
32. Appendix AA: Off-Site Improvements Engineers Cost Estimate – Pg. 1170
33. Appendix AB: Draft UPRR On-Site Work Agreement – Pg. 1172
34. Appendix AC: Birch Ecological Wetlands Memorandum – Pg. 1187

Madison Harris

From: Jason Hutto <jason@biadvisors.com>
Sent: Wednesday, June 28, 2023 10:06 AM
To: Madison Harris
Cc: Minturn North Land Company, LLC
Subject: Minturn North

Hi Madison,

I'm emailing now in support of the Minturn North development. It's been our long-term plan to build there and live there full-time. We hope that soon gets to become a reality! We are out of town so can't come to the meeting tonight but do hope that our excitement and that of our fellow future neighbors encourages the town of Minturn that we and the new neighborhood will be a great addition to the community.

Regards,

Jason

C. Jason Hutto, CFA
(617) 448-5920

Disclaimer:

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Madison Harris

From: Kirsten Kunkle <kirstenkl7@gmail.com>
Sent: Tuesday, June 27, 2023 4:10 PM
To: Madison Harris
Subject: Minturn North Development Plan 569 Taylor Street Concerns

Hello!

In regards to the Minturn North Development proposal, our main concerns with the current plan are as follows:

The change in the current plan regarding both the parking for the Game Creek Trail not being redirected to Minturn Road and the lack of a planned path through the development for bikers, hikers, and skiers. It is a noise, traffic, and safety issue for Taylor Street residents.

Another concern is the potential height of the homes and obstruction of our view to Meadow Mountain.

Thank you for your time and attention to this matter,
Kirsten, Kurt, and Kyle Kunkle

Madison Harris

From: Mike and Gretchen Paules <mtn.high@comcast.net>
Sent: Wednesday, June 28, 2023 12:15 PM
To: Madison Harris
Cc: Rick Hermes
Subject: Letter of Support

To Town of Minturn Planning Department Officials,

My wife and I support the proposed development for Minturn North as we remain interested in living full time in the Eagle Valley and desire to be in a community known and cherished for its locals vibe and independence. My wife's family is one of the original Vail pioneers that started living in Vail in 1962 and she was raised in the Valley. My wife and I are Colorado residents, have owned a condo in the Valley since 2006, and currently live part-time in EagleVail. We want to reside in and support a real mountain community that shares many of our values. We believe living in a new home in Minturn North can be that community.

Minturn North is an opportunity that can benefit all parties involved. We thank the Minturn officials, residents, referral agencies and ResortConcepts for all of their time, consideration and hard work that went into advancing this proposed development to ensure that this project balances opposing needs and concerns. Residential use of this long vacant land is a reasonable and beneficial alternative that should be approved by Minturn officials. Thank you for the opportunity to share our comments.

Respectfully,

Mike and Gretchen Paules

Madison Harris

From: Contact form at Minturn CO <cmsmailer@civicplus.com>
Sent: Wednesday, June 28, 2023 10:04 AM
To: Madison Harris
Subject: [Minturn CO] Proposed 16 acre development (Sent by Robert Roschman, rjr@roschman.com)

Hello mharris,

Robert Roschman (rjr@roschman.com) has sent you a message via your contact form (<https://www.minturn.org/user/353/contact>) at Minturn CO.

If you don't want to receive such e-mails, you can change your settings at <https://www.minturn.org/user/353/edit>.

Message:

Madison I have a home at 585 Taylor st and I've been following the progress on the lower density project. I'm in support of this project. Let me know if there's anything else you need to help push through this project.

Ty. Robert 9544946384

Madison Harris

From: Ryan. Schmidt <ryansschmidt@gmail.com>
Sent: Tuesday, June 27, 2023 6:38 PM
To: Madison Harris
Cc: Kara Hasbrouck
Subject: Minturn North Development

Dear Madison Harris,

I am writing to express our sincere interest in the Minturn North housing development. Coming from a modest hard-working Midwest upbringing and having spent over ten years in the Vail Valley, the Town of Minturn has long been the apple of our eye. We've remodeled, twice, and considered opportunities to build a modest single-family home at several locations throughout the Valley and beyond; but Eagle County is home and we prefer living up-valley. This opportunity is very exciting for all involved.

No doubt this project has evolved over the last few years in effort to satisfy all stakeholders while maintaining the fabric that makes Minturn what it is. The current version looks to provide lesser density impacts on the community while providing valuable and much needed infrastructure improvements, alternative roadways in-and-out of town, a community park and access to the Eagle County Trail. Not to mention, additional tax revenue.

We are among many hard-working locals intent on investing the next 20 years or more into the historical culture of this Valley. This emotional investment into the community is what is driving our interest in Minturn. We urge you to support the Minturn North development and welcome its new members to the community!

Most respectfully and sincerely,
Ryan & Kara Schmidt
'Life's a journey, live an adventure'

Bill Hoblitzell and Kristin Thomas
262 Taylor Street
Minturn CO 81645
970-471-6216
billhoblitzell@yahoo.com

June 28, 2023

Minturn Planning and Zoning Committee
Minturn Town Council
Minturn Town Staff

Dear Members of the Planning and Zoning Committee, Minturn Town Council, and Town Staff,

Please accept these public comments regarding the compliance of the proposed Minturn North PUD development with existing community plans. Although I have not yet had time to fully review the PUD proposal in the context of the 2023 Plate Update, I believe it will be found largely in non-compliance with important aspects of that plan as well.

Based on my review, Minturn North is in substantial non-alignment with over a dozen goals and strategies of the community plan, including: the Community Vision, CCGI, CS 1.4 CS 1.11, LUG1, LUS 1.5, AH G1, AHS 1.1, AHS 1.2, PFG1, PFS 1.3, EDG1, EDS 1.3, and the 2023 Future Land Use Map. I have provided an explanation of why it fails to comply with each goal or strategy below.

Review of Minturn North compliance with Minturn Community Plan

The 2009 Minturn Community Plan is the currently active comprehensive planning document until the 2023 Update is adopted by Council resolution. As stated in the plan, it's purpose is to be:

“used by staff, elected and appointed officials, and the at-large community to help direct decisions on the timing, location, type and character of growth and development (physical, economic, and cultural) in the Town of Minturn. The plan provides prioritized goals and outlines strategies against which future activities within the town will be reviewed, helping to ensure each individual project contributes in a manner envisioned by the town to the overall vision of the entire community”

“with a clear understanding of expectations, projects will be reviewed by staff to determine compliance with the community vision”

“compliance with the plan should be heavily weighted during the approval process”

Development of the plan relied upon a collaborative process of multiple resident-attended stakeholder meetings in 2008 including numerous Open Houses and Work Sessions, as well previous community planning efforts. **The community plan therefore articulates the collective values, intents, and goals of the people of Minturn surrounding development projects.**

Regardless of the imminent replacement of the existing plan with the 2023 plan, this plan still provides a substantial articulation of community voice regarding development that remains highly relevant to the proposed Minturn North PUD.

Minturn North non-compliance with Community Plan, specific items:

COMMUNITY VISION (p9)

The Community Vision notes “funky, eclectic style”, “small lot development, diverse architectural styles, vibrant colors of buildings” as key parts of the town’s essence.

Minturn North is not in character with the community vision for diverse architectural styles and vibrant colors due to it’s required monoculture architecture featuring as the only allowable colors for roofs: dark gray, black, and gray brown, and the only allowable colors for exterior walls a ‘natural primary color in the white or gray to brown scale’ (See; Appendix K Minturn North Design Guidelines, p16).

It is not the application of this style per se that is out of compliance, it is the legally enforceable requirement that *all units in the development must adhere to the same style and are subject to an internal DRB control separate and more restrictive than that of the town’s existing design requirements.*

GOALS AND STRATEGIES

The Community Plan identifies ‘Goals’ as statements that articulate the future and ‘will serve as the framework for future land use decisions’. It defines ‘Strategies’ as identification of possible actions that are needed to accomplish goals’ and states that actions are not exhaustive and may need additions and refinements.

GOAL CCG1 Maintain, Build Upon, and Promote the Town’s Image as Unique, Eclectic Non-Resort Town With a Strong Sense of Community

Minturn North is substantially at odds with and in non-compliance with this goal. Permanently enforceable monoculture architectural styles shared across nearly 40 houses on a single street are the opposite of 'Unique' and 'Eclectic' and 'Non-Resort'. In addition, although the first generation of homeowner's partially inherited from Greg Sparhawk's original locals reservation list will provide a high proportion of local occupancy, this development contains an overwhelming preponderance of intrinsic characteristics that will lead to replacement by absentee second homeowners within one to two generations of ownership turnover.

Large square footage homes and high end finishes will drive costs out of local affordability ranges, displaying a long term intent not to house a full time town residents at a variety of socioeconomic levels, but instead, an intent to provide a real estate sales engine for the developer. Contractual and enforceable requirements to permanently embed the developer's personal architectural and design services staff at Resort Concepts also support this intent. POA clauses that do not target actual neighborhood maintenance and upkeep operations but instead directly target and intentionally restrict resident aesthetic expression and resident social behaviors serve no purpose other than 'keeping up appearances' to ensure the development is continually attractive to non-local real estate markets.

This is a resort development through and through, not a small town residential neighborhood.

STRATEGY CS1.2 Consider size limits for residential structures

This strategy remains yet-to-be implemented in town code. However, Minturn North is substantially out of alignment with this strategy via its clear intent to build large resort-style homes and create the legal space to rebuild/remodel even larger homes in future iterations of ownership. It establishes this context via its pursuit of multiple SFE water taps per lot, even for initial build sizes below the 3000 sqft threshold for 1 SFE, its pursuit of variances to existing R1 Game Creek Character and Old Town Lot standards to allow increased maximum allowable building coverage (60% vs existing 40% in Game Creek and Old Town Character Areas) and maximum impervious area coverage (65% vs existing 50% in Game Creek Character Area and Old Town), and additional language to allow non-ground-supported overhanging upper level structures such as second and third story decks to only count towards 50% impervious coverage, when such structures count towards 100% coverage in existing town standards.

Minturn North is seeking to build large resort-style suburban homes, not home sizes predominantly in alignment with the majority of other homes in Minturn and in alignment with Minturn's small town character identified in Goal CCG1.

Strategy CCS 1.4 - Develop and implement methods to maintain the town's eclectic architecture, scale and vibrant color palette

Minturn North is not in compliance with this strategy via its establishment of an architectural monoculture and restrictive color rules enforced via a strongly controlling internal POA and

DRB. The very establishment and use of these types of private neighborhood internal quasi-government entities is in conflict with this strategy and its parent Goal CCG1.

Strategy CCS 1.11 - Allow a variety of lot sizes (small and large lot) as appropriate to specific areas

Minturn North is not in compliance with this strategy. It seeks to plat a full street of uniform large-sized lots with additional variances to lot standards to allow large resort style homes. A small deed-restricted community housing component is included in the PUD plan, but this portion of the development is disconnected from the main development and intentionally located near existing higher density multifamily residential development at the south end of Taylor Street rather than interspersed throughout the development to intentionally build a mixed mosaic of home sizes and socioeconomic levels among downtown residents.

Goal LUG1 Enhance the Town's Status as a Walkable and Bikeable Community.

While remaining internally walkable to downtown for its own residents, Minturn North is in substantial non-compliance with this goal due to its intentional street design decision to eschew connective neighborhood street patterns typical of most well-planned smalltown core developments (i.e., connective neighborhood blocks) in favor of dead-end cul-de-sacs that intentionally discourage pedestrian use by members of the community outside of the development itself. These street patterns further discourage dispersed traffic flows, instead driving more traffic onto Taylor Street and Minturn Road rather than sharing in the typically community burden of distributed traffic flow. In addition, this street design allows the neighborhood to avoid sharing the community burden of overflow parking from community events like Market Saturdays or the ever-increasing visitation and parking use of North Taylor Street for the Game Creek Trailhead. By avoiding sharing in the dispersed flow of pedestrian and vehicle traffic by exclusively utilizing dead end private streets that don't connect redundantly and thoughtfully to the existing town road structure, Minturn North is actually pushing *increased* pedestrian, bike, and vehicle use to Taylor Street in the long term, which will *decrease walkability* and safety those existing locations.

The New Minturn North also continues to fail to address pedestrian safety concerns at the S-turns and Railroad Avenue, instead heaving the financial and engineering burden back to existing residents and town finances, even though the buildout of the development will be directly responsible for increased safety and traffic issues at that location.

Strategy LUS1.5 Promote redevelopment areas as mixed-use centers

Minturn North seeks to misuse the PUD process to build large home R1 SFR development. This is a single use type real estate development that has no functional need of PUD mechanisms or enforceable internal POA and DRB rules. Existing town code, including lot standards and design criteria, is sufficient to govern any new R1 SFR street development as-is.

Goal AHG1: Promote Affordable Housing

Minturn North is not in compliance with this goal. It has replaced smaller home styles and lot sizes contemplated under the original project with large lots and large resort-style homes. Although it proposes 6 deed restricted units geographically set apart from the main development, this is purely to meet minimum possible affordable housing requirements identified by the community. Because Minturn North proposes large, resort-style homes and the ability to aggressively market those homes to non-resident resort buyers by virtue of its internal neighborhood covenants that strongly restrict resident expression, Minturn North as proposed is actually highly likely to result in a *net loss of middle class residents* over time in town. This, along with the minimal amount of affordable housing contemplated, is in strong conflict with Goal AHG1.

Strategy AHS 1.1: Promote the development of housing opportunities for all income levels throughout all areas of town

Strategy AHS 1.2: Allow a variety of lot sizes (small and large lot) as appropriate to specific areas

Minturn North is not in compliance with these strategies for similar reasons to CS 1.11 above. It seeks to plat a full street of monolithic uniform large-sized lots with additional variances to lot standards to allow large resort style homes. A small deed-restricted community housing component is included in the PUD plan, but this portion of the development is disconnected from the main development and intentionally located near existing higher density multifamily residential development at the south end of Taylor Street rather than interspersed throughout the development to intentionally build a mixed mosaic of home sizes and socioeconomic experiences among downtown residents.

Goal PFG1: Ensure that Public Facilities are Planned and Implemented to Support New Growth and Existing Population Centers

Strategy PFS 1.3: Ensure that impacts from new development on existing infrastructure are mitigated

Minturn North is substantially in non-compliance with these goals and strategies. Attempts to implement needed safety improvements to the S-Turns and railroad avenue zone are no longer contemplated to be funded by the new development as they were by the previous. Instead the development proposes a one-time buy off gift of paving Minturn Road north of Game Creek regardless of whether a long term funding structure and O&M plan is in place with the County and the Railroad to continue paving the road in the future. Any new development of any size, large or small, will further exacerbate traffic and pedestrian safety issues in the Railroad Ave S curves zone, as well as the north Taylor Street stub leading to the Game Creek trailhead. Minturn North does not contemplate substantial funding or street/sidewalk improvements in this areas.

Minturn North's non-connective deadend cul-de-sac road structure also positions it to avoid sharing the community parking and dispersed vehicular circulation burden with Taylor Street by ensuring its private streets with no on-street parking will not be available for event, visitor, or trailhead parking.

Goal EDG 1: Diversify the Town's Economy

Strategy EDS 1.3: Attract essential services necessary to form a 'complete' community including grocery, pharmacy, hardware, entertainment.

Minturn North has intentionally positioned itself to be attractive to a higher end real estate clientele and be overtaken as a second home resort community within a few generations of initial home ownership turnover. (See comments above, noncompliance with Goal CCG1, for additional support of this assertion). This will further exacerbate the seasonal 'boom-bust' business cycle in town that is somewhat prevalent in Minturn currently and strongly entrenched in the nearby resort communities of Vail and Beaver Creek. Rather than establishing a modest increase in the number of full time year-round residents in the long term that will frequent downtown restaurants and retail, and essential service businesses in the business park, Minturn North is likely instead to produce seasonal fluxes of homeowners that further crowd downtown eating establishment at high season and holiday periods, but continue to leave them empty at other periods of the year.

Rather than creating a more modest but stable full-time residential base, establishing resort-style private communities in town will further exacerbate business owner issues with retaining under-utilized staff during 'off seasons' while struggling with insufficient staffing to meet high season demand. It is economically better and more resilient to encourage modest growth in a stable full time residential base that will support a smaller number of stable businesses in town evenly and continuously throughout the year, than it is to have a greater overall number of businesses that all experience an unpredictable boom/bust seasonal cycle due to increased second home ownership. Targeting full-time year round residential development rather than Minturn North's resort style private neighborhood development will also ensure the long term and continued viability of vital community business services such as day care, auto mechanics, etc; rather than encouraging replacement of local-oriented business types with boutique retail and other seasonal tourist-oriented business types.

While Minturn North will certainly help shore-up town government's bottom line in the short term via substantial property tax revenues, any other development will also do this without needing to implement the unnecessary and highly undesirable private resort-community aspects requested by Minturn North. In the long term, while shoring up local government revenues, Minturn North is likely to increase the speed and conversion of Minturn to a 'fake town' resort economy, not increase economic resiliency of existing and new locally-oriented businesses. Ensuring the town government's bottom line is secure while simultaneously undercutting town character and long term full time residential occupancy rates is a hollow and self-destructive strategy.

Minturn North as-proposed will not diversify the town's economy, instead, it will ever more-deeply entrench the town into the resort real-estate economy that dominates other valley communities.

Town of Minturn Community Plan 2030 Future Land Use Map

Although this future land use vision presented by the plan represents a 'hopeful' or idealized view of development patterns rather than a current reflection of option (due to such issues as the railroad continuing to avoid relinquishment of the abandoned switchyard etc), Minturn North is substantially out of compliance with community visions and goals articulated in this land use map. Regardless of the actual number and alignment of roads depicted on it, this map clearly displays an intent and vision by community residents for continued small town residential and commercial 'block' style street development on the railroad parcel, rather than dead end suburb cul-de-sacs, with a transitional zone of Low Density Residential abutting Taylor Street. Multiple east-west connections are envisioned from Taylor Street through any new neighborhood, ensuring continued build out patterns in a 'town style' rather than a resort suburb style as Minturn North contemplates.

This road structure and style facilitates the diffuse and redundant dispersal of both pedestrian and vehicular traffic circulation throughout the neighborhood, rather than dumping an increasing number of residents on dead end private streets onto a single existing arterial street, and allowing new developments to avoid the shared public burden of on-street visitor parking during community events and from increasing trailhead use.

It remains the community's hope and position that control of the switchyard property and North Main will one day be transferred from railroad ownership for town uses. Yes, this currently seems improbable, but remember: no one ever thought the triangle parcel in front of Taylor St currently slated for Minturn North would ever be sold by UP either. We need to continue to act and plan for this eventuality as a town. If and when it should occur, rather than a network of small town blocks extending from new potential commercial development on North Main, Minturn North's dead-end and disconnective suburban road style will be permanently inserted between Taylor Street and North Main, forever an oddity and blight on the smalltown urban and residential landscape.



IMPLEMENTATION STRATEGIES

IS4 Comply with and enforce the Minturn Municipal Code

Approving Minturn North with its asserted claims to variance from lot standards, town street development patterns, and internal DRB is substantially in non-compliance with this. Minturn has existing town code governing lot standards and building design on R1 SFR development types that it has recently spent several years and significant financial resources to create and

implement. Granting express permissions a new development that covers 60% of the remaining currently developable land in the Hollywood Heights/Taylor Street area and 10% of the total households in town (39 new households on top of 365 existing households) to operate outside of existing sufficient town code in order to achieve its internal real estate goals is more than substantially out of alignment with Strategy IS4.

IS5 Make Consistent Use of the Community Plan

IS9 Ensure that development applications support the applicable goals and objectives of the Community Plan.

While meeting many other goals and strategies of the community plan, the Minturn North PUD project nevertheless seeks to substantially avoid or reject significant community values articulated around housing size, development types, aesthetic freedoms, and creating a socioeconomic mosaic of lot and home sizes. This haphazard and selective application of Goals and Strategies is not a consistent use of the Community Plan

It is recommended that P&Z, Council Members, and town residents review some of the raw feedback below that was contributed by long time residents to help articulate the community values around development identified in the plan.

Appendix A - raw feedback from 2009 Community Vision Open House

'Minturn is primarily a town of primary residences'

'The Town is a community of 'year-round' lights--someone is always home.'

'We honor and celebrate our unique place in the Valley--small town character, non-resort. **We are not our neighbors'**

'Minturn is a safe, walkable community' (private dead end cul-de-sacs streets are not walkable; they are designed to exclude and discourage use by others)

'We are an affordable, family-oriented community'

'We actively promote Minturn as the unique non-resort mountain town that it is'

'We are a community of active, outdoor minded dog-people' (Bill-forbiddance of fences to create aesthetically clean development for better sales is anti-pet)

'Town has a laid-back attitude' (Bill - rigorous private POA enforcement of subjective nuisance provisions in the proposed development's covenants are designed to harass neighbors regarding supposed 'eyesores' such as rafts, trailers, camps, snowmobiles, etc)

Appendix B - raw feedback from 2009 Goals and Objectives Open House

'Encourage bright colors – people like Pope's bike shop, not the townhomes (too monochromatic)'

'Good design/eclectic'

'If you want [more] ordinances, move to Vail or Beaver Creek'

'Focus on what we want Minturn to be, not on what we don't want to be'

'Smaller lots for new housing'

'Develop plan for railroad property, create opportunity to develop benefit town'

'Tie in Railyard'

'improved sidewalks'

'Promote the development of housing opportunities for all income levels throughout the town, not just in isolated locations'

'smaller lots for single family homes of 2-3 bedrooms'

'support establishment of pocket parks, town too long to walk to one location'

'kids dont own cars so they must be able to walk to parks'

'increase/formalize parking at trailheads'

Closing

Upon review of the existing community plan (the 2023 plan has not yet been formally adopted and implemented), Minturn North is an alignment with some Goals and Strategies, but remains in substantial non-compliance with numerous Goals and Strategies outlining and articulating the collective community values around new development and town growth.

Bill Hoblitzell

Bill Hoblitzell and Kristin Thomas
262 Taylor Street
970-471-6216
billhoblitzell@yahoo.com

June 28, 2023

Minturn Planning and Zoning Committee
Minturn Town Council
Minturn Town Staff

**Re:Minturn North PUD document review comments for:
Appendix C (PUD Guide), Appendix K (Design Guidelines and DRB powers), Appendix X
(Consumptive Use Analysis), Appendix J (POA Covenants)**

Dear Members of the Planning and Zoning Committee, Minturn Town Council, and Town Staff,

Thank you for the opportunity to provide both technical and conceptual feedback on the proposed Minturn North PUD development, which if approved will be the most significant new development that will occur in the Minturn downtown area in the last few decades and likely also for decades to come. This parcel comprises over 60% of the land area of the exiting Hollywood Heights/Taylor Street neighborhood and over 10% of the total town households (reported in the 2020 census at 365).

These comments makes up my partial review and public input of the new Minturn North PUD project and associated documents. It is not exhaustive, it only covers the subset of documents that I have had reasonable time to carefully review so far. I hope that P&Z will not rush review and approval/denial votes without providing ample time for all town residents to fully review, explore, and understand the implications of the proposed development.

This will take more time.

Additional comments may be forthcoming if I am able to review the rest. In general, black text is copied directly from the PUD documents themselves, and blue text represents my comments or analysis of issues or concerns in those texts. Italic or yellow highlighted text is formatted by me for emphasis.

Upon review of the selected PUD documents so far,, I have identified aspects of the development that remain deeply troubling in terms of requested variances to build what is essentially large-lot large-home SFR R1 private neighborhood development. Additionally, internal private governance aspects of this project and its drive to establish its own private quasi-municipal government that supersedes many aspects of the Town of Minturn's authority over its residents is deeply troubling in terms of its anti-community and anti-town tendencies.

Additionally, this project seeks to squander the remaining currently-available drinking water to facilitate development of a few large homes that will likely become non-resident second homes after a number of years and ownership turnover.

Overarching comments

Town Planning Staff has failed to substantially comply with 16-12-3, which describes the intent and purposes of the Railroad PUD, as well the types of public processes that should facilitate its development, in Minturn's existing Municipal Code.

Section 16-12-3- Game Creek PUD Holding Zone

(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* [Emphasis added]

The process for Minturn North review has violated both the spirit and likely the letter of this portion of town code. Since the purchase of the project and transfer to a new developer, with subsequent substantial changes to the size, character, and goals of the project effectively creating a new project indistinguishable from the original, Minturn residents have been completely shut out of community input by the decision of town planning staff to shield this project under the initial application approvals of the earlier Minturn North project. No communication with elected town leadership regarding important aspects of the project have been allowed, and no public review of initial project concepts prior to the now fairly-complete application design was allowed to occur.

No open public process and no community input has occurred. Examples of open public processes include the design charette exercises conducted for the 100 block of Main in Minturn, and the 10-20% design concept public reviews and feedback charrettes that occur for large proposed developments in other communities, such as the North Broadway Project in Eagle. Up until the initial P&Z review of the new project occurring on June 29, no public input has been taken, no public process has occurred, and an effective public gage order has existed with elected town leadership.

Town residents, P&Z, or Town Staff should direct town's legal staff to make a determination whether Planning Staff has potentially acted negligently in failing to apply 16-12-3 to the PUD application while simultaneously and unilaterally moving the application for the new and different project through the approval process for nearly the last year without public input or feedback.

APPENDIX C: PUD GUIDE

SECTION 2 GENERAL INFORMATION

2.3 Property Owners Association

Property Owners Association(s) (“POA’s”) or other similar governing organizations and governing documents including Declaration of Covenants, Conditions and Restrictions (“CCR’s”) may impose additional restrictions and limitations on individual and/or collective land use areas within the Minturn North PUD.

2.5 Governance

This PUD Guide shall be referred to as the Minturn North PUD (“PUD Guide”). The PUD Guide is intended to replace and supersede the Minturn Town Code as amended from time to time. Where the PUD Guide is silent as to regulation, the provisions of the Minturn Town Code shall apply. If there is any conflict between the provisions of this PUD Guide and the provisions of the Minturn Town Code or any other ordinances, resolutions or regulations of the Town of Minturn, the provisions of this PUD Guide shall prevail and govern the development of the PUD.

These two sections (2.3 and 2.5) carve out the POA as an additional quasi-municipal government that will exercise various land use authorities and governance in lieu of the existing town government. This is a huge mistake. This development is a single-type development (R1 SFR) which does not functionally require a PUD vehicle or an ongoing POA entity to be established after build completion and transfer of parcel and home ownership to buyers. POAs serve valid and useful purposes in multi-family residential structure settings with shared assets and maintenance needs such as roofs and exteriors.

Existing Minturn Town Code is already sufficient to regulate and govern Single Family Residential (SFR) homeowners on a fair and equitable footing throughout the town. Establishment of a covenanted neighborhood with a controlling POA that exercises additional restrictive or controlling authorities over its internal residents is an undercutting of town governance, unnecessary, and unfair to these home buyers.

This provision is about enforcing the developer’s own personal preferences for neighborhood aesthetics and homeowner behavior within the fiefdom of their private designer neighborhood. It serves no other functional purpose after buildout, and actually interferes or prohibits the free exercise of property rights and personal residential behaviors available to the rest of town residents. It sold on the premise of neighborhood upkeep but is actually about ‘keeping out the Joneses’, or at least ‘making sure Jonese live up to my vaguely defined and snobbish personal social standard’. It is a low key way

to enforce internal socioeconomic redlining. Despicable and completely unnecessary governance structure for a development that is covered by an existing municipal government. POA entities like this should be banned in Minturn or only allowed under very specific and tightly controlled circumstances and criteria that are rarely met.

2.10 Vested Rights

The Minturn PUD shall be granted vested rights for a period of ten (10) years following the Town of Minturn Town Council approval of the PUD Preliminary Development Plan.

Vested rights should be granted for a shorter time period and preferably only after approval of the Final Plan and Final Plat; this is a sneaky way to lock in their claim and rights to develop the property even if they have not achieved a final plan that is agreeable and acceptable to the community. This is VERY IMPORTANT to prevent plans that are speculative in nature or to prevent developers from bulldozing planning processes and making an end-run around the community to secure development rights for an undesirable project on a parcel in town.

SECTION 3 DEFINITIONS

Declarant: Declarant of the Minturn North PUD is Minturn Crossing, LLC, and/or assign. Declarant reserves all rights, authority and privileges granted by the PUD, *including ownership of remaining or excess SFE's, if any, that have been purchased by Declarant from the Town of Minturn. [Emphasis added]*

Why does the proponent claim ownership on SFEs not being used by completed houses? And even more troubling, why is this language claiming permanent ownership of unused water taps buried/hidden in the *Definitions* section of the PUD guide? Under the definition of 'Declarant', it should only require the simple definition in the first sentence. Inserting a clause about water ownership here is an awfully sneaky and disingenuous move. Utterly dishonest strategy.

In the PUD Guide definition of **Building Lot Coverage**, it declares:

“Additionally, fifty percent (50%) of the total area of second- and third-level decks shall be counted towards the allowable building lot coverage.”

Current Minturn Town Code 16-2-50 *Specific lot requirements and dimensional standards* reads as follows: “(j) All cantilevered building elements and areas count toward maximum building lot coverage and maximum impervious lot coverage.”

This seems to be implying that the PUD is seeking to only be required to count half (50%) of non-ground supported upper level decks towards total lot coverage and

impervious coverage, whereas the rest of the town has to count the full deck. Essentially, the PUD is exempting itself from similar building coverage definitions as the rest of the town so that it can build out to a larger lot coverage.

This is coupled with its claim later in the documents of for a variance to itself to allow variance to build 60% lot coverage, when the rest of the Game Creek Character Area (i.e. Taylor St) remains limited to 50% lot coverage. If this interpretation is correct, this is *yet another self-serving carve-out from existing town design standards to facilitate larger home construction.*

Fences: Fences of any kind are specifically prohibited except along the boundary of PA-3. Fencing, if any, shall conform to the CPW Wildlife Friendly fencing guidelines. Fencing of lots and/or the property boundary is prohibited.

Fences serve real and valuable functions for full-time residential families, especially those with children and/or pets. They provide outdoor spaces for pets to restrain them from entering streets or chasing other animals, and keep young/small kids from accidentally entering streets during play. There is no conceivable reason residents in this development should be disallowed from having fences while residents elsewhere in town and on Taylor Street can. This provision is about enforcing the developer's personal preferences for clean and minimalistic aesthetics in their designer neighborhood, it serves no other social purpose and actually interferes or prohibits the very useful social purposes that fences behind or between houses currently provide to all other town residents

2.11 Signage and Illumination

Signage identifying the neighborhood is allowed within the privately owned interior roadway R.O.W. subject to approval by the Minturn North and Town of Minturn Design Review Boards.

This permission for interior neighborhood signage should be removed. Individual neighborhood signage does not exist elsewhere in Minturn and is not needed here. Such signage seeks to establish 'communities within the community' and highlight the separate, elitence of semi-private neighborhoods. Along with privately run neighborhoods and privately run streets themselves, this should be avoided in Minturn as against our community values. Further evidence that this private development has no desire to integrate naturally and harmoniously with town and existing residences on Taylor Street; it wishes to highlight itself as set-apart from the rest.

SECTION 4.0: PLANNING AREAS, ALLOWED USES AND ZONING STANDARDS

4.1 B. Development Standards

4. Impervious Surface Area: Max 65%
5. Building Lot Coverage: Max 60%

These standards do not identify themselves as a variance, but they are in fact seeking major and significant variance from the existing R1 SFR lot and structure standards in the Game Creek Character Area, which set Max Building Lot Coverage at 40% and Max Impervious Surface Area Coverage at 50%. The developer is seeking a 20% increase to Max Building Lot Coverage and a 15% increase to Max Impervious Surface Area coverage. This serves no community purpose other than to allow for construction of larger home sizes and bulk than what are currently permitted in the Game Creek Character Area and elsewhere in town.

The original stated purpose of the Railroad PUD Holding Zone, and the purpose of PUD development vehicles in general is to allow towns to set aside their standard zoning codes in order to consider unique components and issues such as increased density for affordable housing, mixed use zones with commercial interspersed with residential, difficult site topography, or other conditions. Since this development is proposing single development type R1 SFR, and is effectively requesting an unofficial downzoning by requesting large lots and multiple provisions for increased home sizes, the need and applicability of allowing variances to existing SFR dimensional standards no longer exists. This development should be subject to exactly the same R1 SFR dimensional standards applicable to Taylor Street/Game Creek Character Area in existing town code.

These requests represent a (fairly disingenuous) misuse of the PUD process by the developer, and potentially, town planning staff. Variances should be denied outright for increases to building footprint and impervious area, large lot sizes, and deny the request to count elevated cantilevered porch and deck areas at 50% towards lot and impervious coverage, when regular town code counts them as 100%.

When does the sneakiness and repeated attempts to circumvent existing town codes to facilitate the building of large resort styles homes end? Enough is enough.

4.4 Town Dedication Parcel

A. Permitted Uses: Dark sky compliant lighting and signage, park and play structures, greenspace, trails, paths, utilities, active and passive recreation, snow storage, stormwater and drainage facilities, seating, dog park, refuse containers, **single-family, duplex, townhome and multi-family residential parking and uses determined to be similar by the Town of Minturn Town Council.**

It is completely reprehensible to allow the developer to dispose of duplex, townhome, or multifamily components in the rest of his large house, privately managed development, then set aside a portion of the dedicated community open space that is necessary for

significant snow storage and shared public open space uses such as playground for potential future town staff housing. The dedication of this parcel should specify that it will remain forever only for open space uses (playground, dogpark, snowstorage, etc) and multifamily uses be removed from consideration. Why should the community provide a 'by' to this developer to build large lot, large home, second-home non-resident owner friendly, privately-managed R1 SFR on the parcel previously identified for mixed use development, then take the remaining publicly-available open space and use it for apartment housing.

SECTION 5.0: VEHICULAR AND PEDESTRIAN CIRCULATION STANDARDS AND DIMENSIONAL LIMITATIONS

This plan is deficient in town-character neighborhood design and vehicle circulation due to its insistence on the construction of dead end cul de sac roads with no redundant connections to either Minturn Road or Taylor Street. Town code in communities like Crested Butte that are more protective of their small town development character than apparently Minturn wishes to be disallow/forbid new streets to have less than two connections to existing roadways.

As proposed, once the east-west pedestrian access parallel to Game Creek (the formerly proposed 6th street) is removed and unhindered east-west pedestrian access is no longer available across the undeveloped southern portion of the property, 4th street will become the primary cross-through thoroughfare for the majority of central and northern Taylor Street residents and visitors to the Game Creek Trailhead. 4th street will also be the primary and sole egress for all pedestrian residents of the proposed new development.

Due to this greatly increased usage, sidewalks should be instituted on *both sides of the street* and at least one lane of unrestricted public parking should be included on either the north or south side of 4th street to facilitate the shared neighborhood burden of overflow parking necessary to accommodate the ever-increasing usage of Game Creek trailhead in both summer and winter. Stop skimping on standard neighborhood design aspects common to small town development including sidewalks and unrestricted public on-street parking.

In general, Miles End Lane should not be constructed as a deadend cul-de-sac and should connect through between Taylor St and Minturn Road at the north end, and connect to either Minturn Rd or Taylor St at the south end. The northern connection will reduce the prevalence and burden of speeding visitor traffic to the Game Creek trailhead currently experienced by north Taylor St residents by allowing distributed travel patterns for vehicles and allowing trailhead users to opt for a direct egress to Minturn Road. It will also provide for better and safer circulation of both plow and EMS vehicles on the northern stub of Taylor Street and within the new development. Placing additional Game Creek trailhead parking at the west end of this connective street (old 6th street) and

construction of a sidewalk will further reduce vehicle traffic directly to the trailhead and disperse parking overflow burden evenly to Minturn Road and Miles End Lane instead of saddling only Taylor Street with the visitor use burden.

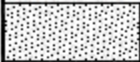

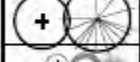

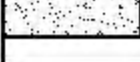
SECTION 8.0 SUSTAINABILITY AND CONSERVATION

8.2 Water Quantity Measures

Indoor water fixtures and outdoor irrigation fixtures shall use the latest technologies and be water use efficient fixtures. Residential fixtures, including but not limited to, toilets, urinals, shower heads, faucets, 16 irrigation controllers shall be certified by the EPA's Water Sense program, or have an equivalent rating. Other irrigation devices, such as spray sprinkler bodies shall be rated for efficiency and low flow. All water using residential appliances, such as dishwashers, ice machines, and washing machines, shall be certified by the Energy Star program. This will reduce water needs for the project.

This development proposes to utilize 2 taps (SFEs) for each individual SFR lot, regardless of whether the structure on the lot exceeds the 3000 sq ft equivalency to require 2 taps. In the Preliminary Landscaping Plan (Appendix W) it further proposes an average of 3500 square feet of irrigated outdoor spaces per lot, for a total of $33 * 3500 = 115,000$ sq ft = 2 football fields of outdoor irrigation.

Given these unnecessary and egregious squandering of the town's remaining residential taps and water supply, this section should be understood as nothing more than weak attempts at 'greenwashing' the development. Claims of sustainability and wise/equitable use of water resources in this resort-style large home development are pure marketing fantasy and frankly, utter BS

TYPICAL LOT LANDSCAPE ESTIMATED IRRIGATION: (LOTS 1-33 TOTAL MAX. IRRIGATION OF 4,000 SF)		SQUARE FOOTAGE OF IRRIGATION
	PERMANENT POP-UP SPRAY IRRIGATION FOR BLUEGRASS SOG	1,595 SF
	PERMANENT SPRAY OR DRIP IRRIGATION FOR PERENNIAL BEDS	25 SF
	PERMANENT DRIP IRRIGATION FOR B&B TREES	7 TREES x 4.5 SF = 32 SF
	PERMANENT DRIP IRRIGATION FOR 5 GAL SHRUBS & GRASSES	55 SHRUBS x 3 SF = 165 SF
	PERMANENT SPRAY IRRIGATION FOR NATIVE SEED	1,750 SF
		TOTAL PERMANENT IRRIGATION = 3,567 SF

(Figure above is screenshot from Appendix W describing irrigation square footage for most lots.)

SECTION 9.0: DESIGN GUIDELINES

Design Guidelines have been provided to govern all properties within the Minturn North PUD. The

Design Guidelines will supplement and complement this PUD Guide. Where any conflict may occur, the most restrictive provision shall govern. Provisions of the PUD Guide shall be administered by the Town of Minturn. Provisions of the Design Guidelines shall be administered and enforced by the applicable Minturn North Property Owners Association. Design Guidelines are subject to continued change and refinement by the Minturn North Property Owners Association Board of Directors. All home construction and renovations are subject to the Minturn North Design Review Board and the Town of Minturn Review Board. Approvals of all construction and renovations must be obtained from the Minturn North Design Review prior to submittal to the Town of Minturn Design Review Board.

SECTION 12.0: PUD AMENDMENTS AND MODIFICATIONS

It is anticipated that modifications to this PUD Guide may be necessary from time to time as the development of the PUD progresses. An amendment may be filed only with the approval of the Declarant. The amendment procedures found in the Town of Minturn Code shall govern amendments to this PUD. Subject to the provisions set forth below, Minor Modifications may be authorized by Declarant and approved at the discretion of the Town of Minturn Town Manager, Town Planning Commission or Town Council without requiring an amendment to the PUD, provided that the changes are similar in nature and, do not impact the listed permitted uses, are consistent with the intent of boundaries of a given parcel, do not adversely affect environmentally sensitive areas, or affect Game Creek stream setback requirements.

Minor Modifications shall include, without limitation, the following:

1. Internal road and sidewalk alignment alterations subject to approval by the Town Engineer;
2. Trails alignment alterations;
3. Technical and engineering considerations first discovered during actual development which could not reasonably be anticipated during the approval process, subject to approval by the Town Engineer;
4. Modifications to development standards, not including building height or perimeter setbacks or parking requirements approved as part of the PUD, which do not have a significant material impact upon the overall intent of the PUD and which allow the improvements to be developed in a safe and efficient manner;

Note that maximum lot building coverages and maximum impervious areas are not excluded here from Minor Modifications that can be approved at discretion of planning staff. This likely means that with only staff approval, the allowable building envelope (and thus allowable home size) can be arbitrarily increased at any point in the future. Disingenuous. BS.

5. Adjustments to Planning Area boundaries up to 10% where the modification does not change the overall intent of the PUD nor result in the increase in the overall density approved within the PUD;

This likely means that Planning Areas such as the snow storage buffer/margin on Taylor St (PA-5) can be arbitrarily reduced in the future at the discretion of the Minturn North POA and town planning staff without a public vote. Disingenuous. BS.

This is further evidence of the need for the project proponent to fully and completely dedicate these public areas to town ownership, not hold them within POA control.

6. Additions of land uses not previously itemized in the PUD Guide but are found to be similar, consistent, or having similar impacts to or with other uses listed in the PUD Guide;

8. Temporary uses and lay down, if determined by the Town of Minturn Town Manager to be necessary to ensure appropriate review of the proposed uses; and

9. Any other minor change that has no effect on the overall intent of the PUD.

Note again that the overall intent of the PUD as originally defined in 16-12-30 has already been summarily changed and/or abandoned by town planning staff, as the development proposes single use R1 SFR development only, which has no need for special PUD processes or special post-build governance entities such as POAs.

As a reminder, the intent of the PUD is described in 16-12-30(b) which states:

(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.

The current proposed development reflects neither the original intent of the PUD Holding Zone, nor the character of the existing Game Creek Character Area, nor the Old Town Character Area, nor the 100 block. It in fact does not reflect the character of anywhere in town, rather it reflects the character of the semi-private large home resort developments that it seeks to emulate in Edwards, Arrowhead, and elsewhere in the county.

APPENDIX X: CONSUMPTIVE USE ANALYSIS

3.0 PROPOSED DEVELOPMENT AND WATER USES

3.1 Residences

There are two types of residences being proposed as part of the Project. There are a total of 39 lots planned for the Development. **Of those lots, 33 will be allocated 2 SFEs**, while the remainder will be allocated 1 SFEs. Also of total 39 lots, 33 will be limited to only 4,000 square feet of irrigation and 6 lots will be limited to 2,000 square feet of irrigation.

No reasonable explanation has yet been provided for why single home lots are requiring two water taps. The presumable obvious reason is the two taps are intended to service a preponderance of very large homes-- homes that are or one day will be well over the 3000 sq ft equivalency threshold for 1 SFE tap. Although in informal conversations, the developer has insisted that homes start at 1800 sq ft and many prospective buyers have requested only the smaller models, he has declined to provide any final breakdown of the actuality of homes in various square footage categories, and has not provided any satisfactory explanation of why the homes being proposed under 3000 sq ft still need 2 taps.

This request should be carefully considered in conjunction with assertions and claims elsewhere in the PUD Guide over full ownership of any remaining, unused taps previously promised by the town, *regardless of whether they are needed for a completed structure*. The presumable reason is that the developer wishes to pre-secure and sit on the remaining water in order to retain the business option to offer larger rebuild/remodel options to second-generation home buyers who are purchasing homes that were previously built under the 3000 sq ft SFE equivalency threshold and now wish to further expand their home size.

APPENDIX K: MINTURN NORTH DESIGN GUIDELINES

Minturn North PUD

In the event a discrepancy exists between this set of Design Guidelines and the Minturn North PUD, the Minturn North PUD shall overrule. All homes and improvements shall be approved by the Town of Minturn Design Review Board after receiving Minturn North Design Review approval.

The power to supersede the town's existing DRB effectively renders it moot, pointless, This provision is about enforcing the developer's own personal preferences for neighborhood aesthetics and homeowner behavior within the fiefdom of their private designer neighborhood. It serves no other functional purpose after buildout, and actually interferes or prohibits the free exercise of property rights and personal residential behaviors available to the rest of town residents.

It sold on the premise of neighborhood upkeep but is actually about 'keeping out the Joneses', or at least 'making sure Joneses live up to my vaguely defined and snobbish personal social standard'. It is a low key way to enforce internal socioeconomic redlining. Despicable and completely unnecessary design governance structure for a development that is covered by an existing municipal government. POA entities like this internal DRB for SFR development should be banned in Minturn or only allowed under very specific and tightly controlled circumstances and criteria that are rarely met.

DESIGN REVIEW PROCEDURES

The contractually enforceable requirement to utilize Resort Concept staff is littered throughout nearly all the procedures and functions described in this section

An enforceable Requirement to utilize Resort Concepts staff for all aspects of DRB procedures during New Construction *as well as* Renovation effectively contractually embeds Resort Concepts into all future home decisions of residents in the private neighborhood. Given that it is a master planned real estate development, it may be somewhat understandable to require the services of Resort Concepts for initial architectural work and decisions. However, once the home is completed and the development is matured, the continued requirement to utilize Resort Concepts Staff for design preparation, review, and approval is completely reprehensible and represents little more than a greedy power grab by the project developer and an ongoing business welfare handout to his own company.

The neighborhood should not be run as a long term revenue generator for the development proponent's personal businesses. This is further evidence that the town should completely forbid private management of neighborhoods by requiring full dedication of public streets, full town dedication of public open spaces, banning internal DRBs for R1/SFR development, and banning the use of POA's in general for any social control purposes or other uses beyond necessary shared exterior maintenance functions.

These provisions are about enforcing the developer's own personal preferences for neighborhood aesthetics and homeowner behavior within the fiefdom of their private designer neighborhood, as well as ensuring long term unavoidable revenue generation for his personal businesses on the backs of local Minturn homeowners. It serves no other functional purpose after buildout, and actually interferes or prohibits the free exercise of property rights and personal residential behaviors available to the rest of town residents. Despicable. DO NOT ALLOW IN MINTURN.

APPENDIX J: POA COVENANTS

Section 15.7 Regulation of Pets.

Subject to applicable law, the Executive Board shall have full and absolute authority to adopt and enforce rules and regulations related to pets within Minturn North, including, without limitation, the prohibition of pets by tenants or of pets deemed dangerous, exotic or a threat to the well-being of people or other animals or otherwise being possessed of a disposition that is unreasonably annoying to other residents. Habitually barking, howling or yelping dogs shall be deemed a nuisance and shall be subject to permanent removal from the Community. No dogs, cats and other customary household animals are allowed to be raised, bred or maintained for any commercial purpose. Dogs must be leashed at all times. The Executive Board has the right to determine in its sole discretion whether any animals are being kept for commercial purposes or are being kept in violation of any of the rules and regulations adopted by the Executive Board with respect to pets. The Executive Board may take such action or actions as it deems reasonably necessary to correct any violation, including, after notice and the opportunity for a hearing as provided in the Responsible Governance Policies of the Association, directing permanent removal of the animal(s) from the Community and/or the imposition of fines during any period of violation.

Nuisance or unsafe animals are already provided for in existing town and county regulations and code. The ability of the private neighborhood government to fine, ban, permanently remove, or otherwise seize peoples pets is an insane level of intrusion into personal property and lives.

Section 15.8 Nuisances and Unsightliness. No noxious or offensive activity shall be carried on within the Community, nor shall anything be done or maintained thereon that may be or become an annoyance or nuisance to others, endanger the health or safety of other Owners, violate the law or any other provision of this Declaration or the governing documents of the Association, or otherwise detract from the Community's value as an attractive residential community. Subject to applicable law, the Executive Board and the Design Review Board shall each have full and absolute authority to adopt and enforce rules and regulations related to nuisances, unsightliness and/or hazardous activities or conditions within Minturn North, including, without limitation, the regulation or prohibition of storage, trash receptacles, trailers and campers, recreational vehicles, sports and playground equipment or improvements, exterior lighting and light bulb color, exterior sound devices and other activities or items deemed unsightly or a nuisance by the Executive Board. The Executive Board may take such action or actions as it deems reasonably necessary to correct any violation, including, after notice and the opportunity for a hearing as provided in the Responsible Governance Policies of the Association, directing permanent removal of the offending item(s) from the Community and/or the imposition of fines during any period of violation.

This is not about people's lives and building a great neighborhood in a great small town.
This is not about granting a POA the minimum necessary powers to maintain and run the

physical infrastructure of a neighborhood. This is about Control. Greed. Snobbishness. This is all about the \$\$ and the ability to market the real estate.

Section 15.10 Declarant's Exemption. Nothing contained in this Declaration shall be construed to prevent (i) the exercise by Declarant of any special declarant rights (as that term is defined in the Act); or (ii) **the erection or maintenance by Declarant or its duly authorized agents, of temporary structures, trailers, improvements or signs necessary or convenient to the development, marketing or sale of property within Minturn North;** provided, however, that Declarant shall comply with all applicable laws in the exercise of the rights in this Section.

Not much more to say here. All of this is an insane intrusion and imposition into personal property and behavior. It is completely unnecessary for functional neighborhood operation of streets and landscaping and snow removal, which are just about the only legitimate functions of a POA. It's about the control and the \$\$\$ and the ability to sell the neighborhood as a desirable community... 'desirable to who?' we might ask. Not full time middle class valley residents. Desirable to absentee resort home owners. Resort Concepts. Says it all. Its about the control and the \$\$\$. These covenants are among the most clear and direct statements made in the entire PUD package that this is a real estate development, not a neighborhood. This is anti-town, anti-community-, anti-neighbor. Anti-Minturn. Enough is enough.

16.4.15 Development Plans. Declarant may at its discretion at any time, and from time to time without notice, elect for whatever reasons it deems appropriate in its sole and absolute discretion to (a) notwithstanding any proposed development or site plan for the Community, **change such development plan or the style, design, size, price, materials, specifications, number of units, or any other feature or attribute of lots or residences Declarant owns or may build within the Community or in the vicinity of the Project,** (b) change the timing of its construction of any other residences or decide not to build at all any or all other residences contemplated by any development plan related to the Community, and/or (c) use any method of marketing to sell, lease or otherwise dispose of any or all of its remaining or future inventory of lots or residences within the Community, including the use of incentives, concessions, price reductions, lot sale programs, bulk sales, or other promotions and techniques without any obligation to offer any comparable benefits to Owner. **Declarant cannot be responsible for fluctuations in the market for the price of homes or for other market conditions affecting the Community, and Declarant has the absolute right to respond to market demands.**

Applicant definitely appears deeply committed to the greater community, the town, and his prospective new home buyers and future home owners. Applicant definitely does not appear to be claiming the contractual right to disown all his promises and statements to town staff and residents about the characteristics development in order to dump the property or arbitrarily build even larger homes at his discretion if it is an expedient financial decision for himself and Resort Concepts.

Closing

Upon review of the selected PUD documents, I have identified aspects of the development that remain deeply troubling in terms of requested variances to build what is essentially large-lot large-home SFR R1 private neighborhood development. Additionally, internal private governance aspects of this project and its drive to establish its own private quasi-municipal government that supersedes many aspects of the Town of Minturn's authority over its residents is deeply troubling in terms of its anti-community and anti-town tendencies. Additionally, this project seeks to squander the remaining currently-available drinking water to facilitate development of a few large homes that will likely become non-resident second homes after a number of years and ownership turnover.

Minturn North is clearly and deeply out of alignment with numerous community values and community governance frameworks. It is recommended that P&Z deny a recommendation to Town Council for plan approval and final plat in its current state.

Regards,

Bill Hoblitzell
Kristin Thomas

Madison Harris

From: Kendal Gotthelf <kgotthelf43@gmail.com>
Sent: Friday, June 30, 2023 11:23 AM
To: Madison Harris
Subject: Letter to Town Council concerning Minturn North

Minturn Town Council,

My name is Kendal Beer. My husband and I have lived at 1010 Main Street since 2020, prior to that we lived at 205 Main Street Unit 5. We have had a reservation in the Minturn North project since it was first announced. Since then, we have seen the price of homes in Minturn, and Eagle County, drastically increase. Based on data from the Vail Board of Realtors Multiple Listing Service, the average price per square foot has increased 66.67% in Minturn since 2019. The average sold price in Minturn in 2019 was \$837,178 and the average sold price in 2022 was \$1,301,083. That is a 55.6% increase in average residential home price in just 3 years. We passed up multiple opportunities to buy property over the past 4 years because we want to live in Minturn. We were hopeful that the first developer would follow through on his promises and now we are being financially forced out by Resort Concepts. I formally requested a smaller home design from Rick Hermes with Resort Concepts on June 29th, 2023. We are reservation holders of one of the six “locals only” lots. I would live in a tiny home if it meant I could own property in this community. I think it is important to hold him accountable and request that the homes being built conform to current design standards in Minturn with 55% surface coverage and fit the current aesthetic of Taylor Street homes. Rick mentioned in his presentation to the planning commission that he was working on custom designs with several reservation holders in the room. He extended the same courtesy to me and my husband this morning, June 30th, and we will be meeting with him to discuss our options on July 6th at 1:00 pm. We both work two jobs in Eagle County and our rent in Minturn has gone up 50% since we moved into our home at 1010 Main Street in 2020. Affordability is a huge concern of ours and I know the building footprint of these proposed homes is a concern of the town, especially existing homeowners on Taylor Street. My request for a smaller-sized home that would not only be more affordable but reduce the footprint on the lot size would help satisfy my needs and the concerns of residents on Taylor Street. Furthermore, Resort Concepts brought their proposal after 2019 so they should be following the “Minturn Housing Action Plan 2019”. If you are truly seeking opportunities for a balance between second homeowners and locals in the town then Resort Concepts should be held to the housing actions standards. Minturn Town Council identified attainable housing for year-round locals as one of their top policy priorities. Attainable housing remains a top priority and should be treated as such. Housing is a foundational component of any community, so I am asking that you require the “locals only” lots to be built in a way that makes them financially attainable. As we heard from Paul Gotthelf during the Planning Commission meeting, building homes in Vail can be done for a fraction of the cost that Rick Hermes has suggested. I am also formally requesting that you consider a 2-3 % transfer tax for all present and future buyers of the 39 lots that do not work a minimum of 30 hours a week in Eagle County.

Thank you,

Kendal Beer

1010 Main Street

Minturn, CO 81645



Minturn North Planned Unit Development

Due to the size of the Minturn North PUD application, it has been converted to an Adobe Cloud link. Please either click the following link or copy and paste it into your browser's search bar.

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:a3b791d9-1f60-4a70-bfc9-a8f20aa16582>

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3. Appendix A: Property Legal Description – Pg. 189
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7. Appendix E: Pedestrian Circulation Map – Pg. 228
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10. Appendix H : Draft Locals Housing Deed Restriction – Pg. 231
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19. Appendix M.5 : Stormwater Quality Report – Pg. 936
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21. Appendix O: Environmental Impact Reports – Pg. 950
22. Appendix P: Eagle County Schools Impact Statement – Pg. 1049
23. Appendix Q: Financial Impact and Estimated Tax Revenue Report – Pg. 1051
24. Appendix R: Draft Subdivision Improvements Agreement – Pg. 1063
25. Appendix S: Community Plan – Pg. 1087
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29. Appendix W: Preliminary Landscape Plan – Pg. 1138
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31. Appendix Y: Preliminary Plat – Pg. 1165
32. Appendix AA: Off-Site Improvements Engineers Cost Estimate – Pg. 1170
33. Appendix AB: Draft UPRR On-Site Work Agreement – Pg. 1172
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**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 19 – SERIES 2023**

**A RESOLUTION APPROVING THE MINTURN NORTH PRELIMINARY
DEVELOPMENT PLAN FOR PLANNED UNIT DEVELOPMENT (PUD) AND
PRELIMINARY PLAT LAND USE APPLICATIONS**

WHEREAS, on or about December 16, 2022, Minturn Crossing, LLC. (hereinafter, the “Applicant”) submitted an Updated Preliminary Development Plan for Planned Unit Development application (hereinafter, the “Updated Preliminary Plan”) for the Minturn North PUD, a corresponding Updated Preliminary Plat for Subdivision application (hereinafter, the “Plat”), and an accompanying application for an Amendment to the Official Character Area and Zone District Map (hereinafter, the “Updated Zone District Amendment”) for review and approval by the Town pursuant to Article 15, *Planned Unit Development Overlay Zone District*, Article 21, Division 3, *Amendments*, Chapter 16, *Zoning*, and Article 17, *Subdivisions* of the Minturn Municipal Code (hereinafter, the “Code”); and

WHEREAS, the Town of Minturn Planning Commission (hereinafter, the “Commission”) recommended approval of Minturn North Concept Development Plan for Planned Unit Development application (the “Concept Plan”) on January 8, 2020 and authorized the Applicant to prepare the Preliminary Plan application in general accordance with the Concept Plan; and

WHEREAS, the Applicant submitted a Preliminary Development Plan for PUD application (hereinafter the “Original Preliminary Plan”), along with Preliminary Plat for Subdivision application (hereinafter the “Original Preliminary Plat”), and Zone District Amendment application (hereinafter the Original Zone District Amendment”) on March 19, 2020; and

WHEREAS, the Commission held public hearings at their regular meetings of April 14, 2021, June 23, 2021, July 28, 2021, and August 25, 2021 (hereinafter the “2021 Commission Hearings”) to review the Original Preliminary Plan, Original Preliminary Plat, and Original Zone District Amendment applications; and

WHEREAS, the Commission, based on application materials, facts, testimony and staff report(s) provided during the 2021 Hearings, forwarded a recommendation for denial of the Original Preliminary Plan, as well as recommendations for approval of the Original Preliminary Plat and Original Zone District Amendment to the Town Council (hereinafter the “Council”); and

WHEREAS, the Applicant revised the Original Original Preliminary Plan, the Original Preliminary Plat and the Original Zone District Amendment based on Commission testimony as well as testimony from the general public and presented revised plans to the Council at the April 6, 2022 regular meeting, and during a noticed public hearing and special meeting held May 5, 2022; and

WHEREAS, at their special meeting of May 5, 2022, the Council considered the revisions to the Original Preliminary Plan, the Original Preliminary Plat and the Original Zone District Amendment, and voted unanimously to remand the Original Preliminary Plan, the Original Preliminary Plat and the Original Zone District Amendment back to the Commission for further consideration and review and with specific, critical feedback and direction to re-evaluate and address issues and outstanding details including but not limited to overall project density, project phasing, project layout and civil engineering, open space requirements, proposed cost sharing ratios for public improvements, as well as potential off-site impacts from the project; and

WHEREAS, the Applicant has presented the Updated Preliminary Plan, Updated Preliminary Plat, and Updated Zone District Amendment applications in direct response to the Council's direction and action to remand on May 5, 2022; and

WHEREAS, the Updated Preliminary Plan allows for the development of thirty-nine (39) single-family dwelling units to be constructed on thirty-nine (39) lots of varying sizes serviced by Minturn Road, Taylor Avenue, new 4th Street road improvement, and private access road(s), sidewalks, regional trail connections and utilities, as well as the development of open space, drainage improvements and drainage ways, landscaping, project identification signage, Game Creek trailhead parking improvements; and

WHEREAS, the Applicant intends to construct all required on- and off-site public infrastructure and improvements, all vertical construction of all 39 residential lots, and to complete subdivision of the PUD in one (1) phase and over a limited, reasonable time frame; and,

WHEREAS, the Applicant possesses credits for up to six (6) pre-existing water taps or Single-Family Equivalents ("SFEs") for the Property; and

WHEREAS, in accordance with the Town of Minturn Continued Water Moratorium as promulgated in Ordinance No. 2, Series 2023, (the "Moratorium"), the Applicant acknowledges that up to seventy (70) SFEs of available water service are reserved for the Minturn North Project and that in the event that a final plat and/or a Final PUD Plan is not approved for the Minturn North Project on or before September 30, 2023, the reservation of SFEs for the Minturn North Project shall automatically terminate and Council may amend this Ordinance to reallocate available SFEs for other water service; and

WHEREAS, at their regular meeting of June 28, 2023, the Commission held a public hearing to consider the remanded and Updated Preliminary Plan, Updated Preliminary Plat, and Updated Zone District Amendment applications, requested variations, associated reports, referral agency commentary and recommendations, staff recommendations and findings, public testimony, and suggested conditions of approval; and

WHEREAS, at their regular meeting of June 28, 2023, the Commission acted to recommend approval with conditions of the Updated Preliminary Plan and Updated Preliminary Plat applications, and to recommend approval without conditions of the Zone District Amendment application to the Council because the Updated Preliminary Plan, Updated

Preliminary Plat, and Updated Zone District Amendment applications were found to be in conformance with applicable standards, including conformance with the 2009 Minturn Community Plan (hereinafter the “Community Plan”), as conditioned; and

WHEREAS, at their regular meeting of July 5, 2023, the Council held a public hearing to consider the Updated Preliminary Plan, the Updated Preliminary Plat, and the Updated Zone District Amendment, as well as applicable standards and findings of the Code, requested variations, associated reports, referral agency commentary and recommendations, staff recommendations and findings, Planning Commission recommendations and findings, testimony, and suggested conditions of approval pursuant to Section(s) 16-15-170 and 17-50-60; and

WHEREAS, at their regular meeting of July 5, 2023, the Council approved the Updated Preliminary Plan and Updated Preliminary Plat, with conditions, because the Updated Preliminary Plan and Updated Preliminary Plat were found to be in conformance with applicable standards, including conformance with the Community Plan; and

WHEREAS, the Council’s actions with respect to the Updated Zone District Amendment are memorialized in Ordinance 09, Series 2023; and

WHEREAS, public notice was properly given pursuant to the Code, Section 16-21-610, Public Notice, for public hearings held by the Commission; and

WHEREAS, public notice was properly given pursuant to the Code, Section 16-21-610, Public Notice, for a public hearing held by the Council; and

WHEREAS, the Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Section 16-21-30; and

WHEREAS, pursuant to the Minturn Municipal Code Section 16-1-20, Purpose of Provisions, the most appropriate use of the subject property is allowed via the approval, with conditions, of the Updated Preliminary Plan and Updated Preliminary Plat; and,

WHEREAS, pursuant to Minturn Municipal Code Section 16-15-160(1), Preliminary plan evaluation criteria, the Council finds that:

- (1) The resulting development **will be** consistent with the Community Plan and the proposed PUD reflects the character of the Town;
- (2) The area around the development **can be** planned to be in substantial harmony with the proposed PUD;
- (3) The adjacent and nearby neighborhoods **will not** be detrimentally affected by the proposed PUD;

- (4) The mass and scale of individual buildings and the overall density of the PUD **will be** consistent in scale and character and **will** avoid abrupt and/or severe differences with the surrounding area;
- (5) The PUD **can be** completed within a reasonable period of time, which shall be determined prior to final approval of the PUD;
- (6) The PUD **provides** for the appropriate treatment of the Eagle River corridor as a community recreational amenity and focal point;
- (7) The residents of the PUD **will** have easy access to recreational amenities.
- (8) Any increase in density proposed above what is permitted in the underlying zone **will be** mitigated by increasing the land dedications to open space, recreational amenities or other public facilities and services;
- (9) Commercial or industrial development **is not** proposed;
- (10) The streets **are** adequate to support the anticipated traffic, and the development **will not** overload the streets outside the planned area;
- (11) Proposed utility and drainage facilities **are** adequate for the population densities and type of development proposed;
- (12) Residential density and intensity of other uses **will be** limited as required by the Town Council, upon consideration of the Community Plan, the Official Zone District Map and the specific characteristics of the subject land;
- (13) A favorable finding **is** made on the environmental assessment or environmental impact report;
- (14) The preliminary plan for PUD, as conditioned and with approved variances, **complies** with the open space and recreation standards of the Town;
- (15) The Preliminary Plat, as conditioned, **complies** with the requirements and standards of Section 17-5-80, Preliminary plat review, of the Code.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO:

THAT, the Updated Preliminary Plan application be approved subject to the following conditions:

- (1) The Applicant shall work with the Town Engineer prior to or concurrent with any Final Plan/Plat application to address referral comments related to further

evaluation of hazards that may impact final design of all civil engineering and/or subdivision design(s).

- (2) The Applicant shall work with the Town Engineer prior to or concurrent with any Final Plan/Plat application to adequately address all remaining technical plat and/or civil engineering details and suggested revisions outlined in letters from Intermountain Engineering dated May 22, 2023, and June 20, 2023.
- (3) The Applicant shall work with the Town to finalize any/all outstanding issues related to the draft Subdivision Improvements Agreement and associated 100% construction level plans prior to or concurrent with Final Plan/Plat application submittal.
- (4) The Minturn Town Council further evaluate and consider the Lot (Building) and Impervious Materials Coverage Limits proposed within the Updated Preliminary Plan for consistency with the Town's goals, policies and regulations.
- (5) The Minturn Town Council further evaluate and consider potential public uses of the Minturn North PUD Tract C, "Dedication Parcel."
- (6) The Applicant shall work with the Town's Water Legal Counsel to resolve all final consumptive use calculations prior to Final Plan/Final Plat applications.
- (7) The Applicant shall continue dialogue with the Town Engineer about potential improvements to Taylor Avenue in line with potential capital improvements.

THAT, the Updated Preliminary Plat application be approved subject to the following conditions:

- (1) The Applicant shall work with Town staff to update the Updated Preliminary Plat prior to or concurrent with any Final Plan/Plat application to address any/all outstanding technical and/or legal requirements as noted in previous staff and consultant referral comments.
- (2) The Applicant revise the Updated Preliminary Plat to add language specific to Tracts B and E, "Open Space," as well as Tract C, "Dedication Parcel," to reference and provide for snow storage uses.
- (3) The Applicant revise the Updated Preliminary Plat to add language and/or easements permitting public access on, over and through Tract D "R-O-W" for Miles End Lane, as well as Tract G "Right of Way," and associated "Access, Utility and Drainage" easement for Silver Star Trail.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 5th DAY OF JULY, 2023.

TOWN OF MINTURN:

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 9 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO
REZONING THE NW ¼ OF THE NW ¼ OF SECTION 26, TOWNSHIP 5
SOUTH, RANGE 81 WEST OF THE 6TH PRINCIPAL MERIDIAN, FROM
GAME CREEK CHARACTER AREA PUD HOLDING ZONE TO GAME
CREEK CHARACTER AREA MINTURN NORTH PLANNED UNIT
DEVELOPMENT ZONE DISTRICT OVERLAY IN CONFORMANCE
WITH THE TOWN OF MINTURN LAND USE CODE

WHEREAS, on or about December 16, 2022, Minturn Crossing, LLC. (hereinafter, the “Applicant”) submitted an Updated Preliminary Development Plan for Planned Unit Development application (hereinafter, the “Updated Preliminary Plan”) for the Minturn North PUD, a corresponding Updated Preliminary Plat for Subdivision application (hereinafter, the “Plat”), and an accompanying application for an Amendment to the Official Character Area and Zone District Map (hereinafter, the “Updated Zone District Amendment”) for review and approval by the Town pursuant to Article 15, *Planned Unit Development Overlay Zone District*, Article 21, Division 3, *Amendments*, Chapter 16, *Zoning*, and Chapter 17, *Subdivisions* of the Minturn Municipal Code (hereinafter, the “Code”); and

WHEREAS, the Planning Director has determined that it is appropriate and has accepted an application for certain real property know as NW ¼ of the NW ¼ of Section 26, Township 5 South, Range 81 West of the 6th Principal Meridian, otherwise known as Minturn North PUD (the “Property”) located in the Game Creek Character Area to be rezoned from PUD Holding Zone to Minturn North PUD; and

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

WHEREAS, the Town is authorized by the Home Rule Charter and Section 31-23-301, C.R.S., to enact zoning and land use regulations; and

WHEREAS, Chapter 16, Zoning, of the Minturn Municipal Code (“the Code”) regulates zoning and land use within the Town; and

WHEREAS, the Property to be included within the Minturn North PUD is defined in a deed recorded in Book 687 at Page 268; and

WHEREAS, Section 16-12-30 of the Code describes the Game Creek PUD Holding Zone; and

WHEREAS, Section(s) 16-21-410 through 450 of the Code provide for the consideration of amendments to the Town’s Character Area Zoning Map; and

WHEREAS, Section 16-15-10 - *Purposes and general provisions*, of the Code establishes the purpose of the Planned Unit Development (“PUD”) Overlay Zone District which is to allow flexibility for landowners to creatively plan for the overall development of their land and to achieve the purpose and objectives of the Code and the Community Plan; and

WHEREAS, Section 16-15-20 - *Authority*, of the Code states that the PUD Overlay Zone District is adopted pursuant to Section 24-67-101, et seq., C.R.S., the Planned Unit Development Act of 1972; and

WHEREAS, Section 16-15-20 - *Authority*, of the Code provides that the Town staff and the Town of Minturn Planning Commission (hereinafter the “Commission”) shall have the authority to recommend and the Town Council shall have the authority to impose such conditions on a PUD as are necessary to accomplish the purpose of the Code and the Community Plan; and

WHEREAS, the Commission and the Council have held duly-noticed public hearings as required by the Minturn Municipal Code, and the Council now wishes to rezone the Property; and

WHEREAS, the Council, at a public hearing held on July 5, 2023, approved the accompanying Updated Preliminary Plan with conditions and the Updated Preliminary Plat with conditions via Resolution No. 19, Series 2023; and

WHEREAS, the Commission and the Council have determined that the rezoning provided for herein is in conformance with the Minturn Land Use Regulations and Community Plan.

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

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

SECTION 2. The following property is hereby rezoned to Game Creek Character Area Minturn North PUD Zone.

THE NW ¼ OF THE NW ¼ OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 81 WEST OF THE 6TH PRINCIPAL MERIDIAN

As depicted on the attached zoning map (Exhibit “A”) and attached survey document (Exhibit “B”).

SECTION 3. Within thirty (30) days after the effective date of this Ordinance, the Town Clerk shall cause a printed copy of the amendment to the Town Zoning District Map to be made, which shall be dated and signed by the Mayor and attested to by the Town Clerk, and which shall bear the seal of the Town. The amended map shall include the number of this Ordinance. The signed original printed copy of the Zoning Map shall be filed with the Town Clerk. The Clerk shall also record a certified copy of this Ordinance with the Eagle County Clerk and Recorder. The Town staff is further directed to comply with all provisions of the Minturn Land Use Regulations, Minturn Municipal Code Chapter 16, to implement the provisions of this Ordinance.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 5TH DAY OF JULY 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 19TH DAY OF JULY 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 19TH DAY OF JULY 2023.

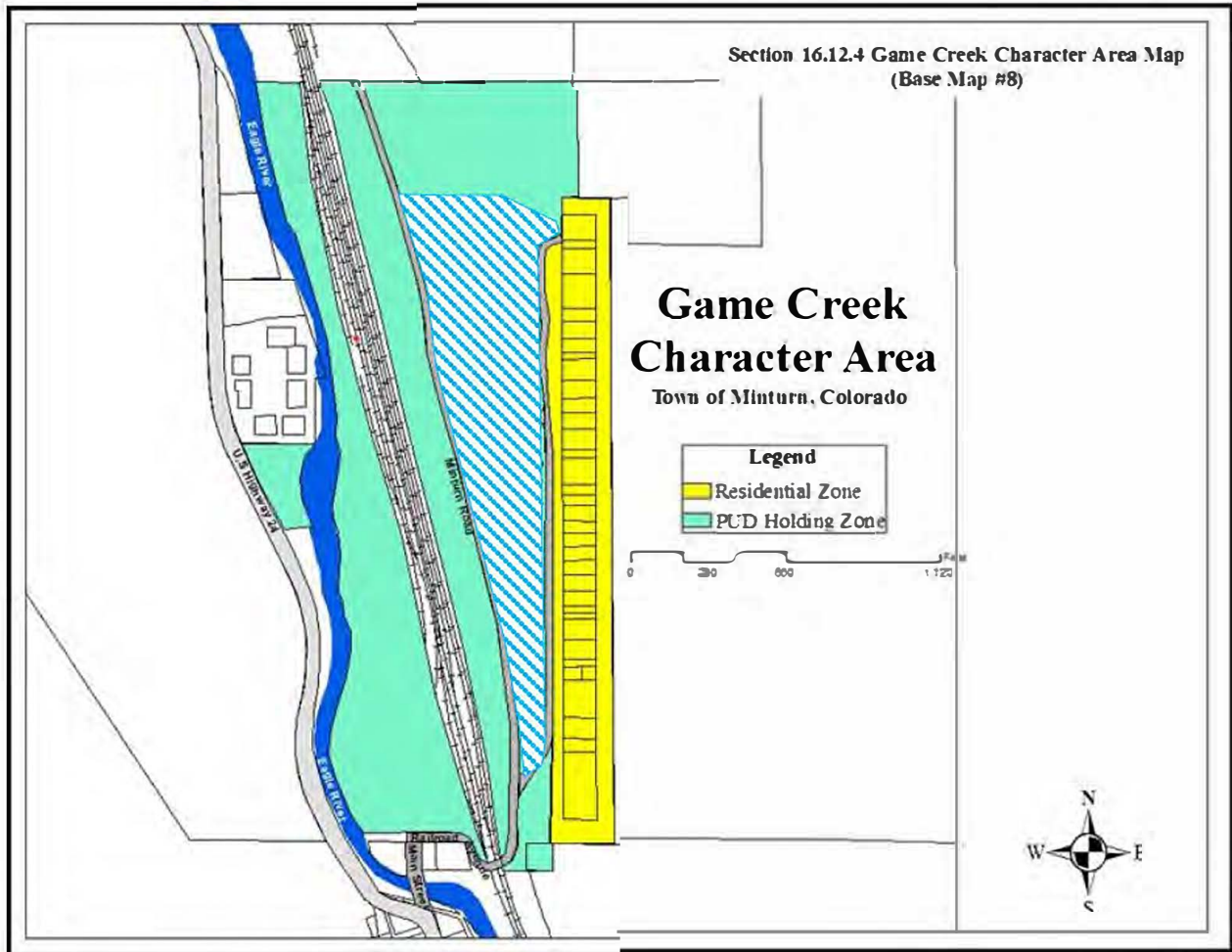
TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

AMENDMENT TO THE OFFICIAL ZONE DISTRICT MAP




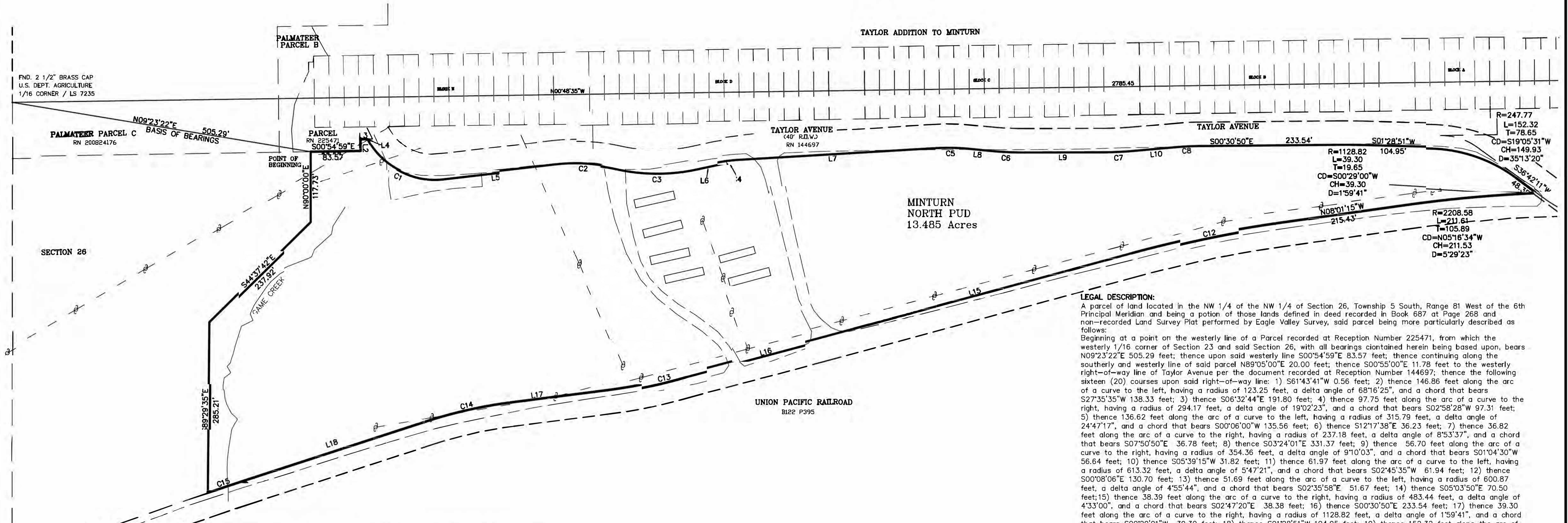
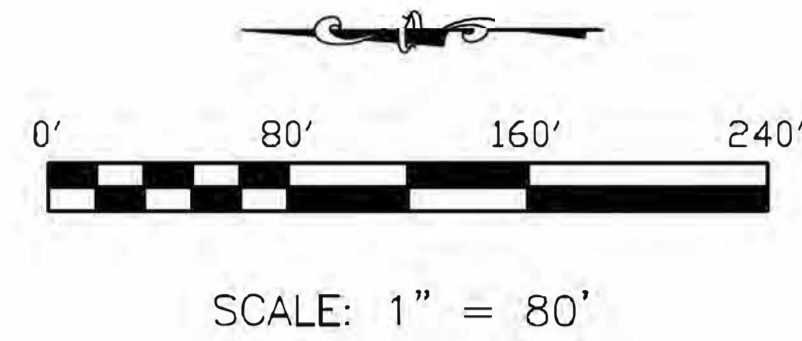
 - Minturn North PUD

EXHIBIT
MINTURN NORTH PUD,
 Portion of NorthWest Quarter Section 26,
 Township 5 South, Range 81 West,
 6th Principle Meridian
 County of Eagle, State of Colorado



LEGAL DESCRIPTION:
 A parcel of land located in the NW 1/4 of the NW 1/4 of Section 26, Township 5 South, Range 81 West, the 6th Principal Meridian and being a portion of those lands defined in deed recorded in Book 687 at Page 268 and non-recorded Land Survey Plat performed by Eagle Valley Survey, said parcel being more particularly described as follows:
 Beginning at a point on the westerly line of a Parcel recorded at Reception Number 225471, from which the westerly 1/16 corner of Section 23 and said Section 26, with all bearings contained herein being based upon, bears N09°23'22"E 505.29 feet; thence upon said westerly line S00°54'59"E 83.57 feet; thence continuing along the southerly and westerly line of said parcel N89°05'00"E 20.00 feet; thence S00°55'00"E 11.78 feet to the westerly right-of-way line of Taylor Avenue per the document recorded at Reception Number 144697; thence the following sixteen (16) courses upon said right-of-way line: 1) S61°43'41"W 0.56 feet; 2) thence 146.86 feet along the arc of a curve to the left, having a radius of 123.25 feet, a delta angle of 68°16'25", and a chord that bears S27°35'35"W 138.33 feet; 3) thence S06°32'44"E 191.80 feet; 4) thence 97.75 feet along the arc of a curve to the right, having a radius of 294.17 feet, a delta angle of 19°02'23", and a chord that bears S02°58'28"W 97.31 feet; 5) thence 136.62 feet along the arc of a curve to the left, having a radius of 315.79 feet, a delta angle of 24°47'17", and a chord that bears S00°06'00"W 135.56 feet; 6) thence S12°17'38"E 36.23 feet; 7) thence 36.82 feet along the arc of a curve to the right, having a radius of 237.18 feet, a delta angle of 8°53'37", and a chord that bears S07°50'50"E 36.78 feet; 8) thence S03°24'01"E 331.37 feet; 9) thence 56.70 feet along the arc of a curve to the right, having a radius of 354.36 feet, a delta angle of 9°10'03", and a chord that bears S01°04'30"W 56.64 feet; 10) thence S05°39'15"W 31.82 feet; 11) thence 61.97 feet along the arc of a curve to the left, having a radius of 613.32 feet, a delta angle of 5°47'21", and a chord that bears S02°45'35"W 61.94 feet; 12) thence S00°08'06"E 130.70 feet; 13) thence 51.69 feet along the arc of a curve to the left, having a radius of 600.87 feet, a delta angle of 4°55'44", and a chord that bears S02°35'58"E 51.67 feet; 14) thence S05°03'50"E 70.50 feet; 15) thence 38.39 feet along the arc of a curve to the right, having a radius of 483.44 feet, a delta angle of 4°33'00", and a chord that bears S02°47'20"E 38.38 feet; 16) thence S00°30'50"E 233.54 feet; 17) thence 39.30 feet along the arc of a curve to the right, having a radius of 1128.82 feet, a delta angle of 1°59'41", and a chord that bears S00°29'01"W 39.30 feet; 18) thence S01°28'51"W 104.95 feet; 19) thence 152.32 feet along the arc of a curve to the right, having a radius of 247.77 feet, a delta angle of 35°13'20", and a chord that bears S19°05'31"W 149.93 feet; 20) thence S36°42'11"W 48.35 feet; thence departing said westerly right-of-way line 211.61 feet along the arc of a curve to the left, having a radius of 2208.58 feet, a delta angle of 5°29'23", and a chord that bears N05°16'34"W 211.53 feet; thence N08°01'15"W 215.43 feet; thence 252.18 feet along the arc of a curve to the left, having a radius of 2013.41 feet, a delta angle of 7°10'35", and a chord that bears N11°36'33"W 252.02 feet; thence N15°11'50"W 538.46 feet; thence N14°53'24"W 239.28 feet; thence 127.08 feet along the arc of a curve to the right, having a radius of 800.55 feet, a delta angle of 9°05'42", and a chord that bears N11°48'34"W 126.94 feet; thence N07°15'43"W 164.66 feet; thence 143.34 feet along the arc of a curve to the left, having a radius of 763.58 feet, a delta angle of 10°45'21", and a chord that bears N12°38'24"W 143.13 feet; thence N18°01'03"W 324.55 feet; thence 60.43 feet along the arc of a curve to the left, having a radius of 2813.69 feet, a delta angle of 1°13'50", and a chord that bears N18°37'58"W 60.43 feet to the North Phase Line of Phase I; thence upon said North Phase Line the following three (3) courses: 1) S89°29'35"E 285.21 feet; 2) S44°37'42"E 237.92 feet; 3) N90°00'00"E 117.73 feet to the Point of Beginning, containing 13.485 acres, more or less.

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	68°16'25"	123.25	146.86'	83.56'	S 27°35'35" W	138.33'
C2	19°02'23"	294.16	97.75'	49.33'	S 02°58'28" W	97.31'
C3	24°47'17"	315.79	136.62'	69.40'	S 00°06'00" W	135.56'
C4	08°53'37"	237.18	36.82'	18.44'	S 07°50'50" E	36.78'
C5	09°09'48"	354.36	56.67'	28.41'	S 01°04'30" W	56.64'
C6	05°47'21"	613.32	61.97'	31.01'	S 02°45'35" W	61.94'
C7	04°55'44"	600.87	51.69'	25.86'	S 02°35'58" E	51.67'
C8	04°33'00"	483.44	38.39'	19.21'	S 02°47'20" E	38.38'
C12	07°10'35"	2013.41	252.18'	126.26'	N 11°36'33" W	252.02'
C13	09°05'42"	800.55	127.08'	63.67'	N 11°48'34" W	126.94'
C14	10°45'21"	763.58	143.34'	71.88'	N 12°38'24" W	143.13'
C15	01°13'50"	2813.69	60.43'	30.22'	N 18°37'58" W	60.43'

LINE	BEARING	DISTANCE
L2	N 89°05'00" E	20.00'
L3	S 00°55'00" E	11.78'
L4	S 61°43'41" W	0.56'
L5	S 06°32'44" E	191.80'
L6	S 12°17'38" E	36.23'
L7	S 03°24'01" E	331.37'
L8	S 05°39'15" W	31.82'
L9	S 00°08'06" E	130.70'
L10	S 05°03'50" E	70.50'
L15	N 15°11'50" W	538.46'
L16	N 14°51'49" W	239.28'
L17	N 07°15'43" W	164.66'
L18	N 18°01'03" W	324.55'

CERTIFICATION
 I hereby certify that this Exhibit was prepared for Resort Concepts, that this is NOT a Land Survey Plat, Improvement Survey Plat, or statutory Improvement Location Certificate and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines.



Matthew S. Slagle PLS 34998
 Professional Land Surveyor
 State of Colorado

- NOTES:**
- 1) The purpose of this Exhibit is to Define and Depict Proposed Minturn North PUD Boundary.
 - 2) Location of Boundaries are based on a non-recorded Land Survey Plat performed by Eagle Valley Survey and provided by others. It is not the intent of this document to depict easements or utility locations, such locations depicted are for informational purposes only. This Exhibit does not constitute a boundary survey performed by Slagle Survey Services.
 - 3) Lineal Units are the U.S. Survey Foot.

SLAGLE SURVEY SERVICES
 800 Castle Drive - P.O. Box 751 Eagle, Colorado 81631
 970.471.1499 Office matthew@slaglesurvey.com
 www.SlagleSurvey.com

EXHIBIT
MINTURN NORTH PUD,
 Section 26, Township 5 South, Range 81 West, 6th P.M.
 County of Eagle, State of Colorado

DRAWN BY:	MSS	JOB NUMBER:	22055	DRAWING NAME:	22055 Exhibit.dwg
SHEET	1	OF	1	DATE:	10-03-2022



Town of Minturn
301 Boulder St #309
Minturn, CO 81645
970-827-5645
council@minturn.org
www.minturn.org

FUTURE MEETING AGENDA ITEMS

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

July 5, 2023

- Special Presentation – Vail Valley Mountain Trails Alliance Meadow Mountain trail network plan review
- Ord ___ - Series 2023, (Second Reading) An Ordinance Amending sections of Chapter 17
- Liquor License-Public Hearing and consideration for The Crazy Chicken

July 19, 2023

- Discussion/Direction – Minturn Snow Removal (possible date)
- Discussion/Direction – Exterior Energy Offset Program
- Consent Agenda – Public Service Agreement; Stolfus Engineering, for the purposes of design and engineering for the Main Street Phase II Sidewalk project.

August 2, 2023

August 16, 2023

- Revisit Resolution 18 - Series 2023, A Resolution updating the fee for Cash in Lieu
- Liquor License-Public Hearing and consideration for MT Imports DBA VINO

Dates to be Determined:

- Holy Cross Energy Transmission Line
- Ord ___ - Series 2023 (First Reading) – ECSD Impact Fee in lieu
- Resolution __ - Series 2023 a Resolution authorizing a proposed Phase I Environmental Site Assessment
- Discussion/Direction - Water Treatment Plant Infrastructure Analysis
- Discussion/Direction – Battle Mountain Settlement Agreement (Public Discussion only)
- Ordinance __ - Series 2023 (First Reading) an Ordinance Approving a Preliminary Plan and Preliminary Plat for the Minturn North/Minturn Crossing Planned Unit Development