



AGENDA

MEETING OF THE MINTURN PLANNING COMMISSION Minturn, CO 81645 • (970) 827-5645

The public is welcome to join in person at 302 Pine Street or using the following methods:

<https://us02web.zoom.us/j/85194015667>

Phone:

+1 651 372 8299 US

+1 301 715 8592 US

Meeting ID: 851 9401 5667

Due to an anticipated large viewing, and restrictions within the virtual meeting platform, the Town is making additional efforts during the COVID pandemic to make these meetings as readily accessible to all. If you do not intend to actively participate, please view the meeting on the Town of Minturn's [YouTube](#) channel where it will be live streamed and archived. For members of the public without internet access, there is availability at the Town Hall for meeting viewing, reservations are required

**Wednesday, July 28, 2021
Regular Session – 6:30 PM**

CHAIR – Lynn Teach

COMMISSION MEMBERS:

Jeff Armistead

Elliot Hovey

Tom Priest

Christopher Manning

Jena Skinner

When addressing the Commission, please state your name and your address for the record prior to providing your comments. Please address the Commission as a whole through the Chair. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Regular Session – 6:30pm

1. Call to Order

- Roll Call
- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added

- Declaration of Conflicts of Interest
3. **Approval of Minutes**
 - July 14, 2021
 4. **Public comments on items, which are NOT on the agenda (5min time limit per person)**
 5. **Planning Commission Comments**

DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

6. **Minturn North PUD – Railroad Planned Unit Development Preliminary Plan Review**

Recommendation: Approval with Conditions

PROJECTS AND UPDATES

7. **Project Updates**
 - Community Plan Update
8. **Planning Director Report & Minor DRB Approvals by Director**
 - None
9. **Future Meetings**
 - August 11, 2021
 - August 25, 2021
10. **Adjournment**



OFFICIAL MINUTES

MEETING OF THE MINTURN PLANNING COMMISSION Minturn, CO 81645 • (970) 827-5645

Meeting will be held online via Zoom Conferencing and call-in OR in person at 302 Pine Street Council Chambers

Public welcome to join meeting using the following methods:

Join from PC, Mac, Linux, iOS or Android:

<https://us02web.zoom.us/j/85726624530>

Phone:

+1 651 372 8299 US

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Meeting ID: 857 2662 4530

OR 302 Pine Street Council Chambers for In-Person Option

**Wednesday, July 14, 2021
Regular Session – 6:30 PM**

CHAIR – Lynn Teach

COMMISSION MEMBERS:

Jeff Armistead

Elliot Hovey

Tom Priest

Christopher Manning

Jena Skinner

When addressing the Commission, please state your name and your address for the record prior to providing your comments. Please address the Commission as a whole through the Chair. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Regular Session – 6:30pm

1. Call to Order

- Roll Call

Lynn T. called the meeting to order at 6:31 pm.

Those present at roll call: Lynn T., Elliot H., and Jeff A.

Staff Members Present: Town Planner Scot Hunn and Planner I Madison Harris.

- Pledge of Allegiance

2. Approval of Agenda

- Items to be Pulled or Added
Motion by Jeff A., second by Elliot H., to approve the agenda as presented.
Motion passed 3-0.
- Declaration of Conflicts of Interest
No Conflicts of Interest.

3. Approval of Minutes

- June 23, 2021
Lynn T. had a few minor corrections.
Motion by Elliot H., second by Jeff A., to approve the minutes of June 23, 2021 as amended. Motion passed 3-0.

4. Public comments on items, which are NOT on the agenda (5min time limit per person)

No Public Comment.

5. Planning Commission Comments

No Planning Commission comment.

DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

6. 261 Main Street – Faircloth Residence Variance Request

Review of a variance request for a garage addition with a bedroom below, a breezeway connecting the primary structure with the secondary structure, and a dining room extension at 261 Main Street.

Recommendation: Approval with Conditions

Scot H. introduced the project. There is a new garage being proposed with a unit below. There is a breezeway between the garage and the primary structure. This lot is smaller than the standard, there is challenging topography. Tom Warzecha came before the Planning Commission. Parking happens on and off the street on the Boulder side, because the existing garage isn't utilized as its use is stated. Removal of the breezeway would cut down on the percentage of lot and impervious coverage that is being requested. The purpose of the variance is to prevent or lessen technical hardships in the manner of Chapter 16. There are different objectives within the code. There must be a physical hardship, practical difficulty, and minimum relief. The allowable impervious is 55%, the applicant is asking for 62%. In staff's opinion, the breezeway could be removed and only be asking for 60%.

Tom Warzecha, 221 Main Street, Minturn, CO 81645.

The reason for the breezeway is access. The most important part of the project is the garage. The breezeway is for functionality. The onsite parking was really pushed for. The unit below is for Ms. Faircloth to reside and her children and grandchildren to use the main house. They will be removing the curbcut. Would like to do something similar to the neighbors.

Scot H. pointed out that there is a note on the plans that all the materials will match the existing house.

Mr. Warzecha said the roof will drain to gutters. The windows allow light to come through the structure. A flatter roof would be less in a view corridor as people are walking by. Tried to minimize the height of the structure, make it functional, and make it look decent. Will be directing the water to the storm drains.

Public comment was opened.

Andre Vite, 251 Main Street.

Had questions of stormwater. Everything currently is being pitched to drain towards his property. The breezeway in particular is the biggest culprit of trapping water. Would like an understanding of the materials the roof. Supports the garage, but has an issue with the breezeway. Doesn't think the argument for the variance is sound, because he doesn't think there is a physical handicap.

Mr. Warzecha said that the engineering will be over-engineered. Will present a system that will drain properly. Everything is on its way.

Public Comment is closed.

Elliot H. asked if there was a way to get a French drain in there?

- Mr. Warzecha said they can put it into a hard drain pipe with heat tape in it and drain it to the storm drain. Will have structural drawings for building inspection purposes. Consideration of the neighbors is an utmost priority.
- Elliot H. appreciates the desire too have a functioning garage. All for the garage and the livable space in the back. Thinks it is a benefit to provide housing for residents. Asked about the extra space on Main St
- Mr. Warzecha said that the curbcut will be removed which will free up a space on Main Street.

Jeff A. asked about shortening the roof overhangs.

- Mr. Warzecha said that after looking at the code, it was found that roof overhangs didn't factor into building or impervious coverage.
- Jeff A. asked about the square footage of the breezeway.
- Mr. Warzecha said that it was about 84 square feet.
- Jeff A. is in favor of the garage, but not necessarily adding more square footage to the variance just because it works better for the owner, so not in favor of the breezeway.

Lynn T. asked for clarification on whether this is an ADU or an addition.

- Lynn T. likes the idea of the garage, but would like to see it come back further into compliance. Has trouble with the kitchen and the breezeway.

Jeff A. and Lynn T. would like to see the next iteration of plans before any approval happens.

Public Comment was re-opened.

Andre Vite, 251 Main.

The reason for impervious surface limitations is to encourage water to sink into the ground and be treated that way. It should not be just thrown into the stormwater sewer.

Public Comment closed.

Motion by Jeff A., second by Elliot H., to continue to August 25, 2021 with four conditions. Motion passed 3-0.

1. The Applicant shall provide final grading and drainage details, including an updated survey showing spot elevations, for review by the Town Planner and Engineer prior to the submittal for building permit.
2. The Applicant shall revise the site and/or floor plans to show all proposed exterior light 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 as well as consistency with fixtures found on the existing residential structure on the subject property.
3. The Applicant shall revise the Final Plans to remove the breezeway and/or revise other aspects of the plan to reduce overall, total impervious surface coverage to no more than 60%.
4. The Applicant shall provide final details and dimensions for all proposed exterior materials, finishes and fixtures prior to or concurrent with building permit application. Exterior materials and dimensions are to match those existing on the existing residential structure on the property to the highest degree practical.

Note: Lynn T. called a 5 minute recess at 7:43 pm.

7. 482 Eagle River Street – Hutton Residence Final Plan Review for Phase II Addition

Review of a Phase II addition at 482 Eagle River Street.

Recommendation: Approval with Conditions

Scot H. introduced the project. 482 Eagle River Street was originally given approval for Phase I in the spring with a 3 bedroom home and surface parking. Phase II was slated to be in the future with the addition of a single car garage with habitable space above. It conforms to all code requirements. Originally the basement was slated to be one of the bedrooms, however it will just be a basement now with the bedroom now above the garage.

Michael Pukas, PO Box 288, Gypsum, CO 81657.

The master bedroom will now be above the garage with the family/media room in the basement. The driveway will now be asphalt and heated.

Lynn T. asked the precise height.

- Mr. Pukas said that it was 26' 10".

Public Comment was opened.

Kelly McCafferty, 472 Main Street.

Wants to make sure any issue of placement of the house on the lot is addressed.

- Scot H. said that the code requires an ILC at foundation to show that the building is where it is supposed to be.
- Jeff A. said that it is best practice to do it the way that Scot H. said. The building inspector's job is to make sure everything is being built to the plans.

Ms. McCafferty expressed concern over the height of the building.

Public Comment closed.

Jeff A. asked for clarification about the ERWSD encroachment.

- Mr. Pukas said that there has been an executed agreement, however it hasn't been notarized yet.

Lynn T. asked for clarification about the access to the basement.

- Mr. Pukas said that there would be no door between the first floor and the basement stairs. That it would remain an open space, unable to be closed off.

Public Comment reopen

Kelly McCafferty, 472 Main Street.

Asked about snow storage.

- Mr. Pukas said that the driveway will be heated.
- Madison H. clarified that the Applicant is showing snow storage to the side of the garage as well.

Public Comment closed.

Motion by Elliot H., second by Jeff A., to approve the plans for Phase II at 482 Eagle River Street with the following three conditions. Motion passed 3-0.

1. The Applicant shall revise the site and/or floor plans to show all proposed exterior light 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 as well as consistency with fixtures found on the already approved residential structure on the subject property.

2. The Applicant shall provide the Town with an encroachment agreement between ERWSD and the owner of the property.
3. The Applicant shall address Intermountain Engineering's concerns, if any, prior to, or concurrent with, the Building Permit application process.

8. Eagle River Enclave – Landscaping Plan Renovation

Review of a new landscaping plan at the Eagle River Enclave.

Recommendation: Approval with Conditions

Scot H. introduced the project. This is to renovate the planting strip along Highway 24, and add an additional planting strip in between the sidewalk and the guest parking spots.

Peter Knox, 642 Main Street.

The Enclave has long wanted to do something about the berm. There is inadequate irrigation which doesn't cover 40% of the surface. Most of the berm is dead or dying. The aspen trees are causing problems for the structure of the berm. Looking to upgrade the soil, install water-conscious irrigation system, and better growth. A better maintenance plan. Adding the berm at the north end of the property will further screen the cars. Will provide the civil drawings requested. Spacing of trees is to designed to screen the parking areas between the buildings.

Elliot H. asked about the irrigation system.

- Mr. Knox said that with the renewed soil and better coverage and native vegetation that won't require as much water, there won't be as much waste.

Public Comment was opened and closed.

Jeff A. thinks this is as important for the Town as for the Applicant. All for it. Hope that it doesn't prove to be too expensive. Would like to see what is shown today in the ground.

Lynn T. thinks the calipers are good and hope that some of them will come with height. Has small concerns about the Alberta Spruce. All for the project.

Motion by Elliot H., second by Jeff A., to approve the landscaping plans for the Eagle River Enclave with the following four conditions. Motion passed 3-0.

1. The Applicant will provide an engineered drawing showing adequate maneuvering and turning radii for pulling in/out of the guest parking spaces.
2. The Applicant shall submit a description of the maintenance program describing irrigation, fertilizer schedule, and winter preparation.
3. The Applicant shall verify that the plantings and all other improvements (signs) will not interfere with the clear vision area.
4. The Applicant shall clarify the height of proposed plantings and any proposed

berming.

PROJECTS AND UPDATES

9. Project Updates

- Community Plan Update
 - We have received applications. The committee (Michelle Metteer, Scot H., Madison H., Terry Armistead, and John Widerman) are currently going over the submissions and scoring them.

10. Planning Director Report & Minor DRB Approvals by Director

- Minturn North PUD Application Status
 - Will be coming before Planning Commission on July 28, 2021.

11. Future Meetings

- July 28, 2021
 - Elliot H. will not be able to attend.
- August 11, 2021

12. Adjournment

Motion by Elliot H., second by Jeff A., to adjourn the regular meeting of July 14, 2021 at 8:45 pm. Motion passed 3-0.

Lynn Teach, Commission Chair

ATTEST:

Scot Hunn, Planning Director

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



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

Planning Commission Public Hearing

Minturn North Planned Unit Development Preliminary Development Plan for PUD Review

Hearing Date:	July 28, 2021
File Name/Process:	Minturn North Planned Unit Development (PUD) Preliminary Plan Review
Owner/Applicant:	Minturn Crossing, LLC.
Representative:	Greg Sparhawk, GPS Designs
Legal Description:	A parcel of land located in the NW ¼ of the NW ¼ of Section 26, Township 5 South, Range 81 West of the 6 th Principal Meridian.
Existing Zoning:	Game Creek Character Area – PUD Holding Zone
Proposed Zoning:	Planned Unit Development (PUD)
Staff:	Scot Hunn, Planning Director Madison Harris, Planner I Jeffery Spanel, Town Engineer Michael Sawyer, Town Attorney Richard Peterson-Cremer, Town Attorney
Staff Recommendation:	Approval with Conditions

I. Executive Summary:

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

Request

The Applicant requests review of the Minturn North Preliminary Plan for PUD, a two-phase, residentially oriented subdivision located on the north side of the Town of Minturn on an 18.95-acre, vacant “Union Pacific Railroad” parcel between Taylor Avenue and Minturn Road. The Town has also received companion applications for a Preliminary Plat for Subdivision to legally create parcels within the development and a Zone District Amendment application to change the underlying/existing zoning (Game Creek Character Area PUD Holding Zone) to the PUD Overlay Zone.

Process

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

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

The Preliminary Plan for PUD submittal is detailed in nature and is intended to demonstrate the feasibility of the project from financial, technical/design, and community need standpoints. The numerous plans, reports, legal documents and other graphic materials required by the Town of Minturn Municipal Code (MMC) and provided by the Applicant are intended to give staff, decision makers, partner referral agencies and the general public detailed knowledge of how the property will be developed; how development and ongoing maintenance of public and private property within the PUD will be managed; what costs, revenues and other benefits are expected; and, what issues may need to be addressed prior to any Final Plan/Final Subdivision Plat application being filed with the Town.

All public hearings will be advertised and the general public is encouraged to participate in the public review process by reviewing the Minturn North Preliminary Plan for PUD application and associated materials at the Town’s website (<https://www.minturn.org/planning-zoning/pages/active-planning-applications>), by submitting any written comments to the Town by emailing “Planner I” (planner1@minturn.org) or by signing up to speak during “public comment” periods of both Planning Commission and Town Council hearings.

Background

To start the process of review, a conceptual plan was presented to the Town in late 2019 and early 2020. That concept was generally well received and the Town staff, consultants and, importantly, the Town of Minturn Planning Commission provided valuable feedback for the Applicant’s use in refining concepts, addressing potential areas of concern and developing detailed plans and reports for the Preliminary Plan application.

During the Applicant’s Conceptual Development Plan for PUD review that took place between December 2019 and January 2020, general conformance with the above purposes and intents of the Town’s PUD overlay zone district was determined and the Applicant was given direction by the Planning Commission to submit a Preliminary Plan application. The Planning Commission provided the following recommendations for the Applicant’s consideration when preparing the Preliminary Plan for PUD application:

Snow Management and Storage:

The Planning Commission discussed existing snow storage and plowing that occurs along Taylor Avenue and the Union Pacific Railroad Property. Specifically, the Planning Commission noted that, currently, snow removed from Taylor Avenue residents and from the public Right-of-Way (Taylor Avenue) often ends up on private property (UPRR). There were general questions asked about the Applicant’s plans to address snow removal/plowing and snow storage, and the Planning Commission encouraged the Applicant to work with the Town to provide detailed snow storage plans taking into account the concerns of Town public works staff.

Staff Comment: The Applicant has provided a snow storage plan for the property utilizing windrows and the open space parcels to store the snow. Staff notes that Applicant has been proactive in meeting with Town staff to better understand issues related to snow removal and storage and has made adjustments to the proposed plans. That said, staff continues to have concerns related to overall snow storage and management which are **addressed in Condition No. 2** in Section XI of this staff report. Staff intends to continue working with the Applicant to refine civil and architectural site plans and snow storage plans to ensure functionality and adequacy of this important aspect to development, livability and maintenance of the proposed neighborhood.

Traffic Impacts:

Planning Commission members asked questions about and expressed concern about added traffic to Minturn Road/County Road. Specifically, the Planning Commission discussed what level and type of improvements would be necessary to improve existing roads and/or bridges serving the development

Staff Comment: Based on the traffic study submitted by the Applicant, verification by the Town Engineer, and requirements by CDOT, there will need to be a left hand turn lane from Highway 24 onto County Road bridge in order to accommodate the increase in traffic utilizing that entrance to the project. Additionally, significant off-site road improvements are planned for Taylor Avenue and Minturn Road. However, additional discussion related those improvements, solutions to issues at Minturn Road and Taylor Avenue intersection, and the future ownership, design improvements and long-term maintenance of the County road serving the development to the north will be required during this hearing process.

Visual Impacts and Massing:

The Planning Commission discussed the relationship of the proposed residential development to existing residences located to the east along Taylor Avenue. Questions were asked regarding the approximate difference in elevation between the Taylor Avenue residential structures and the

estimated location and building height of Minturn North structures located to the west of the existing Taylor Avenue residences. The Applicant was encouraged to provide a physical or three-dimensional model, photo-simulated renderings (to scale) and/or cross sections to try to represent massing and potential building heights of new structures.

Staff Comment: Although some cross sections showing street profiles and adjacent, “typical” development on adjacent lots have been supplied within the plan set for, no cross section has been provided showing the relationship of the PUD with existing development on the east side of Taylor Avenue. There have been no renderings submitted but the applicant has created a physical model.

Density and Accessory Dwelling Units:

The Planning Commission discussed the overall number of dwelling units being proposed as well as the proposed variations in lot sizes, the allowance for duplex units and Accessory Dwelling Units (ADUs). One Planning Commission member expressed concern about smaller (4,000 sq. ft.) lots allowing ADUs and suggested that ADU size or bedroom count should be limited.

Staff Comment: The Applicant is still proposing to allow ADUs on the “Compact” (4,000 sq. ft.) lots. However, duplexes are restricted to the Standard (5,000 sf) lots. The ADUs are defined by how the Minturn Municipal Code defines them. Additional staff commentary and analysis regarding proposed density and compatibility of the proposal is provided later in this report.

Buildout and Buyer Restrictions:

The Planning Commission discussed the proposed controls on how many individual lots can be purchased by the same entity (a developer or home builder), with the suggestion that developers should not be permitted to buy blocks of lots; that the intent of the proposal according to the Applicant’s representations is to facilitate local ownership and opportunities to buy and develop on lots.

Staff Comment: The Applicant has clarified that no lots bought by one developer can be next to one another, and staff is of the understanding that the Applicant has considered imposing a limit on the total number of lots that any one developer may purchase and/or where the developer-owned lots need to be located to ensure enough separation and to preserve the intent of the PUD in providing varied architectural character and designs throughout the PUD.

Public Amenities and Open Space Uses:

The Planning Commission discussed the overall open space plan and the potential need for public amenities such as community gathering spaces or buildings, playground equipment, a bus stop, and public restrooms to serve residents and visitors to the proposed park and trailhead areas.

Staff Comment: The Applicant has worked with Town staff during the creation and review of the Preliminary Plan for PUD to understand the need for or interest (from the Town’s perspective) in improvements such as public restrooms, a public ice rink, or gathering

spaces (a community building) associated with planned open space and park land areas. The Town and the Applicant continue to discuss potential amenities and, importantly, whether such improvements would be publicly or privately maintained. Ultimately, the Town has indicated that the Town does not desire to take ownership and maintenance obligations for most of the proposed park areas; and, that the Town likely will not have the capacity to maintain improvements such as public restrooms. (This is one reason that public rest rooms and ideas such as a public ice rink have been removed from consideration in the PUD). Details regarding proposed on-site amenities and proposals for ownership and maintenance are addressed later in the report.

Sidewalks and Access:

The Planning Commission discussed connectivity and accessibility through the project, suggesting ADA compliant sidewalks and a pedestrian connection from the cul-de-sac (end of Icehouse Avenue) to Minturn Road.

Staff Comment: The plans have been updated to show a pedestrian trail connecting the cul-de-sac to Minturn Road. There are sidewalks along all roads within and bordering the project to provide connectivity.

Parking:

The Planning Commission discussed the necessity for adequate, functional parking throughout the subdivision.

Staff Comment: The PUD currently requires provision of parking for each individual lot on-site and there are 103 off-site, public parking spaces. In addition to the 14 parking spots at the trailhead, there are 18 overflow spots along Icehouse Avenue. On-street parking is proposed along the west side of the reconstructed and re-aligned Taylor Avenue.

Road Alignment:

The Planning Commission expressed concern about driveway cuts onto Minturn Road and suggested an alley behind those lots to present a more appropriate street frontage. There was also discussion about straightening out Railroad Avenue to create a safer corridor.

Staff Comment: Some driveways have been pulled off of Minturn Road, but several lots with access onto Minturn Road remain. Staff respectfully suggests that the Applicant explore additional opportunities to reduce or remove driveway access points along Minturn Road (instead accessing off of Icehouse Avenue). Railroad Avenue cannot be fixed based on discussions with UPRR.

Over the past fifteen months, the Applicant has worked with the Town to submit a Preliminary Plan application and to provide the required level and amount of information, detailed studies, and engineered plans necessary to facilitate a comprehensive review of the proposal by the Town. Likewise, the Applicant has spent considerable time responding to comments from referral agencies and the Town's staff and consultants who all requested additional information or suggested revisions to the plans based on identified issues of concern.

In many instances, the Applicant has addressed concerns posed by the Town as well as external referral agencies (public and non-profit agencies such as CDOT, Colorado Parks and Wildlife, Colorado Geologic Service, for example) along the way. With certainty, the staff can report that because of the cooperative relationship between the Applicant and the Town, certain aspects of the proposed PUD design have been improved upon, resulting in higher overall conformance with the Town’s governing documents - the Minturn Municipal Code and the 2009 Minturn Community Plan.

Summary

This proposal is significant from the standpoint of the potential positive and negative impacts of additional residential development within the Town after decades of relatively stable or stagnant population growth. Detailed analyses of the PUD process, application submittal requirements, Town standards and requirements and staff’s recommendations on behalf of all Town staff and consultant team members are provided in subsequent sections of this report.

The Town has spent considerable time and resources to review the proposal, to work with referral agencies, consultants and the Applicant to refine and update plans and proposed subdivision control documents to address neighborhood concerns, to mitigate or eliminate technical and legal issues, and to consider best practices when it comes to governance and ownership of private and public spaces within the Minturn North PUD.

Staff believes that while some outstanding issues remain unresolved, and although the Applicant has requested several variations to Town standards in order to achieve the Applicant’s preferred design for the subdivision, the Preliminary Plan that has been presented and updated over the past fifteen months is largely compliant with the purposes and intents of the “PUD Overlay District.”

Staff further suggests that while some outstanding issues must be resolved during the Preliminary Plan for PUD hearing process (prior to Preliminary Plan for PUD Approval), most items or issues are of a technical nature and can be resolved following Preliminary Plan review and prior to any Final Plan/Final Plat and Subdivision Improvement Agreement (SIA) submission by the Applicant. **Outstanding Issues and discussion topics are outlined in Section IX (pg. 40).**

This report contains “Staff Response” sections throughout the document responding to PUD standards and recommending specific aspects of the project that the Applicant will be required or, in certain instances, *encouraged* to address prior to or concurrent with any Final Plan and Final Plat application (the next stage of review). These recommendations and requirements correlate to suggested “conditions of approval” found at the end of this document under Section XIII (pg. 44).

Overall, staff’s assessment of the Minturn North Preliminary Plan for PUD, along with the companion Minturn North Preliminary Plat and Zone District Amendment applications indicates that while there remain some significant outstanding issues needing to be resolved, the proposal supports, and is supported by, the goals and strategies of the 2009 Town of Minturn Community Plan, and that the project appears to meet or exceed most PUD Preliminary standards and findings as well as the intents of the Town of Minturn Municipal Code.

The actions required by the Planning Commission following review of the three separate Minturn North PUD applications is to forward recommendations to the Town Council for approval, approval with conditions, or denial of the project.

Recommendation

Staff is recommending **approval, with conditions** of the Preliminary Plan, Preliminary Plat, and Amendment to the Zone District Map based on overall findings of conformance with the applicable standards and approval criteria of the Minturn Municipal Code (MMC) as well as with the 2009 Minturn Community Plan.

Report Organization

The remainder of this report briefly summarizes and addresses:

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

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

Purpose and Intent of Preliminary Plan for PUD Review

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

PUD Overlay Zone District Purpose and Intent

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

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

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

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

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

Following review of the Minturn North Conceptual Development Plan for PUD before the Town of Minturn Planning Commission in December 2019 and January 2020, the Applicant submitted a Preliminary Plan application in March 2020. Staff provided detailed comments regarding the completeness of the application at that time and the Applicant resubmitted the application in October 2020. Following additional completeness comments by staff, the Applicant submitted again in November 2020. While some outstanding details remained, the application was deemed “complete” in December 2020 for the purpose of sending the application and associated plan documents out for review by public agencies and outside entities/stakeholder groups. The public referral process commenced in January 2021 and the file has been under review since that time. The

Applicant has addressed many of the comments and issues raised by Town staff, Town consultants, and public referral agencies who have reviewed the application.

III. Project Description:

Property History

The project is proposed on one lot located at the north end of Town on the Union Pacific Railroad parcel within the Game Creek Character Area, located generally between Minturn Road to the west and Taylor Avenue to the east. Historically, this parcel has been used for heavy industrial uses - railroad and rail yard purposes as well as residential uses (several mobile homes have been in use on a small portion of the property). The properties were acquired by the Applicant, Minturn Crossing, LLC, with the goal to properly plan and design a residential neighborhood serving locals.



Figure 1: Minturn North PUD Vicinity Map

Property and Project Overview

According to the application by Minturn Crossing LLC, the PUD envisions the creation of a strictly residential neighborhood with lots, streets, sidewalks, internal pathways, parks and open spaces designed to closely compliment and respect the scale and development pattern of the existing Taylor Avenue neighborhood as well as other established neighborhoods in Minturn, while providing amenities and off-site improvements to serve the project and the Town:

“Our intent with this project is to not only avoid large scale resort development, but to provide a natural growth scenario that matches the existing town. By creating several different types of lots, we are offering the opportunity for holistic growth. In addition to

this, we are proposing a small amount of medium density, multi-family housing adjacent to the current Minturn Townhome project. Buyers will be regulated by a generous set of design guidelines that are specific to this development but that also promote the essence that flows through Minturn— character, uniqueness and history. In selling lots to individuals and allowing them to proceed as they desire (within Town of Minturn guidelines), we believe this PUD is a great sell to the Town of Minturn. The speed of the project will be gradual as lots are built-out and residents will slowly move in. This is a desirable alternative to having many new homes being built and residents moving in all at one time.”

- PUD Narrative by Applicant

The Minturn North PUD property has approximately .5 mile of frontage along Minturn Road and .38 mile of frontage along Taylor Avenue. It is surrounded by the following uses:

North	U.S Forest Service/Vacant Land
South	100 Block Downtown; Private Residential Uses
East	Private Residential and Home Business Uses
West	Business Uses (Meadow Mountain Business Park)

According to the application, the Minturn North PUD is envisioned as an extension of the community geared toward “a high level of individual expression and uniqueness which goes hand in hand with the existing landscape of Minturn’s architecture and home styles as they currently exist” (Minturn North PUD Narrative). The project consists of 100% residential development including a mix of cottage homes, single-family, duplex, and multi-family structures, along with vehicular access and sidewalks, parking areas, drainage and snow storage improvements, new public infrastructure and utilities, as well as open space, active recreation areas, trails and trailhead amenities.

The PUD includes ninety-five (95) lots of varying sizes serviced by Minturn Road, Taylor Avenue, and a series of internal roads and sidewalks, along with the provision of three public parks throughout the neighborhood and trailhead access to Game Creek Trail. A total of 116 units are being proposed, with the potential buildout of 184 units, with cottage homes, single-family, and duplex structures located on the majority of the lot, and multi-family structures located at the south end of the property.

The Applicant proposes to develop the project in two phases but **is only seeking approval for Phase I of the project at this time**. This will permit development of up to 29 residential lots and three multi-family lots, for a total or potential (maximum) of up to seventy-eight (78) units (54 single-family, duplex and single-family plus Accessory Dwelling Unit (ADUs), plus twenty-four (24) multi-family units). Buildout and the phasing plan are based on market demand and absorption of available lots, the Applicant’s ability to address outstanding issues related to development of Phase II, as well as the timing of available water taps from the Town.

The proposal generally includes the following:

- Creation of ninety-five (95) residential lots, subdivided in two phases, and ranging in size from 2,500 sq. ft. to 10,000 sq. ft.
- Creation of three (3) multi-family lots to accommodate the construction of twenty-four (24) multi-family residential units.
- Dedication of 5.99 acres of open space inclusive of open air, active and passive recreation facilities (pocket parks, trails, and trailhead parking areas).
- Development of new roadways; on-street parking areas; sidewalks; stormwater and drainage improvements; a regional trail segment; sewer and water line improvements and gas lines as well as undergrounding of existing overhead utility lines.
- Improvements to off-site public facilities at Hwy. 24 and along Minturn Road based on a cost sharing agreement with the Town that has yet to be fully negotiated.
- Provision of a voluntary Housing Plan inclusive of commitments from the Applicant to deed restrict 21% of the lots (24 total lots) created for “Locals Only” purchase.
- A PUD Guide, Architectural Design Standards or “guidelines,” and Homeowners Association covenants to govern development of the subdivision.

Per the Application, the developer does *not* intend to construct homes. Rather, the plans would be geared toward the subdivision and development of lots and infrastructure, allowing for individuals to buy lots and design their own homes based on the zoning and design standards that will be created for the PUD subdivision. The following table provides a break-down of proposed lot types by parcel size:

Use	Lot Size	Lots	Max # of Units
Standard Lot**	5,000 sq. ft.	24 Lots	48 Units
Compact Lot*	4,000 sq. ft.	36 Lots	72 Units
Cottage Lot	2,500 sq. ft.	24 Lots	24 Units
Estate Lot*	6,000 -11,000 sq. ft.	8 Lots	16 Units
Multi-Family Lots	10,000 sq. ft.	3 Lots	24 Units
Total:		95 Lots	184 Units

* Estate and Compact lots are proposed to allow for Accessory Dwelling Units.

** Standard Lots are proposed to allow for duplex, or single family and Accessory Dwelling structures.

Given the above breakdown, and considering that certain lots could, under the current proposal, include the development of more than one unit per lot (i.e., accessory dwelling unit or, in the case of Standard Lots, a duplex structure) the potential range of total *dwelling units* (not lots) permissible within the PUD would be between 116 units and 184 units.

Because of this potential density range, the Town required all studies and analyses created for the Preliminary Plan application such as fiscal and municipal services impact studies, water demand

models and consumptive use analyses, traffic impact analyses, and utility impact analyses to be completed in context to the maximum density/build-out potential for the PUD.

IV. Summary of Process and Code Requirements:

Planned Unit Development (PUD) Approval Process

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

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

Preliminary Development Plan Review Purpose and Criteria

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

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

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

The Preliminary Plan submission is intended for the applicant to respond to the issues and concerns identified during concept plan review and to formulate detailed, properly engineered solutions to those issues and concerns that conform to the approved sketch plan. The preliminary plan stage is when the applicant is to provide more detailed information and mitigation proposals to be evaluated by the Town. Preliminary Plan submittal requirements are listed below along with staff commentary regarding whether the Applicant’s submittal meets the Town’s requirements.

Item:	Requirement:	Provided?
(1)	<p><i>PUD Guide specifying the limitations that will guide the future development of the property.</i></p> <p>Staff comment: A PUD Guide was provided. Staff has made comments and some have been addressed by the applicant. Condition(s) 1 found in Section XI pertains to the PUD Guide. Staff will continue to work with the applicant to resolve these outstanding issues.</p>	Yes
(2)	<p><i>A Community Plan and Development Guidelines that illustrates the proposed land uses, building locations, and housing unit densities.</i></p> <p>Staff comment: Design Guidelines have been submitted. Staff has made comments and a majority have been addressed by the applicant. Several minor comments and suggested revision or refinements to these documents remain and can be addressed prior to any Final Plan/Final Plat submission by the Applicant.</p>	Yes
(3)	<p><i>An open space, park and recreation plan that identifies the areas of common open space, parks and recreation lands and describes any agreement proposed to preserve the open space, parks and recreation lands and how this will be implemented by deed or other agreement. This plan shall also describe the source of funds for long-term maintenance.</i></p> <p>Staff comment: An open space, park and recreation plan that identifies the areas and proposed ownership of open space, parks and recreation lands has been submitted. However, negotiations concerning land dedication of public or common open space and associated ownership and/or maintenance costs (to be finalized and negotiated via the Subdivision Improvements Agreement process during any Final Plan review) are ongoing.</p>	Yes
(4)	<p><i>A traffic study</i></p> <p>Staff comment: A traffic study has been submitted and found sufficient by the Town Engineer as well as CDOT for their purposes in reviewing and approving traffic improvements and access permits for the project. (Note: access permits</p>	Yes

	have been issued by CDOT for the project.) Please see summary of CDOT comments in Section IX of this document.	
(5)	<p><i>Proposed trails, sidewalks and traffic circulation patterns, including snow removal patterns and snow storage areas, and the proposed status of street ownership.</i></p> <p>Staff comment: These items were provided. Staff has made comments and some have been addressed by the Applicant. Condition 2 found in Section XI pertains to snow removal and storage. Condition 6 found in Section XI pertains to the proposed status of street ownership. Staff will continue to work with the Applicant to resolve these outstanding issues.</p>	Yes
(6)	<p><i>Proposed grading and drainage plans.</i></p> <p>Staff comment: Grading and Drainage plans have been provided. Staff has made comments and some have been addressed by the Applicant. Staff will continue to work with the Applicant to resolve any remaining issues.</p>	Yes
(7)	<p><i>Detailed descriptions and commitments for the proposed source of legal and physical water supply and engineering plans for the proposed storage and distribution system for water supply (domestic and irrigation) and sewage disposal.</i></p> <p>Staff comment: Detailed engineering plans for water and sewer infrastructure have been provided with this application.</p> <p>ERWSD has stated that they are comfortable with the proposed layout and alignment of the sanitary collection system improvements for the project. There are still minor details to work through, which staff will help facilitate. As stated in Ord. 5 - Series 2020, Minturn Crossing, LLC., has claim to 70 SFEs to serve the first phase of development conditional upon pre-payment of applicable tap and water system improvement fees.</p>	Yes
(8)	<p><i>Economic data and supporting market analysis to justify any proposed commercial and industrial elements.</i></p>	N/A

	<p>Staff comment: There are no proposed commercial or industrial elements. However, the Applicant has provided a Fiscal Impact Report detailing estimated costs and revenues to be generated by the proposed PUD.</p>	
(9)	<p><i>Proposed development covenants, deed restrictions or other applicable codes.</i></p> <p>Staff comment: HOA covenants and deed restriction documents have been submitted and reviewed by the Town Attorney. The Town, the Eagle County Housing and Development Authority (ECHDA) and the Applicant continue to discuss ideas to enhance the Minturn North Housing Plan, and are working to finalize the community housing deed restriction documents that will govern the terms and eligibility of locals housing within the PUD. Condition(s) 4 found in Section XI pertain to the HOA Covenants and Housing Plan. Staff will continue to work with the applicant to resolve these outstanding issues.</p>	Yes
(10)	<p><i>An environment assessment or environmental impact report, unless waived by the Town Planner.</i></p> <p>Staff comment: Phase 1 and Phase 2 Environmental Site Assessment Reports as well as an Environmental Impact Report have been submitted and have been reviewed by the Town’s consultant, SGM. SGM advised strict black bear stipulations should be in place, and also recommended an aggressive noxious weed management strategy, dust control plan, treated stormwater flows before discharge into Game Creek, and elk and elk habitat protection plan.</p>	Yes
(11)	<p><i>An impact analysis that describes the impact of the proposed PUD upon the school district.</i></p> <p>Staff comment: The applicant submitted an Ability to Serve letter from Eagle County School District which detailed the impacts of the proposed project which was sufficient. Comments from the School District including confirmation of school land dedication ‘fee-in-lieu’ amounts that the District requests that the Applicant pay prior to or concurrent with any Final Plan and Final Plat application. The Town does <u>not</u> have school land dedication requirements or fee amounts set for ‘in-lieu’ payments at this time; any fees paid will be voluntary and negotiated. Please see summary of Eagle County School District comments in Section IX of this document.</p>	Yes

(12)	<p><i>A fiscal impact analysis of the estimated demands for Town services and a statement of projected Town tax revenue based upon the historic Town tax levy and a schedule of projected revenue.</i></p> <p>Staff comment: A Fiscal Impact Analysis and a statement of projected Town costs and/or tax revenues associated with the PUD has been provided and reviewed by Town staff and Ehlers Public Finance Advisors, the Town’s fiscal and municipal finance consultant. Ehlers provided the following comments: They recommended a market analysis to support either the planned absorption or the estimated values to be generated from the development. The occupancy analysis should be further explored to ensure accuracy. The calculations utilized for the Water Enterprise fund should be updated to reflect current rate methodology and charges. It appears that there will be a revenue net benefit from the development, and that there will be additional Capital Fund dollars available for town-wide improvement.</p>	Yes
(13)	<p><i>Final site plans and architectural forms planned for the first phase of the proposed development.</i></p> <p>Staff comment: Detailed Site, plans have been submitted. Planning staff and the Town Engineer have made comments during the referral and review periods and the Applicant has worked to address many of them. Condition 2 found in Section XI pertains to the site plans. The developer is not proposing architectural forms but has provided draft Design Guidelines.</p>	Yes
(14)	<p><i>Detailed plans for fire protection and emergency medical services.</i></p> <p>Staff comment: Ability to serve letters from Eagle River Fire Protection District, Eagle County Sheriff’s Office, and Eagle County Paramedic Services were submitted with the application. During the referral process ERFPD submitted further comments and requirements concerning which applications need to be applied for. Some of these are still outstanding. Condition 6 found in Section XI pertains to these requirements. Please see summary of ERFPD comments in Section IX of this document.</p>	Yes
(15)	<p><i>The PUD shall include a phasing plan that demonstrates that the PUD can be completed within a reasonable period of time, which shall be determined prior to final approval of the PUD.</i></p> <p>Staff comment: A phasing plan has been provided and a yet to be completed Subdivision Improvement Agreement (SIA) will be reviewed and approved</p>	Yes

	with any Final Plat application specifying construction timing, cost estimates, and financial guarantees for the construction of all infrastructure necessary to serve the development.	
(16)	<p><i>If development is proposed to occur in phases, then financial guarantees shall be proposed to ensure that project improvements and amenities are constructed as presented and approved.</i></p> <p>Staff comment: A phasing plan has been provided along with detailed infrastructure plans and cost estimates. Final details regarding the timing of improvements and corresponding financial guarantees will be negotiated and approved at the time of Final Plan/Plat and Subdivision Improvements Agreement (SIA).</p>	N/A
(17)	<p><i>The preliminary plan application shall be accompanied by an application for an amendment to the Character Area zoning map.</i></p> <p>Staff comment: A Zone District Amendment application was received by the Town. Zoning is proposed to change from “Game Creek Character Area PUD Holding Zone District” to “PUD Overlay District.”</p>	Yes
(18)	<p><i>The PUD shall consider the recommendations made by the applicable analysis documents, as well as the recommendations of referral agencies.</i></p> <p>Staff comment: Since the Conceptual Development Plan for PUD approval in early 2020, the Applicant has made revisions to the PUD - the design, layout and governing documents - based on the Applicant’s own technical reports as well as the recommendations of staff and referral agencies. However, several issues raised by staff and/or referral agencies remain outstanding and/or up for discussion during the Planning Commission hearings. Of those, several are specifically germane to Phase II and will be addressed and/or resolved as part of any future “Phase II” Final Plan and Final Plat review.</p> <p>As noted in this report and the suggested list of conditions of approval, staff believes that most if not all outstanding issues are of a nature that they can reasonably be addressed and resolved by the Applicant prior to or concurrent with the Final Plan/Plat application. Please see summary of referral comments in Section IX of this document.</p>	Yes

As noted above, required elements of the Preliminary Development Plan for PUD application have been provided in enough detail to allow Town staff, the Planning Commission, and the Town Council to determine conformance with the overall intents and purposes of the PUD Overlay Zone District; with the applicable Minturn Municipal Code standards; and, the goals and policies of the 2009 Town of Minturn Community Plan.

V. Zoning and Compatibility Analysis

Existing Zoning

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

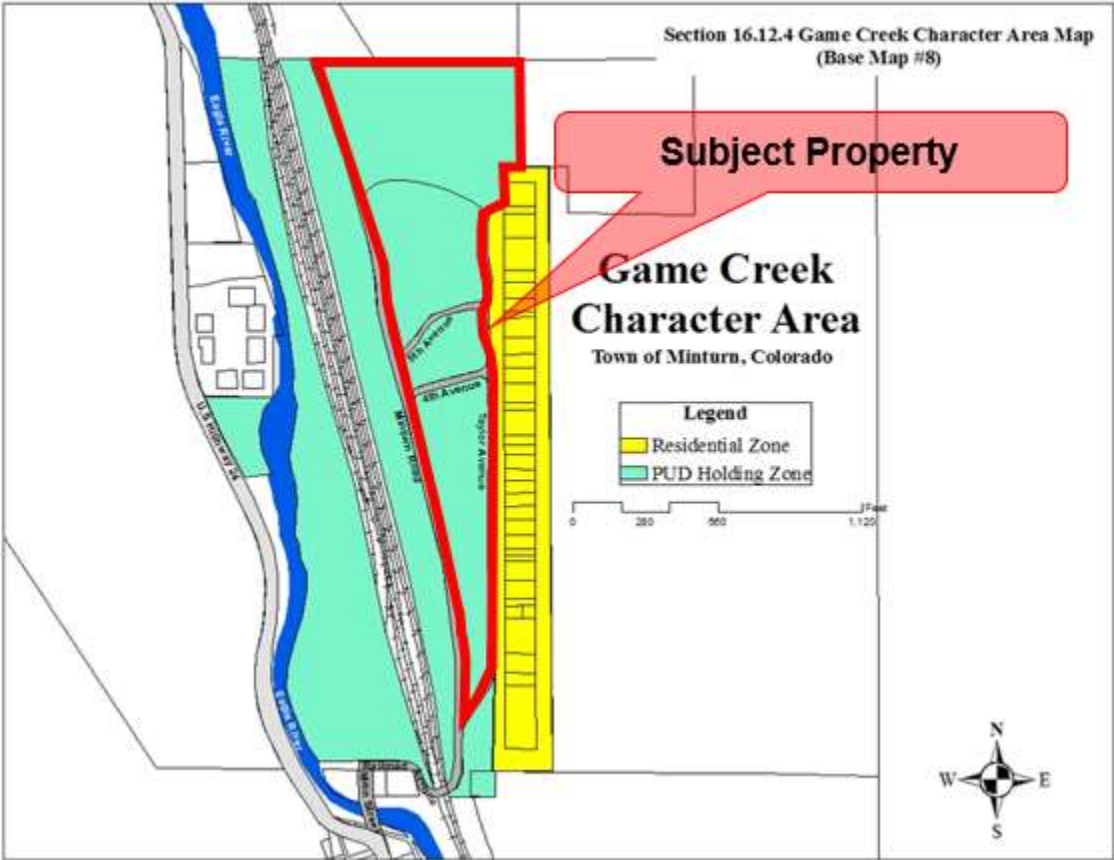


Figure 2: Game Creek Character Area Zoning Map

Although the subject property is “zoned” within the character area, there are no approved uses for the PUD Holding Zone area. Effectively, then, there is no zoning or site-specific development controls for the property and the Town Code requires review of a PUD plan to establish site specific zoning and land use entitlements before any development may take place on the subject property.

The following excerpts from the Minturn Municipal Code (MMC) provide background information regarding the Game Creek Character Area as well as the purpose of the Planned Unit Development (PUD) overlay zoned district within the Town’s land use regulations.

Section 16-12-10 – *Character Area Characteristics* of the Minturn Municipal Code (MMC) describes the railroad property located on the north side of Town as follows:

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

Section 16-12-30 of Minturn’s Town Code provides the following general description of the site:

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

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

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

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

Proposed Zoning and Compatibility

The proposed PUD zoning calls for one zone district to be created, or overlaid upon existing residential zoning, to allow for residential, transportation/mobility, and recreation/open space uses. The parcel currently has effectively no zoning; meaning, there are no “permitted uses” or development

controls (setbacks, limits on building height or lot coverage) within the Game Creek Area PUD Holding Zone.

The PUD zone district is being proposed, in part, to comply with the Minturn Municipal Code (which requires a PUD or special use permit review for any proposed development on UPRR property); to allow for residential uses and appropriate development controls; and, importantly, to allow for and encourage a certain amount of flexibility and creativity in the layout and design of the neighborhood as a means to achieve several of the Town’s stated Community Plan goals and policies concerning land use, growth management, affordable/locals housing, and sustainability.

The proposed PUD zoning and regulating plan (the “Minturn North PUD Guide”) calls for five distinct residential zone districts - Open Space Active, Open Space Restricted, Single-Family Residential, Duplex Residential, and Multi-Family Residential - to be created, or overlaid upon the Property to allow for residential and recreation/open space uses.

Surrounding land uses include primarily single-family residential with similar densities and lot configurations as are being proposed within the Minturn North PUD. Adjacent and nearby residential development is dominated by one and two-story structures, and similar configurations (lengthwise, from north to south) due to similarly shaped properties and neighborhood layout.

Staff believes the proposed uses, specifically the types, number and sizes of residential lots and dwelling units, as well as the design of streets, sidewalks and public open space and/or recreational areas within the PUD generally conform to the Town’s standards, respond to and complement the Town’s goals and policies (outlined below under “Community Plan Conformance”), and are generally designed to be compatible and in-scale with surrounding existing and future land uses.

Discussions regarding compatibility of the proposed PUD with the overall character of the Game Creek Character Area and the immediate surrounding land uses might include topics such as:

1. Potential impacts on existing conditions and existing residents in the area and, importantly, the effectiveness of proposed mitigation and/or controls (PUD Guide and HOA documents);
2. The general character of the surround area relative to the character (land use patterns, infrastructure design and functionality, massing and architecture) of the proposed PUD;
3. The ability to develop and finance the project properly and the Town’s ability to serve the development without injury or degraded service to existing areas of the Town;
4. Whether the proposed development is designed to minimize negative impacts while enhancing existing conditions (public infrastructure and amenities) and reinforcing the vision, values and design characteristics that define the Town of Minturn;
5. Whether the PUD allows for and/or encourages the integration of sustainable development techniques and technologies - does the proposal contribute to the Town’s overall sustainability and energy efficiency/climate action plan goals and priorities;
6. Potential traffic, noise, and light impacts on existing conditions and existing residents;
7. The general character of the area relative to the character (land use patterns, infrastructure design and functionality, massing and architecture) of the proposed PUD;

8. The ability to phase the development properly and the Town’s ability to serve the development without injury or degraded service to existing areas of the Town; and,

Massing and Character

From a massing and character standpoint, the PUD proposes fairly standard setbacks between residential structures. Further, the PUD will limit single-family and duplex structures to a building height of 28’ determined by offsetting the grade plane (setting a limit twenty-eight feet above the grade below, within which all roof forms except minor architectural features must be constructed) which is in-line with the Town’s 28’ height limit for other structures in the surrounding Residential zone district. Additionally, while the Applicant is not proposing to dictate any one architectural style, Design Guidelines have been provided that encourage and/or discourage certain architectural elements, design techniques and exterior materials choices. (See comments later in this report related to proposed building height measurement methods and design standards).

The multi-family structures located at the south end of the property are proposed at 32’ above grade for 50% of the roofline to allow for additional modulation of form with larger buildings. This may be appropriate and in-character with the overall neighborhood given the location of this proposed 32’ building height and mass set across from the Minturn Towne Homes, multi-family units with similar building height and mass. That said, much will depend on the architecture proposed for these structures and, specifically, how roof forms and masses are broken up to provide relief and to ensure that buildings and roof forms/ridgelines are not monolithic.

Additionally, significant improvements to existing infrastructure such as Minturn Road and Taylor Avenue should serve to improve or enhance the character and built environment of the existing neighborhood while proposed street, sidewalk, lot and block patterns complement existing development patterns established along Taylor Avenue.

VI. Community Plan Conformance:

Community Plan Purpose and Vision

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

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

- *Town of Minturn Community Plan (p. 6)*

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

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

- *Town of Minturn Community Plan (p. 5)*

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

“The Town of Minturn values:

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

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

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

Community Plan Organization – Goals and Strategies

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

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

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

Community Character and Urban Design:

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

- (CCS 1.1) *Encourage and promote the use of public venues for a wide range of community events*
- (CCS 1.2) *Consider size limits for residential structures*
- (CCS 1.3) *Develop town signage including information kiosks, gateway signs and way-finding system*
- (CCS 1.4) *Develop and implement methods to maintain the town’s eclectic architecture, scale and vibrant color palette*
- (CCS 1.5) *Investigate methods to preserve and protect historic structures*
- (CCS 1.6) *Incorporate local public art into new development and public improvements*
- (CCS 1.7) - *Support and enhance the Minturn Market as an integral part of downtown*
- (CCS 1.8) *Enforce ordinances aimed at maintaining the health, safety, welfare and aesthetic of the town – snow, trash, nuisance abatement and zoning/land use*
- (CCS 1.9) *Encourage development to utilize non-intrusive lighting systems*
- (CCS 1.10) *Examine existing hillside development regulations for improvement*
- (CCS 1.11) *Allow a variety of lot sizes (small and large lot) as appropriate to specific areas*

Staff Response:

The proposed PUD is oriented toward the provision of a range of lot and housing types, sizes and (presumably) price points. Proposed architectural design standards show a character and intent designed to complement existing development and architectural character apparent throughout the Town.

Additionally, the PUD promotes adherence to the Town’s stated goal of maintaining a “unique, eclectic, non-resort town with a strong sense of community.”

The Preliminary Plans, PUD Guide, Design Guidelines and Homeowner’s Association (HOA) covenants address specific standards for architectural design character, landscaping, drainage, snow storage and removal, trash storage, exterior lighting, and signage.

Staff has worked with the Applicant during the Preliminary Plan review and referral process to suggest revisions to the PUD Guide and Design Standards specifically to bolster a “sustainability” plan - specific requirements and/or incentives aimed at energy efficiency and green building practices, as well as low-impact design and construction of grading, drainage, stormwater and vegetation management. To a certain degree, the PUD Guide and Design Standards have been updated to encourage such elements but not necessarily to require them.

Staff believes that additional opportunities exist to continue working with the Applicant to strengthen sustainability requirements and identify potential incentives within the PUD control documents and to set a higher bar for energy efficient residential construction within the Town. Simply, this project represents the largest single opportunity to date for the Town to influence and integrate sustainability and energy efficiency measures, techniques and technologies on a neighborhood scale; the impact to homeowners, renters, utility providers and the Town by way of cost savings (reduced energy costs/cost of maintaining structures, reduced demand on local energy grids and/or potable water provision) could be significant.

Controls on exterior lighting are found in the application as well as HOA covenant documents. The intent is to allow the Town of Minturn lighting standards - which require downcast, “night-sky compliant” lighting to be used on all new projects.

Condition Nos. 1-7 found in Section XII addresses outstanding issues needing to be addressed prior to any Final Plan for PUD submission as well as recommended revisions suggested to increase the proposal’s conformance with applicable Town standards.

Sustainability and Green Building Practices

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

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

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

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

Staff Response:

The Concept Development Plan did not suggest any specific green building or low impact design standards, guidelines or techniques when reviewed in early 2020. Following the Conceptual Plan review, the Applicant was encouraged to incorporate specifics in the form of “requirements and/or guidance to encourage green building, as well as low impact development techniques for site grading, drainage and stormwater management.” To a certain

degree, additional details and recommendations were incorporated into the PUD Guide and Design Standards but not to the degree that staff had recommended. Staff believes this aspect of the PUD Guide and other controlling documents represents a missed opportunity for what could be the first new, major subdivision in the Town of Minturn in some years; a development that will set the tone for other future development and - based on the number of new units to be constructed - could have significant impact on the cost of individual home ownership within the development (e.g., the cost of heating and cooling, as well as water and electrical usage for individual residences due to the design and construction techniques used) which, in turn, will impact the affordability of the new units over time and, ultimately, the Town's ability to achieve its strategic goals and policies related to climate action and energy efficient building practices.

Any Preliminary Plans for the PUD should also be informed by wildfire hazard analyses and the PUD Guide and master covenants should include "firewise" guidelines and requirements for the creation of defensible space and vertical construction.

Land Use/Transportation

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

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

Staff Response:

The Preliminary Plan shows a street, sidewalk and trails network that is similar to the layout shown during Conceptual Plan review in early 2020 and which should enhance walkability and multimodal (bikes, pedestrians and vehicles) transportation in and around the Game Creek Character Area. As stated during the conceptual review, the proposed infrastructure will add to the Town's connectivity and walkability, particularly for residents in the Game Creek Character Area. Staff suggests that the design of the proposed PUD will be important from the standpoint of supporting transportation, mobility as well as the mass transit goals of the Town. Comments and several outstanding issues needing to be resolved with regard to proposed infrastructure designs are noted in this report and are captured in proposed conditions of approval which, among other things, will require the Applicant to work with

Town staff and/or consultants to resolve issues and, in some cases, redesign proposed improvements.

Affordable Housing

Goal (AHG 1): Promote Affordable Housing

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

Staff Response:

In June 2020, the Town adopted its first “Inclusionary Housing” Ordinance setting forth specific requirements for mitigating housing affordability and focusing on “locals only” restrictions for any new development proposed over five (5) dwelling units. The Minturn North PUD Preliminary Plan was submitted *prior* to passage of the ordinance; therefore, the ordinance does not apply to this PUD. Nevertheless, the Applicant – anticipating and addressing the Town’s Housing goals and strategies – is voluntarily proposing to dedicate a significant portion (21%) of the overall number of lots to “locals” housing (a percentage in line with the requirements of the Town’s housing ordinance). Additionally, the Applicant is now proposing to dedicate the proceeds from a 1% transfer fee on all real estate sales to a “Community Land Trust” which would then provide funding for affordable housing. However, details on how such land trust will work or how proceeds from the transfer fee will be used/administered remain outstanding. Staff is **recommending Condition No. 7** in Section XII below, requiring the Applicant to continue working with Town staff and the Eagle County Housing and Development Authority to refine and finalize the Minturn North Affordable Housing Plan.

Importantly, the PUD includes a range and mix of lot types and sizes, and (presumably) price points that should serve to provide increased opportunities for home buyers (or renters) of all income levels. The proposed Housing Plan for the PUD should be evaluated in context to the Town’s affordable housing goals, with particular attention paid to the timing (phasing), location and overall number of potential ‘locals only’ and/or attainable lots or units within the PUD.

The Applicant should be encouraged to work with the Eagle County Housing and Development Authority - the Town’s partner organization in administering the Town’s housing requirements - to further refine how the housing plan will be administered, who will monitor and manage the provision of deed restricted units or lots, and how the PUD’s housing guidelines will be updated over time to reflect market conditions and needs if desired.

Public Services and Facilities

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

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

Staff Response:

The proposed PUD will have significant positive and negative benefits, impacts and effects on the Town and its infrastructure, public facilities, and services. The plans include significant improvements such as sidewalks, paved streets, signage, and lighting to serve the PUD and neighboring residential development, as well as the installation of a stormwater management system that currently does not exist in the Taylor Avenue area.

Impacts from increased residential development – on transportation, sewer and water infrastructure; police and emergency service providers; as well as the general enjoyment of existing town amenities – have been evaluated using fiscal and financial impact studies and analyses prepared by qualified professionals as part of the Preliminary Plan for PUD application process. The PUD - particularly aspects involving on- and off-site infrastructure improvements - have also been reviewed against existing Capital Improvement Plans (CIP).

The Design Guidelines and PUD Guide do include “sustainability” sections, and the Applicant has demonstrated a commitment to encouraging sustainable building design and construction practices. However, staff is still of the opinion that the Applicant can continue to work with the Town and other partner agencies (Walking Mountains, Eagle County/Climate Action Collaborative, Holy Cross Energy) to further sustainability and/or alternative energy goals for the development.

As mentioned in several sections of this report, outstanding issues remain regarding the design, reconstruction and ownership of Minturn Road and the County Road, as well as the final design solution for the intersection of Minturn Road and Taylor Avenue. Last, several technical comments and suggested revisions regarding civil engineering plans and details remain outstanding but staff believes that all or most of these issues may be addressed as conditions of Preliminary Plan for PUD approval.

Economic Development

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

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

Staff Response:

The Preliminary Plan proposes a mix of residential housing products. No commercial development is proposed. To the extent that the design of the PUD as well as the architectural standards that will be developed for the project “promote the town’s unique history,” the project can be seen as complementing the Town’s image. Likewise, the addition of the specific types and sizes of residential lots and structures geared toward housing the local population contemplated within the PUD should serve to “expand and diversify the town’s economic and employment base” and “Support and promote practices which are attractive to small business infrastructure, taxes, city services.”

Natural Resources

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

- (NRS 1.1) Support and fund ongoing river restoration efforts*
- (NRS 1.2) Improve and enhance public access to the Eagle River*
- (NRS 1.3) Strengthen development standards supporting habitat restoration and protection of the river*

(NRS 1.4) *Promote the Eagle River as a focal point of the community/gathering space*

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

(NRS 2.1) *Maintain and improve access to public lands*

(NRS 2.2) *Promote development of USFS lands where appropriate*

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

(NRS 3.1) *Examine existing hillside development regulations for improvement*

(NRS 3.2) *Maintain historic wildlife migration corridors*

(NRS 3.3) *Support efforts to mitigate the impact of the mountain pine beetle infestation*

(NRS 3.4) *Incorporate “Firewise” guidelines in building and site planning practices*

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

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

Staff Response:

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

No development is proposed on ridgelines and no specific view corridors have been mapped or designated in Town planning documents within or around the subject property. Plans include significant improvements and forethought with regard to preserving and enhancing trailhead parking and access to the Game Creek trail.

Parks and Recreation

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

(PRS 1.1) *Support and promote the development of a regional trail system*

(PRS 1.2) *Support and promote the development of a centralized gathering space in the downtown area*

(PRS 1.3) *Investigate opportunities for the development of playgrounds and parks*

- (PRS 1.4) *Promote, maintain and improve access to open space*
- (PRS 1.5) *Promote, maintain and improve access to the Eagle River*
- (PRS 1.6) *Support and promote the development of recreational facilities and programs for multiple user groups*
- (PRS 1.7) *Promote existing recreational opportunities/facilities*

Staff Response:

The PUD provides or enhances access to public lands and open spaces, while contributing to the continuation or extension of the regional “EcoTrail” segment. Importantly, the Plan shows improved trailhead parking areas and walking paths to connect residents and the general public to the Game Creek trail. The PUD - in two phases - provides about six acres (260,758 sq. ft.) of open space (32% of the overall land area in the PUD) in the form of usable pocket parks as well as preservation-oriented spaces for wildlife habitat. Ownership and maintenance of open space/park areas remains a topic of discussion and negotiation between the Applicant and the Town. The Applicant is currently proposing that park areas in both phases of development will be privately owned and maintained for the benefit of Minturn North residents. The Town is recommending all open spaces be open to the public per the Minturn Municipal Code.

VII. Staff Analysis and Findings:

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

Preliminary Plan for PUD:

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

- Staff believes that the Preliminary Plan supports several goals, policies and implementation strategies of the 2009 Town of Minturn Community Plan as well as the Minturn Municipal Code.
- The Preliminary Plan demonstrates efficient land use patterns by locating development close to existing development and infrastructure within the Town of Minturn - directing residential growth pressure and density inward - thus avoiding costly sprawl and undesirable impacts to sensitive or valued environmental areas. The PUD also adheres to Town policies by proposing a phasing plan to ensure that extensions of utilities and services to serve future development is completed logically based on need and the ability to serve the project; and by proposing a pattern of streets, sidewalks and lots that are compact and which complement the existing fabric established in the Town.
- The Preliminary Plan integrates various lot sizes and unit types, and will contribute to trails and pedestrian circulation.

- The Preliminary Plan and the resultant development of the subject property can be planned and developed to maintain or improve air and water quality through controls written into the PUD Guide document as well as the Homeowner's Association covenants. Controls found in documents provided with the Preliminary Plan do address erosion control, stormwater management, and woodburning, for instance. Comments received from external referral agencies such as the Eagle River Watershed Council indicate that additional controls and protections can be provided in and around existing wetland and riparian areas within the Game Creek drainage.

- The Preliminary Plan proposal includes improvements to existing infrastructure (Taylor Avenue roadway improvements, for example) that may promote safe, efficient, compact street and utility networks that may lower development and maintenance costs and conserve energy. Further, proposed trail and public trailhead parking improvements appear to provide public benefits to the residents of the PUD as well as the general public. However, as staff has continued to review the proposed layout and designs of public improvements of streets and road grades, intersection designs, and the placement of future residential driveway entrances, staff suggests that several aspects of the proposal do not meet Town standards, or are not in line with best practices and engineering standards. The applicant is requesting several design variations or “variances” for aspects such as road geometries and turning radii at intersections, maximum road grade or slope (proposed 5th Street), grades and slopes at intersections and sidewalk widths.
- At Conceptual Plan review in early 2020, the Town encouraged the Applicant to focus on integration of more sustainable design elements into the PUD Guide and Design Standards for Minturn North PUD, focusing on aspects that will lead to greater efficiencies, connectivity, and integration of “best practices” in building techniques and technology (solar ready homes, other alternative energy technology, re-use of non-potable water resources, energy efficient community lighting, as examples). To a certain extent, the proposal does include language that “encourages” or recommends best practices but does not necessarily require such aspects. Staff suggests that opportunities still exist to bolster sustainability requirements and incentives within the PUD that would go further in promoting and facilitating best practices, innovation and, importantly, the strategic environmental and sustainability goals of the Town Council.

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

1. *Preliminary development plan evaluation criteria:*

- a. *The resulting development will be consistent with the Community Plan and the proposed PUD reflects the character of the Town.*

Staff Response/Finding:

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

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

Staff Response/Finding:

The Preliminary Plan has been planned to a significant degree to be harmonious and in character with the type and density of residential development existing in the surrounding neighborhood and the applicant has worked with the Town and

public service providers to address needed improvements and particular design issues related to existing and proposed public infrastructure.

Planning for Minturn North infrastructure and public facilities (roads, sidewalks, water, sewer, snow storage, drainage, utilities and stormwater improvements or replacement) has involved careful coordination with Town staff, Eagle River Water and Sanitation District, and other service providers to ensure that required infrastructure and proposed upgrades to existing infrastructure in the immediate vicinity of the PUD have been planned to in substantial harmony with the surrounding areas. There are certainly some challenging existing conditions along the Taylor Avenue corridor - the width and existing conditions of the roadway, unsanctioned and haphazard parking within or along the existing public road right-of-way, stormwater drainage (or lack thereof), existing access easements and railroad crossings on other portions of the Union Pacific Railroad,

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

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

Staff Response/Finding:

The Preliminary Plan is an infill (brownfield) development that meshes well with the surrounding residential neighborhood, and has been planned to provide logical improvements and connections to existing public infrastructure (roads, water, sewer, for example); staff has generally not identified any particular aspect of the proposed PUD that will be detrimental to the surrounding area. One could view any development of currently vacant land next to an existing residential neighborhood - any change to an existing condition - to be impactful or detrimental.

That said, there remain several topics of discussion that are likely important to neighboring property owners and the Town that should be considered during the review of the Preliminary Plan for PUD. Topics such as the adequacy and functionality of snow management and storage plans, traffic and road improvements, public parking, development requirements (building heights, required landscaping, exterior lighting controls and private parking requirements), construction management plans and enforcement, temporary impacts to existing infrastructure and facilities, and the proposed Homeowner's Association covenants will likely be discussed during the public hearing process.

Staff believes that the PUD has been planned to enhance rather than to detrimentally affect or impact the nearby neighborhood. Care has been taken to understand and plan around (or in many cases integrate with and upgrade) existing conditions and

infrastructure, including the planned reconstruction of Taylor Avenue which should provide additional road width and on street parking, vastly improved drainage and stormwater management facilities,

One particular aspect of the current proposal is a one-way road segment on Taylor Avenue. Staff believes that this proposal - to turn Taylor Avenue from Minturn Road to 4th Street into a one-way street - by the Applicant to address or alleviate the poor intersection angle and site triangle existing at the intersection of Minturn Road and Taylor Avenue is not the optimal solution. The Town Engineer has provided comments to this effect and the Town staff strongly recommends that alternative solutions such as rebuilding this intersection to create more of a 90-degree angle at the intersection of Minturn Road and Taylor Avenue must be explored and resolved prior to any Final Plan/Final Plat application.

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

Staff Response/Finding:

The Preliminary Plan has been designed with dimensional limitations (lot sizes, lot coverage standards, setbacks and height restrictions) exceedingly similar to the Town's existing requirements and, particularly, in relation to and consistent with neighboring residential development.

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

Staff Response/Finding:

Staff believes the PUD can be completed within a reasonable time frame and that the proposed phasing plan is appropriate. While the Applicant and the Town continue to discuss phasing and potential cost sharing of required public infrastructure, final details regarding phasing of infrastructure, cost estimates, and the financial guarantees necessary to complete the project will be finalized during Final Plan/Final Plat and SIA.

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

Staff Response/Finding:

The PUD is not adjacent to and does not have any frontage along the Eagle River. However, the proposed installation of drainage and stormwater systems as part of the PUD in areas of the Game Creek Character Area that do not currently have such systems should benefit the overall health of the Eagle River.

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

Staff Response/Finding:

The PUD is adjacent to or in close proximity to recreational amenities such as the Game Creek trail and Meadow Mountain. Additionally, residents of the PUD will have access to the Eagle River, new regional trail improvements, as well as recreational amenities (open space and parks) proposed within the PUD.

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

Staff Response/Finding:

Although the subject property is zoned “PUD Holding Zone” within the Game Creek Character Area, there are effectively no permitted uses associated with this zone district. And while there are six (6) existing mobile homes on the property, any new residential development will equate to an increase in density compared to what has existed historically.

That said, the PUD provides significant open space and recreational amenities in excess of Town requirements. For instance, “recommended” open space within a PUD is 25% of the total land area included within the PUD. The Applicant is proposing 32% of the Minturn North PUD be reserved for open space and/or common area uses. Additionally, sidewalk and trail networks are proposed that will connect residents and visitors to existing trailheads while enhancing walkability in this area of the Town.

Based on previous analysis conducted by Town staff during the conceptual review, the existing density on Taylor Ave. is 6-7 units per acre. If Taylor Ave. was built to its full potential, the density would be 11-12 units per acre. For this proposed development, with the current proposed 116 units the density would be about 6 units per acre, and if every lot that could build a duplex or an ADU did so, the development would result in 184 units with the density results of about 10 units per acre. Either way the density is the same or less than that of Taylor Ave.

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

Staff Response/Finding:

No commercial or industrial development is proposed in this PUD.

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

Staff Response/Finding:

Proposed street networks and/or improvements to existing roadways serving the area are or can be planned to be adequate to support the anticipated traffic. Staff suggests that several aspects of the proposed design require variations from Town standards and/or further discussion with the Town and Eagle County in order to address specific concerns regarding the intersection of Taylor Road and Miturn Road, as well as existing conditions and the timing, costs and responsibilities of the County road. Specifically, this road segment will be critical to serve the PUD and, to a lesser extent, existing residents of the Town in the future. Decisions and agreements regarding who will own the road, what extent of improvements will be necessary to improve the road, and who will pay for such improvements are outstanding and must be resolved prior to any Final Plan/Final Plat and SIA application by the Applicant.

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

Staff Response/Finding:

The application included detailed plans for grading, drainage and stormwater improvements or facilities throughout the development and even within off-site areas. These proposed improvements, while required as part of the project, should be viewed as a vast improvement over existing conditions along Taylor Avenue and across the subject property where there are no drainage or stormwater treatment facilities.

The Town Engineer has provided technical comments and staff is proposing Condition No. 3 to address several outstanding technical issues or comments related to civil engineering plan sheets and details.

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

Staff Response/Finding:

Staff believes that the proposed density and intensity of use conforms to the Community Plan, is similar to the surrounding residential development patterns and densities, and is appropriate for this location.

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

Staff Response/Finding:

An environmental assessment was provided and reviewed with this Preliminary Plan application; the assessment was reviewed by SGM, consultant/referral agent, and was found to be in conformance with the Town’s standards.

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

Staff Response/Finding:

The Preliminary Plan includes approximately 32% open space including the setting aside of steep hillside areas located north of Game Creek and the “Estate Lots” in Phase II for wildlife habitat; the creation of a 30’ buffer along either side of Game Creek to preserve and protect the riparian corridor (Phase II); and, the provision of continued access to Game Creek Trail (also in Phase II).

In this sense, the Preliminary Plan exceeds the Town’s standards and recommendations for the provision of common recreation and/or usable open space. Staff suggests that issues related to ownership and maintenance of proposed usable, common open space within the PUD should be resolved prior to any Final Plan/Final Plat and SIA application.

Preliminary Plat:

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

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

- 1. *Information requested or required by the Town.*

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

Staff Response:

There are some technical details that still need to be worked through between the Applicant and staff.

Amendment to the Zone District Map:

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

“The wisdom of amending the text of these Land Use Regulations, the Character Area Zoning Map or any other map incorporated in these Land Use Regulations is a matter committed to the legislative discretion of the Town Council and is not controlled by any one (1) factor. In determining whether to adopt, adopt with modifications or disapprove the proposed amendment, the Town Council shall consider the following:

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

Staff Response:

The proposed rezoning from Game Creek PUD Holding Zone District to PUD Overlay District for a residential Planned Unit Development conforms with the goals and policies of the 2009 Community Plan; is compatible with surrounding residential and open space uses; responds to changing market conditions and community needs conditions; presents a land development pattern that is efficient and in keeping with logical and orderly growth; and, considers impacts to the environment and the public’s interest.

VIII. Variation Requests:

As permitted with any Planned Unit Development, the Applicant may request variations (“variances”) from the Town’s standards that would otherwise apply to any new development. Staff has outlined in detail the purposes and objectives of the PUD Overlay Zone District and process which include allowing flexibility in the design and construction of a new development to achieve certain goals such as compact development patterns, preservation of valued environmental areas and/or open spaces, and the provision of local’s housing.

In this case, the Applicant is requesting several variances and has provided justifications for each request. This section summarizes the requested variances and the Applicant has provided a list of variation requests along with responses and rationale as to why these are justified.

Below is a table provided to staff by the Applicant with a list of the variation requests and the justification behind them. Staff is recommending approval of each requested variance.

Standard	Town of Minturn Requirement	Minturn North Proposal
Minimum Lot Sizes	5,000sf	2,500sf
	<p><u>Applicant Justification:</u> “In order to provide a diversity in housing opportunities we are proposing a minimum lot size of 2,500sf on our Cottage Lots and 4,000sf on the Compact Lots. These lots are still held to similar bulk and mass restrictions and therefore will not result in any greater overall maximum build-out.”</p>	
Lot Coverage	40%	45%
	<p><u>Applicant Justification:</u> “We are proposing a PUD that is similar to other densities found in town and that are more similar to those found close to the downtown core. This extra 5% will provide an incentive to buyers to create storage space and/or ADU apartments offering greater flexibility with diverse floor plans and promoting more affordable housing options.”</p>	

Snow Storage	5%	20%
	<u>Applicant Justification:</u> “Snow storage is a challenge within the Town of Minturn. 20% creates more adequate storage area on-site. 5% is not adequate and sometimes causes overflow management onto public streets.”	
Building Height	28’ Mean	28’ Mean - method
	<u>Applicant Justification:</u> “This code seeks to enhance the building height restriction. The current Minturn Code has been interpreted to allow dormer roofs above the maximum height, this has created a loophole where many buildings are measured to their main roof as the 28’ limit, with dormers rising above that. The Minturn North regulation identifies all types of roofs to be considered with the maximum height providing the intent of visual perceived 2.5 story homes as a maximum.”	
Multi-Family Building Height	28’	28’ (32’ @ 50%)
	<u>Applicant Justification:</u> “This additional height at the Multi-Family parcel only allows for additional modulation of form with larger buildings and relates to the existing Minturn Townhomes in this area.”	
Cottage Setbacks	Front 20’ / Rear 10’	Front 10’ / Rear 5’
	<u>Applicant Justification:</u> “The cottage homes will be smaller by nature and will be more dependent on public parks and trails for recreation. Reduced setbacks will add to the character and charm of these clustered homes.”	
Multi-Family Setbacks	Front 20’	Front 10’
	<u>Applicant Justification:</u> “The reduced setback allows for greater flexibility in structure location and allows greater options for future development to work through parking and snow storage placement.”	
Sidewalk Widths	5’	4’
	<u>Applicant Justification:</u> “4’ Sidewalks are not uncommon in neighborhoods and provide for reduced impervious surfaces as well as additional space for low	

	volume windrows.”
--	-------------------

Staff Response:

Staff is generally supportive of all requested variations to Town standards as a means to incentivize and permit creativity and flexibility in the design of the PUD - a major tenet of the PUD Overlay Zone District purpose and intent.

IX. Outstanding Issues:

As referenced elsewhere in this report, the Applicant has been working through the review process since early 2020. The review of the Preliminary Plan application - from completeness review to the official “referral” period - has produced numerous iterations of issues identified by the Town and referral agencies, as well as responses and revisions offered by the Applicant.

Although a large number of issues and recommended revisions have been addressed, the following section outlines and summarizes the type and extent of issues needing further discussion and resolution, as well as those aspects of the proposal that must be reviewed as variations to applicable standards (a variance) through the review of the Preliminary Plan.

As a majority of outstanding issues are minor and/or technical in nature - having to do with suggested language changes within the PUD Guide and/or Covenants documents, or in relation to details shown on plans - staff has chosen not to enumerate each item here. Nevertheless, these issues or details need to be resolved as a function of any Preliminary Plan approval and, at a minimum, prior to any Final Plan/Plat application being received by the Town.

For that reason, suggested conditions of approval listed at the end of this report are intended to require the Applicant to work with the Town to resolve all outstanding issues of a technical and/or substantive nature prior to or as part of any Final Plan and Final Plat application.

PUD Guide (Conditions of Approval Nos. 1)

The Applicant has made several revisions to the PUD Guide document and Design Guidelines for the PUD in response to staff and agency comments during the review and referral process. That being said, there remain additional items associated primarily with the PUD Guide that staff is recommending be revised to ensure that the Town can effectively, efficiently administer, interpret and enforce the provisions of the PUD.

HOA Covenant (Conditions of Approval Nos. 4)

The Applicant has addressed most issues and comments identified by staff during the review of Homeowners Association documents (declarations/covenants). However, there remain a few outstanding issues or details needing to be resolved in the HOA Covenant document.

Preliminary Plat (Conditions of Approval Nos. 1)

The Applicant has made several revisions to the Preliminary Plat (the preliminary subdivision plat that accompanies the Preliminary Development Plan) in response to town staff's (engineer, attorney, planner) numerous technical, legal and practical recommendations and required revisions. However, there remain a few outstanding issues or details needing to be resolved concerning the Preliminary Plat.

Civil Engineering Sheets (Conditions of Approval Nos. 3)

There remain several outstanding issues or details needing to be resolved on civil engineering and site plans. However, staff and the Applicant agree that these issues are generally minor in nature and can be resolved prior to or concurrent with Final Plan application.

Access, Road Improvements and Traffic Impacts (Conditions of Approval Nos. 5)

Access easements and license agreements are being finalized between the Union Pacific Railroad, the Applicant and the Town to provide the Applicant and all future residents of the PUD legal access to and from the subject property over UPRR properties. Staff is of the understanding that negotiations and final review of required documents are nearing completion and staff has been advised by the Town Attorney that this Preliminary Plan review may move forward with the expectation that all necessary easements and/or license agreements will be executed in good faith. Also, per recent comments by the Town Engineer:

“The plans propose to convert a 300-foot portion of Taylor starting at 4th to a northbound one way. Southbound traffic generated north of 4th would be diverted down 4th to Minturn Road. The traffic diversion would be accomplished with signage and street striping – the physical roadway will remain full width and no physical barriers are proposed. Without barriers, one way traffic will be difficult to enforce. In addition, the one-way road section will only divert a portion of the Taylor traffic and does not convert the intersection to one way. There is no indication how much this will reduce traffic at the intersection and the traffic engineer should review the design to show how this would improve the intersection.

“Staff expects existing neighbors to object to the one-way concept and we recommend the realignment of the intersection be explored further. The applicant has represented realignment will be difficult to accomplish, but no engineering studies or alternates have been provided. Please provide engineering documentation to demonstrate why realignment is not feasible.”

Additionally, outstanding issues remain regarding the status of the County road connecting the subject property to the bridge and intersection at Hwy. 24 to the north. This road segment will be critical to serve the Minturn North PUD and there is currently no resolution to future ownership, required improvements and long-term maintenance of this road section. Per recent comments from the Town Engineer:

“The Preliminary Plat shows Minturn Road as a 50' Right of Way and the existing road surface. We understand Minturn Road is a County Road. The estimated Average Daily Traffic (ADT) in the Traffic Report indicates Minturn Road would classify as a “Rural Residential Collector Road”, which requires a 60-foot right-of-way and 11' drive lanes. Additional

coordination between the County and Town should occur to determine the required right-of-way and road improvements.”

X. External Referral Agency Comments and Concerns (Conditions of Approval Nos. 6):

The Town sent the Preliminary Plan application to 12 external agencies and stakeholder groups and received comments from 11 of them.

1. Colorado Department of Transportation:

CDOT submitted comments on the traffic study done by the Applicant which have since been corrected. Access permits at the intersections of both Highway 24/County Road and Highway 24/Bellm Bridge have been issued as long as a left hand turn lane is implemented at the first intersection, and a stop bar and stop sign are implemented at the second intersection.

2. Eagle County School District:

Comments from the School District including confirmation of school land dedication ‘fee-in-lieu’ amounts that the District requests that the Applicant pay prior to or concurrent with any Final Plan and Final Plat application. The Town does not have school land dedication requirements or fee amounts set for ‘in-lieu’ payments at this time; any fees paid will be voluntary and/or negotiated at this time.

3. Colorado Parks and Wildlife:

CPW recommends the following:

- Construction should occur outside of December 1 – April 30th
- Open Space or natural sites should be reclaimed with a CPW-approved big game seed mix
- Removal of the proposed recreation path and overlook to the northeast
- It is recommended that fencing throughout the parcel should be constructed per CPW Wildlife Friendly fencing guidelines
- Black bear aware guidelines: vegetation, trash enclosures
- Storm water drainage systems
- Avoid excessive disturbance to the Game Creek riparian corridor
- The Applicant should conduct golden eagle nest monitoring and implement seasonal restrictions if the nest is found active
- The Town of Minturn explore financial funding mechanisms generated by this and future developments to help account for and potentially offset indirect and direct impacts associated with the developments
- The Town of Minturn should adopt a holistic approach to assessing cumulative impacts to wildlife and natural resources in the local area

4. Eagle River Water and Sanitation District:

ERWSD submitted the following comments:

- The District will be able to provide wastewater service for the maximum density of 41.5 SFEs subject to the completion of the Dowd Lift Station project.

- The District’s Construction Review Team has requested a hydraulic analysis of the proposed wastewater collection system improvements.
- The Applicant will need to provide an appropriate mechanism to assign responsibility for financing, operation, and maintenance of the private low-pressure wastewater forcemain system needed to serve the eight estate lots such as a separate HOA.
- Service to the Project requiring the extension of mainline infrastructure is subject to the District’s Infrastructure Acceptance Process outlined in Article IX of the District’s Rules and Regulations.

5. Xcel Energy:

Xcel Energy let the Town know that the Applicant has been responsive to their comments and concerns but are still working through a couple of items.

6. Eagle County:

Planning Division Comments:

- Eagle County recommends designating and designing units for older adults.
- The Town of Minturn might consider a feeder system into the existing regional ECO Transit service.
- Eagle County encourages additional parking beyond the 14 spaces being proposed in the project narrative.

ECO Trails Comments:

- Eagle County requests that the Town of Minturn work with the applicant to deliver the trail as envisioned.
- Eagle County requests the developer of the Minturn North PUD to be flexible and open to keeping the Eagle Valley Trail on the southwest side of Minturn Road through this project area rather than crossing Minturn Road in case the County finds that side feasible and decides to construct the Eagle Valley Trail on that side.
- If the Eagle Valley Trail ends up on the original proposed alignment, which is the northeast side of Minturn/County Road, The County requests that the sanitary sewer manhole be moved out of the proposed crosswalk to assist with maintenance and provide improved mobility.

7. Eagle River Fire Protection District:

ERFPD noted the following:

- A concurrency evaluation may be required. The GC shall discuss this with the fire district. NFPA 1 chapter 15
- Turning radius for fire apparatus shall meet previous discussion and plans.
- Water supply shall meet requirements, NPFA and IFC
- Fire sprinklers shall be installed where required by NFPA and IFC.
- Fire Alarms shall be installed as required by NFPA and IFC.

The following permits will be required:

- Fire alarm
- Fire Sprinkler
- Flush and Flow test

- BDA

8. Colorado Geologic Survey:

CGS provided the following comments:

- CGS recommends the town retain Kumar to review the rockfall protection plans when available to ensure that they are consistent with their recommendations and recommends the town require an inspection and maintenance plan for any rockfall mitigation constructed.
- CGS recommends the town require additional evaluation and/or site-specific studies to evaluate the risk for landslides within the proposed development.
- CGS recommends that the risk of an avalanche hazard should be evaluated by a qualified professional.
- The risk for mudflow and debris inundation emanating from Game Creek to the mapped debris fan be evaluated prior to PUD approval.
- CGS recommends the town require Site-specific studies with slope stability analysis to be completed, submitted, and reviewed prior to platting lots within Tract A.
- CGS recommends the town require a local and global stability analysis as part of the overall retaining wall design for walls.
- CGS recommends all disturbed or graded slopes are promptly re-vegetated to control runoff and erosion.

9. Eagle River Watershed Council:

Eagle River Watershed Council provided the following comments:

- The overarching goal of the project's drainage design should be decreasing connected impervious areas, not increasing them.
- It is better to push for the best possible stream-friendly stormwater systems in the new neighborhood.
- It may be highly appropriate to encourage residents in fluvial hazard zones to purchase flood insurance.
- The application can be strengthened by increasing riparian buffer widths and providing stronger specific language on riparian protections, as well as removing the Icehouse Road culvert crossing from the plan.
- The proposed cul-de-sac location and design for the larger 'estate' lots north of the creek could be reconfigured to access the County Road directly and forgo the need for incursion to the existing stream channel, wetlands, and riparian buffer.
- We recommend Minturn consider adding a stream monitoring requirement to the project approval that specifies sufficient funding for field data collection, lab analytics, and public reporting of water quality.

10. United States Forest Service:

USFS wants to ensure the general public has access to the Game Creek and Cougar Ridge trail system by continuing to provide a trailhead parking lot.

11. Veracity:

Veracity recommends:

- Widening the EVT sidewalk segment to 10 feet.
- The trail crossing of Minturn Road near Game Creek should be evaluated for safety.

XI. Staff Recommendations and Suggested Conditions:

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

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

Preliminary Development Plan for PUD:

Staff believes the Minturn North Preliminary Development Plan for PUD application **generally conforms** to a majority of Town goals and policies and is specifically designed to enhance and complement the existing character, development patterns, architecture and density found in the adjacent neighborhood.

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

The following suggested draft conditions of approval are provided as an initial list (to be added to during the hearing process if necessary and appropriate). They will be updated and expounded upon in subsequent staff reports or as an addendum to this report.

1. The Applicant shall work with staff to update the Minturn North Unit Development Guide (the "PUD Guide") to resolve outstanding issues and technical revision requests by the Planning Department and Town Attorney prior to or concurrent with any Final Plan/Plat application.
2. The Applicant shall work with staff to update the Architectural Plan Set for Minturn North to resolve outstanding comments by the Town Planning Department, Town Attorney, and Town Engineer prior to or concurrent with any Final Plan/Plat application.
3. The Applicant shall work with staff to update the Civil Engineering Set of plans for Minturn North to address and resolve outstanding issues and technical revision requests by the Town Planning Department, Town Public Works Department, Town Engineer, and Town consultants prior to or concurrent with any Final Plan/Plat application.
4. The Applicant shall work with staff to update the HOA Covenants and deed restricted documents for Minturn North to resolve prior to or concurrent with any Final Plan/Plat application.
5. The Applicant shall work with staff to update the Access, Road Improvements, and Traffic Impacts for Minturn North prior to or concurrent with any Final Plan/Plat application.

6. The Applicant shall work with Town staff and external agencies regarding permitting, construction and financing of off-site improvements.
 7. The Applicant will work with staff and Eagle County Housing and Development Authority to finalize housing details.
-

Preliminary Plat:

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

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

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

Zone District Amendment:

Staff believes the application for zone district amendment from the Game Creek PUD Holding Zone District to the PUD Overlay Zone District **complies** with the applicable standards and criteria of the Minturn Municipal Code. Staff is **recommending approval of the Zone District Amendment** and staff does not believe conditions of approval are necessary in the event the Planning Commission acts to approve the zone district amendment.

Suggested Motions - Alternatives:

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

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

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

Preliminary Development Plan for PUD:

Approval:

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

Approval with Conditions:

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

Denial:

“I move the Minturn Planning Commission deny the Minturn North Preliminary Development Plan for PUD, because the application does not conform to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan.”

Continuance:

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

Preliminary Plat:

Approval:

“I move the Minturn Planning Commission Approve the Minturn North Preliminary Plat because the application conforms to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan.”

Approval with Conditions:

“I move the Minturn Planning Commission Approve, with conditions, the Minturn North Preliminary Plat, because the application conforms, as conditioned, to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan.”

Denial:

“I move the Minturn Planning Commission deny the Minturn North Preliminary Plat, because the application does not conform to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan.”

Continuance:

“I move the Minturn Planning Commission continue the Belden Place Preliminary Plat to a date certain.”

Zone District Amendment:

Approval:

“I move the Minturn Planning Commission Approve the Zone District Amendment from Game Creek PUD Holding Zone District to the PUD Overlay Zone District because the application conforms to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan.”

Approval with Conditions:

“I move the Minturn Planning Commission Approve, with conditions, the Zone District Amendment from Game Creek PUD Holding Zone District to the PUD Overlay Zone District, because the application conforms, as conditioned, to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan.”

Denial:

“I move the Minturn Planning Commission deny the Zone District Amendment from Game Creek PUD Holding Zone District to the PUD Overlay Zone District, because the application does not conform to the applicable criteria and standards of the Minturn Municipal Code and the Minturn Community Plan.”

Continuance:

“I move the Minturn Planning Commission continue the Zone District Amendment from Game Creek PUD Holding Zone District to the PUD Overlay Zone District to a date certain.”

Glenwood Springs – Main Office

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

Aspen

323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose

1544 Oxbow Drive
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Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

*[*Direct Mail to Glenwood Springs](#)*

DATE: July 23, 2021
TO: Minturn Planning Commission
FROM: Karp Neu Hanlon, P.C.
RE: Minturn North Resubmittal

The Minturn North PUD application has improved markedly over previous iterations and been responsive to many earlier comments on legal matters. In addition to comments that have been incorporated into the staff report, below are a summary of the Town Attorneys comments and ongoing concerns.

Access on UPRR Property

The Town has continued negotiating easements and crossing agreements with UPRR to ensure that the neighborhood has legal access. UPRR has conceded on most issues, including indemnification, governmental immunity, and TABOR conflicts. As such, we believe that agreement with UPRR is close and that this issue should no longer pose an obstacle to moving forward.

Water

The applicant has provided new SFE calculations in the PUD Guide and on plans that need to be reviewed by the Town’s water consultants. The applicant needs to include outdoor irrigation for open space and park parcels in its SFE calculations.

Open Space Access

The applicant has changed open space ownership to the HOA and proposes to provide these amenities only to Minturn North residents. MMC § 16-17-90 requires that open space dedications be “maintained for use of the residents or citizens of the Town.” As such, this will need to change to be open to the public and not just Minturn North HOA residents/members.

Ownership of Ice House Road

The Town will need to consider whether accepting the newly configured Ice House Street – a non-thru street – is in the Town’s interest.

Page 2

PUD Guide

Many of our comments are incorporated in the staff report. The PUD Guide is a tighter document now that deals more with zoning issues instead of construction management and HOA type issues. There remain some non-zoning related items such as SFE calculations that should be removed.

Plats and Plans

The plat is a preliminary plat, so does not require significant legal detail at this point. It is generally conforming with all requirements. The final plat will require much more detail, certificates, and dedications.

Some plans need to be updated to reflect changes to the PUD Guide or the applicant's responses to prior comments.

HOA Covenants

The applicant has made significant changes to the HOA Covenants in response to prior comments. Many outstanding issues relate to the internal operations of the HOA and are not necessarily Town matters. However, the Town will require conformance with the Colorado Common Interest Ownership Act.

Community Housing Deed Restriction

The Town will work with the applicant and Eagle County Housing Authority on a deed restriction form acceptable to all parties.

Subdivision Improvements Agreement

The Town and applicant have made significant progress on an SIA. Some matters in the PUD Guide will likely end up in the SIA at final plat. There are some matters that have placeholders in the SIA as additional details are included in the final plat.

Off-Site Improvements

Conversations continue over what level of off-site improvements will be included in the project and how cost-sharing with the Town will occur. This may be included in the SIA or a separate future agreement at final plat.

Conclusion

The application is much improved and many of the items above can be conditioned to be addressed at final plat stage as additional work occurs and details become available.

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



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

All Referral Comments Received for Minturn North PUD's Project Application

1. Town Staff and Town Attorney
 2. Town Engineer (Intermountain Engineering)
 3. CDOT
 4. Colorado Geological Survey
 5. Colorado Parks and Wildlife
 6. Eagle County
 7. Eagle County School District
 8. Eagle River Fire Protection District
 9. Eagle River Water and Sanitation District
 10. Eagle River Watershed Council
 11. Ehlers Public Finance Advisors
 12. Holland and Hart/Martin and Wood
 13. SGM
 14. United States Forest Service
 15. Veracity
 16. Xcel Energy
-

Minturn Planning Department
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302 Pine Street
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Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Lauren Dickie
Burke Harrington
Christopher Manning
Jena Skinner

February 15, 2021

Minturn Crossing, LLC
Attn: Gregory Sparhawk
P.O. Box 333
Minturn, CO. 81645

Sent via email: gregs@gpsdesigns.com

Re: Minturn Preliminary PUD Application – Town Staff Referral Comments

Greg:

The Minturn North Planned Unit Development Preliminary Plan application was sent out on a 21-day referral starting on January 11, 2021 and ending on February 1, 2021. You should have received a Dropbox link containing all referral agency comments received by the Town to date; the following letter summarizes the Town of Minturn Planning Department's and Town Attorney's comments.

Planning Department:

1. PUD Guide – General Comments:

- Overall, the PUD Guide is well written and provides the type of information needed to properly administer and enforce the PUD. That said, staff respectfully suggests that certain sections of the document read more like a proposal or marketing narrative instead of a regulatory document. As such, staff suggests that you consider revising the document – particularly on pages 3-4 under Section 1 – Purpose and Intent - to remove references to “we,” “our,” or any discussions of what the developer is proposing. Simply, if the PUD is approved and the PUD Guide becomes the zoning document for the development, the document should be written in a non-speculative nature.
- The “Purpose and Intent” section provides a good overview of the proposal. In that sense, though, certain portions of this section also read more like a proposal found in an application narrative. Staff respectfully suggests that it is more customary – and will be more appropriate for this type of document - for the purpose and intent section of a PUD guide to describe in a more general sense the purposes of the document rather than the intentions of the Developer. For example, the purpose and intent section might read something like:

“The purpose of the Minturn North Planned Unit Development Guide (the “Guide”) is to guide the orderly development of all lands within the Minturn North Planned Unit Development (the “PUD”), a 116 lot residentially-oriented project with open space, public trail dedications and other public and private improvements, located in north Minturn. The PUD is designed to provide a project that will add diversity to Minturn’s housing stock, incrementally increasing the size of the Town of Minturn through an organic method of allowing individual lot ownership and development that will best replicate the historic growth and fabric of the Town.”

“Therefore, it is the intent of the Guide to:

- *Describe the intended character, rationale and design intent for the PUD;*
- *Establish and describe land use categories and permitted uses as a matter of zoning;*
- *Provide definitions specific to the administration of the PUD;*
- *Prescribe dimensional limitations, including but not limited to, building and impervious coverage, building setbacks, and building height limitations;*
- *Describe management plans and standards for open space, parking, locals housing, signage, landscaping, erosion control, exterior illumination, stormwater, wildlife mitigation, riparian areas, and construction.*
- *Create processes for the proper administration and enforcement of the PUD, including but not limited to procedures for major and minor amendments, density transfers, and phasing.”*

You may also consider a similar section to describe the “General Development Principles” used to create the land plan and set forth the controls that the PUD will illustrate; to explain via bullet points or a short narrative how the subdivision was conceived, what the objectives are by way of street and lot layouts/orientation, range of lot sizes, sidewalk and trail improvements (i.e., connectivity), etc.

- Portions of the Purpose and Intent section address the “builder’s rule” and the housing plan. Please consider organizing both topics under their own section heading such as “Lot Mix and Disposition” (including the “Builder’s Rule”) and “Housing Plan.”
- Suggest adding a section covering “Minturn North Home Owners Association/Architectural Design Review Process” – this section could describe in a general sense the establishment and purpose of the HOA and the Architectural Control Committee, while also providing a references to the Declaration of Covenants and the Design Guidelines (the paragraph on page 5 describing the design guidelines could serve this purpose if given a section heading).
- Please consider removing the paragraphs starting at the top of page 4 that describe the developer’s intentions regarding off-site improvements, site clean-up, and potential benefits upon approval of final plat. This information is important for the Town and citizens to understand but may not be needed within the PUD regulatory document.
- Suggest establishing the Minturn North PUD Guide as “the Guide” in the first sections of the document so all subsequent references can be shortened to “the Guide.”
- Suggest creating separate sections to address: “General Development Principles,” “Phasing Plan;” also, suggest integrating maps within and throughout the text/narrative of the PUD to illustrate development tracts and/or lot numbers, and open space parcels.
- Suggest adding a separate “Sustainability” section that discusses sustainability goals, standards (within the PUD Guide) that are intended to encourage energy efficient building and site design (see additional comments regarding the sustainability section included within the draft Design Guidelines document).
- Suggest revising the Land Use/Zoning Categories and Corresponding Tables section on page 6 to include specific reference for allowed alternative energy production uses, including but not limited to small-scale solar energy collection systems and/or small-scale wind energy collection systems, as both terms are defined in Section 19 – Definitions and Illustrations.

2. PUD Guide – Specific Revisions/Comments (by page):

- Page 1 – Phasing Plan Map: Suggest making this image larger for legibility.

- Page 4 – Conflicts Between the PUD Guide and Other Regulations: please remove reference to “and drafted proposed,” – staff suggests if the PUD is approved, reference to a *draft* zoning code will not be relevant.
- Page 5 – Dimensional Limitations Table: Suggest adding new section (4) heading before the dimensional limitations table such as “Dimensional Limitations” or “Development Controls” and remove any listing of “allowed uses” from this table.
- Page 5 – Dimensional Limitations Table: Suggest adding table caption/footnote (e.g., “Table 4.1 – Dimensional Limitations”).
- Page 5 – Dimensional Limitations Table: Suggest not showing proposed variations from Town Code in red in the table as the Town Code standards and dimensional limitations may change in the future in which case the variations will be outdated. This information (variations) is important to the Town’s review of the PUD and should be listed in a separate document outlining any and all planning or engineering related variations sought for the PUD.
- Page 5 – First paragraph after table: suggest removing reference to the current code requirement for snow storage as this standard may change in the future.
- Page 5 – Second paragraph after table: please remove “All applications submitted to the Town of Minturn for construction and landscaping shall be accompanied by a letter of approval from the Minturn North DRB.” The Town will not enforce private covenants and, therefore, cannot withhold Town of Minturn DRB approval or a building permit based on Minturn North DRB approval.
- Page 5 – Last paragraph: suggest distinguishing between encroachments in the front setback vs. the side or rear by changing “Eaves and other roof overhangs may extend a maximum of 2’ into setbacks” to “Eaves and other roof overhangs may extend a maximum of 2’ into side and rear setbacks.”
- Page 5 – Last paragraph: suggest assigning or defining what “minimal amount” means (suggest defining “a minimal amount but in no case more than one (1’) foot”).
- Page 6 – Minor Amendments: Suggest that you incorporate the exact language from the Minturn Municipal Code to introduce this section:

“Minor deviations that may be authorized are those that appear necessary in light of technical or engineering considerations first discovered during actual development and that are not reasonably anticipated during the initial approval process, as long as they comply with the applicable requirements and standards of the Minturn Municipal Code.”
- Page 6 – Minor Amendments: This section allows for adjustments to parcel setbacks; staff suggests this provision allow for minor adjustments in property boundaries as well and that any adjustments to setbacks be further defined and limited (i.e., “no more than one (1’) foot so long as drainage, snow storage and minimum separation distance requirements between structures are maintained in accordance with Town standards and/or applicable building, energy, or fire codes.”) to ensure that other fundamental elements of the PUD standards are upheld. Also suggest removing reference to MMC Sec. 16-15-230(a)(1)(2) as this section may change in the future. However, reference to the “Minturn Municipal Code” is appropriate.
- Page 6 – Major Amendments: Suggest that this section also include language – introducing the section - from the Minturn Municipal Code describing what constitutes a “major” amendment and what the process will be:

“Changes in use resulting in more intensity of development, major rearrangement of lots into areas not previously containing development, overall increases in development intensity or density, and decreases in the area or provisions for open space will require approval by the Town Council following the procedures of this Article for the submittal of a PUD preliminary plan; however, certain submittal requirements shall be waived if determined by

the Planning Director and deemed unnecessary given the information already on file with the Planning Department. At a minimum, a revised development plan shall be submitted showing the proposed changes to the plan. An amendment to a PUD may be filed by any owner within the PUD, subject to any homeowner association rules and regulations.”

- Page 6 – Major Amendments: If the above language is added, proposed language included in this section may still be appropriate to further define what types of changes are considered “major” and staff is supportive of retaining the following statement:
“While some of these items also fall within the Minor Amendment process, they will be deemed Major if the Planning Director deems the changes will substantively affect the character and use of the PUD and its surroundings.
- Page 6 – Major Amendments: Suggest eliminating reference to Planning Director approval of Major Amendments as such amendments will only be approved by the Town Council pursuant to the Minturn Municipal Code.
- Page 6 – Appeals: please revise this statement to read *“Appeals to a determination of a Major Amendment of the PUD may be made and considered in accordance with the provisions of the Minturn Municipal Code.”*
- Page 6 – Under Public Use Category: Suggest providing a separate sentence or description of “Other Recreational” uses; this could be wide ranging and it may be helpful to narrow the potential uses. Also, suggest adding “stormwater infrastructure” to the list.
- Page 6 - Land Use/Zoning Categories and Corresponding Tables: Suggest adding language to either define the types and duration of temporary buildings or structures, or provide a direct reference to the definitions of the Minturn Municipal Code (e.g., “Temporary buildings erected within the PUD will be permitted and maintained in accordance with the applicable definitions and standards of the Minturn Municipal Code.”)
- Page 6 – Land Use/Zoning Categories and Corresponding Tables: Suggest removing “Single Family Attached” as a use type; staff is unsure what is meant by this term as “attached” residential development typically denotes duplexes, townhomes or multi-family which are already listed.
- Page 7 – PUD Summary Table: Suggest creating table caption/footnote (e.g., “Table 5.1 – PUD Summary”).
- Page 7 – PUD Summary Table: Suggest revising the table to list or separate statistics for “Phase I” and “Phase II.”
- Page 7 – Illustration of Public and Private Property Ownership: suggest adding a caption or heading/footnote to this illustration (e.g. “Property Ownership Map” or something to that effect). Also, the graphics and text (“Open Space Calculation,” “Street/Public Dedication Calc” and “Proposed Ownership”) are somewhat difficult to read. Staff suggests revising this graphic to increase the size of labels and consider changing the labels to read “Open Space,” “Street Right of Way/Public Land,” and “Private Land.”
- Page 7 – Density Transfer Policies, Procedures and Criteria: Suggest removing references to the “proposal;” consider using the word “project” instead. Also, please consider adding “pursuant to the requirements of the Minturn Municipal Code” after “A transfer of density may be approved as a major amendment to the PUD...”
- Page 7 – Density Transfer Policies, Procedures and Criteria: Suggest removing any mention of prepayment of taps and the developer’s ability to sell or transfer/use those taps as this information does not appear germane to transfer of development rights.
- Page 7 – Open Space, Buffer Area and Recreation Amenity Management Plan: Suggest removing any reference to plan sheets provided for the Preliminary Plan submittal since they will likely not be available or attached as exhibits to the PUD Guide; any mapping that is necessary to communicate the open space parcel locations and sizes should be a

separate illustration or figure (with labels for each open space or trail parcel such as “Parcel 1”) within the text of the PUD Guide. Another way to communicate this information (in addition to a map exhibit) would be to create a general narrative (e.g., “Open space within the Minturn North PUD is provided for the enjoyment of residents of Minturn North as well as the general public. Trails, passive and active open space parcels, park land and community garden areas provide public benefits for recreation, pedestrian travel and connectivity, as well as critical infrastructure for drainage, stormwater and snow management.”) along with a table outlining each parcel, its acreage, intended use, and ownership.

- Page 8 – Phases: Suggest this information related to open space improvements by phase should either be removed (with the understanding that the information will be provided to the public, Planning Commission and Town Board during the review of the PUD Preliminary Plan proposal, and included within the SIA for Phase I), or moved to a separate “Phasing Plan” section.
- Page 8 – Housing Plan: This section contains great information and description of the overall development intent and principles for the PUD, as well as details on phasing and infrastructure. Staff respectfully suggests that this information be contained on the first page or pages of the PUD Guide under “Purpose and Intent,” “Phasing Plan” or under “General Development Principles” to provide additional overview of the objectives of the PUD.
- Pages 8-9 – Housing Plan: Suggest that the Housing Plan section should contain a general description of the affordable or “Locals Only” housing approach; the challenges presented by the sale of lots rather than units; descriptions of how the program will work (i.e., the first right of offer and/or any restrictions on short term rental to comply with the Town’s requirements); and, the intent of the PUD with regard to distribution and restriction of 20% locals only deed restrictions. (Staff will have separate comments regarding the overall housing plan for community housing in a later section of these comments.)
- Page 9 – Roads and Parking: This section provides a great overview of the design and intent of public roads and parking areas, as well as the intended requirements that must be met for private parking on each individual lot. Only suggestions are to 1) consider removing specific reference to the design dimensions of road lane widths due to the fact that, through the review of the application, the design may change slightly; and 2) consider providing a map exhibit showing public parking areas and on-street parking areas.
- Page 10 – Offsite Improvements: Suggest removing this section as this information is important but will not be enforceable through the PUD Guide; it will, however, be addressed in the SIA documents for both Phase I and Phase II. If you believe that this information should remain in the PUD Guide document, staff suggests that it be moved to the section covering “Phasing Plan.”
- Page 10 – Master Sign Program: Thank you for adding this section to the PUD Guide. On line two in the first paragraph of Section 11, please change “Town of Minturn Public Works” to “the standards of the Minturn Municipal Code.” Also, suggest creating subparagraphs or sections to address “Way Finding Signs,” “Temporary Signs” (for real estate sales and construction management), permanent “Neighborhood Identification and Monument Signs” to correspond to the graphics provided. One thing to keep in mind for this section is that you can label each graphic with a caption/footnote (e.g., “Example of Temporary Signage”) along with your disclaimer “Image graphics here are for dimension information only...” Additionally, this section can be where you describe intended materials and lighting to be used for monument and other temporary signs.
- Pages 12-13 – Illumination Standards: This section provides great information regarding the intent of the developer to limit artificial lighting throughout the PUD. Only

suggestion is to consider removing any reference to “proposed lighting” and specific photos of potential pole light fixture design; this information will likely change at construction (as noted in the text) and would be more appropriate in the Draft Design Guidelines and/or in the SIA for Phase I.

- Page 13 – Illumination Standards: Suggest revising the sentence regulating holiday lighting to read something like: *“An exception to the Minturn North PUD Illumination Standards is made for temporary holiday lighting and displays. Such lighting and displays may be installed on private property for a period not exceeding forty-five (45) days before, during and after the following nationally recognized holidays...”* Alternatively, you could specify each Holiday where lighting is allowed with the dates “From” and “To” during which lighting and displays (other than the United States Flag in the case of the Fourth of July) may be displayed and turned on. For instance, the period of outdoor holiday lighting spanning Halloween, Thanksgiving, Christmas and New Years could start October 15 and terminate January 31 of each year.
- Page 13 – Landscaping and Erosion Control Standards: Suggest revising the first sentence to include “and publicly maintained property” after “open spaces.”
- Page 13 – Landscaping and Erosion Control Standards: Suggest considering a graphic to illustrate the site triangle restricted planting area. Also, staff respectfully requests that you revise the paragraph:
 - Remove “application” after Town of Minturn DRB” in the 8th line down from the top;
 - Remove the sentence *“DRB applications to the Town of Minturn from homes within this PUD are required to be accompanied by a signed approval from the Minturn North Design Review”* as this will not be something the Town enforces. If such requirement is stated in a private covenant, the Town may recognize such restriction but will not enforce a private covenant (i.e., the Town cannot legally deem a Town DRB application or building permit application incomplete; or otherwise deny issuance of a permit based on the inability of the applicant to provide evidence of Minturn North DRB approval).
- Pages 13-14 – Landscaping and Erosion Control: The erosion control standards or requirements are helpful and appropriate. However, it is difficult to determine if the standards apply to the Developer responsibilities undertaken during initial horizontal construction of infrastructure, over lot grading and utility installation during both phases; or, if they will apply to construction on individual lots.
- Page 14 – Snow Management Plan: Suggest removing reference to plan sheets which may not be available or attached to the PUD Guide document, and instead provide a graphic (map or maps) within the narrative section showing where snow storage will be provided. Also, suggest the following revision to text: “All private parcels will be held to a minimum requirement of twenty percent (20%) of adjacent paved surfaces for snow storage.”
- Page 14 – Snow Management Plan: Suggest adding a sentence informing the reader that “For all lots fronting public sidewalks, removal of snow from sidewalks is the responsibility of individual lot owners or as required in accordance with applicable Town of Minturn ordinances.”
- Page 14 – Wildlife Management/Mitigation Plan: Suggest removing the word “current” in front of “Game Creek area.” Also, suggest adding provisions and/or working with the Colorado Parks and Wildlife Division (CPW) to integrate wildlife sensitive standards into the PUD Guide and/or the Design Guidelines, including requirements or suggested standards for exterior illumination, exterior landscaping (wildlife resistant plant materials/avoidance of attractant plants such as ornamental and fruit bearing trees), and refuse controls (bear proof trash containers).

- Page 14 – Construction Management: Thank you for adding this section regarding construction management. Please consider removing specific reference to plan sheets of the PUD submittal as well as details regarding phasing (since these will or should be addressed elsewhere in the PUD Guide and/or SIA) and, instead, consider adding a graphic within the narrative section if needed to illustrate development of the project. Additionally, construction management plan sections of PUD guide documents and/or covenant documents typically address general construction management and best practices that will apply to the development of individual tracts or lots rather than specifying details horizontal construction of infrastructure and public improvements by the master developer. Hours of construction, how the master developer will address things like erosion control and mitigation of mud and debris being tracked off site, construction screening and/or fencing (for master developer and for individual lot construction), security and/or limits on trash during construction (bear proof containers and daily site inspection to ensure trash clean-up as requirements) should be included in this section.
- Page 15 – Riparian Corridor Plan: Suggest adding specific reference to “Game Creek” in front of “the Riparian corridor.” Also, it may be helpful to provide a graphic of the Game Creek Corridor, specifying the location of “crossings” or other improvements, delineating any wetlands and/or setbacks to the live stream, as well as more narrative describing the current state of the riparian area, specific enhancements or management techniques to be used during and after construction to ensure protection and enhancement of the riparian areas (e.g., additional plantings, annual clean-up days, partnerships with schools and/or non-profits to monitor or “adopt” the riparian corridor) as an added public benefit.
- Pages 15-17 – Definitions: Please see comments and/or make the following revisions to proposed definitions:
 - *“Affordable Housing Lot/Unit – Shall mean any lot or dwelling unit within the Minturn North PUD that is deed restricted in perpetuity as “locals only” or resident occupied; or, which meets the requirements of the Town of Minturn community housing guidelines and administrative procedures in effect at the time of development of the lot or unit.”*
 - Building Height – Please either define “grade mesh” or provide more descriptive illustrations with labels. Also, consider deferring to the Town of Minturn Building Height definition and calculation methods, as well as including mention of “wind energy collection systems” as an element – similar to solar panels or mechanical vents – that may project no more than 4’ higher than the allowable building height.
 - Density Transfer – *Shall mean the re-assignment by Major PUD Amendment process of allowable residential density, calculated in dwelling units, from one parcel or phase of development to another.* (Note: the density transfer process should not permit transfer of square footage since the entitlements sought by the developer have been presented as maximum number of units, not on a maximum residential square foot basis).
 - Developer – suggest striking all text in this definition following the word “either” in the fifth line; language regarding the process or requirement for assignment is important but should be included in the SIA and/or other document.
 - HERS – this is defined but does not appear to be mentioned or described as a primary objective of the PUD development or design guidelines. Staff is in support of more robust standards or statements of intent with regard to sustainability and the achievement (in individual building projects) of specific HERS related goals or standards.
 - Setback – change “with” in the first line to “within” and add “on individual building lots” after “behind” on line two. Also, this definition references a

‘build-to’ line which may be interpreted differently than a building envelope line or setback line. Please consider removing language specifying which minor deviations are permitted and replace with a general statement “(See the Minturn North Design Guidelines for processes for review and approval of minor deviations to, and allowable encroachments within, prescribed setback areas)”

- *“Short Term Rental – Shall mean the renting or leasing of any residential dwelling unit for a period of less than thirty (30) days or as defined by the Town of Minturn Municipal Code in effect at the time.”*

3. Design Guidelines:

- General Comment: The guidelines are well thought out and drafted in a manner that future residents or builders wanting to build in Minturn North will understand the design intentions and process for gaining approval. That said, the Town has historically not encouraged separate, HOA controlled architectural/design review boards or processes independent of the Town of Minturn Design Review Board.
- General Comment: Will the Design Guidelines provide a process for major and minor deviations to setbacks or building envelopes?
- Section 3 - Scoping and Submittal Requirements (page 4): It may be obvious or implicit in the document, but it may be helpful to add language (under “Scoping”) in this section specifying that property owners are required to go through a Minturn North process prior to Town review. Also, under the same section, if the Town ultimately votes to permit a separate HOA DRB process, it will be helpful to provide details regarding the process – who does someone apply to; using what forms (perhaps attach a Minturn North DRB Application Form as an exhibit or attachment to the Design Guidelines); in what time frames/general description of the frequency meetings; and what the criteria for approval will be.
- Section 5 – Materials (pages 7-9): On page 9 under “Colors,” please consider adding language to more expressly encourage an eclectic mix and vibrancy of colors and provide images to reinforce the existing palette or fabric evident in Minturn. One of the defining characteristics of “funkiness” in Minturn emanates from the bright colors often used for the main body color and/or trim colors found throughout the community.
- Section 9 – Sustainability (page 15): This section starts to lay the groundwork for a built environment that may very well raise the bar for sustainable, energy efficient construction within a major new neighborhood in the Town. In this sense, staff encourages you to integrate more specifics and requirements (“shall” rather than “should”) into the Design Guidelines as the primary tool to implement and enforce sustainable practices. While the PUD Guide can also establish requirements and set the tone for sustainable design, the Guidelines document will be enforced via private covenants and can be used to not just require but incentivize the use of certain fixtures and best practices. This section is also a place where the information, photos (Do/Don’t) could be used to illustrate the integration of solar and/or small-scale wind for alternative energy production on individual homes/lots.
- Section 10 – Construction Management (page 16): This section along with details provided on Sheet A08 set forth great information and requirements for managing the impacts from construction. Staff suggests that this section can be bolstered by providing a few more specifics/requirements addressing how to manage erosion control (including graphics/renderings of best practices such as silt fencing, installation of gabion rock on site and/or gravel pads to deal with mud from tires, or washing stations on site), as well as securing and/or screening sites and a map similar to Sheet A08 (but at a different scale) showing locations and examples of truck wash-outs and the preferred location of

erosion control fencing on a typical site. Is it the intention of the developer/HOA to require fencing around sites and, if so, will mesh screening be required?

- Section 10 – Construction Management (page 16): Please consider adding a requirement for a pre-construction meeting with the Minturn North DRB Administrator to ensure that, prior to construction site disturbance limits are established; any required erosion control and/or security fencing is installed; and, in-line with Section 5.3 – *Procedures* of the Declaration of Covenants, any/all construction deposits are in place.

4. Declaration of Covenants:

- Section 6.3 – Miscellaneous Structures: Request further information as to what types of “refrigerating, cooling or heating apparatus” the Declarant may install in the future and why such equipment would not benefit from being screened.
- Section 6.7 – No Nuisance Light, Sounds or Odors: Suggest this section reference or provide the same controls on holiday lighting as proposed within the PUD Guide.
- Section 6.8 – Restrictions on Parking and Storage: This section restricts parking of certain classes of vehicles, trailers and recreational equipment, in part, on “streets.” Staff’s understanding is that the majority of streets within the development will be publicly owned and maintained. Please review if this section needs to be revised to specify or differentiate between public and private streets.
- Section 6.10 – Garbage and Refuse Disposal: Suggest adding language that specifically requires “bear proof” or “wildlife resistant” trash or refuse containers. Also, please consider revising this section to allow for “composting” when discussing the use of an “appropriate, clean container suitably located” on the Property (e.g., add “for composting and” before “garbage pickup.”)

5. Housing Plan:

- Although the Town has not yet received referral comments from the Eagle County Housing and Development Authority, staff believes more collaboration working with the County is needed with regard to the proposed “Locals Only” housing plan.
- Staff recognizes that the Minturn North Locals Only Housing Plan is voluntary at this juncture; the Preliminary Plan was submitted for review prior to the Town adopting inclusionary housing requirements (Ordinance No. 7, Series 2020). In this sense, the proposal to deed restrict up to 20% of the overall number of for sale lots to locals (as defined in the housing plan), to provide eligibility requirements and restrictions on short-term rentals is recognized as an overall benefit to the community.
- That said, staff is also aware anecdotally that upwards of 90% of the lots for which the Developer has taken deposits/reservations in Phase I have been reserved by local Eagle County residents. This is indicative of the severe housing needs in the valley, the project’s unique and convenient location in the Eagle River Valley, and a desire by locals to be able to design and build their own homes. Staff requests that you continue to work with the Town and Eagle County Housing and Development Authority representatives to further refine the housing plan, possibly increasing the minimum percentage of deed restricted lots from 20% to a minimum of 50% (again given the strong demand by locals in the first round of reservations), and that you consider additional techniques such as the creation of a local Community Land Trust for the Minturn North PUD that would, through a transfer tax or other funding mechanism, provide money for the CLT to buy certain “Locals Only” lots, particularly in Phase II. Such land leases, along with deed restrictions, would be intended to not only ensure local ownership but would serve maintain controls on costs of ownership – from one owner to the next - into the future through resale price appreciation caps that work with eligibility requirements.

Town Engineer:

1. Comments from Town Engineer, Jeff Spanel, Intermountain Engineering, are attached and have been provided to the Applicant on February 11, 2021.

Town Attorney:

1. Plats, Plans and Surveys:

- Lots 87 to 94 (located on Icehouse Ave. north of the bridge) will need to be part of a sub-Association. The Town will not take ownership of the bridge and roadway to serve these lots. Further, the lots require permanent rockfall mitigation. The Town will not take ownership of the rockfall mitigation. These common elements should be conveyed to a sub-Association specific to these lots.
- The “half street” that is located off of Fifth Street is essentially a private driveway. The Town will not take ownership of this driveway. A sub-Association will need to be established that owns and maintains this street area.
- The project presents a dense development scenario with limited common parking. Parking areas next to the park/open space areas could be used as overflow parking for the development. The developer needs to propose restrictions that prevent these spaces from being monopolized by residents of the development.
- Driveway access along the public roads should be located to maximize on-street parking opportunities.
- Rock fall hazard is identified on the north side of the creek. The developer needs to submit a report from a qualified engineer providing a design for the rockfall hazard mitigation and describing how this hazard can adequately be mitigated in order to protect property and human life.
- Snow storage is provided in park areas behind lots. The grading and drainage plan needs to demonstrate that snow melt will not infiltrate adjoining yards.
- Grading plan identifies grading below Minturn Road. The drainage plan also identifies that drainage will be carried in swales and culvers on the UPRR property. Developer must demonstrate the legal right to undertake this work on the UPRR lands.
- The easement agreement for Minturn Road requires construction of a buckrail fence along boundary with RR property. Design and cost estimate for the fence needs to be included in the plans.
- Legal access needs to be established for Minturn Road, Taylor Ave. and Railroad Ave. in order to provide access to the project. A separate letter about legal access issues is included in the referral comments.
- The plans identify a trail running between rear lots along the length of the development. The Town is not willing to accept dedication of this property and improvement.
- Developer needs to identify the status of wetlands permitting for areas identified in Phase II. Army Corps of Engineer permits will be required before a final plat for Phase II can be recorded.
- The plans did not include design, engineering, or material standards for: bridge over Game Creek, foot paths identified in plans, trails identified in plans, parks and park equipment, restroom facility. These plans need to be submitted to the Town for review and approval.
- The developer needs to provide evidence that CDOT has agreed that its conceptual level plans for improvements within the CDOT ROW are acceptable. Developer must also identify the point at which it will seek an access permit from CDOT for the approvals.
- The Preliminary Plat needs to depict the schedule B-2 exceptions (in the title commitment) that are easements crossing the property.

2. HOA Covenants:

- Section 2.2(a) needs to be consistent with the limitations of CRS 38-33.3-303.
- Section 3.6 the voting requirement of 2/3 of members to adopt an assessment seems high (and potentially difficult to achieve). Consider lowering to 50 or 55%.
- Section 5.1 only contemplates an Architectural Control Representative appointed by the Declarant. This needs to be scalable as the Declarant starts to transfer control, the Board gets to appoint a representative. Then when Declarant Control ends, the representative needs to be only appointed by the Board.
- Section 5.2 needs to be written so that it applies not only to purchase from Declarant, but from purchases subsequent to the one from Declarant. Architectural control needs to function after Declarant control terminates.
- Section 6.7 should reference the Town's lighting code section.
- Section 6.9 restriction on clotheslines may violate the Town's climate action policy.
- Please note that the activities identified under Section 6.15 may not be permitted under the Town's code and this language is not operative to waive the Town's enforcement in this regard.
- Section 6.16. CCIOA contains restrictions on the use of covenants to waive potential claims against the developer. I will need to review this language with CCIOA lawyer for compliance with these provisions. I am also not comfortable with a mandatory arbitration provision being used as a shield in the covenants.
- The Declaration has detailed provisions about insurance. My understanding is that there are no common elements. Do all of the insurance provisions make sense?
- Sections 9.1 and 10.7 seem to run afoul of CRS 38-33.3-120 and 38-33.3-217.
- The Covenants need to have a provision limiting irrigated landscaping to 2000 square feet per lot unless the lot owner purchases a second SFE from the Town.
- The Covenants need to have provisions for the sub-Associations to own, manage and maintain common elements such as rock fall mitigation and private roadway segments.
- The adequacy of environmental reports needs to be confirmed by an outside consultant.

3. PUD Guide:

- The introduction and descriptive language in the PUD Guide is helpful, but potentially not part of a zoning document. It might fit better with the application cover letter or as provisions in the SIA. Staff can work with the applicant to find the appropriate location for the descriptions.
- The PUD Guide is the zoning for the property. On page 4, the following language should be deleted:
“This PUD has been designed to closely replicate the existing, and drafted proposed, Chapter 16 zoning code for the Town of Minturn. Because this project is specific to a sloping site and promotes alternative lot sizing there are areas where this PUD is in conflict with the existing Zoning regulations. Allowed uses for these lots will conform to the adjacent residential zone per the Minturn Zoning Code, unless identified differently within this guide.”
- On page 5, the Town may not be comfortable with a different methodology for calculating building height.
- On page 6, minor amendments must be approved by Planning Commission per the Code. Major amendments must be approved by Town Council after consideration by the Planning Commission. The PUD cannot vary the code in this manner.
- On page 6, appeals to a determination of a Major amendment “shall be governed by the Minturn Town Code.”
- On page 7, language about specific trail locations, fencing requirements, park equipment and maintenance obligations should be in the SIA, not the PUD Guide.

- Need to confirm lane widths on page 9 with Intermountain Engineering as consistent with Town engineering standards.
- On page 13, there is a discussion about temporary irrigation of landscaping in native areas. The Town and the applicant need to discuss whether non-irrigated landscaping is appropriate in all public areas. The applicant must also identify the number of SFEs associated with landscaping irrigation in publicly dedicated areas for purpose of water rights dedication and payment of system improvement fees.

4. Affordable Housing Deed Restriction

- The developer needs to facilitate referral comments from Eagle County Housing. If the referral indicates that resident/employee occupied housing is the appropriate form of housing mitigation, the Town has a form resident/employee occupied deed restriction.

Greg, one thing each staff member and consultant has commented on during our review is that you and your team have put an enormous amount of effort into this application and have worked diligently to address concerns along the way. As with any application of this type, the amount of information and levels of detail necessary to ensure proper review and, therefore, good decision making, is incredible and time consuming to fully review. We appreciate your patience as we have done our best to review the application in a timely manner and to provide thorough and thoughtful comments aimed at making sure the PUD can be developed and regulated in the best possible manner if ultimately approved by the Town.

As you review these comments and make necessary revisions to the PUD Preliminary Plan, PUD Guide, or Declarations of Covenants, please keep in mind that these documents will provide the backbone for the Town's and the HOA's ability to implement and enforce the terms of the PUD. Our comments are provided in this spirit to ensure clear interpretation and enforcement of the documents and, therefore, the practical application of the design and regulatory intent of the PUD.

Please contact me at (970) 827-5645 or at (970) 343-2161 if you have questions or require further assistance in this matter.

Sincerely,



Scot Hunn, AICP/MPA
Planning Director

Cc: Michelle Metteer
Michael Sawyer
Jeff Spanel
Arnold Martinez
Madison Harris
File

February 8, 2021

Madison Harris
Town of Minturn
PO Box 309
Minturn CO 81645
Via email: planner1@minturn.com

RE: Minturn Crossing, North Minturn PUD
Preliminary Plan Review

Project No. 19-0064

Dear Ms. Harris

Inter-Mountain Engineering reviewed the Preliminary Plan submittal and offers the following comments:

General:

1. All text labels should be “masked” on plans for legibility.
2. The submittal includes a very good set of conceptual plans but lack detail necessary for construction.

Site Overview:

1. The Phase 1 Environmental Site Assessment (ESA) identifies a couple of limitations to their investigation – the site visit occurred with 1-2 feet of snow cover, and the UPRR would not provide any background information. The Phase 2 ESA scope was limited to an investigation of the area identified in the Soil Screening Assessment provided with the conceptual plans. We recommend both ESA reports be directed to a qualified expert for evaluation.

VAIL VALLEY OFFICE

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DENVER OFFICE

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February 8, 2021
Madison Harris
Town of Minturn
RE: Minturn Crossing, North Minturn PUD
Preliminary Plan Review
Project No. 19-0064

Preliminary Plat & Topographical Survey

1. Contour interval labels are not shown on the topographical survey.
2. Topographic & as-built utility information for Minturn Road & Taylor Street should be included on the enlarged mapping.
3. Mapping should extend to include the limits of disturbance shown on the infrastructure plans.
4. The point of beginning should be labeled.
5. The bearing for the northerly boundary line should be reversed to match the legal description.
6. Provide closures for all lots and tracts with the final plat.
7. Label right of way widths.
8. Minturn Road is shown much wider than the 40' existing right of way. The plat should include the proposed right of way of at least 60 feet for dedication to the Town. The location of the existing road should be shown on the plat.
9. This project is entirely dependent for access on Minturn Road all the way from Main Street to its connection with HW 24 to the North. Including "Railroad Avenue" adjacent to Booco's first filing. The design does not include any detail of offsite Minturn Road or "Railroad Avenue which belongs to the Railroad.
10. The plat does not show utility, drainage and trail easements depicted on the infrastructure plans. Please revise the plat.

Traffic Study and Road Design:

1. The traffic study recommends changes to the intersection of Minturn Road with Taylor Avenue to improve site distance. Two alternatives are suggested.
 - a. If the intersection is reconfigured, the angle of approach should be no less than 70° and should only be approved as a variance to town standard 90° approach. This may require both horizontal and vertical adjustments of both Taylor Avenue and Minturn Road alignments.
 - b. The report also suggests a ONE-WAY alternative for a portion of Taylor Avenue.
 - c. Neither alternative is developed on the infrastructure plans. Please address.
2. The plan and profile for Fifth Street shows an undesirable situation at the intersection with the common driveway (Spur Road). A steep grade approaching 9% on 5th street on the east side of the intersection could make it difficult for a driver to stop for cars or pedestrians in the intersection, particularly in winter conditions. The approach to the intersection should be no more than 4% for 100 feet. A variance could be requested for up to 6%. It looks like the designer could adjust the profile to improve the situation. The current design looks like density has been maximized ignoring good street design. The proximity of the Spur Road and Ice House Road also magnifies the traffic conflicts in this area. ITE guidelines require these roads to line up or be separated by 125 feet. A redesign of the northern portion of the project (future phase) should be considered to eliminate these safety issues.

February 8, 2021
Madison Harris
Town of Minturn
RE: Minturn Crossing, North Minturn PUD
Preliminary Plan Review
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3. The design and construction of Minturn Road needs to be coordinated with future planning for the northerly end of Minturn. Please provide design drawings for all required improvements to Minturn Road and the access improvements at Minturn Road and Highway 24.
 - a. An ECO Trail extension is in preliminary stages of planning and the location of the road, particularly the proposed crossing for the trail must be considered.
 - b. The future Dowd Junction water main extension should be completed in conjunction with the paving of Minturn Road.
 - c. Currently there is some question regarding the width and location of the existing road. The right of way width is in question; various maps show the width of the right of way to be 40-60 feet. There is also a question if the road is located within an easement a license or a right of way. As a collector road, we recommend this be a minimum 60-foot dedicated right of way, or wider if required for the construction of the road, adjacent bike path, water main and required snow storage.
4. Please provide copies of CDOT Access Permit Applications
5. The geometric design of streets for this project should meet the minimum standards of Section 1102.1 of the CDOT design manual for local off system streets and roads, and the ITE RECOMMENDED GUIDELINES FOR SUBDIVISION STREETS, Refer to TABLE 1102.4A from the CDOT manual. The maximum grade for the Town of Minturn is 6% based on prevailing practice in Eagle County. Minturn Road should be designed as a collector with a design speed of 30mph, and minimum curve radius of 275 feet. Lane widths should be 11 feet not counting the drainage pan width. The rest of streets should be designed as local streets with a design speed of 20mph, and minimum curve radius of 100 feet (ITE GUIDELINE). The lane widths should be at least 10 feet not counting the drainage pan. The curb-to-curb width for local streets should be a minimum of 24 feet. During Conceptual review it was requested the traffic consultant comment on drive lane widths
6. Demonstrate all intersections comply with site distance triangles as shown on Table 1102.4B of the CDOT manual.
7. Proposed widths of right of way widths are narrow. Typical width of residential right of ways is 50' to allow room for road surface, walks and shallow utilities. Utility easements are proposed along the right of way line for shallow utilities – is there a reason this is not just made part of the road right of way?
8. The Typical road sections do not specify the structural cross section. Please provide pavement design for each road.
9. An “Auto-Turn” analysis was requested at conceptual review and must be provided to demonstrate fire & trash truck access.

February 8, 2021
Madison Harris
Town of Minturn
RE: Minturn Crossing, North Minturn PUD
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10. The site information provides a count for guest, but not resident parking – please revise the parking plan to provide both. Provide a summary of how many spaces are required and how many spaces are provided organized by street name. List how many off-street parking spaces will be provided for each lot.
11. Wherever public parking spaces are provided on the detailed site plan, label how many spaces of what type are provided at each location.
12. The plans indicate both parallel and head-in guest parking. The 9' width for parallel parking should be adequate, but no dimensioning is provided for the length of parallel spaces. No dimensions are provided for the head-in parking spaces. Please provide a dimensioned parking plan.
13. Please demonstrate access to a lot such as lot 41 or 67 and leave the public parking in the street available.
14. The soils adjacent to public parking areas stipulate Geocell protection as design build. As this is a public improvement, the design of retaining structures should be provided as a part of the design approval.

Site Engineering:

1. Storm sewer, water, sanitary sewer, and shallow utilities do not appear on corresponding drawings. All utilities need to be shown on all construction plans to identify vertical and horizontal conflicts.
2. The north end of Taylor Avenue is outside the proposed right of way and does not match existing conditions. Please address.
3. Snow storage needs to be reviewed by Public Works:
 - a. Snow storage is on the wrong side of the sidewalk in most places.
 - b. There appears to be no storage on most of the west side of Minturn Road.
 - c. The following concerns were identified regarding snow storage in the park areas:
 - i. The storage areas are not readily accessible – this should be discussed with Public Works and corrected.
 - ii. Snowmelt flows onto adjacent lots and into Game Creek.
 - iii. Storm water management plan needs to address storm water quality for these flows.
 - d. Parallel parking along roadways will make snow plowing challenging – snow removal & hauling will be required.
4. Grading and drainage improvements extend onto UPRR property
 - a. Provide details of all off-site improvements.
 - b. Grading plans and underlying topography should extend to catch points.
 - c. Provide evidence of easements or permission for this work.
5. Drainage arrows indicate flow toward the site. Please provide additional grading detail to show there is no resultant ponding.

February 8, 2021
Madison Harris
Town of Minturn
RE: Minturn Crossing, North Minturn PUD
Preliminary Plan Review
Project No. 19-0064

6. The Wetlands report identifies Jurisdictional Wetlands. Further permitting will be required to carry out the wetlands disturbance identified on the grading plans.
7. Water designs, details and construction must meet ERWSD standards.
8. Is there a highpoint in the watermain between stations 15+00 – 20+50 and 37+46?
9. The plans call for disconnecting water & sewer services to existing homes to the east, including mains. Service interruption must be minimal – provide details of how the service disconnection will be accomplished.
10. The plan calls for removal of existing fire hydrants. Public works should evaluate salvage.
11. Is there a reason a number of fire hydrants are located 10 feet behind sidewalks?
12. The fire department should review proposed fire hydrant locations.
13. The soils in Minturn Road proved to be corrosive when tested for the water interconnect. The soils corrosivity tests included in the application need to be completed.
14. Please provide the ERWSD review of sanitary sewer drawings.
15. Sheet 10.2.13 – The sewer main is missing tie-ins for the Minturn Townhomes.
16. We ask the rockfall path be shown on the site and grading plans. The town should carefully consider avoiding development in rock fall hazard areas all together. Even if the protection is 98% effective as the rock fall report says, the consequences of failure are unthinkable.
17. Streetlights are shown on the road plans – please provide a street lighting plan.
18. Why is the sidewalk 5' wide along Lot 70 and 4' everywhere else?
19. Designs for trails, footpaths, parks, and public restroom need to be provided.

Subdivision Improvements Agreement:

1. The unit prices used to formulate the detailed estimate are consistent with what is being seen in contracts for similar work in the area.
2. Quantities were not verified; however, the following was noted:
3. The estimate includes only 185 feet of 12-inch pipe in Minturn Road Phase 1. It should include all of the 12 “water main along Minturn Road in Phase 1.
4. Cathodic protection, if required, should be included for all of the roads.
5. The off-site Minturn Road costs from the project going north to Highway 24 do not include anything for widening or realignment.
6. The estimate of phase 2 costs includes 8” water line but does not include the 12” water main in Minturn Road.
7. Phasing Break out:
 - a. The cost estimates do not track to the detailed estimate and require additional detail.
 - b. Provide rational for the cost sharing ratios.

February 8, 2021
Madison Harris
Town of Minturn
RE: Minturn Crossing, North Minturn PUD
Preliminary Plan Review
Project No. 19-0064

Please call with any questions.

Sincerely,
Inter-Mountain Engineering

A handwritten signature in blue ink, consisting of two large loops and a horizontal line extending to the right.

Jeffery M. Spanel PE

CC: Michelle Metteer; Michael Sawyer; Scot Hunn



COLORADO
Department of Transportation

Region 3 Traffic Section
222 S 6th St, Rm 100
Grand Junction, Colorado 81501
(970) 683-6270

<<<Email>>>

March 2, 2021

ATTN: Craig MacPhee, P.E.
PO Box 150335
Lakewood, CO 80215

RE: TIS Review Comments for Minturn Crossing PUD.

Dear Mr. Craig MacPhee:

The purpose of this letter is to provide comments to the traffic study for Minturn Crossing PUD dated February 19, 2021 by Craig MacPhee, PE from CivTrans Engineering Inc. CDOT has reviewed the traffic study and we have the following comments.

Review Comments:

1. The 20-year condition should be 20 years out from opening year of the project, which would be at least be year 2042. The difference between 2040 (year used in the study) and 2042 is negligible, so no need to revise the report for this. Just keep this in mind for future traffic studies.
2. Tables 4 & 5, LOS for SWB at US-24 and Main Street - Why does the delay decrease when the Project traffic is added?
3. Please provide all Synchro files when submitting the revised report.
4. As presented, a waiver for sight distance at the US-24 and Main Street intersection will not be approved by CDOT. Even though this is an existing issue, the project is adding significant traffic to the intersection which further increases the risk of crashes. The traffic report must present mitigation options that will be implemented by the developer for this project.
5. Southbound left-turn deceleration lane warrant at US-24 & Main Street - The statement in the conclusion that the forecasted volume "barely exceeds the 25 vph threshold" is quite a stretch. This statement needs to be revised to more accurately represent where the forecasted volume is in relation to the left-turn warrant threshold.

The access application has been place upon hold until these comments have been addressed.
If you have any questions, please let me know.

Respectfully,



Brian Killian
Region 3 Access Program Manager

Cc: Mark Bunnell, CDOT R-3 Traffic Resident Engineer



Madison Harris

From: Amy Crandall <acrandall@mines.edu>
Sent: Friday, January 29, 2021 2:30 PM
To: Madison Harris
Cc: Jill Carlson
Subject: CGS Review - Minturn North PUD
Attachments: EA-21-0008_1 Minturn North PUD.pdf

Hi Madison,

Colorado Geological Survey's review of the Minturn North Planned Unit Development is attached. We do have concerns with landslide, avalanche, and debris flow hazards at this site and recommend the risk associated with these hazards be evaluated prior to PUD approval. Another concern is regarding the proposed steep slopes associated with Lots 87 through 90 (within Tract A).

Please call or email if you have questions or need further review.

Thank you,

Amy Crandall, P.E.
Engineering Geologist
Land Use Review Program
Colorado Geological Survey
1801 Moly Road, Golden, CO 80401
303-384-2632 | acrandall@mines.edu

COLORADO GEOLOGICAL SURVEY

1801 Moly Road
Golden, Colorado 80401



Karen Berry
State Geologist

January 29, 2021

Madison Harris
Town of Minturn
Planner1@minturn.org

Location:
NW NW Section 26
T5S, R81W of the 6th P.M.
39.5938, -106.4304

Subject: Minturn North Planned Unit Development
Town of Minturn, Eagle County, CO; CGS Unique No. EA-21-0008

Dear Ms. Harris:

Colorado Geological Survey has reviewed the Minturn North Planned Unit Development (PUD) referral. I understand the applicant proposes a 116 lot residential development of up to 184 dwelling units within 19 acres in Minturn. The site is bordered by Taylor Street on the east, Minturn Road on the west, and extends approximately 400 feet to the north of Game Creek. With this referral, CGS received a request for review (Email dated January 11, 2020); Preliminary PUD Architectural Plans (GPS Design, LLC, December 18, 2020); Civil Plans (Yarnell Consulting & Civil Design, LLC, December 18, 2020); Preliminary Plat (Gore Range Surveying, LLC, January 5, 2021); Geologic Hazard Review (Kumar & Associates, Inc., March 5, 2020); Soils and Foundation Investigation (CTL Thompson, Inc., August 26, 2020); Drainage Report (Wright Water Engineers, Inc., December 18, 2020); and other documents.

According to Eagle County geologic hazard mapping, the steep slope to the east of the development and north of Game Creek is mapped as a rockfall hazard. The civil and architectural plans showing the proposed lot layout of Estate Lots 87 through 90 (within Tract A) are exposed to this rockfall hazard. Available LiDAR imaging also indicates areas of steep slopes (up to approximately 40 percent). A portion of the project site is also mapped as underlain by fan deposits. As stated on page 2 of Kumar's report, "The collapse potential of the bearing soils appears low and is expected to be mitigatable with the foundation design." Additionally, CTL stated on page 5 of their report, "Based on our subsurface investigation and the results of our swell consolidation tests, we also estimate the risk of collapsible soil to be low." Kumar's assessment of geologic hazards and recommendations and CTL's characterization of subsurface conditions and geotechnical recommendations are valid. However, CGS has the following comments/concerns:

Rockfall. According to Kumar's Geologic Hazard review (page 2), "Rockfall from the isolated outcrops appears to be an active process." Kumar performed rockfall analysis (CRSP Version 4.0) in the area to the north of Game Creek. As noted on page 4 of their report, "we characterize the risk that a rockfall will reach the proposed development area to be moderate." As recommended by Kumar on page 6, "an effective protection method other than complete avoidance would be an MSE wall or a flexible rockfall barrier located uphill to the east of the proposed building area." The rockfall hazard analysis and mitigation methods recommended by Kumar are valid for the area. However, the proposed mitigation options will require maintenance and repairs to preserve their effectiveness. Maintenance may include cleaning out accumulated debris and replacing damaged, worn, or corroded components. **CGS recommends the town retain Kumar to review the rockfall protection plans when available to ensure that they are consistent with their recommendations and recommends the town require an inspection and maintenance plan for any rockfall mitigation constructed.**

Landslide, Avalanche, Debris Flow Hazards. Kumar or CTL did not address the landslides mapped upslope and to the east of the site (Eagle County 1041 geologic hazard mapping). Many other landslides are mapped throughout this area, including the Meadow Mountain Landslide and Dowds #1 Landslide, which are younger-

aged landslides. Most landslides occur on dip slopes (where the land surface is inclined in the same direction, and at a similar angle, as the underlying rocks), where large masses of rock tend to slide down the dipping slope. However, smaller landslides can be found on hillsides that slope opposite the dip of the underlying bedrock. Although not mapped directly on the proposed development, **CGS recommends the town require additional evaluation and/or site-specific studies to evaluate the risk for landslides within the proposed development.**

Also, the risk of an avalanche hazard was not addressed by Kumar or CTL. Mears (CGS Special Publication 7, "Colorado Snow-Avalanche Area Studies and Guidelines for Avalanche-Hazard Planning") did not map avalanche paths in the Minturn area, but that does not mean avalanche hazards do not exist in this area. An avalanche on the Minturn Mile backcountry trail did occur in 2019. **CGS recommends that the risk of an avalanche hazard should be evaluated by a qualified professional.**

Landslides and avalanche hazards may also occur off-site, affecting the proposed development due to debris flows or mudflows transferred by creeks/drainages. **CGS agrees with CTL (page 5) that the risk for mudflow and debris inundation emanating from Game Creek to the mapped debris fan be evaluated prior to PUD approval.** The risk of slope instability and mudflow may also increase as a result of events that reduce upslope hillside vegetation, such as avalanche, disease, wildfire, grading, creation of defensible space, and other disturbances.

Steep Slopes - Proposed Slopes. Per the Overall Grading Plan (sheet C5.0.0), the area north of Game Creek that includes Estate Lots 87 through 90 will consist of 3:1 to 2:1 (horizontal:vertical) grade changes. CTL did not provide specific recommendations for permanent site slopes in their report. CGS agrees with CTL (pages 5 and 8) that "Site-specific studies with slope stability analysis should be conducted on these lots." **CGS recommends the town require this analysis to be completed, submitted, and reviewed prior to platting lots within Tract A.** Recommendations regarding permanent site slopes should also be provided.

Additionally, retaining walls are noted on the grading plan within the northern portion of Ice House Avenue of Tract A. **CGS recommends the town also require a local and global stability analysis as part of the overall retaining wall design for walls.**

CGS also recommends all disturbed or graded slopes are promptly re-vegetated to control runoff and erosion. In addition, erosional setbacks associated with Game Creek should also be evaluated and, if necessary, included in the drainage plans.

The project team should incorporate Kumar's recommendations regarding rockfall mitigation (pages 5-7) and CTL's recommendations regarding site earthwork (page 6), foundations and the removal of existing fill soils (pages 8 and 9), control of surface drainage and maintenance (pages 16 and 17), subsurface drainage (page 12), and the requirement for additional, site-specific geotechnical studies for Lots 87 through 90 (pages 5 and 8) in project planning and design.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at 303-384-2632 or email acrandall@mines.edu.

Sincerely,



Amy Crandall, P.E.
Engineering Geologist



COLORADO

Parks and Wildlife

Department of Natural Resources

Area 8 - NW Region
0088 Wildlife Way
Glenwood Springs, CO 81601
P 970.947.2969 | F 970.947.2936

Town of Minturn
Ms. Madison Harris, Planner
Mr. Scot Hunn, Contract Planner
301 Boulder Street #309
Minturn, CO 81645

January 30, 2021

Dear Ms. Harris & Mr. Hunn,

Thank you for giving Colorado Parks and Wildlife (CPW) an opportunity to provide comment on the proposed Minturn North PUD project. CPW has a statutory authority to manage all wildlife species in Colorado. This responsibility is embraced and fulfilled through CPW's mission to protect, preserve, enhance, and manage the wildlife of Colorado for the use, benefit, and enjoyment of the people of the State and its visitors.

The proposed action includes the development of 18.95 acres. The PUD guide states the project will include a total of 116 lots for a total of 184 housing units, with approximately 6.40 acres dedicated as open space.

The proposed action site lies within and immediately adjacent to a variety of wildlife habitat. Furthermore, the development site exists within elk Data Analysis Unit (DAU) E-16, and mule deer DAU D-8. The E-16 DAU has been experiencing significant declines in elk populations, equating to a roughly 60% decline over the last 10 years. Additionally, as of the 2020 updated herd management plan for mule deer, the D-8 population is on a downward trajectory and is under CPW's established objective range. Subsequently, CPW has continued to reduce the mule deer population objective in the area to accommodate for human generated impacts and overall mule deer population decline.

CPW has also dramatically reduced hunting quotas for both elk and mule deer since the mid 2000s. Mule deer doe quotas have been reduced to negligible levels, while limited cow elk licenses have ostensibly been eliminated. These reductions in doe and cow quotas are in an attempt to protect the reproductive, fawn and calf-bearing portion of the herd. While these license reductions are an attempt to recover population levels, reproductive success and recruitment into the population has failed to rebound.

In addition to the pressing issues associated with local ungulate populations, the Eagle Valley has seen a significant increase in human-predator conflicts. These conflicts namely involve mountain lions and black bears. The Town of Minturn lies within the state's only designated Special Management Area (SMA) for mountain lions. Public reports of mountain lions in the SMA were rare 10-20 years ago. Now reports number in the hundreds annually and come from a variety of groups and members of the community. Minturn also lies within a human-black bear conflict area. Black bear conflicts in the Eagle Valley continue to rise compared to historic levels. These issues directly correlate with the human



footprint on the landscape and increasingly require mitigating management actions by local governments.

Specific to the Minturn area, habitat loss, fragmentation, and human disturbance continue to be significant concerns in managing not only the local deer and elk populations, but also a variety of other wildlife species. While the proposed action will result in a net loss of marginal habitat, the indirect impacts to the resource stand to be far more significant. The Minturn, and Dowd Junction areas along with portions of the Highway 24 corridor have been identified or already slated for a variety of developments and infrastructure improvements. As with many of these proposed actions, CPW continues to encourage local governments to approach the assessment of impacts to wildlife and the surrounding landscape through a more holistic and comprehensive lens. Specifically, impacts generated by one particular development will likely be accentuated and heightened due to the impacts generated by other surrounding developments, and vice versa. As such, CPW encourages continued dialogue with town planning staff, and initial dialogue with the applicant to potentially better account for these comprehensive impacts.

While the Environmental Impact Report (EIR) makes mention of a variety of wildlife habitat, it fails to capture the full extent of crucial habitat types (elk and mule deer migration corridors, elk winter concentration area, elk severe winter range, documented golden eagle nests, canada lynx potential habitat, etc), and the extent to which this proposed action will generate and contribute to indirect impacts. The one site visit informing the EIR was conducted in the summer and therefore did not capture the extent to which radiating and indirect disturbances from this parcel will potentially impact migratory and wintering wildlife.

It is with the above in mind that CPW offers the following recommendations:

- Construction & site disturbance should occur outside of the December 1 – April 30th timeframe, annually, to protect wintering elk.
- Open Space or natural sites disturbed during construction should be immediately reclaimed with a CPW-approved big game seed mix to provide adequate forage and reduce the potential for weeds. The site should be monitored for weeds on an annual basis.
- Removal of the proposed recreation path and overlook to the northeast. CPW further recommends that this open space area implement seasonal use restrictions, particularly during winter months, in order to provide for a buffer to elk winter range as well as provide for temporal use by wintering elk or migrating mule deer.
- It is recommended that fencing throughout the parcel should be constructed per CPW Wildlife Friendly fencing guidelines.
- Bear-proof trash canister covenant: The project area lies within a mapped black bear- human conflict zone. To prevent habituation of black bears, CPW recommends all residences utilize bear-proof canisters and dumpsters. CPW encourages enforcement of this practice to ensure effectiveness.
- Vegetation management on the parcel to minimize attractants for black bears, as well as minimize the visual cover available to mountain lions adjacent to buildings and dwellings.
- Adopt appropriate storm water drainage systems to avoid sediment loading into Game Creek.
- CPW recommends continued dialogue with town staff and the applicant on how to avoid excessive disturbance to the Game Creek riparian corridor, creation of social trails, and other human specific degradation of Game Creek that high-density residential development can create.

- The development parcel lies within the CPW recommended 1/4mi buffer for golden eagle nests. However, the current status of this nest is unknown, therefore, CPW recommends the applicant conduct nest monitoring to determine the potential for disturbing an active nest. Additionally, if it is determined that the nest is active, through both monitoring and consultation with CPW, it is further recommended to implement seasonal restrictions to human encroachment within 1/2mi radius of active nests from December 15 through July 15 annually.
- CPW further recommends that the Town of Minturn explore financial funding mechanisms generated by this and future developments to help account for and potentially offset indirect and direct impacts associated with the developments.
- Increasingly critical, CPW recommends the Town of Minturn adopt a holistic approach to assessing cumulative impacts to wildlife and natural resources in the local area. This locale is slated for a wide variety of actions in the near future that will result in both direct and indirect impacts to wildlife. CPW welcomes continued dialogue surrounding how to anticipate, minimize or avoid these impacts.

CPW appreciates the opportunity to provide comments on this project. For additional information or to request clarification on CPW's comments for this project, please contact District Wildlife Manager Devin Duval at (970) 930-5264.

Sincerely,



Matt Yamashita
Area Wildlife Manager

Cc. Devin Duval, District Wildlife Manager
Danielle Neumann, Land Use Specialist



February 1, 2021

Town of Minturn
Attn: Madison Harris, Planner I
301 Boulder St. #309
Minturn, CO 81645

[Via Email]

Re: Referral - Minturn North PUD Preliminary Plan

Ms. Harris,

Thank you for the opportunity to participate in the planning process for the Minturn North PUD Preliminary Plan. Please consider the following comments as the project is reviewed.

Planning Comments:

1. Under the strategies for Economic Resources, the Eagle County 2005 Comprehensive Plan (the "2005 Plan") states, *"Encourage retirement housing as part of mixed-use developments in existing towns and unincorporated communities."* There are stipulations in Minturn North PUD Guide for local housing; there is no mention of residential units designated for older adults. Eagle County recommends designating and designing units for older adults.
2. In the 2005 Plan, one of the strategies under Transportation is to *"Supplement regional bus systems with town and/or resort transit systems."* As a development of this size, the Town of Minturn might consider a feeder system into the existing regional ECO Transit service.
3. Under strategies for Wildlife Resources in the 2005 Plan, it states, *"Maintain trails and trailhead areas."* Eagle County encourages additional parking beyond the 14 spaces being proposed in the project narrative. The narrative states that overflow parking could occur in the parallel parking spaces on Minturn Road, but does not outline the number of parallel parking spaces available, making it unclear if the parking demand will be reasonably met. On the busiest weekend, the neighbors stated there could be up to 40 cars at the trailhead, and the applicant observed 24 cars on the busiest weekends. The proposed 14 spots do not accommodate typical weekend traffic, and it is unclear if the parallel parking will suffice.

ECO Trails Comments:

1. The application includes an "ECO Trail Extension." However, the trail is not consistent with ECO Trails design standards or the desired user classification. As an example, the application denotes an 8ft sidewalk, when the Eagle Valley Trail Plan envisions a 10 foot multi-use path. Eagle County requests that the Town of Minturn work with the applicant to deliver the trail as envisioned, by updating the application in the following manner:

- a. Overall, please use the ECO Trails [Design and Construction Standards](#) for Eagle Valley Trail (ECO Trail Extension).
 - b. The minimum trail width should be 10 feet. This is an important design standard to ensure enough space for two way multi-use traffic and increase safety for passing.
 - c. When engineering is developed, please make sure the cross slope is somewhere between 2% to 3%.
 - d. When engineering is developed, 3 feet or more is preferred for clearance from trees, poles, walls, fences, railings.
 - e. If possible, 5 feet or more is preferred for separation from parked cars. However, 4 feet as proposed is acceptable since the terrain is difficult.
 - f. It is unclear if the pavement and road base thickness and shoulder width meet ECO Trails Design Standards. Please add a typical pavement section to the detail sheet including pavement and road base thickness, and shoulder width. Please see Chapter 4, starting on page 2 for ECO Trails Design Standards.
 - g. Based on an initial analysis, the location of the trail may have a steep adjacent slope. Therefore, adjacent slope grades may require safety railing. This can be determined during the engineering process.
 - h. The Eagle Valley Trail network is typically asphalt, but concrete is encouraged because it is easier to maintain. Please see the ECO Trails Design Standards for surfacing in Chapter 4, page 3.
2. The future Eagle Valley Trail from this project to Highway 24 is in the early design stages. The original proposed alignment was for the trail to be on the northeast side of the Minturn/County Road. However, due to wildlife concerns, the County is exploring the feasibility of constructing the Eagle Valley Trail on the other side of the Minturn/County Road. Eagle County requests the developer of the Minturn North PUD to be flexible and open to keeping the Eagle Valley Trail on the southwest side of Minturn Road through this project area rather than crossing Minturn Road in case the County finds that side feasible and decides to construct the Eagle Valley Trail on that side. The County should know the outcome of this issue in the spring of 2021.
 3. If the Eagle Valley Trail ends up on the original proposed alignment, which is the northeast side of Minturn/County Road, The County requests that the sanitary sewer manhole be moved out of the proposed crosswalk to assist with maintenance and provide improved mobility.

Please contact me at (970) 328-8750 or at morgan.beryl@eaglecounty.us if you have questions or would like to request a meeting to discuss these comments.

Sincerely,

Morgan Beryl [via email]
Community Development Director

Cc: File

Madison Harris

From: SANDRA MUTCHLER <sandra.mutchler@eagleschools.net>
Sent: Wednesday, January 13, 2021 6:31 PM
To: Madison Harris
Cc: Tom Braun; Michelle Metteer
Subject: Re: Minturn North PUD Referral
Attachments: Minturn North PUD cash in lieu 9.21.2020.pdf

Madison

Nice to meet you. Attached is the letter we sent in originally. We are still requesting a cash in lieu payment for this development in support of this. Tom Braun, district planner will be in contact and follow up on the status of the Town of Minturn adopting language to define the calculation method used.

Sandra Mutchler
Chief Operations Officer
Eagle County Schools
948 Chambers Avenue
PO Box 740
Eagle CO 81631
970-328-2747 (o)
303-435-5939 (c)

On Mon, Jan 11, 2021 at 11:39 AM Madison Harris <planner1@minturn.org> wrote:

Dear Ms. Mutchler:

You are receiving this referral from the Town of Minturn as part of the Town's review of the **Minturn North Planned Unit Development** proposal - a 116 lot residential development where up to 184 dwelling units of varying types and sizes, including accessory dwelling units and multi-family units, would be permitted in two phases along with parks and open space dedications, on- and off-site public infrastructure improvements, and locals' only housing commitments.

The Applicant completed a conceptual review of the proposal in early 2020, and has been working with the Town since March 2020 to bring forth the attached Preliminary Plan proposal.

In order for the Town to facilitate this review:

- Please provide any comments or questions to **Madison Harris, Planner I** at planner1@minturn.org
- The referral period is twenty-one (21) days and **ends on Monday, February 1, 2021 at 5pm.**

The Preliminary Plan review is the second of a three stage review and approval process by the Town for all new, major Planned Unit Development projects.

The referral process is intended to allow our community partners and stakeholders the opportunity to understand the proposal, to assess potential impacts and mitigation efforts, and to provide comment to the Town prior to the plans being reviewed by the Town of Minturn Planning Commission and Town Council.

We welcome your comments and will make ourselves available to meet with you virtually if you have questions.

Please alert Town staff if you require hard copies of any of the Minturn North PUD Preliminary Plan materials.

Here is the link to download the files, please be aware that this link expires on January 18th:

<https://wetransfer.com/downloads/bdba8d691dfb8f06d3ca6d717d165f5820210111182003/242d21c3fae73a301bab54c6061065420210111182004/484159>

Thank you for taking the time to review this proposal.

Madison Harris

Planner I

Town of Minturn

Planner1@minturn.org

970-827-5645 Ext. 2

Sandra Mutchler, C.P.A.

Chief Financial Officer
sandra.mutchler@eagleschools.net



September 21, 2020

Mr. Scot Hunn, Town Planner
Town of Minturn
301 Boulder Street
Minturn, CO 81645

RE: Minturn North PUD Proposal

Dear Scot:

Last month Tom Braun and I met with Greg Sparhawk to discuss the proposed Minturn North PUD proposal. It is our understanding that the Town would like feedback from the Eagle County School District regarding our “ability to serve” students that may be generated by this development. This letter provides our preliminary response based on preliminary project information provided by Greg. I assume we will be included in your referral agency review and we look forward to providing comments on a final application once that is submitted.

Proposed Development

It is our understanding that the project will include townhomes, single-family lots of various sizes (some of which may be developed as duplexes, and the potential on some lots for accessory dwelling units. For the purposes of our analysis of potential student generation, we have assumed duplexes are developed on all lots that allow for them, and we have not included the potential ADU’s (due to their small size they are not expected to generate students). Based on information from Greg and on the above assumptions, we modeled a development with 140 total units:

- 24 townhome units
- 68 single units (68 SF lots)
- 48 duplex units (24 duplex lots)

Student Generation

ECSD has actual student generation data for existing towns, neighborhoods and projects throughout the Valley. Existing student generation rates for townhomes and single-family/duplex units from the Town of Minturn and a sample from the Town of Eagle were used. Based on these samples, the total range of student that we estimate could be generated by this development are:

Sandra Mutchler, C.P.A.

Chief Financial Officer
sandra.mutchler@eagleschools.net



Elementary: 11-30 students
Middle School: 10-18 students
High School: 13-25 students
Total: 34-73 students

School Capacities

Based on current school boundaries, students from the project would attend Red Sandstone Elementary, Homestake Peak Middle School and Battle Mountain High School. Based on our recent school capacity and enrollment forecasting report, each of these schools are expected to have capacity sufficient to accommodate students from this project. It should be noted that this project was included in our enrollment forecasting.

School Land Dedications

State statutes allow local jurisdictions to adopt ordinances requiring school land or cash in lieu dedications for new subdivisions or development projects. The purpose of this dedication is to provide resources (in the form of land or cash) to a school district necessary to serve the residents of a proposed development.

Eagle County and the Town of Vail, Avon, Eagle and Gypsum have adopted school dedication ordinances. It is our understanding that Minturn does not have a school dedication ordinance. While the District has capacity to serve students from this project, students from this project will impact school facilities. ECSD would ask the Town to work with the developer to provide a cash in lieu school dedication for this project. We look forward to discussing this with you in the near future.

Regards

Sandra Mutchler

Sandra Mutchler
Chief Operations Officer



Eagle River Fire Protection District

Occupancy: **MINTURN NORTH DBA MINTURN CROSSING MASTER (PUD)**

Occupancy ID: **TEMP RAILROAD**

Address: **MINTURN RD
MINTURN CO 81645**

Inspection Type: **Plan Review**

Inspection Date: **1/29/2021**

By: Woodworth, Mick (0019)

Time In: **08:00**

Time Out: **11:48**

Authorized Date: **01/29/2021**

By: Woodworth, Mick (0019)

Form: Plan Review
Inspection 1.4

Inspection Description:

**** PLAN REVIEW LETTER - PLEASE READ THE FOLLOWING CAREFULLY ****

The submitted plans have been REVIEWED by Eagle River Fire Protection District and the comments identified below. The issuance of a permit for this project is based on the plans submitted and compliance with the applicable codes. Conditions found, or other data collected or submitted, shall not prevent the fire official from requiring correction of errors found during fire / life safety inspections.

Inspection Topics:

PROJECT / REVIEW INFORMATION:

CODE USED IN REVIEW: The submitted plans have been reviewed for compliance to the 2015 edition of the International Fire Code, as amended, and applicable NFPA Standards.

Code required

Status: COMPLETE

Notes:

GENERAL PLAN REVIEW INFORMATION / SUMMARY:

General notes on the project / review

Status: COMPLETE

Notes:

PLAN REVIEW COMMENTS:

THE FOLLOWING ITEMS WERE NOTED DURING THE FIRE DEPARTMENT PLAN REVIEW:

ITEMS noted and any corrections required.

Status: COMPLETE

Notes: Comments:

- 1) A concurrency evaluation may be required. The GC shall discuss this with the fire district.
NFPA 1 chapter 15
- 2) Turning radius for fire apparatus shall meet previous discussion and plans.
- 3) Water supply shall meet requirements, NPFA and IFC
- 4) Fire sprinklers shall be installed where required by NFPA and IFC.
- 5) Fire Alarms shall be installed as required by NFPA and IFC.

ADDITIONAL PERMITS REQUIRED:

The following additional permits will be required for this project. Please submit plans in electronic format to prevention@eagleriverfire.org

Additional permits

Status: COMPLETE

Notes: Fire alarm

Fire Sprinkler

Flush and Flow test

BDA

Additional Time Spent on Inspection:

Category	Start Date / Time	End Date / Time
Code Research	1/28/2021 8:00:00 AM	1/28/2021 12:00:00 PM
Notes:		

Total Additional Time: 240 minutes

Inspection Time: 228 minutes

Total Time: 468 minutes

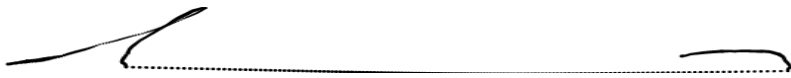
Summary:

Overall Result: Complete

Inspector Notes:

Inspector:

Name: Woodworth, Mick
Rank: Fire Marshal
Work Phone(s): 970-736-5064
Email(s): mwoodworth@eagleriverfire.org
Woodworth, Mick:



Signed on: 01/29/2021 11:49

Signature

Date



February 1 2021

Madison Harris
Town of Minturn
301 Boulder Street #309
Minturn, CO 81645

Transmitted via Email: planner1@minturn.org

Subject: Minturn North PUD Referral

Dear Ms. Harris,

Thank you for the opportunity to provide referral comments on the Minturn North Preliminary Plan for a Planned Unit Development (PUD) and Zone Change (the "Project") on behalf of the Eagle River Water and Sanitation District. Upon our review of the application materials provided by the Town, we submit the following comments:

- On November 5, 2020 we submitted an Ability to Serve letter to the Town requesting that the Town limit the issuance of building permits to no more than 85 net new SFEs effective from the date of that letter until the new Dowd Lift Station is operational due to current capacity limitations at Dowd Lift Station #4. The November 5, 2020 letter referenced 162 SFEs for the Project based upon our understanding of the project at the time. Upon review of the application materials, the District is now aware that the maximum allowed density for the Minturn North PUD could be as high as 184 SFEs. I can confirm that the District will be able to provide wastewater service for the maximum density of 184 SFEs subject to the completion of the Dowd Lift Station project.
- The District is currently reviewing wastewater collection system infrastructure plans submitted by the Applicant and has requested a hydraulic analysis of the proposed wastewater collection system improvements. Further changes to the design and layout of the proposed wastewater collection system infrastructure submitted by the Applicant may be required as we continue our review.
- The Applicant is proposing the use of a privately owned and operated low pressure wastewater forcemain system to provide service to eight "estate" lots. If this determined to be an acceptable alternative to the use of a gravity main to provide wastewater service to the estate lots, the Applicant will need to provide an appropriate mechanism to assign responsibility for financing, operation, and maintenance of the private system serving those eight estate lots such as a separate homeowner's association for the lots that utilize the low pressure wastewater forcemain system.
- Service to the Project requiring the extension of mainline infrastructure is subject to the District's Infrastructure Acceptance Process outlined in Article IX of the District's Rules and Regulations. Following the construction of wastewater collection system infrastructure by the Applicant and subsequent dedication of the infrastructure to the District, individual customers may connect to the wastewater collection system for service subject to the payment of all applicable impact fees.

The District appreciates the opportunity to comment on the proposed Minturn North PUD. Please contact me if you have any questions or need any further clarification on the above comments.

Sincerely,



Jason Cowles
Director of Engineering and Water Resources



461 Railroad Ave, Unit C
PO Box 1477
Gypsum, Colorado 81637

970-827-5406
info@erwc.org
www.erwc.org
Tax ID#: 20-4448864

Advocates for our rivers

Madison Harris
Planner 1, Town of Minturn
planner1@minturn.org
970-827-5645 Ext. 2

RE: Referral comments for Minturn North PUD Plan

Dear Ms. Harris,

Thank you for the opportunity to provide comments regarding the Minturn North project. The Eagle River Watershed Council (ERWC) advocates for the health and conservation of the Eagle River and its tributaries in order to protect and enhance the high-quality natural and human values provided to our communities by rivers. Vigorously protecting our aquatic systems ensures they will continue to provide their numerous social, economic, and ecosystem benefits in perpetuity. Although a project like Minturn North will impact the community of Minturn in variety of ways, our comments remain specifically concerned with potential impacts to stream and aquatic ecosystem health.

The project application proposes a variety of housing types and higher residential densities laid out between Taylor Street and the Minturn Road/County Rd. The proposal has many exciting aspects, including redevelopment of brownfields, clustering new development near Minturn’s existing urban core, and maintaining or improving public access to public lands and trails in Game Creek. ERWC applauds the developer’s consideration of these values in planning. We have identified some specific concerns with the initial design related to stormwater systems and stream buffers around Game Creek.

Although it is too soon to assess the final stormwater plan until the development has reached a finer design resolution, the proponents’ general preference to rapidly route stormwater to receiving streams without onsite treatment or infiltration is highly worrisome. We hope that final stormwater systems will instead be optimized to target water quality improvement prior to discharge to the Eagle River, and not solely designed around meeting hydrologic milestones for detention and runoff attenuation. We also hope that riparian protections around Game Creek will be enhanced more explicitly described in final approvals.

Stormwater

In the Drainage Report, project designers have specified a design that promotes rapid conveyance to receiving streams as the priority for stormwater systems.

“It is understood that detention will not be provided as part of the Project. The goal of this Project will be to effectively convey the drainage to Game Creek and the Eagle River prior to the peaks of those drainages reaching the Project area.”

– Wright Water Engineers Drainage Report, page 13

We find this design paradigm as currently described in the project to be conceptually deficient and socially out-of-step with the general trend being pushed in Eagle County projects towards favoring increased onsite treatment, detention, and infiltration of stormwater via Low Impact Design/Green Infrastructure techniques, rather than rapid routing of stormwater to receiving watercourses. The

overarching goal of the project's drainage design should be decreasing connected impervious areas, not increasing them.

As the wounds of Colorado's mining history and other point source pollution issues in mountain towns have been addressed over time, urban runoff has moved forward to become a central driver of water quality degradation. Urban and suburban runoff, in addition to delivering pollutants to receiving waters, cause physical changes to surface waters as a result of the volume and energy of stormwater discharges. Further, scientific literature implicates common pollutants in urban runoff from impervious surfaces (primarily roads and highways, parking lots and roofs) as a key factor in water quality degradation (Schueler2003).¹ "Urban Stream Syndrome" is a term used to describe the consistently observed ecological degradation of streams draining urban lands and generally includes the following symptoms: riparian buffer degradation, water chemistry changes, temperature changes, a 'flashier' runoff hydrograph, altered base flows, and instream habitat alterations.²

While it is understandable that this project does not wish to be responsible for water quality treatment and infiltration of stormwater originating from large hillslopes northeast of Taylor Street (i.e., basins OS1 – OS7 described in the Drainage Report), the project should absolutely be responsible for enhanced stormwater treatment for runoff originating in basins S4, S2, and the lower portions of S1 (A3-5 and B1-15 in the Proposed Condition Drainage Map). It is these basins that will be subject to the large increases in impervious surface area and associated new pollutant loading from urban residential land use practices. It should no longer be considered acceptable in planning and design to directly route polluted runoff to receiving streams from developed areas. Decreasing, not increasing, the amount of directly connected impervious surfaces should be a primary design paradigm for the project. Implementing these concepts may require dedication of significantly more aerial coverage within the developable project space than the proponents have contemplated within their current design. On the other hand, failing to implement these concepts may result in very significant future monetary and social costs to Town of Minturn and the greater community in the event of water quality degradation in receiving streams down the line. Although ERWC recognizes that neither of these streams are in entirely pristine conditions within town boundaries, lower Game Creek and the Eagle River in Minturn should not be viewed merely as convenient effluent endpoints for untreated stormwater runoff from new developments. Taken in sum, new projects currently underway or being contemplated in Maloit Park, the Martin Creek area, North Minturn/Taylor Street, and Dowd Junction represent a significant transformation of pervious surfaces to urban/impervious surfaces in the valley, and the potential for cumulative effects to the Eagle River and its tributaries should not be underestimated.

Within the last decade in Vail and Avon, adverse water quality impacts to aquatic life have been identified and increasingly linked to near-stream suburban and urban development, increases in near-stream impervious areas, and lack of functional riparian buffer.³ Gore Creek and the urbanized portions of small tributaries like Red Sandstone Creek were placed on the state's 303(d) of impaired waters. The Town of Vail is currently investing several million dollars in attempted corrective actions including reclamation of riparian buffer right-of-ways, restoration of degraded riparian vegetation, and enhanced stormwater treatment systems. Partner organizations like ERWC and Eagle River Water & Sanitation District (ERWSD) have invested significant time and resources in addressing these issues as well. It would be a short-sighted loss to inflict similar impacts to Game Creek and the Eagle River in Minturn, when the knowledge and regulatory tools and opportunities already exist to proactively avoid this type of

¹ Schueler, T., 2003. Center for Watershed Protection. Impacts of Impervious Cover on Aquatic Systems.

² Walsh, C. J., Roy, A., Feminella, J., Cottingham, P., Groffman, P., Raymond, M., 2005. The urban stream syndrome: current knowledge and the search for a cure. The North American Benthological Society.

³ Leonard Rice Engineers. 2013. Gore Creek Water Quality Improvement Plan. Report prepared for Eagle River Watershed Urban Runoff Group.

water quality issue. Retrofitting water quality improvements and riparian protections in the future to address regulatory water quality impairments is very expensive and can be avoided. In terms of stream and river protection, the adage ‘an ounce of prevention buys a pound of cure’ is highly applicable.

ERWC recognizes that just beyond the project boundary, Game Creek was long ago covered over by the railroad company and what used to be a lively natural stream confluence is now represented by several hundred feet of steel pipe. At some point, lower Game Creek could be fully daylighted and no longer sit as the forgotten barrier to aquatic organism passage that it currently is. In keeping with this vision, it is better to push for the best possible stream-friendly stormwater systems in the new neighborhood, so that if opportunities arise in the future to reconnect the lower creek, the community is already well- positioned to take advantage of them and not further hamstrung by non-treated stormwater issues tied to the Minturn North development.

Alluvial Fan Geomorphology and Flood Hazard/Fluvial Hazard Risk

The north portion of the project area straddling the mouth of Game Creek canyon lays atop an alluvial fan formation. Alluvial fans are fluvial geomorphological features that form when steep streams suddenly decrease in slope at valley mouths and the stream water no longer has the ability to carry the sediment load accrued from erosion and mass wasting in the upper watershed. Prior to interference and hardening of watercourses during western settlement, streams on alluvial fans typically and regularly moved their channels back and forth across these features on a relative short-time scale as their sediment transport capacity suddenly decreased from confined upstream reaches and the sediment load is deposited on the lower-gradient fan, causing channel fill and lateral movement.

The fan feature, which is a distributory stream channel type, is clearly identifiable in the high-resolution topographic survey completed for the project and included in the ‘Existing Conditions Drainage Map.’ In this context, we believe the application errs in describing the north portion of the site as ‘minimal flood hazard’. Several relict/inactive paleochannels appear present in the surface topography on this map, indicative of shifting outflow channels in the relative recent geologic past. Although Game Creek has been in its current location since at least 1960 (based on review of aerial photographs available from USGS Earth Explorer web application) and likely longer since the railroad construction circa ~1887, this is a relatively short time period for inferring stream channel stability. The project proponents have also proposed an additional culvert stream crossing for Icehouse Road. In a very high flow event, culvert crossings are much more likely than bridges to become plugged either with sediment debris or woody material, raising flood heights far beyond those estimated by clearwater inundation models like HECRAS, or triggering an avulsion event into the neighborhood.

Traditional flood hazard analyses that consider only flood inundation elevations from clearwater flows may greatly underestimate the risks for channel avulsion and non-clearwater flow events such as sediment or debris flows to rapidly shift a water course on fan features, triggering large damages. Although alluvial fans do not have a wide floodplain like a traditional valley-bottom river, they should not be considered free of stream-related hazard due to their relatively high risk for channel avulsions. Increasing amounts of flood-related damage and financial loss to human developments located outside of traditional FEMA flood hazard zones in recent years have prompted the Colorado Water Conservation Board (CWCB) to issue a mapping protocol and guidance/education to communities about fluvial hazard zones.⁴ These materials, in conjunction with further guidance from FEMA, suggest that channel avulsion hazards and non-traditional flood risk on features like alluvial fans should not be treated lightly.⁵ CWCB staff has suggested in addition to municipalities considering more stringent zoning and planning in these areas, that

⁴ <https://www.coloradofhz.com/about>

⁵ FEMA. 2016. Guidance for Flood Risk Analysis and Mapping: Alluvial Fans. Guidance Document #75.

it may be highly appropriate to encourage residents in fluvial hazard zones to purchase flood insurance, *even when they are not in the traditionally mapped Special Flood Hazard Zone* (i.e., not in the 100-year floodplain).

Riparian Buffers

By far the simplest, most robust, and most cost-effective method to protect water-resource related community values like water quality, instream aquatic life, flood attenuation and protection, and animal habitat, is to provide strong, enforceable protections and setbacks for riparian corridors on our valley's streams. The PUD application specifies future creation of a Riparian Corridor Plan to protect aquatic and terrestrial vegetation resources in the Game Creek riparian zone, but we found few additional details available as to the scope and intent of this item. We believe the application can be strengthened by increasing riparian buffer widths and providing stronger specific language on riparian protections, as well as removing the Icehouse Road culvert crossing from the plan.

Minturn Town Code Appendix B, Section II article C describes setbacks guidelines for water bodies including the Eagle River as well as tributary creeks and wetlands, and generally encourages setbacks to be conformant with water resource protection goals and objectives outlined in the Eagle River Watershed Plan. Unfortunately, the code does not further-identify or mention specific actual distances that target protection of water quality or habitat based on best-available science. For comparison elsewhere in the valley, Eagle County currently specifies a 75' setback from surface waters. Town of Eagle specifies a 50' setback, and may revisit city code in the future to increase this distance. Town of Vail currently promotes a tiered approach, with larger setbacks on the mainstem of Gore Creek and somewhat smaller setbacks on tributary streams. Vail's planning guidance recommends a 30' setback from stream center on smaller tributary streams, but in the near future they may consider adopting a 10' minimum prohibition of clearing or disturbance to riparian vegetation from the stream's ordinary high-water mark (defined by the 2-year return flow elevation) plus an additional 25' setback for buildings.

In general, the vague character of Minturn's current code makes it comparatively deficient to other local peer governments in terms of tangible stream protections and could benefit from updates that are more reflective of current scientific water quality guidance. Because the PUD process provides municipalities with a degree of flexibility in variances to code, opportunities exist to specify designs that meet *or exceed* current town code. This provides Town of Minturn with a suitable opportunity to require more-stringent water quality protections than existing ordinance language might require for Minturn North.

Based on estimates from the application's Environmental Impact Report Figure 2 ('Site Plan') the current stream buffer on Game Creek appears to be approximately 25' on either side of the creek centerline. Depending on the additional provisions governing landscaping and building envelopes on the adjacent lot and the parking areas and community park, this may be an inadequate distance both to protect water quality and to preserve native streamside vegetation communities. We recommend increasing this distance and providing enforceable guidance for riparian vegetation protection to prevent encroachment by streamside landowners or park users. This will ensure that Game Creek's riparian corridor continues to preserve its existing functions of stormwater pollutant attenuation, flood shear stress dissipation and bank stabilization, and habitat and movement corridors for terrestrial and semi-aquatic animal species. This issue is likely to impact Lots 080, 086, 087, 091, Icehouse Road, and the Lot A-East Park and Lot-A West trailhead parking.

Within a riparian setback, no clearing, alteration, removal, or disturbance of native vegetation should be allowed, especially the current existing woody *Populus-Salix* (willow-cottonwood) communities. It is further recommended that these setback corridors are maintained as fully undevelopable right-of-ways and ownership is transferred either directly to the town as a condition of project approval, or maintained

as undevelopable open space in perpetuity within the subdivision HOA legal entity. Use of landscaping chemicals including pesticides and herbicides should be prohibited at streamside locations and limited on the edges of the buffer. Non-native plantings and turf grasses should be prohibited as well. This protects both the habitat value provided by the vegetation, as well as the flood attenuation and water quality-protective benefits of the buffer. Disturbance or encroachment for water, sewage, or transportation infrastructure should be minimized or avoided whenever possible. Even within an undeveloped setback, the incursion of soft surface trails, pedestrian access, pets, etc., will likely permanently diminish the areas' values for terrestrial and aquatic-dependent wildlife. ERWC recognizes that within municipal areas, protecting water quality and realizing socially desirable values like stream access will sometimes outweigh additional aquatic-dependent values like wildlife.

The biological assessment and wetlands mapping identified 0.36 acres of wetland within the project site adjacent to Game Creek and generally specified prohibition of development within this zone as the primary mitigation strategy. The proposed Icehouse Road crossing will incur some level of wetlands encroachment and filling, for which the proponents have identified purchase of credits in a wetlands bank as the preferred mitigation route. It should be noted that no mitigation banks exist in the Eagle River watershed, therefore purchased mitigation credits will accrue out-of-basin and provide no ecological or social benefits locally to the Eagle River watershed generally or in Minturn specifically. Additionally, banking systems sometimes fail to produce functional benefits equal to the loss of the existing naturally-functioning wetlands they replace. We question the need generally for access to the parcels north of Game Creek by an additional road crossing closely parallel to the existing County Road. The proposed cul-de-sac location and design for the larger 'estate' lots north of the creek could be reconfigured to access the County Road directly and forgo the need for incursion to the existing stream channel, wetlands, and riparian buffer.

If a separate access to the north lots is desirable by the town and a new stream crossing for the project becomes a forgone conclusion, we believe the culvert design should be discarded in exchange for a bridge that spans either the full width of the 100-year flow delineated by the engineering analysis, or the full width of the mapped wetland corridor and riparian vegetation community, whichever distance is greater. In addition to providing a much higher level of ecological protection of the Game Creek corridor than the proposed culvert, this will also provide stronger protections against a debris blockage during high flow events that may cause channel avulsion or direct flood flows into the nearby residential parcels and will cleanly avoid the significant aquatic organism passage (AOP) problems posed by the culvert. Based on rough estimates from the provided engineering drawings, this span is likely to be in the range of 30-40 feet. For the same set of reasons (ecological enhancement/AOP, sediment transport, and increased flood clearance), we strongly recommend the town require replacement of the existing County Road culvert with a free span bridge at that location as well. It is also worth noting that the currently estimated capacity of the County Road culvert and the steel pipe under the railroad are both well below the 100-year return period storm flow estimate provided in this application for Game Creek, meaning that even without the infrastructure changes proposed by this project, the County Road crossing and lower culvert under the railroad property is currently at high failure risk during flood flows.

Additional water quality monitoring for streams above/below project site boundaries

Eagle County and other municipalities have more recently begin to implement water quality monitoring requirements for many new developments in the region in order to transparently and publicly identify and track potential water quality impacts from continuing urbanization. Implementing stream monitoring locations above and below the developments provides bracketing of project impacts and the ability to separate out background influences on water quality from impacts specific to the project. We recommend Minturn consider adding a stream monitoring requirement to the project approval that specifies sufficient funding for field data collection, lab analytics, and public reporting. Monitoring should seek to establish

baseline conditions prior-to and during project build-out, and for at least five years after final project completion. Data collection and analysis should follow an approved QA/QC plan and be archived in a public-facing long-term repository such as the CDSN AWQMS database or the EPA/USGS Water Quality Portal. If specific impacts such as declines in aquatic life index scores or other water quality metrics related to urban runoff are identified and reasonably tied to the project, sufficient contractual and financial obligations should be placed on the developers as project approval requirements in order to require construction of additional water quality improvement BMPs onsite at their expense.

Closing


Thank you for providing the opportunity to comment on this project. We look forward to the additional level of detail in any continuing development plans to better-understand the full level of aquatic impacts that may arise as Eagle continues to grow along the river corridor. If you have additional questions on our comments or require additional information, please contact ERWC at your convenience.

Sincerely,

Holly Loff
Executive Director
970-827-5406
loff@erwc.org

Bill Hoblitzell
Water Resources Program advisory staff
970-471-6216

MEMORANDUM

TO: Madison Harris, Planner 

FROM: James A. Mann, Senior Municipal Advisor

DATE: January 30, 2021

SUBJECT: Minturn North Planned Unit Development Review

Ehlers has been requested to review the documents submitted respecting the proposed Minturn North PUD. Based on the development plans, it is understood that 92 single-family residential units and 24 multi-family residential units will be constructed resulting in 348 new Town residents. It is anticipated that the development will generate approximately \$119 M of market valuation and will be completed over a four-year build out period.

While Ehlers has not reviewed every document in the files transmitted, we focused our attention on the following documents for both an understanding of the development and the technical information regarding the impact to the Town:

- MinturnNorth_PUD_20-0925 (Civil Designs)
- secIII-DG-Draft-20-0925 (Design Guidelines)
- secII-MINTURN NORTH PUD GUIDE (Overview)
- secIV-MINTURN NORTH SUBDIVISION IMPROVEMENT AGREEMENT
- secVII_a-2020.08.19 Minturn Crossing - Traffic Impact Study (1)
- secVII_b-Impacts_Draft 2 (2) (Potential Incremental Town Revenues)
- secVII_b-NORTHMINTURN_IMPACTS2020_DRAFT2 (2) (Revenue Detail)

While we reviewed the above documents, the majority of our comments are related to the Minturn North Subdivision Improvement Agreement and the potential incremental town revenues and the revenue detail that was provided in the analysis prepared by Stan Bernstein and Associates, dated September 14, 2020.

We do note that there appears to be some disconnect between projection documents on the overall build-out of the proposed development. As an example, the Traffic Impact Study references a build-out trajectory of 65% by 2025 and then completion over the next 10 years, while the financial projection assumes build-out completion by 2024 (2025 if delayed one year). Absorption based on the planned financial impacts may result in the increase traffic counts ahead of what is included in the Traffic Impact Study.

In respect to the Subdivision Improvement Agreement, we offer the following comments:

1. Improvements to be Completed - No Comments
2. Time of Completion - proponent if given broad authority to complete the construction in up to two phases, however there is no stipulation of when the proponent must commence the first phase. Town may wish to consider a start date, that if not met, null and voids the agreement and approvals.
3. Restriction on Building Permits - No comments

4. Partial or Full Release of Plat Restriction – suggest that the lifting of any plat restriction be undertaken with on a letter of credit, bond, cash, or cashiers check in the amount of an engineers estimate of the remaining improvements for that particular phase. A 10% position would not leave the Town adequate resources to complete the improvements. Further, would not suggest than any other “substituted security” or “collateral” be accepted.
5. Responsibility for Utility Installation – suggest the elimination of the statement referencing “...to the extent such utilities can be moved by exercising reasonable efforts...” Reasonable efforts is an extremely broad term and can be interpreted in many different ways.
6. Collateral – collateral should only be in the form of a letter of credit (from a financial institution agreed upon by the Town), bond, cash, or cashiers check.
7. Legal Encumbrance – Town may wish to consider that the approvals are not transferable to another proponent without the Town’s expressed consent.
8. Execution – No Guarantee – No comments.
9. Enforcement – No Comments
10. Blank
11. Standards for Acceptance – no comments
12. Preservation of Other Remedies – no comments
13. Stipulations – no comments
14. Section Headings – no comments
15. Additional Provisions: Vested Rights – 30 years seems to be excessive.
16. Additional Provisions: Model Homes – no comments
17. Additional Provisions: Phasing of Impact Fees – no comments
18. Additional Provisions: Limitation on Fees and Increases – Suggest that the Town reject the ability to raise or implement additional impact fees.
19. Additional Provisions: Impact Fee Recovery – if any impact fee recovery is to be afforded proponent, suggest that a metric be defined to identify the proper percentage of reimbursement. 40% would suggest that the improvements identified in the development exhibits will serve an additional 77 residential units.
20. Additional Provisions: Buffer Tracts – no comments
21. Additional Provisions: Preliminary Plan; Subsequent Final Plats – no comments
22. Additional Provisions – no comments
23. Cost Recovery – suggest rejection of this provision, unless there is new construction that will benefit from the improvements (See comments under sub 19)
24. Rights of Way – No comments
25. Limitation on Increases on Use Taxes – suggest rejection of the provision
26. Administrative Changes to the Final Plat – suggest rejection of the provision
27. Amendment – no comments
28. Notice and Cure – no comments
29. Assignment – suggest any assignment be at the expressed consent of the Town
30. Headings for Convenience Only – no comments
31. Entire Agreement – no comments
32. Severability – no comments
33. Final Plat Approval – no comments

In respect to the report on “Incremental Town of Minturn Revenues, and General Fund Expenditures, By Individual Accounting Funds” report, and supporting documentation, we offer the following comments:

- It does not appear that a market analysis has been undertaken to support either the planned absorption or the estimated values to be generated from the development. This document would be helpful in determining the validity of the numbers presented.
- Ehlers does not question the methodology used by Stan Bernstein and Associates related to the revenue and expense forecasting, however as it relates to several conclusions' the Town may wish additional consideration for:
 - Additional personnel and equipment that may be necessary to meet the service needs of an additional 348 new residents and over what time frame
- The analysis assumes that 80% of the units will be occupied for a full year. The occupancy analysis should be further explored to ensure that the number is accurate. A review of the 2015-2019 Census data identifies that Eagle County as a whole has a 69.8% owner occupancy rate. The assumption used in the analysis should be confirmed.
- Based on the conclusions respecting the General Fund, it would appear that there will be a revenue net benefit from the development
- It would appear that there will be additional Capital Fund dollars available for town-wide improvement. As the improvements within the development will presumably not require significant maintenance in years 1-10, the funds will be available for other areas of the town.
- The calculations utilized for the Water Enterprise Fund do not reflect the Town's current rate methodology and thus are not accurate. Suggest that the analysis be updated to reflect current rate methodology and charges.

Other than the suggestion that the project absorption and values be supported by additional information, owner occupancy percent confirmation, and the updating of the benefit to the water enterprise, Ehlers believes that the from a pure financial position the project would appear to be a net benefit to the Town. This does not take into consideration the comments made regarding the Subdivision Improvement Agreement.

MEMORANDUM

January 31, 2021

TO: Michelle Metteer & Michael Sawyer, Esq.

FROM: Meghan N. Winokur (Holland & Hart) & Cristy Radabaugh, P.E. (Martin and Wood Water Consultants, Inc.)

RE: Comments on North Minturn PUD Consumptive Use Analysis
34284.0014

On behalf of the Town of Minturn, this memorandum sets forth the combined comments of Holland & Hart LLP and Martin and Wood Water Consultants, Inc. on the North Minturn PUD Consumptive Use Analysis dated December 18, 2020 prepared by Wright Water Engineer, Inc. (“WWE Report”). The WWE Report was prepared on behalf of Minturn Crossing, LLC (“Minturn Crossing”), which is proposing to acquire an 18-acre parcel from Union Pacific Railroad (the “Property”) and obtain developable lots that will be sold for individual development (the “Development”).

Our comments on the WWE Report are addressed in turn as follows:

Section 2.2: Minturn Crossing and the Town must agree upon a definition of Accessory Dwelling Unit (“ADU”) for purposes of the Development and assign an SFE unit to be used for ADUs. If the Eagle River Water and Sanitation District’s definition of an Efficiency or Studio Unit is to be relied upon for the Development, then it must be made clear in all Development planning documents that ADUs are limited to one room with an integral Cooking Facility (as defined in the ERWSD Rules & Regulations) and one bathroom. We agree if ADUs are limited accordingly, then it is acceptable to define an ADU as being equal to 0.5 SFE. If, however, a less restrictive definition of ADU is to be used for the Development, then there should be an independent analysis of the associated water demands to determine the proper SFE designation.

Section 2.3: We have confirmed with Town staff that it is acceptable to rely upon the demand assumptions that SGM used in the Capital Improvement Plan (“CIP”) for the Town in determining the water demands for the Development.

Section 2.4: We understand that six mobile homes located on the Property are currently provided with Town water service. We agree it may be appropriate for this existing use to offset additional demand associated with the Development but it seems likely that the use per mobile home is less than one SFE.¹ The Town may be willing to agree to a six-SFE offset for purposes

¹ Our comments focus on water demands and offsets for existing use, not on the calculation of System Improvement Fees and Tap Fees.

of determining what additional demands are associated with the Development, if the Town's other technical concerns with the WWE Report are addressed to the Town's satisfaction.

Section 2.5: The Town may agree it is preferable that drought tolerant vegetation be required within the Development. However, we wish to point out that drought tolerant plants do not necessarily have a lower watering requirement than non-drought tolerant plants.

Section 3.0: We agree with the SFE definition that is relied upon in the WWE Report. If any lots will have residences that exceed 3,000 square feet, then more than one SFE would need to be assigned to each such lot.

Section 3.0: Table 2: We have two comments on Table 2. First, we would prefer a footnote be added clarifying that only 2,000 square feet of the pervious area may be irrigated. This is a critical fact and we want to assure it is absolutely clear that pervious areas exceeding 2,000 square feet per lot cannot be watered. Second, we recommend that the Development approvals and homeowners association covenants explain the intent and guidelines for the pervious areas that may not be irrigated. For example, will such areas be non-irrigated native vegetation, gravel or mulch?

Section 4.0: The demand estimate figures must be revised to account for all water uses, including but not limited to uses within parks, public restrooms, the "pea patch", community gardens, and open space areas. Such figures must also be expressed in the manner that the Town requires in order to evaluate its ability to serve water and to consider the augmentation requirements associated with the development. Outdoor water use for vegetation should be assumed at an application rate of 17 inches per year with an estimated loss of 20% between the point of diversion and place of delivery.

Section 5.0:

- An indoor consumptive use assumption of 5% of water deliveries is acceptable to the Town. However, please note that indoor use deliveries are 100% depletive to the stream until un-consumed water is returned to the river at the Avon wastewater treatment plant outfall. This does not impact the consumptive use analysis itself but will impact the augmentation requirements associated with indoor uses. We want to make sure Minturn Crossing is aware of this fact.
- An outdoor consumptive use assumption of 85% of water deliveries must be used. This is a standard assumption and consistent with the assumptions used in the Town's approved plan for augmentation in Case No. 07CW225. This revision will have a significant impact on WWE's analysis, and Table 5 must be revised accordingly.
- The WWE analysis can consider a 20% system loss between the point of the diversion and place of water delivery.

- Table 5 should include consumptive use (or impact to the river) as an average annual volume calculated at the following locations: 1) point of diversion, 2) place of delivery (the Development), and 3) below the Avon wastewater treatment plant. The table should include water volumes associated with the entire Development, including residential use and public spaces. The Town will consider these values in its assessment of the payment for cash in lieu of water rights per Ordinance No. 02-2018.
- See below for more information on residential use per SFE, based on the CIP water use values.

**Table 1
Town of Minturn Residential Water Calculations per SFE**

Diversions		
Diversions for Indoor Use per SFE	0.20	af/yr water diversion
Diversions for Outdoor Use per SFE	0.09	af/yr water diversion
Total Diversions	0.29	af/yr water diversion
Deliveries		
Indoor Delivery per SFE	0.16	af/yr water delivery
Outdoor Delivery per SFE	0.07	af/yr water delivery
Total Deliveries	0.23	af/yr water delivery
Consumptive Use (after wastewater return flows reach the Eagle River)		
Indoor CU per SFE	0.01	af/yr water consumption
Outdoor CU Per SFE	0.06	af/yr water consumption
Total Consumptive Use	0.07	af/yr water consumption

- Outdoor use deliveries should be assumed to be 17 inches per year and applied to the anticipated size of irrigated areas.
- The Town will consider the proposed equivalents for non-residential water use based on reasonable engineering assumptions, such as an SFE equivalent associated for public restrooms. The Town does not have an SFE or EQR schedule.

Section 5.1:

- The consumptive use estimate should not be reduced based upon the use of efficient fixtures or the extent of proposed irrigation within the Development. First, the irrigation proposed is 2,000 square feet per lot, which is the maximum allowed per SFE. We recognize that drought tolerant plants are proposed to be required, but even if a low-water vegetation requirement were imposed, this would still not provide the basis for a credit because no such credit is authorized under the Code, and policing such a requirement would be an undue burden on the Town. Second, the demand assumptions set forth in the CIP and used in Section 2.3 of the

WWE Report already consider the use of some water-saving fixtures. It would be inappropriate to give a credit twice for efficient fixtures.

- The proposed temporary irrigation of parks and open space areas has not been accounted for in the consumptive use analysis. Further, we would expect the Town will require at least some permanent irrigation of certain areas within the lands designed for parks and open space uses. Finally, indoor use in all bathroom facilities within public areas such as parks and open space areas must be included in the consumptive use analysis. We do not anticipate that the Town would approve the Development with no permanent irrigation within parks and open space areas. Minturn Crossing needs to work with the Town staff concerning this issue, and the WWE Report should be revised accordingly.

Section 6: As described above, the Town does not agree to Minturn Crossing's proposed assumptions on the lack of irrigation needs for parks/open space, consumptive use (because outdoor use is 85% consumptive and was not considered in the WWE calculations), or credit for water-efficient fixtures and irrigation parameters.

The Town has temporarily limited its future development approvals to 70 SFEs. The WWE Report does not specifically address the phasing associated with the Development, but it is worth repeating that this entire project cannot be served in the immediate future by the Town's water supplies and water system.

Please let us know if you have any questions regarding our comments on the WWE Report. We look forward to evaluating the water demands and consumptive use analysis for the Development in more detail after we have received the additional and revised information described above. Finally, we strongly recommend that Jonathan Kelly, P.E. of Wright Water Engineers review the WWE Report and revised analysis requested herein, as we understand that Mr. Kelly has significant expertise in evaluating water demands and consumptive use calculations for proposed new developments.



Memorandum

To: Michelle Metteer, Minturn Town Manager

From: Cristy Radabaugh, P.E. (Martin and Wood Water Consultants)
Meghan N. Winokur (Holland & Hart)

Date: March 22, 2021

Subject: Comments on North Minturn PUD Consumptive Use Analysis dated March 10, 2021

On behalf of the Town of Minturn, this memorandum sets forth the combined comments of Holland & Hart LLP and Martin and Wood Water Consultants, Inc. on the North Minturn PUD Consumptive Use Analysis dated March 10, 2021 prepared by Wright Water Engineers, Inc. (WWE Report). The WWE Report was prepared on behalf of Minturn Crossing, LLC (Minturn Crossing), which is proposing to acquire an 18-acre parcel from Union Pacific Railroad (the Property) and obtain developable lots that will be sold for individual development (the Development). We appreciate that the WWE Report incorporates our past comments.

Our comments on the WWE Report are provided below.

Sections 2.1: The Developer has addressed in the WWE Report that accessory dwelling units (ADUs) are actually “accessory apartments” under Minturn’s code. The PUD Guide needs to be clear that the ADUs will meet the “accessory apartment” definition and be attached structures limited to 750 square feet with one bathroom and one kitchen. We suggest adding a note to Figure 4.1 explaining the ADUs and adding the explanation also to the text of the design guidelines.

Section 3.1 and Section 3.4 : Phase 1 is proposed to include 70.5 SFEs for residential uses and 30,266 square feet of outdoor spaces with irrigation water needs. This is in excess of the 70 SFEs that the Town can approve for water service under the growth moratorium. Under the moratorium, the Town considered existing constraints regarding its treatment capabilities and legal and physical water supplies. The water use associated with 70 SFEs was determined to be the maximum additional water use that can be approved by the Town for major development projects. The developer needs to reduce or otherwise modify the Phase 1 development request to fit within the moratorium.

The irrigated spaces associated with parks, windrows, and open spaces in the Development are over 90,000 sq ft, and the entire Development should limit the irrigated areas to 280,000 sq ft. Considering the entire Development as proposed, the developer could reduce the

allowed irrigated areas to 1,300 square feet for each of the 140 SFE-lots considered as follows: up to 1,300 sq ft of outdoor irrigation for each of the 68 cottage, compact, and estate lots; up to 2,600 sq ft of outdoor irrigation for the 48 standard lots (based on 1,300 sq ft for each side of the duplex); up to 10,400 sq ft of outdoor irrigation at the three multi-family lots (based on 1,300 sq ft for each unit). Note that there are no additional outdoor water uses associated with the ADUs. Reducing the irrigated areas in this way will allow the Development to stay within the total allowed irrigated area. Alternatively, the developer could modify the proposal to include fewer residential SFEs in Phase 1 and allocate some SFEs to cover the water uses associated with the irrigated parks, windrows, and open spaces.

Section 3.2 Residences: The Development includes lots that will be sold to individual owners for subsequent development. It is necessary that the Lot Type and associated number of SFEs be clearly identified and communicated so that purchasers understand the maximum development potential on each lot. The developer shall keep track of Lot Types that have been sold, the count of each Lot Type that is remaining unsold, and mapping of same. These materials shall be provided electronically to the Town at least twice annually in May and November, or at another mutually agreed schedule, until all lots are sold under each phase of the project.

Section 3.3 Public Restroom: The proposed 1.5 SFEs for a public restroom with two toilets and two sinks is reasonable.

Section 4.0 Consumptive Use Estimate: The data regarding delivery and consumptive use presented in Table 6 is correct, but it appears “At Point of Diversion” values were calculated as “At Point of Delivery” multiplied by 1.2. The “At Point of Delivery” data should be divided by 0.8 to calculate the “At Point of Diversion” results. The difference between the presented data and the revised calculation is fairly small (0.05 af increase for Phase 1 diversions and 0.11 af increase for Phase 2 diversions). This change impacts Tables 6 through 8.

January 29, 2021

Madison Harris, Planner I
Town of Minturn
301 Boulder Street #309
Minturn, CO 81645

RE: Environmental Review of Minturn North PUD

Dear Ms. Harris,

SGM is providing this letter to document our review of the Minturn North PUD application as it relates to potential environmental impacts, on behalf of the Town. As part of this effort, we reviewed the PUD Narrative (GPS Designs 2020), the Biological Assessment and Cultural Records Review (CTL Thompson 2021), the Limited Phase II Environmental Site Assessment (CTL Thompson 2020), and the Environmental Impact Report (EIR; CTL Thompson 2020).

We offer the following as items that could use additional discussion or clarification.

Dust. Much of the PUD is within previously disturbed areas (which is a good land redevelopment practice); however, railyards are notorious for having a variety of potentially harmful constituents from old practices. The EIR should disclose the results of soil sampling (see CTL Thompson Phase II 2020) and provide a description of the level of risk associated with polycyclic aromatic hydrocarbons, elevated arsenic, and other constituents in site soils when mobilized during construction, or how these constituents would be remediated through removal. The EIR should also discuss a dust control plan to control particulate matter mobilization, especially given the close proximity to residential areas.

Game Creek Protection. Game Creek is a locally important waterway. CPW has documented brown trout (*Salmo trutta*), rainbow trout (*Oncorhynchus mykiss*), and at one time native cutthroat trout (*Oncorhynchus clarkii*) as occurring various segments of Game Creek. The Biological Assessment should provide a discussion of direct, indirect, and cumulative impacts to fisheries and riparian habitats along Game Creek. A discussion of stormwater controls and how drainage from the PUD, and drainage from the roadway crossing and adjacent trailhead parking lot should be presented to ensure that stormwater or drainage flows are not directly delivered to Game Creek. Given the proximity to both Game Creek and the Eagle River, we would recommend stormwater flows are somehow treated (such as use of vegetated discharge ways to help with fine sediment retention, or a dry well installation to help settle out oils, sediments, etc.), prior to discharging into either waterway.

Big Game. A portion of the PUD area occurs within CPW-mapped Elk Severe Winter Range, and based on the application, the proponent would be encouraging and promoting the use of local trails. The Biological Assessment and EIR should review CPW big game data and present a discussion on direct, indirect, and cumulative impacts, especially where more critical habitats (such as Severe Winter Range, or Winter Concentration Areas) are concerned.

At this time, elk populations in this area are seeing unprecedented population declines of around 60 percent over the past 10 years. One theory is that expanded recreational pressures are driving down calf survivorship and calf recruitment. At the very least, a wintertime closure of area trails should be used to prevent disturbance and indirect impacts to wintering elk in the area. Further, with the PUD being within elk Severe

Winter Range, it is inevitable that loose or uncontrolled dogs, or even barking dogs will either directly or indirectly impact wintering elk in the area. Wintering elk are already on a calorie-deficient diet, and harassment by dogs (or humans hiking or skiing through the area) puts additional stress on elk (and deer), which are already physiologically stressed due to winter conditions. The Applicant should provide a plan to prevent dogs from harassing elk, and a plan on how to minimize human impacts on elk wintering in the area. We would encourage the Town and Applicant to meet with CPW to discuss impact issues to big game species, especially in the greater context of indirect impacts and recreational impacts across the Minturn valley.

CPW Species of Greatest Conservation Need. There are other CPW listed Species of Greatest Conservation Need (SGCN) occurring in the area. The EIR and Biological Assessment should review those species and discuss direct, indirect, and cumulative impacts.

Black Bear. The project occurs within black bear (*Ursus americanus*) habitats, and a CPW-mapped Bear-Human Conflict Area; black bears are already known to be an issue in Minturn. The Biological Assessment and EIR should discuss potential black bear issues, and the PUD and development guide should provide “best management practices” to reduce the risk of bear encounters, such as no bird feeding in the summer months, no fruit-bearing trees or shrubs, no feeding pets outside, and use of bear proof trash containers. Bears will be an issue for the PUD, and the developer should take proactive steps to minimize the risks to residents and bears. CPW should also be consulted on minimizing bear issues.

Reclamation and Noxious Weeds. The Biological Assessment and EIR documented the presence of several noxious weed species. Early weed treatment through the use of suitable herbicides is strongly recommended prior to the start of construction to begin reducing the density and seedbank in the project area. A noxious weed management plan, with biannual treatments is recommended given the nearby native habitats, and very high likelihood that noxious weeds will expand their presence and spread into nearby habitats. We also recommend a Reclamation Plan that discusses topsoil retention (and testing), erosion control, and long-term vegetation establishment to further reduce erosion and noxious weed issues.

In summary, the application states that there are no “significant” environmental concerns, which is mostly correct; however, there are several issues that are not addressed, and which should be in order to fully inform the Town of potential impacts. The application should provide more adequate disclosures and proposed mitigation of the anticipated impacts to these resources, or the Town should consider including stipulations to address these concerns.

Thank you for this opportunity to provide comments on the project. If you have any questions please feel free to email me at ericp@sgm-inc.com, or I can be reached by phone at 970-309-5190.



Eric Petterson

Environmental Team Lead

Madison Harris

From: Ebbert, Cynthia K -FS <cynthia.ebbert@usda.gov>
Sent: Friday, January 29, 2021 2:05 PM
To: Madison Harris
Cc: Veldhuis, Leanne -FS
Subject: RE: Minturn North PUD Referral

Dear Madison Harris,

Thank you very much for giving the Forest Service the opportunity to comment on the Minturn North PUD proposal. We will continue to remain engaged with the progress of this project since it is adjacent to National Forest lands. At this time, we want to ensure the general public has access to the Game Creek and Cougar Ridge trail system by continuing to provide a trailhead parking lot. It appears this has already been addressed with the potential relocation of the trailhead parking to a nearby area.

We appreciate our relationship with the Town of Minturn and look forward to staying engaged with this project.

Sincerely,
Cindy Ebbert



Cindy Ebbert
Realty Specialist (Acting)
Forest Service
Eagle-Holy Cross Ranger District
White River National Forest

p: 970-274-9912
cynthia.ebbert@usda.gov

P.O. Box 190
Minturn, CO 81645
www.fs.fed.us



Caring for the land and serving people

From: Madison Harris <planner1@minturn.org>
Sent: Monday, January 11, 2021 11:37 AM
To: Veldhuis, Leanne -FS <leanne.veldhuis@usda.gov>
Subject: Minturn North PUD Referral

Dear Ms. Veldhuis:

You are receiving this referral from the Town of Minturn as part of the Town's review of the **Minturn North Planned Unit Development** proposal - a 116 lot residential development where up to 184 dwelling units of varying types and sizes, including accessory dwelling units and multi-family units, would be permitted in two phases along with parks and open space dedications, on- and off-site public infrastructure improvements, and locals' only housing commitments.

The Applicant completed a conceptual review of the proposal in early 2020, and has been working with the Town since March 2020 to bring forth the attached Preliminary Plan proposal.

In order for the Town to facilitate this review:

- Please provide any comments or questions to **Madison Harris, Planner I** at planner1@minturn.org
- The referral period is twenty-one (21) days and **ends on Monday, February 1, 2021 at 5pm.**

The Preliminary Plan review is the second of a three stage review and approval process by the Town for all new, major Planned Unit Development projects.

The referral process is intended to allow our community partners and stakeholders the opportunity to understand the proposal, to assess potential impacts and mitigation efforts, and to provide comment to the Town prior to the plans being reviewed by the Town of Minturn Planning Commission and Town Council.

We welcome your comments and will make ourselves available to meet with you virtually if you have questions.

Please alert Town staff if you require hard copies of any of the Minturn North PUD Preliminary Plan materials.

Here is the link to download the files, please be aware that this link expires on January 18th:

<https://wetransfer.com/downloads/bdba8d691dfb8f06d3ca6d717d165f5820210111182003/242d21c3fae73a301bab54c6061065420210111182004/484159>

Thank you for taking the time to review this proposal.

Madison Harris

Planner I

Town of Minturn

Planner1@minturn.org

970-827-5645 Ext. 2

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Madison Harris, Planner
Town of Minturn
01 Boulder Street, #309
Minturn, CO 81645

January 26, 2021

RE: Minturn North PUD

Dear Madison,

Please see the following comments in response to your request for my review of the Minturn North PUD. I submit these comments in my current capacity as a consultant to the Town of Minturn to provide pedestrian and bicycle multi-use trail planning services.

The proposed Minturn North PUD plan includes a widened sidewalk section that would serve as a route for pedestrians and bicyclists and function as part of the regional Eagle Valley Trail system. My review has focused on this facility with additional minor comments provided on other pedestrian and bicycle facilities proposed for the PUD.

Please advise me if you need additional information or any clarification on these comments provided below.

1. Minturn Road Sidewalk Location and Design:

The proposed EVT sidewalk segment is eight feet wide. Two-way sidewalks intended to serve as routes by bicyclists, solo or groups of pedestrians, with pets or strollers, and joggers or other permitted wheeled devices (e.g., skateboards, etc.) are recommended as 10 feet wide at minimum by AASHTO and CDOT pedestrian and bicycle standards. 8 feet wide may be acceptable for short constrained sections but is considered a one-way route when multi-use is expected and encouraged. Additionally, it is easier to drive a standard-size maintenance vehicle on a 10-foot sidewalk or path, eliminating the need for specialized equipment.

It is advised that the applicant, for the Town's benefit, further amend the roadway design to increase the width of the sidewalk to 10 feet to improve the long-term functionality of the 8-foot width currently proposed, or seek additional property from UPRR to provide additional width.

Parallel parking spaces are proposed adjacent to the sidewalk and may present a challenge for safety and access, with doors opening onto the sidewalk if parking users are encroaching into the concrete gutter pan. Additional sidewalk width may help mitigate this concern. Several Colorado town or city design examples exist where streets have been narrowed to encourage or force traffic calming, with parking provided and ample bicycle and pedestrian routes travel alongside. The current design appears to need refinement and a greater level of detail for the next phase of the review process.

2. Road Crossings and Merging:

An engineer's review and design are recommended for the trail crossing of Minturn Road near Game Creek and revisions incorporated into the construction plans, costs and phasing for the project. The traffic flow and speed on Minturn Road has historically been uninterrupted and it will take some time for a change in habit. Visibility of the crossing location appears to be acceptable but should be reviewed. MUTCD approach and crossing signs, with a crosswalk or other pavement markings provided by the PUD are advised, subject to an engineer's review. A speed table crossing (see West Beaver Creek Road in Avon) might be a beneficial safety feature at this location and help slow traffic down in general as it enters the town.

The plans appear to need refinement where the sidewalk ends near the Taylor Street intersection. On the cover sheet (A01), there appears to be another road crossing proposed where the sidewalk ends near the intersection with Taylor Street. A possible merge into the town-bound road shoulder should be considered for bicyclists at this point as well. Studies of bicycling traffic patterns show that people will use the shortest route

whenever possible and additional review should consider how to anticipate this reality and amend the design to incorporate safety features (signs, markings, etc.) to the extent possible.

3. *Project Timing:*

It's recommended that the construction of the widened sidewalk on Minturn Road be added to the list of Phase I improvements rather than be a part of the undetermined timeline for Phase II improvements. Coordinating with the Town and Eagle County's plans to construct the trail in 2022 or 2023 would be most efficient and likely save on costs for all parties, ensure design compatibility and provide the public benefit in the foreseeable future rather than at an unknown future year with an interim gap in an important community facility.

4. *Game Creek-Minturn Mile Trail Connection:*

My apologies if this item has been addressed in the application as I was unable to find it, but I'm assuming this item has been or will be vetted with neighbors as well as the USFS through this process. I've not provided specific comment.

5. *Ownership and Maintenance:*

Questions and responses appear in various locations in the PUD referral packet regarding proposed ownership and maintenance of certain paths, trails, sidewalks, trailheads, parks and parking in the development. Applicant has proposed that Town take ownership of all infrastructure listed above. No HOA is proposed that might otherwise own and maintain these features, with materials citing that these features might be found in other parts of town and maintained by the Town.

I've attached a list of items customary for path, trail and sidewalk monthly or seasonal maintenance. Personnel and a range of equipment are required for all tasks. The list may be helpful in the conversation between about ownership, maintenance and cost coverage and is excerpted from a recently updated list found in the Eagle County Mid-Valley Trails Plan and similar to the current Eagle Valley Trail Plan. Please see the attached two pages.

It was not clear who will build the internal path that is proposed in-between lots, but applicant will construct the fencing. Is it the applicant's intent that the Town fund the path improvement? The home-front sidewalk construction on streets appears to be associated with the phased costs to be borne by the applicant.

Minturn Road Sidewalk: Snow removal for the sidewalk appears to rely on use of the UPRR adjacent property. Will the lease or sale of property to the developer (and transmitted to the Town) include an additional snow storage area? There appear to be slope and drainage improvements that will be constructed on UPRR property that are affiliated with the road and sidewalk construction. Are those under easement as well and available for snow storage for the trail/road? What commonly occurs on these types of adjacent facilities using a constrained space is snow is plowed onto the sidewalk or trail, and then must be cleared from the pedestrian-bicycle facility. It can laborious and require additional maintenance efforts. This is a maintenance question the Town may want to contemplate and review if public or private property is available for snow removal.

Thank you for your request for my review and please do not hesitate to contact me if you have any questions regarding my comments as submitted.

With kind regards,

Ellie Caryl

Ellie Caryl, Planner/Partner

www.veracitygws.com

Ellie Caryl, Planner/Partner: elliecaryl@gmail.com / mobile: 970-618-2228

Andrew McGregor, Planner/Partner: amcgregor555@gmail.com / mobile: 970-618-0860

Mail/Delivery: 48 Wildwood, Glenwood Springs, CO 81601

- Benches and picnic tables, with shade structures.
- Landscaping.
- Restrooms.
- Drinking fountains
- Bike repair stations

Recommended Trail and Shared Roadway Maintenance Schedule:

The maintenance standards below are recommended as a minimum level that all managing jurisdictions should strive to achieve monthly and annually. These standards are nationally accepted for paved or unpaved trail networks.

MONTHLY:

Sweeping:

- ❑ Sweep paved surfaces, to anticipate higher use levels in early April through mid-November.
- ❑ Sweep trail sections that are heavily impacted by debris from adjacent road gravel or hillsides more frequently, and inspect after storm events.
- ❑ Sweeping is often cited in trail-user surveys as the most deficient item in trail maintenance.

Surfacing:

- ❑ Repair hazardous surface conditions as soon as possible upon discovery. Root heaves, settled areas and holes are very wide cracks are paved surface hazards that can have serious consequences if not corrected.

Drainage:

- ❑ Clean culverts as needed.
- ❑ Correct adjacent areas of poor drainage causing gravel or water to wash over trail surface.
- ❑ Deflect water from singletrack trails to prevent erosion or gully development due to water flow.

Vegetation:

- ❑ During the growing season, perform weed and vegetation control including mowing and clipping up to 2 feet on each side of the trail as needed.
- ❑ Maintain a 10-foot minimum overhead clear zone on paved trails, 8 feet on singletrack trails.

Litter:

- ❑ Empty trash containers as needed.
- ❑ Remove trash from adjacent ground as needed.

Inspections:

- ❑ Inspect trail surface, shoulders and structures such as bridges, walls, signposts every two weeks or each month at minimum. A checklist is a common tool and ensures consistency by varied staff and jurisdictions.

SEASONALLY:

- ❑ In spring, after the snow has fully melted and the paved trail has been swept for the first time, a meticulous inspection should be performed.
- ❑ Perform seasonal inspections of unpaved routes to remove debris and restore trail tread.
- ❑ Repaint trail or road crosswalk or bike lane striping as needed.
- ❑ Install or replace signs
- ❑ Inspect and repair (or add) trail furniture and fencing as needed.
- ❑ Repair and retrofit general trail surface cracks or holes, shoulder erosion, structure damage.
- ❑ Seal-coat to protect asphalt surface to the extent possible. Every 5 years is encouraged to prolong asphalt life.
- ❑ Inspect bridge structures periodically, as recommended by the manufacturer or a structural engineering professional (typically two to five years).
- ❑ Plow trails identified as 4-season routes as soon as practicable after each snow-event.
- ❑ In the case of widened shoulders or specially designated bike lanes on Town, County, State or Federal roads, seasonal maintenance should include restriping, debris clearing, pavement repair of edges and potholes, and chip seals.
- ❑ Clear snow from roadways to the edge of asphalt if possible, to accommodate the use of roadways by pedestrians or winter-bicyclists as linking routes between disconnected trail segments or sidewalks.
- ❑ Seasonally, inspect the roadway for hazards that may not affect motorists but could pose challenges for bicyclists. Focus shoulder inspection of raveled edges, ruts and cracks and striping wear.
- ❑ Review annually the need for safety sign installation, install in the spring if possible in preparation for biking and tourism high-use seasons.
- ❑ If possible, sweep shared roadways prone to drainage or erosion issues and also popular as cycling routes on an additional monthly or as-needed basis. Shoulders free of debris enable to stay as far to the right of the roadway as possible and avoid conflicts with motorized vehicles.

Madison Harris

From: Selchert, Ryan J <Ryan.J.Selchert@xcelenergy.com>
Sent: Wednesday, January 13, 2021 2:13 PM
To: Mace, Britt; Madison Harris
Subject: RE: Minturn North Referral

Hi Madison-

I would like to add a couple other comments to the Minturn North PUD Referral.

In addition to the pocket easements Britt mentioned for the transformer and pedestals XCEL will also need:

- 1) 2 pocket easements, 20' by 20' for the switch gear. (One on the North end of the property, and one on the south) They will also need to be outside of the dedicated snow storage area.
- 2) A 10' easement along the South side of fourth St. on front of lots 18 and 19.
- 3) A 10' easement along the footpath that follows the game creek trail.

XCEL will need to bore gas and electric utilities under Game Creek where the bridge for Icehouse Ave. crosses Game Creek.

There is existing 2" gas main along Taylor Ave that services the existing houses on the East side of the street. Each of the units along Taylor Ave will tie into the existing 2" Main for gas service. The following is a potential for each service installation:

- 1) Road cut / repair might be required
- 2) Curbs and side walks might need to be cut / replaced
- 3) Gas installation may be restricted to summer months if a Town Moratorium is in place for digging in ROW.

If you have any questions or concerns please feel free to reach out at any time.

Thank you,

Ryan Selchert

Xcel Energy

Planner, Mountain Division
200 W 6th Street, PO Box 1819
Silverthorne, CO 80498

P: 970.262.4068 C: 970.390.5628

E: Ryan.J.Selchert@xcelenergy.com

My Office Hours: Tuesday to Friday, 6:00-4:30

From: Mace, Britt <Britt.Mace@xcelenergy.com>
Sent: Tuesday, January 12, 2021 8:34 AM
To: Madison Harris <planner1@minturn.org>
Cc: Selchert, Ryan J <Ryan.J.Selchert@xcelenergy.com>
Subject: Minturn North Referral

Hi Maddison,

Thank you so much for sending all the information! Sorry it was such a hassle! Thank you for your time.

I see that the snow storage is located in the utility easement; however transformers and pedestals cannot be located in dedicated snow storage areas as that will lead to our above ground equipment to be buried in snow and could damage our equipment, delay outages and emergencies.

Also each transformer will need a 10x10' pocket easement and each pedestal will need a 5x5 pocket easement. The above ground equipment will not be installed on top of the newly installed electrical lines, they will be installed along the property lines offset from the electrical lines.

Other instructions for customer:

- You must apply for each address that will need service in the building and any common/house meters needed. (common/house meter usually runs common lights in stairwells, signs, snowmelt, irrigation, Etc.)
- Will need to know total loads for gas and electric to determine if main will need reinforcement for your project. If reinforcement is needed it will be at customer cost.
- Must let Xcel know if you need 3Ph or 1Ph power.
- If temp power is needed then a transformer will need to set in a permanent location and you must apply for temp power.
- New transformers on the lot must located 10' away from buildings, 20' away from doors and 10' away from windows, reference Standards for Electric Installation and use (blue book) [Xcel Energy Standard for Electric Installation and Use \(Blue Book\)](#) Drawings CR-30A
- If the buildings do not own their own lot, and the lot is owned by HOA the meters will need to be located on the building at a single point of service.
- If house/common meter is needed, customer must run the electric service lateral to the Transformer or Pedestal (point of distribution).
- **Meter Locations:** Meters cannot be located inside the building and must be accessible. We do not allow ice or snow shields. Meters must be located under a non-drip edge and there shall be no adjacent rooflines, which will drip directly on or towards a neighboring meter installation. See Standards for Electric Installation and use (blue book) Section 4.3, under number 3, page 33 ***“Note: Due to excessive snowfall, ice and snow shields will not be permitted in the following Colorado counties: Eagle, Lake, Park and Summit. Meters shall be installed on the gable or non-drip side of a building or in an approved remote location from the building or structure in these counties.”*** [Xcel Energy Standard for Electric Installation and Use \(Blue Book\)](#)

Please note – this is not a final assessment of what the new service request will entail. There may be additional things in the field I cannot see. Once an application has been submitted to XCEL we can start the full design process and identify the scope of work that will need to be done for this request.

Thanks!

Britt Mace

Xcel Energy

Designer, Mountain Division

200 W. 6th St. PO.Box 1819 Silverthorne, CO 80498 -1819

P: [970.262.4032](tel:970.262.4032) F: [970.262.4038](tel:970.262.4038)

E: britt.mace@xcelenergy.com

Office Hours: Monday - Friday 8:30am - 4:00pm. For immediate concerns please contact the front desk [970.262.4025](tel:970.262.4025)

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



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

Minturn North Preliminary Plan for PUD Application Packet

**Below is the link to the complete
application for Minturn North PUD in one
document**

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



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

All Public Comments Received for Minturn North PUD's Project Application

Madison Harris

From: Helen Bradley <Helen.Bradley@vailhealth.org>
Sent: Tuesday, April 13, 2021 7:00 PM
To: Madison Harris
Subject: Minturn North Development

Good Evening,

I will be unable to attend the virtual planning meeting tomorrow evening regarding the Minturn North Development, so I wanted to email you with some concerns and areas that I hope you will address during the approval process. These are some of my main concerns but are not limited.

1. Parking – will the new lots have self-contained parking on the lots or is street parking the plan? Street parking is a concern as there is already limited spots for Taylor Street residents. Will parking be accessed from the middle of the development or Minturn Road instead of Taylor Street? Accessing the development from Taylor street would increase traffic in a very negative way on Taylor Street. Reducing the number of lots and density of this project could help with this issue.
2. What is the plan for snow removal? Currently Taylor Street snow is ploughed into the area where the development would occur. Also Taylor Street residents shovel/move snow from their lots onto this area. Where will this snow go? Who will be responsible for removal of snow if trucks have to move it out of town? The town or HOA?
3. Traffic- this is a huge concern for me. From what I recall the ‘traffic study’ was conducted mid pandemic lockdown last mud season, during the week. If I am wrong, I would like to have more information on when it was conducted. Taylor Street, Minturn Road and County Road are all incredibly busy roads, especially on market weekends, on powder days and mid Summer when people are hiking the trails. Taylor street currently experiences a lot of traffic with individuals driving much faster than the speed limit. I am concerned about how many more drivers and cars this development will eventually bring – this doesn’t even consider the traffic involved with construction. What measures will be put in place for child safety? The county road currently cannot handle the traffic and road quality is exceptionally poor at present – with the increase in cars from the development I cannot imagine how it will be. Who will be responsible for maintaining this road? The developers?
4. My final ‘big issue’ is the timeframe from sale to build. I live in Minturn, CO because it is a quiet, laid back, fun, quirky town with a great community and currently awesome views from my home. If the development is being sold to individual buyers, is there a specific time frame they would be expected to build in? Currently new build costs are astronomical and if I were to buy a lot, I would wait until prices decreased to build. However as a home owner on Taylor Street, the idea of having construction happening in front of my house for the next 2 decades is very concerning. I believe there should a timeframe in place for individual buyers to meet from time of sale to completion of build. Otherwise this development could last a lifetime!

I appreciate you reviewing my concerns with the board.

Yours Sincerely,

Helen Bradley, 332 Taylor Street
(970) 988 4887

Helen Bradley, PT, MSc, SCS, CSCS

Physical Therapist

Howard Head Sports Medicine | *A service of Vail Health Hospital*

(970) 476 1225 | howardhead.org



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Madison Harris

From: Jennifer Babcock <babcock@cirquecivil.com>
Sent: Tuesday, April 13, 2021 12:26 PM
To: Madison Harris
Subject: Minturn Crossing/North PUD

Hi Madison-

I would like to submit a comment in favor of the Minturn Crossing development. The project appears to have appropriate density, would benefit the Town's tax base and is an in fill development that is currently in an area not being utilized. I've lived in the valley since '96, 7 years in Minturn, and this seems like a great opportunity for locals to be able to build a home.

Thank you,
Jen

Jennifer Babcock, PE



CIRQUE CIVIL INC.

Engineering & Construction Management

office 970-926-0033 | mobile 970-390-0265 | babcock@cirquecivil.com

1106 Crazy Horse Circle | Edwards, CO 81632

Madison Harris

From: Ryan. Schmidt <ryansschmidt@gmail.com>
Sent: Wednesday, April 14, 2021 8:51 AM
To: Madison Harris
Cc: Kara Hasbrouck
Subject: Minturn North Housing Opportunity

Dear Madison Harris,

I am writing to express our sincere interest in the Minturn North housing opportunity. Coming from a modest hard working Midwest upbringing and having spent nearly ten years in the Vail Valley, the Town of Minturn has long been the apple of our eye. We've remodeled, twice, and considered opportunities to build a modest single-family home at several locations throughout the Valley and beyond, but Eagle County is home and we prefer living up-valley. This opportunity appears very exciting and nearly out-of-reach.

The word on the street is that we all want this development to be an opportunity for locals to further invest in the future of the community. But as so often happens in the reviews and approvals process, the wishes of a few saddle unnecessary construction requirements and demand accoutrements which exceed the modest desires of many, while driving cost beyond those attainable to locals. This seems to be the current model of the Mountain West.

What is the future for the Town of Minturn? Do you want invested local permanent residents paying taxes and visiting local establishments on a year-round basis? Do you prefer the second homeowner from afar who visits several times a year and provides short-term rentals for additional tourists whether it's 'against the rules' or not?

Do we need an ice rink? How much will it cost? How much use will it get? Who is the demographic user? Do you want to keep the local fabric of this great community? Do the demands and decisions you're making with respect to Minturn North serve the long-term desired community goals? What do YOU want Minturn to be in 5 years, 10 years, beyond?

Are we trying to incorporate the new development into the existing fabric of this historic community or are we looking to saddle the development with expenses that will increase costs beyond those attainable to the local community members you represent and the local community we desire?

I believe these are just some of the primary questions we should be asking when considering what 'we want' and what 'we need' from this development, and others: What is best for the future and what is best for the short-sighted view?

We are among many hard-working locals intent on investing the next 20 years or more in this Valley. We've prepared for this opportunity. The emotional investment into the community is what is driving our interest in Minturn North. The financial investment appears to be growing to a potentially prohibitive factor.

Most respectfully and sincerely,
Ryan & Kara Schmidt
'Life's a journey, live an adventure'

Madison Harris

From: kruegerarchitect@comcast.net
Sent: Tuesday, April 13, 2021 4:59 PM
To: Madison Harris
Subject: Minturn North PUD
Attachments: DJI_0117.jpg; IMG_3676.JPG

Hi Town of Minturn Planning, Staff and Town Council, (please forward this as written public comment)

I received a certified letter in the mail last Friday 4/9/21 concerning this PUD preliminary plan review slated for 4/14/21. I have started reviewing the application but have barely scratched the surface. I am thus encouraged by the decision of P&Z to recommend denial until such time as most of the concise and detailed questions brought up by the planning department/commission etc. have been answered and the public and new P&Z members have had a chance to get up to speed and make informed comments.

Background: My spouse and I have owned a home that we rent to workers at 362 Taylor since 2004. I am a local architect and a product of this valley since being raised in the area since 1967. I have a bachelors and masters degree in architecture and have been licensed since 1996. I have been an active member in the Eagle Vail POA, from member of the Board of Directors, to flood plain committee chair, to member of regulations drafting committee to trash-picker and ice-rink shoveler. The foregoing may help give you an idea of where I am coming from- intimate familiarity with designing buildings and parking space within PUD's (25-30 homes under my belt) and the effects of Covenants, PUD documents, CCIOA, etc. on daily life.

The problem: As with any large development it is hard to predict what it will look like, how it will feel, and how it will affect the community until it is built. Unfortunately we will have to decide soon and the developer will have to try and explain away our fears now- all before it is built.

My first set of points will be general observations that are worth stating (and for some, re-stating):

- **This property may not qualify to be evaluated as a stand-alone PUD** no matter how much work they have put into
- **The standards of granting a PUD do not include anything about ensuring the developer is able to make enough money to elect to do the project** (what is enough profit is in the end subjective- for the developer and the railroad selling the property).
- **Reduction of circulation on public streets to one-way outside the bounds of the PUD seems like an improper request given the reasons a PUD may be allowed**
- **These are not affordable housing lots, actually the smaller the lot the more profitable to a developer I'd imagine.** So the pattern of "density islands" of single-family homes (many w/ lock-offs) next to each other can actually be considered sprawl like the hated "suburbs" but with not enough space between homes like the suburbs to fit all the toys of mountain life that people who buy these homes will likely need -space for kayaks, electric bikes, mopeds, scooters, campers, bikes, skis, snowmobiles, gardens, laundry drying, inflatable pools, garden furniture, fire pits, fences, toppers, swing sets, umbrellas, RV's, rafts, boats, motorcycles, trailers, snow plows, ATV's, 4x4's, Sprinters!. Will these small lots look like junk-yards of outdoor equipment?. And if one acknowledges this probable reality are "rules" actually going to work to mitigate the potential under-sizing of these lots while "over-parking" and "over-gearing" or will the rules just be changed later to fit what will be a very cluttered landscape?
- **Mountain residents don't seem any more inclined to give up their many means of motor transport/recreation** than anyone else in the US- contrary to the people pushing for less parking requirements- which is a popular wishful thinking of our time/place. They will want it all, to walk to the coffee shop and store but to have trucks,

4x4's, vans and sprinters to get to their individual far flung activities less encumbered than anyone in the city would permit.

- **Duplex Zoning** (rather than row houses proposed- is that the right word?) may actually be the most appropriate- like in large parts of Eagle County Duplexes have been employed, and have several positive effects:
 - Increases the space between homes by doubling one side-yard setback in size, and on the other side collapsing the buildings together. (Some people say this is western looking rather than eastern looking- country rather than urban). In the end the building and yard cumulative sizes may be the same but both buildings and yard are less cut-up and more usable.
 - Like two people in a sleeping bag, energy savings for duplexes I'll bet are proportional to the proportion of the length of the party wall to the whole perimeter plus an added factor by a reduction in windows (none in party wall)- let's say 20% energy reduction off the top without any fancy new and annually changing technology at all!
 - It seems the "Little homes" contemplated will lend themselves to modular construction to save money on custom architectural services (I can't afford an architect and I'm an architect) and custom building - which is fine -except that it takes good money and skill to make modulares look good. And lots of modulares in a row may not be built by the same contractor but they all may look like versions of the most affordable model, and they will have the same sad tricks to distract, same proportions and incremental divisions because cost/transportation constrictions limit the size and shape of building masses (maybe they will look as different as the superior Minturn project called "xxxx"0).

My second set of points will be based, not on the massive application, but the documented previous performance of the developer and why I believe all of Minturn will need to review this project very closely. Property Owners on Taylor have direct experience with this developer's plans vs. results. In addition I have direct experience with this developer's work in our PUD of EagleVail. A common thread in my opinion is a very shrewd tendency to externalize costs onto the community.

- To accomplish the Minturn Townhomes Mr. Comerford was allowed by the Town of Minturn (several council members are in the same seats) to use a public-right-of-way as private parking of the back-halves of perpendicularly parked vehicles in front of garages- clearly a safety issue and a major policy failure. In addition everyone warned about drainage issues with such massive foundations heights that may all have already needed to be mitigated by using someone else's property (Grant avenue), because more units than possible were crammed into that site. I will defer to people who live there to expand upon the problems designed and built by Mr. Comerford and approved by the Town. This new North Minturn PUD by the same developer is an opportunity to require the developer to give or swap land and/or replat land in the new PUD to correct the incumbered right of way and other issues like potential lack of snow storage in the townhomes.
- In 2018-2019, Mr. Comerford against the clear EagleVail PUD, Adopted Design Review Guidelines and moreover our adopted CC&Rs stored 350 dump truck loads of dirt illegally on an adjacent to the one he was developing into a duplex. This storage dump on very steep property was surrounded by built-properties on three sides and the pile was at the max allowable slope- bordering on slide potential as determined by County engineers. In addition the pile was deposited on the outlet of a road drainage culvert. By the time it was understood what was happening the pile was massive and despite legal attempts the pile remained for oi believe a whole year. Apply this example to what could happen to the land of phase two when phase one is being built if the Town doesn't attend to the language in restricting the activities of the developer as regard to phasing and any other opportunity the owner may use to "externalize" costly issues (see attached photographs)

I will reserve my third set of points for when I actually sit down and try to use the guidelines to design home projects to maximize the development of building and paving of a single lot of each size. I believe I will find the "public parking" the developer proposes in front of the phase one lots on Taylor will be reduced possibly to zero when driveways are inserted.

Thanks
Karl Krueger





Madison Harris

From: Contact form at Minturn CO <cmsmailer@civicplus.com>
Sent: Wednesday, April 14, 2021 3:05 PM
To: Madison Harris
Subject: [Minturn CO] Support of Minturn North development (Sent by Christine Wardlaw, christine.a.broyhill@gmail.com)

Hello mharris,

Christine Wardlaw (christine.a.broyhill@gmail.com) has sent you a message via your contact form (<https://www.minturn.org/user/353/contact>) at Minturn CO.

If you don't want to receive such e-mails, you can change your settings at <https://www.minturn.org/user/353/edit>.

Message:

To whom it may concern, I am writing to voice my support of the Minturn North development, which I believe will save the town of Minturn by bringing in the right residents of Eagle county. This development is what the town of Minturn needs, and I am encouraged by the sense of community that it will bring. As a resident of Edwards, I recently experienced the rat race that is attempting to buy a home in Eagle county. There are no affordable housing options in the valley, and I believe that the Minturn North development serves to bring affordable and increased housing to hard-working residents who seek to make the valley their home. I am also hopeful that this new development will increase foot traffic to support many of the small businesses in Minturn.

Thank you for your consideration.

Christine Wardlaw

Madison Harris

From: Anthony Martinez <anthonyalpine1@gmail.com>
Sent: Wednesday, April 14, 2021 5:33 PM
To: Madison Harris
Subject: Zoning

Hello this is Anthony Martinez 232 Taylor Street I had a question about zoning, all the new houses going in are going to be able to have a lock off or rental unit on there lot, doubling the people on the parcel of land ,so my question is ,will we as existing owners be able to make a lock off unit on our property as well ? If your letting them build two rentable units on one lot ,we as original owners should be able to do this as well, let me know if I got this wrong , also I would like to hear more about pet control, this many people on this plot will have numerous pets and I feel there needs to be some sort of animal control or leash law adopted , I would also like to see lots of trees like we spoke about in the conceptual plan thank you for your time.

Madison Harris

From: david clapp <mixdbclapp@yahoo.com>
Sent: Wednesday, April 14, 2021 8:32 PM
To: Scot Hunn; Madison Harris
Subject: Re: PUD

Love the idea of the skating rink. People might be more conducive to the idea if it was called a fishing/skating pond.

My two cents,
David

Sent from my iPad

> On Apr 14, 2021, at 8:27 PM, david clapp <mixdbclapp@yahoo.com> wrote:

>

> Thank you for not fast tracking this project through. Parking and drainage are my major concerns. Driveways will be really steep off of Taylor Street. Are driveways/garages mandated? I also believe the land for the multi family units would be better served as Duplex lots, two less units but more open space.

>

> Thanks,

> David Clapp

>

>

> Sent from my iPad

Madison Harris

From: Raquel Spencer <rkysp4@gmail.com>
Sent: Wednesday, April 14, 2021 8:16 PM
To: Madison Harris
Subject: Planning meeting comment
Attachments: image0.jpeg; ATT00001.txt

Hello,

Raquel Spencer 550 Taylor St.

Greg mentioned with a giggle that the parking for the Mile is never as bad as people say. Here is a picture of a SLOW WEEKEND DAY



Madison Harris

From: Chris Rieder <crieder588@gmail.com>
Sent: Tuesday, May 11, 2021 6:32 PM
To: Council; Madison Harris
Subject: Minturn North PUD

Dear Planning Commission and Town Council Members of Minturn,

I know that each of you has received a mountain of feedback and comments related to the Minturn North PUD. Though I know you have carefully considered these and are probably getting a little worn down by all the discussion around this PUD; I am writing to express some of my concerns. My wife and I moved to Taylor Street over a decade ago and now are raising two little kiddos on Taylor Street. We love our neighborhood, love our town, and have no plans to leave this little gem in the valley for a long long time. Obviously, not only living in this area, but raising children here makes this pending development a very important topic for our living situation.

I am going to try to keep this brief and bullet pointed, but as I have not contributed to the discussion to this point, want to be thorough. I am bringing up issues, not solutions. There is a reason for this; in that, it is not my job to find the solutions, nor is it the planning commission's or the town's role in this situation. The solutions to the issues raised by the town and the residents need to be developed by Greg and his team. If they cannot find solutions that are acceptable and financially feasible, then their project is not viable.

I have numerous concerns beyond the below listed points, many of which have been previously brought up (building height and impact on current residents, snow removal, parking, environmental impacts on Game Creek, etc.). These are the most significant for myself and my family.

-Turning Taylor Street into a one way from Minturn Road to 4th Street is unacceptable. From the very beginning of this project, traffic and safety was one of the key concerns. This seems like a cop out to a problem with the intersection. Instead of moving the road or creating an additional road where the grade would be 'acceptable', Greg and his team think that creating the one-way is a solution. The problem with this is it directs all of the traffic for existing Taylor Street residents and the new homes with driveways off of Taylor past all of the existing residents. The number of lots alone that are existing or have proposed driveways on Taylor St is over 90 and that does not account for ADUs or duplexes built on the new lots. This is a significant amount of traffic that then gets funneled down one road and impacts all of the residents. Some of those lots are beyond the intersection of 4th street, but that does not mean that this traffic doesn't utilize Taylor Street as their access.

-The proposed density is in line with the current density on Taylor Street. This justification for cramming over 180 possible units into this area is ridiculous. I think we can all agree that the spacing of many of the units on Taylor Street (and in Minturn in general) is less than ideal. A new development should not regress to the standards of old, but create more a more desirable and functional standard. I love the eclectic nature of our town, but let's be honest it's maybe not the way you'd do it all over again if you could. Their entire plan for providing affordable housing is to cram units in and allow for duplexes and ADUs rather than actually make things affordable. 400k+ per lot is not going to allow any real locals (without trust funds) to become part of this community. The amount of people in the area, the added traffic, and the noise and light pollution from this development significantly changes the environment and character of the neighborhood and town.

-Access. I completely understand that they are limited in their options of creating better access and egress by the Railroad. That being said, the S-turn and downtown intersection with 24 simply cannot handle the proposed increase in traffic. Blind corners, pedestrian traffic, and 2 stop signs would create both a log jam and a dangerous situation. The county road, even if paved, is not designed to handle an extra 100+ cars a day either. That intersection with 24 would

also be inadequate to handle the increased traffic and the consequences are high at that spot given the speed of traffic. Again, I'm not here to provide solutions, but if there is not a safe way to get residents and first responders in and out of a new development, then it is not viable.

-Gradient variations requested. The requirement to stick within safe gradient restrictions at intersections needs to be maintained. I heard on the last meeting I was able to attend that someone stated, 'the end of Taylor is 11% and I've never seen anyone struggle on that road'. They clearly do not live on Taylor and get to witness the chaos each winter as the tourists try to negotiate parking for the mile. Even the current intersection of 4th and Taylor sees cars unable to fully stop and then get up the hill onto Taylor or to come to a stop traveling down to the intersection on Taylor, in the winter. This leads to a lot of individuals rolling through the stop sign and creating a significant safety hazard. Add many more cars and even more unsafe intersections and we are just asking for trouble.

-Timeframe of development. As a resident of Taylor Street, my wife and I have major concerns about living in a construction zone for the next decade. When this was brought up the developers stated that the infrastructure for each phase would be completed 'quickly' to allow for them to sell lots. I have no doubt that they will get this piece done quickly due to the financial reward. However, who will be in charge of making sure it is done not only quickly, but will be done to a high standard is done in a way that is long lasting. The real issue is that they are selling lots to individuals. How long will individuals be allowed until they build. Are there restrictions in place on lots that construction must be completed within a certain time frame? Are people going to be able to sit on lots, are there guidelines for what happens if someone runs out of money during their build or plans to build their lot in phases?

-Diversity of development. For me yet another issue is that they are allowing developers to buy 6 lots. The whole idea of this development is to sell to individuals and create diversity. I could see all of the local developers swooping in and buying 6 lots a piece and then we end up with a bunch of cookie cutter homes anyway. This would greatly impact the overall appeal of their proposal, as it was based on not becoming another Miller Ranch or similar cookie cutter mountain development. I have not heard this discussed or the impact of this on the referral.

-This one is small, but... The parks proposed are a community garden and a 'synthetic skating rink'. Both of these proposals limit the general use factor of the required open space in a PUD proposal. Minturn already has a community garden and a synthetic ice rink will deteriorate quickly if not properly maintained. My wife gardens, my kids love hockey, but I still don't think these are the best suggestions for the limited open space proposed.

Greg stated in the last meeting that they are projecting 32 million from this project, but that the cost is at 30 million now. He stated that he needs the current density and requested variances from code to maintain their profit. I'll never feel bad about someone struggling to make 2 million dollars. More importantly though, it is not the right of the planning commission or town to approve accommodations or a plan that puts residents safety at risk, that is not in the best interest of the residents of their town, or that doesn't make sense for the town. If they cannot make the plan work according to Town Code, work for existing residents, and still make profit, then they may just have to scrap the idea and make their millions elsewhere.

I understand that development is basically inevitable and this parcel of land makes more sense than Haymeadow or Meadow Mountain. It makes more sense than a lot of other developments, however it brings with it certain concerns and considerations that need to be figured out by anyone that wants to develop it. If it turns out that the intricacies of this parcel make it unappealing to developers, then it is their decision whether to take on the project or not. Please, as a 12 year resident of Minturn, I implore you to not let a developer create an unsafe neighborhood, to cut corners just to make a profit, or to change the feel of this town that I love so much.

Thanks for hearing me and my neighbors concerns in this matter and thank you all for your efforts and care for this town!

Chris Rieder
970.988.1187

332 Taylor St

Madison Harris

From: Contact form at Minturn CO <cmsmailer@civicplus.com>
Sent: Friday, July 16, 2021 7:25 AM
To: Madison Harris
Subject: [Minturn CO] Minturn North Needs Work (Sent by Sidney Harrington, 1972sah@gmail.com)

Hello mharris,

Sidney Harrington (1972sah@gmail.com) has sent you a message via your contact form (<https://www.minturn.org/user/353/contact>) at Minturn CO.

If you don't want to receive such e-mails, you can change your settings at <https://www.minturn.org/user/353/edit>.

Message:

I am a resident and home owner at 532 Taylor St. in Minturn since 2009. I support real estate development on the RR parcel currently known as Minturn North but NOT like this.

I strongly implore you to continue to DENY the PUD for Minturn North until these items are addressed. I predict there will be other real estate developers that come to the table. Let's pick the right one for the Minturn community.

1. The developer and architect are not listening to the Taylor St. community and continue to ignore critical design-PUD feedback that has been brought up since project introduction.

2. Minturn N struggles w/ identity and it can't be "all things to all people":

a. Is it a second-home real estate attraction? If so, density is way too high w/ a parking plan built for deed-restricted units. Taylor St. has more \$800K - \$3M+ properties than properties below that price range. Trying to convince anyone that housing will be built below that price is dishonest.

b. Or is it an affordable real estate attraction? If so, then, it's not "in character" w/ the rest of the neighborhood based on current real estate value trends and Eagle County Housing guidelines. In 2021 we have \$635k homes being approved by Town staff and calling it "affordable" but the job market and 80% of AMI formula don't seem to calculate anywhere in Minturn.

3. Drainage to railyard/Eagle River– engineering report says the plan is inadequate and indicates that it will cost the Town a lot of money if not addressed – developer needs to pay for this.

4. ADU's should not be allowed at any single family lot – there is NOT ENOUGH parking in the plan to accommodate ADUs.

- PARKING – street parking plan underserves the demand for the trail head and for the entire PUD. Build alleys and get cars out of the way. Parking in multi-unit PUDs throughout the Eagle River Valley is the #1 problem for HOAs and property mgrs. PLEASE listen!

5. Developer performance bonding - require the developer to be fully bonded on the project for at least 7 years and not the usual 2 years as his reputation precedes him.

6. Impact to current residents on Taylor St. is unfavorable and needs to be top-of-mind. Build the sidewalk & drainage on the development side ONLY.

7. Change the lot sizes. Minturn N can still sell lots by increasing the lot sizes to 5,000 sq. ft. which is consistent with the existing neighborhood.

8. Community gardens are traditionally added to communities as an “afterthought” for good reason. Most people would like to have their own little gardens in their own little back yards where their kids and dogs can play – put this in the PUD plan.

9. Snow storage plan is still inadequate. Trailhead parking is still inadequate and on a busy day, there have been more than 70 vehicles parked in the neighborhood

Respectfully,
Sidney Harrington