



## Agenda

### Planning Commission Regular Meeting | 5:30 PM

Wednesday, March 11, 2026

Town Hall / Council Chambers - 302 Pine St Minturn, CO

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The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate.

This agenda and meetings can be viewed at [www.minturn.org](http://www.minturn.org).

#### Meeting Access Information and Public Participation:

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/82778006778>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 827 7800 6778

**Please note:** All virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five 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 II, prior to the meeting and will be included as part of the record.

1. **Call to Order**
2. **Roll Call and Pledge of Allegiance**
3. **Approval of Regular Agenda**  
Opportunity for amendment or deletions to the agenda.
4. **Approval of Minutes**
  - A. February 25, 2026
5. **Declaration of Conflicts of Interest**
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. **Special Presentations**  
Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.

- 8. Design Review and Land Use Public Hearings**
- 9. Discussion / Direction Items**
- 10. Staff Reports**
  - A. Manager's Report
  - B. Update on pending state legislation affecting local governments, including housing and municipal finance
- 11. Planning Commission Comments**
- 12. Future Meetings**
  - A. March 25, 2026 - Virtual Meeting
  - B. April 8, 2026
- 13. Adjourn**
- 14. Work Session**
  - A. Staff-Commission Discussion: Best Practices for Questioning, Deliberation, and Decision-Making



## Official Minutes Planning Commission Regular Meeting | 5:30 PM

Wednesday, February 25, 2026

Town Hall / Council Chambers - 302 Pine St Minturn, CO

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### Meeting Access Information and Public Participation:

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**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 875 3262 0148

**Please note:** All virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five 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 II, prior to the meeting and will be included as part of the record.

#### 1. Call to Order

Lynn Teach called the meeting to order at 5:30 p.m.

#### 2. Roll Call and Pledge of Allegiance

Planning Commission Chair Lynn Teach and Planning Commission Members Michael Boyd, Jeff Armistead, and Darell Wegert.

Staff Members Present: Planning Director Scot Hunn and Planner II Madison Harris.

*Note: Amanda Mire and Eric Rippeth are excused absent.*

#### 3. Approval of Regular Agenda

Opportunity for amendment or deletions to the agenda.

Madison H. requested that we move Agenda Item 9A “Saff-Commission Discussion...” to a future agenda.

Motion by Michael B., second by Jeff A., to approve the agenda as amended. Motion passed 4-0.

*Note: Amanda M. and Eric R. are excused absent.*

#### 4. Approval of Minutes

##### A. February 11, 2026

Darell W. amended on page 4 to finish the sentence about the road.

Motion by Jeff A., second by Michael B., to approve the minutes of February 11, 2026 as amended. Motion passed 4-0.

*Note: Amanda M. and Eric R. are excused absent.*

**5. Declaration of Conflicts of Interest**

No conflicts of interest.

**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. Special Presentations**

Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.

**8. Design Review and Land Use Public Hearings**

**A. 0001 Silver Star Trail - New Single Family Residence**

Madison H. introduced the agenda item. This is a four-bedroom, 3,349 square foot single family home measured to the midpoint of the roof at 25 feet 3 and 3/8 inches under the 28 foot height limit. Parking is more than adequate with four off-street spaces. All setbacks are respected and the proposal is under the allowable lot and impervious coverage limitations. They have more snow storage than is required by the code at 355 square feet. The Town Engineer identified that additional erosion control measures should be added along the north property line which can be accomplished at building permit. Staff recommends approval with conditions of the plans.

Darell W. asked about road and sidewalk maintenance.

- Madison H. explained that the private streets are maintained and plowed by Minturn North while Fourth Street and the ECO Trail are maintained and plowed by Minturn.

Public comment opened.

No public comment.

Public comment closed.

Motion by Michael B., second by Darell W., to approve with conditions 0001 Silver Star Trail – New Single Family Residence. Motion passed 4-0.

*Note: Amanda M. and Eric R. are excused absent.*

1. The Applicant shall, prior to building permit issuance, show additional erosion protection along the north property line (common with Lot 38) in accordance with the Town Engineer's letter dated February 8, 2026.

**B. 0226 Miles End Lane - Changes to Approved Plans**

Madison H. introduced the agenda item. This is a single family home in the Minturn North PUD Zone District. It is two stories that originally had a stepped down approach from back to front with multiple varying roof lines on the front elevation. What is being proposed is to expand the second story over the garage creating about 685 square feet of more livable space, but not changing the building footprint. The most restrictive building height point does change from 27 feet 5 and 3/8 inches along the left elevation to become 27 feet 8 and 1/4 inches along the front elevation. This is still under the 28 foot height limitation, so staff believes that the proposal meets the standards laid out in the Minturn Municipal Code and the Minturn North PUD Guide just like the original

application.

Public comment opened.

No public comment.

Public comment closed.

Motion by Michael B., second by Jeff A., to approve 0226 Miles End Lane – Changes to Approved Plans. Motion passed 4-0.

*Note: Amanda M. and Eric R. are excused absent.*

**9. Discussion / Direction Items**

**A.** Staff-Commission Discussion: Best Practices for Questioning, Deliberation, and Decision-Making

This was moved to a future agenda.

**10. Staff Reports**

**A.** Manager's Report

**B.** Update on pending state legislation affecting local governments, including housing and municipal finance

**11. Planning Commission Comments**

Jeff A. glad that Amanda Mire is fine after her accident.

**12. Future Meetings**

**A.** March 11, 2026

**B.** March 25, 2026

**13. Adjourn**

Motion by Michael B., second by Jeff A., to adjourn the regular meeting of February 25, 2026 at 5:59 p.m. Motion passed 4-0.

*Note: Eric R. and Amanda M. are excused absent.*

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Lynn Teach, Commission Chair

ATTEST:

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Scot Hunn, Planning Director

# TOWN MANAGER'S REPORT

## MARCH 2026



**Minturn**  
Your civil service, at work.

# Town Manager's Report

March 2026



## Top Updates

### 1. Water Supply & Conservation

Town staff are coordinating with the Town's water consultants, **Martin and Wood**, and the **Eagle River Water and Sanitation District (ERWSD)** to evaluate current snowpack conditions and water supply forecasts. ERWSD representatives will attend the **April 1 Town Council meeting** to discuss their plans for water conservation and community engagement. Residents are encouraged to begin **voluntary water conservation efforts now** and should expect to see a **significant public outreach and engagement effort** focused on conservation this spring.

### 2. 2026 Colorado Legislative Session

Staff are actively tracking the **2026 Colorado legislative session** for bills that may affect local governments and the Town of Minturn. A **legislative session tracking memo** is included in the **Council packet** (separate from the Manager's Report) for residents and others who would like more detailed information about current legislation.

## Capital Projects

### New Water Treatment Plant (WTP)

#### Design & Regulatory Review

The Water Treatment Plant design is approximately **90 percent complete** and has been submitted to, and accepted by, the Colorado Department of Public Health & Environment (CDPHE) for formal review. Plans have also been submitted for local building and zoning review.

#### Updated Cost Estimates

Staff received an updated construction cost estimate on February 4 from HDR and Glacier based on the 90 percent design for the Water Treatment Plant. The updated estimate is approximately **\$12,429,000 assuming SRF financing**, and approximately **\$11,629,000 assuming non-SRF (private bank) financing**.

#### Project Financing

At the **February 4 meeting**, Town Council reviewed the three submitted bank proposals for project financing. During discussion with the Town's Municipal Advisor, Council expressed a desire to seek additional proposals, particularly from local banks that were not part of the initial solicitation.

Council directed the Municipal Advisor to prepare an amended solicitation to include:

- **Both direct loan and bank bond financing options;**
- **A 24-month construction draw period** followed by conversion to permanent financing;
- **Terms greater than 5 years and not to exceed 15 years;** and
- **A strong preference for no prepayment penalties.**

Staff also reached out directly to three local banks to discuss submitting responses to the amended solicitation. Staff also directed the Municipal Advisor to extend the solicitation period

# Town Manager's Report

March 2026



until **Monday March 2** to allow for staff to solicit additional proposals. These proposals will be reviewed by Town Council at the **March 4 meeting**.

## Minturn Bike Park 2026 Improvements

Staff are planning a series of **capital improvements** to the Minturn Bike Park in **May 2026**, including **significant upgrades to the bike jump features** and the **dual slalom course**. The work will be completed by the **Vail Valley Mountain Trails Association (VVMTA)** with **support from the Town**. These improvements are intended to enhance rider safety, improve ride quality, and expand the long-term usability of the park for a wide range of skill levels. Additional details on scope, scheduling, and coordination will be provided as the project is finalized.

## Town Hall 2-Bedroom Apartment Reconstruction

### Status:

Following evaluation of proposals, Coleman Custom Homes was selected for the project. Staff have negotiated a draft contract, which is **pending review and approval by the Town Attorney**.

## Taylor Avenue Repaving

### Status:

Design is complete, and the project has entered the public bid process. The **Invitation for Bids (IFB)** was issued on **January 30, 2026**.

### Next Steps:

A **mandatory pre-bid meeting** will be held on **February 17, 2026**, and bids are due on **March 9, 2026**. Following bid evaluation, the Town anticipates a **final selection on March 18, 2026**.

## US 24 Pedestrian Improvement Project Phase II

### Status:

Negotiations with **CDOT, Xcel Energy, and Phoenix Industries** have been completed. A change order in the amount of \$99,991.88 was approved by Town Council at the February 18 meeting. We anticipate gas line relocation work by Xcel Energy will begin the **first week of May 2026**.

## Main Street Streetlighting

### Background:

Town Council approved the 2026 budget with funding allocated for streetlight replacement and expansion along Main Street.

### Status:

Based on initial pricing and technical discussions, staff are pursuing Holophane as the preferred streetlight manufacturer. Proposed fixture and pole concepts were informally reviewed by the Colorado Department of Transportation (CDOT), and staff believe the designs will satisfy applicable regulatory requirements. Staff met with the Town Engineer on Tuesday, January 27, to discuss next steps in project planning. On-street site visits will be conducted over the coming weeks to evaluate potential pathways for providing electrical service to the new lights.

# Town Manager's Report

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## Bellm Bridge Replacement

### Status:

The Town has been **awarded \$4,000,000** from CDOT's **Off-System Bridge Grant Program** for the Bellm Bridge project. The professional services agreement between the Town and **Short Elliott Hendrickson (SEH)** has been approved, and **design work is now commencing** on the replacement of the Bellm Bridge.

### Next Steps:

Staff will continue to work with SEH on advancing the bridge design and will proceed with **grant programming and contracting coordination with CDOT**. Staff will also continue to **identify and secure the remaining funding** needed for the estimated **\$6 million** construction cost.

## Little Beach Park Improvements

### Status:

Installation of the new retaining wall and asphalt access road is complete. The RFQ for playground design and installation has been completed, and all submittals have been evaluated. Staff are working on preparing scoring sheets for the RFQ and will return to Council for direction once the scoring is completed.

## Minturn Community Garden Improvements

### Status:

Town Council approved submission of an application to the **AARP Community Challenge Grant Program** at the February 4, 2026, Town Council meeting. The Town has since submitted a request for the maximum \$15,000 grant to support accessibility and gathering space improvements at the Minturn Community Garden.

- Construct an ADA-accessible pathway connecting key areas of the garden.
- Install raised, ADA-accessible planter boxes to improve gardening access.
- Add weather-resistant benches with back support for comfort and rest opportunities.
- Construct a snow- and wind-rated shaded pergola to support gatherings and small events.
- Install permanent electrical service to enable community events, workshops, and performances.
- Install a communal worktable with integrated sinks

## Other Projects

### Grouse Creek Trailhead Parking Lot Expansion

Public Works is scheduled to complete the **Grouse Creek Trailhead Parking Lot Expansion** on **April 6 and 7**. The project is being completed in collaboration with the **Vail Valley Mountain Trails Association (VVMTA)** and the **U.S. Forest Service (USFS)** to improve access and parking at the trailhead.

# Town Manager's Report

March 2026



## Highlands Parcels

### Background:

As part of a settlement agreement with the former developer of the Battle Mountain Ski Resort, the Town obtained ownership of approximately **55 acres of land** located west of **U.S. Highway 24** at the south end of Town. The property was conveyed to the Town after the developer failed to meet financial obligations associated with the construction of a new water treatment plant.

### Status:

The two Highlands Parcels have now been **listed on the MLS as part of the Town's strategy to help offset the cost of the new water treatment plant** and are publicly available for viewing. The listings can be accessed at the following links:

1. [https://www.realtor.com/realestateandhomes-detail/Notch-Mountain-Unit-highlands-2-Rd-Parcel-B\\_Minturn\\_CO\\_81645\\_M91907-95156](https://www.realtor.com/realestateandhomes-detail/Notch-Mountain-Unit-highlands-2-Rd-Parcel-B_Minturn_CO_81645_M91907-95156)
2. [https://www.realtor.com/realestateandhomes-detail/Notch-Mountain-Unit-highlands-1-Rd-Parcel-A\\_Minturn\\_CO\\_81645\\_M93795-65402](https://www.realtor.com/realestateandhomes-detail/Notch-Mountain-Unit-highlands-1-Rd-Parcel-A_Minturn_CO_81645_M93795-65402)

## Minturn USFS Shooting Range

### Background:

At the **November 19, 2025, Town Council meeting**, Council directed staff to explore options for Town management of the **Minturn Shooting Range** in order to address long-standing community concerns related to **safety, noise, and environmental impacts**. The shooting range is located on **federal land south of the Minturn Bike Park**.

### Status:

On **January 8, 2026**, staff met with **U.S. Forest Service (USFS) District Ranger Leanne Veldhuis** to discuss the process for seeking a **Special Use Permit** to operate the shooting range. Staff are awaiting follow-up from USFS regarding several outstanding questions related to the permitting process.

## Policy & Planning Initiatives

### Minturn Forward Land Use Code Update

The Planning Commission just conducted a partial review of draft Article 3: Subdivision & Development Standards discussing items such as parking, clear vision, and cash-in-lieu for non-motorized access. The Planning Commission and staff need to wrap up the rest of Article 3, Article 1: General Provisions, and Article 12: Terms & Definitions prior to starting the adoption hearings. We hope to have this accomplished by the end of March.

### Minturn Impact Fee Study

#### Background:

In November 2025, staff issued a Request for Proposals (RFP) to solicit qualified firms to conduct a comprehensive impact fee study. The purpose of the study is to ensure that the impacts of new developments appropriately contribute to the Town's future infrastructure costs.

# Town Manager's Report

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## Status:

A professional services agreement with **BBC Research and Consulting** has been approved. The study has started and the project is anticipated to be completed by **July 2026**.

## Rural Technical Assistance Program

### Background:

The Town was selected to participate in the **Rural Technical Assistance Program (RTAP)** through the Colorado Office of Economic Development & International Trade (OEDIT). The program pairs Minturn with graduate students from the **University of Colorado Boulder** and **Colorado State University** to develop strategies for leveraging outdoor recreation to support the local economy.

### Status:

A **two-day community workshop** will be held at Minturn Town Hall on **March 24 (2:00 p.m. – 6:00 p.m.)** and **March 25 (11:00 a.m. – 3:00 p.m. and 4:00 p.m. – 7:00 p.m.)**. Residents are encouraged to **attend one of the scheduled sessions**.

## Housing Affordability and Neighborhood Stability

Staff met with representatives from the **Town of Avon** and **Eagle County** on **February 18** to discuss progress on the **Regional Housing Authority formation study** and received updates on the current status of the project. Staff have prepared a memorandum for Town Council summarizing the discussion and will present the item and seek Council direction at the **March 4 meeting**.

## Temporary & Mobile Business Pilot Program

At the February 4 meeting, Town Council approved the Temporary & Mobile Business Pilot Program, authorizing the licensing of mobile and modular businesses on Town-owned property through **October 31, 2026**.

Staff have prepared **draft administrative rules and application materials** to implement the pilot, which are now available for public review: <https://www.minturn.org/finance/page/mobile-and-modular-business-licensing>

Interested parties may contact [manager@minturn.org](mailto:manager@minturn.org) for information about participation.

### Public Engagement:

The Town is accepting public comment on the draft administrative rules **through March 11**. Written comments may be submitted to [manager@minturn.org](mailto:manager@minturn.org). Public comment will also continue to be accepted throughout the duration of the pilot program.

## Public Works

### Weekly Report (February 16-22, 2026)

#### Operations & Winter Maintenance

Public Works completed all scheduled operations, including Water Treatment Plant operations, utility locates, equipment maintenance, and routine servicing of trash and dog waste stations. Crews focused heavily on winter maintenance, including plowing and shoveling town streets and

# Town Manager's Report

March 2026



sidewalks, applying cinders and ice melt, removing ice from bridges, and hauling **23 loads of snow** to the snow dump site.

## Infrastructure & System Improvements

Staff addressed minor infrastructure items, including replacing a damaged dog waste bag holder and clearing storm drains. The team also reviewed the “no read” water meter list and identified several MXUs that will require relocation or extended wiring to improve signal transmission and reduce future read issues.

## Training, Coordination & Partnerships

The department hosted a **Fire Hydrant Training** with Ferguson (with Red Cliff Public Works attending) and participated in **Flagger Certification Training** with CIRSA. Staff also coordinated with Meridian Fire & Security to replace fire extinguishers, with Ace Equipment to schedule replacement of the shop truck lift (March 2–3), and with Intermountain Engineering on the proposed snow storage expansion near Minturn Road and Taylor Street. Work continues on refining plans and coordination with the developer regarding structural fill, compaction standards, and retaining wall installation.

## Facilities & Equipment Maintenance

Routine servicing was completed on loaders, snowplows, and the skid steer, including greasing, replacing an amber strobe light, and repairing a valve lever on the IT 38-H loader.

## Safety

A weekly safety meeting focused on **Overhead Powerline Safety**, reinforcing clearance, communication, and hazard awareness when operating equipment. All work was completed safely, with **no injuries or incidents** reported.

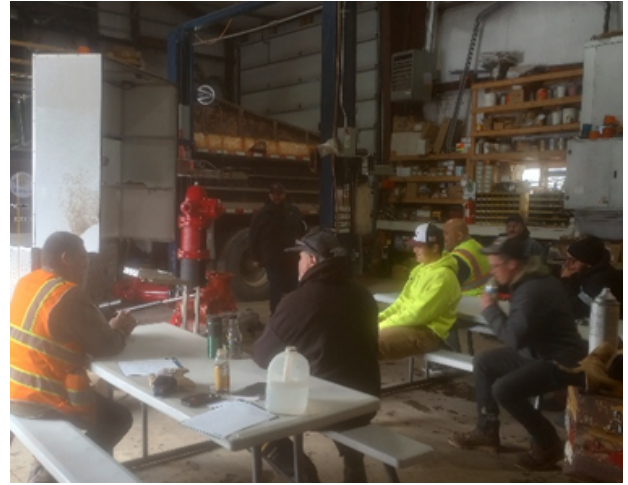
## Weekly Report Photos (February 16-22)

### 1. Fire Hydrant Training Course w/Red Cliff PW & Fire Extinguisher Replacement

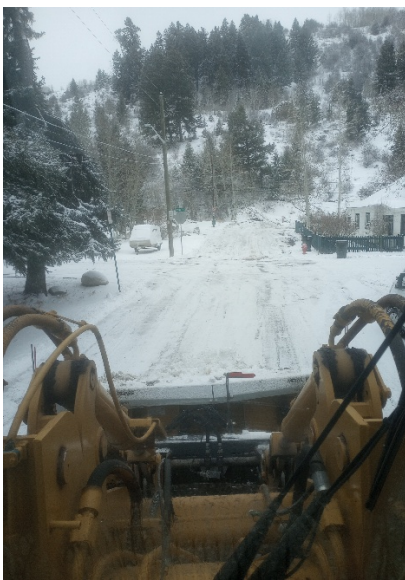


# Town Manager's Report

March 2026



## 2. Snow Ops



# Town Manager's Report

March 2026



### 3. Blocked Storm Drain Clearing Eagle River Inn



# Minturn Community Garden

## Creating an Accessible, Age-Friendly Gathering Place



This project will upgrade the Minturn Community Garden with accessible paths, shaded seating, and gathering spaces, making it easier for residents, especially adults age 50 and older, to garden, socialize, and participate in community events.

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Your civil service, at work.

# Site Context

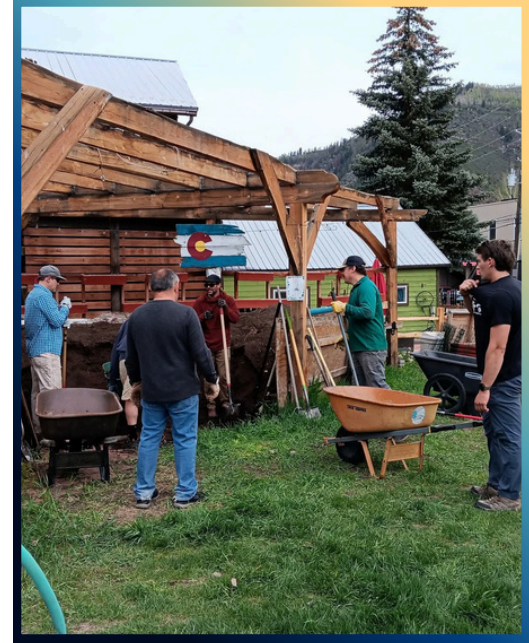
## Existing Conditions



**Site Conditions During Winter**



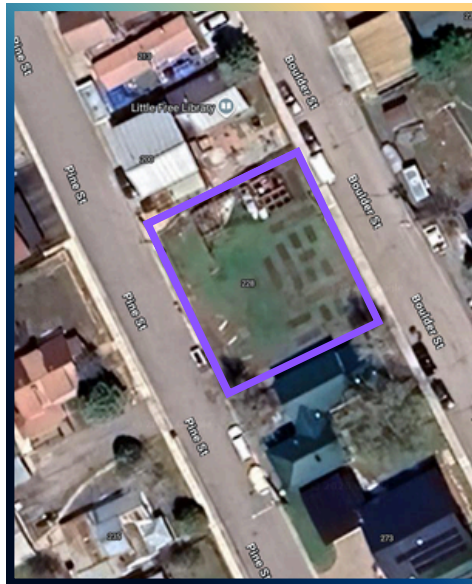
**Southern Portion used for Snow Storage**



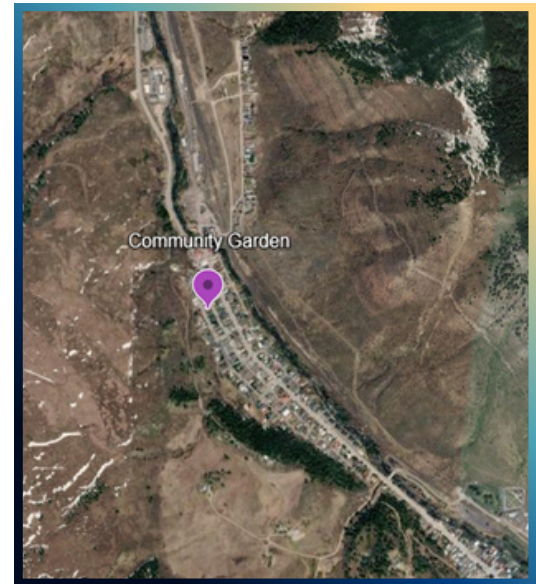
**Spring Site Assembly**



**Spring Site Assembly**



**Garden Aerial View**



**Location in Town of Minturn**

# Site Plan

## Proposed Garden Improvements



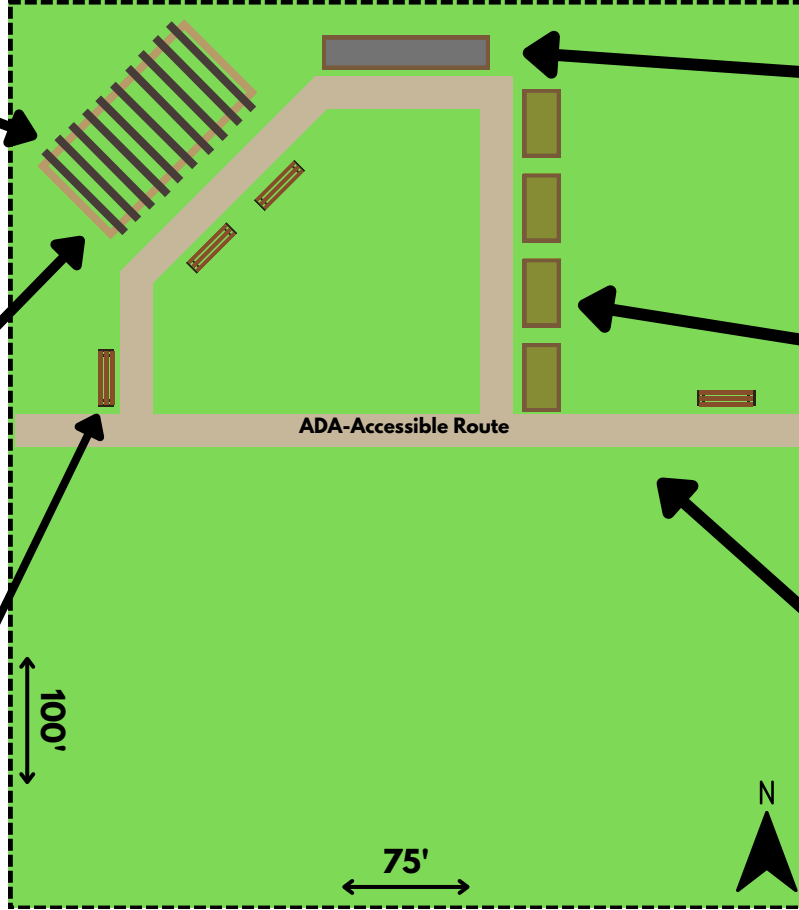
**Installation of Permanent Power Supply**



**10' x 20' Pergola w/shade for multi-use purposes**



**4 Permanent Benches w/Back Support**



**Garden Worktable w/multi-use sinks**



**4 Permanent ADA Compliant Planter Boxes**



**ADA Compliant Stabilized Decomposed Granite Pathway**

**Legend**

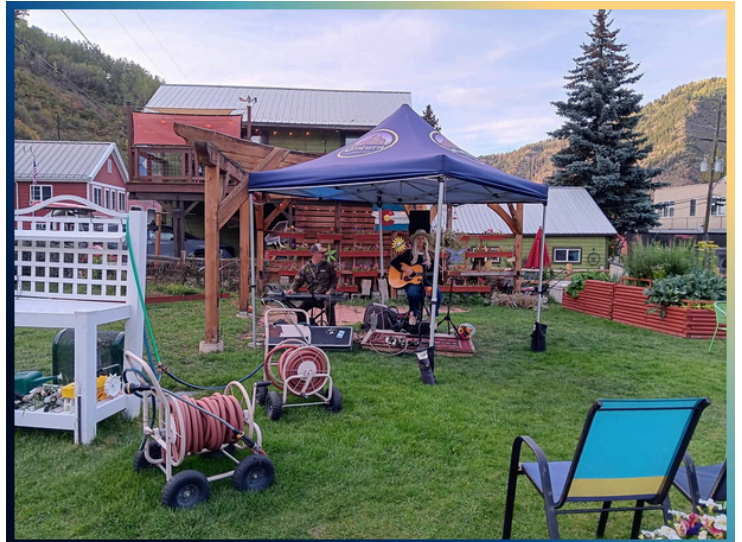
- Beige = ADA Stabilized DG Pathway
- Brown rectangles = ADA Planter Boxes
- Long gray = Garden Worktable
- Slatted shape = Pergola / Stage
- Bench icons = Benches with Back Support

**\*All elements shown diagrammatically; final layout subject to field verification.**



# Readiness & Ownership

## Existing Conditions



- Town-owned site
- Town is permitting authority
- Town Council granted support for project and grant application at their January 21 meeting
- Project ready for summer construction
- Completion targeted by September 2026
- Benefits residents 50+ and all ages
- Estimated Annual Users: ~250 residents, including many age 50+

**Minturn**  
Your civil service, at work.

February 23, 2025

Mayor and Town Council  
Town of Minturn  
Minturn, Colorado

and

AARP Livable Communities  
Community Challenge Grant Program

Re: Letter of Support – Minturn Community Garden Age-Friendly Improvements

Dear Mayor and Town Council Members and AARP Community Challenge Review Committee,

I am writing to express my complete support for the Town of Minturn's application to the AARP Community Challenge Grant program for improvements to the Minturn Community Garden. As a resident of Minturn and a local business owner, I have seen firsthand the vital role this garden plays in our community.

My family and I have been proud members of the Minturn Community Garden for six years. Over that time, we have watched it grow into a true gathering place, a space where neighbors connect, share knowledge, and take pride in growing their own food. As the owner of Minturn Whisky Co. at 161 Main St., I am also deeply invested in the health and vitality of our downtown, and I see the community garden as an important extension of that spirit.

The proposed improvements, including an ADA-accessible pathway, raised planter boxes, a shaded pergola, permanent seating, a communal worktable with sinks, and electrical service, will transform the garden into a space that is welcoming and usable for residents of all ages and abilities. These enhancements will be especially meaningful for older adults and those with mobility challenges who currently face barriers to full participation.

The Minturn Community Garden is a gem, and this investment will ensure it remains a vibrant, inclusive gathering place for years to come. I strongly encourage the AARP Community Challenge Review Committee to support this project.

Thank you for your consideration.

Sincerely,



Spence Neubauer  
Owner, Minturn Whisky Co.  
161 Main St., Minturn, Colorado  
Resident, 444 Eagle River St., Minturn, Colorado  
Community Garden Member

2/27/2026

Mayor and Town Council  
Town of Minturn  
Minturn, Colorado

and

AARP Livable Communities  
Community Challenge Grant Program

Re: Letter of Support – Minturn Community Garden Age-Friendly Improvements

Dear Mayor and Town Council Members and AARP Community Challenge Review Committee,

On behalf of the community members who use and care for the Minturn Community Garden, we are writing to express our strong support for the Town of Minturn's application to the AARP Community Challenge Grant program for improvements to the community garden.

The Minturn Community Garden is an important gathering place that supports gardening, social connection, and community life. However, the space is currently limited by a lack of accessible pathways, seating, and permanent amenities. The Town's proposed project, including an ADA-compliant pathway, accessible raised planter boxes, shaded gathering space, permanent seating with back support, a communal worktable with sinks, and permanent electrical service, will make the garden significantly more welcoming and usable, especially for residents age 50 and older and for people with mobility challenges.

These improvements will allow more residents to participate in gardening and community activities comfortably and safely, reduce barriers to access, and create a space that supports both everyday use and community events, workshops, and gatherings. The addition of shade, seating, and accessible work areas will be particularly meaningful for older adults who benefit from places to rest, socialize, and stay active in an outdoor setting.

We believe this project will strengthen the role of the community garden as a year-round community asset and a true gathering place for residents of all ages. We strongly support the Town's efforts to pursue this funding and commend the focus on accessibility, inclusion, and community connection.

Thank you for your consideration of this application and for your continued investment in making Minturn's public spaces more welcoming and age-friendly.

Sincerely,

AnneMarie Malone  
Minturn Community Fund, Minturn Community Garden Program Director  
annemarie\_malone@icloud.com



**Staff Memo To:** Mayor and Town Council  
**From:** Rob Gutierrez, Town Manager  
**Date:** Updated February 11, 2026  
**Subject:** 2026 Colorado Legislative Update

## Purpose of Memorandum

The purpose of this memorandum is to provide Town Council with an informational update on several bills currently under consideration by the Colorado General Assembly that may have potential implications for municipalities, including possible operational, regulatory, or fiscal impacts on the Town.

Council members interested in discussing any of the legislation referenced in this memorandum may do so at the February 18, 2026, Town Council meeting. Staff will include an agenda item titled: **“Consideration of Council positions on select pending state legislation affecting local governments, including housing and municipal finance.”**

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## House Bill 26-1036

**Bill Title:** Authorization of Local Taxes on Vacant Residential Properties  
**Effective Date:** August 12, 2026 (subject to referendum)

**Status:** **Died in Finance Committee on a 4-7 vote on February 9.**

### Summary:

HB26-1036 would authorize counties and municipalities, subject to voter approval, to impose new local taxes on vacant residential properties for the purpose of funding affordable, attainable, or workforce housing. The bill creates two potential taxing mechanisms, an excise tax and an additional property tax, and also allows local governments to jointly form a regional housing tax authority through an intergovernmental agreement.

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## House Bill 26-1001

**Bill Title:** Residential Development on Qualifying Properties (HOME Act)  
**Effective Date:** January 1, 2028 (requirements apply on or after December 31, 2027)

### Status Tracker

**1/14/26:** Introduced to House.

**2/3/26:** Bill received 5 amendments on February 3 at the House Transportation, Housing, and Local Government Committee and passed to floor vote.

**2/5/26:** Bill passed second reading with amendments on the house floor.

**2/6/26:** **The full House voted on final passage and approved the bill as amended. Bill now awaits Senate consideration.**



## CML Position: Oppose

### Summary:

HB26-1001 would require municipalities with populations over 2,000 to allow residential development through an administrative approval process on certain publicly owned or nonprofit-owned properties of five acres or less. The bill is intended to promote housing development, particularly affordable housing, on land already owned by public entities or nonprofit organizations, while limiting a local government's ability to deny or significantly restrict qualifying developments based on zoning standards.

### Key Points for Council:

- Applies only to **specified public and nonprofit-owned properties**
- Requires approval through an **administrative process**, rather than discretionary or legislative review
- Limits the ability to restrict qualifying developments based on height, density, parking, and similar zoning standards
- Preserves local authority over infrastructure capacity, life-safety codes, environmental regulations, historic districts, and impact fees
- Excludes properties with infrastructure limitations, environmental constraints, or other defined exemptions

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## House Bill 26-1114

**Bill Title:** Concerning an Allowed Minimum Lot Size for Subject Jurisdictions

**Effective Date:** When signed by Governor

### Status Tracker:

**2/3/26:** Introduced to House.

**2/18/26:** Scheduled for hearing at 1:30 P.M. at Transportation, Housing, & Local Government Committee.

## CML Position: Oppose

### Summary

HB26-1114 requires certain local governments ("subject jurisdictions") to allow very small single-family home lots, down to 2,000 square feet, starting October 1, 2031. In other words, a city or county covered by the law can't require a larger minimum lot size for a single-family home after that date. The bill's stated goal is to reduce land costs and make starter homes more affordable by allowing smaller lots. It exempts parcels that aren't on municipal water/sewer, that rely on wells or septic, or that are certain historic properties. Importantly, it does not take away local authority over infrastructure standards, building and fire codes, health and safety rules (floodplains, airport influence areas, etc.), impact fees, or requiring confirmation of water/wastewater capacity, those still apply.



## Key Points for Council

- Minturn is *nota* “subject jurisdiction” under this bill, so the requirements in HB26-1114 would not apply to the Town.
- The bill targets **larger cities and counties** (generally those over 50,000 population, as defined elsewhere in statute including Eagle County).
- For covered jurisdictions, the bill would **cap minimum lot sizes for single-family homes at 2,000 square feet starting October 1, 2031**.

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## House Bill 26-1119

**Bill Title:** Concerning the authority of local taxing entities to impose property taxes on the assessed value of land and the assessed value of improvements thereon at different mill levy rates

**Effective Date:** August 12, 2026 (subject to referendum)

### Status Tracker

**2/4/26:** Introduced to House.

**3/2/26:** Scheduled for hearing at Finance Committee 1:30 P.M.

**CML Position:** Deliberating

### Summary

HB26-1119 lets cities, counties, and certain special districts choose to tax land and buildings at different property tax rates (a “split-rate” property tax), as long as the tax rate on buildings and improvements is no higher than the rate on land. The idea is to lower taxes on buildings and shift more of the tax burden onto land, which the bill argues would encourage housing construction, infill development, and productive use of property while discouraging land speculation and vacant or underused parcels. The bill prohibits using split rates for certain categories of property (like agricultural land, conservation easements, oil and gas, mining, renewable energy property, and state-assessed property), and it does not override TABOR or existing mill levy and revenue limits. It also adds transparency and reporting requirements, requiring local taxing entities and counties to clearly certify and publish the separate mill levy rates if they adopt this approach.

## Key Points for Council

- **Optional tool:** The bill lets Minturn choose a split-rate property tax; it does not require any change.
- **How it works:** The Town could tax land at a higher rate than buildings, but not the other way around.
- **Purpose:** Meant to encourage development and discourage land speculation.
- **Limits still apply:** TABOR and existing mill levy and revenue caps still control taxes.
- **Exclusions:** The split rate cannot be used on agricultural, conservation easement, oil and gas, mining, renewable energy, or state-assessed property.



## House Bill 26-1071

**Bill Title:** Concerning allowing a local government to locate an automated vehicle identification system on an interstate highway Act

**Effective Date:** August 12, 2026 (subject to referendum)

### Status Tracker

**1/27/26:** Introduced to House.

**2/17/26:** Scheduled for hearing at Transportation, Housing, & Local Government Committee

**CML Position:** Support

### Summary

**HB26-1071 allows cities and counties, not just the state, to place and use automated vehicle identification systems (such as speed or enforcement cameras) on interstate highways like I-70.** Current law limits this authority to the state, but the bill expands it to local governments so they can enforce state or local traffic laws in designated areas. The measure clarifies where and how these systems may be used, while keeping the overall framework for automated enforcement in place.

### Key Points for Council

- No impact on the Town of Minturn as we have no interstate highway within town boundaries
- Provided to Council and the public as informational

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## Senate Bill 26-024

**Bill Title:** Unmanned Aircraft Systems Rights and Authorities Act

**Effective Date:** Upon signature of the governor

### Status Tracker

**1/14/2026:** Introduced to Senate.

**2/19/26:** Scheduled in the Local Government & Housing Committee for a hearing at 1:30 P.M.

**CML Position:** Oppose

### Summary

**SB26-024 creates a statewide framework for regulating drones in Colorado, affirming federal control of navigable airspace and largely preempting local regulation of drone operations.** The bill allows recreational and commercial drone use that complies with federal and state law and prohibits local governments from regulating drone registration, licensing, pilot qualifications, flight paths, altitude, equipment, or operational standards. Local governments may still regulate drone use on property they own or control, including



takeoff and landing, and may enforce generally applicable laws such as nuisance, trespass, and public safety regulations that do not specifically target drones.

## Key Points for Council

- Establishes **statewide preemption** of local drone regulation
- Prohibits local ordinances regulating drone operation, registration, equipment, or flight characteristics
- Preserves local authority over **Town-owned or Town-controlled property**, including takeoff and landing
- Allows enforcement of **generally applicable public safety and nuisance laws**
- Would invalidate existing local regulations that conflict with the bill
- Reinforces reliance on **federal aviation regulations** for operational oversight

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## Federal Legislation: H.R. 6644 “Housing for the 21<sup>st</sup> Century Act” & Senate’s ROAD to Housing Act

### Status:

- **February 9–10, 2026:** The U.S. House of Representatives passed H.R. 6644 by an overwhelming bipartisan vote.
- After House passage, **H.R. 6644 was sent to the U.S. Senate** for consideration.
- The Senate’s housing package — commonly referred to as the “**ROAD to Housing Act**” (Senate bill S. 2651) — **advanced out of the Senate Banking Committee in 2025** and has been included in broader legislative vehicles but **has not yet been fully enacted**.
- Congress is expected to **reconcile differences between the House and Senate housing proposals** and adopt a final consolidated bill before any enactment into law.

### House Legislation Summary:

H.R. 6644 is a bipartisan federal housing package designed to increase housing supply and affordability, promote local regulatory reform, modernize federal housing programs, and provide planning and implementation support to communities.

### Senate Legislation Summary:

The Senate ROAD to Housing Act similarly seeks to expand housing production and improve affordability. While its goals align with H.R. 6644 — including support for local planning and reducing barriers to housing — its specific program structures and funding mechanisms differ. Final enactment will likely merge elements from both bills.

### Key Provisions with Local Government Relevance

- **HUD best practices:** Directs HUD to publish model zoning, land-use, and permitting frameworks to support more housing.

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- **Pattern book grants:** Creates grants to help communities adopt pre-approved housing designs (e.g., duplexes, ADUs) to speed up permitting.
- **Housing planning grants:** Provides funding for local housing plans, zoning updates, and permitting capacity improvements.
- **CDBG changes:** Requires communities receiving CDBG funds to address local regulatory barriers to housing.
- **Rural housing support:** Expands federal rural housing loan programs for smaller and rural communities.
- **HOME program updates:** Broadens eligibility for federal HOME funds to support more infill and redevelopment projects.

Sincerely,

Rob Gutierrez  
Town Manager



**To:** Planning Commission

**From:** Rob Gutierrez, Town Manager

**Date:** February 12, 2026

**Subject:** Guidance on Commissioner Questions and Deliberation in Land Use Hearings

## Purpose of Memorandum

The purpose of this memo is to provide guidance to Planning Commission members on **how to frame questions and conduct deliberations** during land use hearings, particularly when applications involve technical or specialized topics (e.g., engineering, traffic, drainage, snow storage, fire access, utilities, or environmental issues).

This guidance is intended to help ensure that Commission decisions are:

- Based on **adopted standards and evidence in the record**,
- **Fair and impartial**, and
- **Legally defensible** if challenged.

## Role of the Planning Commission

The role of the Planning Commission is to serve the public interest as defined by:

- The Town's **adopted comprehensive plan**
- The **land use code/development regulations**
- Applicable **state law and due process**

**Make findings based on evidence in the record**, not personal preference, anecdotes, or who they think they “represent.”

**Act as neutral decision-makers**, especially in quasi-judicial matters, weighing:

- Whether an application meets the criteria
- Whether conditions of approval are justified
- Whether the standards are satisfied

Planning commissioners don't represent the Town or any particular group in the community. They represent the **public interest as expressed in the Town's adopted plans and regulations**, and their job is to apply those rules fairly and consistently.

## Appropriate Use of Questions

Commissioners are **not expected to be technical experts**. However, they are expected to ask **thoughtful, relevant questions** to understand whether an application complies with applicable requirements.

It is appropriate and encouraged for commissioners to ask questions that:



- Clarify **how the proposal meets (or does not meet) code and policy standards;**
- Confirm whether an issue has been **reviewed by staff or qualified professionals;**
- Test whether the **evidence in the record is complete, credible, and sufficient;**
- Explore **conditions of approval or mitigation measures** tied to adopted standards; and
- Help the Commission understand the **impacts of the proposal in planning and regulatory terms.**

Examples of appropriate questions include:

- “What code or standard applies to this issue, and how does the proposal comply?”
- “Has this been reviewed by Public Works/Engineering/Fire, and what was their conclusion?”
- “Can you explain the analysis that supports this being adequate?”
- “What mitigation measures are proposed, and are they consistent with our standards?”

These types of questions keep the Commission focused on **standards, evidence, and process.**

## Appropriate Tone and Questioning in Hearings

In quasi-judicial hearings, the Planning Commission’s role is to act as a neutral arbiter and to develop a clear, complete record on whether an application meets the adopted standards. Questions should be framed to **clarify the evidence, test how the proposal meets the code, and fill gaps in the record,** not to advocate for or against the project.

Questioning should not resemble cross-examination. A cross-examination style, using leading, argumentative, or adversarial questions, can create the appearance that the Commission is acting as an advocate rather than as an impartial decision-maker. This can undermine the perception of fairness and increase legal risk. Cross-examination typically sounds like:

- “Isn’t it true that this snow storage area is too small to work?”
- “So you’re saying this meets the code, even though neighbors will be impacted?”
- “Why should we believe your traffic study?”
- “Don’t you agree this design is out of character for the area?”

Instead, the Commission’s interaction with applicants should be professional, neutral, and focused on the applicable criteria.



## Statements That Reflect Advocacy or Personal Judgment

Statements that answer questions like “What do I think?”, “What do I prefer?”, or “Who am I speaking for?” signal that a commissioner may not be **independently and neutrally applying the adopted standards**.

Example of statements that raise concern:

### Representational or advocacy framing

- “My job is to protect the Town from projects like this.”
- “The community doesn’t want this, so I can’t support it.”

### Personal preference or gut-feeling judgments

- “This doesn’t feel right to me.”
- “If it were up to me, I wouldn’t allow this here.”

### Pre-judging or generalized assumptions

- “These projects always cause problems.”
- “I’ve seen how this goes, and it’s not good.”

### Criticizing the code or standards themselves

- “I don’t think this code protects wildlife adequately.”
- “Our standards for traffic and parking are too weak.”

### Imposing new requirements not found in the code

- “I think the applicant should be required to put in a sidewalk.”
- “They should have to do more landscaping than what the code requires.”

### Re-litigating past Town decisions or practices

- “The Town has a bad track record of holding developers accountable.”
- “Past councils shouldn’t have allowed this kind of development.”

These kinds of comments suggest that the commissioner is:

- Acting as an **advocate or representative**, rather than a neutral decision-maker
- Relying on **personal opinion or experience** instead of the adopted criteria
- **Pre-judging** the application rather than weighing the evidence in the record
- Making a decision based on **policy preferences** instead of applying existing policy

## Avoiding Substitution of Personal Judgment for Technical Review

Concerns arise when a commissioner:



- Presents **personal opinion or experience** as if it were technical evidence;
- Makes **technical conclusions** without support from the record; or
- Appears to apply **personal standards** rather than adopted Town standards.

For example, statements such as:

- “I don’t think this looks adequate,” or
- “In my experience, this won’t work,”
- “I’m not an engineer but,”

are problematic if they are **not tied to code requirements, professional review, or evidence in the record.**

The appropriate approach is to **ask questions that test the evidence**, rather than to substitute personal judgment for technical analysis.

## Framing Concerns in a Defensible Way

If a commissioner has a concern about a technical issue (e.g., snow storage, drainage, traffic, access, utilities), the concern should be framed in terms of:

- **What standard applies,**
- **What the evidence shows, and**
- **Whether the record supports a finding of compliance.**

For example, instead of stating:

*“I don’t think the snow storage area is adequate,”*

A more appropriate approach would be:

*“Can staff or the engineer explain what standard applies to snow storage here, and how this plan meets that requirement?”*

This keeps the discussion focused on **standards and evidence**, not personal judgment.

## Deliberation and Decision-Making

During deliberations, commissioners should:

- Base their comments and decisions on **the record, applicable standards, and adopted policies;**
- Clearly **connect their reasoning** to those standards; and
- Avoid relying on **personal preferences, assumptions, or off-the-record information.**

In land use and quasi-judicial matters, the **“record”** consists of the testimony, documents, staff reports, and exhibits presented during the public hearing and made available to all



parties and the public. Decisions must be based **only** on this record and the applicable approval criteria.

## Off-the-Record Information and Ex Parte Communications

**Ex parte communications** are discussions, emails, texts, letters, site visits, or other contacts about a pending application that occur **outside the public hearing process** and are **not part of the public record**. Examples include:

- A neighbor, applicant, or interested party speaking with a commissioner outside a meeting about the merits of a project;
- A commissioner receiving and relying on an email, letter, or message that is not introduced into the hearing record;
- A commissioner referencing or quoting a private conversation during deliberations; or
- A commissioner relying on information provided by a spouse, friend, or other individual outside the hearing process.

Commissioners should not reference or rely on off-the-record information during deliberations. Examples of inappropriate statements include:

- “When I **talked to a neighbor / business owner / the applicant** outside this meeting, they said this would cause problems.”
- “I **received an email/text/letter** about this that raises concerns.”
- “My **spouse/friend** said this is going to be an issue.”
- “I **know the adjoining property owner**, and they told me this won’t work.”

Off-the-record information is problematic because it is **not available to the rest of the Commission, the applicant, or the public**, and it cannot be tested, clarified, or rebutted in the public forum. Reliance on such information can undermine the **fairness, transparency, and legal defensibility** of the Commission’s decision.

## When in Doubt

If a commissioner is unsure whether a question, comment, or concern is being framed appropriately, they are encouraged to:

- Ask staff for clarification during the meeting, or
- Discuss the issue with staff or the Town Attorney in advance of the hearing.

## Conclusion

Thoughtful questions and careful, standards-based deliberation are central to the Planning Commission’s role. By focusing on adopted criteria and evidence in the record, rather than

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personal technical judgments, the Commission helps ensure that its recommendations and decisions are fair, consistent, and legally defensible.

Sincerely,

Rob Gutierrez  
Town Manager