AGENDA

Work Session (4:30) / Town Council Meeting (5:30)

Wednesday, December 04, 2024

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

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

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/89579699313

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 895 7969 9313

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

Public Comments: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, 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. WORK SESSION (4:30 PM)

A. Minturn Forward: Chapter 16 Article 5 Review

4. APPROVAL OF CONSENT AGENDA

Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.

A. 11-20-2024 Minutes

B. Liquor License Renewal - Rocky Mountain Taco

5. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

6. DECLARATION OF CONFLICTS OF INTEREST

7. PUBLIC COMMENT

Citizens are invited to comment on any item on the Consent Agenda, or 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 Clerk. Those who are speaking are requested to state their name and address for the record.

8. COUNCIL COMMENTS & COMMITTEE REPORTS

9. STAFF REPORTS

A. Manager's Report

10. SPECIAL PRESENTATIONS

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

11. BUSINESS ITEMS

Items and/or Public Hearings listed under Business Items may be old or new and may require review or action by the Council.

A. Resolution 64, Series 2024 - A Resolution Appointing a Board Member to the Minturn Education Fund Board

B. Ordinance 21 - Series 2024 (Second Reading) An Ordinance Creating a Supplemental Appropriation to the 2024 Town of Minturn Budget

C. Ordinance 22 - Series 2024 (Second Reading) An Ordinance Levying General Property Taxes for the Year 2025, to Meet General Operating Costs of Government for the Town of Minturn, Colorado for the 2025 Budget Year

D. Ordinance 23 - Series 2024 (Second Reading) An Ordinance Approving Revenues, Appropriating Expenditures, Approving Transfers and Adopting the Town of Minturn Budget for the Period Beginning on the First Day of January 2025 and Ending on the Last Day of December, 2025

E. Resolution 62 - Series 2024 Adopting the 2025 Town of Minturn Fee Schedule

F. Resolution 63 - Series 2024 A Resolution Adopting the Net Zero Roadmap

G. Ordinance 24-Series 2024 (First Reading) An Ordinance Increasing the Short Term Rental Lodging Tax to 6.5%

H. Ordinance 25 - Series 2024 (First Reading) An Ordinance Establishing the Minturn Downtown Development Authority

12. DISCUSSION / DIRECTION ITEMS

13. FUTURE AGENDA ITEMS

A. Future Meeting Topics

14. ADJOURN

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings & Events:

-- December 6, 2024 - First Friday & Tree Lighting

-- December 18, 2024 - Town Council Meeting

-- December 25, 2024 - Town Hall Closed (Christmas Day)

-- January 1, 2025 - Town Hall Closed (New Years Day) - Town Council Meeting Canceled

Minturn Forward Memo

TO:	Minturn Planning Commission and Town Council
FROM:	Town Staff and Matt Farrar (Western Slope Consulting)
DATE:	November 25, 2024
ATTACHMENTS:	Revised Draft (v5) Article 5: Land Use Application Requirements & Procedures

1. LAND USE CODE UPDATE PRIORITIES

The "Code Assessment," prepared in December 2023, serves as a guide for the update to Minturn's Land Use Code ("the Code"). The Code Assessment summarizes key themes from the Community Plan, Strategic Plan, and those identified from discussions with the Planning Commission and stakeholders. These themes serve as priorities, and the basis of the recommendations, for the Code update. The following is a list of the priorities (i.e., themes) to be addressed via the update to the Code:

- Re-Organize and Re-Format Code to Improve Usability
  - Consolidate and re-organize the existing chapters of the Code.
  - Address inconsistencies, redundancies, and ambiguity in the Code.
  - Ensure that the intent of regulations is clearly described in the Code.
  - Ensure that diagrams, graphics, and tables clearly describe the intent of regulations.
  - Reduce the number of cross-references in the Code.
  - Simplify Code language/reduce the use of technical jargon.
  - Consolidate, update, and add (as necessary) definitions.
  - Consolidate standards for specific types of land uses into a "Use-Specific Standards" Section.
  - Consolidate parking, lighting, landscaping & sign regulations into "Development Standards" Section.

- Develop a Code that Facilitates the Implementation of Minturn's Community Plan and Strategic Plan
  - Simplify Character Areas and Zone Districts.
  - Explore options for the type of Code (e.g., Traditional, Form-Based, Hybrid) best suited for Minturn.
  - Craft regulations that enable creativity and enhance Minturn's Character.
  - Consolidate and update Use Tables to ensure alignment with the 2023 Community Plan.
  - Ensure regulations address the community's environmental concerns.
  - Align the Code with the community's transportation objectives.

- Enhance Review Processes
  - Explore options to clarify, simplify, and streamline application review procedures.
  - Improve application requirements.

- Create More Opportunities For A Range of Housing Options for Full-Time Residents
  - Expand the types of housing permitted in Minturn.
  - Reduce potential barriers to housing development.

- Increase Flexibility of Regulations & Standards
  - Evaluate regulations for non-conformities.
  - Explore integration of alternative compliance measures.
  - Evaluate Historic Preservation regulations.

- Explore Options to Promote/Incentivize Certain Types of Development
  - Explore types of incentives, which may include:
    - Unit bonuses.
    - Regulatory incentives, such as increased building height allowances, reduced off-street parking requirements, etc.
    - Straightforward and expedited review processes.

- Ensure Compliance With Court Rulings.
  - Sign regulations and regulations for Adult Entertainment Establishments.

2. FORMAT

One of the recommendations for improving the usability of Minturn's Land Use Code is to reduce the number of cross-references in the Code. "Cross-references" require a user to jump between different parts of the Code to find all the information that they need. Requiring a user to do this can make use of the Code difficult and confusing.

In updating Minturn's Land Use Code, there will be an emphasis on organizing and consolidating the various components of the Code so that a user can go to one part of the Code and find most, if not all, of the information that they are seeking. The attached draft of Article 5: Land Use Application Requirements & Procedures has been formatted in this fashion.

There are pros/cons to the recommended format for the updated Code. Those include the following:

<u>PROS</u>:

- Allowing a user to find most, if not all, of the information they are seeking in one part of the Code (i.e., "one-stop shopping") can help make the Code more user-friendly.

CONS:

- The recommended format necessitates some redundancy in the Code. For example, in the draft of Article 5, the application review processes repeat much of the same language. This is necessary for enabling a user to go to a specific Section and find most of the information that they need for a specific type of application. Redundancy in the Code can have the following drawbacks:

    - Future updates to the Code will require a thorough review to ensure that all redundant language is changed. If all redundant language is not changed, it may result in inconsistent language in the Code.

    - Redundant language results in the overall length of the Code being longer. However, it is unlikely that any user will need to go through the Code page-by-page, so the length of the Code is probably not an issue. This should be true whether a user is looking at a hard copy or online version of the Code.

Staff is requesting input from the Planning Commission and the Town Council as to whether the Code update should continue with the recommended format or if an alternative format should be used.

3. VARIANCES

Currently, a two-step process is required for Zoning Variances and Sign Variances. That process is as follows:

- Step One: Review and recommendation by the Planning Commission

- Step Two: Review and decision by the Town Council (acting as the Town's Zoning Board of Appeals).

Staff (including the Town Attorney and Matt Farrar) have recommended that both Zoning and Sign Variances become a one-step process that are reviewed and decided upon by the Planning Commission OR Town Council. This recommendation is based on experience with Variances in other communities where they are typically a one-step process that requires a review and decision by a Planning Commission.

Minturn's Planning Commission has expressed a desire that the existing two-step process for Variances remain. Therefore, staff is requesting direction from the Town Council on whether the process for Variances should remain a two-step process or become a one-step process. If Variances become a one-step process, staff requests direction on whether the review and decision is to be handled by the Planning Commission OR the Town Council.

4. ADMINISTRATIVE AUTHORITY

A provision has been added that enables the Planning Director, or their designee, to waive submittal requirements for applications, if the following criteria are met:

a. The waiver will not compromise a proper and complete review of the application.

b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

If the Planning Director authorizes a waiver of any application submittal requirements, they must do the following:

a. Notify the applicant in writing.

b. Include in their staff report (if a staff report is required) a list of the submittal requirements waived and the findings made to justify the waiver.

The current Code does not allow the Planning Director to waive submittal requirements. Therefore, an applicant must address all the submittal requirements listed in the Code even if they don't make sense for their project.

Staff is requesting input from the Planning Commission and the Town Council as to whether they are supportive of including this provision in the updated Code.

MINTURN FORWARD SCHEDULE

Updated: October 9, 2024

MODULE 1
Sections of Land Use Code to be addressed… Article 5: Land Use Application Requirements & Procedures Article 8: Subdivision Application Requirements & Procedures Article 12: Environmental Impact Report
Tentative Timeframe: July- December 2024

MODULE 2
Sections of Land Use Code to be addressed… Article 2: Zone Districts Article 3: Use Regulations & Standards Article 4: Dimensional Requirements
Tentative Timeframe: August 2024- March 2025

MODULE 3
Sections of Land Use Code to be addressed… Article 6: Development/Design Standards Article 7: Subdivision Standards Article 9: Community Housing Standards and Guidelines
Tentative Timeframe: January- April 2025

MODULE 4
Sections of Land Use Code to be addressed… Article 1: General Provisions Article 10: Annexation Article 11: Disconnection of Land Article 13: Areas and Activities of State Interest Article 14: Terms & Definitions
Tentative Timeframe: February- May 2025

PLANNING COMMISSION & TOWN COUNCIL ADOPTION PROCESS
Tentative Timeframe: June- July 2025

OCTOBER 2024

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	
29	30	1 **Staff Check-In Meeting** • Review/revise Draft #1 of Article 5 (First Half)	2	3 **Materials for PC Packet Due** • Draft #1 of Article 12	4	5
6	7 *Work on review and update to Zone Districts, Use Regulations, and Dimensional Requirements this week --->*	8 **Staff Check-In Meeting** • Review/revise Draft #1 of Article 5 (First Half) • Review/revise Zone Districts, Use Regs & Dimensional Requirements	9 **PC Meeting** • Review Draft #1 of Article 12	10	11 **Deadline** • Staff comments on Draft #1 of Article 5 (First Half)	12
13	14 **Deadline** • Draft #1 of Article 8 made available to staff *Work on review and update to Zone Districts, Use Regulations, and Dimensional Requirements this week --->*	15 **Staff Check-In Meeting** • Revise Draft #1 of Article 12 based on PC comments • Review/revise Draft #1 of Article 5 (First Half) • Review/revise Zone Districts, Use Regs & Dimensional Requirements	16	17 **Materials for PC Packet Due** • Draft #2 of Article 12 • Draft #2 of Article 5 (First Half)	18	19
20	21 *Work on review and update to Zone Districts, Use Regulations, and Dimensional Requirements this week --->*	22 **Staff Check-In Meeting** • Review/revise Draft #1 of Article 5 (Second Half) • Review/revise Zone Districts, Use Regs & Dimensional Requirements	23 **PC Meeting** • Review Draft #2 of Article 12 • Review Draft #2 of Article 5 (First Half)	24	25	26
27	28 *Work on review and update to Zone Districts, Use Regulations, and Dimensional Requirements this week --->*	29 **Staff Check-In Meeting** • Final revisions to Article 12 based on PC comments • Review/revise Draft #1 of Article 5 (Second Half) • Review/revise Draft #1 of Article 8 • Prep for Zoning Open Houses	30 **Deadline** • Staff comments on Draft #1 of Article 5 (Second Half)	31	1	2

NOVEMBER 2024

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
27	28	29	30	31	1 **Deadline** • Staff comments on Draft #1 of Article 8	2
3	4 *Work on prep for "Zoning Open Houses" this week --->*	5 **Staff Check-In Meeting** • Review/revise Draft #1 of Article 8 • Prep for Zoning Open Houses	6	7 **Materials for PC Packet Due** • Draft #2 of Article 5 (Second Half) • Draft #1 of Article 8	8	9

NOVEMBER 2024 (continued)

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	
10	11 **"Zoning Open House(s)" this week? --->**	12 **Staff Check-In Meeting**	13 **PC Meeting** • Review Draft #2 of Article 5 (Second Half) • Review Draft #1 of Article 8	14	15	16
17	18 **"Zoning Open House(s)" this week? --->**	19 **Staff Check-In Meeting** • Final revisions to Article 5 based on PC comments	20	21	22	23
24	25	26 **Staff Check-In Meeting** • Review/revise Draft #1 of Article 8 • Review/revise Draft #1 of Article 5 (Second Half) • Review/revise Zone Districts, Use Regs & Dimensional Requirements	27 **PC Meeting** • Review Draft #1 of Article 8	28 **THANKSGIVING DAY**	29	30

DECEMBER 2024

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 **Additional "Zoning Open House(s)" this week (if needed)? --->**	3 **Staff Check-In Meeting** • Revise Draft #1 of Article 8 based on PC comments • Review/revise Zone Districts, Use Regs & Dimensional Requirements	4 **Joint Work Session?** • Review organization and format of updated Code • Review key changes to Articles 5, 8 and 12	5 **Materials for PC Packet Due** • Draft #2 of Article 8	6	7
8	9	10 **Staff Check-In Meeting** • Review/revise Zone Districts, Use Regs & Dimensional Requirements	11 **PC Meeting** • Review Draft #2 of Article 8	12	13 **Deadline** • Draft #1 of Articles 2-4 made available to staff	14
15	16	17 **Staff Check-In Meeting** • Final revisions to Article 8 based on PC comments • Review/revise Draft #1 Articles 2-4	18	19	20 **Deadline** • Staff comments on Draft #1 of Articles 2-4	21
22	23	24	25 **CHRISTMAS DAY**	26	27	28
29	30	31 **NEW YEARS EVE**	1 NEW YEARS DAY	2	3	4

JANUARY 2025

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	
29	30	31	1 **Joint Work Session?** • Discuss potential zoning changes	2 **Materials for PC Packet Due** • Draft #1 of Articles 2-4	3	4
5	6 *Work on review and update to development, subdivision, and housing standards this week ---->*	7 **Staff Check-In Meeting** • Review/revise design/development and subdivision standards	8 **PC Meeting** • Review Draft #1 of Articles 2-4	9	10	11
12	13 *Continue work on review and update to standards this week ---->*	14 **Staff Check-In Meeting** • Review/revise design/development and subdivision standards	15 **Joint Work Session?** • Discuss potential zoning changes (if necessary)	16 **Materials for PC Packet Due** • To be determined	17	18
19	20 **MLK DAY** *Continue work on review and update to standards this week ---->*	21 **Staff Check-In Meeting** • Review/revise design/development and subdivision standards	22 **PC Meeting** • Review Draft #1 of Articles 2-4	23	24	25
26	27 *Continue work on review and update to standards this week ---->*	28 **Staff Check-In Meeting** • Revise Draft #1 of Articles 2-4 based on PC comments • Review/revise design/development and subdivision standards	29	30	31 **Deadline** • Draft #1 of Articles 6, 7 & 9 made available to staff	1

FEBRUARY 2025

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
26	27	28	29	30	31	1
2	3	4 **Staff Check-In Meeting** • Revise Draft #1 of Articles 2-4 based on PC comments • Review/revise Draft #1 of Articles 6, 7 & 9	5 **Joint Work Session?** • Discuss potential changes to development, subdivision, and housing standards	6 **Materials for PC Packet Due** • Draft #2 of Articles 2-4	7	8
9	10	11 **Staff Check-In Meeting** • Review/revise Draft #1 of Articles 6, 7 & 9	12 **PC Meeting** • Review Draft #2 of Articles 2-4	13	14 **Deadline** • Staff comments on Draft #1 of Articles 6, 7 & 9	15
16	17 **PRESIDENTS DAY**	18 **Staff Check-In Meeting** • Review/revise Draft #1 of Articles 6, 7 & 9	19 **Joint Work Session?** • Discuss potential changes to development, subdivision, and housing standards (if necessary)	20 **Materials for PC Packet Due** • Draft #1 of Articles 6, 7 & 9	21	22

FEBRUARY 2025 (continued)

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	
23	24	25 **Staff Check-In Meeting** • To be determined	26 **PC Meeting** • Review Draft #2 of Articles 2-4 (if necessary) • Review Draft #1 of Articles 6, 7 & 9	27	28	1

MARCH 2025

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
23	24	25	26	27	28	1
2	3	4 **Staff Check-In Meeting** • Final revisions to Articles 2-4 based on PC comments • Revise Draft #1 of Articles 6, 7 & 9 based on PC comments	5	6 **Materials for PC Packet Due** • To be determined	7 **Deadline** • Draft #1 of Articles 1, 10, 11, 13 & 14 made available to staff	8
9	10	11 **Staff Check-In Meeting** • Revise Draft #1 of Articles 6, 7 & 9 based on PC comments • Review/revise Draft #1 of Articles 1, 10, 11, 13 & 14	12 **PC Meeting** • Review Draft #1 of Articles 6, 7 & 9 (if necessary)	13	14	15
16	17	18 **Staff Check-In Meeting** • Revise Draft #1 of Articles 6, 7 & 9 based on PC comments • Review/revise Draft #1 of Articles 1, 10, 11, 13 & 14	19	20 **Materials for PC Packet Due** • Draft #2 of Articles 6, 7 & 9	21	22
23	24	25 **Staff Check-In Meeting** • Review/revise Draft #1 of Articles 1, 10, 11, 13 & 14	26 **PC Meeting** • Review Draft #2 of Articles 6, 7 & 9	27	28 **Deadline** • Staff comments on Draft #1 of Articles 1, 10, 11, 13 & 14	29
30	31	1	2	3	4	5

APRIL 2025

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	
30	31	1 **Staff Check-In Meeting** • Final revisions to Articles 6, 7 & 9 based on PC comments • Review/revise Draft #1 of Articles 1, 10, 11, 13 & 14	2	3 **Materials for PC Packet Due** • Draft #1 of Articles 1, 10, 11, 13 & 14	4	5
6	7	8 **Staff Check-In Meeting** • To be determined	9 **PC Meeting** • Review Draft #1 of Articles 1, 10, 11, 13 & 14	10	11	12
13	14	15 **Staff Check-In Meeting** • Revise Draft #1 of Articles 1, 10, 11, 13 & 14 based on PC comments	16	17 **Materials for PC Packet Due** • To be determined	18	19
20	21	22 **Staff Check-In Meeting** • Revise Draft #1 of Articles 1, 10, 11, 13 & 14 based on PC comments	23 **PC Meeting** • Review Draft #1 of Articles 1, 10, 11, 13 & 14	24	25	26
27	28	29 **Staff Check-In Meeting** • Revise Draft #1 of Articles 1, 10, 11, 13 & 14 based on PC comments	30	1	2	3

MAY 2025

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
27	28	29	30	1 **Materials for PC Packet Due** • Draft #2 of Articles 1, 10, 11, 13 & 14	2	3
4	5	6 **Staff Check-In Meeting** • To be determined	7 **PC Meeting** • Review Draft #2 of Articles 1, 10, 11, 13 & 14	8	9	10
11	12	13 **Staff Check-In Meeting** • To be determined	14	15 **Materials for PC Packet Due** • To be determined	16	17
18	19	20 **Staff Check-In Meeting** • To be determined	21 **PC Meeting** • Review Draft #2 of Articles 1, 10, 11, 13 & 14 (if necessary)	22	23	24

MAY 2025

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	
25	26 **MEMORIAL DAY**	27 **Staff Check-In Meeting** • Final revisions to Articles 1, 10, 11, 13 & 14 based on PC comments	28	29	30	31

ARTICLE 5: LAND USE APPLICATION REQUIREMENTS & PROCEDURES

Section 16-5-10: General Provisions

A. Purpose

The purpose of this Article is to describe the types of land use applications permitted in the Town of Minturn and the review procedures for these applications.

B. Applicability

1. The application requirements and review procedures set forth in this Article apply to all land use applications in the Town of Minturn.

2. No use of a property shall commence or building permit be issued until the required review procedures have been completed, and approvals obtained, for all land use applications required pursuant to this Article and all subdivision applications required pursuant to Article 8.

C. Public Review of Application.

1. No application will be made available to the public until after it has been deemed complete in accordance with this Article.

2. An application, and any associated materials, will be made available for review by the public at Minturn Town Hall during normal business hours.

3. Upon request to the Town, any person may obtain a hard copy of an application, and any associated materials. The person making such a request shall be responsible for payment of the applicable fee(s) pursuant to the Town's fee schedule.

D. Findings for Approval or Denial

All decisions on the applications set forth in this Article shall include, at minimum, a clear statement of the following:

1. The approval, approval with conditions, or denial, whichever is appropriate.

2. The basis upon which the decision was made, including specific findings of fact with reference to the relevant review criteria and standards of this Code.

E. Effect of Inaction on an Application

Notwithstanding the continuance of a public hearing, authorized in accordance with Section 16-5-##, if the person or body responsible for deciding on an application fails to render an approval or denial, such inaction shall be deemed a denial of the application.

F. Application Withdrawal

1. **Applicant Withdrawal.** An applicant may withdraw their application at any time prior to a final action on the application by the decision-making body. To do so, an applicant must notify the Town, in writing, by making a statement for the record at a public hearing, or by other appropriate means, that their application is withdrawn.

2. **Administrative Withdrawal.** If an applicant fails to correct deficiencies in their application within ninety (90) business days of receiving written notice from the Town of such deficiencies, the

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Planning Director may deem the application to be withdrawn. If the Planning Director deems the application to be withdrawn, they shall provide the applicant with written notice of this decision. An applicant may appeal such an action by the Planning Director to the Town Council in accordance with Section 16-#-##.

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Section 16-5-20: Land Use Application Types & Review Procedures

A. Overview

Table 16-5-1 provides an overview of the types of land use applications permitted in the Town and their review procedures.

Table 16-5-1: Summary of Land Use Application Types & Review Procedures

Application Type	Pre-Application Conference	Town Staff	Planning Commission[1]	Town Council[2]
Code Amendment (refer to Section 16-5-50)	Required	R	R	D
Conditional Use (refer to Section 16-5-60)	Required	R	R	D
Design Review (refer to Section 16-5-70)	Required	R	D	-
Minor Design Review (refer to Section 16-5-80)	Required	D	D[3]	-
Limited Review Use (refer to Section 16-5-90)	Required	D	-	-
Location and Extent (refer to Section 16-5-100)	Required	R	R	D
Rezoning (Amendment to Zoning Map) (refer to Section 16-5-110)	Required	R	R	D
Temporary Use (refer to Section 16-5-120)	Required	D	-	-
Zoning Variance (refer to Section 16-5-130)	Required	R	R	D
Planned Unit Development (PUD) Applications				
PUD Concept Development Plan (refer to Section 16-5-150)	Required	R	R	-
PUD Preliminary Development Plan (refer to Section 16-5-160)	Required	R	R	D
PUD Final Development Plan (refer to Section 16-5-170)	Required	R	-	D
Minor PUD Amendment (refer to Section 16-5-180)	Required	D	-	-
Major PUD Amendment (refer to Section 16-5-190)	Required	R	R	D
Sign Applications				
Sign Permit (refer to Section 16-5-200)	Optional	D	-	-
Master Sign Program (refer to Section 16-5-210)	Required	D	-	-
Sign Variance (refer to Section 16-5-220)	Required	R	R	D

LEGEND:
R = Reviews and provides recommendation; D = Reviews and makes final decision; - = Not applicable

NOTES:
[1] The Planning Commission also serves as the Design Review Board.
[2] The Town Council also serves as the Zoning Board of Appeals.
[3] If the application is referred to the Design Review Board by the Planning Director.

B. Minimum Contents of Application

The Town shall make available a form(s) for the land use application types set forth in this Article. This form will, at minimum, require an applicant to submit the following information:

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1. **Contact Information.** The name, mailing address, phone number, and email address of the applicant, the agent authorized to represent the applicant (if applicable), and all other owners of record for the subject property.

2. **Owner Consent.** A signature, notarized letter, or other legal document that demonstrates the owner(s) of record for the subject property consent to the submittal of an application.

3. **Authorization Letter.** If an agent is representing the applicant, the application must include a letter that grants power of attorney to the agent and authorizes the agent to represent the applicant. The letter must be signed by all owner(s) of the subject property.

4. **Agreement to Pay Review Costs.** A statement that the applicant, by signing the application, acknowledges that they are responsible for, and they agree to pay, all costs incurred by the Town for the review of their application.

5. **Property Information.** Information for the subject property including, but not limited to, a legal description; the physical/street address (if such exists); the Eagle County Assessor's parcel number; current zoning; existing land uses; and the size of the property.

6. **Project Information.** A written description of the proposal and an explanation of how the proposal complies with the applicable review standards.

7. **Disclosure of Ownership.**
   a. A current disclosure of ownership for the subject property that lists the names of all owners of the property and all mortgages, judgments, liens, easements, contracts, and agreements that run with the land.

   b. The disclosure of ownership may be in the form of a current report from a title insurance company, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the Town Attorney.

   c. The date of a disclosure of ownership must be no more than thirty (30) calendar days from the date of the application submittal.

8. **List of Adjacent Property Owners.**
   a. A list of the names and mailing addresses of all owners of record for properties within one hundred (100) feet of the subject property, as measured from the boundary of the subject property. The Eagle County Assessor's records shall be used to determine the addresses of property owners of record.

   b. This list must be current within thirty (30) calendar days of the date that the application is submitted to the Town.

   c. **Vicinity Map.** A vicinity map, drawn to scale, locating the subject property within the Town. The minimum size for a vicinity map is eight and half inches by eleven inches (8.5"x11").

   d. **Preliminary Development Assessment.** If required by the Planning Director, a Preliminary Development Assessment prepared in accordance with Section 16-12-##. The subsequent

submittal of a Development Impact Report may also be required by the Planning Director, pursuant to Section 16-12-##.

e. **Additional Information.** Any additional information that is required for a specific type of application, pursuant to this Article.

C. Concurrent Review of Applications

1. Where multiple applications concern the same property the applicant may request, and the Planning Director may permit, concurrent submission and review of said applications for efficiency and practicality.

2. If there are redundant submission requirements among the applications being submitted by the applicant, the Planning Director is authorized to waive such requirements to mitigate an unnecessary burden on the applicant.

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Section 16-5-30: Public Notice Requirements

A. Overview

Table 16-5-2 provides an overview of the public notice requirements for the Town's land use applications.

Table 16-5-2: Summary of Public Notice Requirements

Application Type	Type of Notice Required			
	Published	Mailed	Posted	Mineral Estate
Code Amendment (refer to Section 16-5-50)	X	-	-	-
Conditional Use (refer to Section 16-5-60)	X	X	X	X[1]
Design Review (refer to Section 16-5-70)	X	X	X	X[1]
Minor Design Review (refer to Section 16-5-80)	X[3]	X[3]	X[3]	X[1, 3]
Limited Review Use (refer to Section 16-5-90)	-	-	-	-
Location and Extent (refer to Section 16-5-100)	X	X	X	X[1]
Rezoning (Amendment to Zoning Map) (refer to Section 16-5-110)	X	X[2]	X[2]	X[1]
Temporary Use (refer to Section 16-5-120)	-	-	-	-
Zoning Variance (refer to Section 16-5-130)	X	X	X	X[1]
Planned Unit Development (PUD) Applications				
PUD Concept Development Plan (refer to Section 16-5-150)	-	-	-	X[1]
PUD Preliminary Development Plan (refer to Section 16-5-160)	X	X	X	X[1]
PUD Final Development Plan (refer to Section 16-5-170)	X	X	X	X[1]
Minor PUD Amendment (refer to Section 16-5-180)	-	-	-	X[1]
Major PUD Amendment (refer to Section 16-5-190)	X	X	X	X[1]
Sign Applications				
Sign Permit (refer to Section 16-5-200)	-	-	-	-
Master Sign Program (refer to Section 16-5-210)	-	-	-	-
Sign Variance (refer to Section 16-5-220)	X	X	X	-

LEGEND:
X = Required; - = Not required/not applicable

NOTES:
[1] Refer to Colorado Revised Statutes for mineral estate owner notice requirements and procedures.
[2] Mailed and posted notice is not required for a rezoning initiated by the Town.
[3] If the application is referred to the Design Review Board by the Planning Director..

B. Public Notice Requirements

The following are the specific requirements for the types of public notice listed in Table 16-5-2.

1. **Required Content of Notice.**

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a. All notices mailed, published, and posted for a public hearing must include the following information:

i. The date, time, and location of the hearing.

ii. The physical address and general legal description of the subject property.

iii. The name of the applicant.

iv. The purpose of the hearing, including the type of application and a brief description of the applicant's request.

v. Information about who (e.g., Planning Commission, Town Council, etc.) will be holding the hearing.

vi. The right of interested persons to provide comment on the applicant's request.

vii. Location where the public can obtain the full details of the application.

b. In accordance with state statute, any notice sent to a mineral estate owner shall contain the following information:

i. The time and place of the initial public hearing.

ii. The nature of the hearing.

iii. The location and legal description by section, township, and range of the property that is the subject of the hearing.

iv. The name of the applicant.

2. Mailed Notice.

a. Written notice of a public hearing shall be sent by certified mail to all property owners of record within one hundred (100) feet of the subject property, as measured from the boundary of said property.

b. If a property, within one hundred (100) feet of the subject property, is a condominium development, notice may be mailed to the managing agent, registered agent, or any member of the board of directors of the development.

c. The Eagle County Assessor's records shall be used to determine the mailing addresses of property owners of record.

d. Notice must be mailed at least ten (10) calendar days prior to the date scheduled for the first public hearing on an application.

e. For a Major PUD Amendment, the following is required:

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i. Written notice of a public hearing shall be sent by certified mail to all property owners of record within and adjoining the PUD.

ii. Such notice must be mailed at least fifteen (15) calendar days prior to the date scheduled for the first public hearing on an application.

3. **Published Notice.** Notice of a public hearing shall be published, one (1) time, in a local newspaper, having general circulation within the Town. Notice must be published at least ten (10) calendar days prior to the date scheduled for the first public hearing on an application.

4. **Posted Notice.**
   a. Notice of a public hearing shall be posted on the subject property on a sign provided by the Town. Notice must be posted on the subject property at least ten (10) calendar days prior to the date scheduled for the first public hearing on an application.

   b. The sign displaying the notice must comply with the following requirements:

      i. Be continuously displayed and maintained until the conclusion of the public hearing.

      ii. Be located no more than twenty-five (25) feet from the street that the subject property fronts on. If the subject property does not front on a street, the sign must be erected adjacent to the nearest street and include a notation that indicates the direction and distance to the subject property.

      iii. Be in a location that is clearly visible to the public.

      iv. Be posted at a height of at least four (4) feet above natural grade.

      v. Use lettering that is a minimum of one (1) inch tall and one-half (½) wide.

      vi. Be affixed to materials that are sturdy.

      vii. Be waterproof or have a waterproof covering.

      viii. Be removed with seven (7) calendar days of a decision being rendered on the application.

5. **Mineral Estate Notice.**
   a. As required by the Colorado Revised Statutes, notice to mineral estate owners shall be sent by certified mail, return receipt requested, or by a nationally recognized overnight courier, not less than thirty (30) calendar days before the date scheduled for the first public hearing on an application.

   b. The applicant, or their agent, is solely responsible for identifying and notifying the mineral estate owners for the subject property in accordance with the requirements of the Colorado Revised Statutes.

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c. The applicant, or their agent, must submit certification of mineral estate owner notice, pursuant to the Colorado Revised Statutes, to the Town a minimum of ten (10) business days prior to the date scheduled for the first public hearing on an application.

C. Applicant Responsibilities

The applicant, or their agent, is responsible for the following:

1. The accuracy of all information provided in a notice for a public hearing.

2. The proper mailing, publication, and posting of notice for a public hearing. This includes mailing notice to property owners of record within one-hundred (100) feet of the subject property and to mineral estate owners, if required by the Colorado Revised Statutes.

3. All costs associated with providing notice for a public hearing.

4. Submitting proof and sworn certification to the Planning Director that notice was provided in accordance with this Section prior to commencement of the first public hearing for an application. Such proof must be submitted to the Town a minimum of ten (10) business days prior to the date scheduled for the first public hearing on an application.

D. Constructive Notice

1. **Minor Notice Defects.** Minor defects in a notice for a public hearing shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

   Minor defects are limited to the following:

   a. Errors in a legal description.

   b. Typographical or grammatical errors that do not affect the discernability of the notice.

2. **Failure to Observe or Receive Notice.**
   a. Failure of a party to observe or receive notice of a public hearing shall not cause a delay in the proceedings nor shall it invalidate or prohibit any review or action.

   b. If questions arise at a public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Article.

3. **Failure of Posted Notice to Remain in Place.** Failure of a posted notice to remain in place, after the notice has been properly posted, without the applicant's knowledge and despite the applicant's reasonable efforts to maintain the sign, shall not be deemed as noncompliance with the requirements of this Article nor shall it be grounds to challenge the validity of any decision made on the application.

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Section 16-5-40: Public Hearing Requirements

A. General Provisions

1. **Applicability.** All public hearings held pursuant to this Article must comply with the procedures set forth in this Section.

2. Request for Notification of Public Hearings.
   a. Any person may submit to the Town a request to receive notice of public hearings.

   b. The Town shall be responsible for providing notification of public hearings to anyone who submits such a request.

   c. A person requesting notice of public hearings is responsible for all costs incurred by the Town for the processing and mailing of notification.

   d. A person may request that notice of public hearings be provided by e-mail. Such notification will be provided by the Town at no charge.

3. Rights of All Persons.
   a. Any person may appear at a public hearing and submit evidence for the application being considered. They may submit evidence on behalf of themself or an organization.

   b. At the request of the person, or head of the body, conducting a public hearing, the person submitting evidence on behalf of an organization shall submit, in writing, proof of their authority to represent the organization.

4. Site Visit.
   a. As part of a public hearing, the person or body conducting the hearing, may inspect the property that is the subject of an application.

   b. Upon reasonable request of the Planning Director, the applicant shall, prior to the site visit, mark the property boundaries, building envelopes, and other pertinent features of the site.

B. Continuance of a Public Hearing

1. The person or body conducting a public hearing may, in its sole discretion, continue a public hearing to a fixed date, time, and place.

2. A public hearing cannot be continued for more than ninety (90) calendar days from the date of its commencement without the written consent of the applicant.

C. Record of Public Hearing.

1. The person or body conducting a public hearing shall record the hearing using any appropriate means, which may include transcription, audiotape, and/or videotape.

2. The following shall constitute the record of a public hearing:

   a. The minutes of the secretary or Town Clerk.

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b. All applications, exhibits, and papers submitted in any proceeding before a person or body conducting a public hearing.

c. The staff report.

d. The decision of the person or body conducting the public hearing.

3. The record of a public hearing shall be public record, open for inspection. A person may contact the Town, during normal business hours, to request a copy of the record of a public hearing.

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Section 16-5-50: Code Amendment

A. Applicability

1. All changes to the text of this Code must comply with the requirements and procedures set forth in this Section.

2. An amendment to this Code may be proposed by the Town Council; the Planning Commission; Town staff; a citizen or group of citizens of the Town; or, an owner of, or other person with a recognized interest in, land in the Town or their authorized representative.

B. Purpose

The purpose of this Section is to provide the requirements and process for changing the text of this Code. This Section is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions.

C. Application Submittal Requirements

An application for a Code Amendment shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Narrative.** A written statement that sets forth the following:

   a. The precise language of the proposed amendment(s) to this Code.

   b. The justification for the amendment(s) based upon the review criteria set forth in this Section.

4. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

   a. The waiver will not compromise a proper and complete review of the application.

   b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will:

   a. Provide the applicant with written notice of their decision.

b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

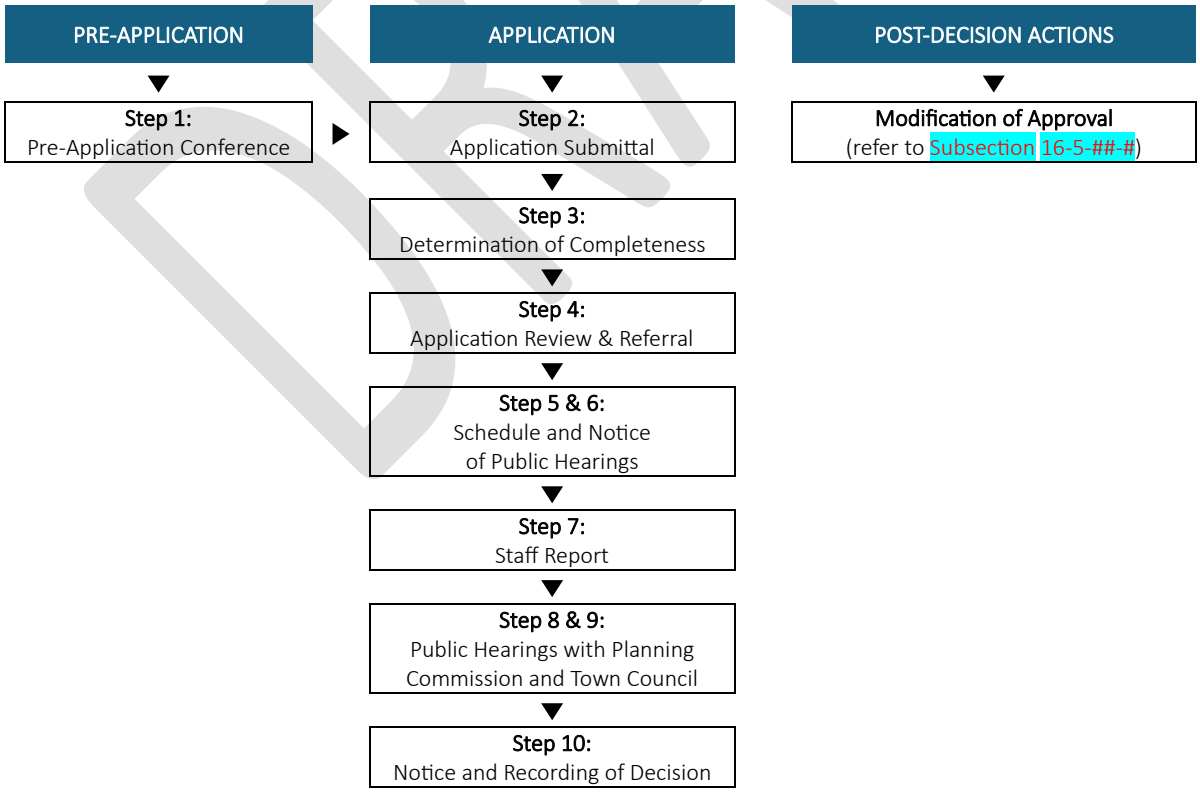
The Planning Commission may recommend approval of, and the Town Council may approve, a request to amend the text of this Code upon a positive finding of each of the following criteria:

1. The amendment is necessary to bring this Code into alignment with the Community Plan.
2. The amendment does not adversely affect the health, safety, or general welfare of the citizens or natural environment of the Town.
3. The amendment does not contradict or conflict with other provisions of this Code.
4. The amendment is necessary to bring this Code into compliance with state or federal statutes or case law.
5. The amendment is necessary to address changed or changing community priorities, new land use or design trends, and/or other social or economic conditions in the Town.

F. Application Review Procedures

A request for a Code Amendment will be reviewed and decided upon in accordance with the following procedures. A Town-initiated Code Amendment is exempt from Steps 1 through 4.

Table ##: Overview of Code Amendment Review Procedures



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1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Code Amendment. This requirement may be waived at the discretion of the Planning Director.

   The process for a Pre-Application Conference is as follows:

   a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

   b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

   c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

      The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

      i. The applicant's proposal.

      ii. The applicable provisions of this Code.

      iii. The application submittal requirements and review procedures.

      iv. The referral agencies likely to be involved with the review of the application.

      Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

   d. *Pre-Application Conference Summary.* Within ten (5) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

   e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.

2. **Step 2: Submittal of Application.** The applicant for a Code Amendment shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

   a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

      i. Certify the application as complete and record the date of the determination of completeness.

      ii. Notify the applicant, in writing, of the determination of completeness any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

   b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

      If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

   c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

      i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

      ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

      If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**
   a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.

d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. **Step 5: Schedule Public Hearings.** Upon the conclusion of the referral process, the Planning Director shall schedule the application for public hearings before the Planning Commission and Town Council in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of each public hearing.

   a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and Town Council.

   b. The first public hearing before the Planning Commission shall be scheduled no later than forty (40) business days after the conclusion of the referral process.

   c. A public hearing before the Town Council shall be scheduled within forty (40) business days of the Planning Commission completing its review and making a recommendation to the Town Council. In accordance with the Home Rule Charter, the public hearing with the Town Council is to be held at the second meeting that the ordinance for the rezoning is introduced a second time.

6. **Step 6: Notice of Public Hearings**. Prior to the date of the first public hearing with the Planning Commission, the applicant shall:

   a. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-5-##.

   b. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-5-##.

7. **Step 7: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:

   a. Compliance with the standards of this Code.

   b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.

   c. Recommended conditions to ensure compliance with applicable standards.

   d. Additional information pertinent to the review of the application that must be submitted by the applicant.

8. Step 8: Public Hearing with Planning Commission.
   a. The Planning Commission will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

   b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:

      i. The application and any supporting materials.

      ii. The staff report.

      iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

   c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Code Amendment, and shall take one of the following actions:

      i. Recommend that the Town Council approve the amendment(s), subject to any changes that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.

      ii. Recommend that Town Council deny the amendment(s) and state the specific reason(s) for denial.

9. Step 9: Public Hearing with Town Council.
   a. Following the public hearing with the Planning Commission, the Town Council will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

   b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:

      i. The application and any supporting materials.

      ii. The staff report.

      iii. The Planning Commission's recommendation.

      iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

   c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, the recommendation of the Planning Commission, public testimony, and the review criteria for a Code Amendment, and shall take one of the following actions:

i. Approve the amendment(s), subject to any changes that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.

ii. Deny the amendment(s) and state the specific reason(s) for denial.

d. If the Town Council approves an amendment(s) to this Code, it shall enact an ordinance to such effect.

10. Step 10: Notice and Recording of Decision.

a. Within ten (10) business days of a final action by Town Council, the following will occur:

i. The Planning Director will send written notice of the decision to the applicant.

ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

b. If Town Council approves a Code Amendment, the Town Clerk will do the following:

i. Enter a copy of the ordinance approving the amendment(s) into the town's records.

ii. Revise this Code to reflect the approved amendment(s).

G. Modification of Approval

Any modification to an approved Code Amendment shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

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Section 16-5-60: Conditional Use

A. Applicability

This Section applies to all land uses classified as a Conditional Use in Table ##. A Conditional Use is only permitted if it is approved via the review process set forth in this Section.

B. Purpose

The purpose of this Section is to establish a review process that enables the Planning Commission and Town Council to evaluate, on a case-by-case basis, the appropriateness of certain types of land uses based on the proposed location and compatibility with surrounding land uses.

C. Application Submittal Requirements

An application for a Conditional Use shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Narrative.** A written statement that describes the following:

    a. The precise nature and operational characteristics of the proposed use.

    b. Any measures to be implemented to ensure that the proposed use is compatible with surrounding land uses.

    c. How the proposed use complies with the review criteria set forth in this Section.

4. **Site Plan.** A site plan, drawn to scale, showing the following information:

    a. Property boundaries including bearings and dimensions.

    b. Minimum required front, side, rear, and live stream setback lines.

    c. Existing topography and any proposed changes.

    d. The location and dimensions or size of all existing and proposed:

        i. Land uses.

        ii. Buildings and structures (or building envelopes if exact dimensions are not available) and their setbacks from the boundaries of the subject property.

        iii. Easements and public rights-of-way on or abutting the subject property.

        iv. Streets, alleys, driveways, sidewalks, paths, and/or other access improvements.

        v. Parking and loading areas.

vi. Usable open space.

vii. Landscaped areas, fencing, and walls.

viii. Utilities, including information about any changes to these utilities that will be necessitated by the proposed use.

ix. Drainage facilities and features.

e. A table with that includes the following data:

i. Size of the subject property.

ii. Total number of dwelling units and number of each type of unit (studio, one bedroom, etc.).

iii. Floor area of each type of dwelling unit.

iv. Total building coverage provided as a percentage of the total area of the subject property.

v. Total impervious surface coverage provided as a percentage of the total area of the subject property.

vi. Total area of usable open space.

vii. Total landscaped area.

viii. Total number of parking spaces.

5. **Conceptual Building Plans and Elevations.** Conceptual building plans and elevations with sufficient detail to depict the layout, dimensions, general appearance, scale, and interior use of any proposed buildings or existing building(s) to be changed.

6. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

a. The waiver will not compromise a proper and complete review of the application.

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b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will:

a. Provide the applicant with written notice of their decision.

b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

The Planning Commission may recommend approval of, and the Town Council may approve, a request for a Conditional Use upon a positive finding of each of the following criteria:

1. The proposed use is consistent with the Community Plan and the purpose and intent of the applicable zone district.

2. The proposed use complies with the applicable provisions of this Code, including any Use-Specific Standards and/or Design Standards.

3. The location, scale, and conditions under which the proposed use will operate are compatible with surrounding land uses.

4. All potential adverse effects of the proposed use will be mitigated to the maximum extent feasible.

F. Application Review Procedures

A request for a Conditional Use will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Conditional Use Review Procedures

PRE-APPLICATION	APPLICATION	POST-DECISION ACTIONS
Step 1: Pre-Application Conference	**Step 2:** Application Submittal	**Appeal of Decision** (refer to Section 16-#-##)
	Step 3: Determination of Completeness	**Modification of Approval** (refer to Subsection 16-5-##-##)
	Step 4: Application Review & Referral	**Duration of Approval** (refer to Subsection 16-5-##-##)
	Step 5 & 6: Schedule and Notice of Public Hearings	**Extension of Approval** (refer to Subsection 16-5-##-##)
	Step 7: Staff Report	**Revocation of Permit** (refer to Subsection 16-5-##-##)

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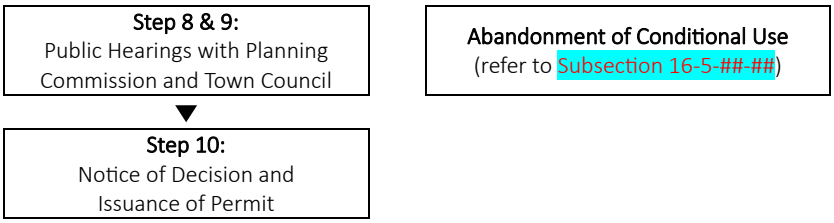

1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Conditional Use. This requirement may be waived at the discretion of the Planning Director.

   The process for a Pre-Application Conference is as follows:

   a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

   b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

   c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

      The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

      i. The applicant's proposal.

      ii. The applicable provisions of this Code.

      iii. The application submittal requirements and review procedures.

      iv. The referral agencies likely to be involved with the review of the application.

      Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

   d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.

2. **Step 2: Submittal of Application.** The applicant for a Conditional Use shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

   a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

      i. Certify the application as complete and record the date of the determination of completeness.

      ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

   b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

      If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

   c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

      i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

      ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

      If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**

a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.

d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. **Step 5: Schedule Public Hearings.** Upon the conclusion of the referral process, the Planning Director shall schedule the application for public hearings before the Planning Commission and Town Council in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of each public hearing.

   a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and Town Council.

   b. The first public hearing before the Planning Commission shall be scheduled no later than forty (40) business days after the conclusion of the referral process.

   c. A public hearing before the Town Council shall be scheduled within forty (40) business days of the Planning Commission completing its review and making a recommendation to Town Council.

6. **Step 6: Notice of Public Hearings**. Prior to the date of the first public hearing with the Planning Commission, the applicant shall:

   a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within one hundred (100) feet of the subject property, in accordance with Section 16-5-##.

   b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-5-##.

   c. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-5-##.

   d. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with Section 16-5-##.

e. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-5-##.

7. **Step 7: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:

   a. Compliance with the standards of this Code.

   b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.

   c. Recommended conditions to ensure compliance with applicable standards.

   d. Additional information pertinent to the review of the application that must be submitted by the applicant.

8. **Step 8: Public Hearing with Planning Commission.**
   a. The Planning Commission will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

   b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:

      i. The application and any supporting materials.

      ii. The staff report.

      iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

   c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Conditional Use, and shall take one of the following actions:

      i. Recommend that the Town Council approve the Conditional Use, subject to any conditions that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.

      ii. Recommend that Town Council deny the Conditional Use and state the specific reason(s) for denial.

9. **Step 9: Public Hearing with Town Council.**
   a. Following the public hearing with the Planning Commission, the Town Council will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

   b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:

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i. The application and any supporting materials.

ii. The staff report.

iii. The Planning Commission's recommendation.

iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, the recommendation of the Planning Commission, public testimony, and the review criteria for a Conditional Use, and shall take one of the following actions:

i. Approve the Conditional Use, subject to any conditions that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.

ii. Deny the Conditional Use and state the specific reason(s) for denial.

d. If the Town Council approves a Conditional Use, it shall enact an ordinance to such effect.

10. Step 10: Notice of Decision and Issuance of Permit.

a. Within ten (10) business days of a final action by Town Council, the following shall occur:

i. The Planning Director will send written notice of the decision to the applicant.

ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

b. If Town Council approves a Conditional Use, the following will occur:

i. The Town Clerk will enter a copy of the ordinance approving the Conditional Use into the town's records.

ii. Within ten (10) business days of the effective date of the ordinance approving the Conditional Use, the Planning Director will issue, to the applicant, a Conditional Use Permit that states the duration of the approval and any conditions of approval.

G. Modification of Approval

Any modification to an approved Conditional Use Permit shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

H. Duration of Approval

1. Approval of a Conditional Use shall expire and become null and void one (1) year after the date of approval unless one of the following has occurred:

a. The approved use has been established (if no building permit from the Town is required).

b. A complete building permit application has been submitted and approved by the Town and on-site construction has commenced.

c. A request for an extension has been submitted and approved in accordance with Subsection 16-5-##-#.

2. Once established, a Conditional Use Permit is valid for five (5) years unless a different permit duration is specifically authorized as part of the approval by Town Council.

I. Extension of Approval

1. The holder of a Conditional Use Permit may submit a written request for an extension of their permit to the Town Council. Such a request must be received a minimum of thirty (30) calendar days prior to the expiration date of the Conditional Use Permit. Any request received later than this will not be considered by the Town.

2. A request to extend the approval of a Conditional Use Permit must demonstrate the following:

a. Failure to establish the use was beyond the applicant's control.

b. The approved use is not speculative in nature.

c. The approved use remains in compliance with this Code and the Community Plan.

d. There is reasonable likelihood that the approved use will be established in the next year.

3. The Town Council may authorize one (1) extension of a conditional use permit for a period of up to twelve (12) calendar months.

J. Revocation of Permit

1. The Town Council may revoke a Conditional Use Permit, following a public hearing, if it is determined that one or more of the following conditions exist:

a. The applicant has misrepresented any material fact in their application or supporting materials.

b. The Conditional Use fails or ceases to comply with applicable standards, conditions, or criteria for issuance of a permit.

c. The operation of the Conditional Use violates any statute, law, ordinance, or regulation.

d. The operation of the Conditional Use constitutes a nuisance or poses a real or potential threat to the health, safety, or welfare of the public.

2. If the Planning Director has reasonable cause to believe that one or more of the conditions listed in this Subsection exists, they shall serve the owner of record for the subject property with a written notice that sets forth the grounds for revocation and forfeiture of any vested property rights related thereto. Such notice shall be sent to the owner of record by certified mail, return

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receipt requested, and state the date, time, and place for the public hearing at which the Town Council will consider whether the Conditional Use Permit should be revoked.

3. Notice by the Planning Director shall be served at least thirty (30) calendar days prior to the date of the public hearing with the Town Council.

4. The public hearing with the Town Council shall be conducted in accordance with the following requirements:

    a. The Town will be represented by the Planning Director, Town Attorney, Town Administrator, or other authorized representative.

    b. The applicant will be represented by themself or their authorized representative.

    c. All evidence will be presented under oath.

    d. The parties involved in the hearing will be permitted to cross-examine witnesses.

    e. The sworn testimony and evidence shall pertain to the standards set forth in this Subsection.

5. Within thirty (30) calendar days of the close of the public hearing, the Town Council shall, based on the evidence submitted and the standards prescribed in this Subsection, issue a written decision to:

    a. Revoke the Conditional Use Permit, stating the specific reason(s) for revocation.

    b. Make a finding that insufficient evidence exists to revoke the Conditional Use Permit.

6. The action of the Town Council shall be final and effective immediately.

K. Abandonment of Conditional Use

1. If an approved Conditional Use is discontinued or abandoned for a period of more than twelve (12) consecutive months, then such use cannot be re-established or resumed without the approval of new Conditional Use application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

2. When government action can be documented as the reason for the discontinuation or abandonment of an approved Conditional Use, such time delay shall not be calculated for the purposes of this Subsection.

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Section 16-5-70: Design Review

A. Applicability

1. All major development or redevelopment in the Town must comply with the requirements and procedures set forth in this Section.

2. No building permit shall be issued for a major development or redevelopment prior to an approval from the Design Review Board, in accordance with this Section.

3. All minor development or redevelopment in the Town must comply with the requirements and procedures set forth in Section 16-5-80.

B. Purpose

The purpose of this Section is to establish a process for ensuring that all major development and redevelopment in the Town is constructed in a manner that complies with the adopted regulations of the Town.

C. Application Submittal Requirements

An application for Design Review shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Boundary Survey.** A boundary survey, with a stamp and signature (or electronic equivalent) of a surveyor licensed in Colorado, that includes the following information:

    a. Date of survey (survey date must be within six (6) calendar months of the application submittal date).

    b. Right-of-way and property lines; including bearings, distances, and curve information.

    c. Labeled ties to existing USGS benchmark.

    d. Property boundaries to the nearest one-hundredth (0.01) of a foot accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.

    e. The locations, bearings, and dimensions of all existing easements recorded with the Eagle County Clerk and Recorder.

    f. Spot elevations, at five-foot intervals, at the edge of asphalt along the street frontage of the subject property and a minimum of two (2) spot elevations on either side of the lot.

    g. Existing topographic conditions of the subject property shown at two-foot (2') contour intervals.

h. Existing trees or groups of trees having trunks with diameters of four (4”) inches or more.

i. Rock outcroppings and other significant natural features.

j. All utility meter locations, including any pedestals on site or in the right-of-way adjacent to the site and the exact location of existing utility sources.

k. Environmentally sensitive areas or areas of natural hazards, where applicable. These may include, but are not limited to, rock fall areas, wetlands, and/or floodplain areas.

l. If applicable, the centerline and edge of a stream or creek, the ordinary high-water mark, the required live stream setback from the ordinary high-water mark, and the one-hundred-year floodplain.

4. **Site Plan.** A site plan, drawn to scale, showing the following information:

a. Property line locations, bearings, and dimensions based on a current boundary survey of the property.

b. Minium required front, side, rear, and live stream setback lines.

c. Existing and proposed easements.

d. Existing and proposed buildings and structures, including sheds, enclosures, decks, patios, and balconies.

Note: A solid line is to be used to identify the building footprint and the outside face of exterior walls, inclusive of all cantilevered elements of the building. A dashed line is to be used to identify the roof/eave edge.

e. Height elevations of all roof ridgelines and/or the top of all flat roof elements, as well as the mid-point of all sloped roof elements.

f. Existing and proposed driveways and parking areas. The finished surface, heated or unheated areas, grade, percent slope, dimensions, turning radii, and spot elevations at the property line must be shown.

g. All slopes between thirty (30%) and forty percent (40%), as well as any slopes that exceed forty (40%) percent.

h. Existing and proposed retaining walls including materials and spot elevations.

i. Existing and proposed fences including height and materials.

j. If applicable, the centerline and edge of a stream or creek, the ordinary highwater mark, the required live stream setback from the ordinary high-water mark, and the one-hundred-year floodplain according to a current survey of the property.

k. Snow storage areas denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.

l. Existing and proposed sidewalks and walkways.

m. All areas of lot and impervious coverage denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.

5. **Grading and Drainage Plan.** A grading and drainage plan that includes the following information:

   a. Existing contours, shown at two-foot (2') intervals, for all areas to be disturbed by the proposed construction. Contours for undisturbed areas must be shown when drainage in those areas impacts the disturbed area, or vice versa.

   b. Proposed contours, shown at two-foot (2') intervals, for all disturbed areas that demonstrate positive drainage.

   c. Critical spot elevations, as necessary, to demonstrate positive drainage and the direction of flow. Finished grade at all building corners must be provided.

   d. The top-of-foundation elevation. The top-of-foundation elevation must be consistent with the foundation plan. For buildings on slopes of thirty percent (30%) or greater, elevations for stepped foundation walls must be shown.

   e. Drainage arrows that show how stormwater will be routed around buildings and where stormwater will exit the property. Stormwater cannot cause damage to any adjacent property. Drainage and erosion control features needed to prevent damage must be included.

   f. Proposed drainage facilities, such as French drains or culverts.

   g. Retaining wall details that include drainage details. Elevations for the top- and bottom-of-wall shall be shown at each location where a retaining wall steps up or down. The elevation of the tallest point of a retaining wall must also be provided.

6. **Landscape Plan.** If applicable, a landscape plan, prepared in accordance with Section 16-#-##.

7. **Building Elevations and Architectural Details.** Building elevations and architectural detailing for all sides of the proposed structure(s) that include the following information:

   a. The type, size, and texture of all exterior materials.

   b. Building heights, dimensioned in accordance with this Code.

   c. Minimum required front, side, rear, and live stream setback lines.

   d. The location of exterior lighting fixtures and roof and building drainage systems (i.e., gutters and downspouts).

8. **Floor Plans.** Floor plans of all levels of any proposed structure(s) indicating the proposed uses and dimensions of all interior space shall be included. For additions to existing structures, floor plans must be provided for the existing building as well as all proposed additional floor area.

9. **Ceiling Plans.** If applicable, reflected ceiling plans that show exterior lighting (recessed or can lighting) within soffits.

10. **Color Chips and Material Boards.** Color chips and/or a materials board are required for all projects.

11. **Additional Requirements for Multi-Family and Commercial Developments.** Multi-family and commercial developments may require one (1) or more of the following:

    a. A three-dimensional model, drawn to scale, of the proposed project and adjacent buildings.

    b. A three-dimensional architectural model, drawn to scale, that depicts the proposed project and adjacent structures.

    c. A two-dimensional photo illustration of the proposed building in relation to adjacent structures.

12. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

    a. The waiver will not compromise a proper and complete review of the application.

    b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will:

    a. Provide the applicant with written notice of their decision.

    b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

The Design Review Board may approve a request for Design Review upon a positive finding of each of the following criteria:

1. The proposal complies with the applicable requirements of this Code, including the zoning regulations set forth in Article ## and the Design Standards and Guidelines set forth in Article ##.

2. The proposal helps achieve the goals and objectives of the Community Plan.

F. Application Review Procedures

A request for Design Review will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Design Review Procedures

PRE-APPLICATION	APPLICATION	POST-DECISION ACTIONS
Step 1: Pre-Application Conference	**Step 2:** Application Submittal	**Building Permit & Construction Process** (refer to Section 16-#-##)
	Step 3: Determination of Completeness	**Appeal of Decision** (refer to Section 16-#-##)
	Step 4: Application Review & Referral	**Modification of Approval** (refer to Subsection 16-5-##-##)
	Step 5 & 6: Schedule and Notice of Public Hearing	**Duration of Approval** (refer to Subsection 16-5-##-##)
	Step 7 & 8: Staff Report and Public Hearing with Design Review Board	**Extension of Approval** (refer to Subsection 16-5-##-##)
	Step 9: Town Council Review	
	Step 10: Notice of Decision	

1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for Design Review. This requirement may be waived at the discretion of the Planning Director.

   The process for a Pre-Application Conference is as follows:

   a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

   b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This

information must be submitted at least five (5) business days prior to the Pre-Application Conference.

c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

i. The applicant's proposal.

ii. The applicable provisions of this Code.

iii. The application submittal requirements and review procedures.

iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.

2. Step 2: Submittal of Application. The applicant for Design Review shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. Step 3: Determination of Completeness. Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Chapter.

a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

i. Certify the application as complete and record the date of the determination of completeness.

ii. =

iii. Notify the applicant, in writing, of the determination of completeness= any changes that need to be made to the application prior to commencing the application referral process; and, the number of complete applications to be submitted to the Town for the referral process.

b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. Step 5: Application Review and Referral.
   a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

   b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

   c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.

   d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. Step 5: Schedule Public Hearing. Upon the conclusion of the referral process, the Planning Director shall schedule the application for public hearing before the Design Review Board in

accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of the public hearing.

a. The public hearing shall be scheduled for a regularly scheduled meeting or a special meeting of the Design Review Board.

b. The first public hearing before the Design Review Board shall be scheduled no later than forty (40) business days after the conclusion of the referral process.

6. **Step 5: Notice of Public Hearing**. Prior to the date of the first public hearing with the Design Review Board, the applicant shall:

   a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within one hundred (100) feet of the subject property, in accordance with Section 16-5-##.

   b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-5-##.

   c. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-5-##.

   d. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with Section 16-5-##.

   e. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-5-##.

7. **Step 7: Staff Report.** Town staff shall review the application and prepare a staff report that addresses the following, as applicable:

   a. Compliance with the standards of this Code.

   b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.

   c. Recommended conditions to ensure compliance with applicable standards.

   d. Additional information pertinent to the review of the application that must be submitted by the applicant.

8. **Step 8: Public Hearing with Design Review Board.**
   a. The Design Review Board will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

   b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Design Review Board, the applicant, and the public:

      i. The application and any supporting materials.

ii. The staff report.

iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

c. Following the close of the public hearing, the Design Review Board shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Design Review, and shall take one of the following actions:

i. Approve the request, subject to any conditions that the Design Review Board deems necessary to ensure compliance with this Code and the Community Plan.

ii. Deny the request and state the specific reason(s) for denial.

9. **Step 9: Town Council Review.** The decision by the Design Review Board will be added to the consent agenda for the next available Town Council meeting. At this meeting, the Town Council may, by a majority vote, call up the Design Review Board's decision for review. Should the Town Council decide to call up the Design Review Board's decision, the Town Council shall review said decision in accordance with the requirements of this Section and take one of the following actions:

a. Affirm the Design Review Board's decision.

b. Affirm the Design Review Board's decision with any conditions that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.

c. Reverse the Design Review Board's decision.

If no call up is initiated by the Town Council and the consent agenda is approved, the decision by the Design Review Board shall be final.

10. **Step 10: Notice of Decision.**
    a. Within ten (10) business days of a final action by the Town Council, the following shall occur:

i. The Planning Director will send written notice of the decision to the applicant.

ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

G. Building Permit and Construction Process

1. **Building Permit Required.** Once an application has been approved by the Design Review Board, the applicant may apply for a building permit. The application for a building permit shall be in substantial compliance with plans approved by the Design Review Board and shall be reviewed by the Building Official for compliance with all applicable codes and laws of the Town.

2. **Pre-construction Meeting and Inspection Required.** Once a building permit has been issued, and prior to any construction activity being authorized, a pre-construction meeting is required to be

held at the subject property. The purpose of the pre-construction meeting is for the contractor (General Contractor and/or Owner's Representative of record with the Town) to familiarize themselves with the Town's construction regulations, inspection process, and requirements. This is also a time for Town staff to inspect the pre-construction conditions of the subject property and to verify limits of disturbance along with any required erosion control measures.

3. **Foundation Inspection Required.** After any foundation has been poured and foundation work has been completed, and prior to scheduling a foundation inspection, an Improvement Location Certificate (ILC) verifying the location of the foundation must be submitted to the Building Official. Construction may not proceed until the location of the approved foundation has been verified by the Building Official as part of the foundation inspection.

4. **Framing Inspection Required.** After the framing of the structure(s) has been completed, and prior to scheduling a framing inspection, an Improvement Location Certificate (ILC) verifying the location of all roof ridge height(s) and locations of all exterior walls of the structure relative to required setbacks and property boundaries must be submitted to the Building Official. Construction may not proceed until the location and the extents of the structure(s) have been verified by the Building Official as part of the framing inspection.

5. **Temporary Certificate of Occupancy (TCO) Inspection Required.** At the completion of the project, a Temporary Certificate of Occupancy (TCO) inspection shall be required. An updated Improvement Location Certificate showing all new improvements on the site, shall be submitted to the Building Official prior to scheduling a TCO inspection.

6. **Certificate of Occupancy (CO) Inspection Required.** The final step in the construction and inspection process is the final Certificate of Occupancy (CO) inspection.

H. Modification of Approval

1. **Minor Modifications.**
   a. Minor modifications to a plan or design approved by the Design Review Board cannot be made without written authorization by Town staff.

   b. Town staff may, at their discretion, refer any minor modifications to an approved plan or design to the Planning Commission for final approval.

   c. Minor modifications include, but are not limited to, the following:

      i. Changes to exterior materials, patterns, and/or textures.

      ii. Minor revisions to exterior window and/or door sizing and/or placement.

   d. Minor modifications do not include any changes to a previously approved plan or design that increase building square footage, building height, lot or impervious coverage.

2. **Major Modifications.**
   a. Major modifications to a plan or design approved by the Design Review Board will be reviewed and decided on in accordance with this Section.

b. Major modifications are any changes to a previously approved plan or design that do not qualify as minor modifications.

I. Duration of Approval

1. An approval by the Design Review Board shall expire and become null and void one (1) year after the date of approval unless one of the following has occurred:

   a. A building permit is issued.

   b. Construction has commenced and is diligently pursued towards completion.

   c. A request for an extension has been submitted and approved in accordance with Subsection 16-5-##-#.

J. Extension of Approval

1. An applicant with an approval from the Design Review Board may submit a written request for an extension of their approval. Such a request must be received at least thirty (30) calendar days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.

2. Upon a showing of good cause, the Planning Director may authorize one (1) extension of an approval for a period of up to twelve (12) calendar months.

3. At the discretion of the Planning Director, a request for an extension of an approval may be referred to the Design Review Board for review and a decision. If this occurs, the Design Review Board will review and decide on such a request at a public hearing that is noticed and held in accordance with this Section.

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Section 16-5-80: Minor Design Review

A. Applicability

1. All minor development or redevelopment in the Town must comply with the requirements and procedures set forth in this Section.

2. No building permit shall be issued prior to an approval from the Planning Director or the Design Review Board, in accordance with this Section.

B. Purpose

The purpose of this Section is to establish an administrative process for ensuring that all minor development or redevelopment in the Town is constructed in a manner that complies with the adopted regulations of the Town.

C. Application Submittal Requirements

An application for a Minor Design Review shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Boundary Survey.** A boundary survey, with a stamp and signature (or electronic equivalent) of a surveyor licensed in Colorado, that includes the following information:

   a. Date of survey (survey date must be within six (6) calendar months of the application submittal date).

   b. Right-of-way and property lines; including bearings, distances, and curve information.

   c. Labeled ties to existing USGS benchmark.

   d. Property boundaries to the nearest one-hundredth (0.01) of a foot accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.

   e. The locations, bearings, and dimensions of all existing easements recorded with the Eagle County Clerk and Recorder.

   f. Spot elevations, at five-foot intervals, at the edge of asphalt along the street frontage of the subject property and a minimum of two (2) spot elevations on either side of the lot.

   g. Existing topographic conditions of the subject property~~,~~ shown at two-foot (2') contour intervals.

   h. Existing trees or groups of trees having trunks with diameters of four (4") inches or more.

   i. Rock outcroppings and other significant natural features.

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j. All utility meter locations, including any pedestals on site or in the right-of-way adjacent to the site and the exact location of existing utility sources.

k. Environmentally sensitive areas or areas of natural hazards, where applicable. These areas may include, but are not limited to, rock fall areas, wetlands, and/or floodplain areas.

l. If applicable, the centerline and edge of a stream or creek, the ordinary high-water mark, the required live stream setback from the ordinary high-water mark, and the one-hundred-year floodplain.

4. **Site Plan.** A site plan, drawn to scale, showing the following information:

a. Property line locations, bearings, and dimensions based on a current boundary survey of the property.

b. Minium required front, side, rear, and live stream setback lines.

c. Existing and proposed easements.

d. Existing and proposed buildings and structures, including sheds, enclosures, decks, patios, and balconies.

Note: A solid line is to be used to identify the building footprint and the outside face of exterior walls, inclusive of all cantilevered elements of the building. A dashed line is to be used to identify the roof/eave edge.

e. Height elevations of all roof ridgelines and/or the top of all flat roof elements, as well as the mid-point of all sloped roof elements.

f. Existing and proposed driveways and parking areas. The finished surface, heated or unheated areas, grade, percent slope, dimensions, turning radii, and spot elevations at the property line must be shown.

g. All slopes between thirty (30%) and forty percent (40%), as well as any slopes that exceed forty (40%) percent.

h. Existing and proposed retaining walls including materials and spot elevations.

i. Existing and proposed fences including height and materials.

j. If applicable, the centerline and edge of a stream or creek, the ordinary highwater mark, the required live stream setback from the ordinary high-water mark, and the one-hundred-year floodplain according to a current survey of the property.

k. Snow storage areas denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.

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l. Existing and proposed sidewalks and walkways.

m. All areas of lot and impervious coverage denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.

5. **Grading and Drainage Plan.** A grading and drainage plan that includes the following information:

a. Existing contours, shown at two-foot (2') intervals, for all areas to be disturbed by the proposed construction. Contours for undisturbed areas must be shown when drainage in those areas impacts the disturbed area, or vice versa.

b. Proposed contours, shown at two-foot (2') intervals, for all disturbed areas that demonstrate positive drainage.

c. Critical spot elevations, as necessary, to demonstrate positive drainage and the direction of flow. Finished grade at all building corners must be provided.

d. The top-of-foundation elevation. The top-of-foundation elevation must be consistent with the foundation plan. For buildings on slopes of thirty percent (30%) or greater, elevations for stepped foundation walls must be shown.

e. Drainage arrows that show how stormwater will be routed around buildings and where stormwater will exit the property. Stormwater cannot cause damage to any adjacent property. Drainage and erosion control features needed to prevent damage must be included.

f. Proposed drainage facilities, such as French drains or culverts.

g. Retaining wall details that include drainage details. Elevations for the top- and bottom-of-wall shall be shown at each location where a retaining wall steps up or down. The elevation of the tallest point of a retaining wall must also be provided.

6. **Landscape Plan.** If applicable, a landscape plan, prepared in accordance with Section 16-#-##.

7. **Building Elevations and Architectural Details.** Building elevations and architectural detailing for all sides of the proposed structure(s) that include the following information:

a. The type, size, and texture of all exterior materials.

b. Building heights, dimensioned in accordance with this Code.

c. Minimum required front, side,-rear, and live stream setback lines.

d. The location of exterior lighting fixtures and roof and building drainage systems (i.e., gutters and downspouts).

8. **Floor Plans.** Floor plans of all levels of any proposed structure(s) indicating the proposed uses and dimensions of all interior space shall be included. For additions to existing structures, floor plans must be provided for the existing building as well as all proposed additional floor area.

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9. **Ceiling Plans.** If applicable, reflected ceiling plans that show exterior lighting (recessed or can lighting) within soffits.

10. **Color Chips and Material Boards.** Color chips and/or a materials board are required for all projects.

11. **Additional Requirements for Multi-Family and Commercial Developments.** Multi-family and commercial developments may require one (1) or more of the following:

    a. A three-dimensional model, drawn to scale, of the proposed project and adjacent buildings;

    b. A three-dimensional architectural model, drawn to scale, that depicts the proposed project and adjacent structures; AND/OR,

    c. A two-dimensional photo illustration of the proposed building in relation to adjacent structures.

12. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. **Waiver of Application Submittal Requirements**

a. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

b. To authorize a waiver, the Planning Director must make a finding for the following:

    i. The waiver will not compromise a proper and complete review of the application.

    ii. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

c. If the Planning Director authorizes a waiver, they will:

    i. Provide the applicant with written notice of their decision.

    ii. If applicable, include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

D. Application Review Criteria

The Planning Director, or the Design Review Board, may approve a request for Minor Design Review upon a finding that the proposal complies with the applicable requirements of this Code, including the applicable zoning regulations set forth in Article ## and Design Standards and Guidelines set forth in Article ##.

E. Application Review Procedures

A request for Minor Design Review will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Minor Design Review Procedures

PRE-APPLICATION	APPLICATION	POST-DECISION ACTIONS
Step 1: Pre-Application Conference (Optional)	**Step 2:** Application Submittal	**Building Permit & Construction Process** (refer to Section 16-#-##)
	Step 3: Determination of Completeness	**Appeal of Decision** (refer to Section 16-#-##)
	Step 4 & 5: Application Review and Administrative Decision or Referral to Design Review Board	**Modification of Approval** (refer to Subsection 16-5-##-##)
	Step 6 & 7: Schedule and Notice of Public Hearing	**Expiration of Approval** (refer to Subsection 16-5-##-##)
	Step 8 & 9: Staff Report and Public Hearing with Design Review Board	**Extension of Approval** (refer to Subsection 16-5-##-##)
	Step 10: Notice of Decision	

1. **Step 1: Pre-Application Conference (Optional).** A Pre-Application Conference may be requested by the applicant or Town staff prior to the submittal of an application for a Minor Design Review. A Pre-Application Conference for a Minor Design Review is optional and not required.

   The process for a Pre-Application Conference is as follows:

   a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

   b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

   c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

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The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

i. The applicant's proposal.

ii. The applicable provisions of this Code.

iii. The application submittal requirements and review procedures.

iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.

2. Step 2: Submittal of Application. The applicant for a Minor Design Review shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. Step 3: Determination of Completeness. Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

i. Certify the application as complete and record the date of the determination of completeness.

ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application; and the number of complete applications to be submitted to the Town.

b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

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If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. Step 4: Application Review
   a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by town departments and town consultants that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments and town consultants to involve in the review of an application.

   b. Town departments and town consultants may provide comments on an application at any time during the review process.

5. Step 5: Administrative Decision or Referral to Design Review Board.
   a. Upon the conclusion of the application review process, the Planning Director shall review the application to determine if the proposal satisfies the applicable review criteria and standards identified in this Code. Upon the conclusion of their review, the Planning Director shall take one of the following actions:

      i. Approve the Minor Design Review, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.

      ii. Deny the Minor Design Review and state the specific reason(s) for denial.

   b. The decision by the Planning Director will be added to the consent agenda for the next available Design Review Board meeting. At this meeting, the Design Review Board may, by a majority vote, call up the Planning Director's decision for review. Should the Design Review Board decide to call up the Planning Director's decision, the Design Review Board shall review said decision in accordance with the requirements of this Section and take one of the following actions:

      i. Affirm the Planning Director's decision.

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ii. Affirm the Planning Director's decision with any conditions of approval that the Design Review Board deems necessary to ensure compliance with this Code and the Community Plan.

iii. Reverse the Planning Director's decision.

If no call up is initiated by the Design Review Board and the consent agenda is approved, the decision by the Planning Director shall be final.

c. At the discretion of the Planning Director, a novel, complex, or contested application may be referred to the Design Review Board for review and a decision. If an application is referred to the Design Review Board, the Planning Director will provide the applicant with written notice of their decision.

6. **Step 6: Schedule Public Hearing.** If the Planning Director refers an application to the Design Review Board, the Planning Director shall schedule the application for a public hearing before the Design Review Board in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of the public hearing.

   a. The public hearing shall be scheduled for a regularly scheduled meeting or a special meeting of the Design Review Board.

   b. The first public hearing before the Planning Commission shall be scheduled no later than forty (40) business days from the date of the Planning Director's decision to refer the application.

7. **Step 7: Notice of Public Hearing**. Prior to the date of the first public hearing with the Design Review Board, the applicant shall:

   a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within one hundred (100) feet of the subject property, in accordance with Section 16-5-##.

   b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-5-##.

   c. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-5-##.

   d. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with Section 16-5-##.

   e. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-5-##.

8. **Step 8: Staff Report.** If the Planning Director refers an application to the Design Review Board, Town staff shall prepare a staff report that addresses the following, as applicable:

   a. Compliance with the standards of this Code.

   b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.

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c. Recommended conditions to ensure compliance with applicable standards.

d. Additional information pertinent to the review of the application that must be submitted by the applicant.

9. Step 9: Public Hearing with Design Review Board.
   a. The Design Review Board will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

   b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:

      i. The application and any supporting materials.

      ii. The staff report.

      iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

   c. Following the close of the public hearing, the Design Review Board shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Minor Design Review, and shall take one of the following actions:

      i. Approve the request, subject to any conditions that the Design Review Board deems necessary to ensure compliance with this Code and the Community Plan.

      ii. Deny the request and state the specific reason(s) for denial.

10. Step 10: Notice of Decision.
   a. Within ten (10) business days of a final action by the Planning Director or the Design Review Board, the following shall occur:

      i. The Planning Director will send written notice of the decision to the applicant.

      ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

F. Building Permit and Construction Process

Refer to Subsection 16-5-70(G).

G. Modification of Approval

Any modification to a Minor Design Review approval shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

H. Duration of Approval

An approval by the Planning Director or the Design Review Board shall expire and become null and void one (1) year after the date of approval unless one of the following has occurred:

1. A building permit is issued.

2. Construction has commenced and is diligently pursued towards completion.

3. A request for an extension has been submitted and approved in accordance with Subsection 16-5-##(#).

I. Extension of Approval

1. An applicant with an approval from the Planning Director or the Design Review Board may submit a written request for an extension of their approval. Such a request must be received at least thirty (30) calendar days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.

2. Upon a showing of good cause, the Planning Director may authorize one (1) extension of an approval for a period of up to twelve (12) calendar months.

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Section 16-5-90: Location and Extent

A. Applicability

1. Any project proposed by a political subdivision of the state or a publicly or privately owned utility must comply with the requirements and procedures set forth in this Section.

2. The requirements and procedures set forth in this Section are in-lieu of the Town's Design Review and Minor Design Review requirements and procedures.

B. Purpose

The purpose of this Section is to provide the Town with an opportunity to review projects proposed by a public or quasi-public entity in relation to the Community Plan, and to inform any public or quasi-public entity of the Town's reasonable expectations for land use and development. Location and extent review is mandated by state law, C.R.S. §§ 30-28-110 and 22-32-101 et seq.

C. Application Submittal Requirements

An application for a Location and Extent shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Narrative.** A written statement that describes the project and how the proposal complies with the review criteria set forth in this Section.

4. **Survey.** <Add Text>

5. **Site Plan.** <Add Text>

6. **Grading Plan.** <Add Text>

7. **Utility Plan.** <Add Text>

8. **Conceptual Architectural Plans.** <Add Text>

9. **Landscape Plan.** <Add Text>

10. **Lighting Plan.** <Add Text>

11. **Engineering Reports.** <Add Text>

    a. *Traffic Analysis.* <Add Text>

    b. *Soils and Geotechnical Report.* <Add Text>

    c. *Drainage Analysis.* <Add Text>

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12. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

   a. The waiver will not compromise a proper and complete review of the application.

   b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will:

   a. Provide the applicant with written notice of their decision.

   b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

The Planning Commission may recommend approval of, and the Town Council may approve, a request for a Location and Extent upon a positive finding of each of the following criteria:

1. Is in substantial compliance with the Community Plan, other plans adopted by the Town, and Town policies.

2. Minimizes adverse impacts to the health, safety, and welfare of Minturn's residents.

F. Application Review Procedures

A request for a Location and Extent will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Location and Extent Procedures

PRE-APPLICATION	APPLICATION	POST-DECISION ACTIONS
Step 1: Pre-Application Conference	**Step 2:** Application Submittal	**Appeal of Decision** (refer to Section 16-#-##)
	Step 3: Determination of Completeness	**Modification of Approval** (refer to Subsection 16-5-##-##)
	Step 4: Application Review & Referral	**Effect of Approval** (refer to Subsection 16-5-##-##)

1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for Location and Extent. This requirement may be waived at the discretion of the Planning Director.

   The process for a Pre-Application Conference is as follows:

   a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

   b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

   c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

      The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

      i. The applicant's proposal.

      ii. The applicable provisions of this Code.

      iii. The application submittal requirements and review procedures.

      iv. The referral agencies likely to be involved with the review of the application.

      Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference

may be continued for a reasonable time at the request of the applicant or the Planning Director.

d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.

2. Step 2: Submittal of Application. The applicant for a Location and Extent shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. Step 3: Determination of Completeness. Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

i. Certify the application as complete and record the date of the determination of completeness.

ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**
   a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

   b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

   c. Comments not received by the Town within the applicable time frame will be considered a no comment.

   d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. **Step 5: Schedule Public Hearings.** Upon the conclusion of the referral process, the Planning Director shall schedule the application for public hearings before the Planning Commission and Town Council in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of each public hearing.

   a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and Town Council.

   b. The first public hearing before the Planning Commission shall be scheduled no later than forty (40) business days after the conclusion of the referral process.

   c. A public hearing before the Town Council shall be scheduled within forty (40) business days of the Planning Commission completing its review and making a recommendation to the Town Council.

6. **Step 7: Notice of Public Hearing**. Prior to the date of the first public hearing with the Planning Commission, the applicant shall:

   a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within one hundred (100) feet of the subject property, in accordance with Section 16-5-##.

   b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-5-##.

c. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-5-##.

d. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with Section 16-5-##.

e. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-5-##.

7. **Step 8: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:

   a. Compliance with the standards of this Code.

   b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.

   c. Recommended conditions to ensure compliance with applicable standards.

   d. Additional information pertinent to the review of the application that must be submitted by the applicant.

8. **Step 9: Public Hearing with Planning Commission.**
   a. The Planning Commission will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

   b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:

      i. The application and any supporting materials.

      ii. The staff report.

      iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

   c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Location and Extent, and shall take one of the following actions:

      i. Recommend that the Town Council approve the request, subject to any changes that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.

      ii. Recommend that Town Council deny the request and state the specific reason(s) for denial.

9. **Step 10: Public Hearing with Town Council.**

a. Following the public hearing with the Planning Commission, the Town Council will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:

   i. The application and any supporting materials.

   ii. The staff report.

   iii. The Planning Commission's recommendation.

   iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, the recommendation of the Planning Commission, public testimony, and the review criteria for a Location and Extent, and shall take one of the following actions:

   i. Approve the request, subject to any changes that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.

   ii. Deny the request and state the specific reason(s) for denial.

d. If the Town Council approves a Location and Extent, it shall enact a resolution to such effect.

10. Step 11: Notice and Recording of Decision.
    a. Within ten (10) business days of a final action by Town Council, the following will occur:

       i. The Planning Director will send written notice of the decision to the applicant.

       ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

    b. If Town Council approves a Location and Extent, the Town Clerk will enter a copy of the resolution into the town's records.

G. Modification of Approval

Any modification to an approved Location and Extent shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

H. Effect of Approval

Following the approval of a Location and Extent application, the applicant is authorized to apply for a grading permit, building permit, and/or similar type of permit required by the Town. An application for

such permit(s) shall be in substantial compliance with the approved Location and Extent application and shall be reviewed by the Building Official for compliance with all applicable codes and laws of the Town.

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Section 16-5-100: Limited Review Use

A. Applicability

1. This Section applies to all land uses classified as a Limited Review Use in Table ##.

2. A Certificate of Zoning Compliance shall be required prior to the issuance of a building permit for, or the establishment of, any building, structure, or land use that is listed as a Limited Review Use in Table ##.

3. The Planning Director will issue a Certificate of Zoning Compliance for a Limited Review Use that has been reviewed and approved or approved with conditions in accordance with this Section.

B. Purpose

The purpose of this Section is to provide an efficient administrative review process for land uses that are allowed in a specific zone district subject to compliance with established use-specific standards.

C. Application Submittal Requirements

An application for a Limited Review Use shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Narrative.** A written statement that describes the following:

   a. The precise nature and operational characteristics of the proposed use; AND,

   b. How the proposed use complies with the applicable requirements of this Code and the review criteria set forth in this Section.

4. **Site Plan.** A site plan, drawn to scale, showing the following information:

   a. The boundaries of the subject property including bearings and dimensions.

   b. Minimum required front, side, rear, and live stream setbacks lines.

   c. Existing topography and any proposed changes.

   d. The location and dimensions or size of all existing and proposed:

      i. Land uses.

      ii. Buildings and structures (or building envelopes if exact dimensions are not available) and their setbacks from the boundaries of the subject property.

      iii. Easements and public rights-of-way on or abutting the subject property.

iv. Streets, alleys, driveways, sidewalks, paths, and/or other access improvements.

v. Parking and loading areas.

vi. Usable open space.

vii. Landscaped areas, fencing, and walls.

viii. Utilities, including information about any changes to these utilities that will be necessitated by the proposed use.

ix. Drainage facilities and features.

e. A table with that includes the following data:

i. Size of the subject property.

ii. Total number of dwelling units and number of each type of unit (studio, one bedroom, etc.).

iii. Floor area of each type of dwelling unit.

iv. Total building coverage provided as a percentage of the total area of the subject property.

v. Total impervious surface coverage provided as a percentage of the total area of the subject property.

vi. Total area of usable open space.

vii. Total landscaped area.

viii. Total number of parking spaces.

5. **Conceptual Building Plans and Elevations.** Conceptual plans and elevations with sufficient detail to depict the layout, dimensions, general appearance, and scale of any proposed buildings.

6. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

a. The waiver will not compromise a proper and complete review of the application.

b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will provide the applicant with written notice of their decision.

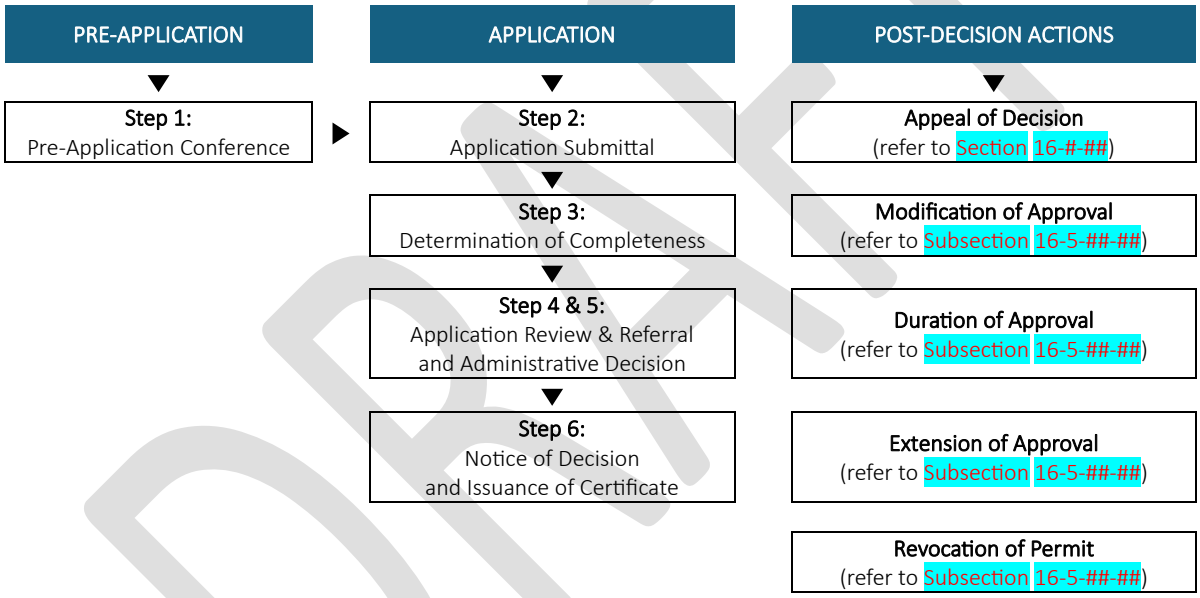
E. Application Review Criteria

The Planning Director may approve a request for a Limited Review Use upon a finding that the proposed use complies with the applicable provisions of this Code, including any Use-Specific Standards.

F. Application Review Procedures

A request for a Limited Review Use will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Limited Review Use Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Limited Review Use. This requirement may be waived at the discretion of the Planning Director.

   The process for a Pre-Application Conference is as follows:

   a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

   b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This

information must be submitted at least five (5) business days prior to the Pre-Application Conference.

c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

i. The applicant's proposal.

ii. The applicable provisions of this Code.

iii. The application submittal requirements and review procedures.

iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.

2. Step 2: Submittal of Application. The applicant for a Limited Review Use shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. Step 3: Determination of Completeness. Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

i. Certify the application as complete and record the date of the determination of completeness.

ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. Step 4: Application Review and Referral.
   a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

   b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

   c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.

   d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. Step 5: Administrative Decision. Upon the conclusion of the application review and referral process, the Planning Director shall review the application to determine if the proposal satisfies

the applicable review criteria and standards identified in this Code. Upon the conclusion of their review, the Planning Director shall take one of the following actions:

a. Approve the Limited Review Use, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.

b. Deny the Limited Review Use and state the specific reason(s) for denial.

6. **Step 6: Notice of Decision and Issuance of Certificate.** Within ten (10) business days of a final action by Planning Director, the following shall occur:

a. The Planning Director will send written notice of the decision to the applicant.

b. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

c. If a Limited Review Use is approved, the Planning Director will issue, to the applicant, a Certificate of Zoning Compliance that states the following:

i. Description and location of the approved use.

ii. Duration of approval.

iii. Any conditions of approval.

iv. Any other information that the Planning Director deems necessary to include as part of the Certificate of Zoning Compliance.

G. Modification of Approval

Any modification to an approved Certificate of Zoning Compliance (i.e., an approved Limited Review Use) shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

H. Duration of Approval

A Certificate of Zoning Compliance shall expire and become null and void one (1) year after the date of issuance unless one of the following has occurred:

1. The approved use has been established, is on-going, and in operation (if no building permit from the Town is required).

2. A complete building permit application has been submitted and approved by the Town and on-site construction has commenced.

3. A request for an extension has been submitted and approved in accordance with Subsection 16-5-##-#.

I. Extension of Approval

1. The holder of a Certificate of Zoning Compliance may submit a written request for an extension of their approval to the Planning Director. Such a request must be received a minimum of thirty (30) calendar days prior to the expiration date of the Certificate of Zoning Compliance. Any request received later than this will not be considered by the Town.

2. A request to extend the approval of a Certificate of Zoning Compliance must demonstrate the following:

    a. Failure to establish the use was beyond the applicant's control.

    b. The approved use is not speculative in nature.

    c. The approved use remains in compliance with this Code and the Community Plan.

    d. There is reasonable likelihood that the approved use will be established in the next year.

3. The Planning Director may authorize one (1) extension of a Certificate of Zoning Compliance for a period of up to twelve (12) calendar months.

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Section 16-5-110: Rezoning (Amendment to Zoning Map)

A. Applicability

1. All amendments to the Town's Official Zoning Map must comply with the requirements and procedures set forth in this Section.

2. Changing the zoning of a property, or properties, from one zone district to another constitutes an amendment to the Town's Official Zoning Map.

3. An amendment to the Town's Official Zoning Map may be proposed by the Town Council; the Planning Commission; Town staff; or an owner of, or other person with a recognized interest in, land in the Town or their authorized agent.

4. A rezoning should not be used when a Conditional Use Permit, Variance, or other relief could be used to achieve a similar result.

B. Purpose

The purpose of this Section is to establish the requirements and procedures for amending the Town's Official Zoning Map.

C. Application Submittal Requirements

An application for Rezoning shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Narrative.** A written statement that describes the following:

   a. The new zone district being requested.

   b. The justification for rezoning based on the review criteria set forth in this Section.

   c. Why the proposed zone district is more appropriate for the subject property than the existing zoning.

4. **Zoning and Land Use Map.** A map that shows the existing zoning of, and land uses on, all properties within three hundred (300) feet of the subject property.

5. **Survey.** A scaled survey that depicts the existing conditions of the subject property. The following information must be shown:

   a. Date of survey.

   b. Legal description.

   c. Property boundaries including bearings and dimensions.

d. Existing natural features including, but not limited to, vegetation, rock-outcroppings, and watercourses.

e. Environmentally sensitive areas or areas of natural hazards, where applicable (rock fall areas, wetlands, one-hundred-year floodplain, etc.).

f. Existing improvements including, but not limited to, buildings, streets, sidewalks, trails.

g. Dimensions between existing buildings or structures and all property boundaries.

h. Other information that is necessary to demonstrate compliance with the requirements of the proposed zone district.

6. Additional Information. Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

   a. The waiver will not compromise a proper and complete review of the application.

   b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will:

   a. Provide the applicant with written notice of their decision.

   b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

The Planning Commission may recommend approval of, and the Town Council may approve, a request for Rezoning upon a positive finding of each of the following criteria:

1. The change in zoning is consistent with the Community Plan, specifically the Future Land Use Map, and any other applicable plan adopted by the Town.

2. The change in zoning will not have significant adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife habitat, vegetation, and wetlands.

3. The change in zoning supports the logical and orderly development of the Town and the necessary public facilities and services are available or can be provided.

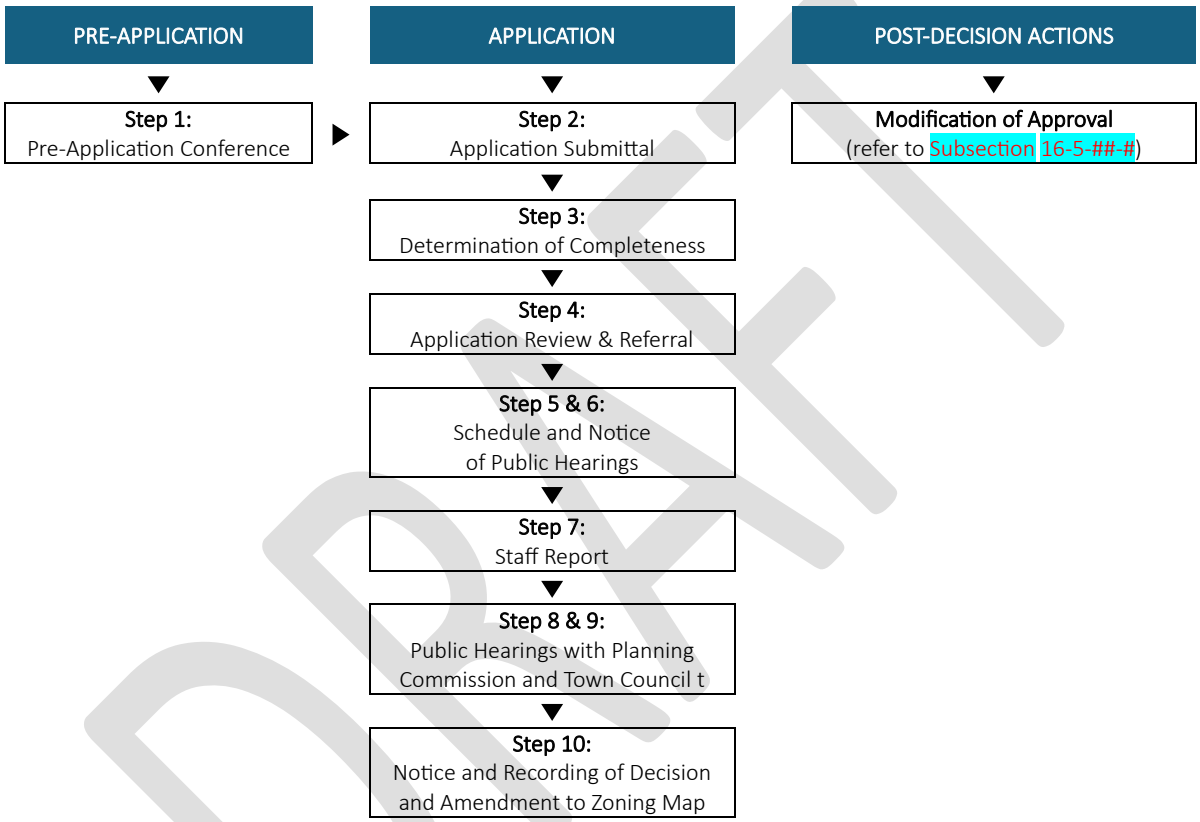
4. The proposed zone district is compatible with existing and allowed uses on properties in the immediate vicinity of the subject property.

5. The change in zoning does not constitute spot zoning.

F. Application Review Procedures

A request for Rezoning will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Rezoning Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for Rezoning. This requirement may be waived at the discretion of the Planning Director.

   The process for a Pre-Application Conference is as follows:

   a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

   b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This

information must be submitted at least five (5) business days prior to the Pre-Application Conference.

c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

i. The applicant's proposal.

ii. The applicable provisions of this Code.

iii. The application submittal requirements and review procedures.

iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.

2. **Step 2: Submittal of Application.** The applicant for a Rezoning shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

i. Certify the application as complete and record the date of the determination of completeness.

ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. Step 4: Application Review and Referral.

a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.

d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. **Step 5: Schedule Public Hearings.** Upon the conclusion of the referral process, the Planning Director shall schedule the application for public hearings before the Planning Commission and Town Council in accordance with the following requirements:

   a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and Town Council.

   b. The first public hearing before the Planning Commission shall be scheduled no later than forty (40) business days after the date of determination of completeness.

   c. A public hearing before the Town Council shall be scheduled within forty (40) business days of the Planning Commission completing its review and making a recommendation to the Town Council. In accordance with the Home Rule Charter, the public hearing with the Town Council is to be held at the second meeting that the ordinance for the rezoning is introduced a second time.

6. **Step 6: Notice of Public Hearings**.
   a. Prior to the date of the first public hearing with the Planning Commission, the applicant shall:

      i. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within one hundred (100) feet of the subject property, in accordance with Section 16-5-##.

      ii. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-5-##.

      iii. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-5-##.

      iv. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with Section 16-5-##.

      v. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-5-##.

b. A rezoning initiated by the Town shall only require the publishing of notice in accordance with Section 16-5-##.

7. **Step 7: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:

   a. Compliance with the standards of this Code.

   b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.

   c. Recommended conditions to ensure compliance with applicable standards.

d. Additional information pertinent to the review of the application that must be submitted by the applicant.

8. Step 8: Public Hearing with Planning Commission.
   a. The Planning Commission will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

   b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:

      i. The application and any supporting materials.

      ii. The staff report.

      iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

   c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Rezoning, and shall take one of the following actions:

      i. Recommend that Town Council approve the Rezoning.

      ii. Recommend that Town Council deny the Rezoning and state the specific reason(s) for denial.

9. Step 9: Public Hearing with Town Council.
   a. Following the public hearing with the Planning Commission, the Town Council will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

   b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:

      i. The application and any supporting materials.

      ii. The staff report.

      iii. The Planning Commission's recommendation.

      iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

   c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, the recommendation of the Planning Commission, public testimony, and the review criteria for a Rezoning, and shall take one of the following actions:

i. Approve the Rezoning.

ii. Deny the Rezoning and state the specific reason(s) for denial.

d. If Town Council approves a Rezoning, it shall enact an ordinance to such effect.

10. Step 10: Notice and Recording of Decision and Amendment to Zoning Map.

a. Within ten (10) business days of a final action by Town Council, the following will occur:

i. The Planning Director will send written notice of the decision to the applicant.

ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

b. If Town Council approves a Rezoning, the Town Clerk will do the following:

iii. Enter a copy of the ordinance approving the Rezoning into the town's records.

iv. Within thirty (30) calendar days of the effective date of the ordinance approving the Rezoning, update the Zoning Map to reflect the change in zoning.

G. Modification of Approval

Any modification to an approved Rezoning shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

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Section 16-5-120: Temporary Use

A. Applicability

1. This Section applies to all land uses classified as a Temporary Use in Table ##.

2. Special events approved through the Town's special events permit procedures are exempt from this Section.

B. Purpose

The purpose of this Section is to provide an efficient administrative review process for land uses and associated buildings or structures that will be established for no more than six (6) calendar months.

C. Application Submittal Requirements

An application for a Temporary Use shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Narrative.** A written statement that describes the following:

   a. The proposed location, precise nature, and operational characteristics of the proposed temporary use.

   b. How the following will be addressed, as applicable:

      i. Potable water supply.

      ii. Sanitation including solid waste and sewage disposal.

      iii. Emergency services including medical, police, and fire protection.

      iv. Security and crowd control.

      v. Parking and traffic control.

   c. How the proposed use complies with the applicable requirements of this Code and the review criteria set forth in this Section.

4. **Agreement** A document, signed by the applicant and the owner of the subject property, if different from the applicant, that:

   a. States the applicant agrees to cease the proposed use and remove any associated buildings or structures upon the expiration of the Temporary Use Permit;

b. Authorizes the Town to remove any buildings or structures associated with the proposed use, if the use is not in compliance with the conditions of the Temporary Use Permit or the applicable requirements of this Code; AND,

c. States that the property owner will be responsible for all costs incurred by the Town to remove any buildings or structures associated with the proposed use.

5. **Required Licenses.** Evidence that the applicant has obtained or will obtain prior to the commencement of the Temporary Use, all licenses required by the Town and the State. Such licenses may include, but are not limited to, the following:

   a. Business license.

   b. Sales tax license.

   c. Approval from the State for food sales.

   d. Liquor license.

   e. A license issued by the Town if the proposed use is to be located on town-owned property.

6. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

   a. The waiver will not compromise a proper and complete review of the application.

   b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will provide the applicant with written notice of their decision.

E. Application Review Criteria

The Planning Director may approve a request for a Temporary Use upon a positive finding of each of the following criteria:

1. The proposed use is consistent with the Community Plan.

2. The proposed use complies with the applicable requirements of this Code and health, sanitation, safety, and access laws.

3. The proposed use is compatible with existing land uses on properties surrounding the subject property.

F. Application Review Procedures

A request for a Temporary Use will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Temporary Use Review Procedures

PRE-APPLICATION	APPLICATION	POST-DECISION ACTIONS
Step 1: Pre-Application Conference	Step 2: Application Submittal	Appeal of Decision (refer to Section 16-#-##)
	Step 3: Determination of Completeness	Modification of Approval (refer to Subsection 16-5-##-##)
	Step 4: Application Review & Referral	Duration of Approval (refer to Subsection 16-5-##-##)
	Step 5: Administrative Decision	Extension of Approval (refer to Subsection 16-5-##-##)
	Step 6: Notice of Decision and Issuance of Permit	Revocation of Permit (refer to Subsection 16-5-##-##)

1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Temporary Use. This requirement may be waived at the discretion of the Planning Director.

   The process for a Pre-Application Conference is as follows:

   a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

   b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

   c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

      The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

i. The applicant's proposal.

ii. The applicable provisions of this Code.

iii. The application submittal requirements and review procedures.

iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.

2. **Step 2: Submittal of Application.** The applicant for a Temporary Use shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

i. Certify the application as complete and record the date of the determination of completeness.

ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. Step 4: Application Review and Referral.
   a. Within five (5) business days of receiving the requested number of complete applications from the application, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

   b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

   c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.

   d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. Step 5: Administrative Decision.
   a. Upon the conclusion of the review and referral process, the Planning Director shall review the application to determine if the proposal satisfies the applicable review criteria and standards identified in this Code. Upon the conclusion of their review, the Planning Director shall take one of the following actions:

      i. Approve the Temporary Use, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.

      ii. Deny the Temporary Use and state the specific reason(s) for denial.

6. **Step 6: Notice of Decision and Issuance of Certificate.** Within ten (10) business days of a final action by Planning Director, the following shall occur:

   a. The Planning Director will send written notice of the decision to the applicant.

   b. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

   c. If a Temporary Use is approved, the Planning Director will issue, to the applicant, a Temporary Use Permit that states the following:

      i. Duration of the permit.

      ii. Any conditions of approval.

      iii. Notice of the Town's authority to revoke the permit in accordance with Subsection 16-#-##-#.

      iv. Any other information that the Planning Director deems necessary to include as part of the permit.

G. Modification of Approval

Any modification to an approved Temporary Use Permit shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

H. Duration of Approval

All Temporary Use Permits shall expire and become null and void six (6) calendar months after the date of issuance unless a request for an extension has been submitted and approved in accordance with Subsection 16-5-##-#.

I. Extension of Approval

1. The holder of a Temporary Use Permit may submit a written request for an extension of their permit to the Planning Director. Such a request must be received at least five (5) business days prior to the expiration date of the Temporary Use Permit. Any request received later than this will not be considered by the Town.

2. Upon a showing of good cause by the permit holder, the Planning Director may authorize one (1) extension of an approved Temporary Use Permit for a period of up to thirty (30) calendar days.

J. Revocation of Permit

1. The Planning Director may revoke a Temporary Use Permit at any time if it is determined that the use is not being operated in compliance with the conditions of the permit, this Code, or any other provision of the Municipal Code.

2. If the Planning Director revokes a Temporary Use Permit, they shall provide written notice, stating the cause of such revocation, to the applicant.

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Section 16-5-130: Zoning Variance

A. Applicability

1. All requests for variance from any zone district regulation, set forth in Article ##, must comply with the requirements and procedures set forth in this Section.

2. All requests for a variance from any sign regulation, set forth in Article ##, must comply with the requirements and procedures set forth in Section 16-5-##.

3. Variances from the use regulations prescribed for each zone district are not permitted.

4. Cost or inconvenience to the applicant, resulting from strict or literal compliance with a zoning regulation set forth in this Code, shall not be a reason for granting a variance

B. Purpose

1. The purpose of this Section is to establish the requirements and procedures for a variance from the strict application of any zone district regulation, set forth in Article ##.

2. The purpose of a variance is to provide an opportunity to mitigate practical difficulties or undue hardships that would result from the strict application of the zoning regulations set forth in this Code.

C. Application Submittal Requirements

An application for Zoning Variance shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Narrative.** A written statement that describes the following:

   a. The precise nature of the proposed variance.

   b. The justification for variance based on the review criteria set forth in this Section.

   c. Any measures proposed to make the variance compatible with adjacent properties.

4. **Site Plan.** A site plan, drawn to scale, showing the following information:

   a. Property boundaries including bearings and dimensions.

   b. Minimum required front, side, rear, and live stream setback lines.

   c. Existing topography and any proposed changes.

   d. The location and dimensions or size of all existing and proposed:

i. Land uses.

ii. Buildings and structures (or building envelopes if exact dimensions are not available) and their setbacks from the boundaries of the subject property.

iii. Easements and public rights-of-way on or abutting the subject property.

iv. Streets, alleys, driveways, sidewalks, paths, and/or other access improvements.

v. Parking and loading areas.

vi. Usable open space.

vii. Landscaped areas, fencing, and walls.

viii. Utilities.

ix. Drainage facilities and features.

5. **Conceptual Building Plans and Elevations.** Conceptual plans and elevations with sufficient detail to depict the layout, dimensions, general appearance, scale, and interior plan of any proposed buildings.

6. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

   a. The waiver will not compromise a proper and complete review of the application.

   b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will:

   a. Provide the applicant with written notice of their decision.

   b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

The Planning Commission may recommend approval of, and the Zoning Board of Appeals may approve, a request for a Zoning Variance upon a positive finding of each of the following criteria:

1. There exists an exceptional or extraordinary condition(s) that is unique to the subject property (such as shape, size, or topography), is not a general condition throughout the same zone district, and did not result from the action of any person currently having interest in the property.

2. The exceptional or extraordinary condition(s) of the subject property creates a situation such that the strict application of the specified regulation will result in practical difficulty or undue hardship upon the applicant not related to purposes of convenience or financial burden.

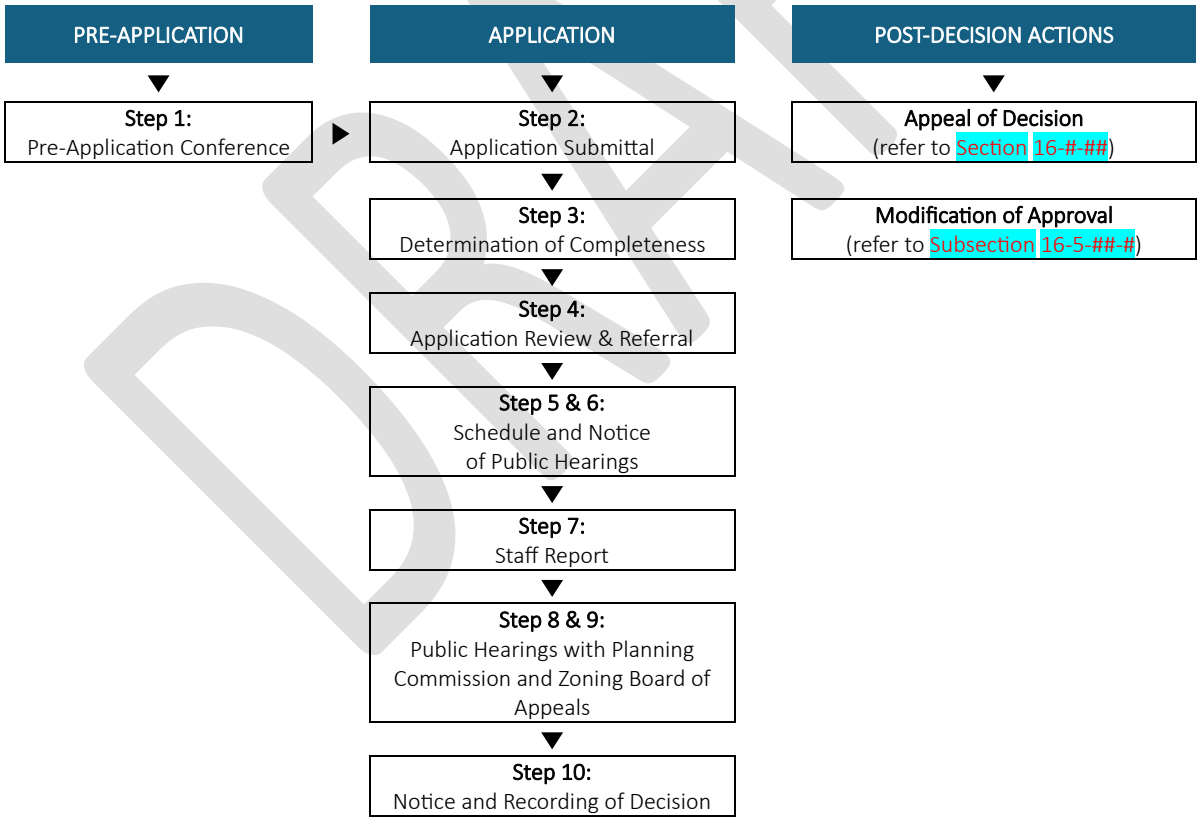
3. The granting of the variance will not be detrimental to the public health, safety, or welfare; will not be materially injurious to properties or improvements in the vicinity; and will not result in substantial impairment to the purposes of this Chapter.

4. The requested variance is the minimum necessary to alleviate the hardship or practical difficulty.

F. Application Review Procedures

A request for Zoning Variance will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Zoning Variance Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Zoning Variance. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

   The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

   i. The applicant's proposal.

   ii. The applicable provisions of this Code.

   iii. The application submittal requirements and review procedures.

   iv. The referral agencies likely to be involved with the review of the application.

   Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.

2. Step 2: Submittal of Application. The applicant for a Zoning Variance shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. Step 3: Determination of Completeness. Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is

complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

   i. Certify the application as complete and record the date of the determination of completeness.

   ii. Schedule a public hearing in accordance with Section 16-5-##.

   iii. Notify the applicant, in writing, of the determination of completeness; the date, time, and location for each of the public hearing; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

   If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

   i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

   ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

   If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. Step 4: Application Review and Referral.
   a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

   b. The comment period for the review by town departments, town consultants, and referral agencies shall be twenty (20) business days from the date that the application is circulated

by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.

d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. **Step 5: Schedule Public Hearing.** Upon the conclusion of the referral process, the Planning Director shall schedule the application for public hearings before the Planning Commission and the Zoning Board of Appeals in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of each public hearing.

   a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and the Zoning Board of Appeals.

   b. The first public hearing before the Planning Commission shall be scheduled no later than forty (40) business days after the conclusion of the post-referral process.

      A public hearing before the Zoning Board of Appeals shall be scheduled within forty (40) business days of the Planning Commission completing its review and making a recommendation to the Town Council.

6. **Step 6: Notice of Public Hearing**. Prior to the date of the first public hearing with the Planning Commission, the applicant shall:

   i. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within one hundred (100) feet of the subject property, in accordance with Section 16-5-##.

   ii. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-5-##.

   iii. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-5-##.

   iv. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with Section 16-5-##.

   v. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-5-##.

7. **Step 7: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:

   a. Compliance with the standards of this Code.

   b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.

c. Recommended conditions to ensure compliance with applicable standards.

d. Additional information pertinent to the review of the application that must be submitted by the applicant.

8. Step 8: Public Hearing with Planning Commission.
   a. The Planning Commission will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

   b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:

      iv. The application and any supporting materials.

      v. The staff report.

      vi. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

   c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Zoning Variance, and shall take one of the following actions:

      i. Recommend that the Zoning Board of Appeals approve the Zoning Variance, subject to any conditions that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.

      ii. Recommend that the Zoning Board of Appeals deny the Zoning Variance and state the specific reason(s) for denial.

9. Step 9: Public Hearing with Zoning Board of Appeals.
   a. Following the public hearing with the Planning Commission, the Zoning Board of Appeals will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

   b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Zoning Board of Appeals, the applicant, and the public:

      i. The application and any supporting materials.

      ii. The staff report.

      iii. The Planning Commission's recommendation.

      iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

c. Following the close of the public hearing, the Zoning Board of Appeals shall consider the application and any supporting materials, the staff report, the recommendation of the Planning Commission, public testimony, and the review criteria for a Zoning Variance, and shall take one of the following actions:

i. Approve the Zoning Variance, subject to any conditions that the Zoning Board of Appeals deems necessary to ensure compliance with this Code and the Community Plan.

ii. Deny the Zoning Variance and state the specific reason(s) for denial.

10. **Step 10: Notice and Recording of Decision.**

a. Within ten (10) business days of a final action by the Zoning Board of Appeals, the following will occur:

i. The Planning Director will send written notice of the decision to the applicant.

ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

b. If the Zoning Board of Appeals approves a Zoning Variance, the Town Clerk will enter a copy of the resolution approving the variance into the town's records.

G. Modification of Approval

Any modification to an approved Zoning Variance shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

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Section 16-5-140: Planned Unit Development (PUD)

A. Applicability

1. This Section and Sections 16-5-150 through 16-5-170 apply to all requests to establish a Planned Unit Development Zone District (PUD).

2. An application for a PUD may be made for any land in, or to be annexed to, the Town that complies with the applicable standards of this Section.

3. A PUD Zone District should not be used when a Conditional Use, Zoning Variance, or other appropriate process can be used to achieve the same result.

4. Before any land can be designated as a PUD, the PUD must receive approval pursuant to the terms of this Section and Sections 16-5-150 through 16-5-170.

B. Purpose

The purposes of the Planned Unit Development (PUD) Zone District are to:

1. Provide landowners with greater flexibility to creatively develop their land, in exchange for community benefit(s) that could not be realized through the strict adherence to this Code.

2. Achieve the goals and policies of the Community Plan.

3. Provide for new technology and promotes high-quality, innovative development that results in efficient use of land and is integrated and compatible with surrounding land use and development patterns.

4. Preserve sensitive environmental areas, wildlife habitat, and cultural and/or historic resources.

5. Achieve a more desirable natural environment by maintaining and enhancing air quality, as well as surface and ground water quality and quantity.

6. Expand and diversify housing opportunities for people of varying income levels and provide long-term affordable housing.

7. Establish land use patterns that integrate uses and result in compact development that supports non-motorized mobility (e.g., walking, biking, etc.) and the efficient and economical provision of public infrastructure and services.

8. Encourage development that expands access to public transit and contributes to trail systems in and around the Town.

C. Authority

1. This Section, and Sections 16-5-150 through 16-5-190, are adopted pursuant to the Planned Unit Development Act of 1972 (C.R.S. § 24-67-101, et seq., as amended).

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2. Town staff and the Planning Commission are authorized to recommend, and the Town Council is authorized to impose, any conditions on a PUD that are necessary to accomplish the purpose of this Code and the Community Plan.

D. General Provisions

1. **Minimum Land Area.** To be eligible for a PUD Zone District, the subject property, or properties, must have a minimum gross area of two (2) acres.

2. **Land Ownership Requirements.** No application for a PUD will be accepted by the Town without the written consent of the owner(s) of the property, or properties, included within the proposed PUD.

3. **Effect on Other Code Provisions.**
   a. Except as expressly authorized by this Section and approved as a part of a PUD Guide, the standards of this Code shall apply to development within any PUD.

   b. Certain regulations and standards, adopted by the Town, cannot be modified or changed by a PUD. Such regulations and standards, may include, but are not limited to, building codes, construction standards, health codes, and fire codes.

4. **Retention of Existing Zoning.** The existing zoning for a property or properties, subject to an application for a PUD, shall not change until a Rezoning has been approved in accordance with Section 16-5-160.

5. **Common Open Space, Park, and Recreation Standards.** All PUDs must comply with the following standards:

   a. *Minimum Area.* A minimum of twenty-five percent (25%) of the total area within a PUD must be allocated to public and/or private open space, park, and/or recreation purposes. At the discretion of the Town Council, the following may be authorized as an alternative to this requirement:

      i. A cash-in-lieu fee pursuant to this Subsection.

      ii. A dedication of land not within the PUD that satisfies the requirements of this Subsection.

      iii. A combination of a cash-in-lieu fee, pursuant to this Subsection, and a dedication of land not within the PUD that satisfies the requirements of this Subsection.

      iv. Amenities within the PUD that achieve a similar purpose to open space, park, and recreation areas.

   b. Table ## lists examples of areas and amenities that are, and are not, eligible to be counted towards the common open space, park, and recreation requirement:

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Table ##: Examples of Areas & Amenities that Do and Do Not Count

Areas & Amenities that Count:	Areas & Amenities that Do Not Count:
▪ Waterbodies. ▪ Critical wildlife habitat areas, riparian areas, one-hundred-year floodplain areas, and other environmentally sensitive areas that are protected through the use of conservation easements or other means and that may or may not be usable by, or accessible to, the residents of the PUD. ▪ Communal rooftop spaces, pocket parks, community gardens, dog parks, outdoor recreation areas, and similar amenities.	▪ Parking and loading areas. ▪ Street rights-of-way. ▪ Minimum required yard setbacks. ▪ Private balconies, patios, and similar amenities. ▪ Indoor recreation facilities, building lobbies, and similar amenities. ▪ Areas with slopes greater than thirty percent (30%), unless such slopes are designed and developed for recreation purposes such as trails.

c. *Dedication of Land Subject to Approval.* The dedication of land to the Town, other public agency, or non-profit entity, for common open space, park, or recreation shall be subject to approval and acceptance by the Town Council or decision-making body of the applicable public agency or non-profit entity.

d. *Improvements Required.* All common open space, park, and recreational areas must be shown on the Preliminary Development Plan for a PUD and are to be constructed and fully improved in accordance with the development schedule established for each phase of the PUD.

e. *Continuing Use and Maintenance.* All privately-owned common open space, park, and recreation areas must continue to conform to their intended use, as specified on the Preliminary Development Plan for a PUD. To ensure that all common open space, park, and recreation areas identified in a PUD are used as such, restrictions and/or covenants will be placed in each deed to ensure their maintenance and to prohibit the division of these areas.

f. Cash-In-Lieu Fee.

i. The cash-in-lieu fee shall be in an amount equivalent to that of the acreage in the PUD that otherwise is required to be dedicated for public and/or private open space, park, and/or recreation purposes.

ii. The Town Council shall, by resolution, set the per-acre fee for cash-in-lieu of the required dedication of land in PUDs for public and/or private open space, park, and/or recreation purposes. This fee should be updated at least every two (2) years.

iii. Payment for the cash-in-lieu fee is due and payable to the Town within ninety (90) calendar days of the date of approval of the resolution/ordinance approving of the Final Development Plan for the PUD or as otherwise stated in the PUD Agreement.

iv. Payment for the cash-in-lieu fee will be held by the Town in a specific, interest-bearing account reserved for the acquisition of land for open space, parks, and/or recreation

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purposes and/or the development of, or capital improvement to, parks, playgrounds, trails, and recreation facilities, or other similar amenities in the Town

6. **Ownership and Maintenance of Common Elements.**
   a. As part of a PUD, provisions shall be made for the establishment of an entity (homeowner's association, non-profit corporation, etc.) that is responsible for the ownership, administration, operation, and maintenance of any common elements (open space, parks, recreation areas, private streets, etc.) within the PUD. This entity is also responsible for securing adequate liability insurance for these common elements.

   b. This entity must be established prior to the sale of any lots or units within a PUD.

   c. Membership in the entity is mandatory for all owners within a PUD.

7. **Covenants, Conditions & Restrictions (CC&Rs).** The applicant for a PUD may propose covenants, conditions, and restrictions (CC&Rs) to be applied within the PUD. Such CC&Rs may be more restrictive than the town's regulations and standards but never less restrictive.

   a. Any proposed CC&Rs shall be reviewed by the Town Attorney and approved by the Town Council through the PUD process.

   b. Upon the recording of the Final Development Plan and/or Final Plat for a PUD, the CC&Rs for the PUD shall be recorded with the Eagle County Clerk and Recorder's Office.

E. Overview of PUD Process

1. The process for establishing a PUD Zone District has three (3) required steps:

   a. *Step 1: Concept Development Plan (refer to Section 16-5-##).* The purpose of the Concept Development Plan is to allow the applicant to present and discuss the concept for the proposed PUD and to provide Town staff and the Planning Commission with an opportunity to:

      i. Identify key issues to be addressed via the PUD process.

      ii. Assess the overall appropriateness and feasibility of the proposed PUD, including if it complies with this Code, is in substantial conformance with the Community Plan, and is generally compatible with surrounding land uses.

      iii. Consider if the innovation, high-quality architecture and design, and community benefit(s) of the proposed PUD justify variations from the requirements of this Code.

      iv. Reach a general agreement on issues such as: the appropriate range of dwelling units and amount of non-residential space proposed; the type of land uses to be permitted; dimensional limitations and other variations that may be considered; the general locations intended for development and the areas planned to remain undeveloped; the general alignments for access; and how water supply and sewage disposal will be provided.

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b. *Step 2: Preliminary Development Plan (refer to Section 16-5-##).* The purpose of the Preliminary Development Plan is to provide an opportunity for:

i. An applicant to develop and propose detailed solutions in response to any issues and concerns identified during the review of the Concept Development Plan and to provide other detailed information and design work required for a proposed PUD.

ii. The Town to review and evaluate the details of the proposed PUD.

c. *Step 3: Final Development Plan (refer to Section 16-5-##).* The purpose of the Final Development Plan is to provide an opportunity to review any final information, design work, and/or legal documents for the proposed PUD.

2. Combined PUD Concept and Preliminary Development Plan Application.

a. An applicant may submit a combined application for a Concept and Preliminary Development Plan to consolidate these steps into a single review process.

b. A combined application shall include the submittal requirements for both a Concept and a Preliminary Development Plan. If there are redundant submittal requirements among the applications, the Planning Director is authorized to waive such requirements to mitigate an unnecessary burden on the applicant.

c. A combined application will be reviewed pursuant to the requirements and procedures for a Preliminary Development Plan (refer to Section 16-5-##).

3. Concurrent Submittal and Review of Preliminary Development Plan and Rezoning Required.

a. An application to change the zoning of the property, or properties, for a PUD must be submitted, processed, and reviewed concurrently with an application for a Preliminary Development Plan. The purpose of the Rezoning application is to change the zoning of the subject property or properties from the Town's underlying zone district(s) to a PUD.

b. The Rezoning application must comply with the requirements set forth in Section 16-5-##. If there are redundant submittal requirements among the Rezoning and Preliminary Development Plan applications, the Planning Director is authorized to waive such requirements to mitigate an unnecessary burden on the applicant.

c. The Rezoning will be processed and reviewed in accordance with Section 16-5-##.

d. In no event shall a Preliminary Development Plan be approved prior to the approval of a Rezoning for the subject property or properties.

4. Concurrent Review of PUD and Subdivision.

a. If an applicant for a PUD Zone District intends to subdivide the subject property, or properties, they must process their PUD applications concurrently with the required subdivision applications. If there are redundant submittal requirements among the applications, the Planning Director is authorized to waive such requirements to mitigate an unnecessary burden on the applicant.

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b. In no event shall the subdivision of a PUD be approved prior to the approval of Final Development Plan for the PUD.

5. PUD Agreement Required.
   a. Concurrent with the approval of a Final Development Plan for a PUD, the applicant and the Town Council shall enter into an agreement (PUD Agreement) binding the PUD to any conditions placed in the agreement.

   b. All PUD Agreements must be prepared in accordance with Section 16-#-##.

   c. The applicant for a PUD is responsible for providing a final version of all documents to be included as exhibits to a PUD Agreement pursuant to Section 16-5-160.

F. Authorized Variations

The Town Council is authorized to grant the following variations from the Town's adopted regulations and standards as part of an approval of a PUD. Each variation granted must be included in the Control Document for the PUD.

1. Density and Intensity of Development. The density of residential and intensity of commercial development may be varied.

2. Dimensional Limitations.
   a. The minimum lot area, minimum lot area per use, maximum building lot coverage, maximum floor area, minimum yard setbacks, and maximum height may be varied.

   b. The Town Council may require minimum yard setbacks, lot widths and space between buildings of such dimensions as they are determined to be necessary to provide adequate access, wildfire prevention and fire protection; to ensure proper ventilation, light, air and snowmelt between buildings; and to minimize the effects of transmission of noise between units and between buildings. As a general guide, twenty (20) feet between buildings shall be considered the minimum appropriate spacing.

3. Mixed Land Uses.
   a. A variation may be allowed that permits the integration of mixed land uses.

   b. Residential and non-residential uses may be mixed together. Various types of residential uses may also be combined within the PUD to promote more efficient land use patterns and increased open space.

4. Building Type, Design, and Layout.
   a. A variation may be allowed that allows for greater variety in the type, design, and layout of structures or buildings.

   b. Structures or buildings must be designed to be compatible, in terms of height, mass, scale, orientation, and configuration, with other units in the PUD and the surrounding area, yet shall avoid uniformity of design.

5. Environmental Resources and Natural Hazards.

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a. A variation may be allowed that provides flexibility in site planning to enable development in the PUD to avoid areas of valued environmental resources and/or natural hazards, as these have been identified in Article ## of this Code.

b. This shall be accomplished in such a way as to maintain these lands as large, contiguous areas. Such lands shall not be fragmented into small, unconnected areas by development, unless the applicant demonstrates that this arrangement is necessary to maintain the underlying density on the property, and the lands providing environmental resource values have been protected and lands subject to natural hazards have been avoided. Where applicable, connections of such lands on the site to such lands on adjacent properties shall be accomplished.

6. **Water.** A variation may be allowed that creates incentives for applicants to commit to a water augmentation plan for their development that makes available "wet" water into the Cross Creek or Upper Eagle River Basin.

7. **Trails.** A variation may be allowed that provides incentives for applicants to make contributions to the County's and Town's multi-use trail system, in accordance with the recommendations of the latest version of the Town Trails Plan and the County Trails Plan, or to provide appropriate forms of access to public lands (including summer and winter parking areas and trailheads) and to river and creek drainages in and surrounding the Town. Proposed access shall be consistent with public land management objectives and resource protection needs for the areas to be accessed.

8. **Affordable Housing.** A variation may be allowed that extends an incentive to applicants to provide long-term affordable housing.

9. **Public Facilities.** A variation may be allowed that provides incentives for applicants to develop public facilities, including but not limited to public transportation facilities, public recreation facilities and similar facilities. The facilities may be located on or off of the PUD site and shall be facilities that meet the demands not only of project residents, but also of other residents of and visitors to the Town.

H. Basis for Granting Variations.

1. Variations from the Town's adopted regulations and standards may be granted by the Town Council upon a finding that the Preliminary Development Plan for a PUD achieves one (1) or more of the following purposes and that the granting of the variation is necessary for that purpose to be achieved.

2. An applicant for a PUD must demonstrate that departure from existing ordinances is warranted and that the proposed PUD is consistent with the Community Plan, this Code, and the character of the Town, and significantly contributes to the following:

a. New technology and promotes innovative and efficient land use patterns.

b. Permits the integration of land uses and contributes to trails and pedestrian circulation.

c. Preserves valued environments and natural resources and achieves a more desirable environment.

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d. Maintains or improves air and water quality.

e. Provides for a wide range of housing opportunities.

f. Improves the overall design character and quality of new development.

g. Permits the integration rather than separation of uses, so that necessary facilities are conveniently located in relation to each other.

h. 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.

i. Preserves valued environmental, historic or mineral resource lands and avoids development in natural hazard areas.

j. Maintains and enhances surface and ground water quality and quantity.

k. Provides applicants the opportunity to contribute to the Town's multi-use trail system; to provide and maintain access to public lands and rivers.

l. Establishes incentives for applicants to encourage the provision of long-term affordable housing.

I. Enforcement of PUD

1. **General.** The provisions of an ordinance approving a Planned Unit Development (PUD) zone district designation, or an ordinance approving a Preliminary Development Plan for a PUD, a PUD Guide, and a PUD Agreement, relating to the use of land and the location of common open space, shall run in favor of the Town and shall be enforceable at law or in equity by the Town, without limitation on any power or regulation otherwise granted by law.

2. **Residents.** All provisions of the ordinance approving a Planned Unit Development (PUD) zone district designation, or an ordinance approving a Final Development Plan for PUD, a PUD Guide , and PUD Agreement, shall also run in favor of the residents, occupants and owners of the PUD, but only to the extent expressly provided in the ordinance and in accordance with the terms of the Final Development Plan for PUD. To that extent, said provisions, whether recorded by plat, covenant and easement or otherwise, may be enforced at law or in equity by residents, occupants or owners acting individually, jointly or through an organization designated in the ordinance to act on their behalf. However, no provision of the ordinance shall be implied to exist in favor of residents, occupants and owners except those provisions of the ordinance which have been finally approved by the Town Council.

3. **Release by Town.** All those provisions of the ordinance approving a PUD zone district designation or an ordinance approving a Final Development Plan for a PUD authorized to be enforced by the Town may be modified, removed or released by the Town subject to the following:

a. *Enforcement.* No modification, removal or release of the provisions shall affect the rights of the residents, occupants and owners of the PUD to maintain and enforce these provisions at law or equity as provided in this Section.

b. *Procedure.* No substantial modification, removal or release of the provisions of the ordinance by the Town shall be permitted except pursuant to Section 16-15-230 of this Article.

4. **Release by Residents.** Residents and owners of the PUD may, to the extent and in the manner expressly authorized by the provisions of the ordinance, modify, remove or release their rights to enforce the provisions of the ordinance, but no such action shall affect the right of the Town to enforce the ordinance.

5. **Enforcement of Open Space, Parks, Recreation Areas and Common Area Conditions.** In the event the organization established to own and maintain common open spaces, parks, recreation areas, communally owned facilities and private streets, or any successor organization, shall at any time fail to maintain the common facilities in reasonable order and condition in accordance with the approved Final Development Plan for the PUD, the Planning Director may cause written notice to be served upon such organization or upon the owners of land in the development setting forth the manner in which the common facilities have failed to be maintained in reasonable conditions, which notice shall include the demand that the deficiencies noted be cured within thirty (30) calendar days. The notice shall state the date and place of hearing to be held within ten (10) calendar days of notice.

6. **Remedies Authorized.** At the time of hearing, the Planning Director may modify the terms of the original notice as to deficiencies and may extend the time within which the same may be cured. If the deficiencies set forth in the original notice or modifications are not cured within the time set, the Planning Director, in order to preserve the taxable values of properties within the development and to prevent the common facilities from becoming a public nuisance, may enter upon such common facilities and maintain the same for a period of one (1) year. Any failure of the Planning Director to act for any period of time shall not bar their action. Such entry and maintenance shall not vest in the public any right to use the common facilities not dedicated to public use.

7. **Show Cause Hearing.** Before expiration of the one (1) year period, the Planning Director shall take the initiative or shall, upon the written request of the organization responsible for maintenance, call a public hearing and give notice of such hearing to the organization responsible for maintenance or the property owners of the PUD. At such hearing, the organization responsible for maintenance and/or the residents of the development may show cause why maintenance by the Town should not be continued for the succeeding year.

8. **Continuing Maintenance.** If the Town Council determines that it is not necessary for the Town to continue such maintenance, the Town shall cease such maintenance at the time established by the Town Council. Otherwise, the Town shall continue maintenance for the next succeeding year, subject to a similar hearing and determination at the end of each year thereafter. The cost of Town maintenance shall be paid by the owners of properties within the PUD that have a right of enjoyment of the common open space, parks, and/or recreation areas. The cost of Town maintenance and any unpaid assessments shall become a tax lien against the common facilities of, and the private properties within, the PUD.

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9. **Assessments.** The Town shall have the right to make assessments against properties in the development on the same basis that the organization responsible for maintenance of the facilities could make such assessments. Any unpaid assessment shall be a lien against the property responsible for the same, enforceable the same as a mortgage against such property. The Town may foreclose its lien on the common facility by certifying the same to the County Treasurer for collection as in the case of collection of general property taxes.

J. Abandonment or Expiration of a PUD

1. Abandonment.
   a. The abandonment of an approved Preliminary Development Plan or Final Development Plan may be initiated by the owner(s) of the subject property, or properties.

   b. If there are multiple owners of the subject property, or properties, all owners must consent to the abandonment of the approved Preliminary Development Plan or Final Development Plan.

   c. The abandonment of an approved Preliminary Development Plan or Final Development Plan shall require the submittal of a Rezoning application that is processed and reviewed in accordance with the procedures and standards set forth in Section 16-5-##.

2. Expiration.
   a. If an approved Preliminary Development Plan or Final Development Plan for a PUD expires, pursuant to Section 16-5-## or Section 16-5-##, the Planning Director will schedule a public hearing with the Town Council within forty (40) business days of the expiration date.

   b. At the public hearing, the Town Council will consider the applicable requirements of the Colorado Revised Statutes and determine whether to extinguish the approved Preliminary Development Plan or Final Development Plan.

   c. Prior to extinguishing an approved Preliminary Development Plan or Final Development Plan, the Town Council must make any finding required by law. If the Town Council finds that extinguishment of an approved Preliminary Development Plan or Final Development Plan is contrary to law, such Development Plan shall not be extinguished.

   d. Upon extinguishment of a Preliminary Development Plan or Final Development Plan for a PUD, the Town Council shall take one of the following actions:

      i. Change the zoning of the subject property, or properties, to the Town zone district(s) in effect prior to the approval of the Preliminary Development Plan for the PUD.

      ii. If the Town zone district(s), in effect prior to the approval of the Preliminary Development Plan for the PUD, no longer exists, the Town Council will change the zoning of the subject property, or properties, to a Town zone district(s) that allows for land uses of a similar scale, intensity, and type to those allowed by the previous zone district(s).

   e. Within thirty (30) calendar days of a change of zoning by the Town Council, the Town Clerk will update the Zoning Map to reflect such change.

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f. Upon the expiration of an approved Preliminary Development Plan or Final Development Plan, no development shall be permitted within the PUD until the zoning of the subject property, or properties, has been changed.

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Section 16-5-150: PUD Concept Development Plan

A. Purpose

The purpose of this Section is to establish a process for reviewing the concept for a proposed PUD. The Concept Development Plan is the first step in the PUD process. Refer to Subsection 16-5-##-# for further information.

B. Application Submittal Requirements

An application for a Concept Development Plan shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Narrative.** A written statement that provides a general explanation of the following:

    a. The nature and extent of the development within the proposed PUD, including information about proposed land uses, residential densities, and contemplated ownership patterns.

    b. An explanation of why the proposed PUD zoning is more desirable than the Town's existing zoning.

    c. How the PUD conforms to the Community Plan and the review criteria set forth in this Section.

    d. The availability of water, sewer, and other utilities necessary to serve development in the PUD; or, a statement describing any major extensions necessary to serve development.

    e. The availability of public infrastructure (streets, sidewalks, trails, etc.) and public services (e.g., police, fire protection, emergency medical services, etc.) to serve development in the PUD.

4. **Survey.** A scaled survey, with a stamp and signature (or electronic equivalent) of a surveyor licensed in Colorado, that depicts the existing conditions of the subject property. The survey must be prepared within six (6) months of the date of the application submittal. The following information must be shown on the survey:

    a. Date of survey.

    b. Property boundaries to the nearest one-hundredth (0.01) of a foot accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.

    c. The locations, bearings, and dimensions of all existing easements recorded with the Eagle County Clerk and Recorder.

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d. Rights-of-way including bearings, distances, and curve information.

e. Existing topography at two-foot (2') contour intervals.

f. Existing natural features including, but not limited to, vegetation, rock-outcroppings, and watercourses.

g. Environmentally sensitive areas or areas of natural hazards, where applicable (rock fall areas, wetlands, one-hundred-year floodplain, etc.).

h. Existing improvements including, but not limited to, buildings, streets, sidewalks, and trails.

i. Other information that is necessary to accurately depict existing conditions.

5. **Conceptual Development Plan.** A plan showing the following information. The purpose of this plan is to allow for an evaluation of the conceptual layout the proposed PUD.

a. Property boundaries.

b. Existing natural features including, but not limited to, vegetation, rock-outcroppings, and watercourses.

c. Existing improvements including, but not limited to, buildings, streets, sidewalks, trails.

d. General location of the following:

i. Existing and proposed land uses (residential, nonresidential, open space, parks, etc.).

ii. Existing and proposed buildings.

iii. Existing and proposed streets, sidewalks, trails, and other access improvements.

iv. Existing and proposed utilities.

e. A table that includes an estimate or range of the following data, as applicable:

i. Total area within the PUD.

ii. Area to be allocated to each type of land use (residential, non-residential, open space, parks, recreation, streets, etc.).

iii. Percentage of the gross PUD area to be dedicated to common open space, park, and recreation areas (refer to Subsection 16-5-##-#).

iv. Number of proposed lots and their sizes.

v. Proposed number and type of dwelling units (single-family, duplex, townhomes, apartments, etc.).

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vi. Proposed maximum square footage for non-residential uses.

6. **Conceptual Building Elevations.** Conceptual elevations, renderings, or other architectural illustrations to depict the general appearance and scale of proposed buildings and their relation to the site's natural features and existing development on adjacent properties.

7. **Additional Information.** Additional information required by this Code or that the Planning Director deems necessary for a proper and complete review of the application.

C. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

   a. The waiver will not compromise a proper and complete review of the application.

   b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will:

   a. Provide the applicant with written notice of their decision.

   b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

D. Application Evaluation Criteria

The Planning Commission and Town Council should consider the following criteria in their evaluation of a request for a Concept Development Plan.

1. The PUD is in substantial conformance with the Community Plan and complies with the applicable requirements of this Code.

2. The innovation, high-quality architecture and design, and community benefit(s) of the PUD justify variations from the requirements of this Code.

3. The nature, design, and architectural character of development in the PUD will reflect, support, and/or enhance the character of the Town.

4. The scale, intensity, and type of land uses and development in the PUD are compatible with the surrounding area.

5. The PUD includes, or is within walking distance (i.e., ¼ to ½ mile) of, recreational amenities such as parks, public open space, trails, playgrounds, and/or similar amenities.

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6. Public infrastructure and services can be provided to the PUD in a logical, efficient, and economical manner.

7. Residential uses are located in a manner that provide residents of the PUD with convenient access to places of employment, places that provide goods and services, open space, parks, recreational facilities, educational facilities, and public transit.

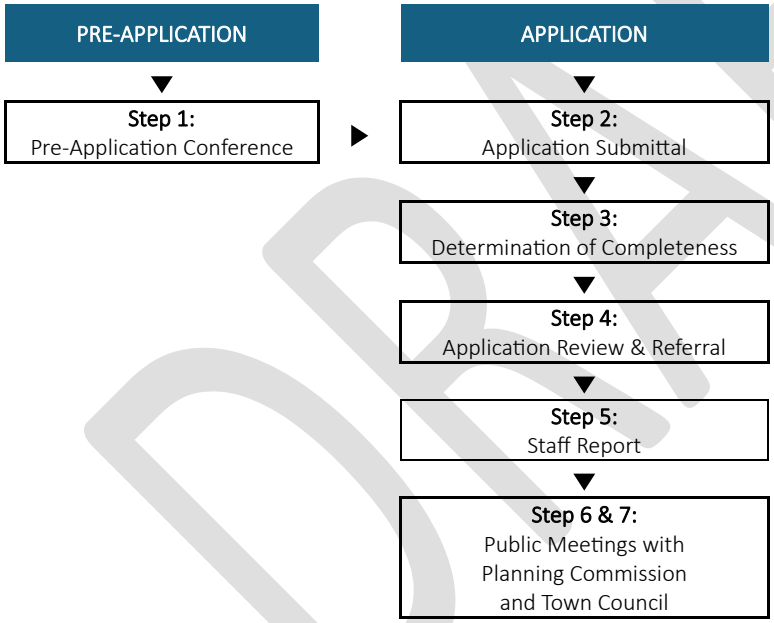
8. Residential uses in the PUD provide a diversity of housing opportunities for people of varying income levels.

9. The PUD does not allow for any land use that has been declared a nuisance by ordinance of the Town, the Colorado Revised Statutes, or any court of competent jurisdiction.

E. Application Review Procedures

A request for a Concept Development Plan will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Concept Development Plan Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Concept Development Plan. This requirement may be waived at the discretion of the Planning Director.

   The process for a Pre-Application Conference is as follows:

   a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

i. The applicant's proposal.

ii. The applicable provisions of this Code.

iii. The application submittal requirements and review procedures.

iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.

2. **Step 2: Submittal of Application.** The applicant for a Concept Development Plan shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

i. Certify the application as complete and record the date of the determination of completeness.

ii. Schedule the application for review at a regularly scheduled or a special meeting of the Planning Commission

iii. Notify the applicant, in writing, of the determination of completeness; the date, time, and location for the public meeting with the Planning Commission; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. Step 4: Application Review and Referral.

a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.

d. Town departments and town consultants may provide comments on an application at any time during the review process.

e. Upon the conclusion of the application review and referral process, the Planning Director will schedule the application for review by the Planning Commission and the Town Council at public meetings. The Planning Director will notify the applicant, in writing, of the date, time, and location of each public meeting.

5. **Step 5: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:

   a. Compliance with the standards of this Code.

   b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.

   c. Recommended conditions to ensure compliance with applicable standards.

   d. Additional information pertinent to the review of the application that must be submitted by the applicant.

6. **Step 6: Public Meeting with Planning Commission.**
   a. The Planning Commission will review the application at a public meeting. The applicant, or their agent, must be present at the meeting.

   b. At least five (5) calendar days prior to the public meeting, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:

      i. The application and any supporting materials.

      ii. The staff report.

      iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

   c. The purpose of this public meeting is to provide the applicant with an opportunity to present and discuss the concept for the proposed PUD with the Planning Commission. The Planning Commission may offer comments on the proposed PUD. No formal action by the Planning Commission is taken.

7. **Step 8: Public Meeting with Town Council.**
   a. Following the public meeting with the Planning Commission, the Town Council will review the application at a public meeting. The applicant, or their agent, must be present at the meeting.

   b. At least five (5) calendar days prior to the public meeting with the Town Council, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:

      i. The application and any supporting materials.

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ii. The staff report.

iii. A summary of the Planning Commission's discussion regarding the proposed PUD.

iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

c. The purpose of this public meeting is to provide the applicant with an opportunity to present and discuss the concept for the proposed PUD with the Town Council. The Town Council may offer comments on the proposed PUD. No formal action by the Town Council is required.

F. Proceed to Preliminary Development Plan

Following the conclusion of the Concept Development Plan process, an applicant is authorized to proceed to the Preliminary Development Plan step of the PUD process. The applicant has sole discretion to submit an application for a Preliminary Development Plan.

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Section 16-5-160: PUD Preliminary Development Plan

A. Purpose

The purpose of this Section is to establish a process for reviewing a Preliminary Development Plan for a proposed PUD. The Preliminary Development Plan is the second step in the PUD process. Refer to Subsection 16-5-##-# for further information.

B. Application Submittal Requirements

An application for a Preliminary Development Plan shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Narrative.** A written document that includes the following:

    a. An explanation of any modifications made to the PUD, following the Concept Development Plan step, and the reasons for those changes.

    b. A detailed explanation of how the PUD conforms to the Community Plan, including specific references to goals and policies.

    c. A detailed explanation of how the PUD addresses each of the review criteria set forth in this Section.

    d. A detailed list of all proposed variations from the requirements of the Town's existing zone district(s) and an explanation for why such variations are justified. A comparison between the proposed regulations and those of the existing zone district(s) must be provided.

    e. If applicable, a detailed list of all proposed variations from the Town's subdivision regulations and an explanation for why such variations are justified.

    f. An explanation of how the community benefit requirement set forth in Subsection 16-5-##-# is being addressed.

    g. A statement explaining present and proposed ownership and tenancy (e.g., for sale or for rent) within the PUD, including the ownership or leasing of land, dwelling units and non-residential buildings.

    h. A description of the plan for common open space, park, and recreation areas within the PUD and an explanation of how such plan will be administered and enforced (e.g., covenants, source(s) of funding, etc.).

    i. A detailed explanation of the plans for providing fire protection, law enforcement, and emergency medical services.

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j. Economic data and supporting market analysis to justify any proposed commercial and industrial elements.

4. **Development Plan.** A set of plans, drawn to scale, showing the following information. These plans must contain sufficient detail to allow for an evaluation of land planning, building design, and other features of the PUD.

   a. Property boundaries including bearings and dimensions.

   b. Existing land uses, zoning, and building locations for properties adjacent to the proposed PUD.

   c. Location of each type of existing and proposed land use.

   d. Location and dimensions of all existing and proposed lots or parcels.

   e. Location, size, and height of existing and proposed structures and buildings.

   f. Location of existing and proposed streets, sidewalks, trails, and other access improvements. Information about traffic circulation patterns and proposed ownership of streets must also be provided.

   g. Location and dimensions of existing and proposed easements and rights-of-way.

   h. Proposed snow removal patterns and location of proposed snow storage areas.

   i. Location of proposed common open space, park, and recreation areas.

   j. A table with that includes the following data:

      i. Total area within the PUD.

      ii. Totals and breakdowns of the areas dedicated to each type of existing and proposed land use, including rights-of-way and common open space, park, and recreation areas.

      iii. Percentage of the gross PUD area to be dedicated to common open space, park, and recreation areas.

      iv. Number of proposed lots or parcels and the size and proposed use for each.

      v. Maximum density, provided as the maximum number of dwelling units per gross acre, proposed for residential uses in each area within the PUD.

      vi. Proposed number of dwelling unit types (studio, one bedroom, etc.) in each area within the PUD.

      vii. Proposed maximum square footage for non-residential uses in each area within the PUD.

      viii. Amount of parking to be provided for each land use.

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k. Other required plans including, but not limited to, the following:

i. Plan for common open space, park, and recreation areas that addresses the requirements set forth in Subsection 16-#-##; identifies and describes all common open spaces, parks, and/or recreation areas; specifies how common open spaces, parks and/or recreation areas will be preserved (e.g., deeding land to the appropriate entity); and, a detailed explanation of how common open spaces, parks, and/or recreation areas will be maintained.

ii. Landscape plan prepared in accordance with Section 16-#-##.

iii. Lighting plan prepared in accordance with Section 16-#-##.

iv. Parking management plan prepared in accordance with Section 16-#-##.

v. Master Sign Program or other appropriate plan for signage in the PUD prepared in accordance with Section 16-#-##.

5. **Conceptual Building Elevations.** Conceptual elevations, renderings, or other architectural illustrations that depict the architectural character, styling, and scale of proposed buildings and their relation to the site's natural features and existing development on adjacent properties.

6. **PUD Guide.** A PUD Guide describing the allowed land uses, land uses subject to discretionary review (e.g., Conditional Uses), dimensional requirements, design standards, and other applicable requirements to guide development within the PUD. The PUD Guide must have a format similar to this Code.

7. **Impact Reports.** The following Impact Reports must be submitted:

a. A School Impact Report that describes the impact of the PUD on the school district.

b. A Fiscal Impact Report that describes the projected impact of the PUD on services provided by the Town and the Town's tax revenue based on historic Town tax levy. This report must include a schedule of projected tax revenues.

c. A Development Impact Report, if required pursuant to Article ##.

8. **Reports and Analysis.** The following documents, prepared by a qualified professional(s), must be submitted:

a. Evidence of adequate water rights or evidence that the applicant can satisfy the Town's requirements for fee in lieu of water rights dedication for the PUD.

b. Evidence of an adequate and legal water supply for the PUD.

c. Will serve letters from the appropriate utility providers regarding the provision of telephone, electricity, gas, cable television, internet, and other utilities necessary to serve the PUD.

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d. If applicable, information about measures that will be implemented to mitigate potential impacts from natural hazards (steep slopes, floodplain areas, rockfall areas, erosive and/or unstable soils, avalanche areas, etc.).

e. Traffic Study that includes the following information:

i. Impact of the PUD on existing traffic volumes and traffic patterns, including data for increases in average and peak daily traffic volumes.

ii. An evaluation of the existing street system's capacity and information about any improvements that will be required to handle the increased traffic from the PUD.

iii. Impact of the PUD on existing public transit services.

f. Soils and Geotechnical Report.

9. **Civil Engineering Plans.** The following documents, prepared by a qualified engineer licensed in the State of Colorado, must be submitted. These documents must be at 80% completion.

a. Plans for potable water, irrigation water, and sewer systems for the PUD.

b. Grading and Drainage Plan that includes the following information:

i. <Add Text>

10. **Phasing Plan.** If development of a PUD is to occur in phases, a phasing plan must be provided. The phasing plan must demonstrate that the PUD can be completed within a reasonable time frame and include the following information:

a. The approximate date when development, and subsequent phases or stages of development, will begin and be completed.

b. The improvements to be included in each phase or stage of development.

c. The financial guarantee(s) to be provided to ensure that improvements and amenities are constructed in accordance with the phasing plan.

11. **Governing Documents.** Any governing documents (covenants, conditions, and restrictions (CC&R's), design guidelines, housing deed restrictions, etc.) that address the following, as applicable:

a. The type and structure of the entity responsible for, and an acceptable program for, the on-going maintenance of elements in the PUD under common ownership (e.g., private open space areas, parks, recreation amenities, walkways, private streets, etc.).

b. Design review based on any design guidelines established for the PUD.

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c. Deed restrictions, or other covenants, related to a community housing plan for the PUD.

12. **Additional Information.** Additional information required by this Code or that the Planning Director deems necessary for a proper and complete review of the application.

13. **Rezoning Application.**
    a. An application to change the zoning of the subject property or properties to a PUD must be submitted concurrently with an application for a Preliminary Development Plan. The Rezoning application must comply with the requirements set forth in Section 16-5-##.

    b. A Rezoning application will be processed and reviewed concurrently with a Preliminary Development Plan application. The Rezoning application will be processed and reviewed in accordance with Section 16-5-##.

14. **Preliminary Plat Application.**
    a. If the subject property, or properties, will be subdivided, a Preliminary Plat application must be submitted concurrently with an application for a Preliminary Development Plan. The Preliminary Plat application must comply with the requirements set forth in Section 16-8-##.

    b. A Preliminary Plat application will be processed and reviewed concurrently with a Preliminary Development Plan application. The Preliminary Plat application will be processed and reviewed in accordance with Section 16-8-##.

C. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

    a. The waiver will not compromise a proper and complete review of the application.

    b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will:

    a. Provide the applicant with written notice of their decision.

    b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

D. Application Review Criteria

The Planning Commission may recommend approval of, and the Town Council may approve, a request for a Preliminary Development Plan upon a positive finding of each of the following criteria:

1. The PUD is in substantial conformance with the Community Plan and complies with the applicable requirements of this Code.

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2. The innovation, high-quality architecture and design, and community benefit(s) of the PUD justify variations from the requirements of this Code.

3. The nature, design, and architectural character of development in the PUD reflects, supports, and/or enhances the character of the Town.

4. The scale, intensity, and type of land uses and development in the PUD are compatible with surrounding areas.

5. The PUD can be completed within a reasonable time frame.

6. The PUD includes, or is within walking distance (i.e., ¼ to ½ mile) of, recreational amenities such as parks, public open space, trails, playgrounds, and/or similar amenities.

7. Public infrastructure and services can be provided to the PUD in a logical, efficient, and economical manner.

8. Streets, utilities, and other required infrastructure (e.g., drainage facilities) are, or will be improved to be, adequate to serve development in the PUD.

9. Residential uses are located in a manner that provide residents of the PUD with convenient access to places of employment, places that provide goods and services, open space, parks, recreational facilities, educational facilities, and public transit.

10. Residential uses in the PUD provide a diversity of housing opportunities for people of varying income levels.

11. The transportation network for the PUD includes:

    a. Streets, alleys, bike paths, sidewalks, trails, public transit facilities, and similar infrastructure that provide logical, safe, and convenient connections within the PUD, as well as between the PUD and existing and proposed transportation systems in the surrounding area.

    b. Parking and loading space(s) that are adequate to serve development in the PUD.

12. The dimensional requirements (e.g., setbacks, lot widths, building heights, separation between buildings, and/or similar requirements) for the PUD ensure the following:

    a. Adequate access and fire protection.

    b. Proper ventilation, sunlight, air, and snow melt between buildings.

    c. Compatibility with development(s) in the surrounding area.

13. Open spaces, parks, recreation areas, and similar amenities in the PUD are located in a manner that maximizes their usefulness to the people being served and provide recreational opportunities, scenic value, and/or benefits to the natural environment.

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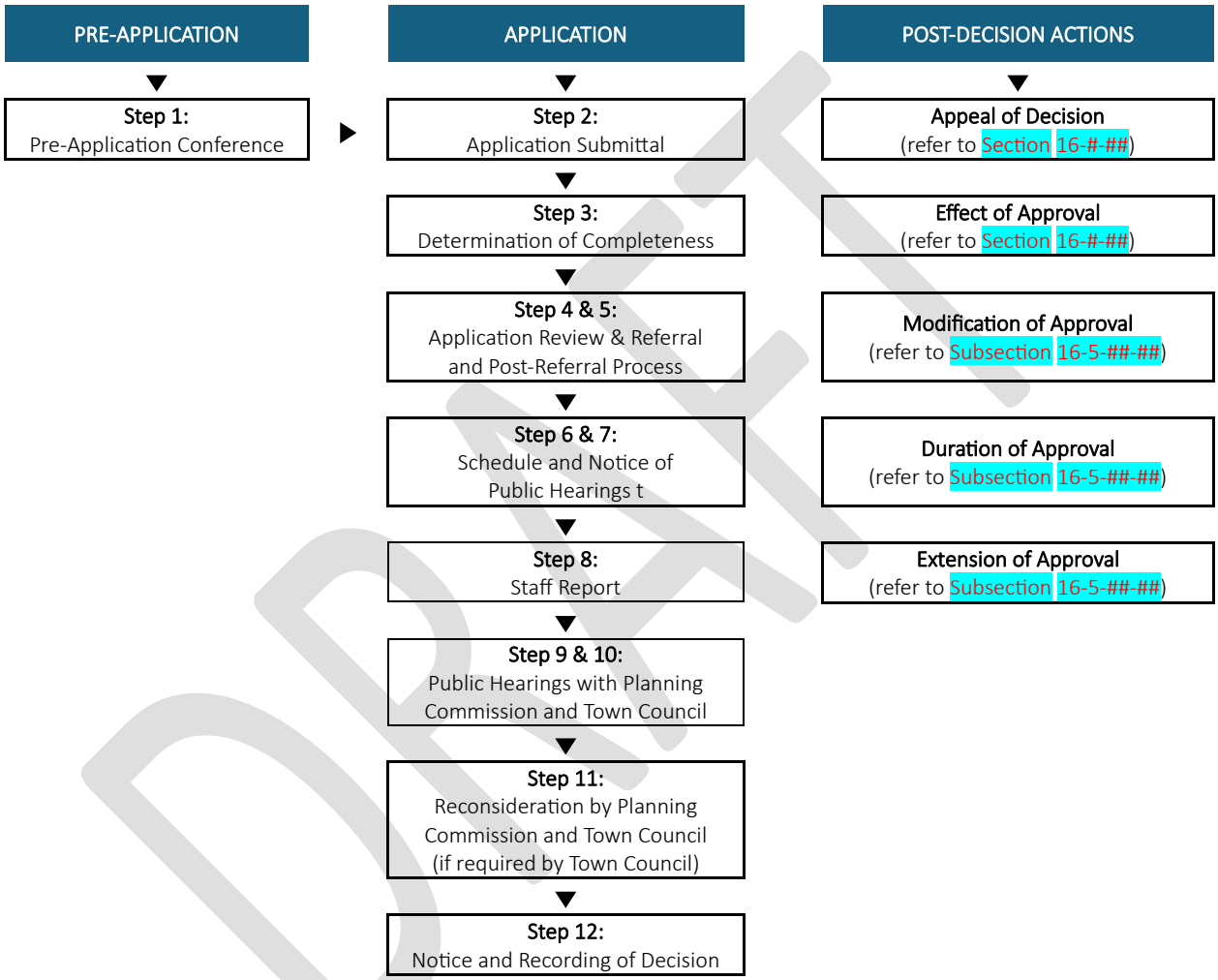
14. The PUD does not allow for any land use that has been declared a nuisance by ordinance of the Town, the Colorado Revised Statutes, or any court of competent jurisdiction.

E. Application Review Procedures

A request for a Preliminary Development Plan will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Preliminary Development Plan Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Preliminary Development Plan. This requirement may be waived at the discretion of the Planning Director.

   The process for a Pre-Application Conference is as follows:

   a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

i. The applicant's proposal.

ii. The applicable provisions of this Code.

iii. The application submittal requirements and review procedures.

iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.

2. Step 2: Submittal of Application. The applicant for a Preliminary Development Plan shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. Step 3: Determination of Completeness. Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

i. Certify the application as complete and record the date of the determination of completeness.

ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. Step 4: Application Review and Referral.

a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.

d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. Step 5: Post Referral Process.

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a. *Schedule Post-Referral Meeting with Applicant.* If the review comments from town departments, town consultants, and/or referral agencies identify deficiencies in and/or concerns with an application, the Planning Director will provide the applicant with written notice of such comments and schedule a post-referral meeting with the applicant within ten (10) business days of the conclusion of the referral period (i.e., Step 4). The Planning Director may invite other town staff, town consultants, and/or referral agency representatives to participate in the post-referral meeting if they deem it appropriate.

The purpose of the post-referral meeting is to:

i. Discuss the review comments from the town departments, town consultants, and/or referral agencies.

ii. Determine what actions the applicant needs to take to adequately address the review comments, prior to the scheduling of the first public hearing for the application.

b. *Applicant Response to Review Comments.* Within ninety (90) business days of a post-referral meeting, the applicant shall submit a detailed written response to the Planning Director that addresses all review comments from town departments, town consultants and/or referral agencies.

If the applicant fails to submit such a response within ninety (90) business days, the application may be deemed withdrawn in accordance with Subsection 16-5-10(F)(2).

The applicant may submit a written request to the Planning Director for additional time to submit the required response to review comments from town departments, town consultants and/or referral agencies. Upon a showing of good cause by the applicant, the Planning Director may authorize an extension of the response period.

c. *Review of Applicant's Response.* Following receipt of the applicant's response, the Planning Director will circulate copies of the response to the town departments, town consultants, and/or referral agencies that provided review comments.

The town departments, town consultants, and/or referral agencies shall have twenty (20) business days to review the applicant's response and provide written comments that clearly delineate review comments have been adequately addressed or remedied by the applicant, and those that have not. Upon request by a town department, town consultant, or referral agency, an extension of this comment period may be granted by the Planning Director.

d. *Inadequate Response to Review Comments.*

i. If a town department, town consultant, and/or a referral agency identifies review comments that have not been adequately addressed or remedied by the applicant's response, the Planning Director will provide the applicant with written notice of such and request that the applicant submit an additional response that addresses all outstanding review comments.

ii. The applicant shall submit an additional response that addresses all outstanding review comments, in accordance with Subsection 16-5-##(#)(b).

iii. Upon receipt of the applicant's response to all outstanding review comments, the Planning Director will circulate copies of the response to the town departments, town consultants, and/or referral agencies that provided review comments. Such town departments, town consultants, and/or referral agencies shall have the opportunity to review and comment on the applicant's response in accordance with Subsection 16-5-##(#)(c)..

If a town department, town consultant, and/or a referral agency identifies review comments that have not been adequately addressed or remedied by the applicant's additional response, the process set forth in this Subsection shall be repeated until all review comments have been adequately addressed or remedied by the applicant.

e. *Applicant Request for a Public Hearing.* If the applicant is unable to address or remedy all review comments to the satisfaction of the Planning Director, town departments, town consultants, and/or referral agencies, the applicant may submit a written request to the Planning Director that the application be scheduled for a public hearing.

As part of their request, the applicant shall submit a written response detailing the following:

i. How referral comments have been addressed.

ii. Why it was not possible to address or remedy the outstanding review comments to the satisfaction of the Planning Director, town departments, town consultants, and/or referral agencies.

f. *Schedule Public Hearings.* Planning Director shall schedule a public hearing, in accordance with Subsection 16-5-##(6), upon one of the following:

i. The Planning Director determines that the applicant has successfully and adequately addressed or remedied all comments set forth in the referral responses.

ii. The Planning Director receives a written request from the applicant that a public hearing be scheduled for their application, in accordance with Subsection 16-5-##(#)(e).

6. **Step 6: Schedule Public Hearings.** Upon the conclusion of the post-referral process, the Planning Director shall schedule the application for public hearings before the Planning Commission and Town Council in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of each public hearing.

a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and Town Council.

b. The first public hearing before the Planning Commission shall be scheduled no later than forty (40) business days after the conclusion of the post-referral process.

c. A public hearing before the Town Council shall be scheduled within forty (40) business days of the Planning Commission completing its review and making a recommendation to Town Council.

7. **Step 7: Notice of Public Hearings**. Prior to the date of the first public hearing with the Planning Commission, the applicant shall:

   a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within one hundred (100) feet of the subject property or properties, in accordance with Section 16-5-##.

   b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-5-##.

   c. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-5-##.

   d. *Mail Notice to Mineral Estate Owners (As Required).* If required by state statute, mail notice to mineral estate owners in accordance with Section 16-5-##.

   e. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-5-##.

8. **Step 8: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:

   a. Compliance with the standards of this Code.

   b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.

   c. Recommended conditions to ensure compliance with applicable standards.

   d. Additional information pertinent to the review of the application that must be submitted by the applicant.

9. **Step 9: Public Hearing with Planning Commission.**
   a. The Planning Commission will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

   b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:

      i. The application and any supporting materials.

      ii. The staff report.

      iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

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c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Preliminary Development Plan, and shall take one of the following actions:

i. Recommend that the Town Council approve the Preliminary Development Plan, subject to any changes that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.

ii. Recommend that the Town Council deny the Preliminary Development Plan and state the specific reason(s) for denial.

10. **Step 10: Public Hearing with Town Council.**

a. Following the public hearing with the Planning Commission, the Town Council will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:

i. The application and any supporting materials.

ii. The staff report.

iii. The Planning Commission's recommendation.

iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, the recommendation of the Planning Commission, public testimony, and the review criteria for a Preliminary Development Plan, and shall take one of the following actions:

i. Approve the Preliminary Development Plan, subject to any changes that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.

ii. Deny the Preliminary Development Plan and state the specific reason(s) for denial.

iii. Refer the application back to the Planning Commission for reconsideration if the Town Council determines that there has been a substantial change in, or departure from, the request considered by the Planning Commission.

d. If the Town Council approves a Preliminary Development Plan, it shall enact an ordinance to such effect.

11. **Step 11: Reconsideration by Planning Commission and Town Council.** If the Town Council refers an application back to the Planning Commission the following actions shall be taken:

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a. A public hearing with the Planning Commission will be scheduled no later than sixty (60) calendar days from the date of the Town Council's referral without the written consent of the applicant.

b. The applicant will provide notice for the public hearing with the Planning Commission in accordance with the requirements set forth in this Section (refer to Subsection 16-5-##(#)).

c. Town staff will review the current version of the request and prepare a revised staff report, as necessary, in accordance with Subsection 16-5-##(#).

d. The Planning Commission will hold a public hearing in accordance with Subsection 16-5-##(#). Materials for the public hearing with the Planning Commission will be made available in accordance with Subsection 16-5-##(#). The applicant, or their agent, must be present at the hearing.

e. After the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Preliminary Development Plan, and shall take one of the following actions:

   i. Recommend approval of the Preliminary Development Plan to the Town Council, subject to any changes that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.

   ii. Recommend denial of the Preliminary Development Plan to the Town Council and state the specific reason(s) for denial.

f. Within sixty (60) calendar days of the conclusion of the public hearing with the Planning Commission, the Town Council will hold a public hearing in accordance with Subsection 16-5-##(#). Materials for the public hearing with the Town Council will be made available in accordance with Subsection 16-5-##(#). The applicant, or their agent, must be present at the hearing.

g. The applicant shall provide public notice for the public hearing with the Town Council in accordance with the requirements set forth in this Section (refer to Subsection 16-5-##(#)).

h. After the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, the recommendation of the Planning Commission, public testimony, and the review criteria for a Preliminary Development Plan, and shall take one of the following actions:

   i. Approve the Preliminary Development Plan, subject to any changes that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.

   ii. Deny the Preliminary Development Plan and state the specific reason(s) for denial.

12. Step 12: Notice and Recording of Decision.
    a. Within ten (10) business days of a final action by Town Council, the following will occur:

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i. The Planning Director will send written notice of the decision to the applicant.

ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

b. If the Town Council approves a Preliminary Development Plan, the following will occur:

i. Town Clerk will enter a copy of the ordinance approving the Preliminary Development Plan into the town's records.

ii. Town staff will address the final steps required for a Rezoning (pursuant to Subsection 16-5-##(#)(3)) and a Preliminary Plat (pursuant to Subsection 16-8-##(#)), as applicable.

F. Effect of Approval

1. Approval of a Preliminary Development Plan constitutes authorization for an applicant to prepare and submit an application for a Final Development Plan.

2. If a Preliminary Plat is approved concurrently with the approval of a Preliminary Development Plan, the applicant is authorized to prepare and submit a Final Plat, in accordance with Section 16-8-##.

3. Approval of a Preliminary Development Plan constitutes vested rights in accordance with Section 16-#-##.

G. Modification of Approval

Any modification to an approved Preliminary Development Plan shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section. This shall not apply to any modifications that an applicant must make to address conditions of approval placed on a Preliminary Development Plan by the Town Council.

H. Duration of Approval

1. All Preliminary Development Plans for a PUD shall expire and become null and void one (1) year from the date of approval unless one of the following has occurred:

   a. A Final Development Plan application has been submitted to and deemed complete by the Town.

   b. A request for an extension has been submitted and approved in accordance with Subsection 16-5-##-#.

2. The time frames set forth in this Subsection do not change with successive owners.

3. If an approved Preliminary Development Plan expires, a public hearing with the Town Council will be held, in accordance with Subsection 16-5-##-#, to determine whether to extinguish the Preliminary Development Plan.

I. Extension of Approval

1. The applicant for an approved Preliminary Development Plan may submit a written request for an extension of their approval to the Town. Such a request must be received a minimum of thirty (30) calendar days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.

2. A request to extend the approval of a Preliminary Development Plan must demonstrate the following:

    a. Failure to proceed with the submittal of the Final Development Plan for the PUD was beyond the applicant's control.

    b. The Preliminary Development Plan for the PUD remains in compliance with this Code and the Community Plan.

    c. There is reasonable likelihood that the PUD will be developed in the next two (2) years.

3. A request to extend the approval of a Preliminary Development Plan will be reviewed by the Town Council at a public hearing. Following the public hearing, the Town Council may authorize one (1) extension of an approval for a period of up to two (2) years.

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Section 16-5-170: PUD Final Development Plan

A. Purpose

The purpose of this Section is to establish a process for reviewing a Final Development Plan for a proposed PUD. The Final Development Plan is the third and final step in the PUD process. Refer to Subsection 16-5-##-# for further information.

B. Application Submittal Requirements

An application for a Final Development Plan shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Narrative.** A written document that includes the following:

   a. An explanation of how the Final Development Plan is consistent with the approved Preliminary Development Plan and a description of any modifications made to the PUD, following the Preliminary Development Plan step, and the reasons for those changes.

   b. An explanation of how the PUD conforms to the Community Plan and the review criteria set forth in this Section.

4. **Final Development Plan.** A plan, drawn to scale, that includes the following information:

   a. All information required for a Preliminary Development Plan (refer to Subsection 16-5-##(#)).

   b. Responses to any conditions of approval of the Preliminary Development Plan.

   c. A final version of other required plans including, but not limited to, the following:

      i. Landscape plan.

      ii. Common open space, park, and recreation area plan.

      iii. Lighting plan.

      iv. Parking management plan.

      v. Master Sign Program or other appropriate plan for signage in the PUD.

5. **Engineering Documents and Cost Estimates.**

   a. A final version of engineering documents, including final plans, details, and specifications, for all on- and off-site improvements required for the PUD. Such improvements include, but are not limited to, the following:

      i. Grading and drainage.

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ii. Stormwater infrastructure.

iii. Roads, sidewalks, trails, and other access improvements.

iv. Utilities (water, sewer, irrigation, telephone, electricity, gas, cable television, internet, etc.).

v. Parks, open space, and recreation areas and any associated amenities (playground equipment, shade structures, benches, light poles, etc.).

b. An engineer's estimate of probable costs for all on- and off-site improvements required for the PUD.

5. **Governing Documents.** A final version of any governing documents (covenants, conditions, and restrictions (CC&R's), design guidelines, housing deed restrictions, etc.) for the PUD.

6. **Items for PUD Agreement.** In accordance with Subsection 16-5##(#), the applicant and the Town Council must enter into an agreement (PUD Agreement) concurrently with the approval of a Final Development Plan for a PUD. The following items must be submitted by the applicant to be included as exhibits to the PUD Agreement.

   a. Final Development Plan.

   b. Final PUD Guide.

   c. Final engineering documents and engineer's estimate of probable costs for all on- and off-site improvements required for the PUD.

   d. Other final documents for the PUD, as deemed necessary by the Town.

7. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

8. **Final Plat Application.**
   a. If the subject property, or properties, will be subdivided, a Final Plat application must be submitted concurrently with an application for a Final Development Plan. The Final Plat application must comply with the requirements set forth in Section 16-8-##.

   b. A Final Plat application will be processed and reviewed concurrently with a Final Development Plan application. The Final Plat application will be processed and reviewed in accordance with Section 16-8-##.

C. **Waiver of Application Submittal Requirements**

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

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a. The waiver will not compromise a proper and complete review of the application.

b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will:

a. Provide the applicant with written notice of their decision.

b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

D. Application Review Criteria

The Town Council may approve a request for a Final Development Plan upon a positive finding of each of the following criteria:

1. The Final Development Plan is in substantial conformance with the approved Preliminary Development Plan.

2. The Final Development Plan complies with the applicable requirements of this Code.

3. All conditions of approval for the Preliminary Development Plan have been addressed satisfactorily.

E. Application Review Procedures

A request for a Final Development Plan will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Final Development Plan Review Procedures

PRE-APPLICATION	APPLICATION	POST-DECISION ACTIONS
Step 1: Pre-Application Conference	Step 2: Application Submittal	Appeal of Decision (refer to Section 16-#-##)
	Step 3: Determination of Completeness	Effect of Approval (refer to Section 16-#-##)
	Step 4 & 5: Application Review & Referral and Post-Referral Process	Modification of Approval (refer to Subsection 16-5-##-##)
	Step 6 & 7: Schedule and Notice of Public Hearing	Duration of Approval (refer to Subsection 16-5-##-##)

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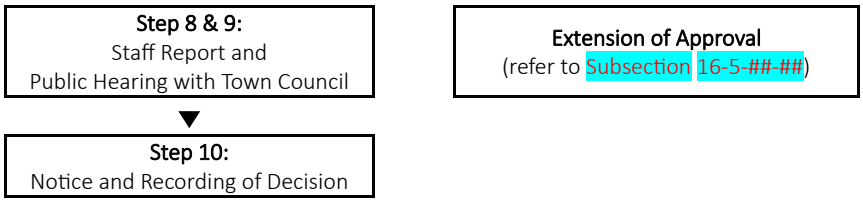

1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Final Development Plan. This requirement may be waived at the discretion of the Planning Director.

   The process for a Pre-Application Conference is as follows:

   a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

   b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

   c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

      The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

      i. The applicant's proposal.

      ii. The applicable provisions of this Code.

      iii. The application submittal requirements and review procedures.

      iv. The referral agencies likely to be involved with the review of the application.

      Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

   d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

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e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.

2. **Step 2: Submittal of Application.** The applicant for a Final Development Plan shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

   a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

      i. Certify the application as complete and record the date of the determination of completeness.

      ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

   b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

      If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

   c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

      i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

      ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

      If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**

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a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.

5. Step 5: Post Referral Process.

a. *Schedule Post-Referral Meeting with Applicant.* If the review comments from town departments, town consultants, and/or referral agencies identify deficiencies in and/or concerns with an application, the Planning Director will provide the applicant with written notice of such comments and schedule a post-referral meeting with the applicant within ten (10) business days of the conclusion of the referral period (i.e., Step 4). The Planning Director may invite other town staff, town consultants, and/or referral agency representatives to participate in the post-referral meeting if they deem it appropriate.

The purpose of the post-referral meeting is to:

i. Discuss the review comments from the town departments, town consultants, and/or referral agencies.

ii. Determine what actions the applicant needs to take to adequately address the review comments, prior to the scheduling of the first public hearing for the application.

b. *Applicant Response to Review Comments.* Within ninety (90) business days of a post-referral meeting, the applicant shall submit a detailed written response to the Planning Director that addresses all review comments from town departments, town consultants and/or referral agencies.

If the applicant fails to submit such a response within ninety (90) business days, the application may be deemed withdrawn in accordance with Subsection 16-5-10(F)(2).

The applicant may submit a written request to the Planning Director for additional time to submit the required response to review comments from town departments, town consultants and/or referral agencies. Upon a showing of good cause by the applicant, the Planning Director may authorize an extension of the response period.

c. *Review of Applicant's Response.* Following receipt of the applicant's response, the Planning Director will circulate copies of the response to the town departments, town consultants, and/or referral agencies that provided review comments.

The town departments, town consultants, and/or referral agencies shall have twenty (20) business days to review the applicant's response and provide written comments that clearly delineate review comments have been adequately addressed or remedied by the applicant, and those that have not. Upon request by a town department, town consultant, or referral agency, an extension of this comment period may be granted by the Planning Director.

d. *Inadequate Response to Review Comments.*

i. If a town department, town consultant, and/or a referral agency identifies review comments that have not been adequately addressed or remedied by the applicant's response, the Planning Director will provide the applicant with written notice of such and request that the applicant submit an additional response that addresses all outstanding review comments.

ii. The applicant shall submit an additional response that addresses all outstanding review comments, in accordance with Subsection 16-5-##(#)(b).

iii. Upon receipt of the applicant's response to all outstanding review comments, the Planning Director will circulate copies of the response to the town departments, town consultants, and/or referral agencies that provided review comments. Such town departments, town consultants, and/or referral agencies shall have the opportunity to review and comment on the applicant's response in accordance with Subsection 16-5-##(#)(c).

If a town department, town consultant, and/or a referral agency identifies review comments that have not been adequately addressed or remedied by the applicant's additional response, the process set forth in this Subsection shall be repeated until all review comments have been adequately addressed or remedied by the applicant.

e. *Applicant Request for a Public Hearing.* If the applicant is unable to address or remedy all review comments to the satisfaction of the Planning Director, town departments, town consultants, and/or referral agencies, the applicant may submit a written request to the Planning Director that the application be scheduled for a public hearing.

As part of their request, the applicant shall submit a written response detailing the following:

i. How referral comments have been addressed.

ii. Why it was not possible to address or remedy the outstanding review comments to the satisfaction of the Planning Director, town departments, town consultants, and/or referral agencies.

f. *Schedule Public Hearings.* Planning Director shall schedule a public hearing, in accordance with Subsection 16-5-##(6), upon one of the following:

i. The Planning Director determines that the applicant has successfully and adequately addressed or remedied all comments set forth in the referral responses.

ii. The Planning Director receives a written request from the applicant that a public hearing be scheduled for their application, in accordance with Subsection 16-5-##(#)(e).

6. **Step 6: Schedule Public Hearing.** Upon the conclusion of the post-referral process, the Planning Director shall schedule the application for a public hearing before the Town Council in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of each public hearing.

   a. The public hearing shall be scheduled for a regularly scheduled meeting or a special meeting of the Town Council.

   b. The first public hearing before the Town Council shall be scheduled no later than forty (40) business days after the conclusion of the post-referral process.

7. **Step 7: Notice of Public Hearing**. Prior to the date of the first public hearing with the Town Council, the applicant shall:

   a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within one hundred (100) feet of the subject property or properties, in accordance with Section 16-5-##.

   b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-5-##.

   c. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-5-##.

   d. *Mail Notice to Mineral Estate Owners (As Required).* If required by state statute, mail notice to mineral estate owners in accordance with Section 16-5-##.

   e. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-5-##.

8. **Step 8: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:

   a. Compliance with the standards of this Code.

   b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.

   c. Recommended conditions to ensure compliance with applicable standards.

   d. Additional information pertinent to the review of the application that must be submitted by the applicant.

9. **Step 9: Public Hearing with Town Council.**
   a. The Town Council will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

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b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:

i. The application and any supporting materials.

ii. The staff report.

iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Final Development Plan, and shall take one of the following actions:

i. Approve the Final Development Plan, subject to any changes that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.

ii. Deny the Final Development Plan and state the specific reason(s) for denial.

d. If Town Council approves a Final Development Plan, it shall enact an ordinance to such effect.

10. Step 9: Notice and Recording of Decision.

a. Within ten (10) business days of a final action by Town Council, the following will occur:

i. The Planning Director will send written notice of the decision to the applicant.

ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

b. If Town Council approves a Final Development Plan, the following will occur:

i. The Town Clerk will enter a copy of the ordinance approving the Final Development Plan into the town's records.

ii. Within one hundred and eighty (180) calendar days of the date of the Town Council's approval, Town staff will record a copy of the Final Development Plan, PUD Guide, and PUD Agreement in the office of the Eagle County Clerk and Recorder. It is the applicant's responsibility to prepare and provide the Town with the final version of the Final Development Plan and PUD Guide so that these documents can be recorded within this time frame.

F. Effect of Approval

1. Approval of a Final Development Plan shall be considered as satisfying the Final Development Plan requirements of the Town's PUD regulations.

2. An approved Final Development Plan, PUD Guide, and PUD Agreement shall be binding upon all land in a PUD and shall constitute the development regulations for such land. Development in a

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PUD shall be limited to the uses, density, configuration, and all other elements and conditions set forth on the approved Final Development Plan, PUD Guide, and PUD Agreement.

3. Any permits (grading, building, etc.) for development in a PUD must demonstrate compliance with the approved Final Development Plan, PUD Guide, PUD Agreement, and other associated documents (e.g., Final Plat), as applicable.

G. Modification of Approval

1. A minor change(s) to an approved Final Development Plan (Minor PUD Amendment) is subject to the requirements and procedures set forth in this Section 16-#-##.

2. A major change(s) to an approved Final Development Plan (Major PUD Amendment) is subject to the requirements and procedures set forth in this Section 16-#-##.

H. Duration of Approval

1. All Final Development Plans for a PUD shall expire and become null and void one (1) year from the date of approval unless one of the following has occurred:

   a. A building permit(s) for development in the PUD has been issued by the Town.

   b. A request for an extension has been submitted and approved in accordance with Subsection 16-5-##-#.

2. If an approved Final Development Plan expires, a public hearing with the Town Council will be held, in accordance with Subsection 16-5-##-#, to determine whether to extinguish the Final Development Plan.

I. Extension of Approval

1. The applicant for an approved Final Development Plan may submit a written request for an extension of their approval to the Town. Such a request must be received a minimum of thirty (30) calendar days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.

2. A request to extend the approval of a Final Development Plan must demonstrate the following:

   a. Failure to proceed with the submittal of the Final Development Plan for the PUD was beyond the applicant's control.

   b. The Final Development Plan for the PUD remains in compliance with this Code and the Community Plan.

   c. There is reasonable likelihood that the PUD will be developed in the next two (2) years.

3. A request to extend the approval of a Final Development Plan will be reviewed by the Town Council at a public hearing. After the public hearing, the Town Council may authorize one (1) extension of an approval for a period of up to two (2) years.

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Section 16-5-180: Minor PUD Amendment

A. Applicability

1. All Minor Amendments to an approved PUD must comply with the requirements and procedures set forth in this Section, unless a different amendment process has been specifically authorized as part of the approval of the PUD by Town Council.

2. Minor Amendments to an approved PUD are limited to changes that are necessary to address technical or engineering considerations discovered during the development of the PUD that could not have been reasonably anticipated during the initial approval process.

3. Any amendments, which are not a Minor Amendment, shall be considered a Major Amendment and will be reviewed in accordance with Section 16-5-##.

4. The Planning Director is responsible for determining if an amendment to an approved PUD constitutes a Minor or Major Amendment.

B. Purpose

The purpose of this Section is to establish an efficient administrative process for reviewing minor changes to an approved PUD.

C. Application Submittal Requirements

An application for a Minor Amendment shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Narrative.** A written statement that provides an explanation of the following:

   a. The amendment(s) being requested.

   b. How the proposed amendment(s) constitutes a Minor Amendment and complies with the applicable requirements of this Code and the review criteria set forth in this Section.

4. **Redlined PUD Document(s).** A redlined version of the PUD document(s) to be amended. The redlined document(s) must show all proposed amendments.

5. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

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a. The waiver will not compromise a proper and complete review of the application.

b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will provide the applicant with written notice of their decision.

E. Application Review Criteria

The Planning Director may approve a request for a Minor Amendment upon a positive finding of each of the following criteria:

1. The proposed amendment(s) does not substantially alter the intent or character of the approved PUD.

2. The proposed amendment(s) supports the efficient development of the PUD.

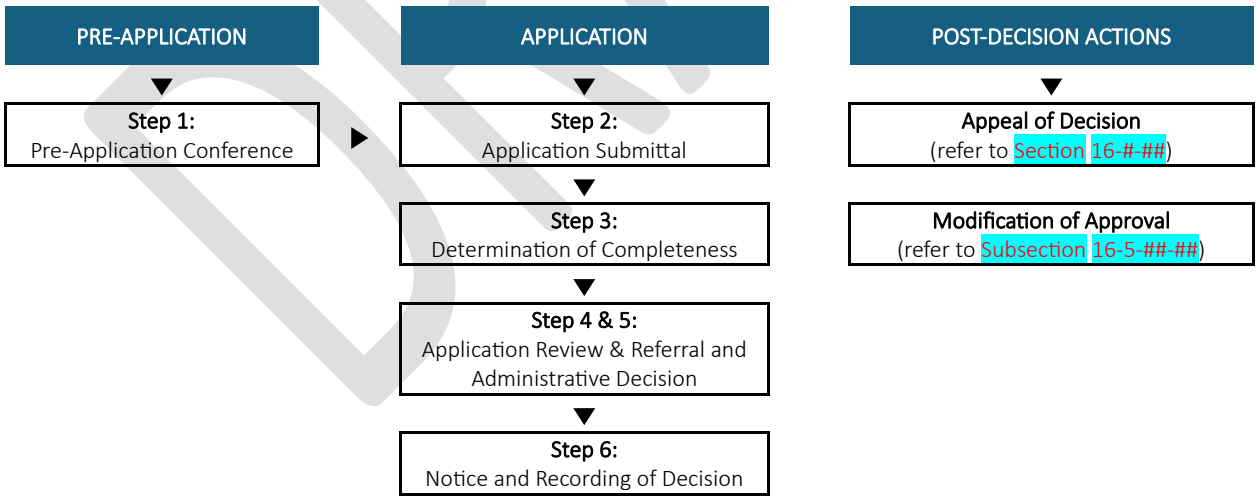
3. The proposed amendment(s) is consistent with the Community Plan and complies with the applicable requirements of this Code.

4. The proposed amendment(s) will not solely confer a special benefit upon any person.

F. Application Review Procedures

A request for a Minor Amendment will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Minor Amendment Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Minor Amendment. This requirement may be waived at the discretion of the Planning Director.

   The process for a Pre-Application Conference is as follows:

a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

   The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

   i. The applicant's proposal.

   ii. The applicable provisions of this Code.

   iii. The application submittal requirements and review procedures.

   iv. The referral agencies likely to be involved with the review of the application.

   Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.

2. Step 2: Submittal of Application. The applicant for a Minor Amendment shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. Step 3: Determination of Completeness. Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

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a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

i. Certify the application as complete and record the date of the determination of completeness.

ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. Step 4: Application Review and Referral.

a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.

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d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. **Step 5: Administrative Decision.** Upon the conclusion of the application review and referral process, the Planning Director shall review the application to determine if the proposal satisfies the applicable review criteria and standards identified in this Code. Upon the conclusion of their review, the Planning Director shall take one of the following actions:

   a. Approve the Minor Amendment, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan

   b. Deny the Minor Amendment and state the specific reason(s) for denial.

6. **Step 6: Notice and Recording of Decision.**
   a. Within ten (10) business days of a final action by the Planning Director, the following will occur:

      i. The Planning Director will send written notice of the decision to the applicant.

      ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

   b. If a Minor Amendment is approved, within ninety (90) calendar days of the Planning Director's decision, the Town Clerk will enter a copy of the amended PUD document(s) into the town's records and record the document(s) in the office of the Eagle County Clerk and Recorder.

G. Modification of Approval

Any modification to an approved Minor Amendment shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

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Section 16-5-190: Major PUD Amendment

A. Applicability

1. All Major Amendments to an approved PUD must comply with the requirements and procedures set forth in this Section, unless a different amendment process has been specifically authorized as part of the approval of the PUD by Town Council.

2. Major Amendments are any amendments to an approved PUD that are not considered Minor Amendments in accordance with Section 16-5-##. Major Amendments include, but are not limited to, the following:

   a. Changes to a land use(s) established by the PUD.

   b. Major rearrangement of lots into areas of the PUD not previously containing development.

   c. Increases in the intensity or density of development established by the PUD.

   d. Changes to the phasing plan for the PUD.

   e. Changes in the location, sighting, and/or bulk of structures and the height or character of buildings.

   f. Decreases in the area or provisions for common open space, parks, and recreation.

   g. Significant changes to the treatment of environmentally sensitive areas that exist with the PUD.

   h. Significant changes to the architectural concept(s) of the PUD.

   i. Significant changes to the layout of infrastructure for the PUD.

3. The Planning Director is responsible for determining if an amendment to an approved PUD constitutes a Minor or Major Amendment.

4. Any owner of record of property within a PUD may submit an application for a Major Amendment, subject to any homeowner association rules and regulations.

B. Purpose

The purpose of this Section is to establish a process for reviewing major changes to an approved PUD.

C. Application Submittal Requirements

1. An application for a Major Amendment shall include the submittal items for a Preliminary Development Plan set forth in Section 16-5-##.

2. The information provided as part of an application for a Major Amendment must also include an original and redlined version of the approved document(s) (e.g., Final Development Plan, PUD Guide, PUD Agreement, etc.) to be modified. The redlined version of the approved document(s) must identify all the proposed changes.

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D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

    a. The waiver will not compromise a proper and complete review of the application.

    b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will:

    a. Provide the applicant with written notice of their decision.

    b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

The Planning Commission may recommend approval of, and the Town Council may approve, a request for a Major Amendment upon a positive finding of each of the following criteria:

1. The PUD is in substantial conformance with the Community Plan and complies with the applicable requirements of this Code.

2. The innovation, high-quality architecture and design, and community benefit(s) of the PUD justify variations from the requirements of this Code.

3. The nature, design, and architectural character of development in the PUD reflects, supports, and/or enhances the character of the Town.

4. The scale, intensity, and type of land uses and development in the PUD are compatible with surrounding areas.

5. The PUD can be completed within a reasonable time frame.

6. The PUD includes, or is within walking distance (i.e., ¼ to ½ mile) of, recreational amenities such as parks, public open space, trails, playgrounds, and/or similar amenities.

7. Public infrastructure and services can be provided to the PUD in a logical, efficient, and economical manner.

8. Streets, utilities, and other required infrastructure (e.g., drainage facilities) are, or will be improved to be, adequate to serve development in the PUD.

9. Residential uses are located in a manner that provide residents of the PUD with convenient access to places of employment, places that provide goods and services, open space, parks, recreational facilities, educational facilities, and public transit.

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10. Residential uses in the PUD provide a diversity of housing opportunities for people of varying income levels.

11. The transportation network for the PUD includes:

    a. Streets, alleys, bike paths, sidewalks, trails, public transit facilities, and similar infrastructure that provide logical, safe, and convenient connections within the PUD, as well as between the PUD and existing and proposed transportation systems in the surrounding area.

    b. Parking and loading space(s) that are adequate to serve development in the PUD.

12. The dimensional requirements (e.g., setbacks, lot widths, building heights, separation between buildings, and/or similar requirements) for the PUD ensure the following:

    a. Adequate access and fire protection.

    b. Proper ventilation, sunlight, air, and snow melt between buildings.

    c. Compatibility with development(s) in the surrounding area.

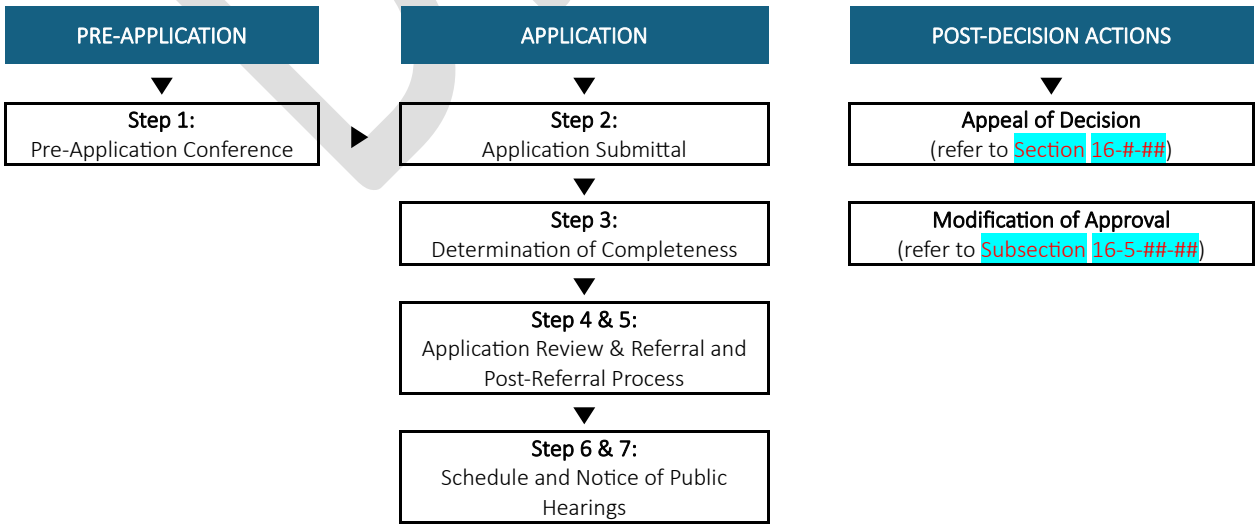
13. Open spaces, parks, recreation areas, and similar amenities in the PUD are located in a manner that maximizes their usefulness to the people being served and provide recreational opportunities, scenic value, and/or benefits to the natural environment.

14. The PUD does not allow for any land use that has been declared a nuisance by ordinance of the Town, the Colorado Revised Statutes, or any court of competent jurisdiction.

F. Application Review Procedures

Unless otherwise stated in this Section, a request for a Major Amendment will be reviewed and decided upon in accordance with the procedures for a Preliminary Development Plan set forth in Section 16-5-##.

Table ##: Overview of Major Amendment Review Procedures



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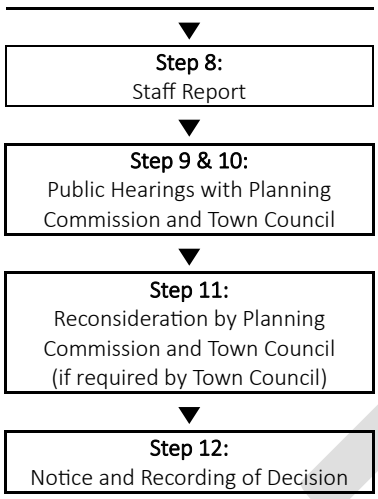

12. Step 12: Notice and Recording of Decision.
    a. Within ten (10) business days of a final action by the Town Council, the following will occur:

        i. The Planning Director will send written notice of the decision to the applicant.

        ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

    b. If a Major Amendment is approved by the Town Council, within ninety (90) calendar days of the Town Council's decision, the Town Clerk will do the following:

        i. Enter a copy of the ordinance approving the Major Amendment into the town's records.

        ii. Record the amended PUD document(s) in the office of the Eagle County Clerk and Recorder.

G. Modification of Approval

Any modification to an approved Major Amendment shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

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Section 16-5-200: Sign Permit

A. Applicability

A Sign Permit is required for the installation or alteration of any sign within the Town, unless specifically exempted in accordance with Section 16-#-##.

B. Purpose

The purpose of this Section is to provide an efficient administrative review process for Sign Permits.

C. Application Submittal Requirements

An application for a Sign Permit shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Sign Drawing.** A fully dimensioned drawing or photo simulation of the proposed sign, as it will appear when installed. The following information, if applicable, must be provided:

    a. Height and clearance of the sign.

    b. For a projecting sign, the distance it projects from the face of the supporting wall.

4. **Sign Detail.** A scaled detail that includes the dimensions, area, shape, design, colors, materials, lighting, and letter styles of the proposed sign.

5. **Sign Area Calculation.** A calculation of sign area in accordance with Section 16-#-##.

6. **Structural and Electrical Details.** If applicable, a drawing(s) showing the details of structural and/or electrical components of the sign to demonstrate compliance with the applicable building and electrical codes.

7. **Site Plan.** For a freestanding or projecting sign, a site plan, drawn to scale, showing the following information for the subject property:

    a. Location and dimensions of the property's boundaries.

    b. Minimum required front, side, rear, and live stream setback lines.

    c. Footprints for existing and/or proposed buildings and structures.

    d. Location and dimensions of existing easements.

    e. Streets, alleys, driveways, sidewalks, paths, and other similar improvements on, or abutting, the property.

    f. If applicable, clear vision areas pursuant to Section 16-#-##.

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g. Location of the proposed sign and the dimensions between the sign and all property boundaries.

8. **Existing Signs.** The type and size of any existing signs on the subject property.

9. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding of the following:

   a. The waiver will not compromise a proper and complete review of the application.

   b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will provide the applicant with written notice of their decision.

E. Application Review Criteria

The Planning Director may approve a request for a Sign Permit upon a positive finding that the proposed sign complies with the applicable requirements of this Code, specifically Section 16-##-##.

F. Application Review Procedures

A request for a Sign Permit will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Sign Permit Review Procedures

PRE-APPLICATION	APPLICATION	POST-DECISION ACTIONS
Step 1: Pre-Application Conference (Optional)	**Step 2:** Application Submittal	**Appeal of Decision** (refer to Section 16-#-##)
	Step 3: Determination of Completeness	**Modification of Approval** (refer to Subsection 16-5-##-##)
	Step 4 & 5: Application Review & Referral and Administrative Decision	**Duration of Approval** (refer to Subsection 16-5-##-##)
	Step 6: Notice of Decision and Issuance of Permit	**Extension of Approval** (refer to Subsection 16-5-##-##)

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1. **Step 1: Pre-Application Conference (Optional).** A Pre-Application Conference may be requested by the applicant or Town staff prior to the submittal of an application for a Sign Permit. A Pre-Application Conference for a Sign Permit is optional and not required.

   The process for a Pre-Application Conference is as follows:

   a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

   b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

   c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

      The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

      i. The applicant's proposal.

      ii. The applicable provisions of this Code.

      iii. The application submittal requirements and review procedures.

      iv. The referral agencies likely to be involved with the review of the application.

      Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

   d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

   e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.

2. **Step 2: Submittal of Application.** The applicant for a Sign Permit shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

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3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

   a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

      i. Certify the application as complete and record the date of the determination of completeness.

      ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

   b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

      If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

   c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

      i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

      ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

      If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**
   a. Within five (5) business days of receiving the requested number of complete applications the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

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b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.

d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. **Step 5: Administrative Decision.** Upon the conclusion of the application review and referral process, the Planning Director shall review the application to determine if the proposal satisfies the applicable review criteria and standards identified in this Code. Upon the conclusion of their review, the Planning Director shall take one of the following actions:

   a. Approve the Sign Permit, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan

   b. Deny the Sign Permit and state the specific reason(s) for denial.

6. **Step 6: Notice and Issuance of Permit.** Within ten (10) business days of a final action by the Planning Director, the following will occur:

   a. The Planning Director will send written notice of the decision to the applicant.

   b. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

   c. If a Sign Permit is approved, the Planning Director will issue, to the applicant, a permit that states the following:

      i. Date of approval.

      ii. For temporary signs, the duration of the permit.

      iii. Any conditions of approval.

      iv. Information about any inspections that are required for the sign. Such inspections may include, but are not limited to, an: inspection of sign placement; a footing inspection; and/or an inspection of electrical and/or structural components.

      v. Information about the applicant's responsibilities to maintain the sign pursuant to Subsection 16-5-##-#.

      vi. Information about the Town's authority to order the maintenance, repair, or removal of a sign pursuant to Subsection 16-5-##-#.

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vii. Any other information that the Planning Director deems necessary to include as part of the permit.

G. Modification of Approval

Any modification to an approved Sign Permit shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

H. Duration of Approval

1. All Sign Permits shall expire and become null and void ninety (90) calendar days after the date of issuance unless one of the following has occurred:

   a. The sign has been installed or modified in accordance with the approved Sign Permit.

   b. A request for an extension has been submitted and approved in accordance with Subsection 16-5-##-#.

2. If a Sign Permit expires, the applicant will be required to obtain a new permit before the sign can be installed or altered.

I. Extension of Approval

1. The holder of a Sign Permit may submit a written request for an extension of their permit to the Planning Director. Such a request must be received at least ten (10) business days prior to the expiration date of the Sign Permit. Any request received later than this will not be considered by the Town.

2. Upon a showing of good cause by the permit holder, the Planning Director may authorize an extension of an approved Sign Permit for a period of up to ninety (90) calendar days.

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Section 16-5-210: Master Sign Program

A. Applicability

1. Any multi-tenant building and/or development with more than one (1) building shall have a Master Sign Program for all signs on the subject property.

2. All signs identified in a Master Sign Program must comply with the applicable requirements of Section 16-#-##.

3. A Master Sign Program must be approved before any Sign Permits can be issued for the subject property.

4. Once a Master Sign Program has been approved, all signs must comply with the approved program.

B. Purpose

The purpose of this Section is to provide an efficient administrative review process for a comprehensive plan for signs (i.e., a Master Sign Program) for a multi-tenant building and/or a development with more than one (1) building.

C. Application Submittal Requirements

An application for a Master Sign Program shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Sign Program.** A written document that includes the following:

   a. A list of the types of signs to be allowed on the subject property that includes the following information:

      i. The location, materials, colors, lighting, and maximum area (in square feet) for each sign.

      ii. The signs that will be shared among the tenants or buildings (e.g., a directory sign).

      iii. The types of signs permitted for each tenant or building.

   b. For a multi-tenant building, a list of units and the amount of signage (in square feet) allocated to each unit.

   c. For a development with more than one (1) building, a list of each building and the amount of signage (in square feet) allocated to each building.

4. **Site Plan.** A site plan, drawn to scale, showing the following information for the subject property:

   a. Location and dimensions of the property's boundaries.

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b. Minimum required front, side, rear, and live stream setback lines.

c. Footprints and frontage dimensions for existing and/or proposed buildings and structures.

d. Location and dimensions of existing easements.

e. Streets, alleys, driveways, sidewalks, paths, and other similar improvements on, or abutting, the property.

f. If applicable, clear vision areas pursuant to Section 16-#-##.

g. Location of all proposed signs. For any freestanding signs, the dimensions between a sign and all property boundaries must be provided.

5. **Sign Drawings**. Fully dimensioned drawings or photo simulations of all proposed signs as they will appear when installed. The following information must be provided:

   a. Height and clearance of signs.

   b. For any projecting signs, the distance it projects from the face of the supporting wall.

6. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding of the following:

   a. The waiver will not compromise a proper and complete review of the application.

   b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will provide the applicant with written notice of their decision.

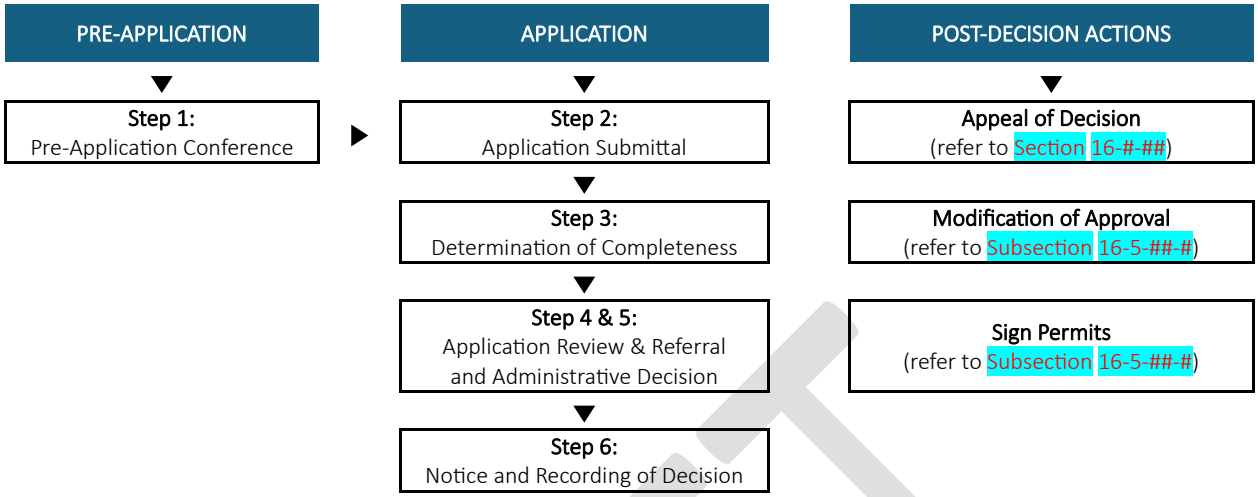
E. Application Review Criteria

The Planning Director may approve a request for a Master Sign Program upon a positive finding that the program complies with applicable requirements of this Code, specifically Section 16-##-##.

F. Application Review Procedures

A request for a Master Sign Program will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Master Sign Program Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Master Sign Program. This requirement may be waived at the discretion of the Planning Director.

   The process for a Pre-Application Conference is as follows:

   a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

   b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

   c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

      The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

      i. The applicant's proposal.

      ii. The applicable provisions of this Code.

      iii. The application submittal requirements and review procedures.

      iv. The referral agencies likely to be involved with the review of the application.

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Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.

2. **Step 2: Submittal of Application.** The applicant for a Master Sign Program shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

i. Certify the application as complete and record the date of the determination of completeness.

ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

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ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. Step 4: Review by Town Staff, Consultants, and Referral Agencies.
   a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

   b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

   c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.

   d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. Step 5: Administrative Decision. Upon the conclusion of the application review and referral process, the Planning Director shall review the application to determine if the proposal satisfies the applicable review criteria and standards identified in this Code. Upon the conclusion of their review, the Planning Director shall take one of the following actions:

   a. Approve the Master Sign Program, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan

   b. Deny the Master Sign Program and state the specific reason(s) for denial.

6. Step 6: Notice and Recording of Decision.
   a. Within ten (10) business days of a final action by the Planning Director, the following will occur:

      i. The Planning Director will send written notice of the decision to the applicant.

      ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

   b. If a Master Sign Program is approved, the Planning Director will enter a copy of the approved program into the town's records.

G. Modification of Approval

Any modification to an approved Master Sign Program shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

H. Sign Permits

Once a Master Sign Program has been approved, individual Sign Permits may be applied for, pursuant to Section 16-5-##. Individual sign permits are required for the signs contained within an approved Master Sign Program.

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Section 16-5-220: Sign Variance

A. Applicability

1. All requests for a variance from any sign regulation, set forth in Article ##, must comply with the requirements and procedures set forth in this Section.

2. All requests for a variance from any zoning regulation, set forth in Article ##, must comply with the requirements and procedures set forth in Section 16-5-##.

3. A variance cannot be requested for any type of sign that is not permitted in the applicable zone district.

b. Cost or inconvenience to the applicant, resulting from strict or literal compliance with any sign regulation set forth in this Code, shall not be a reason for granting a variance

B. Purpose

1. The purpose of this Section is to establish the requirements and procedures for a variance from the strict application of the sign regulations, set forth in Article ##.

2. The purpose of a variance is to prevent or lessen practical difficulties and unnecessary physical hardships that would result from the strict or literal interpretation and enforcement of the sign regulations set forth in this Code.

C. Application Submittal Requirements

An application for Sign Variance shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-5-##-#.

2. **Application Fee.** Payment for the applicable fee, as designated by the Town's schedule of fees, shall be made at the time of submittal of an application.

3. **Narrative.** A written statement that describes the following:

   a. The precise nature of the proposed variance.

   b. The justification for variance based on the review criteria set forth in this Section.

   c. Any measures proposed to make the variance compatible with adjacent properties.

4. **Site Plan.** A site plan, drawn to scale, showing the following information for the subject property:

   a. Location and dimensions of the property's boundaries.

   b. Minimum required front, side, rear, and live stream setback lines.

   c. Footprints and frontage dimensions for existing buildings and/or structures.

   d. Location and dimensions of existing easements.

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e. Streets, alleys, driveways, sidewalks, paths, and other similar improvements on, or abutting, the property.

f. If applicable, clear vision areas pursuant to Section 16-#-##.

g. Location of the proposed sign and all existing signs. For a freestanding sign, the dimensions between the sign and all property boundaries must be provided.

5. **Sign Drawing**. A fully dimensioned drawing or photo simulation of the proposed sign as it will appear when installed that includes the following information:

   a. Height and clearance of the sign.

   b. For a projecting sign, the distance it projects from the face of the supporting wall.

6. **Sign Area Calculation.** A calculation of sign area in accordance with Section 16-#-##.

7. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

D. Waiver of Application Submittal Requirements

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

   a. The waiver will not compromise a proper and complete review of the application.

   b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will:

   a. Provide the applicant with written notice of their decision.

   b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

E. Application Review Criteria

The Planning Commission may recommend approval of, and the Zoning Board of Appeals may approve, a request for a Sign Variance upon a positive finding of each of the following criteria:

1. There exists an exceptional or extraordinary condition(s) that is unique to the subject property (such as shape, size, or topography), is not a general condition throughout the same zone district, and did not result from the action of any person currently having interest in the property.

2. The exceptional or extraordinary condition(s) of the subject property creates a situation such that the strict application of the specified regulation will result in practical difficulty or undue hardship upon the applicant not related to purposes of convenience or financial burden.

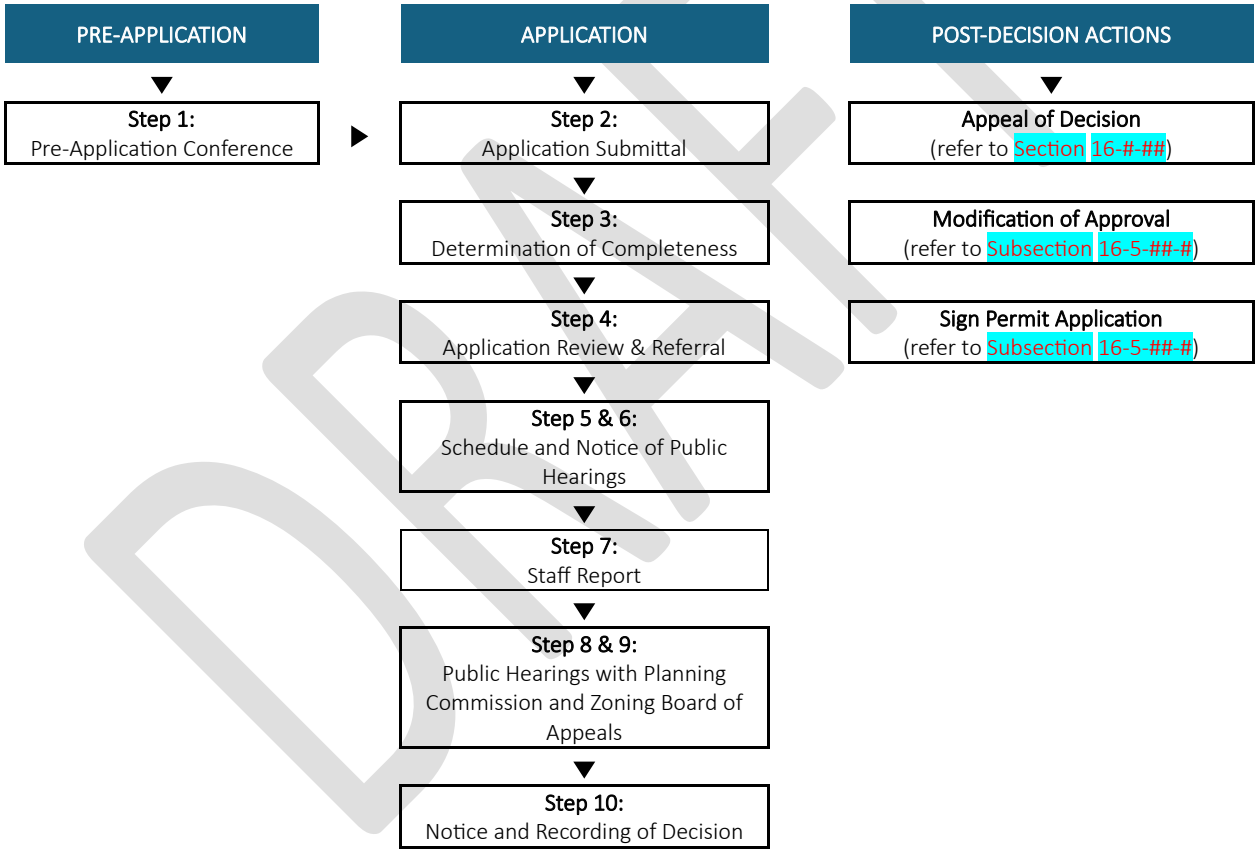
3. The granting of the variance will not be detrimental to the public health, safety, or welfare; will not be materially injurious to properties or improvements in the vicinity; and will not result in substantial impairment to the purposes of this Chapter.

4. The requested variance is the minimum necessary to alleviate the hardship or practical difficulty.

F. Application Review Procedures

A request for Sign Variance will be reviewed and decided upon in accordance with the following procedures.

Table ##: Overview of Sign Variance Review Procedures



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Sign Variance. This requirement may be waived at the discretion of the Planning Director.

   The process for a Pre-Application Conference is as follows:

   a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of

receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.

b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

i. The applicant's proposal.

ii. The applicable provisions of this Code.

iii. The application submittal requirements and review procedures.

iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.

e. *Effect of Pre-Application Conference*. Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.

2. **Step 2: Submittal of Application.** The applicant for a Sign Variance shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:

i. Certify the application as complete and record the date of the determination of completeness.

ii. Schedule a public hearing in accordance with Section 16-5-##.

iii. Notify the applicant, in writing, of the determination of completeness; the date, time, and location for the public hearing; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with Subsection 16-5-##-#.

c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. Step 4: Application Review and Referral.

a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.

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d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. **Step 5: Schedule Public Hearing.** Upon the conclusion of the referral process, the Planning Director shall schedule the application for public hearings before the Planning Commission and the Zoning Board of Appeals in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of each public hearing.

   a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and the Town Council.

      b. The first public hearing before the Planning Commission shall be scheduled no later than forty (40) business days after the conclusion of the referral process.

   c. A public hearing before the Zoning Board of Appeals shall be scheduled within forty (40) business days of the Planning Commission completing its review and making a recommendation to the Town Council.

6. **Step 6: Notice of Public Hearing**. Prior to the date of the first public hearing with the Planning Commission, the applicant shall:

   a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within one hundred (100) feet of the subject property, in accordance with Section 16-5-##.

   b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-5-##.

   c. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-5-##.

   d. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with Section 16-5-##.

   e. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-5-##.

7. **Step 7: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:

   a. Compliance with the standards of this Code.

   b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.

   c. Recommended conditions to ensure compliance with applicable standards.

   d. Additional information pertinent to the review of the application that must be submitted by the applicant.

8. **Step 8: Public Hearing with Planning Commission.**

a. The Planning Commission will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:

   i. The application and any supporting materials.

   ii. The staff report.

   iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Sign Variance, and shall take one of the following actions:

   i. Recommend that the Zoning Board of Appeals approve the Sign Variance, subject to any conditions that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.

   ii. Recommend that the Zoning Board of Appeals deny the Sign Variance and state the specific reason(s) for denial.

9. Step 9: Public Hearing with Zoning Board of Appeals.

a. Following the public hearing with the Planning Commission, the Zoning Board of Appeals will hold a public hearing, in accordance with Section 16-5-##, to review the application. The applicant, or their agent, must be present at the hearing.

b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Zoning Board of Appeals, the applicant, and the public:

   i. The application and any supporting materials.

   ii. The staff report.

   iii. The Planning Commission's recommendation.

   iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.

c. Following the close of the public hearing, the Zoning Board of Appeals shall consider the application and any supporting materials, the staff report, the recommendation of the Planning Commission, public testimony, and the review criteria for a Sign Variance, and shall take one of the following actions:

DRAFT

i. Approve the Sign Variance, subject to any conditions that the Zoning Board of Appeals deems necessary to ensure compliance with this Code and the Community Plan.

ii. Deny the Sign Variance and state the specific reason(s) for denial.

d. If the Zoning Board of Appeals approves a Sign Variance, it shall enact a resolution to such effect.

10. Step 10: Notice and Recording of Decision.

a. Within ten (10) business days of a final action by the Zoning Board of Appeals, the following will occur:

i. The Planning Director will send written notice of the decision to the applicant.

ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

b. If the Zoning Board of Appeals approves a Sign Variance, the Town Clerk will enter a copy of the resolution approving the variance into the town's records.

G. Modification of Approval

Any modification to an approved Sign Variance shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

H. Sign Permit Application

1. Once a Sign Variance has been approved by the Zoning Board of Appeals, the applicant may apply for a Sign Permit pursuant to Section 16-5-##.

2. The granting of a Sign Variance does not exempt the applicant from the requirement to submit an application for, and receive approval of, a Sign Permit.

DRAFT

OFFICIAL MINUTES
Work Session 4:30 / Town Council Meeting 5:30

Wednesday, November 20, 2024

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

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

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/84623469591

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 846 2346 9591

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

Public Comments: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

1. **WORK SESSION** (4:30pm)

   A. Net Zero Roadmap

2. **CALL TO ORDER**

Mayor Earle B. called the meeting to order at 5:43pm.

3. **ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council present Mayor Earle Bidez, Mayor Pro Eric Gotthelf, Town Council members Lynn Feiger, Gusty Kanakis, Tom Priest, Kate Schifani, and Brian Rodine. Note: Kate S. was present for the work session then left and attended by zoom for the regular meeting.

Staff present: Town Manager Michelle Metteer, Town Planner Scot Hunn, and Town Clerk Jay Brunvand (zoom).

4. APPROVAL OF CONSENT AGENDA

Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.

A. 11-06-2024 Minutes

Motion by Gusty K., second by Eric G., to approve the Consent Agenda of November 20, 2024, as presented. Motion passed 6-0. Note: Kate S. was excused absent.

5. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Eric G., second by Gusty K., to approve the Agenda of November 20, 2024, as presented. Motion passed 6-0.

6. DECLARATION OF CONFLICTS OF INTEREST

Note: Kate S. rejoined the meeting at 5:45 via zoom

7. PUBLIC COMMENT

Citizens are invited to comment on any item on the Consent Agenda, or 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 Clerk. Those who are speaking are requested to state their name and address for the record.

Mr. Michael Boyd, 502 Eagle St, spoke of the historic preservation in town.

8. COUNCIL COMMENTS & COMMITTEE REPORTS

Brian R. asked about budget items regarding the bike park.

Tom P. updated on the MFC scholarship program and fund raising for that program.

Gusty K updated on the NWCCOG QQ meeting he attended. He discussed additional fees that they are implementing. He congratulated Michelle M. for her 15yr anniversary with the town.

Eric G. updated on a vacancy on the Minturn Scholarship Committee and encouraged those interested to apply.

9. STAFF REPORTS

A. Manager's Report

Eagle River Water Quality / EPA 5-Year Superfund Site Review
The Eagle River Stakeholders, of which Minturn is a partner, is looking to support the request (letter included as an attachment to this Manager Report) that as part of the EPA/CDPHE regular 5-year review cycle of the Eagle Mine Superfund Site, valuable Eagle River water data collected by ERWSD/UERWA be included in the formal review. This request is valuable toward ensuring the ongoing Superfund Site remediation is as thorough as possible. Unless there are four council members to direct otherwise, Minturn will support this effort.

Ghost Car Request
During the community bulb out discussion, residents requested the use of a "ghost car" to help facilitate speed enforcement. I made that request to the Eagle County Sheriff's Office however due to their constant use throughout the county and for regular patrol functions, ECSD is unable to dedicate a car to Minturn's enforcement needs.

Main Street Bulb Outs
We conducted a meeting with CDOT Region 3 representatives and determined Minturn can apply for a crosswalk with rapid flashing signs at the intersection of HWY 24 and Little Beach Park. This is encouraging news as when the Phase I sidewalks were installed this amenity was not allowed. CDOT is also taking a look at the ability to install smaller temporary bulb outs as Minturn has initially requested. These smaller bulb outs would be the same length as the current yellow no-parking areas in place. This concept is not to CDOT "standards" and so they are reviewing this request internally (but their review and willingness to consider this option is an improvement from the denial we received the first time around).

Public Utilities Commission (PUC) Approval – Railroad Ave Pedestrian Safety Improvements
I am excited to announce that after significant effort to complete and submit the PUC application for the installation of sidewalks along Railroad Ave, the request has been approved (see attached approval notice). Minturn plans to conduct the Railroad Ave Pedestrian Improvement Plan starting in the Spring of 2025 and possibly in coordination with other construction work in the Taylor St area if combined cost savings can be achieved.

Battle North Potential Water Service Review
I have been meeting weekly with Battle North representatives to find out if any opportunity exists for cost-sharing of a new membrane water treatment plant. My current efforts include review of the potential surface diversion feature at the confluence of the Eagle River and Cross Creek, determining project cost increases for expanding the size of the WTP facility to house future pre-treatment infrastructure, timing of future financial development contributions, regulatory requirements associated with a System Revolving Fund (SRF) loan, EPA NEPA application timing as this effects the Town's $3M Congressionally Directed Spending funds and submittal of a $1M request to the EPA for consideration to cover the remainder of the design and engineering work.

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

A. Eagle County Gives Day Proclamation

Mr. Darell Wegert, 1718 Main St, introduced and spoke to the Proclamation. Earle B. read the Proclamation into the record and the Council was in support.

B. Traffic Logix Speed Safety Camera System

Mr. Mark Coupland presented via zoom. This presentation highlighted the need for slower traffic speeds to increase safety.

Gusty K. noted that we could start with a warning only and stay that process or, after 30 days we could switch to issuing tickets. It was stressed that the town would control if we and when we might move from warnings to tickets.

Brian R. noted that, to move forward, we would want an intense citizen education program. The intent is to slow down speeders. It was noted that there will be a lot of citizen input in the upcoming meetings.

Mr. Heath Mosness, ECSO, spoke in support of this program. He stated there are several areas that they might also be interested to monitor in if this program works in Minturn.

C. Safe Streets for All (SS4A) Update

Matt Brown and Sheryl Beckman, Stolfus Engineering. They reviewed the Minturn Road data ascertained from the SS4A grant. Options included various mixes between shared road space for vehicles, bikes, parking, and pedestrians. Next steps were discussed.

Concern was expressed by the Council that the current building boom will further affect the motorized/nonmotorized impacts.

Gusty K. noted the lighted crosswalks are more effective than those just painted on the street.

They will be back with further presentations in January through March.

11. BUSINESS ITEMS

Items and/or Public Hearings listed under Business Items may be old or new and may require review or action by the Council.

A. Resolution 61 - Series 2024 A Resolution Adopting the 2025-2027 Minturn Strategic Plan

Michelle M. presented and requested adoption of the 2025-2027 Minturn Strategic Plan.

Motion by Gusty K., second by Tom P., to approve Resolution 61 - Series 2024 A Resolution Adopting the 2025-2027 Minturn Strategic Plan as corrected. Motion passed 7-0.

B. Ordinance 21 - Series 2024 (First Reading) An Ordinance Creating a Supplemental Appropriation to the 2024 Town of Minturn Budget

This is an annual Ordinance to account for various increases in revenues and expenditures which are anticipated to exceed their original budget. Each change in Exhibit "A" is listed in fund order showing the increased amount and the revised total budgeted amount. This Ordinance takes into account only those items which are anticipated to exceed their original line item budget. Revenues which exceed their original budget indicates additional revenue, expenses that exceed their original budget indicates overspending of that line item. Revenues and expenses that exceed their original budget need to be supplemented in order to properly recognize and then utilize this variance in the appropriated budget. This supplemental appropriation only increases revenue and expenses, it does not un-appropriate funds which will not exceed. This means the Ordinance and action requested only addressed excess revenue and expense, it does not address items that will save money by coming in under budget. This may give a false view that we are overspending the budget when in fact we do have the funds on hand and in many cases the expense was appropriated by prior council action.

Public Hearing opened
No Public Comment
Public Hearing Closed

Motion by Tom P., second by Eric G., to approve Ordinance 21 - Series 2024 (First Reading) An Ordinance Creating a Supplemental Appropriation to the 2024 Town of Minturn Budget as presented. Motion passed 7-0.

C. Ordinance 22 - Series 2024 (First Reading) An Ordinance Levying General Property Taxes for the Year 2025, to Meet General Operating Costs of Government for the Town of Minturn, Colorado for the 2025 Budget Year

This is an annual ordinance approved by Council to establish the mill levy on property assessments for the following year. Our mill levy was set at 17.934 mills in 1998 allowing us to collect, spend, or save all revenue generated based on the county assessment. These funds flow into the General Fund as a major source of revenue to meet our budgeted needs. The mill levy collection of property tax makes up over 30% of Minturn's annual General Fund revenues.

Public Hearing opened
No Public Comment
Public Hearing Closed

Motion by Gusty K., second by Tom P., to approve Ordinance 22 - Series 2024 (First Reading) An Ordinance Levying General Property Taxes for the Year 2025, to Meet General Operating Costs of Government for the Town of Minturn, Colorado for the 2025 Budget Year as presented. Motion passed 7-0.

D. Ordinance 23 - Series 2024 (First Reading) An Ordinance Approving Revenues, Appropriating Expenditures, Approving Transfers and Adopting the Town of Minturn

Budget for the Period Beginning on the First Day of January 2025 and Ending on the Last Day of December, 2025

This is an annual ordinance that reports, allocates, and appropriates the beginning fund balance, all anticipated revenues, and all anticipated expenses for each fund as detailed in the budget document. To date all directed changes to the preliminary budget accepted at the first meeting in October 2024 have been assimilated into these final numbers. Council will receive a final budget shortly after second reading in December which will reflect the budget as approved by this Ordinance.

Public Hearing opened
No Public Comment
Public Hearing Closed

Motion by Eric G., second by Gusty K., to approve Ordinance 23 - Series 2024 (First Reading) An Ordinance Approving Revenues, Appropriating Expenditures, Approving Transfers and Adopting the Town of Minturn Budget for the Period Beginning on the First Day of January 2025 and Ending on the Last Day of December, 2025 as presented. Motion passed 7-0.

12. DISCUSSION / DIRECTION ITEMS

A. Holiday Lighting

At their regular meeting of August 21, 2024, the Council discussed the recently implemented Minturn Water Tank seasonal lighting improvements and voted to approve on first reading Ordinance No. 19, Series 2024 - an ordinance amending the Town's exterior lighting exemptions to allow for seasonal uplighting of the water tank for Town purposes. During deliberations, the Council discussed revisions to the ordinance to add daily time limits for holiday/ornamental lighting, but ultimately voted to approve on first reading without any revisions. At the same meeting, the Council discussed the Town's exterior lighting policies including the Town's "dark sky" lighting requirements, holiday lighting (the definition of holiday lighting as well as whether the Town should enforce time limits on holiday lighting displays), and the differences between temporary holiday lighting, ornamental lighting, and permanent exterior lighting. Following the Council's action to approve Ordinance No. 19, Series 2024 on first reading, with no changes, Council directed staff to facilitate a general discussion related to the Town's existing outdoor lighting regulations to:

- Clarify the intent of the Town's dark or "night" sky exterior lighting regulations.
- Separate the Town's exterior lighting regulations (for permanent fixtures) from the Town's allowance for temporary, holiday/ornamental lighting.
- Discuss potential code changes to the Code to update the Town's definition of "holiday" lighting and to consider time limits on holiday lighting displays.

Dark or "Night" Sky Lighting Regulations
During the Council's deliberation on August 21st, a question was asked about the Town's dark or "night" sky ordinance: how the Town's existing requirements for dark sky compliant lighting related to holiday lighting, and whether the Town was enforcing these requirements.

Section 16-17-180 - Exterior illumination standards, of the Minturn Municipal Code provides the following statement of purpose and definitions:

a) Purpose and intent. The purpose of this Article is to establish rules and regulations governing the installation of outdoor lighting in the Town. These regulations are intended to:

(1) Promote appropriate light for safety and security;
(2) Help preserve the small town character;
(3) Prevent inappropriate and poorly designed or installed outdoor lighting;
(4) Reduce glaring and offensive light sources;
(5) Reduce nighttime light pollution and protect the night sky;
(6) Provide clear guidance pertaining to exterior light fixtures for developers and homeowners; and
(7) Phase out existing nonconforming fixtures that are in violation of this Article, including those owned by the Town.

b) Definitions. For the purpose of this Article, the following definitions shall apply: Exterior lighting means permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Full cut-off fixture means a light fixture designed and installed where no direct light (as opposed to scattered light) is emitted at or above a horizontal plane running through the lowest point on the fixture. Glare means intense light that results in discomfort and/or a reduction of visual performance and visibility. Holiday/ornamental lighting means festoon-type lights. Light pollution means any manmade light that diminishes the ability to view the night sky. Light trespass means light falling on the property of another or the public right-of-way, when it is not required to do so.

c) Applicability. These lighting standards shall be applicable to all new construction in the Town. Additionally, residents and business owners are required to replace all nonconforming exterior light fixtures when a building permit is issued for any exterior project with a permit valuation greater than or equal to one thousand five hundred dollars ($1,500.00). Business owners and residents with nonconforming fixtures are encouraged to comply with these regulations when replacing older fixtures.

d) General outdoor lighting regulations. The following regulations shall apply to all properties located within the Town:

(1) All exterior lighting shall be shielded such that the source of illumination is not visible from the property line, thereby reducing glare and interference with boundary streets and adjacent properties. Light fixtures near adjacent property may require special shielding devices to prevent light trespass.

(2) All lighting shall conform with the definition for a full cut-off fixture.

(3) All exterior lighting or illumination shall be designed, located, placed and shielded to be architecturally and aesthetically in keeping with the buildings and surroundings, should create minimum visual impact on any other lot, tract or parcel in the Town, shall not directly illuminate adjoining lots, tracts, parcels or rights-of-way, including alleys, and shall comply with this Article.

(4) Floodlights and security lights shall be restricted as follows:

a. The point light source shall not be visible from neighboring lots or streets.
b. The light must comply with the definition of a full cut-off fixture, be down-directed and screened from adjacent properties in a manner that prevents light trespass.

(5) Motion sensor lights may be permitted, but only where the sensor is triggered by motion within the owner's property lines.

(6) Exterior lighting fixtures shall be mounted no higher than ten (10) feet above the flooring, deck, walkway, driveway or other occupied area or highest grade point of the ground surface immediately below the light fixture. The height of the fixture shall be the vertical distance from the surface directly below the centerline of the fixture to the lowest direct light-emitting part of the fixture. For mixed-use and commercial buildings, the height may be extended to fifteen (15) feet.
(7) Exterior fluorescent tube lighting shall be prohibited in all cases.

The Code is clear in its intent to “Reduce nighttime light pollution and protect the night sky” and to reduce or limit glare, light pollution, light trespass, while specifically defining and requiring a “Full cut-off fixture” (which fixtures are generally synonymous with dark or “night” sky light fixtures) for all new, permanent exterior lighting and any exterior remodels over a certain dollar amount. Importantly, the Code also permits exemptions for “Holiday/ornamental lighting.”

Holiday/Ornamental Lighting Under Section 16-17-180(f) - Exemptions, “holiday” or “ornamental” lighting is exempt from the general outdoor lighting regulations. The definition of “Holiday/ornamental lighting” is tied to “festoon-type lights.” Unfortunately, the Code does not define “Festoon-type lights.” Below are images of typical festoon-type lights. Staff suggests that Minturn’s definition of “Holiday/ornamental lighting” is deficient for the following reasons: festoon lighting – sometimes referred to as “café lights – is distinct in its design and use for permanent or semi-permanent installations meant to illuminate outdoor spaces like patios, walkways, plazas and other gathering areas. Meanwhile, holiday lighting is intended for temporary installations – typically adorning structures, yards or individual landscaping – in celebration of specific holidays.

Therefore, to define holiday/ornamental lighting as the same thing as festoon lighting is problematic.

New Definitions Needed
The Town's definition of "Holiday/ornamental lighting" refers to "festoon" lighting. However, that term is not defined in the Minturn Municipal Code and as discussed above, holiday lighting and festoon lighting are distinct. Staff researched other jurisdictions' definitions of exempt holiday lighting and offer the following examples for consideration as updates to the Town of Minturn's definition: Holiday (seasonal) lighting. Temporary festive lighting intended to celebrate the winter season and the Thanksgiving, Christmas and New Year's holidays.

Staff Comment: This definition from the Town of Avon is specific to the "winter" season; it could be expanded to include other holidays or be modified to include the words "including but not limited to" or "such as" to describe the holidays where lighting is acceptable or expected. Seasonal lighting. Temporary seasonal lighting for holidays, which may use bare, low-watt bulbs equivalent of a ten-watt incandescent bulb or less.

Staff Comment: This definition from the Town of Eagle does not attempt to define or list which holidays are acceptable or expected but does include helpful language such as "temporary seasonal" to differentiate between permanent and temporary. This definition also gets specific with regard to the type of light bulb – something that would be difficult to enforce.

Winter holiday lighting which is of a temporary nature and which is illuminated only between November 1 and April 15 of each year. Other holiday lighting temporary in nature may request exemption from the Town.

Staff Comment: This definition from the Town of Gypsum specifically singles out "Winter" holiday lighting from other holiday lighting and sets the timeframes when winter holiday lighting can be exempted. This does not seem to be something that would fit Minturn's needs or reflect how the community uses outdoor lighting throughout the year, and requiring a property owner to request approval for holiday lighting at other times of year would be problematic. Also, staff generally recommends against include regulations (in this case time limits) within a definition. Staff recommends that the Town consider amending Section 16-17-180 to amend its definition of "Holiday/ornamental lighting" as follows: Holiday/~~ornamental~~ lighting means ~~festoon-type lights~~ seasonal lighting of a temporary nature intended to celebrate recognized holidays occurring throughout the calendar year and which may include low-level lighting such as festoon lighting, holiday light stringers, or similar.

At the direction of Council, staff can also provide additional definitions and clarity within Section 16-17-180 for "festoon-type" lighting. Time Limits During their regular meeting of August 21st, the Council discussed adding provisions to the Code to limit the times of day (and possibly time of year) when outdoor holiday lighting may be displayed or turned on. One proposal discussed was to set daily time limits allowing for illumination of outdoor lighting displays from dusk until 10:30pm; another proposal would allow lighting in daylight hours but require lighting to be turned off at 10:30pm.

Staff recommends that Section 16-17-180(f) – Exemptions, of the Code be amended to include the following changes:

(f) Exemptions. The following exterior light fixtures shall be exempt from the regulations contained in this Article:

(1) Illumination of the United States flag, provided that such lighting does not interfere with the vision of drivers or pedestrians or otherwise create an unsafe condition for the public. No more than two

(2) lights per pole are permitted. (2) Lights and lighting devices which are part of a Town event, Town display, or public gathering, so long as the event, display, or gathering is of a temporary, seasonal, or periodic nature.

(3) Holiday/ornamental lighting., provided that such lighting is temporary in nature; is displayed in correspondence with recognized holidays; and is not illuminated between the hours of 10:30 P.M. (MST) and dawn.

(4) Construction lighting used for the purpose of illuminating construction work activities, provided that the illumination source is directed internally towards the project site and is turned off each night when work is halted.

(5) Any light source that is used by an emergency service provider.

Michelle M. read a public comment into the record: Mr. Casey McKenna, 661 Main St, wrote opposed to any changes to the existing regulations.

Earle B. stated he felt if it is negatively affecting a neighbor then it should be addressed.

Michelle M. noted, and council, agreed that we needed to separate holiday lighting from festoon lighting, all agreed.

Eric G. gave a personal example where second homeowners had their lights on and it was an issue, it was noted that in order to address that, we would need to make changes to the law.

Scot H. noted currently we can address spotlights going onto another's property but it is the seasonal lighting that is on all year that we can't address.

Direction given was that holiday lights should go off at 10pm to dawn. Festoon lights would not be regulated. This will be considered at staff level and presented to Planning and Zoning and then brought back to council.

13. FUTURE AGENDA ITEMS

A. Future Meeting Topics

- Water treatment plant discussion

- Replacement of windows
- The 1/1/25 meeting is cancelled

14. ADJOURN

Motion by Gusty K., second by Tom P., to adjourn at 7:47pm.

_____
Earle Bidez, Mayor

ATTEST:

_____
Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS
Upcoming Council Meetings and Important Dates

-- November 28 & 29, 2024 - Town Hall Closed (Thanksgiving)
-- December 4, 2024 - Town Council Meeting
-- December 6, 2024 - First Friday & Tree Lighting
-- December 18, 2024 - Town Council Meeting
-- December 25, 2024 - Town Hall Closed (Christmas Day)
-- January 1, 2025 - Town Hall Closed (New Years Day) - Town Council Meeting Canceled due to Holiday

To: Mayor and Council

From: Jay Brunvand

Date: December 4, 2024

Agenda Item: Annual renewal of Hotel and Restaurant Liquor License

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REQUEST:
Staff is requesting Council to review and approve the attached annual renewal of a Beer and Wine Liquor License for the Rocky Mountain Taco llc located at 291 Main St.

INTRODUCTION:
This establishment has an existing B&W License and this is the annual renewal.

ANALYSIS:
Not Applicable

COMMUNITY INPUT:
Not Applicable

BUDGET / STAFF IMPACT:
The applicant has submitted the required fee of $125.00.

STRATEGIC PLAN ALIGNMENT:
In accordance with Strategy #4 the Town will advance decisions/projects/initiatives that expand future opportunity and viability for Minturn. Both as an employer and a sales tax contributor these businesses each help further Minturn.

RECOMMENDED ACTION OR PROPOSED MOTION:
This item is approved on the Consent Agenda, no separate motion is required.

ATTACHMENTS:
- Application and supporting documentation for the license renewal.

DR 8400 (02/16/24)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division
PO BOX 17087
Denver CO 80217-0087
(303) 205-2300

Submit to Local Licensing Authority

ROCKY MOUNTAIN
TACOS LLC
PO BOX 1402
Minturn CO 81645

Fees Due	
Annual Renewal Application Fee	$
Renewal Fee	601.25
Storage Permit $100 X _____	$
Sidewalk Service Area $75.00	$
Additional Optional Premise Hotel & Restaurant $100 X _____	$
Related Facility - Campus Liquor Complex $160.00 per facility	$
Amount Due/Paid	$601.25

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one- time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor License Renewal Application

Please verify & update all information below. Return to city or county licensing authority by due date.

Note that the Division will not accept cash.

[X] Paid by check
[ ] Paid Online

Uploaded to MoveIt on Date

Licensee Name
ROCKY MOUNTAIN TACOS LLC

Doing Business As Name (DBA)
ROCKY MOUNTAIN TACOS LLC

Liquor License Number
[redacted]

License Type
Beer & Wine (city)

Sales Tax License Number
[redacted]

Expiration Date
02/24/2025

Due Date
01/10/2025

Business Address

Street Address
291 MAIN STREET

Phone Number
9704014443

City, State, ZIP Code
Minturn CO 81645

Mailing Address

Street Address
PO BOX 1402

City, State, ZIP Code
Minturn CO 81645

Email
Rockymountaintaco@gmail.com

Operating Manager
Chris McGinnis

Date of Birth
7/9/81

Home Address

Street Address		Phone Number
291 Main Street		970-401-4443
City	**State**	**ZIP Code**
Minturn	Co	81645

1. Do you have legal possession of the premises at the street address? ⊗ Yes ○ No

   Are the premises owned or rented? ⊗ Owned ○ Rented* *If rented, expiration date of lease

1. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? ○ Yes ⊗ No

   If yes, please see the table in the upper right hand corner and include all fees due.

2. Are you renewing a takeout and/or delivery permit? ○ Yes ⊗ No

   (**Note:** must hold a qualifying license type and be authorized for takeout and/or delivery license privileges)

   If selecting 'Yes', an additional $11.00 is required to renew the permit.

   If so, which are you renewing? ○ Delivery ○ Takeout ○ Both Takeout and Delivery

3. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? ○ Yes ⊗ No

   Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? ○ Yes ⊗ No

4. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? ○ Yes ⊗ No

   If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.

Section 4, ItemB.

1. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? ○ Yes ⊗ No

   If yes, attach a detailed explanation.

2. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? ○ Yes ⊗ No

   If yes, attach a detailed explanation.

3. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? ○ Yes ⊗ No

   If yes, attach a detailed explanation.

Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business

Chris McGinnis

Title

Owner

Signature

Date (MM/DD/YY) 11/20/24

Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For

Title

Attest

Signature

Date (MM/DD/YY)

To: Minturn Town Council
From: Michelle Metteer
Date: December 04, 2024
RE: Town Manager Update

License Plate Reader Proposal
The Eagle County Sheriff's Office has provided materials for the consideration of purchasing and installing license plate readers (LPRs) within the Minturn town boundaries. The proposal and supporting informational materials are included with this report. License plate readers are already being utilized in Gypsum, Avon, and Vail. The goal is for the regional, state and federal law enforcement teams to be able to collaborate on solving crimes. Town staff seeks the Council's feedback on your support or opposition to the purchase of these devices.

Downtown Water Tank Holiday Lights Update
Staff continue to explore ways to utilize solar power for the holiday lights at the downtown water tank. The lights work if they are plugged into an electrical power source but have yet to properly function via the solar option which is preferred.

Main Street Phase II Sidewalks
The team is working toward grant opportunities for the completion of the Main Street Phase II Sidewalk project, however all CDOT grants are estimating an 18-month grant contract approval process and therefore will not fit into the current construction schedule for Minturn's Spring 2025 construction period. We will continue to look for opportunities, but any additional sidewalk construction will most likely come via a future construction period.

Dolores Bridge Truss Opportunity Investigation
Staff have submitted to the Colorado Bridge Replacement and Historic Preservation programs our interest to further investigate the reuse of the Dolores bridge in the current Bellm Bridge location. It is unknow if this will be a viable alternative, however it remains worth investigating. We remain hopeful the grant committee also sees this as a benefit worth funding.

Minturn Seniors Lunch & Bingo
Our office staff visited the Minturn Seniors Lunch on Friday, November 22nd at the Vail Ski and Snowboard Academy. Thirteen rounds of bingo were played, a lovely lunch was served and then cake was enjoyed by all for a birthday celebration. Council members are encouraged to schedule time at an upcoming senior's lunch as the experience is invaluable.

DOLA Grant – Retaining Wall Repairs/Playground Equipment Match
The request has been submitted to match the retaining wall repair funds with funds to replace the playground equipment. Once the Town receives this approval, staff will coordinate a community feedback session on the kind of playground equipment Minturn youth would like to have installed. More to come.

Railroad Ave Pedestrian Safety Improvements
With the PUC approval for the Railroad Ave Pedestrian improvements, staff will create the RFP and plan to go to Ad by mid-winter in preparation for a spring construction start date.

Taylor St Neighborhood Meeting
Inter-Mountain Engineering has completed the survey work for Taylor Street. With this in hand, staff would like to hold a neighborhood meeting with Taylor Street residents, preferable on-site if weather

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permits, to review the feedback received during the last Taylor St paving discussion. We would like to correlate the feedback received with the surveyed topography and on-site inspections to ensure we're making as many needed improvements as the budget will allow. More information to follow about a date/time for the neighborhood meeting.

Community Energy Efficiency Program

Minturn supports the Community Energy Efficiency Program operated by Walking Mountains Science Center. Currently, the Town pays $2500 annually administratively to manage the program and market the rebates for Minturn residents. Attached is a copy of the program use and costs to date. As you will see, Minturn is paying more in program administration costs than toward providing residents with rebates. With this in mind, Minturn will bring the administration of the community rebates offered in-house so as to save the $2500 annual cost but still allow for the full use of the program by Minturn residents.

OFFICE OF THE SHERIFF ★ Eagle County, Colorado

James Van Beek, Sheriff

For: Town of Minturn

Proposal: License Plate Readers to be purchased and placed within the Town of Minturn.

Summary: This proposal recommends that the Town of Minturn invest in License Plate Reader (LPR) technology to enhance public safety, improve law enforcement efficiency, and support community security initiatives. LPR systems are an advanced technological tool that captures and processes license plate information of passing vehicles. These systems detect stolen vehicles, identify vehicles involved in crimes, and provide data to assist with investigations. With Minturn's unique location as a gateway to both residential and recreational traffic, LPRs will bolster public safety efforts, support crime prevention, and help protect residents and visitors alike. In real-time, LPRs can notify our Deputies of stolen vehicles and vehicles related to criminal activities, including theft, drug trafficking, and hit-and-run accidents.

The Eagle County Sheriff's Office currently manages four License Plate Readers in the Town of Gypsum, which have proven to be highly effective in enhancing public safety and solving crimes. These cameras have played a critical role in several investigations, enabling the swift identification of suspect vehicles and assisting in recovering stolen vehicles. Their deployment has also successfully resolved other cases the Eagle County Sheriff’s Office investigated. The success in Gypsum demonstrates the tangible benefits of LPR technology and highlights its potential for similar outcomes in the Town of Minturn. By adopting LPRs, Minturn can leverage this proven tool to enhance law enforcement capabilities and safeguard the community.

Motorola Solutions has been identified as the vendor for this project, offering their advanced LQ6 model cameras at a cost of $6,969.96 per unit. These cameras are designed for quick deployment, ensuring that they can be installed efficiently at key locations throughout the Town of Minturn. The Eagle County Sheriff's Office will oversee the installation and maintenance of these cameras, ensuring they remain operational and effective throughout their five-year lifecycle. This partnership ensures seamless integration of the LPR system with existing Eagle County Sheriff’s Office operations, providing Minturn with a reliable and expertly managed public safety solution.

Thank you

Deputy Jordan Harrison #1405

P.O. Box 359 • 0885 E. Chambers Ave. • Eagle, CO 81631
(970) 328-8500 • Fax: (970) 328-1448
info@sheriff.eagle.co.us

EAGLE COUNTY SHERIFFS OFFICE

11/27/2024

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MOTOROLA SOLUTIONS

QUOTE 2913632

11/27/2024

EAGLE COUNTY SHERIFFS OFFICE
0885 E CHAMBERS AVE
EAGLE, CO 81631

Dear Jordan Harrison,

Motorola Solutions is pleased to present EAGLE COUNTY SHERIFFS OFFICE with this quote for quality communications equipment and services. The development of this quote provided us the opportunity to evaluate your requirements and propose a solution to best fulfill your communications needs.

This information is provided to assist you in your evaluation process. Our goal is to provide EAGLE COUNTY SHERIFFS OFFICE with the best products and services available in the communications industry. Please direct any questions to Matthew Goss at Matt.GOSS@motorolasolutions.com.

We thank you for the opportunity to provide you with premier communications and look forward to your review and feedback regarding this quote.

Sincerely,

Matthew Goss

MOTOROLA SOLUTIONS

QUOTE-2915632

Billing Address:
EAGLE COUNTY SHERIFFS OFFICE
0885 E CHAMBERS AVE
EAGLE, CO 81631
US

Quote Date:11/27/2024
Expiration Date:02/25/2025
Quote Created By:
Matthew Goss
Matt.GOSS@motorolasolutions.com

End Customer:
EAGLE COUNTY SHERIFFS OFFICE
Jordan Harrison
jordan.harrison@eaglecounty.us
9703767011

Summary:

Any sales transaction resulting from Motorola's quote is based on and subject to the applicable Motorola Standard Terms and Conditions, notwithstanding terms and conditions on purchase orders or other Customer ordering documents. Motorola Standard Terms and Conditions are found at www.motorolasolutions.com/product-terms.

Line #	Item Number	Description	Qty	Term	List Price	Sale Price	Ext. Sale Price
	L6Q Quick-Deploy System Purchase						
1	VSB-60-900	KIT, L6Q AND SOLAR PANEL CAT 1	2		$6,495.00	$6,495.00	$12,990.00
2	VS-DLF-01	DEVICE LICENSE FEE	2	5 YEARS	$2,374.80	$2,374.80	$4,749.60
3	CDFS-L6Q-HWW-01	FIXED L6Q CAMERA SYSTEM EXTENDED HARDWARE WARRANTY - VALID FROM STANDARD WARRANTY EXPIRATION	2	5 YEARS	$1,399.80	$1,399.80	$2,799.60
4	LSV07S04314A	LPR REMOTE MONITORING	2	5 YEARS	$364.80	$364.80	$729.60

Grand Total $21,268.80(USD)

Notes:

- The Pricing Summary is a breakdown of costs and does not reflect the frequency at which you will be invoiced.

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Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800

- Unless otherwise noted, this quote excludes sales tax or other applicable taxes (such as Goods and Services Tax, sales tax, Value Added Tax and other taxes of a similar nature). Any tax the customer is subject to will be added to invoices.

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Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800

MOTOROLA SOLUTIONS

QUOTE-2915632

L6Q CAMERA SYSTEM SOLUTION DESCRIPTION

L6Q CAMERA SYSTEM

The L6Q camera system revolutionizes license plate recognition (LPR) technology with its sophisticated capabilities, streamlined design, and consumer-grade installation process. This innovative system is ideal for law enforcement agencies and businesses seeking to enhance security through efficient and effective LPR. The L6Q seamlessly integrates with our backend software, VehicleManager or ClientPortal, to offer a comprehensive solution for building or supplementing a camera network, ensuring the safety and security of the communities they serve.

Key Features and Benefits:

- **Easy Install Out-of-Box**: The L6Q's user-friendly design, convenient carry case, and intuitive out-of-box workflow enable one-person installation and activation in minutes, using a smartphone for ultimate ease.
- **Precise Data Collection**: Configure the L6Q to capture vehicles moving at specific speeds and directions. It collects detailed information beyond license plates, including vehicle make, model, color, and speed, even in low-light conditions, enhancing investigative capabilities.
- **Versatile Power Options**: The L6Q operates anywhere with solar, AC/DC, Pole Tap, and internal battery options. It's built to withstand weather conditions and rated to IP67.
- **Amplified Insight & Awareness**: Beyond license plate data, the L6Q has advanced software for managing hot lists, alerts, searches, and patented analytics. Agencies control data retention and sharing, ensuring security and compliance.
- **App-Based Configuration & Activation**: Use the Mobile Companion app on Android or iOS for quick on-site setup. Scan the camera's QR code for guided configuration, including live video-enabled aiming and adjustable image capture regions for improved accuracy.
- **Advanced Night Vision**: Equipped with long-range infrared (IR) illumination and a starlight sensor, the L6Q can scan vehicles even in total darkness, ensuring round-the-clock operation.
- **Tamper-Proof Design**: The L6Q is built to be physically secure with a tamper-proof shroud, easily customized to blend with various environments.

Deploy the L6Q to enhance your LPR capabilities with a system designed for ease of use, versatility, and advanced data insights.

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LICENSE PLATE RECOGNITION TECHNOLOGY STATEMENT OF WORK

OVERVIEW

This Statement of Work (SOW) outlines the responsibilities of Motorola Solutions, Inc. (Motorola) and the Customer for the implementation of fixed or mobile License Plate Recognition (LPR) technology(s) and your License Plate Recognition Technology solution, if Deployment or Installation Services are purchased as part of the Contract. For the purpose of this SOW, the term “Motorola” may refer to our affiliates, subcontractors, or certified third-party partners. A third-party partner(s) (Motorola-certified installer) will work on Motorola’s behalf to install your License Plate Recognition Technology system(s) (if applicable).

This SOW addresses the responsibilities of Motorola and the Customer that are relevant to the implementation of the hardware and software components listed in the Solutions Description. Any changes or deviations from this SOW must be mutually agreed upon by Motorola and the Customer and will be addressed in accordance with the change provisions of the Contract. The Customer acknowledges any changes or deviations from this SOW may incur additional cost.

Motorola and the Customer will work to complete their respective responsibilities in accordance with the Project Schedule. Any changes to the Project Schedule must be mutually agreed upon by both parties in accordance with the change provisions of the Contract.

Unless specifically stated, Motorola will perform the work remotely. The Customer will provide Motorola personnel with access to their network and facilities so Motorola is able to fulfill its obligations. The Customer is responsible for acquisition and use of a remote access tool that complies with the regulations controlling use of the remote access tool. All work will be performed during normal business hours based on the Customer’s time zone (Monday through Friday from 8:00 a.m. to 5:00 p.m.).

The number and type of software subscription licenses, products, or services provided by Motorola are specifically listed in the Contract and referenced in the SOW. Services provided under this SOW are governed by the mutually executed Contract between the parties, or Motorola’s Master Customer Agreement and applicable addenda (“Contract”).

AWARD, ADMINISTRATION, AND PROJECT INITIATION

Project Initiation and Planning will begin following the execution of the Contract between Motorola and the Customer. At the conclusion of Project Planning, Motorola’s Project Manager (PM) will begin status meetings and provide status reports on a regular cadence with the Customer’s PM. The status report will provide a summary of activities completed, activities planned, progress against the project schedule, items of concern requiring attention, as well as, potential project risks and agreed upon mitigation actions.

Motorola utilizes Google Meet as its teleconference tool. If the Customer desires to use an alternative teleconferencing tool, any costs incurred from the use of this alternate teleconferencing tool will be the responsibility of the Customer.

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FBI-CJIS SECURITY POLICY – CRIMINAL JUSTICE INFORMATION

CJIS Security Policy Compliance

Motorola does not believe our LPR and License Plate Recognition Technology offerings require compliance with the *FBI-CJIS Security Policy* (CJISSECPOL) based on the definition in Section 4 of CJISSECPOL and how the FBI-CJIS defines Criminal Justice Information. However, Motorola does design its products with the CJISSECPOL security controls as a guide. Motorola's LPR system design and features support best practice security controls and policy compliance. In the event of a CJIS technical audit request, Motorola will support the Customer throughout this process.

Personnel Security – Background Screening

Motorola will assist the Customer with completing the *CJIS Security Policy Section 5.12 Personnel Security* related to authorized personnel background screening when requested to do so by the Customer. Based on Section 5.12, a Motorola employee is defined as someone who is required to be on the Customer's property with unescorted access. Motorola employees will also have access to the Customer's network(s) and stored information. Motorola has remote access tools to support virtual escorted access to on-premises customer assets.

Additionally, Motorola performs independent criminal background investigations including name based background checks, credential and educational vetting, credit checks, U.S. citizen and authorized worker identity verification on its employees.

Motorola will support the Customer in the event of a CJIS audit request to validate employees assigned to the project requiring *CJIS Section 5.12 Personnel Security* screening and determine whether this list is up to date and accurate. Motorola will notify the Customer within 24 hours or next business day of a personnel status change.

Security Awareness Training

Motorola requires all employees who will support the Customer to undergo Level 3 Security Awareness Training provided by Peak Performance and their CJIS online training platform. If the Customer does not have access to these records, Motorola can facilitate proof of completion. If the Customer requires additional and/or separate training, Motorola will work with the Customer to accommodate this request at an additional cost.

CJIS Security Addendum

Motorola requires all employees directly supporting the Customer to sign the CJIS Security Addendum if required to do so by the Customer.

Third Party Installer

The Motorola-certified third party installer will work independently with the Customer to complete the Section 5.12 Personnel Security checks, complete Security Awareness Training and execute the CJIS Security Addendum.

COMPLETION CRITERIA

The project is considered complete once Motorola has completed all responsibilities listed in this SOW. The Customer's task completion will occur based on the Project Schedule to ensure Motorola is able to complete all tasks without delays. Motorola will not be held liable for project delays due to incomplete Customer tasks.

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The Customer must provide Motorola with written notification if they do not accept the completion of Motorola responsibilities. Written notification must be provided to Motorola within ten (10) business days of task completion. The project will be deemed accepted if no written notification is received within ten (10) business days.

In the absence of written notification for non-acceptance, beneficial use will occur thirty (30) days after functional demonstration of the system.

SUBSCRIPTION SERVICE PERIOD

If the contracted system includes a subscription, the subscription service period will begin upon the Customer's receipt of credentials for access. The provision and use of the subscription service is governed by the Contract.

PROJECT ROLES AND RESPONSIBILITIES OVERVIEW

Motorola Project Roles and Responsibilities (if applicable)

The Motorola Project Team will be assigned to the project under the direction of the Motorola Project Manager. Each team member will be engaged in different phases of the project as necessary. Some team members will be multi-disciplinary and may fulfill more than one role.

In order to maximize effectiveness, the Motorola Project Team will provide various services remotely by teleconference, web-conference, or other remote method in order to fulfill our commitments as outlined in this SOW.

Our experience has shown customers who take an active role in the operational and educational process of their system realize user adoption sooner and achieve higher levels of success with system operation. The subsections below provide an overview of each Motorola Project Team Member.

Project Manager (PM)

The PM will be the principal business representative and point of contact for Motorola. The PM's responsibilities may include but are not limited to:

- Manage Motorola responsibilities related to the delivery of the project.
- Maintain the Project Schedule, and manage assigned Motorola personnel, subcontractors, and suppliers as applicable.
- Coordinate schedules of assigned Motorola personnel, subcontractors, and suppliers as applicable.
- Maintain project communications with the Customer.
- Identify and manage project risks.
- Coordinate collaboration of Customer resources to minimize project delays.
- Evaluate project status against Project Schedule.
- Conduct status meetings on mutually agreed upon dates to discuss project status.
- Provide timely responses to Customer inquiries and issues related to project progress.
- Conduct status calls with the Customer throughout the Project up to and including Go-Live.

System Technologist

The System Technologist (ST) will work with the Customer's Project Team on:

- Camera programing
- Camera alignment

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- Licensed Software Training
- Develop and submit Start Up and Commissioning Sign Off (SSU&C)

Technical Trainer / Instructor

The Technical Trainer / Instructor provides training in accordance with the Training Plan provided to the Customer.

Motorola-Certified Installer

The Motorola-certified installer is primarily responsible for installing in-car and fixed LPRs. There are specific requirements the 3rd party partner must meet in order to be considered a Motorola-certified installer, and they include (but are not limited to) the following:

Required Training

- SSU&C Onsite Training
  - Included Certification testing completed and passed
- Networking (must meet one of the following three requirements)
  - CompTia Network + Certification
  - Networking Degree in IT
  - Basic Networking RDS003
- ASE Certification for Mobile Installers
- Electrical Certification
  - Electrical Certification/Permitting
    - Low Voltage Certification
    - High Voltage Certification
- Equipment Certification
  - Bucket Truck Certification
  - Any applicable testing equipment certification

Other responsibilities the Motorola-certified installer may be involved in include the fixed and/or mobile installation of cellular routers, wired networks, poles, trenching, and conduit runs as well as the manufacturing and/or service of trailers. These activities will only be completed by Motorola if Motorola quotes these services; otherwise, the completion of these services are solely the responsibility of the Customer.

Customer Support and Services Team

The Customer Support and Services Team will provide on-going support to the Customer following Go-Live and final acceptance of the project.

Customer Project Roles and Responsibilities (if applicable)

Motorola has defined key resources that are critical to this project and must participate in all the activities defined in this SOW. During the Project Planning phase, the Customer will be required to provide names and contact information for the roles listed below. It is critical that these resources are empowered to make decisions based on the Customer's operational and administration needs. The Customer Project Team will be engaged from Project Initiation through Beneficial Use of the system. In the event the Customer is unable to provide the resources identified in this section, Motorola may be able to supplement these resources at an additional cost.

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Project Manager

The PM will act as the primary point of contact for the duration of the project. In the event the project involves multiple locations, Motorola will work exclusively with the Customer's primary PM. The PM's responsibilities will include, but are not limited to:

- Communicate and coordinate with other project participants.
- Manage the Customer Project Team including subcontractors and third-party vendors. This includes timely facilitation of tasks and activities.
- Maintain project communications with the Motorola PM.
- Identify tasks required of Customer staff that are outlined in this SOW and the Project Schedule.
- Consolidate all project inquiries from Customer staff to present to Motorola PM.
- Approve a deployment date offered by Motorola.
- Review Project Schedule with the Motorola PM and finalize tasks, dates, and responsibilities.
- Measure and evaluate progress against the Project Schedule.
- Monitor project to ensure resources are available as required.
- Attend status meetings.
- Provide timely responses to issues related to project progress.
- Liaise and coordinate with other agencies, Customer vendors, contractors, and common carriers.
- Review and administer change control procedures, hardware and software certification, and all related project tasks required to meet the deployment date.
- Ensure Customer vendors' readiness ahead of the deployment date.
- Assign one or more personnel to work with Motorola staff as needed for the duration of the project, including one or more representatives from the IT department.
- Identify a resource with authority to formally acknowledge and approve milestone recognition certificates, as well as, approve and release payments in a timely manner.
- Provide Motorola personnel with access to all Customer facilities where system equipment is to be installed. Temporary identification cards are to be issued to Motorola personnel, if required for access.
- Ensure remote network connectivity and access for Motorola resources, if applicable to the solution.
- Assume responsibility for all fees pertaining to licenses, permits, inspections and any delays associated with inspections due to required permits as applicable to this project.
- Provide reasonable care to prevent equipment exposure from contaminants that may cause damage to the equipment or interruption of service.
- Ensure a safe working environment for Motorola personnel.
- Identify and manage project risks.
- Provide signature(s) of Motorola-provided milestone recognition certificate(s) within ten (10) business days of receipt.

IT Support

IT Support manages the technical efforts and ongoing activities of the Customer's system. IT Support will be responsible for managing Customer provisioning and providing Motorola with the required information for LAN, WAN, server and client infrastructure.

The IT Support Team responsibilities include but are not limited to:

- Participate in delivery and training activities to understand the software and functionality of the system.
- Participate with Customer Subject Matter Experts (SMEs) during the provisioning process and associated training.

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- Authorize global provisioning decisions and be the Point of Contact (POC) for reporting and verifying problems.
- Monitor firmware updates
- Implement changes to Customer infrastructure in support of the proposed system.

Agency Manager

The Agency Manager will act as the primary POC upon project completion.

- Push internal requests for updates through appropriate channels
- Monitor all firmware updates and all other security measures for physical hardware as required by the Customer internal policies
- Administer users
- Audit reports
- Manage Hotlist and Hotlist functionality
- Attend Agency Manager training
- Oversee or act as the training POC
- Ensure all Authorized Users are aware of usage restrictions and any applicable terms related to the use of the LPR System
- Controls appropriate use and data storage policies as well as procedures for the data maintained outside the LPR system. This includes when any information is disseminated, extracted or exported out of the LPR system
- Controls and is responsible for developing the policies, procedures, and enforcement for applying deletion/purging and dissemination rules to information within and outside of the LPR system.
- Ensure data and system protection strategies are accomplished through the tools provided by Motorola for account and user management features along with audit and alert threshold features.

Subject Matter Experts (SMEs)

SMEs are a core group of users involved with the analysis, training and implementation process. The SMEs should be experienced users in their own respective field (evidence, dispatch, patrol, etc.) and should be empowered by the Customer to make decisions based on workflows and department policies related to the proposed system.

General Customer Responsibilities (If Applicable)

In addition to the Customer responsibilities listed above, the Customer is responsible for the following:

- Customer Site. If the Solution is to be installed at a Customer location (“Site”), the Solution will only be installed and/or evaluated at the Customer sites identified.
- Customer will be responsible for providing all necessary permits, licenses, and other approvals necessary for the installation and use of the Products and the performance of the Services at each applicable Site, including for Motorola to perform its obligations hereunder, and for facilitating Motorola’s access to the Sites. This includes, but is not limited to providing a traffic safety plan to facilitate the safe deployment of all Equipment that is installed on, over, or near Sites with active roadways. No waivers of liability will be imposed on Motorola or its subcontractors by Customer or others at Customer facilities or other Sites, but if and to the extent any such waivers are imposed, the Parties agree such waivers are void. The Equipment used for the Services will only be located at such site.
- If the Solution is to be accessed remotely, Customer will only access Solution in the manner described by Solution documentation or as otherwise instructed by Motorola.

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- Site Conditions and Issues. Customer will ensure that (a) all Sites are safe and secure, (b) Site conditions meet all applicable industry and legal standards (including standards promulgated by OSHA or other governmental or regulatory bodies), (c) to the extent applicable, Sites have adequate physical space, air conditioning, and other environmental conditions, electrical power outlets, distribution, equipment, connections, and telephone or other communication lines (including modem access and interfacing networking capabilities), and (d) Sites are suitable for the installation, use, and maintenance of the Products and Services. This Agreement is predicated upon normal soil conditions as defined by the version of E.I.A. standard RS-222 in effect on the Effective Date.
- All costs associated with permitting.
- Supply a proper power source to all Motorola Solutions provided equipment.
- Provide ALL points of attachment for hardware that include fixed LPR Cameras and associated equipment and ensuring all equipment is attached in accordance with local policies and codes.
- Supply any new infrastructure required to mount or attach the Motorola Solutions hardware to.
- Trenching as required for the purpose of running electrical power
- All poles and existing infrastructure that are not being purchased from Motorola as part of the LPR solution.
- All Utility locates needed for impacted areas.
- Providing the communications point of attachment for each site.
- When cellular service is used as the point of connection, customer is responsible for providing cellular service and SIM cards if they are not being purchased from Motorola as part of the LPR solution.
- All Customer-provided equipment, including third-party hardware and software needed for the proposed system but not listed as a Motorola deliverable. Examples include end user workstations, network equipment, etc.
- Configure, test, and maintain third-party system(s) that will interface with the proposed system.
- Establish an Application Programming Interface (API) for applicable third-party system(s) and provide documentation that describes the integration to the Motorola system.
- All work is to be performed by Motorola-certified installers. The Customer is responsible for work performed by non-certified installers.
- Upgrades to Customer's existing system(s) in order to support the proposed system.
- Mitigate the impact of upgrading Customer third-party system(s) that will integrate with the proposed system. Motorola strongly recommends working with the Motorola Project Team to understand the impact of such upgrades prior to taking action.
- Electronic versions of any documentation associated with business processes identified.
- Ability to participate in remote project meetings using Google Meet or a mutually agreed upon Customer-provided remote conferencing tool.
- Manage the Hotlist in accordance with the rules and regulations of the Customers State.

Motorola is not responsible for any delays that arise from Customer's failure to perform the responsibilities outlined in this SOW or delays caused by Customer's third-party vendor(s) or subcontractor(s).

NETWORK AND HARDWARE REQUIREMENTS

The following requirements must be met by the Customer prior to Motorola installing the proposed system:

- Provide network connectivity for the transfer and exchange of data for the proposed system.
- Provide remote access for Motorola personnel to configure the system and conduct diagnostics.
- Provide Internet access to fixed and mobile equipment.
- Provide devices such as workstations, tablets, and smartphones with Internet access for system usage. Chrome is the recommended browser for optimal performance. The workstations must support MS Windows 11 Enterprise.

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- Provide and install antivirus software for workstation(s).
- Provide Motorola with administrative rights to Active Directory for the purpose of installation, configuration, and support (if applicable).
- Ensure required traffic is routed through Customer's firewall.

Motorola is not responsible for any costs or delays that arise from Customer's failure to meet network and hardware requirements.

PROJECT PLANNING

A clear understanding of the needs and expectations of Motorola and the Customer is critical to fostering a collaborative environment of trust and mutual respect. Project Planning requires the gathering of specific information to set clear project expectations and guidelines, as well as lay the foundation for a successful implementation.

Project Planning Session (if applicable)

A Project Planning Session will be scheduled after the Contract has been executed. The Project Planning Session is an opportunity for the Motorola and Customer PM to meet prior to the Project Kickoff Meeting and review key elements of the project and expectations. Depending on the items purchased, the agenda will typically include:

- A high level review of the following project elements:
  - Contract documents.
  - A summary of contracted applications and hardware as purchased.
  - Customer's involvement in project activities to confirm understanding of scope and required time commitments.
  - A high level Project Schedule with milestones and dates.
- Confirm CJIS background investigations and fingerprint requirements for Motorola employees and/or subcontractors.
- Confirm Customer location for Motorola to ship their equipment for installation.

Motorola Responsibilities

- Schedule the remote Project Planning Session.
- Request the assignment of Customer Project Team and any additional Customer resources that are instrumental to the project's success.
- Provide the initial Project Schedule.
- Baseline the Project Schedule.
- Review Motorola's delivery approach.
- Document mutually agreed upon Project Kickoff Meeting Agenda.
- Request user information required to establish the Customer in associated training portals.

Customer Responsibilities

- Identify Customer Project Team and any additional Customer resources that are instrumental to the project's success.
- Acknowledge the mutually agreed upon Project Kickoff Meeting Agenda.
- Provide approval to proceed with the Project Kickoff Meeting.

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Motorola Deliverables

- Project Kickoff Meeting Agenda.

Project Kickoff (if applicable)

Motorola will work with the Customer to understand the impact of introducing a new solution and the preparedness needed for a successful implementation.

Note – The Detail Design Review (DDR), if applicable, is completed during the pre-sales process and normally completed prior to Contract award. Delay in the DDR review may impact the project schedule. Motorola will not be responsible for additional costs or delays incurred for Customer requested changes to the DDR.

Motorola Responsibilities

- Review Contract documents including project delivery requirements as described in this SOW.
- Discuss the deployment start date and deliver the Deployment Checklist.
- Discuss Mobile LPR equipment installation activities and responsibilities.
- Discuss Fixed LPR installation activities and responsibilities.
- Discuss project team participants and their role(s) in the project with fulfilling the obligations of this SOW.
- Review resource and scheduling requirements.
- Review the DDR, arranging for additional meeting for review as needed
- Review the Credentials Form
- Discuss Motorola remote system access requirements (24-hour access to a secured two-way Internet connection through the Customer's firewall for the purpose of deployment and maintenance).
- Complete all necessary documentation (i.e. fingerprints, background checks, card keys, etc.) required for Motorola resources to gain access to Customer facilities.
- Discuss the Training Plan.
- Review and agree on completion criteria and the process for transitioning to support.

Customer Responsibilities

- Provide feedback on project delivery requirements.
- Review the Deployment Checklist.
- Review the roles of project participants to identify decision-making authority.
- Grant Motorola Support access in the License Plate Recognition Technology program
- Validate non-disclosure agreements, approvals, and other related items are complete (if applicable).
- Provide all documentation (i.e. fingerprints, background checks, card keys, etc.) required for Motorola resources to gain access to Customer facilities.

Motorola Deliverables

- Project Kickoff Meeting Minutes
- Deployment Checklist

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PROJECT EXECUTION

Hardware Procurement and Installation (if applicable)

Motorola will procure contracted hardware as part of the ordering process. The Customer is responsible for providing an installation environment that meets manufacturer's specifications for the hardware, which includes but is not limited to:

- Power
- Heating and Cooling
- Network Connectivity
- Access and Security
- Conduit and Cabling

Motorola Responsibilities

- Procure contracted equipment and ship to the Customer's designated location.
- Verify remote connection to hardware.
- The installer will be responsible for installing all Motorola provided hardware.
- Installer will utilize a certified electrician when wiring power to equipment.
- Verify whether the hardware is properly installed, connected to the network, and positioned to capture license plate data. (if applicable).
- Create a Trip Report outlining the activities completed during configuration and testing of system hardware.

Customer Responsibilities (if applicable)

- Provide Motorola with the correct IP address(es) for configuration
- Ensure the Customer's network is operational.
- Inventory LPR equipment after arrival at Customer location.
- Procure Customer-provided equipment and make it available at the installation location.
- Install backend server in Customer's designated area (if applicable).
- Confirm the server room complies with environmental requirements (i.e. power, uninterruptible power, surge protection, heating/cooling, etc.)(if applicable).
- Verify the server is connected to the Customer's network and installed for use.(if applicable)
- Conduct a power-on test to validate the installed hardware and software are ready for configuration.
- Provide, install, and maintain antivirus software for server(s) and/or workstation(s).
- Enable outgoing network connection (external firewall) to License Plate Recognition Technology
- Install Customer-supplied Access Points (if applicable).
- Verify all equipment directly connected to power is properly installed and connected to the network (if applicable).
- For remote deployments, the Customer is responsible for verifying all equipment is connected to their network
- Confirm access to installed software on Customer-provided workstation(s).

Motorola Deliverables

- Contracted Equipment

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Mobile LPR Camera System (If Applicable)

The Motorola-certified installer will complete the installation of the Mobile LPR system(s) within the Customer-provided vehicle(s) or selected location. The installer may also be responsible for installing cellular routers or Wi-Fi radios inside the vehicle(s) for wireless upload of video and images.

The Customer vehicles must be available for the ST to complete the configuration and testing of the contractual number of Mobile LPR cameras. If the Customer does not have all vehicles available during the agreed upon date and time, the Customer may opt to sign-off on the number of Mobile configurations completed. If the Customer requires the ST to complete the full contractual number of Mobile LPR Cameras at a later date and time, additional cost may be incurred.

Note – The Pricing Page will reflect the Mobile LPR installation services by Motorola if Motorola is responsible for the installations.

Motorola Responsibilities

- Setup server for Mobile LPR digital video recorder (DVR) configuration.
- Create configuration USB used to complete Mobile LPR hardware configuration and validation.
- Travel to the Customer site to conduct configuration and testing of Mobile LPRs.
- Complete Mobile LPR configuration on a single vehicle, and validate the configuration with the Customer.
- Point and aim the Mobile LPR camera for image capturing.
- Install Licensed Software on Customer-provided mobile data terminal (MDT)
- Configure MDT Netowrk Card
- Enable AI in Video Manager
- Configure NetMotion (if applicable)
- Receive Customer approval to proceed with remaining Mobile LPR configurations.
- Complete remaining contracted vehicle configurations.
- Test a subset of completed Mobile LPR hardware configurations.
- For Motorola-certified installer, complete the installation of cellular router and confirm placement of antenna mounting with Customer (if applicable).
- The Motorola-certified installer will install Customer-provided SIM card into cellular router and connect cellular router to the Mobile LPR (if applicable).

Customer Responsibilities

- Provide Motorola with remote connection and access credentials to complete Mobile LPR hardware configuration.
- Notify Motorola of the vehicle installation location.
- Coordinate and schedule date and time for Mobile LPR hardware configuration(s).
- Make Mobile LPR hardware available to Motorola for configuration and testing in accordance with the Project Schedule.
- Provide cellular SIM Card for Internet connectivity to the installer at time of installation.

Motorola Deliverables

- Complete Configuration and camera aiming as it applies to the proposed solution.

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Fixed LPR Camera System Configuration (If Applicable)

The Motorola-certified installer will complete the installation of the Fixed LPR system(s) within the Customers designated locations. The installer may also be responsible for installing cellular routers or Wi-Fi radios for wireless upload of video and images. In the instance where Customer has purchased a self-deploy or quick-deploy camera without deployment or installation, the below Motorola responsibilities will be absorbed by the Customer.

Motorola Responsibilities

- Review preliminary plans for installation
- Verify with customer that proper permits and authorizations have been obtained
- Identify installation locations (pole or infrastructure asset) on which to install the Fixed LPR camera
- Motorola-certified installer will install the Fixed LPR camera
- Point and aim the Fixed LPR camera for image capturing
- Install License Plate Recognition Technology Software

Customer Responsibilities

- Approve installation locations
- Obtain necessary permits and authorizations
- Provide power to installation locations
- Provide any required trenching
- Coordinate with local utility companies in the case of any interrupted service requests or instances

NOTE - The Customer is responsible for having all vehicles and devices available for installation per the Project Schedule. All cellular data fees and Internet connectivity charges are the responsibility of the Customer. When cellular service is used as the point of connection, customer is responsible for providing cellular service, and SIM cards if they are not being purchased from Motorola as part of the LPR solution. If a Motorola-certified installer is not used for installation, Motorola is not responsible for any errors in hardware installation, performance or delays in the Project Schedule. In the event the Customer takes on the responsibility of installing LPR cameras through a Motorola-certified installer, Motorola is also not responsible for any errors in hardware installation, performance or delays in the Project Schedule. For in-car LPR installations, an MDT is required for all vehicles (if applicable).

Automatic License Plate Recognition (ALPR) Commissioning (If Applicable)

This section highlights the responsibilities of Motorola and the Customer when a Motorola In-Car Video (ICV) system interfaces with the LPR database.

Motorola Responsibilities

- Create a Customer account in the LPR data system with authorized user emails.
- Verify License Plate Recognition Technology software has been installed and launched per the Quickstart Guide.
- Provide Mobile LPR - Officer Safety Basic and Advanced Pre-Installation Checklist.
- Provide Agency Manager with Training Materials and Licensed Software MDT installation guide.
- Advise Agency Manager of different options available to add new users.
- Confirm Agency Manager is aware of registration required for Hotlists.
- Confirm Agency Manager understands how to set up data-sharing.

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Customer Responsibilities

- Identify the Agency Manager.
- Register to receive access to Hotlists.

SOFTWARE INSTALLATION AND CONFIGURATION (IF APPLICABLE)

Motorola will install LPR software on a specified number of workstations. The Customer will be responsible for installing the software on the remaining workstations.

Licensed Software for the Mobile LPR Solution

Licensed Software is used in conjunction with Mobile LPR cameras. Installation consists of the following activities:

- Network discovery.
- Operating system and software installation.
- Onboarding user / system identity set up.
- Provide user access to the application.

License Plate Recognition Technology

License Plate Recognition Technology software is a cloud solution that does not require an onsite server and supports the full LPR Solution.

Motorola Responsibilities

- Based on Customer feedback, perform the following activities:
  - Create users, groups, and permissions.
- Test to ensure software is accessible to the Customer

Customer Responsibilities

- Verify traffic can be routed through Customer's firewall and reaches end user workstations.

CloudConnect Installation and Configuration (applicable for CommandCentral Aware purchase)

Motorola Responsibilities

- Verify remote access capability.
- Remotely configure CloudConnect Virtual Machine within the Cloud Anchor Server.
- Configure network connectivity and test connection to the CloudConnect Virtual Machine.
- Create an IPSEC tunnel.
- Provide Customer with the information for setting up the IPSEC tunnel.

Customer Responsibilities

- Provide Motorola with two static IP addresses, corresponding subnet masks/default gateway, and available NTP and DNS IP for the CloudConnect Virtual Machine and the Cloud Anchor Server.
- Confirm with Motorola the network performance requirements are met.
- Configure firewall to allow traffic from IPSEC tunnel.

Completion Criteria

- CloudConnect Virtual Machine configuration is complete and accessible throughout the network.

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CommandCentral Evidence (if applicable)

Motorola will work with the Customer to determine best industry practices, current operations environment, and subsystem integration to ensure optimal configuration of your CommandCentral Evidence solution.

Motorola Responsibilities

- Use the CommandCentral Admin Portal to provision users, groups, and rules based on Customer Active Directory data.
- Guide the Customer in the configuration of CommandCentral Evidence.

Customer Responsibilities

- Supply access and credentials to Customer's Active Directory for the purpose of Motorola conducting CommandCentral Evidence provisioning.
- Respond to Motorola's inquiries regarding users, groups and agency mapping to CommandCentral Evidence.
- Provision policies, procedures, and user permissions.
- Configure evidence as directed by Motorola.

Third-Party Interfaces (if applicable)

The integration between Motorola's LPR system and the Customer's third-party system may consist of an iterative series of activities depending on the complexity of accessing the third-party system. Interfaces will be installed and configured in accordance with the Project Schedule. The Customer is responsible for engaging third-party vendors as required to facilitate connectivity and testing of the interface(s).

Motorola Responsibilities

Develop and configure interface(s) to support the functionality described in the Solution Description.

Establish and validate connectivity between Motorola and third-party systems.

Perform functional demonstration to confirm the interface(s) can transmit and receive data to the Customer's digital evidence management system.

Customer Responsibilities

- Act as liaison between Motorola and third-party vendor(s) as required to establish connectivity to the LPR system.
- Provide personnel authorized to make changes to the network and third-party systems to support Motorola's integration efforts.
- Provide network connectivity between the LPR and the third-party system(s).
- Provide information on API, SDKs, data scheme, and any documentation necessary to establish interfaces with all local and remote systems. This information should be provided to the Motorola PM within ten (10) business days of the Interface Engagement Meeting.

NOTE - At the time of initial design, unknown circumstances, requirements or anomalies may present difficulties with interfacing Motorola products to a third-party application. These difficulties could result in a poorly performing or a non-functional interface. By providing Motorola with this information early in the deployment process, will put us in the best position to mitigate these potential issues. If the resolution requires additional third-party integration, application upgrades, APIs, and/or additional software licenses, the Customer is responsible for addressing these issues at their cost. Motorola is not responsible for any delays or costs associated with third-party applications or

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Customer-provided third-party hardware or software. All APIs provided by Motorola or integrations with third-party software are provided AS IS. Motorola is not liable for any claims or damages associated with third party applications, or Customer-provided third party hardware or software.

SYSTEM TRAINING

The objective of this section is to prepare for and deliver training. Motorola training consists of computer-based (online) and instructor-led (on-site or remote). Our training delivery methods will vary depending on course content. Training will be delivered in accordance with the Training Plan. As part of our training delivery, Motorola will provide user guides and training materials in an electronic format.

Online Training (if applicable)

Online training is made available to the Customer through LXP and/or Motorola vetted third party platforms.

Motorola Responsibilities

- Designate a LXP Administrator to work with the Customer (if applicable).
- Establish an accessible instance of LXP for the Customer (if applicable).
- Configure a Customer-specific portal view.
- Organize content to align with Customer's selected technologies.
- Create initial Customer user accounts and a single Primary Administrator account..
- Provide technical support for user account and access issues, LXP functionality, and Motorola managed content (if applicable).
- Provide instruction to Customer on building groups.
- Coordinate third party platform usage and additional course offerings

Customer Responsibilities

- Provide user information for the initial creation of accounts.
- Complete LXP Administrator training (if applicable).
- Ensure network and Internet connectivity for Customer access to training platforms.

Instructor-Led Training (On-Site and/or Remote, if applicable)

Instructor-led courses are based on products purchased and the Customer's Training Plan.

Motorola Responsibilities

- Deliver User Guides and training materials in an electronic format.
- Perform training in accordance with the provided Training Plan.
- Provide the Customer with training attendance rosters and summarize any pertinent information that may impact end user training.

Customer Responsibilities

- Supply classroom(s) with the required computer and audio-visual equipment for training.
- Designate training representatives who will work with the Motorola trainer(s) to deliver the training content.
- Facilitate training of all Customer end users in accordance with the Customer's Training Plan.

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Motorola Deliverables

- Electronic versions of User Guides and training materials.
- Attendance rosters.

PROJECT GO-LIVE, CLOSURE, AND HANDOVER TO SUPPORT

Motorola will utilize the Deployment Checklist throughout the deployment process to verify features and functionality are in line with installation and configuration requirements. The Customer will witness the ST demonstrating the Deployment Checklist and provide feedback as features and functionality are demonstrated. The Customer is considered Live on the system after the equipment has been installed, configured, and made available for use, and training has been delivered or made available to the Customer.

Upon the conclusion of Go-Live, the project is prepared for closure. Project closure is defined as the completion of tasks and the Customer's receipt of contracted components. The Deployment Checklist serves as the artifact that memorializes a project closure. A System Acceptance Certificate will be provided to the Customer for signature to formally close out the project. The Customer has ten (10) business days to provide Motorola with a signed System Acceptance Certificate. If the Customer does not sign off on this document or provide Motorola written notification rejecting project closure, the project will be deemed closed. Upon project closure, the Customer will engage with Technical Support for on-going needs in accordance with the Customer's specific terms and conditions of support.

Motorola Responsibilities

- Provide the Customer with Motorola Technical Support engagement process and contact information.
- Provide Technical Support with the contact information of Customer users who are authorized to engage Technical Support.
- Ensure Deployment Checklist is complete.
- Obtain Customer signature on the System Acceptance Certificate.
- Provide Customer survey upon closure of the project.

Customer Responsibilities

- Within ten (10) business days of receiving the System Acceptance Certificate, provide signatory approval signifying project closure.
- Provide Motorola with the contact information of users who are authorized to engage Motorola's Technical Support.
- Engage Technical Support as needed.

Motorola Completion Criteria

- Provide Customer with survey upon closure of the project.

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ASSUMPTIONS

This SOW is based on the following list of assumptions (if applicable):

- Customer is aware of and abiding by their States' laws, mandates and requirements in relation to the Hotlist
- Pole installations will be done on grassy/dirt/gravel areas or sites where excavation can easily be done with fstandard auger equipment.
- Site conditions meet all applicable industry and legal standards (including standards promulgated by OSHA or other governmental or regulatory bodies)
- Information provided and approved in the Presales DDR process was accurate

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MOTOROLA SOLUTIONS

QUOTE-2915632

LPR REMOTE MONITORING SERVICE

STATEMENT OF WORK

OVERVIEW

The Remote Monitoring service provides Motorola Solutions' Network Operations Center ("NOC") with operational status of Customer's LPR cameras, enabling the NOC to provide proactive technical support response to defined alerts from the Customer's camera system. When an actionable event takes place, it becomes an incident. Centralized Managed Support Operations ("CMSO") technologists acknowledge and assess these incidents, and initiate a defined response.

This Statement of Work ("SOW"), including all of its subsections and attachments, is an integral part of the applicable agreement and applicable addenda ("Agreement") between Motorola Solutions, Inc. ("Motorola Solutions") and the customer ("Customer"). All services provided under this SOW shall be governed by the terms of the Agreement.

DESCRIPTION OF SERVICE

This service is made up of two main components:

1. Upon initial purchase of this Service, Motorola Customer Representatives will onboard the Customer to receive service.
2. The alerts will be monitored and responded to by the NOC.

Alerts will be generated based on the health status of the camera. These alerts may be tied to events like a camera losing power or not recording detections after a defined period of time.

SCOPE

Remote Monitoring service will provide a response to detected health status alerts. The NOC will begin the standard troubleshooting process on the system directly and initiate the appropriate next steps.

MOTOROLA SOLUTIONS RESPONSIBILITIES

- Verify connectivity and event monitoring prior to system acceptance or start date of the Service.
- Once alerted, create an incident, as necessary. Gather information to perform the following:
  - Describe the event
  - Assign and track the incident to resolution (if applicable)
- Electronically transmit the Incident ticket to the Customer.
- Maintain communication as needed with the Customer in the field until incident resolution.
- Upon request, provide updates on incident resolution to the Customer.
- If the Customer would like to have an on-site technician dispatched, LPR Standard On-site Replacement is an optional solution available for purchase with associated fees.

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LIMITATIONS AND EXCLUSIONS

The following activities are outside the scope of the LPR Remote Monitoring service:

- Motorola Solutions will not monitor alerts from any elements outside of the Customer's identified LPR solution, or monitor infrastructure provided by a third party, unless specifically agreed upon in writing. Monitored elements must be within the Motorola LPR Solution and capable of sending alerts to the monitoring platform.
- Customer shall inform Motorola Solutions of any changes made to the Motorola Solutions System. Motorola Solutions is not responsible or liable for Services necessary due to such changes. Additional support charges above contracted service agreement fees may apply if Motorola Solutions determines that system faults were caused by the Customer or a third party making changes to the System without written approval from Motorola Solutions.
- Monitoring of network transport, such as WAN ports, WAN Cloud and redundant paths, unless provided by supplemental service outside this standard scope.
- On-site visits required to resolve technical issues that cannot be resolved by working remotely with the Customer's technical resource.
- System installations, hardware upgrades and expansions.
- Customer training.
- Hardware repair and/or replacement.
- Network security services.
- Information Assurance.
- Customer-provided or third-party equipment, services or software not provided by Motorola.

CUSTOMER RESPONSIBILITIES

- Provide internet connectivity for the camera(s) included in this service, unless otherwise provided as agreed upon by Motorola Solutions.
- Purchase camera licenses for any cameras covered by this service.
- Provide access to the camera as needed for troubleshooting efforts.
- Provide continuous utility service to any Motorola Solutions supported equipment installed or used at the Customer's premises to support delivery of the service. The Customer agrees to take reasonable due care to secure the Motorola Solutions supported equipment from theft or damage while on the Customer's premises.
- Prior to contract start date, provide Motorola Solutions with pre-defined information necessary to complete a Customer Support Plan (CSP), including:
  - Incident notification preferences and procedure
  - Repair verification preference and procedure
  - Database and escalation procedure forms
- Submit timely changes in any information previously supplied to Motorola Solutions and included in the CSP.
- Notify the CMSO when the Customer performs any activity that impacts the system. Activity that impacts the system may include, but is not limited to: installing software or hardware upgrades, performing upgrades to the network, renaming elements or devices within the network, moving (including installing/reinstalling/deinstalling) cameras, and taking down part of the system to perform maintenance. All such changes must be communicated through the opening of a Change ("CRQ) ticket with the NOC.
- Allow Motorola Solutions field service technician, if designated in the CSP, access to remove Motorola Solutions-owned monitoring equipment upon cancellation of service.

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- Provide Motorola Solutions with all Customer-managed passwords required to access the Customer's system upon request, when opening a request for service support, or when needed to enable response to a technical issue.
- Pay additional support charges above the contracted service agreements that may apply if it is determined that system faults were caused by the Customer or a third party making changes to the System without written approval from Motorola Solutions, or if Customer-provided network connectivity is not capable of supporting consistent heartbeat event transmission. Additional fees may be necessary to resolve an issue, based on the exclusions above.
- Cooperate with Motorola Solutions and perform reasonable or necessary acts to enable Motorola Solutions to provide these services.

RESPONSE TIMES

In the event of an incident, a ticket is opened. Motorola Solutions will provide an initial response during normal business hours: 8:00 a.m. to 5:00 p.m, Monday through Friday; excluding statutory (Federal and State) holidays, and excluding Customer-specific holidays when a Customer representative would not be available to collaborate with the CMSO Service Desk. Motorola's response time will be based on Customer's local time zone.

Upon ticket opening, the CMSO Service Desk and Technical Support will determine if a replacement camera and/or solar panel will be required to resolve the incident. Motorola will then notify Customer to request an advance replacement unit through their warranty coverage.

If On-site Standard Replacement has been purchased and meets requirements, the Customer will then notify the Service Desk upon receipt of the replacement unit. Motorola will aim to have a Field Service Technician arrive on-site within 8 hours of confirmation that Customer has received the replacement unit.

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Brochure

Do more than just detect

Build your license plate recognition program with purpose-built cameras & advanced software

MOTOROLA SOLUTIONS

To clear more cases you need more leads

Every day that passes, the chances of solving a case become slimmer and slimmer. Witnesses' memories fade and new cases get added to the pile with fresher evidence, clearer facts and better solvability ratings.

To avoid growing your case backlog your options are either solve cases quicker or, ensure they stay relevant with actionable information that you can act on quickly to keep the investigation moving forward.

License plate recognition (LPR) has been used for decades across the world by law enforcement agencies to help generate leads and close cases. LPR camera systems deployed in fixed, portable and mobile configurations take photos of vehicles and accurately extract license plate, make and model data with date, time and GPS. Detections can trigger real-time alerts to improve safety and productivity, but more importantly, can be searched and analyzed to uncover insights that aid investigations and inform future decisions.

Detect

Collect license plate, make, model, location date and time data from passing vehicles.

Analyze

Stored detection data can be searched and analyzed to generate actionable leads.

Respond

Detections of hot listed vehicles can notify users for an immediate response.

The most complete LPR solution available

From a wide range of available camera options and our best-in-class LPR algorithm, to patented search and analytics and broad alerting capabilities, we offer the tools required to build a successful LPR program.

We also provide unparalleled control over data retention and easy data sharing with agency partners to ensure you have the data you need to actually solve cases - hot or cold. And to ensure responsible use of LPR technology, our solutions are built to be compliant with industry security standards.

The broadest data capture portfolio

Industry-leading LPR algorithm

Robust alerts, searching & analytics

Complete data & system control

Built for secure, responsible use

Our camera portfolio

One size does not fit all

To be most effective with your LPR program you will need cameras that are designed for the results you want to achieve. This is why we provide various cameras, mobile applications and even LPR integrations for existing camera systems to help you collect the data that makes a difference.

Purpose-built LPR cameras

L5F

Deploy this high- performance fixed camera system on high-speed, high-traffic volume roadways to create a virtual fence around your jurisdiction.

L6Q

Fill the gaps in your network with this tactical, quick-deploy camera system option that is completely self-contained, portable and can run on battery or solar power.

L5M

Install this high-performance camera system on vehicles to provide 360° coverage for officers and keep them more informed. Also available in a trailer configuration.

Other cameras, apps & integrations

LinC

Get more return on your existing video investments with this over-the-top LPR integration that can be deployed in any architecture and on most cameras.

M500

Get the best of both worlds with this AI-enabled in-car video system that not only records evidentiary video, but is also equipped with LPR on the front-facing camera.

Mobile Companion

Take the benefits of LPR with you anywhere you go with this Android or iOS app that enables LPR data capture, search and analytics access and real-time alerting.

Why so many options?

Different use cases require different cameras. Each of our options help facilitate LPR data capture in the way that makes sense for your desired outcomes.

Looking to intercept vehicles of interest entering your jurisdiction? Deploy L5F cameras at critical points of entry.

Need a temporary, targeted deployment for a specific investigation? Quickly install and activate the L6Q.

Want to direct officer patrol efforts more to make them more productive? Add L5M cameras to patrol vehicles.

Looking to add a layer of safety for officers during a traffic stop? Invest in the M500 for in-car video and LPR.

Want to expedite vehicle canvassing at a crime scene? Have officers download Mobile Companion.

Do you have existing security cameras installed at key sites you need to protect? Equip them with LinC.

Buy or subscribe? The choice is yours

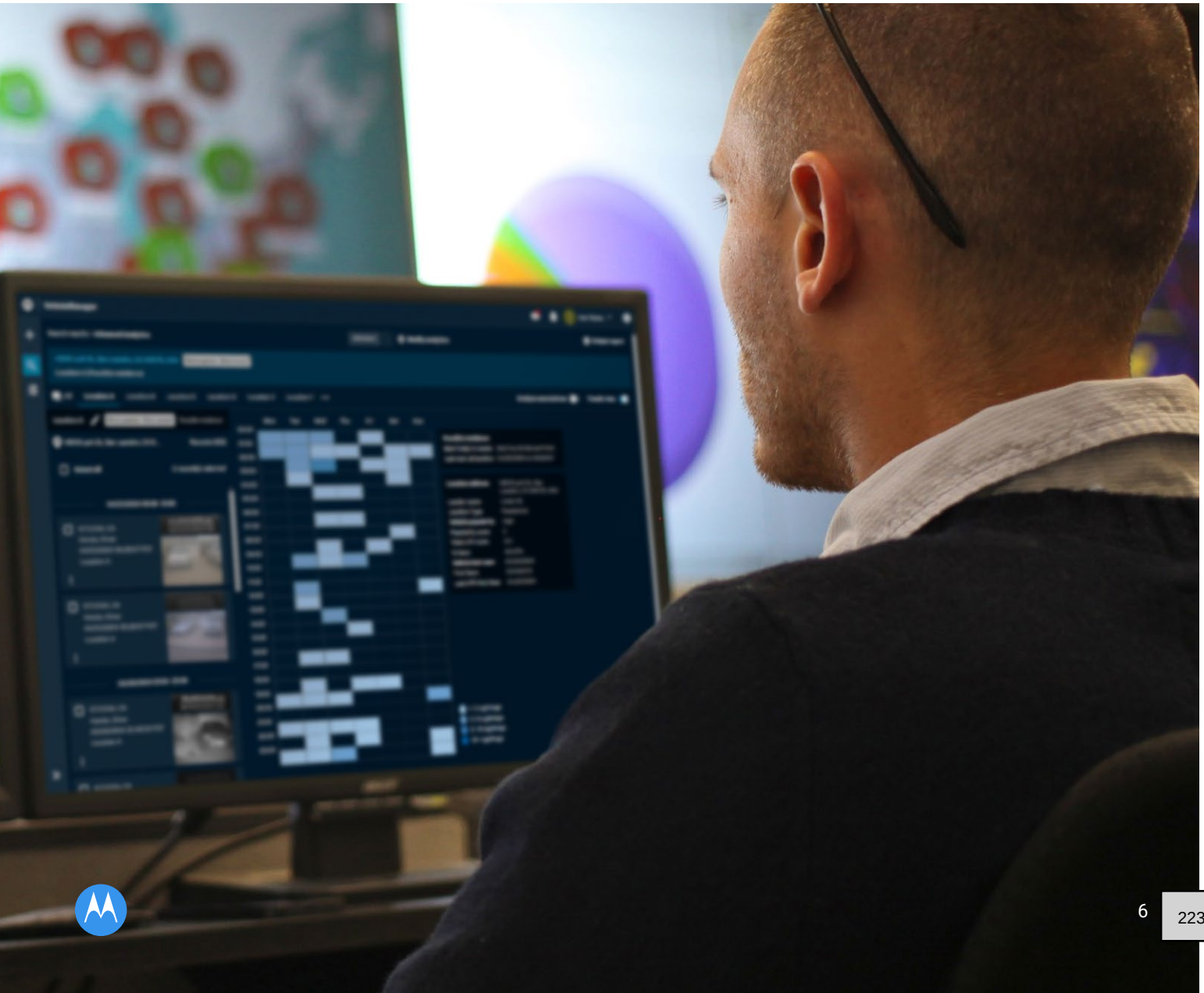
To give you the most flexibility, you can purchase our cameras outright or as-a-service. By procuring as-a-service you get all the value of license plate recognition while minimizing upfront investment and adding predictability and visibility to your spend.

VehicleManager

Software that makes a difference

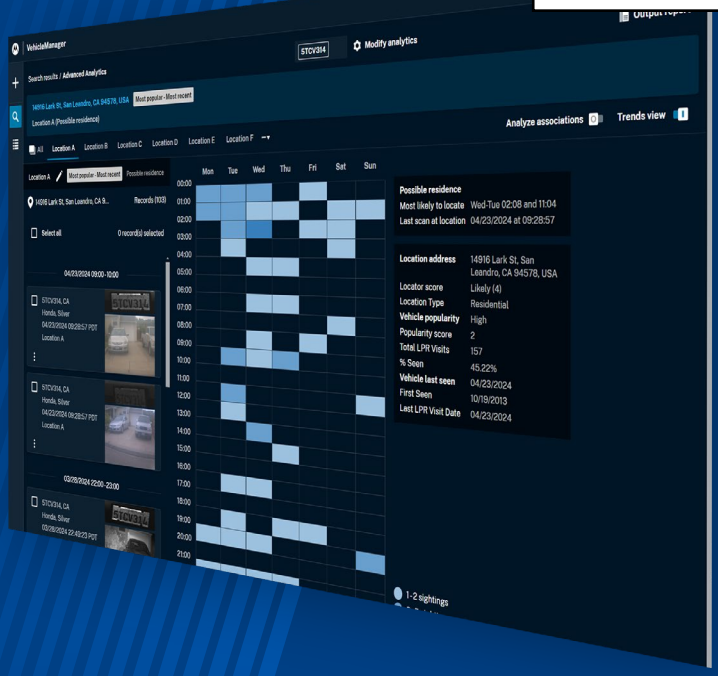
Take your agency beyond simple license plate searches and hot list alerts in order to find vehicles of interest faster.

VehicleManager is a vehicle location intelligence solution that builds upon license plate recognition basics with patented, powerful analytics. It is uniquely designed to help your team instantly transform license plate recognition data into actionable intelligence.



Find the needle in a haystack

Easily search for, find and review the location history of a vehicle of interest and determine where it may be located in the future. VehicleManager provides complete and partial plate search capabilities with date and time filters to focus on detections that are most relevant. Detection data is intuitively displayed in a timeline view as well as on a map with integrated Google Street View. And when you're ready to intercept your vehicle of interest, VehicleManager provides a best-address location and time-of-day, day-of-week heat map to determine when the vehicle is most likely to be there.



Find a suspect on the run

By doing a comprehensive Plate Location Analysis you can use historical vehicle location data to determine potential locations they might be hiding out and when to intercept them.

Confirm a hit & run vehicle

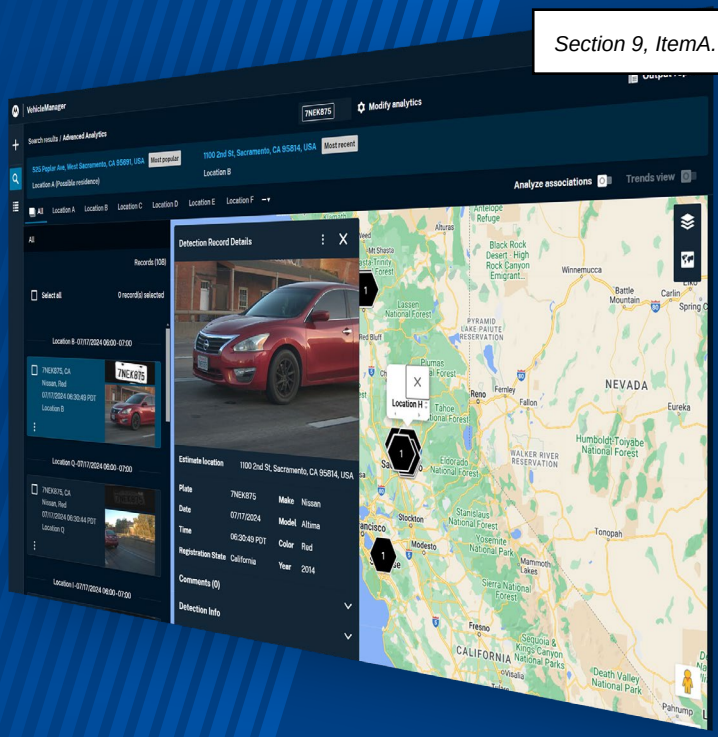
Even with a partial plate, run a search for a vehicle. Results include a full vehicle image that can be used to verify with a witness a vehicle they saw involved in the hit and run.

Expedite your analysis

For CommandCentral Records users, when a vehicle is added to an incident report, an indicator will appear if detections exist and allow you to open up a QuickSearch result with one click.

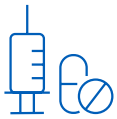
Discover new vehicle leads

Jumpstart your investigation by identifying vehicles you may not have known were connected to each other or specific locations. Our location-based, stakeout search capability allows you to create a geo-fence, set a time and date range and even apply vehicle year, make and model filters to find a vehicle that has frequented a specific area. Even search across locations to find a vehicle common to multiple areas. Looking for multiple vehicles? Once you've identified your vehicle of interest, conduct an associate or convoy analysis to determine others which have been sighted parked near or travelling with your target vehicle.



Solve a series of burglaries

Common plate analysis can help you generate a suspect lead by identifying a vehicle which has been previously sighted at the various locations of a series of burglaries.

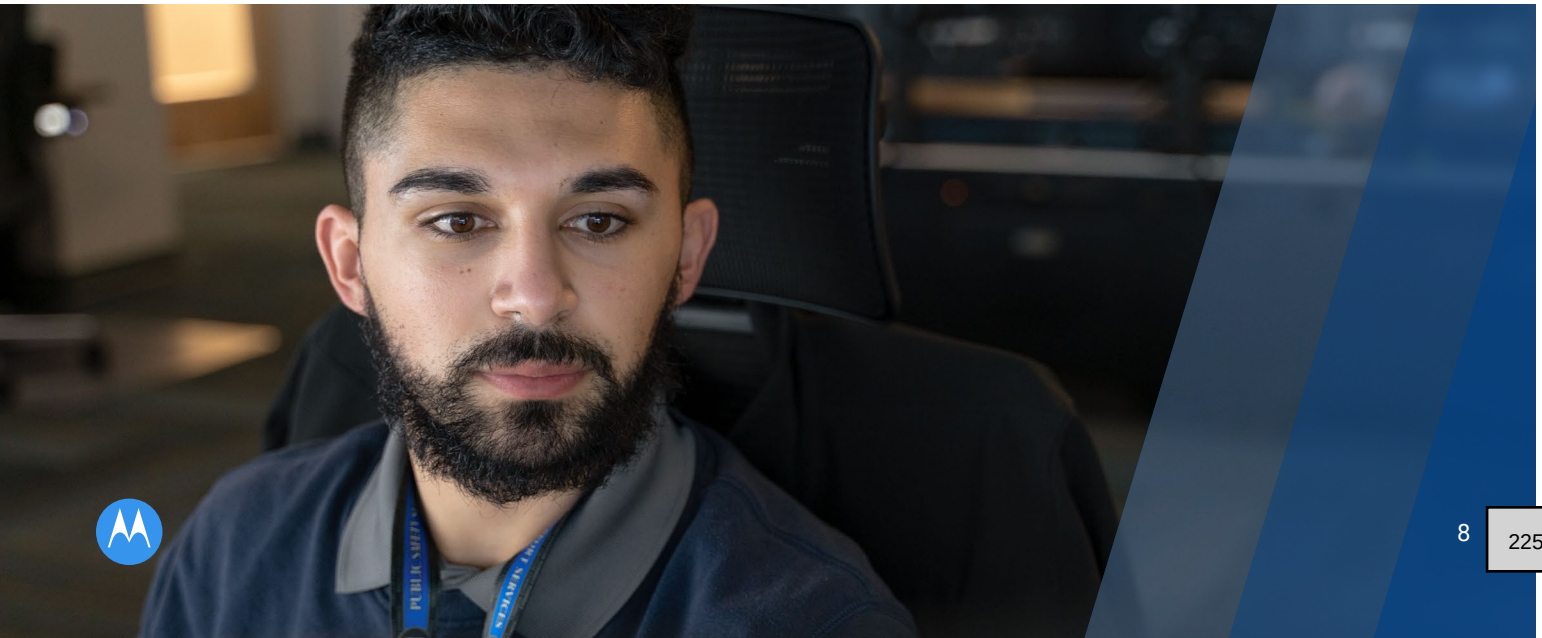


Combat drug trafficking

Using convoy analysis, easily identify vehicles travelling together as part of a trafficking convoy so you can generate new leads, establish connections and build a stronger case.

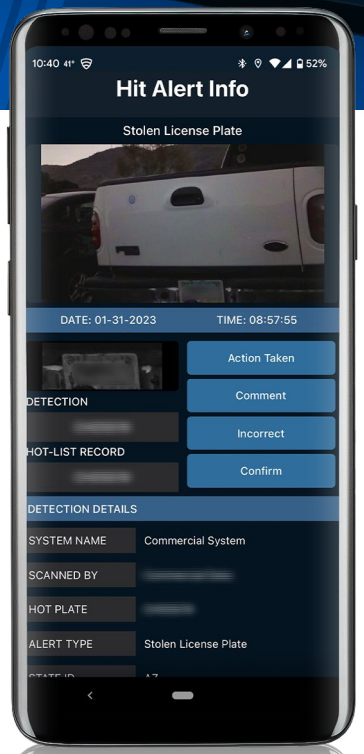
Disrupt a car theft ring

Leveraging associate analysis, identify vehicles who have been seen together so you can verify a potential accomplice and getaway car used during a string of vehicle thefts.



Heighten your awareness

Configure hot lists and alerts for vehicles of interest to your agency and partner agencies. Hot list creation can be done at the individual, group or agency level with provisions for who has access. To enhance collaboration with law enforcement partners, you can also share and subscribe to hot lists. To receive alerts when a hot listed vehicle is detected, you have various options at your disposal.



Officers on patrol can receive alerts on their in-car LPR software or on their smartphone with push notifications from Mobile Companion.

Dispatch can use our dedicated Windows application, Target Alert Service (TAS), to receive alerts and send units to respond.

Detectives and command staff can receive alerts via text or email or also download Mobile Companion for push notifications.

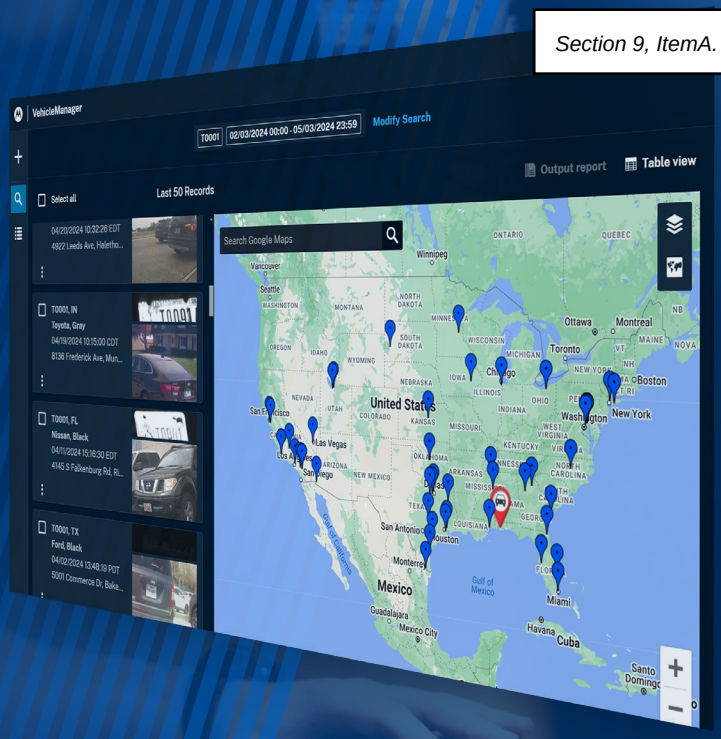
Real-time crime center analysts with CommandCentral Aware can receive alerts on their map and incident monitor.

Receive an alert and want to do some additional investigation? VehicleManager is cloud-based and available on desktop or mobile meaning that it can be accessed from anywhere you have an internet connection and through any device.

Stay in control

Data & system management

More important than the search, analytics and alerting capabilities is the data itself that they use. Without the LPR detection data at your disposal, these powerful features can be rendered useless. This is why VehicleManager allows you to choose who you share your data with and how long it's retained. Additionally, beyond being the centralized location to manage your LPR camera network, it allows you to also ingest LPR detection data from third party systems.



The pillars of data management

Camera network

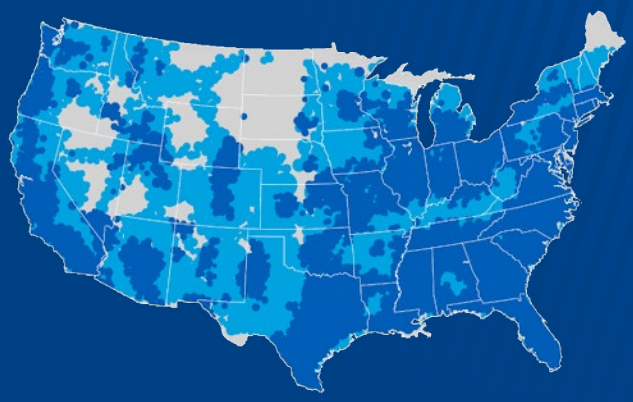
Collect detection data from any LPR camera systems.

Data retention

Set retention rules based on what works for you - not us.

Data sharing

"Grow" your network with agency and business partners.

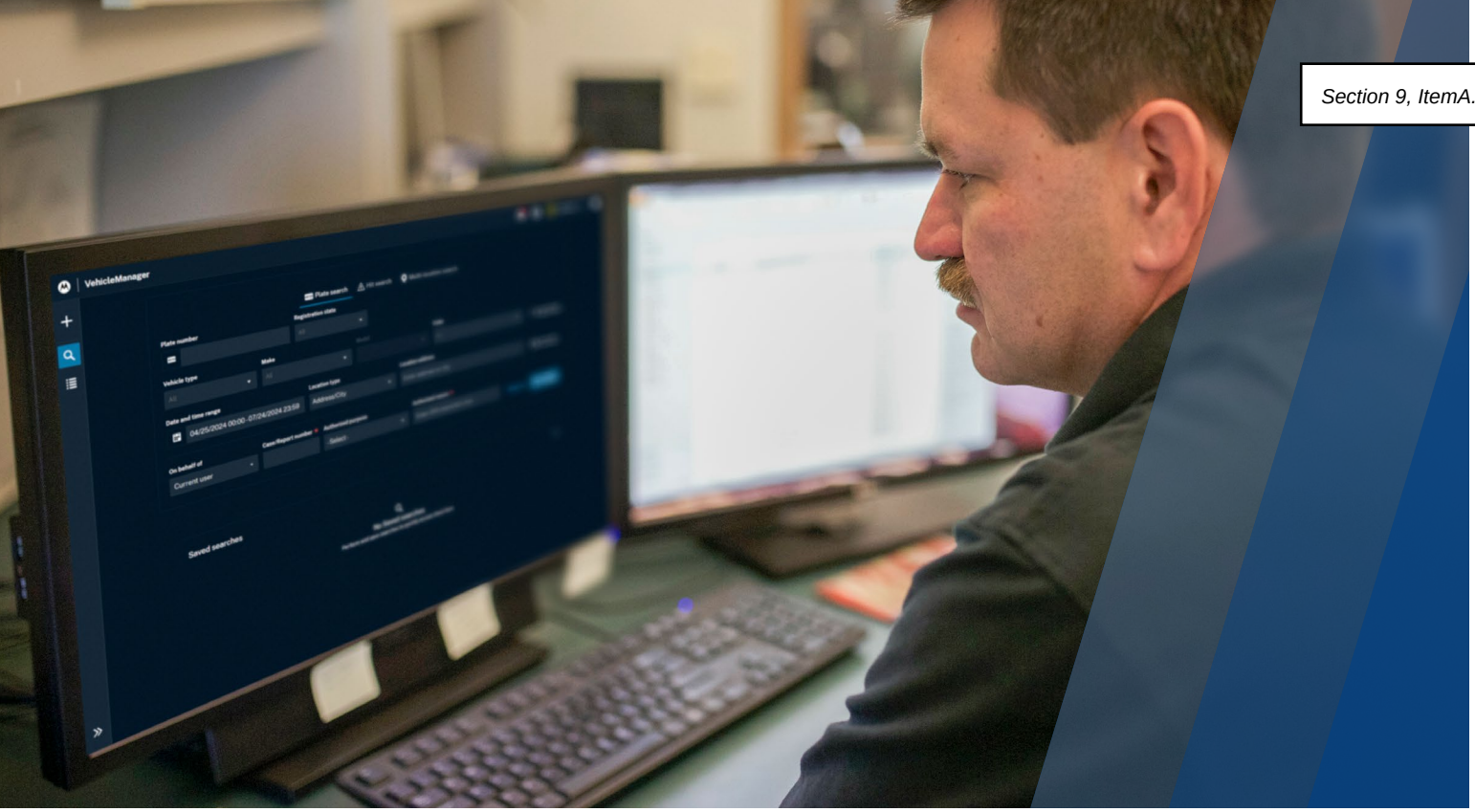


The data sharing network effect

2,650+ agencies on VehicleManager and capable of data sharing

72B+ detection records from agency and business partners

600K+ daily hot list alerts initiated for vehicles of interest



Secure & responsible by design

Deploy LPR responsibly with standards-based security built in from the ground up, and automatic updates that keep you protected. With our solutions, your data is protected and its integrity is verifiable with end-to-end encryption and hashing. Access to your system requires authentication from a secure web-browser and you can provision users and groups to only have access to certain features or capabilities. Within the system, every keystroke and user action is recorded, with additional usage justification requirements for certain functionality, so that detailed audits can be conducted and accountability is never compromised.

A part of having a secure system is making sure that you're staying up to date. That is why we routinely deliver system updates to you that not only keep you secure, but bring you our best, most powerful new features as soon as they are ready. Software updates for VehicleManager occur automatically and almost always include advance notification with information on enhancements. Camera system updates can be configured to happen automatically or can be manually pushed out to your network if you so desire.

Expert Training & 24/7 Support

Becoming an LPR power user doesn't happen overnight. That is why our training team offers on-site, virtual and on-demand training for our entire portfolio. You can even access training if you're not a customer to see if our solutions are right for you as long as you have law enforcement credentials. Our training team is all former users who have been in your shoes and come from agencies large and small. With a broad variety of experiences as officers, detectives and analysts, they'll even provide assistance on specific cases if needed.

And while we hope you never need it, our support team is always available to help. Call or email and our technicians will work with you to troubleshoot and fix any issues with your system. If you have a faulty camera or need a license key, we also have online forms available to expedite the return authorization process or license key lookup.

Build a safer city with license plate recognition

To do license plate recognition well, you need the right tools for the job. We provide the most flexibility and options for capturing license plate data with fixed, mobile, trailer and quick-deploy camera systems, video-based integration and even mobile apps. All of these are equipped with our in-house developed, industry-leading LPR algorithm that is relied upon by law enforcement agencies world-wide.

Beyond ensuring you can collect the data you need, our suite of software solutions, including VehicleManager, combines robust hot list management and alerting options with patented, powerful search and data analytics to equip your team with the insights they need to close more cases, faster.

Our software also keeps you in complete control of your data and systems with camera management, agency-defined data retention and broad data sharing options with built in memorandum of understanding (MOU) templates for you and your partners.

Lastly, to ensure your program is most successful, your solution is backed by a team who has built our license plate recognition portfolio to be secure and designed for responsible use from the ground up. You also have access to 24/7 support and free in-person, on-demand and virtual training from our expert trainers, all of whom were former users and want nothing more than to help you succeed.

To learn more, visit: **www.motorolasolutions.com/lpr**

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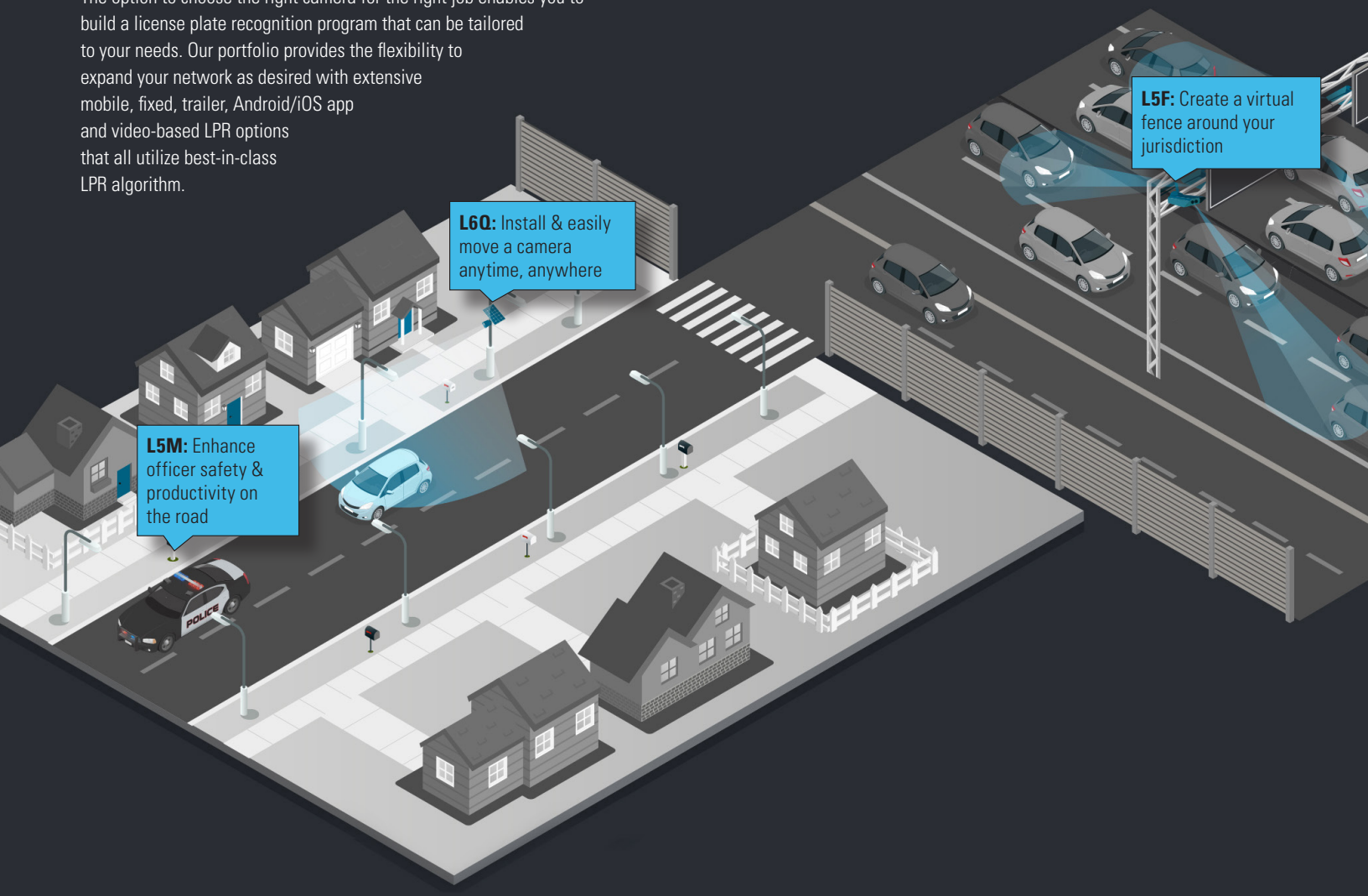
MAXIMIZE YOUR EFFECTIVENESS

SEE DIFFERENT LPR SOLUTIONS IN ACTION

The option to choose the right camera for the right job enables you to build a license plate recognition program that can be tailored to your needs. Our portfolio provides the flexibility to expand your network as desired with extensive mobile, fixed, trailer, Android/iOS app and video-based LPR options that all utilize best-in-class LPR algorithm.



ONE SIZE DOES NOT FIT ALL

DISCOVER THE RIGHT LPR DEPLOYMENT FOR TEXAS

Don't compromise. No one camera meets all LPR technology needs. So, it's important to maximize your effectiveness with the right camera optimized for specific situations and an LPR system that easily integrates all of them into one system.

That's exactly what we've done. At Motorola Solutions, we've made a commitment to develop all of the tools required to build a successful LPR program that meets your unique needs: a wide range of mission-specific cameras combined with the industry's leading LPR algorithm, patented search and analytics capabilities, and broad alerting capabilities.

We also provide unparalleled control over data retention and easy data sharing with agency partners to ensure you have the data you need to actually solve cases - hot or cold. And to ensure responsible use of LPR technology, our solutions are built to be compliant with industry security standards.

L6Q: QUICK-DEPLOY LPR CAMERA FOR TACTICAL USE CASES

Need a temporary, targeted deployment for a specific investigation? Quickly install and activate the L6Q.

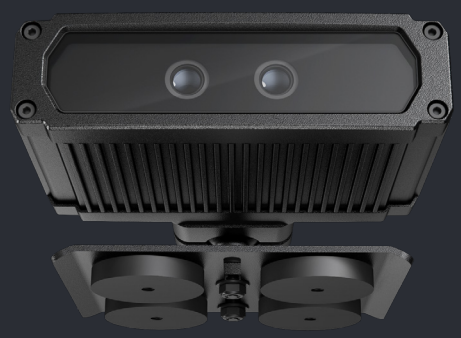
The L6Q license plate reader camera is our newest generation quick-deploy LPR system. It's perfect for temporary or semi-permanent installation almost anywhere. The L6Q allows your agency to fill the gaps in your camera network with a tactical, quick-deploy system that's completely self-contained, portable and can run on battery or solar power. The L6Q can be configured to scan vehicles moving at specific speeds, up to 75 MPH, and directions, up to 75 feet away.

Each scan collects valuable information like make, model, color and speed to help advance investigations. High quality scans are possible even in complete darkness, with long-range, integrated infrared (IR) illumination and a new, top-of-the-line starlight sensor. Plus, with the Mobile Companion app on your Android or iOS device, you can connect and set up the L6Q camera quickly and easily on-site in a matter of minutes. Set up is made simple with QR code-based device linking, guided camera setup process, live video-assisted aiming, and digitally adjusted capture region. And with remote system monitoring and updates you can ensure scanning never stops.

L5F: FIXED LPR CAMERA FOR HIGH-SPEED, HIGH-TRAFFIC ROADWAYS

Looking to intercept vehicles of interest entering your jurisdiction? Deploy L5F cameras at points of entry.

The L5F Camera is a high-performance fixed camera system that can be used on high-speed, high-traffic volume roadways to create a virtual fence around your jurisdiction. Featuring a new, state-of-the-art sensor, it ensures images are always crystal clear with accurate detections day or night. The L5F offers a broad choice of lenses so you can deploy LPR cameras in hard-to-reach areas. Plus, the L5F captures pinpoint accurate images of license plates on vehicles traveling up to 150 MPH.



L5M: MOBILE LPR CAMERA TO ENHANCE OFFICER PRODUCTIVITY & SAFETY ON THE ROAD

Want to direct officer patrol efforts to make them more productive? Add L5M cameras to patrol vehicles.

The L5M is designed to be mounted in a patrol car or on a trailer to scan cars as they pass by, providing 360° coverage for officers and keeping them informed. This mobile license plate recognition system is a high-performance solution for those who want to maximize detections and data collection to ensure their officers are their safest and most productive on the road. The L5M leverages dual color and infrared (IR) sensors and lenses with added IR illumination to see more plates as they pass. Additionally, a global shutter provides unprecedented clarity of plates even when they are moving at high speeds. With AI-powered make and model identification, the L5M mobile license plate recognition system enables you to accurately capture more license plates than ever.

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L6Q

RAPID INSTALL. RAPID INSIGHTS.

THE L6Q QUICK-DEPLOY LICENSE PLATE RECOGNITION CAMERA SYSTEM

MOTOROLA SOLUTIO

COMMUNITY SAFETY SHOULDN'T BE LIMITED BY COMPLEX TECHNOLOGY.

DETECT. ANALYZE. RESPOND.

L6Q

Safety should be simple.
By combining sophisticated license plate recognition (LPR) with consumer-grade ease of installation the L6Q camera system enables law enforcement agencies and businesses alike to better ensure the safety and security of the people they serve.

This next generation of quick-deploy LPR camera includes a new, high-capacity, swappable internal battery along with solar and AC/DC direct line power options. Additionally, configuration and activation takes place from your Android or iOS smartphone using our Mobile Companion application.

On-board the L6Q, radar-based triggering can be configured for only vehicles moving at specific speed thresholds and directions of travel, across multiple lanes, to hone in on only the data you're interested in. The long-range, integrated infrared (IR) illumination and a new starlight sensor enable you to scan vehicles even in complete darkness. And lastly, a tamper-proof design and paintable, removable shroud makes the L6Q physically secure while blending in with its surroundings.

EASILY INSTALL OUT-OF-BOX

START SCANNING PLATES IN A MATTER OF MINUTES WITH ONLY ONE PERSON REQUIRED TO INSTALL, CONFIGURE AND ACTIVATE THE L6Q.

The faster you can install an LPR camera, the faster you can start scanning plates. The L6Q's user-friendly design, convenient carry case and intuitive out-of-box workflow mean it can be installed, configured and activated by one person in a matter of minutes. Mount it on almost any surface and complete setup from your smartphone for ultimate ease.

FAST

RAPID-DEPLOYMENT CARRY CASE
Take the L6Q around town and up and down ladders safely with a carry case that keeps everything you need accessible.

WALL, POLE & TREE MOUNT OPTIONS
The L6Q mount can attach to most poles, T-poles, or to common infrastructure with included band-ties and lag-bolts.

SIMPLE, EASY-TO-HANDLE DESIGN
Compact, lightweight construction, ball-joint attachment and single screw locking mechanism makes L6Q installation easy.

APP-BASED CONFIGURATION & ACTIVATION
Connect and set up the L6Q quickly and easily on-site with the Mobile Companion app on your Android or iOS device.

THE FASTER YOU CAN INSTALL AN LPR CAMERA, THE FASTER YOU CAN START SCANNING PLATES.

GET THE DATA THAT MATTERS

CONFIGURE THE L6Q TO COLLECT THE PLATE, MAKE, MODEL, COLOR AND SPEED DATA YOU NEED - IN LIGHT AND DARK CONDITIONS.

Clean data means good insights. Get the data you need by configuring the L6Q to scan vehicles moving at specific speeds and directions. Each scan collects valuable information beyond the license plate like make, model, color and speed, even in dark conditions, to help advance investigations. And, with remote monitoring you can ensure your cameras are always working when you need them.

CONDUCT MULTI-LANE SCANNING ON VEHICLES MOVING UP TO 75 MPH AT UP TO 75 FT AWAY.

EXACT

DIRECTION & SPEED-BASED RADAR DETECTION

Configure the L6Q to trigger on vehicles moving at specific speeds, up to 75 MPH, and directions of travel up to 75 feet away.

MAKE, MODEL, COLOR & SPEED RECOGNITION

Capture valuable information like vehicle make, model, color and speed with AI that is capable of recognizing almost any vehicle.

LONG RANGE IR-ENABLED NIGHT VISION

Scan vehicles even in total darkness, with long-range, integrated infrared (IR) illumination and a starlight sensor.

REMOTE SYSTEM MONITORING & UPDATES

Ensure your system is working as it should with automatic updates and remote battery, signal, storage and status monitoring.

READY FOR ANY ENVIRONMENT

DEPLOY THE L6Q WHERE AND WHEN NEEDED WITHOUT WORRYING ABOUT WEATHER, SECURITY, POWER SOURCE, OR CONNECTIVITY.

Criminals operate everywhere. Your LPR camera should too. Solar, AC/DC and high-capacity, swappable battery options enable you to install the L6Q almost anywhere. Built to run in all weather conditions it is also physically secure, with its tamper-proof design. You can also customize the L6Q to blend in with its surroundings by painting the removable shroud.

AN IP67 RATING ENSURES THE L6Q WILL PERFORM IN ALL WEATHER CONDITIONS.

TOUGH

TEMPERATURE & WEATHER RESISTANT
Install the L6Q in the hottest and coldest locations with its IP67-rated design capable of withstanding even the harshest elements.

TAMPER-PROOF WITH PAINTABLE SHROUD
The L6Q is built to be physically secure and to blend in with its surroundings by easily removing and customizing its shroud.

SOLAR, BATTERY & AC/DC POWER OPTIONS
Deploy the L6Q where needed with versatile power options including solar, AC/DC, as well as a swappable internal battery.

FLEXIBLE LTE CONNECTIVITY
Buy the L6Q as-a-service with a Verizon SIM card and cellular plan, or use your own Verizon, AT&T, FirstNet* or T-Mobile SIM card.

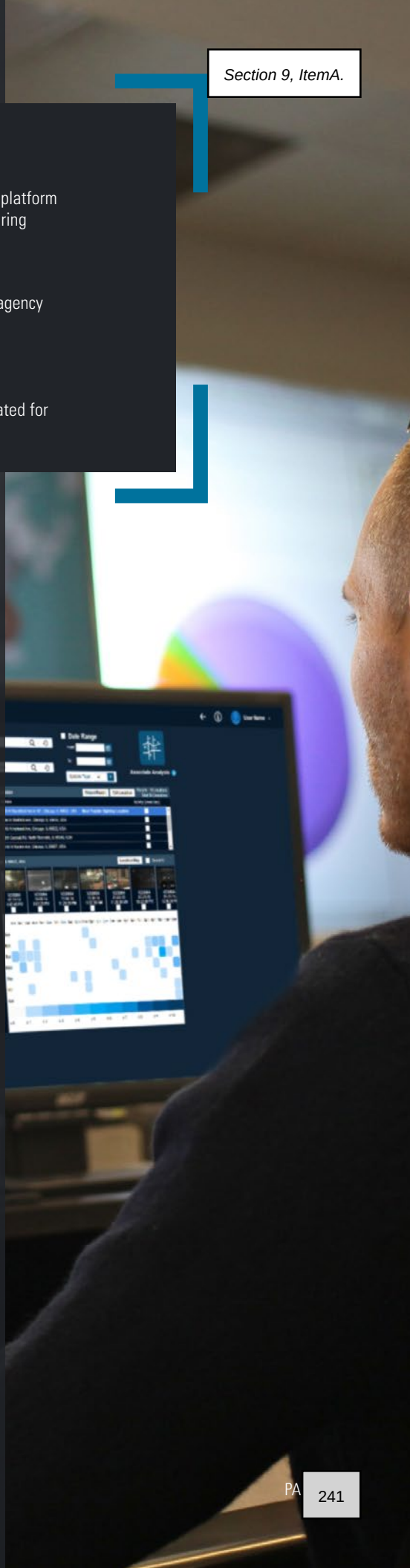
*Q3 2022

SHARING BY THE NUMBERS

1,800+
agencies on the LEARN platform and capable of data sharing

35B+
detection records from agency and business partners

600K+
daily hot list alerts initiated for vehicles of interest



AMPLIFY INSIGHT & AWARENESS

GO BEYOND BASIC ALERTS AND SEARCHES WITH PATENTED ANALYTICS AND COMPLETE CONTROL OVER YOUR DATA RETENTION AND SHARING.

License plate data collection is only the tip of the iceberg. What you do with it is what matters. The L6Q, like all of our camera systems, comes with our industry-leading Vigilant PlateSearch software, a part of the Vigilant LEARN platform, to manage hot lists and alerts, conduct advanced searches and run patented analytics. Most importantly, with Vigilant PlateSearch your data is completely under your control with customer-defined retention and sharing capabilities.

Target Alert Service (TAS)
Windows Client

Mobile Companion
Android/iOS App

CONTROL

TEXT & EMAIL ALERTS

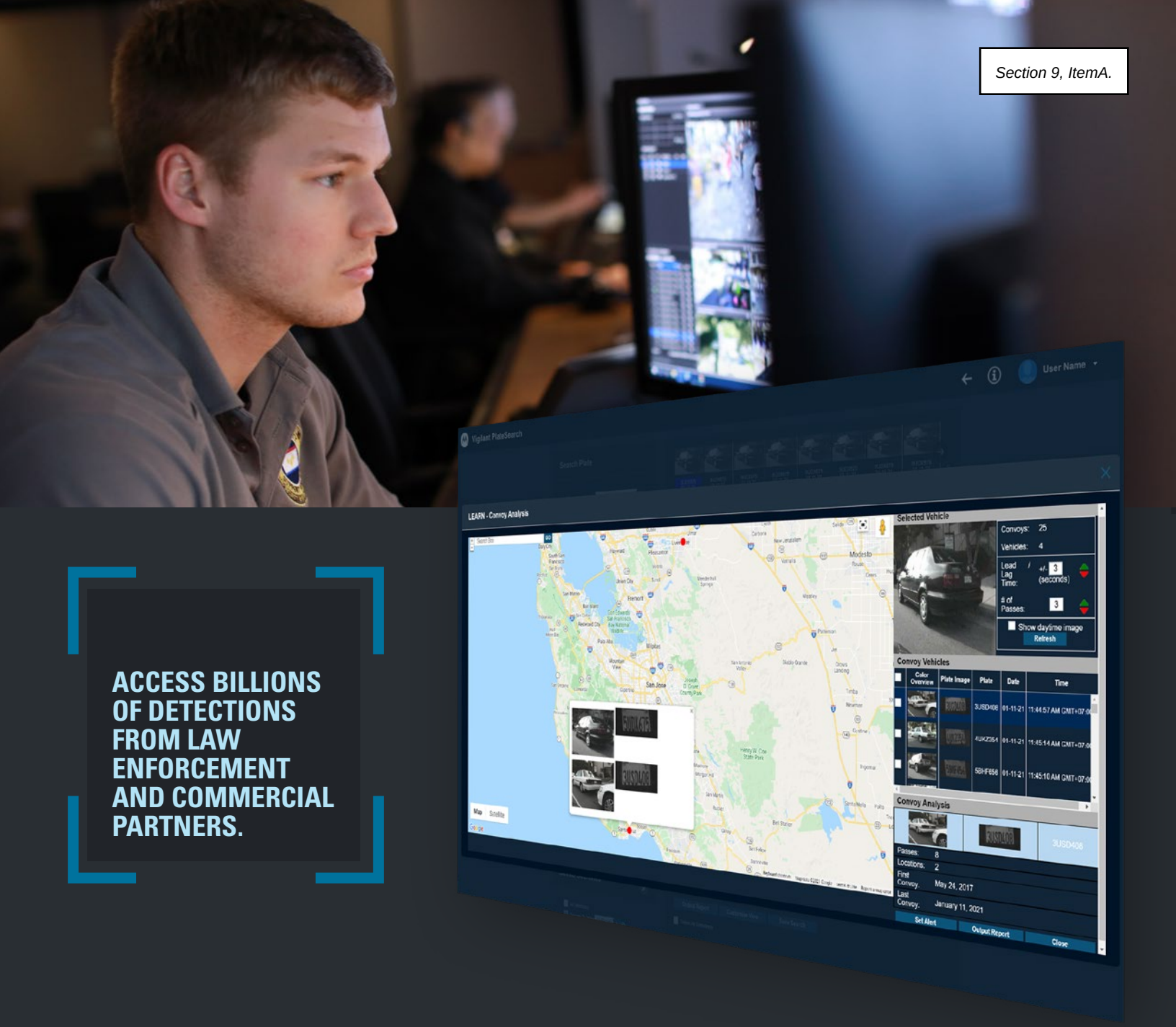
IN-CAR (MDT) ALERTS

ANDROID/IOS ALERTS

WINDOWS CLIENT ALERTS

HOT LIST MANAGEMENT & ALERTING

From Vigilant PlateSearch, build your own hot lists, subscribe to shared lists from the National Crime Information Center (NCIC) and state hot lists as well as share lists with local law enforcement partners. Configure alerts to be received across devices and applications.



ACCESS BILLIONS OF DETECTIONS FROM LAW ENFORCEMENT AND COMMERCIAL PARTNERS.

PLATE & LOCATION-BASED SEARCH

Search by full or partial plate, or location. Filter by year, make, model and more.

PATENTED VEHICLE LOCATION ANALYTICS

Identify associations, predict the location of vehicles and more with patented analytics.

DATA MANAGEMENT & SECURITY

Control data retention, sharing and camera systems all from a single secure place.

INTELLIGENT

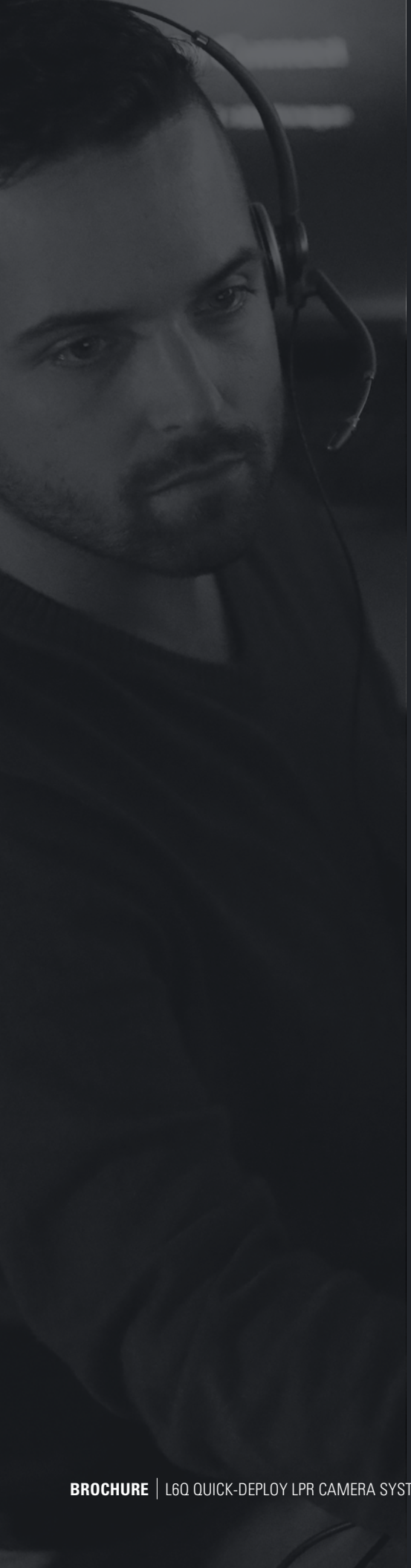
WE TAKE SECURITY SERIOUSLY

DEPLOY LPR RESPONSIBLY WITH STANDARDS-BASED SECURITY BUILT IN FROM THE GROUND UP, AND AUTOMATIC UPDATES THAT KEEP YOU PROTECTED.

Vigilant PlateSearch is designed to work seamlessly with our camera systems to provide data protection and integrity with end-to-end encryption and hashing. Access to your system requires authentication from a secure web-browser and you can provision users and groups to only have access to certain features or capabilities. Within the system, all user actions are audited, with additional usage justification requirements for certain functionality, so that detailed audits can be conducted and accountability is never compromised.

A part of having a secure system is making sure that you're staying up to date. That is why we routinely deliver system updates to you that not only keep you secure, but bring you our best, most powerful new features as soon as they are ready. Software updates for Vigilant PlateSearch occur automatically and are clearly documented so you can stay up to date too.

- ✓ **DATA PROTECTION & INTEGRITY MECHANISMS**
- ✓ **GRANULAR AUDITING & ACCOUNTABILITY TOOLS**
- ✓ **STRICT USER ACCESS & AUTHENTICATION**
- ✓ **INCLUDED AUTOMATIC SYSTEM UPDATES**



GET THE MOST OUT OF YOUR SOLUTION

OUR SERVICE OPTIONS KEEP YOUR TEAM AND SYSTEM WORKING SO YOU CAN MAINTAIN THE SAFETY OF THE PEOPLE YOU SERVE.

TRAINING & SUPPORT

Whether it's generating new leads or successfully following up on current ones, the Motorola Solutions Vigilant Training Team is ready to help. Composed of retired and former law enforcement personnel, the team brings well over a hundred years of investigative experience to the table along with free training available in-person and online. And when you need technical support, our certified engineers use the right escalation procedures to bring you a prompt resolution.

PROCUREMENT OPTIONS

The L6Q camera system can be bought as an outright purchase or as a subscription. With a subscription, you can bring the power of our license plate recognition technology to your community for a low, predictable cost.

HARDWARE WARRANTY

Maintain efficiency and reliability with a one year manufacturer warranty from ship date, with the option to purchase an additional four years for a total five year warranty.

BETTER ENSURE THE SAFETY AND SECURITY OF THE PEOPLE YOU SERVE WITH THE L6Q QUICK-DEPLOY LPR CAMERA SYSTEM.

For more information, please visit

www.motorolasolutions.com/L6Q

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Incentive/Hard Cost	Details	2024 Budget	Q1	Q2	Q3	Q4	Total 2024	Funds 2024	YTD MtCO2e reduced / offset	Annual Utility Cost Savings	Community Priority
Home Energy Assessments	*Goal: 20 - $50 assessment; $0 TOV employees*	$1,000	1	2	0	1	4	$200	0.49	$145	*1*
Weatherization Bonus	*Goal: 7-10 =$500 bonus rebate for air sealing/insulation improvements; or*	$6,500					0				
Heat Pump Bonus	*=$500 bonus rebate for heat pump/heat pump water heater; or*						0				
Public EV Charging	*=$1,000 for on-site EV Charger, shared access*						0				
Marketing & Outreach	*Hard costs for marketing/outreach in order to increase participation*	$500	*full year accounted for in marketing & admin*					$500			
Program Administration	*Hard costs for program management & energy coaching*	$2,000						$2,000			
		$10,000	*incentive funds + annual admin/marketing funds*					**$2,700**	*(not all projects modeled yet)*	$ *(not all projects modeled yet)*	*pending/upcoming: 2 requested/in-progress assessments ($100 est.); $1,000 Res Rebates in-progress (EV Charger)*
								$7,300	***remaining funds for 2024***		
								$1,100	*pending projects funds*		
								$6,200	***remaining funds for 2024***		

2024 Invoices:

$50	*Q1 (incentives)*	*Q1 total:*
$625	*Q1 (admin)*	$675
$100	*Q2 (incentives)*	*Q2 total:*
$625	*Q2 (admin)*	$725
$50	*Q3 (incentives)*	*Q3 total:*
$625	*Q3 (admin)*	$675
	Q4 (incentives)	*Q4 total:*
$625	*Q4 (admin)*	*$625*
$2,700	*TOTAL Spent*	*$2,700*
$7,300	*Remaining*	

To: Mayor and Town Council
From: Michelle Metteer
Date: December 04, 2024
Agenda Item: Minturn Education Fund Board Appointment

REQUEST:
Review and consider the applications of interest for the vacant Education Fund Board seat. Additionally, one Council member (either Eric Gotthelf or Kate Schifani) is asked to step down so as to keep the board to five members. With the support of the Town Council, the Education Fund Board may at their discretion consider amending the Articles of Incorporation to allow for the creation of additional board seats if so inclined.

INTRODUCTION:
The Minturn Education Fund was established in 2014 through funds contributed by the Battle Mountain/Ginn project as part of the 2008 Annexation Agreement. The Education Fund (also commonly known as the Scholarship Fund) was established to provide educational scholarships to Minturn residents of all ages for a wide variety of educational purposes. The Board typically meets two to three times a year and holds interviews for scholarship applicants prior to financial awards.

ANALYSIS:
The Education Fund Board may want to consider amending the Articles of Incorporation to allow for more public participation at the Board level.

COMMUNITY INPUT: See attached applications

BUDGET / STAFF IMPACT: N/A

STRATEGIC PLAN ALIGNMENT:
In accordance with Strategy #4 the Town will advance decisions/projects/initiatives that expand future opportunity and viability for Minturn.

RECOMMENDED ACTION OR PROPOSED MOTION: Appoint a new Education bund Board member. One Council member to consider stepping down from the Board. Consider recommending to the Education Fund Board for the allowance of additional board members for increased public participation.

Attachments:
- Resolution __ – Series 2024 A Resolution appointing a Minturn Education Fund Board member

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TOWN OF MINTURN, COLORADO
RESOLUTION NO. 64 – SERIES 2024

A RESOLUTION APPOINTING MINTURN EDUCATION FUND BOARD MEMBERS

WHEREAS, The Minturn Town Council has vacancies on the Minturn Education Fund Board and desires to fill these vacancies; and

WHEREAS, the Town Council recognizes and appreciates the service and commitment of the Minturn Education Fund Board members.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT THE FOLLOWING INDIVIDUAL ARE HEREBY APPOINTED AS INDICATED:

NAME	**TERM**
_____	_____

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 4th DAY OF DECEMBER, 2024.

TOWN OF MINTURN

By:_____
Earle Bidez, Mayor

ATTEST:

_____
Jay Brunvand, Town Clerk

TOWN OF MINTURN

Minturn Education Fund – Board of Directors

Thank you for expressing an interest to serve on the Town of Minturn's Scholarship Board (the Minturn Education Fund Board of Directors).

The board meets annually on the second Tuesday of January each year and additionally as needed. The board also meets for scholarship applicant interviews in the spring of each year (application deadlines are typically on or around April 1st). Meetings may be held in person or virtually or a combination of the two.

To qualify as a director of this board, each applicant must review and agree to adhere to the Bylaws and any addendums, as well as any other policies and procedures established by the board. Directors must be natural persons, eighteen years of age or older. At least one and no more than two voting directors will contemporaneously serve as member(s) of the Council for the Town of Minturn (respectively, the "Council" and the "Town") or as employees or other agents of the Town. The directors who are not council members, employees or agents of the Town must be independent members of the Town community who are qualified to manage the business of the Nonprofit, competently, and in a fair and impartial manner.

To be ensured of appropriate consideration, please complete the following information. You may also include a letter of interest, or use additional pages / attachments as needed. Applicants will be required to appear before Town Council for an interview.

Name: Diana Scherr

Phone: (H) n/a (W) 970-569-2966 (Cell) 970-376-4445

Email: dianascherr@gmail.com

Mailing Address: PO Box 717

Physical Address: 511 Main Street

1. How long have you lived in Minturn? 22 years
2. What is your occupation and/or background? Director of Development at CMC
3. Are you currently serving on other community groups, boards, or commissions? If yes, please provide the name(s) of the organization(s), and length of time served.

Minturn Community Fund - board member since 2013, president for the las

Castle Peak Senior Care - board member since 2021

4. What are some of the reasons you wish to serve on this board?

In my role at CMC I get to witness first-hand the transformative power of education and I am passionate about providing that opportuntiy for our kids. For the past 12 years I've been involved in the review and awarding of CMC's scholarships (including the wonderful Town of Minturn endowed scholarship!) so I understand the care & process that's involved in choosing scholars. I'm also pretty passionate about this place we call home and would love to be give back and be part of this feel-good board!

5. Please add any other additional comments that you would like to share.

Both of our kids are current receipients of this wonderful opportunity and it's made a world of difference in them being able to attend the colleges they do. So grateful!!

Please mail, email, or deliver in person, all applications to:

Town of Minturn
Attention Michelle Metteer
PO Box 309
302 Pine St
Minturn, CO 81645

Phone: 970.445.2418
Email: manager@minturn.org

Thank you for your interest in the Town of Minturn Education Fund Board.

TOWN OF MINTURN

Minturn Education Fund – Board of Directors

Thank you for expressing an interest to serve on the Town of Minturn's Scholarship Board (the Minturn Education Fund Board of Directors).

The board meets annually on the second Tuesday of January each year and additionally as needed. The board also meets for scholarship applicant interviews in the spring of each year (application deadlines are typically on or around April 1st). Meetings may be held in person or virtually or a combination of the two.

To qualify as a director of this board, each applicant must review and agree to adhere to the Bylaws and any addendums, as well as any other policies and procedures established by the board. Directors must be natural persons, eighteen years of age or older. At least one and no more than two voting directors will contemporaneously serve as member(s) of the Council for the Town of Minturn (respectively, the "Council" and the "Town") or as employees or other agents of the Town. The directors who are not council members, employees or agents of the Town must be independent members of the Town community who are qualified to manage the business of the Nonprofit, competently, and in a fair and impartial manner.

To be ensured of appropriate consideration, please complete the following information. You may also include a letter of interest, or use additional pages / attachments as needed. Applicants will be required to appear before Town Council for an interview.

Name: Christina Gosselin

Phone: (H) _____ (W) 970-328-2858 (Cell) 757-218-6785

Email: Gosselin.christina@gmail.com

Mailing Address: 301 Boulder St. #371 Minturn, CO 81645

Physical Address: 452 Pine St. Minturn, CO 81645

1. How long have you lived in Minturn? Since February 2017
2. What is your occupation and/or background? Assistant Principal/Education
3. Are you currently serving on other community groups, boards, or commissions? If yes, please provide the name(s) of the organization(s), and length of time served.

N/A

4. What are some of the reasons you wish to serve on this board?

I have worked with youth in this valley since 2006. I have experienced first hand the need that so many teens have for financial support and guidance with their post secondary plans. I wholeheartedly believe in the goal of this board.

I also firmly believe in giving back to the community that you live in. We are a small town and it is important to contribute to areas that you can!

With my experience as a 6th-12th grade principal, I can help navigate student applications, transcripts, clubs and activities.

5. Please add any other additional comments that you would like to share.

Please mail, email, or deliver in person, all applications to:

Town of Minturn
Attention Michelle Metteer
PO Box 309
302 Pine St
Minturn, CO 81645

Phone: 970.445.2418
Email: manager@minturn.org

Thank you for your interest in the Town of Minturn Education Fund Board.

TOWN OF MINTURN

Minturn Education Fund – Board of Directors

Thank you for expressing an interest to serve on the Town of Minturn's Scholarship Board (the Minturn Education Fund Board of Directors).

The board meets annually on the second Tuesday of January each year and additionally as needed. The board also meets for scholarship applicant interviews in the spring of each year (application deadlines are typically on or around April 1st). Meetings may be held in person or virtually or a combination of the two.

To qualify as a director of this board, each applicant must review and agree to adhere to the Bylaws and any addendums, as well as any other policies and procedures established by the board. Directors must be natural persons, eighteen years of age or older. At least one and no more than two voting directors will contemporaneously serve as member(s) of the Council for the Town of Minturn (respectively, the "Council" and the "Town") or as employees or other agents of the Town. The directors who are not council members, employees or agents of the Town must be independent members of the Town community who are qualified to manage the business of the Nonprofit, competently, and in a fair and impartial manner.

To be ensured of appropriate consideration, please complete the following information. You may also include a letter of interest, or use additional pages / attachments as needed. Applicants will be required to appear before Town Council for an interview.

Name: Lindsey Adams

Phone: (H) _____ (W) _____ (Cell) 970-376-2424

Email: ljpadams9@gmail.com

Mailing Address: PO Box 714 Minturn CO 81645

Physical Address: 261 Main St Minturn CO 81645

1. How long have you lived in Minturn? 14 years
2. What is your occupation and/or background? Nurse Practitioner
3. Are you currently serving on other community groups, boards, or commissions? If yes, please provide the name(s) of the organization(s), and length of time served.

no

4. What are some of the reasons you wish to serve on this board?
With a Master's degree, I value higher education and the opportunities it has provided me in my career in medicine. I consider myself a life long learner and am passionate about advancing my own knowledge in both old and new subjects. I believe I can bring a professional and personal background to the board that understands the challenges of seeking educational opportunies, while maintaining an unbiased decision. Also, as a role model for my own family, my service on this board would highlight for them the importance of volunteerism as well as working hard in school and being a positive and contributing member of the communities we are apart of.

5. Please add any other additional comments that you would like to share.
For several years, I have desired an opportunity to give back to my beloved Minturn community, but with 3 young children and my career, it has been a challenge to find the right fit. I see this specific board as way to accomplish my desire to serve my Minturn community, but not conflict with spending time with my family.

Please mail, email, or deliver in person, all applications to:

Town of Minturn
Attention Michelle Metteer
PO Box 309
302 Pine St
Minturn, CO 81645

Phone: 970.445.2418
Email: manager@minturn.org

Thank you for your interest in the Town of Minturn Education Fund Board.

To: Mayor and Council

From: Jay Brunvand

Date: November 20, 2024

Agenda Item: Ordinance 21 – Series 2024: Supplemental Appropriation

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REQUEST:
Council is asked to approve Ordinance 21 – Series 2024 (Second Reading)

INTRODUCTION:
This is an annual Ordinance to account for various increases in revenues and expenditures which are anticipated to exceed their original budget. Each change in Exhibit "A" is listed in fund order showing the increased amount and the revised total budgeted amount.

ANALYSIS:
This Ordinance takes into account only those items which are anticipated to exceed their original line item budget. Revenues which exceed their original budget indicates additional revenue, expenses that exceed their original budget indicates overspending of that line item. Revenues and expenses that exceed their original budget need to be supplemented in order to properly recognize and then utilize this variance in the appropriated budget. This supplemental appropriation only increases revenue and expenses, it does not un-appropriate funds which will not exceed. This means the Ordinance and action requested only addressed excess revenue and expense, it does not address items that will save money by coming in under budget. This may give a false view that we are overspending the budget when in fact we do have the funds on hand and in many cases the expense was appropriated by prior council action.

COMMUNITY INPUT:
As an Ordinance this will require a public hearing.

BUDGET / STAFF IMPACT:
This Ordinance is formal documentation of additional income received and expenses made throughout the FY2024. The impact on the budget is very real and very necessary to include as an update to the originally approved FY2024 budget in order to be incompliance with and prepared for our annual audit.

STRATEGIC PLAN ALIGNMENT:
In accordance with Strategy #1 Practice fair, transparent, and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve Ordinance 21 – Series 2024 an ordinance amending the 2024 budget as set forth in the following exhibit "a", to appropriate additional general fund revenues in the

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amount of $641,725.00, and appropriating additional general fund expenditures in the amount of $425,961.00, and appropriating additional enterprise fund revenues in the amount of $2,955,300.00, and appropriating additional enterprise fund expenditures in the amount of $201,539.00, and appropriating additional conservation trust fund revenues in the amount of $2,903.00, and appropriating additional market fund revenues in the amount of $14,305.00, and appropriating additional market fund expenditures in the amount of $12,597.00, and appropriating additional capital fund revenues in the amount of $12,900.00, and appropriating additional scholarship fund expenditures in the amount of $1,108.00, and appropriating additional battle mountain fund revenues in the amount of $21,827.00, and appropriating additional battle mountain fund expenditures in the amount of $60,000.00

ATTACHMENTS:

- Ordinance 21 – Series 2024

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 21 – SERIES 2024

AN ORDINANCE AMENDING THE 2024 BUDGET AS SET FORTH IN THE FOLLOWING EXHIBIT "A", TO APPROPRIATE ADDITIONAL GENERAL FUND REVENUES IN THE AMOUNT OF $ 641,725.00, AND APPROPRIATING ADDITIONAL GENERAL FUND EXPENDITURES IN THE AMOUNT OF $425,961.00,

AND APPROPRIATING ADDITIONAL ENTERPRISE FUND REVENUES IN THE AMOUNT OF $ 2,955,300.00, AND APPROPRIATING ADDITIONAL ENTERPRISE FUND EXPENDITURES IN THE AMOUNT OF $ 201,539.00,

AND APPROPRIATING ADDITIONAL CONSERVATION TRUST FUND REVENUES IN THE AMOUNT OF $ 2,903.00,

AND APPROPRIATING ADDITIONAL MARKET FUND REVENUES IN THE AMOUNT OF $14,305.00, AND APPROPRIATING ADDITIONAL MARKET FUND EXPENSES IN THE AMOUNT OF $12,597.00,

AND APPROPRIATING ADDITIONAL CAPITAL FUND REVENUES IN THE AMOUNT OF $12,900.00,

AND APPROPRIATING ADDITIONAL SCHOLARSHIP FUND EXPENESE IN THE AMOUNT OF $1,108.00,

AND APPROPRIATING ADDITIONAL BATTLE MOUNTAIN FUND REVENUES IN THE AMOUNT OF $21,827.00, AND APPROPRIATING ADDITIONAL BATTLE MOUNTAN FUND EXPENESE IN THE AMOUNT OF $60,000.00,

WHEREAS, in accordance with Section 8.8 of the Minturn Home Rule Charter the Council may make additional appropriations by ordinance during the fiscal year, and;

WHEREAS, Jay Brunvand, Treasurer, has verified that additional funds are available for appropriations in each fund from actual and anticipated revenues of the current year and prior year cash reserves, and;

WHEREAS, the Town Council is advised that certain revenues, expenditures and transfers must be approved by ordinance.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1.
Upon the Town Manager's verification that there are current year revenues available for appropriation in the General Fund, Enterprise Fund, Conservation Trust Fund, Special Revenue Fund, Marketing Fund, Capital Fund, Scholarship Fund, and Battle Mountain Resort Fund and un-appropriated prior year cash balance available in one or more of those funds, the Town Council hereby makes supplemental appropriations as specified in attached Exhibit "A".

Section 2.
The Town Council hereby authorizes and directs the Town Manager to enter into such contracts and execute such documents on behalf of the Town as may be necessary and customary to expend the funds hereby appropriated for all operations and capital projects within the budget as hereby amended in accordance with the requirements of the Home Rule Charter and the Town's Financial Policies.

Section 3.
The adoption of this Ordinance will promote the health, safety and general welfare of the Minturn community.

Section 4.
If any provision of this Ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 20th DAY OF NOVEMBER, 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 4th DAY OF DECEMBER, 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

_____
Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 4th DAY OF DECEMBER, 2024.

_____
Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

ORDINANCE 21 – SERIES 2024
EXHIBIT "A"

			Addition	Revised Budget
GENERAL FUND:				
Additional Revenue		$ ~~586,475~~641,725.00		
	Property Tax	01-00-4010	47,633	875,000
	Road & Bridge	01-00-4070	7,933	32,933
	Liquor License Fees	01-00-4230	~~1,000~~1,250	~~2,500~~2,750
	Business License	01-00-4240	1,900	25,900
	Town Hall Rent	01-00-4511	200	1,700
	ERFPD Impact Fee	01-00-4512	20,000	20,000
	Inv Earned	01-00-4540	~~80,000~~135,000	~~30,000~~285,000
	Grants	01-00-4552	6,600	6,600
	Grants	01-00-4561	47,000	47,000
	Minturn No. Imp Fee	01-00-4563	99,209	99,209
	RETT	01-00-4680	275,000	450,000
Additional Expense		$ ~~298,640~~425,961.00		
	PR-Office Tech	01-01-5015	23,000	23,000
	FICA	01-01-5092	4,000	18,856
	ICMA 401	01-01-5094	1,300	9,068
	Computer Support	01-01-5120	14,000	65,000
	Legal & Professional	01-01-5220	~~30,000~~132,000	~~78,000~~280,000
	Eng Services	01-01-5221	120,000	240,000
	Auditor Fee	01-01-5225	250	13,750
	Dues, Fees, Training	01-01-5235	7,500	62,500
	ECO Treasurer Fee	01-01-5236	6,000	19,000
	ERFPD Impact Fees	01-01-5240	20,000	20,000
	Code Enf	01-04-5235	8,280	8,280
	Veh R&M	01-06-5231	10,000	16,000
	Public Building R/M	01-06-5290	2,500	17,500
	Equip R&M	01-06-5291	33,000	45,000
	Snow Removal Contract	01-06-5353	1,400	28,900
	Minturn Fitness Center	01-06-5354	800	5,800
	Trans to other Funds	01-04-6100	25,321	25,321
	Grant-Tourism	01-09-8007	16,610	16,610
ENTERPRISE FUND:				
Additional Revenue		$~~2,939,300~~2,955,300.00		
	Water Meters	02-00-4240	14,300	14,300
	Tap Fees	02-00-4320	397,500	440,000
	CIL Fee	02-00-4321	2,157,500	2,200,000
	Invest Earn	02-00-4540	~~50,000~~66,000	~~50,000~~66,000
	Tank Loan	02-00-4575	320,000	320,000
Additional Expense		$ ~~221,539~~201,539.00		
	Payroll	02-06-5010	~~30,000~~10,000	~~70,710~~50,710
	OT	02-06-5010	3,500	5,500
	FICA	02-06-5092	2,113	10,000
	ICMA 401	02-06-5094	876	5,000
	Plant R&M	02-06-5293	20,000	100,000
	Water Plant CIP	02-09-8002	95,000	170,000
	Water Tank CIP	02-09-8003	70,050	70,050
CONSERVATION TRUST FUND:				
Additional Revenue		$ 2,903,00		
	Inv Earn	03-00-4540	2,903	4,000
Additional Expense		$ 0.00		

SPECIAL REVENUE FUND:

Additional Revenue	$ 0,00		
Additional Expense	$ 0.00		

MARKET FUND:

Additional Revenue	$ ~~9,200~~14,305.00		
Sponsorship	05-00-4592	9,200	15,200
Trans from GL	05-00-4570	5,105	5,105
Additional Expense	$12,597.00		
Supplies-General	05-01-5100	2,512	9,512
Supplies-Promotional	05-01-5105	6,805	21,805
Supplies-Contract Labor	05-01-5110	3,280	18,280

CAPITAL FUND:

Additional Revenue	$ ~~6,900~~12,900.00		
Investment Earned	06-00-4540	~~6,900~~12,900	~~11,700~~17,700
Additional Expense	$ 0.00		

SCHOLARSHIP FUND:

Additional Revenue	$ 0.00		
Additional Expense	$ 1,108.00		
Scholarship Awards	08-01-5300	1,088	7,688
Legal/Accounting	08-02-5300	20	520

BATTLE MOUNTAIN RESORT FUND:

Additional Revenue	$~~1,611~~21,827.00		
Interest Earned	09-00-4540	1,611	3,611
Trans from GL	09-00-4597	20,216	20,216
Additional Expense	$ 60,000.00		
Legal & Consulting	09-03-5100	60,000	210,000

To: Mayor and Council

From: Jay Brunvand

Date: December 4, 2024

Agenda Item: Ordinance 22 – Series 2024

REQUEST:
Council is asked to approve Ordinance 22 – Series 2024 (Second Reading).

INTRODUCTION:
This is an annual Ordinance setting forth and approving the Fiscal Year 2024 mill levy on Second Reading.

ANALYSIS:
This is an annual ordinance approved by Council to establish the mill levy on property assessments for the following year. Our mill levy was set at 17.934 mills in 1998 allowing us to collect, spend, or save all revenue generated based on the county assessment. These funds flow into the General Fund as a major source of revenue to meet our budgeted needs. The mill levy collection of property tax makes up over 30% of Minturn's annual General Fund revenues.

The November 2024 final Assessed Valuation was released on November 25th. The final values increased over the August valuation resulting in an increase of $2,269. This revised amount is reflected in this second reading.

COMMUNITY INPUT:
As an Ordinance this will require a public hearing.

BUDGET / STAFF IMPACT:
This Ordinance formally sets the town mill levy at our allowed 17.934 mills for the following year and is a major source of revenue for the town's General Fund.

STRATEGIC PLAN ALIGNMENT:
In accordance with Strategy #1 Practice fair, transparent, and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION:
Motion to approve Ordinance No. 22 – Series 2024 (Second Reading), an ordinance levying general property taxes for the year 2025, to meet general operating costs of government for the Town of Minturn, Colorado for the 2025 budget year.

ATTACHMENTS:
- Ordinance 22 – Series 2024

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TOWN OF MINTURN, COLORADO
ORDINANCE NO. 22 – SERIES 2024

AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2025, TO MEET GENERAL OPERATING COSTS OF GOVERNMENT FOR THE TOWN OF MINTURN, COLORADO FOR THE 2025 BUDGET YEAR.

WHEREAS, the Minturn Town Council of the Town of Minturn, Colorado will adopt the annual budget for Fiscal Year 2025 in accordance with Local and State Government Budget Law, on December 4, 2024, and;

WHEREAS, the assessed valuation for the Town of Minturn, Colorado as certified by the Eagle County Assessor is approximately **$~~47,065,300.00~~47,191,800** and will generate approximately **$~~844,069~~846,338.00** based on the authorized 17.934 mills of the Town of Minturn, and;

WHEREAS, at General Election on November 3, 1998, the citizens of Minturn, Colorado have established the Town Mill Levy at 17.9340 mills in accordance with Article X, Section 20 of the Colorado Constitution, and;

WHEREAS, the final assessed valuation for the fiscal year 2025 will be available by December 4, 2024 from the County of Eagle Assessor in a timely manner to allow the passage of this Ordinance as a non-emergency in the normal course of events.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1. That for the purpose of meeting general operating expenses of the Town of Minturn during the 2025 budget year, there is hereby levied a tax of 17.934 mills upon each dollar of the total valuation for assessment of all taxable property within the Town of Minturn for the 2025 budget year. This assessment of 17.934 mills shall be duly made by the County of Eagle, State of Colorado, as directed by the Colorado Revised Statutes (as amended), and as otherwise required by law.

Section 2. The Minturn Town Treasurer is hereby authorized and directed to immediately certify to the County Commissioners of Eagle County, Colorado, the mill levies for the Town of Minturn, Colorado as here in above determined and set.

Section 3. The Minturn Town Council hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town on Minturn, Colorado and the inhabitants thereof.

Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections sentences, clauses or phrases be declared invalid.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 20th DAY OF NOVEMBER, 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 4th DAY OF DECEMBER, 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

_____

Earle Bidez, Mayor

ATTEST:

_____

Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 4th DAY OF DECEMBER, 2024.

_____

Earle Bidez, Mayor

ATTEST:

_____

Jay Brunvand, Town Clerk

To: Mayor and Council

From: Jay Brunvand

Date: December 4, 2024

Agenda Item: Ordinance 23 – Series 2024 Budget Adoption

REQUEST:
Council is asked to approve Ordinance 23 – Series 2024 on Second Reading.

INTRODUCTION:
This is an annual Ordinance appropriating all estimated beginning fund balances, revenues, and expenses in each fund and adopting the FY2025 budget.

ANALYSIS:
This is an annual ordinance that reports, allocates, and appropriates the beginning fund balance, all anticipated revenues, and all anticipated expenses for each fund as detailed in the budget document. To date all directed changes to the preliminary budget accepted at the first meeting in October 2024 have been assimilated into these final numbers. Council will receive a final budget shortly after second reading in December which will reflect the budget as approved by this Ordinance.

COMMUNITY INPUT:
As an Ordinance this will require a public hearing.

BUDGET / STAFF IMPACT:
This Ordinance represents the formal funding mechanism per State law in the budget approval process.

STRATEGIC PLAN ALIGNMENT:
In accordance with Strategy #1 Practice fair, transparent, and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION:
Motion to approve Ordinance No. 23 – series 2024 (second reading) an Ordinance appropriating revenues, appropriating expenditures, approving transfers and adopting the Town of Minturn budget for the period beginning on the first day of January, 2024 and ending on the last day of December, 2024 as presented.

ATTACHMENTS:
- Ordinance 23 – Series 2024

PO Box 309 • 302 Pine St • Minturn, CO 81645 • www.minturn.org • info@minturn.org • 970-827-5645

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 23 – SERIES 2024

AN ORDINANCE APPROPRIATING REVENUES, APPROPRIATING EXPENDITURES, APPROVING TRANSFERS AND ADOPTING THE TOWN OF MINTURN BUDGET FOR THE PERIOD BEGINNING ON THE FIRST DAY OF JANUARY, 2025 AND ENDING ON THE LAST DAY OF DECEMBER, 2025.

WHEREAS, the Minturn Town Council of the Town of Minturn, Colorado has appointed Jay Brunvand, Treasurer, to prepare and submit a proposed budget to said governing body at the proper time, and;

WHEREAS, Jay Brunvand, Treasurer, has submitted a proposed 2025 Budget to this governing body on October 2, 2024, for its consideration, and;

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said proposed budget was open for inspection by the public as required by law at the Minturn Town Center, a public hearing was scheduled and held on November 6, 2024 and interested citizens were given the opportunity to file or register any objections to said proposed budget, and;

WHEREAS, this proposed budget balances by fund as required by law, and;

WHEREAS, the final assessed valuation will be available by December 4, 2024 from the County of Eagle Assessor in a timely manner to allow the passage of this Ordinance as a non-emergency in the normal course of events.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1.
The budget for the Town of Minturn, Colorado for the fiscal year 2025 as submitted and summarized by fund as described below is hereby adopted, which adoption shall constitute appropriations of the amounts specified therein as revenues and expenditures from the Funds indicated; and that the estimated Beginning Balances, Revenues and Other Sources are hereby declared to be a reasonable projection of the amount of Revenue available for appropriation and to provide an adequate Fund Balance at the close of the fiscal year beginning January 1, 2025 and ending December 31, 2025 more particularly described as follows:

FUND DESCRIPTION	BEGINNING FUND EST. BALANCE	FY2025 REVENUE	FY2025 EXPENSES
General Fund	$3,122,253	$2,999,446	$2,996,554
Enterprise Fund	$4,472,261	$2,205,533	$2,196,350
Conservation Trust Fund	$ 95,068	$ 14,219	$ 61,000
Special Revenue Fund	$ 32,577	$ 10,000	$ 10,000
Market Fund	$ 8,696	$ 37,000	$ 37,000
Capital Fund	$ 522,686	$ 510,023	$ 510,000
Scholarship Fund	$ 271,618	$ 10,000	$ 7,100

Section 2.
The Town Council hereby authorizes and directs the Town Manager and Treasurer to enter into such contracts and execute such documents on behalf of the Town as may be necessary and customary to expend the funds hereby appropriated for all operations and capital projects within the budget as hereby adopted all in accordance with the requirements of the Home Rule Charter and the Town's Financial Policies.

Section 3.
The budget hereby approved and adopted shall be signed by the Mayor and Town Clerk and made a part of the public records of the Town of Minturn, Colorado.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 20th DAY OF NOVEMBER, 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 4th DAY OF DECEMBER, 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

_____
Earle Bidez, Mayor

ATTEST:

_____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 4th DAY OF DECEMBER, 2024.

_____
Earle Bidez, Mayor

ATTEST:

_____
Jay Brunvand, Town Clerk

TO: Mayor and Council
FROM: Jay Brunvand, Treasurer/Clerk
DATE: December 4, 2024
RE: Resolution 62 – Series 2024 Adoption of Annual Fee Schedule

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REQUEST:
Council is asked to approve Resolution 62 – Series 2024 to adopt the Annual Fee Schedule.

INTRODUCTION:
This is an annual Resolution setting forth and approving the various fees proposed for the Fiscal Year 2024. The Town Municipal Code has many fees cited in various areas of the Code. This Resolution combines those fees into one document. It is important to note that in the event a fee conflicts with the Code, the Code will prevail.

ANALYSIS:
This is an annual Resolution approved by Council to establish the annual fee schedule and proposed fee changes. The fee schedule ahs been discussed in previous meetings with council and each department, changes to the fees are reflected in the schedule. All fees will be effective January 1, 2025.

COMMUNITY INPUT:
This has been discussed during the previous budget discussions and public hearings.

BUDGET/STAFF IMPACT:
This Resolution formally sets the town fee schedule as laid forth in the Minturn Municipal Code and is a major source of revenue for the town's various funds. It is noted that the fees are set administratively and are allowed by law to changed year to year as necessary; whereas, a tax, such as the town's mill levy and sales tax, is set by the voters and can only change via a formal election of the citizens.

STRATEGIC PLAN ALIGNMENT:
In accordance with Strategy #1 Practice fair, transparent, and communicative local government.

RECOMMENDED ACTION OR PROPOSED MOTION:
Motion to approve Resolution Resolution 62 – Series 2024 to adopt the Annual Fee Schedule for FY2025 as presented.

ATTACHMENTS:
- Resolution 62 – Series 2024

TOWN OF MINTURN, COLORADO
RESOLUTION NO. 62 – SERIES 2024

A RESOLUTION ANNUALLY SETTING, AMENDING AND APPROVING TOWN FEES AS SET FORTH IN THE FOLLOWING ATTACHMENT TO BE INCLUDED IN APPENDIX "A" OF THE MINTURN MUNICIPAL CODE FOR THE TOWN OF MINTURN, COLORADO FEES COMMENCING JANUARY 1, 2025

WHEREAS, The Town of Minturn reviews and approves such fees by Resolution annually and as necessary, and;

WHEREAS, The fee schedule is available for review during regular business hours at the Town Offices as well as the Official Town Website.

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

Section 1.
The following fees and deposits are hereby set as set forth or added in Appendix "A" is adopted.

Section 2.
In the event of a conflict between the fees, rates and charges listed in this Appendix A and the Text of any individual section of the Town Code, the provisions of The Minturn Municipal Code shall control.

Severability. If any part, section, sub-section, clause or phrase of this Resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Resolution and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections sentences, clauses or phrases be declared invalid.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 4th DAY OF DECEMBER, 2024

ATTEST:

_____ _____

EARLE BIDEZ, MAYOR JAY BRUNVAND, TOWN CLERK

Town of Minturn -Administrative Fees

Fees, Rates, and Charges Imposed Pursuant to the Minturn Town Code

ITEM	DESCRIPTION	FEE 2024	FEE 2025
Administration			
Copies	per page	$0.25	
Bad Check fee		$35.00	
Open Records Request			
Attorney-Administrative	per hour, minimum 1hr after first hour in 15min increments	$185.00	
Town Staff-Administrative	per hour, minimum 1hr. After first hour, billed in 15min increments	$33.58	40.00 per state
Professional Use Fee	Use of town Eng, Lawyer, Other Consultants, etc	Cost + 20%	
Past due monthly fee		$35.00 plus 1.5%/month	
Real Estate Transfer Tax	per sale due at time of sale	1%	
Lodging Tax - Residential		1.5%	6.0%
Lodging Tax - Commercial		1.5%	6.5
Sales Tax - City		4%	
Use Tax - Construction		4%	
Credit Card Fees	For in-person payments, charges in excess of $500 incur a processing fee.	3%	
	For online portal payments, all transactions incur a processing fee.	Varies depending on type of payment, and amount 2 - 3% Fee	
Application for Encroachment	Sec. 11-3	$40.00	
Encroachment Fee		$16sqft annually	

Fees, Rates, and Charges Imposed Pursuant to the Minturn Town Code				
Town of Minturn - Town Clerk Fees				
ITEM	**DESCRIPTION**	**FEE 2024**	**FEE 2025**	**DETAIL**
Business Licenses:				
Initial License Fee		$75.00		
	Prorated at $10/month			
Business License Fee	(Fiscal Period is 4/1-3/31)	$75.00		
Home Occupation License Fee		$75.00		
Home Business License Fee	(Major household income)	$75.00		
Mobile Food Vendor License		$75.00		
Outdoor Recreation License		$75.00		
Short Term Rental License		$300 PER Bedroom or Sleeping Area		
Snow Plow Business		$75.00		
Each additional vehicle		$20.00		
Peddler or Solicitor:				
License Fees				
1 Day		$15.00		
2 Days Consecutively		$30.00		
3 Days Consecutively		$45.00		
5-Days Consecutively		$75.00		
7 Days Consecutively		$75.00		
30 Days consecutively		$75.00		
Annual License	(Due 4/1)	$75.00		
Contractor License:				
Annual License Fee - General		$100/yr		
Business List Print Fee		$40.00		
LIQUOR LICENSE APP FEES	All fees as set or modified by State			
PUBLIC WORKS				
Snow Dump - Tandem		$75.00		
Snow Dump - End Dump		$125.00		
Use of Snow Dump at Community Garden	Must have prior written approval. User (not operator) will be billed.	$150/SEASON		
Snow Dump - FINE	Illegal Dumping - Minimum x 4			
Eagle River Fire Protection District Impact Fees*	THESE WILL AUTO UPDATE WHEN SET BY ERFPD IN JANUARY			
new meter size:	3/4 inch	$1,939.00		
	1 inch	$3,297.00		
	1.5 inch	$6,401.00		
	2 inch	$10,278.00		
	3 inch	$21,333.00		
	4 inch	$32,970.00		
	6 inch	$64,001.00		
	8 inch	$116,754.00		
	10 inch	$149,596.00		
	12 inch	$279,681.00		
*Fees may be increased administratively to adjust for inflation. MMC Sec. 18-16-110				

Town of Minturn -Utility Fees

Fees, Rates, and Charges Imposed Pursuant to the Minturn Town Code

ITEM	DESCRIPTION	FEE 2024	FEE 2025	DETAIL
WATER				
Cash deposit		$100.00		
Debt Service Fee	Per SFE/Month	$17.37		
Turn-on/Reconnect Fee		$50.00		
Turn-off/Disconnect Fee		$50.00		
Turn-on/Reconnect	For non metered water only	$400.00		
Tap, inspection, connection fee				
(1) Residential Unit; per unit plus Tier fee per sq foot floor		Tap Fee $12,940 SIF Tier 1 $10.95/sqft SIF Tier 2 $14.52/sqft SIF Tier 2 $17.47/sqft		
Accessory Dwelling Unit (>750sf)	.5sfe	10.95sf		
Cash in Lieu of Water		$40,501.00		
(2) Hotel/Lodge/Motel/Lock-off/Accommodation Unit:				
(a) per efficiency room		$9,652.45		
(b) per room		$6,650.00		
Out of Town Tap Fees are 25% higher				
Tap, Inspection, Connection Fee				
Commercial Service Line Size in inches: Set to equal ERWSD rates		These will automatically change once set by ERFPD in January		
	3/4in (1.5 SFE)	$17,840.00		
	1in (2.6 SFE)	$30,918.00		
	1in 1/2 (5.8 SFE)	$68,973.00		
	2un (10.3 SFE)	$125,730.00		
	3in (23.0 SFE)	$275,911.00		
	4in (40.9 SFE)	$486,376.00		
	6in (92.1 SFE)	$1,095,240.00		
All out of Town Taps	Sec. 13-29(b)(1)	+ 50%		
Construction Use Rates	Sec. 13.65			
Any water use for construction	Setup fee plus use	$100.00	$150.00	
Portable meter fee		$100.00		
Portable meter water use		$10.00/1000 gal	$25.00/1000 gal	
Portable meter deposit or lost meter		$1,750.00		
Unusual Water User Fee	Sec. 13.66	set Administratively		
Unmetered Water Rate	Sec. 13-4	Base x3		
Monthly rate per SFE for	Residential	$330.48		Base + 25%
Policy related to other uses	Commercial	$330.48		Base + 25%
Replaces Sec. 13-29(b)(2)	Residential out of Town	$498.15		Base + 50%
	Commercial out of Town	$578.34		Base + 75%
	Seniors-Grandfathered (65 years or older)	$247.86		Base -25%
Metered Water Rate	Sec. 13-4			
(a) Residential, basic monthly charge	per SFE	$116.77		
plus a monthly above 0 gals. Use charge per 1,000 gallons		$8.82		
(b) Commercial, basic monthly charge	per SFE	$116.77		
plus a monthly above 0 gals. Use charge per 1,000 gallons		$8.82		
(c) 25% discount for Residential Owner-Occupant over 65 years of age		$87.58		
Out of Town Water Rate are 50% higher for Residential and 75% higher for Commercial	Sec. 13-29(b)(2)	R=$175.16 C=$204.35		
Irrigation / Sprinkler Usage Rates (No Structure)	Irrigation	Sprinkler Usage Rates		Sprinkler
Trash Collection	Plus $10/can more than one	34.98		

IRRIGATION USAGE RATES (NO STRUCTURE)		SPRINKLER USAGE RATES	
SFE factor based on meter size/kgal		(SFE based on associated structure)/kgal	
Tier 1 (0-8)	$10.24	Tier 1 (0-20)	$10.24
Tier 2 (8-16)	$15.36	Tier 2 (21-30)	$15.36
Tier 3 (16-24)	$23.05	Tier 3 (31-40)	$23.05

Tier 4 (24-32)	$34.58	Tier 4 (more than 40)	$34.58
Tier 5 (more than 32)	$51.86		

Residential Water Irrigation Rate Fees

The in-Town metered Water fees for any single-family residence that is greater than 1 SFE, the SFE multiplier is only applied to the base and debt rates are set and hereby adopted effective June 5, 2024 as follows (out of town rates are 50% higher)		• Tier 1 – 0 – 4,000 gallons $ 4.25/1,000 gallons • Tier 2 – 4,001 – 6,000 gallons $ 9.75/1,000 gallons • Tier 3 – 6,001 or more gallons $15.00/1,000 gallons
The in-Town metered Water fees where a single meter is utilized for multiple dwelling units, that the multiplier on the tiered rate structure will continue to apply to the base, debt, AND tiered rates are set and hereby adopted effective June 5, 2024 as follows (out of town rates are 50% higher)		• Tier 1 – 0 – 4,000 gallons $ 4.25/1,000 gallons • Tier 2 – 4,001 – 6,000 gallons $ 9.75/1,000 gallons • Tier 3 – 6,001 or more gallons $15.00/1,000 gallons
The in-Town metered Water irrigation fees for potable water are set and hereby adopted effective June 5, 2024 as follows		• Tier 1 – 0 – 8,000 gallons $ 6.38/1,000 gallons • Tier 2 – 8,001 – 16,000 gallons $14.63/1,000 gallons • Tier 3 – 16,001 – 24,000 gallons $22.50/1,000 gallons • Tier 4 – 24,001 – 32,000 gallons $27.50/1,000 gallons • Tier 5 – 32,001 or more gallons $32.50/1,000 gallons
The in-Town metered Water irrigation fees for non-potable water are set and hereby adopted effective June 5, 2024 as follows		• Tier 1 – 0 – 8,000 gallons $ 2.13/1,000 gallons • Tier 2 – 8,001 – 16,000 gallons $ 4.88/1,000 gallons • Tier 3 – 16,001 – 24,000 gallons $ 7.50/1,000 gallons • Tier 4 – 24,001 – 32,000 gallons $12.50/1,000 gallons • Tier 5 – 32,001 or more gallons $17.50/1,000 gallons

Town of Minturn -Event / Facility
Rental Fees

Fees, Rates, and Charges Imposed Pursuant to the Minturn Town Code

ITEM	DESCRIPTION	FEE 2024	FEE 2025
Town Hall / Council Chambers			
Set-Up Fee	Used only in Special circumstances, for Town related business or for Town partners, and must set up on own.	$50.00	
Full Room with Kitchen		$300.00	
Full Room Without Kitchen		$200.00	
Flip Chart and Easel		$25.00	
Use of Monitor for Presentations		$100.00	
Sound System/Microphones		$100.00	
Cleaning Deposit	Based on actual cost	$250.00	
Nonprofit		$50 set up fee	
Little Beach Park			
Little Beach Park Minturn Resident Non Profit Non Resident		 $150/half day $250/full day $50/half day $100/full day $300/half day $500/full day	
Special Event Permit (for Public Event)		$250/Town Property $100/Private Property	
Minturn Bike Park			
Programs-fee based	less than 4hrs/14ppl	$100.00	
Programs-fee based	more than 4hrs/14ppl	$200.00	
Exclusive Use for camp or clinic	less than 4hrs/14ppl	$250.00	
Exclusive Use for camp or clinic	more than 4hrs/14ppl	$500.00	

Town of Minturn -Planning Fees

Fees, Rates, and Charges Imposed Pursuant to the Minturn Town Code

ITEM	2024 FEE	DETAIL	2025 FEE
PUD Applications			
ITEM			$1000 + $50/Unit + $6,000 Deposit
PUD Concept Plan	$850 + $40/Unit + $5,000 Deposit		$3000 + $50/Unit + $6,000 Deposit
PUD Preliminary Development Plan	$2500 + $40/Unit + $5,000 Deposit		$1775 + $50/Unit + $6,000 Deposit
PUD Final Development Plan	$1500 + $40/Unit + $5,000 Deposit		$1175 + $50/Unit + $6,000 Deposit
Minor PUD Concept/Preliminary Development Plan	$1000 + $40/Unit + $5,000 Deposit		
Changes to Approved PUD Plans-			$425 + $1,175 Deposit
(Minor) Approved by Planning Director	$350 + $1,000 Deposit		$600 + $25/Additional Units + $1,175 Deposit
(Minor) Approved by Planning Commission	$500 + $25/Additional Units + $1,000 Deposit		$1175 + $25/Additional Units + $6,000 Deposit
(Major) Approved by Town Council	$1000 + $25/Additional Units + $5,000 Deposit		
Subdivision Application			$600 + Cost
Administrative Replat	$500 + Cost		$425 + Cost
Correction Plat	$350 + Cost		$1775 + 25/Lot + $6,000 Deposit
Preliminary Subdivsion Plat	$1500 + 25/Lot + $5,000 Deposit		$1175 + 25/Lot + $3,550 Deposit
Final Subdivision Plat	$1000 + 25/Lot + $3,000 Deposit		
Minor Subdivision			
Amended Final Plat	$650 + Cost		$775 + Cost
Minor Type A Subdivision	$850 + Cost		$1000 + Cost
Minor Type B Subdivision	$850 + Cost		$1000 + Cost
Miscellaneous			
Annexation	$5,000 + $10,000 Deposit		$6,000 + $12,000 Deposit
Disconnect/De-Annexation	$3,000 plus associated costs		$3,550 plus associated costs
Amendments To Text of Land Use Regulations	$1,750 + Cost		$2,075 + Cost
Amendments To Official Zone District Map	$1,000 + Cost		$1,175 + Cost
Conditional Use Permit Application	$800 + Cost		$950 + Cost
Limited Use Review	$150 + Cost		$175 + Cost
Temporary Use Permit	$425 + Cost		$500 + Cost
Temporary Use Permit Security Deposit	TBD on Per Case Basis		
Variance	$575 + Cost		$675 + Cost
Vacation of Public Easements and ROW	$750 + Cost		$900 + Cost
Sign Permit	$60 + 1.50/Sq. Ft.		$75 + 1.75/Sq. Ft.
Design Review Board			
Major Design Review Application	$200		$250
Minor Design Review Application	$75		$100
Special Planning Commission meeting	$500 + Cost		$600 + Cost
Appeal - Planning Commission or Town Council	$300 + Cost		$350 + Cost
Professional Review - Single structure project < 1 acre			
Multiple structure projects or projects 1 to 3 acre			
Buidling Permits new construction - based on valuation:**			
$1.00 to $500.00	$ 29.85		$ 35.22
$501.00 to $2,000.00		$3.87 for each addtional $100 valuation over $500.00	$4.57 for each addtional $100 valuation over $500.00
$2,001.00 to $25,000		$17.78 for each additional $1,000 valuation over $2,000	$20.98 for each additional $1,000 valuation over $2,000
$25,001.00 to $50,000		$12.83 for each additional $1,000 valuation over $25,000	$15.14 for each additional $1,000 valuation over $25,000
$50,001.00 to $100,000.00		$8.89 for each additional $1,000 valuation over $50,000	$10.49 for each additional $1,000 valuation over $50,000
$100,001.00 to $500,000.00		$7.11 for each additional $1,000 valuation over $100,000	$8.39 for each additional $1,000 valuation over $100,000
$500,001.00 to $1,000,000.00		$6.03 for each additional $1,000 valuation over $500,000	$7.12 for each additional $1,000 valuation over $500,000
$1,000,001.00 and up		$4.64 for each additional $1,000 valuation over $1,000,000	$5.48 for each additional $1,000 valuation over $1,000,000
Construction without a permit		Purchase of Building Permit plus Fine of 100% value of permit to be determined by Town	
Plan Review		65% of permit fee	
Cleanup Deposit			
Street Use Fee		1/2% of the project valuation that is valued at $500 or greater	
Street Cut Fee			
Basic permit fee	Performance Bond may Required	$75.00	$100.00
Basic utility fee		$50.00	$75.00
	per Sec. 11-26		
	replacement of paving w/oil&chip surface/ per sq. ft.	Per Bid	
	dirt cuts	Per Bid	
	Backfilling	time, material, staff time	
	Saw cuts per lineal foot w/min fee 25.00	time, material, staff time	
	Any re-work	time, material, staff time	

Application Review Deposit:
Deposits are required to cover staff and consultant time attributable to a particular land use application reveiw, meeting attendance, and phone consultations over and above the minimum application fee required for the application. Applicant will bear the burden of all staff & consultant costs above and beyone the first staff member.
For multi-step applications (e.g. PUD Concept, PUD Preliminary Plan, PUD Final Plan) any unused deposit amounts from one application may be applied toward the next application.
Minimum deposit balances for each land use application type must be maintained or replenished upon notice by the Town.

Costs:
Costs attributable to the review by consultant, and additional staff time, are billed at actual hourly rates. Cost assessed after first hour.

Tempoary Use Permit Security Deposit:
Security deposit amounts for the cleanup or restoration following the termination of an approved temporary use are determined by the Planning Director on a case by case basis dependent on the intensity, scope, timing, and location of the use; and, upon the intensity, scope, timing, and location of the anticipated mitigation needed to return the unit, site. or area to its pre-permit condition.

** Valuation is based upon the national average per/square foot construction cost published semi-annually by the International Code Council, with a 1.4 multiplier applied as a regional cost differential.

Other:
*For all applications requiring legal descriptions to be published in the newspaper, additional fees will be charged on a per cost basis, for publications that are in excess of $50

*No application shall be considered or reviewed until the application fees are paid in full and the application is deemed complete. Where mulitiple applications are required, multiple fees shall be assessed. Fees are not required for Town-initiated applications.

*Review fees charged by a state or federal agency shall be made payable to the reviewing agency based on current rates and paid at the time of application.

*Application fees shall be paid by cash or by a check made payable to the Town of Minturn, and shall be submitted with the application to the Town of Minturn Planning Department.
*Additional Town Staff services may be billed at an hourly rate as deemed necessary.

Minturn Municipal Court Fees

Fees, Rates, and Charges Imposed Pursuant to the Minturn Town Code

PUBLIC SAFETY / COURT FEES

ITEM	DESCRIPTION	FEE 2024	FEE 2025
Incarceration Fee	Assessed at current daily fee charged by the Eagle County Sheriff's Office		
Records Requests-Criminal Justice	There is no charge for the first copy of the report if you are the defendant, the victim, another court, or a law enforcement agency	.25pg + $5.00 Admin Fee	
Clearance Letter		$10.00	
Court Transcripts		$250.00 Deposit/Actual Cost	
Court Fines	Minturn Municipal Court has adopted the Colorado Model Traffic Code	per Judge / per Model Traffic Code	
Court Fines-Payment Plan Fee	Per court direction	$25.00	
Court Cost Fee		$25 + 25% Aministrative Fee	
Community Service Fee		$25.00	

A Regional Roadmap for a New Net Zero

Redefining Net Zero and Aligning New Construction Codes in the Eagle River and Roaring Fork Valleys

November 2024

Photo courtesy of Daniel Bayer Photography, provided by the Community Office for Resource Efficiency (CORE).

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Abbreviations

AHJ - Authority Having Jurisdiction

CAC - Climate Action Collaborative

CORE - Community Office of Resource Efficiency

CLEER - Clean Energy Economy for the Region

EEOP - Exterior Energy Offset Program

EV - Electric Vehicle

HVAC - Heating, Ventilation, and Air Conditioning

REMP - Renewable Energy Offset Program

PV - Photovoltaic

Why We Need a Net Zero New Construction Roadmap

Our mountain region is facing increasing climate threats as Statewide climactic changes warm our local climate. The local governments in the Eagle River and Roaring Fork Valleys recognize this threat and have established strong goals to ensure we reduce our local carbon emissions to secure a vibrant and resilient future for our communities.

The Net Zero New Construction Roadmap (Roadmap) is a local government and utility staff-led effort to identify how we can achieve zero carbon emissions for all new buildings, in line with our climate action goals, by 2030, while maintaining housing affordability, and bolstering our local workforce to deliver on these objectives.

Through this collaborative effort, we defined what "net zero" truly means for our mountain region, providing a clear path for local governments to adopt energy codes that will achieve net zero newly constructed buildings by 2030. This unified approach ensures that our region will effectively tackle climate challenges while fostering economic growth and sustainability.

Photo courtesy of Daniel Bayer Photography, provided by the Community Office for Resource Efficiency (CORE).

Introduction

In 2024, a Cohort of building department and sustainability staff, sustainability and building code experts, and local utility company representatives from communities within the Roaring Fork and Eagle River Valleys convened to develop a Net Zero New Construction Roadmap (Roadmap) for new residential and commercial buildings. This effort aims to encourage a regionally consistent building code that will progress toward eliminating greenhouse gas emissions from newly constructed buildings, support the local workforce, and improve overall housing affordability.

The Roadmap plays an important role in supporting Colorado's ambitious climate goals of reducing emissions by 50% by 2030 and 90% by 2050. While it contributes significantly to these objectives, it is part of a broader strategy that will be necessary to meet the comprehensive emissions reductions needed in the built environment. The Roadmap also aligns with local climate action plans that prioritize emissions reductions, particularly focusing on the emissions impact of new construction.

This Net Zero New Construction Roadmap provides a stepped approach for local governments to use as a guide for adoption of energy codes and beyond-code programs for future building code adoption cycles, with the end goal of adopting and enforcing a code standard that achieves new net zero buildings by 2030.

The Roadmap includes core elements that address carbon emissions of new buildings and phase out fossil fuel systems. The core elements of the Roadmap include energy efficiency, electrification, energy storage, renewable energy, and demand response. While the Roadmap does not explicitly address embodied carbon and electric vehicles, these are encouraged to be additional considerations for each jurisdiction as they update their energy codes between now (2024) and 2030.

Key objectives of the roadmap include:

1. Re-define what "net zero" energy use for newly constructed buildings means in our local context.
2. Eliminate operational GHG emissions that are generated by newly constructed homes and commercial buildings' energy use in the region (except for special circumstances).
3. Provide local government staff and elected leaders a clear pathway to follow for new construction energy code updates to enforce net zero building requirements, as defined in this Roadmap, by 2030.
4. Support ongoing collaboration amongst local government staff and elected leaders to adopt the same building energy codes that result in net zero buildings by 2030, so the rules and standards across the region are consistent.

A New Net Zero

During discussions, the cohort recognized that a net zero building can mean many different things to different types of stakeholders. As a result, the cohort agreed on a unique description of a net zero building that everyone in the region can work toward. In addition, the region represented in this Roadmap is served by electric utilities rapidly on their way to supplying 100% renewable, carbon-free electricity [1]. This fundamental shift in our regional energy supply, led by our progressive electric utilities, allowed the Cohort to envision what "net zero" means if the electric grid is supplying the clean energy a building needs, rather than each individual building producing it itself.

For the purposes of this roadmap and the region, a net zero building is a building that has the following attributes:

- **Is powered by electricity;**
- **Uses renewable energy from the grid and/or onsite generation;**
- **Has the ability to store energy and/or shift energy use to reduce peak demand on the electric grid;**
- **Achieves energy performance above base International Energy Conservation Code;**
- **Is designed to minimize embodied carbon; and**
- **Is EV-ready.**

RESIDENTIAL New Construction Roadmap

	Step A Suggested time frame: 2024-2026	**Step B*** Suggested time frame: 2026-2029	**Step C*** Suggested time frame: 2030 and beyond
Energy Efficiency	Adopt the 2021 or 2024 IECC base code and the required state Electric and Solar Ready Code, at a minimum.	Adopt the State Minimum Code (HB22-1362): State Low Carbon and Energy Code based on the 2024 IECC or the 2027 IECC. *Note: The new state minimum is required for jurisdictions updating building codes starting July 1, 2026.*	Adopt the most recent IECC. Identify above code options to drive additional residential energy efficiency as necessary.
Home Size Threshold	Higher energy efficiency must be demonstrated in homes over a certain size.		
Electrification	**Electric-preferred code** to encourage electrification of new buildings, along with, electric-readiness for all energy end uses in a building.	**All-electric with exceptions** for gas supplemental heat, emergency generators, and other items as decided by AHJs or building officials.	**All-electric with no OR rare exceptions** as decided by AHJs or building officials.
Energy Storage	Utilize the REMP or EEOP Programs to incentivize battery storage. For AHJs requiring PV for new buildings, energy storage is strongly encouraged or incentivized to be installed with the PV system.	Utilize the REMP or EEOP to incentivize battery storage. Energy storage is required if a new PV system is installed.	Utilize the REMP or EEOP to incentivize battery storage. Energy storage is required if a new PV system is installed.
Renewable Energy Pathway 1: For jurisdictions with existing Solar Requirements	Solar is required. If solar is installed, energy storage is required to be installed with the PV system.	Solar is required to offset remaining "non-renewable" energy being consumed from the electric grid. If solar is installed, energy storage is required with the PV system.	Solar-readiness is required. Solar installation is optional, as long as utilities have accomplished 100% renewably powered grid. If solar is installed, energy storage is required to be installed with the PV system.
Renewable Energy Pathway 2: For jurisdictions with existing Solar-Ready Requirements	Solar-readiness is required.	Solar-readiness is required. If solar is installed, energy storage is required with the PV system.	
Demand Response	None.	Demand response controls for electric water heaters are required (per state law CRS 6-7.5-101-110, effective Jan 1, 2026)	Demand response controls for electric water heaters and for thermostats are required.

*See 2027 & 2030 Re-evaluation

COMMERCIAL New Construction Roadmap

	Step A Suggested time frame: 2024-2026	**Step B*** Suggested time frame: 2026-2029	**Step C*** Suggested time frame: 2030 and beyond
Energy Efficiency	Adopt the 2021 or 2024 IECC base code and the required state Electric and Solar Ready Code, at a minimum.	Adopt the State Minimum Code (HB22-1362): Low Carbon and Energy Code based on the 2024 IECC or the 2027 IECC. *Note: The new state minimum is required for jurisdictions updating building codes starting July 1, 2026.*	Adopt the most recent IECC. Identify *above code options to* drive additional commercial energy efficiency.
Electrification	**Electric-preferred code** to encourage electrification of new buildings, along with electric-readiness for all energy end uses in a building.	**All-electric with some exceptions** as decided by AHJs or building officials **OR** Adopt a stronger electric-preferred standard with increased efficiency requirements.	**All-electric with rare exceptions** as decided by AHJs or building officials. *Note: Evaluate all rare exceptions prior to adoption to ensure they are relevant, based on how electrification technology has evolved.*
Energy Storage	Utilize the REMP or EEOP to incentivize battery storage. For AHJs requiring PV for new buildings, energy storage is required to be installed with the PV system.	Utilize the REMP or EEOP to incentivize battery storage. Energy storage is required if a new PV system is installed.	Utilize the REMP or EEOP to incentivize battery storage. Energy storage is required if a new PV system is installed.
Renewable Energy Pathway 1: For jurisdictions with existing Solar Requirements	Solar is required on commercial buildings over 5,000 sq ft. If solar is installed, energy storage is required to be installed with the PV system.	Solar is required to offset remaining "non-renewable" energy being consumed from the electric grid for commercial buildings over 5,000 sq ft. If solar is installed, energy storage is required to be installed with the PV system.	Solar-readiness is required. Solar installation is optional, as long as utilities have accomplished 100% renewably powered grid. If solar is installed, energy storage is required to be installed with the PV system.
Renewable Energy Pathway 2: For jurisdictions with existing Solar-Ready Requirements	Solar-readiness is required.	Solar-readiness is required. If solar is installed, energy storage is required to be installed with the PV system.	
Demand Response	None.	Demand response controls for some electric water heaters are required (per state law CRS 6-7.5-101-110, effective Jan 1, 2026 for small commercial applications 40-120 gallons).	Demand response controls for all electric water heaters and for thermostats are required.

*See 2027 & 2030 Re-evaluation

2027 and 2030 Re-Evaluation

This Roadmap is based on the current understanding of net zero strategies, costs, policies, technology, and utility support, all of which may evolve before 2030. To meet the Roadmap's goals, ongoing collaboration and re-evaluation during each code cycle are essential. Communities and utility representatives should reconvene with technical and workforce experts ahead of 2027 and 2030 code cycles to review renewable energy, energy storage, and demand response elements, aligning on new data, state policies, and regional standards.

Renewable Energy: As utilities integrate more large-scale renewables, the role of onsite solar may shift to resiliency, and changes in net metering rules or financial incentives could affect adoption.

Energy Storage: Rapid advancements in energy storage may influence utility incentives and grid management needs, shifting demand between residential and commercial systems by 2030.

Demand Response: With rising demand from electrification and EVs, demand response may, over time, become more important for balancing grid supply, keeping energy affordable, and maintaining reliability of the electrical grid.

Equity

There is a need to address equity in building energy policy development and implementation, recognizing that inefficient and outdated buildings unfairly impact equity-priority community members and businesses. Homes or other buildings, when built poorly or to old energy code standards, lead to higher energy bills, poor indoor air quality, and increased health risks. As building technologies improve and the electric grid becomes cleaner, there is an opportunity to build net zero from the start. Doing so can lower energy costs, improve health outcomes, and ensure that no community member is left behind with older, polluting systems in the places where our community lives, works, and plays.

The Roadmap development process identified key equity concerns, one of which was a desire to minimize upfront costs of new construction, which could support more accessible and affordable housing for community members in each valley, while ensuring new construction meets high efficiency standards. Through case studies from new buildings across the three county region and other Colorado mountain communities, it's been shown that all-electric, high efficiency new buildings are feasible without a higher price tag if the design and intent to build net zero is a goal from the start [2]. Proposed solutions to ensure housing affordability does not come at the sacrifice of energy efficiency include expanding green financing options for affordable net zero housing or using the permitting process to reduce fees or review time for all-electric and/or energy-efficient buildings.

The Eagle County Climate Equity Plan engaged with community members through a survey, which revealed that 72% of Spanish-speaking survey takers and 32% of English-speaking survey takers use money meant for important needs, like food and medicine, to pay their energy bills instead. Additionally, renters, who often live in less energy efficient properties, face additional barriers like landlords being unwilling to make energy-saving upgrades [3].

Electrification emerged as a critical equity issue as well. Electrification offers significant health benefits by eliminating indoor pollution from gas-powered systems through the installation of highly efficiency, all-electric systems that also lower operational costs. However, participants noted that without energy efficiency measures, inefficient electrification could increase utility costs for low-income families. Because of this, our Roadmap to Net Zero includes regular updates to the International Energy Conservation Codes, which will ensure high performing envelopes and high efficiency systems will enable beneficial electrification for all community members.

It was noted through this effort that the project scope limited the Cohorts ability to engage with members of the public who are experiencing energy burden in our communities. As the Roadmap implementation advances and each subsequent code cycle is adopted, inclusive engagement with low income and underrepresented groups will be crucial in shaping building energy codes that delivers equitable outcomes for everyone.

Photo courtesy of the Community Office for Resource Efficiency (CORE).

Green Workforce Development

Achieving net zero new construction by 2030 relies on a skilled workforce proficient in green building practices, including energy-efficient systems, renewable energy, energy storage, and electrification. Addressing existing workforce gaps and planning for future growth is essential to reducing carbon emissions and meeting future demands.

A 2024 study by Inclusive Design Group (IDG) on green building workforce development in Pitkin, Eagle, and Garfield Counties found a significant shift toward green building within skilled trades, revealing strong demand for expertise in weatherization, insulation, and heat pump installation. Meeting this demand is crucial for the Roadmap's net zero goals, particularly in areas with lower wages where demand for skilled tradespeople is higher. Key strategies to enhance green workforce development include:

- **Expanding Skilled Trades:** Workforce initiatives should focus on training existing workers in new technologies and techniques needed for net zero buildings, especially as building codes evolve.
- **Creating Partnerships:** Educational institutions, such as Colorado Mountain College and local high schools, play a critical role in developing future green building professionals.
- **Incentivizing and Funding Training:** Scholarships for apprenticeship programs and skills training will be vital for rapidly developing the green workforce.

In addition, community nonprofits focused on climate solutions in our region, including Walking Mountains (WM), Community Office of Resource Efficiency (CORE), and Clean Energy Economy for the Region (CLEER) conducted "Listen & Learn" sessions to gather industry insights on the Roadmap.

Key themes from these discussions show support for the goals of this Roadmap and highlight the regional challenges we may face as these goals advance:

1 **Code Adoption and Alignment**: Participants stressed the need for consistent building codes across jurisdictions to avoid confusion and streamline approvals and support industry in understanding and complying with the code requirements. Companies emphasized it cannot be the responsibility of the private sector to convince customers to go net zero. If the code requires net zero, local businesses can get there.

2 **Workforce Development and Housing Challenges**: Finding and retaining skilled local workers remains challenging due to high housing costs and low wages.

3 **Electrification and Affordability**: Affordability concerns regarding electrification costs in new construction and retrofits were noted, highlighting the need for balancing cost considerations while pursuing electrification. It was also noted, by a local contractor that heat pump installations are at an all time high in our mountain community, including in multifamily buildings.

4 **Technological Challenges**: Participants expressed perceived concerns about grid readiness for electrification and the availability of suitable technology in the area to meet electrification goals. *Note: Despite these concerns, through extensive engagement with the local utilities serving the region, the utilities that participated (Appendix A) emphasized that the grid is ready for electrification.*

5 **Community Involvement & Education**: Ensuring net zero initiatives benefit all community members is essential, especially across the large income gaps in our community. Increased community education and engagement in policy shaping will be essential so the building industry knows why codes are moving to net zero and can support these goals.

These insights underline the importance of workforce development, technological readiness, and equitable access as the region works towards net zero goals. Consistent building codes are crucial for reducing confusion and advancing sustainability efforts equitably across communities.

Future Work

The Regional Net Zero Roadmap defines a pathway to adopt regionally consistent codes for net zero construction by 2030. Achieving this goal requires ongoing collaboration among sustainability and building department staff within local governments, as well as community members in the building industry. Next steps include:

1. **Continued collaboration:** Convene the cohort or regional partners before each code cycle to align on net zero amendments, share lessons, and establish new regionally consistent code standards in alignment with this Roadmap. With support from local nonprofits, reconvene the Mountain Building Code Officials group and work with CORE, CAC, and CLEER to provide regional officials with necessary training and resources.

2. **Review funding opportunities:** Identify state or other grants to fund cohort facilitation, resource development, and cost studies. Additional funds could support local Community-Based Organizations (CBOs) and bolster compliance efforts in building departments.

3. **Provide regular updates and share resources:** CORE, CAC, and CLEER should give regular updates on code progress to ensure that all communities stay informed. Communities should also exchange insights, studies, and data to support collaborative code development.

4. **Turn focus to existing buildings:** After adopting the net zero code for new construction, expand efforts to improve energy efficiency and reduce emissions in existing buildings. Work with CORE, CAC, and CLEER to evaluate equitable retrofitting incentives, set performance benchmarks, and explore policies for broader climate goals.

Appendix A

Net Zero Roadmap Participants

Project Manager
- Lotus Engineering & Sustainability

Local Governments
- Town of Avon
- Town of Basalt
- Town of Eagle
- Eagle County
- Town of Minturn
- Town of Red Cliff
- Town of Vail
- City of Aspen
- Pitkin County
- Town of Snowmass Village
- City of Glenwood Springs
- Town of Carbondale

Utilities
- Xcel Energy
- Holy Cross Energy
- Aspen Utilities
- Glenwood Springs Electric & Public Works
- Black Hills Energy

Technical Experts Advising on the Project
- Shums Coda Associates
- Biospaces Energy Consulting
- Southwest Energy Efficiency Project

Community Nonprofits
- Community Office of Resource Efficiency (CORE)
- Climate Action Collaborative at Walking Mountains (CAC)
- Clean Energy Economy for the Region (CLEER)

End Notes

[1] Aspen's Path to 100% Renewable Electricity
City of Glenwood Springs, Energy and Climate Action Plan 2024
Holy Cross Energy Annual Report 2023
Xcel Energy 2023 Sustainability Report

[2] Cost-Effectiveness of the 2021 IECC for Residential Buildings in Colorado — 2015 IECC Baseline
SWEEP - Breckenridge shows how affordable and sustainable housing can be all-electric too
Garfield Clean Energy - Energy savings make Rifle housing project doubly affordable
Eagle County Energy Code Modeling Report

[3] CAC Climate Equity Plan

TOWN OF MINTURN, COLORADO
RESOLUTION NO. 63 – SERIES 2024

A RESOLUTION OF THE TOWN OF MINTURN TOWN COUNCIL ADOPTING THE REGIONAL NET ZERO ROADMAP AND COMMITTING TO COLLABORATIVE ACTION TO ACHIEVE NET ZERO BY 2030

WHEREAS, the Town of Minturn is committed to addressing the urgent challenges of climate change by adopting strategies that reduce carbon emissions, promote sustainability, and enhance the resilience of our community, and is committed to achieving a net-zero future for the benefit of both current and future generations; and

WHEREAS, the Town of Minturn has committed to reducing community-wide GHG emissions 50% by 2030 and 80% by 2050, and recognizes that achieving this goal requires decarbonization of all new and existing buildings within the Town of Minturn; and

WHEREAS, the Town Council of Minturn believes that achieving net-zero operational emissions for all new construction by 2030 is not only possible but essential to mitigate climate change and create long-term benefits for our community, including public health, economic opportunities, equity, innovation, and long-term environmental stewardship; and

WHEREAS, the Town of Minturn has been an active participant in designing and shaping the Regional Net Zero Roadmap to achieve net zero operational emissions for new construction by 2030, ensuring that the Roadmap reflects not only the needs and priorities of our town but also the entire region; and

WHEREAS, the Town of Minturn acknowledges the importance of regional collaboration and alignment in achieving the goals of the Regional Net Zero Roadmap, and recognizes that by working together with neighboring jurisdictions and regional partners, we can maximize the impact of our collective efforts, share resources and knowledge, and ensure equitable solutions for all communities; and

WHEREAS, the Town of Minturn commits to working closely with regional partners in upcoming building code adoption cycles to implement regionally-aligned updates to building codes that support the transition to net-zero operational emissions for new construction; and

WHEREAS, the Town of Minturn is committed to ensuring that all members of our community, particularly those most vulnerable to climate impacts, benefit from the transition to a net zero built environment;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Minturn that Minturn hereby adopts the Regional Net Zero Roadmap, with the goal of achieving net-zero operational emissions for new construction by 2030, as a key component of our city's climate action strategy.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 4th DAY OF DECEMBER, 2024.

TOWN OF MINTURN

By:_____
Earle Bidez, Mayor

ATTEST:

_____
Jay Brunvand, Town Clerk

To: Mayor and Council
From: Jay Brunvand
Date: December 7, 2022
Agenda Item: Ordinance 24 – Series 2024 Short Term Rental tax increase

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REQUEST:
Council is asked to approve Ordinance 24 – Series 2024 Short Term Rental tax increase.

INTRODUCTION:
On November 5, 2024 the voters approved increasing the Lodging Tax from 1.5% to 6.5% for Residential properties. This increase applies to ONLY residential short term rentals of 30days or less. It does NOT apply to commercial short-term rentals as those properties pay a much higher property tax than residential properties. This increase will be effective January 1, 2025.

ANALYSIS:
N/A

COMMUNITY INPUT:
N/A

BUDGET / STAFF IMPACT:
This is an increased lodging tax on residential units rented 30days or less. It is estimated this will result in additional revenue in the amount of $20,000 in 2025. These additional funds will be restricted for community projects, visitor impacts, parking improvements, and an other capital purposes as determined by Council.

STRATEGIC PLAN ALIGNMENT:
In accordance with Strategy #1 to practice fair, transparent, and communicative local government and in accordance with Strategy #4 to advance decisions, projects, and initiatives that expand future opportunity and viability for Minturn.

RECOMMENDED ACTION OR PROPOSED MOTION:
"Motion to approve Ordinance 24 – Series 2024 an Ordinance amending Section 4-4-40 of the Minturn Municipal Code to provide for the implementation of proposed taxing measure referred to the town electors.

ATTACHMENTS:
- Ordinance 24 – Series 2024

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ORDINANCE 24 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO, AMENDING SECTION 4-4-40 OF THE MINTURN MUNICIPAL CODE TO PROVIDE FOR THE IMPLEMENTATION OF PROPOSED TAXING MEASURE REFERRED TO THE TOWN'S ELECTORS.

WHEREAS, the Town of Minturn, in the County of Eagle and State of Colorado (the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (the "Charter"); and

WHEREAS, the members of the Town Council of the Town (the "Council") have been duly elected and qualified; and

WHEREAS, Section 8.2 of the Minturn Municipal Code (the "MMC") provides for the levy of increased taxes for municipal purposes; and

WHEREAS, Article X, Section 20 of the Constitution ("TABOR") requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established by TABOR; and

WHEREAS, by Ordinance No. 17, Series 2024, the Council authorized the Town to certify to the Town's electorate a ballot question to levy an increase of the Lodging Tax on short-term rentals of residential property not including hotels, motels, hotel- or motel-suites, bed and breakfast establishments, or dormitories, from 1.5% to 6.5%; and

WHEREAS, on November 5, 2024, a majority of electors in the Town approved the ballot measure increasing the Lodging Tax on short-term rentals of residential property to 6.5%; and

WHEREAS, the ballot measure approved on November 5, 2024 authorized the Lodging Tax revenues to be used for community projects and services addressing visitor impacts in the areas of recreation, public safety, street improvements, parking improvements, and any other capital purposes as determined by the Council;

WHEREAS, the Council finds and declares that the amendment of Section 4-4-40 of the MMC set forth below and incorporated herein by this reference, to implement the will of the Town's electors by providing for the levy of such taxes in the event that the electors approve, is in the best interests of the Town.

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

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

Section 2. Amendment of Section 4-4-40. Section 4-4-40 of the MMC is hereby amended as follows:

Sec. 4-4-40. - Imposition and rate of tax.

(a) There is levied and shall be paid and collected a tax of one and one-half percent (1.5%) on the price paid for the leasing or rental, for less than thirty (30) consecutive days, of ~~any~~ lodging accommodation in the Town including hotels, motels, hotel- or motel-suites, bed and breakfast establishments, or dormitories, but excluding short-term rentals.

(b) There is levied and shall be paid and collected a tax of six and one-half percent (6.5%) on the price paid for the leasing or rental, for less than thirty (30) consecutive days, of lodging accommodations at short-term rentals, but excluding hotels, motels, hotel- or motel-suites, bed and breakfast establishments, or dormitories. Annual revenues from this tax shall be used for community projects and services addressing visitor impacts in the areas of recreation, public safety, street improvements, parking improvements, and any other capital purposes, as determined by the Town Council.

Section 3. Approval of Ballot Issue. A majority of the votes cast on the ballot issue submitted at the election was in favor of such ballot issue, thereby authorizing the Town acting through the Council to proceed with the necessary actions in accordance with the ballot issue which has been so approved.

Section 4. Effective Date. Upon passage of this Ordinance, the provisions hereof shall become effective on January 1, 2025.

Section 10. The officers of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 11. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 12**.** All orders, resolutions, bylaws, ordinances or regulations of the Town, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 4th DAY OF DECEMBER 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 18th DAY OF DECEMBER, 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

_____
Earle Bidez, Mayor

ATTEST:

By:_____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS __th DAY OF DECEMBER, 2024.

TOWN OF MINTURN, COLORADO

_____
Earle Bidez, Mayor

ATTEST:

By:_____
Jay Brunvand, Town Clerk

STATE OF COLORADO)
)
COUNTY OF EAGLE) SS.
)
TOWN OF MINTURN)

I, Jay Brunvand, the Town Clerk of the Town of Minturn, Colorado (the "Town"), do hereby certify:

1. The foregoing pages are a true and correct copy of an Ordinance (the "Ordinance") passed and adopted by the Town Council of the Town (the "Council") at a regular meeting of the Council held on December 18, 2024.

2. The Ordinance was duly introduced, moved and seconded and passed on at the regular meeting of December 4, 2024, by an affirmative vote of a majority of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Earle Bidez, Mayor				
Eric Gotthelf, Mayor Pro Tem				
Lynn Feiger, Councilman				
Gusty Kanakis, Councilman				
Tom Priest, Councilman				
Brian Rodine, Councilman				
Kate Schifani, Councilman				

The Ordinance was duly introduced, moved and seconded and passed on at the regular meeting of December 18, 2024, by an affirmative vote of a majority of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Earle Bidez, Mayor				
Eric Gotthelf, Mayor Pro Tem				
Lynn Feiger, Councilman				
Gusty Kanakis, Councilman				
Tom Priest, Councilman				
Brian Rodine, Councilman				
Kate Schifani, Councilman				

1. The members of the Council were present at the meeting and voted on the passage of such Resolution as set forth above.

2. The Ordinance was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

3. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Ordinance.

4. Notice of the regular meeting of December 4, 2024 and December 18, 2024, are attached hereto as Exhibit A was posted at the Minturn Town Hall, 302 Pine St, Minturn, Colorado, not less than twenty-four hours prior to the meeting in accordance with law.

_____
Town Clerk

(SEAL)

EXHIBIT A
(Attach Notice of Meeting)

To: Mayor and Town Council
From: Cindy Krieg, Economic Development
Date: 11/27/2024
Agenda Item: Ordinance 25, Series 2024 – An Ordinance Establishing the Minturn DDA

REQUEST:
Staff is requesting approval of Ordinance 25-Series 2024, An Ordinance Establishing the Minturn DDA.

INTRODUCTION:
The Town of Minturn held a special election on November 5, 2024, regarding the creation of a Minturn Downtown Development Authority. The measure passed by majority vote. The DDA must now be officially formed according to State Statute.

ANALYSIS:
A Downtown Development Authority functions as quasi-municipal corporation which is intended to halt or prevent deterioration of property values or structures in a Central Business District. To this end, a DDA is focused with finding ways for improving real estate development, infrastructure, and operations of a downtown area. It does this by leveraging any future increase in assessed property valuations within the approved DDA boundary. This allows the DDA to reinvest in Minturn's downtown and keep money in Minturn which would have otherwise gone to the bevy of other organizations that see revenue through property taxes, This is all done through a mechanism called Tax Increment Financing (TIF). A DDA has a lifespan of 30 years with the potential to be extended by an affirmative action of the Council.

COMMUNITY INPUT: Ongoing over the past 3 years, including multiple stakeholder meetings, discussions at the Council-level, and informational sessions. Special election held on November 5, 2024.

BUDGET / STAFF IMPACT: No impact to the Town of Minturn budget expected. Town Staff will work with Town Council to appoint a Board of Directors, create a Plan of Development, and establish Bylaws for the DDA.

STRATEGIC PLAN ALIGNMENT:

ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN

RECOMMENDED ACTION OR PROPOSED MOTION:
Motion to approve Ordinance 25-2024 as presented.

ATTACHMENTS:

- DDA Creation Ordinance No. 25-2024

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TOWN OF MINTURN, COLORADO
ORDINANCE NO. 25 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO CREATING AND ESTABLISHING THE MINTURN DOWNTOWN DEVELOPMENT AUTHORITY IN THE TOWN OF MINTURN, COLORADO AND DETERMINING ORGANIZATIONAL ASPECTS OF THE MINTURN DOWNTOWN DEVELOPMENT AUTHORITY BOARD AND PROVIDING OTHER DETAILS RELATED THERETO

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

WHEREAS, by Ordinance 18 – Series 2024, the Town Council determined that: it is necessary to establish a Downtown Development Authority (the "DDA") to develop and redevelop the Town's downtown commercial core and to serve a public purpose; to promote the long-term viability and general welfare of Minturn; to halt or prevent deterioration of property values or structures within the Town's commercial core, and to assist the Town in the development and redevelopment of the business district in the overall planning to restore or provide for the continuance of the economic health thereof; and to be of special benefit to the properties within the Downtown Development Authority; and

WHEREAS, by Ordinance No. 18-2024, the Town Council established boundaries of the proposed DDA, and, pursuant to C.R.S. § 31-25-801, *et seq.*, submitted to the qualified electors at the election of November 5, 2024 a ballot question to form the DDA; and

WHEREAS, a majority of the qualified electors voting on the question approved the ballot question; and

WHEREAS, the Town now seeks to provide for the legal organization of the DDA to accomplish the goals stated herein.

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

SECTION 1. STATUS. There is hereby created and established pursuant to C.R.S. § 31-25-801, *et seq.*, a Downtown Development Authority in the Town of Minturn, Colorado to be known as the Minturn Downtown Development Authority (the "Authority" or the "DDA"). The Authority shall be a body corporate and political subdivision with all the purposes and powers now or hereafter authorized by C.R.S. § 31-25-801, *et seq.* , and all additional and supplemental powers necessary or convenient to carry out and effectuate its purposes, and such other powers and

authority as provided by law. The DDA shall only have the authority to institute legal proceedings in eminent domain if said proceedings are first approved by the Town Council.

SECTION 2. BOUNDARIES. The boundaries of the Authority shall be as set forth in Ordinance 18 – Series 2024. The Authority may include additional property within the boundaries of the Authority as provided in C.R.S. § 31-25-822.

SECTION 3. BOARD ESTABLISHED. The Authority shall have a Board of Directors (the "Board") comprised of 5 members appointed by the Town Council, constituted as follows:

a. One member shall be a member of the Town Council, appointed to serve at the pleasure of the Town Council.
b. Three members shall be property owners or residents within the designated boundaries of the Authority (one may be a Council member).
c. All members aside from the Town Council member shall be property owners, employees or agents of a business, business lessees, or residents within the designated boundaries of the Authority.
d. A business shall include a for-profit business, and business representatives may be an owner, officer or director of a corporation.
e. No officer or employee of the Town, other than an appointee from the Town Council, shall be eligible for appointment to the Board.

SECTION 4. TERMS. A Board member shall hold office until their successor has been appointed and qualified. After the terms of the initial members of the Board have expired, the terms of all members except the Town Council member appointed by the Board shall be four (4) years. Within 30 days after the occurrence of a vacancy, the Town Council shall appoint a successor for the remainder of the unexpired term. The term of the initial board members shall be as follows:

A. The Town Council member shall serve at the pleasure of the Town Council.
B. The terms of 2 members shall expire on June 30, 2025.
C. The terms of 2 members shall expire on June 30, 2026.

SECTION 5. REMOVAL. After notice and an opportunity to be heard, an appointed member of the Board may be removed for cause by the Town Council.

SECTION 6. COMPENSATION. Members of the board shall serve without compensation, but they may be reimbursed for actual and necessary expenses.

SECTION 7. INDEMNITY. The Authority shall, to the extent permitted and within the limitations of the Colorado Governmental Immunity Act, indemnify and defend each director, officer and employee of the Authority in connection with any claim or action or threatened suit, action or proceeding in which he or she may be involved in his or her official capacity by reason of his or her being or having been such director, officer or employee, or by reason of any action or omission by him or her in any such capacity.

SECTION 8. PROCEDURES. The Board shall adopt and promulgate rules governing its procedure, including election of officers, and these rules shall be filed in the office of the Town

Clerk. The Board shall hold regular and special meetings in the manner provided in the rules of the Board. All meetings shall be in accordance with the Colorado Open Meetings Law.

SECTION 9. PLAN OF DEVELOPMENT. The Board shall, after approval of the Town Council, adopt a plan or plans of development outlining potential development of public facilities or improvements to public or private property that will aid and improve the property within the boundaries of the Authority, which plan may provide for tax increment financing for property tax and/or sales tax as authorized by C.R.S. § 31-25-807(3).

SECTION 10. BUDGET. The Authority shall submit a budget to the Town Council for review no later than September 30 of each year. The Authority shall maintain accounting records and records of transactions for the Authority. The Authority shall invest any funds not required for immediate disbursement in legal investments for public funds authorized by C.R.S. § 24-75-601, *et seq.*, and to deposit any funds not required for immediate disbursement in any depository authorized by C.R.S. § 24-75-603.

SECTION 11. FUNDING. The operations of the Authority shall be principally financed from:

a. Tax increment funds as defined in C.R.S. § 31-25-807(3), if the plan of development provides for such tax increment funding;
b. Donations to the Authority for the performance of its functions;
c. Moneys borrowed and to be repaid from other funds received under C.R.S. § 31-25-801, *et seq.*; and
d. Such other sources as may be approved by the Town Council.

SECTION 12. APPLICABLE LAW. The Authority shall be subject to the following laws:

a. The Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*
b. The Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.*
c. The Local Government Budget Law of Colorado, C.R.S. § 29-1-101, *et seq.*
d. The Local Government Uniform Accounting Law, C.R.S. § 29-1-501, *et seq.*
e. The Local Government Audit Law, C.R.S. § 29-1-601, *et seq.*
f. The Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*
g. The Minturn Municipal Code, as amended, and other applicable law.

SECTION 13. SEVERABILITY. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

SECTION 14. SAFETY. This ordinance is deemed necessary for the protection of the public health, safety, and welfare.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 4th DAY OF DECEMBER 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 18th DAY OF DECEMBER 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

_____
Earle Bidez, Mayor

ATTEST:

By:_____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 18th DAY OF DECEMBER 2024.

TOWN OF MINTURN, COLORADO

_____
Earle Bidez, Mayor

ATTEST:

By:_____
Jay Brunvand, Town Clerk

Town of Minturn
301 Boulder St #309
Minturn, CO 81645
970-827-5645
council@minturn.org
www.minturn.org

FUTURE MEETING AGENDA ITEMS

Below reflects proposed topics to be scheduled at future Town Council meetings and is informational only. Dates and topics are subject to change.

December 18, 2024

- Discussion/Direction – Membrane Water Treatment Plant Funding Options
- Ordinance ___ - Series 2024 (Second Reading) An Ordinance Creating and Establishing the Minturn Downtown Development Authority
- Ordinance__-Series 2024 (Second Reading) An Ordinance Increasing the Short Term Rental Tax
- Resolution ___ - Series 2024, A Resolution to approve a professional services agreement for window replacement at Town Hall

January 15, 2025

- Resolution for the official Town posting locations
- Ordinance __ - Series 2025 (First Reading) An Ordinance Rezoning Midtown Village PUD
- Resolution__ - Series 2025 A Resolution Approving Preliminary Plan and Preliminary Plat for Midtown Village PUD
- Ordinance __ - Series 2025 (First Reading) An Ordinance Amending Chapters 16 and 19 of the Minturn Municipal Code Adding Flexibility Options
- Discussion/Direction - Consideration to amend the Short-Term Rental regulations to require 2-year residency instead of ownership

February 5, 2025

- Ordinance __ - Series 2025 (Second Reading) An Ordinance Rezoning Midtown Village PUD
- Ordinance __ - Series 2025 (Second Reading) An Ordinance Amending Chapters 16 and 19 of the Minturn Municipal Code Adding Flexibility Options
- Ordinance __- Series 2025 (First Reading) An Ordinance to amend the Short-Term Rental regulations to require 2-year residency instead of property ownership

February 19, 2025

- Ordinance __- Series 2025 (Second Reading) An Ordinance to amend the Short-Term Rental regulations to require 2-year residency instead of property ownership

Dates to be Determined:

- Discussion/Direction – Wildlife Migration Corridor/Winter Habitat Area and Approved Windows for Construction
- Resolution __ - A Resolution Approving the Updated Town of Minturn Employee Handbook