



**Planning Commission Agenda
Wednesday May 25, 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 and times 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/81349127629>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 813 4912 7629**

Please note: all virtual participants are muted. In order to be called upon and be 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.

1. **CALL TO ORDER – 6:30 PM**
2. **ROLL CALL & PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA** *Opportunity for amendment or deletions to the agenda.*
4. **DECLARATION OF CONFLICTS OF INTEREST**
5. **APPROVAL OF MINUTES**
5.1 May 11, 2022
6. **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.*
7. **PLANNING COMMISSION COMMENTS**
8. **DESIGN REVIEW AND LAND USE PUBLIC HEARINGS**
8.1 994 Main Street – Alford Residence – New Single Family Home

8.2 Ordinance TBD – Series 2022 an ordinance of the Town of Minturn amending the Minturn Municipal Code to establish a Chapter 19 for Historic Preservation

9. FUTURE MEETINGS

9.1 June 8, 2022

9.2 June 22, 2022

10. ADJOURN



**Planning Commission Official Minutes
Wednesday May 11, 2022 – 6:30 PM
Minturn Town Hall / Council Chambers
302 Pine St Minturn, CO**

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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/82939163079>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 829 3916 3079**

Please note: all virtual participants are muted. In order to be called upon and be 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.

1. CALL TO ORDER – 6:30 PM

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

2. ROLL CALL & PLEDGE OF ALLEGIANCE

Those present at roll call: Planning Commission Chair Lynn Teach and Planning Commission Members Michael Boyd, Elliot Hovey, Jeff Armistead, and Tom Priest.
Staff Members Present: Town Planner Scot Hunn and Planner I Madison Harris.

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

Motion by Jeff A., second by Elliot H., to approve the agenda as presented. Motion passed 5-0.

4. DECLARATION OF CONFLICTS OF INTEREST

No Conflicts of Interest.

5. APPROVAL OF MINUTES

5.1 April 26, 2022

Madison H. corrected a clause that said Elliot H. had not attended the meeting.
Michael B. corrected on pg 2 there should be more parking incentives towards commercial than residential.

Jeff A. corrected on pg 3 “Maximum” to “minimum”.

Motion by Jeff A., second by Michael B., to approve the minutes as amended. Motion passed 5-0.

6. **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.*
No public comment.

7. **PLANNING COMMISSION COMMENTS**

Jeff A. would like to spread the word about the GoPro event on June 8.

8. **APPOINTMENT OF THE VICE-CHAIR**

While it does not happen often, sometimes there are unavoidable conflicts where the Planning Commission Chairperson cannot make the scheduled meeting. Appointing a Vice Chair allows that person to run the meeting in the Chair’s stead. There are no pre-qualifications that the Vice Chair has to have, such as number of years sitting on the Planning Commission. This appointment is a vote by the Planning Commission members.

Motion by Lynn T., second by Michael B., to appoint to Jeff A. to Vice Chair of the Planning Commission. Motion passed 4-0.

Note: Jeff A. abstained from the vote as he was the one nominated.

9. **DESIGN REVIEW AND LAND USE PUBLIC HEARINGS**

9.1 146 North Main Street – The Saloon – Changes to Approved Plans

Madison H. introduced the project. The Applicant is proposing to move the door and two of the windows that were previously approved. Fairly minor over all, but needs the Planning Commission’s approval.

Nick Brechtel, Pierce Austin Architects, Vail.

Doing some minor updates changing the layout of the transom windows and swapping a window and a door, and reducing the proposed size of the second window from the North side. Proposing fire pit on the patio.

Public Comment opened.

No public comment.

Public Comment closed.

Motion by Tom P., second by Jeff A., to approve the modifications to approved plans for 146 North Main Street – The Saloon. Motion passed 5-0.

9.2 76 Meek – Wilson Residence – Changes to Approved Plans

Scot H. introduced the project. This garage has received approval from the Planning Commission in August 2021, but due to a faulty survey, the placement of the garage in relation to the lot lines had to change. The garage currently violates the side and rear setback, so cannot be torn down without coming into conformance. This is similar to a

project that has been approved in the past. They need to maintain the current walls in order to maintain the current footprint of the building as it is a non-conforming structure. They do need to change the note on their plans to reflect this path forward of maintaining the walls as they cannot come down. We are also requesting the applicant to provide a land survey plat to the Town during construction of the garage renovation – at framing and prior to any Temporary Certificate of Occupancy Inspection – including spot elevations at exterior walls, building corners, and roof overhangs to ensure that the project does not expand or exacerbate existing nonconformities.

Tom Warzecha, 221 Main St

Would only like to build this if it is viable. The current structure isn't useful for parking two cars. Planning to point load it.

Jeff A. asked how many exterior walls are going to be removed and how many will remain.

- Mr. Warzecha said that the front wall will need to be replaced but the other walls will stay and the finishings will stay.

Elliot H. asked about the snow storage in the Town ROW.

Michael B. is ok with this project.

Tom P. is ok with this.

Public Comment opened.

Any written public comment received prior to the meeting will be included as an addendum to these minutes.

Public Comment closed.

Motion by Jeff A., second by Elliot H., to approve with conditions the changes to approved plans for 76 Meek Avenue – Wilson Residence. Motion passed 5-0.

1. Applicant shall update plans prior to or concurrent with any building permit application to verify and confirm that existing exterior walls and building foundation are to remain in order to comply with the Town's nonconformities regulations.
2. The Applicant shall provide a land survey plat(s) to the Town during construction of the garage renovation - at framing and prior to any Temporary Certificate of Occupancy Inspection by the Town Building Inspector - including spot elevations at exterior walls, building corners, and roof overhangs (at the eave line) to ensure that the project does not expand or exacerbate existing nonconformities.
3. The Applicant shall show all snow storage inside their property lines.

9.3 386 Taylor Avenue – Major Residence – New Single Family Home

Madison H. introduced the project. It is a new single family home on Taylor Street that consists of three levels as the lot steps up the hillside in the back with four bedrooms.

The proposed structure is under the 28 foot height limit when measured to the midpoint of the roof. They have plenty of parking with two spots in the garage and two spots in the driveway. While the roof eaves do encroach over the side and front setbacks which is allowed up to 18 inches, the footprint of the building is maintained within the required setbacks. There is a window on the south side of the property in the first floor of the structure that has an egress well within the side setback, but this is a feature that has been approved in other instances due to being subgrade improvements and not impeding drainage or access around the house. In any plan submittal for building permit there needs to be demonstration that all excavation and equipment can and will be maintained on site. The Town Engineer has submitted comments as well so staff is recommending that the Applicant work with the Town to address those comments before or concurrent with building permit application.

Michael Pukas, PO Box 288 Gypsum, CO 81637.

The wood retaining wall will be demolished. Will be working with a civil engineer to look at the fill and demoing it. There is a drainage pipe that goes along the north side of the property, and will be engineering a removal while dealing with the watershed off of the hillside. The materials will be stained wood and corrugated rusted metal and asphalt shingle roof.

Michael B. thinks it would be important to add snow clips and retention on the roof in areas where is sheds. He asked how far into the setback egress wells can encroach and what the materials can be made of. If made out of concrete, then they should be engineered and stamped.

- Jeff A. said that he has used corrugated metal and you bolt it to the foundation. In the past we have approved almost to the property line as it is a subgrade improvement.
- Michael B. would recommend that if it is concrete, it be poured at the same time as the foundation.
- Mr. Pukas says it is intended to be corrugated metal that has an egress ladder built into them. There is a grate on top to prevent people from falling into them and there is drainage as the bottom. It would encroach into the setback 1' 6" and it would be 3' deep. They are going to put snow clips on the south side as the snow will be falling toward the property line. Will be providing snow clips and possibly fencing depending on engineering.

Elliot H. said that it is important to get water away from the house.

Jeff A. said that with small children, it is important to have a cover for the window well. Likes the design.

Tom P. likes the design and emphasizes the engineering comments.

Lynn T. also was concerned about the cover over the window well.

Public comment opened.

Dominic Panetta, 382 Taylor

The propane tank is getting removed quickly and they will be tapping into the gas line.

Public Comment closed.

Motion by Jeff A., second by Elliot H., to approve with conditions the new single family home at 386 Taylor Street. Motion passed 5-0.

1. The Applicant shall work with the Town to address the Town Engineer's comments.
2. The Applicant shall revise the site and/or floor plans and elevation drawings to show all proposed exterior lighting fixture locations and provide final cut sheets/specifications for proposed exterior light fixtures prior to or concurrent with building permit applications to ensure compliance with the Town's lighting standards.

9.4 832 Main Street – Variance Request

Madison H. introduced the project. The Applicant is requesting a variance to allow for a safety fence within the 30 foot live stream setback. This is a previously disturbed lot that has no riparian area or river bank for plants to grow in as it is all rock. The property owners have concerns about their pets and family and friends falling down into the river as at one point the change in elevation is 10 feet. The new safety fence would be 3.5 feet tall, constructed with 4x4" wood posts and 4x4" black welded wire mesh. Staff believes this is an appropriate request and is recommending approval.

Michael Pukas, PO Box Eagle, CO 81657.

Previously there had been a fence here, but it was removed, and now they are trying to reconstruct a sturdier fence. The 6 feet privacy fence along the south and north property lines would not go into the 30 foot live stream setback.

Lynn T. clarified that they are not touching the rock wall.

Jeff A. is concerned about the precedent this sets for what people do within the fenced area. The riparian area is supposed to be natural. Doesn't want people to be able to fence and then put down sod.

- Mr. Pukas said the backyard could be planted with native grasses and aspen trees. The owners would like to use the backyard.
- Jeff A. said that the riparian zone is a huge asset to the Town and there has been a lot of investment since the mine spill. Need to work to restore the zone to its natural state. In favor of the fence from a practical and safety standpoint. Not in favor of turning everything within the fenced backyard to a manicured lawn.
- Scot H. said there is a lot of habitat reasons to have a riparian zone. This is a previously developed lot. As a compromise, maybe move the fence towards the house five to 10 feet to allow for plantings on top of the wall. One of the criteria of a variance is asking for the least amount of relief possible.
- Lynn T. likes Scot H.'s suggestion or condition the backyard to be native.
- Mr. Pukas said that having plantings on the river, obscures the view of the river, and having the plantings on the north and south property lines help provide

privacy for the neighbors. Moving the fence in shrinks the property owner's backyard. There was a fence there originally, they are just making it safe now.

- Lynn T. suggested a landscaping plan that still provides views for the owner while providing shade for the fish in the river.
- Tom P. suggested native plantings on the east half of the property and a permeable (gravel, wood chips, etc.) surface for the property owners.
- Scot H. said that we can't police who mows their lawn. Thinks Lynn T. had a great suggestion for a landscape plan.

Michael B. said that the rocks there are helping with erosion control. Just on the basis of the safety fence he is in favor.

Public Comment opened.
No public comment.
Public Comment closed.

Mr. Pukas sees the Board using the variance application as leverage to request improvements in the riparian area that weren't approved previously. The landscaping plan was already approved.

- Jeff A. said that the initial removal of a non-conformity does not guarantee the replacement of that non-conformity. The intention of the riparian area is to not build anything in it.

Lynn T. would be fine with either pulling the fence in or having native plantings as required by code inside the fence.

Jeff A. does not believe that this application meet all 4 requirements for the granting of the variance. Cannot make findings on criteria 3.

Tom P. said that there is a code and a riparian zone and both need to be held to.

Motion by Michael B., second by Tom P., to recommend approval to the Town Council of the 832 Main Variance granting the ability to construct a safety fence within the live stream setback as it has been found:

1. There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone;
2. The exceptional or extraordinary circumstances of the site create a situation in which the strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Chapter;
3. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity and will not result in substantial impairment to the purposes of this Chapter.
4. There is no substantial impairment to the public that would result from the granting of the variance.

Motion passed 3-2, Lynn T. and Jeff A voted nay.

Note: 5 minute recess called at 8:25 pm.

9.5 165 Railroad Avenue – International Trade Center Building – Conditional Use Permit Request

Scot H. introduced the project. There have been existing office and residential uses in this building for years that weren't permitted, so now trying to bring into compliance while converting 4 residential units. The issues that staff looked at is parking and water. The code allows the Planning Director to evaluate and approve a shared parking plan if there is not enough parking on site.

Tim McGuire, 165 Railroad Ave. Rob Hahn and Ted Leach

Want to continue the existing uses (6 residential units and professional offices). There is a dire need for housing and would like to convert 4 existing office spaces into 3 residential units. The whole second floor would be residential and the first floor would be maintained as professional offices.

Jeff A. asked if these would be residents or short term rentals?

- Mr. McGuire said that there will be no short term rentals, and will be signing year long leases.
- Jeff A. asked if there was any talk about renting parking spaces from the town.
- Mr. McGuire said they are amenable to renting if need be, but currently they don't even utilize half of their parking.

Jeff A. commented that they might need a larger tap for the sprinkling of the building.

- Mr. McGuire understood that.

Elliot H. said that he is pro having more housing options in Town.

Michael B. also commented on the fire sprinkling. Asked about how the water SFEs and how they worked out.

- Mr. McGuire and Madison H. explained.

Michael B. said that while they currently don't need all their parking, as development happens, that could change, so it would be best to rent parking spots from the Town.

- Mr. McGuire said they are open to it if needed.

Tom P. is happy that residences are being added. The parking spaces on the east side will be targeted from the people coming around the corner.

Jeff A. asked about the entertainment of a pedestrian walkway.

- Mr. McGuire said that Town Manager Michelle Metteer had a vision of a pedestrian bridge from the park across the river and over to their building and behind the building and they are open to the idea.

Public Comment opened.

No public comment.
Public Comment closed.

Motion by Jeff A., second by Elliot H., to recommend approval with conditions to the Town Council of the requested Conditional Use Permit allowing for Multi-Family and Professional Offices Uses within the Old Town Commercial Zone District. Motion passed 5-0.

1. Prior to the issuance of any Certificate of Occupancy for any new residential units constructed within the International Trade Center Building (ITCB), the Applicant shall provide a parking management plan to the Town which the Town may approve at its discretion. The parking management plan may include but not be limited to a permit parking, monitoring, and enforcement system and protocols to be managed by the building owner and/or management company on behalf of the building owner. The parking management plan shall run with the use of the ITCB and shall be binding on any subsequent building owner until such time that the use of the building is changed or the Conditional Use Permit for professional office and multi-family residential uses is terminated, revoked or becomes abandoned.

10. PROJECTS AND UPDATES

10.1 Historic Preservation

The Third Historic Preservation Committee meeting was held on April 28, 2022. Staff had some remaining questions that they needed clarification on before they could bring the completed draft ordinance to the Planning Commission. That draft ordinance, in the form of a new Chapter 19 in the Minturn Municipal Code, will be brought before the Planning Commission at the second meeting in May, and then go before Town Council in June.

10.2 Minturn North PUD

The Town Council held a public hearing on May 5, 2022 for Minturn North PUD. After listening to the presentation by the Applicant, and the public comment by those that attended and those that submitted their comments beforehand. The Council asked questions of the Applicant and Town staff, and ultimately decided to refer the application back to the Planning Commission due to the Application having changed substantially from what the Planning Commission originally reviewed and made findings on.

10.3 Staff Approval – Decks, Agora

Staff inquired of the Planning Commission if they would be comfortable with staff treating DRB applications for small things like minor deck expansions that comply with all dimensional limitations as a Minor DRB and able to be staff approved. The Planning Commission was ok with this.

10.4 Agora

Scot H. gave a brief update on the Agora, and that Larry Stone will most likely start working on some drainage issues soon, so no need to be worried if there is activity over there.

11. FUTURE MEETINGS

11.1 May 18, 2022 – Joint Town Council/Planning Commission Meeting

11.2 May 25, 2022
11.3 June 8, 2022

12. ADJOURN

Motion by Jeff A., second by Michael B., to adjourn the regular meeting of May 11, 2022 at 9:18 pm. Motion passed 5-0.

Lynn Teach, Commission Chair

ATTEST:

Scot Hunn, Planning Director

Madison Harris

From: Charles Overy <cwho@lgm3d.com>
Sent: Tuesday, April 26, 2022 12:29 PM
To: Madison Harris
Cc: Julie Overy
Subject: In Support of 76 Meek Garage Renovation

Dear Planning Commission and Staff,

I am writing in support of Paul and Sherry Wilson's DRB application for their garage renovation. Our property at 500 Pine St / 77 Meek is opposite, and looks directly out at, 76 Meek.

The garage at 76 Meek is a good example of an Old Town element that has reached its end of life and needs very substantial renovation. The forms and scale of the current structure as well as the site configuration are appropriate and consistent with the character and scale of Meek and Pine St. Substantial reconfiguration of the building elements is probably not desirable or economically viable.

I believe the proposed renovation maintains the current aesthetic while allowing for necessary improvements. Further, it is my opinion that the reduced setback is appropriate given the historical use and the fact that the proposed renovation is not substantially different in mass or form than the current use.

In addition, the current Pine Street renovation documentation delineating the planned use of the Pine St easement shows that, in the future, there will be 10' from the edge of the new concrete pan/curb to the edge of the proposed structure. This maintains the separation from Pine St. and is visually consistent with the intent of Minturn's planning.

As an adjacent property owner we are in support of the proposed plan for 76 Meek

Sincerely

Charles Overy

--

Charles Overy

Director

p: 970.827.5274 sms: [800.448.8808](tel:800.448.8808)

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Madison Harris

From: Chris Ratzlaff <ratzco@yahoo.com>
Sent: Monday, May 2, 2022 10:50 AM
To: Madison Harris
Subject: 76 Meek Ave. Garage remodel

Design Review Board / Minturn

We are the immediate neighbors of 76 Meek Minturn who is submitting a proposal to redo their garage. We have reviewed their plans and approve of their plans. We support any Minturn neighbors that are improving their properties to make the own look "good". Although an updated survey showed that the current/old structure violates a setback, the property has been there for decades and no one noticed (including town or us). With them updating their garage, it will allow them to park their vehicles inside, thus freeing up public parking in the surrounding areas.

We hope the DRB approves their garage remodel.

Chris Ratzlaff
ratzco@yahoo.com
970-390-6335 cell

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



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

Design Review Board Hearing

Alfond Residence Final Plan Review for New Home 994 Main Street

Hearing Date:	May 25, 2022
File Name and Process:	Single-Family Residence Final Plan Review
Owner/Applicant:	John Alfond and Heather Whiteford
Representative:	John Martin, Martin Manley Architects
Legal Description:	Lot 1, South Minturn Addition, a Re-Subdivision of Lot 51
Address:	994 Main Street
Zoning:	South 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 Applicants, John Alfond and Heather Whiteford, request Final Plan review of a new, three-bedroom, 4,730 (gross) square foot single-family residence located at 994 Main Street in the South Town Residential Zone District. The Applicant’s representative, John Martin of Martin Manley Architects, has 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.

Proposed Plans

The plans show a two-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 South 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 off-street spaces provided (two in the garage and one surface space in front of the garage). The plans show a lower-level mechanical room but no finished basement space. This space, unlike similar subgrade “basement” areas that the DRB has approved in recent years, is not sized or designed for any use other than for mechanical purposes/storage purposes.

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

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

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

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

II. Summary of Process and Code Requirements:

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 994 Main Street meet or can be revised to meet the required findings 'a,' 'b,' and 'c' or subparagraph 3 – *Necessary findings* - with proposed conditions of approval.

III. Zoning Analysis:

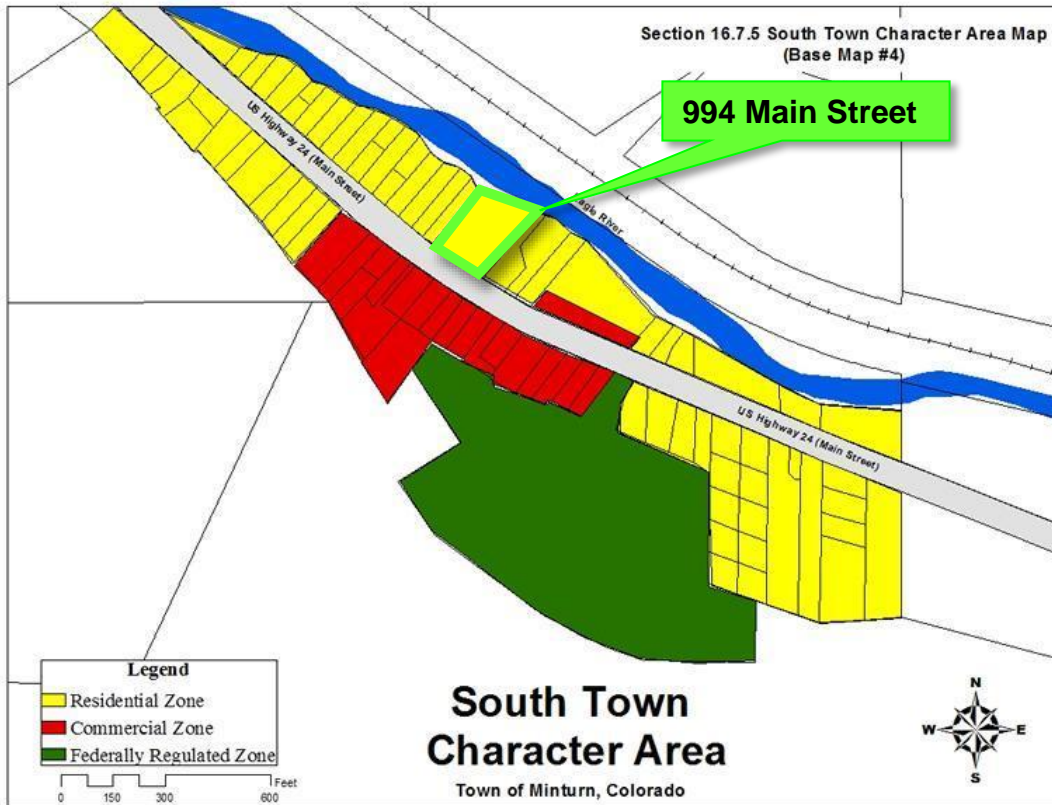
Zoning

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

- (a) The neighborhood is bisected by Highway 24 and is **characterized by single-family residences and accessory buildings. The residences are typically one (1) and two (2) stories**, with outbuildings on larger lots than found in Old Town. Low-density residential and public recreational and open space use along the Eagle River is encouraged. Higher density residential development can be accommodated on the south side of Main Street if it remains in character and all impacts are adequately addressed.*
- (b) The purpose of this area is to provide for **continued residential use** that benefits from **proximity along the Eagle River**. New development and redevelopment should preserve the unique character and scale of the neighborhood. An objective is to retain the residential areas as quiet and safe neighborhoods while allowing for compatible and appropriate nearby commercial. This area can accommodate reasonable growth where land and services are available.*

- Town of Minturn Town Code Section 16-7-20

Figure 1: South 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:	7,500 sq. ft.	sq. ft. (ac.)
Maximum Building Height:	28 feet	27 feet - 11 inches
Minimum Front Setback:	20 feet	20+ feet
Minimum Side Setback:	5 feet	5 feet
Minimum Rear Setback:	10 feet	10+ feet
Maximum Lot Coverage:	40% (3,861 sq. ft.)	2,571 sq. ft. (30%) Proposed

Maximum Impervious Coverage:	55% (4,719 sq. ft.)	4,375 sq. ft. (50%) Proposed
Minimum Snow Storage Area:	5% of Parking Area (600 sq. ft. x .05 = 30 sq. ft.)	240 sq. ft. (Plus Additional for Shared Driveway Area)
Parking:	3 spaces	3 spaces

Note: the above calculations are based on the following:

Lot 1 = .1970 acres x 43,560 sq. ft./acre = 8,581 sq. ft.
600 sq. ft. parking area x .05% = 30 sq. ft. (Required Snow Storage)

IV. Applicable Standards and Design Guideline Criteria:

Design

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

Final Site, Grading and Drainage Design

The 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.

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 adjacent single-family residential structures and character on nearby parcels. Staff further suggests that the scale of the project is appropriate and will not overpower surrounding natural and built environments. Proposed roof forms and pitches, materials and textures are compatible and complementary to the surrounding built and natural environments.

V. Issues and Recommended Revisions:

Issues or Required Plan Revisions

The following issues or areas of refinement have been identified by staff that must be addressed prior to any building permit application submittal and are reflected in staff’s recommended list of conditions:

Landscape Plan

The Applicants have provided an updated site and landscape plans dated 5.19.22 based on initial staff review of the proposed plans. The updated landscape plan shows a legend demonstrating that the proposed number, type and size of deciduous and evergreen trees and shrubs comply with the Minturn landscape standards (Section 16-17-160 - *Landscape standards and plan submittal for residential homes in all character areas for single-family dwellings, duplexes, single-family with accessory apartments, and single-family with accessory dwelling*). The only outstanding issues staff has identified at this time are:

- The need to have final landscape and revegetation plans demonstrate erosion control locations and methods.
- List proposed seed mixes and rates of application for all areas to be revegetated with native seed mix.
- Show and/or describe temporary and permanent irrigation.
- Remove the small area of revegetation/landscaping shown on the Landscape Plan (Sheet A1.1) located off the subject property at the rear (east side) of the property; or seek and demonstrate approval from the adjacent property owner (Vail Corp) for such improvements.

Final Site Design, Setbacks, and Lot Considerations

The proposed design generally maintains the structure and roof forms within required setbacks. Roof overhangs are proposed to encroach no more than 18” into the side yard setbacks; this is permissible.

Setbacks are maintained thus allowing for full use of side yard areas for snow shed and drainage. The site plan and grading plan show general design intent. However, per comments from Town Engineer Jeff Spanel, Intermountain Engineering, the site plan and final grading and drainage details should be finalized prior to building permit application to clearly demonstrate that proper (positive) grading and drainage will be directed in swales away from the structure; that drainage is handled on the subject property. Additionally, the Town Engineer has recommended a number of additional steps needing to be completed prior to the submittal

of a building permit to ensure that all proposed improvements are correctly placed on the parcel and that surrounding conditions on adjacent properties are factored into the final site plans. (See attached letter from Jeff Spanel, Intermountain Engineering, dated 5.19.22).

Building Height

The plans show the proposed structure just under the 28-foot building height limit. This has been measured to the mid-point of the sloping roof forms and/or to the “break” in roof pitch shown on the south and north elevations between the main, central roof element and the secondary dormer-type elements. This method is consistent with the Town’s regulations and requirements.

That being said, there will be no room for error in the placement of the building or during construction. Additionally, the Applicant should be aware of issues that have arisen at at least two other recent, similar new home projects (currently under construction) along the Eagle River wherein ground water was discovered during excavation of the foundations and the Applicants were required to seek approval to amend their approved plans in order to raise their foundations out of the water table and, subsequently, to raise their respective building heights. In this case, there does not appear to be any wiggle room for such adjustments during construction.

Exterior Light Fixtures

The plans do not show exterior light locations and no spec sheets were provided for proposed exterior lighting. Plans submitted for building permit should include exterior lighting locations on floor plans, building elevations and, if applicable, reflected ceiling/roof plan. A final spec sheet for all exterior fixtures should be submitted for review prior to or concurrent with the building permit application to demonstrate that all exterior lighting will be full cutoff, dark sky compliant per the Minturn Municipal Code.

VI. Staff Recommendation and Suggested Conditions:

Staff suggests that the Final Plans for Lot 1, Alfond Residence, 994 Main Street, as conditioned below, generally **comply** with or exceed the applicable provisions and/or minimum standards of Chapter 16 and the Town of Minturn Design Standards (Appendix ‘B’) of the Minturn Town Code.

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

1. The Applicant shall update the Final Plans to show final details and specifications for all site revegetation including proposed seed mixes, rates of application, and any/all temporary and/or permanent irrigation.
2. Remove small area of proposed landscape improvements located off the subject property; or, submit written evidence of approval from adjacent landowners for such improvements prior to or concurrent with any building permit application submission.
3. The Applicant shall address comments by the Town Engineer, Intermountain Engineering, dated 5.19.22 and shall revise and update the final plans accordingly prior to or concurrent with any building permit application submission.

4. The Applicant shall provide details for all exterior lighting locations on floor plans, building elevations and reflected ceiling/roof plan sheets. Additionally, the Applicant shall submit final cut sheets/specifications for proposed exterior light fixtures prior to or concurrent with building permit application to ensure compliance with the Town's lighting standards.

May 19, 2022

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

Re: Lot 1 South Minturn , A Resubdivision of Lot 51, Minturn, CO.
994 Main
Review of DRB submittal

Project No. 22-0001

Dear Madison:

We reviewed the DRB submittal for 994 Main and offer the following:

Survey:

1. The submittal includes a Topographic Survey of the property prepared by Kipp Land Surveying dated 10-28-21.
 - a. The survey should be expanded to show contour lines, grades, and existing development adjacent to the lot (suggest 10-15 feet into adjacent lots)
 - b. The expanded information is recommended to allow grading & site design to properly blend with the neighboring property.
2. We recommend a boundary survey be provided to assure proposed improvements fit with in the property and required setbacks.

Architectural Plans:

1. No dimensions are shown on the site plan. At a minimum the site plan should include:
 - a. Lot dimensions
 - b. Dimensions of proposed improvements.
 - c. Dimensions locating proposed improvements on the property.
 - d. Dimensions demonstrating the improvement fit within required setbacks.
2. No existing conditions plan or associated demolition plan (if appropriate) has been included.
3. Finish contours do not indicate positive slope away from the structure:
 - a. Contours on the south side of the structure do not indicate positive drainage.

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

May 19, 2022

Madison Harris

Re: Lot 1 South Minturn , A Resubdivision of Lot 51, Minturn, CO.

994 Main

Review of DRB submittal

Project No. 22-0001

- b. Additional spot elevations are needed to detail grading and show positive drainage for the driveway & patio areas.
- 4. Eaves encroach into the ERWSD easement.
- 5. No erosion control plan has been included.
- 6. No utility plan has been included.

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

Respectfully,

Inter-Mountain Engineering (Town Engineer)



Jeffery M. Spanel PE

CC: Michelle Metteer, Scot Hunn, Michael Sawyer

Design Review Application

Submission Info

User	66.86.83.86
Submission Id	823f15c2-70c7-4617-9538-1c5c2a90f1e0
Start Date	5/3/2022 10:56:02 AM
Receipt Id	187136500
IP Address	66.86.83.86
Receipt Date	5/3/2022 11:13:02 AM
Status	Submitted
Workflow Completed Date	
Submitted Date	5/3/2022 11:13:02 AM

Response Data

Town of Minturn - Design Review Application - Project Information

Section Title: Project Information

Is this a Minor or Major DRB Project?:

Major

Project Name:

Alfond House

Street Address:

994 Main Street

City:

Minturn

State:

Colorado

Zip:

81645

Zoning:

South Town Residential zone

Application Request:

Design Review Application

Town of Minturn - Design Review Application - Applicant Information

Section Title: Applicant Information

Name:

John Martin, Architect

Mailing Address:

PO Box 4701

City:

Eagle

State:

CO

Zip:

81631

Phone:

970-328-0592

Email:

john.martin@centurytel.net

Is the Property Owner different than the Applicant?:

Yes

Town of Minturn - Design Review Application - Property Owner Information

Section Title: Property Owner Information

Name:

John Alford and Heather Whitford

Mailing Address:

122 W Meadow Dr Unit B

City:

Vail

State:

CO

Zip:

81657

Phone:

970-376-3300

Email:

jalf@me.com

Town of Minturn - Design Review Application - Additional Information

Section Title: Additional Information

Lot Size:

8581.3

of Stories:

3

Type of Residence:

SingleFamily

Snow Storage (sq ft):

100

of Bedrooms:

3

Building Footprint (sq ft):

2571

of On-site Parking Spaces:

3

Total Impervious Surfaces (sq ft):

4375

Town of Minturn - Design Review Application - Uploads

Section Title: Submittal Checklist Requirements (as applicable)

Letter of Intent:

[COVER SHEET.pdf](#)

Vicinity Map:

[VICIINITY MAP.jpg](#)

Improvement Location Certificate of Survey (ILC or ILS):

[201129-Lot1 SMA Resub topo.pdf](#)

Site Plan:

[ALFOND MINTURN DRB 5-2-22.pdf](#)

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

Minor DRB Fee:

\$75.00

Major DRB Fee:

\$200.00

Section Title: Applicant Signature

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

true

Signature:

John G Martin

Date:

05/03/2022

Data Fields

Name	John Martin, Architect
Address1	
Address2	
City	
State	
Zip	
Phone	
Email	john.martin@centurytel.net
CompanyName	

Payment Info

- :
- :
- :
- Unknown
- :
- Unknown
- :
- Unknown
- :
- ✓
- :



Letter of Intent

To: Madison Harris – Town of Minturn - Staff Planner
301 Boulder Street #309, Minturn, CO 81645
970-827-5645 ext 2
planner1@minturn.org

From: John G. Martin, Architect, LLC
Agent of Martin Manley Architects
PO Box 4701, Eagle, CO 81631
office: 970-328-0592
john@martinmanleyarchitects.com

Date: May 3, 2022

Re: Alfond House - 994 Main Street, Minturn CO – New House Construction Project

Subj: Letter of Intent

Address: 994 Main Street, Minturn, CO
(South Minturn Addition Lot 1: A Resubdivision of Lot 51)

Zoning: Minturn – South Town Residential Zone (Previously zoned commercial)

Letter of Intent:

The owners are John Alfond and Heather Whitford. Their intention is to build a single-family house with no variances which fits into the neighborhood, has traditional roof forms, modern materials, and opens up to the Eagle River in the rear of the house.

The proposed house fits in tightly with the neighboring houses to the north and south. There is a shared driveway with the two properties to the south. The building envelope is tight but allows access for two parking spots in the garage and one in the private driveway out front.

The house is 3,821 sf of Living Area and 4,730 sf Gross (includes garage and mech basement). There are 3 bedrooms, and an attic bonus room, 2-car garage, mud-room, Living Areas, and a small basement mech room.

The outdoor living area in the rear facing the Eagle River is proposed to be flagstone on sand with the intention of receiving an encroachment agreement for a sewer line easement from ERW&SD. There is a small balcony off the Master Suite which also covers an outdoor BBQ.

The house will only really be seen from the front and back which has a handsome design. The side elevations are tight to the neighbor's structures (only 10 ft apart) and will not be seen by the public.

The owners love the design and feel it will fit into the neighborhood context perfectly.



TOPOGRAPHIC SURVEY
LOT 1
SOUTH MINTURN ADDITION, A RESUBDIVISION LOT 51
 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO

PROPERTY DESCRIPTION:

LOT 2, SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51, according to the final plat thereof recorded March 30, 2021 at Rec.No. 202107185 at the Eagle County Clerk and Recordors Office, County of Eagle, State of Colorado.

NOTES:

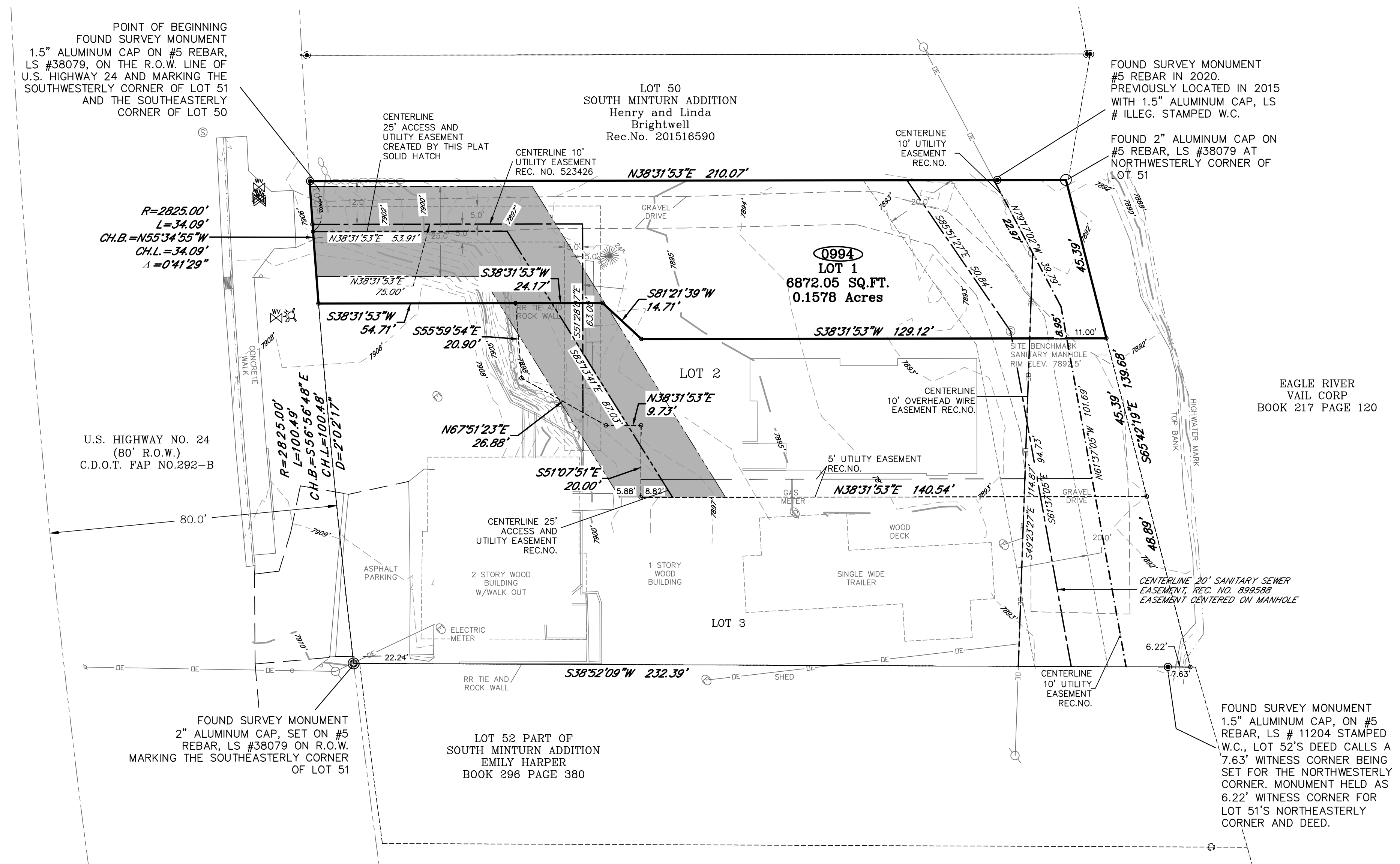
- 1) DATE OF SURVEY: October 15, 2021
- 2) STREET ADDRESS: 994 Main Street (U.S. Highway 24) Not Posted
- 3) Location of improvements and lot lines are based upon the above said final plat, the Annexation Plat of South Minturn Addition to the Town of Minturn, recorded in Rec.No. 163774, C.D.O.T. Project No. FAP NO.292-B and Survey Monuments found at the time of this survey. Kipp Land Surveying also performed an Improvement Survey Plat to be recorded at the Eagle County Engineering Office.
- 4) BASIS OF BEARINGS: Between a 1.5" Aluminum Cap on #5 Rebar, LS #38079 marking the Northwesterly corner of Said Lot 51 being the Southwesterly corner of Said Lot 50 and a #5 Rebar Witness Corner, being a point on line for said Lots 50 and 51, bearing N38°31'53"E as shown hereon.
- 5) BENCHMARK: NGS Monument S-280. Elev. = 7894.2' NAVD 88.
- 6) U.S. Survey Feet was used for this Survey.
- 7) Notice: According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect, in no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

CERTIFICATION:

I, Randall P. Kipp, a Registered Professional Land Surveyor in the State of Colorado, hereby certify that this TOPOGRAPHIC SURVEY was done by me or under my direct supervision, and that it was performed using the standard care and practice used in the area at the time of the survey. The Notes hereon are a part of this certification.



Randall P. Kipp
 P.L.S. No. 38079
 Colorado Professional
 Land Surveyor



Topographic Survey LOT 1 South Minturn Addition A RResubdivision of Lot 51 Town of Minturn, County of Eagle, Colorado		KIPP LAND SURVEYING RANDY KIPP P.L.S. P.O. Box 3154 Eagle, CO 81631 (970) 390-9540 email: randy@kipplandsurveying.com web: kipplandsurveying.com	
JOB NO.: 201129	DATE: 10-28-21		
SHEET 1 OF 1	DWG NAME: 201129-LOT 1 SMA Topo		

MATERIALS & COLORS

- Metal Roofing--Standing Seam**
DRESSTEL 24 gauge
Color: Metallic Copper (Matte Finish)
- Vertical Wood Siding:**
1x8 RS CEDAR W/ 7" SHIPLAP REVEAL
Distressed with gray semi-transparent stain
- Window Trim, Deck Rims, fascias, doors:**
Benjamin Moore Arborcoat
Semi-Solid Stain "Dragon's Breath 1547"
- Fascias, Timber Posts, Railing Wood Cap,**
Benjamin Moore Arborcoat
Semi-Solid Stain "HC-175 Briarwood"
- Metal Panel Garage Door:**
Slight patina on metal panel
- Window Clad: Black**
- Exposed Metal:**
roof penetrations, metal flashing, metal railings. "Black"
- Stone veneer:**
Rough gray stone drystack w/ variety of sizes.

PROJECT DESCRIPTION

A Single-Family Residence proposed....
 * Style: Traditional Gable w/ Modern Flourishes
 * Footprint: Tight to setbacks and easements
 * Structure: Timberframe structure exposed at main gable ends.

CODE SUMMARY

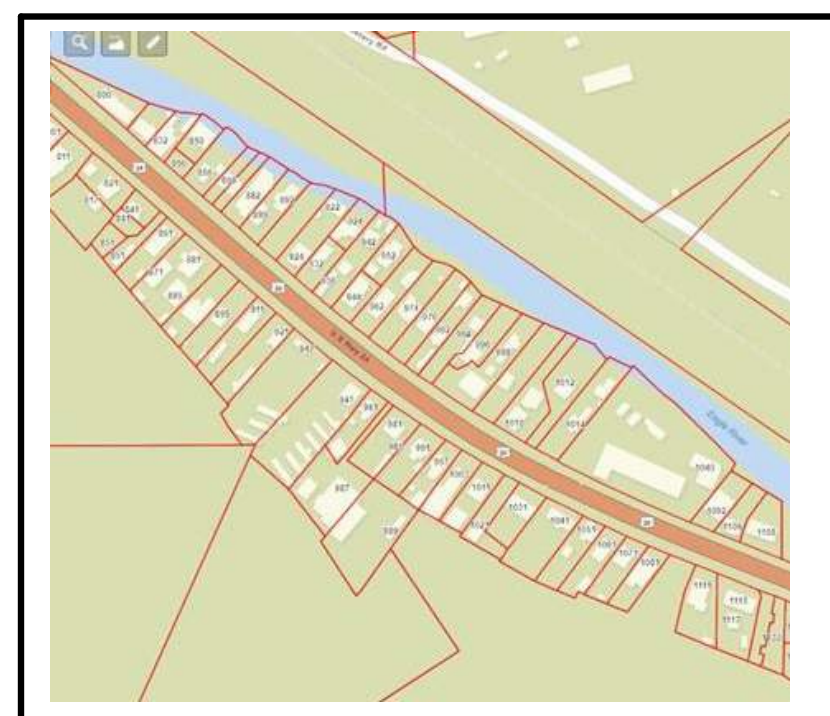
This project falls under the jurisdiction of:
 Minturn Design Review Board and Building Department
 The 2015 International Residential Code (IRC 2015)
 The 2015 International Energy Conservation Code (IECC 2015)
 Minturn Municipal Code including adopted amendments

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



A NEW SINGLE-FAMILY HOME

ALFOND HOUSE

994 MAIN STREET
 MINTURN COLORADO
 5-2-22
 DESIGN REVIEW SET



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

ARCHITECTURAL SHEET LIST	
Sheet #	Sheet Name
A0.1	ECO SHEET
A0.2	AREA PLANS & SUMMARIES
A1.1	SITE PLAN
A2.1	MAIN LEVEL FLOOR PLAN
A2.2	UPPER LEVEL FLOOR PLAN
A2.4	ATTIC & ROOF PLANS
A2.5	BASEMENT + TIMBER PLANS
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR ELEVATIONS
A4.1	BUILDING SECTIONS
A4.2	BUILDING SECTIONS
A4.4	SECTIONS
A5.0	DETAILS
A6.1	RCP MAIN + UPPER LEVELS
A6.2	RCP BASEMENT + ATTIC

STRUCTURAL SHEET INDEX	
Sheet #	Sheet Name
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: 994 Main Street - Minturn, CO
 Legal: South Minturn Addition Lot 1 (A Resub of Lot 51)
 Parcel: 2103-351-02-059

Owner: John Alfond - Eagle River Partners LLC
 2222 Forest Street, Denver, CO 80207-3831
 970-376-3300
 jalf@me.com

Architect: John G Martin, AIA
 Martin Manley Architects
 www.martinmanleyarchitects.com
 john@martinmanleyarchitects.com
 970-328-0592

Interiors: Gregory Rockwell
 Gregory Rockwell Interiors, LLC
 499 Washington Ave. Unit 14
 Brooklyn, NY 11238

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

ZONING SUMMARY

Zoning: Minturn - South Town Residential Zone

SEE SHEET A0.2 - AREA PLANS AND AREA SUMMARIES

Lot Area: .1970 acres x 43,560 s.f. = **8,581.3 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: 3,861.6 s.f. (45% of Lot Area)
 Lot Coverage Proposed: 2,571 s.f. (30% of Lot Area)

Impervious Allowed: 4,719.7 s.f. (55% of Lot Area)
 Impervious Proposed: 4,375 s.f. (50% of Lot Area)

Height Maximum: 28'-0" (to midpoint of main gable roof)
 Height Proposed: 27'-11"

Parking Required: 3 spaces
 Parking Proposed: 2 spaces inside, 1 space outside

Setbacks: Front = 20 ft, Side = 5 ft. Rear = 10 ft.

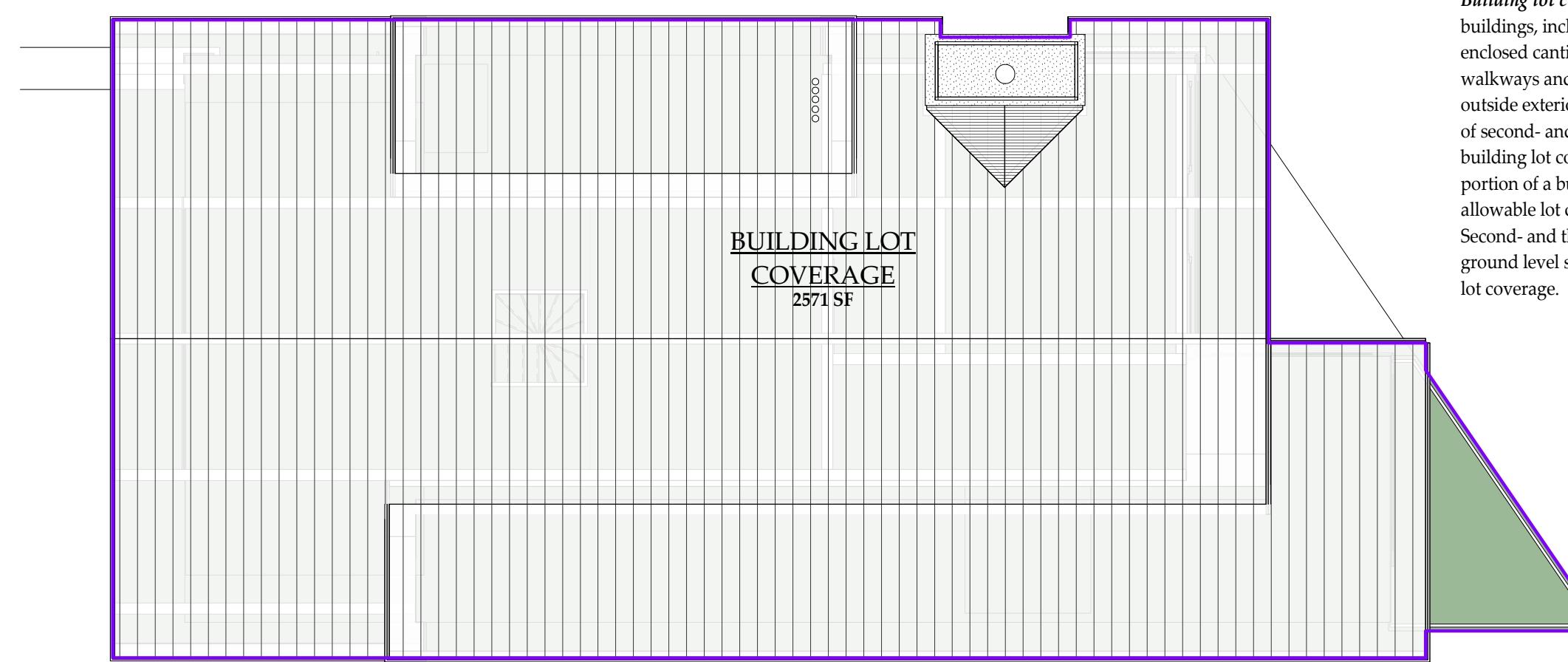
MARTIN MANLEY ARCHITECTS
 970-328-5151 OFFICE
 PO Box 1587, Eagle, CO 81631
 www.martinmanleyarchitects.com

No.	Description	Date

A NEW SINGLE-FAMILY HOME
ALFOND HOUSE
 994 MAIN STREET
 MINTURN COLORADO
 DESIGN REVIEW SET

NOT FOR CONSTRUCTION

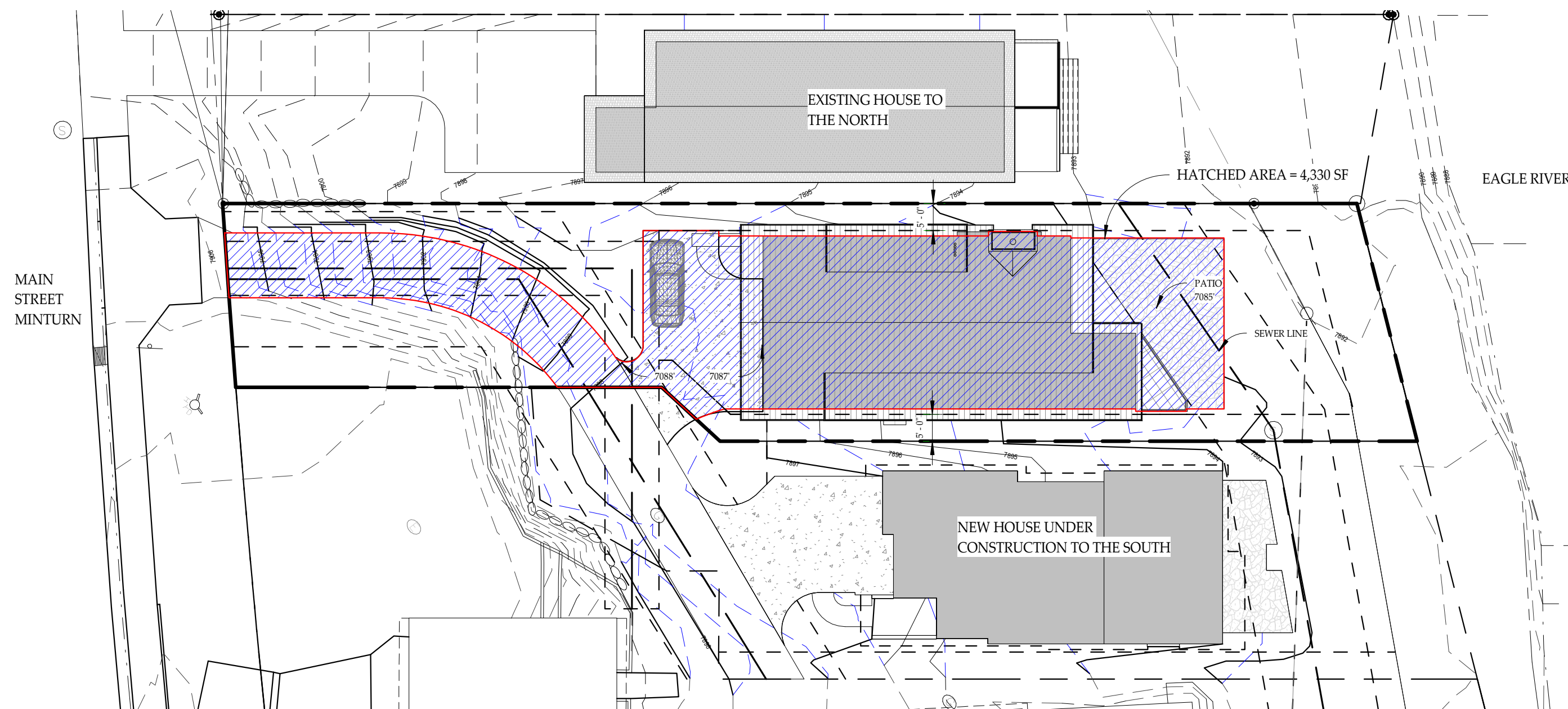
Date : 5-2-22
 Project Number: XXXX
 COVER SHEET
A0



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.

1 BUILDING LOT COVERAGE
1/8" = 1'-0"

AREA SCHEDULE (BLC)	
Name	Area
BUILDING LOT COVERAGE	2571 SF

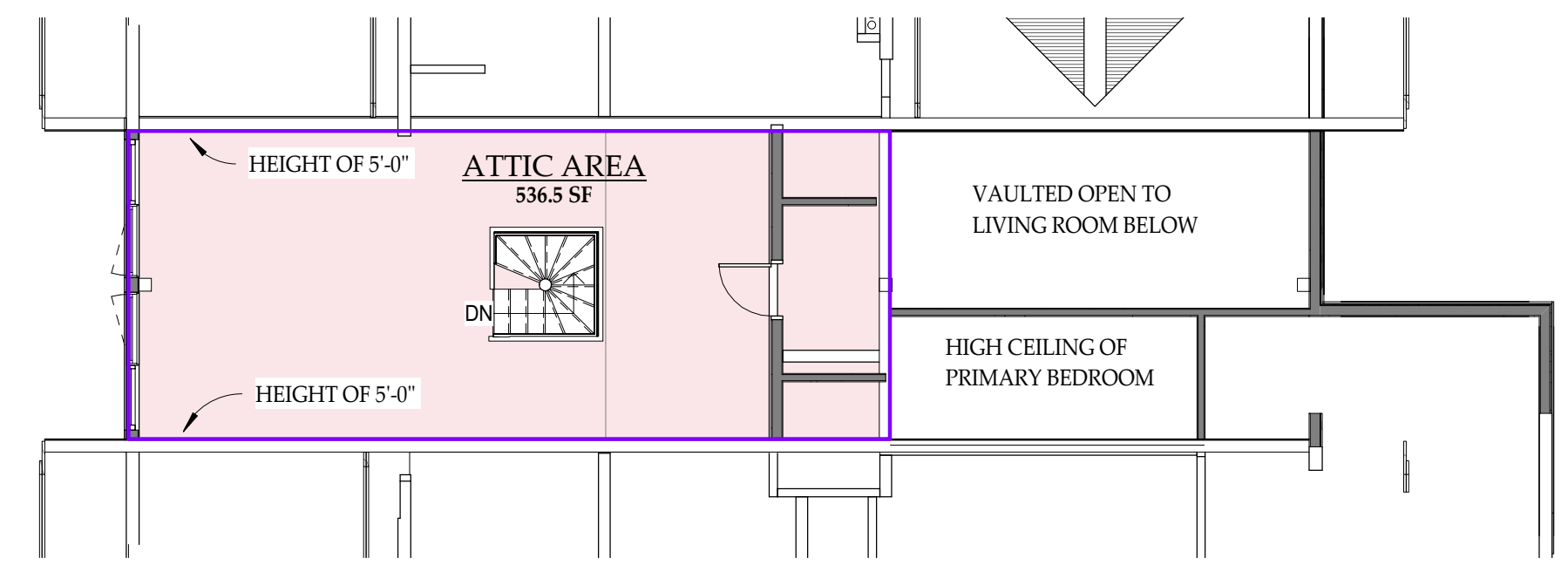


IMPERVIOUS AREA = 4,375 SF

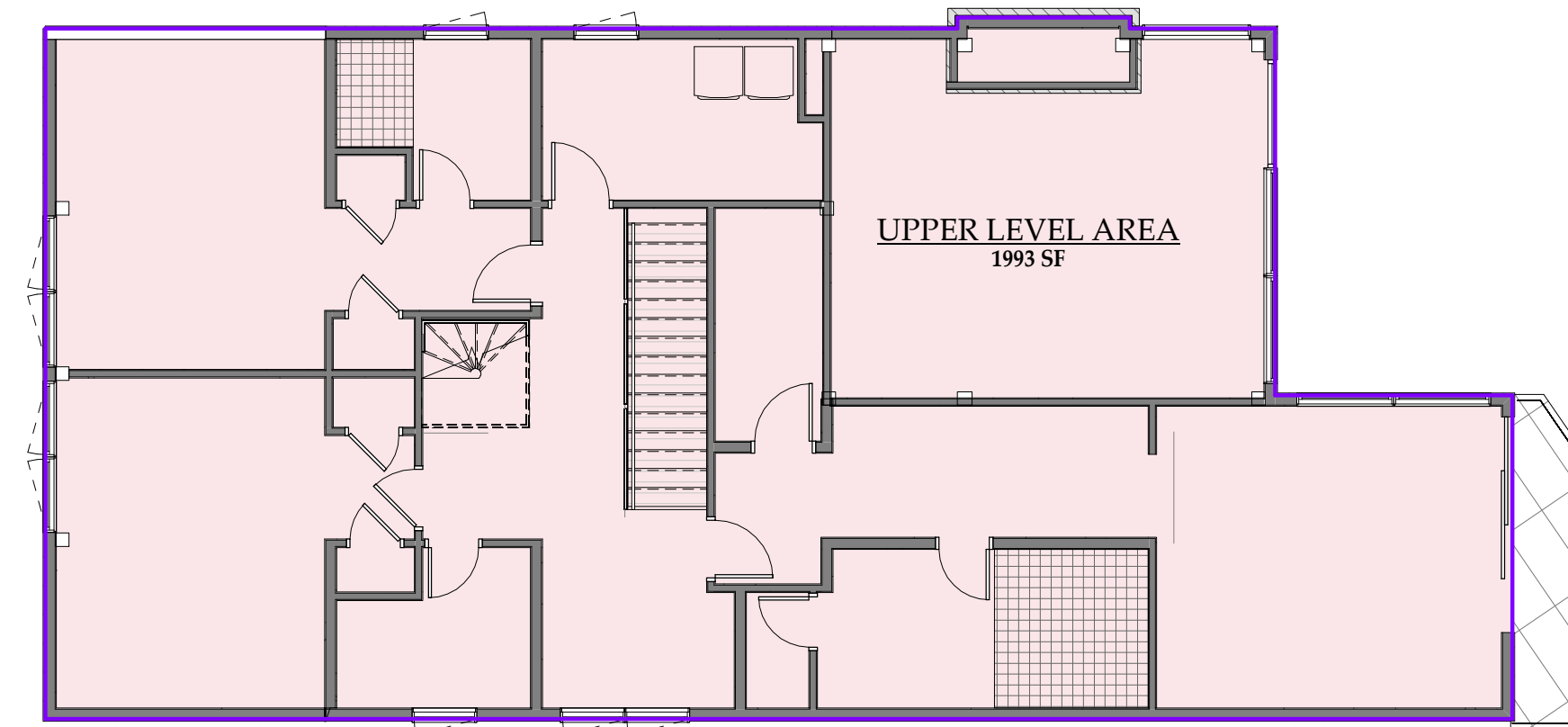
6 0 SITE PLAN Copy 1
1" = 20'-0"

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:

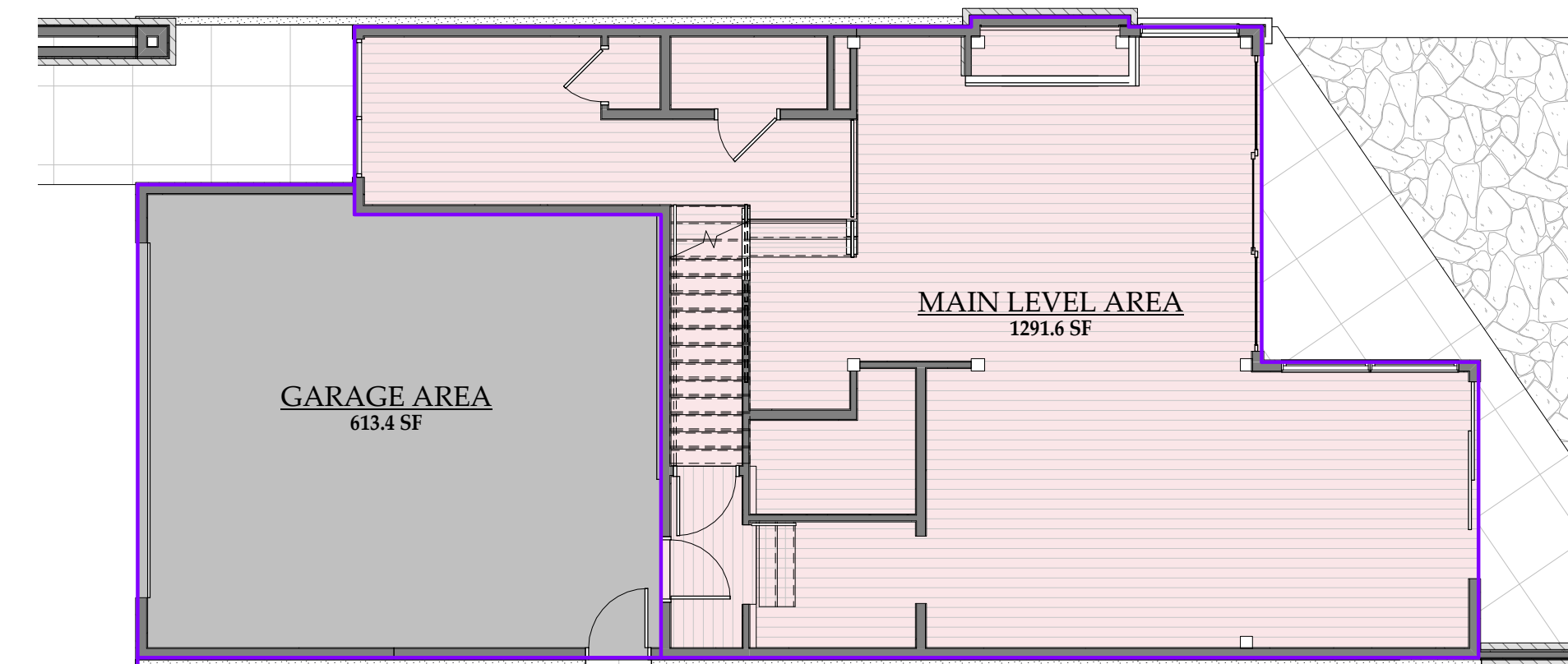
- The principal building, excluding roof overhangs.
- All accessory buildings, parking garages, carports and sheds.
- Porches, stairways, decks, elevated walkways, sheds and other structures, together with paved areas or areas otherwise covered with materials impervious to water.
- Parking areas, sidewalks and driveways regardless of surface materials.



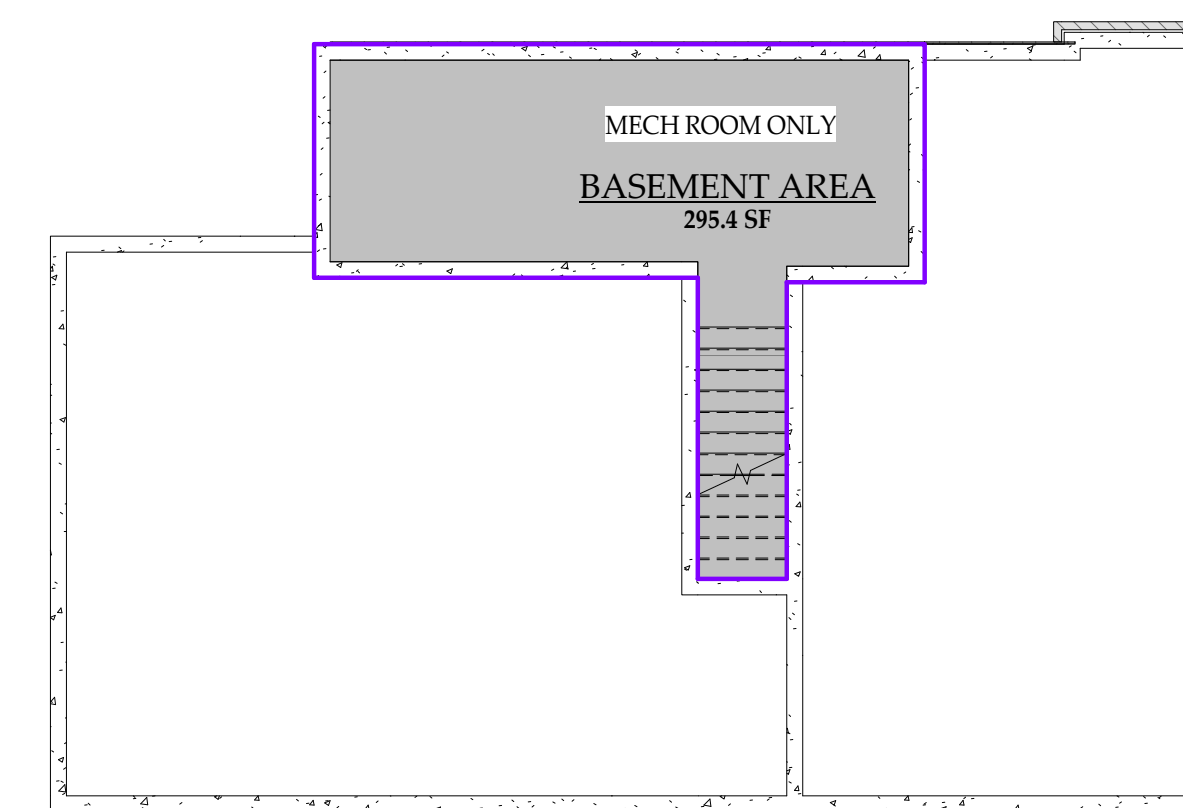
5 ATTIC LEVEL AREA
1/8" = 1'-0"



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



3 MAIN LEVEL AREA
1/8" = 1'-0"



2 BASEMENT AREA
1/8" = 1'-0"

AREA SCHEDULE (GROSS)	
Name	Area
ATTIC AREA	536.5 SF
BASEMENT AREA	295.4 SF
GARAGE AREA	613.4 SF
MAIN LEVEL AREA	1291.6 SF
UPPER LEVEL AREA	1993 SF
Grand total: 5	4729.9 SF

AREA SCHEDULE (LIVING)	
Name	Area
ATTIC AREA	536.5 SF
MAIN LEVEL AREA	1291.6 SF
UPPER LEVEL AREA	1993 SF
Grand total: 3	3821.2 SF

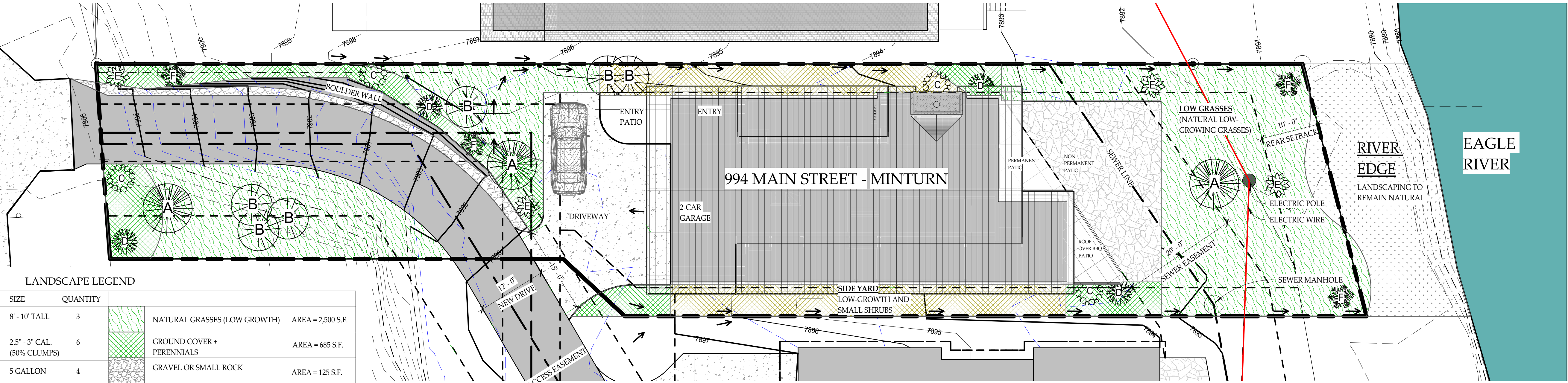
MARTIN MANLEY ARCHITECTS
970.328.5151 OFFICE
P.O. Box 1587, Eagle, CO 81631
www.martinmanleyarchitects.com

No.	Description	Date

A NEW SINGLE-FAMILY HOME
ALFOND HOUSE
994 MAIN STREET
MINTURN COLORADO
DESIGN REVIEW SET

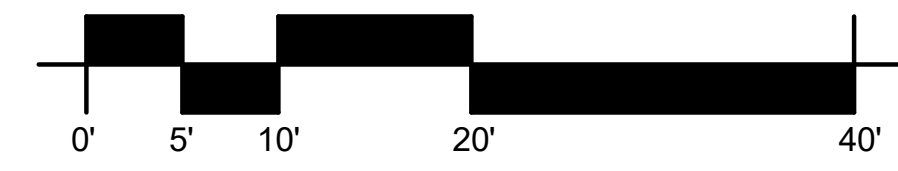
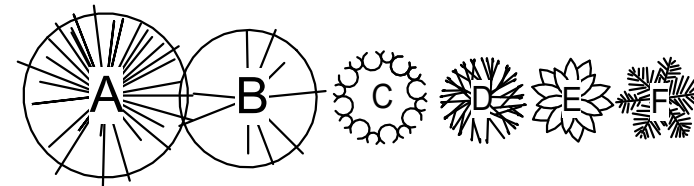
Date: 5-2-22
Project number: XXXX
AREA PLANS & SUMMARIES
A0.2

MINTURN
MAIN STREET
900 BLOCK



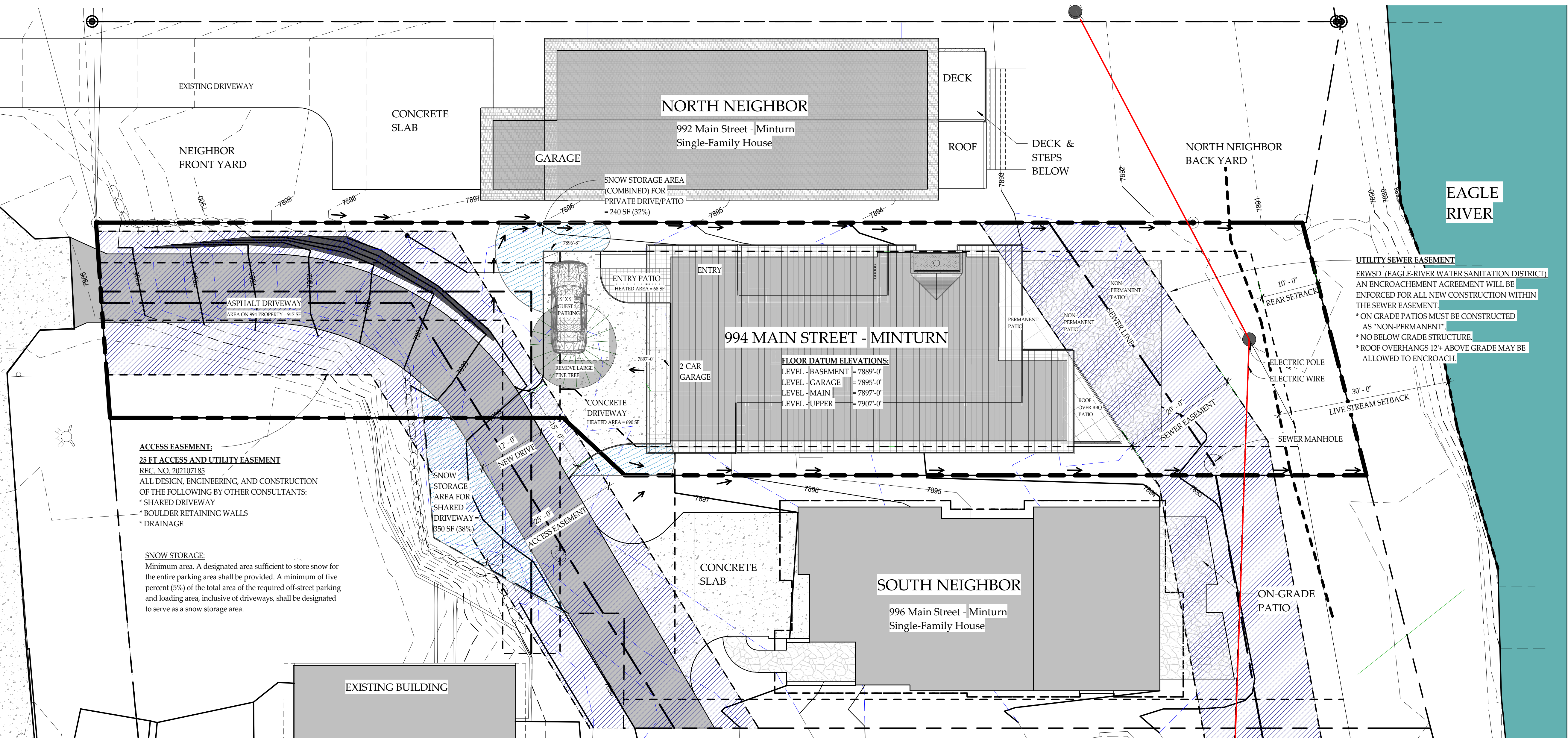
LANDSCAPE LEGEND

SYMBOL	NAME	SIZE	QUANTITY	AREA
A	COLORADO BLUE SPRUCE (PICEA PUNGENS)	8' - 10' TALL	3	NATURAL GRASSES (LOW GROWTH) AREA = 2,500 S.F.
B	QUAKING ASPEN (POPULUS TREMULOIDES)	2.5" - 3" CAL. (50% CLUMPS)	6	GROUND COVER + PERENNIALS AREA = 685 S.F.
C	WESTERN SANDCHERRY (PRUNUS BESSYI)	5 GALLON	4	GRAVEL OR SMALL ROCK AREA = 125 S.F.
D	VANHOUTE SPIREA (SPIREA VANHOUTE)	5 GALLON	4	MULCH - GARDEN COMPOST + WOOD CHIPS AREA = 700 S.F.
E	LILAC FRAGRANT (SYRINGA VULGARIS)	5 GALLON	4	<p>LANDSCAPE NOTE: ALL DISTURBED AREAS SHALL RECEIVE REVEGETATION SEEDING WITH NATURAL GRASSES AND WILDFLOWER SEED MIX.</p> <p>IRRIGATION NOTE: ALL AREAS OF NEW SOIL TO RECEIVE SPRAY IRRIGATION. ALL AREAS OF GROUND COVER AND TREE/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.</p> <p>RAIN SENSOR NOTE: THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH A RAIN SENSOR.</p> <p>EROSION CONTROL NOTE: ALL DISTURBED AREAS WITHOUT FORMAL LANDSCAPING TO RECEIVE REVEGETATION SEEDING. EROSION CONTROL SHALL BE MAINTAINED BY PLACEMENT OF HAY BALS AND SELF FENCING ON DOWN-SLOPE SIDE OF LOT AND IN DRAINAGE SWALES.</p>
F	REDLEAF BARBERRY (ATROPURPUREA)	5 GALLON	4	



2 .0 LANDSCAPE PLAN
1" = 10'-0"

MINTURN
MAIN STREET
900 BLOCK

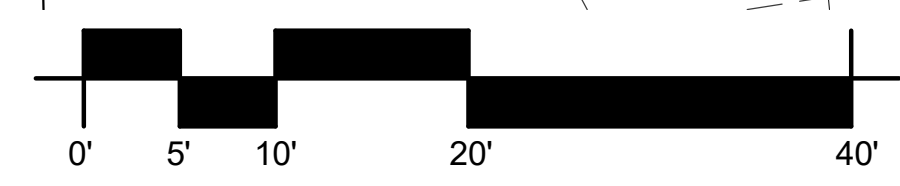


ACCESS EASEMENT:
25 FT ACCESS AND UTILITY EASEMENT
REC. NO. 202107185
ALL DESIGN, ENGINEERING, AND CONSTRUCTION OF THE FOLLOWING BY OTHER CONSULTANTS:
* SHARED DRIVEWAY
* BOULDER RETAINING WALLS
* DRAINAGE

SNOW STORAGE:
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.

FLOOR DATUM ELEVATIONS:
LEVEL - BASEMENT = 7889'-0"
LEVEL - GARAGE = 7895'-0"
LEVEL - MAIN = 7897'-0"
LEVEL - UPPER = 7907'-0"

UTILITY SEWER EASEMENT
ERWSD (EAGLE RIVER WATER SANITATION DISTRICT) AN ENCROACHMENT AGREEMENT WILL BE ENFORCED FOR ALL NEW CONSTRUCTION WITHIN THE SEWER EASEMENT
* ON GRADE PATIOS MUST BE CONSTRUCTED AS "NON-PERMANENT"
* NO BELOW GRADE STRUCTURE
* ROOF OVERHANGS 12'+ ABOVE GRADE MAY BE ALLOWED TO ENCROACH.



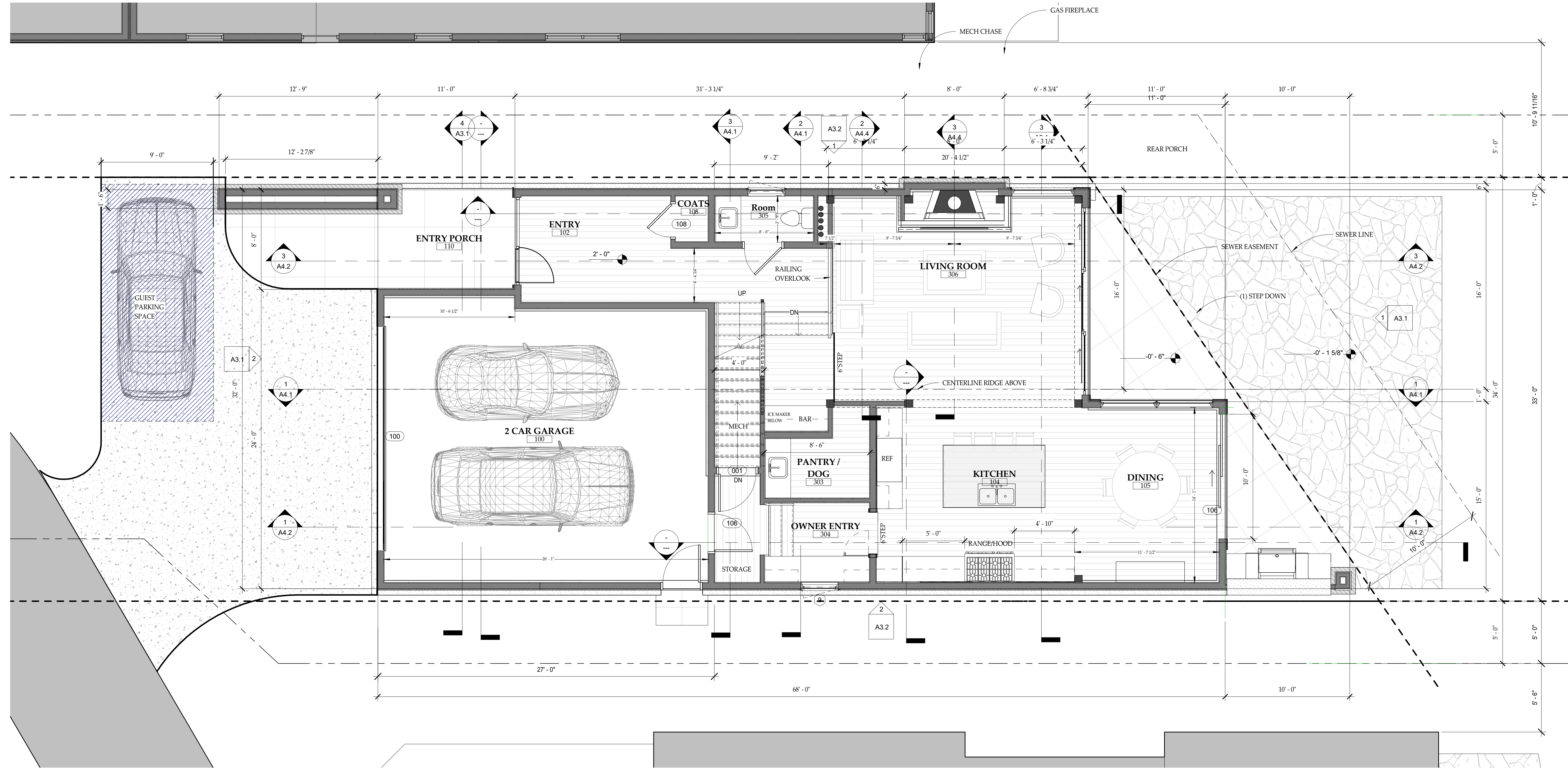
1 .0 SITE PLAN
1" = 10'-0"

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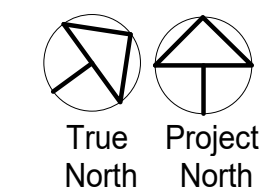
REVISIONS	Description	Date
No.		

A NEW SINGLE-FAMILY HOME
ALFOND HOUSE
994 MAIN STREET
MINTURN COLORADO
DESIGN REVIEW SET

Date 5-19-22
Project number XXXX
SITE PLAN + LANDSCAPE PLAN
A1.1



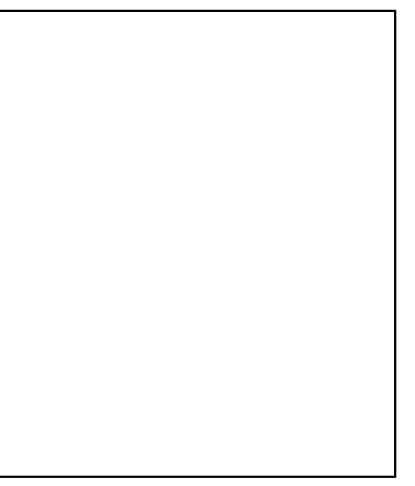
② .2. FLOOR PLAN - MAIN LEVEL
1/4" = 1'-0"



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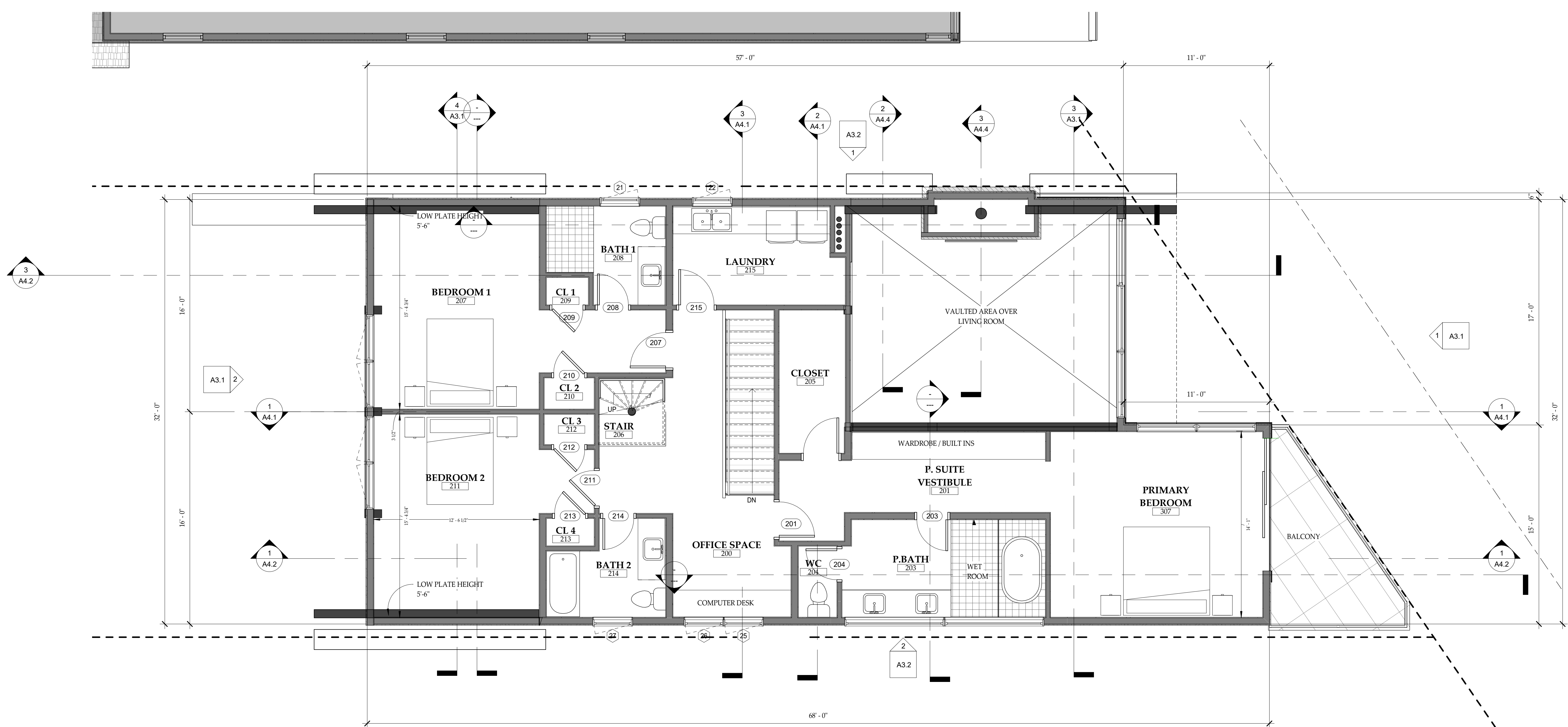
No.	Description	Date

A NEW SINGLE-FAMILY HOME
ALFOND HOUSE
994 MAIN STREET
MINTURN COLORADO
DESIGN REVIEW SET

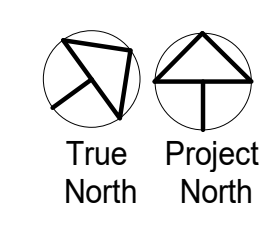


Date	5-2-22
Project number	XXXX
MAIN LEVEL FLOOR PLAN	
A2.1	

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① .3. FLOOR PLAN - UPPER LEVEL
1/4" = 1'-0"

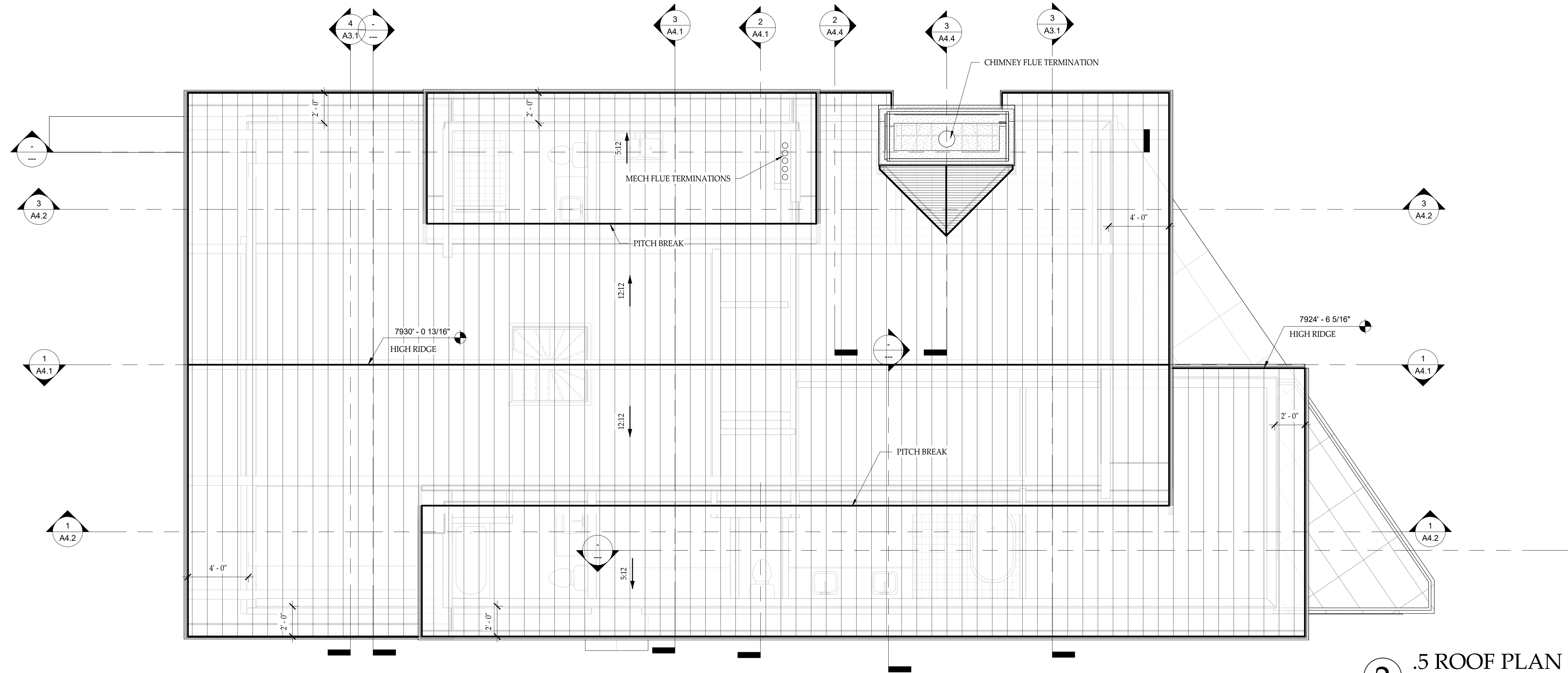


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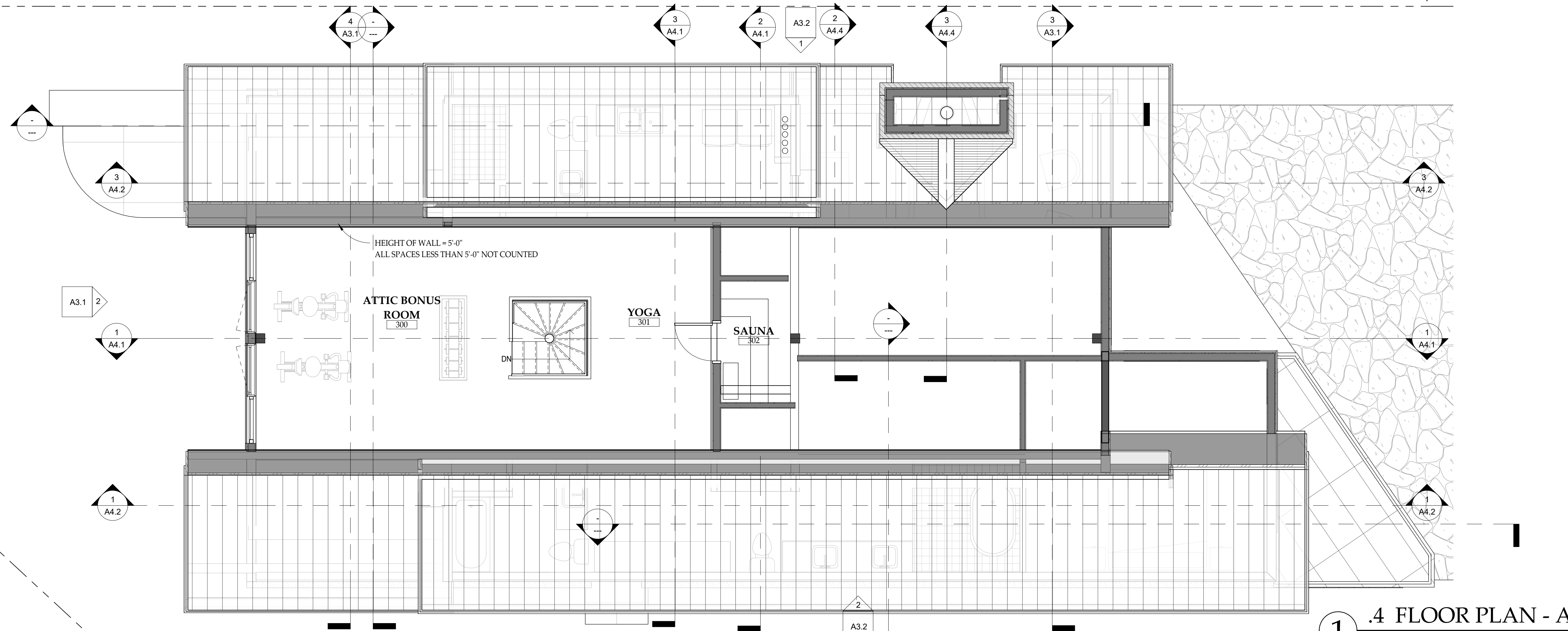
No.	Description	Date

A NEW SINGLE-FAMILY HOME
ALFOND HOUSE
994 MAIN STREET
MINTURN COLORADO
DESIGN REVIEW SET

Date: 5-2-22
Project number: XXXX
UPPER LEVEL FLOOR PLAN
A2.2



2 .5 ROOF PLAN
1/4" = 1'-0"



1 .4 FLOOR PLAN - ATTIC LEVEL
1/4" = 1'-0"

5/2/2022 9:14:50 PM

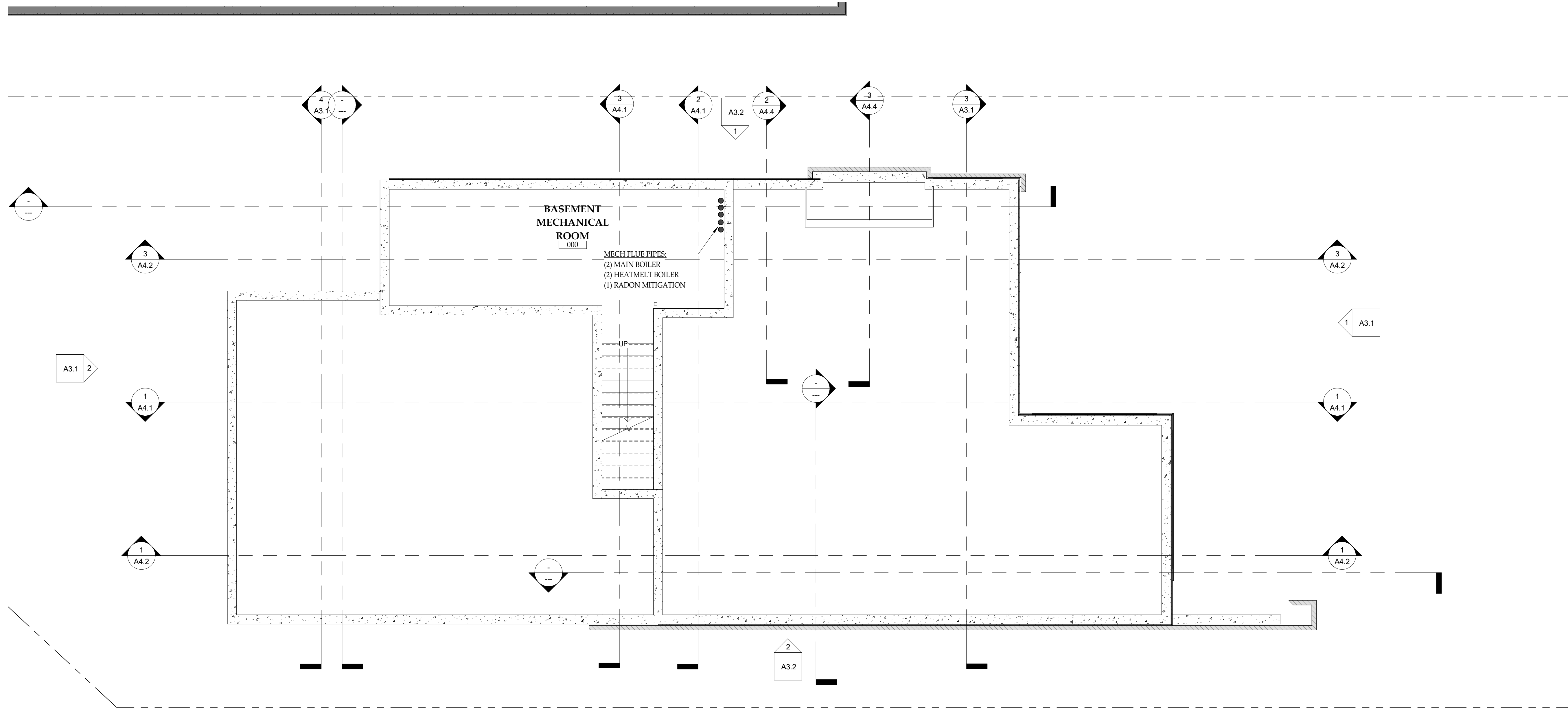
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No.	Description	Date

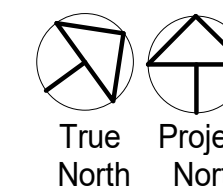
A NEW SINGLE-FAMILY HOME
ALFOND HOUSE
994 MAIN STREET
MINTURN COLORADO
DESIGN REVIEW SET

Date: 5-2-22
Project number: XXXX
ATTIC & ROOF PLANS
A2.4

5/2/2022 9:14:50 PM



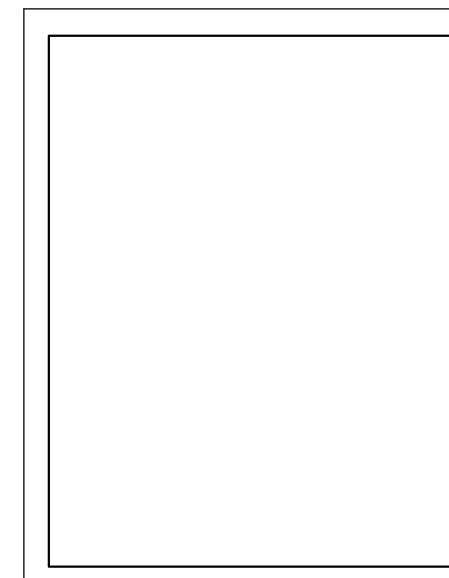
1 .1 FLOOR PLAN - BASEMENT
1/4" = 1'-0"



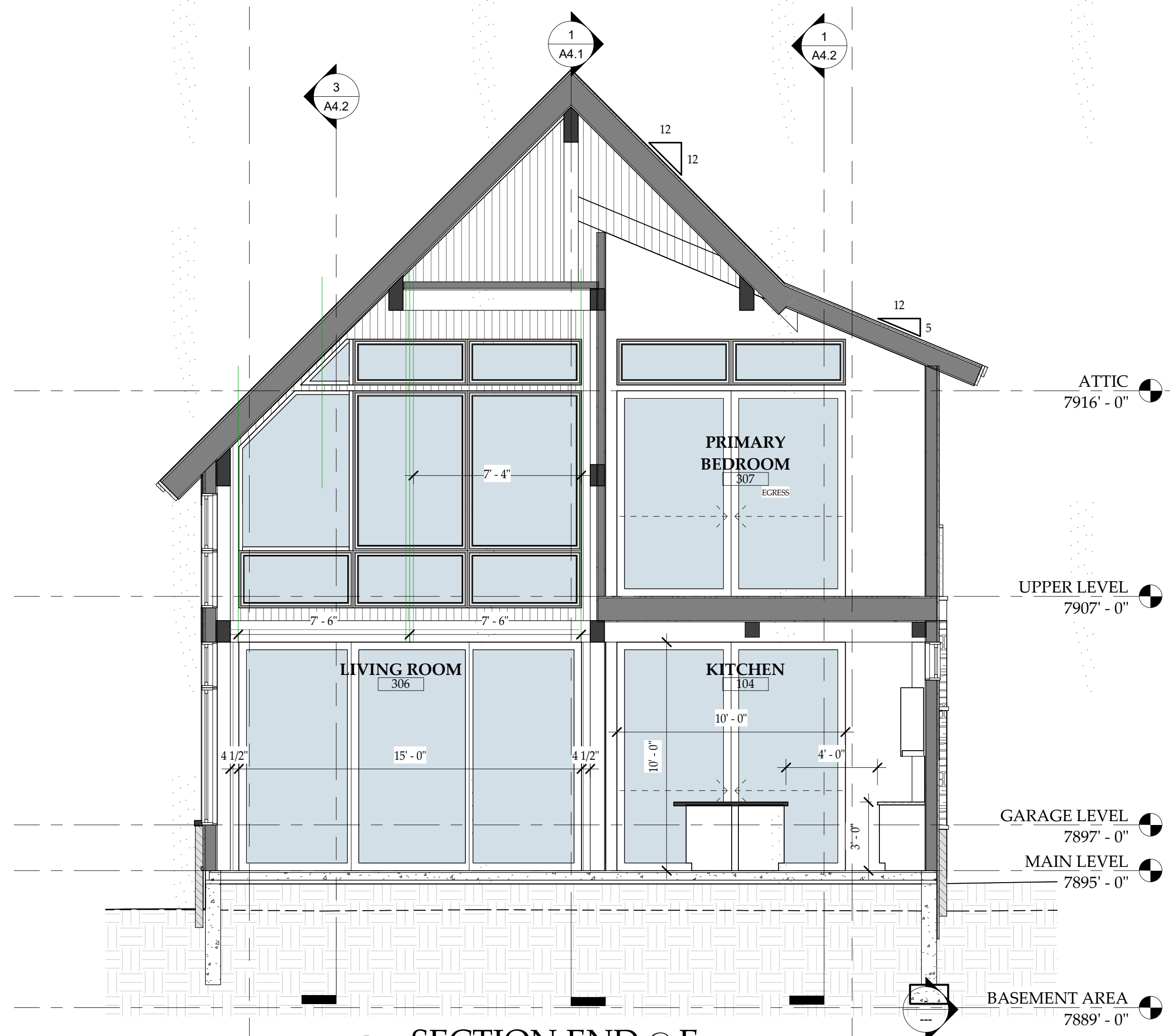
No.	Description	Date

A NEW SINGLE-FAMILY HOME
ALFOND HOUSE
 994 MAIN STREET
 MINTURN COLORADO
 DESIGN REVIEW SET

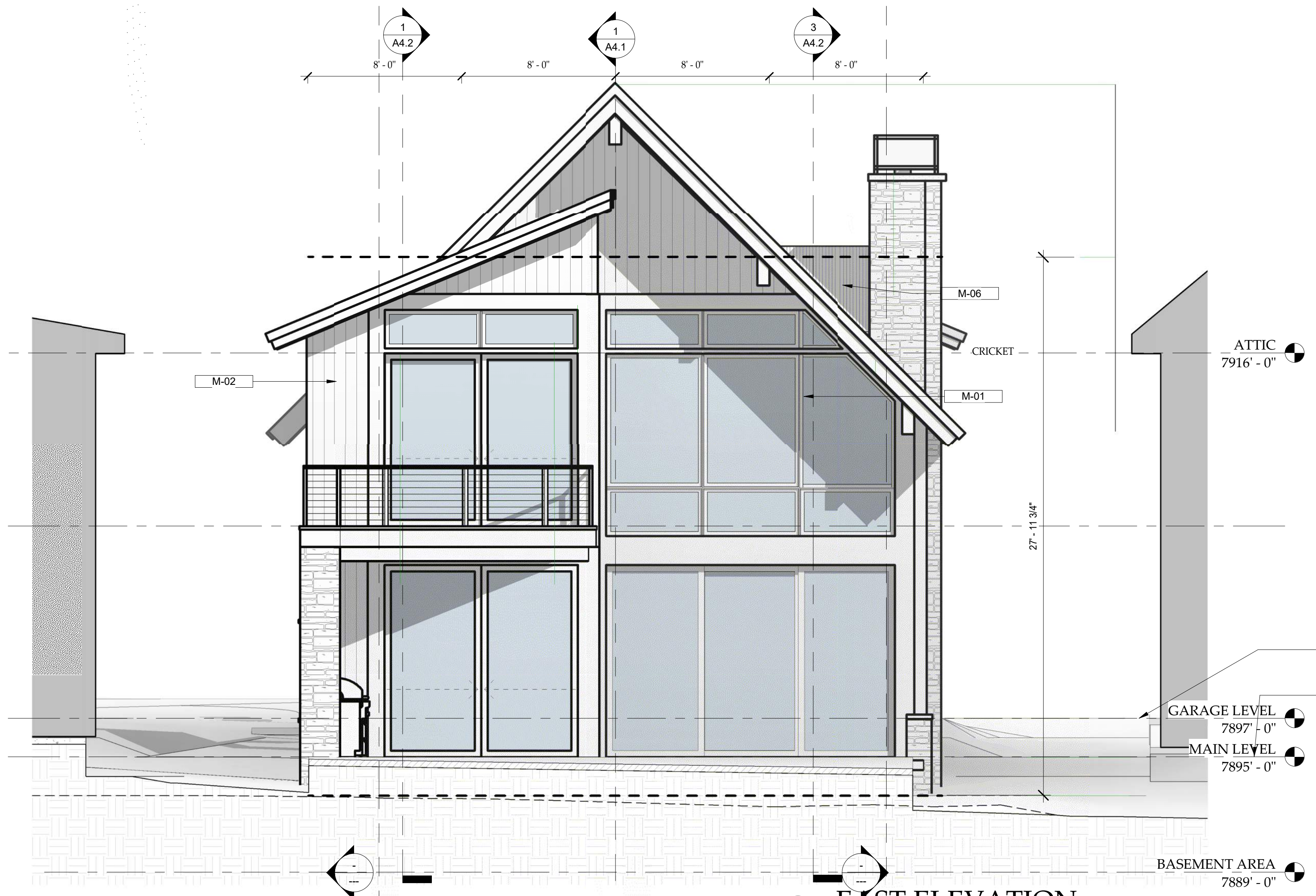
Date 5-2-22
 Project number XXXX
BASEMENT + TIMBER PLANS
A2.5



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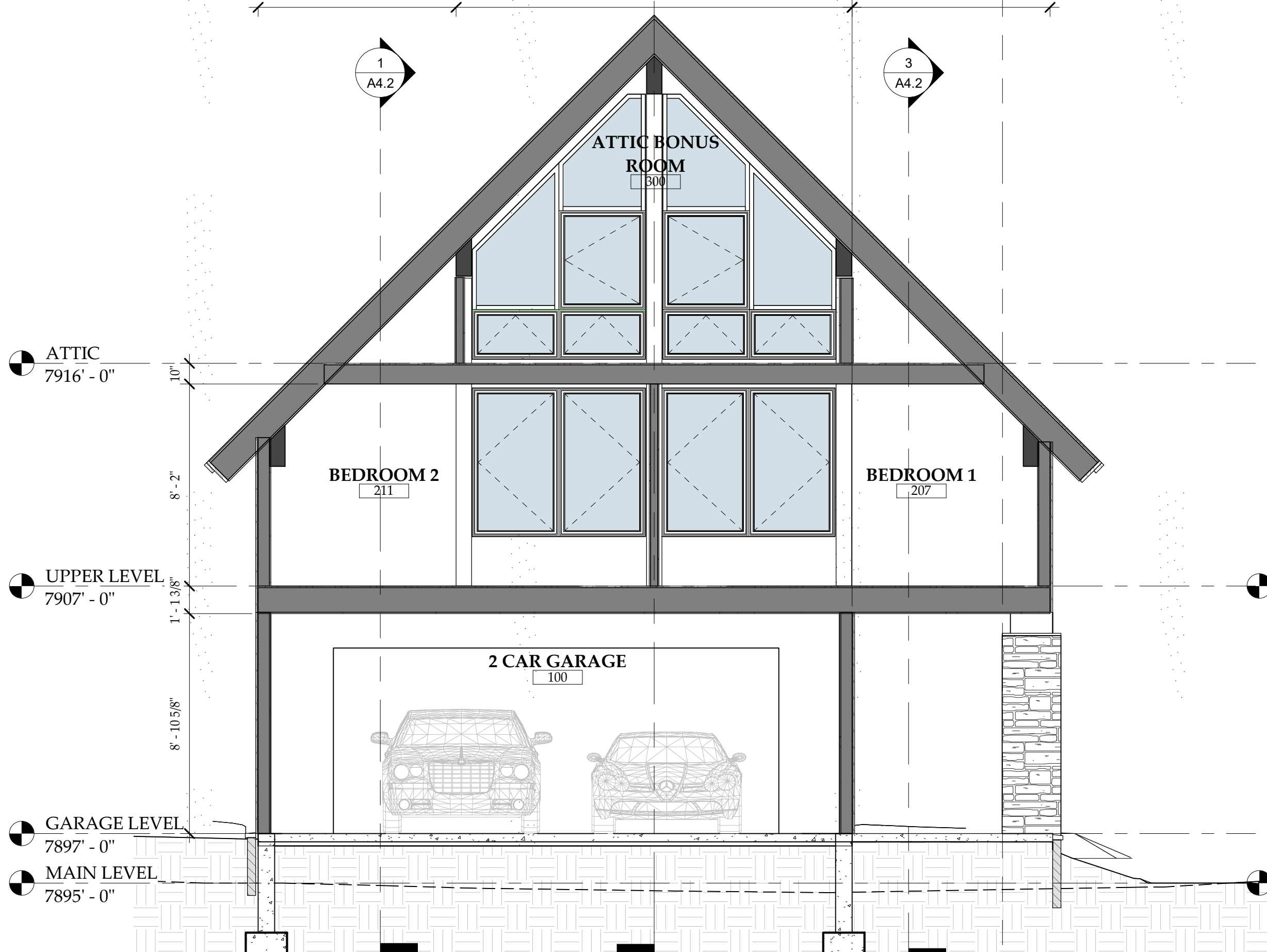


3 SECTION END @ E
1/4" = 1'-0"

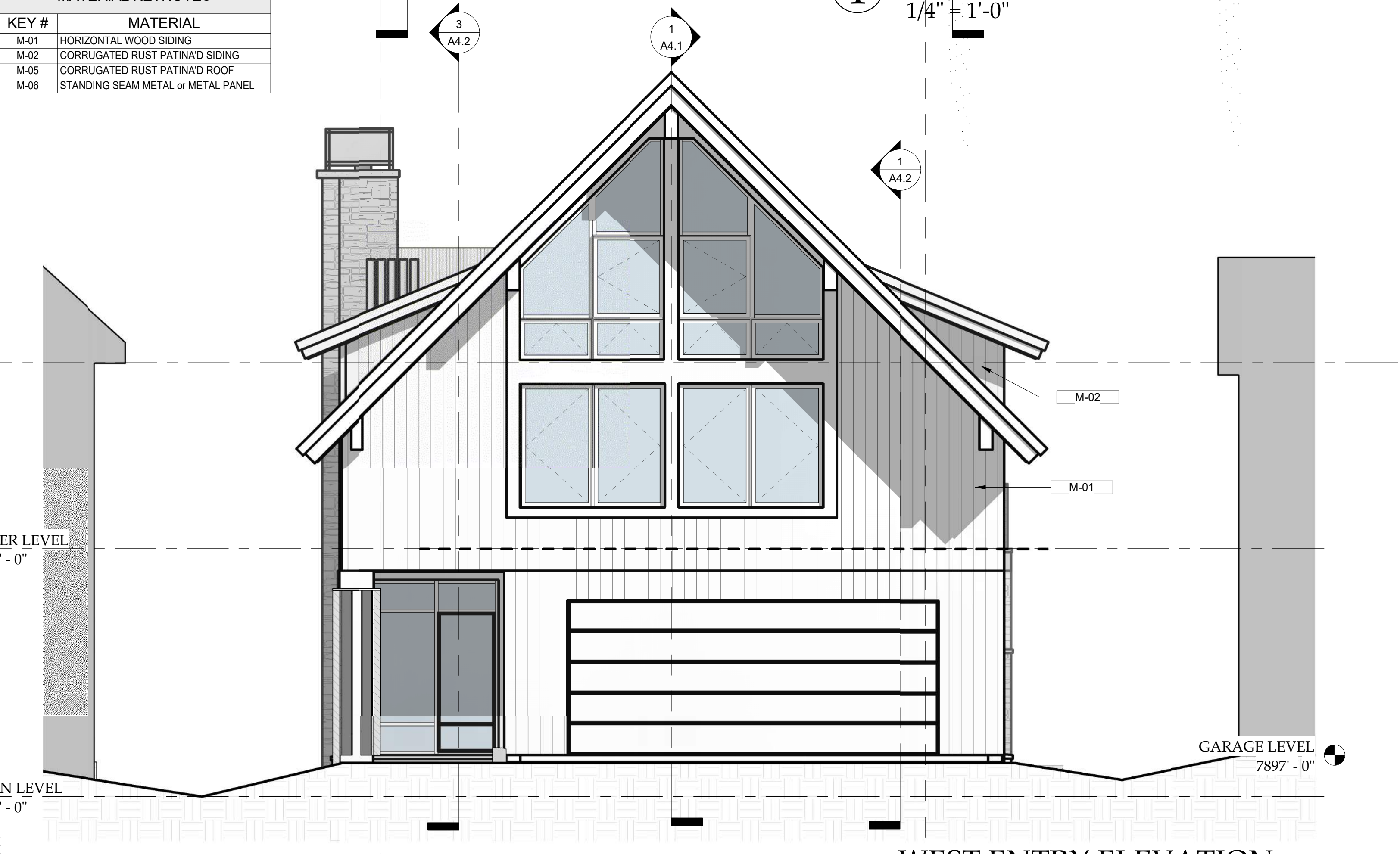


1 EAST ELEVATION
1/4" = 1'-0"

MATERIAL KEYNOTES	
KEY #	MATERIAL
M-01	HORIZONTAL WOOD SIDING
M-02	CORRUGATED RUST PATINA'D SIDING
M-05	CORRUGATED RUST PATINA'D ROOF
M-06	STANDING SEAM METAL or METAL PANEL



4 SECTION END @ S
1/4" = 1'-0"



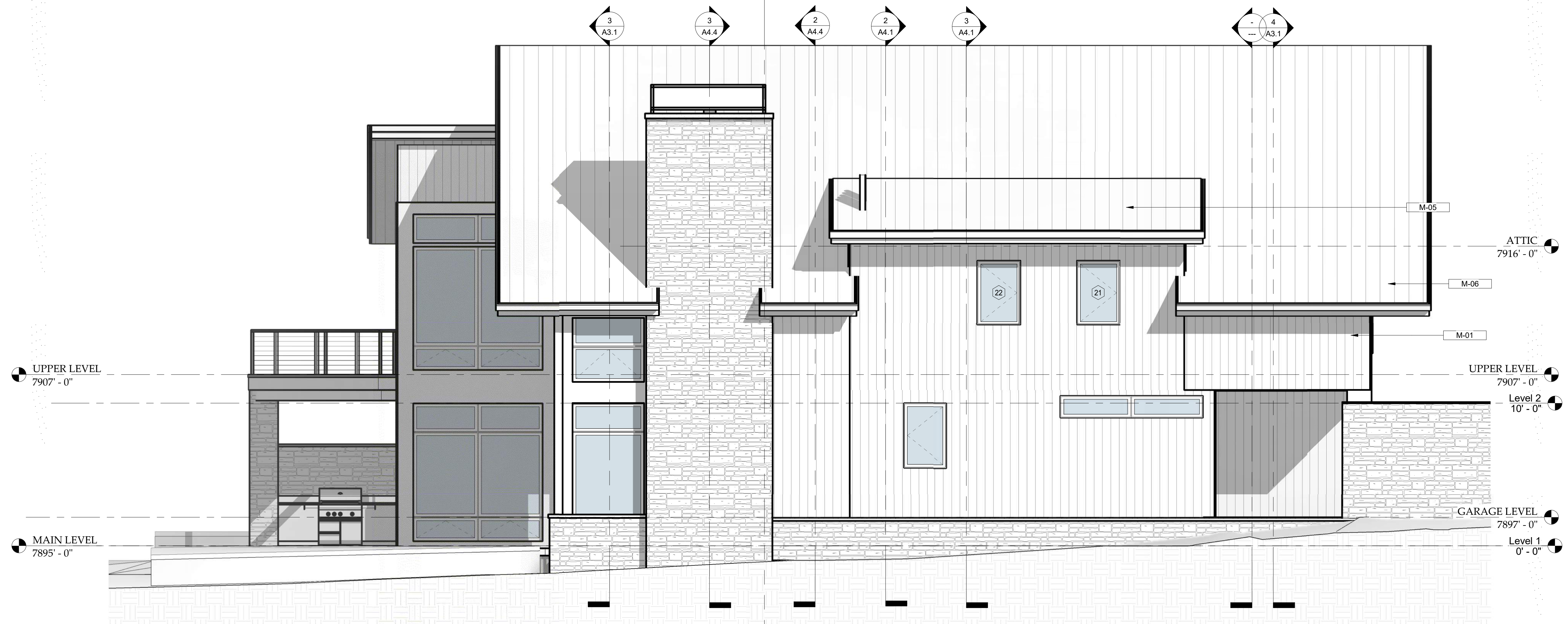
2 WEST ENTRY ELEVATION
1/4" = 1'-0"

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No.	Description	Date

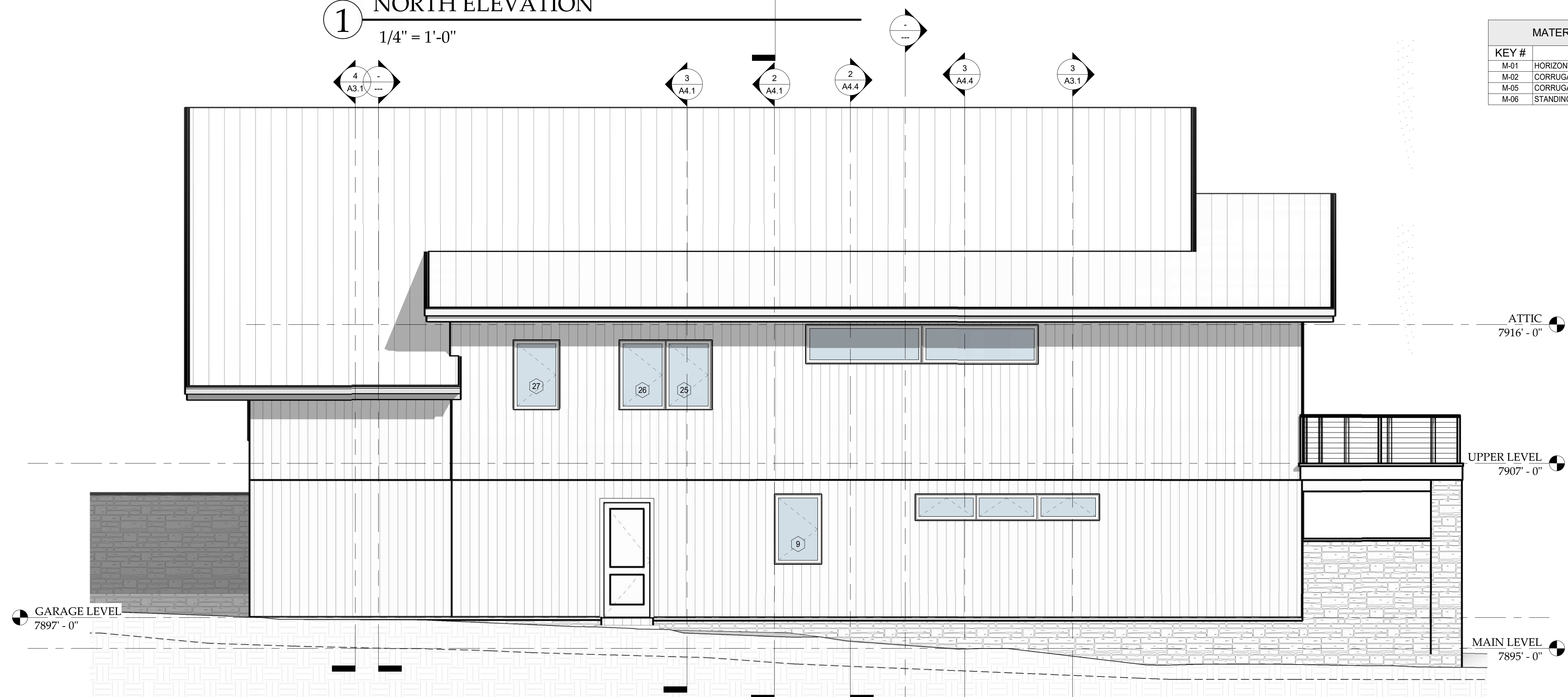
A NEW SINGLE-FAMILY HOME
ALFOND HOUSE
994 MAIN STREET
MINTURN COLORADO
DESIGN REVIEW SET

Date: 5-2-22
Project number: XXXX
EXTERIOR ELEVATIONS
A3.1

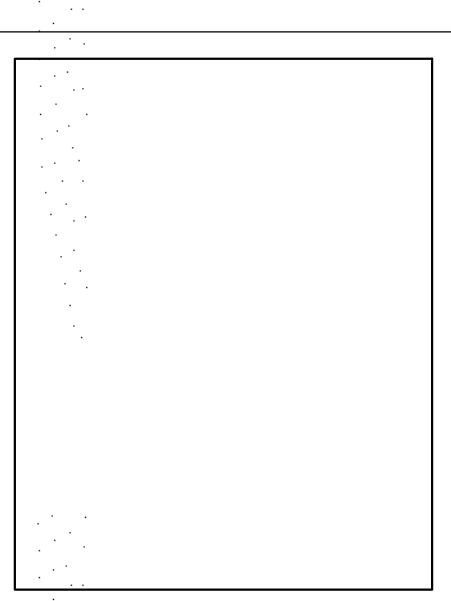


1 NORTH ELEVATION
1/4" = 1'-0"

MATERIAL KEYNOTES	
KEY #	MATERIAL
M-01	HORIZONTAL WOOD SIDING
M-02	CORRUGATED RUST PATINA'D SIDING
M-05	CORRUGATED RUST PATINA'D ROOF
M-06	STANDING SEAM METAL or METAL PANEL



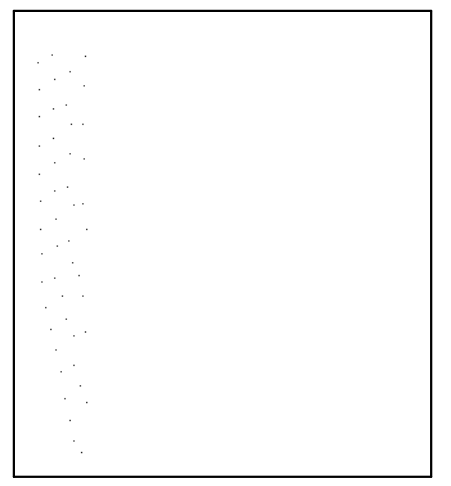
2 SOUTH ELEVATION
1/4" = 1'-0"



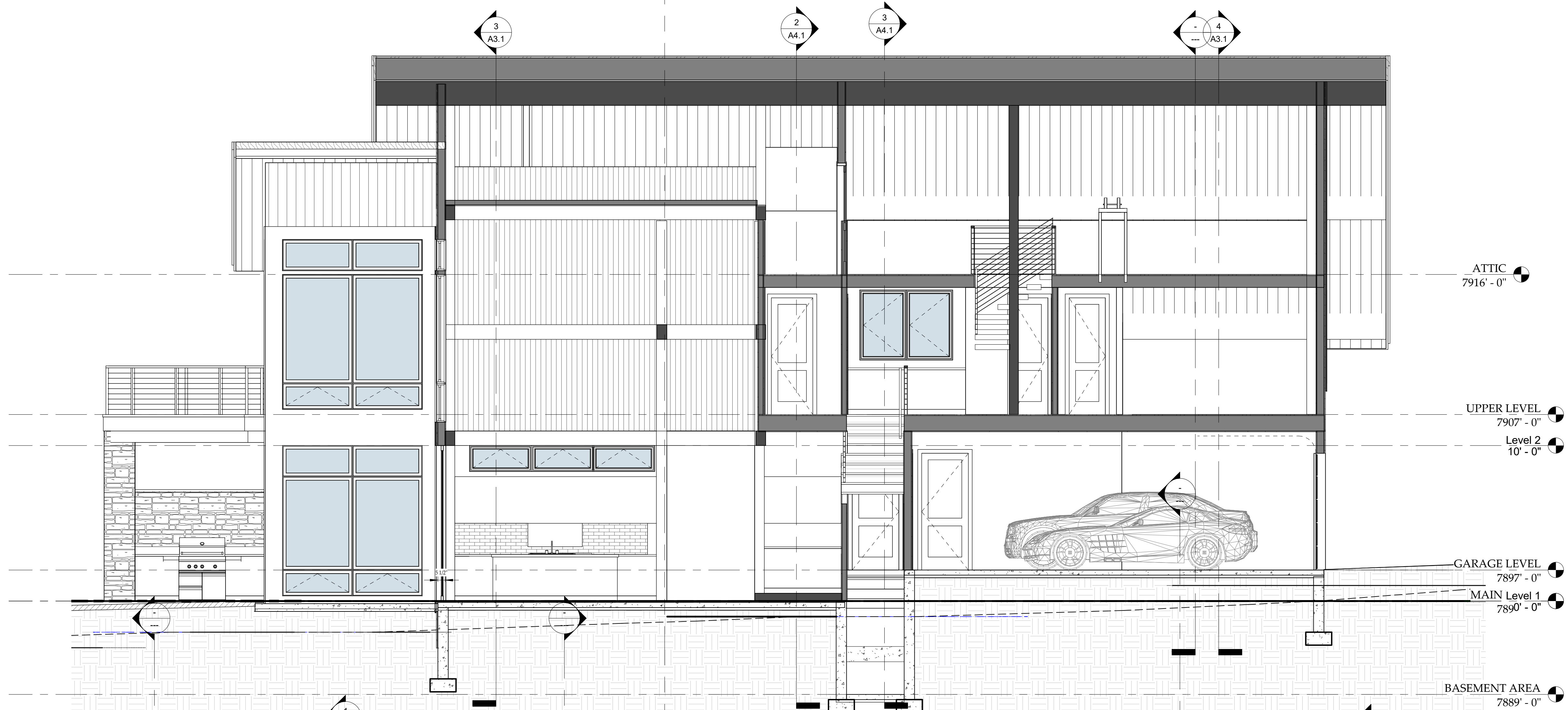
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REVISIONS	
No.	Description

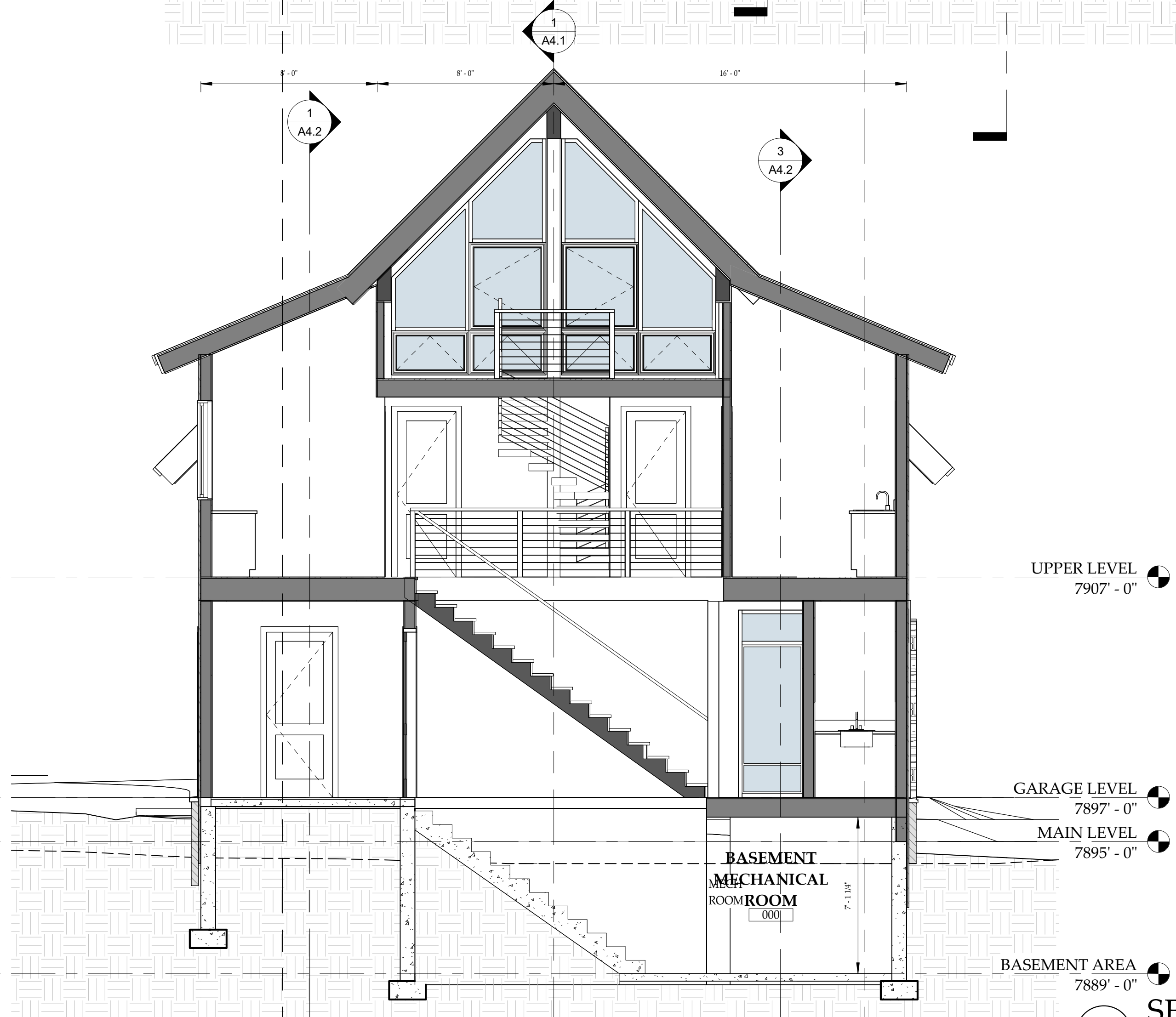
A NEW SINGLE-FAMILY HOME
ALFOND HOUSE
994 MAIN STREET
MINTURN COLORADO
DESIGN REVIEW SET



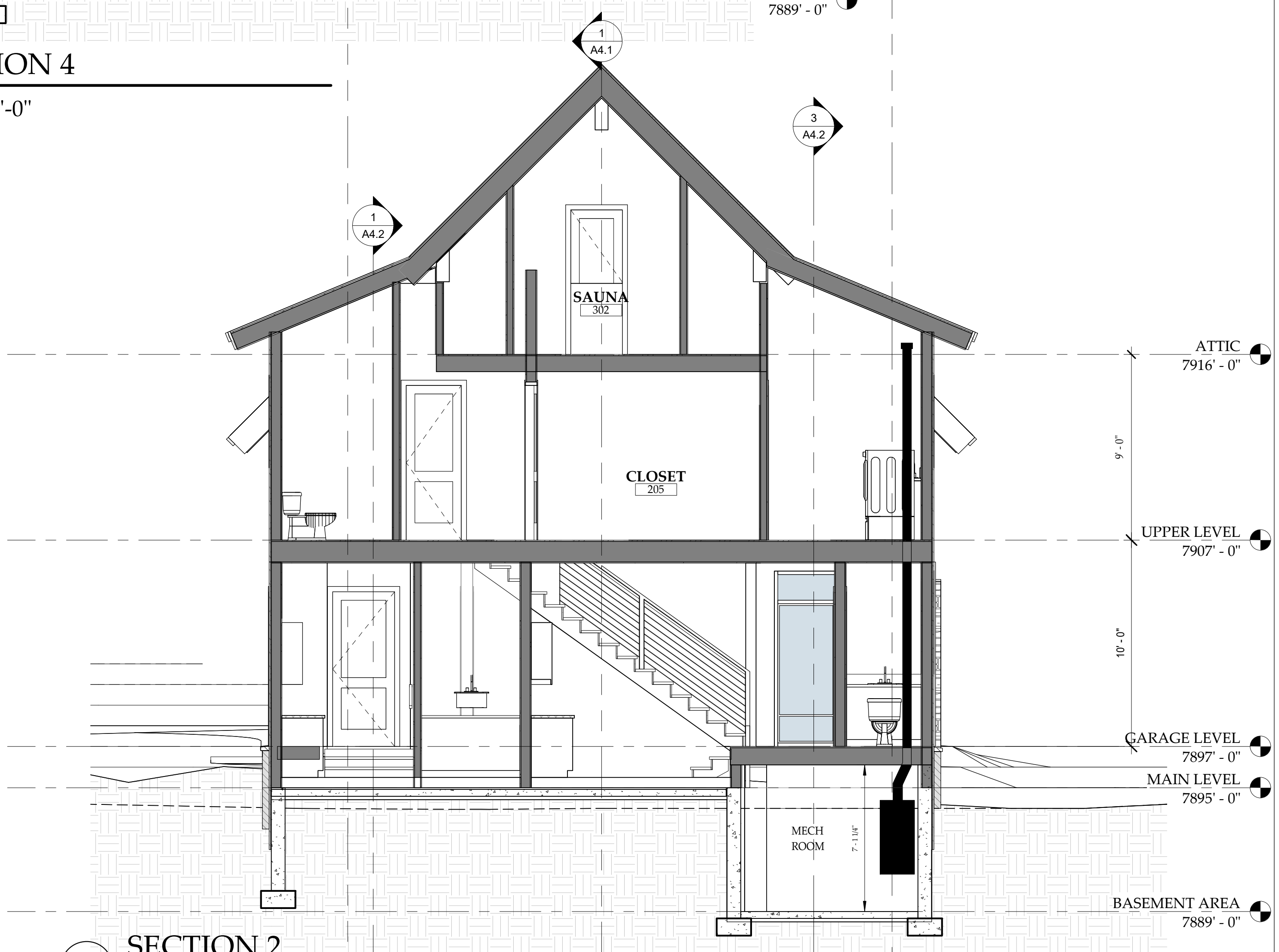
Date	5-2-22
Project number	XXXX
EXTERIOR ELEVATIONS	
A3.2	



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



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



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

ATTIC
7916' - 0"

UPPER LEVEL
7907' - 0"

Level 2
10' - 0"

GARAGE LEVEL
7897' - 0"

MAIN Level 1
7890' - 0"

BASEMENT AREA
7889' - 0"

UPPER LEVEL
7907' - 0"

GARAGE LEVEL
7897' - 0"

MAIN LEVEL
7895' - 0"

BASEMENT
MECHANICAL ROOM
000
7'-1 1/8"

BASEMENT AREA
7889' - 0"

ATTIC
7916' - 0"

UPPER LEVEL
7907' - 0"

9'-0"

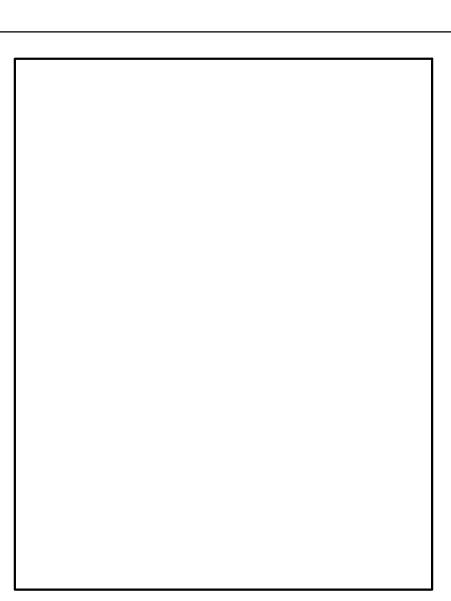
10'-0"

GARAGE LEVEL
7897' - 0"

MAIN LEVEL
7895' - 0"

MECH ROOM
7'-1 1/8"

BASEMENT AREA
7889' - 0"



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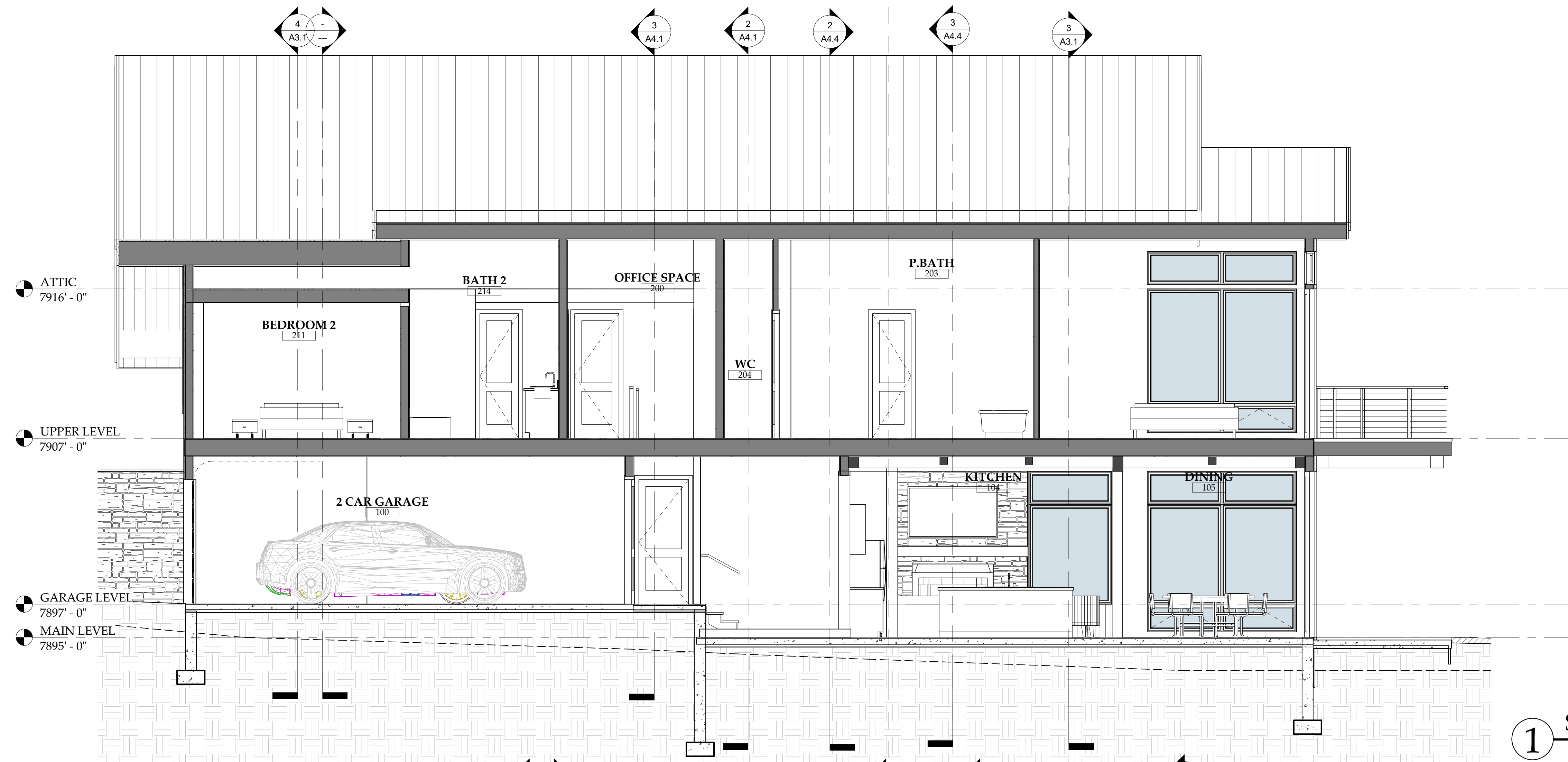
No.	Description	Date

A NEW SINGLE-FAMILY HOME
ALFOND HOUSE
994 MAIN STREET
MINTURN COLORADO
DESIGN REVIEW SET

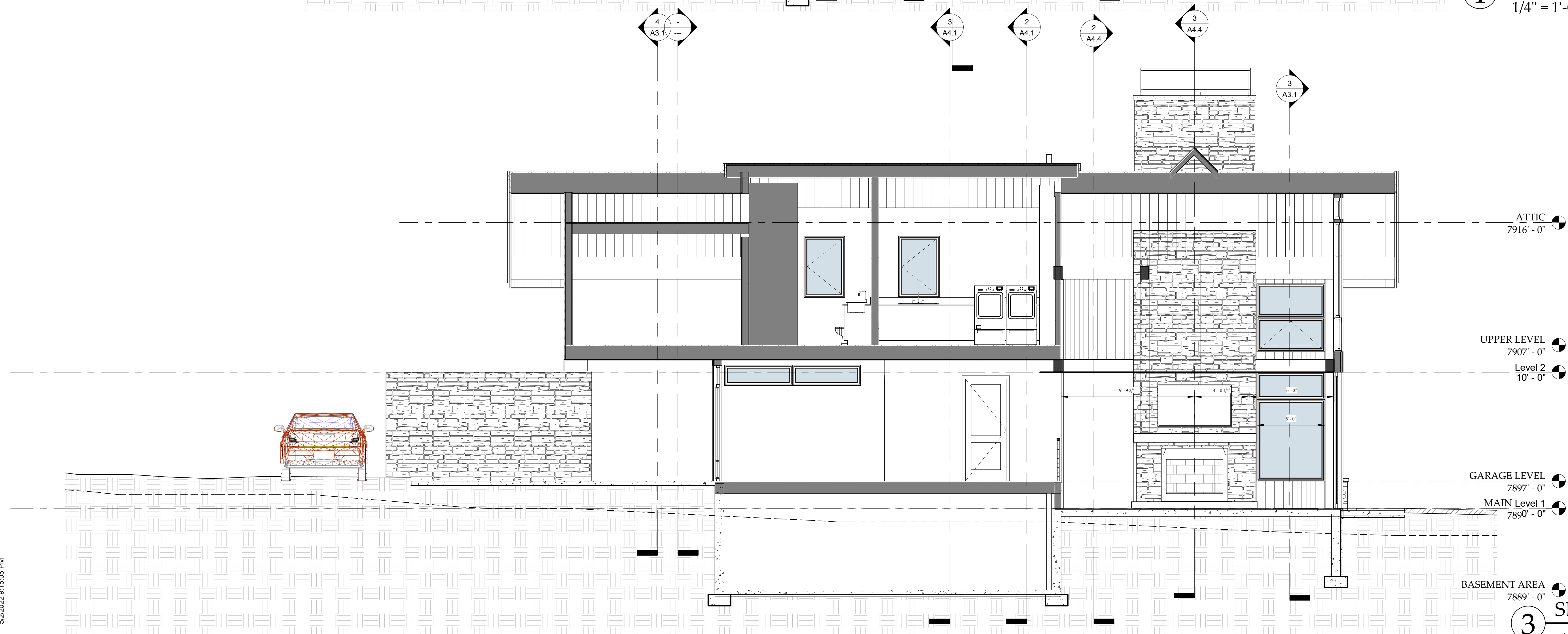
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Date	5-2-22
Project number	XXXX
BUILDING SECTIONS	A4.1

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1 SECTION 5
1/4" = 1'-0"



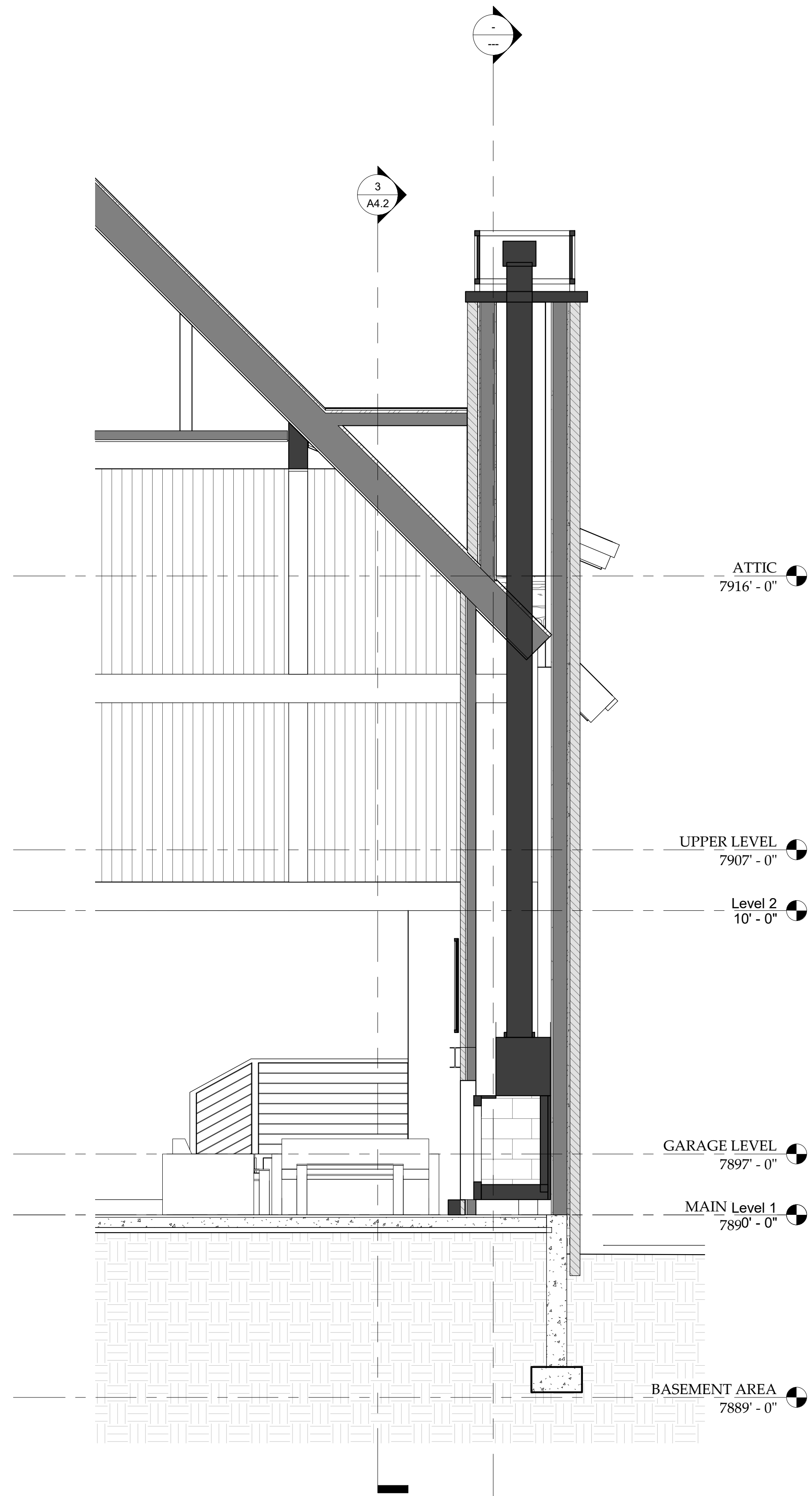
3 SECTION 7
1/4" = 1'-0"

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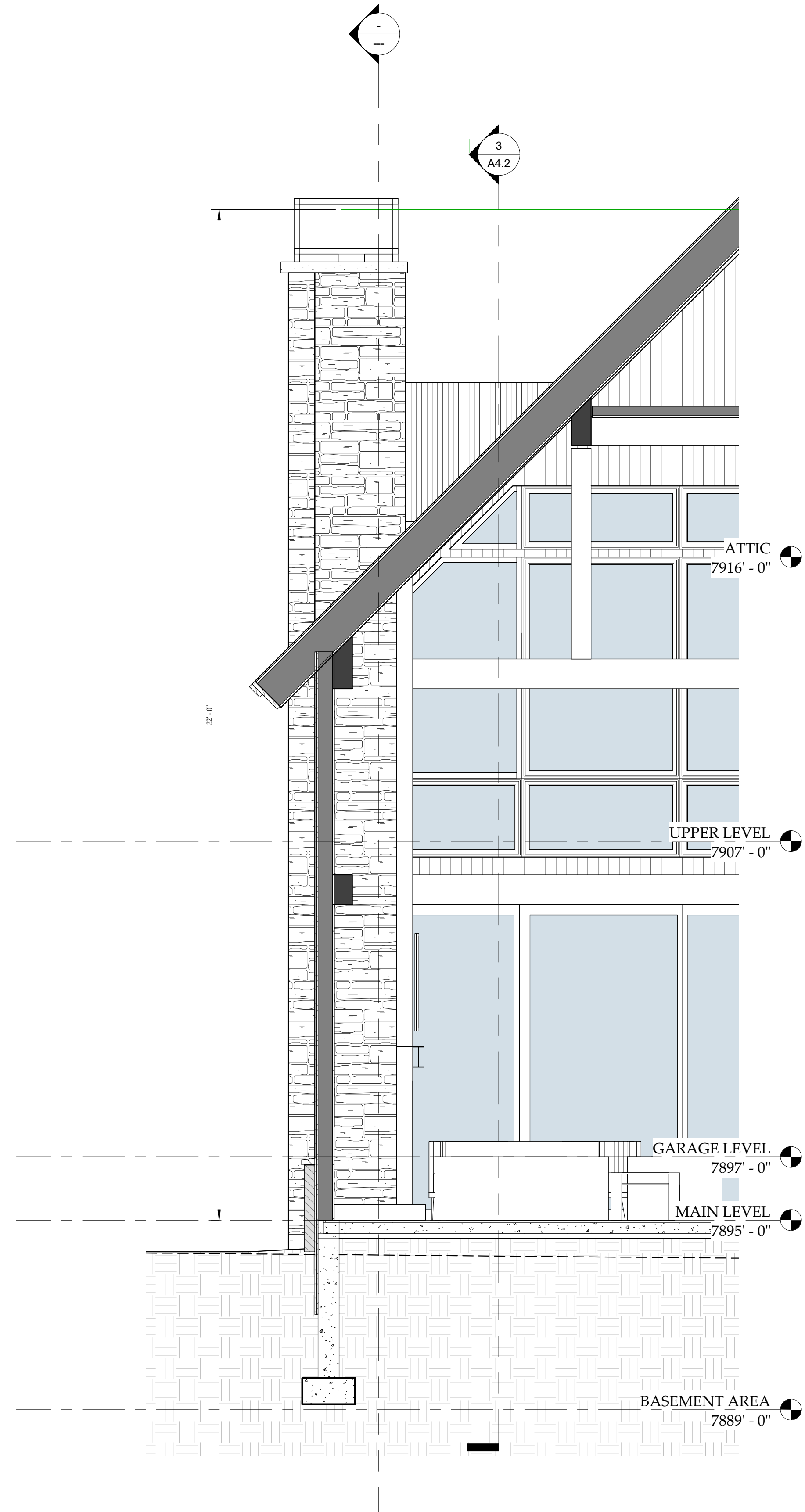
No.	Description	Date

A NEW SINGLE-FAMILY HOME
ALFOND HOUSE
994 MAIN STREET
MINTURN COLORADO
DESIGN REVIEW SET

Date: 5-2-22
Project number: XXXX
BUILDING SECTIONS
A4.2



3 FIREPLACE SECTION 3
3/8" = 1'-0"



2 FIREPLACE SECTION 2
3/8" = 1'-0"

No.	Description	Date

A NEW SINGLE-FAMILY HOME
ALFOND HOUSE
 994 MAIN STREET
 MINTURN COLORADO
 DESIGN REVIEW SET

Date	5-2-22
Project number	XXXX
SECTIONS	A4.4

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



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

To: Planning Commission
From: Madison Harris, Planner I
Michelle Metteer, Town Manager
Date: May 25, 2022
Re: Chapter 19 - Text Amendment Ordinance (Historic Preservation)

Request

Staff is presenting a draft ordinance to amend the Minturn Municipal Code (“MMC”) by adding Chapter 19 to establish a Historic Preservation Commission (“HPC”) and regulate Historic Preservation within the Town of Minturn. Request to recommend approval of draft ordinance.

Introduction

Located between the world-class ski resorts of Vail and Beaver Creek, both with limited land availability for additional development opportunities remaining, Minturn is experiencing an increase in development pressure. With the increased pressure, it became evident that Minturn’s code needed an overhaul in certain sections as well as the establishment of new sections to allow for a more robust toolbox to address the Town’s growing development interests while maintaining the values identified in the [2009 Community Plan values \(page 9\)](#) and the [2021-2023 Minturn Strategic Plan vision and strategies \(page 3\)](#).

In the fall of 2021 Ordinances 14 and 15, Series 2021 established moratoriums on the processing of Design Review, Conditional Use Review, Limited Review, and Demolition applications until August 31, 2022. This moratorium was established to allow the staff, planning commission, council and community time to address the above-stated shortfalls in the code. The recitals in the ordinances showcase the reasoning as, in part, due to a desire to update the MMC relating to Historic Preservation in the 100 Block and elsewhere in Town. To that end a Historic Preservation Committee was formed. Simultaneously, a planning consultant was secured to assist in the creation of a 100-block design guideline booklet to assist all parties regarding the design and building expectations within the downtown area.

On November 16, 2021 the Town sent out a call for volunteers to assist in the establishment of a draft historic preservation ordinance. Simultaneously, a page on the Town’s website was created to begin in the assistance and education of historic preservation policy. Included in the original reference documents were the [Certified Local Government Preservation Ordinance Guide Book](#) and the template [Historic Preservation Ordinance](#) provided by Dr. Lindsey Flewelling of History Colorado.

With a robust group of volunteers, the first Historic Preservation Committee meeting was held on January 6, 2022 with a goal of addressing ordinance definitions, Historic Preservation

Commission establishment, and identifying a “period of significance.” Here is a [link](#) to the video recording of the Committee's first meeting.

With momentum building, a survey was distributed to the Committee members in advance of the second meeting which was scheduled on January 20, 2022. The survey included a wide-range of questions and was the starting point for discussions in the second meeting. [Complete Historic Preservation Committee Survey results can be found here](#) and are also included as an attachment to this memo. These survey results served as the basis for a strong discussion with the committee and during the meeting different committee members presented their arguments if they felt differently from the results of the survey. Through these discussions, consensus was gathered, and in many cases, the outcome and direction to move forward was different than the initial survey responses. Here is a [link](#) to the video recording of the second Historic Preservation Committee meeting.

Between the Committee’s second and third meetings, the Minturn Town Council secured the services of attorney Terry Gorrell with Holland & Hart LLP. Terry’s background with historic preservation provided the legal insight and knowledge needed to rework the draft ordinance to be compatible with the MMC, and incorporate feedback from the committee. [Here is a link to the ordinance in draft form.](#)

The third Historic Preservation Committee meeting was on April 28, 2022 and included the draft and clean versions of the Historic Preservation ordinance. A video recording of the third Committee meeting can be viewed [here](#). The feedback provided by the Historic Preservation Committee’s third meeting has been incorporated into the draft ordinance before the Planning Commission for consideration.

Analysis

Minturn benefitted from a dedicated group of volunteers who value the community’s long-standing history as the second-oldest town in Eagle County behind Red Cliff. In addition, Dr. Lindsey Flewelling from History Colorado participated in all three Committee meetings as a valuable resource, and provided insight into how other communities have addressed particular historic preservation issues and best practices.

This ordinance is intended to provide an avenue for the formation of a Historic Preservation Policy and Commission, and codify the ability for the HPC or other concerned members of the public to be able to nominate or apply for certain structures, buildings, places of interest, etc. as a historic landmark. This ordinance establishes a process for people to follow and findings that need to be made in order to designate something a Historic Landmark or a Historical District.

With this effort, Minturn looks to secure the future of structures and landmarks throughout town that are deemed significant to the history of the community.

Community Input

Community members have utilized a variety of avenues to provide input. From public comment at Council meetings, emails to town hall, and Committee participation. This input remains ongoing and will hopefully continue in the Planning Commission discussion as well as the Town Council public hearings.

Special thanks to the following Minturn Historic Preservation Committee members (in no particular order): Susan Mitchell, Heather Faircloth, Brian Pignanelli, Shelley Bellm, Amanda Mire, Laura Wolf, Darell Wegert, Jane Rohr, Kelly Toon, Amanda Krost, Steven Witsil, Liz McCabe, Susan Morrison, Tom Sullivan, Bill Pierce, Jim Sebben, Ken Halliday, Greg Sparhawk and Jena Skinner.

Budget/Staff Impact: Unknown

Strategic Plan Alignment

Vision Statement:

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

Key Strategies:

- Practice fair, transparent and communicative local government
- Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “keep Minturn Minturn”

Recommended Action or Proposed Motion

“I make a motion to recommend approval of Ordinance ____ - Series 2022, An Ordinance creating Chapter 19 of the Minturn Municipal Code establishing a Historic Preservation policy and Commission.”

Attachments

- Ordinance ____ - Series 2022 An Ordinance creating Chapter 19 of the Minturn Municipal Code establishing a Historic Preservation policy and Commission
- Historic Preservation Committee Survey Results
- Documents referenced in this memo via weblink can be requested in printed form at the Minturn Town Hall offices
- Videos of Historic Preservation Committees may be viewed at Minturn Town Hall upon request

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

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING THE MINTURN MUNICIPAL
CODE TO ESTABLISH A CHAPTER 19 FOR HISTORIC
PRESERVATION.**

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

WHEREAS, the Town has initiated and proposed the text amendment to Minturn Municipal Code to establish a Chapter 19, Historic Preservation as provided herein; and

WHEREAS, on May 25, 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 Minturn Municipal Code 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. 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 the Minturn Municipal Code which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

* * *

Chapter 19 – Historic Preservation

Article 1 – General.

Sec. 19-1-10. – Authority.

This ordinance is adopted pursuant to the police powers of the Town of Minturn and not an exercise of zoning powers.

Sec. 19-1-20. – Purpose.

Purpose. The purpose of this ordinance 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.

Sec. 19-1-30. – Intent.

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.

Sec. 19-1-40. – Definitions.

Definitions. For purposes of this ordinance, the following terms are to be defined as follows:

Adjacent Properties means Properties within 100 linear feet of the boundaries of the proposed or subject Historic Property or Historic District

Alter, Alters, or Alterations means any act or process that changes one (1) or more of the exterior architectural features of a Building, Structure, Site, or Object.

Applicant means Person or persons submitting nomination or Alteration paperwork.

Building means 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.

Building Code means The Building Codes that have been adopted in Chapter 18 of the Minturn Municipal Code.

Building Official means the officer or other designated authority charged with the administration and enforcement of the Building Code, or that person’s authorized representative.

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 this ordinance.

Certificate of Economic Hardship means a certificate issued by the Commission authorizing the repair, restoration, Alteration, Construction, Relocation, or Demolition of a designated Building, Structure, Object, Site, or an element within a designated Historic District, in accordance with the provisions of this ordinance, even though a Certificate of Appropriateness has previously been denied.

Code means the Town of Minturn Municipal Code.

Colorado State Register of Historic Properties means the official listing of state designated cultural resources.

Compatible or *Compatibility* means consistent or harmonious with location, design, setting, materials, workmanship, feeling, or association of an individual Building, Structure, Object, or Site or of surrounding Properties.

Construction or *Construct* means an act of erecting an addition to an existing Building, Structure, or Object or the erection of a new principal or accessory Building, Structure, or Object on a lot or Property.

Contributing Property means a Building, Structure, Site, or Object that is located within a Historic District and that reflects the historic or architectural character within the Historic District.

Demolition or *Demolish* means any act or process that destroys in part or in whole a Building, Structure, Object, or Site.

Historic Preservation Design Guidelines means a standard of appropriate design, construction, and activity that will preserve the historic and architectural character of a Historic Property, Property, or Historic District.

Eligibility Criteria meaning as set forth in Article 3 of this Chapter.

Historic District meaning as set forth in Article 3 of this Chapter.

Historic Preservation Commission ("HPC") meaning as set forth in Article 2 of this Chapter.

Historic Property means a Building, Structure, Site, or Object which is designated by the Town Council pursuant to this Chapter.

Historic Significance means the meaning or value ascribed to a Building, Structure, Object, Site, or district based on criteria for evaluation as defined by Article 3 of this Chapter.

Infill means Construction on vacant or under-used parcels within existing areas that are within a designated Historic District.

Integrity means the ability of a Property to convey its Historic Significance through its physical features.

Inventory means a catalog of Buildings, Structures, Objects, and Sites within the Town, listed, eligible for listing, or non-eligible for listing in the Town's Historic Register.

Maintenance means all activities necessary to prolong the useful life and aesthetic appearance of a Property.

National Register of Historic Places means the list of significant Buildings, Structures, Sites, Objects, or districts in American history, architecture, archeology, engineering, or culture maintained by the U.S. Secretary of the Interior.

Non-Contributing Property means a Building, Structure, Object, or Site that does not reflect the historic or architectural character within a Historic District because of age or lack of Integrity.

Object means 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.

Owner means as applied to a Property, the nominal record owner thereof and includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

Period of Significance means span of time during which significant events and activities occurred.

Property means a Building, Structure, Site, or Object.

Relocation or Relocate means moving a Building, Structure, or Object to a different location, either temporarily or permanently.

Secretary means the Secretary of the Historic Preservation Commission.

Secretary of the Interior's Standards for the Treatment of Historic Properties means the preservation, rehabilitation, restoration, and reconstruction standards adopted by the U.S. Department of the Interior.

Section 106 Review means the process required of federal agencies under 54 U.S.C. 306108 to consult local governments and other parties in consideration of the effects of

projects carried out, permitted, licensed, or funded by that agency on properties listed in the National Register of Historic Places.

Site means 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.

Structure means 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.

Town means the Town of Minturn.

Town Council means the council of the Town.

Town's Historic Register means the register established pursuant to Article 3 of this Chapter.

Article 2 – Historic Preservation Commission.

Sec. 19-2-10. – Creation.

Creation. There is hereby established a Historic Preservation Commission, which shall be appointed by the Town Council, and hereinafter referred to as the (“HPC”).

Sec. 19-2-20. – Composition.

Composition.

1. HPC shall be composed of five voting members with the option of Town Council to appoint additional non-voting members to be utilized in an advisory capacity, all of whom have demonstrated interest in, competence with, or knowledge of the Town's history and/or historic preservation.
2. At least 3 of the voting members shall be full time residents, Property or business Owners, or designated representatives of Property or business Owners within the Town.
3. At least 2 of the voting members shall be professionals or shall have extensive expertise in a preservation-related discipline, including but not limited to History, Architecture, Landscape Architecture, American Studies, American Civilization, Construction and Building Trades; Cultural Geography, Cultural Anthropology, Environmental Expertise, Planning, Real Estate, or Archeology. The Town Council may waive this requirement on a determination that there are not eligible prospective members who meet these criteria.
4. Non-voting advisory members may be appointed by the Town Council.

Sec. 19-2-30. – Term of Office.

1. Members shall serve three year staggered terms from the date of their appointment; provided, however, that the initial appointment to HPC shall consist of one appointment of a term of one year, two appointments of a term of two years, and two appointments of a term of three years.
2. Members may continue to serve until their successors have been appointed.

Sec. 19-2-40. – Officers.

Officers. HPC shall, by majority vote, elect one of its members to serve as chairperson to preside over HPC’s meetings and one member to serve as the vice-chairperson. The members so designated shall serve in these capacities for terms of one year. A Town Employee appointed by the Town Manager pursuant to Code Sec. 19-2-50 shall serve as Secretary of the HPC.

Sec. 19-2-50. – Staffing.

Staffing. The Town Manager shall designate one or more Town Employee(s) within the Planning Department to assist HPC in the administration of its duties, one of whom shall be designated as the Secretary of the HPC.

Sec. 19-2-60. – Quorum and Voting.

Quorum and Voting. A quorum for HPC shall consist of a majority or 3 voting members. A quorum is necessary for HPC to conduct business, including holding a public hearing. A roll call vote shall be taken upon the request of any member. A majority vote of a quorum shall be determinative. A tie vote shall be deemed a denial of the motion or recommended action.

Sec. 19-2-70. – Compensation.

Compensation. All members of HPC shall serve without compensation except for such amounts determined appropriate, in advance, by the Town Council to offset expenses incurred in the performance of their duties.

Sec. 19-2-80. – Powers and Duties.

The HPC:

1. May conduct surveys and create inventories of Properties and areas for the purpose of defining those of Historic Significance.
2. Shall review and determine qualifications of Buildings, Structures, Objects, Sites, and Historic Districts nominated for designation and recommend that the Town Council designate by ordinance such Buildings, Structures, Objects, Sites, or Historic Districts qualifying for such designation.

3. Shall recommend to the Town Council the establishment of construction and design guidelines, consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, for the review of proposals to Alter, Relocate, or Demolish Historic Properties.
4. Shall review and make recommendations on any application for Alteration, Relocation, or Demolition of a Historic Property or Historic District or planning and design for a project that may affect the character or Integrity of the Historic Property or Historic District.
5. May participate in review of National Register of Historic Places nominations.
6. May advise and assist Owners on physical and financial aspects of preservation, rehabilitation, restoration, and reconstruction, including nomination to the Town's Historic Register, the Colorado State Register of Historic Properties, and the National Register of Historic Places.
7. May develop and assist in public education programs on history, archaeology, and historic preservation.
8. Shall advise the Town Council on matters related to preserving the historic character and substance of the Town and recommend easements, covenants, licenses, and other methods which will implement the completion of the purposes of this Chapter.
9. Shall participate in Federal Section 106 Review under the National Historic Preservation Act of 1966 as requested by Town Council or staff.
10. May actively pursue financial assistance for preservation-related programs.
11. Shall draft and recommend for adoption by the Town Council such by-laws, operating policies and other rules of procedure for HPC, as HPC may deem appropriate.

Sec. 19-2-90. – Meetings.

1. HPC shall establish a regular meeting schedule with no less than monthly scheduled meetings.
2. Minutes shall be kept of all HPC proceedings.
3. All meetings of HPC shall be open to the public, subject to the right of HPC to receive legal advice in an executive session.

Sec. 19-2-100. – Vacancies.

Vacancies. Appointments to fill vacancies on HPC shall be made by the Town Council in the same manner as regular appointments.

Sec. 19-2-110. – Removal.

Removal. Members of HPC may be removed by the Town Council.

Article 3 – Establishment of Town Register and Designation Criteria

Sec. 19-3-10. – Register of Historic Places Established.

The Town Council hereby establishes the Town of Minturn Register of Historic Places(the “Town's Historic Register”).

1. Properties or districts may be listed in the Town's Historic Register only if such Property or district has been so designated pursuant to this ordinance.
2. All Properties listed in the Colorado State Register of Historic Properties and the National Register of Historic Places are eligible for the Town's Historic Register but are not designated until approval, pursuant to this Chapter, is obtained.

Sec. 19-3-20. – Eligibility Criteria.

1. Properties or Historic Districts shall be at least fifty years old and meet one or more of the following criteria in order to be considered for designation:
 - a. Association with events that have made a significant contribution to history.
 - i. Is a Site of a historic event that had an effect upon society; or
 - ii. Exemplifies cultural, political, economic, or ethnic heritage of the Town.
 - b. Connection with persons significant in history.
 - c. Distinctive characteristics of a type, period, method of Construction, or artisan.
 - i. Exemplifies specific elements of an architectural style or period;
 - ii. Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
 - iii. Demonstrates superior craftsmanship or high artistic value;
 - iv. Represents a style that is particular to the Town;
 - v. Represents an innovation in Construction, materials, or design; or
 - vi. Represents a built environment of a group of people in an era of history.
 - d. Geographic importance.
 - i. Enhances the sense of identity of the Town or community; or
 - ii. Is an established and familiar natural setting or visual feature of the Town or community.
 - e. Possibility to yield important information related to prehistory or history.
 - i. Addresses research questions or fills recognized data gaps;
 - ii. Embodies Construction, development, or design adaptations; or
 - iii. Informs on the development of engineering systems.
2. 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. 19-3-30. – Integrity Criteria.

All Properties and Historic Districts shall be evaluated for their physical Integrity using the following criteria:

1. Location - the place where the Property was Constructed or the place where the historic event occurred.

2. Design - the combination of elements that create the form, plan, space, Structure, and style of a Property.
3. Setting - the physical environment of a Property.
4. Materials - the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a Property.
5. Workmanship - the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
6. Feeling - a Property's expression of the aesthetic or historic sense of a particular period of time.
7. Association - the direct link between an important historic event or person and a Property.

Sec. 19-3-40. – Historic Districts.

1. A “Historic District” is 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 or more Contributing Properties, which has been designated by the Town Council pursuant to this Chapter.
2. A Historic District is related by a pattern of either physical elements or social activities. Historic Significance is determined by applying eligibility and Integrity criteria to the pattern(s) and unifying element(s).
3. Historic District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in Property type, density, or Integrity.
4. Properties that do not contribute to the Historic Significance of the Historic District may be included within its boundaries.

Article 4 – Designation Procedure

Sec. 19-4-10. – Application for Nomination.

1. Applications shall be submitted to the Town of Minturn Planning Department for consideration, on a form provided by HPC.
2. An application for nomination for listing in the Towns Historic Register may be made:
 - a. By the Owner or Owners of the Property or Properties to be designated;
 - b. By a member or members of HPC;
 - c. By a member or members of Town Council; and/or
 - d. By non-Owners of the Property or Properties to be designated, in which case the Applicant must be a resident or Owner of Property in the Town, or have a place of business in the Town.
3. Where an application for nomination is submitted by someone other than the Property Owner or less than all of the Property Owners in a district nominated for designation, the staff person assigned to HPC pursuant to Code Sec. 19-2-50 shall contact the Owner or Owners of such Property or Properties nominated for designation in writing, outlining the

reasons and effects of listing in the Town's Historic Register, within 45 days of receipt of application.

4. Applications determined incomplete by the Planning Department shall be returned to the Applicant within 45 days of receipt of application, with a request for additional information.

Sec. 19-4-20. – Designation Hearing.

1. Within 45 days after an application is determined complete by the Planning Department and delivered to HPC, a public hearing shall be held by HPC.
 - a. HPC shall provide notice by U.S. Mail of the date, time, and location of the public hearing to the Applicant, the Owner or Owners of record, and the Owners of Adjacent Properties, at least 10 days prior to the hearing.
 - b. A legal notice in accordance with Code Sec. 16-21-610 indicating the nature of the hearing, the Property involved, and the time, date, and place of the scheduled public hearing, shall be published in the Town's publication of record at least 10 days prior to the hearing.
2. A hearing may be continued. 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 45 days without the express consent of the Applicant and the Owner.
3. Reasonable opportunity shall be provided for interested parties to express their opinions regarding the proposed designation. However, nothing contained in this ordinance shall be construed to prevent HPC from establishing reasonable rules to govern the proceedings of the hearings, or from establishing reasonable limits on the length of individual presentations.
4. Hearings in front of HPC shall be conducted in conformance with the requirements in Code Sec. 16-21-220. Written reports and presentations submitted to HPC shall be incorporated into the record of the hearing.

Sec. 19-4-30. – HPC Review.

1. HPC shall review the application for conformance with the established criteria for designation and with the purposes of this Article 4.
2. HPC shall recommend:
 - a. Approval;
 - b. Approval with conditions; or
 - c. Denial of the application.HPC shall set forth in writing the basis of its recommendation.
3. If HPC recommends approval of an application or approval of an application with conditions, HPC shall forward the application with a copy of its report and findings to the Town Council within 30 days of determination.
4. If HPC recommends denial of an application, HPC shall forward the application with a copy of its report and findings to the Town Council within 30 days of determination.

5. HPC may issue an order continuing the nomination process if HPC finds that additional information is 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 can a hearing be continued more than 45 days without the express consent of the Applicant and the Owner(s).

Sec. 19-4-40. – Town Council Proceedings.

1. Within 30 days after receipt of HPC’s recommendation, the Town Council shall hold a public hearing to consider HPC’s recommendation. Such notice and hearing shall be conducted in conformance with the procedures set forth Code Sec. 19-4-20.
2. The Town Council shall review the application for conformance with this Article 4.
3. The Town Council shall deny, or, by ordinance, shall approve or approve with conditions, the proposed application.

Sec. 19-4-50. – Recording of Designation.

Within 30 days of the effective date of an ordinance designating a Historic Property or Historic District for preservation, the Town shall record the ordinance with the Clerk and Recorder of Eagle County.

Sec. 19-4-60. – Records.

Records. The Town shall maintain a current record of all Historic Properties and Historic Districts and pending designations.

Sec. 19-4-70. – Limitation on Resubmission and Reconsideration of Proposed Designation.

Limitation on Resubmission and Reconsideration of Proposed Designation. Whenever the Town Council denies a proposed designation, no person shall submit an application that is the same or substantially the same for at least one year from the effective date of the final action on the denied application.

Sec. 19-4-80. – Amendment of Designation.

An application to amend designation of a Historic Property or Historic District to add features or Properties to such Historic Property or Historic District shall be administered by the Planning Department and HPC in accordance with the procedures in Code Sections 19-4-10 through 19-4-70.

Sec. 19-4-90. – Revocation of Designation.

If a Historic Property or Historic District has been Altered to a degree that it no longer retains its Eligibility Criteria, the Owner, an HPC member, or Town Council person may apply to HPC for a revocation of the designation. The revocation application shall be administered by the Planning

Department, HPC, and Town Council in the same manner as a proposed amendment of designation.

Article 5 – Alterations to Listed Properties and Historic Districts

Sec. 19-5-10. – Application.

1. 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 5. 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 Code.
2. The Planning Department shall review the application received to determine whether the Property is a listed Historic Property, or a Contributing Property located in a Historic District. If so, the Planning Department shall determine when the application is complete and shall refer the application to HPC for Certificate of Appropriateness review in accordance with this Section. If the Planning Department determines the application is incomplete, the Applicant shall be advised of the reasons in writing within 30 days of submittal.
3. No person shall receive a building permit to Construct, Alter, remove, or Demolish any Building, Structure, Object, or other feature on a Site, or element of a Historic District nominated for designation, after an application has been filed to initiate the designation of such Property or Historic District. No such building permit shall be approved while proceedings are pending on such designation.
4. If the Planning Department determines that the Property is not a Historic Property, or a Contributing Property within a Historic District, then the application shall be processed without further requirement of review under this Article.

Sec. 19-5-20. – Alteration Hearing.

Within 45 days after referral of a Code Sec. 19-5-10 an application by the Planning Department to HPC a public hearing shall be held by HPC, and shall be conducted in conformance with the procedures set forth in Code Sec. 19-4-20.

Sec. 19-5-30. – Review Criteria.

1. Compliance with any Historic Preservation Design Guidelines adopted by the Town Council for Historic Properties and/or Contributing Properties within Historic Districts.

2. Compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, including the Standards for Rehabilitation.

Sec. 19-5-40. – HPC Certificate of Appropriateness Review

1. HPC shall:
 - a. Approve the application
 - b. Approve the application with conditions; or
 - c. Deny the application
2. 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 21 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.
3. 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.
4. If HPC denies the application, HPC shall notify the Applicant in writing and a copy will be placed in the appropriate Town records.
5. 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.
6. 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 45 days without the express consent of the Applicant.
7. The Applicant and/or Owner(s) may resubmit an amended application that takes into consideration the recommendations of HPC.
8. 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 Code Sec. 19-5-10 (1) activity within one year from the date of the final action.
9. 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.

Article 6 – Relocation of Listed Properties

Sec. 19-6-10. – General.

1. In addition to the criteria and procedures in Article 5, HPC will use the criteria of this Article 6 in considering applications for Relocating a Historic Property or Contributing Property in a Historic District within or outside of a designated Site or district or Relocating a Property onto a designated Site or Historic District.
2. Applicants for Relocation shall provide:
 - a. An estimate of costs, in such form as determined by HPC, of continued Maintenance of the Property in its current condition, of rehabilitation on Site, and of Relocation and rehabilitation;
 - b. A licensed structural engineer's report as to structural soundness;
 - c. Professionally prepared Site plan and Construction documents for the proposed Relocation Site; and
 - d. A replacement/reuse plan for the current Site.
3. If Relocation is approved by HPC, the Relocation will not be permitted until a design review application for the current Property Site has been approved by the Planning Commission.

Sec. 19-6-20. – Review Criteria.

1. For consideration of the original Property and Site, HPC will review for the following criteria:
 - a. Whether the Property can be preserved, restored, rehabbed, or reused on its current Site to provide for any reasonable, beneficial use of the Property regardless of any proposed development plan for the Property's Site or Adjacent Properties;
 - b. And
 - i. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the Building, Structure, or Object proposed for Relocation;
 - ii. If the Property can be Relocated without significant damage to its physical Integrity; and
 - iii. Whether plans are specifically defined for the Site to be vacated, and have been approved by the Planning Commission.
2. For consideration of the new location, if it is to a Historic District within Town boundaries, HPC will review for compliance with all of the following criteria:
 - a. Whether the Building, Structure, or Object is Compatible with its proposed Site and Adjacent Properties; and if the receiving Site is Compatible in nature with the Building, Structure, or Object proposed to be moved;
 - b. The Building, Structure, or Object's architectural Integrity and its consistency with the character of the neighborhood of the receiving Site;
 - c. Whether the Relocation of the Building, Structure, or Object will diminish the Integrity or character of the neighborhood of the receiving Site.

Article 7 – Demolition of Listed Properties

Sec. 19-7-10. – General.

1. In addition to the criteria and procedures in Article 5, HPC will use the criteria of this Code Sec. 19-7-10 in considering applications for Demolition of Historic Properties and Contributing Properties in a Historic District.
2. Applicants for Demolition shall provide:
 - a. An estimate of costs, in such form as determined by HPC, of continued Maintenance of the Property in its current condition, of rehabilitation, and of Demolition;
 - b. A licensed structural engineer’s report as to structural soundness; and
 - c. Professionally prepared estimates of the Property’s market value in its current condition.
3. If a Demolition approval is granted on any basis other than that of an imminent hazard or economic hardship (See Article 8), a Certificate of Appropriateness will not be issued until a design review application for the Property has been approved by the Planning Commission.

Sec. 19-7-20. – Review Criteria for Total Demolition.

Review Criteria for Total Demolition. Applicants requesting a Certificate of Appropriateness for total Demolition must provide data to clearly demonstrate all of the following criteria:

1. The Property proposed for Demolition is not structurally sound, despite evidence of the Owner’s efforts to properly maintain said Building, Structure, or Object;
2. The Property cannot be preserved, restored, rehabbed, or reused on Site to provide for any reasonable, beneficial use of the Property regardless of any proposed development plan for the Property’s Site or Adjacent Properties;
3. The Property cannot be practically moved to another Site in the Town; and
4. The Applicant demonstrates that the proposal mitigates to the greatest extent practical, all the following that are applicable:
 - a. Any impacts that occur to the visual character of the neighborhood where Demolition is proposed to occur;
 - b. Any impact on the Historic Significance of the Buildings, Structures, or Objects located on the Property and Adjacent Properties;
 - c. Any impact to the Integrity of Buildings, Structures, or Objects located on the Property and Adjacent Properties; and
 - d. Any impact to archaeological deposits or ruins or the potential to access such resources and whether information can be recovered as part of the Demolition process.

Sec. 19-7-30. – Review Criteria for Partial Demolition.

Review Criteria for Partial Demolition. Applicants requesting a Certificate of Appropriateness for partial Demolition must provide data to clearly demonstrate all of the following criteria:

1. The partial Demolition is required for the preservation, restoration, or rehabilitation of the Property; and
2. The Applicant demonstrates that the proposal mitigates to the greatest extent practical, all the following:
 - a. Any impact on the Historic Significance of the Buildings, Structures, or Objects located on the Property and Adjacent Properties; and
 - b. Any impact on the Integrity of the Buildings, Structures, or Objects located on the Property and Adjacent Properties.

Sec. 19-7-40. – Town Council Review.

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 21 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.

Article 8 – Exemptions

Sec. 19-8-10. – General.

1. If an application for a Certificate of Appropriateness is denied, the Applicant and/or Owner(s) may request an exemption from such certificate requirement pursuant to this Article 8.
2. A request for exemption shall be initiated by the Applicant and/or Owner(s). Such application shall be submitted to the Planning Department on a form provided by HPC. The Applicant and/or Owner(s) shall have the obligation to establish hardship.
3. HPC may request additional information from the Applicant and/or Owner(s) as necessary to make informed decisions according to the applicable criteria for decision-making.
4. If the Planning Department determines the application is complete, the Planning Department shall promptly refer the application to HPC. If the Planning Department determines the application is incomplete, the Applicant and/or Owner(s) shall be advised of the reasons in writing within 30 days of submittal.

Sec. 19-8-20. – Criteria for Exemption.

1. Economic Hardship
 - a. HPC may solicit expert testimony and require that the Applicant and/or Owner(s) make submissions concerning any or all of the following information before it makes a determination:
 - i. Estimate of the cost of the proposed Construction, Alteration, Demolition, or Relocation and an estimate of any additional cost that would be incurred to comply with the conditions of approval set out in Articles 5, 6 or 7 above.

- ii. A report from a licensed structural engineer with experience in the rehabilitation of Historic Properties as to the structural soundness of any Buildings, Structures, or Objects on the Property and their suitability for rehabilitation.
 - iii. In the case of a proposed Alteration, the cost of the project proposed by the Applicant compared with the conditions required by HPC.
 - iv. In the case of a proposed Demolition, the estimated market value of the Property in its current condition.
 - v. Amount paid for the Property, the date of purchase or acquisition, and the party from whom purchased, including a description of the relationship, if any, between the Owner of record or Applicant and the person from whom the Property was purchased.
 - vi. All appraisals obtained within the previous two (2) years by the Owner or Applicant in connection with the purchase, financing, or ownership of the Property.
 - vii. Any listing of the Property for sale or rent, price asked, and any written offers received within the previous two (2) years.
 - viii. The market value of the land and improvements thereon according to the most recent property tax assessment.
 - ix. Real estate taxes for the previous two (2) years.
 - x. Any proposal for a replacement Building, Structure, or Object for the Property and financial proof of the ability to complete the replacement project.
 - xi. For income producing Property, the annual gross income from the Property for the previous two (2) years and itemized operating and Maintenance expenses for the previous two (2) years.
- b. The following factors, evidence, and testimony are to be considered:
- i. The structural soundness of any Buildings or Structures on the Property and their potential for rehabilitation.
 - ii. The economic feasibility of rehabilitation or reuse of the existing Property in the case of a proposed Demolition.
 - iii. For investment or income producing Properties, the ability to obtain a reasonable rate of return on the Property in its present condition, or in a rehabbed condition pursuant to the requirements of this Chapter.
 - iv. For Properties consisting of Owner-occupied dwellings and/or Properties operated on a not for profit basis and providing public benefit, the ability to maintain or to convert the Property to a reasonable residential or not for profit use in its present condition or in a rehabbed condition pursuant to the requirements of this Chapter or the ability to transfer the Property for a reasonable rate of return.
 - v. The justification for economic hardship shall not include any of the following:
 - 1. Willful or negligent acts by the Owner;
 - 2. Purchase of the Property for substantially more than its market

Sec. 19-9-10. – Requirements.

1. Any permit application for Alteration, Relocation, or Demolition of a non-designated Property greater than 50 years old shall be referred to HPC for review to determine the eligibility of such Property for consideration as a Historic Property or Contributing Property within a Historic District.
2. Permit applications for work on the interior of a Property, minor repair as determined by the Building Official, and/or replacement of materials in-kind are exempt from this requirement.
3. In order to determine eligibility for consideration as a Historic Property or Contributing Property within a Historic District, the Applicant must submit a Determination of Eligibility Form as prescribed by HPC.
4. This Article shall not apply to mobile homes.

Sec. 19-9-20. – HPC Review.

1. HPC shall act on each application within 45 days after the hearing thereon.
2. HPC shall review the eligibility of the Property following the Eligibility Criteria and review procedure as outlined in Article 3.
3. HPC shall determine that the Property is:
 - a. Eligible for consideration; or
 - b. Not eligible for consideration.
4. Notice of determination:
 - a. HPC shall determine within 45 days of referral to HPC whether the Property is eligible for consideration or not eligible for consideration.
 - b. If HPC determines that the Property is not eligible for consideration then HPC shall notify the Applicant and/or Owner(s), with a copy to Town Council, within 30 days, that the Property is not eligible for consideration. In such case, all other permitting activities shall proceed in accordance with the Code.
 - c. If HPC determines that the Property is eligible for consideration, then:
 - i. A Stay of Alteration, Relocation, or Demolition shall be placed on the Property which:
 1. Cannot exceed 90 days.
 2. Shall provide the Owner and HPC the opportunity to take action consistent with this Article to preserve the Property, including but not limited to:
 - a. Consulting with Town staff, civic groups, public agencies, and interested citizens regarding feasible alternatives;
 - b. Exploring the possibility of Relocating Buildings, Structure, or Objects that would otherwise be Demolished;
 - c. For applications of proposed Demolition, recommending acquisition of the Property by private or public bodies or agencies;
 - d. Salvaging building materials; or
 - e. Nominating the Property for consideration as a Historic Property, or a Contributing Property within a Historic District.

- d. At the expiration of the Stay, should the Property not be nominated for consideration as a Historic Property, or a Contributing Property within a Historic Property, as set forth in Article 4, nor a Certificate of Appropriateness issued as set forth in Articles 5, 6 or 7, all other permitting shall proceed in accordance with Code.

Article 10 – Appeals

Sec. 19-10-10. – Appeals.

A final decision of HPC made pursuant to Article 5 (Alterations to Listed Properties and Historic Districts), Article 6 (Relocation of Listed Properties), Article 7 (Demolition of Listed Properties), Article 8 (Exemptions) and Article 9 (Alteration, Relocation or Demolition of Non-Designated Properties Greater than 50 Years Old) may be appealed by the Applicant or aggrieved party to the Town Council by filing a written notice with the Town Clerk within 15 days after HPC’s final decision.

1. An aggrieved party is any person who will suffer an adverse effect to an interest protected or furthered by this Chapter.
2. No right of appeal shall exist for an application that was the subject of a call up by the Town Council in which the Town Council has already affirmed, denied, or affirmed with additional conditions the decision of HPC.
3. Within 45 days after an appeal is received by the Town Administrator, a public hearing shall be held by the Town Council subject to continuance by vote of the Town Council.
4. Notice of the Town Council’s consideration of the appeal and hearing shall be provided in accordance with the notice procedures set forth in Code Sec. 19-4-20 except the Town Clerk shall perform the responsibilities.
5. The Town Council shall consider the notice of appeal, HPC’s reasons for denial of the application, the comments related thereto made during the HPC hearing and any evidence (including new evidence) it deems relevant to the application.
6. The decision of the Town Council shall be final subject to the provisions of Code Section 16-21-700 – Appeals.

Article 11 – Maintenance

Sec. 19-11-10. – Maintenance.

1. The Town Council intends to preserve from deliberate or inadvertent neglect the exterior portions of Historic Properties and the exterior portions of Contributing and Non-Contributing Properties within Historic Districts including all interior portions thereof who’s Maintenance is necessary to prevent deterioration of any exterior portion. No Owner of any Historic Property or of any Contributing or Non-Contributing Property within a Historic District shall fail to prevent significant deterioration of the exterior of the Building, Structure, Object, or special feature beyond the condition of such Historic Property or of such Contributing or Non-Contributing Property within a Historic District on the effective date of the designating ordinance.
2. No Owner of any Historic Property or of any Contributing or Non-Contributing Property

within a Historic District shall fail to comply with all applicable provisions of this ordinance and other ordinances of the Town regulating Property Maintenance.

3. Before the Town files a complaint in municipal court for failure to maintain a Historic Property or a Contributing or Non-Contributing Property within a Historic District, the Town shall notify the Owner of the need to repair, maintain or restore such Property; and shall give the Owner a reasonable time to perform such work.
4. Should the condition of a Historic Property or of a Contributing or Non-Contributing Property within a Historic District require immediate repair or stabilization to mitigate unsafe or dangerous conditions and after notification, the Owner has not undertaken such repair or stabilization, the Town may take such action and bill all expenses to the Owner. Should the Owner not remit such payment to the Town, after ninety (90) days, the Town may record a notice with the Eagle County Clerk and Recorder of a lien against the Historic Property in violation. The lien created hereby shall be prior to all other liens, regardless of their dates of recordation, except liens for general taxes and prior special assessments.

Article 12 – Unsafe or Dangerous Conditions

Sec. 19-12-10. – Unsafe or Dangerous Conditions.

Nothing in this Chapter shall be construed to prevent any measures of Construction, Alteration, removal, or Demolition necessary to correct the unsafe or dangerous condition of any Property, other feature, or parts thereof where such condition is determined to be unsafe or dangerous by the Town and the Owner has been given notice by the Town to correct the unsafe or dangerous condition. Any temporary measures deemed necessary and approved by the Building Official may be taken without first obtaining a Certificate of Appropriateness under this Chapter, but a certificate is required for permanent Construction, Alteration, removal, or Demolition.

Article 13 – Enforcement and Penalties

Sec. 19-13-10. – General.

No person shall violate or permit to be violated any of the requirements of this Chapter or the terms of a certificate issued pursuant to this Chapter.

Sec. 19-13-20. – General Penalty for Violation.

Any person who violates the provisions of this Chapter shall be guilty of a misdemeanor and, in addition to the penalties provide herein, upon conviction shall be punished in accordance with the provisions of Code Section 1-4-20.

Sec. 19-13-30. – Violation; Injunction.

The Town may seek an injunction to restrain a person who does not obtain the required approvals or permits provided in this Chapter or who engages in violations of this Chapter after the required approvals or permits have been revoked or suspended. This remedy shall be in addition to all other remedies prescribed in this Chapter or available by law.

Sec. 19-13-40. – Violation and Penalty.

Violations of this Chapter are subject to the following additional penalties:

1. If any Historic Property or any Contributing Property within a Historic District is externally reconstructed, externally Altered, added to, Relocated, or Demolished in violation of this Chapter, the Court may order any Historic Property or any Contributing Property within a Historic District to be returned to its condition prior to such unlawful Construction, reconstruction, exterior Alteration, addition, or Demolition.
2. If any Historic Property or any Contributing Property within a Historic District is not maintained as required in Article 11, then the Town may obtain an order of the Court for the Owner to correct and remediate violation.
3. If any Building, Structure, or Object is erected or Constructed on a Historic Property or any Contributing Property within a Historic District, without complying with this Chapter, the Court may order any such Building, Structure, or Object to be removed or deconstructed.

Sec. 19-13-50. – Violation; Alteration.

Alterations to a Historic Property or a Contributing Property without an approved Certificate of Appropriateness may result in a one-year moratorium imposed by the Town on all building permits for the subject Property.

Sec. 19-13-60. – Violation; Relocation or Demolition.

Relocating or Demolishing a Historic Property or Contributing Property without an approved Certificate of Appropriateness may result in a five-year moratorium imposed by the Town on all Relocation, Demolition, or building permits for such Property and/or its original location.

* * *

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 _____ 2022 AT ____ p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS ___ DAY OF _____ 2022.

TOWN OF MINTURN, COLORADO

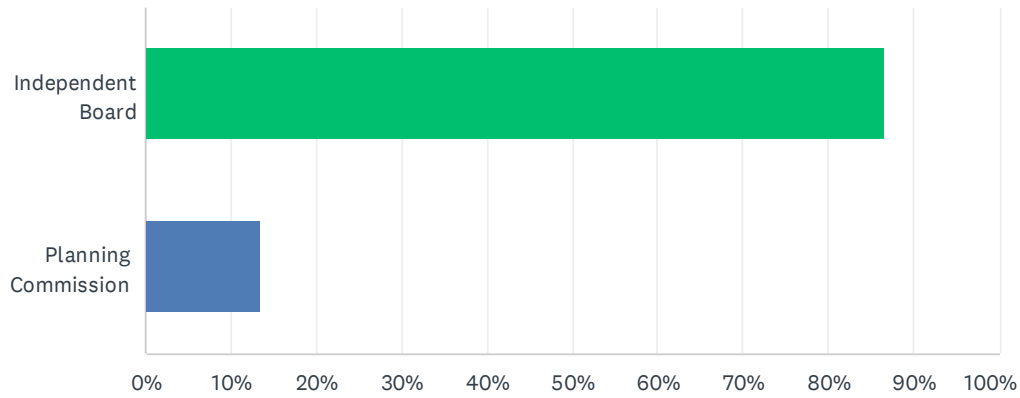
Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Q1 Section 2 - Question 1: Should the appointed Historic Preservation Commission be an independent board, or should the Planning Commission double as the Historic Preservation Commission?

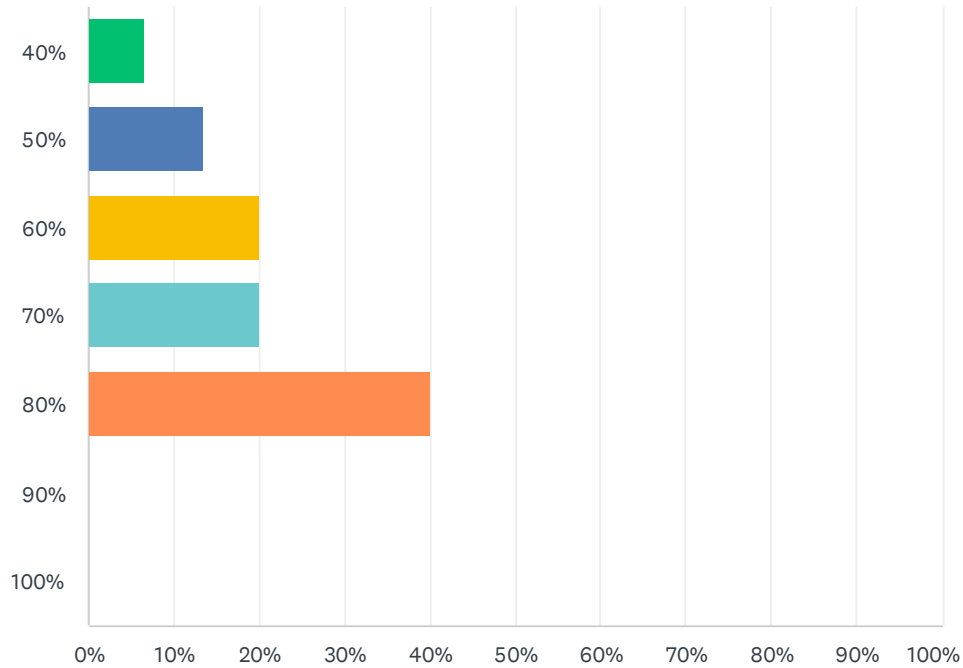
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Independent Board	86.67%	13
Planning Commission	13.33%	2
TOTAL		15

Q2 Section 2 - Question 2: What percentage of the Historic Preservation Commission should be comprised of full-time (voting) Minturn Residents?

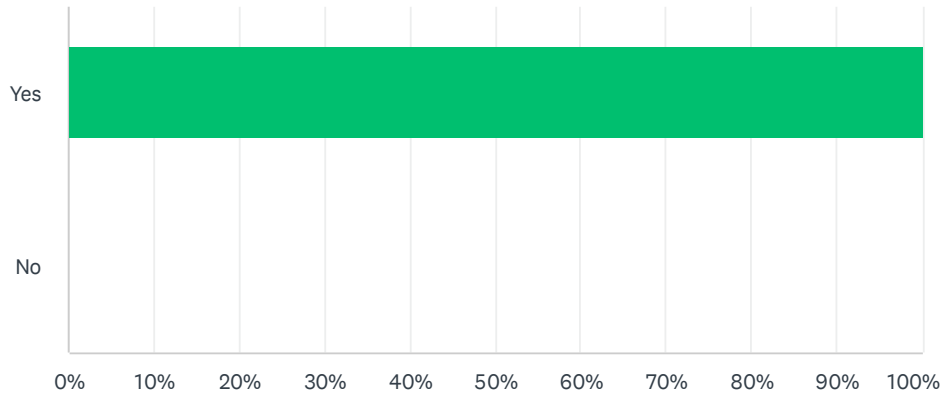
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES
40%	6.67% 1
50%	13.33% 2
60%	20.00% 3
70%	20.00% 3
80%	40.00% 6
90%	0.00% 0
100%	0.00% 0
TOTAL	15

Q3 Should Minturn property owners and/or Minturn Business owners be eligible for consideration on the Historic Preservation Commission?

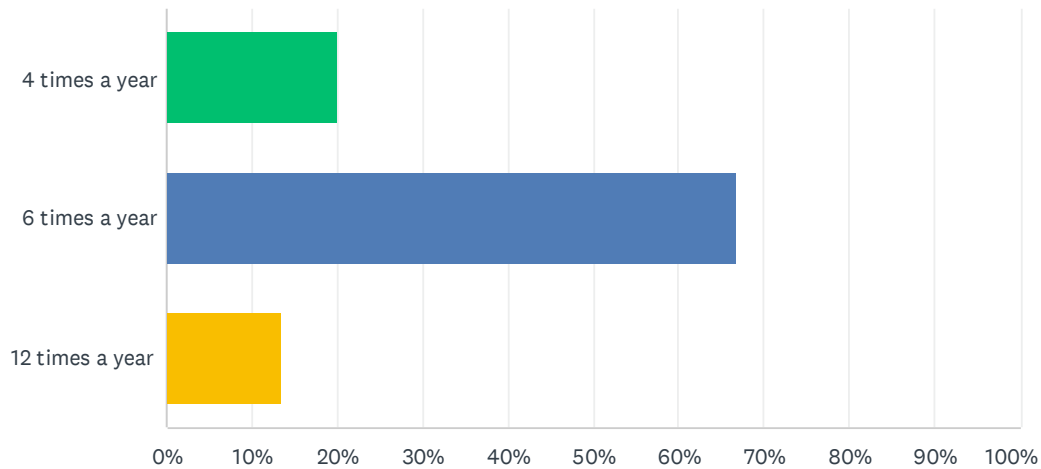
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ANSWER CHOICES	RESPONSES	
Yes	100.00%	15
No	0.00%	0
TOTAL		15

Q4 Section 2 - Question 3: How many meetings should the Historic Preservation Commission tentatively plan for the first year?

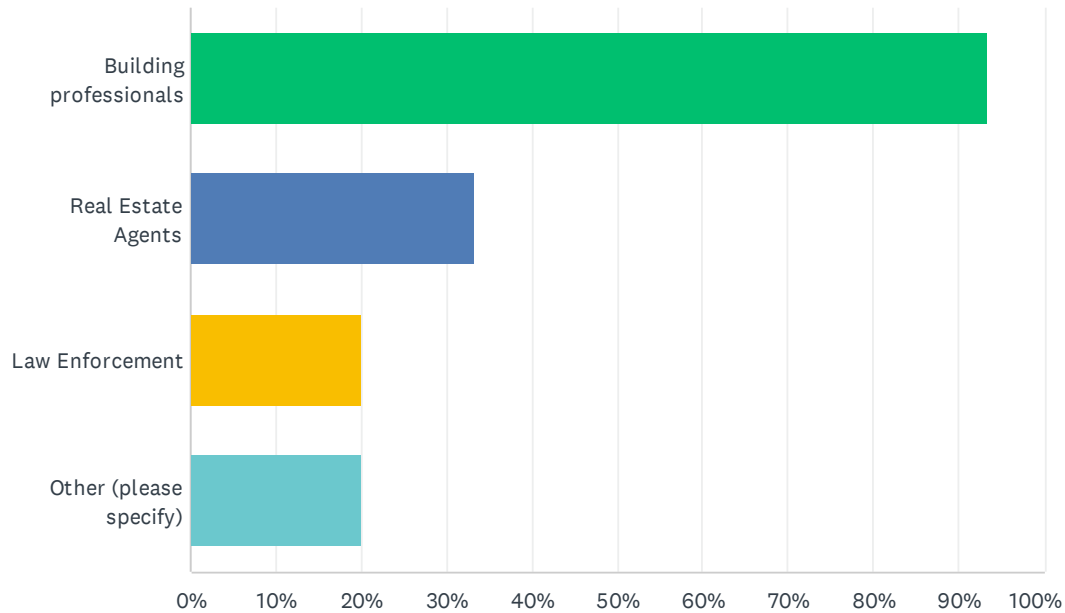
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES
4 times a year	20.00% 3
6 times a year	66.67% 10
12 times a year	13.33% 2
TOTAL	15

Q5 What professions, if any, should be added to the allowed list of "...professionals or or shall have extensive expertise in a preservation-related discipline..." as identified in Section 2c? Select all that apply.

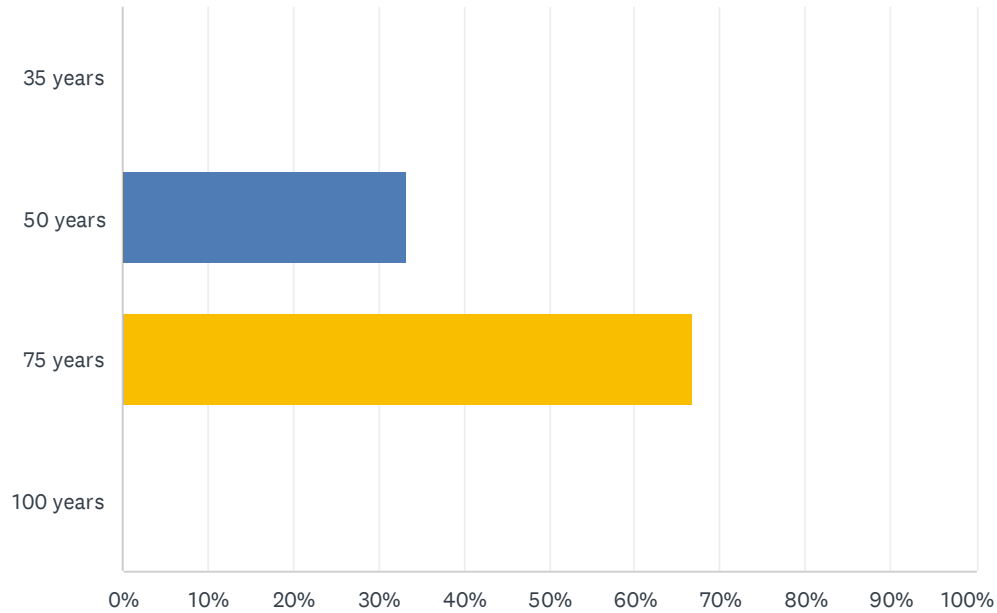
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ANSWER CHOICES	RESPONSES
Building professionals	93.33% 14
Real Estate Agents	33.33% 5
Law Enforcement	20.00% 3
Other (please specify)	20.00% 3
Total Respondents: 15	

Q6 Section 3 - Question 1: What is the minimum target age of the architectural demographic Minturn is looking to preserve?

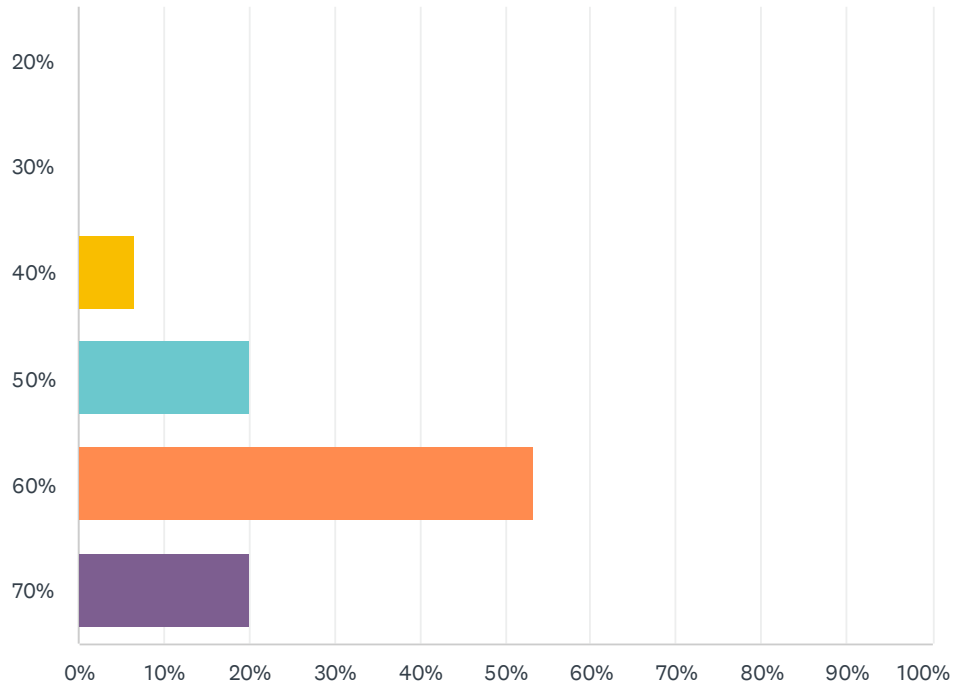
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES
35 years	0.00% 0
50 years	33.33% 5
75 years	66.67% 10
100 years	0.00% 0
TOTAL	15

Q7 Section 4 - Question 1: What percentage of property owners are needed to object to the formation of an historic district?

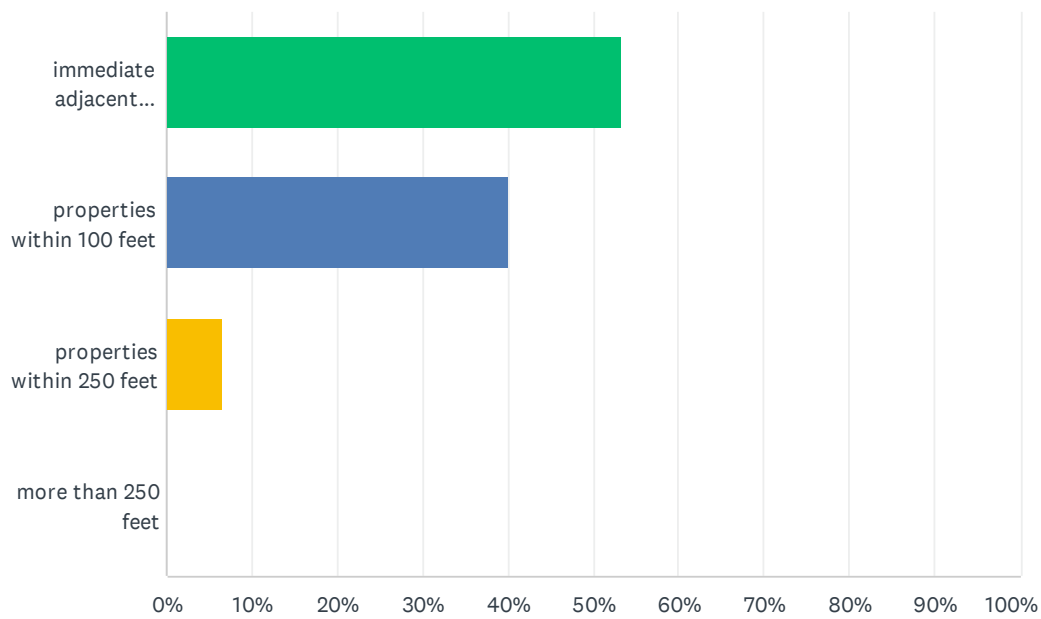
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ANSWER CHOICES	RESPONSES	
20%	0.00%	0
30%	0.00%	0
40%	6.67%	1
50%	20.00%	3
60%	53.33%	8
70%	20.00%	3
TOTAL		15

Q8 Section 4 - Question 2: What constitutes adjacent properties?

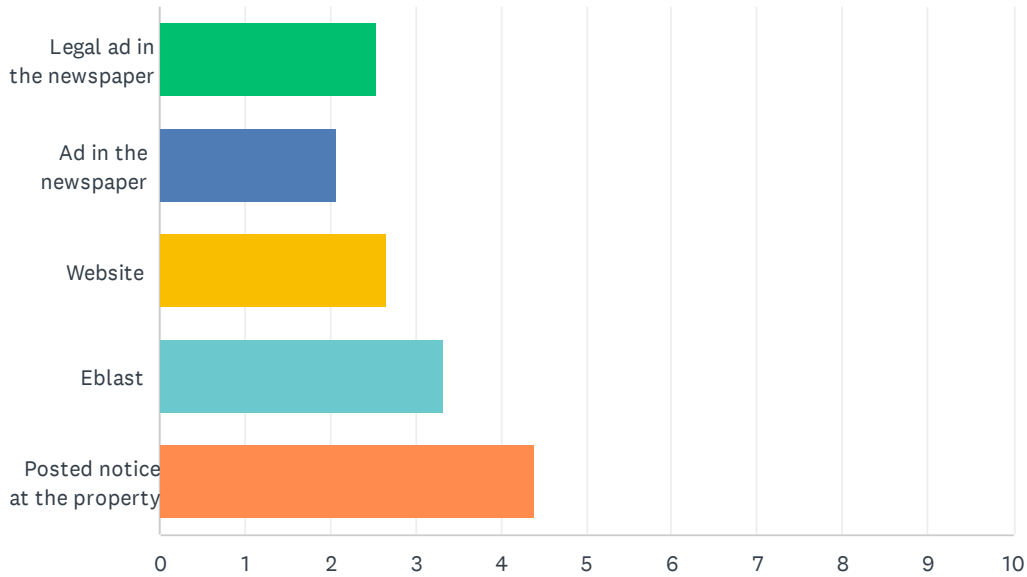
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
immediate adjacent properties and directly across the street	53.33%	8
properties within 100 feet	40.00%	6
properties within 250 feet	6.67%	1
more than 250 feet	0.00%	0
TOTAL		15

Q9 Section 4 - Question 3: What is the best way to notice a hearing? Rank in order of Most to least effective.

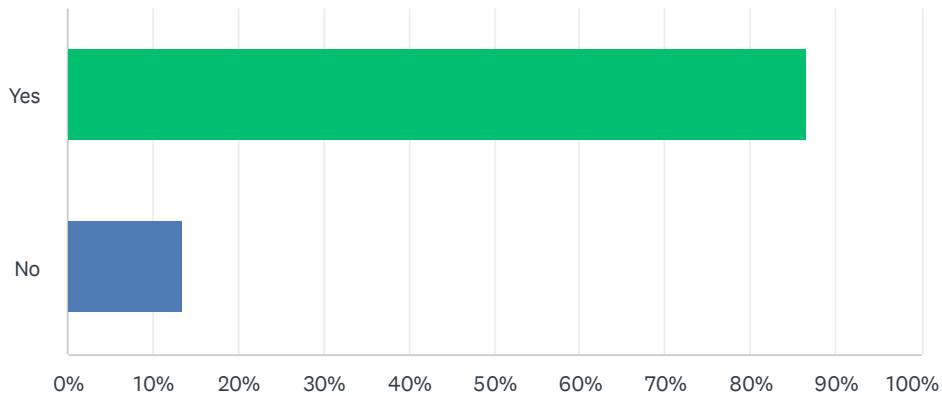
Answered: 15 Skipped: 0



	1	2	3	4	5	TOTAL	SCORE
Legal ad in the newspaper	13.33% 2	20.00% 3	6.67% 1	26.67% 4	33.33% 5	15	2.53
Ad in the newspaper	0.00% 0	6.67% 1	20.00% 3	46.67% 7	26.67% 4	15	2.07
Website	6.67% 1	13.33% 2	46.67% 7	6.67% 1	26.67% 4	15	2.67
Eblast	26.67% 4	26.67% 4	13.33% 2	20.00% 3	13.33% 2	15	3.33
Posted notice at the property	53.33% 8	33.33% 5	13.33% 2	0.00% 0	0.00% 0	15	4.40

Q10 Section 5 - Question 1: Is the committee in favor of the requirement outlined in Section 5 subsection 1.a? Before carrying out any new Construction, Alteration, Relocation, or Demolition involving the exterior of any Historic Property or Property within a Historic District (including Non-Contributing Properties) Applicants and/or Owner(s) must first submit the proposed work to the Commission under this Section, as well as apply for any other permits required by the Code.

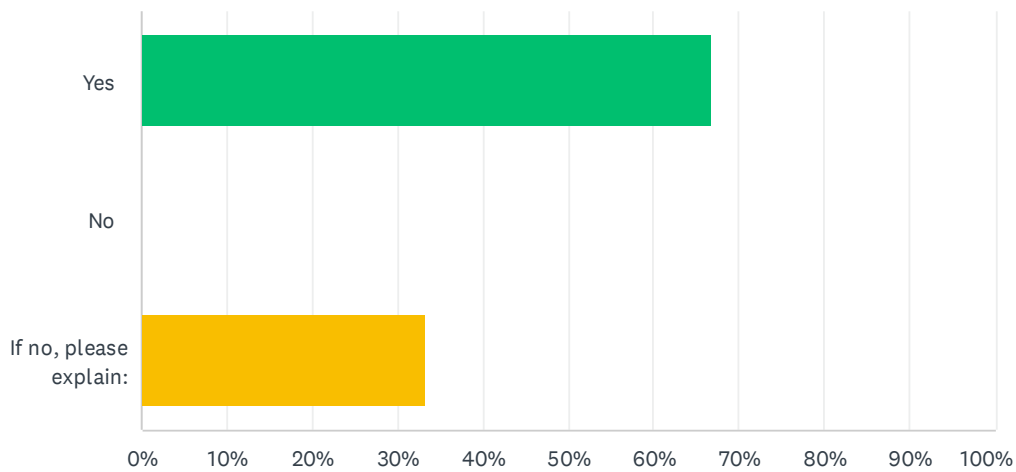
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	86.67%	13
No	13.33%	2
TOTAL		15

Q11 Section 5 - Question 2: Does the committee agree with the criteria laid out in Section 5 subsection 2.a.? A request for Alteration shall be initiated by the Applicant and/or Owner(s). Such application shall be submitted to the Town for consideration on a form provided by the Commission. The application shall include anything the Town 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.

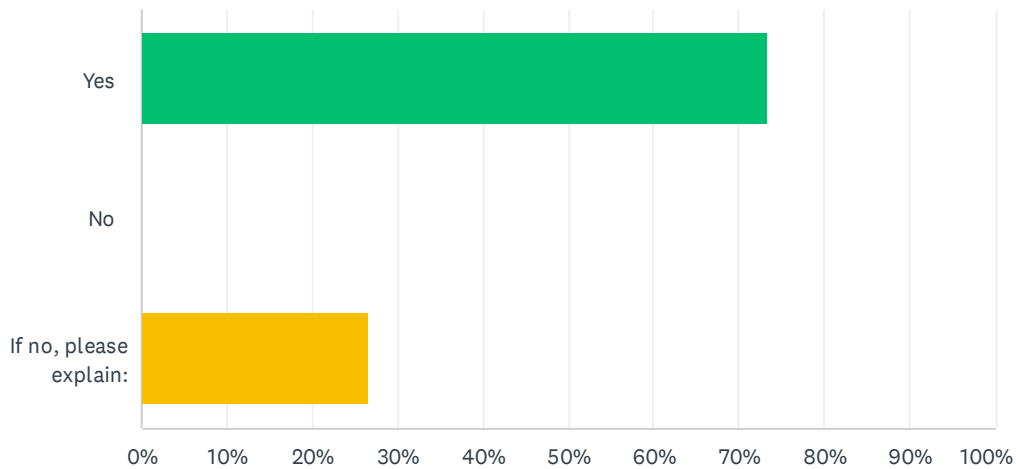
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ANSWER CHOICES	RESPONSES	
Yes	66.67%	10
No	0.00%	0
If no, please explain:	33.33%	5
TOTAL		15

Q12 Section 5 - Question 3: Does the committee agree with the criteria laid out in Section 5 subsection 4.c.? Review Criteria: For Non-Contributing Properties within a Historic District: Compatibility with the Property’s current design, materials, features, size, scale and proportion, and massing; or Compatibility with the Historic District’s design, materials, features, size, scale and proportion, and massing.

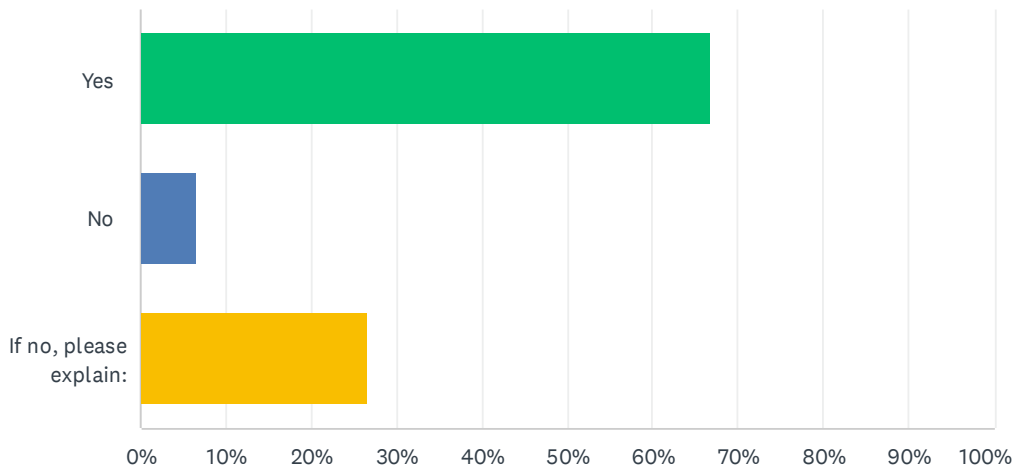
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	73.33%	11
No	0.00%	0
If no, please explain:	26.67%	4
TOTAL		15

Q13 Section 5 - Question 4: Does the committee agree with requirements in Section 5 subsection 4.d.? Review Criteria: Infill Construction within Historic Districts shall be differentiated from the Historic Properties but be Compatible with the historic materials, features, size, scale and proportion, and massing to protect the Integrity of the Historic District and its environment.

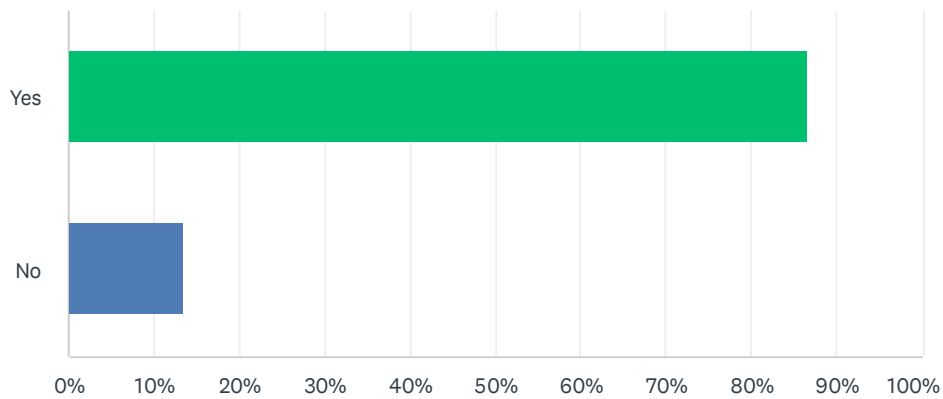
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ANSWER CHOICES	RESPONSES	
Yes	66.67%	10
No	6.67%	1
If no, please explain:	26.67%	4
TOTAL		15

Q14 Section 7 - Question 1: Is the committee supportive of Section 7 subsection 1.c.? If a Demolition approval is granted on any basis other than that of an imminent hazard or economic hardship (See Section 8), a Certificate of Appropriateness will not be issued until a replacement/reuse plan for the Property has been approved by the Town.

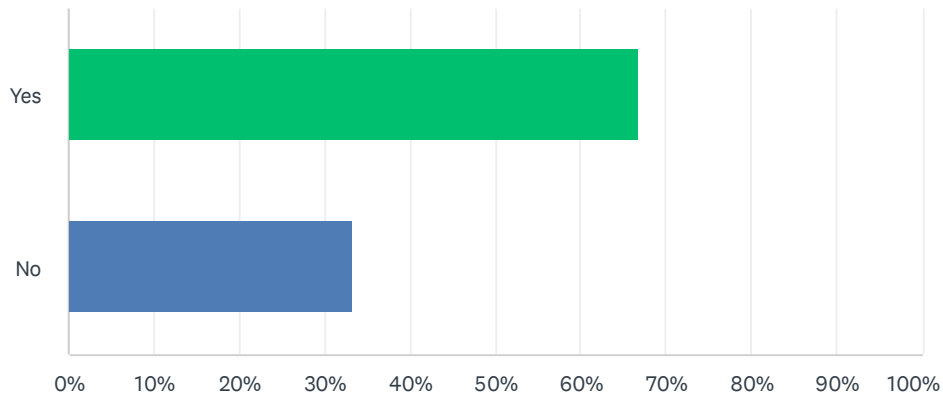
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ANSWER CHOICES	RESPONSES
Yes	86.67% 13
No	13.33% 2
TOTAL	15

Q15 Section 9 - Question 1: Is 50 years old an appropriate age for review? Any permit application for Alteration, Relocation, or Demolition of a non-designated Property greater than 50 years old shall be reviewed by the Commission to determine the eligibility of such Property for listing on the Town Register.

Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	66.67%	10
No	33.33%	5
TOTAL		15