



Wednesday, August 3, 2022
Executive Session – 4:30pm
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/86355639014>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 863 5563 9014**

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

The Minturn Town Council will open the Regular Meeting at 4:30pm for the purpose of convening into Executive Session. At (approximately) 5:30pm the Council will convene into Regular Session for the remainder of the meeting.

- 2. EXECUTIVE SESSION:** An Executive Session pursuant to C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice and C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators.

- 2.1 Battle Mountain – Plaskov
- 2.2 Belden Place - Poppe

3. ROLL CALL & PLEDGE OF ALLEGIANCE

4. **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.*

4.1 July 20, 2022 Meeting Minutes

4.2 Shop N Hop #12 annual renewal of a Fermented Malt Beverage Liquor license; 401 Main St; Terry Marcum, Owner/President – Brunvand

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

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

8.1 ECO Trail Update – Paul Gotthelf & Kevin Sharkey, Eagle County ECO Trails

8.2 Minturn Bike Park Update – Earnest Seager, VVMTA

9. **COUNCIL COMMENTS & COMMITTEE REPORTS**

10. **DISCUSSION / DIRECTION ITEMS**

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 Resolution 31 – Series 2022 Eagle River Distillery Conditional Use Permit – Harris/Hunn

11.2 Resolution 32 – Series 2022 A Resolution Approving a Restrictive Covenant for the section of Shrine Pass Road crossing the Mountaintop Property - Metteer

11.3 Ordinance 11 – Series 2022 (Second Reading) An Ordinance creating 100 Block Design Guidelines – Hunn/Harris

11.4 Ordinance 12 – Series 2022 (Second Reading) an Ordinance modifying Article 19 regarding Political Sign codes - Harris

11.5 Ordinance 13 – Series 2022 (Second Reading) an Ordinance modifying the Short-Term Rental code – Metteer

12. STAFF REPORTS

12.1 Town Manager Update

13. FUTURE AGENDA ITEMS

14. ADJOURN

INFORMATIONAL ONLY ITEMS

Council Meetings:

- August 17, 2022
- September 7, 2022
- September 21, 2022



Wednesday, July 20, 2022
Executive Session – 4:30pm
Regular Session – 5:30pm

OFFICIAL MINUTES

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

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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

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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

The Minturn Town Council will open the Regular Meeting at 4:30pm for the purpose of convening into Executive Session. At (approximately) 5:30pm the Council will convene into Regular Session for the remainder of the meeting.

The meeting was called to order by Mayor Earle Bidez at 4:30pm for the Executive Session portion only.

- 2. EXECUTIVE SESSION:** An Executive Session pursuant to C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice and C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators.

2.1 Battle Mountain – Sawyer

Motion by Terry A., second by Gusty K., to convene in Executive Session pursuant to C.R.S. 24-6-402(3)(b) for the purposes of receiving legal advice and C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators.

Those present in the Executive Session included: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, and Town Council members George Brodin, Lynn Feiger, Gusty Kanakis (Zoom), and Tom Sullivan. Note: Kate S. was excused absent.

Staff present: Town Manager Michelle Metter, Attorneys Michael Sawyer and Justin Plaskov (zoom).

Direction given as a result of the Executive Session: No direction was given.

3. **ROLL CALL & PLEDGE OF ALLEGIANCE**

The meeting convened into Regular session at 5:47pm.

Those present included: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, and Town Council members George Brodin, Lynn Feiger, Gusty Kanakis (Zoom), and Tom Sullivan. Note: Kate S. was excused absent.

Staff present: Town Manager Michelle Metter, Attorney Michael Sawyer, Town Planners Scot Hunn (Zoom) and Madison Harris, and Town Clerk/Treasurer Jay Brunvand

4. **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.*

4.1 July 6, 2022 Meeting Minutes

4.2 The Daily Grind Coffee CO INC, dba Vail Mtn Coffee & Tea CO, annual renewal of a Hotel and Restaurant Liquor license; 23698 US Highway 24; Craig Arseneau, Owner/President – Brunvand

4.3 Notice of Intent to Participate in a General Election – Metteer

Motion by Tom S., second by Terry A., to approve the Consent Agenda of July 20, 2022 as presented. Motion passed 6-0. Note: Kate S. was excused absent.

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

Motion by Tom S., second by George B., to approve the Agenda of July 6, 2022 as presented. Motion passed 6-0. Note: Kate S. was excused absent.

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

9. COUNCIL COMMENTS & COMMITTEE REPORTS

George B. updated on the water tank construction.

Terry A. updated on the Climate Action Committee. The Minturn Concert series is up and running every Thursday night at 6pm at Little Beach Park. She also updated on the July MFC Board Meeting and happenings from the quarterly meeting.

Earle B. noted the design guidelines and outlined this is how things proposed will be built.

Gusty K. updated on NWCCOG QQ updated on a possible rail line opening that will not go through Minturn but will include routes along the Colorado River. There is concern if a spill were to occur and enter the Colorado River.

10. DISCUSSION / DIRECTION ITEMS

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 Resolution 29 – Series 2022 Historic Preservation Commission Appointment – Brunvand

At the July 6, 2022 Council meeting, after a complete process of advertising and solicitation of Letters of Interest from citizens, Council voted and appointed five members to the HPC. During the vote process I miss counted the votes and erroneously excluded one of the candidates who received three votes and therefore should have been included on the second round of balloting to appoint a member to the one-year seat. I am asking this error be corrected by re-voting for just the one-year seat.

Round 1 Voting results:

Will Sipf = 0

Tracy Anderson = 4

Shelley Bellm = 2

Motion by Terry A., second by Tom S., to approve Resolution 29 – Series 2022 appointing Tracy Anderson to the Historic Preservation Committee as the one-year seat. Motion passed 6-0. Note: Kate S. was excused absent.

11.2 Resolution 30 - Series 2022 Water Treatment Plant Scope of Work Contract – HDR

Michelle M. outlined the process. The 2019 Water Capital Improvement Plan identified the need for a new water treatment plant to replace the aging slow sand filters (two of the three filters no longer meet CDPHE regulations and have been decommissioned). Since 2019 Minturn has been working toward this effort. The Minturn Water Committee consisting of the town manager, and council members Gusty Kanakis and George Brodin, along with John Volk, water treatment plant operator, Arnold Martinez, public works supervisor, Jeff Spanel, town engineer and the volunteer assistance of local resident Jeff Schneider, water engineer, interviewed three engineering firms for the task of overseeing the design and engineering of Minturn's new water treatment plant. All three firms were well qualified and after two rounds of interviews along with extensive reference checks, the Committee unanimously recommends HDR, Inc. for leading this effort.

George B. stated the process was very thorough. Gusty K. reiterated the positive comments.

Michelle M. introduced Jarod Limke representing HDR gave a brief background of the company and stood for questions.

Gusty K. noted the importance of grants and our options thereto. Mr. Limke noted this an expensive project and emphasized the need and use of grant funds. He felt this was a critical component of this project and outlined the expertise his firm has in searching and finding funding options. Gusty K. asked if the project would be phased in order to design the water right diversions after the plant as those have yet to be secured. Mr. Limke noted how this would be done by allowing for this phasing as needed and that we would not get approval of a project that we didn't have water rights for.

George B. noted the many steps in the design process. He expressed his concern as well for funding sources. Discussion ensued on how the contract and administration of the contract would work when it comes to the grant writing and still come in as budgeted.

Lynn F. asked what would happen to the contract if we were not able to get new water rights or some other event. It was stated the contract is time and material so it would cease at that time. He stated they can design a plant that may not be built for several years, the plans would still be valid with a little updating and able to use as we searched for funding and secured the water rights.

Tom S. asked what if we don't get the surface rights? Mr. Limke noted the existing water diversion and how that would be incorporated in the design and if and when a second source is located, it would then be added to the design plan.

Earle B. asked how a natural disaster such as mud slide or fire might affect water quality, it was discussed how diversions on two separate sources would be incorporated. Discussion ensued how the design would mature to the construction phase and how this would affect the cost estimates from the design. Mr. Lemke stated we would bring in the contractor at about the 30% design stage in order to best anticipate cost fluctuations. It was noted there would most likely be a guaranteed maximum price (GMP), the higher the design completion, the more exact the GMP would be. The intent is to have a quality design with as close to cost as possible.

Gusty K. asked about funding options for the design only, Mr. Lemke felt there were options and would look in to it.

Motion by George B., second by Gusty K., to approve Resolution 30 – Series 2022 to approve a Professional Engineering Services agreement between HDR Engineering, Inc and the Town of Minturn for the design and engineering of a water treatment plant and associated facilities and authorizing the mayor of the Town of Minturn to sign the agreement as presented. Motion passed 6-0. Note: Kate S. was excused absent.

11.3 Ordinance 7 – Series 2022 (First Reading) an Ordinance for Belden Place consideration of rescind – Sawyer

Michael S. updated on his memo. At the May 4, 2022 Council meeting, staff presented Ordinances 7 and 8 the purpose of which was to revoke approvals related to the Belden Place PUD. The reason that Ordinances 7 and 8 were noticed and presented to Council is because Belden Place sued Minturn on Mary 15, 2022 – the day prior to the second reading of the Belden Place Zoning / Subdivision / SIA approvals. The owners of Belden Place did not notify the Town that it had filed the litigation. Under Town Code section 16-21-740, the initiation of litigation stays the Town’s ability to accept, process, or grant development applications and approvals. As such, the argument is that the Belden Place PUD approvals are void.

At the May 4 meeting, consideration of Ordinances 7 and 8 (First Reading) was continued to the July 20, 2022 Council meeting. Since May 4, the Town has filed a counterclaim in the litigation initiated by Belden Place asking the Court to declare that the Belden Place approvals are void under the Town’s code. Because a claim has been made the litigation, Ordinances 7 and 8 are superfluous. Staff recommends no action be taken on this Ordinance as a result of the legal status.

Public hearing opened
No public comment
Public hearing closed

The mayor entertained a motion and no motion was made on this item. The Ordinance was considered dead for lack of a motion.

11.4 Ordinance 08 – Series 2022 (First Reading) an Ordinance for Belden Place consideration of rescind – Sawyer

Michael S. updated on his memo. At the May 4, 2022 Council meeting, staff presented Ordinances 7 and 8 the purpose of which was to revoke approvals related to the Belden Place PUD. The reason that Ordinances 7 and 8 were noticed and presented to Council is because Belden Place sued Minturn on Mary 15, 2022 – the day prior to the second reading of the Belden Place Zoning / Subdivision / SIA approvals. The owners of Belden Place did not notify the Town that it had filed the litigation. Under Town Code section 16-21-740, the initiation of litigation stays the Town’s ability to accept, process, or grant development applications and approvals. As such, the argument is that the Belden Place PUD approvals are void.

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Public hearing opened
No public comment
Public hearing closed

The mayor entertained a motion and no motion was made on this item. The Ordinance was considered dead for lack of a motion.

11.5 Ordinance 12 – Series 2022 (First Reading) an Ordinance modifying Article 19 regarding Political Sign codes – Harris

Madison H. presented. The proposed text amendment attempts to conform the code with Supreme Court precedent regarding regulation of signs. Most relevant is the 2015 case, *Reed v. Town of Gilbert, AZ* that invalidated regulations distinguishing between signs based on their content. The rule of thumb coming out of this case is that if the code enforcement officer must read the sign to enforce the regulation, then it is probably unconstitutional.

Michael S. also presented and then stood for questions. Council noted that they would like to clean up the ability to have off premise signs in town.

Terry A. asked why is the town held to a different standard than an individual. The town can't put a sign up that might distract within the Hwy 24 ROW but a citizen can on their property. Michael S. stated the Town can't modify the state sign code as it would apply to Hwy 24. As long as it is on private property the town can enforce the sign code regulations.

Discussion ensued as to how our sign code applies and how this modification affects or does not affect the sign code. The intent is to NOT limit the content of what the sign says but to regulate size and other aspects.

Public Hearing Opened
No Public Comment 2 on zoom
Public Hearing Closed

Motion by Terry A., second by Tom S., to approve Ordinance 12 – Series 2022 (First Reading) an Ordinance modifying Article 19 regarding Political Sign codes as presented and on second reading it should include options for off premise signs. Motion passed 6-0. Note: Kate S. was excused absent.

11.6 Ordinance 13 – Series 2022 (First Reading) an Ordinance modifying the Short-Term Rental code – Metteer

Michelle M. presented. A local property and business owner brought forth the request to Council for consideration of exempting the 100-block from the two-year ownership requirement identified in the short-term rental ordinance. Council subsequently directed staff to bring forward a draft amendment for consideration. The Minturn Town Council has identified the need for more commercial sales tax revenue generating businesses in town. In addition, Minturn has a lodging shortage. This amendment has the ability to require commercial on the ground floor and lodging on the upper floors of newly purchased structures in the 100-block area, thereby meeting the needs of both the desired commercial and filling a gap in Minturn’s lodging portfolio. This amendment will only affect the 100-block area of town. Parking requirements for short term rentals would still apply.

Michelle M. requested to add “an active licensed commercial entity on the ground floor”.

Lynn F. asked why this is limited to the 100 block? Michelle M. stated this referenced residential use combined with commercial, the existing limitations are only on residential. Earle B. stated the 100 block is similar to an enterprise zone, this is an effort to spur development of commercial. He felt with only residential we are limiting speculation of residential units. Discussion ensued as to how to protect the neighborhoods while enticing commercial in the downtown with commercial on the ground and short-term rental on the second floor. It was also discussed the need for sales tax generators vs office buildings.

Michelle M. stated this will be clarified in the second reading to add a whereas clause to the resolution and clarify the “active license” as discussed.

Public hearing opened
No public comment
Public hearing closed

Motion by George B., second by Tom S., to approve Ordinance 13 – Series 2022 (First Reading) an Ordinance modifying the Short-Term Rental code as presented. Motion passed 6-0. Note: Kate S. was excused absent.

12. STAFF REPORTS

12.1 Town Manager Update

Minturn Road Improvements

The lake is gone! For anyone who has driven the Minturn/County Road, you’re well aware of the massive pothole which turns into a small lake during the off season. This issue was prominent when HWY 24 was closed due to a rockslide. Public works oversaw all the drainage improvements to the road and the lake is no longer.

Sidewalk Improvements

Public works has been prepping two areas of sidewalks for repairs. The sidewalks just north of Kirby’s in front of the historic chapel as well as the white house on the corner of Harrison and Main have both been in need of replacement for years. We’re hopeful this will improve the

walkability experience and allow for improved ADA access.

Revitalizing Main Streets Grant Award Kickoff Meeting

Our first meeting for the RMS grant award of \$1,402,000 will be Friday, July 15th. Jay Brunvand, Jeff Spanel and I will be attending on Minturn's behalf. CDOT Region 3 engineer, Karen Berdoulay will be the lead from CDOT. Karen worked with the town throughout construction on phase 1 of the sidewalks and we're hoping to pick up where we left off.

Community Plan Update

The Minturn Community Plan team has begun drafting the Community Plan document. In collaboration with the Community Plan Steering Committee, the project team has developed a [Plan Vision Statement, Plan Themes, and goal statements](#). These materials will form the backbone of the plan document. Each chapter of the plan will take on a different theme and its associated goals. Visit the "Community Input" tab at imagineminturn.org to view the draft materials and respond to a comment form. There will be additional opportunities to learn more about the Community Plan effort on August 4th, when members of the project team will be tabling at the Minturn Concert Series

Eagle County Sheriff's Office Meeting

I met with Sergeant Alex Locavetto last week to discuss Minturn coverage, specific concerns, and the request for more presence in town. Minturn is in the final year of a four-year contract with the ECSO and prior to contract renewal I anticipate the Council will want to better understand deputy coverage, community policing philosophy, administrative communications and cost/value for services rendered.

Minturn Fitness Center Board Meeting

The MFC held their quarterly board meeting on July 12th. An update from Kevin Roop, MFC manager indicated membership numbers have increased over 2019 (the last valid year of data prior to COVID). The keyfob system has been well received by the membership and the extended hours of operation have been a draw for current and new members.

After an extended sabbatical, the school district has requested to resume discussions toward a development in the Maloit Park area. I expect a meeting with the ECSD team the week of July 18th.

Michelle M. noted the bears are out and noted the restaurants also need to be cognizant to maintain their trash and grease containers. She noted it is the bear that suffers in the end. She also noted the recent purchase of bear proof containers for our parks and public locales. The town will be reminding the citizens of the wildlife and encourage protecting our wildlife.

Earle B. noted the recent news of fire retardants affecting the water in communities. Terry A. stated Bill Hoblize (SP) has information on this and will be scheduled to provide an update.

Terry A. asked about our disaster preparedness. Michelle M. stated we are on a 3-5 year plan and in the short term we will be looking at prescribed burns. There is also behind the scene conversations on securing contracts to provide shelter in the Leadville area if we need to move out

to the south, and the high school and other locales to the north. This will be included in updates and discussions as the plans develop.

13. FUTURE AGENDA ITEMS

14. ADJOURN

Motion by George B., second by Tom S., to adjourn the meeting at 7:27pm. Note: Kate S. was excused absent.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Council Meetings:

- August 3, 2022
- August 17, 2022
- September 7, 2022
- September 21, 2022



To: Mayor and Council

From: Jay Brunvand

Date: August 3, 2022

Agenda Item: Annual renewal of a Fermented Malt Beverage Liquor License

REQUEST:

Staff is requesting Council to review and approve the attached annual renewal of a Fermented Malt Beverage-Off Premises Liquor License for The Shop N Hop located at 401 Main St.

INTRODUCTION:

This establishment has an existing Fermented Beverage-Off Premises 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 \$53.75

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

**SHOP & HOP #12
 P O BOX 866
 EDWARDS CO 81632-0866**

Fees Due	
Renewal Fee	146.25
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$ 146.25

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.

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name MARCUM TERRY S		Doing Business As Name (DBA) SHOP & HOP #12	
Liquor License # 23-31218-0002	License Type Fermented Malt Beverage Off (city)		
Sales Tax License Number 023312180002	Expiration Date 11/01/2022	Due Date 09/17/2022	
Business Address 401 MAIN STREET Minturn CO 81645			Phone Number 9708279855
Mailing Address P O BOX 866 EDWARDS CO 81632-0866		Email Tmarcum.shopnhop@comcast.net	
Operating Manager Terry Marcum	Date of Birth 8/2/53	Home Address 139 W. Pawstern Ln, Eagle CO. 81631	Phone Number 970 328 3448
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 type="checkbox"/> Yes <input checked="" 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) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input checked="" type="checkbox"/> Takeout <input 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 *beer shop Hop #3 Avon. All Gypsum*

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	Title	
<i>Terry Marcum</i>	<i>owner</i>	
Signature	Date	
<i>Terry Marcum</i>	<i>7/10/22</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



MEMORANDUM

To: Minturn Town Council

From: Kevin Sharkey

Date: July 20, 2022

Re: Eagle Valley Trail

The Eagle Valley Trail is a paved, non-motorized multi-use transportation project that will connect the iconic Vail Pass and Glenwood Canyon trails. While those two trails were built in the 1970s, work started on connecting the communities in 1996. After 25 years, we are just 12 miles away from completion. Once completed, you will be able to ride your bike over 140 miles from Breckenridge to Aspen without ever having to get on a highway.

Our goal is to complete the last 12 miles by 2024. Due to the mountain terrain, the last 12 miles are difficult and expensive: \$38.2 million dollars. The last 12 miles are comprised of the following missing trail segments:

- Dotsero: 1.7 miles, approximately \$2.6 million
- Horn Ranch to Edwards: 7.5 miles, approximately \$26.2 million
- Eagle Vail and Dowd Junction: 1.5 miles, approximately \$7.9 million
- Minturn Connection: 1.3 miles, approximately \$1.5 million

Funding for this project starts with Eagle County. In 2021, Eagle County issued Certificates of Participation using the main County campus buildings as collateral. As a result, Eagle County raised \$22 million dollars toward completing the Eagle Valley Trail. In 2022, we launched a fundraising campaign after a feasibility study that showed the potential to raise up to \$3 million dollars from individual donors and granting foundations. We are projecting that the remaining \$13.2 million will come from small contributions from local government agencies, larger grants from private foundations, and state and federal programs.

Here is how Minturn can help:

- Sign a letter of support that we can use for various grant applications
- Contribute funds towards construction in 2023 and 2024
- Allow Eagle County trail maintenance staff to install Eagle Valley Trail trail markers and trail etiquette signage in appropriate locations for safety and to raise awareness of the trail

Please see our attached Fact Sheet and visit our website: eaglevalleytrail.org

Connecting our Community

Finish the Eagle Valley Trail

Picture this: It's a beautiful Colorado morning on the Eagle Valley Trail. While you're taking in the scenery, the trail ends abruptly and you're funneled to the narrow shoulder of Highway 6. This isn't ideal for anyone, but it's about to get a lot better. All we need is a little help from you.

LET'S CROSS THE FINISH LINE TOGETHER

Once the final 12 miles of trail are completed, the 63-mile paved Eagle Valley Trail will connect the communities of Eagle County with neighboring counties. You will be able to travel from Summit County over Vail Pass to Glenwood Springs and on to Aspen without ever having to get on a highway!

Currently, the only missing sections of the Trail are in Eagle County. It provides a safe way to commute, recreate and get outside. However, with the remaining sections incomplete, safety becomes an issue when trail traffic is directed to the road.

According to the [2016 Economic and Health Benefits of Walking and Bicycling in Colorado](#) report prepared for the Colorado Office of Economic Development and International Trade, bicycling access in Colorado as a whole needs improvement, including low marks from residents on the ability to ride a bicycle without fear of being hit and the availability of [bike lanes](#).

In addition to keeping our community safe, the trail offers a sustainable (and scenic) way to commute throughout Eagle County.



John-Ryan Lockman

John-Ryan is a stakeholder in the Climate Action Collaborative, which has a goal of getting more people out of their cars for their daily commutes. In 2019, John-Ryan was hit by a car in EagleVail when he was forced to move to the road due to an incomplete section of the Eagle Valley Trail. John-Ryan recovered from his injuries and that section of the trail is now complete.

With the completed portions of the trail, I feel safe riding this section again. My girlfriend and I enjoy riding to Vail and attending concerts. By completing the entire trail, it will give us even more options to ride up and down valley without ever having to get in our car. We will be protected from the danger of car accidents."

Beverly Rasmussen

Beverly Rasmussen is a strategic lead and special education teacher at Edwards Elementary School. She was an important advocate getting the section of the Eagle Valley Trail completed from the Eagle River Village mobile home park to Edwards Elementary School.

I'm proud that we were able to complete a portion of the trail so students coming from Eagle River Village can make it to school safely. There's still a significant need to complete the section of the trail from Lake Creek Village and throughout Edwards to ensure every student has access to a safe route to school."



The Eagle Valley Trail

By the Numbers

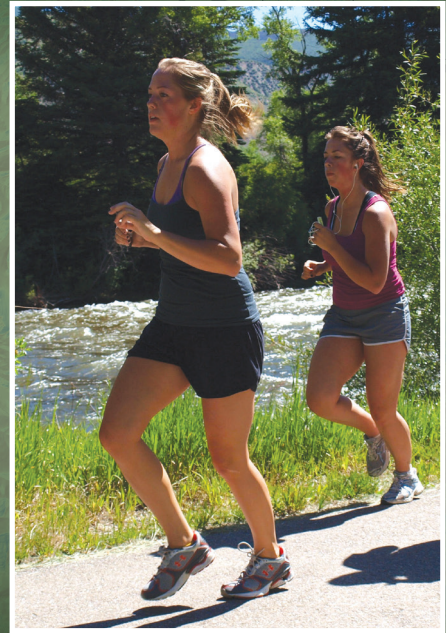
With a cost of **\$38.2 million**,
the four sections needed to finish the trail are:

1 DOTSERO to
GYPSUM DUCK PONDS | 1.7 miles
\$2.6 million

2 HORN RANCH
to EDWARDS | 7.5 miles
\$26.2 million

3 EAGLE VAIL
to DOWD JUNCTION | 1.5 miles
\$7.9 million

4 MINTURN
CONNECTION | 1.3 miles
\$1.5 million



The Eagle County Commissioners
have secured funds to cover

\$22 million.

Eagle County plans to seek grants and
other support to fund approximately

\$13.2 million.

Now, it is our responsibility as a
community to raise the additional

\$3 million.

With your help we can have it completed by **2024.**

Contact **Robin Thompson** for more information.
info@eaglevalleytrail.org | 541.810.1109

Donate here
EagleValleyTrail.org

Trail construction costs and fundraising totals are approximate and subject to change.





VVMTA
VAIL VALLEY MOUNTAIN TRAILS ALLIANCE

Minturn Bike Park Update

GoPro Mountain Games Dual Slalom Recap



New Shade Pavilion



By the Numbers

- 27,496: Trail Counter counts (6/30/21-10/25/21)
- 233: Average rides per day
- 1,683: Instagram followers
- 14,666: Views on Google in 2022 so far
- \$21,049: VVMTA Cash Investment into Phase 2
- 164: Number of Days Open in 2021
- 298: Volunteer Hours in 2021 (107 in 2022)
- \$9,340: Value in Volunteer Hours 2021
- 475: Crew Maintenance Hours 2022 to Date



2023 Projects & Goals

1. Continue to maintain the bike park to ensure a great user experience
2. Execute another successful GoPro Mountain Games Dual Slalom
3. Cap Materials Purchase and Installation on Pumptrack
4. Noxious Weed Management
5. Rework the kids pumptrack
6. And many more small but important projects!



Thank You! Questions?





To: Mayor and Council
From: Madison Harris, Planner I
Date: July 28, 2022
Agenda Item: Resolution 31 - Series 2022

REQUEST:

Council is asked to approve Resolution 31 - Series 2022 approving Conditional Use Application CU 03 - 2022 for Light Manufacturing uses within Unit E1 of the Meadow Mountain Business Center located at 23698 Hwy 24.

INTRODUCTION:

At their regular meeting of July 27, 2022, the Planning Commission reviewed the Conditional Use Permit (CUP) Application to allow for Light Manufacturing uses within Unit E1 of the Meadow Mountain Business Center located at 23698 Hwy 24 within the Grouse Creek Character Area Commercial Zone District.

The Planning Commission voted 3-0 to recommend approval with no conditions to the Town Council for the CUP Application for 23698 Hwy 24 Unit E1.

ANALYSIS:

In reviewing the application, the Planning Commission considered the criteria and findings required by the Minturn Municipal Code, as well as testimony of staff and the Applicant. Due to said testimony and questioning of the Application, the Planning Commission elected not to attach the original recommended condition in the staff report as it was deemed unnecessary. No members of the public spoke at the public hearing.

COMMUNITY INPUT:

No members of the public spoke at the public hearing. Public notice was provided in accordance with the Minturn Municipal Code Sec. 16-21-610, as well as posting the official agenda and packet materials for public review prior to the hearing.

BUDGET / STAFF IMPACT:

N/A

STRATEGIC PLAN ALIGNMENT:

The Town Council’s review and approval of the resolution aligns with the following key strategies:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

THE TOWN WILL SEEK TO MAKE INFORMED, DATA-BASED DECISIONS WITH A STANDARD OF “DOING IT RIGHT.” WITH AN HONEST APPROACH TO ALL ASPECTS OF LOCAL GOVERNMENT AND A FOCUS ON THE PUBLIC

PROCESS, THE TOWN COUNCIL AND STAFF ARE COMMITTED TO SERVING MINTURN WITH THE HONESTY AND INTEGRITY EXPECTED OF A SMALL-TOWN GOVERNMENT.

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

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

RECOMMENDED ACTION OR PROPOSED MOTION:

“Motion to approve Resolution No. 31 - Series 2022 approving Conditional Use Application CU 03 - 2022 for Light Manufacturing uses within Unit E1 of the Meadow Mountain Business Center located at 23698 Hwy 24.”

ATTACHMENTS:

- Resolution 31 - Series 2022
- Staff Report
- Conditional Use Permit Application

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 31 – SERIES 2022**

**A RESOLUTION APPROVING CONDITIONAL USE APPLICATION CU 03 – 2022
FOR LIGHT MANUFACTURING USES WITHIN UNIT E1 OF THE MEADOW
MOUNTAIN BUSINESS CENTER LOCATED AT 23698 U.S. HWY. 24, TOWN OF
MINTURN, STATE OF COLORADO**

WHEREAS, on or about July 13, 2022, the Town of Minturn (hereinafter “the Town”) accepted an application from Eagle River Distilling LLC dba Eagle River Whisky, (hereinafter “the Applicant”) for a Conditional Use Permit (hereinafter “CU 03-2022”), pursuant to Section 16-2-620, Conditional Use, of the Minturn Municipal Code (hereinafter the “Code”) to allow for Light Manufacturing uses for distillation and tasting room sales of alcoholic beverages within Unit E1 of the Meadow Mountain Business Center located within the Grouse Creek Character Area Commercial Zone District; and

WHEREAS, The Town of Minturn Town Council (hereinafter “Council”) is commissioned with certain powers and duties contained in the Section 16-21-30 of the Code; and

WHEREAS, on July 27, 2022 the Planning Commission (hereinafter “Commission”) held a public hearing on the application pursuant to Section 16-21-620(d) of the Code and recommended approval of the application with no conditions; and

WHEREAS, on August 3, 2022 the Council held a public hearing on the application pursuant to Section 16-21-620 of the Code; and

WHEREAS, public notice was given pursuant to Section 16-21-610 of the Code; and

WHEREAS, the Commission and the Council considered the following factors during their respective review of CU 03-2022, as required by the Section 16-21-620(d)(2) of the Code:

- a. The relationship and impact of the use on the community development objectives of the Town.
- b. The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and public facility needs.
- c. The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.
- d. The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.

WHEREAS, pursuant to Section 16-21-620(e), Conditions and procedure of issuance, of the Code, the Council may approve the application as submitted or may approve the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the application; and

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

That the Conditional Use Permit, CU 03-2022, for Eagle River Whisky located at Unit E1 of the Meadow Mountain Business Center shall be approved because the following findings have been made pursuant to Section 16-21-620(d)(2)(e), Necessary findings, of the Code:

1. The proposed location of the use(s) **IS** in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.
2. The proposed location of the use(s) and the conditions under which they will be operated or maintained **WILL NOT** be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
3. The proposed use(s) **WILL** comply with each of the applicable provisions of this Chapter.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 3rd day of August, 2022.

TOWN OF MINTURN

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

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



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Elliot Hovey
Sage Pierson
Tom Priest

Planning Commission Public Hearing

Eagle River Distillery

Conditional Use Permit for Light Manufacturing

Hearing Date:	July 27, 2022
File Name and Process:	Eagle River Distillery - Conditional Use Permit
Owner/Applicant:	Eagle River Whisky
Representative:	Spence Neubauer
Legal Description:	Meadow Mountain Business Park Condos, Unit E1
Zoning:	Grouse Creek Character Area - Grouse Creek Commercial Zone District
Staff:	Scot Hunn, Planning Director Madison Harris, Planner I
Recommendation:	Approval, with Conditions

Staff Report

I. Summary of Request:

The Applicant, Eagle River Whisky, requests review of a new Conditional Use Permit for Light Manufacturing at the Meadow Mountain Business Park located at 23698 Hwy 24 Unit E1.

The Meadow Mountain Business Park has historically been used for a mix of professional office/commercial and light manufacturing purposes. The Applicant is proposing to utilize Unit E1 for a distillery and tasting room.

As outlined within this report, **staff is recommending approval with conditions** of the Eagle River Whisky Conditional Use Permit because the requested permit complies with the Town's standards and land use policies.

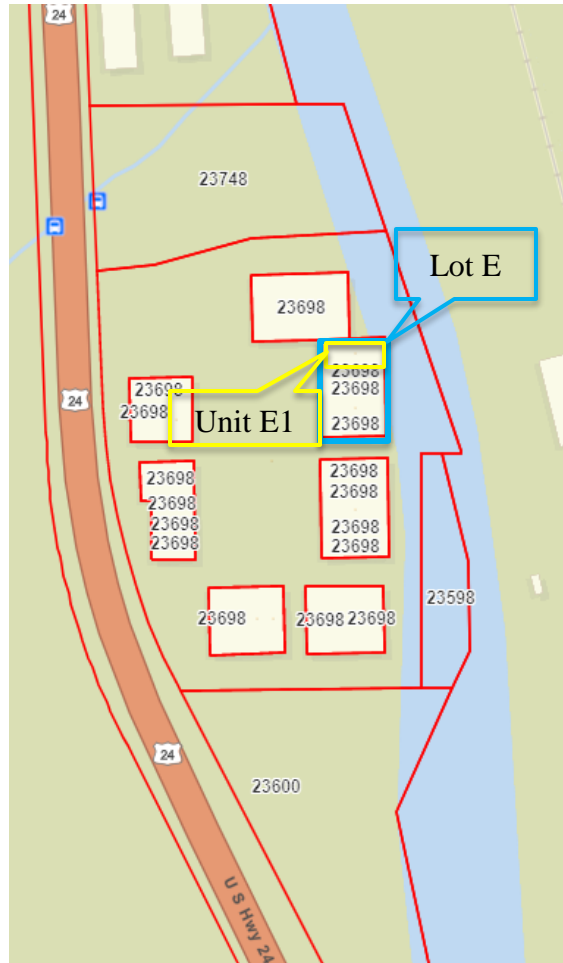


Figure 1: Vicinity Map

II. Summary of Process and Code Requirements:

This is a Conditional Use Permit (CUP) review by the Town of Minturn Planning Commission. In this role, the Planning Commission is responsible for review of CUPs and for forwarding recommendations to the Town of Minturn Town Council for approval, for approval with conditions, or denial of CUP requests in accordance with the standards, criteria and findings outlined in Section 16-21-620 – *Conditional Use*, Minturn Municipal Code.

(e) *Conditions and procedure of issuance.*

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

Specifically, the Planning Commission’s recommendation and any action of the Town of Minturn Town Council should be based on the following standards and findings:

(d) *Administrative procedure.*

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

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

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

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

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

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

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

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

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

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

III. Chronology/Background:

According to the Letter of Intent provided by the Applicant, the Meadow Mountain Business Park Unit E1 has historically been used by Custom Audio Video, Inc. which is located in the neighboring unit.

The Meadow Mountain Business Park as a whole has historically had Light Manufacturing or Light Manufacturing adjacent uses such as a The Clinic - a vehicle service and repair shop (approved by CUP in 1999) - or Vail Mountain Coffee and Tea where roasting and sale of coffee beans and coffee products is done on-site.

IV. Zoning Analysis:

Zoning

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

“(a) The Grouse Creek Commercial Zone can accommodate a broad range of commercial services and is conveniently accessible by automobile and delivery trucks. The building clusters share access points and on-site parking. Due to its proximity to Highway 24, the district can accommodate a substantial volume of traffic.

(b) The purpose of the Grouse Creek Commercial Zone is to encourage a broad range of complementary commercial services that generate sales tax. Development or redevelopment plans should be designed to complement each other in character, scale and proximity and be linked by attractive pedestrian corridors and plazas.”

- Town of Minturn Municipal Code Section 16-5-20

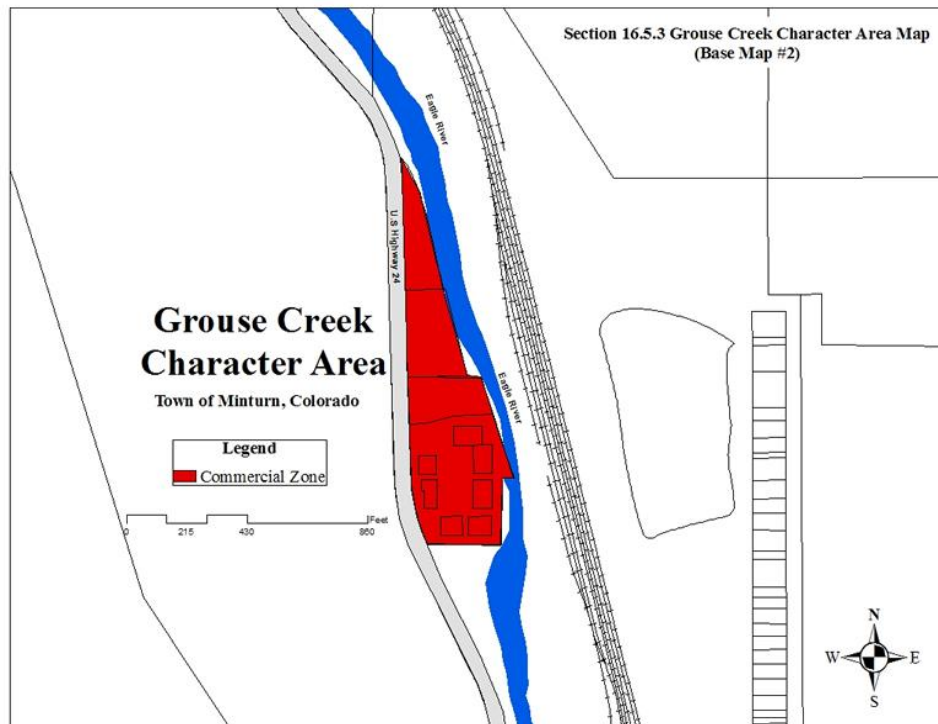


Figure 2: Grouse Creek Character Area Zoning Map

Dimensional Limitations and Development Standards

No improvements or alterations are proposed for Unit E1 that would impact or invoke typical dimensional limitations such as setbacks, building height, lot, or impervious coverage. The Meadow Mountain Business Park operates under a shared parking agreement with little to no opportunity to increase the number of spaces. Section 16-16-70 – *Supplemental Parking and Loading Standards*, subsection ‘a’ of the Minturn Municipal Code states the following:

- (a) *“Parking requirements for two (2) or more uses: The off-street parking space required for two (2) or more uses is the combined total of parking spaces required by this Article for both or all uses unless it can be demonstrated to the Planning Director that joint parking arrangements are acceptable.”*

V. Staff Findings and Analysis:

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

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

Staff Response:

The use of Unit E1 for a distillery and tasting room is in line with the purpose, intent and objectives of the Grouse Creek Commercial Zone District and it supports the Town’s development and economic goals and policies.

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

Staff Response:

The Meadow Mountain Business Park has been populated for years - decades - by a range of commercial uses. The proposed conversion of an existing space into Light Manufacturing continues this trend and makes best use of the building and its location. Simply, it is staff’s opinion after considering its location relative to Hwy 24, the light manufacturing and commercial uses are appropriate and will contribute to the vitality of the Grouse Creek area.

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

Staff Response:

The existing conditions at the Meadow Mountain Business Park include on-site parking. Per the application: *“The business park is designed to control and maintain itself, whether that be from a safety traffic flow and control standpoint, all the way to snow removal. Dedicated turn lanes were added into the business park during recent road work, and the general public is removed from the busy highway into the business park to access the Eagle River Distillery.”*

d. The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise,

lighting and glare, dust and compatibility of the use with the Character Area it is in and surrounding areas.

Staff Response:

While no physical improvements or expansions are proposed to the exterior of the existing Unit E1, additional use within the existing building may increase the level of activity and vitality in and around the building. There should not be any material impact on the character of the area by way of noise, lighting, glare or dust. Staff's only question and subsequent concern is whether or not a whiskey distillery on this scale produces any odors that can be perceived from outside of the unit. The uses are compatible with other commercial uses occurring at the Meadow Mountain Business Park.

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

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

Staff Response:

Generally, the subject site is located within a historically commercial area, in accordance with the "Grouse Creek Commercial" zoning that has been in place for years. The Minturn Municipal Code sets forth the following description for the Grouse Creek Commercial Zone District:

"The Grouse Creek Commercial Zone can accommodate a broad range of commercial services and is conveniently accessible by automobile and delivery trucks. The building clusters share access points and on-site parking. Due to its proximity to Highway 24, the district can accommodate a substantial volume of traffic."

Additionally, the MMC provides the following statement of the Town's objective for the Zone District:

"The purpose of the Grouse Creek Commercial Zone is to encourage a broad range of complementary commercial services that generate sales tax. Development or redevelopment plans should be designed to complement each other in character, scale and proximity and be linked by attractive pedestrian corridors and plazas."

As mentioned in this staff report, the Meadow Mountain Business Park has been used for years - decades - for a wide range of commercial and light manufacturing uses serving largely local businesses and residents who make their living in and around Minturn. Approving these uses through the Conditional Use process aligns with the purpose and objectives of the Grouse Creek Commercial Zone District by enhancing the vitality of the area, facilitating and/or supporting existing small businesses in the Town, and ensuring overall compatibility with surrounding uses.

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

Staff Response:

The proposed use of 23698 Hwy 24 Unit E1 for light manufacturing, tasting and sales uses should not be detrimental to the public health, safety or welfare, nor should such ongoing use be materially injurious to the properties or improvements in the vicinity if the site is maintained in accordance with the standards of the Minturn Municipal Code and any conditions of approval.

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

Staff Response:

Any proposed interior improvements will be permitted via the building permit process and therefore will adhere to the Town's building code in effect at the time of permitting. Additionally, with a CUP approval for the Eagle River Distillery, the Town will effectively be verifying that the proposed uses do, in fact, comply with the provisions of Chapter 16 - *Zoning* of the Minturn Municipal Code.

VI. Staff Recommendation: **Approval, with Conditions**

Staff is recommending approval, with conditions of the Eagle River Distillery because the permit complies with the applicable standards and findings as well as the Town's comprehensive plan goals. Should the Planning Commission choose to recommend approval of the Eagle River Distillery Conditional Use Permit request, the following condition(s) are suggested:

1. Prior to the issuance of any business license to Eagle River Distillery, the Applicant shall provide evidence to Town staff that any odors produced from distilling will not negatively impact the neighboring units, the business park, or the air quality.




CONDITIONAL USE PERMIT APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309 - 302 Pine Street- Minturn, Colorado 81649-0309

Phone: 970-827-5645 Email: planner@minturn.org

Project Name: Eagle River Distillery			
Project Location Street Address: 23698 Hwy 24, Unit E1 Minturn, CO 81645			
Legal Description (Lot, Block, Subdivision): Meadow Mountain Business Park Condos, Unit E1		Parcel Number(s): 2103-262-14-001	
Application Request: Change occupancy type from CC Retail to Light Manufacturing (F-1) and assembly under group B.			
Applicant: Name: Eagle River Whisky Spence Neubauer			
Mailing Address: PO Box 1253 Minturn, CO 81645			
Phone: 603-770-8456		Email: spence.neubauer@gmail.com	
Property Owner: Name: Custom Audio Video			
Mailing Address: PO Box 519 Minturn, CO 81645			
Phone: 970-445-7579		Email: earleb@custom-audiovideo.com 1200	
Required Information:			
Lot Size: 1,200 sq.ft	Type of Residence (Single Family, ADU, Duplex) Commercial condo	# of Bedrooms N/A	# On-site Parking Spaces 20
# of Stories: 1	Snow storage sq ft: N/A	Building Footprint sq ft: 1,200	Total sq ft Impervious Surface: 1,200
Signature: 			

\$800+ Costs attributable to the review by consultant time are billed at actual hourly rates. Cost assessed after first hour.

Fee Paid: <u>\$800</u>	Date Received: <u>7/13/22</u>	Planner: <u>Madison Harris</u>
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EAGLE RIVER DISTILLERY

T.O.M. Planning

JULY 7, 2022

SHEPHERD RESOURCES INC./AIA
POST OFFICE BOX 840
105 EDWARDS VILLAGE BLVD
SUITE C103
EDWARDS CO 81632
970 • 949 • 3302
SRIARCHITECT.COM



DATE	ISSUE
JULY 7, 2022	TOM PLANNING

T.O.M. Planning

JULY 7, 2022



PROJECT: Project Number

EAGLE RIVER
DISTILLERY

MEADOW MOUNTAIN
BUSINESS PARK, E-1
23698 HWY 24
MINTURN, CO 81645

COVER SHEET

G-000

June 23, 2022

Letter of Intent

EAGLE RIVER DISTILLERY
PROJECT #2214



To: Town of Minturn Planning and Zoning Department:

Unit E-1 within the Meadow Mountain Business Park Condos at 23698 Highway 24, Minturn, CO was previously utilized by the adjacent Custom Audio Video, Inc. Currently, the unit is vacant and designated CC-Retail (likely Group M). The new occupant would like to utilize this space as a distillery and tasting room, therefore requiring new occupancy types respectively. Our request is for a main occupancy of 822 SQFT - Light Manufacturing or F-1, and an accessory occupancy of approximately 378 SQFT of assembly under group B - Business occupancy as demonstrated in the attached documents. Per Section 303.1.1 space used for assembly purposes with an occupant load of less than 50 persons shall be classified as group B Business occupancy. The occupant requests no exterior changes, and no changes to the existing structure. The tract and any existing Easements will remain unaffected as the requested use and change in occupancy only effects the interior of unit E-1.

Respectfully,
Trish Marcine
Project Manager
Shepherd Resources, Inc.



June 30, 2022

Letter of Proposed Use

EAGLE RIVER DISTILLERY
PROJECT #2214

To: Town of Minturn Planning and Zoning Department:

Unit E-1 of the Meadow Mountain Business Park is planning to be used primarily as a whisky distillery and secondarily as a tasting room and retail sales point. The light manufacturing and small retail/ business operation will fit right in the commercial environment of the Meadow Mountain Business Park. Vail Coffee and Tea currently manufactures roasted coffee with an attached retail side. The Swedish Clog Cabin and Mangiare Italian Market are additional surrounding retail operations.

In the larger rear room on the east side, whisky will be manufactured, casked, aged, and bottled. In the front room on the west side will be a small tasting room for direct sale. The hours of operation will be normal business hours, mostly likely 9am-4pm, weekdays. Bulk of product sales will be wholesale delivery to local liquor stores and bars. Traffic impacts will be minimal as there will be one person working, with potentially one employee being added in the next two years. Foreseeable customer traffic will be less than 20 people per day, staying for a quick taste of whisky and a bottle purchase. The proposed use will not have any noise impact on the area.

Respectfully,
Trish Marcine
Shepherd Resources, Inc
&
Spence Neubauer
Owner
Eagle River Distillery



SHEPHERD RESOURCES INC./AIA
 POST OFFICE BOX 840
 105 EDWARDS VILLAGE BLVD
 SUITE C103
 EDWARDS CO 81632
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 SRIARCHITECT.COM



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T.O.M. Planning

JULY 7, 2022



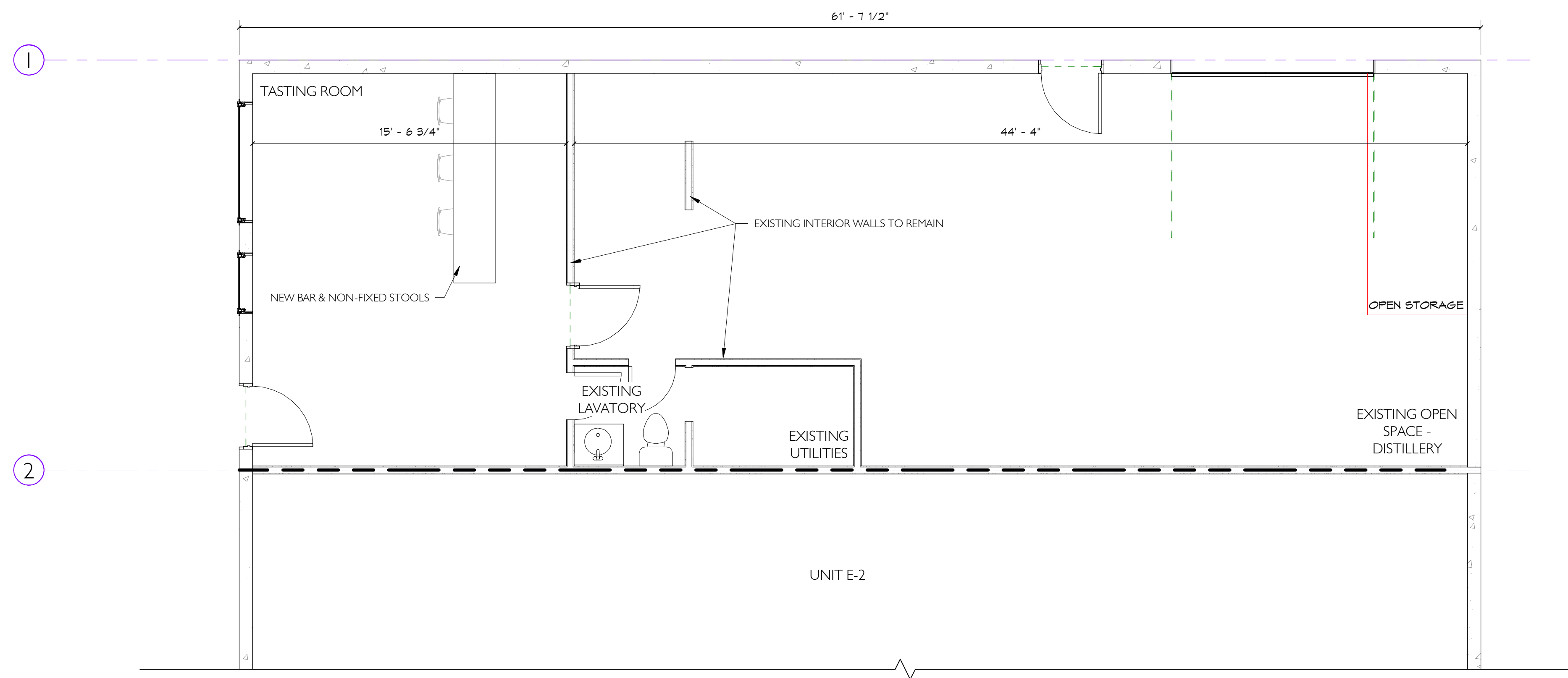
PROJECT: Project Number

EAGLE RIVER DISTILLERY

MEADOW MOUNTAIN BUSINESS PARK, E-1
 23698 HWY 24
 MINTURN, CO 81645

MAIN LEVEL PLAN

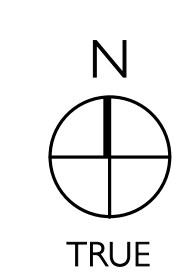
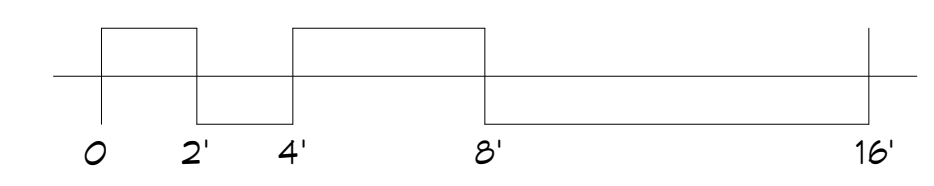
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OCCUPANCY EVALUATION:
 EXISTING OCCUPANCY:
 RETAIL/ MERCANTILE = 60 GROSS/ OCCUPANT = 20 OCCUPANTS

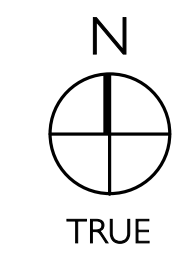
 NEW OCCUPANCY:
 BUSINESS = 100 GROSS/ OCCUPANT = 4 OCCUPANTS
 LIGHT MANUFACTURING = 200 GROSS/ OCCUPANT = 5 OCCUPANTS
 TOTAL = 9 OCCUPANTS

1 MAIN LEVEL PLAN
 SCALE: 1/4" = 1'-0"





PARKING EVALUATION:
 WHILE THE COMMUNAL PARKING LOT MAKES THE PARKING EVALUATION DIFFICULT, THE EXISTING OCCUPANCY ALLOWS FOR 20 OCCUPANTS.
 THE PROPOSED OCCUPANCY IS A TOTAL OF 9 OCCUPANTS, THEREFORE REDUCING THE NUMBER OF EFFECTIVE PARKING SPACES NECESSARY TO OPERATE THE PROPOSED BUSINESS.



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 SRIARCHITECT.COM



DATE	ISSUE
JULY 7, 2022	TOM PLANNING

T.O.M. Planning

JULY 7, 2022



PROJECT: Project Number

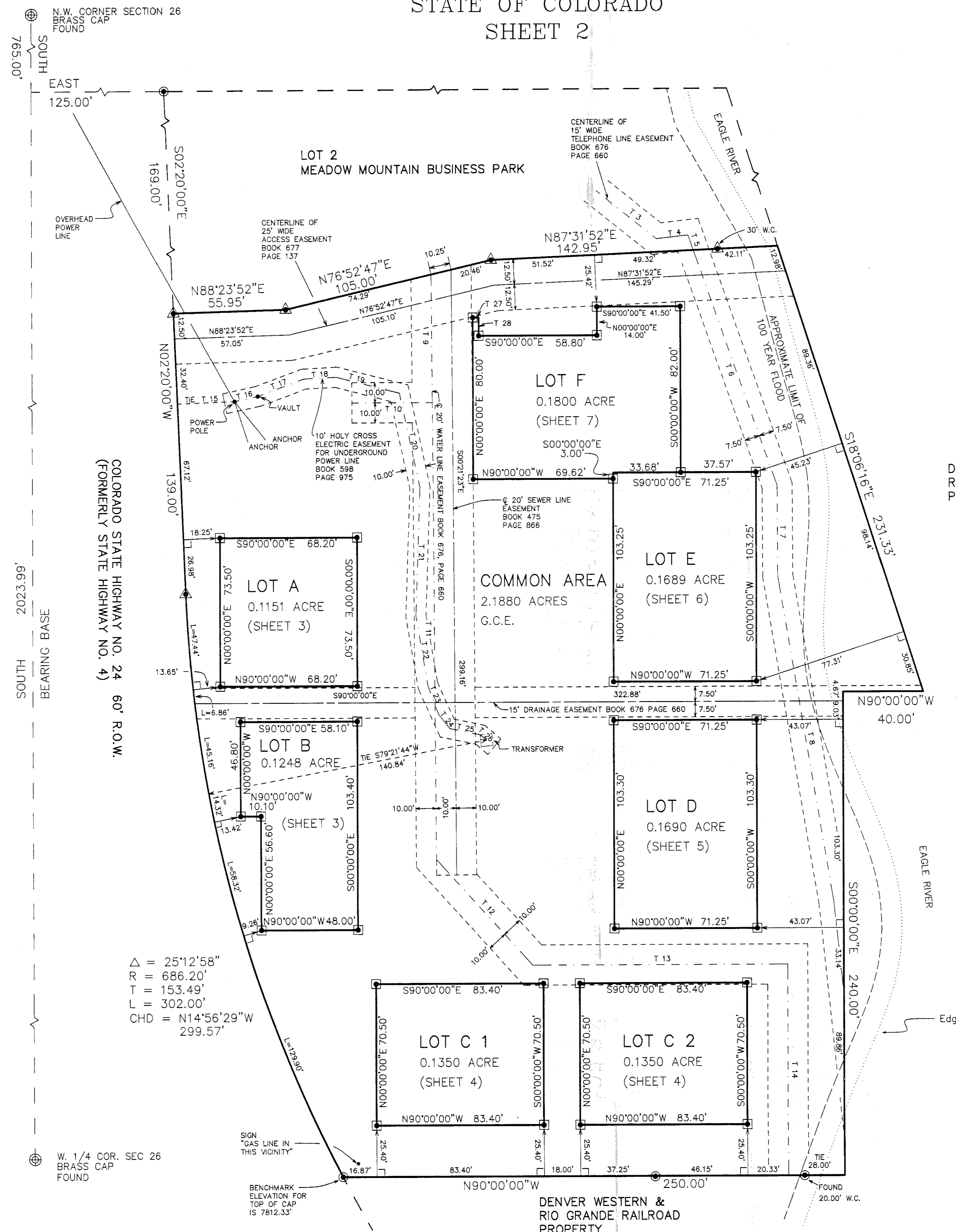
EAGLE RIVER DISTILLERY

MEADOW MOUNTAIN BUSINESS PARK, E-1
 23698 HWY 24
 MINTURN, CO 81645

PARKING EVALUATION

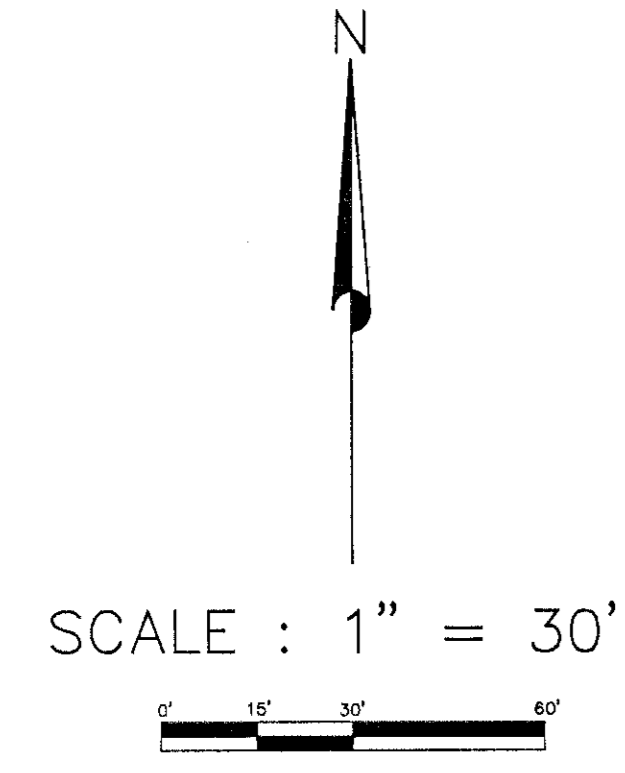
A-103

FINAL PLAT
MEADOW MOUNTAIN BUSINESS PARK CONDOMINIUMS
 A RESUBDIVISION OF MEADOW MOUNTAIN BUSINESS PARK PHASE II,
 TOWN OF MINTURN, COUNTY OF EAGLE,
 STATE OF COLORADO
 SHEET 2



LAND USE SUMMARY

LOT	AREA	USE	ADDRESS
COMMON AREA	2.1880 ACRES	G.C.E.	23698 HIGHWAY 24
LOT A	0.1151 ACRE	4 CONDOMINIUM UNITS	23698 A HIGHWAY 24
LOT B	0.1248 ACRE	4 CONDOMINIUM UNITS	23698 B HIGHWAY 24
LOT C 1	0.1350 ACRE	4 CONDOMINIUM UNITS	23698 C 1 HIGHWAY 24
LOT C 2	0.1350 ACRE	4 CONDOMINIUM UNITS	23698 C 2 HIGHWAY 24
LOT D	0.1690 ACRE	5 CONDOMINIUM UNITS	23698 D HIGHWAY 24
LOT E	0.1689 ACRE	5 CONDOMINIUM UNITS	23698 E HIGHWAY 24
LOT F	0.1800 ACRE	1 CONDOMINIUM UNIT	23698 F HIGHWAY 24
TOTAL	3.2158 ACRES	27 CONDOMINIUM UNITS	



- LEGEND**
- INDICATES 5/8" REBAR AND PLASTIC CAP #2183
 - ▲ INDICATES 5/8" REBAR AND ALUMINUM CAP PE-LS 6826
 - INDICATES 5/8" REBAR AND ALUMINUM CAP P.L.S. 30084 OR A CONCRETE NAIL AND STAINLESS STEEL WASHER (PLS 30084)
 - INDICATES EDGE OF WATER
 - └ INDICATES A PERPENDICULAR TIE

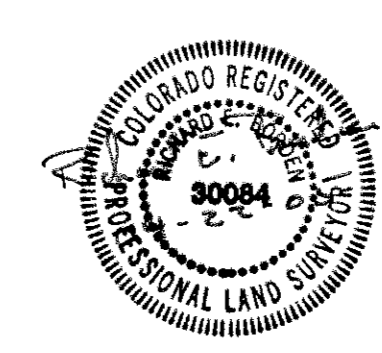
LINE	DIRECTION	DISTANCE
T 3	S51°45'23"E	38.17'
T 4	N83°37'17"E	15.82'
T 5	S19°37'30"E	7.73'
T 6	S19°37'30"E	123.28'
T 7	S00°17'01"E	44.66'
T 8	S09°40'25"E	163.37'
T 9	S00°21'23"E	63.08'
T 10	S90°00'00"W	40.00'
T 11	S00°21'23"E	226.00'
T 12	S42°14'22"E	71.15'
T 13	N90°00'00"E	127.00'
T 14	S00°00'00"E	105.00'
T 15	N87°40'00"E	28.54'
T 16	N77°50'35"E	11.84'
T 17	N69°40'01"E	24.37'
T 18	N87°03'40"E	16.14'
T 19	S75°36'46"E	32.48'
T 20	S12°05'00"E	47.73'
T 21	S01°56'53"W	63.51'
T 22	S09°41'25"E	34.95'
T 23	S20°27'56"E	15.10'
T 24	S38°16'05"E	9.13'
T 25	S78°30'44"E	15.50'
T 26	S49°44'17"E	4.16'
T 27	N90°00'00"E	3.00'
T 28	S00°00'00"E	9.00'

$\Delta = 25^{\circ}12'58"$
 $R = 686.20'$
 $T = 153.49'$
 $L = 302.00'$
 $CHD = N14^{\circ}56'29"W$
 $299.57'$

DENVER WESTERN &
 RIO GRANDE RAILROAD
 PROPERTY

- NOTES**
1. SURVEYED IN JANUARY 2005.
 2. BEARINGS BASED ON THE WEST LINE OF SECTION 26 BETWEEN BRASS CAP MONUMENTS MARKING THE WEST 1/4 CORNER AND THE NORTHWEST CORNER OF SECTION 26 BEING SOUTH.
 3. ELEVATIONS ARE BASED ON THE ELEVATION OF THE SOUTHWEST CORNER (5/8" REBAR AND PLASTIC CAP LS 2183) OF THE PARCEL BEING 7812.33.
 4. THE PURPOSE OF THIS PLAT IS TO RESUBDIVIDE MEADOW MOUNTAIN BUSINESS PARK PHASE II INTO CONDOMINIUM UNITS AND COMMON AREA.
 5. THE RECORD DEED INFORMATION AND RECORD RIGHTS-OF-WAY WERE OBTAINED FROM TITLE COMMITMENT NO. 614-H0025215-610-ETO, PREPARED BY FIRST AMERICAN HERITAGE TITLE COMPANY, DATED NOVEMBER 24, 2004.
 6. THE APPROXIMATE LIMIT OF THE 100 YEAR FLOOD, SHOWN HEREON, IS BASED ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 080053 0001 B, EFFECTIVE SEPTEMBER 17, 1980.
 7. THE ADDRESSES SHOWN ARE FOR INFORMATIONAL PURPOSES ONLY.

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 certification shown hereon.

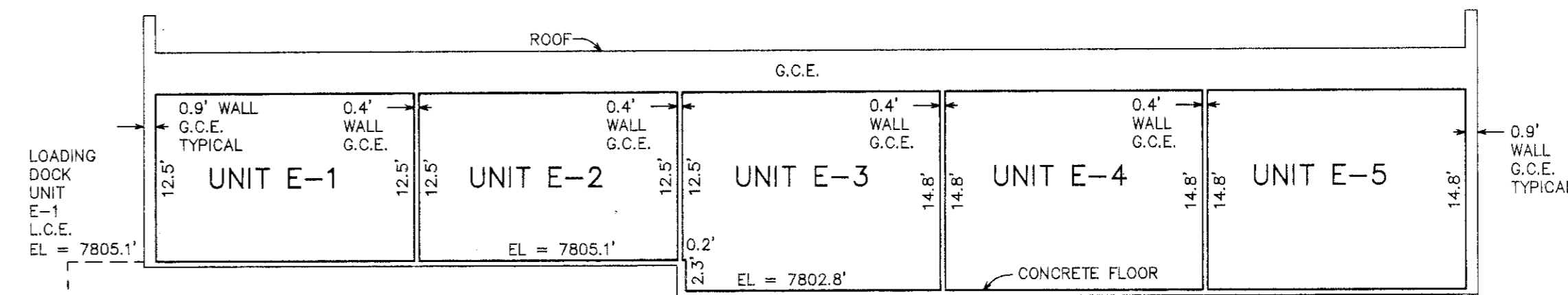
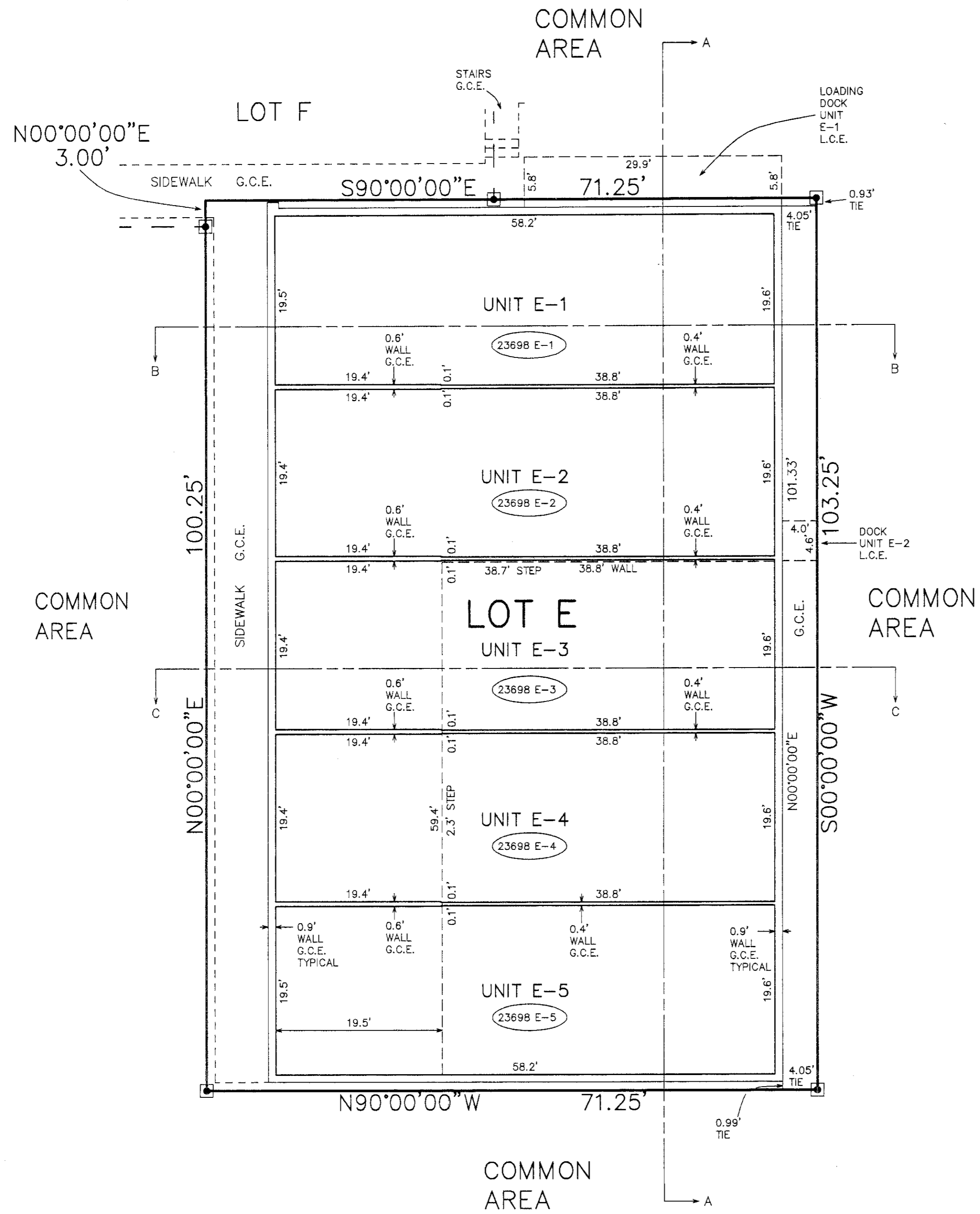


Starbuck Surveyors
 P.O. Box 1584 • 0031 Eagle Park East Drive, Eagle, CO 81031 • (970)328-7208

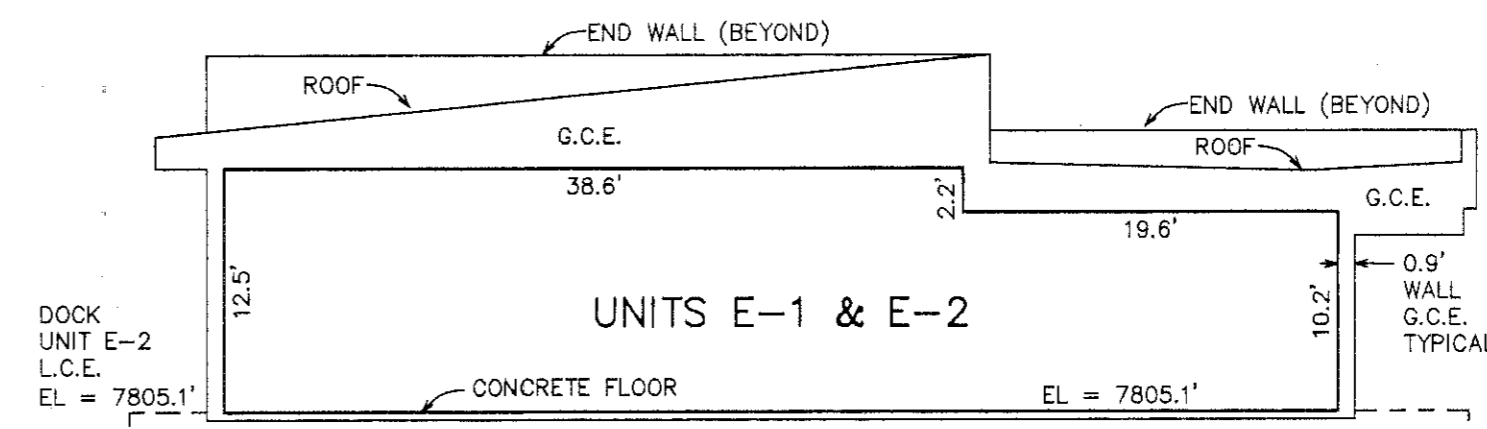
FINAL PLAT
 MEADOW MOUNTAIN BUSINESS PARK CONDOMINIUMS
 A RESUBDIVISION OF MEADOW MOUNTAIN BUSINESS PARK PHASE II
 TOWN OF MINTURN, COUNTY OF EAGLE,
 STATE OF COLORADO

DRN. R.B.	C:\R123\MEAMTN\PG2	SHEET 2 OF 7
CHK.		JOB NO. 204-48
DATE JAN. 4, 2005		

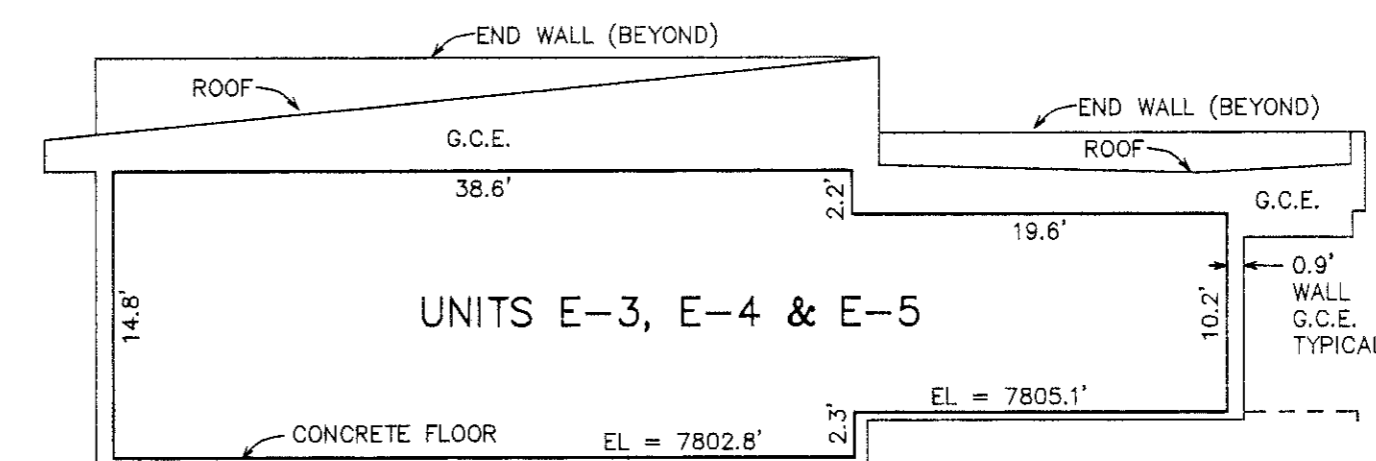
FINAL PLAT
 MEADOW MOUNTAIN BUSINESS PARK CONDOMINIUMS
 A RESUBDIVISION OF MEADOW MOUNTAIN BUSINESS PARK PHASE II,
 TOWN OF MINTURN, COUNTY OF EAGLE,
 STATE OF COLORADO
 SHEET 6



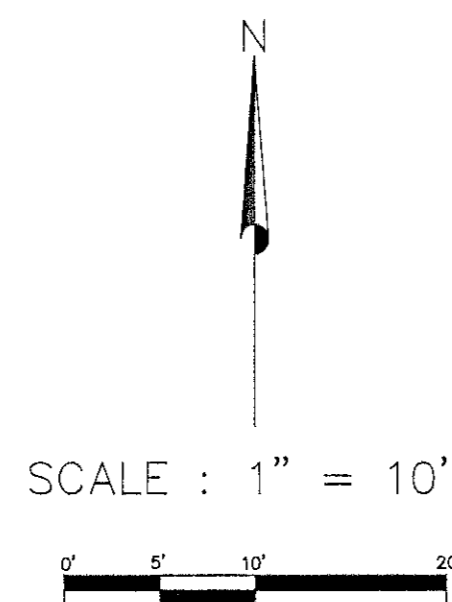
SECTION A - A



SECTION B - B



SECTION C - C



NOTES

1. THE BEARINGS FOR THE WALLS ARE PARALLEL OR PERPENDICULAR TO THE BEARING SHOWN FOR THE EXTERIOR WALL.
2. ANY STRUCTURAL MEMBERS, COMMON UTILITIES, DRAINS, CONDUITS AND PIPES THAT ARE WITHIN THE DEFINED CONDOMINIUM UNIT ARE G.C.E.
3. G.C.E. IS "GENERAL COMMON ELEMENT"
4. L.C.E. IS "LIMITED COMMON ELEMENT"
5. ADDRESSES ARE SHOWN IN THE ELLIPSE. (23698 B-3)

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 certification shown hereon.



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FINAL PLAT
 MEADOW MOUNTAIN BUSINESS PARK CONDOMINIUMS
 A RESUBDIVISION OF MEADOW MOUNTAIN BUSINESS PARK PHASE II
 TOWN OF MINTURN, COUNTY OF EAGLE,
 STATE OF COLORADO

DRN. R.B.	C:\R123\MEAMTN\LOTE.DWG
CHK.	SHEET 6 OF 7
DATE JAN. 14, 2005	JOB NO. 204-48

Criteria; findings. Before acting on a conditional use permit application, the Planning Commission and Town Council shall consider the following factors with respect to the proposed use: The Town Planner has asked for a response to each of the criteria/ findings. Please see our narrative below:

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

The relationship between Eagle River Distillery and the Town of Minturn community development objectives of the town go hand in hand. This is an existing member of the community looking to expand product distribution from the town, while also giving an albeit small communal space back to the community. Whether other members of the neighborhood stop into the tasting room after hiking or biking meadow mountain, or just picking up a bottle on their way home from work, this space is sure to be a stopping point for much of the community.

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

We foresee very little effect on the existing population, transportation, utilities, schools, parks and recreational facilities or public facility needs as the proposed operation is within a business park. This business park already houses a coffee roastery, a snowmobile and motorcycle repair facility, an audio visual company and plumber.

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

The business park is designed to control and maintain itself, whether that be from a safety traffic flow and control standpoint, all the way to snow removal. Dedicated turn lanes were added into the business park during recent road work, and the general public is removed from the busy highway into the business park to access the Eagle River Distillery.

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

We foresee very little effect upon the surrounding area and businesses. Distilling produces very little noise, lighting, dust, or other obtrusive effects. The scale and bulk of the proposed operation is in line with the size of the space to be utilized, starting with just one employee. With Vail Coffee and Roastery distributing next door, we feel this business model and size aligns with the business park perfectly.

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

- I. That the proposed location of the use is in accordance with the purposes of this Chapter, the

Community Plan and the purposes of the zone in which the site is located.

We believe a distillery fits well within the business park. This is an area designated as solely commercial. Typically, this type of designation can be suited for manufacturing, retail, general businesses, and even restaurants and located outside of town center where appropriate for such activities, like what we find in this part of the zoning map of Minturn.

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

Once again, this area is outside of town center and residential zones where we feel the impact to the public will be the least. The distillery shall not produce any byproducts that could be considered a risk to public health, safety or welfare, or otherwise be detrimental to the public.

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

We find that the proposed use does comply with each of the applicable provisions of this chapter.

Respectfully,
Trish Marcine
Shepherd Resources, Inc
&
Spence Neubauer
Owner
Eagle River Distillery



DATE: July 28, 2022
TO: Minturn Town Council
FROM: Karp Neu Hanlon, P.C.
RE: Shrine Pass Restrictive Covenant

This item follows on Council's action on July 6 to add the condition of approval of the Battle Mountain Barn located at 13400 Highway 24 relating to obligations under the 2018 Moutnaintop Agreement to execute certain public access agreements. Since the meeting, staff has been working with the property owner on the language of these agreements. The Shrine Pass Restrictive Covenant has been agreed to form with the property owner and will be ready to execute upon approval and finalizing a legal description. This covenant will encumber the private property through which Forest Service Road # 709 Shrine Pass Road traverses, maintain year-round access to the public to use the road, and prohibit the owner from taking actions to close the road. The covenant also gives the Town the authority, but not the obligation, to maintain the road in the event it falls into disrepair. The language of this agreement was previously negotiated with Battle Mountain entities in 2017-2018.

The other agreement – a Peregrine Falcon Trail Easement – is still being discussed with the landowner. Staff and the landowner are working cooperatively to finalize this document and bring it before Council at the August 17 meeting.

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 32 – SERIES 2022**

**A RESOLUTION APPROVING A DECLARATION OF
RESTRICTIVE COVENANT AND SERVITUDE
REGARDING SHRINE PASS ROAD**

WHEREAS, at the July 6, 2022 Council Meeting Council approved the Battle Mountain Barn located at 13400 Highway 24; and,

WHEREAS, that approval added conditions of obligations under the 2018 Mountain Top Agreement to execute certain public access agreements; and

WHEREAS, the Shrine Pass Restrictive Covenant has been agreed to form with the property owner including the finalized legal description.

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

Section 1: The Council hereby approves and authorizes the Mayor to sign the Declaration of Restrictive Covenant and Servitude regarding Shrine Pass Road as attached hereto.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 3rd day of August, 2022.

TOWN OF MINTURN

By: _____
Mayor

ATTEST:

Jay Brunvand, Town Clerk

**DECLARATION OF RESTRICTIVE COVENANT
AND SERVITUDE REGARDING SHRINE PASS ROAD**

THIS DECLARATION OF RESTRICTIVE COVENANT AND SERVITUDE REGARDING SHRINE PASS ROAD (this “**Servitude**”) is made as of the 3rd day of August, 2022 (“**Execution Date**”), by BATTLE MOUNTAIN SC LLC, a Colorado Limited Liability Company (together with its successors and assigns, “**Declarant**”).

**ARTICLE 1
RECITALS**

This Servitude is made and imposed with reference to the following facts, which provisions of this Article 1 are incorporated into and made substantive provisions of this Servitude:

A. Declarant is the fee simple owner of certain real property located in unincorporated Eagle County (as legally described in Exhibit A and graphically depicted in Exhibit B, the “**Declarant Property**”).

B. The western-most segment of Forest Service Road 709, generally known and referred to as Shrine Pass Road (“**Shrine Pass Road**”), traverses through a portion of the Declarant Property in the alignment that is graphically depicted in Exhibit C and which extends a distance of not greater than twelve (12) feet in either direction from the center line of such alignment as it exists as of the Execution Date (the “**FSR 709 Historic Alignment**”).

C. Pursuant to and in accordance with applicable federal law, including United States Forest Service (“**USFS**”) rules, regulations, policies, management plans, orders and the like, as may be amended from time to time (“**USFS Regulations**”), the public (“**Public Access Users**”) has utilized the FSR 709 Historic Alignment to gain access to USFS and other public lands (“**Public Lands**”), and private lands for various legally permitted uses, and not for access to or use for any purpose of any portion of the Declarant Property located outside of the FSR 709 Historic Alignment (collectively, and as limited herein, the “**Historic Use**”).

D. Public Access Users who use Shrine Pass Road pursuant to this Servitude do so either as “invited guests” as defined in C.R.S. § 33-41-103(2)(e)(I) (“**Invited Guests**”) or, and only to the extent not construed to be Invited Guests, as a “licensee” as defined in C.R.S. § 13-21-115(5)(b) (“**Licensees**”), and at no time has Declarant collected or received any fee or other revenue from such Public Access Users, or from any other party, in compensation for such Public Access Users’ entry onto that portion of the Declarant Property situated within the FSR 709 Historic Alignment.

E. Declarant is entitled to those protections from and limitations on landowner liability to the fullest extent provided for in, as applicable, C.R.S. §§ 33-41-101, *et seq.* and C.R.S. § 13-21-115 (collectively, the “**Statutory Protections**”) and applicable common law limitations on landowner liability exposure.

F. Declarant and the Town of Minturn, a home rule municipal corporation of the State of Colorado (the “**Town**”), are parties to that certain Development Agreement

Implementing the Mountain Concept Alternative within the Mountaintop Area of the Battle Mountain Property (as may be amended from time to time, the “**Development Agreement**”), which Development Agreement pertains to certain real property that is adjacent to the Declarant Property and which is located within the Town’s municipal boundaries.

G. Pursuant to Section 2.2g of the Development Agreement, Declarant undertook to record a restrictive covenant, to be enforceable by the Town, that would run with title to that portion of the Declarant Property which is traversed by the FSR 709 Historic Alignment (the center line of which is graphically depicted in Exhibit D, the “**Burdened Property**”) and impose a servitude for the purpose of assuring that neither Declarant nor any subsequent fee title owner of all or any portion of the Burdened Property (individually, as “**Successor Owner**” and, collectively, the “**Successor Owners**”) will cause the FSR 709 Historic Alignment to be closed to access by the Public, and that any realignment or other changes to the FSR 709 Historic Alignment within the Declarant Property must be made in accordance with applicable USFS Regulations (collectively, the “**Shrine Pass Road Obligation**”).

H. In full satisfaction of the Shrine Pass Road Obligation, Declarant desires to execute and file this Servitude of record in the real property records of the clerk and recorder for Eagle County, Colorado (“**Record(ed)(ing)**”) as an encumbrance on the Burdened Property, and the Town desires to execute this Servitude to acknowledge the terms and conditions of this Servitude and that such execution and Recording of this Servitude constitutes Declarant’s full satisfaction of Declarant’s obligations under the Development Agreement with regard to the Shrine Pass Road Obligation.

ARTICLE 2 DECLARATION

2.1 Declarant Control Period; Enforcing Parties. For purposes of this Declaration:

(a) The term “**Declarant Control Period**” means the period of time during which Declarant or a single Successor Owner to whom the original or any successor Declarant has assigned such rights as provided in Section 9.2 is the fee simple owner of any portion of the Burdened Property.

(b) The term “**Successor Control Period**” means the period of time commencing upon expiration of the Declarant Control Period and continuing through and including the date on which a Termination Notice is Recorded pursuant to Article 7.

(c) The terms “**Enforcing Party**” and “**Enforcing Parties**” mean, individually or collectively, as applicable:

(i) during the Declarant Control Period, the Town and the Declarant;
and

(ii) during the Successor Control Period, the Town and the Successor Owners.

2.2 Effect of Recording of Servitude. Pursuant to and in full satisfaction of Section 2.2g of the Development Agreement, Declarant has caused this Servitude to be Recorded. From and after the date on which Declarant caused this Servitude to be Recorded (such date being the “**Effective Date**”), and unless and until the Recording of a Termination Notice in accordance with Article 7, this Servitude will:

- (a) effect and constitute an encumbrance on the Burdened Property;
- (b) impose a servitude running with title to the land comprising the Burdened Property at law;
- (c) bind all persons and entities having or acquiring any interest in the Burdened Property or any part thereof;
- (d) inure to the benefit of and be binding upon every part of the Burdened Property and every interest therein;
- (e) be binding upon Declarant and all Successor Owners;
- (f) inure to the benefit of and be enforceable by the Enforcing Parties;
- (g) with respect to the Town as an Enforcing Party, be construed to be in the nature of a non-exclusive “in gross” interest in assuring, subject to the terms and conditions of this Servitude, that the Burdened Property will remain open to Public Access Users for the purpose of vehicular, non-motorized (e.g. bicycle), and pedestrian ingress and egress to and from Public Lands in the vicinity of the Burdened Property for traversing through the Burdened Property via Shrine Pass Road (in its then-current “as is” condition) in the FSR 709 Historic Alignment (the “**Permitted Use**”); provided, however, Declarant intends that the Permitted Use is subject to the following express limitations (collectively, the “**Use Limitations**”):
 - (i) each Public Access User who enters upon the Burdened Property for the purpose of engaging in the Permitted Use does so at such Public Access User’s risk, and the Declarant and each Successor Owner is entitled to the Statutory Protections against all claims and liabilities;
 - (ii) no Public Access Users or any other third parties, either individually or collectively, will be construed to have any legal or equitable rights arising solely under this Servitude;
 - (iii) no Public Access Users or any other third parties, either individually or collectively, will be construed to have any legal or equitable right to enforce this Servitude, such enforcement rights being expressly limited and reserved to the Enforcing Parties;
 - (iv) this Servitude burdens and encumbers the Burdened Property only and does not burden or encumber, and will not be construed to encumber title to,

any portion of the Declarant Property that is adjacent to, but does not overlap or include, all or any portion of the Burdened Property.

2.3 Encumbrance Limited in Scope to Burdened Property. This Servitude burdens the Burdened Property only and does not burden or encumber, and will not be construed to encumber title to, any portion of the Declarant Property which is adjacent to, but does not overlap or include, the Burdened Property or any portion thereof. To the extent Declarant conveys portions of the Declarant Property to one or more successors, the Burdened Property or a portion of the Burdened Property may or may not be located within such landowner's property and such landowner may or may not be a Successor Owner as defined in this Servitude. Accordingly:

(a) such landowner will be a Successor Owner, will have or will be deemed to have obligations under this Servitude as a Successor Owner, and such landowner's property will be deemed and construed to be encumbered by this Servitude, only to the extent that such landowner's property includes the Burdened Property, or a portion thereof, such that the FSR 709 Historic Alignment (or its realignment under Article 1, Recital G) traverses through such Successor Owner's property; and

(b) no such landowner will be a Successor Owner, will have or will be deemed to have obligations under this Servitude as a Successor Owner, and such landowner's property will be deemed and construed for all purposes to be released from the encumbrance of this Servitude, to the extent that such landowner's property does not include the Burdened Property such that the FSR 709 Historic Alignment (or its realignment under Article 1, Recital G) does not traverse through such landowner's property.

2.4 Effect of Town Acknowledgement. By its execution of the Town Acknowledgement and Consent page to this Servitude, the Town:

(a) acknowledges that Declarant's Recording of this Servitude constitutes full and complete satisfaction pursuant to Section 2.2g of the Development Agreement regarding the Shrine Pass Road Obligation;

(b) consents to the terms and conditions set forth in this Agreement regarding the Town's performance of its obligations under this Servitude as an Enforcing Party; and

(c) acknowledges that its rights as an Enforcing Party under this Servitude are in consideration of the Town's performance of the Town's obligations as set forth in this Servitude.

2.5 Non-Merger. Notwithstanding the fact that Declarant is the sole fee title owner of the Burdened Property as of the Effective Date, or that a Successor Owner may at some future date be the sole fee title owner of the Burdened Property, Declarant does not intend for such ownership to result in, and such ownership will not be construed to result in, the merger of this Servitude with such fee title ownership and/or termination of any of the covenants, conditions or restrictions created by this Servitude.

**ARTICLE 3
SERVITUDE**

3.1 Effect of Servitude. For so long as a Termination Notice has not been Recorded pursuant to Article 7, Declarant and all Successor Owners of the Burdened Property will own, hold and convey the Burdened Property subject to and in accordance with this Servitude as follows:

(a) Public Access Users may engage in the Permitted Use, subject to the Use Limitations.

(b) To the fullest extent provided for in the Statutory Protections, such Permitted Use will be in accordance with the terms and conditions of and subject in all respects to the Statutory Protections.

(c) Except to the extent such actions are undertaken in accordance with USFS permission and applicable USFS Regulations, and as provided in Article 5 of this Agreement, neither Declarant nor any Successor Owner will:

(i) close the FSR 709 Historic Alignment in order to preclude Public Access Users from traversing the Burdened Property for the Permitted Use; or

(ii) realign or otherwise modify the FSR 709 Historic Alignment within the Declarant Property.

3.2 Effect of Realignment of Shrine Pass Road. To the extent a realignment or modification of the FSR 709 Historic Alignment pursuant to Section 3.1(c)(ii) results in a relocation of any segment of Shrine Pass Road into a portion of the Declarant Property that was not previously a part of the Burdened Property:

(a) an amendment to Exhibit D will be executed and Recorded within sixty (60) days of completion, pursuant to Section 9.1, to conform the legal description of the Burdened Property to such realignment; and

(b) upon Recording of such amended Exhibit D, the portion of the Declarant Property incorporated into the Burdened Property will be subject to the encumbrance of this Servitude and the portion of the Declarant Property excluded from the Burdened Property will be released from the encumbrance of this Servitude.

3.3 Benefitted Parties. This Servitude is for the sole and exclusive benefit of the Enforcing Parties.

3.4 Enforcement of Servitude. The sole and exclusive right to enforce this Servitude is reserved and limited to the Enforcing Parties.

**ARTICLE 4
MANAGEMENT AND MAINTENANCE; USE OBLIGATIONS**

4.1 No Charges or Fees Imposed for Permitted Use. Neither Declarant nor any Successor Owner may impose on, collect from or accept from any Public Access User any charge or fee for engaging in the Permitted Use. The Town will not impose on or collect from any Public Access User any fee or other charge, and no revenue will be collected from any Public Access User, for engaging in the Permitted Use without the prior written consent, which may be reasonably withheld, conditioned or provided in such party's sole discretion, of: (a) during the Declarant Control Period, the Declarant; or (b) during the Successor Control Period, a simple majority of the Successor Owners. To the extent the Town imposes any such fee or charge pursuant to such authorization, neither Declarant nor any Successor Owner may receive any portion of such revenue.

4.2 Installation and Maintenance of Improvements. Neither Declarant nor any Successor Owner will have an obligation or be subject to any liability regarding or arising from the condition of the Shrine Pass Road surface from time to time or the installation and maintenance of any improvements located within the Burdened Property that are intended to be utilized by Public Access Users or otherwise relating to the Permitted Use. The Town has no duty or obligation to install or maintain any improvements within the Burdened Property or maintain Shrine Pass Road. The Town will not install any such improvements (including Trespass Controls pursuant to Section 4.3) within the Burdened Property to facilitate Public Access Users engaging in the Permitted Use without the prior written consent, which may be reasonably withheld, conditioned or provided in such party's sole discretion, of: (a) during the Declarant Control Period, the Declarant; or (b) during the Successor Control Period, a simple majority of the Successor Owners. To the extent the Town installs any such improvements pursuant to such authorization, the Town will be solely responsible for the costs and expenses of installing and maintaining such improvements, and all liabilities associated therewith or arising therefrom (including but not limited to claims of laborers and materialmen and/or Public Access Users), without cost or liability of any nature to Declarant or any Successor Owner. Without limitation of the foregoing:

(a) Prior to commencing any such work within the Burdened Property, the Town will provide written evidence to Declarant and the applicable Successor Owner(s) of compliance with the insurance requirements set forth in Article 6.

(b) The Town will fully and timely pay or cause the payment of all sums owing for all maintenance, repair, replacement, improvement and other work undertaken by, through or under the Town, to the end that no claim for mechanic's, materialmen's or other liens or any other payment claims will be asserted against the Burdened Property or any portion of the Declarant Property, against Declarant or any Successor Owner, or against any other property interests in the Burdened Property or the Declarant Property as a result of any such work arising by, through or under the Town. If any party records a mechanic's lien claim against any such property interests, then the Town will, within sixty (60) days after the recording of such lien claim, obtain the release of the affected property interests from such lien claim, whether by discharge, bonding or otherwise. If the Town fails to furnish the requisite release within the 60-day period, then Declarant or

the applicable Successor Owner(s) may, at its or their option and without obligation to do so, secure the release of the lien claim by any means available, including bonding or settlement.

(c) Except as provided in Section 5.2(b), neither Declarant nor any Successor Owner will be liable for, and will have no obligation or duty whatsoever regarding, construction of improvements or furnishing of any maintenance and repairs to Shrine Pass Road, or to provide notice or warning of any dangerous or defective conditions therein, or to otherwise undertake in any respect to facilitate Public Access Users' use and enjoyment of Shrine Pass Road for the Permitted Use. Neither Declarant nor any Successor Owner will be liable to any Public Access User for any injury, harm, damage or liability that may result from such party's entry upon the Burdened Property or from any act or omission by a third-party.

(d) Nothing in this Servitude is intended or will be construed to waive or limit any rights of governmental immunity or other limitations of liability that Declarant, a Successor Owner, or the Town may assert against third parties by operation of law.

4.3 Wintertime Maintenance and Access. If Declarant or Successor Owners commence snow removal operations on Shrine Pass Road in excess of existing wintertime maintenance, Declarant and Successor Owners shall cooperate with USFS to establish alternative parking and trailhead facilities and wintertime motorized and nonmotorized over-snow trail access through the Burdened Property to the Public Lands.

4.4 Access Control; Trespassers. Trespassers (as defined in C.R.S. § 13-21-115(5)(c)) will be subject to prosecution by the Declarant and Successor Owners for trespass, and the Statutory Protections will apply for the benefit of the Declarant and Successor Owners. Declarant (during the Declarant Control Period) and Successor Owners (during the Successor Control Period) may, without obligation to do so, install and maintain within or adjacent to the Burdened Property such signage, fencing and other measures as are determined to be desirable for the purpose of marking the limits of the Burdened Property, advising Public Access Users that no trespassing into adjacent Declarant Property is permitted, and establishing physical barriers to deter such Public Access Users from committing a Trespass ("**Trespass Controls**").

4.5 Statutory Protections; Signage. Declarant (during the Declarant Control Period) and Successor Owners (during the Successor Control Period) may, without obligation to do so, install and maintain within or adjacent to the Burdened Property signage as determined to be desirable for the purpose of advising Public Access Users that the Permitted Use is subject in all respects to the Statutory Protections. Subject to the terms and conditions of Section 4.2, the Town may (but is not required to) install and maintain signage for such purposes within the Burdened Property (but not within adjacent Declarant Property unless pursuant to an easement for such purposes) with the prior written consent, which may be reasonably withheld, conditioned or provided in such party's sole discretion, of: (a) during the Declarant Control Period, the Declarant; or (b) during the Successor Control Period, a simple majority of the Successor Owners. The Town will conduct the activities, if any, that it undertakes relating to the Permitted Use or otherwise pursuant to this Servitude in a manner that complies with the Statutory Protections and is consistent with maintaining the benefit of the Statutory Protections

to Declarant and the Successor Owners. Without limitation of the foregoing, such signage may generally advise and notify Public Access Users as follows:

Use of Shrine Pass Road within privately owned land is subject to C.R.S. §§ 33-41-101, *et seq.* and/or C.R.S. § 13-21-115. Each person who utilizes Shrine Pass Road assumes all risk of utilizing Shrine Pass Road in its “as is” condition and is deemed to waive all claims against private landowners relating to such use except as may otherwise be provided in and limited by C.R.S. §§ 33-41-101, *et seq.* and/or C.R.S. § 13-21-115.

ARTICLE 5 PERMITTED USE NON-EXCLUSIVE

5.1 Declarant’s Uses. The Permitted Use is non-exclusive. Declarant and each Successor Owner expressly reserve the right to the use, enjoyment and occupancy of the Burdened Property, subject to applicable USFS Regulations, for any and all purposes that do not unreasonably interfere with the Permitted Use and/or applicable USFS Regulations.

5.2 Temporary Suspension and Closure. With the permission of the USFS, and in compliance with any applicable USFS Regulations, Declarant and each Successor Owner may temporarily suspend the use and enjoyment of the Permitted Use, including temporary closure of Shrine Pass Road within the Burdened Property, as necessary or appropriate up to thirty (30) days duration unless otherwise agreed to in writing with Town, in connection with the construction, installation or maintenance of any utilities, infrastructure and other site improvements (including but not limited to Trespass Controls) within or proximate to the Burdened Property. Accordingly:

(a) Prior to implementing such temporary suspension or closure, Declarant or the applicable Successor Owner(s) will provide the USFS and the Town thirty (30) days advance written notice thereof, which notice will contain information regarding the anticipated date and duration of such suspension or closure and a description of the purpose for such suspension or closure is being implemented.

(b) Upon completion of such work necessitating a temporary suspension or closure, Declarant or the applicable Successor Owner will, within a reasonable time and in accordance with USFS Regulations, restore Shrine Pass Road to the same or better condition as existed prior to the commencement of the work.

(c) Without limitation, during any such temporary suspension or closure Declarant will continue to provide access through the Burdened Property for emergency service vehicles (e.g. fire trucks, ambulances, and search and rescue equipment) and personnel.

ARTICLE 6 INSURANCE

6.1 Insurance By Town. For the purpose of providing insurance coverage for times when the Town performs work within the Burdened Property pursuant to Sections 4.2 or 4.3, the

Town will cause Declarant (during the Declarant Control Period) and the pertinent Successor Owner(s) (during the Successor Control Period), as applicable, to be included as an additional insured on the general liability coverages maintained by the Town, such coverage to be selected in the Town's sole subjective discretion, and will furnish to Declarant or any Successor Owner a certificate of insurance reflecting such additional insured status. It is understood that such coverages shall apply in respect of covered claims for damages arising out of work performed by or contracted by the Town within the Burdened Property.

6.2 Insurance By Town Contractors. At any time during which a contractor is performing work on the Town's behalf within the Burdened Property pursuant to Sections 4.2 or 4.3, such contractor must maintain commercial general liability insurance with a combined single occurrence limit of not less than \$1,000,000. Such contractor policies will name Declarant (during the Declarant Control Period) and the pertinent Successor Owner(s) (during the Successor Control Period), as applicable, as an additional insured, and will provide that such policies may not be cancelled or altered except upon thirty (30) days' prior written notice to Declarant (during the Declarant Control Period) or the Successor Owner(s) (during the Successor Control Period). Such contractors will provide to such additional insured party(ies) certificates of insurance confirming the contractor's maintenance of such required insurance coverage not less than five (5) business days prior to the commencement of such contractor's work. The insurance required hereunder will be written by an insurance company or companies authorized to do business in the State of Colorado.

ARTICLE 7 DURATION, TERMINATION OR ABANDONMENT

7.1 Duration. Unless this Servitude is terminated by Recording of a written instrument evidencing an intent to terminate this Servitude (a "**Termination Notice**") in accordance with the terms and conditions of this Article 7, this Servitude will continue in effect and be an encumbrance on the Burdened Property in perpetuity.

7.2 Termination and Release. This Servitude may be terminated and released only as follows:

(a) By Agreement. The applicable Enforcing Parties may, by mutual agreement, terminate and release this Servitude by Recording of a Termination Notice that has been executed by an authorized representative of both:

(i) the Town, and

(ii) as applicable, either:

(A) during the Declarant Control Period, the Declarant (without the requirement of Successor Owner, if any, consent); or

(B) during the Successor Control Period, a simple majority of the Successor Owners as of the date on which such Termination Notice was executed.

(b) Closure or Abandonment. If, in accordance with applicable USFS Regulations, the USFS takes an action that results in the permanent prohibition of all use by the general public of, or otherwise abandons or permanently closes, Shrine Pass Road in the FSR 709 Historic Alignment (or its realignment pursuant to Recital G) as it traverses the Burdened Property for access to Public Lands for a period of five (5) or more successive years, then either of the following Enforcing Parties, as applicable, after providing not less than thirty (30) calendar days prior written notice to the Town, may unilaterally execute and Record a Termination Notice:

(i) during the Declarant Control Period, the Declarant (without the requirement of Successor Owner, if any, consent or Town consent); or

(ii) during the Successor Control Period, a simple majority of the Successor Owners as of the date on which such Termination Notice was executed (without the requirement of Declarant consent, Town consent, or the minority Successor Owners' consent).

(c) Good Faith Efforts. Declarant and Successor Owners agree to refrain from taking any action that may cause USFS to prohibit continued use of the Shrine Pass Road. In the event that USFS considers an action that would result in either the termination of this Servitude, or a significant change in the scope of permitted uses on Shrine Pass Road, the Enforcing Parties will make good faith efforts to ensure the survival of this Servitude.

7.3 Effect of Recording of a Termination Notice. From and after the date on which a Termination Notice is Recorded in accordance with the terms and conditions of this Article 7, Recording of the Termination Notice will be conclusive evidence, and will have the effect, of:

(a) this Servitude being null and void and of no further force or effect;

(b) the Burdened Property being fully released from the encumbrance of this Servitude;

(c) all rights of the general public to enter upon and utilize the Burdened Property in order to access Public Lands, or for any other purpose, being terminated, null, void and of no further force or effect;

(d) being binding and legally enforceable on each Enforcing Party;

(e) all Successor Owners of all or any part of the real property comprising the Burdened Property being legally entitled to rely on and enforce such termination and release; and

(f) notwithstanding the foregoing, an Enforcing Party's obligations or duties under this Servitude, if any, which remain undischarged as of or by their nature can be performed only after the date on which the Termination Notice is Recorded will survive termination and release of this Servitude, and will remain binding and enforceable against such Enforcing Party thereafter until the same have been fully performed and discharged.

ARTICLE 8 REMEDIES

8.1 Generally. As between Enforcing Parties, an Enforcing Party asserting a default or breach of this Servitude by another Enforcing Party will have the right to pursue and be entitled to enforcement of this Servitude against such other Enforcing Party. As between an Enforcing Party and any third-party asserted to have violated or breached the terms and conditions of this Servitude, such Enforcing Party will have the right and be entitled to enforcement of all remedies available at law or in equity against such third-party.

8.2 Town's Specific Performance. The Town's governing body, acting in its legislative capacity, expressly authorizes, determines and directs that Declarant and Successor Owners are not entitled to monetary damages, whatsoever, but will be entitled to seek and to be awarded, in lieu of monetary damages as a remedy against the Town if determined by a court to be in breach of its obligations under this Servitude, such equitable remedies as may be necessary to secure to Declarant and Successor Owners the Town's performance of its obligations pursuant to the terms and conditions of this Servitude.

8.3 CGI Act. No term or condition of this Servitude will be construed or interpreted as an express or implied waiver by the Town of any provision of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 *et seq.* (as amended from time to time, the "**CGI Act**").

8.4 Cure. Prior to bringing any action for enforcement of any terms or obligations contained in this Servitude, the party alleging a breach shall provide the other party with written notice of the alleged breach. The other party in receipt of such notice will have a period of three (3) business days after receipt of such notice within which to effect a cure (or, if the breach or default is of a nature that it cannot reasonably be cured within such period, such longer period as may be reasonable under the circumstances with diligent effort).

ARTICLE 9 MISCELLANEOUS

9.1 Amendments. The applicable Enforcing Parties may, by mutual agreement, amend this Servitude by Recording of a written instrument that has been executed by an authorized representative of both: (i) the Town, and (ii) as applicable, either: (A) during the Declarant Control Period, the Declarant (without the requirement of Successor Owner, if any, consent); or (B) during the Successor Control Period, a simple majority of the Successor Owners as of the date on which such written amendment was Recorded. Any such amendment will be binding on and encumber the Burdened Property, and will be binding on and enforceable against the Enforcing Parties, from and after the date on which such amendment is Recorded.

9.2 Assignment During Declarant Control Period. If Declarant conveys all or substantially all of the Declarant Property to a single Successor Owner during the Declarant Control Period, Declarant reserves the right to contemporaneously assign to such Successor Owner the status of Declarant under this Servitude, such that the Successor Owner thereafter will be, and will have authority to exercise all rights of, the Declarant under this Servitude during the Declarant Control Period as defined in Section 2.1(a).

9.3 Governing Law; Venue; Waiver of Right to Jury Trial. This Servitude will be construed according to the laws of the State of Colorado. Venue will be in the district court for the State of Colorado, Eagle County, Colorado. To reduce the cost of and to expedite the resolution of disputes under this Agreement, **each Enforcing Party waives any and all right to request a jury trial in any civil action relating primarily to the enforcement of this Agreement.**

9.4 No Public Dedication. Nothing herein will be deemed or construed as a grant of a dedication to the Town or to the public of fee ownership interest, an easement, or any other or lesser estate in the Burdened Property. Declarant and any Successor Owners of all or any portion of the Burdened Property will retain fee simple ownership of the Burdened Property, subject to this Servitude in accordance with the terms and conditions set forth herein.

9.5 No Third-Party Beneficiaries. Enforcement of the terms and conditions of this Servitude, and all rights of action relating to such enforcement, will be strictly reserved to the Enforcing Parties, and nothing contained in this Servitude will give or allow any such claim or right of action by any third person. Any person other than an Enforcing Party that receives services or benefits under this Servitude will be deemed to be an incidental beneficiary only.

9.6 Severability. If any provision of this Servitude is declared by any court of competent jurisdiction to be void or unenforceable, such decision will not affect the validity of any remaining provisions of this Servitude, which remaining provisions will continue in full force and effect to the extent not inequitable to or depriving an Enforcing Party of the material benefits of this Servitude under the facts and circumstances then pertaining. In lieu of such void or unenforceable provision, the Enforcing Parties having the right to execute amendments to this Servitude, as provided in Section 9.1, will exercise good faith to so amend this Servitude in order to incorporate a provision materially similar in substance to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

9.7 Rules of Construction. The article and section headings which appear in this Servitude are for purposes of convenience and reference, and are not in any sense to be construed as modifying the articles and sections in which they appear. References to the singular will include the plural, and to the plural will include the singular, and any reference to any one gender will be deemed to include and be applicable to all genders.

9.8 Authority to Execute. The persons executing this Servitude, including the consent pages hereto, represent and warrant that they are duly authorized to execute this Servitude on behalf of the respective signatory entities.

9.9 Counterparts. This Servitude may be executed in counterparts, each of which will be deemed an original, and all of which together will constitute one and the same instrument and agreement.

[Signature Pages and Exhibits Follow This Page]

IN WITNESS WHEREOF, Declarant has executed this Servitude as of the Execution Date, with the intent that this Servitude will be binding and legally enforceable in accordance with its terms and conditions from and after the Effective Date.

DECLARANT:

Battle Mountain SC LLC,
a Colorado limited liability company

By: _____
Name: _____
Title: _____

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2022, by _____ as _____ of Battle Mountain SC LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: _____.

Notary Public

Town Acknowledgement and Consent

TOWN:

TOWN OF MINTURN, a municipal corporation of the State of Colorado

By: _____
Name: _____
Title: Mayor

ATTESTED by:

By: _____
Town Clerk

APPROVED as to legal form:

By: _____
Town Attorney

EXHIBIT A

Legal Description of Declarant Property
(See attached)

EXHIBIT B

Graphic Depiction of Declarant Property
(See attached)

Exhibit C

Graphic Depiction of FSR 709 Historic Alignment

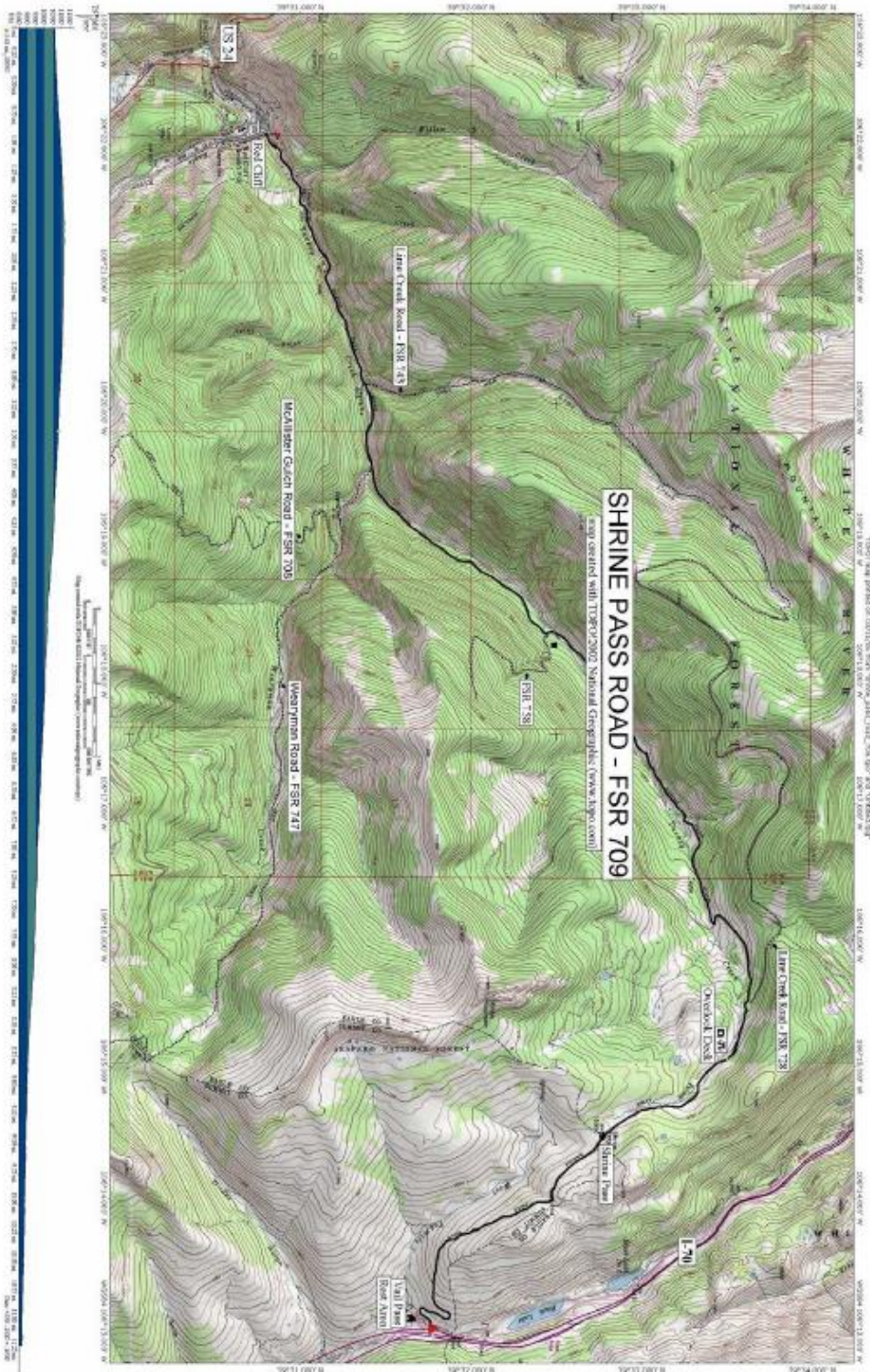
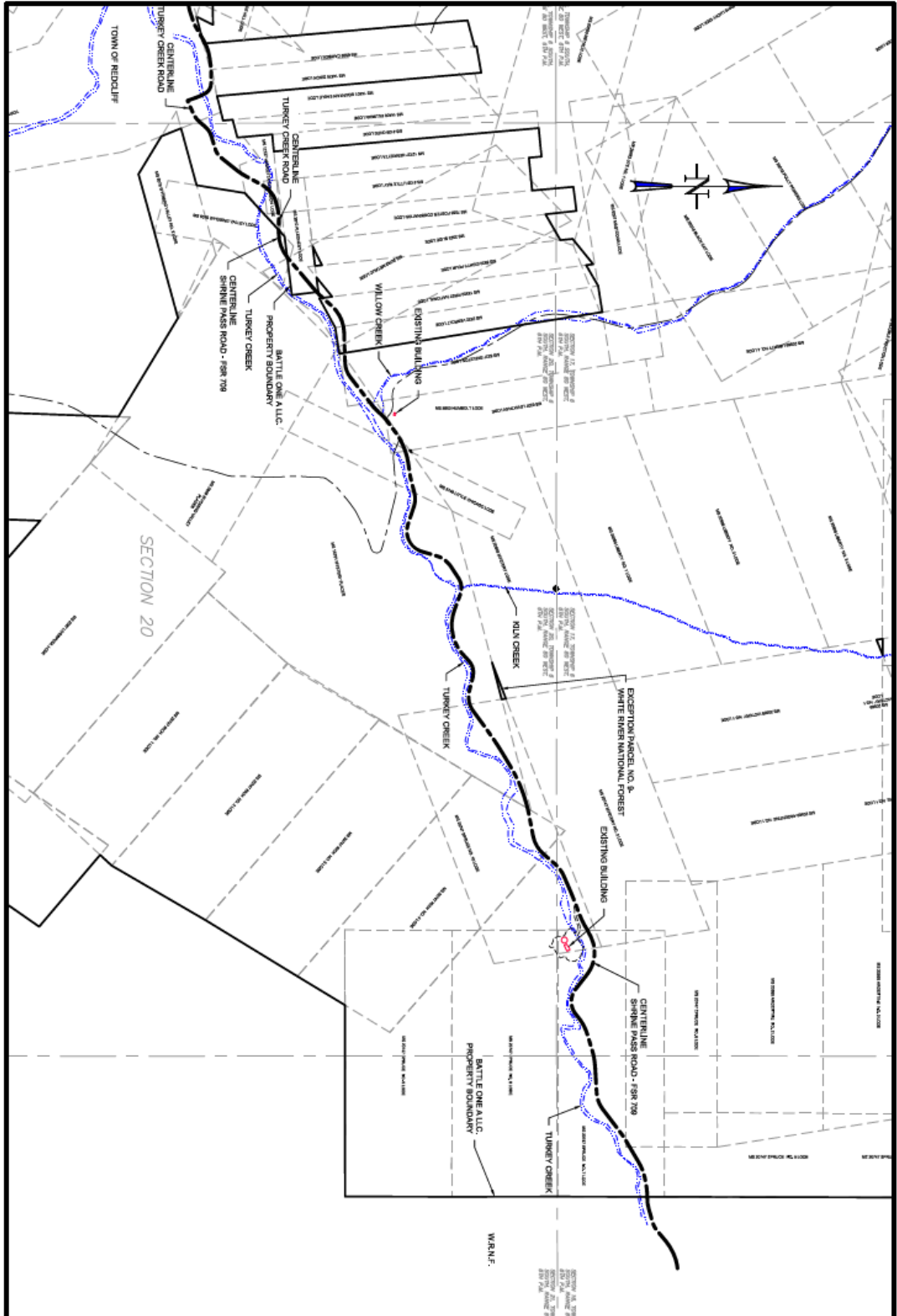


Exhibit D

Graphic Depiction of Burdened Property

(follows this page)



SHRINE PASS ROAD EXHIBIT				 GAMBA & ASSOCIATES	Battle One LTD. LLLP.	SHEET NO. 1
SCALE: 1" = 500'	DATE: FEBRUARY 20, 2018	DRAWN BY: BK			GAMBA & ASSOCIATES, INC. CONSULTING ENGINEERS & LAND SURVEYORS 97048-8880 WWW.GAMBAENGINEERING.COM <small>118 NORTH ST., STE. 214 P.O. BOX 1488 GLENWOOD SPRING, CO 81626</small>	
SHEET: 1 of 1	PROJECT: 05554-04	CHKD BY: NJG				
<small>DRAWING: East Property Boundary Survey - for TOWN Exhibit 20180229.dwg DISCUSSION: 1189999050404500000011 04/01/18</small>						



To: Mayor and Council
From: Madison Harris, Planner I
Date: July 28, 2022
Agenda Item: Ordinance 11 - Series 2022: 100 Block Standards and Guidelines

REQUEST:

Review of Ordinance 11 - Series 2022 an ordinance amending Chapter 16 of the Minturn Municipal Code to amend and/or replace certain land use standards, development standards, and design standards applicable only to the Old Town 100 Block Commercial Zone District.

INTRODUCTION:

Ord. 11 - 2022

At their regular meeting of June 22, 2022, the Planning Commission reviewed Ord. 11 - 2022.

Two citizens spoke at the public hearing where the Planning Commission discussed the proposed changes to allowable uses, development standards such as allowable building height and required setbacks, along with a major update to the design standards applicable to the Old Town 100 Block Commercial Zone District.

Ultimately, the Planning Commission voted 5-0 to forward a recommendation of approval to the Town Council of Ordinance 11 - 2022, with seven conditions provided by Planning Commissioner Michael Boyd. Condition numbers 1 and 2 relate specifically to pages and sections from Planning Commission packet materials provided by Studio Seed:

1. The ordinance relates to the 100 Block, all areas, regardless of color shades shown page 4, Appendix B. The entire 100 Block, both A and B as shown in Exhibit A which is Appendix B insert Design Standards and Guidelines Pages 1-27 Excluding Pages 24 & 25 and Table 16-C page 7 of this ordinance including any other related conditions of this ordinance is to be updated from this motion for Council meeting packet
2. Page 15 SD.4 parking: that tandem parking is not allowed. Wording should be removed from section.
3. That any changes from side setbacks are verified and done in accordance with our Fire Code and Eagle River Fire recommendations for access.
4. That the design preferred was 2.5 stories stepped back option B or D with bonus floor permitted.
5. That the overall height of 100 Block B including the bonus floor is 35' with a stepped back design measured to midpoint of pitched roof area or overall height on flat roof to top of parapet wall.
6. That cash-in-lieu for bonus floor residential is \$10,000 per spot up to 2 bedrooms per parcel. Limited and expensive because on-site parking is preferred. These non-designated spots are not exempt from any future parking meter fees or

additional requirements. Residential units are still required to have parking on site. Parking is not required for commercial uses in this 100 Block.

7. Remove the conditional restriction for residential on upper floors in Sec. 16-6-70 and make it a use by right for both 100 Block A and B.

ANALYSIS:

In reviewing the ordinance, the Planning Commission considered the applicability and the implementability of the new and/or updated sections of the Minturn Municipal Code, as well as testimony of staff, a consultant, and members of the public.

During their discussion, the Planning Commission focused much attention on direction provided to staff and consultants during the May 18th joint work session when Cheney Bostick, Studio Seed, presented draft changes to Chapter 16, inclusive of proposed use table revisions, dimensional limitation revisions (adjusting setbacks, building height and building “stepback” standards) and introducing a completely revamped set of design guidelines and standards for the 100 Block Commercial Zone District.

Specifically, the Planning Commission discussed proposed building height limitations and proposed building height calculation methods, with one Commissioner stating that the direction to staff was to cap maximum building height at 35 feet (measured to the midpoint of roofs) for new development and redevelopment projects. Ultimately, the Commission voted to approve the amendments and draft design guidelines, and recommended specific conditions aimed at clarifying standards for building height and preferred number of building stories, parking, allowable uses, and building setbacks.

One of the conditions that the Planning Commission implemented stated that there will be no parking required of commercial uses in the 100 Block. Staff believes the intent was to have no parking required for sales tax generating uses and not service businesses and offices and that is reflected in this amended ordinance.

Update from First Reading:

At their regular meeting of July 6, 2022 Council gave staff the direction to change the rear setback for 100 Block B from 0’ to 5’; residential on upper floors should be a conditional use for all lots west of Hwy 24; buildings should not be any higher than 35’; and, strengthened language about not allowing garages to take over the entirety of the first floor, instead having minimum requirements for a retail space.

While staff has addressed what they can in the ordinance, there are still some graphics and items of that nature that will need to be updated by Ms. Bostic at a future date.

COMMUNITY INPUT:

Planning Commission:

Two members of the public spoke at the public hearing. One member expressed concern with reducing setbacks as it seemed counterintuitive for fire danger mitigation, as well as disagreed with the cash-in-lieu fee for parking as they didn’t think it would be useful. Another member of the public questioned why multi-family on the second floor and above was conditional. They

would also like to allow residential on the ground floor at the back of lots in order to activate that space. 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.

Town Council First Reading:

Two members of the public spoke at the public hearing. One member expressed concern with reducing setbacks as it seemed counterintuitive for fire danger mitigation, and also stated that any money collected for the cash-in-lieu parking needed to be spent wisely. Another member expressed concern that this was making development difficult. 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.

BUDGET / STAFF IMPACT:

TBD.

STRATEGIC PLAN ALIGNMENT:

The Town Council’s review of ordinances and their actions aligns with the following key strategies:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

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

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

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Continue the following to a date certain:

1. Ordinance 11 - Series 2022 an ordinance amending Chapter 16 of the Minturn Municipal Code to amend and replace certain land use, development, and design regulations and standards applicable to the Old Town 100 Block Commercial Zone District.

ATTACHMENTS:

- Memo from StudioSeed

- Ord. 11 - 2022 (Text amended per Town Council's review, please note that Exhibit A was unable to be entirely amended at this time as Ms. Bostic was out of the country)



JUNE 22, 2022 PLANNING COMMISSION

MEMORANDUM

This packet includes a final draft of Chapter 16 Proposed Amendments and a new Appendix B insert (that replaces the existing 100 Block design standards and guidelines.)

- The **Chapter 16 Proposed Amendments** is displayed as a direct edit Chapter 16. If it is helpful, you may want to have the existing [Chapter 16](#) code available to follow along. It only includes sections relevant to the 100 Block that need updated.
 - **Additions to the code are in bold and underlined.**
 - ~~Omissions are listed with a strikethrough~~
 - Existing text to remain is normal text.
- The **Appendix B insert (100 Block Design Standards and Guidelines)** is a brand-new document that is intended to replace the outdated 100 Block Commercial Zone Character Area Design Guidelines document.
 - This document includes standards from Chapter 16 that were not well-organized and adds new ones that include stronger language, as desired from the Design Review Board to be able to implement the vision of the 100 Block with clear rules.
 - It also includes supplemental language and guidelines under the standards that provides additional guidance for certain topics.

To meet the goal of adopting the Chapter 16 edits and new standards and guidelines by the time the moratorium is lifted at the end of August 2022, we are requesting that this package be approved and forwarded to Town Council, with any stipulations such as specific edits to the document that will be discussed at this Planning Commission meeting.

Therefore, please review this package in its entirety and come prepared to add specific comments and have specific discussions on any topics where you see discrepancies, have issues, or need clarification. As a reminder, this package is the culmination of the following:

October 2020 Community Charrette
February 2022 Community Charrette
April 26, 2022 Planning Commission Meeting
May 5, 2022 Downtown Doers Group Meeting
May 18, 2022 Joint Work Session with Planning Commission and Town Council, including public comment
June 22, 2022 (tonight) intended as Planning Commission final review and approval
July 6, 2022 intended First Reading to Town Council
August 3, 2022 intended Second Reading and Adoption at Town Council

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 11 – SERIES 2022

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 16 OF THE MINTURN
MUNICIPAL CODE TO AMEND AND REPLACE ZONING,
LAND USE, DEVELOPMENT, AND DESIGN REGULATIONS
AND STANDARDS APPLICABLE TO THE OLD TOWN 100
BLOCK COMMERCIAL ZONE DISTRICT

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

WHEREAS, the Town of Minturn 2021-2023 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

WHEREAS, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “keep Minturn Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

WHEREAS, the Strategic Plan contains specific strategies in support of proposed amendments to Chapter 16, Zoning, Appendix B, Design Standards, such as “Sustain and Invest in the Things That Define Minturn as a Proud, Sturdy Mountain Town to ‘Keep Minturn Minturn,’” “Implement methods to recognize historic structures,” “Enforce ordinances aimed at maintaining the health, safety, welfare and aesthetic of the town – snow, trash, nuisance abatement and zoning/land use,” and

WHEREAS, the Town is experiencing development pressure in several zoning districts and neighborhoods, particularly in the “100 Block Commercial Zone District” (hereinafter the “100 Block”) and desires to address and update applicable zoning, land use, development and design regulations standards for the 100 Block; and

WHEREAS, in 2021, the Town commenced an update to the 2009 Community Plan (hereinafter “the Community Plan Update Project”); and

WHEREAS, a key objective of the Community Plan Update Project has been to review and update the Town’s zoning, land use, development and design regulations and standards, inclusive of certain chapters and sections of “Appendix B,” Town of Minturn Design Guidelines and Standards; and

WHEREAS, the Town has prioritized the updating of zoning, land use, development and design regulations and standards specific to the 100-Block;

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

WHEREAS, on June 22, 2022 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 Land Use Regulations Chapter 16 as provided herein are necessary and proper.

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

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

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

ARTICLE 2 - Definitions, Illustrations and Lot Standards

* * *

Sec. 16-2-20. - Definitions.

Building height or height of building means the maximum vertical (plumb) distance measured at any point along the perimeter of the structure from the finished or natural grade (whichever is more restrictive) and a point on the roof depending on the roof type. No portion of any structure shall exceed the applicable building height limitation contained in this Code. (See Illustration No. 16-2.)

Height measurement points specified for the following types of roofs:

Flat roof: Height shall be measured to the highest point of the building, including parapet walls and rooftop appurtenances, but excluding architectural features and chimneys which may be permitted by Planning Director.

~~*Gable, hip, gambrel or shed roof:* Height shall be measured to the mean height level between the highest ridge or wall and its highest associated eave, provided, however, that if any parapet wall equals or exceeds the height of the highest ridge, then vertical distance shall be measured to the highest point of the parapet. Mansard roof height shall be measured to the decline of the roof.~~

See also [Section 16-3-30](#).

Pitched roof means a gable, hip, gambrel or shed roof where height shall be measured to the mean height level between the highest ridge or wall and its highest associated eave, provided, however, that if any parapet wall equals or exceeds the height of the highest ridge, then vertical distance shall be measured to the highest point of the parapet.

Mansard roof height shall be measured to the decline of the roof.

Constrained lot means a lot that has a dimension (in any direction) that is 25 feet or less.

Half stories means habitable space that is located within the pitched roof portion of a structure or where the majority of the habitable space is below-grade. Habitable space within a half story shall have a minimum floor to ceiling height of 5 feet at the lowest point. See Sec. 16-2-65.

Incentive floor means an additional floor of development that is allowed only when additional requirements for the development are met. See Sec. 16-2-65.

Parking In lieu fee means a fee that is paid by a developer to the Town of Minturn in exchange for a reduced parking requirement. See Sec. 16-16-150.

Publicly accessible means a space such as a plaza or sidewalk on private property that is directly accessible from a public right-of-way and use by the general public is allowed.

* * *

Sec. 16-2-30. – Illustrations.

Illustration No. 16-6

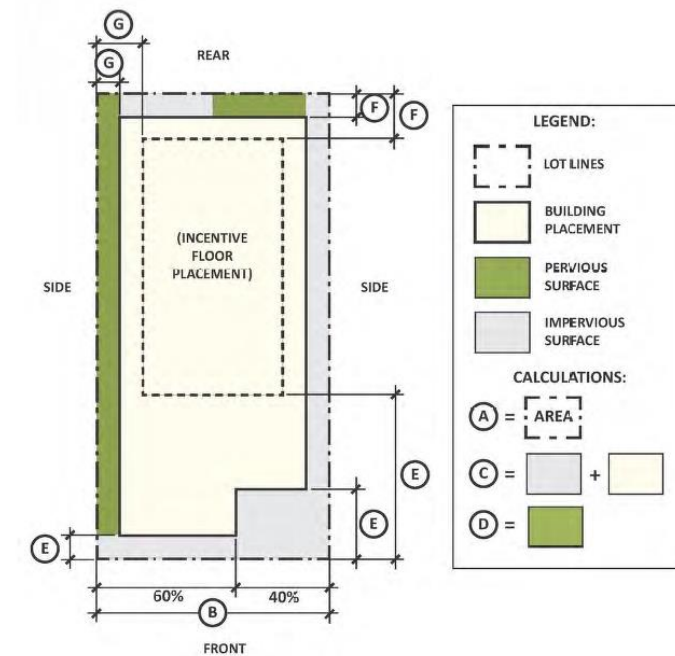
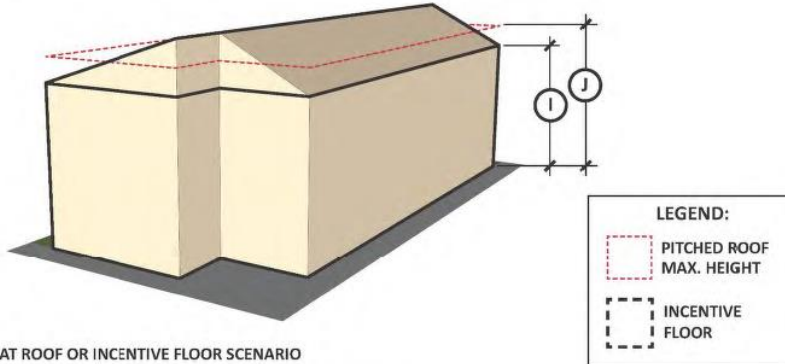
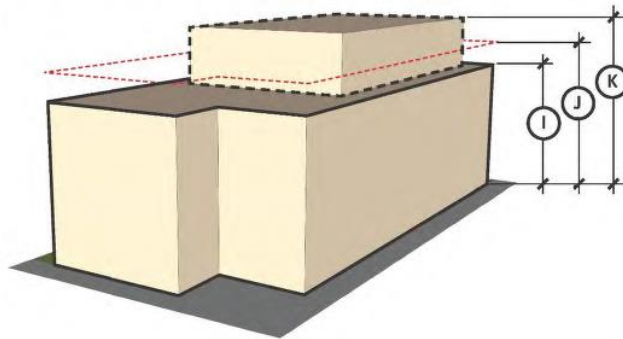


Illustration No. 16-7

PITCHED ROOF SCENARIO



FLAT ROOF OR INCENTIVE FLOOR SCENARIO



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

Table 16-A
Dimensional Standards

		<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
		<u>LOT REQUIREMENTS</u>				<u>SETBACKS</u>			Live Stream Setback (ft)
Character Area	Zones	Min. Lot Area / Max. Lot Area (sq. ft.)	Min. Lot / Max. Lot Dimension (feet)	Maximum Building Lot Coverage (%)	Maximum Impervious Surface Area (%)	Minimum Setbacks (ft) ^Incentive floor Setbacks (ft)			
						Front	Rear	Side	
Meadow Mountain	Fed. reg. land use	N/A	N/A	N/A		Rec. 50	N/A	N/A	Rec. 30
Grouse Creek	Commercial	5,000	50	70	80	20	10	10	Eagle River=30 Grouse Creek=30

Old Town	Recreation & open space	To be determined as part of conditional review							30
	Residential	5,000	50	45	55	10	10	5	
	100 Block Commercial: <u>A</u>	2,500 / <u>7,500</u>	25 / <u>75</u>	80%	90%	10 <u>5 min.</u> <u>15 min.</u> <u>40% lot frontage</u> <u>20 max.</u> <u>^25</u>	10 <u>5</u> <u>^15</u>	5 (0 for constrained lots) <u>^10</u>	
	100 Block: <u>B</u>					<u>5</u> <u>^20</u>	10 <u>5</u> <u>^5</u>	5 (0 for constrained lots) <u>^5</u>	

* * *

Sec. 16-2-50 – Specific lot requirements and dimensional standards

~~(m)~~ For structures two (2) or three (3) stories in height, a maximum roof length of sixty (60) feet in one (1) direction is allowed. After sixty (60) feet, the roof height needs to be lowered by a minimum of nine (9) feet for a minimum run of twenty (20) feet in length or change directions a minimum of ninety (90) degrees for a minimum length of twenty (20) feet.

~~(n)~~ Sheds.

- (1) To constitute a shed that does not require a building permit, the structure shall be no larger than one hundred twenty (120) square feet in ground floor area and no higher than twelve (12) feet. Sheds in excess of one hundred twenty (120) square feet of ground floor area or twelve (12) feet in height require a building permit.
- (2) Sheds must be located in the rear or side yards, but such structures may not encroach into the side yard setbacks. A shed may encroach in the rear yard setback so long as it is a minimum of five (5) feet from all lot lines.
- (3) Sheds in all character areas and zones require a limited use review permit approved by the Planning Director. The denial of a limited use review permit by the Planning Director may be appealed to the Planning and Zoning Commission.
- (4) Sheds count toward the maximum impervious surface lot requirements.

~~(o)~~ Greenhouses.

- (1) In all zones, a permanent greenhouse (which is not fully deconstructed and removed prior to winter) which exceeds one hundred twenty (120) square feet in the ground floor area or exceeds twelve (12) feet in height must receive a limited use review permit

approved by the Planning Director and obtain a building permit. The denial of a limited use review permit by the Planning Director may be appealed to the Planning and Zoning Commission.

- (2) Permanent greenhouses shall be counted toward maximum impervious lot coverage requirements.
- (3) Non-permanent greenhouses (which are fully deconstructed and removed prior to winter every year) do not count toward maximum impervious lot coverage requirements.

(p) Any residential structure constructed in a commercial zone district must comply with the applicable residential maximum building lot coverage limitation, the residential maximum impervious structure limitation, the residential building height limitation and residential set back requirements.

* * *

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

* * *

Sec. 16-2-65. – 100 Block Commercial Zones building height limitations.

- ~~(a) In the 100 Block Commercial Zone, commercial buildings not fronting or adjacent to Highway 24 can have a maximum building height of thirty five (35) feet with a maximum angle of forty five (45) degree bulk plane from the street front setback or a maximum of twenty eight (28) feet for a flat roof.~~
- ~~(b) All buildings in the 100 Block Commercial Zone fronting or adjacent to Highway 24 located between Eagle Street and Williams Street can have a maximum building height of twenty eight (28) feet with a maximum angle of forty five (45) degree bulk plane from the street front setback or a maximum of twenty eight (28) feet for a flat roof.~~
- ~~(c) Slope of roof shall be a minimum of 4:12.~~
- ~~(d) Residential construction in the 100 Block Commercial Zone must follow residential building height limitations.~~

~~(See also Illustration No. 16-2 and Appendix B, Design Standards and Guidelines) The following Table 16 B contains the regulations for building height.~~

- (a) New buildings in the 100 Block shall be allowed a maximum height as shown in Table 16-C.
- (b) An incentive floor is allowed, following dimensional requirements listed in Tables 16-A and 16-C, and based on the provision of the following on-site improvements associated with the development:

i. An enhanced streetscape that provides a minimum of (1) street tree per 30 linear feet; (1) bench/seating area per 30 linear feet; and (1) bike rack accessible from a public right-of-way or passage; plus one of the following:

(1) A publicly accessible plaza or outdoor dining space (area shall be a minimum of 15% of total area of lot) that is visible from a public right-of-way.

(2) A publicly accessible passage (min. 4-foot wide pathway) is provided between Main Street and Williams Street or Main Street and Eagle River Drive. A min. 8-foot side setback shall be required to accommodate this space. Public passages shall be a minimum of 150 feet apart, i.e. if one is already provided 100-feet away, this option shall not be used.

(3) Additional parking (min. 5 spaces extra) on-site for public use or that may be shared with other uses on the 100 Block. See Sec. 16-16-150.

Table 16-C

	<u>I</u>	<u>J</u>	<u>K</u>
	<u>100 Block Building Height Limitations</u>		
	<u>Max. height / stories (flat roof)</u>	<u>Max. height / stories (pitched roof)</u>	<u>Incentive floor max. height / stories (any roof)</u>
<u>100 Block: A</u>	<u>28' / 2 stories</u>	<u>32' / 2.5 stories</u>	<u>35' / 3 stories</u>
<u>100 Block: B</u>	<u>35' / 3 stories</u>	<u>35' / 3.5 stories</u>	<u>35' / 4 stories</u>

* * *

Sec. 16-2-70. -- Specific front, side and rear yard setbacks requirements for 100 Block Commercial Zone.

- ~~(a) No parking spots allowed in the front or side setback on Highway 24 in the 100 Block Commercial Zone.~~
- ~~(b) No asphalt.~~
- ~~(c) Landscaping to include native trees, plants, tables, chairs, benches, decorative hardscape and planters for flowers.~~
- ~~(d) Pedestrian lights to be hung on building for pedestrian lighting. Meet dark sky requirements in Code Section 16-17-180, Exterior Illumination Standards.~~
- ~~(e) Must include irrigation.~~
- ~~(f) Must have exterior power outlets.~~
- ~~(g) All setbacks shall contain an area equal to five (5) percent of the total setback area for temporary snow storage (until snow can be removed off site).~~
- ~~(h) Ten (10) percent of each setback area must be landscaped area.~~

- ~~(i) Properties fronting Williams Street are encouraged to create an attractive, pedestrian friendly streetscape.~~
- ~~(j) Dumpsters, trash, and storage areas shall be properly screened.~~

~~(Ord. 5-2016 §2)~~

~~* * *~~

~~**Sec. 16-2-80. -- Block and building site patterns and side yard setbacks for 100 Block Commercial Zone.**~~

- ~~(a) Vacations of or building across originally platted lot lines shall not result in a building greater than seventy five (75) feet in width along Highway 24, Williams Street or Eagle Street.~~
- ~~(b) Building facades along Highway 24, Williams Street and Eagle Street shall not create the appearance of a single building that is wider than fifty (50) feet. Building facades must maintain the historic platted character of this area with building widths of twenty five (25) feet to fifty (50) feet.~~
- ~~(c) Maximum lot area (square feet): seven thousand five hundred (7,500).~~
- ~~(d) Minimum side yard setback is five (5) feet per twenty five (25) foot wide platted lot. For buildings fronting or adjacent to Highway 24 located between Eagle Street and Williams Street, the Planning Commission may require that the side yard setbacks be combined for the purpose of creating a ten (10) to fifteen (15) foot side yard corridor between two (2) buildings.~~
- ~~(e) Corner lots: ten (10) foot front yard setback facing Highway 24; five (5) foot setback on side facing any new or existing street connecting to Highway 24.~~

Historic Plat of 100 Block

Historically - Highway 24 came straight into Town over bridge

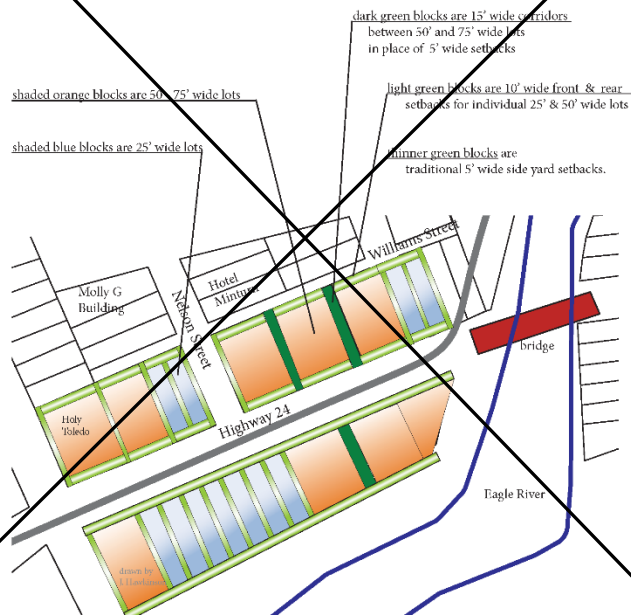


Diagram Example of:

100 Block Commercial Zones: Setbacks & Mass & Scale

Design to encourage:

- 15' wide corridors are encouraged for walkways to create a pedestrian friendly commercial 100 block
- corridors can be utilized for tables, landscaping - trees & flower pots, and market space
- encourage street fronts on buildings between William Street and Highway 24
- landscape for beautification - storm water management - shade
- 10' front & rear setbacks for landscaping, patios, flowers, trees, seating, snow storage
- reflect the historic & present cadence of original plat of downtown Minturn



* * *

ARTICLE 6 - Old Town Character Area

* * *

Sec. 16-6-35. - 100 Block Commercial Zones.

- (a) The 100 Block ~~Commercial Zones~~ is characterized by a compact retail/commercial core area bisected by Highway 24. The area consists of businesses and residences with an identity of the historic commercial core that is distinct from other parts of the community.
- (b) The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town's primary retail commercial district. Accommodation of sales tax-generating commercial uses and non-street level residential units can enhance Old Town vitality while maintaining the visual character and scale. Street level space within the 100 Block ~~Commercial Zones~~ shall be dedicated to retail uses. Non-street level space within the 100 Block ~~Commercial Zones~~ may be used for compatible retail, office, and residential uses.
- (c) The 100 Block ~~Commercial Zones~~ should function as a pedestrian shopping corridor. Buildings ~~should be~~ shall oriented toward sidewalks and pedestrian areas with storefront windows and main entrance doors. The scale of buildings both in terms of height and width should encourage transparency, pedestrian engagement, and facilitate pedestrian movement not only along Highway 24 but also between Highway 24, Williams Street and Eagle Street.
- (d) The small town historic main street character will be maintained by keeping in scale of with the original plat of twenty-five (25) foot by one hundred (100) foot lots and one (1) to two (2) story building heights frontages along Highway 24. Large monolithic buildings and "strip" retail areas are ~~discouraged~~ not allowed. New development in the 100 Block shall follow the standards and guidelines provided in Appendix B which seeks to ensure new structures maintain compatibility with historic structures while bringing new uses to increase vitality.

* * *

Sec. 16-6-70. – Old Town Character Area use table.

Use	All Residential Zones	Commercial Zones	100 Block Commercial Zone <u>A</u>	<u>100 Block</u> <u>B</u>	All Mixed-Use Zones	All Recreation & Open Space Zones	All Federally Regulated Zones	Light Industry and Public Facilities Zone	PUD Holding Zone	Railroad Right-of-Way/Transportation Zone
R – Use by right C – Conditional use L – Limited use N – Not allowed										
Accessory apartments (street level)	L	C	N	<u>C</u>	L	N	-	-	-	-
Accessory apartments	L	C	<u>C*</u>	<u>C</u>	L	N	-	-	-	-

(second floor or above)										
Accessory dwellings (street level)	L	C	N	<u>C</u>	L	N	-	-	-	-
Accessory dwellings (second floor or above)	L	C	<u>C*</u>	<u>C</u>	L	N	-	-	-	-
Automotive detail shops	N	C	N	<u>N</u>	C	N	-	-	-	-
Automotive parts sales	N	C	N	<u>N</u>	C	N	-	-	-	-
Bakeries and confectioneries	N	R	R	<u>R</u>	R	N	-	-	-	-
Banks and financial institutions	N	R	N	<u>N</u>	R	N	-	-	-	-
Barbershops	N	R	R	<u>R</u>	R	N	-	-	-	-
Beauty Shops	N	R	R	<u>R</u>	R	N	-	-	-	-
Business and office services	N	R	<u>NC</u>	<u>C</u>	R	N	-	-	-	-
Car washes	N	N	N	<u>N</u>	C	N	-	-	-	-
Cocktail lounges, taverns	N	R	R	<u>R</u>	C	N	-	-	-	-
Club (street level)	N	N	N	<u>N</u>	N	N	-	-	-	-
Club (second floor or above)	N	C	N	<u>N</u>	C	N	-	-	-	-
Commercial accommodations	N	R	R	<u>R</u>	C	N	-	-	-	-
Convenience stores	N	C	N	<u>N</u>	C	N	-	-	-	-
Delicatessens and specialty food stores	N	R	R	<u>R</u>	C	N	-	-	-	-

Drive-thru/up establishments	N	C	N	<u>N</u>	N	N	-	-	-	-
Drugstores and pharmacies	N	R	R	<u>R</u>	R	N	-	-	-	-
Dry cleaners	N	R	N	<u>N</u>	N	N	-	-	-	-
Duplexes (street level)	N	C	N	<u>N</u>	C	N	-	-	-	-
Duplexes (second floor or above)	N	C	<u>C*</u>	<u>C</u>	C	N	-	-	-	-
Garden landscaping supply and seed stores	N	R	N	<u>N</u>	R	N	-	-	-	-
Gas stations	N	N	N	<u>N</u>	C	N	-	-	-	-
Grocery stores	N	R	C	<u>C</u>	C	N	-	-	-	-
Health/medical offices (street level)	N	C	N	<u>N</u>	C	N	-	-	-	-
Health/medical offices (second floor or above)	N	R	R	<u>R</u>	C	N	-	-	-	-
Institutional uses (street level)	N	N	N	<u>N</u>	N	N	-	-	-	-
Institutional uses (second floor or above)	N	C	N	<u>N</u>	C	N	-	-	-	-
Laundries	N	C	N	<u>N</u>	C	N	-	-	-	-
Laundromats	N	R	N	<u>N</u>	C	N	-	-	-	-
Liquor stores	N	R	R	<u>R</u>	C	N	-	-	-	-
Manufacturing, light	N	C	C	<u>C</u>	N	N	-	-	-	-
Multi-family dwellings (street level)	N	C	N	<u>C</u>	C	N	-	-	-	-

Multi-family dwellings (second floor or above)	N	C	<u>CR</u>	<u>R</u>	C	N	-	-	-	-
Pawn shops	N	R	C	<u>C</u>	C	N	-	-	-	-
Photographic studios	N	R	C	<u>C</u>	R	N	-	-	-	-
Professional activities (street level)	N	R	N	<u>C</u>	C	N	-	-	-	-
Professional activities (second floor or above)	N	R	R	<u>R</u>	R	N	-	-	-	-
Professional offices, business offices and studios (street level)	N	C	N	<u>C</u>	R	N	-	-	-	-
Professional offices, business offices and studios (second floor or above)	N	R	R	<u>R</u>	R	N	-	-	-	-
Radio and television stores and repair shops	N	R	R	<u>R</u>	R	N	-	-	-	-
Restaurant	N	R	R	<u>R</u>	C	N	-	-	-	-
Single-family residential dwellings	R	C	N	<u>N</u>	R	N	-	-	-	-
Retail stores including: Apparel stores; art supply stores and galleries; bookstores; camera stores and	N	R	R	<u>R</u>	R	N	-	-	-	-

photographic studios; candy stores; chinaware and glassware stores; florists; gift stores; hobby stores; household appliance stores; jewelry stores; leather goods stores; luggage stores; music and record stores; newsstands and tobacco stores; sporting goods stores; stationery stores; toy stores; variety stores; yardage and dry goods stores										
Small appliance repair shops, excluding furniture repair	N	R	C	<u>C</u>	R	N	-	-	-	-
Tailors and dressmakers (street level)	N	R	N	<u>N</u>	R	N	-	-	-	-
Tailors and dressmakers (second level floor or above)	N	R	R	<u>R</u>	R	N	-	-	-	-
Theaters	N	R	N	<u>N</u>	C	N	-	-	-	-
Theaters, meeting rooms and convention centers (<u>street level</u>)	N	N	N	<u>N</u>	N	N	-	-	-	-
Theaters, meeting rooms and convention	N	C	N	<u>N</u>	C	N	-	-	-	-

centers (second floor or above)										
Travel and ticket agencies	N	R	N	<u>N</u>	R	N	-	-	-	-

* The west side of Highway 24 consisting of all of 100 Block: B and a portion of 100 Block A shall require a conditional use permit for Accessory Dwellings (second floor or above), Accessory Apartments (second floor or above), and duplexes (second floor or above).

* * *

ARTICLE 16 - Off-street parking and loading

* * *

Sec. 16-16-150. – 100 Block Incentive-Based Parking Program.

In order to incentivize sales-tax producing uses and the reuse of existing structures, new development in the 100 Block Zones may opt to reduce parking standards by providing the following:

- (a) Development shall calculate the total number of spaces required by the code for the proposed program by using Table 16-10, 16-11, and 16-12. The resulting number of spaces = A.
- (b) Development shall calculate the total number of spaces required for the proposed program using the following incentive-based formula. The resulting number of spaces = B.
 - (i) All sales-tax generating uses (commercial, retail, restaurant, etc.) = no parking required.
 - (ii) All projects that reuse an existing structure (for the newly programmed use(s) included inside the structure) = no on-site parking required.
 - (iii) Offices and non sales-tax generating commercial uses = 1 space per 500 sq. ft.
 - (iv) Light industrial = 1 space per 1,000 SF
 - (v) Residential (up to 2-bedroom) = 1 space per unit
 - (vi) Lodging, hotel/motel, bed and breakfast = 0.5 spaces per rentable room
- (c) Conduct the following calculation:
 - (i) A (minus) B (minus) allowable on-street/off-site spaces (Sec. 16-16-60) = # of spaces required for in lieu fee. The resulting number of spaces = C.
- (d) Developer shall pay in lieu fee to the Town of Minturn at a rate of C (times) \$10,000.
- (e) Developer would be exempt from in lieu fee if the following is true:
 - (i) Development meets parking requirements from Tables 16-10, 16-11, and 16-12; and
 - (ii) Development allows the additional parking (C) on-site to be used for public or shared parking for other uses in the 100 Block.

* * *

APPENDIX B - Design Standards and Guidelines

* * *

Chapter I, Section B - Goals, and Objectives, and Guiding Principles

In order to preserve and enhance the built environment, and to further the character of the community, Minturn has adopted design standards and guidelines for development. The Minturn Community Plan contains the community's vision for the future, a future that is grounded in the character of the past. This character is based on a respect for both the history and environment of the region, a respect that is evident in the existing architectural styles and layout of the Town. The preservation and enhancement of landforms, vegetation, and wildlife habitat are consistent with these objectives.

These standards and guidelines are to be used as a supplement to the Town of Minturn Zoning Code. Review of compliance with these design standards and guidelines will occur for all new development, as well as major restoration and/or renovation of existing structures or developments within the Town boundaries.

New projects should be designed with the following guiding principles in mind:

1. Minturn is Rich with History – all designs should respect and reflect our rich history and help keep our stories alive for future generations.
2. Minturn is Close to Nature – every building in Minturn is steps from nature – we respect and appreciate our environment in all aspects of design.
3. Minturn is Colorful – Minturn is not dull – look around and you will see colorful buildings, roofs, people, and landscapes. New designs should reflect our diversity by implementing a colorful, not dull, palette.
4. Minturn is Authentic – we have never tried to be like other communities – we are uniquely and proudly the one and only “Minturn.” New designs should contribute to our meaning and authenticity.

* * *

Chapter III - Character Areas

* * *

Section 4 - 100 Block ~~Commercial~~ Zones

[This section replaced and amended in its entirety with Exhibit A – see exhibit ‘A’ attached hereto]

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 6th DAY OF JULY 2022. 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 3rd DAY OF AUGUST 2022 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 3rd DAY OF AUGUST 2022.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Exhibit A



100 BLOCK

Design Standards and Guidelines

APPENDIX B INSERT



June 2022 (DRAFT)

CONTENTS

This document is organized into three chapters, as described below.

1 100 Block Framework

This chapter provides a framework for the 100 Block, presenting a quick history, key elements and principles for all new development. It provides guidance for how a project should respond to its surroundings and accent 100 Block assets to work toward becoming a cohesive, historic commercial core.

2 Site Design

This chapter provides specific design standards and guidelines as they relate to an individual site. These include the design and treatment of setbacks and other open space on a site as well as parking, screening, landscaping, and lighting.

3 Building Design

This chapter provides specific design standards and guidelines as they relate to an individual building. These include the appropriate scaling of a building and architectural elements, activation of edges, materiality, and roof design.

STRUCTURE OF DOCUMENT

The standards and guidelines herein are structured so that they can be easily followed and referenced. They are written as follows:

XX.1 THIS IS A TOPIC OR PRINCIPLE.

A. This is a standard (rule).

» *This is a guideline (advice) or supplementary information.*

A **topic or principle** explains what the standards and guidelines are about. A **standard** is a rule that shall be met if it applies to a particular site. Standards provide clear expectations for all projects to follow. A **guideline** is advice for a project - it is intended to give ideas for how a standard may be applied.

PURPOSE

This document replaces the former 100 Block Character Area from **Appendix B** of the Minturn Municipal Code. It seeks to provide guidance to property owners, developers, elected officials, and commissions so that the community's vision for the 100 Block can be realized over-time.

This document will be **used by the Planning Commission**, which serves as the design review body for the town, to review individual projects that are proposed in the 100 Block. All projects must also follow **Appendix B: General Design Standards, Chapter 16** sections of the municipal code that relate to the 100 Block were also updated at the same time so that dimensional standards and other zoning regulations match the standards and guidelines.

PROCESS

The standards and guidelines were developed using input from the community. Two community **design charrettes** were held (October 2020 and February 2022), as well as **multiple meetings** with stakeholders, the Planning Commission, and Town Council. The community agreed on many aspects of the vision. There was disagreement on the appropriate scale of buildings and whether or not the area (or individual buildings) should be designated historic. Ultimately, this document and the code update seeks to **find a balance** between opposing views while **implementing the desired vision** to create a 100 Block that is allowed to evolve while requiring that new projects contribute to a **sustainable and vibrant future**.

- ▼ APPENDIX B - MINTURN DESIGN STANDARDS AND GUIDELINES
 - I. INTRODUCTION
 - II. GENERAL DESIGN STANDARDS
 - ▼ III. - CHARACTER AREAS
 - 1. - GROUSE CREEK CHARACTER AREA
 - 2. - OLD TOWN CHARACTER AREA
 - 3. - SOUTH TOWN CHARACTER AREA
 - 4. - 100 BLOCK COMMERCIAL ZONE



Design Guidelines
100 Block Commercial Zone



'History meets Present'

This document replaces the former Design Guidelines for the 100 Block Commercial Zone with cover page shown above. Principles from the former guidelines were carried over, as applicable.



MINTURN 100 BLOCK
Design Workshop | February 15, 2022

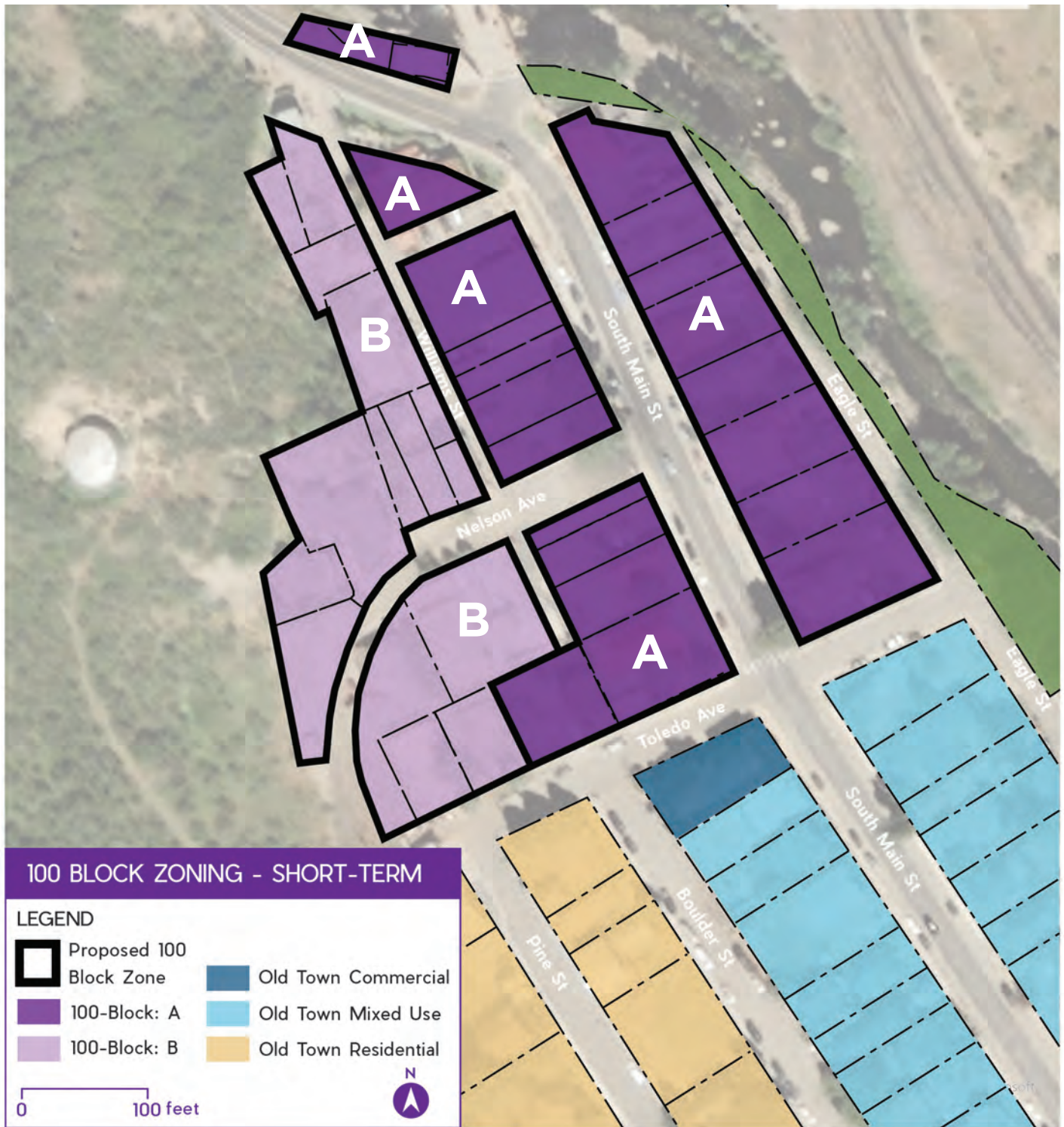


A Public Design Workshop was held on February 15, 2022 to discuss key elements of new development including: building height and frontage, site design and public realm, and parking. There were approximately 40 attendees.

APPLICABILITY

The design standards and guidelines herein apply to all properties outlined in heavy black line below. The **new 100 Block Zone** includes an **A and B subareas**, which the standards and guidelines may reference if differences apply.

100 Block: A is essentially all properties that face Main Street and **100 Block: B** is all properties that face Williams Street and Nelson Avenue going up the hill.





100 BLOCK FRAMEWORK

1

The 100 Block is the **gateway to Minturn** and the heart of town. It is the **historic center and commercial core**, although over-time commercial uses have extended past the 100 Block along Main Street. The 100 Block should remain the commercial core into the future, where there is ample opportunity for small, local businesses to thrive as well as more opportunity for people to live and visit. It is important to the community that the historic assets be saved and the history and authenticity of Minturn be celebrated. **Main Street** will remain the primary thoroughfare, although public and private improvements will help activate and improve the experience. **Williams Street and Eagle River Street** will become quaint public spaces where pedestrians and cars share the space and active uses breathe new life to these areas. Space between buildings will be used for **pedestrian passages, small gathering spaces and outdoor dining areas**. **Views** of the water tower, Eagle River, and hillsides will be preserved and celebrated.

QUICK HISTORY

Minturn was established in the late 1800s as a railroad town and incorporated in 1904. It originated on **mining, farming, and railroad** industries and jobs. It has maintained a feeling of a **quaint mountain village** amongst great change in Eagle County and surrounding areas with Vail and Beaver Creek resorts developing in the late 1960s to 1980s. Though tourism has picked up in recent years, Minturn remains a **local's place**.

Today, Minturn is still primarily a **working class town** with nearly 40 percent of employment in construction and related trades. Minturn has remained a local, authentic place over the years. It is entirely made up of **small, local businesses**, started from people that have invested their personal time and money to help Minturn prosper. It faces challenges related to growth and affordability as land values have escalated at high rates in recent years, as they have all over Colorado.



A two-story building with wood siding, sidewalks, and covered arcade includes a storefront and area where people can gather as they watch a carriage being pulled from a ditch on Main Street.



The two-and-a-half-story Eagle River Hotel includes a simple architectural form with a gabled roof and dormer. A porch on the front defines the entrance.



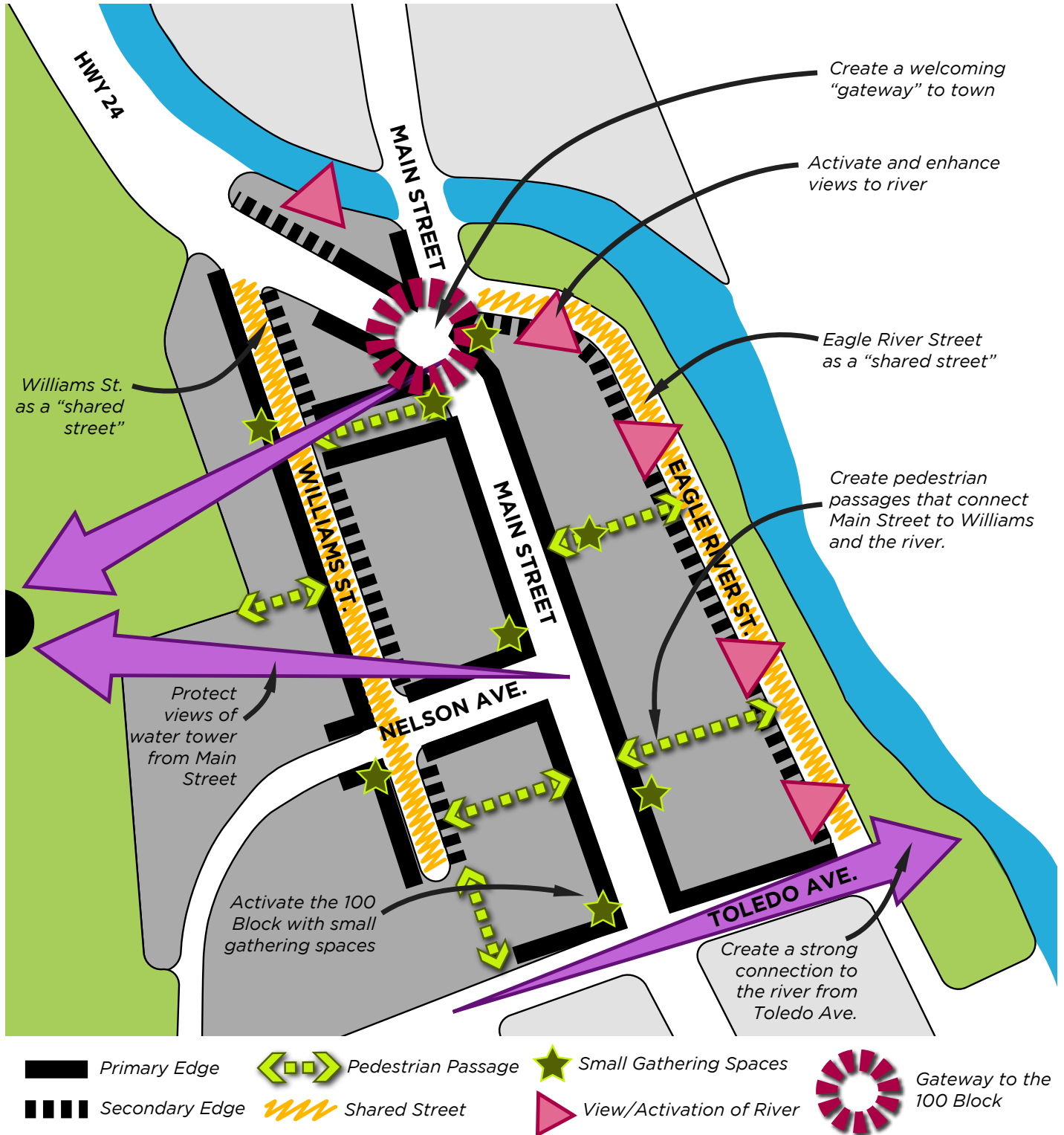
The Williams Cafe and Bar (now Magustos) is a wood and stucco structure that includes an arcade and storefront.



Main Street circa 19?? includes 2-story buildings at the sidewalk edge (zero setback) with narrow sidewalks.

100 BLOCK FRAMEWORK

This framework diagram explains key elements for the 100 Block that all projects should follow. Design principles that relate to the 100 Block Framework are provided on the following page.



100 Block Framework Diagram

FRAMEWORK PRINCIPLES

The following principles describe elements that will help implement the vision for the 100 Block. Each project should meet the following by providing a response to each principle in a project narrative

FP.1 CONTRIBUTE TO AN AUTHENTIC PLACE.

Minturn is known for being **authentic**. It's authenticity has been built over time, where layers of history are reflected in its people, places, and architecture. **What makes 100 Block authentic?**

- **It doesn't have a prescribed style of architecture** - each building seems to have it's own personality.
- **It has a rich history, but also has been built over time**, where buildings from different eras coexist and some have been added onto or modified to respond to new demands and uses.
- **It is made up of local businesses** - they are something you can only find in Minturn.
- **It is not another tourist mountain town** - though people love to visit, Minturn was not built *around* tourism. Design for locals first.

Each new project in Minturn's 100 Block should consider these aspects that make up its authenticity and contribute to it in similar ways, through unique architecture, a nod to history, and as a local's place first and foremost.



Minturn's local businesses is one thing that contributes to its authenticity (and awesomeness.)

FP.2 DESIGN AT A HUMAN SCALE.

The 100 Block is **quaint**. Though new buildings may be larger than traditional buildings, their **scale should be compatible** to their surroundings. A new building should blend in, rather than stick out.

Designing at a human scale means designing a building that is **comfortable** for someone to stand by and be in. It is made with materials that are small and modular - that can be carried by a person. They include details that add interest and delight to the human experience. They are designed to be experienced by pedestrians rather than cars.

Design new projects in the 100 Block with these elements in mind where each individual project contributes to a scale that is compatible and comfortable.



Designing at a human scale means designing a building that is comfortable for someone to stand by and be in.



Human scale design is designed to be experienced by pedestrians rather than cars.

FP.3 ACTIVATE EDGES.

The vision of the 100 Block is to continue to be the commercial core and activity center of Minturn with active storefronts and sales tax-generating uses throughout. To create this desired activity, include **active uses**, e.g. businesses that are open the majority of the day and create activity on the street from people coming and going. This includes but is not limited to: coffee shops, cafes, restaurants/bars, retail stores, and ice cream/candy shops.

Primary edges (Main Street, Williams Street, and side streets) shall require active uses on the ground floor.

Secondary edges (east side of Williams and west side of Eagle River Street) should encourage active uses, but may also require access to parking or other back of house uses. Activation of these edges may include enhanced screening, landscaping, or public art - however, if possible, secondary entrances and active uses are also encouraged.



Active storefronts and tax-generating uses that engage the streets and sidewalks are desired.

FP.4 CELEBRATE AND ENHANCE IMPORTANT VIEWS

The **water tower** is iconic to Minturn. Views to the water tower from key intersections should be celebrated. A project at these locations should consider someone taking a picture - where the water tower is visible and part of the composition.

Views of the **Eagle River** are also important. Minturn would like to elevate the river as a key asset, so improving access and views to the river is a key component to achieving the vision.

Secondary uses to Main Street could be placed along Eagle River Street to activate it or **upper floor roof decks** could overlook the river. **Eagle River Street** should be a unique, quaint experience that encourages pedestrians to enjoy time walking along or resting at the edge of the river.



Views to the water tower from key intersections should be maintained.

FP.5 CREATE A WELCOMING PLACE.

The 100 Block is the “gateway” to Minturn and therefore, should appear **welcoming**. This means that activities should orient to Main Street, the public realm should be **well-designed and maintained** year-round, and the experience of navigating to destinations (businesses, parks, parking, etc.) should be very clear.

Projects located at the main intersection, or “gateway,” shall contribute to **provoking a sense of arrival** and an iconic and unique sense of “Minturn.” The public realm should be coordinated and consistent in design. And architecture should be unique to Minturn and of highest quality and attention to detail.

Throughout the 100 Block, each individual project should create **welcoming and inviting places**. This can be achieved by creating interactive places such as: small plazas, pocket parks, outdoor dining and retail, and public passages. These design elements tell people that they are welcome to navigate through the 100 Block with ease and delight.

Note that locations of passages and gathering spaces on the diagram are not exact, but indicate the general amount of these elements needed to create a successful network.



Caption here...



Create interactive places.



The Minturn Anglers building serves as an iconic “gateway” building.



Create welcome and inviting places.



SITE DESIGN

2

Site design refers to the arrangement and placement of buildings as well as other site features on a particular lot - such as landscape/hardscape, parking, trash, and snow. The goal is to improve the overall experience and appeal of the 100 Block by having well-organized and inviting spaces as well as clear rules to maintain them.

SITE DESIGN: DEFINING FEATURES

The original and current layout of the 100 Block, as seen to the right, shows that much of the original structure of the 100 Block remains. It appears that Eagle River Street may have been put in at a later date and Highway 24 cut through south of the Eagle River heading west. The following are defining site features to consider in new designs:

25' LOT PATTERN

The original plat includes a series of lots that orient to Main Street with a 25-foot wide frontage. This allowed for multiple businesses to have visibility and access to customers and created a cadence along the street that changed properties (and therefore buildings) every 25-feet.

LINEAR NORTH-SOUTH ARRANGEMENT ALONG MAIN STREET

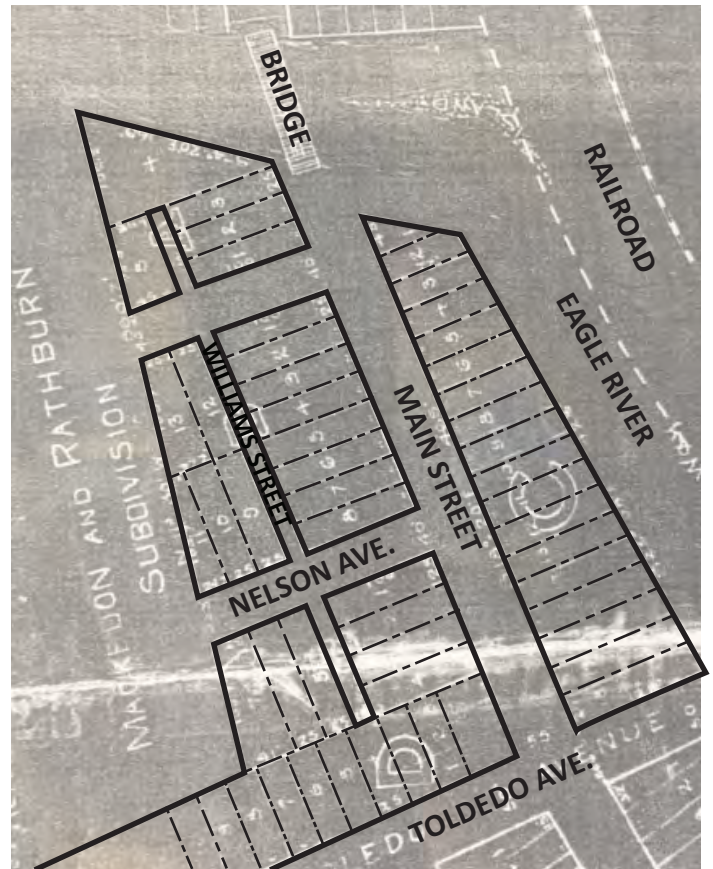
Due to surrounding topography, the arrangement of the 100 Block has remained linear in nature where the focus has always been on Main Street, and other roads are mainly used for access.

EAGLE RIVER AND RAILROAD

The river and railroad are consistent site features of the 100 Block that appear to be in their original alignment and location. Toledo Avenue has always terminated at the river's edge and the Bellm Bridge location is identical. Both elements contribute to the rich history of Minturn.

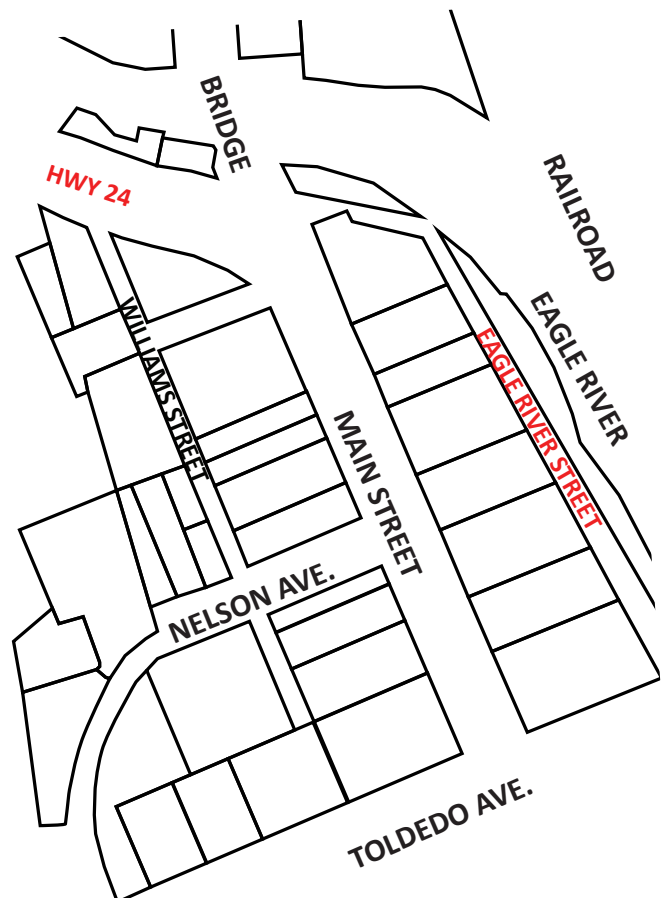
WATER TOWER

The Minturn water tower is situated above the 100 Block on the hillside to the west. This site feature is iconic to Minturn, as it has the "Minturn" name and can be seen from just about anywhere in the 100 Block due to its position high on the hillside.



Above: historic platting of the 100 Block

Below: current lot layout of the 100 Block



SITE DESIGN: STANDARDS AND GUIDELINES

SD.1 STREET DESIGN

A. **Main Street and Toledo and Nelson Avenues** shall include a minimum **5-foot** public sidewalk adjacent to the curb. This space shall remain free and clear of objects at all times.

B. **Main Street and Toledo and Nelson Avenues** shall include a **5-foot** front setback adjacent to the sidewalk. The first **2-foot** of the setback shall contribute to widening the sidewalk to create a 7-foot clear walking path.

» *The additional 3-foot of setback may be used for objects such as: sandwich boards, planters, benches, sales racks or other outdoor display of goods, landscaping, cafe seating, etc.*

C. **Main Street** requires that **40%** of a property's frontage include a minimum **15-foot** setback. This area shall be accessible from a public sidewalk.

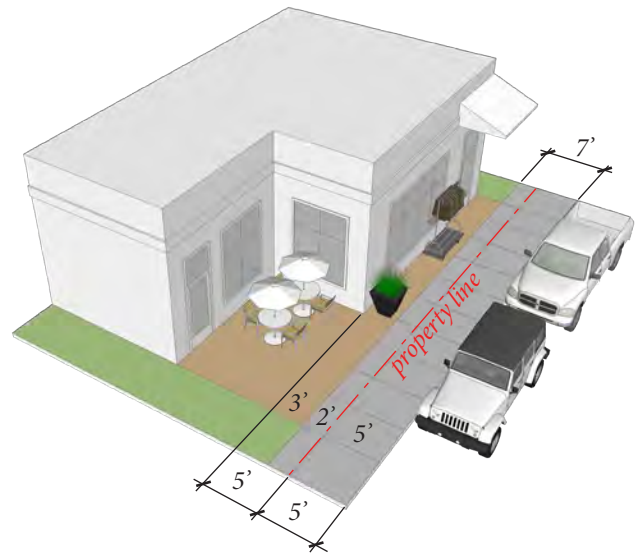
» *Design these spaces to be welcome and inviting. Consider ambient lighting, cafe seating, or other ways to activate the space.*

D. **Williams Street** shall include a **15-foot** clear public right-of-way (shared between vehicles and pedestrians) plus a minimum **5-foot** setback on either side for a total dimension of **25 feet** from building face to building face.

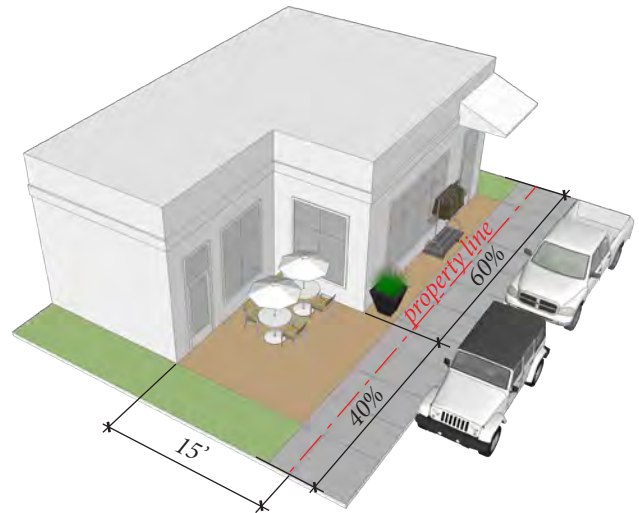
» *Consider changing the material of the setback area to differentiate it from the right-of-way.*

E. **Eagle River Street** shall include a **15-foot** clear public right-of-way (shared between vehicles and pedestrians) plus a minimum **5-foot** setback on the west side and 5-foot sidewalk on the east side for a total of **25 feet** from building face to back of sidewalk.

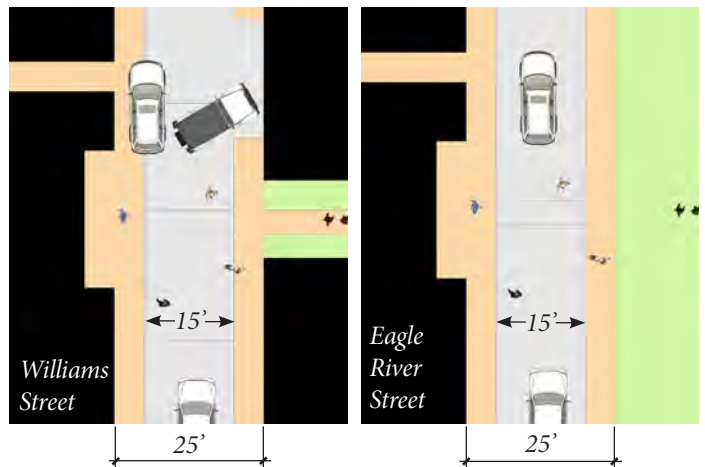
» *Consider changing the material of the setback area to differentiate it from the right-of-way.*



Main Street and Toledo and Nelson Avenues shall maintain a 5-foot sidewalk adjacent to the curb and dedicate an additional 2-foot of setback to the sidewalk to create a 7-foot wide sidewalk.



Along Main Street, 40% of a property's frontage shall be setback a minimum of 15-feet from the property line.



Williams and Eagle River Streets shall include a 15-foot clear public right-of-way (shared between vehicles and pedestrians) with a minimum setback of 5-feet.

SD.2 ORIENTATION

- A. **Primary orientation**, meaning the “front(s)” of a building where the primary use(s) and entrance(s) are located shall be placed so that they face a primary edge (refer to Framework Diagram on page 9).
- B. **Secondary orientation** shall include entrances to secondary uses and upper floors and shall face secondary edges (refer to Framework Diagram on page 9).
- C. Where a public or semi-public space (plaza, park, sidewalk, street, etc.) is adjacent to a building, orient the building to **interact with and overlook** the outdoor space (i.e. include entrances and/or windows at eye-level.)
- D. Orient a building’s massing and design a site to **maximize sun exposure and minimize shading** on adjacent properties.
 - » *Defined setbacks in Chapter 16 are designed to maximize sun exposure, but to the extent that a project can modify a design to create more sun access, it is desired.*
 - » *Utilize architectural features and/or landscaping to assist with seasonal sun control. For example, in the winter when the sun is lower it is important to allow sun deep into the building whereas in the summer when the sun is high, it is important to offer shading, such as through overhangs, awnings, deciduous trees, or other shading device.*



Where a public or semi-public space is adjacent to a building, orient the building to interact with and overlook the outdoor space.

SD.3 PUBLICLY ACCESSIBLE AND PRIVATE OPEN SPACE

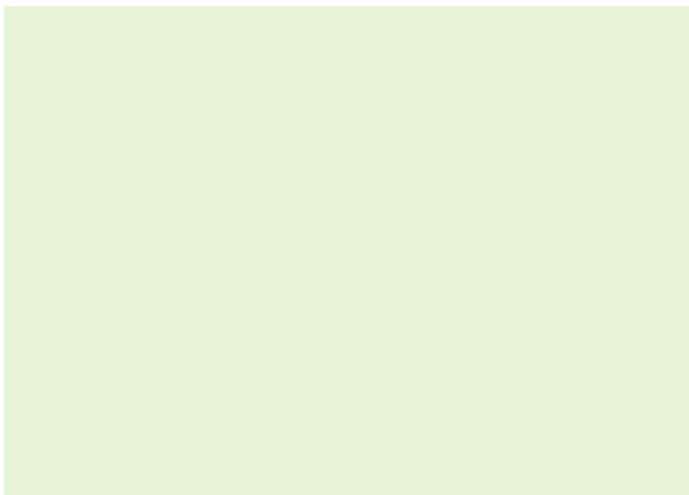
- A. Required **publicly accessible open spaces** shall be **visible from and designed to activate** the adjacent right-of-way. If a new development is **adjacent to a low-scale traditional building**, the open space shall be placed toward that side of the property.
 - » *Design these spaces to generate activity. Add elements like: places to sit, public art, dining area, lighting, and signage.*
 - » *If an enclosure is required for a dining space that serves alcohol, design the enclosure to be as open and transparent as possible.*
 - » *Consider the use of special paving to accent this space and differentiate it from the public sidewalk.*
 - » *Locate these spaces to maximize sun exposure.*
- B. A **publicly accessible passage** through a site shall include a minimum **4-foot** wide sidewalk. A minimum **8-foot** setback shall be required for the entire space. Provide **full cut-off light fixtures** to light the pathway.
 - » *The entire space may be paved so long as the site’s pervious surface requirement has been met elsewhere.*
 - » *Pavers or other material may be approved by the design review commission.*
- C. **Private open space**, such as a patio, balcony, or roof terrace shall be a minimum of **5-foot** deep and **6-foot** wide.



Locate open spaces to maximize sun exposure and design them to be activated.

SD.4 PARKING

- A. Parking **shall not be accessed from Main Street** and shall be set back a minimum of **25 feet** from Main Street. Parking shall be accessed from Nelson, Toledo, Williams, or Eagle River Street. Any garage space must not preclude the required commercial on the first floor which must have a minimum depth of 25 feet.
- B. If surface parking is located adjacent to a public street or publicly accessible open space, the side facing the public space **shall be screened** from public view a minimum of **36"** from the ground.
 - » *Use or combine the following methods: Landscaping, site walls, decorative fencing, public art, or other method that meets the intent of screening*
- C. **90-degree and angled parking** on Williams and/or Eagle River Streets shall be allowed, only if deemed appropriate by the Design Review Board.
 - » *Consider the amount of space available and use(s) of parking.*
- D. **Combine access** to two adjacent parking lots, wherever feasible to reduce the amount of driveways needed and to maximize parking counts.
- E. Design the **entrance** to any type of structured parking - podium, underground, or structured - to be clearly labeled with signage. If the structure includes a portion of public parking, a public parking sign shall be used and public spaces shall be clearly marked.
- F. **Integrate the design** of any type of structured parking into the architecture of the building. It shall not appear to be a separate structure or lack design detail because it is parking.



Caption here...

SD.5 SCREENING AND SNOW STORAGE

- A. A **designated area** for trash containers and snow storage shall be provided on a site plan.
 - » *These may be located in separate locations.*
- B. Refuse storage, general storage, loading and mechanical shall be **screened** when visible from a public right-of-way. Screening methods shall be incorporated as part of the landscape and architectural design - using **high-quality materials** that align with the design concept. Any permanent structure shall **meet the setbacks** within Chapter 16.
 - » *Coordination amongst adjacent property owners to share refuse containers and storage facilities is encouraged.*
- C. **Fences** in the front of a lot shall not exceed **3-feet** for opaque and **4-feet** for transparent. Fences in the rear shall not exceed **6-feet**. All refuse storage, no matter where the location shall be **6-feet** tall if detached from the primary structure.
 - » *Incorporating a permanent space within a covered or fully enclosed garage as part of the primary structure is encouraged.*
- D. **Snow shall be cleared** from public sidewalks by **8am** following a storm event and consistently maintained during typical business hours of **8am to 5pm**.
 - » *Consider snow maintenance when designing the site plan for a project. Provide common areas where snow can be placed, ideally pervious locations to allow snow melt to be transferred underground.*



All refuse storage shall be 6-feet tall if detached from the primary structure and designed with high-quality materials.

SD.6 LANDSCAPE AND HARDSCAPE

- A. **Trees** placed within a setback facing Main Street shall be treated as “street trees” and be placed in a **tree grate** level with paving so that pedestrian space is maximized. These trees shall be **deciduous**.
- B. **Tree species** shall be proven as successful trees in Colorado high mountain climates with ample soil volume for deep root growth. Fruit bearing trees are not permitted.
- » *Seasonal coloring of leaves is desired.*
- C. Landscape plans shall select **drought-tolerant, low maintenance** plants and be coordinated with low impact development (LID) standards in the code.
- » *Plants that need little to no irrigation are desired.*
 - » *Annuals in planters that require more water may be used in prominent locations such as along Main Street.*
 - » *Avoid using planters that may become used as or mistaken for trash containers.*
- D. **Hardscape** (pavers, gravel, mulch, decking) shall be selected so that it blends with the architecture and surrounding context.
- » *Consider materials that were historically used in Minturn such as wood and stone.*
 - » *Consider maintenance and availability of materials when replacement is necessary.*



Hardscape shall be selected so that it blends in with the architecture and surrounding context. Seasonal coloring of leaves is desired.

SD.7 LIGHTING

- A. **Minimize light spill** onto adjacent properties and toward the sky.
- » *Use a fixture that provides even lighting for a plaza, courtyard or patio area.*
 - » *Shield site lighting to minimize off-site glare.*
 - » *Orient fixtures to the ground.*
- B. Lighting shall be provided for all **publicly accessible open spaces** (plazas, pocket parks, passages) and facing **public streets**.
- » *Small-scale fixtures with down-lighting or light bollards may be used to illuminate a pathway.*
 - » *Overhead lights should be pedestrian-scaled (approximately 12-15 feet).*
 - » *Lighting may be affixed to a building and directed toward public spaces as well.*
 - » *All lighting fixture designs should be of a style that is compatible with the architecture and site design.*
 - » *Overhead “twinkle” lights should be allowed.*



Lighting shall be provided for all publicly accessible open spaces.

SITE DESIGN: INSPIRATION



An inviting semi-public pedestrian passage between two buildings includes windows, balconies, high-quality materials, and landscaping.



A small, shared street is activated with storefronts and windows, balconies, landscaping, and lighting.



A pedestrian passage to a parking lot goes through a wine bar courtyard with benches, tables, umbrellas, and overhead "twinkle" lights.



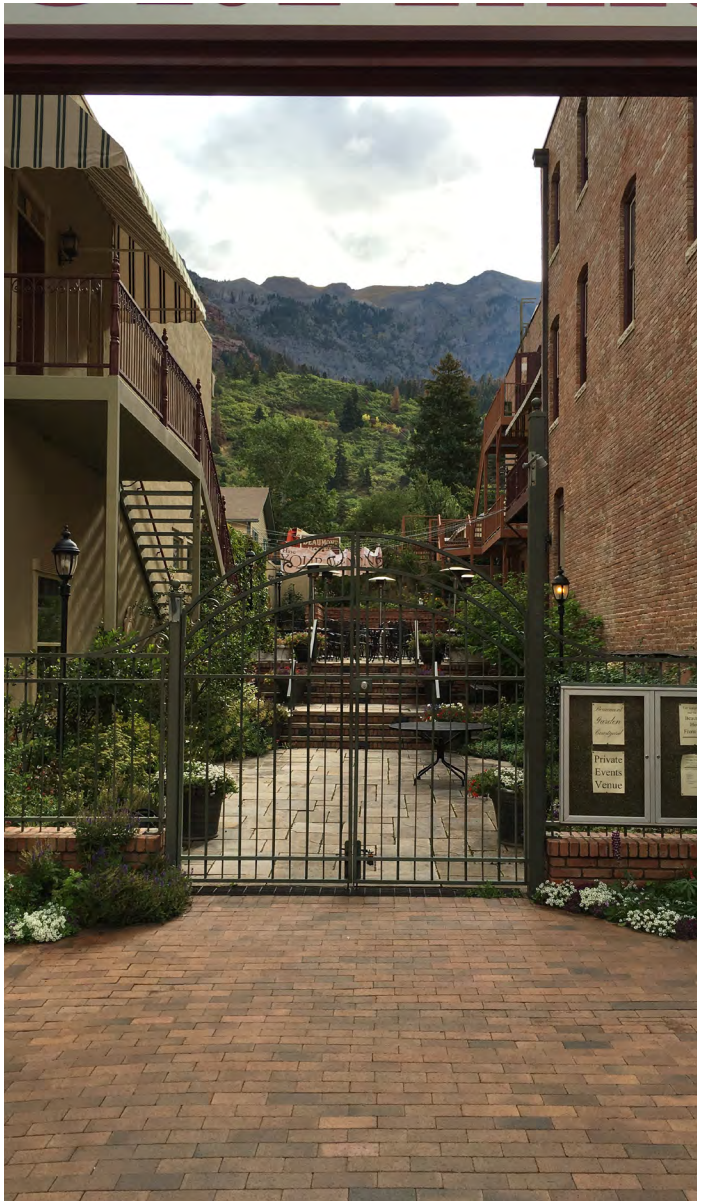
Stone steps are designed to be a natural amphitheater and offer impromptu seating and play area for children.



A semi-public courtyard space is accessible and visible from a public sidewalk.



A main street is activated with cafe seating that is comfortable to sit in with landscaping and shade.



A private passage preserves a public view!



Flowers in the summer add vibrancy and let people know a place is cared for.



Recycled bicycles attached to a stair railing adjacent to a public space provides interest and whimsy and celebrates the cycling lifestyle.



BUILDING DESIGN

3

Building design refers to the size, forms, and scale of a building as well as materiality and color, roof form, and architectural details. This chapter does not intend to dictate a particular “style” of architecture. Rather, it is intended to maintain a similar scale and form so that the historic character and charm of the 100 Block remains while allowing progress and change to occur over-time. Each new building should add to Minturn’s uniqueness. Creativity is encouraged though limited boundaries are necessary.

BUILDING DESIGN: DEFINING FEATURES

As shown in the Site Design chapter, the 100 Block was originally platted with 25-foot wide lots. This established a cadence to Main Street with multiple buildings and entrances along a block. Buildings were typically 1-2 stories with pitched roofs (some were one story with a pitched roof that had a faux facade to appear as a large, flat-roof structure.) They were built with simple forms and local materials. Ornate architecture was not common.

A STAGGERED CADENCE

Though lots had a cadence of 25-feet, there has always been a staggered appearance to Main Street, as some buildings were built right up to the street and others were set back. Other lots were used for open space, or not developed leaving “holes” in the streetscape.

SIMPLE FORMS

Traditional buildings of Minturn were simple boxes of one to two stories and pitched roofs. Additive features like roof dormers and awnings, or bay windows and porches on residential structures, added more detail. Some included faux facades that looked like a two-story, flat roof structure from Main Street, but had a pitched roof behind. Some, like the Eagle River Hotel, was taller and had a flat roof, but that was not the norm.

NATURAL MATERIALS

Traditional building materials were primarily wood siding, although some stone masonry, brick and stucco were used as well. Roofs were primarily metal or asphalt shingled.

A PATTERN QUILT

Some original buildings remain, but have been updated and others have been demolished and replaced. Regardless, what is left today is a “pattern quilt” with unique “squares” that make up the eclectic spirit that people love and cherish.



A historic photo of Main Street shows the staggered cadence of buildings along the street - some are at the sidewalk edge and others are set back.

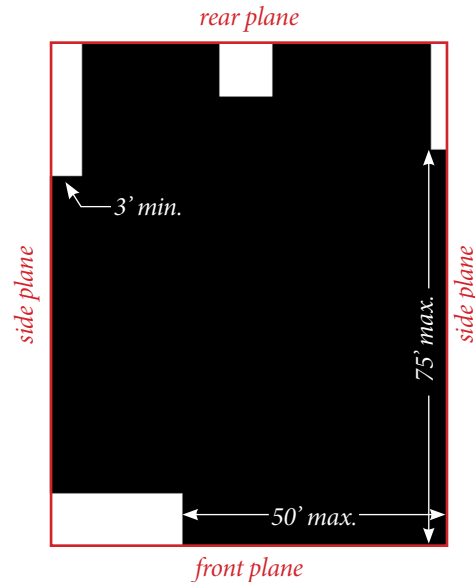


Artist rendering (credit: Beth Levine) of architectural styles in Minturn.

BUILDING DESIGN: STANDARDS AND GUIDELINES

BD.1 BUILDING FORM AND MASSING

- A. The **maximum length** of any wall on the same plane along the front and rear shall be **50-feet** and along the sides shall be **75-feet**. After this dimension, the building wall must shift on a horizontal plane a minimum of **3-feet**.
- B. **Main Street facades** shall be articulated every **25-feet** to reflect the historic platting of Main Street. Methods of articulation may include:
- » *A material change, plane change/wall offset, exposed structural detailing, or other architectural detail that provides a shadow line and breaks up the facade to maintain a cadence and scale of 25-foot intervals along Main Street.*
 - » *A change in height.*
- C. New structures shall **maintain a scale and compatibility** with nearby traditional buildings.
- » *Use similar building heights and/or datum lines (e.g. porch height, window sill/plate height, eave or ridge line, etc.) of adjacent structures.*
 - » *Align windows and use similar scale windows, where feasible.*
- D. Avoid forms that appear monolithic in comparison to the surroundings. **Break down the scale** of a building when adjacent to smaller structure(s). Consider the following:
- » *Transition a building height to be lower when adjacent to a one-story structure.*
 - » *Add elements like patios/porches, balconies, pergolas, awnings, etc.*
 - » *Use a lower floor-to-floor height or half-stories to maintain desired square footage without appearing monolithic.*
 - » *Also refer to BD.2 Street Level Design*
- E. **Express historic industries** of Mintun in the building form and massing: mining, railroad, farming.



Front and rear planes shall have a maximum wall dimension of 50-feet and side planes shall have a maximum of 75-feet. A 3-foot minimum offset is required to differentiate planes.



New structures shall maintain a scale and compatibility with nearby traditional structures.



Break down the scale of a building when adjacent to smaller structure(s).

BD.2 STREET LEVEL DESIGN

- A. The street level of a building **facing Main Street** shall include a minimum of **70%** transparency.
- B. **One entrance per 25 feet** is required along **Main Street**.
- C. Design each street level (ground floor of a building facing a public street) to **be active and engaging** and provide visual interest for pedestrians. A **storefront** shall be required along **Main Street**.
 - » *Reflect historic patterns and proportions for new storefront designs.*
 - » *If the use is not compatible with a storefront, an alternative may be approved by the Design Review Board.*
 - » *Alternative options for street-level design include: windows, doors, display windows, landscaping, wall art/mural.*



The street level of a building facing Main Street shall include a minimum of 70% transparency, have an entrance every 25-feet and be designed to provide visual interest.

BD.3 MATERIALS AND COLOR

- A. **Primary materials** shall be selected based upon historic use and compatibility with Minturn's historic industries and built environment.
 - » *Natural materials such as wood and stone are preferred primary materials. Contemporary interpretations of wood, such as concrete board may be appropriate.*
 - » *Brick is not a commonly found material in the 100 Block but may be applicable as a primary material due to its durability.*
 - » *Cementitious three-coat stucco may be used as a primary material, except facing Main Street.*
- A. **Secondary materials** shall add color and visual interest.
 - » *Metal or concrete boards or panels, stone veneer, stucco, or other contemporary material.*
- B. Extruded aluminum or vinyl siding and EIFS (exterior insulating finishing system) or other synthetic stucco shall **not be allowed**.
- C. **Color** is welcome in the 100 Block. Color selection shall take into consideration the context.
- D. Utilize materials that are **modules** - such as panels, siding, and masonry - to add human scale to a building.
- E. A **change of material** shall not be allowed on the same plane of a wall surface.
- F. Avoid using too many materials in a single design where a building appears too "busy."



Utilize materials that are modules to add human scale to a building. Color is welcome in the 100 Block.

BD.4 ROOFS

- A. Design **roofs** to **minimize the overall scale** of a building, be **compatible** with traditional forms, and **maximize sun access** to adjoining properties.
- B. **Pitched roofs** (gabled, hipped, and shed) are most common and preferred. **Alternative roof forms** such as mansard, gambrel, domed, curved, etc. are not allowed.
 - » *Utilize pitched roofs for additional indoor space, when feasible.*
 - » *Flat roofs and faux flat roofs are also present in traditional forms and should be permitted.*
- C. Roof shapes shall be made of **simple form(s) with additive features**. Do not over-complicate a roof form with too many forms.
- D. Be cognizant of where **snow** will shed. Do not place a public gathering space in a direct line of steep pitch. Place appropriate snow controls to avoid roof avalanches.
- E. Use **materials** commonly found in Minturn - metal (shingle or standing seam), shingle (asphalt or slate), or other material approved by the design review board.
 - » *Consider the color of a roof, especially when visible from a public street. Alternative colors (i.e. not black or gray) are welcome, so long as they are compatible with their surroundings.*
- F. In general, buildings and roof design should appear to **step up the hillside** when viewed from far away.

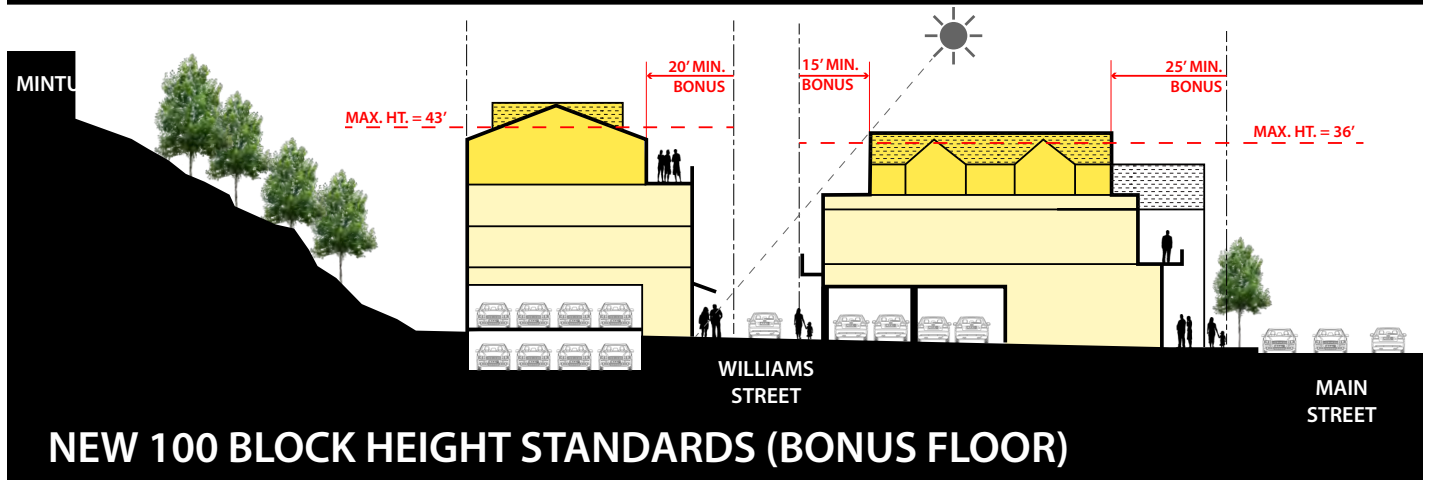
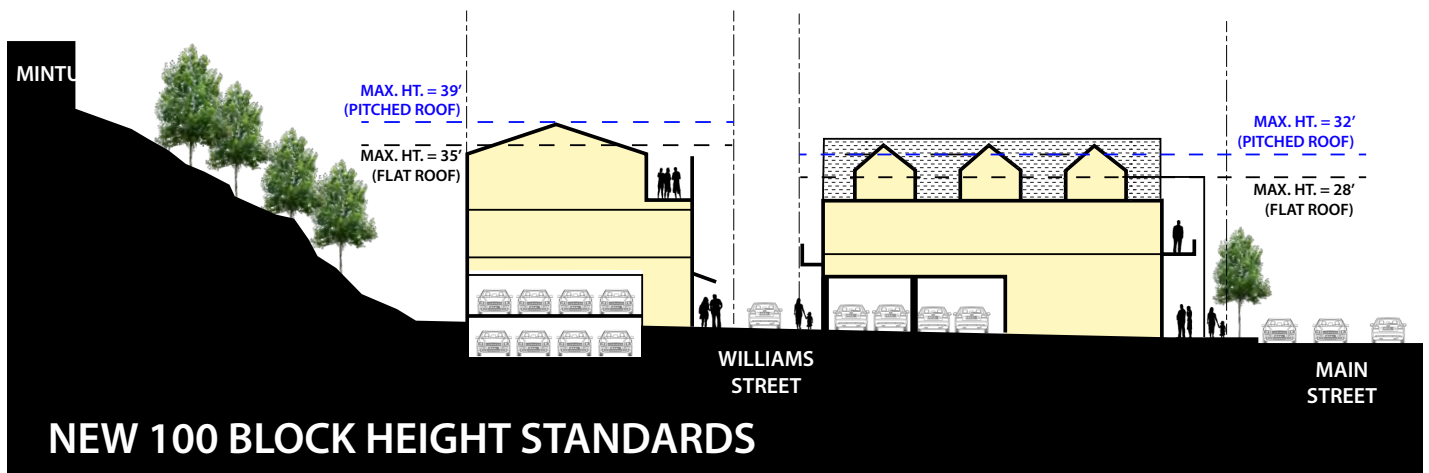


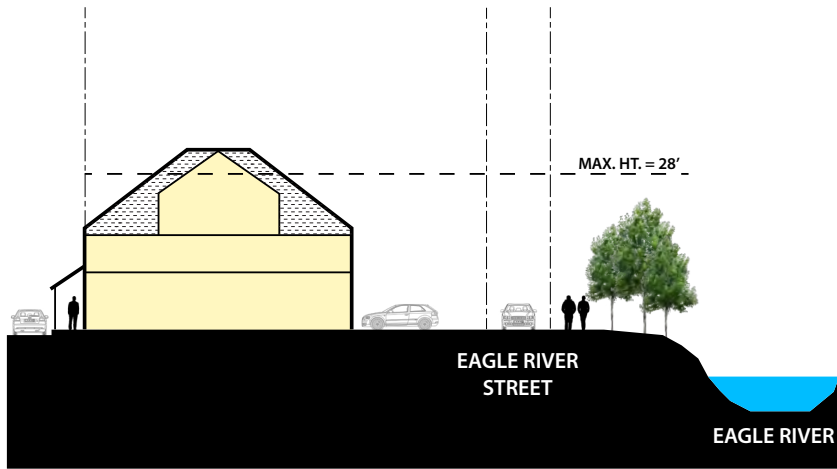
Pitched roofs are most common and preferred. Roof shapes should be made of simple forms with additive features.



Buildings appear to step up a hillside.

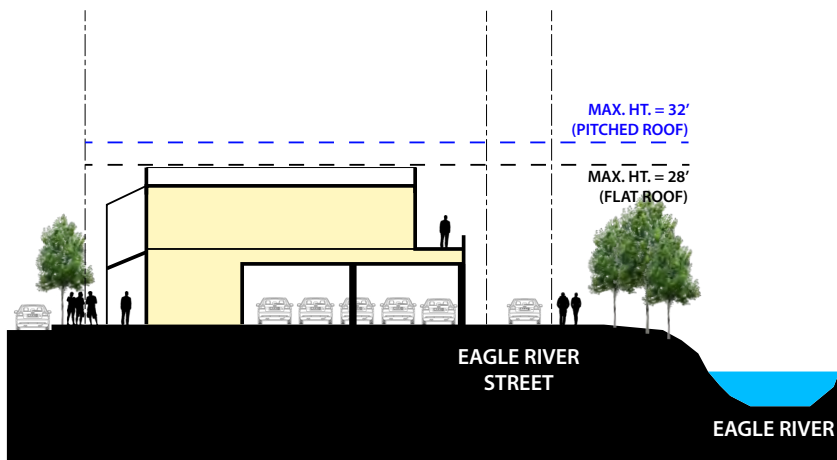
BUILDING DESIGN: BUILDING HEIGHT STANDARDS





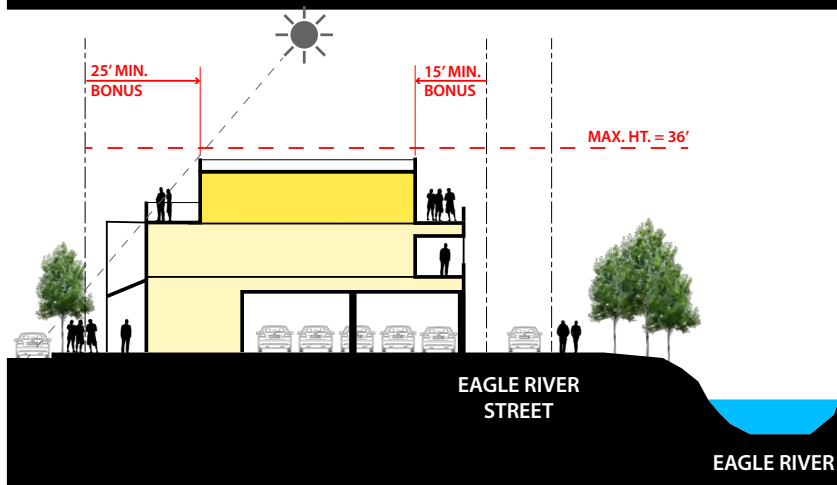
FORMER 100 BLOCK HEIGHT STANDARDS

This diagram shows the existing conditions and former height rules for the 100 Block which included a maximum of **28-feet** for properties with frontage along Main Street (now 100 Block: A) and **35-feet** for properties off of Main (now 100 Block: B.) There was also a bulk plane for Main Street properties that required a setback or pitched roof after 20-feet at the Main Street setback line.



NEW 100 BLOCK HEIGHT STANDARDS

The new rules keep a maximum of **28-feet (2-stories)** and **35-feet (3-stories)** in the same locations, but only for flat roof structures. **Pitched roof structures are encouraged** by allowing additional height: **32-feet (2.5 stories)** and **39-feet (3.5 stories)**. The diagram to the left shows the potential scale of new structures under these rules.



NEW 100 BLOCK HEIGHT STANDARDS WITH A BONUS FLOOR

An additional floor/story may be added if it meets certain dimensional requirements as well as additional site improvement requirements. The maximum height for 100 Block: A is **36-feet (3-stories)** and 100 Block: B is **43-feet (4-stories)**. This option will provide variety in scale and development options while maintaining the scale of traditional structures.

BUILDING DESIGN: INSPIRATION



Two new buildings in a traditional downtown - one is contemporary modern with a flat roof and one is contemporary mountain with a pitched roof. Both blend in while adding their own sense of style.



A large building reduces its mass with a traditional rhythm of storefronts, adding features like awnings and planters, and stepping back the upper level of the building. Note that this building is larger than anything that would be allowed in the 100 Block, but offers similar methods desired for breaking down the scale of a building to be human scaled.



An open and airy storefront spills light onto a sidewalk, making it inviting and welcoming.



A contemporary building uses wood and metal siding and activates the ground floor with a storefront, multiple entrances, and planters.



The “rear” of a building animates an alley by adding an active, tax-generating use. The scale of the building is reduced by stepping back upper floors to create a human scale from the ground.

**HAWKEYE FLAHERTY
PO BOX 876
MINTURN CO. 81645-0876
Date 08/03/2022**

**MINTURN TOWN COUNCIL
301 BOULDER ST
MINTURN CO. 81645
Date 08/03/2022**

Dear Council et al.

We are writing to express our opposition to Ordinance 11-Series 2022. The implementation of these proposed new regulations and design guidelines will have an irreparable and irreversible harm to our residential properties.

Contrary to a conceived notion that the 100 block is the commercial core of town, IT IS NOT. It is just another block along highway 24 along which several commercial properties and business are located. If you have a need to designate a commercial business district in town in reality it's everything along both sides of highway 24 stretching from the Grouse Creek Business Center to the entrance of Maloit Park. A great majority of the commercial properties and business are located here.

Why does this Ordinance just target the 100 block and not include all the commercial properties along Highway 24?

It is apparent to us that these design guideline changes and massive reduction in parking requirement are being done so the two previously submitted building application, which did not get passed P&Z, can now be built. Is that what this council is determined to do? If so this is not right for you to sacrifice our quality of life so developers can build buildings which do not fit or compliment the Historic Old Town character area we enjoy living in.

Again we ask council to show some regard and respect for the residential property owners and DENY Ordinance 11. Leave the current regulation in place so the residences here can continue to enjoy the quality of life we have in the 100 block.

MINTURN TOWN COUNCIL
301 BOULDER ST
MINTURN CO. 81645
Date 08/03/2022

Sincerely,

Hawkeye Flaherty Jean Flaherty

Hawkeye Flaherty Jean Flaherty 160 Main St

Frank Sanders

Frank G Sanders 142 Main St

Joyce Bellm

Joyce Bellm 192 Main St



To: Mayor and Council
From: Madison Harris, Planner I
Date: July 28, 2022
Agenda Item: Ordinance 12 - Series 2022: Amending Chapter 16, Article 19 Updating Political Sign Code Regulations

REQUEST:

Review of Ordinance 12 - Series 2022 an ordinance amending Chapter 16, Article 19 of the Minturn Municipal Code updating political sign code regulations.

INTRODUCTION:

Ord. 12 - 2022

At their regular meeting of June 22, 2022, the Planning Commission reviewed Ord. 12 - 2022.

No citizens spoke at the public hearing where the Planning Commission discussed the proposed changes to Article 19.

Ultimately, the Planning Commission voted 5-0 to forward a recommendation of approval to the Town Council of Ordinance 12 - 2022, with no conditions.

The Town Council reviewed Ord. 12 - 2022 on first reading at their regular meeting of July 20, 2022.

ANALYSIS:

In reviewing the ordinance, the Planning Commission considered the applicability and the implementability of the new and/or updated sections of the Minturn Municipal Code, as well as testimony of the Assistant Town Attorney.

The Town Council reviewed the ordinance and gave staff and the Town Attorney direction to come back at second reading with options for the regulation and/or allowance of off premise signs.

COMMUNITY INPUT:

No members of the public spoke at the public hearing. 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.

BUDGET / STAFF IMPACT:

N/A.

STRATEGIC PLAN ALIGNMENT:

The Town Council’s review of ordinances and their actions aligns with the following key strategies:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

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

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

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

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve the following on second reading:

1. Ordinance 12 - Series 2022 an ordinance amending Chapter 16, Article 19 of the Minturn Municipal Code updating political sign code regulations.

ATTACHMENTS:

- Memo from Karp Neu Hanlon
- Ord. 12 - 2022

DATE: July 28, 2022
TO: Minturn Town Council
FROM: Karp Neu Hanlon, P.C.
RE: Sign Code Text Amendment

The proposed text amendment below this memo attempts to conform the code with Supreme Court precedent regarding regulation of signs. Most relevant is the 2015 case, *Reed v. Town of Gilbert, AZ* that invalidated regulations distinguishing between signs based on their content. The rule of thumb coming out of this case is that if the code enforcement officer must read the sign to enforce the regulation, then it is probably unconstitutional. Minturn’s Code continues to contain some content-based regulations on signs, such as reference to “political signs” and “picketing” and applying different standards for size and duration based on these regulations. Even reference to real estate signs is conceivably illegal under *Reed*.

The Court recently declined to extend *Reed* to apply to commercial off-premise signs – advertising for a business not located on the property where the sign is located. However, the Code actually allows off-premise signs, which is something Council has requested more information on. Below is a chart of the status of off-premise signage in surrounding mountain towns. Some towns do allow off-premise signs due to particular configurations of downtown commercial zones that inhibit viewability of signage for some businesses. Frisco and Crested Butte in particular allow this. In the amended ordinance, we have provided options for continuing with the existing off-premise sign language, including new variance-type “hardship” language, or outright prohibition of off-premise signs.

Allowed	Not Allowed
Frisco (<i>only for businesses on Main St hosting signs advertising businesses on back half of block with no Main St. frontage</i>)	Vail
Glenwood Springs (<i>off-premises sign permit; must show hardship and conform with intent of code. Also allows temporary “off-premises” signs in ROW, e.g. sandwich boards</i>)	Avon
Crested Butte (<i>allowed only on Elk Ave. for businesses located within 266 feet</i>).	Breckenridge
Telluride (<i>only allowed through program posting directional signs on Town-owned poles in ROW</i>).	Aspen
Steamboat Springs (<i>not allowed except through variance, development plan, or major adjustment processes</i>).	Basalt

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 12 – SERIES 2022**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING ARTICLE 19, CHAPTER 16 SIGN
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 16, the Town Land Use Regulations, Article 19, Sign Regulations as provided herein; and

WHEREAS, on June 22, 2022 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 Land Use Regulations Chapter 16 as provided herein are necessary and proper.

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

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

SECTION 2. Article 19, Chapter 16 of the Minturn Municipal Code is hereby amended read as follows, with additions shown in double underlined text and ~~striketrough language~~ is deleted. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

ARTICLE 19 – Sign Regulations

* * *

Sec. 16-19-20. – Purpose and Intent.

(a) Purpose. This Article is intended to enhance and protect the physical appearance of commercial, industrial and residential areas through the regulation of existing and proposed signs. The purpose of this chapter is to provide a balanced and fair legal framework for the design, construction, and placement of signs that:

(1) Promote the safety of persons and property by ensuring that signs do not create a hazard by:

a. Confusing or distracting motorists; or

b. Impairing drivers' ability to see pedestrians, obstacles or other vehicles, or to read traffic signs;

- (2) Promote the efficient communication of messages, and ensures that persons exposed to signs are not overwhelmed by the number of messages presented;
- (3) Protect the public welfare and enhances the appearance and economic value of the local real estate by reducing and preventing sign clutter;
- (4) Ensure that signs are compatible with their surroundings, and prevent the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
- (5) Enhance property values and business opportunities;
- (6) Encourage common character through common elements;
- (7) Assist in wayfinding; and
- (8) Provide fair and consistent permitting and enforcement among all applicable uses and end users.

(b) Intent. It is the intent of these regulations to provide for the proper control of signs in a manner consistent with the First Amendment guarantee of free speech. It is not the intent of these regulations to regulate signs based on the content of their messages. Rather, this chapter advances important, substantial, and compelling governmental interests.

- (1) The incidental restriction on the freedom of speech that may result from the regulation of signs hereunder is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced by this chapter.
- (2) The Town has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists and pedestrians), because sign clutter:
 - a. Creates visual distraction and obstructs views, potentially creating a public safety hazard for motorists, bicyclists, and pedestrians;
 - b. May involve physical obstructions of streets or sidewalks, creating public safety hazards;
 - c. Degrades the aesthetic and essential historic character of the Town, making the Town a less attractive place for tourism, commerce, and private investment; and
 - d. Dilutes or obscures messages displayed along the Town's streets through the proliferation of distracting structures and competing messages.
- (3) The Town has a substantial and/or compelling interest in preventing traffic accidents.
- (4) The Town has a substantial and/or compelling interest in preventing negative impacts associated with temporary signs. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such

degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the Town's streets if they are not removed.

(5) Certain types of speech, including but not limited to written and graphic speech, are not constitutionally protected due to the harm that they cause to individuals or the community.

(6) Signage may have been restricted in areas of historic significance or in areas where design guidelines and ordinances have been duly adopted by the Town.

Sec. 16-19-30. - Definitions.

For the purpose of this Article the following words shall have the following meanings:

Civic sign means a sign of or relating to a municipality or public affairs (such as a welcome sign/entry into Town).

~~*Direct lighting* means a light source separated from the surface and illuminating the sign surface by spotlights or similar fixtures.~~

~~*Directional sign* means any sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same. a sign used to provide assistance to parking, a civic event or any noncommercial facility.~~

~~*Reflective surface* means any material or device which has the effect of increasing the impact of a lighted sign through light, including but not limited to Scotchlite, Day Glo, glass beads and luminous paint.~~

Swing sign means a sign that is suspended from a horizontal support (a swing post) that is attached to a vertical support mounted in the ground. A swing sign may also include riders.

Temporary sign means a sign which is, based upon materials, location and/or means of construction, e.g., light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without a frame, intended for a definite and limited period of display and which is not permanently affixed to a structure or sign structure.

Yard sign means a temporary portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time on a lot with one (1) or more existing permanent structures.

* * *

Sec. 16-19-70. Prohibited signs.

The following signs shall not be permitted, erected or maintained in the Town:

- (1) Dangerous signs. No sign shall:

- a. In any way obstruct the view of, be susceptible to, confused with or purport to be an official traffic sign or device or any other official sign;
 - b. Use any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering of a motor vehicle, or create in any way an unsafe distraction for motor vehicle operators;
 - c. Obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare;
 - d. Obstruct free ingress to or egress from required door, window, fire escape or other required exits; or
 - e. Be attached to trees or telephone poles.
- (2) No sign shall contain statements, words or pictures of an obscene, indecent or immoral character such as will offend public morals or decency in accordance with constitutional standards.
 - (3) Any sign that emits sound and that is intended to attract attention by way of bells, whistles, music and any other similar device.
 - (4) Animated signs.
 - (5) Roof signs.
 - (6) Parked vehicles, including but not limited to, automobiles, trucks, buses, semi-trucks (attached or detached), trailers, mobile homes, boats, vans and the like shall not be used as sign or sign structures. Signs displayed on motor vehicles or trailers which are being operated or stored in the normal course of business, such as signs indicating the name of the owner of the business, which are located on delivery trucks, trailers and the like, provided that the primary use of such vehicles is not for display of signs and provided that such vehicles are parked or stored in areas appropriate to their use as a vehicle, shall not be considered signs or sign structures.
 - (7) Banners, unless specifically used as temporary signs, stated elsewhere in this Article.
 - (8) Any prohibited, illegal or nonconforming sign as defined elsewhere in this Article or which is in violation of any county, state or federal regulation.

[OPTION TO ADD OFF-PREMISES SIGNS TO PROHIBITED SIGNS]

(9) Off-premises signs.

Sec. 16-19-80. – Exempted signs.

The provisions of this Section shall not apply to the following signs, with the exception of [Section 16-19-60](#) above regarding general regulations and [Section 16-19-70](#) above regarding prohibited signs:

- (1) ~~Flags. Flags representing local, state or national governments, provided that they are not greater than twenty-four (24) square feet and mounted on flagpoles not greater than thirty-five (35) feet high.~~
- (2) Historic plaques. Historic plaques erected by the Town or historic agencies designating an area of historical significance, recognized as such by the Town.
- (3) Information. Not to exceed two (2) square feet in area.
- (4) Legal nonconforming. Any sign located in the Town, currently maintained in satisfactory condition that was approved and erected under previous regulations and determined to be a legal nonconforming sign as defined in [Section 16-19-130](#) below.
- (5) ~~Memorial. Names of buildings, dates of erection, monumental citations and commemorative tablets which are~~ Words carved in stone, concrete or similar permanent materials, which do not exceed two (2) square feet and which are constructed as an integral part of a structure.
- (6) Menu display boxes. Display boxes of up to two (2) square feet are allowed for restaurants, bars and lounges for the purpose of displaying menus. A permit shall be obtained for menu display boxes larger than two (2) square feet and exceeding two (2) feet shall be counted against the total allowable sign area.
- (7) Official notices. Official government notices and signs for any governmental purpose posted by local, state or federal government employees in the performance of their official duties.
- (8) ~~Pickets/protests. Signs used by persons engaged in lawful picket activities. Signs being carried by a person; provided, that such signs are not set down, propped on objects, or objects temporarily affixed to the ground.~~
- (9) Residential. Residential nameplates and numbers.
- (10) Seasonal decorations. Temporary noncommercial decorations or displays, when such are clearly incidental to, and are customarily or commonly associated with, any ~~national, local, state or religious federal~~ celebration; provided that decorations or displays are maintained in an attractive condition and do not constitute a hazard.
- (11) Warning signs. Temporary or permanent signs erected by the Town, public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines or similar devices. Also included are signs warning of private property use restrictions which may result in legal penalties, such as "No Parking," "Cars Will Be Towed" signs and the like. ~~Said private warning signs are subject to the review of the Chief of Police.~~
- (12) ~~For sale/for rent. "For Sale," "For Rent" or other types of real estate activity signs~~ Swing signs, provided that only one (1) ~~"For Sale" or "For Rent"~~ swing sign may be displayed on each property or each individual unit thereon, and such sign shall not be larger than four (4) square feet per side. Signs may not be placed within a public right-of-way, but may be placed within a required side yard setback.

- (13) Garage sale. Any sign advertising a garage or yard sale may be displayed three (3) days prior to the sale and must be removed within two (2) days after the sale. Signs may be placed as to give directions.
- (14) Civic signs. Welcome signs/entry monuments into the Town.
- (15) Yard Signs. Such signs shall not be displayed for a period of more than ninety (90) days per year. ~~Political. Signs and posters indicating support or opposition to a political candidate or political question. Such signs or posters shall not be placed prior to forty-five (45) days prior to an election and must be removed within two (2) days after the election.~~ No such signs or posters shall be placed upon or shall extend into a public right-of-way, but may be placed within a required yard setback. These signs shall not exceed four (4) square feet in size.
- (16) Directional. Directional signs as defined in Section 16-19-30 above are allowed and shall not exceed four (4) square feet.

* * *

Sec. 16-19-90. – Temporary signs.

- (a) The following signs are permitted in all zoning districts only after an application for a sign permit has been approved by the Planning Director. Permitted temporary signs are not charged against the maximum allowable permanent sign area. Temporary signs are not allowed within the public right-of-way unless local, state and federal approvals have been acquired and said sign promotes an event or project sanctioned by the Town. No more than three (3) applications can be made per calendar year by any one (1) business or party or property.
 - (1) Banners. A permit to erect a banner may be issued for the following:
 - a. Announce or promote a civic or commercial event. Such banners may be displayed no more than fourteen (14) days prior to the event and shall be removed within two (2) days after the event.
 - b. Welcome participants to conventions or gatherings. Such banners may be displayed not more than five (5) days prior to the event and shall be removed within two (2) days after the event.
 - c. Decorations for special holidays. Such banners may be displayed no more than thirty (30) days prior to the holiday and shall be removed no more than fourteen (14) days after the holiday.
 - d. Used for identification purposes until a permanent sign is erected. Such banners shall not be displayed for more than thirty (30) days unless an extension is granted by the Planning Director.
 - (2) Civic events posters and announcements. Posters, flyers and announcements promoting civic events may be displayed for a period of ten (10) days prior to the event and must be removed two (2) days after the event. These signs shall not exceed four (4) square feet.
 - (3) Site development signs. One (1) site development sign may be allowed for a real estate development project. A site development sign may be displayed commencing with the issuance of a building permit and shall be removed at or

before the issuance of any certificate of occupancy or the abandonment of the project, whichever shall occur first.

- (4) Walking signs, including costumed characters. Any sign or lettering on a costume, which is carried or worn by any person or animal for advertising purposes. The Planning Director shall determine the time limit of the sign dependent upon the timing of the specific event for which the sign is requested. The size of the sign shall not exceed three (3) square feet.
- (b) An annual temporary sign permit may be granted by the Planning Director for the erection of and displaying of signs, banners or other displays on a temporary basis. The permit shall specifically state the location of each sign or display and sketch drawings of proposed signs, and specifically state the starting and expiration dates and the responsibility for removal. The signs may be displayed and removed as required by this Section, and only ten (10) events shall be allowed with the annual permit per year. In addition, the applicant may also be granted the annual permit for sidewalk sales which are conducted and adjacent to the business building from which the sale is conducted and are limited to three (3) days in duration. Sidewalk sales must be capable of being conducted without undue disruption of pedestrian or vehicular traffic.

* * *

Sec. 16-19-110. - Specific regulations; permitted signs in Commercial and Industrial Zone Districts.

In Commercial and Industrial Zone Districts, all signs shall comply with the following:

- (1) Size and height requirements:
 - a. Individual business sign. For any building or structure containing only one (1) business, the following sign allowance is permitted:
 1. All signage for an individual business shall not exceed one (1) square foot of sign area per lineal foot of building front for a building or structure with one frontage facing a public street or right-of-way. If an individual business is located within a building or structure that has two or more frontages facing public streets or rights-of-way, and the Combined Building Frontage exceeds forty (40) lineal feet, then the total square footage of allowable sign area for any individual business within a building or structure shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive.
 2. More than one (1) commercial advertising sign is permitted, provided that the total sign area of all signs does not exceed one (1) square foot per lineal foot of building frontage, and if the Combined Building Frontage exceeds forty (40) lineal feet then the total square footage of allowable sign area of all signs for any individual business shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a

minimum allowance of forty (40) square feet, whichever is more permissive.

3. No part of any sign shall exceed the height of any building on the same lot, or in any case be more than twenty (20) feet in height.
- b. Multiple business sign. For any building or structure containing more than one (1) business, one (1) advertising sign is permitted for each business as follows:
1. The total allowable sign area for each business within a multi-tenant building or structure shall be one (1) square foot per lineal foot of building front associated with each business not to exceed forty (40) square feet. If the individual business would like to exceed the forty (40) square foot maximum in a multi-tenant building not to exceed the total allowable sign area for the building, then permission from the property owner must be obtained and submitted to the Town in writing.
 2. The combined size of all signs for the structure in which the multiple businesses are located shall not exceed the total linear footage of the Combined Building Frontage. If the Building Frontage for a single fronted building or structure, or the Combined Building Frontage for a building or structure with more than one frontage exceeds forty (40) lineal feet then the total sign area for all signage associated with each business located in the multi-tenant building or structure shall not exceed sixty six percent (66%) of the building's Combined Building Frontage, or a minimum allowance of forty (40) square feet, whichever is more permissive.
 3. The building or project identification sign shall not be included in total sign allowance for the multiple businesses. The project identification sign shall be one (1) square foot per lineal feet of building frontage and not to exceed twenty (20) square feet, whichever is less.
 4. No part of any sign shall exceed the height of any building on the same lot or in any case be more than twenty (20) feet in height.
 5. In a multi-tenant building, sign applicants may propose a customized Master Sign Program for the entire building in accordance with these regulations. However, sign applicants may propose variations that allow for flexibility in allowable sign area and placement. Any variations proposed as part of a Master Sign Program shall be applied for in accordance with Section 16-19-140 – Variances.

(2) Illumination:

- a. Signs may be designed to give forth artificial light or designed to reflect such light from an artificial light source. Illuminated signs shall be installed so as to avoid any glare or reflection into any building used for residential purposes, or

into any street, alley or driveway if such reflection or glare might create a traffic hazard. Such sign illumination shall include but not be limited to internal illumination and directed lighting.

- b. Hours of illumination: Signs located adjacent to and across the street from residential areas shall remain lighted until no later than 11:00 p.m. or until the close of business, whichever is later.
- (3) Permitted signs: The following commercial advertising signs shall require a sign permit. Unless stated otherwise, these signs will be calculated into the total sign allowance as described herein.
- a. Canopy, awning and flag as signs. No such sign shall project above the top of the building or structure upon which it is mounted. Under-canopy or awning signs perpendicular to the face of the building shall be considered projecting wall signs. Canopies, awnings and flags may extend over a public right-of-way from the face of the supporting building and must be a minimum of eight (8) feet above any public right-of-way. Canopies, awnings and flags shall not extend within two (2) feet of the curb line of a public street. The signage on an awning or canopy shall be counted toward the total allowable sign area. Flags used as signs shall be counted in total size toward the total allowable sign area. Governmental flags are exempted as per [Section 16-19-80](#) above
 - ~~b. Directional. Directional signs as defined in [Section 16-19-30](#) above are allowed and shall not exceed four (4) square feet.~~
 - c. b. Freestanding. Freestanding signs are allowed within required setbacks but shall not overhang into the public right-of-way or pose any visual or obstruction hazard.
 - d. c. Gas-filled tube lighting. Gas-filled tube lighting shall be considered signage and may be used for text, logos, symbols and in linear applications such as outlining or highlighting rooflines, buildings, perimeters, windows and doorways. In the case of measuring linear applications of gas-filled tube lighting, the tube shall be considered as being three (3) inches wide and shall be multiplied by the length of the tube to determine square footage, which will then be applied to the total allowable signage. Otherwise, signage shall be measured by the outside dimensions of the sign.
- [OPTION HERE TO DELETE OFF-PREMISES SIGNS ENTIRELY]**
- e. d. Off-premises signs. Off-premises advertising signs are permitted, provided that:
 - 1. Written permission is granted by the Colorado Department of Transportation if the sign is to be located adjacent to Highway 24.
 - 2. Written permission is granted by the property owner where the sign is to be located.

3. The total sign allowance on the property where the off-premises advertising sign shall be located does not exceed the total allowed sign area for the lot or building on which the off-premises sign is to be placed. In no case shall the total area of an off-premises sign exceed forty (40) square feet. The off-premises advertising sign shall be calculated into the total sign allowance on the property where the sign is located.
 4. No off-premises advertising signs shall be permitted in the public right-of-way.
 5. Off-premises signs shall not be permitted on properties where the primary use is residential even when the property is located in a commercial or industrial zone.
 6. The off-premises sign will not harm the public or impair the intent or purposes of the Municipal Code or the Town's goals or policies.
 7. A significant hardship will result without such off-premises sign.
- f. Projecting signs. Projecting signs shall not be higher than the eave line or parapet wall of the principal building and shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way. Signs shall not project within two (2) feet of the curb line of a public street and must be placed a minimum of fourteen (14) feet above a driveway or alley.
 - g. Sandwich board. Sandwich board signs are not allowed on the public right-of-way but may be permitted on private property subject to the review of the Commission and shall be counted towards the total sign allowance for the property, except when applied for as a temporary use.
 - h. Symbolic signs. Signs such as barber poles, mortar and pestle, etc., which are traditional in nature and size, shall be permitted and will not be included in the total allowable sign area, provided that the symbolic sign is not out of proportion with the structure and overall signs on the building.
 - i. Wall signs. Wall signs shall not be higher than the eave line or parapet wall of the principal building and shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way.
 - j. Window signs. Window signs are permitted, provided that no more than twenty-five percent (25%) of the exterior window area is obscured by commercial advertising signs and shall be included in the total maximum sign allowance. This does not apply to temporary window signs.

* * *

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 20th DAY OF JULY 2022. 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 3rd DAY OF AUGUST 2022 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 3rd DAY OF AUGUST 2022.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



To: Minturn Town Council
From: Michelle Metteer
Date: August 3, 2022
RE: Short Term Rental Ordinance Amendment

REQUEST: Approve the amendment allowing the ability for new 100-block property owners to immediately short term rent the upper floors of a property, thereby exempting this area of town from the two-year ownership requirement. (Ground-floor commercial required)

INTRODUCTION:

A local property and business owner brought forth the request to Council for consideration of exempting the 100-block from the two-year ownership requirement identified in the short-term rental ordinance. Council subsequently directed staff to bring forward a draft amendment for consideration.

ANALYSIS:

The Minturn Town Council has identified the need for more commercial sales tax revenue generating businesses in town. In addition, Minturn has a lodging shortage. This amendment has the ability to require commercial on the ground floor and lodging on the upper floors of newly purchased structures in the 100-block area, thereby meeting the needs of both the desired commercial and filling a gap in Minturn's lodging portfolio. This amendment will only affect the 100-block area of town. Parking requirements for short term rentals would still apply.

Updates from first reading include the addition of a Where As clause identifying the commercial nature of the 100-block as approved in the MMC zoning chapter as well as language to the code itself requiring an actively licensed commercial sales tax revenue generating business on the ground floor level of the structure in question.

COMMUNITY INPUT: Requested

BUDGET / STAFF IMPACT: N/A

STRATEGIC PLAN ALIGNMENT:

[ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN](#)

RECOMMENDED ACTION OR PROPOSED MOTION: Approve

ATTACHMENTS:

Short Term Rental Amendment

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 13 – SERIES 2022**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING ARTICLE 7, CHAPTER 6 SHORT
TERM RENTAL 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 Town is authorized by the Local Government Land Use Control Enabling Act of 1974, C.R.S. §§ 29-20-108 and 31-23-301, to plan for and regulate the use of land within the Town's jurisdiction, and to enact zoning, subdivision, and other land use and development regulations; and

WHEREAS, Minturn is authorized to regulate the construction of buildings and improvements within the Town, C.R.S. § 31-15-601, and to enact building codes and other regulations; and

WHEREAS, the Town is authorized to exercise reasonable financial and police powers to permit and regulate commercial activities and businesses within its boundaries; and

WHEREAS, the Town Council finds that due to the commercial nature of the 100 Block Zones as identified in Sec 16-6-35, it is appropriate to allow for an increase in available lodging units and encourage an increase in lodging and sales tax generation; and

WHEREAS, after public hearings by and before the Minturn Town Council, the Town Council finds and declares that it is in the interest of the public health, safety, and welfare to amend the Town Code to provide for the reasonable regulation of short-term rentals within the Town.

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 7, Chapter 6 of the Minturn Municipal Code is hereby amended read as follows, with additions shown in double underlined text and ~~strikethrough language~~ is deleted. Sections of Chapter 6 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

ARTICLE 7 – Short-Term Rentals

* * *

Sec. 6-7-40. – License restrictions.

- (a) Zoning. A short-term rental license may be issued in all zone districts.
- (b) Parking requirement. Parking shall be provided consistent with the requirements of Article 16 of this Code.
- (c) Number of inhabitants. No more than three (3) people per bedroom, including children, shall be permitted to occupy a short-term rental.
- (d) Two-year ownership. No property shall be licensed as a short-term rental unless the owner has owned the property for two (2) or more years before a license application is filed. Transfers to a trust where the owner of the property is the beneficiary of the trust or to a corporate entity where the owner of the property is the majority owner of the entity shall not constitute a break in the period of ownership. This section shall not be read to prohibit the long-term rental of properties (for periods in excess of thirty (30) days) within the first two (2) years of ownership. The short-term rental license is nontransferable with the sale of the property.
 - (1) The 100-Block Zones are exempt from the two-year ownership restriction and can be licensed as a short-term rental immediately only on second floors and above and only if there is an active, licensed sales tax revenue generating commercial use on the ground floor of the structure.
- (e) Community housing. No unit designated by the Town as a community housing unit pursuant to [Chapter 16, Article 26](#) of this Code shall be eligible for short-term rental.
- (f) Housing stock. No more than ten percent (10%) or fifty (50), whichever is fewer, of the residential housing units shall be licensed as short-term rentals in the Town at any time.

* * *

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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 3rd DAY OF AUGUST 2022.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



To: Minturn Town Council
From: Michelle Metteer
Date: August 3, 2022
RE: Town Manager Update

Historic Preservation

The first Historic Preservation Commission meeting took place Tuesday, July 26, 2022. At this meeting Ken Halliday was appointed as the commission chair and Larry Stone was appointed as vice chair.

With the amount of work needing to get the commission up and running, the board agreed to meet twice in the months of August and September. After September the meetings will be scheduled for (only) the third Tuesday of the month. The following is the HPC meeting schedule moving forward:

Tuesday, August 9, 2022 at 5:30pm
Tuesday, August 23, 2022 at 5:30pm
Tuesday, September 13 at 5:30pm
Tuesday, September 27 at 5:30pm
Tuesday, October 18 at 5:30pm
Monthly, every third Tuesday of the month at 5:30pm

Additionally, the HPC requests Council consideration for an upcoming joint session (possibly late October) for discussing the values and vision surrounding historic preservation policy for the town of Minturn.

Memorial Bench Program

Three benches have been reserved thus far as part of Minturn's memorial bench program. Two will be located at Eagle River Park and a third will be at the Minturn Bike Park. The plaques and benches have been ordered and are awaiting arrival for installation.

Bear Aware

The Town of Minturn, through the hard work of Cindy Krieg, received \$20,000 in grant funds for the replacement of all town-owned public trash receptacles. The new bear-proof trash and recycling receptacles arrived this spring in damaged condition and had to be sent back to the manufacturer. The town is now awaiting the replacement receptacles so that the town can be in compliance with the bear-proof requirements of the Minturn municipal code.

Main Street Directory & Heritage Celebration

The directory has been finalized and ordered. There will be two directories total, one located in the 100-block of the downtown and one located at the Minturn bike park.

Jay Brunvand
 Clerk/Treasurer
 301 Pine St #309 ♦ 302 Pine St
 Minturn, CO 81645
 970-827-5645 x1
treasurer@minturn.org
www.minturn.org



Town Council
 Mayor – Earle Bidez
 Mayor Pro Tem – Terry Armistead
 Council Members:
 George Brodin
 Lynn Feiger
 Gusty Kanakis
 Kate Schifani
 Tom Sullivan

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

REGULAR TOWN COUNCIL MEETINGS
August 3, 2022
Ordinance 11 – Series 2022 (Second Reading) An Ordinance creating 100 Block Design Guidelines – Hunn/Harris
Ordinance 12 – Series 2022 (Second Reading) an Ordinance modifying Article 19 regarding Political Sign codes
Ordinance 13 – Series 2022 (Second Reading) an Ordinance modifying the Short-Term Rental code
Resolution ___ - Series 2022 Eagle River Distillery Conditional Use Permit – Harris/Hunn
Special Presentation – ECO Trails Update – Sharkey/Gotthelf
Special Presentation – Minturn Bike Park – Earnest Seger, VVMTA
August 17, 2022
Ordinance __ - Series 2022 (First Reading) an Ordinance amending the landscaping standards – Hunn
Ordinance 11 – Series 2022 (Second Reading) An Ordinance creating 100 Block Design Guidelines – Hunn/Harris
Executive Session – Holland & Hart
Discussion/Direction – Downtown Colorado Inc. – Bill Shrum
Discussion/Direction – Preliminary Budget Review
DATE TO BE DETERMINED
Community Plan Update
Chapter 16 Zoning Amendments
Discussion/Direction - Eagle County School Dist Cash in Lieu Fee
Joint Session – HPC/Minturn Town Council
Assessment of UPRR property and possible purchases
Potential legislation regarding Mobile homes
Car Idling