



**Planning Commission Agenda
Wednesday December 14, 2022 – 6:30 PM
Minturn Town Hall / Council Chambers
302 Pine St Minturn, CO**

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order and times of agenda items listed are approximate. This agenda and meetings can be viewed at www.minturn.org.

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/83591437178>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 835 9143 7178**

Please note: all virtual participants are muted. In order to be called upon and be unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Madison Harris, Planner I, prior to the meeting and will be included as part of the record.

- 1. CALL TO ORDER – 6:30 PM**
- 2. ROLL CALL & PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF AGENDA *Opportunity for amendment or deletions to the agenda.***
- 4. DECLARATION OF CONFLICTS OF INTEREST**
- 5. APPROVAL OF MINUTES**
5.1 October 26, 2022
- 6. PUBLIC COMMENT *Citizens are invited to comment on any item not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Planner. Those who are speaking are requested to state their name and address for the record.***
- 7. PLANNING COMMISSION COMMENTS**
- 8. DESIGN REVIEW AND LAND USE PUBLIC HEARINGS**
8.1 Resolution TBD – Series 2022 establishing procedures to govern action of commissions

in the general conduct of business and to serve as a reference in settling parliamentary disputes – Peterson-Cremer

9. PROJECTS AND UPDATES

10. FUTURE MEETINGS

10.1 December 28, 2022

10.2 January 11, 2023

11. ADJOURN



**Planning Commission Official Minutes
Wednesday October 26, 2022 – 6:30 PM
Minturn Town Hall / Council Chambers
302 Pine St Minturn, CO**

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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/85777462331>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 857 7746 2331**

Please note: all virtual participants are muted. In order to be called upon and be unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Madison Harris, Planner I, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER – 6:30 PM

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

2. ROLL CALL & PLEDGE OF ALLEGIANCE

Those present at roll call: Planning Commission Chair Lynn Teach and Planning Commission Members Tom Priest, Jeff Armistead, Michael Boyd, Elliot Hovey, and Sage Pierson.

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

Note: Sage P. is attending in her status as an alternate.

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

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

Note: Sage P. is attending in her status as an alternate.

4. DECLARATION OF CONFLICTS OF INTEREST

No conflicts of interest.

5. APPROVAL OF MINUTES

5.1 October 12, 2022

Motion by Jeff A., second by Tom P., to approve the minutes of October 12, 2022 as

presented. Motion passed 5-0.

Note: Sage P. is attending in her status as an alternate.

- 6. PUBLIC COMMENT** *Citizens are invited to comment on any item not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Planner. Those who are speaking are requested to state their name and address for the record.*
No public comment.

7. PLANNING COMMISSION COMMENTS

Jeff A. let people know about the Minturn Community Fund fundraiser at Magusto's on Halloween, 20 dollar at the door per person at 9 pm.

8. DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

8.1 Community Plan Update – SE Group

Julia Randall, SE Group, detailed the changes from the last meeting.

Note: Sage P. left the meeting at 6:49 pm due to technical difficulties.

Lynn T. has a request for not allowing restaurants in the MU3 zone district, and to make clear that the 60% lot coverage is only allowed with the deed restricted ADU for residential properties.

Note: Sage P. rejoined the meeting at 7:06 pm.

Add goal statement about housing incentive linking to increased lot coverage.

Michael B. asked that 504 Eagle River Street and 502 Main Street be rezoned from MU3 to MU1.

Tom P., Elliot H., Lynn T., Jeff A., Sage P., and Michael B. agree with the changes made in the draft for Chapter 1.

Lynn T. asked that West Entrance be changed to North Entrance in the 100 Block chapter.

Everyone agrees with changes to Chapter 2: 100 Block.

Michael B. emphasized how important our transit is. Disagrees with the DDA section, as that will be too complicated.

- Lynn T. agrees.

Everyone agrees with changes to Chapter 3: economy and Chapter 4: housing.

Everyone agrees with changes to Chapter 5: water.

- Ms. Randall showed factual changes that had occurred in this chapter earlier this week due to conference with the Town Manager Michelle Metteer.

Note: change Minturn Crossing to Minturn North in the text of the water chapter.

Everyone agrees with changes to Chapter 6: mobility.

- Michael B. would like to change the times in the parking study.

Lynn T. asked that the Little Beach Park Master Plan date of completion be updated.

Everyone agrees with changes to Chapter 7.

Lynn T. thinks this plan addresses the growth of the Town, but not how this helps keep the Town quaint and unique.

Elliot H. pointed out that one of the zoning of the lots is wrong.

Ms. Randall explained the next steps.

Public comment opened.

No public comment.

Public comment closed.

Motion by Michael B., second by Elliot H., to forward a recommendation to the Town Council with the changes discussed tonight. Motion passed 5-0.

Note: Sage P. is attending in her status as an alternate.

9. PROJECTS AND UPDATES

10. FUTURE MEETINGS

10.1 November 9, 2022

10.1.1 Tom P. will attend virtually.

10.2 November 23, 2022

11. ADJOURN

Motion by Michael B., second by Jeff A., to adjourn the regular meeting of October 26, 2022 at 8:34 pm. Motion passed 5-0.

Note: Sage P. is attending in her status as an alternate.

Lynn Teach, Commission Chair

ATTEST:

Scot Hunn, Planning Director

Glenwood Springs – Main Office

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**Direct Mail to Glenwood Springs*

DATE: December 9, 2022
TO: Minturn Planning Commission
FROM: Karp Neu Hanlon, P.C.
RE: Commission Conduct and Procedures Resolution

Last month, Town Council adopted Resolution No. 2022 - 35, which replaced Resolution No. 2008 – 41 adopting procedures and standards of conduct for Council. The resolution in your packet comes in similar form and content to the Council resolution, but is tailored to the jurisdiction and practice of the commissions in the Town. It is intended as a code of conduct and procedural rules for handling the most common agenda items that commissions consider – namely applications for approvals, and text amendments to the municipal code. This resolution at this time would apply only to the Planning Commission and the newly constituted Historic Preservation Commission, but if others are created pursuant to Charter Article 7, this would apply to them as well.

The rules and guidelines in this document are intended to foster efficient and civil meetings that provide adequate due process to the public and applicants. Importantly, appropriate conduct in meetings is vital in protecting the Town from legal challenges to decisions. We will be discussing these issues further during the Commission meeting, including a review of public entity ethics and the distinction between legislative and quasi-judicial proceedings and decisions.

We are asking that Planning Commission consider recommending this resolution for adoption by Town Council.

TOWN OF MINTURN, COLORADO

RESOLUTION NO. __- SERIES 2022

A RESOLUTION ESTABLISHING PROCEDURES TO GOVERN ACTIONS OF COMMISSIONS FOR THE TOWN OF MINTURN IN THE GENERAL CONDUCT OF BUSINESS AND TO SERVE AS A REFERENCE IN SETTLING PARLIAMENTARY DISPUTES.

WHEREAS, the Home Rule Charter for the Town of Minturn provides at Section 4.8 that the Town Council shall determine the rules of procedure governing meetings; and

WHEREAS, by Resolution No. 35, Series 2022 the Town Council established Procedures to govern actions of the Town Council in the general conduct of business and as a reference in settling parliamentary disputes; and

WHEREAS, there exist within the Town government duly established commissions that make decisions and recommendations to the Town Council on their respective areas of expertise; and

WHEREAS, Town Council wishes to adopt a similar resolution on the appropriate conduct of Commission members; and

WHEREAS, the Town Council has determined that it is in the best interest of the Commissions of the Town of Minturn to have established procedures for the general conduct of its business and to serve as a reference to settle parliamentary disputes.

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

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

Section 2. Adoption of Policy.

CONDUCT OF COUNCIL MEETINGS

The Town Council hereby adopts the following procedures for conduct of business at Commission Meetings. For the purposes of this policy, "Commission" shall mean a board or commission duly constituted under Article 7 of the Town's Home Rule Charter. This procedure shall govern the conduct of all Commission Meetings, however, in handling routine business, the Commission may, by general consent, use a more informal procedure than that set forth in this procedure.

I. **Code of Conduct.** Commission Members shall follow this code of conduct to ensure safe, orderly, and professional atmosphere during all business conducted by the Town. Violation of this code of conduct may result in censure by the Town Council.

A. Commission Members shall at all times conduct themselves in a professional manner. Member comments shall be constructive and not be attacks on the Public, Staff, or other Commission Members. Members shall respect the floor, not interrupt, and follow reasonable and appropriate direction of the presiding officer during meetings.

B. All communications with staff, the Town Attorney, and Town consultants shall be coordinated with the Town Administrator.

C. Any meeting requested by a Commission Member with subordinate staff related to Town business shall be arranged through the Town Administrator.

II. **Presiding Officer.** The Chair is responsible for conducting meetings in an orderly and democratic manner and assuring that minority opinion may be expressed and that the majority is allowed to rule. At the same time, the Chair retains all of the prerogatives of a duly appointed commission member; the Chair may make and second motions and take part in discussions and must vote on all matters not involving the Chair's personal financial interest or the Chair's official conduct.

III. **Agenda.**

A. Items are placed on the agenda by the staff in consultation with the Chair. The order and priority of agenda items are determined in part by the processing of relevant applications and staff recommendations.

B. The general order of the agenda shall be generally as follows:

1. Call to order by the Chair.

2. Determination of quorum. Roll Call and Pledge of Allegiance.

3. Approval of the minutes of preceding meetings.

4. Approval of regular agenda. This provides opportunity to amend the agenda. No items may be added to the regular agenda that require public notice under the Code or the laws of the State of Colorado.

5. Declaration of Conflicts of Interest. Opportunity for Commission members to declare any known conflicts of interest pursuant to Charter Section 4.9 and Code Chapter 2 Article 4.

6. Public Comment (5 minute limit per person, on a first come first served basis).

Citizen participation is a time set aside for citizens to address the Commission concerning Commission related business not otherwise on the agenda. The Commission reviews citizen participation and assures that an appropriate response is given if the Commission determines that a response is required. Such review is usually immediately following the citizen participation. Staff and Commission responses are discouraged at the meeting, except for referral to the staff for further analysis and reports and ultimate Commission decisions on a future agenda. Chair may ask Commission if direction shall be given to staff.

7. Special Presentations. Government officials, community organizations, and similar interests may be invited to present on topics relevant to the Commission. These presentations are limited to 5 minutes unless prior arrangements are made with the relevant staff and approved by a majority of Commission.
8. Consideration of action items. Expected substantial public comment items pertaining to Commission actions are generally placed first on the agenda, but critical short items or items of extreme public interest may be placed first when deemed appropriate by staff and by the Chair.
9. Discussion/Direction. Commission may discuss items where staff is requesting direction that does not require a majority vote of the Commission.
10. Reports from Town Staff.
11. Commission Comments. At this point, any Commission member may place before the Commission matters which are not included in the formal agenda. This item is generally limited to responses to citizen participation, sharing of information, and requests for advice concerning matters pending before other bodies. No decision may be made based on a Commission Comment.

Matters requiring a formal Commission vote are normally placed on the agenda through the regular agenda review process, rather than dealt with under this item.

12. Concluding statement by Chair;
13. Future agenda items.
14. Adjournment. The Commission's goal is that all meetings be adjourned by 10:30 p.m. An agenda check will be conducted at or about 10:00 p.m. Generally, absent a deadline which the Commission cannot affect, no new substantial item will be addressed after 10:30 p.m. unless two-thirds of the Commission members in attendance at that time agree. All Commission meetings shall be adjourned at or before 11:00 p.m. unless two-thirds of the Commission members in attendance, by motion duly adopted, extend that deadline. Items not completed prior to adjournment will be continued to a date certain.

IV. **Rules of Speaking.**

- A. To obtain the floor, a Commission member or staff member addresses the Chair.
- B. To assign the floor, the Chair recognizes by calling out the person's name. Only one person may have the floor at a time. A person shall not speak while another has the floor. The Chair generally next recognizes the person who first asks for the floor after it has been relinquished.
- C. During citizen participation or public hearings, members of the public are recognized by the Chair. No person, other than staff, applicant, or invited presenter shall make a presentation (not including Council questions) longer than 5 minutes, unless given permission by majority direction of the Commission to extend the time limit.
- D. All Commission members, staff members and members of the public shall direct their remarks to the Commission action that they are requesting. Speakers engaging in personal attacks shall be gavelled out of order by the Chair. The staff and the Chair will attempt to focus discussion of agenda items in accordance with the materials which should contain a proposed outline of decisions.
- E. Staff presentations shall occur first and not be subject to any time limitations.
- F. Applicant presentations in a quasi-judicial proceeding shall occur after Staff presentation and shall not exceed 15 minutes unless provided for by majority vote of the Commission. Additional support from applicant's positions may come from additional witnesses during public comment.
- G. Commission Members will generally not speak during staff and applicant presentations. Commission Members may ask questions of the Staff and the Applicant after their presentations.
- H. The Chair shall open the public comment of the public hearing. Speakers shall not exceed 5 minutes each. All comments shall be directed to the Chair. Commission Members shall not engage directly with members of the public except to request clarification from members of the public.
 - 1. Permission may be granted by the Commission for members of the public to pool their time if the Commission determines that time can be saved and issues better addressed in order to facilitate public participation in Commission decision making. Speakers who desire to pool their time will not be granted the full pooled total, but a portion determined by the Commission in light of the complexity of the issues to be addressed and the projected time saved from the pooling. All persons wishing to pool their time must be present at the meeting in order for the Commission to recognize pooled time. No pooled time presentation will be permitted to exceed 20 minutes total.

- I. After public comment is closed, the Applicant shall have the opportunity to respond to points made during the public comment and shall not exceed 15 minutes.
- J. After the Applicant, Staff, and Public Comment are finished, Commission Members shall have the opportunity to present questions to the Applicant and Staff. Questioning shall be rotated so that to the extent practicable, a different Commission member goes first on each agenda item. Each Commission Member shall have 5 minutes during each turn.
- K. Commission members shall not debate matters prior to a motion being presented on the matter under consideration. The Chair may intervene to avoid extended debate prior a motion being presented. Commission members may also request intervention by making a point of order.
- L. Tabling or continuing motions are generally discussed before they are made, in order to allow for a reasonable amount of Commission discussion prior to making a nondebatable motion.
- M. The Chair may intervene in Commission debate in order to determine whether Commission wishes to postpone Commission action if more information or staff work appears warranted to facilitate a Commission decision.

V. **Procedure in Handling Motions.**

- A. A Commission member, after obtaining the floor, makes a motion. (If long or involved, the motions should be in writing). The Commission member may state reasons briefly before making the motion; but may argue the motion only after it has been seconded.
- B. Another Commission member seconds the motion. All motions require a second, to indicate that more than one member is interested in discussing the question. The person seconding the motion does not, however, have to favor the motion in order to second it, and may both speak and vote against it. If there is no second the Chair shall not recognize the motion.
- C. The Chair states the motion and asks for discussion.
- D. General debate and discussion follow, if desired. Each Commission Member shall have 5 minutes in which to make their remarks. The Commission Member who made the motion may not speak again until Commission Members who wish to be heard had the opportunity to speak. Commission Members, the Town Administrator, or the Town Attorney, when wishing to speak, follow the rules of speaking outlined above. Remarks should be addressed to the Chair.

- E. The Chair restates the motion and puts the question. Negative as well as affirmative votes are taken. In the case of a tie vote, the motion is lost.
- F. The Chair announces the result. The motion is not completed until the result is announced.

VI. **Voting.**

Voting ultimately decides all questions. A roll-call vote shall be taken upon the approval of all action items (i.e. proposed text amendments, resolutions, quasi-judicial proceedings). For other matters the Commission may use any one of the following methods of voting.

- A. Voice Vote: All in favor say “AYE”, and all opposed say “NO”. If the Chair is in doubt of the result of a voice vote the Chair may call for a roll call vote. If any Commission member is in doubt of the result of a voice vote, the Commission member may obtain a roll call vote by calling for it (without the need to be recognized by the Chair).
- B. Roll Call: The Chair (or Clerk at the Chair’s request) calls the roll of the Commission members and each member presents votes “aye” or “no” as each name is called.

VII. **Research and Study Sessions.**

- A. Information/Research Requests. Requests for information or for a briefing should be directed to the lead staff member assigned to the Commission, who shall direct the request to the appropriate staff member or the Town Attorney. A single commission member may request the appropriate lead staff member to provide available information or to answer any question concerning an agenda item. A majority vote of Commission members is required to assign a matter for research by staff, an attorney, or consultant.
- B. Work Sessions. Material for work sessions generally will be made available to the Commission and the public at least twenty-four hours before the date of the work session. Notice will be given as for other Commission meetings. Work Sessions are open to the public. Testimony of persons other than staff or invited guests is not permitted. The Commission will give direction to staff at work sessions for the presentation of action items at future regular Commission meetings. Summaries of work sessions are placed on the Commission agenda for approval, including the direction given, any remaining issues, and any staff reaction or proposed plan in response to the work session.

VIII. **Parliamentary Procedure.**

Except as otherwise provided herein, all matters of procedure are governed by Bob’s Rules of Order, Simplified Parliamentary Rules of Order for Colorado Local Governments

(2020), as amended.

IX. **Executive Sessions.**

All executive sessions shall comply with the provisions of the Colorado Open Meetings Law. Additionally, Commission Members shall each have the floor during an executive session for 5 minutes before the Chair calls on the next Member for comment. The time that a Commission Member may have the floor during an executive session may be enlarged by majority vote of the Commission.

RESOLVED this _____ day of _____, 2022.

TOWN OF MINTURN

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk