



Town of Minturn Planning and Zoning Commission Meeting Minutes

Wednesday, January 24, 2007
5:30pm Minturn Town Center
302 Pine Street

1) Call to Order/Roll Call

The meeting was called to order at 5:36pm by Chairman Woody Woodruff. Roll call showed Lynn Teach, Jim Brinkerhoff, Ernie Glesner and Kristie Bloodworth present.

Town Staff present was Town Planner Wiley Smith, Town Planner I Chris Cerimele, Town Attorney Allen Christensen, Public Works/Planning Department Assistant Torrey Maxwell and Transcriptions?

2. Approval of Agenda Items

Motion by K. Bloodworth, second by L. Teach to **approve** the agenda as presented; **Motion passed 5-0**

3. Approval of Minutes – Minutes from January 10, 2007

Motion by L. Teach, second by J. Brinkerhoff to **approve** the minutes of January 10, 2007 as presented; **Motion passed 5-0**

4. Discussion/Action Item – Bobby and Michelle Head Design Review Approval of a Single Family Residence in the South Town Character Area.

Bobby and Michelle Head, 1151 Main Street, Lot 4-B South Town Character Area – Residential Use. To gain design approval through the Design Review Board.

Michelle and Bobby Head, applicants and owners of record, are requesting Design Review approval for a single family residence on Lot 4-B of the Minturn Mountain Home Properties Subdivision, in the South Town Character Area. The site is presently 7,810.9 square feet or .179 acres. Total Floor Area of the proposed residence is 4,345 square feet.

The applicant has demonstrated in meeting the Minimum requirements of the application for Design Review Procedure. The applicant needs to demonstrate understanding and compliance of Design Review Procedure and Site Plan Checklist as stated in the Zoning Code.

Planning Staff's recommendation is that the Planning and Zoning Commission grant approval to the application subject to the following conditions:

1. The applicant will submit any change in plans to the Planning Department such as adding an accessory unit by following the criteria in Section 16.15.18, Changes to Approved Plans.

Bobby Head, 663 Boulder Street, Minturn, CO 81645 described that he wants to build a single family dwelling with an attached garage, it is a prebuilt 5 bedroom home with 1,400 sq ft living area on the main floor, another 1,400 sq ft on the upper level, another 1400 with a finished basement and the attached garage 900 ft with storage above and potential lock off in the future. Followed set back, look at breaking ground in April. He provided a sample of the siding, hardy board (sample giving to commission to look at along with paint samples), Anderson windows, Elk Prestige with gray finish, siding will be butted. Mr. Head noted that if less than 700 sq ft you are allowed a lock off so he is designing the garage for potential lock off but it will be for storage to start with. He has spoken to W. Smith about it. It is something the Mr. Head will come back in front of the commission for when he is ready to utilize the lock off.

W. Woodruff inquired of W. Smith if Mr. Head has to do anything now in terms of his first approval as far as the second kitchen?

W. Smith said that Mr. Head needs to meet with the building inspector and make sure that it meets code for a second apartment or second living area.

W. Woodruff requested a note be placed in Mr. Head's file that he does this.

J. Brinkerhoff inquired of W. Smith if there is going to be a lock off is the parking adequate for each house.

W. Smith code says two spaces up to three bedrooms it would depend on how many apartments/bedrooms.

J. Brinkerhoff five bedrooms plus a lock off.

W. Woodruff needs a fourth parking space for the lock off

Mr. Head with layout of driveway there is room for that.

J. Brinkerhoff stated that a prefab could have a negative connotation but this doesn't look bad at all.

Mr. Head designed by architect and factory takes it from there.

W. Smith does commission wants to add a condition in regards to parking spaces?

Motion by J. Brinkerhoff, second by L. Teach to **approve** Design Review for a single family residence at 1151 Main Street (Lot 4-B of the Minturn Mountain Home Properties Subdivision, in the South Town Character Area) subject to the conditions in the staff report and the added condition of having applicant comply with parking requirements as stated in code and applicant is to address potential lock off with Building Inspector right away; **Motion passed 5-0.**

5. Discussion/Action Item - Battle Mountain Planned Unit Development Preliminary Plan

W. Smith, Town of Minturn, Town Planner introduced tonight as a continuation of the public hearing of January 10, 2007 of Ginn Battle North, LLC, Ginn Battle South, LLC, Ginn – LA Battle One, Ltd., LLLP for approval of the Preliminary PUD Development Plan, Amendment to the Zone District Map (AZDM), and an Environmental Impact Report (EIR). The EIR is included in the Preliminary PUD Development Plan but will be discussed and voted on separately. After the introduction by the staff the applicant will present their information. Questions for Clarification; the Planning Commission may ask questions of the applicant for clarification but not for debate, any member of the public testifying or of the applicant at this time.

A sign up sheet is available for citizens to speak after the presentation. If citizens are not able to speak at this meeting due to length of this presentation they can complete the questions for clarification form which is available on the table in the hall. He reminded the commission that the AZDM is before you this evening, presently being discussed by the planning commission. The EIR will be discussed with the Preliminary PUD Development Plan, voted on separately. Any questions from the planning commission.

Sarah Baker, 1914 Bear Creek Trail, Edwards, CO, counsel for the applicant, preliminary matter just for clarification there are two applications, preliminary plan and the AZDM and she wants to confirm that the hearing on both of the applications is presently open.

Not audible

Ms. Baker responded thank you.

W. Woodruff noted that the commission will clarify that from here. Although W. Smith has stated that the map application and zoning application is open; we are also opening at the same time the PUD so we can discuss all of the issues and present them.

W. Smith added that we did not close the last meeting; but continuing to the next application.

W. Woodruff inquired so we can discuss all of these?

Ms. Baker stated that it is the applicant's intent as well that all testimony, documents, testimony presented tonight be for both applications as well as comments from the public. We request that they be considered for both applications.

She continued by covering the Criteria Evaluation and Submittal Criteria for the applications on the AZDM since we did not get to it at the last hearing. Some items to be discuss tonight in particular response to some questions that came up at the end of the last meeting; Taxpayer Bill of Rights (TABOR) 1994, the Town of Minturn has de-bruced with Town of Minturn Ordinance No. 2 – Series 1994 (Sales Tax) and Town of Minturn Ordinance No. 17 – Series 1998 (property tax). Also to be covered tonight are traffic issues, ECO Trail, and concern with respect to referral comments that were received, they will have them prior to next meeting.

The application for the AZDM was submitted contemporaneously with the application for PUD PDP as required by MMC 16.15.15 and 16.15.16 and they are continuing the Public hearing in accordance with MMC 16.21.8. Review and approval, as W. Smith explained, tracks your review and approval of PUD Preliminary Development application.

The Application for AZDM was submitted on November 1, 2006 and submission includes MMC § 16.21.17 submittal requirements detailed in Section 22 of Ginn's written Battle Mountain application. One of the requirements is that the precise wording for amendment to text must be provided in PUD Guide; we have submitted that information also provided herewith as Exhibit O (MMC § 16.21.8.B.4) is the Amendment to Zone District Map provided as supporting material, also provided herewith as Exhibit P (MMC § 16.21.8.B.5)

Determination of Completeness; MMC §16.21.6.G the Town Planner advised the applicant that the application

for Amendment to Zone District Map was complete on November 13, 2006 (See Exhibit G)

Referral of Application: Upon acceptance of application as complete the Town Planner referred the application to the referral agencies. Public Notices regarding Mineral Interest Notification:

December 1, 2006 and December 11, 2006 (See Exhibit H); CRS § 24-65.5-101 The Notices

were published in the Vail Daily on December 13, 2006 and the Eagle Valley Enterprise on

December 14, 2006 (See Exhibit I) MMC § 16.21.6.M and CRS § 31-23-304 Notice to Adjacent

Landowners: December 20, 2006 (See Exhibit Q). MMC §§ 16.21.6.N and 16.21.9.C Posted

Notice: December 22, 2006 (See Exhibit R). MMC §§ 16.21.6.O and 16.21.9.E Staff Report was

disclosed to Applicant on January 5, 2007; MMC § 16.21.6.H.3. Staff recommends approval of

the application, subject to conditions (See Section IV Staff Memo) Applicant has also complied

with on December 1 and December 11 mineral notification Exhibit H published notice was

published Vail Daily and Eagle Valley Enterprise already in the record as Exhibit I, app is

required to pay. Adjacent land owners commence tonight Exhibit Q affidavit Exhibit R January

5 pursuant to the code staff recommends approval. Standards of review zone district map,

compatibility community needs, development need, etc. Recommended Staff approval.

D. Scot Leftwich, Ph.D., P.E., 12151 Science Drive, Orlando Florida, some of the things we

want to do how we can be assured that traffic will be good. Impacts will numbers have,

simulations, existing traffic, solutions better manager how we will manage construction traffic.

Trip forecast. Hwy 24 and look to see what happens when we background project traffic. Town

review, Carter & Burgess review, CDOT review, a lot of review. Traffic 4.65 trips per day.

Trips per household? 4.31 standard is 3.16. North of the site, employees north and south, mode,

transit private, flexible, gondolas, shuttles, on site shuttles, luxury, multi model systems on this

site. Four sets of simulation, blue cars, green trucks, construction yellow, south of town in

summer, higher peak in the summer, pm is 5 to 6pm. Shuttles going through, blue is back

ground cars, green trucks, red vehicles are Ginn, 2023 build out without project, background

vehicles, green trucks, without project. Build out with project in, red vehicles Vail to downtown,

Bolts Lake, etc (referring to the PPP)

Maureen Paz de Araujo, AICP, 1755 Colorado Springs CO concerns on trusting the numbers

understand how they are used. Typically traffic numbers assess the impact and then determine

and solve impacts. Typical process for identified what you get is what you determine, outcomes

vary after that. Analysis future conditions don't last but you are stuck with what you have.

Important to note that you have a different process numbers will be used to set up process

analysis improvement at that point. Controlling document will monitor each step of process

report on the process, are they what we reported, are we approaching it, identify additional

communication if needed. You are not stuck with what we forecast.

William S. Otero, P.E. 1957 Sylvan Lake Colorado project manager HDR a table of a graph of what the existing and projected conditions with back ground traffic. Bars out to 2023, blue bars are what traffic would be regional traffic increase, 2010 Ginn traffic would be. Current conditions are due to a limited budget but with a three way agreement you have some means to improve CDOT, Ginn, and Town. Construction traffic, development traffic is not as easy, main reason is based on contractor sequencing, different equipment, people, each different project, weather, availability of product, etc. what has been requested through CDOT. Proper management of our construction traffic and that requirement is part of our access permit. Some of the litigation that CDOT has discussed with them traffic, safety, flaggers, communicate with trucks before they come into town and if you want to spread out those trucks through soil delivery, timing, employees, shuttle, contractors shuttle, catering on site so that employees stay most of the day. Material management balancing as much cut and fill stock pile materials, truck comes in full and leaves full so no wasted trips. CDOT has required on other projects community communication center (Public Relations) center, phone to provide direct input, not a delayed reaction. Mitigation strategies that they have been looking at that are unique to Ginn; short list contractors, short list a number of contractors that get a short number of projects and incentives on work done within project. Short list you won't have as many contractors on site. Use of a short rail system to try to consolidate the number of trips. Rail road flat beds would replace 8-10 trucks, would really limit the traffic taking materials back and forth.

Bahram Seifipour, P.E., 303 East 17th Avenue, Denver Colorado stated that pavement is critical, have a big impact during construction. Truck traffic, equipment, produces major damage to highway. Hwy 24 is a State highway and we have to notify CDOT. We have to deal with them in two areas, access point segment of hwy where access is. Access requirement lot of access development project segment access we have to work with CDOT. Improving existing pavement, widening second non access CDOT - IGA or other means of permitting process. Sidewalks require a thorough process to get permit. User fund, come into construction, can't tax him again. State statute and State law HUT Highway User Tax

Mr. Otero, list of questions that we had heard from last meeting. Want to make sure we answered them.

Traffic numbers; numbers generated industry standards and rechecked against Ginn. Ginn is actually working with CDOT. Numbers generated an allowance, most developments monitor the traffic and use it as a threshold and use it to control and monitor. Adherence makes Ginn more accountable to what impacts these numbers have on the town. Couple of slides back, chart, the blue versus the green, small percentage downtown Minturn 17 percent increase. Much of the traffic in the blue bars is regional growth; Lake County overall growth. For the first time the town will have the revenues to look at mitigation to improve the existing conditions. We can manage traffic through town which Mr. Seifipour referred to widening, based on our discussions with CDOT the trips can be managed without widening or traffic signals. Construction traffic biggest thing, develop incentives for contractor to manage them. Rail, opportunities take trucks off of the road and lessen impact through town. What happens if pavement deteriorates during construction phase of project; Ginn has a written commitment to town, repairs, over lay, how it works through the monitoring, state highway, Ginn is making commitment to put through the process and money that would go to the town . Most likely there would be a requirement of state access permit for the project.

Current alignment, Minturn to Red Cliff knows that there are limited alignment options outside of the hwy. Geological hazards on both sides of highway, slopes, etc. Look at current alignment

from Minturn to Red Cliff, Old Hwy 24 platform, some spots you can walk it some areas it is gone very narrow. Ginn the current option is to look at maximizing through Ginn property to get it from Minturn to Red Cliff. We will look over each segment. Minturn Road to Minturn Middle School proposed alignment stays on west side of hwy. Continue up the south until it came up to the proposed entrance to the facility. It would cross there traverse the railroad tracks here (referring to PPP). We have looked at bit "s" turn tall bridge, one side putting it underneath there. Discussions since then are trail connection to the facility. It stays on Hwy 24 platform, starting at this point all the way up to Gilman. Other utilities are Eco trail could be as wide as 30 feet. Platform would be 30 feet; 1000 foot drop out it is wider all the way to Gilman and it stays on Old Hwy 24 alignments. A lot of this is geological hazards, retaining wall and utility corridor in place. This point is where the Gilman remediation process hasn't been started yet, but from here up environmental clearance will have to occur. Way it was written certain portions of the trail wouldn't come in until complexity of the trail to Hwy 24 two to three years to build it. Takes time to get from Bolts Lake to Gilman, steep slope. Make sure clearance would occur here. Ft Collins, boulder, trail that doesn't have a day light point, couple hundred feet of elevation difference may need to jump up on highway, old Gilman site, right here we propose a separation of the highway east side of the highway, traverse the slope design pictures, elevated, Aspen, maybe at this point it could narrow down, some walls, more Aspen. Here is a piece of property that Ginn currently does not own, blue line, should have been a dashed line. Connection through there, one discussion point is use of old Hwy 24 on this side of Gilman and old mine works, this segment from here on next slide but Ginn does not currently own this property. One mile segment with the efforts of trying to the trail currently drafted and proposed on east side of highway. Ginn mountain property here, traverse that. Turn and head up to Red Cliff staying on this side, gray line is current annexation line. Currently ...last segment is through Red Cliff through to full connection. Last steps are timing of all the pieces, standards that we have to go through; discussions with Eagle County, Eco standards, positive for as many users, bicyclist, walkers, hikers, standards that you use. Rest points, high light the segment where utilities run underneath. As this moves forward and gets into design, we are willing to cooperate with other parties as the alignment outside of the property are outside of Ginn's control.

Kenneth L. Waesche, Environmental Resource Management, retained by Super Fund clean up of Bolt's Lake Character area, 1703 Cutty Sark, Silverthorne, Colorado began by stating that during their review provided to you by Carter & Burgess a number of comments on the environment report. Human health risk assessment updates (four PPP overheads) to brief you on that topic. Key environment EPA CDOT CDH. Human health risk assessment number of comments that we have to address upon addressing those to their satisfaction, month of February and they will decide if that document is complete enough then it is provided to the public for a comment period of 30-60 days. The process of where we are headed, we understand that you have your own time frames and we are preparing a supplement to the EIR that summarizes the Human Health Risk Assessment (HHRA) and the feasibility study. As a result of the HHRA for Bolt's Lake character areas. We looked at over 260 compounds; volatiles, semi volatiles, and came up with seven metals of concern; arsenic, cadmium, chromium, copper, lead, manganese, and zinc. Referring to the PPP he pointed out that the first figure depicts the areas of soil contamination with metal concentration above safe human levels; the three levels of concern are mainly lead, arsenic, and manganese that is the Rex Flats area tailings pile area metal exceed for human health, old tailings pile, consolidated tailings pile (CTP). He has shaded it differently as it has been capped that prevents dermal exposure to humans at this point. At the other areas there are no caps. The State negotiated a level of 40 and we are picking up 8000 in some areas so it is a

concern. Ground water contamination is a concern and zinc and cadmium. As we developed the feasibility study we looked a number of alternatives and they address soil contamination and ground contamination and take it from a state of restricted access to unrestricted access for human use; this is called a Remedial Action Objective (RAO). The second RAO is to prevent any further contamination of the Ground water. And the last RAO is to not interfere with some of the good things that have been done by other agencies. Referring to the PPP he noted where remedial action is being employed to cap and cover the areas that have been contaminated. Our remediation plan entails that where we have contamination 3' down and or to a depth which does not fail the health goals and back fill with clean soils. Three feet or whichever is the shallowest. Then they cap to protect humans and ground water. Designed and the development of this site. We have already excavated the soils, we have back filled, buildings, absent vertical construction is going to be 10" concrete slabs where we have buildings. The green areas we have what is called an Evapo Transporation Cover (ETC) which is a soil cover that is calculated to be of sufficient depth that water evaporates instead of infiltrates. We don't want it to infiltrate because it can flush out some of the old contaminates to the Eagle River. The third area is reservoirs; we have excavated impacted soils from underneath, then a liner, then the reservoir. And lastly there are special areas such as tees, greens or other impalements, excavating contaminated soils and using the golf course development to form a cap. Cross section to go through reprehensive of greens, tees, CTP and undeveloped areas we have underlying excavated materials and then we place a liner as a development remedy. That is the basic plan for the feasibility study. This will be summarized to you as an addendum to the EIR for your review and the same will be provided to the EPA and CDHE.

Spencer Stanek, International Alpine Design, 522 West 6th, Leadville, Colorado was hired to perform an analysis of the ridge line impact from Minturn and Red Cliff. Start off with ridge line development and what it is any land development in which a substantial, identifiable portion of any structure is visible against the sky. What we did was started off by looking at Minturn, taking sample points every four hundred feet and did a review of view shed and photo review of those points and what we found were pretty consistent results as to what you would see along the gas line project ridge area. Critical locations one being the north half of town and the second being the southern (Old Alpine Glass & Mirror location) part of town, first point we will look at is Harrison and Hwy 24; what can you see. View shed analysis takes and looks at the terrain that a person can see from that point and it is highlighted in red. Look at vegetation from the front half of tree not back. All of the area in red is what is viewed. Then we looked at building envelopes, trails, and lifts, really studied that ridge line highest potential and created a digital elevation mapping accurate ground, vegetation, highs, density, etc. with proposed actions. What we have created is a three dimensional mass of a building envelope. This is 90 x 125 feet extruded to the max allowable building height; this is showing a worst case scenario created a proposed vantage point with existing conditions. Building envelopes extruded to that point and magnified you pick up a little of a building, trails, even in extremes it is hard to be able to detect, ridge line, typical view vegetation second point Alpine Glass and Mirror location same analysis; trail in front of a home, trail, patch of vegetation showing gap in front of that, proper planning was done behind vegetation, simulation of that, similar no evidence of structures being visible. Red Cliff school house at south end of town, this spot is a high point elevation on top of a hill which is a southern most point, higher angle of first point of school house; the red is visible to an observer. Homes are not mixed use, village type area higher heights, incident point ridge zone, 238 feet tall would not be visible and this development is 140 feet. (Referring to PPP)

BREAK

7:15pm W. Woodruff comment please speak into microphone so the people out in the hallway can hear.

W. Woodruff identify issues that we need to discuss, after public comment when we get to debate, we have been making a list that we will give to you, much like a document that we have gotten from other agencies. After tonight the rest of the commissioners will add their two bits, run it past the lawyers and we will give that to you next week. Same issues, they keep bubbling up. What is important? Three weeks until the next meeting, debate time everybody wants to make this process as clean as we can. We want to cover the issues that matter to the town, most important to the citizens. Deal with these things in land use when we vote on this and if approved, fewest number of conditions, environmental report into the package so it moves onto Council as complete as we can. Council deals with a different layer.

L. Teach in regards to transporting employees, will there be a centralized drop off and pick up point, golf course, all the way up to the project.

Mr. Weber replied a compilation of all of the above, active projects where we shuttle as close as to where they work. We may drop off some at Bolt's Lake some go up to the mountain, centralize as much as we can.

L. Teach please address the damage through Main Street, possibly taking care of that, an overlay.

Mr. Weber replied that we hope to have an agreement with you all and CDOT for a final overlay.

L. Teach asked if Ginn would pay for it.

Mr. Weber replied yes, somehow we would pay for it.

L. Teach since Gilman is one of the last places to develop, how is the damage that is caused by the clean up going to affect the project; dust, etc.

Mr. Weber defer to the expert, Mr. Wayshee. (While Mr. Wayshee was on his way up to the microphone Mr. Weber continued) you can't have a dirty work site and have a clean work site coexist with it. Once a site is clean and you introduce dirty work, you no longer can utilize that clean site again. For example, if you had an occupied building in close enough proximity, there was a remediation work required, that work would have to be done before that clean building could be occupied.

L. Teach inquired if he sees Gilman causing any trouble to the golf course.

Mr. Weber replied due to the distance, no.

L. Teach some of the reading she had done it talked about how some of the building is impeaching on the ½ mile distance from some of the wildlife habitat. Is that going to be taken care of?

Mr. Weber responded that was comments from the Department of Wildlife (DOW) in regards to the Perigan Falcons. They are still working on that and have not responded to Mr. Andree's comments or DOW as of yet.

K. Bloodworth, referring to Mr. Leftwich presentation, with the models of cars moving through Minturn, for the benefit of the public, with the round a bouts, can you identify so people can get an idea when they are looking down Main Street. It is hard to determine.

Mr. Leftwich replied from the aerial photography down to the simulation, we had from downtown, the cars (blue), trucks (green) the project's vehicles (red), the shuttle (orange) and construction vehicles (yellow). There is not a roundabout.

K. Bloodworth no, the other one. Where is that?

Mr. Leftwich noted the one by Chili Willy's by the bridge. That is not a round a bout it is just the way they have to simulate. What this does is calibrate with the base year and they put in the actual traffic as it exist today. Then they put in the background if the project was not going in.

E. Glesner is that the actual speed traffic is traveling at?

Mr. Leftwich replied yes, well actually a little bit faster.

W. Woodruff added that there has been discussion in these reports about a roundabout talked about as egress into the resort. That has not been presented.

Mr. Leftwich it was in our study to show that it works as a level of service stand point, which means it works as far as a traffic aspect.

Mr. Otero the two roundabouts proposed at the access points and CDOT has asked us to look at traditional intersections. We haven't gone past preliminary design. Currently the traffic won't warrant, through CDOT's process, a signalized intersection. What intersection type will be there? We have proposed a roundabout at this point. Outside of resort and the other is right here. (Mr. Otero went to screen without bringing microphone with him, not audible. He pointed but didn't give details)

W. Woodruff said he apologized; he thought it was the end of the presentation when we took a break. So he asked for presentation to continue.

Brian T. Judge, AIA, Planner, VAg, Inc. Architects & Planners, 342 Stone Creek Drive, Eagle Vail, Avon CO referred to the model that they brought for all to look at. The overall property consists of 5,300 acres and is bisected by highway 24 that stretches southeast connecting the old mining town of Gilman and the community of Red Cliff. The Annexation boundary consists of 4,340 acres which have been bisected into five character areas: Bolts Lake Character Area, Rock Creek Character Area, Willow Creek Character Area, Holy Cross Character Area, and Gilman Character Area.

Bolts Lake Character area consists of 541 overall acres located at 8,150 ft. elevation comprised of 702 units. Height: 195'-0" Maximum, 0-10% Slope, Mass Centralized Mass, surrounded by areas of open and recreation space, Scale - sited at Valley Floor nestled against Mountain Backdrop.

Rock Creek Character Area Character area consist of 1337 overall acres located at 8,150 ft. elevation comprised of 358 units; Battle Mountain Core 20, Residential (1/2 acre) 231, Residential (1 acre) 107. Height 150'-0" Maximum, 10% & greater slope, Mass Building mass transitions from mountain core facility out residences centralized mass, Scale-scaled as a response to function, and multiple pedestrian spaces/human scale.

Willow Creek Character area consists of 1100 overall acres located at approximately 9,350 elevation comprised of 292 units; Willow Creek Village 232, Residential (1/2acre) 38, and Residential (1 acre) 22. Height 150'-0" Maximum, 10% and greater Slope, Mass Organic village responding to the natural topography, multiple footprint philosophy as a response to site, Scale - Village built in to the terrain, less vertical more horizontal.

Holy Cross Character area consists of 1,262 overall acres located at approximately 10,200 elevation comprised of 83 units, Residential (1 acre) 9, Residential (2 acre) 74. Height (Residential Product only) Heights vary from 35' to 50' depending on the slope, mass One to three stories depending on slope, scale-scaled according to lot size, building envelope and slope.

Gilman Character area consists of 100 overall acres located at 9,000 ft. elevation comprised of 265 units (All Village Units). Height Phase II conceptual, Mass Phase II conceptual, scale Phase II conceptual.

Multiplier as development continues place some in other character areas as the design progresses. Development summary package that is there talks about character area zone, approximate acreage, number of units by zone, villages, sq ft ½ acres, just shy of 12 million sq ft at build out. Large assumptions single family homes 7 million 5 million, underground parking, facilities.

Sample of what is in book upper left hand corner how we are height requirements to villages, sectional study on how villages will fit parallel lines slope with it, not a definitive point, same for the homes, site analysis and architectural change. There will be public access through the property at Tigiwon, realignment across private properties reconnecting with Tigiwon parking facilities, continue talking with Forest Service.

No intention of closing Shrine Pass. The development should only impact a short distant, Eco Trail old hwy 24 bed working cooperatively with Eco County and multiple property owners. Other question is Eagle River corridor, bordered to be a private resort amenity. Maps several hundred feet of fishing, several thousand feet of multi public lands.

Adjacent land uses hard to do that, in reality future development are in alignment. There are hardly any adjacent landowners. Mine claims that are not controlled by Ginn, resource property can't tell you if there is a sliver Red Cliff their current area of town, are not visually impacted. Very small connective area that is defined on the northern end of the property bordered by public lands again. We are in total alignment of future potential. Neighboring areas will not be affected by neighboring PUD. What affect is this PUD putting on neighboring lands? We feel we have put in good employee housing, day care cause and affect on town of Minturn in general. There are concerns lighting emission, safety lighting, code based lighting. Good stewards of the night sky. Clustering of this project with the density clustered than spread out brings us back to 70 percent open space

Mr. Mauriello, Mauriello Planning Group, 5601 Wild ridge Road, Avon, CO summarized this is zoning map some of the zone districts that we have on the map, Willow Creek these areas that have the MU1 MU2 and MU3 and MU4 higher density commercial services are table that was provide in the PUD guide, high lighted in the memo. List all of the residential, commercial, industrial uses allowed in the different zones, MU4 residential types of things utilities,

emergency sidewalks, etc. Other areas Willow Creek RA single family residential uses. Single family residential emergency services facilities, fire station, utility corridors, ski facility; hiking trails all uses that are allowed. What wouldn't be allowed would be commercial, generally not allowed in those districts. R districts are primarily on the mountain, Bolts Lake character area that are listed and allowed to have single family residence. Listing 0 densities but what we have allowed in there. If we did ten units there we would do ten less units somewhere else. Majority of the property is in this ROS. A little difference between ROS trails, sidewalks, ski trails what is not permitted would be commercial uses. All labeled out in the PUD guide you have of the property. Zone map is tightly controlled by PUD guide. Set backs that are required, what we did was originally submitted so we reformatted so it blends very nicely with what the town already uses. Skiing amenities are for private resort so public can't come as day skiers so you won't have traffic like Beaver Creek where anybody can come, private so really reduces traffic. Commercial is not there for a profit but as an amenity to the resort owners.

Ms. Baker noted that the overall PUD plan which is included as Exhibit P for the record. Applicant has concluded their presentation in addition Exhibit V first PowerPoint and Exhibit W the VAg presentation that was prepared. Ms. Baker stated that February 14th Preliminary Plat is three weeks away; public has a lot of questions so applicant would be agreeable to an interim meeting.

W. Woodruff continued with questions from the commissioners. K. Bloodworth stated she was finished with her questions.

E. Glesner inquired of Mr. Waesche asking if he would recap. If you go down three feet cap some of the tailings are down 12 to 30 feet, so when you start digging and excavating how do you keep from disturbing what is next. Are there certain standards that are in place to build on a super fund site or is it engineered as you go.

Mr. Waesche responded that there are standards; EPA has standards for building on these sites. First off, a lot of the area is contaminated soil prior to construction activities we have excavate down three feet or until we reach clean soil, back filled and left a preliminary grade. They will be working on a clean surface. We won't be having people working at a contaminated area.

E. Glesner does EPA regulate or have test pits, or are they checking the Eagle River?

Mr. Waesche noted that we will continue monitoring all along the way. EPA will probably have a full time inspector on this site when they have a Super Fund site.

E. Glesner asked when you cap the golf course, they are going to get a lot of water because of the golf course, and they are going to be watered much more than any other areas.

Mr. Waesche responded that the issue you raise is right on; golf courses feature tees, greens, fairways and rough which require different watering rates. Surveyed golf courses in the Eagle Valley areas and have developed watering rates for soil and alignment. Tees and greens are similar; drain layer, laid membrane liner underneath which is impervious and will direct water off. Fairways are in between. Cases where we don't have a redliner, fairway, we have excavated down to 3' backfilled with clean, back filled and on top of that at a minimum of 36" Evapo Transporation Cover (ETC) which is low maintenance and it is preferred for that reason. Size is directly related to type of grass put on top of it and type of watering. Water is evaporated

or taken up with the plants. On a large area like the Consolidated Tailings Pile (CTP) you can wetter years where you can have addition to your water. We have to prevent downward migration of the surface water into the ground water. If we put water on that drives it down into the Eagle River and secondly affects human health.

E. Glesner inquired about contamination on the Gilman town area.

Mr. Waesche responded that the EPA over a decade ago did preliminary testing. There are a number of contaminant sources; old buildings, mice droppings (anti virus), waste rock, which makes for restricted access. We have not gone through this process with Gilman; remedial concepts will be the same excavation, place it in a secure cell, cap and cover.

E. Glesner so there is heavy metal contamination?

Mr. Waesche responded yes from the top of the (Gilman) town down to the landfill is significantly impacted.

J. Brinkerhoff questioned that there is a tremendous amount of excavation of soil. Where are you putting the contaminated soil?

Mr. Waesche responded that there will be two sites, excavation on west side of Eagle River which is primarily at the old tailings pile, Maloit Park and limited areas, that will be placed on top of the CTP, the sludge cell which has a membrane liner and then capped and covered in accordance with these designs. On the east side of the river the waste will be at the south end of Rex Flats where there is a significant need for construction fill 30-40 feet of fill is needed. As we excavate we will be sampling at one foot increments. We have assumed 18 inches, if we have to go 36 inches to meet the human health conditions we will be doing some grade changes, most likely on the CTP because that is where we have the most latitude. Rex Flat the state would require a membrane liner and then clean soil. When transporting it will be on site, their goal is to stay off the hwy but even if they go on the highway it would go from Tigiwon to Rex Flats..

J. Brinkerhoff inquired of the golf course; won't there be a lot of fill that needs to be brought in to cover.

Mr. Waesche responded that the fairway area where this Evapo Transporation Cover (ETC) the golf course forms the cap. EPA has a lot of guidance documents that say a golf course is a good way to mediate Super Fund sites. Bolts Lake there is another area that HDR has identified in the Highland's area; a knoll that we can remove that material (rocky) and that should be sufficient for golf course.

Mr. Otero added that they found other sources, drop the elevation down, balance soils. With the CTP, you have to put more material because it is just a flat zone. To take up the voids with some other material, different remedies to take up the voids right now we are fine in several zones. Other locations where soil material is not contaminated consolidate that, rework it and use that. That is one of the mitigations; construction traffic is material management.

J. Brinkerhoff please explain that colored spot next to Cross Creek

Mr. Waesche noted that there are both soil contaminations on the south side of Cross Creek in localized areas. The EPA when they did the initial remedy in 1989-92 addressed much of that soil contamination. There are still some hot spots that did remain for whatever reason. Additionally, the ground water beneath that area is contaminated from the tailings pile all the way to Cross Creek. It exceeds ground water standards. Most times out of the year we did not detect contaminants in Cross Creek which shows you are getting a lot of clean water from where we have contaminated soils we will be ground water contamination and it extended up to Cross Creek; lead, arsenic, and manganese; key to contamination is water. Soil capping we are adding additional ground water collection areas. You have seen the red rocks along the river which shows ground water seeps bringing contamination into the river. VIACOM uses metal precipitation; that is another facet of the mediation that the State is requiring and EPA.

J. Brinkerhoff noted that on a dry summer day when someone is biking along Tigiwon Road, are they exposed, is there a concern.

Mr. Waesche responded that if they stay on the road no. During the summer you probably saw two propane tanks which they were using as power for air monitors. Bottom line is that Tigiwon Road when it was built across the area they used clean fill, so that dust is not an environmental hazard. If you get off Tigiwon Road and go across the barbed wire fence, then you are in an environmentally hazardous area.

J. Brinkerhoff last questions CDH and EPA when you enter into decrees with them does that let VIACOM off the hook.

Mr. Waesche responded that that question was raised and legal council is preparing a response to that. He has read the documents and they basically say no, it is not letting VIACOM off the hook.

W. Woodruff inquired about all of the dust from the digging; what do you plan to do about that.

Mr. Waesche responded that they are aware of that, it is a legitimate concern, we are looking during construction of having additional air monitoring at the same locations we did prior to construction which gives us a base line. But monitoring only tells you when the cat is already out of the bag. They will use standard construction techniques; wetting, moist wet, minimize traffic because it is a Super Fund site, rinse stations, collect the run off, we will not have a similar disturbance of dust as compared to the initial remediation because we are disturbing smaller areas at any given time. The biggest solution is keeping footprint small and keeping it moist.

E. Glesner inquired about the trail saying that they showed it paralleling on left side of Hwy 24; it can't be that close to the road due to steepness it will have to meander back onto the property

Mr. Otero noted that it maximizes the length through the property that Ginn owns. Steep slopes you can meander it. If you are a hard core biker you don't want to meander.

E. Glesner asked what are you going to do when there is a shear cliff, lofted, elevated above the road.

Mr. Otero said that some segments are at a 45 degree angle. Hwy platform used to be there. Mesh it with the topography so the walls aren't real high. The hiker they want it a little further away, but for the biker, the further away it is the less it will be used.

E. Glesner have you staked it out

Mr. Otero responded no. Utilities better understanding and we have a profile through there. We know what the width is when we started discussion with the Eco we were in very preliminary stages. This piece is the first to go. Close to Gilman other trails Boulder and Ft Collins if you have a section that will take longer to connect you can start and put in a temporary connection...due to difficulty in construction get it started as soon as they can.

W. Woodruff the piece that goes from Gilman on up the road where the dotted orange line comes back in it crosses the road. Then the old road bed follows right where that is, it crosses the road and picks up that blue line. The old road bed, you are planning on using that right?

Mr. Otero yes, there is a platform there it is less of a disturbance.

W. Woodruff noted that it is pretty steep. There has been talk with trying to integrate with Eco and get through that dotted line. The citizens committee is working closely to continue it along that road.

Mr. Otero said there are a lot of mining up there; there are a lot of squares and blocks.

W. Woodruff added that Eco is looking at other options.

Mr. Otero this will be one of the more complex trails in Colorado.

J. Brinkerhoff the orange route runs through super fund site connects through below highway. Obvious concern more attractive route, super fund clean up, what is the best route.

W. Woodruff shoulder of the road for a few years, which is all stuff to be worked out. Other people besides Ginn are working on this.

J. Brinkerhoff how spectacular that can be, the way you laid it out is one of the most spectacular bike trails ever.

W. Woodruff added it will be world-class.

Mr. Otero noted that it is the most beautiful site.

E. Glesner inquired of Dr. Leftwich regarding traffic. First question is in trusting the numbers, typically traffic numbers are used, outcomes from a typical process vary, and analysis does not match future conditions. Is that a serious possibility? Has the growth of Leadville been taken into account?

Mr. Leftwich responded that yes, it has been taken into account in the phasing process. What we do is look at the back ground volume and then with an increase in traffic. What would happen if what we proposed did not happen? After the first phase you would have a monitoring program

that would look at the traffic; for example Red Cliff, Leadville. Listed in our traffic study, traffic patterns, level of service, before you go into phase 2, you would look at it at each phase.

E. Glesner so if phase one fails, it would take time for phase two or plan B.

Mr. Leftwich responded that they are doing analysis during phase one and it will be set up before phase 2, methodology. Red Cliff easiest enough done with traffic count.

E. Glesner if first phase doesn't work what sort of mitigation is there; road widening, phasing of the building, lets say we get bottle necked, would you go back and look at the amount of construction, times, etc.

Mr. Leftwich added that we look at all of those options, working with the Ginn projects I have never had them go against one of my recommendations. We want to make sure that they work. Major options, increase transit, speed, level; looking back on I-70 improvements, parallel routes, not that much because it doesn't do it today. Transit and clientele that comes back through the project. We want to capture them.

E. Glesner stated that he has less concern if it is built out and owners are there is not my big problem. During build out you don't have a family of five; you have a family of 35 construction workers. For the first three years it is basically infrastructure horizontal. But once it goes vertical are they going to be on a bus system.

Mr. Leftwich responded that they have up to 50% of the workers ride sharing.

Mr. Otero continued that to answer that question due to the size of the project single family homes, objective you have shuttle service, you park them, shuttle, employee support services so they don't leave and in that traffic report that is something you can get your hands around. The amount of material we bring in. We have also proposed concert batch plant on site, how you deliver the materials; do you deliver materials in six months or over the entire year. Budget impacts, deal with construction more trucks during shoulder season lot of things we can do more sources of soil material so we don't have to go outside of the development. Possible option of leasing the rail line; three cars could take off 30 trucks. Engineer team is looking at reducing trips, consolidate.

E. Glesner said ride share, four in one car is a great thing.

Mr. Otero oil industry puts everybody in buses. There are trades that don't want to shuttle, some of them may store tools on site, consolidate those trips. When a truck comes up to the site, that truck is filled back up when it leaves the site.

E. Glesner noted that busing workers is already occurring here; RA Nelson for example.

Mr. Otero said he did some sampling of Snowmass and Vail how they transport their workers. Part of the contract here are the requirements and the methodologies. We would put that in the contract.

W. Woodruff inquired employees on site. The county already has a bus system and the network to bring workers to the site.

Mr. Otero said that they have looked at that questions and yes they will look at that as an option. 50 percent ride share also they will be monitoring not just the guest traffic but the construction vehicles also.

W. Woodruff if you get tied into the Eco system it will give your guest and your workers transportation from throughout the county. The other question is have you look at housing for construction workers, like somebody comes in with a trade 5th wheel a place on site.

Mr. Weber responded that would not be their preference, they would prefer to house them offsite. There are problem with security with people living on site. Also Mr. Weber addressed E. Glesner question on number of people on site when building a single family home, they have a Preferred builders program that are able to build in our development. Maybe ten builders and they have a lot of efficiencies, multiple houses going and they can reduce people up there is this preferred builders program.

J. Brinkerhoff added that he has said from the beginning that traffic is really the most obvious impact here. He is having a difficult time to get a handle on what you are saying. It doesn't sound like you are including the vertical construction people or are you not putting the vertical construction people.

Mr. Leftwich responded that in the original analysis it was not included. In the subsequent request for questions, we did include in the table, it does not make an impact on the peak hour. We have asked that the construction vehicles, the majority of them, be outside the peak hour because we are taking care of the employees. So we did do a set of tables and put that back in as far as some of the questions, so it was addressed.

J. Brinkerhoff reiterated that he is having a hard time; he doesn't have the background or the knowledge. He is concerned. Eagle County hired someone to look at your report and they came up with a lot of thoughtful comments. Are you willing to sit down with them and get a consensus? We don't have someone on our side to say those numbers are right.

Mr. Leftwich reminded J. Brinkerhoff that they have met with CDOT, Buckley, Carter & Burgess and we have tried to address every question that has come up. One of the keys is the monitoring program after the first phase it will be checked and reviewed. That is a catch all. Traffic is complex we generate a trip everyday. We look at it during the work period as being the peak period. Traffic is going north, one route key you have is a modal split. Shuttle has helped immensely. Difference you have in here a lot of resorts the trip generation is lower, we used higher (higher), very conservative.

W. Woodruff interjected ...

J. Brinkerhoff stated he just wanted to ask his question again; he doesn't want to wait until three weeks down the way.

W. Woodruff interjected again stating that he is getting it from the attorneys that his questions are going too far.

J. Brinkerhoff repeated that he does not understand these numbers they are giving us and he would like the applicant to help us.

W. Woodruff interrupted and stated that this is not the time to ask that question, this is not the time. Right now we are looking for clarification. We will have plenty of time to address these later. He inquired if J. Brinkerhoff has any questions of clarification at this time. J. Brinkerhoff replied that W. Woodruff can go ahead.

W. Woodruff stated he has a question of clarification for Mr. Mauriello on the character areas. You have listed in the Recreational Open Space in each of these character areas you have listed as a use; employee housing. As of this time we have not identified the actual placement of employee housing and how much of the open space that it will use, is that correct.

Mr. Mauriello responded that yes that is correct. That is the type of application that we would have to come back, if for some reason we were going to put employee housing in other locations other than what we have designated...

W. Woodruff noted that there is no indication, it just says open space.

Mr. Mauriello said yes, it is an allowable use.

W. Woodruff stated that is something we will want to address. Also you have plaza as an allowable use in the open space. In this document there is a lot of question on what is allowable on the open space?

Mr. Mauriello with the plaza for an example, in this area, Bolt's Lake where you have a golf course, there would be a club house, some plaza areas, cart paths, trails. We were trying to make it holistic, make it very clear where we are showing open space.

W. Woodruff when you look at Bolt's Lake, right across the road R11 (RH) under the switch back, you have it listed in Holy Cross, you do not have it listed in Bolt's Lake. He would like an explanation because you said 1-acre and 2-acre sites were the only things that were going to be in Holy Cross. That is going to be a different use.

Mr. Mauriello replied that when they developed the character areas we tried to make them holistic so they would not be divided by a man made or natural feature, so highway 24 was a dividing point in a lot of these areas so the reason this is labeled Holy Cross is because it was on the other side of hwy 24. It is the only reason. It is more approximate to the Bolt's Lake character area. It is listed as having single family type homes; we put it in as a place holder. We are not showing it as any density, we are reserving the opportunity in case we eliminate some lots here we could transfer them to that area.

W. Woodruff for clarification when you presented Holy Cross you said there would only be 1-acre and 2-acre sites, period. Isn't that going to be a conflict if you want to use that because that isn't enough room to put 1-acre sites there, between the railroad and the switch backs.

Mr. Mauriello responded that it is large enough to handle ½ acre.

W. Woodruff repeated that they presented 1-acre and 2-acre, not ½ acre.

Mr. Mauriello stated he will clarify that in the PUD Guide. It is a very valid point and we will address that.

E. Glesner questioned if you access the river from different land besides Ginn's land and go up the river. Is that legal, is the stream owned by the land owner. Can you kayak?

Mr. Mauriello if you are on the river. If you are floating on the river it is state land. If you are standing in the river or along side the river you are on landowner's property.

J. Brinkerhoff what is the set back?

Mr. Mauriello we have adopted 30 feet. Some of our materials that have been submitted and a lot of that area even within the set back is part of that remediation. There may be structures, retaining walls etc that are part of the remediation. Only area we have that issue is the Bolt's Lake area. More detailed answer to that will be in our responses to referral comments.

W. Woodruff you might want to look at Cross Creek which is 50' which is part of the golf course, wetlands area.

Mr. Mauriello added that everything that has to do with traffic has to pass the state's muster. It isn't like there is no body overseeing that, CDOT controls it and we have to meet their standards.

W. Woodruff take a break let public speak, save all public testimony a lot of information that he has been working on. The public has seen a lot of information.

E. Glesner inquired if the public can begin speaking at the beginning of the next meeting.

W. Smith if we close the discussion between the applicant and the commission the next step would be to open it up for public comment.

L. Teach inquired on how many people are signed up.

W. Woodruff responded that we have ten people signed up that would take about an hour and a half. There will certainly be room for more public testimony at the next meeting. Do we want to keep going or wait and do all of the public testimony at the next meeting?

Allen Christensen suggested asking if anyone traveled a long distance to get here to this meeting tonight.

W. Woodruff inquired if there was anyone who would have a problem getting here for the next meeting February 14, 2007. You might have commitments or something that will keep you from being here?

Someone spoke from the audience, could not hear them.

W. Woodruff closed the public hearing and stated that now we are open for public comment. Public comment can be emails, letter, etc. to the attention of W. Smith. They won't be read into the record but they will be provided to each of the commission members. We will read it.

Allen Christensen stated that it will be posted on the internet.

Christain Gazlan (sp), 308 Main Street, Minturn, Colorado will we get these updated PowerPoint's that haven't been released on the Preliminary Plat CD.

Ms. Baker responded without a microphone and was not audible.

Allen Christensen said let us know what you want and we will get it to you.

W. Woodruff stated that we are closing this segment of the meeting, we will open the next meeting with public testimony. Let's wait to open that until the meeting in case, after Ginn is able to go through all of this, they might want to make a statement at the beginning of that meeting. The next meeting will be designated for public testimony.

Future meetings will include design guidelines/architecture, and wildlife overview/mitigation. Close this section of the meeting. We will wait to open that in case Ginn wants to make a statement before the next meeting. Next meeting will be public comment.

Motion J. Brinkerhoff, second L. Teach to continue to next scheduled meeting, February 14, 2007 to begin at 6pm; **Motion passed 5-0.**

Mr. Mauriello inquired if we are officially tabling both hearings to the February 14th meeting.

W. Smith responded that we are not tabling, we are continuing.

New Business

W. Smith stated we need to set a date for a meeting to tour Battle Mountain before the preliminary plat is given on February 14th, 2007. Three commissioners have to be present. It needs to be five days before the public hearing on February 14th. All agreed on February 8th, Thursday, 11am to 3pm beginning at Town Center.

As there was no further business the meeting was adjourned.