



**Planning Commission Agenda  
Wednesday January 12, 2022 – 6:30 PM  
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](http://www.minturn.org).

**MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION**

1. This will be Zoom Meeting ONLY. Zoom Link: <https://us02web.zoom.us/j/81801300979>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 818 0130 0979**

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 Madison Harris, Planner I, prior to the meeting and will be included as part of the record.

**CALL TO ORDER**

**ROLL CALL & PLEDGE OF ALLEGIANCE**

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

**DECLARATION OF CONFLICTS OF INTEREST**

**APPROVAL OF MINUTES**

1. December 8, 2021

**PUBLIC COMMENT** *Citizens are invited to comment on any item 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 Planner. Those who are speaking are requested to state their name and address for the record.*

**PLANNING COMMISSION COMMENTS**

**DESIGN REVIEW AND LAND USE PUBLIC HEARINGS**

1. Ordinance No. (TBD) – Series 2022 – An ordinance of the Town of Minturn, Colorado, amending Chapter 16 of the Minturn Municipal Code to provide for the rezoning of the Old

Town Residential Zone District, the South Town Residential Zone District, the Martin Creek Residential Estate Zone District, the Cross Creek Residential Zone District, Game Creek Residential Zone District, and the Willow Creek, Rock Creek, and Holy Cross Residential Zone Districts for the Purpose of Aligning with State Statute Concerning Day Care Homes.

**PROJECTS AND UPDATES**

1. Community Plan Update

**FUTURE MEETINGS**

1. January 26, 2022
2. February 9, 2022

**ADJOURN**



**Planning Commission Official Minutes  
Wednesday December 8, 2021  
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 and times of agenda items listed are approximate. This agenda and meetings can be viewed at [www.minturn.org](http://www.minturn.org).

**MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION**

1. 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/82824112565>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 828 2411 2565**

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 Madison Harris, Planner I, prior to the meeting and will be included as part of the record.

**CALL TO ORDER – 6:30 PM**

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

**ROLL CALL & PLEDGE OF ALLEGIANCE**

Those present at roll call: Planning Commission Chair Lynn Teach and Planning Commission Members Elliot Hovey, Chris Manning, and Jeff Armistead.

Staff Members Present: Town Planner Scot Hunn, Town Manager Michelle Metteer, and Planner I Madison Harris.

*Note: Planning Commissioners Jena Skinner and Tom Priest are excused absent.*

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

Motion by Jeff A., second by Chris M., to approve the agenda as presented. Motion passed 3-0.

*Note: Elliot H. is attending in his status as an alternate.*

*Note: Planning Commissioners Jena Skinner and Tom Priest are excused absent.*

**DECLARATION OF CONFLICTS OF INTEREST**

No conflicts of interest.

**APPROVAL OF MINUTES**

1. November 10, 2021

Lynn T. had a correction – “lunch” to “food”.

Motion by Chris M., second by Jeff A., to approve the minutes as amended. Motion passed 3-0.

*Note: Elliot H. is attending in his status as an alternate.*

*Note: Planning Commissioners Jena Skinner and Tom Priest are excused absent.*

**PUBLIC COMMENT – 6:35 PM** *Citizens are invited to comment on any item 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 Planner. Those who are speaking are requested to state their name and address for the record.*

No public comment.

**PLANNING COMMISSION COMMENTS – 6:40 PM**

Jeff A. made a comment on the situation at 151 Main Street.

**DESIGN REVIEW AND LAND USE PUBLIC HEARINGS – 6:45 PM**

1. Ordinance No. (TBD) – Series 2021 – An ordinance of the Town of Minturn, Colorado, amending Chapter 16 of the Minturn Municipal Code to provide for the use and regulation of chickens in the Town continued from November 10, 2021.

Scot H. introduced the topic. This is a continuance of a hearing from November 10, 2021. Based on recommendations from the committee formed, the ordinance has been updated to better reflect those comments.

Chris M. likes the changes.

*Note: Tom Priest joined the Planning Commission meeting at 6:51 pm.*

Public comment opened.

Matt Scherr, 511 Main Street.

Thanked staff for putting this together. Has specific questions/comments. Would like clarity on encroaching in the setback if there is no neighbor to get permission from. Would like to know the reasoning behind the 120 sq. ft. coop and run. Would like to get clarity on the slaughter provision. Would assume that enforcement for ongoing operations would have go by complaints.

Ken Chadwick, 442 Taylor Street.

Have helped with educational purposes. Found that they needed to have at least 20 chickens, otherwise there was a frostbite problem. Would like clarity on how the neighbors fill in on this.

Daren Tucholke, 530 Taylor

Has never had a problem in the 25 years the Chadwick's have kept chickens next to them. Doesn't want to see a stripping of rights for people to feed their family. Thinks "slaughter" should become "process" or "dispose" or "manage". Thinks we should change this to "birds" rather than "chickens" to allow quail and turkeys.

Jessica Strauzen, 492 Taylor

Beneficiaries of the education that Mr. Chadwick spoke of. Never experienced any smell or noise. Being able to include quail and other birds is important. Having fresh eggs and being able to share with your neighbors is a wonderful thing.

Public comment closed.

Jeff A. stated that his family has had chickens for 6-7 years. Agrees with the Chadwick's and Mr. Tucholke. Thinks the ordinance should be widened to birds rather than just chickens. The section requiring permission from neighbors needs clarity. He doesn't have a problem with 15-20 birds. "Slaughter" is probably not the appropriate word.

Elliot H. grew up with chickens which was a character building experience so it is a good opportunity for the youth of Minturn. Agriculture is in our roots and raising birds is a part of that. He would consider a higher number over a lower number.

Chris M. agrees with Jeff A. and Elliot H. He is ok with changing it to include other birds. Would like clarity on the setback/neighbor issue as well. Would like to look at the square footage of the coop and run more.

Tom P. assumes definition of neighbor would be immediate properties. Thinks quantity should work from square footage of run/coop and how much space required by type of bird and ventilation.

Lynn T. has no trouble with increasing the amount of birds. The bigger the property could allow more birds. Would like to look more into the amount of space allowed. Would like to get rid of "slaughter", and would like clarify the way the processing is allowed. Thinks there needs to be more definition for adult (21 yrs). Concerning Sec. 16-2-20 – in the definition of free-range she would like to add "permitted property". Director should be Planning Director. She questions allowing it in the front yard.

Michelle M. would like some type of ability to address a loud/noisy bird. Staff will need to better define the word "facility". Requests doing away with limit of birds and instead put the limiting factor on the coop size. She clarified several more points with the Planning Commission.

Public comment was reopened.

Susan Chadwick, 442 Taylor Street.

Her quail coop is in a rabbit hutch. The turkeys and the chickens live together. Pheasants and a chucker live together. They all need different amounts of space.

Public comment was closed.

Lynn T. said that this mostly comes down to responsibility. Would also like a trial period of 10 birds.

- Jeff A. and Tom P. disagree.

Elliot H. would like there to be consideration for those who already have birds and exempt

them from this ordinance.

Tom P. believes we can rely on the noise ordinance to rule roosters and so should be allowed.

- Jeff A. and Elliot H. agree.

Motion by Jeff A., second by Chris M. to recommend approval to the Town Council of Ordinance No. (TBD) – Series 2021 – An ordinance of the Town of Minturn, Colorado, amending Chapter 16 of the Minturn Municipal Code to provide for the use and regulation of chickens in the Town with the changes discussed herein. Motion passed 4-0.

*Note: Elliot H. is attending in his status as an alternate.*

*Note: Planning Commissioner Jena Skinner is excused absent*

*Note: 5 minute recess called at 8:12 pm.*

### **PROJECTS AND UPDATES – 7:30 PM**

1. Community Plan Update  
Sub-committee volunteers – Jeff A. and Elliot H.

### **FUTURE MEETINGS – 7:40 PM**

1. December 22, 2021
2. January 12, 2022

### **ADJOURN**

Motion by Chris M., second by Jeff A., to adjourn the regular meeting of December 8, 2021 at 8:36 pm. Motion passed 4-0.

*Note: Elliot H. is attending in his status as an alternate.*

*Note: Planning Commissioner Jena Skinner is excused absent*

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Lynn Teach, Commission Chair

ATTEST:

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Scot Hunn, Planning Director

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



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

**To:** Town of Minturn Planning Commission  
**From:** Scot Hunn, Planning Director  
**Date:** January 8, 2022  
**Re:** Chapter 16 - “Family Child Care Home” Text and Zoning Amendment Ordinance

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At the direction of the Minturn Town Council and the Town Attorney, staff is presenting a draft ordinance to amend certain sections of Chapter 16 - *Zoning*, of the Minturn Municipal Code to align with recently passed State of Colorado legislation.

In June, 2021, the State of Colorado Legislature passed HB-21-1222, an act to align “local governing authority regulations to expand opportunities to access child care in family child care homes.” Accordingly, this bill requires local jurisdictions to ensure that their land use regulations and zoning codes are aligned with the new state law.

Two primary areas of revision proposed within this ordinance will: 1) add a new section under Chapter 16, Article 17 - *Supplemental Regulations*, specifying that “Family Child Care Home” uses shall be treated as uses ‘by right’ within all residential zone districts; and, 2) revise existing definitions contained within Chapter 16, Article 2 - *Definitions*, in accordance with the State’s definitions.

**HB-21-1222 and Allowing for Family Day Care Home Uses in Residential Zone Districts**

In accordance with HB-21-1222, local governments are now required to make specific provisions within their land use regulations and zoning codes for “Family Child Care Homes” to expand access to such uses. Specifically, local governments are compelled to remove or reduce barriers to access to family child care homes; such uses are to be treated the same as residential uses. Per guidance provided by Ms. Joely Denkinger of the Town Attorney’s office:

*“During the 2021 session, the legislature passed HB-21-1222 (available [here](#)), which requires local governing authorities to “treat family child care homes as residential property use in the application of local regulations,” including zoning, land use, development, fire & safety, sanitation, and building code regulations.*

- *The law provides that “local governing authorities shall not impose any additional regulations governing family child care homes that do not also apply to other residential properties.”*

- *The law does preserve some local authority and allows local governments to, “on a case-by-case basis,” prohibit or manage the traffic and parking related to two large family child care homes immediately adjacent to one another.*

*“For reference, Colorado law defines a “family child care home” as “a facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for children under the age of eighteen years who are not related to the head of such home.” (C.R.S. 26-6-102) (Note that this is different from a “child care center” which is usually a commercial or non-profit day care center that is run out of a separate facility, and not out of someone’s residence.)”*

For this reason, this ordinance will amend Chapter 16 - *Zoning*, to ensure that “Family Child Care Homes” are permitted as uses ‘by right’ within each of the Town’s residential zone districts while not fundamentally changing the Town’s ability to regulate or treat “Day Care Centers” as commercial ventures.

### **Definitions**

At the advice of the Town Attorney, this ordinance proposes to amend and/or add certain definitions within Chapter 16, Article 2 - *Definitions*, to align with new State law and the State’s definitions. Here is what changes:

- Replaced the definition of “Day Care Home” with a new definition for “Family Child Care Home”
- Updated the definition for “Day Care Center” to align with the most recent State definitions and requirements (reducing the threshold number of unrelated children in such commercial facilities from seven to five).

### **Supplemental Regulations**

Article 17 - *Supplemental Regulations*, currently provides specific regulations and standards for certain uses and improvements within the Town of Minturn. In order to best meet the intent of the new State law, staff has been advised to add a new section of Article 17 specific to “Family Child Care Home” uses specifying that such uses shall be treated the same as residential uses. Therefore, this ordinance proposes to create Section 16-17-220 - *Family Child Care Homes* rather than adding the same as a line item to each of the various Use Tables that exist for each residential zone district in the current Chapter 16.

### **Day Care Center as Limited Review Use**

Currently, Chapter 16 permits “Day Care Centers” by Limited Review Use in the Old Town and South Town Character Areas. In accordance with current State definitions of “Day Care Center” staff is proposing to amend specific Limited Review Use standards in both zone districts to reflect a change in the threshold number of children under care at such facility (the minimum number of children needed to classify the use as a “center”) from seven (7) to five (5). Such centers will still be regulated via the Limited Review Use process as a commercial venture.



TOWN OF MINTURN, COLORADO  
ORDINANCE NO. \_\_\_ – SERIES 2022

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 16 OF THE MINTURN MUNICIPAL CODE TO PROVIDE FOR THE REZONING OF THE OLD TOWN RESIDENTIAL ZONE DISTRICT, THE SOUTH TOWN RESIDENTIAL ZONE DISTRICT, THE MARTIN CREEK RESIDENTIAL ESTATE ZONE DISTRICT, THE CROSS CREEK RESIDENTIAL ZONE DISTRICT, GAME CREEK RESIDENTIAL ZONE DISTRICT, AND THE WILLOW CREEK, ROCK CREEK, AND HOLY CROSS RESIDENTIAL ZONE DISTRICTS FOR THE PURPOSE OF ALIGNING WITH STATE STATUTE CONCERNING DAY CARE HOMES.

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

**WHEREAS**, the State of Colorado passed into law HB-21-1222 to expand opportunities to access child care in family child care homes, which requires local governing authorities to “treat family child care homes as residential property use in the application of local regulations,” including zoning, land use, development, fire & safety, sanitation, and building code regulations; and

**WHEREAS**, the law provides that “local governing authorities shall not impose any additional regulations governing family child care homes that do not also apply to other residential properties;” and

**WHEREAS**, the law does preserve some local authority and allows local governments to, “on a case-by-case basis,” prohibit or manage the traffic and parking related to, two large family child care homes immediately adjacent to one another; and

**WHEREAS**, Town Council has directed staff to draft text amendments to Minturn Municipal Code Chapter 16, the Town Land Use Regulations, in accordance with HB-21-1222, as provided herein; and

**WHEREAS**, on January 12, 2022 the Minturn Planning Commission recommended approval of this ordinance; and

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

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

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

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

**ARTICLE 2 - Definitions, Illustrations and Lot Standards**

\* \* \*

**Sec. 16-2-20. - Definitions.**

~~Day care home means a licensed residence or facility which provides regular care and supervision, for an entire day or a portion of a day, for more than two (2) but not more than six (6) children who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care.~~

Day care center means a licensed facility which provides regular care and supervision, for an entire day or a portion of a day, for ~~seven~~ five (75) or more children who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care.

Family child care home means a facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for up to twelve (12) children who are not related to the person or persons providing the care, as defined and regulated by the Colorado Department of Human Services Child Care Facility Licensing regulations, whether such facility is operated with or without compensation for such care.

\* \* \*

**ARTICLE 6 - Old Town Character Area**

\* \* \*

**Sec. 16-6-80. - Old Town Character Area limited use standards.**

\* \* \*

(h) Day care center.

\* \* \*

(2) Size: ~~Seven~~ Five (75) or more children shall be permitted; however, the applicant shall demonstrate that the size of the facility is suitable for the number of children permitted.

\* \* \*

**ARTICLE 7 - South Town Character Area**

\* \* \*

**Sec. 16-7-70. - South Town Character Area limited use standards.**

\* \* \*

(g) Day care center

\* \* \*

(2) Size: ~~Seven~~ Five (75) or more children shall be permitted; however, the applicant shall demonstrate that the size of the facility is suitable for the number of children permitted.

\* \* \*

**ARTICLE 17 - Supplemental Regulations and Standards**

\* \* \*

**Sec. 16-17-220. - Family child care homes.**

Family child care homes will be treated as residential properties in all residential zone districts within the Town of Minturn.

\* \* \*

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE \_\_\_\_ DAY OF \_\_\_\_\_ 2022. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2021 AT \_\_\_\_ p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

\_\_\_\_\_  
Earl Bidez, Mayor

ATTEST:

By: \_\_\_\_\_  
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS \_\_\_ DAY OF \_\_\_\_\_ 2022.

TOWN OF MINTURN, COLORADO

\_\_\_\_\_  
Earl Bidez, Mayor

ATTEST:

By: \_\_\_\_\_  
Jay Brunvand, Town Clerk