



Wednesday, October 5, 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/83532660157>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 Webinar ID: 835 3266 0157

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.

Battle Mountain – Plaskov / Sawyer

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 September 21, 2022 Meeting Minutes Pg 4
4.2 542 Main St, Keogh Residence – DRB Approval Pg 12

- 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.*

9. COUNCIL COMMENTS & COMMITTEE REPORTS

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

- 10.1 Joint Session – Historic Preservation Commission/Minturn Town Council Pg 53
10.2 Council motion to formally accept the FY2023 Preliminary Budget – Brunvand Pg 63
10.3 Uintah Rail Line support efforts – Sawyer Pg 85

11. DISCUSSION / DIRECTION ITEMS

- 11.1 Downtown Colorado Inc. – Downtown Development Authority Pg 86

12. STAFF REPORTS

- 12.1 Town Manager Update Pg 122

13. FUTURE AGENDA ITEMS Pg 131

- 14. EXECUTIVE SESSION CONTINUED:** 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.

14.1 Battle Mountain – Plaskov / Sawyer

15. ADJOURN

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

- October 19, 2022
- November 2, 2022
- November 16, 2022



**Wednesday, September 21, 2022
Regular Session – 5:30pm**

OFFICIAL MINTUES

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

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

1. CALL TO ORDER

Mayor Earle Bidez called the meeting to order at 5:36pm.

2. ROLL CALL & PLEDGE OF ALLEGIANCE

Those present included: Town Council members George Brodin, Gusty Kanakis, and Kate Schifani. Note: Mayor Pro Tem Terry Armistead was excused absent.

Also Present were Planning Commission members consisting of Lynn Teach, Jeff Armistead, Tom Priest, Michael Boyd, and Elliot Hovey. Note: Sage Pierson was absent.

Staff present: Town Manager Michelle Metter, Attorney Michael Sawyer (Zoom), Town Planners

Scot Hunn (Zoom), and Town Clerk/Treasurer Jay Brunvand (Zoom)

3. **APPROVAL OF CONSENT AGENDA** *Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.*

Note: Earle B. recused himself and did not vote due to a conflict of interest with item 3.4.

George B. introduced the item.

- 3.1 September 7, 2022 Meeting Minutes
- 3.2 Letter of Intent to Participate in the Federal Emergency Management Agency's Local Hazard Mitigation Plan
- 3.3 Liquor License: El Fraile LLC, DBA The Mexican Bar, 160 Railroad Ave – annual renewal of a Hotel and Restaurant Liquor License, Juan Estrada, owner/manager
- 3.4 Eagle River Distilling llc, 23698 US-24, Unit E1 Minturn, CO 81645, Spence Neubauer, Member – application for a Colorado Liquor Distillery and Sales Room
- 3.5 Congressionally Directed Spending – Letter of funding concern to Senators Hickenlooper, Bennet and Congressman Neguse

Motion by Gusty K., second by Kate S., to approve the Consent Agenda of September 21, 2022 as presented. Motion passed 5-0. Note: Mayor Pro Tem Terry Armistead was excused absent and Earle B. did not vote due to a conflict of interest.

Earle B. resumed his position as mayor.

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

Motion by George B., second by Gusty K., to approve the Agenda of September 21, 2022 as presented. Motion passed 6-0. Note: Mayor Pro Tem Terry Armistead was excused absent.

5. **DECLARATION OF CONFLICTS OF INTEREST**

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

7. **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. **COUNCIL COMMENTS & COMMITTEE REPORTS**

Gusty K up dated on a recent Shooting Range Committee. They are close to wrapping up. Open

house for the Community Plan on Tuesday September 27, 2022 at 6pm.

George B. gave a brief update on the water tank progress.

9. 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.*

9.1 Ordinance 15 – Series 2022 – An Ordinance extending the Design Review Moratorium – MJS

Michelle M outlined Ordinance 15 – Series 2022 will extend the current Design Review Board moratorium to the full 90 days allowed under the Charter for the duration of an emergency ordinance. Ordinance 13 was proposed to run that full 90 days until November 15. Council elected to reduce that to 32 days. However, the text of Ordinance 13 was not revised to reflect that fact. Ordinance 15 includes this in its recites, which will serve to correct that record of the prior proceedings on this moratorium.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Motion by George B., second by Gusty K., to approve Ordinance 15 – Series 2022 An Emergency Ordinance extending the Design Review Moratorium through November 15, 2022 as presented. Motion passed 6-0. Note: Mayor Pro Tem Terry Armistead was excused absent.

9.2 Community Plan Draft Review – Joint Planning Commission/Council Discussion

Attending as presenters were Ms. Julia Randall (SE Group) lead the discussion. Ms. Avery Wolfe (SE Group), Ms. Gabby Voeller (SE Group), Ms. Carly Sieff (Fehran and Peers), Mr. Brian Duffany (EPS Denver), and Mr. Chris Durloo (Tetra Tech) were also present to assist in the presentation.

Ms. Julia Randall lead the discussion beginning with an introduction of the team and presentation of the project.

Chapter 1: Smart Land Use and Practical Zoning

- Tom S. – 4 stars. Mixed use 2 section starts in 800 block but needs to start in the 1000 block. Some concern about creating all mixed use zones. Not everyone may want to live next to a business.
- Kate S. – 4 stars
- Gusty K. – 5 stars. Agree with consolidating the zones. Not in favor of subdividing existing lots, depends on circumstances
- Lynn F. – great job on cleaning up and simplifying the code – 5 stars on that aspect. Concern that this should be only part one and there is another part that needs to be worked on. This is a general guide for the community and a worry is that it assumes that there are only (approximately) 5 acres of development with managed growth. There are 270-410

additional units forthcoming, and proposals for growth and what do the consequences for that look like? Including HWY 24 traffic impacts.

- George B. – 5 stars. Section 1.32 needs more detail
- Earle B. – 5 stars
- Jeff A. – 4.5 stars – Section 1.32 needs updating
- Elliott H. – 5 stars, likes promoting a mixed use environment
- Michael B. – 4.5 – on the existing and recommended zoning map, the zoning on/near Eagle St expressed concerns at public comment recommended keeping the area south of Meek Ave residential
- Tom P. – 4.8

Chapter 2: Thriving 100 Block

- Tom S. – 4 stars. Well done. Implementation will be tough
- Kate S. – 5 stars
- Gusty K. – 5 stars. Don't change direction of Williams St, Concerned that the parking study might be inaccurate if you include the yellow zones
- Lynn F. – 5 stars
- George B. – 5 stars, expressed concerns with Williams Street and flow.
- Earle B. – 5 stars, more details to work out. In support of cash in lieu for parking option.
- Lynn T. – disagree with switching direction of Williams St
- Jeff A. – 4.85 stars. Cautions against using the word “minimal” when addressing development. Williams St needs more conversation at PC.
- Elliott H. – 4.5 stars. Williams St is intriguing – looking to discuss with colleagues
- Michael B. – 4.86 stars. Changing direction at Williams could be tough. How do you require the extra 5' for Williams? Possibly supports cash in lieu
- Tom P. – 4.91 stars. Pedestrian bridge? The various traffic flow needs to be addressed.

Chapter 3: An Economically Vibrant Community

- Tom S. – 4 stars. Uphill challenge of economic viability without a development at Dowd Junction
- Kate S. – 5 stars. Slightly more optimistic than Tom
- Gusty K. – 5 stars
- Lynn F. – 4.5 stars. Uphill battle. Mixed use 2 areas: the front of Maloit Park is a huge area and questioned if that was suitable for auto parts stores? Not sure Minturn wants that kind of development in that area. Mixed 2 use area should start at the 900 block but acknowledges there is a personal interest
- George B. – 4 stars – allow mixed use in through more of town
- Earle B. – 4 stars – extend commercial/mixed use down Main Street...how is this done? What is step 1?
- Jeff A. – 5 stars. Appreciated table 1
- Elliott H. – 5 stars. Construction and retail require space, harness the entrepreneurial spirit and allow the mixed residential/commercial use to increase in town.
- Michael B. – 4 stars. Dowd Junction is critical. Tax for transportation. Joint housing options with the County, potentially a small interconnect that hits Minturn North and Dowd Junction and lastly, parking is going to be an issue.

- Tom P. – 5 stars. Table 1 is a reality check

Chapter 4: Attainable Housing and Historic Character

- Tom S. – 4 stars with more emphasis on ADU's. Incentives? Push school district to develop as that will be 100% affordable housing, also Dowd Junction. Do larger/wealthy towns buy down housing stock in other towns and is this something that can be pursued?
- Kate S. – 4 stars, as a town Minturn needs to understand if it wants to increase housing stock with such a minimal amount of affordable housing
- Gusty K. – 4.5 stars, burden of attainable housing needs to be on the larger employers, change the AMI to a lower option may cause issues
- Lynn F. – 4 stars – Minturn can't do what Breck and Vail are doing. The missing middle is a part of what makes Minturn. This would be ideal in the form of tiny homes and smaller multi-unit projects
- George B. – 4.5 stars. The incentives are difficult given how small Minturn is and the length of time it would take to accumulate the needed funds
- Earle B. – 4.5 stars – ADU expansion within residential makes sense, but mixed use and commercial areas can also make sense. Grow enough for attainable housing and don't ruin the town. 10-units per acre might be reasonable. Need to see some math on common rate of linkage fees. Need to find funding mechanisms. Possible regional housing authority down the road.
- Lynn T. – 4 stars. ADUs should be long-term rentals only. Don't recommend the 15% increase
- Jeff A. – 4 stars. The ECSD property will bring an amazing amenity to town. 4.1.1 tier 1 recommendations are a slippery slope – needs more work. Buydown program is not realistic but a possibly county-wide pool of funds might work. Linkage fees are a short-term band aid.
- Elliott H. – 4 stars. More diverse housing is more ideal but Minturn isn't in the position to make attainable housing and a builder will want to make a profit. Nature of the market makes this incredibly difficult. Need to utilize what the town already has.
- Michael B. – 5 stars for intent. Minturn doesn't have extra cash to fund things. No extra taxes. Dowd Junction could be a good option.
- Tom P. – 4 stars and due to the economy, much of this is Pollyannaish. AMI isn't realistic. Short term – Vail is a shining example.

Chapter 5: Water Infrastructure, Hazard Mitigation and Sustainability

- Tom S. – 4 stars. Water is one of the biggest issues for the town. More time spent on maintaining what we have - some of the less expensive options should be pursued.
- Kate S. – 4.5 stars. Minturn's focus has been on the near future but how does the town balance development with a scarce water future.
- Gusty K. – 4 stars – need to maintain what we have. Correction that ERWSD would do a study on the sewer system as we don't have sewer, only water.
- Lynn F. – 4 stars – agree with the comments thus far. The discussion is a little general and would appreciate more depth on the water infrastructure and fire danger.
- George B. – 4.5 stars. This is an all-hands-on-deck situation with the water. Need the redundancy source but waiting on the rights to use the river. The WTP needs to be the #1

next step. One correction – well rights along the eagle river have already been discarded due to the pollution plume in the superfund site. Already talked about the interconnect, but a true redundancy would be a surface diversion of the Eagle River.

- Earle B. – 4.5 stars. This is a long-term plan. Council’s #1 job is public safety and over the last few years we’ve become very aware of wildland fire concerns. Need to look at mitigation from a building point of view.
- Jeff A. – 4.5 stars. Eagle River needs to pay for sewer issues, not the town. Sustainability gets 5 stars. Wildfire mitigation but bigger concern with the evacuation plan and that everyone knows what to do in the event of a flood or fire. Don’t want a situation like the Marshall fire. 5.3.5 – create an emergency evacuation plan.
- Elliott H. – 4.5 stars. Gray water reclaiming system works. Need an evacuation plan.
- Michael B. – 5 stars. Need an evacuation plan.
- Tom P. – 4 stars. Need redundant supply options. Water system needs a new plant. 5.3.4 Forest Service and interaction on Federal Land for mitigation efforts.

Chapter 6: Intuitive Mobility, Circulation and Connectivity

- Tom S. – 5 stars.
- Kate S. – 5 stars.
- Gusty K. – 5 stars. RTA would be a benefit for the town.
- Lynn F. – 5 stars for parking and multi-modal transportation, 3 stars for circulation – what happens to the traffic on HWY 24 if homes in town are doubled or tripled and how can this be mitigated? Roundabouts? Traffic lights? Getting onto and moving through HWY 24 will be a much worse problem and needs to be a consideration in the community plan.
- George B. – 5 stars. Managing demand / managing parking – these require thinking with two different ideas in mind.
- Earle B. – 5 stars. RTA would be a great benefit and increasing circulation on HWY 24. 2-hour parking expansion seems like a good idea – how does this get managed? Like the signage examples.
- Lynn T. – 4 stars. Most important is to secure permanent parking somewhere. Many of the comments in this plan discuss signage, however signage is not followed. Minturn is used as a park and ride. How do you make people read signs.
- Jeff A. – 4.895 stars. The traffic vs parking and the dynamics of when PUDs get approved, the vehicles will go up significantly. Leverage Dowd Junction, bike paths, sidewalks all the way to Tigiwon Rd.
- Elliott h. – “high 4 stars” likes the shared parking option. Likes expanding the 2-hour parking zone. RTA would be the biggest game changer. Is there a way to get around HWY 24 altogether?
- Michael B. – 4 stars. Likes the signage, bike path connections, especially to Dowd Junction, cash in lieu is up in the air, likes the extension of 2-hour parking but how to address the folks with no on-site parking? Don’t feel bad at giving people parking tickets. 7am and 6pm would be accurate time frames for parking counts.
- Tom P. – 4.895 stars. Signage won’t work without code enforcement. No workaround to HWY 24. Co-use signage lanes – could this work?

Chapter 7: Quality of Life, Recreation & Public Realm

- Tom S. – 4 stars. With an increase of people in town, due to traffic, quality of life will go down
- Kate S. – 4.5 stars. Recreation access is a great amenity in Minturn
- Gusty K. – 5 stars. Rec out the back door is a big reason to live in town. Snowmobiles are allowed on town roads in wintertime. The snowmobiles access the Meadow Mtn trailhead which allows access without the vehicle and trailer. Also, golf carts are allowed.
- Lynn F. – 5 stars.
- George B. – 5 stars. MFC has a modest \$10 drop-in fee. Bring back barstool racing
- Earle B. – 5 stars. All things are balance when it comes to governance.
- Lynn T. – 4 stars. The increased density will decrease quality of life. Traffic will create noise and pollution which will decrease wildlife. Consider making Minturn a dark sky town.
- Jeff A. – 4.999 stars. On pages 2 & 3 of this chapter there should be public access fishing points, two of which are ADA, on the map. Maloit Park is underdeveloped.
- Elliott H. – need to facilitate a seamless way of getting people to and from Minturn without ruffling feathers.
- Michael B. – 5 stars. Thank you for the hard work.
- Tom P. – 5 stars. Quality of life is the glue that holds everything together. Maloit Park needs a safe pedestrian corridor to connect to town.

Additional Comments:

Make the 100-block a non-crosswalk zone

Add bulb outs to the 400 and 500 block of Main Street

Additional recreational amenity to include should be Bolts Lake

Slow down the speed on the highway

Add traffic mitigation ideas

Chapter 8: a Collaborative and Resilient Future; how to implement

Next Open House is Tuesday September 27.

Jeff A. asked how realistic is it that CDOT will work with us on traffic calming. Discussion ensued on our safe view up and down the streets when you are trying to enter Main St.

Lynn T. liked the idea of speed bumps on Main St

Public Comment:

There were no comments from the public

10. DISCUSSION / DIRECTION ITEMS

11. STAFF REPORTS

11.1 Town Manager Update

Will schedule a wild fire update

12. FUTURE AGENDA ITEMS

- Community wildlife roundtable (early Nov)
- Little Beach Park update
- 10/1/22 hometown throwdown
- 10/29 Halloween fundraiser at Magustos

13. ADJOURN

Motion by Tom S., second by Kate S., to adjourn the meeting at 8:42pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

- October 5, 2022 – Joint Session with Historic Preservation Commission
- October 19, 2022
- November 2, 2022



To: Mayor and Council
From: Scot Hunn, Planning Director
Date: September 30, 2022
Agenda Item: Recent Planning Commission Recommendations and Actions

Request:

Review of Planning Commission actions from their regular meeting of September 14, 2022. The following actions were recently taken by the Planning Commission, acting as the Minturn Design Review Board, which actions may be called-up for further review by the Minturn Town Council:

542 Main Street, Keogh Residence – Final Plan Review Approval

Introduction:

At their regular meeting of September 14, 2022, the DRB reviewed the final plans for a new single-family residence located at 542 Main Street. This is a developed parcel, with an existing single-family residence (original construction 1935) that is currently occupied full time by the Applicant, Lisa Keogh. Plans call for a new residential structure to be constructed as the primary dwelling unit behind the existing home, and for the existing home to become an Accessory Dwelling Unit.

A staff report, site plans and survey information, along with exterior elevation renderings and floor plans are attached for reference.

The DRB discussed proposed building location, setbacks, building height calculations, exterior materials and colors in context to Chapter 16 – *Zoning*, and Appendix ‘B’ *Design Review Standards and Guidelines*, of the Town of Minturn Municipal Code. The DRB unanimously supported the proposed project as meeting the objectives and requirements of the MMC and, specifically the Design Review Standards and Guidelines.

Ultimately, the DRB voted 5-0 to approve the new home as a Final Plan review, with the following recommended conditions:

1. The Applicant shall address comments and recommendations by the Town Engineer, Intermountain Engineering, dated August 19, 2022, and shall revise and update the final plans accordingly prior to or concurrent with any building permit application submission.
2. The Applicant shall complete a Minor Subdivision to combine the two parcels that constitute Parcel No. 2103-263-01-013 per the Eagle County Assessor’s Office prior to any building permit application being accepted by the Town.

3. Prior to or concurrent with building permit application submission, the Applicant shall provide a construction management plan that, in addition to details of staging, erosion control, trash and site management, and will address how certain improvements will either be removed or constructed in close proximity to adjoining properties.
4. Prior to or concurrent with building permit application submission, the Applicant shall provide documentation for any required encroachment agreement(s) with the Eagle River Water and Sanitation District for any improvements within the platted sewer easement.
5. No building permit will be issued until the Town chooses a licensed surveyor as laid out in the definition of Ordinary High Water Mark by Sec. 16-2-20 of the Minturn Municipal Code to survey where the Ordinary High Water Mark is located. Staff will review, and if there are any major discrepancies between where the marks are currently shown on the existing survey and the new survey, then the project will need to come back to the Planning Commission.

Community Input:

Four citizens spoke during the DRB's public hearing, with two adjacent or nearby property owners expressing concerns regarding building placement relative to the 30 foot live stream setback and one neighbor specifically questioning the Applicant's demarcation of the "Ordinary High Water Mark" on the property survey/topographic map. An adjacent property owner also expressed concerns regarding the proposed building height, while another asked general questions regarding the depth of proposed basement foundation excavation relative to ground water (stating concerns about potential impacts to neighboring properties across Hwy. 24) as well as the adequacy of parking for the intended residential use on the subject property .

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.

Written comments from an adjacent property owner, Mark Sullivan, who resides at 532 Main Street, were submitted and made part of the public record for the DRB hearing. Those comments are attached.

Analysis:

In reviewing the application, the Planning Commission considered the criteria and findings required by the Minturn Municipal Code, as well as the testimony of staff, the Applicant, and citizens who provided written comments and/or in-person testimony.

Discussion by the DRB focused on the proposal's overall conformance with the requirements of Chapter 16 – *Zoning*, and Appendix 'B' *Design Review Standards and Guidelines*, of the Town of Minturn Municipal Code, and, specifically the Town's methodology for calculating building height as well as the Town's definitions and methodology for establishment of the Ordinary High Water Mark (OHWM) for projects that front live streams.

Staff testified that the plans - inclusive of site plans and topographic mapping/survey work - complied with the Town's standards and that the Town Engineer had reviewed the plans and survey work with no comments calling into question the establishment of the OHWM. Staff had visited the site, and had inspected the area of the site where OHWM was shown on plans/mapping.

Additionally, the DRB also discussed the building height calculations, concurring with staff's review and determination that the building height was calculated correctly. Also, the DRB addressed comments from one neighboring property owner regarding ground water concerns. Last, the DRB confirmed with staff that parking proposed for the site does comply with the requirements of the Minturn Municipal Code.

The DRB ultimately voted unanimously to approve the Final Plans, with recommended conditions. One condition - specifically recommending that the Town engage the Town's consulting engineering firm to perform a new survey of the property to verify the location of the OHWM - was addressed by staff in consultation with Jeff Spanel, Town Engineer (see attached letter from J. Spanel, Intermountain Engineering, dated September 30, 2022).

As outlined in Mr. Spanel's letter, Intermountain Engineering conducted research inclusive of:

1. Verification of the Town's definition of Ordinary High Water Mark;
2. Verification of the Army Corps of Engineer's definition and interpretation of OHWM;
3. Verification of mapping and aerial photography of the subject property;
4. Verification of the project surveyor (Matt Slagle's) CAD files and field work; and
5. Field verification of the OHWM as shown on topographic mapping by Matt Slagle based on a site visit.

As a result of the above actions and analysis by the Town Engineering consultant, it was determined that the topographic mapping and demarcation of the OHWM on the subject property is accurate, and, therefore, that performance of an independent survey of the property by Intermountain Engineering as recommended by the DRB would not be necessary or warranted.

Budget/Staff Impact:

While minimal, Town resources were expended to engage the Town's engineering and surveyor consultant, Intermountain Engineering, to investigate and verify the land survey information provided with the application and, specifically, to confirm the location of the Ordinary High Water Mark. This expenditure (a one time cost) is in addition to planning department time spent by the Town's consulting planning director to coordinate with the Town Engineer and to conduct additional research regarding regulatory definitions of Ordinary High Water Mark.

Strategic Plan Alignment:

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

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

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

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

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

Recommended Action or Proposed Motion:

Approve 542 Main Street, on Consent, ratifying the Town of Minturn Design Review Board action to approve the final plans with conditions.

Attachments:

- DRB Application for 542 Main Street
- Staff Report with Public Comment
- Evaluation and Determination of Ordinary High Water Mark by Intermountain Engineering - Memo by J. Spanel dated September 28, 2022.

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

Design Review Board Hearing

Keogh Residence Final Plan Review for New Home 542 Main Street

Hearing Date:	September 14, 2022
File Name and Process:	Single-Family Residence Final Plan Review
Owner/Applicant:	Lisa Keogh
Representative:	John Martin, Martin Manley Architects
Legal Description:	Lot 4, Block 3, Booco's 2nd Addition
Address:	542 Main Street
Zoning:	Old Town Character Area – Residential Zone District
Staff Member:	Scot Hunn, Planning Director Madison Harris, Planner I
Recommendation:	Approval, with Conditions

Staff Report

I. Summary of Request:

The Applicant, Lisa Keogh, is requesting Final Plan review of a new, three-bedroom, 2,615 square foot single-family residence located at 542 Main Street in the Old Town Residential Zone District. The Applicant and the Applicant's representative, John Martin of Martin Manley Architects, have been proactive in meeting with Town staff prior to submitting plans for a new home and has provided a relatively complete and thorough set of site, landscaping, and architectural plans.

Existing Conditions and Proposed Plans

542 Main Street is a previously developed property. There is a single-family home originally constructed in 1935 that sits in the middle and toward the front of the lot, along with one detached accessory structure located along the northern boundary of the property. The Applicant currently

resides in the existing single-family home and plans to turn the existing residence into an Accessory Dwelling Unit (ADU) after constructing a new primary residence behind the existing home.

As mentioned above, the Applicant has been proactive in meeting with the Town to verify that this proposal - building a new primary residence and turning the existing home into an ADU - was permissible. In 2021, staff, working with the Town Attorney, confirmed that the Town of Minturn Municipal Code permits the construction of a new (primary) residence while allowing the existing home to function as an ADU. As a reminder, there are no minimum or maximum square footage requirements for ADUs. In this case, the existing 1935 home is 1,098 square feet, while the new residence will have a gross floor area of 2,615 square feet.

The plans for the new home show a two- to three-story, three-bedroom structure with a maximum building height - measured to the midpoint of the roof - just under the maximum allowable 28-foot limit within the Old Town Residential Zone District.

Additionally, the massing, forms, and scale of the proposed structure, as well as proposed exterior materials, textures and detailing also appear to achieve the design objectives of Appendix B – *Design Guidelines and Standards*, Minturn Municipal Code.

Parking is adequate, with three to four off-street spaces provided in a driveway area (three spaces are required; the site plan shows enough room for up to four vehicles). According to staff’s analysis of development standards and dimensional limitations in Section III below the project appears to meet the Town’s standards for setbacks, lot coverage restrictions, and snow storage requirements.

Staff believes that the Applicant and her representative have provided a complete, detailed set of plans necessary to complete a thorough final plan review. That said, there remain engineering issues needing to be resolved prior to any building permit application.

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

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

II. Summary of Process and Code Requirements:

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

If the DRB feels that the plans are complete, appropriate, and meet the intent and purposes of the Minturn Municipal Code, Chapter 16, the DRB has the option to take final action to approve the plans without conditions, or to approve with specific conditions and giving the Applicant and staff clear direction on any recommended revisions, additions or updates to the plans.

No variances are required or requested at this time.

Design Review Process

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

(d) *Administrative procedure.*

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

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

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

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

- a. That the proposal is in conformance with the Town zoning regulations.*
- b. That the proposal helps achieve the goals and objectives of the Community Plan.*
- c. That the proposal complies with the Design Standards.*

Staff suggests that the final plans for 542 Main Street meet or can be revised to meet the required findings ‘a,’ ‘b,’ and ‘c’ of subparagraph 3 – *Necessary findings* - with proposed conditions of approval.

III. Zoning Analysis:

Zoning

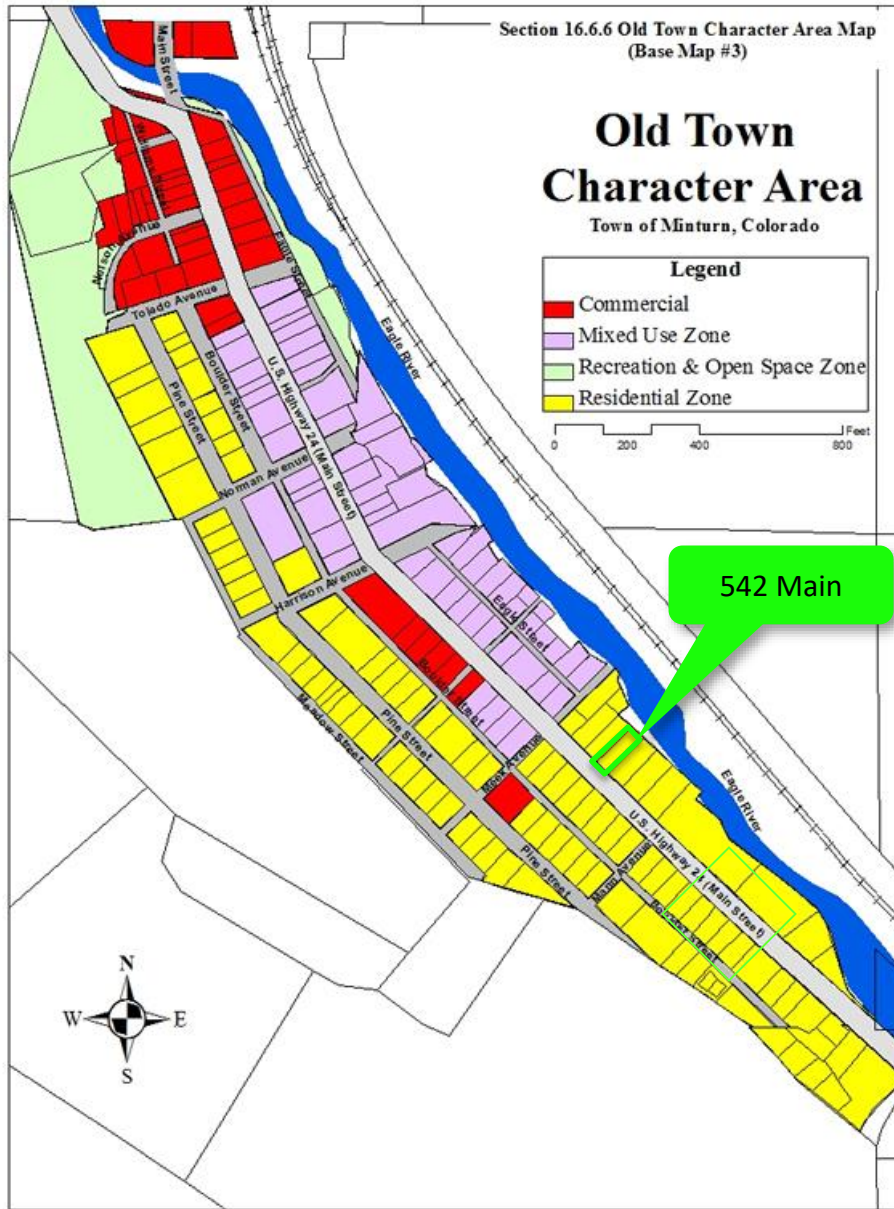
The subject property is located within the “Old Town Character Area” Residential Zone District, described as follows:

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

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

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Figure 1: Old Town Character Area Zoning Map



Dimensional Limitations and Development Standards

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

Regulation	Allowed/Required	Proposed/Existing
Minimum Lot Area:	5,000 sq. ft.	8,102 sq. ft. (.186 ac.)
Minimum Lot Frontage	50 feet	50 feet
Maximum Building Height:	28 feet	27 feet - 7 ½ inches
Minimum Front Setback:	10 feet	30+ feet
Minimum Side Setback:	5 feet	5 feet
Minimum Rear Setback:	10 feet (to property line) 30 feet (to high water mark)	27 feet (to property line) 40+ feet (to high water mark)
Maximum Lot Coverage:	45% (3,646 sq. ft.)	2,935 sq. ft. (36%) Proposed
Maximum Impervious Coverage:	55% (4,456 sq. ft.)	4,445 sq. ft. (54%) Proposed
Minimum Snow Storage Area:	5% of Parking Area (770 sq. ft. x .05 = 38.5 sq. ft.)	240 sq. ft. (40%)
Parking:	3 spaces	3 spaces

Note: the above calculations are based on the following:

Lot 1 = .186 acres x 43,560 sq. ft./acre = 8,102 sq. ft.
770 sq. ft. parking area x .05% = 38.5 sq. ft. (Required Snow Storage)

Parking: 3 spaces required

2 spaces per single-family residence
1 space per accessory dwelling unit

IV. Applicable Standards and Design Guideline Criteria:

Design

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

Final Site, Grading and Drainage Design

The Minturn Design Guidelines encourage designs that integrate or account for site topography and existing conditions, surrounding conditions, solar orientation, placement on lots relative to streets and natural features, snow storage and snow shed from roof structures. The Applicant has provided a site plan based on a topographic survey that does provide enough information to review at this stage, but also will need to be finalized with additional topographic information and final grading and drainage details prior to any building permit application.

Mass and Form

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

“c. Massing and Scale

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

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

-Town of Minturn Design Guidelines

Staff Response:

Staff believes that the design and scale of the proposed structure incorporates a simple central form with additive features and is complementary to the adjacent single-family residential structure located on the same property. Additionally, staff believes that the proposed structure is compatible with the scale and general character of the built environment on nearby parcels.

The designer in this case has presented a plan that respects the scale and massing of the existing single-family structure on the lot by maintaining floor to floor plate heights (10'), carrying existing eave lines through to the new structure, and through the design of roof forms which reflect and respect the proportions of the existing one-story structure while gradually stepping the new structure up to two stories above existing grade before stepping roof forms down at the rear of the building with a substantive, prominent roof form covering a porch element that is supported by stone columns and which wraps around the south side of the structure. Proposed roof forms and pitches, as well as exterior materials and textures, provide variety and visual interest and are compatible and complementary to the surrounding built and natural environments.

V. Issues and Areas of Non-Conformance:

Issues or Required Plan Revisions

While staff does not believe there are any areas of non-conformance with the Town's standards, the following issues or areas of refinement have either been identified by staff or, in this case, by an adjacent property owner, for consideration by the Planning Commission. Some items that must be addressed prior to any building permit application submittal are listed as recommended conditions of approval in Section VI.

Final Site Plans

While the architectural site plan submitted with the Final Plan set demonstrates site grading and drainage intent as well as general conformance with the Town's standards, the Town Engineer, Jeff Spanel, Intermountain Engineering, has provided comments and recommendations for additional information and details that should be provided prior to or concurrent with any building permit application. Of note are the following recommendations:

- Update site topography to include contour lines beyond the property boundaries of the subject property.
- Update the site plan to show four parking spaces and remove tandem parking.
- Receive approval for the encroachment into the sewer easement

First, the Town does not require that surveys provided with DRB submittals include survey work "off property;" staff is not sure how this would be accomplished without the Applicant first obtaining permission from adjoining landowners. In speaking with the Town Engineer, this is a recommendation due to the nature of existing improvements on and off the subject property (in one instance there is a stone foundation/retaining wall along the north property line adjoining 532 Main Street; in another instance, there is an existing accessory structure at 552 Main Street to the south that encroaches into the subject property). Currently the architect is showing extrapolated contour lines based on the topography of the site and the topographic survey in an attempt to address this comment. The Town will look to the Applicant at or before any building permit application to provide a construction management plan that addresses how - legally and practically - certain improvements will either be removed or constructed in close proximity to adjoining properties.

Regarding the Town Engineer's comments regarding parking requirements, the comments were in error; this project requires three spaces, two for the new single-family dwelling unit which has three bedrooms, and one space for the existing home which will become an Accessory Dwelling Unit in accordance with the provisions of the Minturn Municipal Code. Additionally, tandem parking is permitted in residential zone districts; it is only prohibited in the 100-Block Commercial area.

Concerning the encroachment into the sewer easement, staff has received confirmation from ERWSD that their application for encroachment was approved on August 24, 2022 after the Town Engineer reviewed the plans. Staff is waiting on the executed agreement.

Adjacent Property Owner Concerns

Staff met recently with Mark and Kim Sullivan, owners of 532 Main Street, to discuss the proposed plans for 542 Main Street. Among the issues discussed with the Sullivans, was the accuracy of survey work for this proposal - namely the location of the High Water Mark - as well as concerns regarding the legal status of a “quiet title” parcel owned in common by the Applicant and which is located contiguous to the original parent parcel; building height (including stepping of structures down a slope); and impervious surface calculations. Following staff’s meeting with the Sullivans, the Town received written comments from the Sullivans (attached) which were then made part of the public record and shared with the Applicant.

Site Plan Revisions and Response to Survey Questions

Since that time, the Applicant and her architect have revised the plans and/or have recalculated impervious coverage; and have responded to questions regarding survey work, property boundaries, monumentation and the establishment of the mean annual High Water Mark (HWM). Staff has also spoken with or corresponded with the Applicant and the project Surveyor, Matt Slagle, multiple times to better understand the history of surveys that have been conducted at 542 Main Street, the consistency of those surveys over the years, and, importantly, the consistent nature of the demarcation of the HWM on the subject property over multiple years and on multiple different surveys. Staff believes that the survey work performed for this project is accurate and that no evidence to the contrary has been presented in this case.

Staff has suggested to the Sullivans that if there is a boundary dispute along the common property line between 532 and 542 Main Street, or a dispute over the location of the HWM, evidence (a survey by the Sullivans) should be provided for consideration. Staff has communicated that boundary disputes - unless involving Town owned property - are a civil matter to be worked out between property owners. On that, staff has recommended that the Sullivans contact the Applicant directly.

Quiet Title Parcel

Following our meeting with the Sullivans, staff conferred with the Assistant Town Attorney regarding the status of the “quiet title” parcel which is owned in common by the Applicant and which is contiguous to the main parcel. Staff has viewed such parcels as being “merged” with the larger, parent parcel in the past. In this case, it was confirmed that, due to the language of the court decree granting the quiet titled property to a previous owner, and despite the fact that Eagle County GIS and Assessor shows (and taxes) the two parcels as one parcel, the two parcels must be formally, legally combined. At the same time, staff confirmed with the Assistant Town Attorney that such action (a minor subdivision to eliminate the common property line between the two parcels) can be completed as a condition of DRB approval of final plans for 542 Main Street. (See condition number 2 in Section VI below).

Building Height Calculation

Regarding building height calculations and the Minturn Municipal Code intent(s) and methodology, staff notes that the Applicant and her architect have been proactive in meeting with Town staff multiple times before submitting plans to ensure that, among other things, their building height calculations were in conformance with the Town’s guidelines and practices for establishing building height around a structure. Staff is of the opinion that the proposed design

does comply with the intent of the Town’s building height regulations, as well as the methodology employed by the Town, historically, in determining 1) mid-point of roof elements around a structure, and 2) existing or proposed grade around a structure.

Last, the Sullivans have expressed concern that the proposed structure does not step down the site. Staff certainly understands this critique and while it is convenient to point to illustrations contained in Chapter 16 (Illustration 16-2) which are intended to demonstrate, in a general manner, what the intent of the MMC is when establishing midpoint and grade, staff suggests that other guidelines contained in Appendix B - *Design Guidelines and Standards*, speak to building design on slopes in excess of 10 percent grade:

“A building site that slopes at greater than 10% is urged to consider “stepping” the structure rather than grading the site to allow for traditional building layout. The intent is to avoid large cuts and/or fills as well as retaining walls, and to avoid the need for additional erosion control measures.” (Appendix B, Section C.1.a.1 - *Topography*).

In all instances, staff relies on words or phrases such as “greater than 10%,” or “urged to consider” in determining intent and conformance. In this case, the average slope of the subject property (i.e., the “building site”) is 7 percent. It is worth noting that there are already retaining walls existing on the site; that the proposed design will not produce “large cuts and/or fills;” and that erosion control measures will be used, as a matter of course and regulation, as part of the building and construction management. Simply, staff believes that stepping of a building is not a requirement, generally, and is specifically not applicable (as a recommendation) in this case.

VI. Staff Recommendation and Suggested Conditions:

Staff suggests that the Final Plans for Lot 4, Block 3, 542 Main Street, as conditioned below, **comply** with the applicable provisions and/or minimum standards of Chapter 16 and the Town of Minturn Design Standards (Appendix ‘B’) of the Minturn Town Code.

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

1. The Applicant shall address comments and recommendations by the Town Engineer, Intermountain Engineering, dated August 19, 2022, and shall revise and update the final plans accordingly prior to or concurrent with any building permit application submission.
2. The Applicant shall complete a Minor Subdivision to combine the two parcels that constitute Parcel No. 2103-263-01-013 per the Eagle County Assessor’s Office prior to any building permit application being accepted by the Town.
3. Prior to or concurrent with building permit application submission, the Applicant shall provide a construction management plan that, in addition to details of staging, erosion control, trash and site management, and will address how certain improvements will either be removed or constructed in close proximity to adjoining properties.
4. Prior to or concurrent with building permit application submission, the Applicant shall provide documentation for any required encroachment agreement(s) with the Eagle River Water and Sanitation District for any improvements within the platted sewer easement.

September 27, 2022

Scot Hunn
Town of Minturn Planner
PO Box 309
Minturn, CO 81645

Re: Lot 4, Block 3, Booco's 2nd Addition, Minturn, CO.
542 Main
Ordinary High Water Mark (OHWM)
Project No. 22-0001

Dear Scot:

We reviewed the definition of the Ordinary High Water Mark (OHWM) included in the Minturn Municipal Code; the delineation of OHWM delineated in the DRB submittal dated August 12, 2022, for 542 Main along with additional information provided and offer the following:

Minturn Municipal Code Definition of OHWM:

Section 17-2-10 of the Minturn Municipal Code (MMC): Ordinary high water means the line on the bank established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding area.

The definition in the Minturn Municipal Code is consistent with the definition used by the Army Corps of Engineers published in the Code of Federal Regulations: “Ordinary high water mark. The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas”. We reviewed several Army Corps of Engineers publications and confirmed this is the definition used by the Army Corps with Benjamin Wilson, Project Manager, U.S. Army Corps of Engineers in Grand Junction.

Delineation of the OHWM:

The OHWM for 542 Main is delineated on the Topographical Map prepared by Slagle Survey Services dated November 5, 2021 included in the DRB application.

VAIL VALLEY OFFICE

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

DENVER OFFICE

9618 Brook Hill Lane | Lone Tree, CO 80124

970.949.5072 | info@inter-mtn.net

September 27, 2022

Scot Hunn

Re: Lot 4, Block 3, Booco's 2nd Addition, Minturn, CO.

542 Main

Ordinary High Water Mark (OHWM)

Project No. 22-0001

Our review of the OHWM delineation included:

1. Discussion with the Surveyor of Record, Mathew Slagle PLS, where he confirmed the criteria used to determine the OHWM was consistent with the MMC.
2. Matt Slagle provided an electronic copy of the Topographic map which we superimposed on aerial photography. The OHWM mapping appears consistent with changes in vegetation lines observed in the photography.
3. We solicited input for the OHWM delineation from Benjamin Wilson of the Army Corps. We provided the Topographic Map, aerial photography, the photographs taken by Scot Hunn as well as photos of the high water taken by the neighbor, Mark Sullivan. His response to our inquiry included:
 - a. *You correctly stated the Corps definition of OHWM and the OHWM is often easily identifiable by visual indicators. By definition, the OHWM is not related to the floodplain, flooding flows, or high flows. Therefore, I am not surprised that high spring flows are experienced above the OHWM, especially in mountain streams driven by snowmelt.*
 - b. *I generally agree with OHWM shown on the photograph and the Topo survey helps but it would be best to have an aerial image with the OHWM to understand which bank is being shown and if it is consistent with physical indicators.*
 - c. *The Corps would not formally review and concur with a delineation of aquatic resources in cases where a Corps permit is not needed for site (which is this case).*
 - d. *If interested, I can provide outreach regarding the Corps regulations to Town representatives and/or citizens this winter via a virtual meeting.*
4. On September 25, 2022 a representative of this office visited 542 Main to review the delineation in the field. The field evidence supports the Slagle mapping of the OHWM.

Conclusion:

The definition of OHWM in the Minturn Municipal Code is consistent with the definition used by the Army Corps of Engineers and the "High Water Mark" shown on the November 5, 2021 Topographic Map is a reasonable delineation of the OHWM.

Please feel free to contact us if you have additional questions.

Respectfully,

Inter-Mountain Engineering (Town Engineer)



Jeffery M. Spanel PE

CC: Michelle Metteer, Madison Harris, Benjamin Wilson

Madison Harris

From: Mark Sullivan <msullivan@renewstrategiesllc.com>
Sent: Friday, September 2, 2022 4:42 PM
To: Madison Harris; Scot Hunn
Cc: ksullivan5700@comcast.net
Subject: RE: Thanks and follow up

Hi Madison,

A few follow-up questions.

1. Have any changes been made to Lisa's plans based upon our discussion with you and Scot or the e-mail we sent?
2. If not, do you anticipate any changes being made to the plans based upon our discussion or the e-mail we sent?
3. Is the hearing still scheduled for Wednesday, September 14, 2022?
4. Have you or Scot discussed with the Town Attorney the issues we discussed during our meeting or the e-mail we sent, particularly the legal issues raised?

Thanks.

Mark and Kim



[Mark Sullivan](#)

CEO

Renew Strategies LLC

1001 Bannock St, Suite 482

Denver CO 80204-4145

Cell: 303.868-9937

msullivan@renewstrategiesllc.com

From: Madison Harris <planner1@minturn.org>
Sent: Friday, September 2, 2022 3:15 PM
To: Mark Sullivan <msullivan@renewstrategiesllc.com>; Scot Hunn <planner@minturn.org>
Cc: ksullivan5700@comcast.net
Subject: RE: Thanks and follow up

Hi Mark and Kim,

First, thank you for this follow up email, please be aware that these comments will be made part of the public record. Second, if you would like to meet with Lisa, you should make that request of her. We will pass along the request, but you will need to deal directly with her as this issue is a civil matter. Third, we will be happy to meet with you again along with the Town Attorney, but we will need to understand the purpose of the meeting, and will need to share that information with the Town Attorney prior to any meeting. Please let me know if you have any follow up questions or comments.

Sincerely,
Madison

Madison Harris

Planner I
Town of Minturn
Planner1@minturn.org
970-827-5645 Ext. 2

From: Mark Sullivan <msullivan@renewstrategiesllc.com>
Sent: Wednesday, August 31, 2022 11:51 AM
To: Scot Hunn <planner@minturn.org>; Madison Harris <planner1@minturn.org>
Cc: ksullivan5700@comcast.net
Subject: Thanks and follow up

Hi Scott and Madison,

Thanks again for taking the time to meet yesterday. Kim and I both appreciated you talking to us about Lisa's project.

We had a few follow ups from yesterday.

The lot area for purposes of determining the building lot coverage and impervious coverage should be 7,500 sq. ft. (which is the same as our lot). In making the building lot coverage calculation (based upon the document provided), the architect inadvertently used .55 percent instead of .45 per cent as set forth in the code. For the impervious coverage area, Kim was correct that there is cement on either side of the front porch that does not appear to be included. Also, there are two sidewalks on the north side of the property that should be included. The code states "sidewalks regardless of surface area" should be included in the impervious area calculation. I did not see any exceptions in the code for excluding certain types of sidewalks. On the back of the proposed new house, it does not appear the southeast corner was included in the impervious area calculation (looks like a software issue).

In section II.C.1.a.1., it states that when the slope is greater than 10%, the parties are urged to consider stepping the structure.

Regarding the building height issue, we request again that you reconsider how the code requires this calculation to be made. The definition states "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).**"

The first part of the definition explains how to measure the building height at any point around the perimeter – which would need to be done to assure no portion of the structure exceeded the 28 foot height limitation. The first step in measuring the building height around the building, per the above definition, is to establish the

midpoint of the roof on the structure based upon the roof type and then draw a horizontal line around the structure from that point (see illustration 16-2). The next step, as set forth above, would be to measure building height around the structure to make sure there is no portion of the structure where the measurement between the point established based upon the roof type and the finished and natural grade (whichever is more restrictive) is greater than 28 feet. As illustrated in the 16-2 drawing, the easiest way to confirm on a hillside that there is no portion of the structure that exceeds the 28 foot measurement between grade and the roof point is to make the measurement at the low point of the grade around the structure. Scott stated yesterday that he confirmed the midpoint location with the architect. The architect should have then understood how the above provision works and how to use the agreed upon midpoint to make sure the structure meets the building height limitation.

The current plans appear to adopt a rule that the applicant can satisfy the building height regulation by picking any spot around the structure and confirm that spot it is less than 28 feet. That is contrary to the above definition.

One additional thought about the live stream setback. The issue with the setback is that it is currently located in the river. The ordinary high water mark (and thus the setback) needs to be on the bank along the side of the river. The definition of ordinary high water mark states that it is located on the bank of the river.

We are happy to further discuss any of the above or what we discussed yesterday with you, the town attorney, the architect, the surveyor, or Lisa. We can talk by telephone anytime. If we need to meet in person with anyone, we could meet anytime next Tuesday September 6.

One final question, we were thinking about asking Lisa if we could meet with her surveyor about where the north boundary is located between the markers at the front and back of the property. We may be okay with it – just want to a visual on the ground. Does this sound okay?

Thanks.

Mark and Kim



Mark D. Sullivan

CEO

Renew Strategies LLC

1001 Bannock Street, Suite 482

Denver, Colorado 80204

Cell: 303.868.9937

msullivan@renewstrategiesllc.com

Madison Harris

From: Scot Hunn <scot@hunnplanning.com>
Sent: Thursday, September 8, 2022 3:37 PM
To: msullivan@renewstrategiesllc.com; ksullivan5700@comcast.net
Cc: Madison Harris
Subject: 542 Main Street - Keogh Residence Response and Update

Mark and Kim:

Thank you for taking the time to meet with me and Madison recently to discuss plans for a new residence at 542 Main Street and to convey your concerns and questions regarding the project and the Town Code.

As Madison has previously communicated, your comments have been received and made part of the public record that will go to the Planning Commission in preparation for their meeting on September 14th.

On that note, you should have received notice that the proposal will be presented at that meeting. Importantly, I can communicate the following updates in response to some of your questions and concerns:

1. Quiet Title Lot and Effective Lot Area Calculations: I have conferred with the Assistant Town Attorney about the issue you raised about the quiet title parcel not being legally part of the parent parcel; after researching the decree from the judge who ruled on the quiet title, he agrees that the small parcel should be legally added to the parent parcel as part of the Applicant's process. He has determined that while the burden is on the Applicant to complete a minor subdivision to vacate the common property line and combine the lots, this could be a condition of approval of the development plans should the Planning Commission vote to approve Ms. Keogh's application. I have communicated this to Ms. Keogh.
2. Lot and Impervious Coverage: the Applicant received your comments and has reviewed existing impervious materials as well as proposed impervious materials and has recalculated their percentages; I expect a written response from Ms. Keogh's project architect by today (Thursday) along with new calculations or updated plans. My understanding is that the architect has included in his calculations areas of pavement that were previously not counted and has corrected the percentages shown on the plans. Regarding the "sidewalks" you reference on the north side of the property, I believe the area you are referencing are currently shown as flagstone pavers in a landscaping area; historically, I am not aware that the Town includes flagstone walkways set in permeable ground surfaces or landscape areas as contributing to impervious areas and I have not asked the Applicant to include those in their calculations. Additionally, the Town will continue to review the lot and impervious coverage based on the total effective land area including the parent parcel and quiet title parcel in anticipation that the two lots can and will legally be combined prior to any review of a building permit.

3. Survey and High Water Mark: I have spent considerable time talking with Ms. Keogh and corresponding with her surveyor, Matt Slagle, about your concerns and questions about survey accuracy and whether property corner pins may have been moved. I continue to believe that a direct conversation between you and Ms. Keogh would be best if you have ongoing concerns about the accuracy of recent survey work or if you believe pins/monumentation have been moved. To that end, if you have documentation (your own survey work) that the Town should be aware of that refutes Ms. Keogh's recent survey work, I respectfully suggest that you provide such evidence. If there are boundary disputes or issues relative to encroachments of improvements over property lines or the like, those are not matters that the Town typically involves itself in unless, of course, the dispute involves town owned property. Additionally, when plans (inclusive of surveys) are submitted for review by the Town, they are reviewed by the Town Engineering consultant, Jeff Spanel and Intermountain Engineering, for civil engineering and survey conformance. In his review of plans for 542 Main Street, Mr. Spanel did not indicate that there are errors in the survey work but does recommend that additional survey work be completed prior to building permit to ensure that all existing and proposed contours are shown relative to proposed grading and drainage. These types of comments are typical at this stage of review and the Planning Commission regularly approves plans with the condition that final grading and drainage plans accompany any building permit application. That being said, here is what I understand from my conversations with Ms. Keogh and Matt Slagle:
- Ms. Keogh has surveys dating back to the mid-2000's that show a couple things: first, my understanding is that they show or demonstrate that property boundaries (represented by bearings and distances, and which are tied to surveyed monumentation), have not changed over time or over the span of four or five separate surveys by different surveyors.
 - Matt Slagle's response to the question of property corners and the accuracy of his survey work was (I'm paraphrasing) that his field work and office work (completing his calculations and producing the survey based on found monuments, previous survey work and using current title commitment work) is within 2" of found monumentation; a tight enough tolerance mathematically to rely on for site planning purposes and to move forward with staking locations for any new buildings in the field.
 - Regarding the establishment of the High Water Mark (HWM), here is Mr. Slagle's response: *"As far as HWM – Yes , based on field observation of the most restrictive HWM - What I mean is there could maybe be an argument that the upland vegetative 'Island' is not actually an island which would make the South HWM 50 feet farther North – (I see it as an Island but others may not)"*
 - In corresponding with Mr. Slagle and having reviewed the survey again vs. the site conditions as well as aerial mapping, I am very comfortable that the HWM is, in fact, demarcated and shown on the survey and site plans for Ms. Keogh's project in the correct location and as the most restrictive (southern most point in the river channel that traverses around the south side of the "island" that Mr. Slagle references).

- Here again, if you have evidence (a survey for your property) that would add clarity to, or would refute what the Applicant's surveyor has shown on her survey, please make that information available to the Town.
4. **Building Height Calculations**: I have discussed your comments and concerns with the Town Manager as well as the Assistant Town Attorney. Although I do agree with some aspects of your interpretation of the Code language and/or graphic illustrations, respectfully, I do not agree with other aspects of your interpretation of the Town Code or your conclusion regarding non-conformance with the Code. I will likely spend some time during the public hearing explaining how staff calculates height and how this proposal meets the intent of the Code; and why I believe the Architect's methodology is consistent with how staff and the Planning Commission have interpreted and enforced building height previously.

I certainly hope this information and response addresses some of your concerns. The packet for the upcoming meeting will be published tomorrow (Friday) and will include responses (from the Applicant and her architect) to your stated concerns and objections, as well as a summary from the Applicant and her architect of changes made to the plans.

Kind regards,

Scot Hunn, AICP/MPA
Principal/Owner
Hunn Planning & Policy LLC.
scot@hunnplanning.com
(970) 343-2161



DESIGN REVIEW APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT
P.O. Box 309 302 Pine Street Minturn, Colorado 81649-0309
Phone: 970-827-5645 Fax: 970-827-5545 Email: planner@minturn.org

Project Name:

Basecamp

Project Location

Street Address: 542 Main Street, Minturn, CO 81645

Zoning:

single family, duplex, adu

Parcel Number(s):

Lot 4, block 3, Bocco 2nd

Application Request:

Please note application for drb design approval for 542 Main Street. 3 bed, 3 1/2 bath with 2559 sq ft addition. Please see attached email copy from Scot Dunn denoting ADU detail specification (s) for property in question. Feel free to contact me with any questions.

Applicant:

Name: Lisa Keogh

Mailing Address: P.O. Box 594, Minturn, CO 81645

Phone: 469-236-0034

Email: lisakeogh@thek3company.com

Property Owner:

Name: Lisa Keogh

Mailing Address: P.O. Box 594, Minturn, CO 81645

Phone: 469-236-0034

Email: lisakeogh@thek3company.com

Required Information:

Lot Size: 8,102 sq ft	Type of Residence (Single Family, ADU, Duplex) single -adu	# of Bedrooms 3	# On-site Parking Spaces 3
# of Stories: Two plus walkout basement	Snow storage sq ft: 1,150 sq ft	Building Footprint sq ft: 2883	Total sq ft Impervious Surface: 3642

Signature:

Wye 8-1-22

Fee Paid: 200

Date Received: 8/1/22

Planner: *Maeb...*

DESIGN REVIEW APPLICATION

SUBMITTAL CHECKLIST REQUIREMENTS (TO BE INCLUDED WITH APPLICATION)

Applicant Staff

Application Fee (Non-Refundable application fee shall be collected)
• Design Review Board - \$200.00

Letter of Intent
-- What is the purpose of the project including;
• Relevant Background
• Current Status of the Site
• All Proposed Uses and Structures
• How the Proposal Differs from what already exists
• Information regarding Easements or Dedicated Tracts, etc.

Vicinity Map
-- Directional Map indicating how to get to the Property involved in the request.
• Zoning of Property

Improvement Location Certificate of Survey (ILC or ILS)

Site Plan showing Precise Nature of the Proposed Use – To Scale

- Scaled Drawings of Proposed Design of Structure
 - Plan View and Sections
- Building Heights – all 4 directions N/S/E/W
- topography
- Building Location
- Setbacks
- River or Creek Setbacks
- Parking Plan
- Traffic Circulation
 - Location and Width of Existing and Proposed Access Points
 - Location of Existing Driveways and Intersections
- Landscaped Area – Plan
- Approximate Location of Existing Wooded Areas and Rock Outcrops
- Location and Type of Existing and Proposed Easements
- Utility Easements
- Drainage Features

Preliminary Building Plans and Elevations

- Indicates Dimensions
- General Appearance
- Scale
- Interior Plan for the Buildings

WJF



Elements needed on the Site Plan

- Scale
- North Arrow
- Date Prepared
- Lot Dimensions, Area, Entire Site Acreage



Architecture Details – Materials Board

- Windows – Placement and Color
- Doors – Placement and Color
- Siding – Type and Color
- Roof Material – Type and Color
- Paint Color

PLANNING COMMISSION DESIGN REVIEW PROCESS

Applicants requesting a Design Review Board, Planning and Zoning Commission, and/or Town Council Review must submit to a pre-submittal conference and complete a formal application. The pre-submittal review process is completed within a period of 14 working days depending on the day of pre-submittal. The pre-submittal review provides valuable information regarding Town requirements for the formal application.

The Town Planner shall have the following powers and duties:

- **Zoning Compliance** – To review, consider, and approve, approve with conditions, or deny applications for building permits, limited use permits, conditional use permits, and temporary use permits based on compliance with this Section.
- **Process Applications** – To receive applications for development permits for processing pursuant to the terms of Section 16 of the Minturn Municipal Code.

Planning Commission as Design Review Board

Powers and Duties

The Planning Commission is hereby established as the Town of Minturn Design Review Board. The Design Review Board shall have the following powers and duties under the provisions of this Code.

1. To prepare, or cause to be prepared or amended, the Design Review Standards and Guidelines or any element or portion thereof, for adoption by the Town Council.
2. To hear, review, consider and approve, approve with conditions, or disapprove applications for Design Review Approval.
3. To hear and decide upon appeals on design review decisions made by the Zoning Administrator.

Board Procedure

The Town staff will forward applications (other than minor design applications), and recommendations, to the DRB.

The DRB shall review the application and supporting material submitted by the applicant, as well as the staff recommendation. After review, the DRB, through a formal motion, seconded and passed by a majority of the members present, shall take one of the following courses of action:

1. **Table the application.** The application may be tabled for a period not to exceed thirty (30) days if the application is incomplete or if the DRB determines that changes are required to bring the application into compliance with design standards and guidelines or other regulations of the Town. The Board may specify additional requirements for the applicant is to bring to the future meeting. These requirements may include additional information necessary to determine whether the application complies with all zoning, building, design codes adopted by the Town, and may include plans, reports, surveys or other documents completed by registered architects, surveyors, engineers or other professionals in order to indicate conformance with such codes. The DRB may also table the application if it determines that changes in the application are required which would bring the proposed project into compliance with zoning, building, design codes, and other regulations of the Town.
2. **Conceptual/Preliminary approval.** The DRB may grant conceptual approval to applicants who in a general fashion appear to meet design and other regulations of the Town but submit applications inadequate to warrant final approval. Conceptual approvals are also appropriate where a complete application has not been submitted, or where an applicant wishes to obtain a preliminary review of a sketch plan. A conceptual approval does not deem final approval of an application, nor does it deem that an application conforms to design or other regulations, nor shall it bind the DRB to grant final approval to a completed or final application.
3. **Disapproval of application.** If an application is found to conflict with the purposes and/or any one (1) or more of the design guidelines, codes or any other regulations of the Town, the DRB shall disapprove the application. Any disapproval shall be in writing and shall specifically describe the reasons upon which the disapproval is based.

Date: August 1, 2022

To: Minturn Planning Dept, c/o Madison Harris

From: Lisa Keogh

RE: 542 Main Street Design Review Application – LETTER OF INTENT

Please accept this information below as letter of intent for proposed building design for 542 Main Street-current single family residence. After numerous discussions with town representatives, final determination for ADU classification was approved "Accessory Dwelling Unit" design review application.

Having said this, lot size is 8,102 with current 1935 structure @ 1103.5 sq ft. –" history meets present & modern day". We have followed guidelines in keeping the 1935 structure & personality intact and are proposing present day mountain modern craftsman style addition. Goal is to remain in alignment with town character strategy while meeting present day design elements and sustainable materials.

Current shed storage located behind current structure is cratering into destruction mode, thus will be removed. New design to entail three bedrooms, three and one-half bathrooms with a walk out basement. Or, 2559 sq. feet and will be the primary home with current structure denoted as smaller ADU. Current structure can then be rented as short term rental or long term local housing when not occupied by family members.

All setbacks- 5 ft on each side, 10 ft front and rear along with 30 ft high river mark and sewage easements have been followed. Request falls within impervious coverage, max height requirements and allows for adequate snow storage coverage. More than enough parking available for 3 + units.

You will find detailed topography along with updated site plan including the easement (s) included in the design application. New addition will dramatically improve current site and current property utilization without impacting Main Street or neighboring areas. Please note, addition is minimally visible due to setback off Main Street as well as the current slope of the property & landscape.

Please feel free to reach out with any questions and/or additional requests.




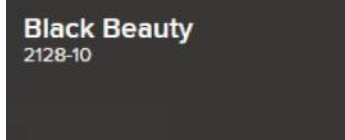


Best Regards,

Lisa Keogh
469.236.0034



Lisa Keogh
542 Main Street
 Lot 4, Block 3, Booco's 2nd Addition
 Town of Minturn, Colorado 81645
 8-12-22
DESIGN REVIEW SET (2)

MATERIALS & COLORS

	METAL ROOFING - STANDING SEAM DARK BRONZE. WINDOW CLAD (MATCHES EXISTING HOUSE) DARK BRONZE.
	METAL PANEL - SHIPLAP WALL BRIDGESTEEL - COLOR: DARK BRONZE.
	HORIZONTAL COMPOSITE WOOD SIDING: LP SMARTSIDE SIDING COLOR "TUNDRA GRAY"
	Black Beauty 2128-10 FASCIA, TRIM, BELLYBAND, RIM: PAINTED BLACK STEEL COLUMNS AND BEAMS PAINTED BLACK
	LPSOFFIT: COLOR CANYON BROWN"
	STONE VENEER: GALLEGOS MOTTLED STONE "FLINT HILLS"

PROJECT DESCRIPTION

A Single-Family Residence proposed to be added to existing small cabin.
 * Style: Modern w/ butterfly roof.
 * Footprint: Tight to setbacks and easements. Walk-out basement.
 * Structure: Exposed Steel Structure.

CODE SUMMARY

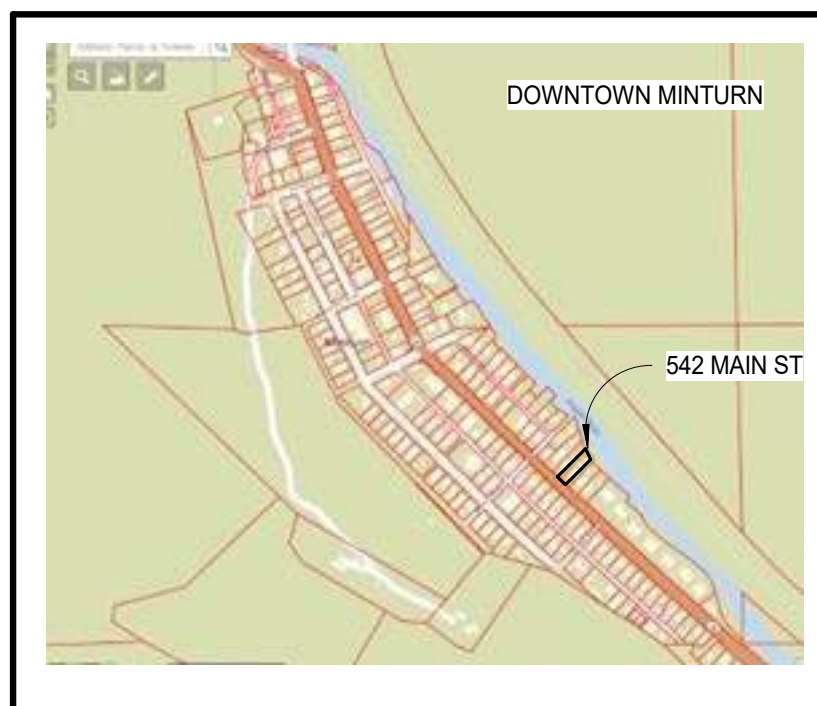
This project falls under the jurisdiction of:
 Minturn Design Review Board and Building Department
 The 2015 International Residential Code (IRC 2015)
 The 2015 International Energy Conservation Code (IECC 2015)
 Minturn Municipal Code including adopted amendments

Class of Work: New Construction
 Type of Occupancy: R-3 (Single-Family)
 Type of Construction: Type V-b (Non-Sprinklered)
 Levels: 3-story

FIRE DEPT. SUMMARY

Minturn Fire Dept. Notes:
 Smoke Detectors and Carbon Monoxide alarms must be installed IN ALL DWELLING UNITS, and be installed per 2015 IFC and VFES fire alarm installation standards.

VICINITY MAP



NOTE: RENDERINGS ARE ARTISTIC REPRESENTATIONS OF THE HOUSE DESIGN
 AND ARE NOT MEANT TO ACCURATELY DEPICT LANDSCAPING.

ARCHITECTURAL SHEET LIST

Sheet #	Sheet Name
A0.0	COVER SHEET
A0.1	ECO SHEET
A0.2	AREA PLANS
A1.1	SITE PLAN + LANDSCAPE PLAN
A1.2	DEMO SITE PLAN + LIGHTING
A2.1	LOWER LEVEL PLAN
A2.2	MAIN LEVEL PLAN
A2.3	UPPER LEVEL PLAN
A2.4	ROOF PLAN
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR ELEVATIONS
A3.3	EXTERIOR ELEVATIONS
A4.1	BUILDING SECTIONS
A4.2	BUILDING SECTIONS
A5.1	DETAILS
A6.1	LOWER LEVEL RCP
A6.2	MAIN LEVEL RCP
A6.3	UPPER LEVEL RCP

STRUCTURAL SHEET INDEX

No.	Description	Date
S1.0	GENERAL NOTES	
S2.0	FOUNDATION PLAN, DETAILS, NOTES	
S3.0	MAIN LEVEL FRAMING PLAN	
S4.0	UPPER LEVEL FRAMING PLAN	
S5.0	ROOF FRAMING PLAN	
S6.0	DETAILS	

PROJECT INFORMATION

Location: 542 Main Street - Minturn, CO
 Legal: BOOCO 2nd, Block 3, Lot 4
 Parcel: 2103-263-01-013

Owner: Lisa Keogh
 542 Main Street, Minturn, CO
 469-236-0034
 stonebriarcc@aol.com
 Architect: John G Martin, Architect, LLC
 PO Box 4701, Eagle, CO 81631
 970-328-0592
 john@martinmanleyarchitects.com

Structural Engineer: To be Determined
 General Contractor: To be Determined

ZONING SUMMARY

Zoning: Minturn - Old Town Residential Zone

SEE SHEET A0.2 - AREA PLANS AND AREA SUMMARIES

Lot Area: .186 acres x 43,560 s.f. = **8,102 s.f.**
 Permitted Uses: Single-Family dwelling, Duplex Dwelling, 1 Accessory Unit
 Habitable Area Allowed: No Maximum Required.
 Habitable Area Proposed: 3,821 s.f. (Habitable) 4,730 s.f. (Gross)
 Lot Coverage Allowed: 3,646 s.f. (45% of Lot Area)
 Lot Coverage Proposed: 2,883 s.f. (35% of Lot Area)
 Impervious Allowed: 4,456 s.f. (55% of Lot Area)
 Impervious Proposed: 3,642 s.f. (45% Lot Area)
 Height Maximum: 28'-0" (to midpoint of pitched roof)
 Height Proposed: 27'-11"
 Parking Required: 3 spaces
 Parking Proposed: 3 outside spaces
 Setbacks: Front = 10 ft, Side = 5 ft, Rear = 10 ft.
 Live Stream Setback = 30 ft. from high-water mark

MARTIN MANLEY
 ARCHITECTS
 970.328.5151 OFFICE
 PO Box 1587, Eagle, CO 81631
 www.martinmanleyarchitects.com

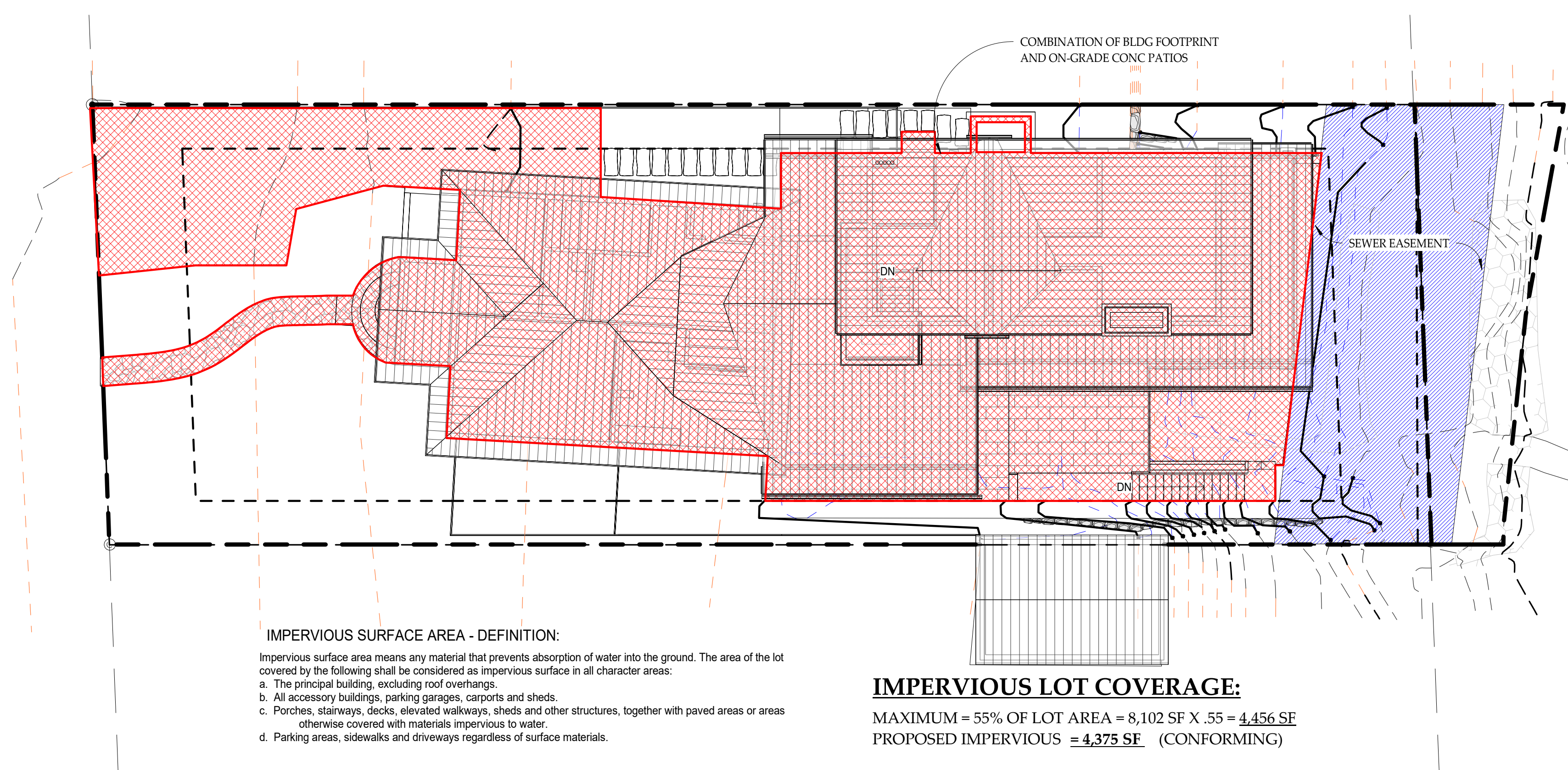
No.	Description	Date

Lisa Keogh
542 Main Street
 Lot 4, Block 3, Booco's 2nd Addition
 Town of Minturn, Colorado 81645
DESIGN REVIEW SET (2)

NOT FOR CONSTRUCTION

Date : **8-12-22**
 Project Number: JG-2206
 COVER SHEET
A0.0

MAIN STREET / U.S. HIGHWAY 24
Right of Way



IMPERVIOUS SURFACE AREA - DEFINITION:

Impervious surface area means any material that prevents absorption of water into the ground. The area of the lot covered by the following shall be considered as impervious surface in all character areas:
 a. The principal building, excluding roof overhangs.
 b. All accessory buildings, parking garages, carports and sheds.
 c. Porches, stairways, decks, elevated walkways, sheds and other structures, together with paved areas or areas otherwise covered with materials impervious to water.
 d. Parking areas, sidewalks and driveways regardless of surface materials.

IMPERVIOUS LOT COVERAGE:

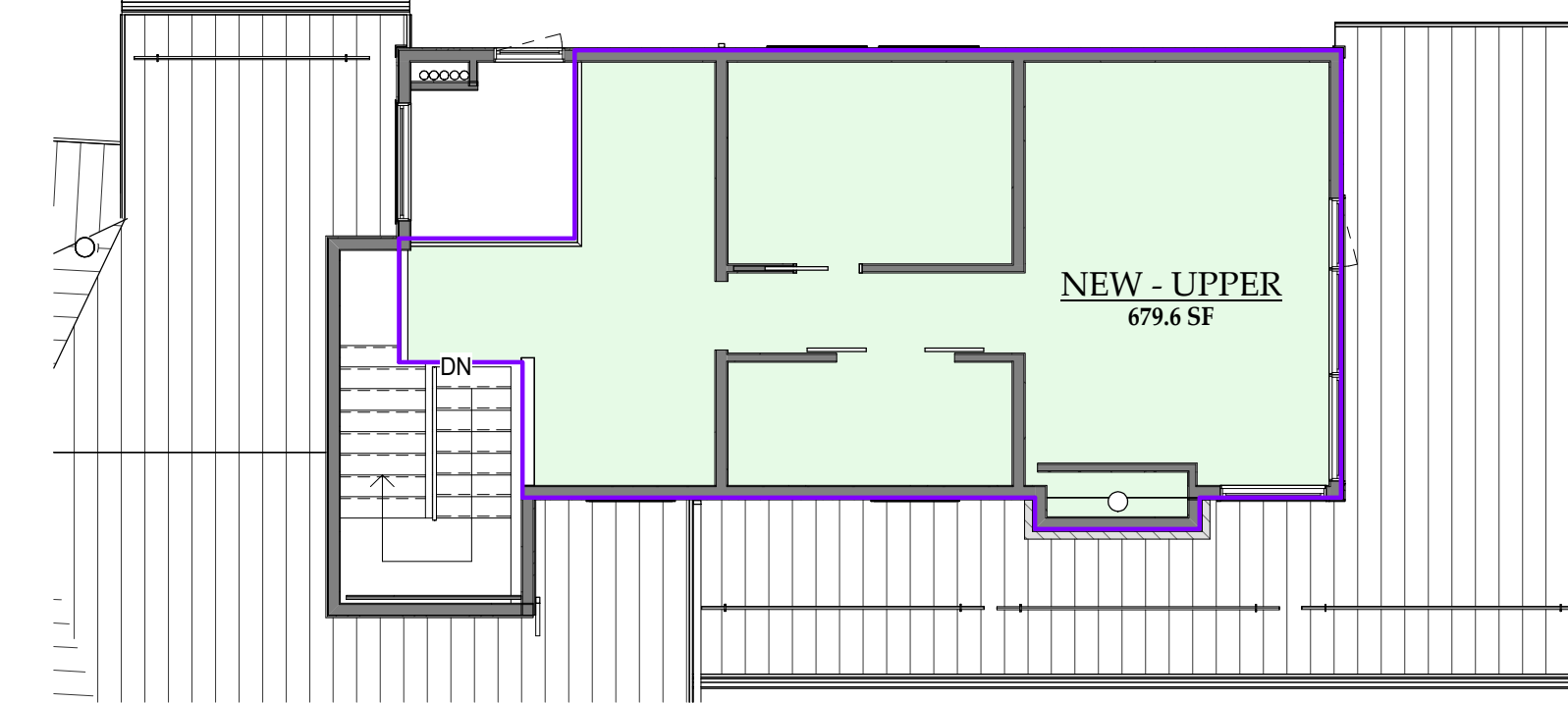
MAXIMUM = 55% OF LOT AREA = 8,102 SF X .55 = 4,456 SF
 PROPOSED IMPERVIOUS = **4,375 SF** (CONFORMING)

5 IMPERVIOUS LOT COVERAGE
1" = 10'-0"

AREAS - GROSS	
Name	Area
NEW - UPPER	679.6 SF
NEW - LOWER	1008 SF
NEW - MAIN	872.3 SF
EXIST - MAIN	1103.5 SF
COLD STORAGE	168 SF
CONNECTOR	54.9 SF
Grand total: 6	3886.2 SF

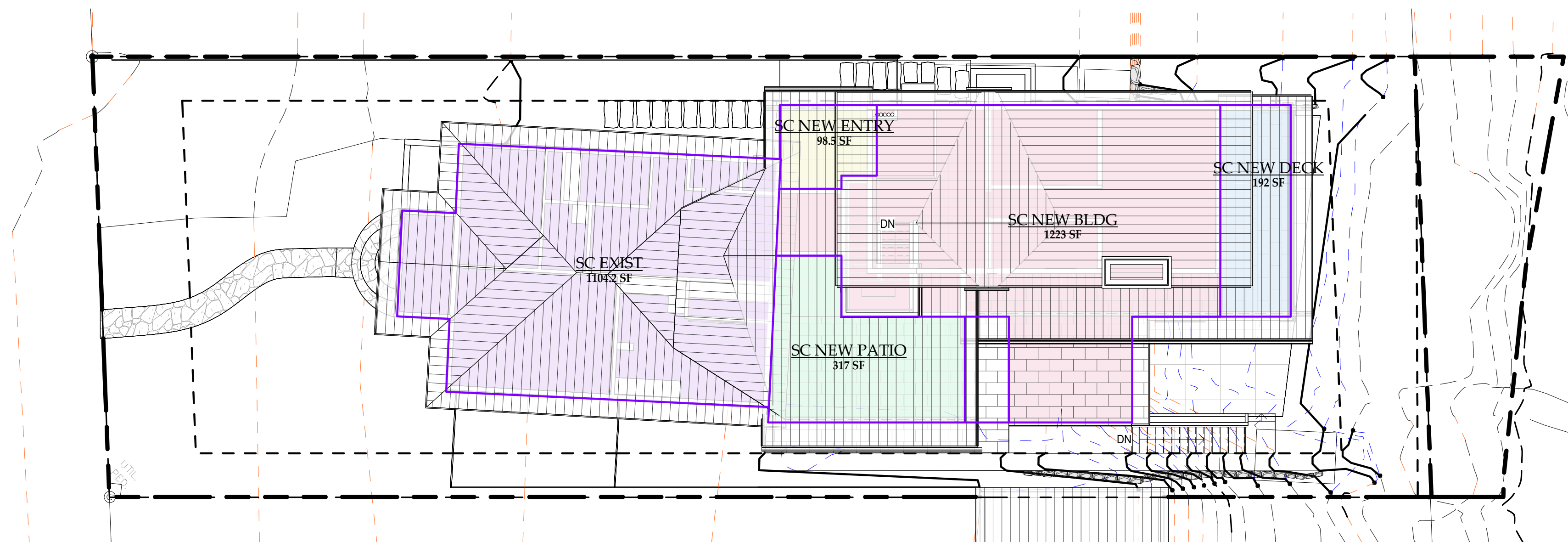
AREAS - NEW	
Name	Area
NEW - UPPER	679.6 SF
NEW - LOWER	1008 SF
NEW - MAIN	872.3 SF
Grand total: 3	2559.8 SF

AREAS - EXISTING	
Name	Area
EXIST - MAIN	1103.5 SF
Grand total: 1	1103.5 SF



3 NEW UPPER AREA
1/8" = 1'-0"

MAIN STREET / U.S. HIGHWAY 24



BUILDING LOT COVERAGE - DEFINITION:

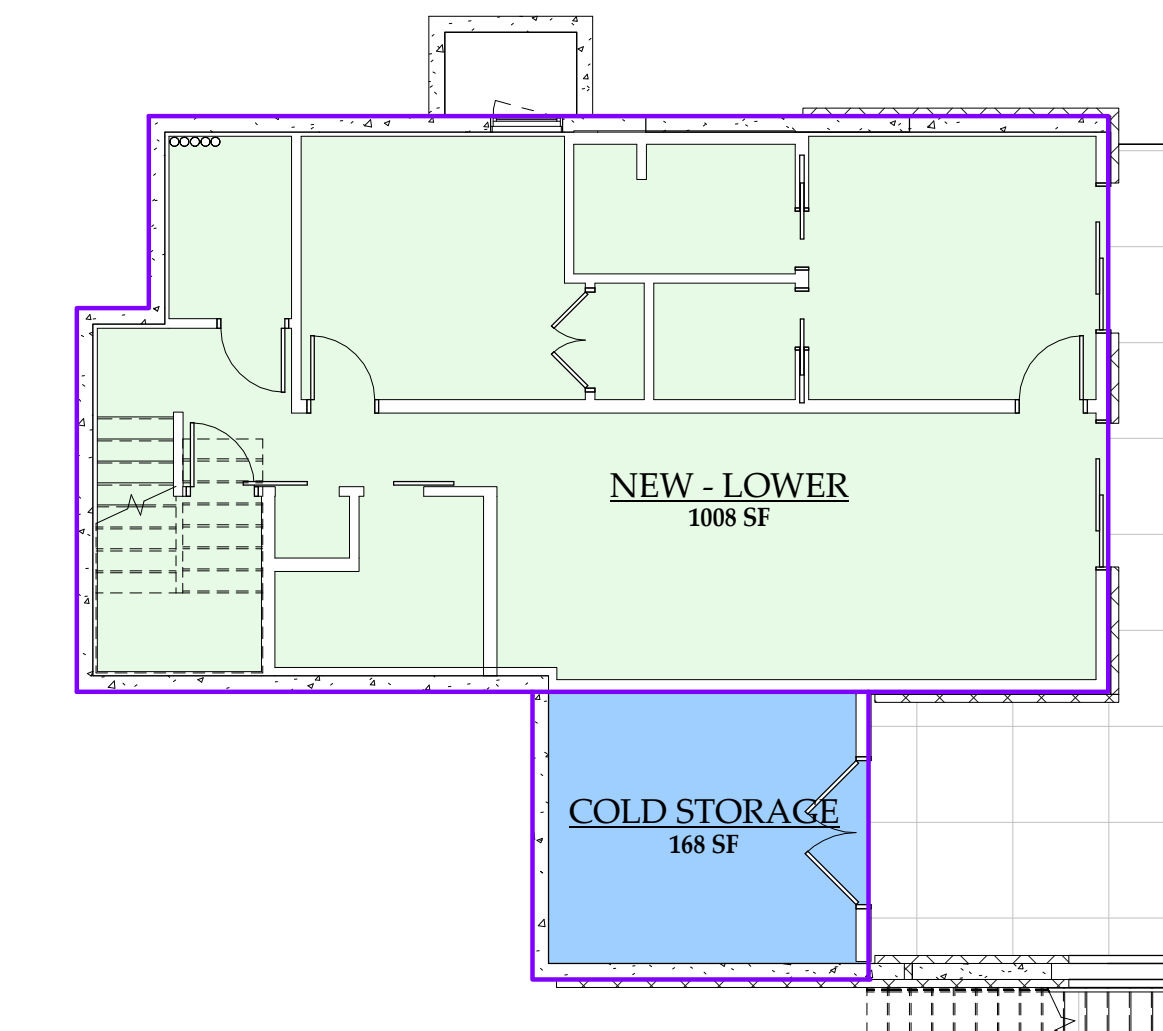
Building lot coverage means the portion of a lot that is covered by buildings, including all interior space including garages, and all enclosed cantilevered portions of a building, covered porches, covered walkways and similar covered areas. Buildings are measured at the outside exterior wall. Additionally, fifty percent (50%) of the total area of second- and third-level decks shall be counted towards the allowable building lot coverage. Second- and third-level decks that cover a portion of a building that has already been counted towards the allowable lot coverage shall not count towards the total lot coverage. Second- and third-level decks that are structurally supported from the ground level shall have their entire area counted towards the allowable lot coverage.

BUILDING LOT COVERAGE:

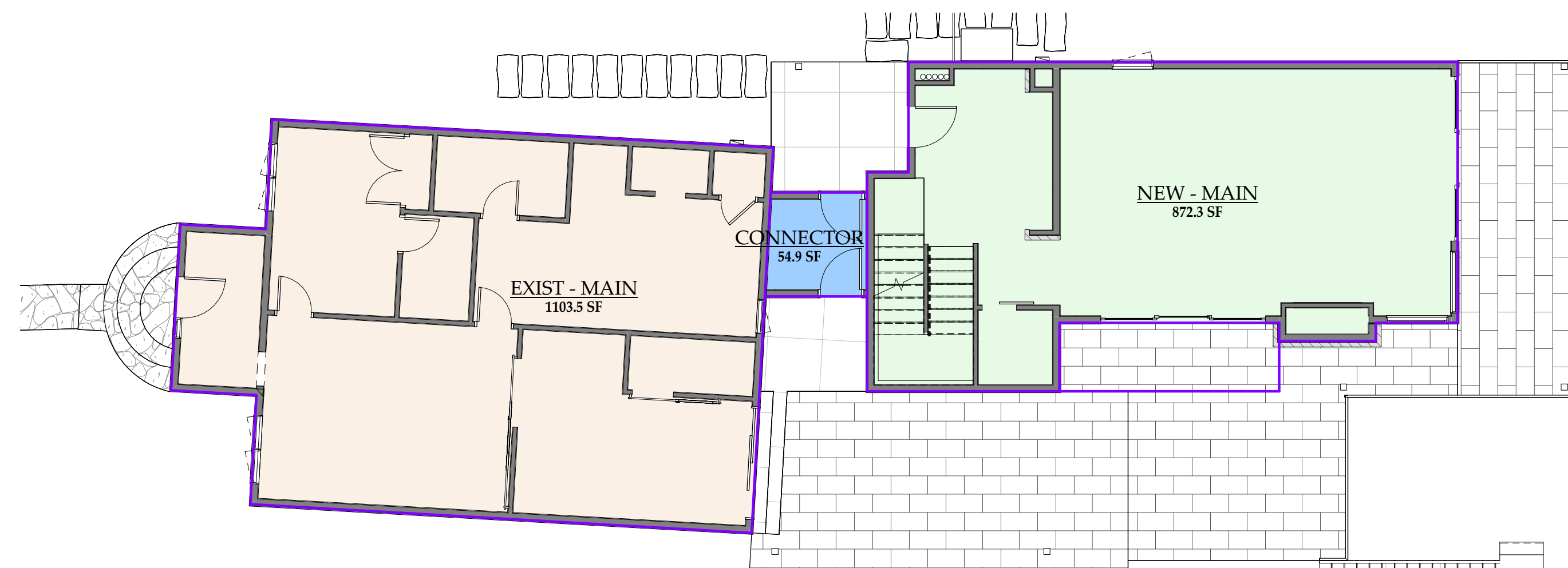
MAXIMUM = 45% OF LOT AREA = 8,102 SF X .45 = 4,456 SF
 PROPOSED LOT AREA = **2,935 SF** (CONFORMING)

AREAS - SITE COVERAGE	
Name	Area
SC EXIST	1104.2 SF
SC NEW BLDG	1223 SF
SC NEW PATIO	317 SF
SC NEW ENTRY	98.5 SF
SC NEW DECK	192 SF
Grand total: 5	2934.7 SF

4 BUILDING LOT COVERAGE
1" = 10'-0"



1 NEW LOWER AREA
1/8" = 1'-0"



2 NEW MAIN AREA
1/8" = 1'-0"

MARTIN MANLEY ARCHITECTS

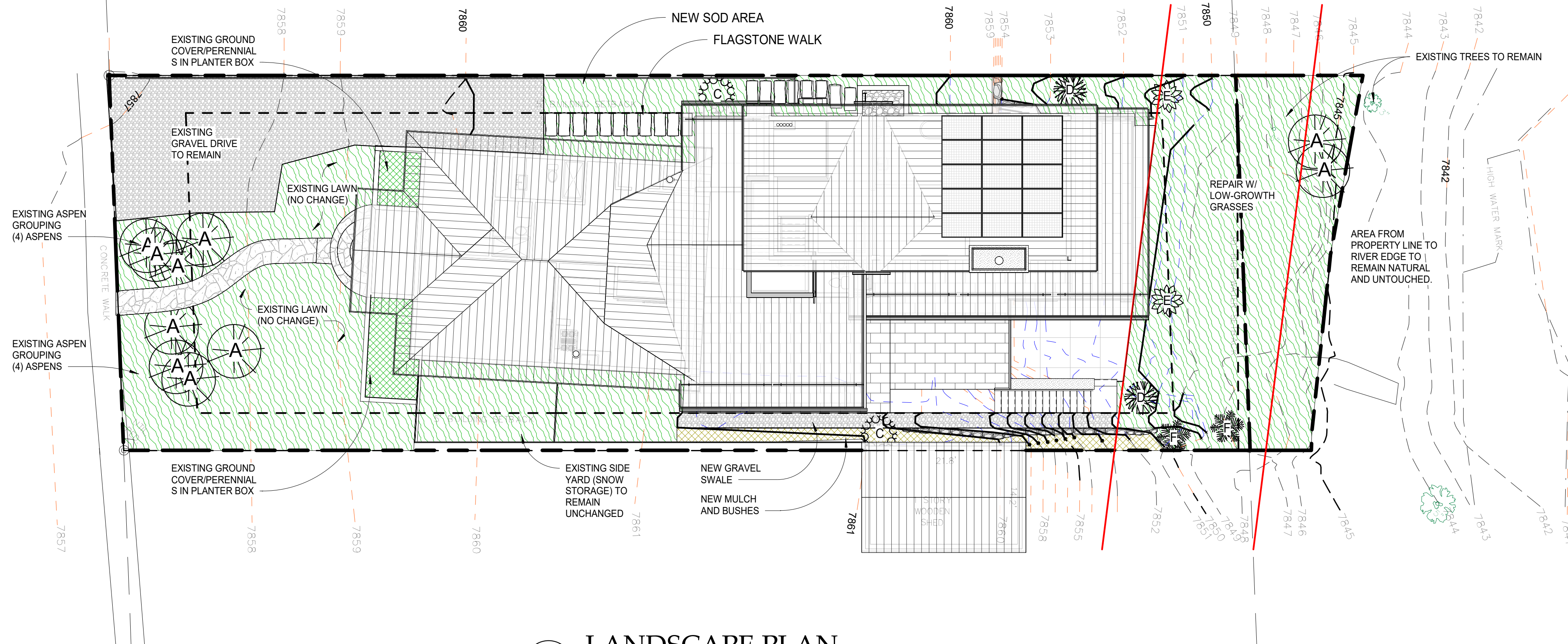
970.328.5151 OFFICE
 P.O. Box 1587, Eagle, CO 81631
 www.martinmanleyarchitects.com

REVISIONS	Date
Description	
No.	

Lisa Keogh
542 Main Street
 Lot 4, Block 3, Booco's 2nd Addition
 Town of Minturn, Colorado 81645
DESIGN REVIEW SET (2)

Date	8-12-22
Project number	JG-2206
AREA PLANS	
A0.2	

MAIN STREET / U.S. HIGHWAY 24
Right of Way



2 LANDSCAPE PLAN
1" = 10'-0"

LANDSCAPE LEGEND			
SYMBOL	NAME	SIZE	QUANTITY
A	QUAKING ASPEN (POPULUS TREMULOIDES)	2.5" - 3" CAL. (50% CLUMPS)	4
C	WESTERN SANDCHERRY (PRUNUS BESSEYI)	5 GALLON	2
D	VANHOUTTE SPIREA (SPIREA VANHOUTTE)	5 GALLON	2
E	LILAC FRAGRANT (SYRINGA VULGARIS)	5 GALLON	2
F	REDLEAF BARBERRY (ATROPURPUREA)	5 GALLON	2

SYMBOL	NAME	AREA
[Green Hatched]	NATURAL GRASSES (LOW GROWTH)	AREA = 2,500 S.F.
[Green Solid]	GROUND COVER + PERENNIALS	AREA = 685 S.F.
[Grey Dotted]	GRAVEL OR SMALL ROCK	AREA = 125 S.F.
[Brown Dotted]	MULCH - GARDEN COMPOSTE + WOOD CHIPS	AREA = 700 S.F.

LANDSCAPE NOTE:
ALL DISTURBED AREAS SHALL RECEIVE VEGETATION SEEDING WITH NATURAL GRASSES AND WILDFLOWER SEED MIX. THE NATIVE GRASS SEED MIX: 60% BLUEGRASS, 30% NATIVE BLUE GRASS, 10% PERENNIAL BLYSSGRASS BLEND.

IRRIGATION NOTE:
ALL AREAS OF NEW SOD TO RECEIVE SPRAY IRRIGATION. ALL AREAS OF GROUND COVER AND TREES/SHRUB PLANTINGS TO RECEIVE UNDER-GROUND DRIP IRRIGATION. ALL IRRIGATION SYSTEMS TO BE DESIGNED BY A LANDSCAPE CONTRACTOR AND SUBMITTED TO THE ARCHITECT AND/OR OWNER FOR APPROVAL PRIOR TO INSTALLATION. THE CURRENT IRRIGATION SYSTEM HAS 4 ZONES AND THE MAIN TRUNK LINE RUNS ALONG THE SOUTH SIDE FENCE LINE. THE NEW LANDSCAPE PLAN WILL REDETERMINE THE 4 ZONES.

RAIN SENSOR NOTE:
THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH A RAIN SENSOR.

EROSION CONTROL NOTE:
ALL DISTURBED AREAS WITHOUT FORMAL LANDSCAPING TO RECEIVE VEGETATION SEEDING. EROSION CONTROL SHALL BE MAINTAINED BY PLACEMENT OF HAY BAILS AND SILT FENCING ON DOWNSLOPE SIDE OF LOT AND IN DRAINAGE SWALES.

BOULDER WALL DETAIL
NOTE: BOULDER RETAINING WALLS GREATER THAN 4'-0" HEIGHT TO BE STAMPED BY AN ENGINEER.

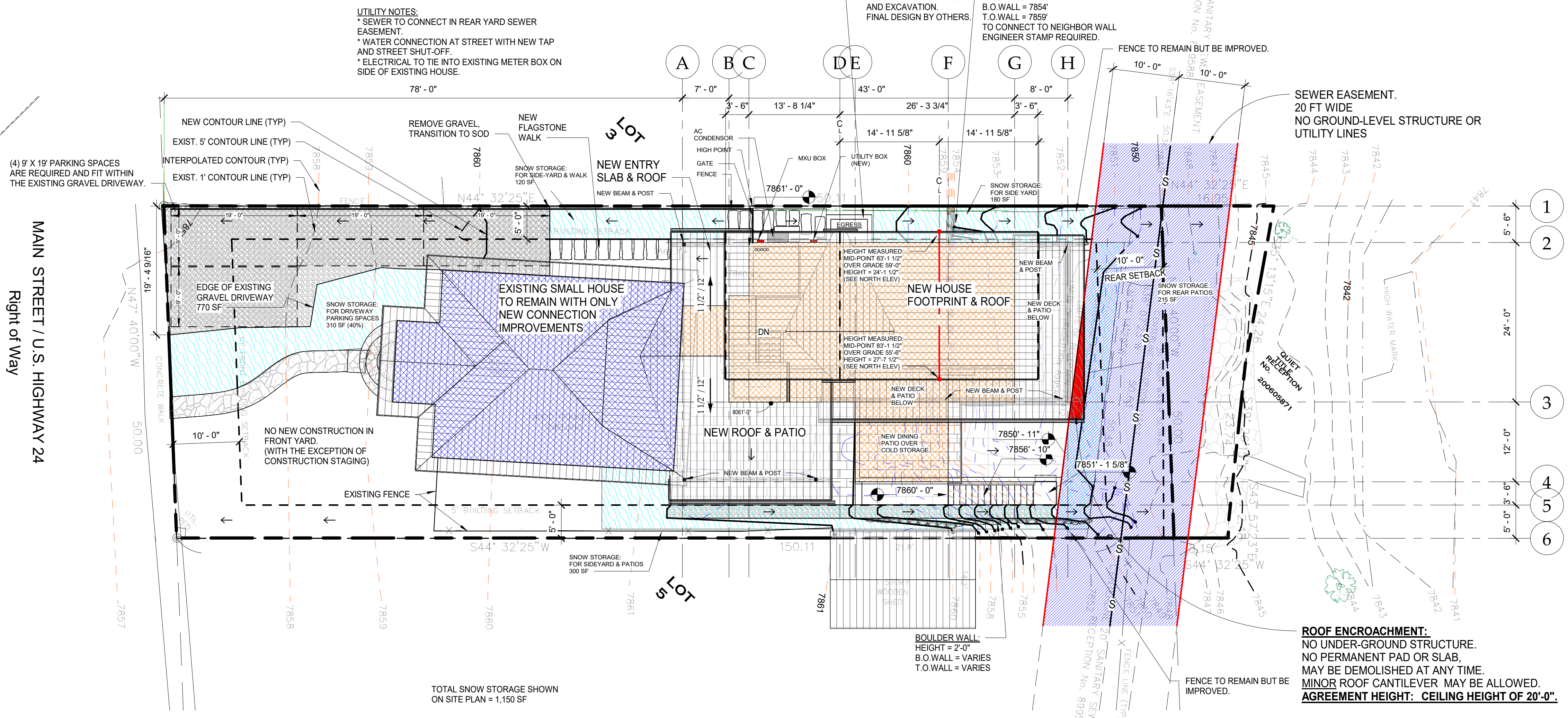
3 LANDSCAPE LEGEND
1" = 10'-0"

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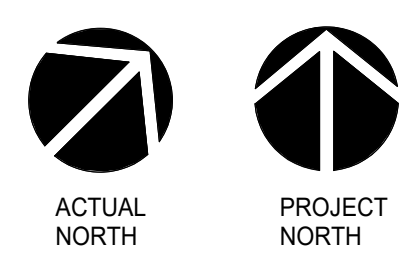
REVISIONS	Date
No.	Description

Lisa Keogh
542 Main Street
Lot 4, Block 3, Booco's 2nd Addition
Town of Minturn, Colorado 81645
DESIGN REVIEW SET (2)

8-12-22
Project number JG-2206
SITE PLAN + LANDSCAPE PLAN
A1.1



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



SNOW STORAGE

Sec. 16-16-130. - Snow storage. Adequate space shall be provided for storage of snow removed from pedestrian and vehicular ways, parking and loading spaces on any property that contains commercial or industrial uses, multi-family units, single-family units, duplexes and a common outdoor parking area.

(1) Minimum area. A designated area sufficient to store snow for the entire parking area shall be provided. A minimum of five percent (5%) of the total area of the required off-street parking and loading area, inclusive of driveways, shall be designated to serve as a snow storage area.

(2) Storage in parking spaces prohibited. Snow shall not be stored within required parking spaces, except on an emergency basis for a period not to exceed forty-eight (48) hours.

(3) Storage in yards and open spaces permitted. Snow may be stored in required yards and open space, including landscaped areas properly designed for snow storage. Snow stored in a required yard or open space shall not restrict access or circulation or to obstruct views of motorists.

(4) Drainage. Adequate drainage shall be provided for the snow storage area to accommodate snowmelt and to ensure it does not drain onto adjacent property.

UTILITY NOTES:
* SEWER TO CONNECT IN REAR YARD SEWER EASEMENT.
* WATER CONNECTION AT STREET WITH NEW TAP AND STREET SHUT-OFF.
* ELECTRICAL TO TIE INTO EXISTING METER BOX ON SIDE OF EXISTING HOUSE.

ROOF ENCROACHMENT:
NO UNDER-GROUND STRUCTURE. NO PERMANENT PAD OR SLAB. MAY BE DEMOLISHED AT ANY TIME. MINOR ROOF CANTILEVER MAY BE ALLOWED. AGREEMENT HEIGHT: CEILING HEIGHT OF 20'-0".

EXTERIOR LIGHTING LEGEND

LIGHT FIXTURE A - WALL SCONCE

LAMPS PLUS: MODERN FORMS DOUBLE DOWN 18" H BLACK LED OUTDOOR WALL LIGHT.

18" high x 5" wide. Extends 4" from the wall. Backplate is 16 1/4" high x 4" wide x 3/4" deep.
5.5 watt high-powered replaceable LED modules, comparable to a 25 watt incandescent. 275 lumens. 3000K. 90 CRI.
Smooth and continuous dimming with an electronic low voltage (ELV) dimmer. LEDs average 50,000 hours at 3 hours per day.
LED outdoor wall light from the Double Down collection by Modern Forms. ADA compliant design. CEC Title 24 compliant and Dark Sky friendly.
Black finish. Solid aluminum construction. Can be installed with lights pointing up or down.



LIGHT FIXTURE B - WALL SCONCE

MINKA LAVERY SKYLINE 1-LIGHT 7.75-in DORIAN BRONZE DARK SKY INTEGRATED OUTDOOR WALL LIGHT

Dorian bronze finish offers classic elegance.
Weather resistant collection that operates in rain or shine.
Contemporary design is ideal for illuminating your outdoor space.
Uses one 13-watt LED (included).
5-in W x 7.75-in H x 4-in D



LIGHT FIXTURE C - RECESSED CAN

LAMPS PLUS: WAC LEDme 3 1/2" CIRCULAR BRONZE WINDOW LED STEP LIGHT

3 1/2" wide x 3 1/2" high x 3" deep. Extends 5/16" from the wall.
Built-in dimmable 3.9 watt Samsung HV-AC high-powered LED module. 115 lumens light output, comparable to a 15 watt incandescent. 3000K color temperature. 90 CRI.
Architectural circular window energy-efficient LED step and wall light from the LEDme collection by WAC Lighting.
Bronze finish. Die-cast aluminum construction.



LIGHT FIXTURE D - STEP LIGHT

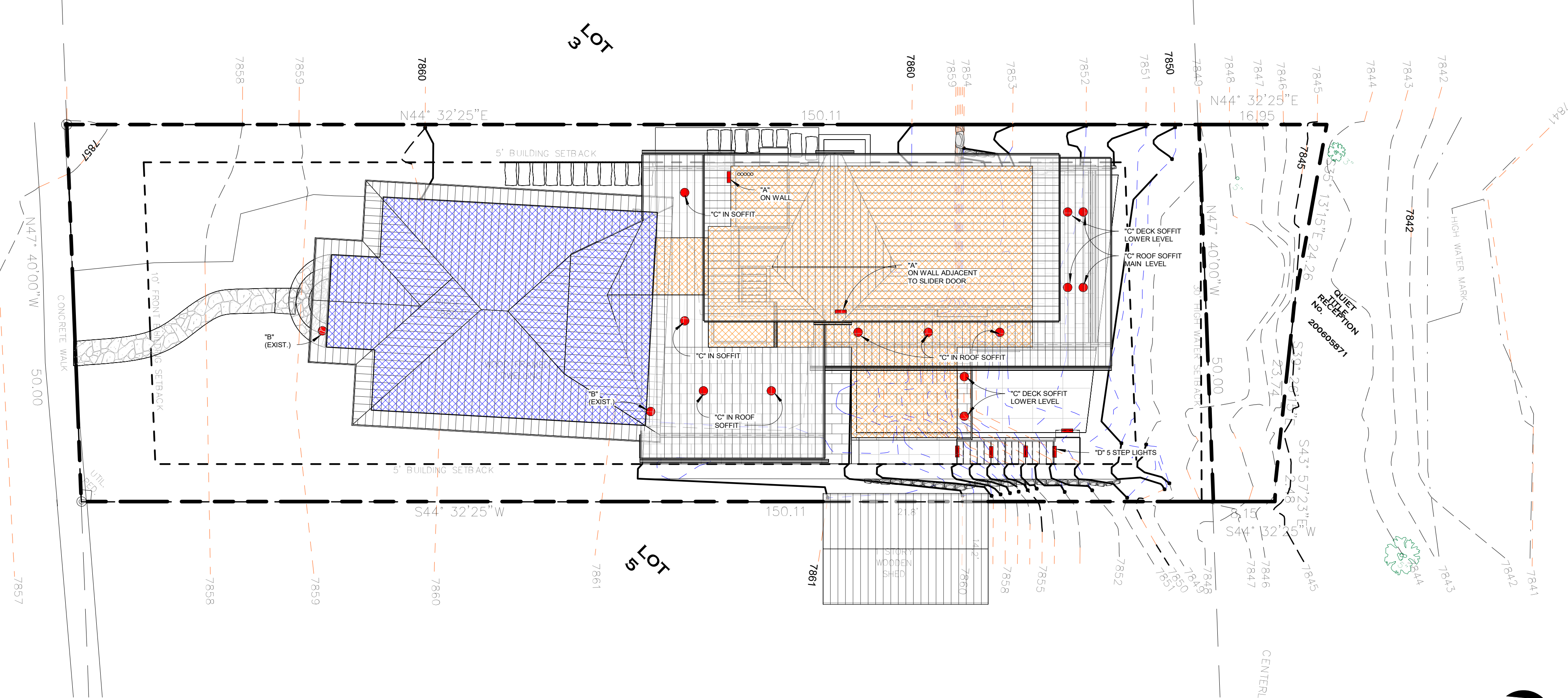
LAMPS PLUS: WAC LEDme 5" BLACK HORIZONTAL 3000K LED STEP LIGHT STYLE # 41K67

5" wide x 3" high x 1 1/2" deep. Weighs 0.78 lbs.
Built-in dimmable 2 watt LED. 68 lumens, comparable to a 15 watt incandescent. 3000K. 90 CRI. 50-degree beam spread.
High-powered LED. Inset. In 15V AC. Power: 3W (3VA). Low voltage - 12V. LED averages 60,000 hours at 3 hours per day.
Horizontal step and wall light from the LEDme collection by WAC Lighting.

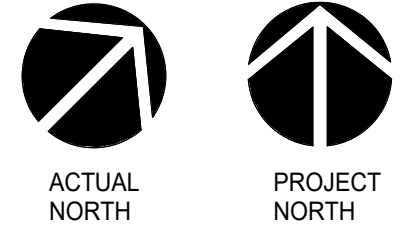
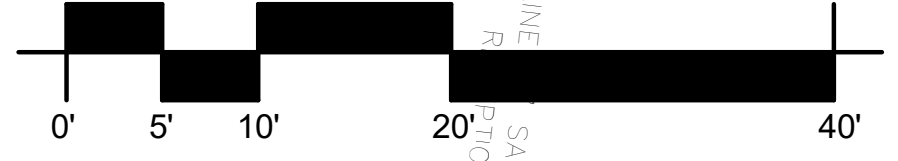


FIXTURE TYPE	NUMBER
A	2
B	2
C	13
D	5
TOTAL	22

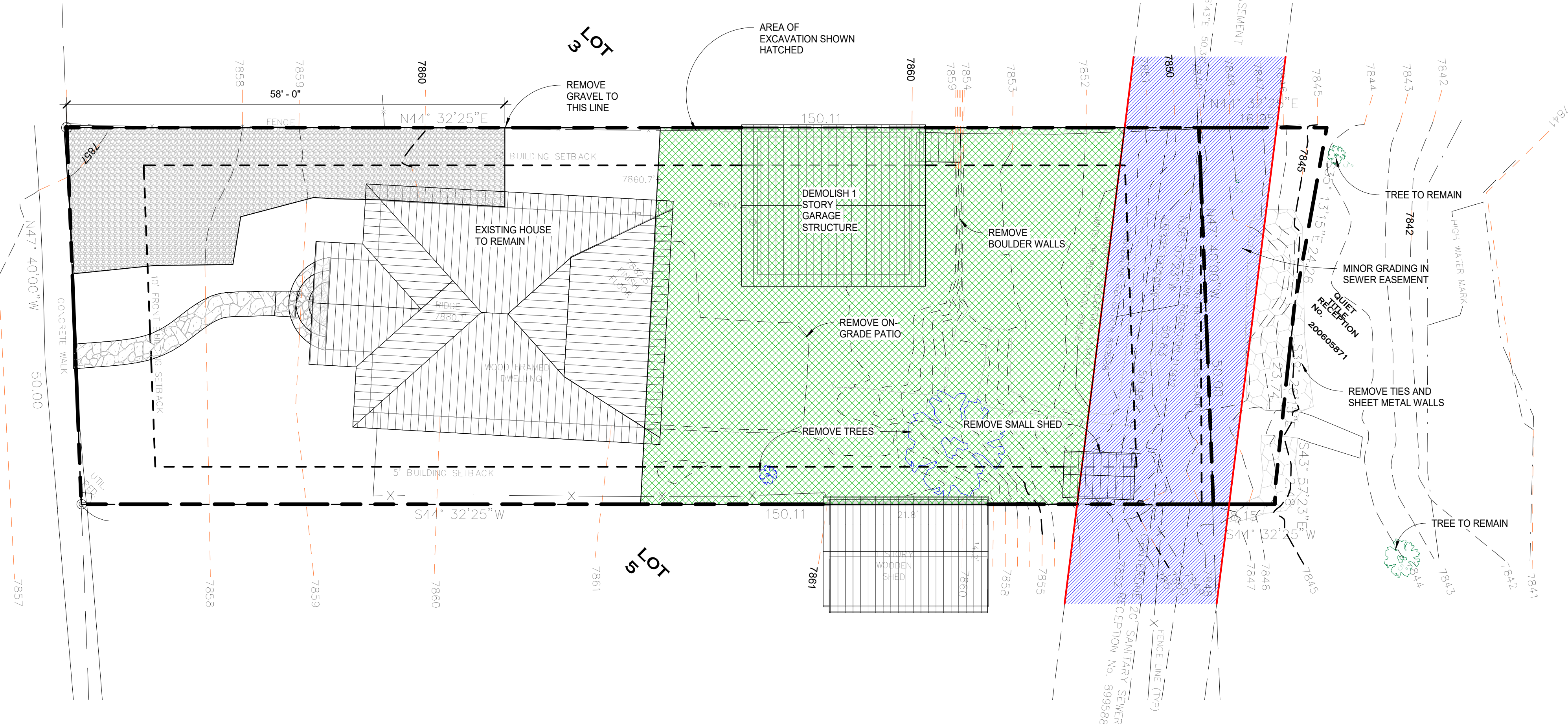
MAIN STREET / U.S. HIGHWAY 24
Right of Way



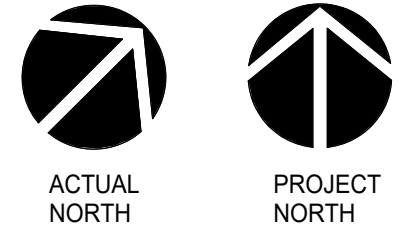
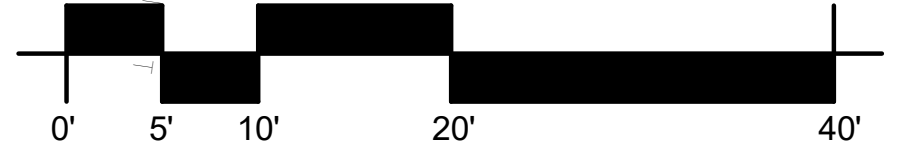
2 SITE PLAN W LIGHTING PLAN
1" = 10'-0"



MAIN STREET / U.S. HIGHWAY 24
Right of Way



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



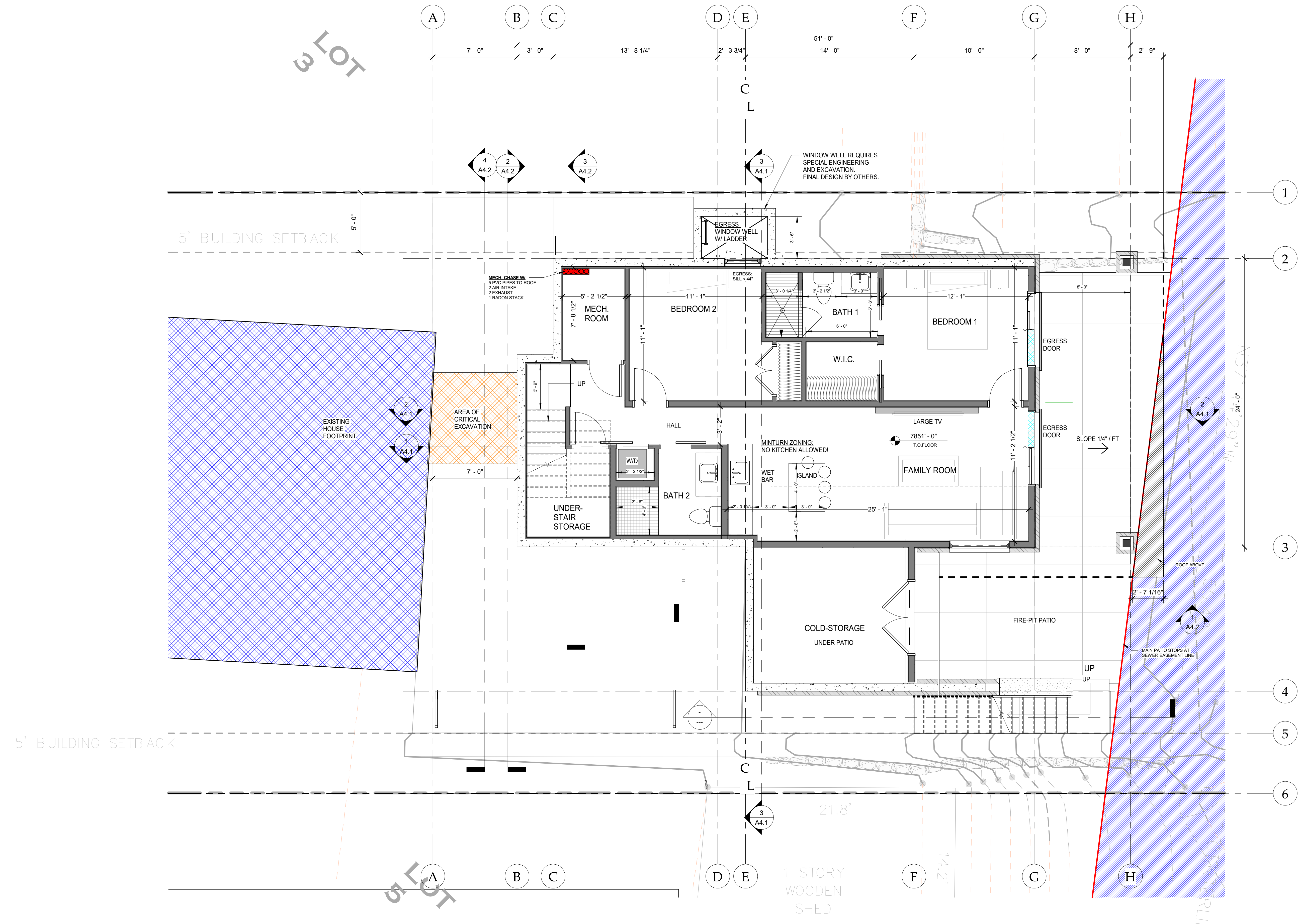
No.	REVISIONS Description	Date

Lisa Keogh
542 Main Street
Lot 4, Block 3, Booco's 2nd Addition
Town of Minturn, Colorado 81645
DESIGN REVIEW SET (2)

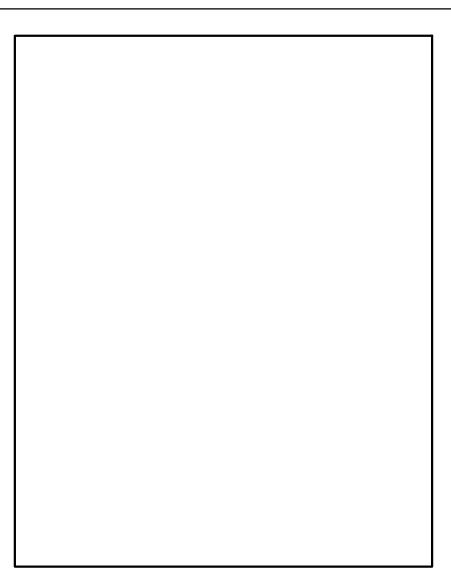
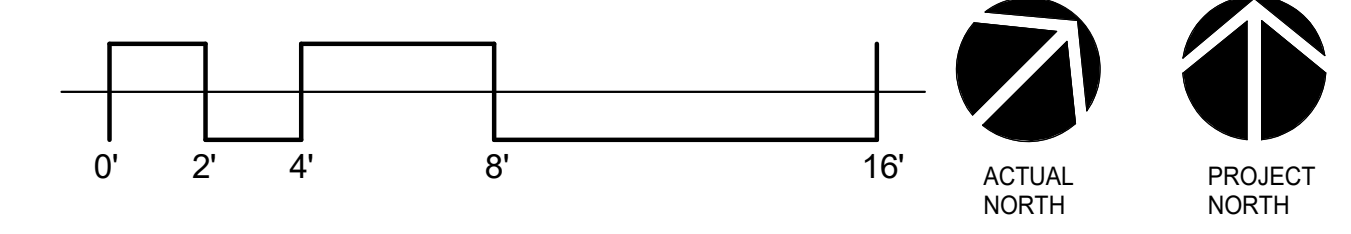
Date: 8-12-22
Project number: JG-2206
DEMO SITE PLAN + LIGHTING
A1.2

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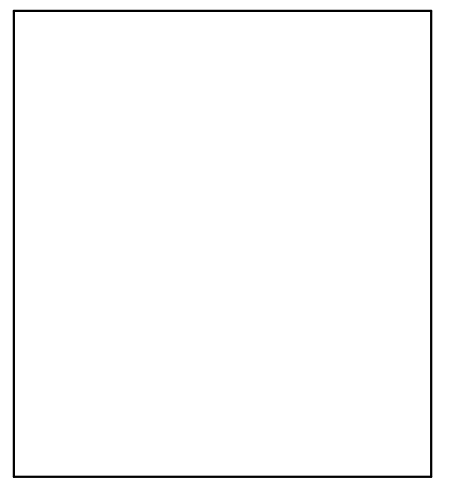
1 1 LOWER LEVEL PLAN
 1/4" = 1'-0"



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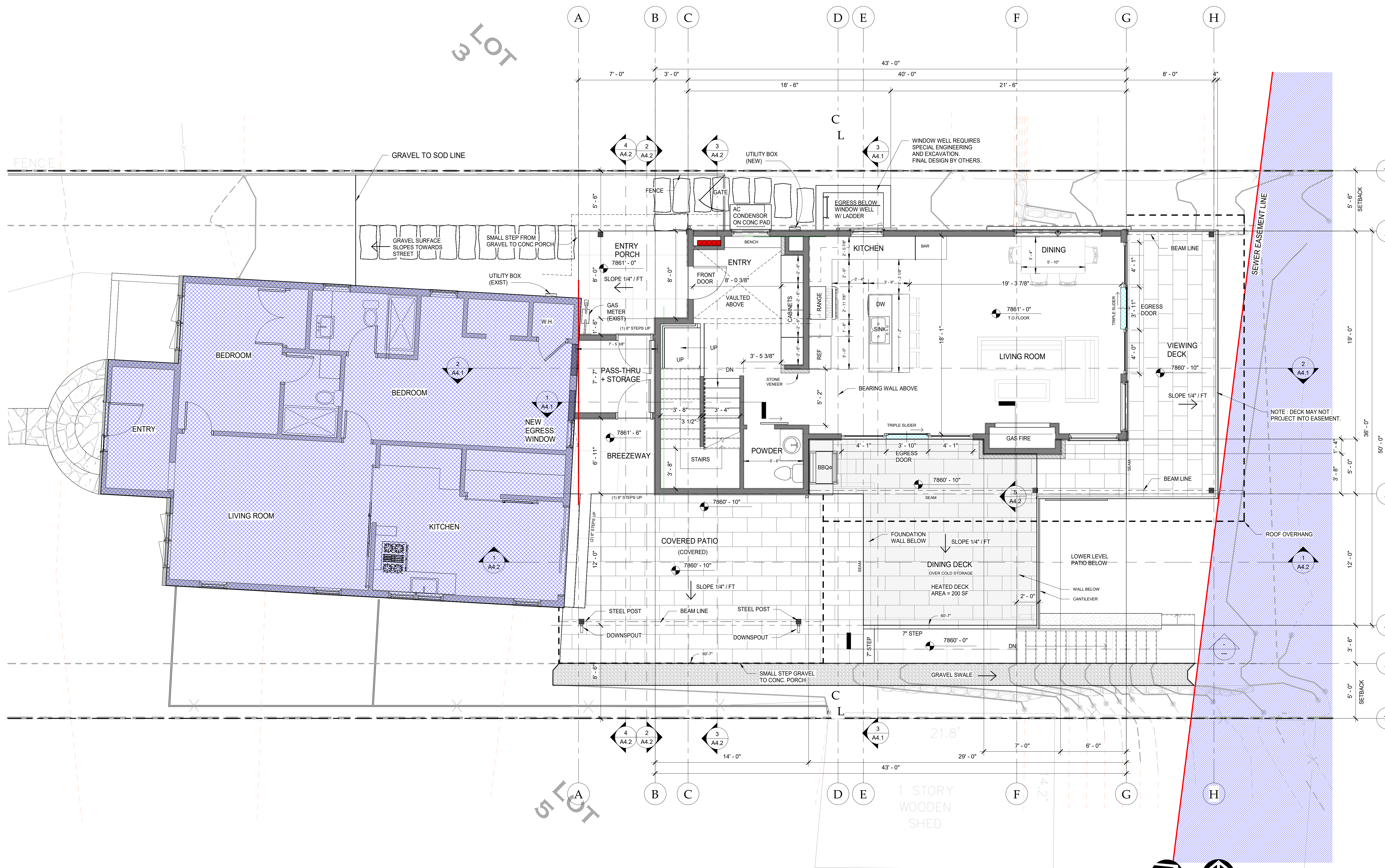
No.	REVISIONS Description	Date

Lisa Keogh
 542 Main Street
 Lot 4, Block 3, Booco's 2nd Addition
 Town of Minturn, Colorado 81645
 DESIGN REVIEW SET (2)

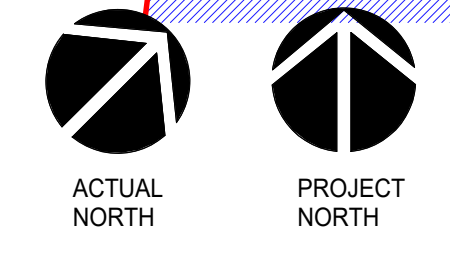
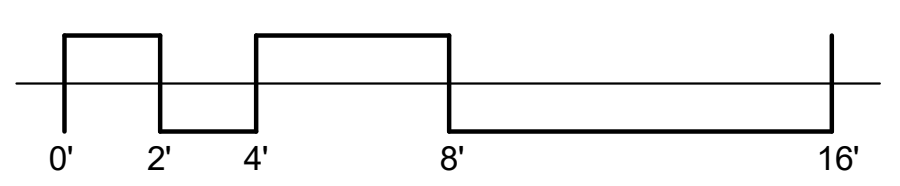


Date	8-12-22
Project number	JG-2206
LOWER LEVEL PLAN	
A2.1	

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1 2 MAIN LEVEL PLAN
1/4" = 1'-0"

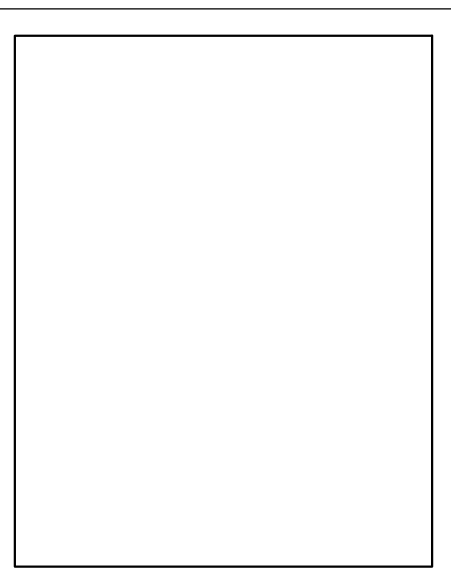
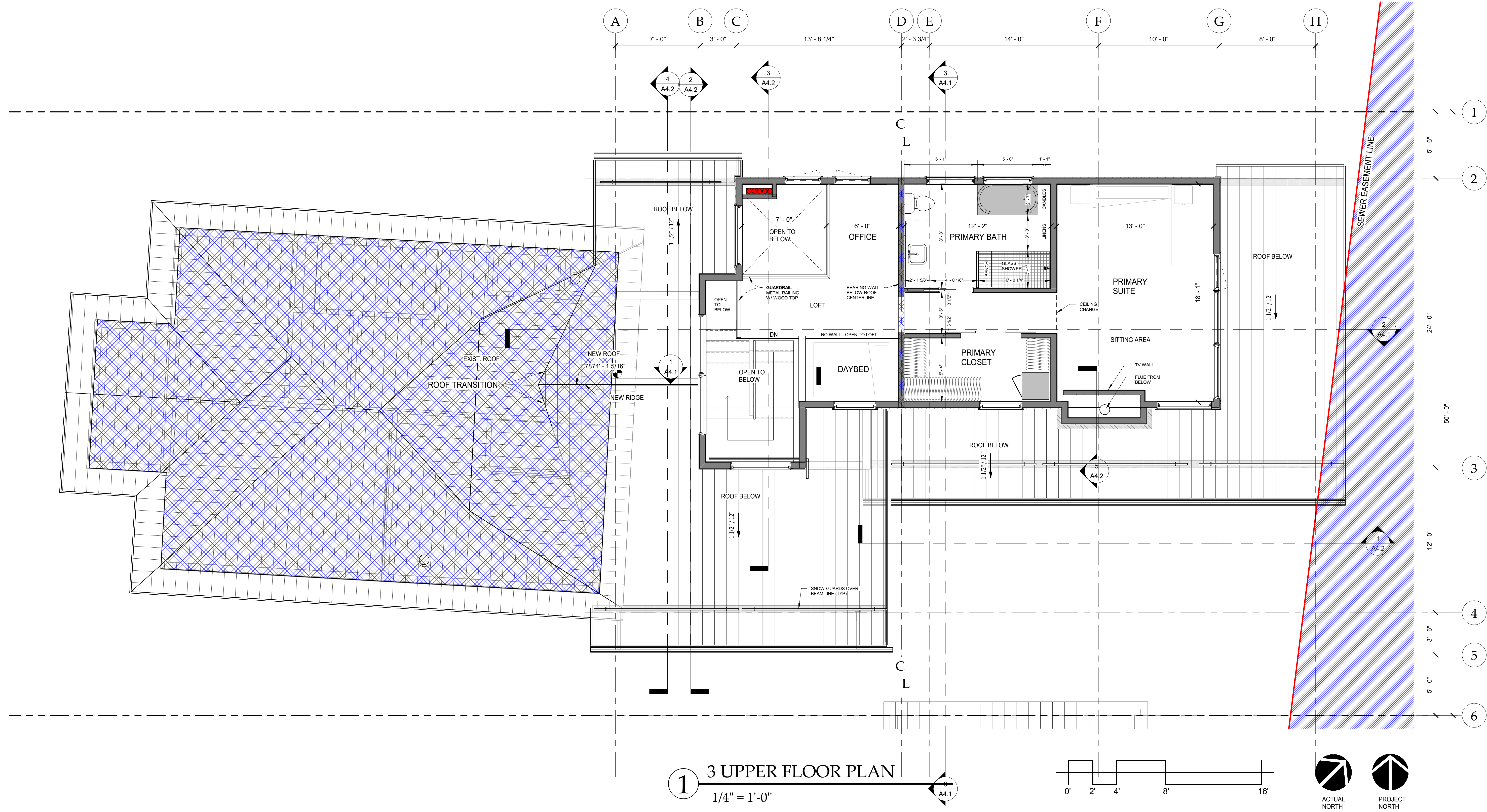


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No.	Description	Date

Lisa Keogh
542 Main Street
Lot 4, Block 3, Booco's 2nd Addition
Town of Minturn, Colorado 81645
DESIGN REVIEW SET (2)

Date: 8-12-22
Project number: JG-2206
MAIN LEVEL PLAN
A2.2

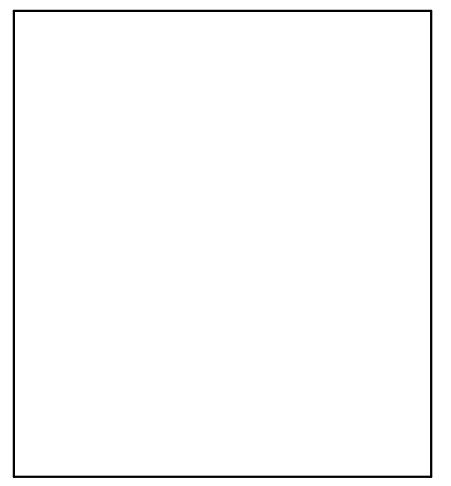


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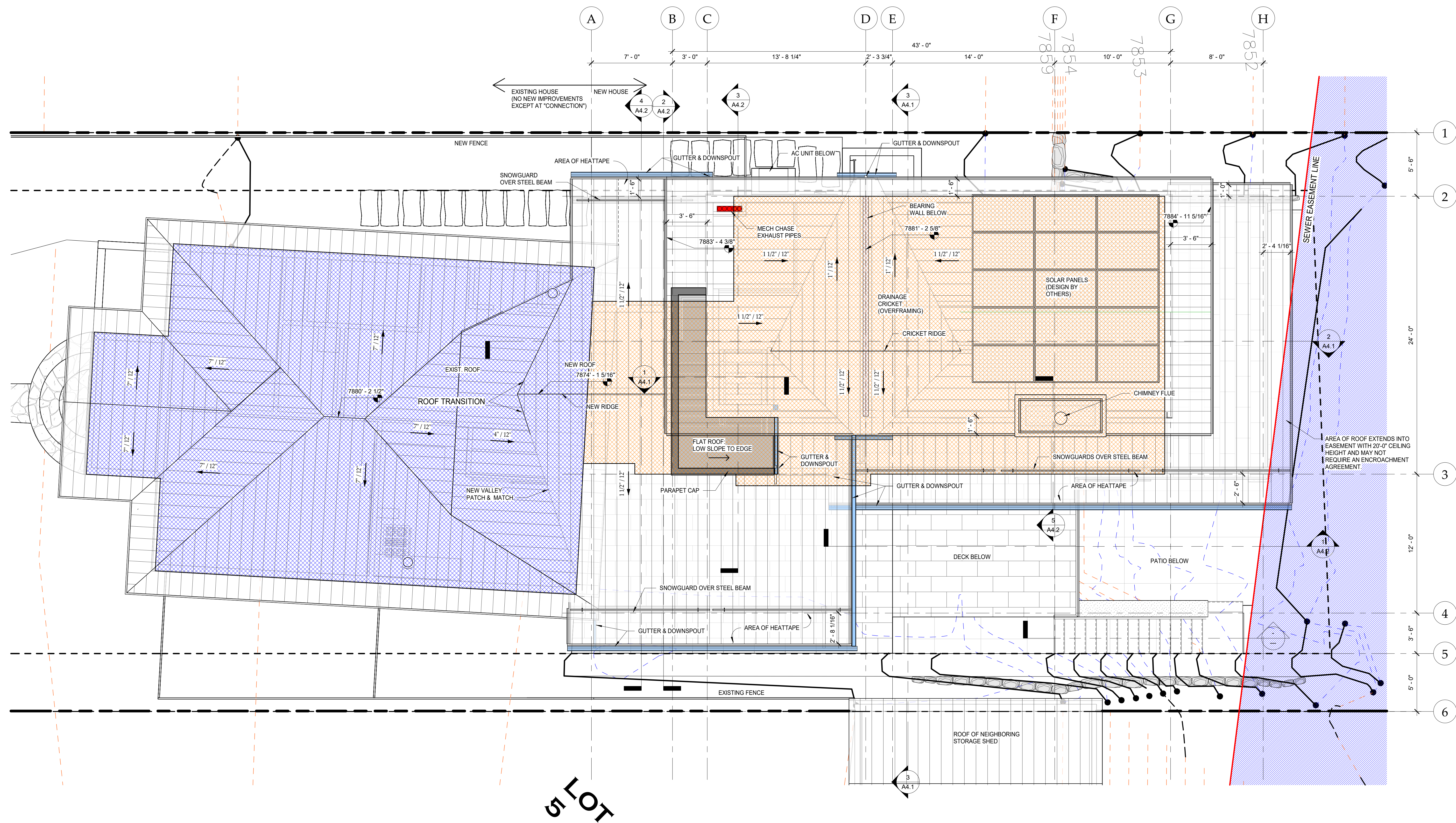
No.	Description	Date

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542 Main Street
Lot 4, Block 3, Booco's 2nd Addition
Town of Minturn, Colorado 81645
DESIGN REVIEW SET (2)

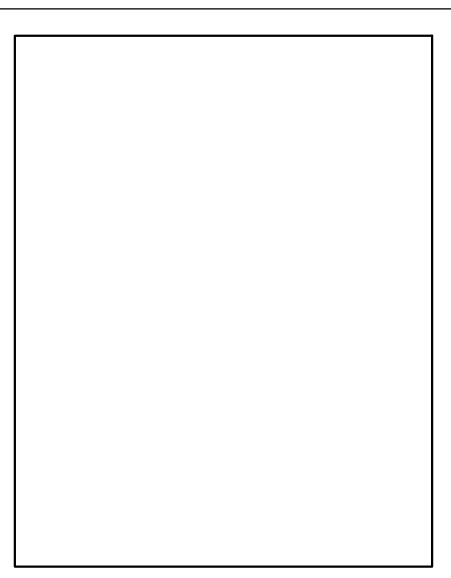
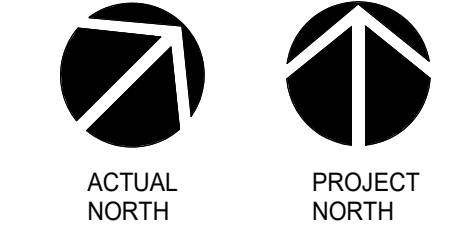
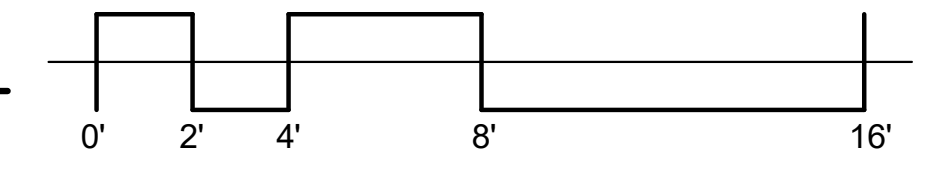


Date	8-12-22
Project number	JG-2206
UPPER LEVEL PLAN	
A2.3	

8/11/2022 5:50:46 PM



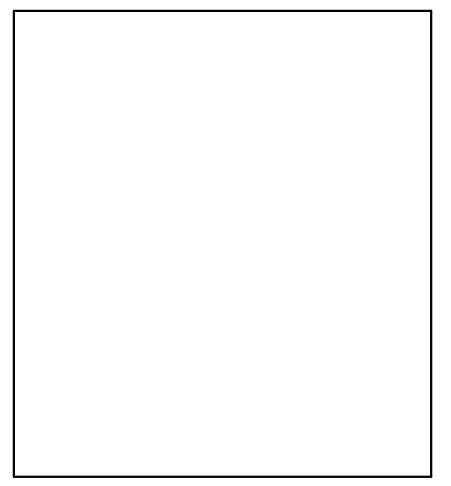
1 4 ROOF PLAN
 1/4" = 1'-0"



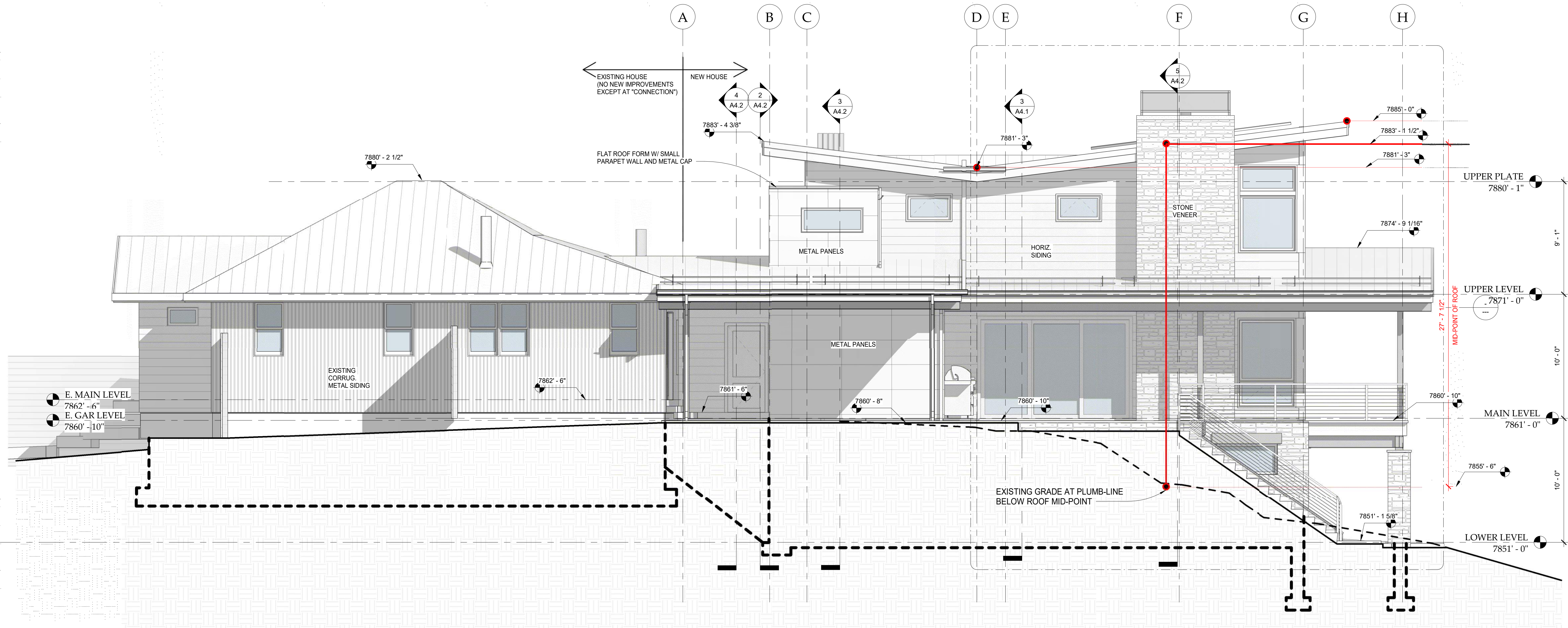
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No.	REVISIONS Description	Date

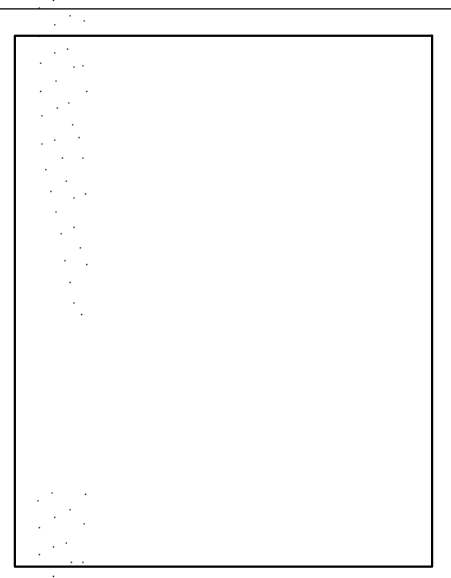
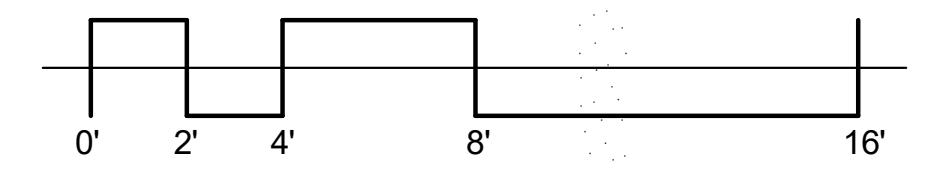
Lisa Keogh
542 Main Street
 Lot 4, Block 3, Booco's 2nd Addition
 Town of Minturn, Colorado 81645
DESIGN REVIEW SET (2)



Date	8-12-22
Project number	JG-2206
ROOF PLAN	
A2.4	



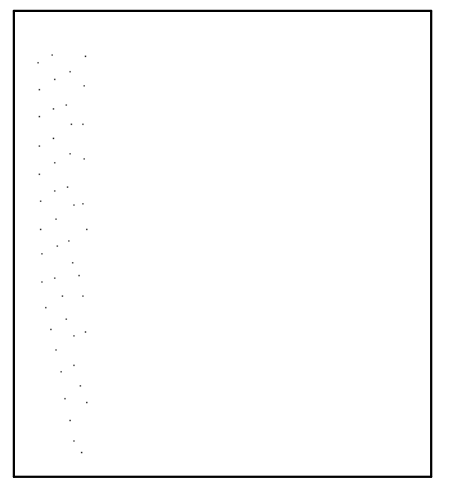
1 ELEVATION - LOOKING NORTH
1/4" = 1'-0"



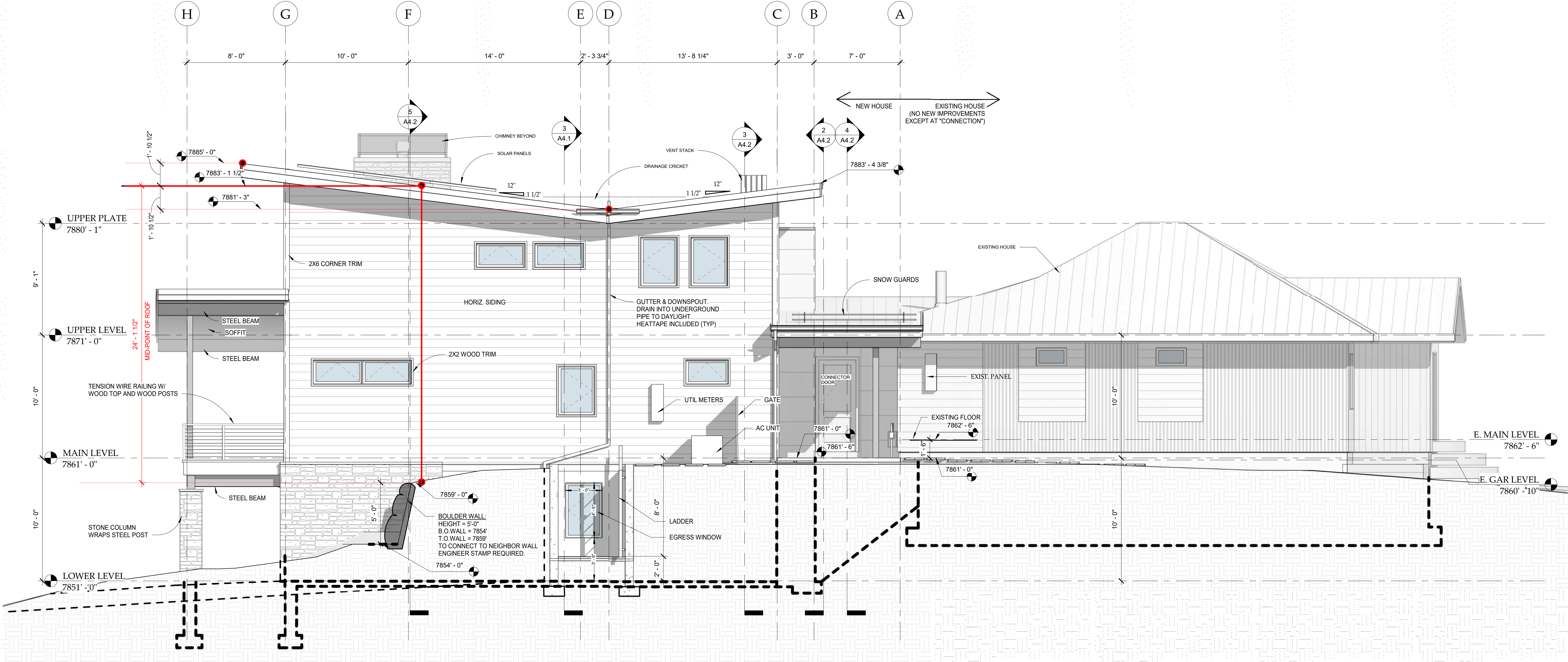
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No.	Description	Date

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Town of Minturn, Colorado 81645
DESIGN REVIEW SET (2)



Date	8-12-22
Project number	JG-2206
EXTERIOR ELEVATIONS	
A3.1	



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

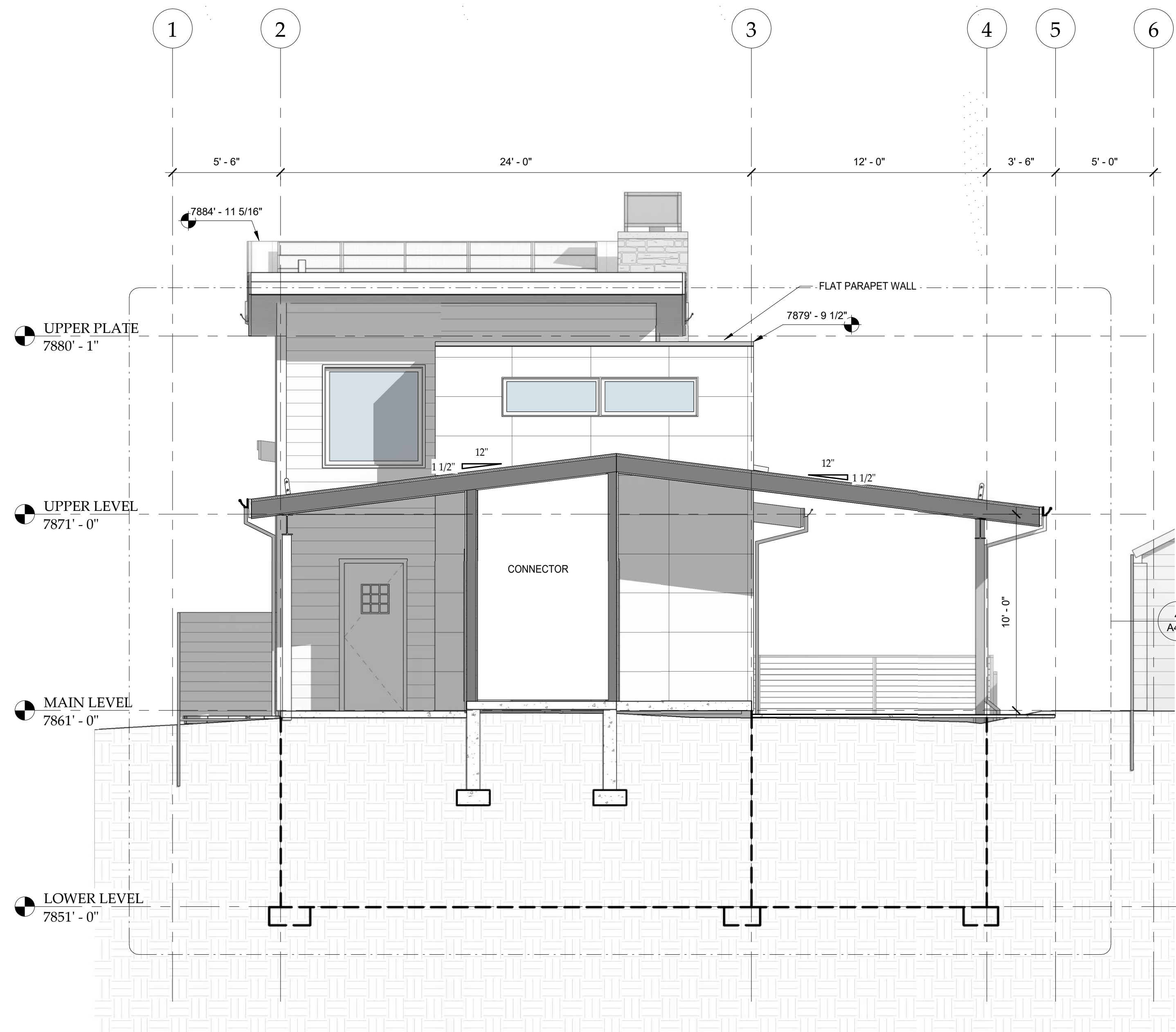
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No.	Description	Date

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 Lot 4, Block 3, Booco's 2nd Addition
 Town of Minturn, Colorado 81645
DESIGN REVIEW SET (2)

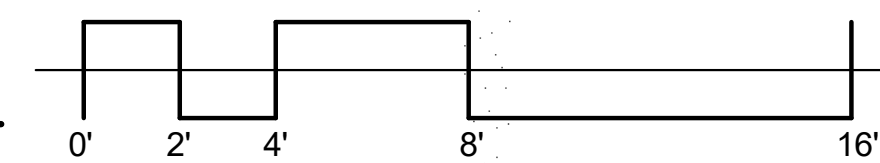
Date: 8-12-22
 Project number: JG-2206
 EXTERIOR ELEVATIONS
A3.2



1 ELEVATION - LOOKING EAST
1/4" = 1'-0"

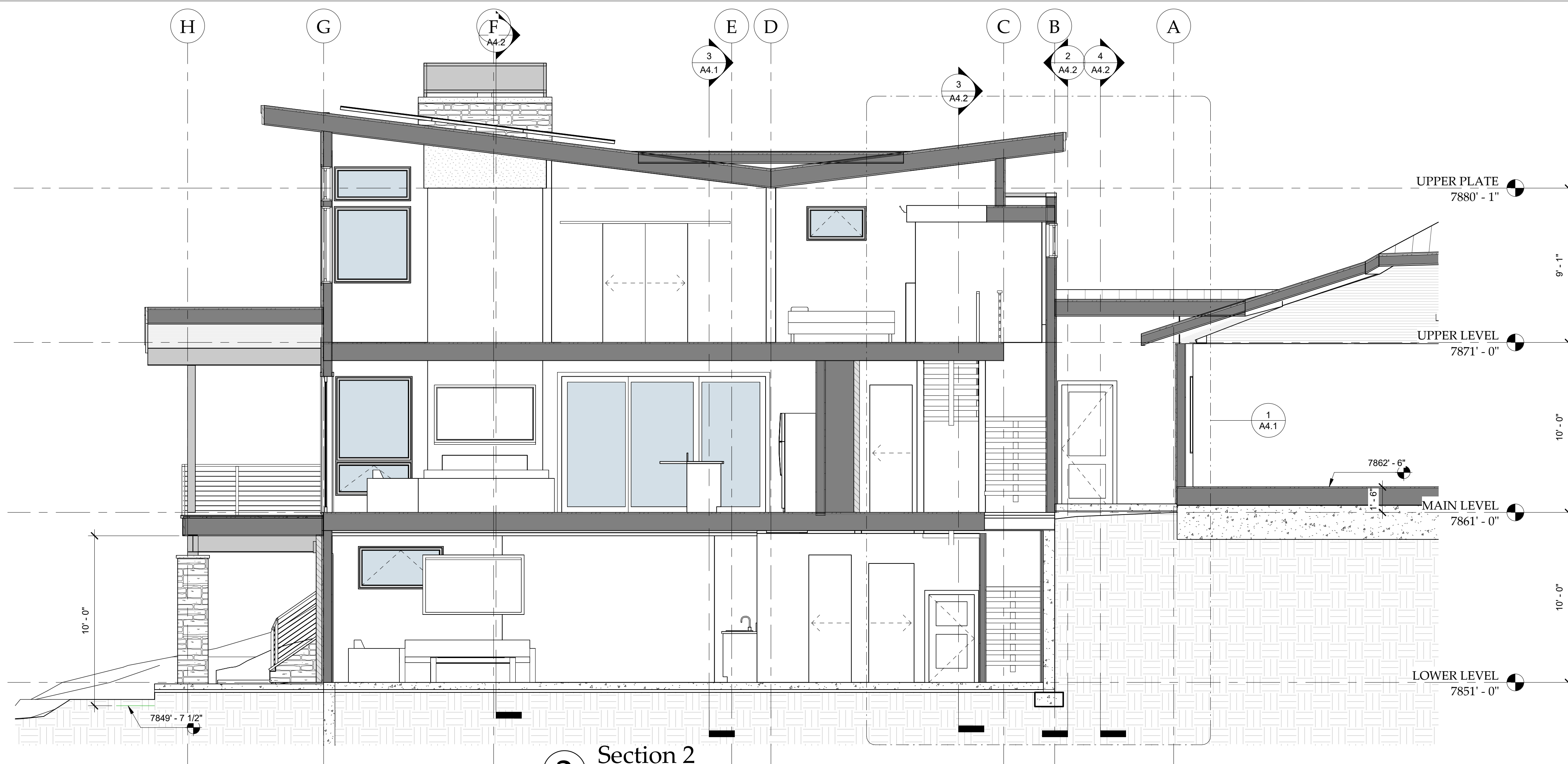


2 ELEVATION - LOOKING WEST
1/4" = 1'-0"

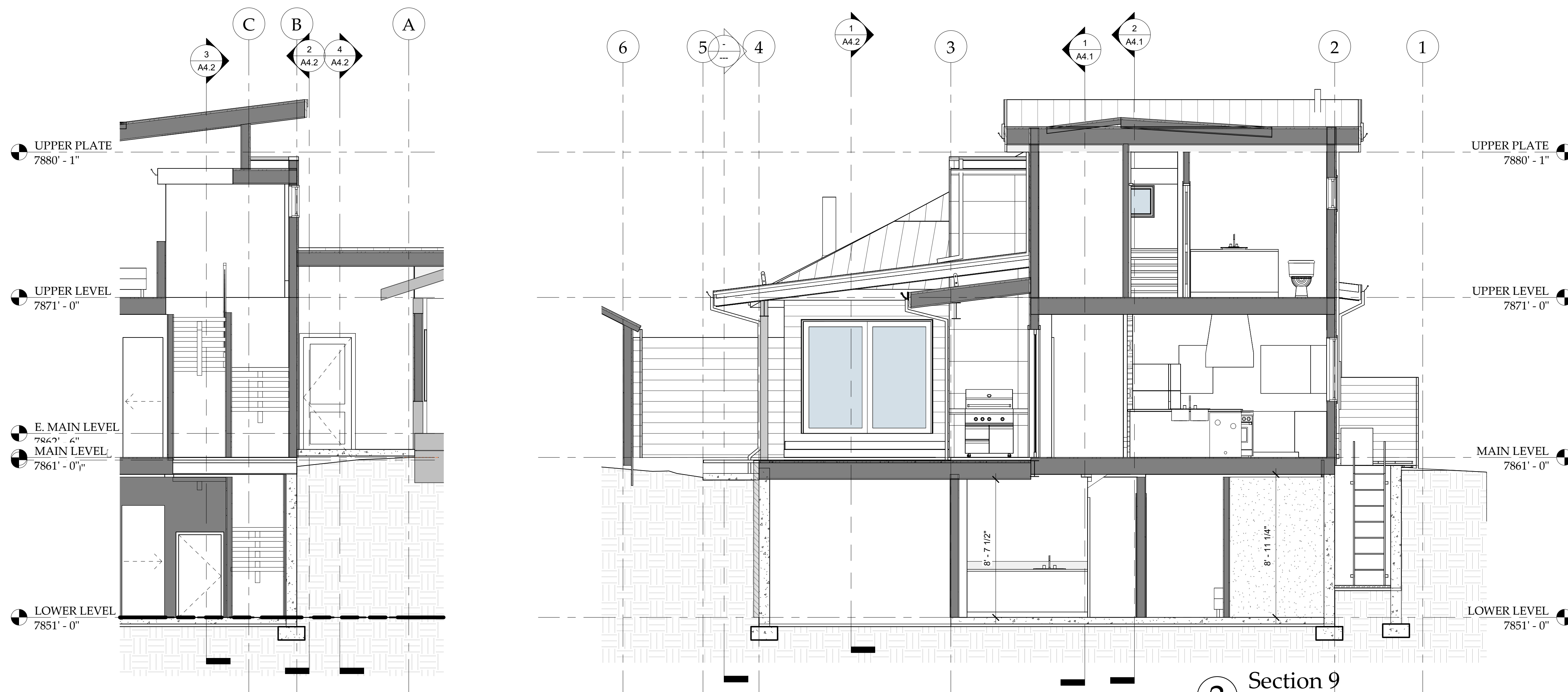


No.	REVISIONS Description	Date

Lisa Keogh
542 Main Street
Lot 4, Block 3, Booco's 2nd Addition
Town of Minturn, Colorado 81645
DESIGN REVIEW SET (2)



2 Section 2
1/4" = 1'-0"



3 Section 9
1/4" = 1'-0"

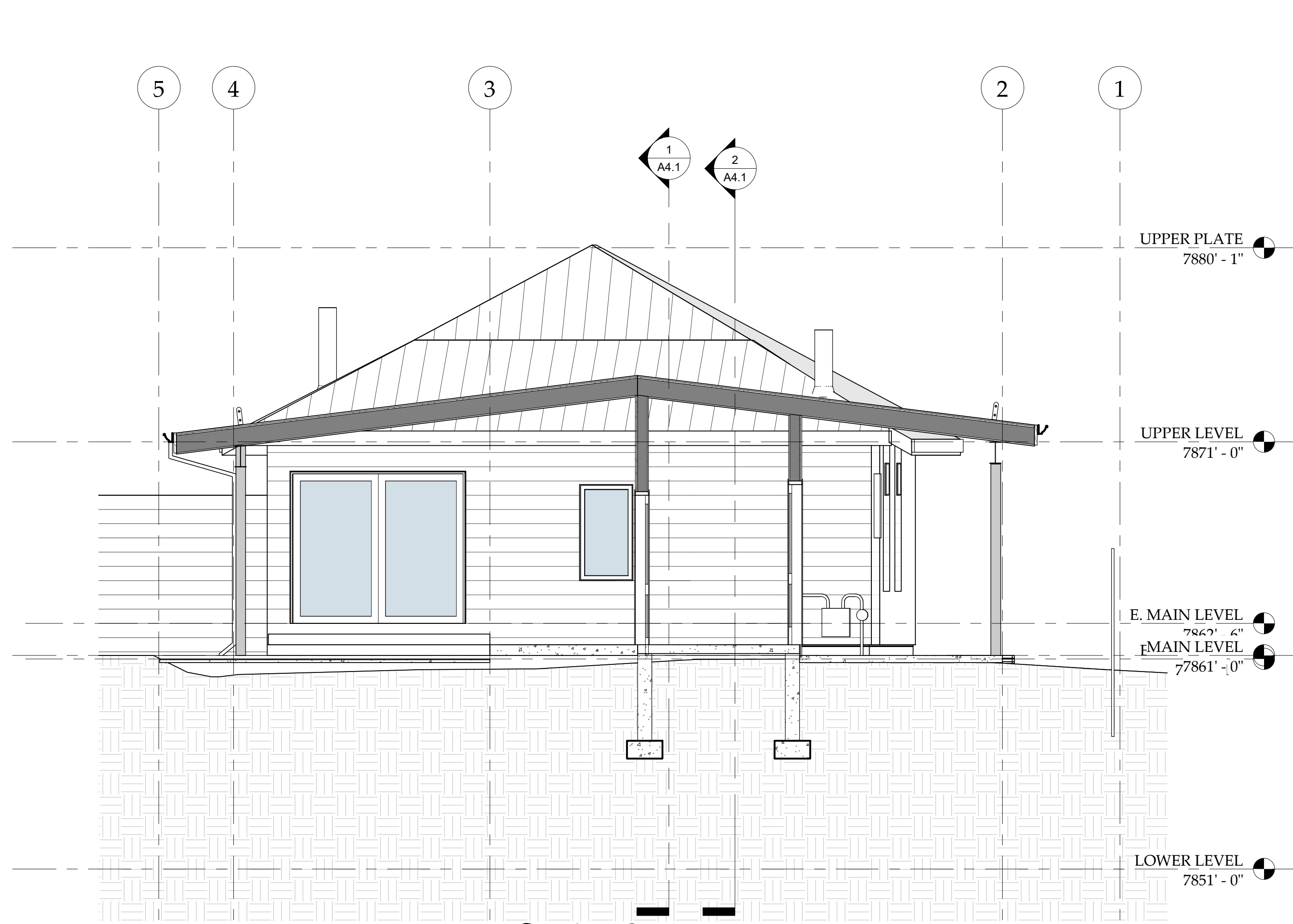
1 Section 1
1/4" = 1'-0"

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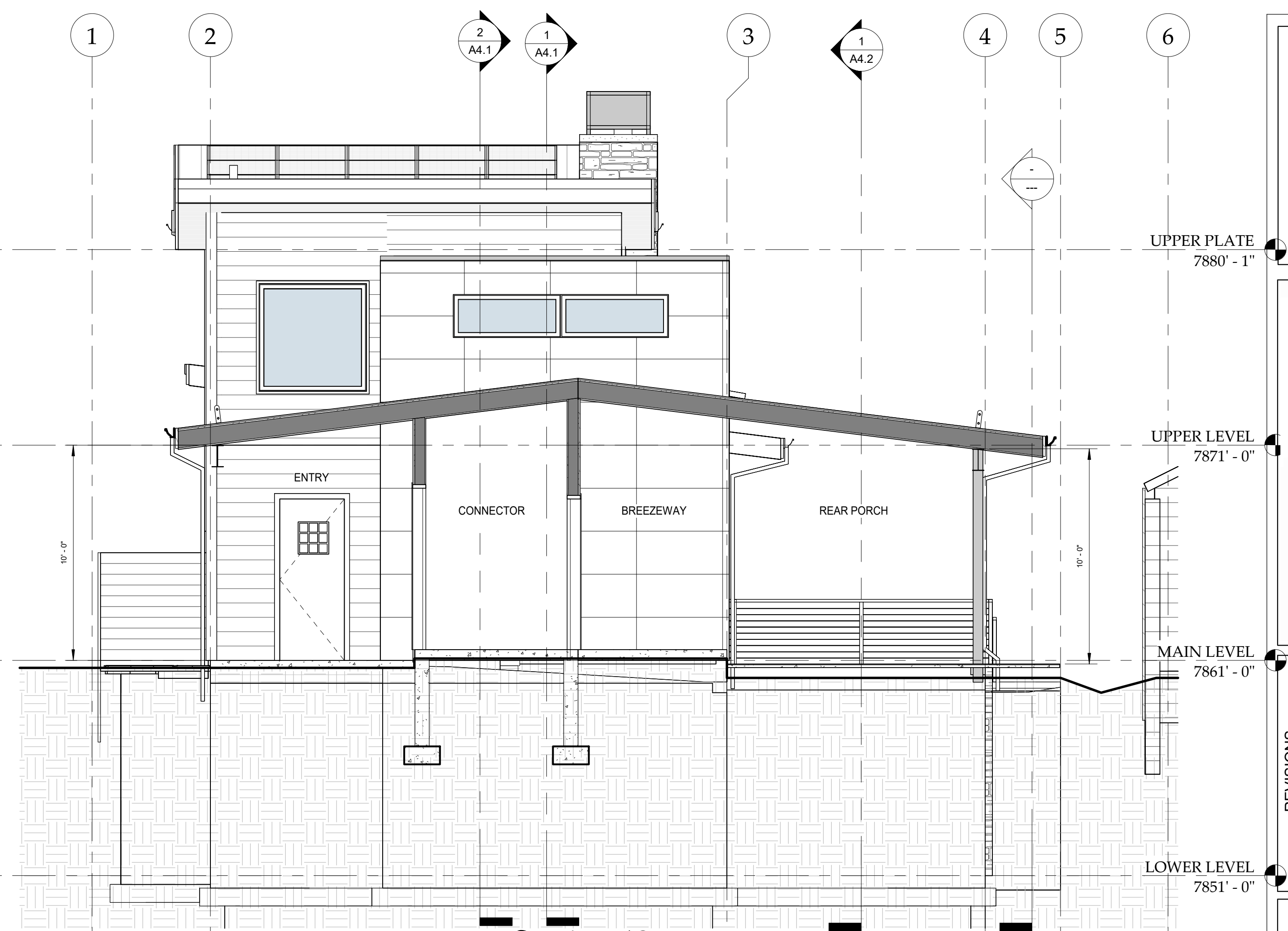
No.	REVISIONS	Description	Date

Lisa Keogh
542 Main Street
Lot 4, Block 3, Booco's 2nd Addition
Town of Minturn, Colorado 81645
DESIGN REVIEW SET (2)

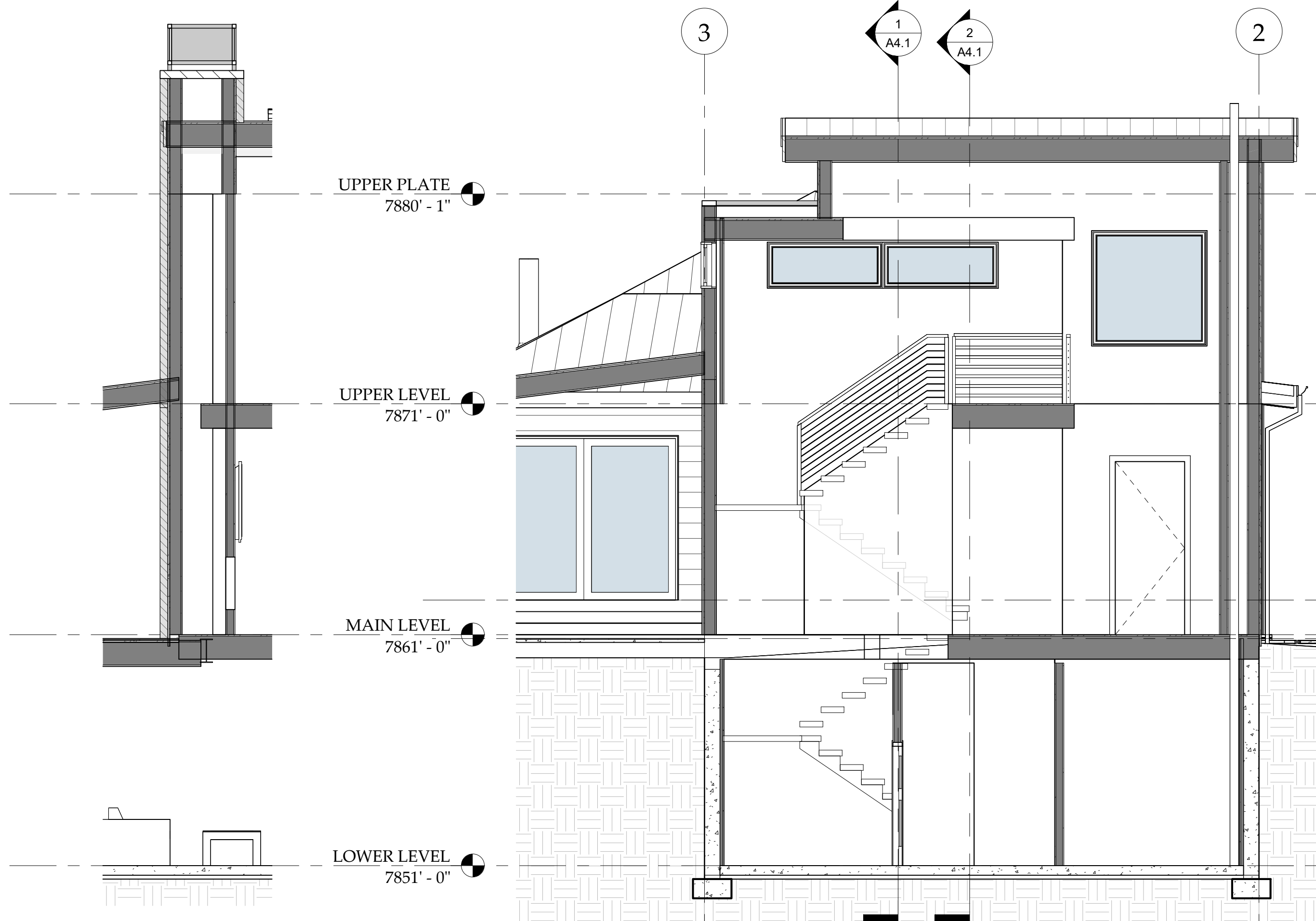
Date	8-12-22
Project number	JG-2206
BUILDING SECTIONS	
A4.1	



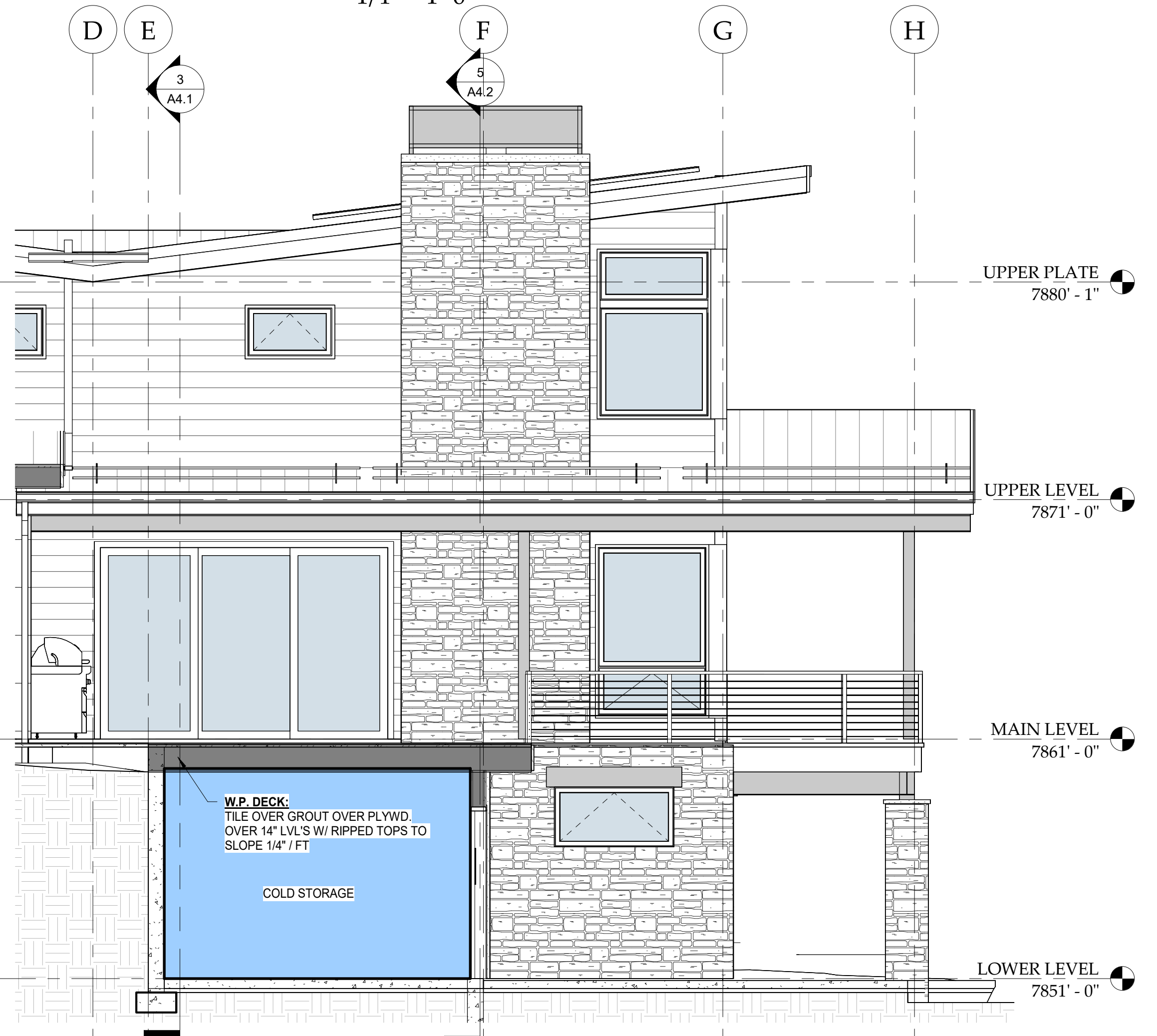
4 Section 3
1/4" = 1'-0"



2 Section 12
1/4" = 1'-0"



3 Section 13
1/4" = 1'-0"



1 Section 15
1/4" = 1'-0"

5 Section 14
1/4" = 1'-0"

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No.	Description	Date

Lisa Keogh
 542 Main Street
 Lot 4, Block 3, Booco's 2nd Addition
 Town of Minturn, Colorado 81645
 DESIGN REVIEW SET (2)

Date	8-12-22
Project number	JG-2206
BUILDING SECTIONS	
A4.2	

TOPOGRAPHIC MAP
**Lot 4, Block 3,
 BOOCO'S 2ND ADDITION**
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

LEGAL DESCRIPTION

Lot 4, Block 3, Booco's 2nd Addition to the Town of Minturn, according to the Plat thereof dated October 1901, recorded in the Office of the Clerk and Recorder, County of Eagle, State of Colorado.

CENTERLINE OF SEWER EASEMENT RECEPTION No. 899588, DETERMINED BY 1 FOOT SOUTHERLY OFFSET FROM CENTER OF SEWER MANHOLE LIDS SURVEYED EACH SIDE OF LOT 4 - THIS SURVEYOR HELD THIS LOCATION AS THE MOST RESTRICTIVE OPTION DUE TO THE FACT THAT THE ACTUAL BURIED SEWERLINE WAS NOT EXPOSED.

NOTES:

- 1) Survey Date: October 15, 2021.
- 2) Location of Improvements, Lot lines, and Easements are based upon the PLC Improvement Survey Plat, dated 6-27-19 and Survey Monuments found at the time of this survey. This Survey does not constitute a boundary survey. All easement information shown was derived from the hereon referenced Improvement Survey Plat - no title commitment was researched for this product.
 - Building setback information provided by others.
 - Location of Easement recorded as Reception No. 899588 is based off scaling from the above referenced Improvement Survey Plat. This location should be verified prior to construction of structural improvements which may fall "close" to the easement line shown.
- 3) Elevation Datum: 7894.20' on the NGS monument S 280. This elevation is based on NAVD 88.
- 4) Contour Interval: 1 feet.
- 5) Surveyor does not warrant or certify to the integrity of any Digital Data supplied in conjunction with this map and survey.
- 6) Posted Street Address: 0542 Main Street.
- 7) This Topographic Survey was prepared for the exclusive use of Lisa Keogh, and is valid only if print has original seal and signature of surveyor.
- 8) Lineal Units are U.S. Survey Feet.

Surveyor's Certificate:

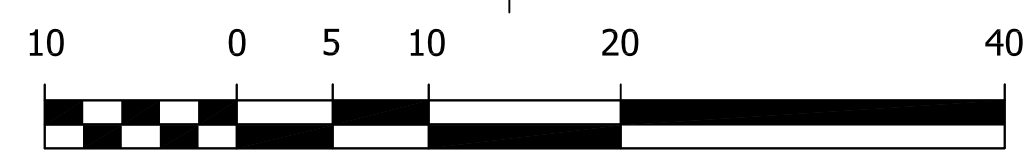
I, Matthew S. Slagle, a Licensed Professional Land Surveyor in the State of Colorado, hereby certify that this map was prepared by me or under my responsible charge, is based upon my knowledge, information and belief, and is in accordance with applicable standards of practice, and is not a guaranty or warranty, either expressed or implied. The Notes hereon are a part of this certification.



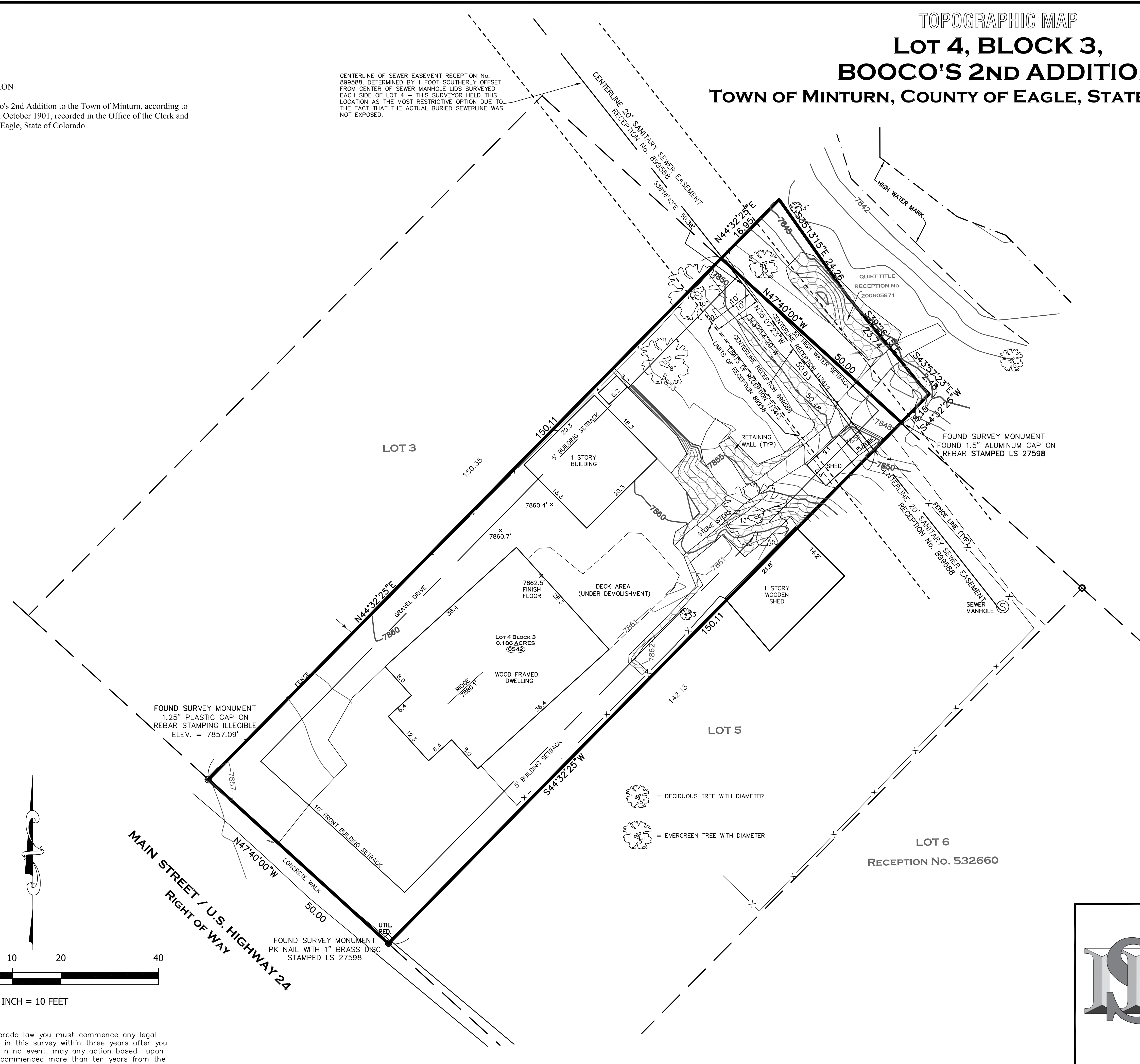
Matthew S. Slagle PLS 34998
 Professional Land Surveyor
 State of Colorado

Revised Sewer Easement Location 11-22-21 MSS
 Revised certian Drafting items 11-5-21 MSS

	SLAGLE SURVEY SERVICES 800 Castle Drive - P.O. Box 751 Eagle, Colorado 81631 970.471.1499 Office matthew@slaglesurvey.com www.SlagleSurvey.com	
	TOPOGRAPHIC MAP Lot 4, Block 3, BOOCO'S 2ND ADDITION TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO	
DRAWN BY:	JOB NUMBER:	DRAWING NAME:
MSS	21089	21089_Topo.dwg
SHEET	OF	DATE:
1	1	11-05-2021



NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. 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.





To: Historic Preservation Commission
From: Michelle Metteer
Date: October 5, 2022
RE: Minturn Town Council / Historic Preservation Commission Cover memo review

REQUEST: Joint discussion between the Historic Preservation Commission and the Minturn Town Council to receive an update from the Commission and or the Commission to obtain additional guidance from the Council.

INTRODUCTION:

The Minturn Town Council recently passed Ordinance 10 – Series 2022, An Ordinance Establishing a Chapter in the Minturn Municipal Code for Historic Preservation.

The Purpose (or reason) for creating the Historic Preservation Commission, as indicated in Ordinance 10 – Series 2022 is as follows:

MMC. Sec 19-1-20 - Purpose

1. The protection and preservation of the Town's architecture, culture, and heritage as embodied in Historic Properties and Historic Districts. by appropriate regulations and incentives:
2. The stabilization of historic neighborhoods:
3. The establishment of the Town's Historic Register listing Historic Properties and Historic Districts:
4. The cultivation of civic pride in the art, architecture, and accomplishments of the past:
5. The encouragement of continued private ownership and utilization of such Historic Properties or Historic Districts now so owned and used:
6. The promotion of thoughtful community planning and design: and
7. The provision of educational opportunities to increase public appreciation of the Town's unique heritage.

The Intent (or aim) of creating the Historic Preservation Commission, as indicated in Ordinance 10 – Series 2022 is as follows:

MMC. Sec. 19-1-30 - Intent

The intention of this ordinance is to create a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character through the nomination of Buildings, Structures, Sites, Objects, and Historic Districts for preservation.

ANALYSIS:

With the Purpose and Intent outlined in the establishing Ordinance, the HPC has started to lay the groundwork for the ensuing execution of this new policy.

Initial progress has been through the creation of forms for streamlining the processes outlined in the Ordinance. (Approved forms are attached to this memo for reference)

Other steps taken have included a historic walking tour of the Downtown Minturn area and the review of cultural resource surveys.

In relation to the Intent and Purpose of the Historic Preservation Ordinance, the HPC is looking to the Council for guidance on expectations as to how proactive or reactive the Council expects the HPC to be. This is expected to be an item for discussion during the joint session.

Additional discussion topics for the joint session include:

- Council support for an Historic Preservation Plan toward the execution of the purposes outlined in the Ordinance.
- Opportunities to provide property owners historic preservation incentives
- 2023 budget request for historic preservation grant matches
- Certified Local Government (CLG) benefits

COMMUNITY INPUT: Extensive: walking tours, virtual meetings, surveys and public comment have been gathered throughout this process.

BUDGET / STAFF IMPACT: TbD

STRATEGIC PLAN ALIGNMENT:

Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn

Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “keep Minturn Minturn”

RECOMMENDED ACTION OR PROPOSED MOTION: Council to provide direction to the HPC on the following items:

- Vision & expectations
- Any feedback on the forms approved by the HPC thus far
- Support for the creation of a Historic Preservation Plan toward executing the Intent and Purpose of the Historic Preservation policy
- Council feedback on expectations pertaining to how proactive or reactive the HPC should be
- Possible opportunities for offering property owners incentives to take part in the historic preservation program
- 2023 budget funding for an historic preservation public relations campaign

ATTACHMENTS:

- Historic Landmark Nomination
- Certificate of Appropriateness
- Certified Local Government Program Overview



HISTORIC LANDMARK NOMINATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309/302 Pine Street Minturn, Colorado 81645-0309

970-827-5645 | planner1@minturn.org

Section 1 - Purpose:

The purpose of Historic Preservation is to enhance the Town of Minturn's local resources and to promote the public health, safety, and welfare through:

1. The protection and preservation of the Town's architecture, culture, and heritage as embodied in historic properties and historic districts, by appropriate regulations and incentives;
2. The stabilization of historic neighborhoods;
3. The establishment of the Town's Historic Register listing historic properties and historic districts;
4. The cultivation of civic pride in the art, architecture, and accomplishments of the past;
5. The encouragement of continued private ownership and utilization of such historic properties or historic districts now so owned and used;
6. The promotion of thoughtful community planning and design; and
7. The provision of educational opportunities to increase public appreciation of the Town's unique heritage.

Section 2 - Intent:

The intention of Historic Preservation is to create a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character through the nomination of buildings, structures, sites, objects, and historic districts for preservation.

Section 3 - Eligibility Criteria:

Indicate how the property is significant to the Town of Minturn and its past by checking one or more of the following: Properties (*buildings, structures, sites, or objects*) or historic districts shall be at least 75 years old and meet 1 or more of the following criteria in order to be considered for designation:

1. Association with events that have made a significant contribution to history;
 - a. Is a site of a historic event that had an effect upon society; or
 - b. Exemplifies cultural, political, economic, or ethnic heritage of the Town.
2. Connection with persons significant in history.
3. Distinctive characteristics of a type, period, method of construction, or artisan:
 - a. Exemplifies specific elements of an architectural style or period;
 - b. Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
 - c. Demonstrates superior craftsmanship or high artistic value;
 - d. Represents a style that is particular to the Town;
 - e. Represents an innovation in construction, materials, or design; or
 - f. Represents a built environment of a group of people in an era of history.
4. Geographic importance:
 - a. Enhances the sense of identity of the Town or community; or
 - b. Is an established and familiar natural setting or visual feature of the Town or community.
5. Possibility to yield important information related to prehistory or history:
 - a. Addresses research questions or fills recognized data gaps;
 - b. Embodies construction, development, or design adaptations; or
 - c. Informs on the development of engineering systems.

A property or historic district may be exempted from the age standard if the Town Council finds it to be exceptionally important in other criteria.

- Sec. 19-3-20 MMC



HISTORIC LANDMARK NOMINATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309/302 Pine Street Minturn, Colorado 81645-0309

970-827-5645 | planner1@minturn.org

Section 4 - Basic Property Information:

Historic Name of Property (if applicable) and any other names:

--

Address of Property

Street Address:

Legal Description of Property:

Maps:

1. Include a location map on 8.5x11 inch page showing the property in relation to major streets
2. Include a site plan on 8.5x11 inch page showing the footprint of the building if applicable

Property Owner Information:

Name:

Mailing Address:

Email:	Phone:
--------	--------

Applicant Information (if different):

Name:

Mailing Address:

Email:	Phone:
--------	--------

Is property listed on the National Register of Historic Places or the State Register of Historic Properties?

Yes No

If yes, please provide date and registration number. Date: _____ Registration #: _____

For Official Use:

Date Received: _____	Planner: _____
----------------------	----------------

Historic Preservation Commission -	Approval	Denial
------------------------------------	----------	--------

Comments:



HISTORIC LANDMARK NOMINATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309/302 Pine Street Minturn, Colorado 81645-0309

970-827-5645 | planner1@minturn.org

Section 5 - Category and Resources:

Category of Nomination (check one):

- Building (any shelter or enclosure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.)
- Site (the location of a significant event; a prehistoric or historic occupation or activity; or a building, structure, or object, whether standing or vanished, where the location itself maintains historic or archeological value regardless of the value of any existing building, structure, or object.)
- Object (a material item of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.)
- District (a geographically definable area including a concentration, linkage, or continuity of properties within a specified period of significance and may include within its geographic boundaries one (1) or more contributing properties, which has been designated by the Town Council)
- Structure (anything constructed or erected, the use of which requires location on or in the ground, for purposes other than shelter of humans, animals, or chattels.)

Narrative Statement of Significance:

Please describe how this property contributes to the history of Minturn. Why should the property be landmarked?



HISTORIC LANDMARK NOMINATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

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Section 6 - Description:

Architectural Description:

If property is a building, please describe the predominate architectural style such as Victorian or Mid-Century Modern.

Narrative Description:

Please describe the current appearance of the property and any alterations that have occurred since its original construction.

List of References:

Please cite the books, articles, personal contacts, and other sources used in preparing this application.

Photographs:

Please attach current photographs of the property and, if available, copies of historic photographs. For building, structures, or objects, current photographs should show the property from all directions.

Signature:

If you are not the owner of the property that is being nominated, have you discussed this application with the owner(s)? This is encouraged, but not required. Yes No



CERTIFICATE OF APPROPRIATENESS APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309/302 Pine Street Minturn, Colorado 81645-0309

970-827-5645 | planner1@minturn.org

Do I Need this Form?

Certificate of Appropriateness means a certificate issued by the Commission authorizing any proposed repair, restoration, alteration, construction, relocation, or demolition of a historic property, or an element within a historic district pursuant to Chapter 19 of the MMC.

Before carrying out any new construction, alteration, relocation, or demolition involving the exterior of any historic property, or contributing property within a historic district, applicants and/or owner(s) must submit and obtain approval for an application for the proposed work by the Planning Department and HPC under this Article. The application shall include anything HPC deems necessary, including, without limitation and as applicable, a description of the type of work proposed and its effect or impact upon the historic property or historic district and plans and specifications showing the proposed exterior appearance, with finishes, materials, samples of materials, and architectural design and detail. The application shall not relieve the applicant from the responsibility to apply for any other permit required by the MMC.

HPC Certificate of Appropriateness Review:

- a. HPC shall: (1) Approve the applications; (2) Approve the application with conditions; or (3) Deny the applications.
- b. Any decision of HPC to approve the application or approve the application with conditions shall be included on an agenda of the Town Council within thirty (30) days. The Town Council may call up for review any final decision reached by HPC. After review, Town Council may affirm, deny, or affirm with additional conditions the decision of HPC. No Certificate of Appropriateness shall be issued before HPC's decision has been included on an agenda of the Town Council.
- c. If HPC approves or approves the application with conditions, HPC shall issue a Certificate of Appropriateness to the applicant and a copy will be placed in the appropriate Town records. If approved with conditions, such conditions shall be stated in the Certificate of Appropriateness.
- d. If HPC denies the application, HPC shall notify the applicant in writing and a copy will be placed in the appropriate Town records.
- e. The application form shall have a section for HPC to set forth HPC's reasons for the approval, approval with conditions, or denial of the application.
- f. HPC may issue an order continuing the application process if HPC would like additional information necessary to make a decision. If the hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case shall a hearing be continued more than forty-five (45) days without the express consent of the applicant.
- g. The applicant and/or owner(s) may resubmit an amended application that takes into consideration the recommendations of HPC.
- h. If an application for a Certificate of Appropriateness is denied after final action upon the application by HPC, no person may submit a subsequent application for the same Section 19-5-10(a) activity within one (1) year from the date of the final action.
- i. If a Certificate of Appropriateness has been issued on the permit application and the proposed work conforms thereto, the Town shall process the application in accordance with all other applicable provisions of the Code. If no Certificate of Appropriateness has been issued, or if the Town determines that the permit application does not conform, the Town shall not approve the permit application and shall not issue any other permit until a Certificate of Appropriateness has been issued and the permit application conforms thereto.



CERTIFICATE OF APPROPRIATENESS APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

P.O. Box 309/302 Pine Street Minturn, Colorado 81645-0309

970-827-5645 | planner1@minturn.org

Section 1 - Basic Property Information:

Historic Name of Property (if applicable) and any other names:

--

Address of Property

Street Address:

--

Legal Description of Property:

--

Brief Description of Project:

--

Property Owner Information:

Name:

--

Mailing Address:

--

Email:

Phone:

--	--

Applicant Information (if different):

Name:

--

Mailing Address:

--

Email:

Phone:

--	--

Is property listed on the National Register of Historic Places or the State Register of Historic Properties?

Yes / No (pick one) **Yes**

If yes, please provide date and registration number. Date: _____ Registration #: _____

For Official Use:

Date Received: _____ Planner: _____

Historic Preservation Commission - Approval Denial

Comments:

--



CERTIFICATE OF APPROPRIATENESS APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT

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970-827-5645 | planner1@minturn.org

Section 2 - Impacts:

Detail the effects or impacts on the historic property or historic district that this project would cause.

Please Provide:

- Plans and specifications showing proposed exterior appearance:
 - Finishes
 - Materials
 - Samples of Materials
 - Architectural Design and Detail

Signature:

OVERVIEW

The Certified Local Government (CLG) Program seeks to encourage and expand local involvement in historic preservation activities through a partnership between local governments and the State Historic Preservation Office (SHPO), and the National Park Service (NPS).

BENEFITS

- ▶ CLG communities have access to grant funds available only to CLGs. These grants do not require a cash match and can be used for survey, planning, nomination, or educational activities.
- ▶ CLG communities receive technical support from SHPO and National Park Service staff in order to advance local preservation objectives.
- ▶ CLG communities have the ability to join national organizations, such as the National Alliance of Preservation Commissions, that provide informational resources and access to a 50-state preservation network.
- ▶ The SHPO offers CLG-exclusive training and networking opportunities throughout the state.
- ▶ The opportunity to participate in the review of tax credit projects.
- ▶ Local designation qualifies property owners for the 20 percent State Historic Preservation Tax Credit and provides access to the State Historical Fund preservation grant program.
- ▶ A strong local preservation program can increase property values, assist in promoting heritage tourism, and promote community heritage and identity.



St. James Episcopal Church, Lake City, CLG grant recipient



North Side Historic District, Pueblo

OBLIGATIONS

- ▶ Each CLG must enact and enforce a local ordinance that provides a legal framework for a preservation program that will achieve the purpose of designating and protecting significant historic buildings, sites, structures and districts.
- ▶ Each CLG must create a commission of at least five members that have a demonstrated interest, competence, or knowledge of preservation, and the commission must meet at least four times a year.
- ▶ At least one commission member must attend a SHPO-approved educational/training event each year.
- ▶ CLGs must maintain a system for survey and inventory of historic properties.
- ▶ CLGs must provide opportunities for public participation in local preservation efforts.
- ▶ CLGs must review and provide comment on National Register nominations submitted for properties within their jurisdiction.

For more information on the CLG program contact **Lindsey Flewelling** at lindsey.flewelling@state.co.us

Last updated January 2022



To: Mayor and Council
From: Jay Brunvand
Date: October 5, 2022
Agenda Item: Acceptance of the Fiscal Year 2023 Annual Budget

REQUEST:

Staff is requesting the Town Council to accept the Fiscal Year 2023 Preliminary Budget.

INTRODUCTION:

As required by Colorado State law, the Council must accept the proposed budget for the following year no later than October 15 of the preceding year.

ANALYSIS:

It is important to realize that this budget is tight and, although is balanced, we are budgeting to SPEND \$141,964.47 from accrued reserve/savings. It recognizes revenues and expenses for the forthcoming year in a manner responsive to Council direction.

The second Council meeting in October we will have include a budget presentation reviewing proposed special projects and capital expenses and then allow time for Council questions and discussion. This will give Staff the necessary time review the material and prioritize your concerns.

Please reference the Budget Schedule and Calendar included on pages 68-72. This will give you a clear vision of which meetings will include budget discussions and public hearings. We all know the budget includes the operational items like electric bills and general day to day items. My intent during the first meeting in October is not to review that material in detail, rather to highlight some of the recent items of note in our General Fund revenues and expenses and allow for council and public questions. I have listed a few of the accounts below to show the Council that we do have money to perform some of the items we have recently discussed that are not Special Projects.

GENERAL FUND (01):

INCOME:

- Property Tax (01-00-4010) – The amount reported in the Certification of Values represents a 2% decrease over 2022. As a reminder, in 2019 statewide General Election included a question to reduce the impact of the Gallagher Amendment. This ballot question passed and froze the Residential Assessment value at 7.15%. However, during the 2022 General Session, the state legislature passed SB22-238. This law is intended to address the rising property values and will affect fiscal years 2023 and 2024 by dropping the assessment rate from 29% to 27.9% for commercial properties and from 6.95% to 6.765%. As stated, this is a 2-year change to address the current economic situation. To extend it would require legislative action.
- Staff's continued concern with all revenues is to not spend money before we have it yet balance the probability of projects coming to fruition.
- Lodging Tax (01-00-4039) has been growing year over year showing a slow gain. This is due to more units and rental of those units as well as a more developed and uniform collection system locally and

state wide. Changes in the state laws have made it easier for companies like AirBnB to submit their taxes directly to the state for distribution to Minturn.

- Sales Tax (01-00-4040 and 4050) is growing and to fairly represent realistic numbers I have modified how 2023 sales tax is calculated. In past years I have used the prior two years and developed a reasonable number. For 2023, I took what we have actually received in 2022 year to date (Jan-July) and then added the actual Aug-Dec 2021 numbers. I will continue to watch this develop but at this point I am reasonably comfortable with this calculation. The state requires companies who sell online from both intra and interstate to collect and submit sales tax where the goods are received. Prior to this, on-line sales were either not taxed or taxed from the corporate home office. These payments are made to the state and distributed to the town monthly.
- The town has seen multiple PUD development applications which have yet to come to fruition. Although we anticipate at least a portion of these new units, it is difficult to predict when development will occur. Although these projects could provide a large increase in the town's budget numbers, weighted against the water tap moratorium we are in a wait-and-see position.
- Currently we have 8 leases on the lease lot budgeted for 2021. This includes the concrete plant, and seven others in the developed area behind the berm, plus fees received from snow dump charges. (01-00-4516 thru 4526). This revenue source allows for diversification of town revenues and accounts for a budgeted \$150,950 income. This diversified income represents 26% of the estimated amount collected in property and 15% of the estimated sales tax. Overall, this income accounts for 6% of our total budgeted General Fund revenues for 2023.
- In recent years the town has earned upwards of 2.5% interest (01-00-4540) on our liquid cash investments. As a result of COVID this dropped to less than 1/10%. This downward earning cycle is reversing as the Federal Reserve begins to raise interest rates in an attempt to stabilize the economy. We have adjusted this revenue based on these higher yields.

EXPENSE:

- Due to unknown factors, the Council is budgeted for 24 regular meetings and 6 additional special meetings. This is up from the historical 3 additional meetings. No Council retreat is scheduled for 2023.
- For all Employee insurance I have budgeted a 10% increase. The good news is that Staff has attended several virtual insurance meetings and, for the most part, it appears we may see less than a 3% overall increases. In recent years we have seen negative, zero or very modest increases. In an industry that has seen 10-40% annual increases and wild fluctuations in the private markets, Staff feels this continues to be a tremendous success in cost management.
- Some of the more beneficial community organizations have been funded in separate line items. For example, The Vail Valley Partnership will be funded at \$3,500 (01-01-5235) and the Minturn Community Fund is funded at \$15,000 (01-05-5275), the Minturn Bike Park is funded at \$15,000 (01-06-5357) and the Minturn Fitness Center at \$5,000 (01-06-5354). This is in addition to substantial in-kind contributions.
- As a result of recent and or potential law suits, through consultation with the town's litigation committee, Minturn is budgeting in the General Fund alone for a combined legal and engineering budget (01-01-5220 – 5222) of \$632,223, a total of 24% of the entire General Fund. This amount is massive and virtually wipes out gains made with our sales tax growth. The 2022 budget for legal, which was doubled over 2021, was approved by Council at \$200,000, this approval was prior to any lawsuits. To date Council has already spent over \$333,000 on legal expenses for 2022 and it is estimated to exceed \$590,000 by the end of the year. Between 2015 and 2020 the town's legal average was \$83,750, 2018 was \$187,000 and in 2021 it was \$265,750 based on monthly averages. This increase is due to the growing list of lawsuits and requests for legal specialists. As stated, this cost is diverting funds from the town's long-planned projects and allocating it to non-reimbursed

legal fees. This represents unsustainable spending where more and more funds are diverted to our growing legal expenses and will drastically affect Minturn's day-to-day expenses and fare and again any citizen projects we might desire. In point, it is this combined expense alone that requires us to pull from reserves.

FY 2023 legal fees are based on estimates provided by the legal team and include the following line items:

01-01-5220 = \$125,000 for general legal and professional fees
01-01-5221 = \$75,000 for associated engineering fees
01-01-5222 = \$432,223 for current and potential law suits
\$632,223

- The Planning Department budget for 2023 includes a staff planner, a contracted planner and a small bank for consultants.
- The Police and Legal Department includes the contracted Code Enforcement Officer and a contribution to the Wildfire Fund. The police contract with Eagle County Sheriff will be renegotiated in late 2022, they have anticipated a 16% increase for the first year of the new contract which amounts to an approximate contract increase of \$60,000. Our normal annual increase is 3%.
- Town Events and promotions (01-05-5275) includes one staff and is budgeted at \$75,000 in 2022 which includes \$15,000 for the summer concert series.
- The Public Works Department includes funding for contracted snow plow/removal services, \$2500 plus in-kind for the Minturn Fitness Center, and \$15,000 plus in-kind for the Minturn Bike Park.
- Public Building Repair and Maintenance is budgeted at \$15,000 and used to assist in maintenance and upgrades to our facilities. This line item will need significant increasing in the coming years as the town's infrastructure ages.
- Maintenance and improvements for streets and sidewalks has again this year been budgeted for \$40,000 (01-06-5352). This does not include any work on Phase 2 of the Sidewalk project or Phase 2 of Pine St work. A small ramp-up portion of Phase 2 of the Sidewalk will be funded in Fund 06 with proceeds from the Construction Use Tax.
- A new Public Works vehicle was scheduled for 2021. Due to the difficulty in supplies of new trucks this purchase was moved to 2022 and the vehicle scheduled for 2022 has been moved to 2023. It is difficult to tell if the supply chain issues will be resolved so changes may be made here as we proceed into 2023.

ENTERPRISE FUND (02):

- In accordance with Council discussion, it was advised to not increase monthly water rates in 2022. This was largely due to when we would begin our water tank project and the associated loan. FY2023 water rates have been completed by our consultant and are recommended as follows:
 - A base rate of \$ 110.16 up from \$90.83
 - A Use Rate per 1,000gal of \$8.32 up from \$6.83
 - Debt Service fee of \$17.37 up from \$7.81
 - A 3% increase in trash services is proposed of \$34.98 up from \$33.96
 - A 5% increase will be implemented to the tiered system for Residential Tap Fees, System Improvement Fees, and Cash in Lieu of Water fees. And, in accordance with previous years, to match the tap rates for commercial with those of the Eagle River Water and Sanitation District.
 - As we move forward with the necessary water plant upgrades rates will continue to be reevaluated with the options that are present.

- Council has discussed several times this past year that the Town is in the midst of moving forward with desperately needed Capital needs in the Enterprise Fund with the development and implementation of a much needed and complete Capital Improvement Plan (CIP). Such needs include a new water tank, a new water treatment plant, a secondary water source, and maintenance to the distribution system.

As part of this review and adoption of the CIP plan water rates, debt needs, and other sources of funding have been examined completely and will require probable rate increases, grant applications, and even the issuance of additional debt to undertake all the necessary improvements.

There are several schedules in the budget beginning on page 83 that show what we have accomplished, what is planned for 2023, and what is on the horizon. Council and Staff will continue to evaluate our system and the pressing needs with funding opportunities to help accomplish our needs and goals. Recent accomplishments are the connection of Well #4 to the Clear Well for purification purposes, near completion of new water storage tank, installation of a water loss detection system, replacement of all but the last remaining water meters in town, and much needed repairs to the plant and distribution system.

- Annual H2O water right maintenance (02-06-5352) will increase approximately 5% on top of 2022's 4% increase. The \$140,000 covers the Cross Creek flow gage station and water rights of 5acre ft, 20acre ft, and 50acre ft through the Colorado River Distirct. The gage station shows expense; however, this is split in halves. We pay the full amount and then bill 1/2 to CBS/Viacom. A final portion was historically billed to the Battle Mtn development, however they declined to fund this after 2021.
- With the pending needs in the Enterprise Fund of water plant and distribution line work, it will be important that we save where we can and manage our reserves in the coming several years. Our water rates are admittedly steep as are the expenses and the estimated capital needs, all must be weighed as best we can given that water rates were kept artificially low for decades and maintenance was deferred in anticipation of Battle Mountain providing new infrastructure.

Conservation Trust Fund (03):

- FY2023 expenditures in this fund include \$15,000 to stain and treat the wood of the Little Beach Park stage, Eagle River Park restroom, and the Town Manager's house. This maintenance is scheduled every five years or so. The work was originally scheduled for 2022 but after review it was determined to undertake this in 2023.

BUIDING FUND (04):

- FY2023 reflects a \$96,223 transfer to the Capital Fund. \$10,000 will remain in Fund 04 for fixed asset needs or to accrue for larger projects in future years. The interfund transfer will be to accommodate non-Enterprise Fund expenses.

CAPITAL FUND (06):

- The Capital Fund recognizes revenues resulting from the implementation of the Construction Use Tax and the previously noted income from the Building Fund transfer.
- Vehicles/Equipment (06-01-5249) is earmarked for 50% of the cost of a new vehicle in Public Works, the remaining 50% is budgeted as an expense in the Enterprise Fund (02). Previous direction has been to maintain a 20year rotation of the two loaders. A new loader was purchased in 2020.
- Little Beach Park (06-01-5310) is budgeted for \$260,000 as a place holder. These funds are maintained in a savings account per the previous BMD funding agreements. These funds are held only for development in Little Beach Park and will be utilized once a development plan is approved.

- Budget Review during upcoming meetings (Budget page 70):
 - 10/19/22
 - Session under Discussion and Direction for Council to discuss the budget as relates to goals and consider questions or direction from Council. This will begin with a short presentation and then discussion of major projects scheduled for
 - Q&A
 - 11/02/22
 - Public Hearing on FY2023 Budget (this is the ONLY public hearing)
 - GID public hearing and approval
 - Q&A
 - 11/16/22
 - First Reading of Budget approval Ordinances
 - Review of 2021 Supplemental Appropriations
 - Q&A
 - 12/7/22
 - Second and final reading of Budget approval Ordinances

COMMUNITY INPUT:

Staff has scheduled a Public Hearing on the budget at the November 2, 2022 Council Meeting to adopt the four Ordinances used to formally approve the budget, and the public is encouraged to contact the Council or Staff to review any questions or comments they might have. Throughout this process any comments offered will be reviewed and as directed by Council items of concern will be discussed and may be included within the final budget document. The final approval of the budget will be on December 7, 2022.

BUDGET / STAFF IMPACT:

The annual fiscal budget sets forth projected income and expenses and sets forth a plan to achieve our stated goals. The budget will appropriate reserves, revenues and expenses and set the mill levy and fees for the ensuing year.

STRATEGIC PLAN ALIGNMENT:

In accordance with Strategy #1 to practice fair, transparent, and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to accept the Fiscal Year 2023 Draft Annual Budget and set Public Hearing at 5:30pm on November 2, 2022 to be held in the Council Chambers and via ZOOM at 302 Pine St, Minturn.

ATTACHMENTS: The FY2023 Budget document is provided under separate cover from the packet and is available on the town website.



2023 BUDGET

Town of Minturn

Performance Based Budgeting is the practice of developing budgets based on the relationship between program funding levels and expected results from that program.

This budget reflects many adjustments made to the 2023 fiscal year budget. The 2023 budget highlights growth generally in revenues and specifically in sales tax. The Enterprise Fund continues to reflect income and spending reflective of a implementation of large water projects beginning with new water tanks to supply the entire system and gives eye toward an approved 10-year infrastructure and system improvement plan.

Special attention should be made to the General Fund combined Legal and Engineering (01-01-5220 thru 5222 as this combined item represents 24% of all General Fund expenses.

2023 BUDGET

TOWN OF MINTURN

True North

*Leverage Minturn's assets to benefit and maintain our funky, proud, uniquely classic mountain town where people grow roots through creating opportunities and community engagement.**

**Keeping in mind we are Minturn*

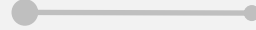


Vision and Mission

V: *Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community*

M: *In collaboration with our community, foster the authentic small-town character that is Minturn.*

Strategic Plan



“...The Strategic Plan is designed to work in coordination with the town budget and will be reviewed by the Council every year to adjust for changes as needed...”

*Minturn Strategic Plan
Purpose Statement*

4 Key Initiatives

From the Vision Statement, four key initiatives are identified to guide the Town efforts



Resolution 27 – Series 2019 – Vision Statement

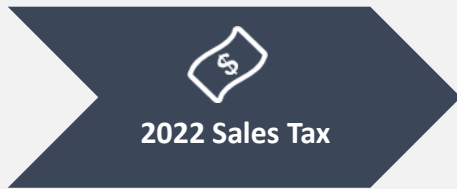
Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community

2023 General Fund Revenue

Highlights



Based on recent valuations, 2023 Property Tax Collections will **decrease by 2.07% over 2022** as a result of the bi-annual reassessment and recently passed statewide legislation.



2023 Sales tax is projected to **increase 15% over 2021 actual**



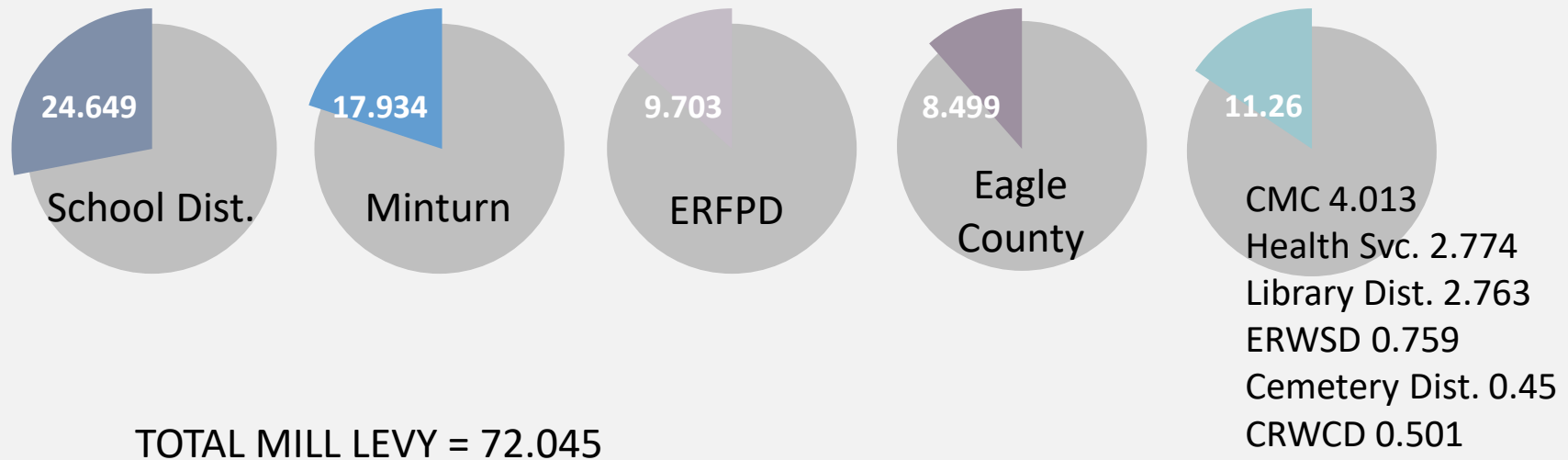
2023 Budget over 2022 Actual (estimated)
Revenue to increase 1.26%
Expenses to increase 1.17%

Simple Analysis

Minturn's 2023 budget is addressing several legal matters which may extend into the future and every effort has been made to prepare for this ongoing expense while continuing to improve the lives of Minturn's citizens.

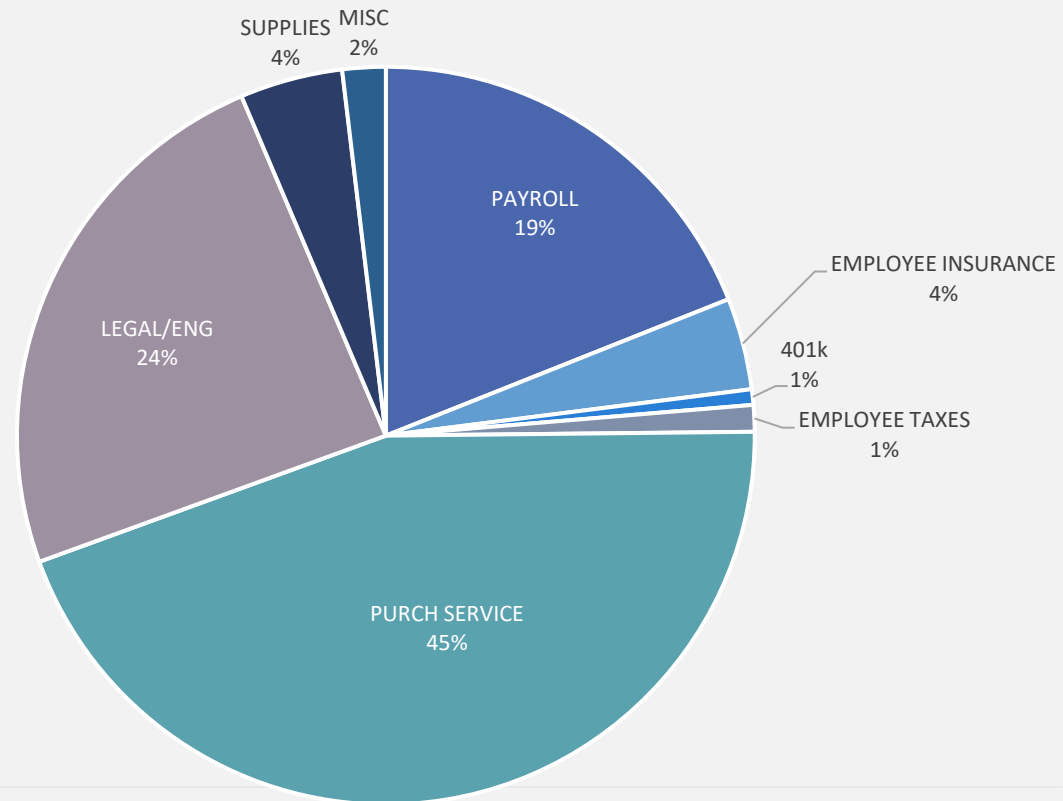
WHERE DO MY PROPERTY TAX DOLLARS GO?

Eagle County Property Tax Breakout



Property taxes are calculated by taking the mill rate and multiplying it by the assessed value of your property. Town of Minturn receives **25%** of the total of Minturn property tax dollars.

EFFECT OF GENERAL FUND LEGAL



This chart shows the effect of the legal cost in comparison to the entire General Fund expenses. Legal (and engineering) has become the single largest expense surpassing the General Fund Payroll, and is only eclipsed by the remainder of all other Purchased Services.

2023 General Fund Expenses

Unfunded Projects

Unfunded Projects

\$250k

Pine St Repairs Phase 2

Phases 2 & 3 of the Pine Street repair work is on hold until, at minimum, the town can save enough money for a grant match.

\$125k

Railroad Ave “S” Curve Safety Improvements

Safety improvements are needed to address issues on and around the “S” Curve on Railroad Ave. \$125k would be used as a grant match.

\$479k

Boulder Street Waterline Looping

Enterprise funds have been prioritized to support the construction of a new water treatment plant.

\$75k

Little Beach Park Playground Equipment

Park playground equipment has been identified by CIRSA (Minturn’s insurance company) as needing to be replaced.

2023 General Fund Expenses

Unfunded Projects Continued

Unfunded Projects

\$175k

Main St Phase 3 Sidewalk Design & Engineering

Phase 3 is the most expensive section of the Main Street connectivity project. \$175k is the estimated amount for a grant match.

\$75k

Dump Truck

Purchase a “newer” used dump truck. The town’s current trucks are models from the 1990s and continue to have issues.

\$100k

Dowd Junction Acquisition Process

This is an estimate of funds needed to cover Western Land Group’s costs to facilitate Minturn through the federal lands acquisition process.

\$250k

Snow Dragon

Portable snow melting system – in lieu of bunking and removal.

Enterprise Fund

Rate Increases 2022 vs. 2023

Fee	2022	2023	Increase
Base Water Rate	\$90.41	\$110.16	22% Increase
Volumetric Rate / 1000 gallons	\$6.83	\$8.32	22% Increase
Debt Service	\$7.81	\$17.37	122% Increase
3/4" Residential Water Tap	\$5,440.00	\$5,884.00	5% Increase
System Impact Fee <1500 square feet	\$4.47	\$4.83	5% Increase
System Impact Fee 1501-3000 square feet	\$5.64	\$6.10	5% Increase
System Impact Fee >3000 square feet (2 SFEs)	\$6.79	\$7.34	5% Increase
System Impact Fee Up to 750 square feet (.5 SFE)	\$4.47	\$4.83	5% Increase
Case in Lieu of Water Rights (per acre foot)	\$12,694.60	\$13,329.33	5% Increase



2023 Enterprise Fund

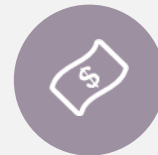
Capital Improvement Plan Years 3-5 Projects

PROJECT	DISCRIPTION	COST
Water Treatment Plant	Now membrane water treatment plant	\$Tbd
Eagle River Surface Diversion & Piping	New surface diversion (secondary water source) on the Eagle River and raw water piping	\$Tbd
Raw Water Intake Improvements	Improved intake screening for the raw water diversion on Cross Creek	\$15,000



Enterprise Fund Revenue

Based on approved 2019 Water Rate Study

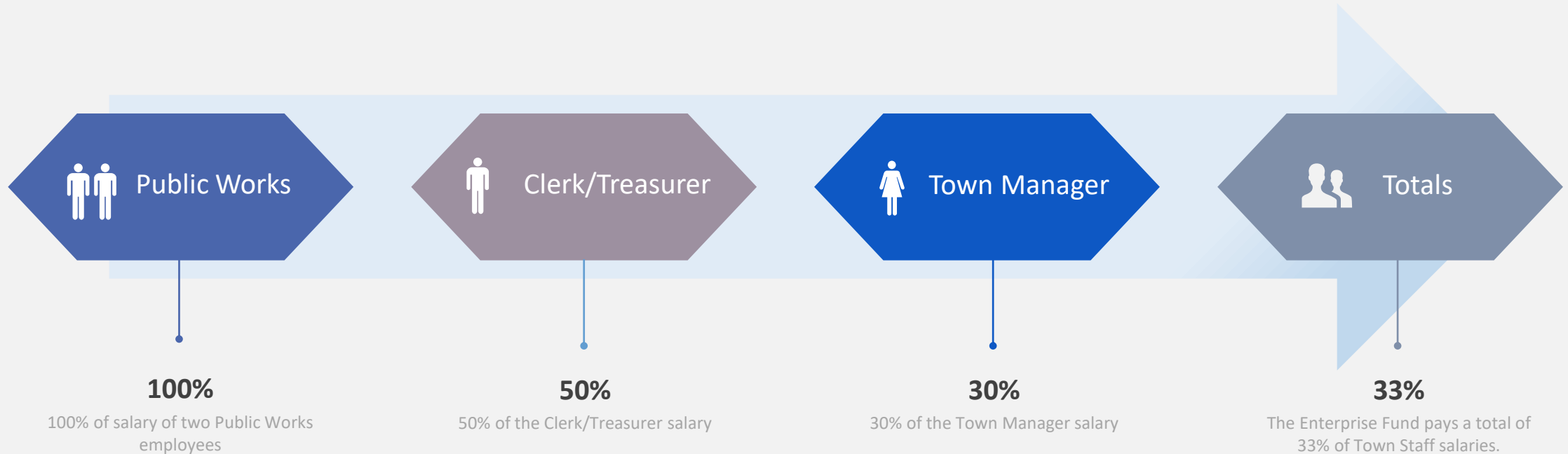


Bonds

Town issued a CIP loan of \$3,000,000 in 2022 to be used for the water tank construction and water plant design and engineering

Enterprise Fund

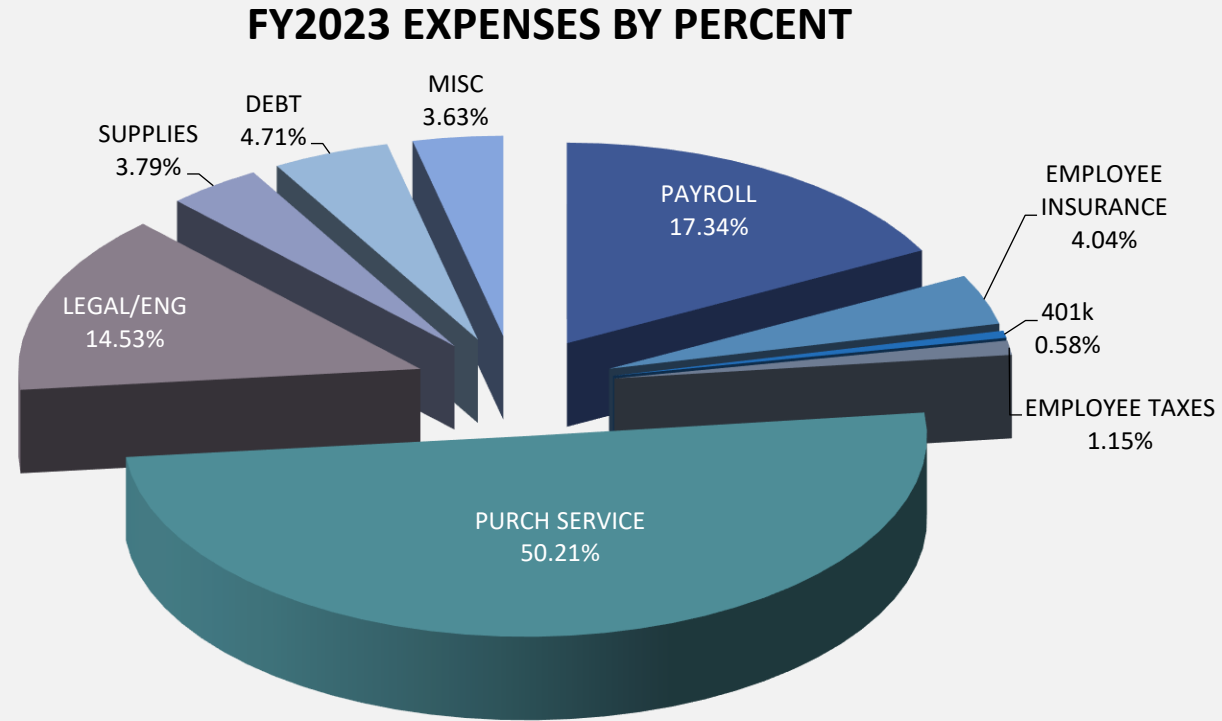
Staffing Breakout*



*An extensive 12-month time and motion study was conducted to determine how much time each member of staff commits to conducting Enterprise activity. The above does not include the contracted cost of the water plant manager. The General Fund covers 67% of all staff wages.

General & Enterprise Fund

Expenses by Percent



2023 Capital Fund

Fund 06 Highlights

Funded by Construction Use Tax and transfers from the Building Fund (04)

Includes cost to begin ramp up of Sidewalk Project Phase 2

Includes 50% of cost for Public Works equipment and truck purchase (other 50% from Enterprise Fund)

2023 Scholarship Fund

Fund 08 Highlights

Managed by a separate Board of Directors.

Council consideration to eventually remove from the Town of Minturn budget and audit.

Can be directly overseen by the Scholarship Fund which is its own 501c3

Misc. Items



Minturn Bike Park

\$12,000 has been included in the Parks budget (01-06-5357) in addition to the annual \$15k to cover capping material costs.



ECO Trail Contribution

Eagle County is constructing Minturn's section of the ECO Trail from Dowd Junction to town for a cost of approximately \$2.3M and in exchange Minturn is contributing \$50K in 2023 and (hopefully) 2024 for the completion of the ECO Trail system county-wide.



Town Hall Apartment Rent

Town Hall rent for non-employees has not been raised for 2023.



Food

No Council or Planning Commission food has been budgeted for 2023.



Staff Wage Pool set at 10% plus taxes



Lease Lot Revenue

2023 Budget includes lease revenue budgeted at \$150,950 to the GF Revenue line.



Snow Dump Revenue

2023 Budget includes a \$8,500 increase to the GF Revenue for the Minturn Snow Dump contracts.

Questions

Glenwood Springs – Main Office

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

Aspen

0133 Prospector Rd.
Suite 4102J
Aspen, CO 81611

Montrose

1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

[*Direct Mail to Glenwood Springs](#)

DATE: September 30, 2022
TO: Minturn Mayor and Council
FROM: Karp Neu Hanlon, P.C.
RE: Uintah Basin Railway Amicus Brief

The City of Glenwood Springs (also represented by Karp Neu Hanlon) is requesting other nearby local governments to join in an effort to support Eagle County’s appeal of the recent Surface Transportation Board decision approving the Uintah Basin Railway in northeast Utah. Early last year, Eagle County and all towns within the county joined onto comments to the Railway’s Environmental Impacts Statement (EIS) raising issues mostly relating to the possible reactivation of the Tennessee Pass line. While the Tennessee Pass issues are no longer at issue, some of the other potential impacts of increased traffic on the Union Pacific mainline were not sufficiently addressed in the EIS, which is part of Eagle County’s petition for review now being briefed in the Federal D.C. Circuit Court of Appeals. In coordination with Eagle County, Glenwood Springs has selected the D.C. based firm Eubanks and Associates to represent it in an *amicus curiae* (friend of the court) brief to support Eagle County’s position. The issues to be raised include potential impacts from derailment, oil spills, wildfire ignition, and idling trains.

We are recommending that the Town Council authorize the Town Attorney to join Minturn to this effort in support of Eagle County’s position and sign onto the *amicus* brief.



DOWNTOWN COLORADO, INC. PRESENTS

Downtown Capacity Building for the Town of Minturn

October 5, 2022

Our Team

CHAMPIONS + CATALYSTS



Bill Shrum

Director of Operations |
Downtown Colorado, Inc.



Kylie Brown

Rural Programs Manager |
Downtown Colorado, Inc.

ABOUT DOWNTOWN COLORADO, INC.

Colorado's downtown champion since 1982

We are the Doers.

We are committed to building downtowns that are prosperous, equitable, creative, and welcoming. United in cause, we are Colorado's downtown champions.

Downtown Colorado, Inc. provides five core services to organizations and individuals engaged in downtown + commercial district development:

- Advisory Services
- Educational Events
- Advocacy and Information
- BID, DDA, URA Formation+ Training Assistance
- Colorado Challenge Program



Our Program Areas

COLORADO DOWNTOWN
CHAMPIONS

- ADVISORY SERVICES + VITALITY CHECK UPS
- BUSINESS IMPROVEMENT DISTRICTS (BIDS)
- URBAN RENEWAL AUTHORITIES (URAS)
- DOWNTOWN DEVELOPMENT AUTHORITIES (DDAS)
- VISTA
- IN THE GAME
- COLORADO CHALLENGE PROGRAM

WHY WE LOVE DOWNTOWN



**PEOPLE ARE LONGING FOR
A PLACE NOT ONLY TO
LIVE, BUT ALSO TO LOVE.**

PETER KAGEYAMA



**Minturn
Challenge
Studio
+
Downtown
Capacity
Building**

+ DOWNTOWN TRENDS

**+ THE CASE FOR
DOWNTOWN**

**+ MINTURN CHALLENGE
PROCESS**

+ NEXT STEPS

Minturn 2022 Challenge Studio

Kickoff to the
Downtown Do-ers

DCI IN THE
GAME 2022

Summer
Projects

Challenge
Wrap-up

January, 2022

June 15, 2022

June-Aug 2022

October 2022

TRENDS WE KNOW



“Retail Apocalypse” ... Online Sales and Large Corporate Entities

Can't replace the EXPERIENCE

You don't need to own it to sell it

FUNDING OUR TOWNS

- Sales and use taxes are the primary revenue sources for Colorado municipalities.
- Cities and Towns have a vested interest to help support small business thrive
- Sometimes they create quasi-governmental districts or support non-profit associations or chambers



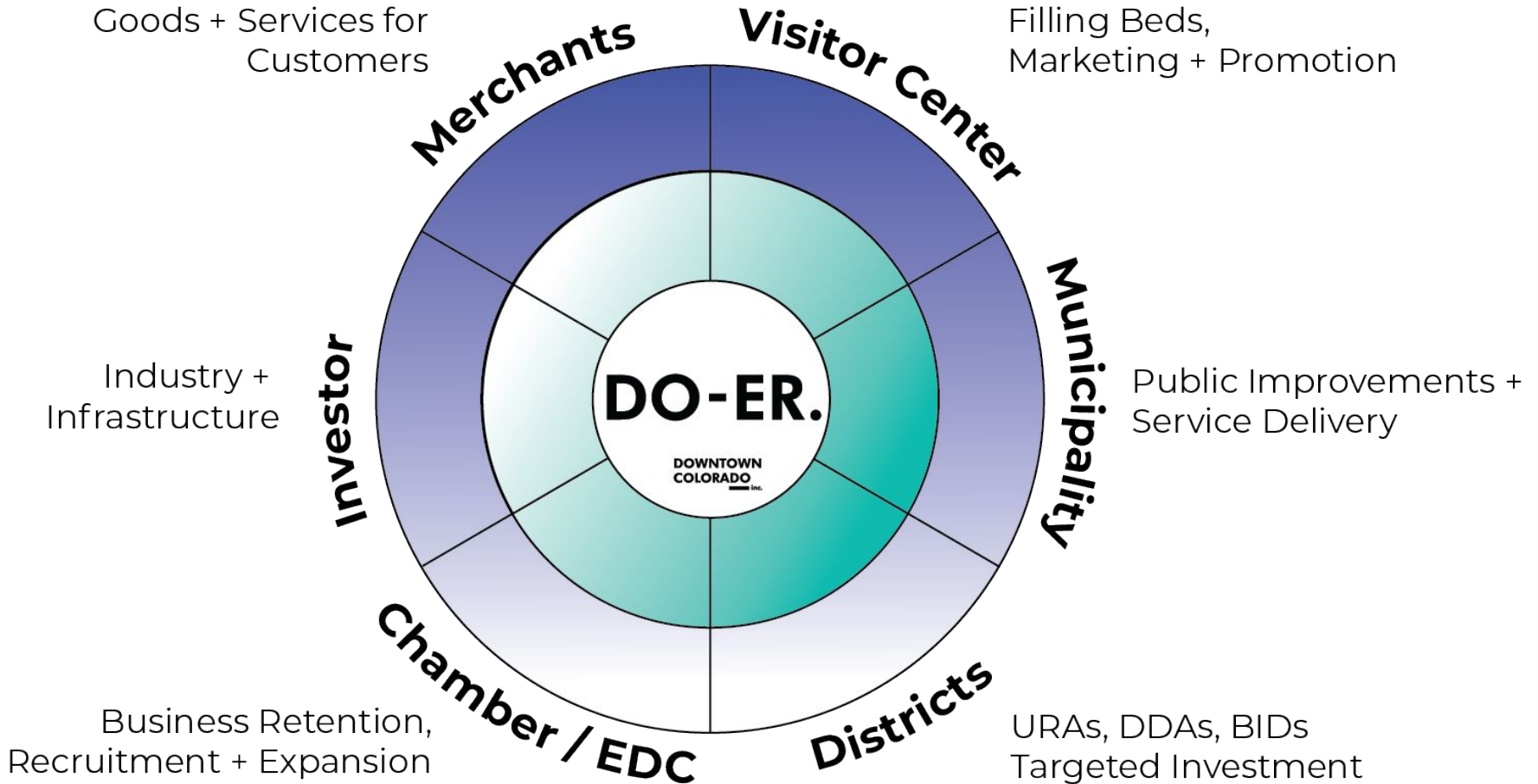
SMALL BUSINESS IS THE BACKBONE OF THE US ECONOMY

2/3 Net New Jobs

44% of US
Economic Activity



Downtown Partner Roles



Public Sector

Private Sector



Public Facing

Business Facing



WHAT IS YOUR WHY FOR DOWNTOWN

- + **RETAIL BUSINESS**
- + **SERVICE BUSINESS**
- + **RESIDENTS**
- + **PROPERTY OWNERS**
- + **WHAT DO YOU THINK?**

BENEFITS OF DOWNTOWN COLLABORATION

PROPERTY OWNERS

- + Increased occupancy rates
- + Rent stabilization or increase + Increased property values
- + Increases stability
- + Reduced vandalism / crime
- + Communication medium with other property owners
- + Better image
- + New uses on upper floors

BENEFITS OF DOWNTOWN COLLABORATION

FOR BUSINESS OWNERS

- + Increased sales
- + Improved image
- + Increased value of business
- + Coordinated efforts between local businesses and franchises
- + Quality of business life
- + Educational opportunities
- + Increased traffic
- + District marketing strategies
- + Better business mix
- + New market groups downtown
- + Have needs / issues addressed

BENEFITS OF DOWNTOWN COLLABORATION

FOR SERVICE BUSINESSES

- + Image / building improvements
- + New / renewed / repeated exposure
- + Increased variety of services
- + Healthier economy generates new + more business
- + Increased competition means more aggressive business styles
- + Tapping leakage
- + Increased population, new customers
- + Improved image creates new market

BENEFITS OF DOWNTOWN COLLABORATION

RESIDENTS

- + Community pride
- + Enhanced marketplace (better shopping and the benefits of shopping locally)
- + Social / cultural activities
- + Opportunities to keep kids in town
- + Better **communication**
- + Political advocate
- + Home values increase
- + Infrastructure, i.e. parking solutions

District Lifecycle	General Conditions	Organizational Component
Stagnant	Challenged, with high vacancies, underutilized properties, uninviting public realm and poor regional image	Grass-roots organizing, volunteer committees, tax increment financing, Local government support, both money and services, grants, earned income from development
Growing	Up and coming, with a sprinkling of new businesses, pioneering new investments and an image of a district in transition	Property or business assessments, revenue generating promotions and special events, membership dues
Mature	Established, with a strong mix of retail, restaurants and jobs, inviting public realm and strong regional image	Parking revenue, local improvement bonds, merchandising the district

STAGE DICTATES PRIORITIES

STAGNANT

- Attract new investment
- Stabilize the environment
- Create confidence among local stakeholders
- Combat regional stigma

GROWING

- Attract new businesses
- Market the area to consumers
- Beautify & improve the public realm
- Provide meaningful participation for new owners & businesses
- Convey a new emerging image

MATURE

- Retain and grow businesses
- Manage new investment
- Market the area to consumers
- Parking management
- Keep organization fresh to keep stakeholders engaged
- Strengthen a positive image



**WHERE DO
YOU SEE
MINTURN?**

+ STAGNANT

+ GROWING

+ MATURE

**WHAT PRIORITIES
RESONATED WITH YOU?**

A decorative header consisting of a repeating pattern of dark gray, three-dimensional geometric shapes that resemble stylized arches or interlocking blocks, set against a black background.

CHALLENGE STUDIO FINDINGS

COLORADO CHALLENGE

ACCELERATOR PROGRAM



DOWNTOWN COLORADO

inc.



Town of Minturn

Engagement + Explorations
of a Sustainable Downtown

DOWNTOWN
COLORADO
inc.

www.downtowncoloradoinc.org

#DCIVibrantDowntowns

COMMUNITY CHALLENGE

What is your community challenge?

The Town's primary challenge is focused on "Old Town," the Town's downtown core area, which suffers from a lack of unified effort and a collective vision for improvement, business development, retention, and revitalization honoring the historic character of Old Town.

TOOLS AND RESOURCES

What are the most important tools and resources to address your challenge?

- Continue working with DCI
- Media (Local media and social)
- Leveraging Partnerships
- Grant opportunities
- Events (e.g. "Murder on Main Street")

WHAT HAPPENS IF YOU'RE NOT SUCCESSFUL?

- Minturn will continue to lag behind the other communities in Eagle County
- Minturn will fail to harness investment in the 100 block

Why is this important right now?

- We have access to significant opportunities right now:
 - Funding availability
 - Outside support (DCI, DOLA)
 - Timing - Coincides with the Community Plan Update and 100 Block Design Guidelines

WHAT DOES SUCCESS LOOK LIKE?

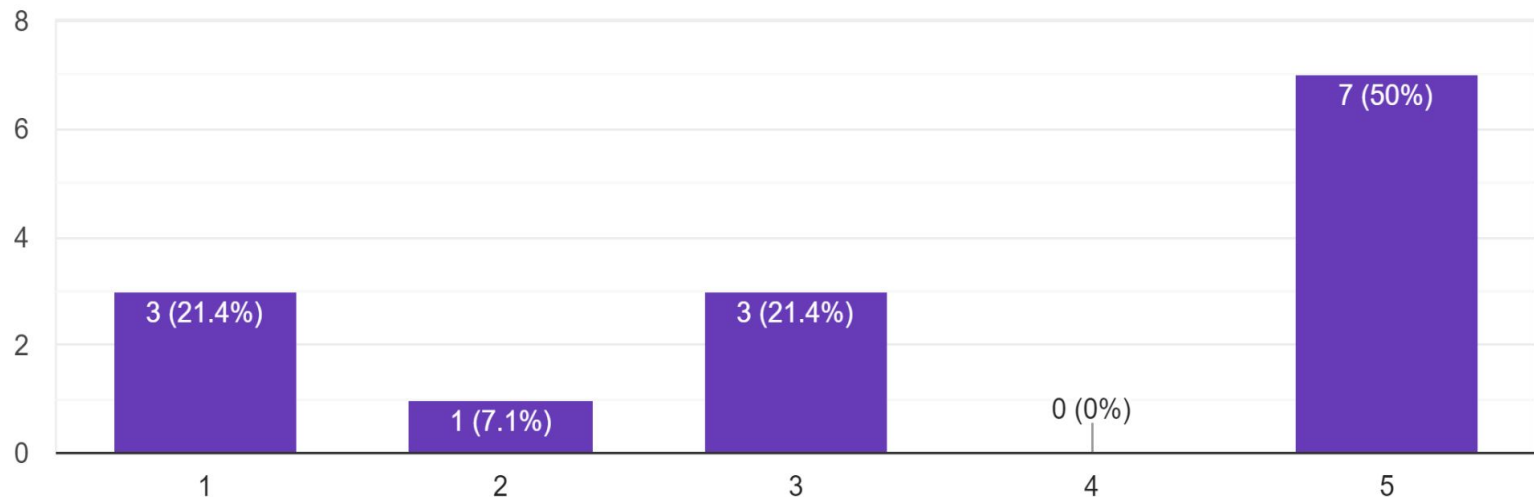
How will the actions you take address your community challenge?

- Leadership creation, capacity, and collective visioning
- Expanded and improved amenities
- Collective marketing and business support
- Formation of a downtown organization
- Leverage existing assets

Collective Marketing + Business Support

Should the Downtown Doers Group aggressively pursue "Collective Marketing and Business Support"?

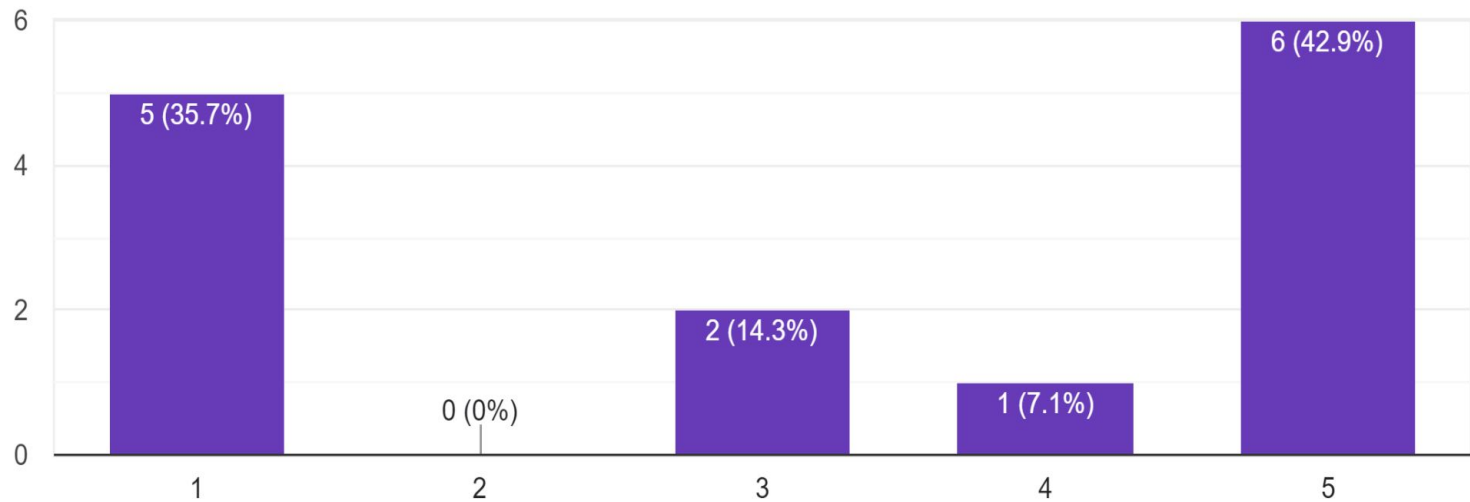
14 responses



Downtown Organization

Should the Downtown Doers Group aggressively pursue "Formation of a Downtown Organization"?

14 responses





**NEXT STEPS FOR
DOWNTOWN MINTURN**

WHAT DOES SUCCESS LOOK LIKE?

How will the actions you take address your community challenge?

- Leadership creation, capacity, and collective visioning
- Expanded and improved amenities
- Collective marketing and business support
- Formation of a downtown organization
- Leverage existing assets

POPULAR BUSINESS DISTRICTS

	BID	DDA	URA
<small>Source: Modified from "BID, DDA OR URA: How to Decide?" by Carolynne C. White of Brownstein Hyatt Farber Schreck, 2008.</small>			
PURPOSE	Economic Development and beautification.	Urban development or redevelopment.	Stimulate Reinvestment to improve economic conditions.
BASIC FUNCTIONS	Acquire, finance, install and operate public improvements, including but not limited to: streets, sidewalks, curbs, pedestrian malls, landscaping, statuaries, fountains, bike paths, benches, information booths, public meeting facilities.	Implement a plan of development for the downtown development area, which could include events, beautification, business support, and more.	Carry out "urban renewal projects;" plans to assist the municipality . . .to eliminate and prevent the development or spread of slum and blighted areas; to encourage needed urban rehabilitation; provide for the redevelopment of such areas; providing public improvements; encouraging rehabilitation and repair; [...] plans for voluntary repair and rehabilitation.
FUNDING & FINANCING	May impose: ad valorem property taxes, rates and charges for services or improvements, and special assessments. Functions as a taxing authority. Cannot use TIF.	May use TIF funding for sales and property tax for a period of 30 years, and/or impose mill levy up to 5 mills within the downtown development area for operations of the DDA.	May use TIF funding for sales, lodging, and property tax for a period of 25 years. May buy, sell, or manage property. May receive grants and allocations from partner programs.
PROPERTY ACQUISITION & DISPOSAL	Does not own property.	May acquire property through sale or gift. May sell at fair market value.	May acquire property through sale, gift, or eminent domain. Must dispose of <u>through reasonable competitive bidding procedures</u> . Special procedures apply for property acquired through eminent domain to be transferred to a private party.
BOUNDARIES	Dominantly Commercial District (50% of uses) or future commercial district.	Downtown district.	Same boundary as municipality; may designate districts for TIF.

DOWNTOWN EAGLE DDA

- Why do they manage downtown?
- What are the different tools in Eagle's Toolbox?
- Who are the partners + how do they work together?



Eagle Downtown Support

- Ballot Question of Special Electors
- Plan of Development - Council Ratified
- Debt Authorization - Informed by pro forma



- Business Community Support
- Regulatory Environment
- Communications
- Experience Economy
- Access + Mobility
- Creative Placemaking

Minturn 2022 Challenge Studio

Kickoff to the
Downtown Do-ers

January, 2022

DCI IN THE
GAME 2022

June 15, 2022

Summer
Projects

June-Aug 2022

Challenge
Wrap-up

October 2022

A decorative header consisting of a repeating pattern of dark gray, three-dimensional geometric shapes, possibly cubes or rectangular prisms, arranged in a row.

Questions?

We are fun

AND WE INVITE OUR
MEMBERS TO JOIN US



REGULAR PEER
MEETINGS



TRAINING,
DIRECTORY +
BOARD MANUAL



OPPORTUNITIES
TO LEAD



MOST FUN
EVENTS EVER



To: Minturn Town Council
From: Michelle Metteer
Date: October 5, 2022
RE: Town Manager Update

Congressionally Directed Spending Funds

Thanks to the support of our state representatives, I was able to participate on a call with the Colorado Department of Public Health and Environment, the Colorado Rural Water and Power Development Authority and the EPA. During this call I was updated that processes will be in place for Minturn to either apply to receive funds retroactively for the water tank, although this process could be quite cumbersome, but more likely, Minturn will have the opportunity to apply to have the \$1M go toward a new water infrastructure project.

Water Tank Progress

Progress continues to be made on the new concrete water tank. See SGM's construction observation reports included.

Water Meter Replacement Program

Public Works is almost done installing new water meters throughout town. Due to not getting a grant to cover installation work, and not having the funds to hire-out such a large project, public works has been removing all the old meters and installing new meters throughout every structure in town over the last three years. Arnold Martinez and his team have done an amazing job and they're down to the last 25 meters to replace. Almost there!

Water Treatment Plant Update

Considerations for the location of the water treatment plant as well as the surface diversion intake continue to be reviewed. The next step is to bore holes which will help determine the ability to utilize the locations being considered for the infrastructure. Simultaneously, work has started on the project needs analysis which will be utilized in the initial discussions with CDPHE and the State Revolving Loan Fund program. The first draft of the financial analysis has also been conducted. That document is still in draft form however it identifies the need for multiple loans, limited grant opportunities and most likely higher interest rates than the town saw for the water tank project.

Eagle River Water & Sanitation District

Linn Brooks is retiring at the end of 2022. Siri Roman, current operations manager for ERWSD has been named as Linn's replacement. I'm fortunate to already have a very positive relationship working with Siri and look to continue that work in her new role. Linn is scheduling a meeting with Siri and I in the coming weeks to being the transition.



MEMORANDUM

TO: Michelle Metteer, Town Manager
FROM: Ryan Gordon, PE
DATE: September 23, 2022
SUBJECT: Construction Observation week ending September 23, 2022

I was on-site during the week ending September 23 to observe the concrete pour for the wall slots, the forming and erecting false work for the concrete tank domed roof. The walls were erected the previous week and the space between was filled with concrete this week. The metal backing was sand blasted to remove imperfections prior to being placed to bridge the gap.

The dome is being formed in anticipation to pour the roof next week. False and scaffolding has been erected. Reinforcement for the roof will be placed early next week and the concrete for the roof is anticipated on September 29.



Figure 1 – Wall gap metal supports



Figure 2 – Pumping concrete for wall slots



Figure 3 – Scaffolding and formwork for domed roof



Figure 4 – Wood backer at wall slots



Figure 5 – Forming of dome roof



MEMORANDUM

TO: Michelle Metteer, Town Manager
FROM: Ryan Gordon, PE
DATE: September 30, 2022
SUBJECT: Construction Observation week ending September 30, 2022

I was on-site during the week ending September 30 to observe inspect roof reinforcement and to observe the pouring of domed roof. Reinforcement for the roof was completed on September 28. Reinforcement was provided per the design drawings. Note that DN Tanks had installed the necessary safety and fall protection.

Falsework and supports for the roof will be removed over the weekend and on Monday. The wire winding and shotcrete around the outside of the tank will begin on Monday (10/3) or Tuesday (10/4) and should be completed by the end of the week.



Figure 1 – Pouring roof



Figure 2 – Finished roof

Jay Brunvand
 Clerk/Treasurer
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 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
October 5, 2022
Joint Session – Historic Preservation Commission/Minturn Town Council
Acceptance of the FY2023 Budget
Executive Session – Battle Mountain
Discussion/Direction - Downtown Colorado Inc. – Downtown Development Authority
Uintah Rail Line Support - MJS
October 19, 2022
Minturn Shooting Range Discussion – Keystone Policy Center
Ordinance 11 – Series 2022 (Second Reading) An Ordinance creating 100 Block Design Guidelines – Hunn
Executive Session – Battle Mountain
FY2023 Budget Discussion: Highlights and Special Projects
Wildfire mitigation update
Resolution ___ - Series 2022 A Resolution Establishing Procedures Governing Actions of the Town Council for the Town of Minturn
November 2, 2022
Ordinance ___ - Series 2022 – Water Wise Guidelines
Executive Session – Battle Mountain
FY 2023 Budget – Public Hearing
Eagle County Community Wildlife Roundtable Presentation
Resolution ___ - Series 2022 A Resolution Approving the 2022 Minturn Community Plan
November 16, 2022
FY 2023 1 st reading of Budget Ordinances
Discussion/Direction - School District Cash in Lieu Fee
Proclamation – Eagle County Gives Day – John Weiss
Little Beach Park Plan Review – Zehren & Associates
December 7, 2022
Fy 2023 2 ND reading of Budget Ordinances
Groundwater Cleanup update – Shop & Hop
DATE TO BE DETERMINED

January 18, 2023 – Review Renewal of Ordinance 05 – Series 2020; An Ordinance Implementing a Water Tap Moratorium
Chapter 16 Zoning Amendments
Assessment of UPRR property and possible
Potential legislation regarding Mobile homes