



Town of Minturn Planning and Zoning Commission Minutes

Wednesday, February 28, 2007
6pm Minturn Town Center
302 Pine Street, Minturn, Colorado

1. Call to Order/Roll Call

The meeting was called to order at 6:10pm by Chairman Woody Woodruff. Roll call showed Woody Woodruff, Lynn Teach, Jim Brinkerhoff, Ernie Glesner and Kristie Bloodworth present.

Also present was Town Planner Wiley Smith, Town Planner I Chris Cerimele, Town Attorney Allen Christensen, Attorney Arthur "Boots" Ferguson, Public Works/Planning Department Assistant Torrey Maxwell and Court Reporter Rosie Stahl.

2. Approval of Agenda Items

- a. Items to be pulled from the Consent Agenda
- b. Items to be pulled from Action Items
- d. Emergency Items to be added
- e. Order of the Agenda Items
- f. Approval of the agenda

Motion by J. Brinkerhoff, second by E. Glesner to **approve** the agenda as presented; **Motion passed 5-0**

3. Approval of Minutes – Minutes from February 14, 2007.

Motion by K. Bloodworth, second by J. Brinkerhoff to **approve** the minutes of January 10th as previously presented at the February 14, 2007 meeting; **Motion passed 5.0**

Motion by L. Teach, second by J. Brinkerhoff to **approve** the minutes of February 14, 2007 as presented; **Motion passed 5-0**

4. Consent Item #1 Approval of a Commercial Sign in the Old Town Character Area.

The applicant, The Lift Café, located at 291 Main Street in the Old Town Character Area – Mixed Use

Motion by J. Brinkerhoff, second by L. Teach to **approve** the application for a Commercial Sign for The Lift Café, 291 Main Street; **Motion passed 5-0.**

5. Action Item – Final Design Review and Conditional Use, Gary Prupis, 532 Taylor Avenue, Game Creek Character Area a Residential Zone for a residential duplex building

C. Cerimele stated that he would like to hold two simultaneous hearings; Design Review Board DRB 07-01 which is a continuation of the Preliminary hearing that was held February 14, 2007 and Conditional Use CU 07-01. The Commissioners agreed to this. C. Cerimele continued stating that Gary Prupis, the applicant, is requesting Design Review and Conditional Use approval for a proposed duplex with attached garages at 532 Taylor Avenue. The parcel is Lot 15 of the Taylor's Addition to the Town of Minturn in the Game Creek Character Area. The subject lot is approximately 7,597 square feet and the proposed duplex will cover approximately 24% of the site. Staff finds that the proposed residential use in a Residential Zone District is appropriate and any future changes will require approval from the Planning Director and the DRB. The required parking, setback and height requirements have all been addressed per the Town of Minturn Zoning Code. Design Review and Conditional Use submittal requirements have also been addressed per the Town of Minturn Zoning Code, Chapter 16, Appendix B and Minturn Design Standards and Guidelines. Considering the findings and other information provided Staff recommends approval of these applications subject to the following:

1. The DRB grant final approval to the applicant meeting in a general fashion the design and other regulations of the Town.
2. The applicant making any modifications to the plan document as requested by the Planning Staff, Building Inspector, and Eagle River Fire Protection District prior to Certificate of Occupancy.
3. The applicant shall pay all required fees and charges related to development of the subject property.

Gary Prupis, 1063 Vail View Drive, Vail, Colorado asked if the commission had any questions for him.

W. Woodruff noted that Mr. Prupis had not changed the ceiling height.

Mr. Prupis stated that is correct, it is 8' and then the 6x8 sit on top of the 8' and then there is another 7.25" because they are sitting on these 6x8 beams which are lying on their side. It is a post and beam house.

W. Woodruff added that the bottom of the beams will clear 8'.

Mr. Prupis responded yes. He then directed the commission to the new plot plan showing that there are drains all around the house and they come out in the front at (*inaudible*) ground elevation; goes from the rear at 10', 78.58 goes to 78.48 on the street.

E. Glesner inquired how high the retaining wall is and what it will be built out of.

Mr. Prupis responded that 78.68 is where that deck would be off of the 13' high side, so the deck goes above the wall and then on the low side, the deck bumps into the wall, is lower than the wall. The retaining wall is actually 12' on the left side and drops down to 78.67 which should be 10' on the right side. The retaining wall already exists and it is railroad ties and stone.

C. Cerimele directed the commission to the pictures he had included and when asked noted that the retaining wall does appear to be solid.

W. Woodruff stated that is in the back, what about the sides? Looking at the left side, it is just dirt going up at an angle and then a fence sitting on top of it. What are you going to do there? Your building is on the 5' setback, you only have 5', is the property line where the fence is on top of the hill?

Mr. Prupis responded that he was planning on planting the dirt and there is a 5' walkway from the dirt until you hit the building. As you can see that fence goes way out to the left, it is about 7' away at the back corner.

W. Woodruff added that it is on both pieces of property; so you still have this sloped hillside here that is not retained. What is the slope? I am curious are you going to have walkways between your setbacks, in your setback.

Mr. Prupis responded yes, 5' and he has drains at the bottom of that too. It is a gradual hill and by the middle of the building there it turns into nothing. In the back it is probably 8' high. It has a nice slope with good soil and I think that all I have to do is plant it and it would be fine. It will run into the drains before it runs into the house.

W. Woodruff stated that according to your elevation on the west side you are going to have a 5' setback and somewhere in here the dirt is going to slope but we don't know how far that slope comes into here or if you will have room for your walk without cutting it so steep that it starts to slough and if you are going to need to build a retaining wall. Maybe you don't know if you are going to have to, maybe the bottom 2' to catch it. You want to walk through there instead of just having it all dirt.

Mr. Prupis noted that there is really more than five feet because his property, his fence is on the wrong angle, it is not on the property line, it goes as you can see (referencing the plans W. Woodruff and Mr. Prupis discuss) He stated he knows he might have an issue there and if he has to build a 2' wall there he would.

J. Brinkerhoff reiterated that the commission needs to address the standards of drawings that come in front of the commission. He was not able to read these site plans in the size that he had and they are woefully inadequate when it comes to civil and some important issues that we need to address. As a guy who builds houses he is having a hard time understanding what is going on in some of these plans that are getting submitted. Somewhere in the future we need to have better standards so that they are clear and we can approve things quicker.

W. Smith inquired if it would if the commission was provided with 24x36" sheets that would be full scale?

J. Brinkerhoff responded that with this drawing, at the scale it was at, there is a lot of chicken scratch on it; it just is not a quality drawing. With good drawings I don't think you need bigger scale. It goes back to what we are looking for; drainage, utilities, slope, retaining walls and they need to be dealt with in a clear fashion so we don't overlook a problem that may affect neighbors. We started to do that on civil drawings over the prior months but we have become distracted. I would like some architectural aspects be added to that and get them into the code if we can.

E. Glesner added that the commission had Carter & Burgess draw us up a good four page document. What we are looking at here is a survey with a landscape plan, drainage plan and the house footprint all on the same survey. We have asked for it separately it just hasn't been put into the code yet.

J. Brinkerhoff inquired of W. Smith what the commission has to do to progress with this document that we have already reviewed and approved to get it into our code for applicants.

W. Smith responded that when we left it, you asked to see the final product and it was approved. At this point it has to go to Town Council. We held off on that because of the number of cases in front of the planning commission and if you would like to review that once again I can bring it back at the next meeting.

J. Brinkerhoff inquired of W. Smith if you can put your AC condensers on a property line.

Mr. Prupis interjected that he has decided probably not to put in AC, those probably won't even be there and if I was going to put them in I would have moved them to a less obtrusive place for her.

J. Brinkerhoff reminded them that they are approving the plans that are in front of them and asked if it can be on the property line or not.

W. Smith responded that there is a set back requirement of half the distance into the set back; if it is a 5' setback on the side, he can put one in at 2.5 feet.

J. Brinkerhoff and that would be looked at and caught by the building inspector; W. Smith responded yes.

Motion by K. Bloodworth, second by in the application for proposing a Condition Use Permit at 532 Taylor Avenue, we have read the staff report and find ourselves in agreement with staff findings including all plans and attachments as set forth in the report dated February 21, 2007 and recommend approval of this application subject to the following conditions...

W. Smith interrupted the Chairman stating that the DRB has to be approved first for the house and then the meeting needs to be opened up for the Conditional Use which is a Public Hearing

Someone in the audience ask if they can speak

W. Smith states that we have to open up the Conditional Use hearing first, we have to approve the DRB hearing. Then he ask the person in the audience what question were they going to ask; is it for the house or for the use; *she responds inaudibly* and W. Smith invites her to come to the podium.

Joyce McSpadden, 531 North Taylor Avenue, Minturn, CO she is to the north (actually it is south) to Mr. Prupis property. She shared the following concerns she has:

1. Her house sits on that property line. It was allowed, by the town of Minturn, in 1980 to be built property line to property line which causes a lot of issues. She only has access to her back yard and she got an easement from the railroad for as long as she owns the house.
2. There is a large drainage that runs between her property and Mr. Prupis property which right now has created a big swell in his backyard.
3. Her garage is constantly flooding and whatever he does will impact the lower half of my home.
4. The retaining wall is very old and someone needs to take a very close look at it to make sure that any development that he plans to do above it is considered as well. It is in great shape but you need to take a look at how he drains it because her property is tremendously affected by it.
5. The setbacks are important because whatever he builds runs right down the side of her house. She has already lost the privacy in her backyard and soon her bedroom.
6. How is she supposed to paint the side of her house? How is her roofing contractor suppose to access that side of the house where she has some roofing issues?
7. She has lived there for 32 years.
8. If you approve a duplex, how many parking spaces; four.
9. A large portion of that property (by Taylor Avenue) is owned by the railroad it is used as a parking lot, vehicles sitting there, abandoned, buried in there, and that is compiled by skier traffic that attempts to park up there. We don't have anybody that monitors or helps pay attention to what goes on up there.
10. What are the hours that people are allowed there?
11. She hasn't heard or seen anything about this house; what does Mr. Prupis have to go through, what color is the house, what kind of house, how are we even suppose to know what is going on. There is a house

down the street that is almost finished and nobody on Taylor Avenue knew it was coming. How could I even know it was happening?

12. The neighbor to the North of her has a driveway that holds about seven vehicles and I have a picture of one of his vehicles sitting, which now obstructs snow plowing and has for a few weeks now and at no time has it been reported to the Town of Minturn per my request why is that truck sitting there, why is it still there.

E. Glesner responded that the public needs to come to the public meetings that are posted.

W. Woodruff responded that concerning the flooding onto your property it is very clear in the code that when these properties are done that there is a drainage plan; you can't just drain off onto your neighbor's property. We don't want to approve something that is going to push water coming down that hill, behind him, through that retaining wall and through his lot, if his house pushes it off onto the neighbor and floods your house. That is what we are here for is to make sure that does not happen.

Ms. McSpadden inquired who enforces that. Who is responsible for that? Who monitors that activity and makes sure? How do I get copies of what the house is going to look like?

W. Woodruff responded that he gets a Building Permit and the building inspector visits the site and makes sure he is doing it. If you have a problem you can come to P&Z, talk to Wiley. We are not ready to pass this with the drainage plan that has been provided. We need to see an engineered drainage plan that addresses this issue.

Mr. Prupis stated that the drainage has been running into her property for years and by him building this house it is going to improve the drainage on her property. We are going to be collecting all of the water that used to run from my property onto her property.

W. Smith added that there was a stamped drainage report attached to the commissioner's documents.

Mr. Prupis stated that her place should probably be condemned, it is being held up by bars holding up the walls of a...

W. Woodruff stated that you are asking for a Conditional Use, he is asking to change what was before. We need a letter of agreement between them.

J. Brinkerhoff added that what he sees in the documents is a Geotech drain plan; he does not see a drain plan that addresses...

E. Glesner said ground, not surface.

W. Woodruff restated that you are asking for a Conditional Use to change the condition of your house so the burden is on you to then satisfy your neighbors and the commission. He stated that what he is getting from two others on the commission that have more experience than he that we don't have what we need. You need to come back with an answer.

Ms. McSpadden continued with conversation from the audience without the microphone and is not audible. Ms. McSpadden came to the podium and inquired if she can get the information she needs from W. Smith.

W. Woodruff responded yes and we will ask the applicant to come up with a plan, a letter of agreement with you giving you legal access to maintain the side of your house, we will require that he come up with a drainage

plan, and we may ask you to change something on your property so that the two properties come together in an appropriate way. We aren't on anyone's side; we have to deal with all of the issues. It is not going to be condemned.

Mr. Prupis speaking from audience without microphone became upset cursed and approached the commissioner's table to point out drainage plans on the drawings.

Allen Christensen, Town Attorney, interjected stating that we do not conduct hearings this way and asked Mr. Prupis to stand behind the podium and speak into the microphone; Mr. Prupis stated he has nothing else to say and went back to his chair. For the next few minutes Mr. Prupis shouted loudly from his chair, once approaching the podium and speaking into the microphone inquiring how is he supposed to get real plans when he has to get these approved first. He then went back to his chair and continued to shout loudly. Shortly thereafter he left the room and then the building.

J. Brinkerhoff recommended that Ms. McSpadden send a letter to W. Smith on exactly what her issues are so he is aware; Ms. McSpadden agreed. He continued that what the commission needs is a professional, engineered drainage plan that works and a draft of a letter of agreement between the two of you on the property line and we will look at it again.

L. Teach inquired can we have someone check that retaining wall that she is worried about. Is there someone who can go out there and look at it? When she herself purchased property here in Minturn she had a railroad tie retaining wall with two levels and five years after she bought the house it began to crumble. Mr. Prupis is saying his retaining walls has been there a long time and Ms. McSpadden is expressing concern over it, is there someone who can go take a look.

Ms. McSpadden stated that she also has a retaining wall that is much younger than Mr. Prupis' and she is already experiencing that as well. It doesn't have netted rock, just rock fill, and every spring it will come down. Her neighbor's had a rock come down into their bedroom; there are a lot of things that run down off of there. She will review the plans with W. Smith

W. Smith stated that we need to table to a time indefinite until we receive the information requested.

W. Woodruff so information requested is as follows: professional drainage plan, property line agreement regarding maintenance to her house, and an inspection of the retaining wall

W. Smith added that as far as the agreement between two parties the Town should not get into the middle of that, but if we can settle land use issues that would be better.

W. Woodruff said lets see what her issues are and then we can address that; W. Smith responded ok.

Motion by K. Bloodworth, second by L. Teach to **table** both the final design review and the application for Conditional Use Permit to a date uncertain; **Motion passed 5-0**

7. Action Item – Battle Mountain Planned Unit Development Preliminary Plan

W. Smith started by entering into the record two letters that the Town received this afternoon from Colorado Wild. They have not been reviewed yet

Sarah Baker, 1914 Bear Creek Trail, Edwards, CO spoke on behalf of the applicant as a matter of clarification that the Planning Commission confirm that we are hoping the hearing on all three files; PDP 06-01, PP 06-01, and AZDM 06-01.

A. Ferguson responded that we are opening one hearing at the time and we incorporate the record from one hearing into the other hearings that is the way we have done it in the past, we do not conduct them simultaneously; Ms. Baker agreed.

W. Woodruff said that a Petition to the Town of Minturn and Ginn Entities from the Town of Red Cliff has been received and he proceeded to read it into the record. This petition is attached and referred to as *Attachment Red Cliff Petition*.

Ruth Borne, attorney for the Town of Red Cliff we have 19 signatures from an Open House Red Cliff held on Sunday evening and we would like to admit it to the record; 22 signatures in total.

Public Comment

David Many, 465 Spruce Street, Red Cliff, CO

- Road Study stops at Hwy 24 and it needs to be taken through Turkey Creek as the impact will be serious. Widening of that road would be possibly be through Eminent Domain which would not happen because Eminent Domain only works for access to public areas and the development going in would be private.
- Eagle County Commissioners are unanimously opposed to this.
- One house to 35 acres should be considered.
- What benefits will Minturn receive besides increased property value?
- 182' building being built in Minturn; you need to really take a look at that.
- Annexation should come to the public for a vote and Red Cliff should be included.
- Employee Housing proposed up Shrine Pass
 - Height restrictions (50' should be reduced to at least 35')
 - Density restrictions
 - Police policy for transient workers
 - Water; where is it coming from? Is it being piped over from Bolt's Lake?
 - Red Cliff's Sewage plant is already maxed; what is Ginn going to do with their sewage?

David Spears, 179 High Street, Red Cliff, CO

- Traffic is Red Cliff's biggest concern
- 9th paragraph of most recent letter states that if Red Cliff wants the Willow Creek Access to be a secondary project entrance, we welcome the opportunity.
- Red Cliff citizens would like to express these concerns to Minturn more thoroughly at a further date.
-

Sissy Olson; she thought it was a sign in sheet and does not wish to speak.

Daniel Wallace; not present

Joyce McSpadden; she had sign up to speak on the Prupis property.

Tom Anderson; he stated that when Ms. Borne had arrived at the meeting tonight the sign up sheet had been removed so he would like to defer his comments to Ms. Borne.

Ruth Borne;

- Minturn and Ginn have already complied with Red Cliff's request to be included and are working with us, we are making progress.
- PUD Guide contain or lack thereof:
 - Too much flexibility is provided for amendments and modifications
 - Lack of overall control for density
 - Minimum of compliance with your Town Code; the guide provides too much discretion to the developer.
 - Willow Creek specially there are no set backs, the guide is overly broad as to uses, no building coverage limitations, 150' allowed for commercial buildings in Willow Creek
 - Inadequate parking requirements
 - 45' height limitation on single family and duplex residences. There is no community I know of that have these types of height limitations; certainly not 45' and certainly not 150'.

Cliff Arrigon, 427 Eagle Street, Red Cliff;

- Personally not against the project.
- Wants Minturn to communicate better with Red Cliff because Red Cliff is Minturn's neighbor.

Karla, 427 Eagle Street, Red Cliff, CO; declined to speak.

Tim Parks, 236 Eagle Street, Red Cliff, CO

- Request the Minturn Planning & Zoning and the Town Council to open up formal communication with the Town Council of Red Cliff concerning the proposed Battle Mountain PUD
- Red Cliff is directly impacted by the Ginn Development but the citizens of Red Cliff feel underrepresented in the negotiation process. This may not be the intent but it is the perception if not the past reality.
- The Red Cliff Petition is not the unanimous opinion of the town but is a symptom of our frustration with the process.
- The Ginn Company has made a promise to date only the Town of Minturn and they have kept that promise. Minturn leaders need to increase their dialogue with the Red Cliff Town Council and represent us in this process or please free up the Ginn Company to begin meaningful negotiations directly with the Town of Red Cliff.

Ron Mithcell, 216 Eagle Street, Red Cliff, CO and has lived in the area for over twenty years.

- Has not found much that he likes about this project.
- Understands that the possible revenues that Minturn can pull in from this project can help update their infrastructure.
- Hasn't heard anything about Red Cliff being able to annex in any of the property.
 - Mr. Mitchell then read from a prepared statement
 - Developments of this size cause serious changes and they are not always positive
 - Water resources which we rely on for our recreation and lively hoods
 - Florida has been developed to the hilt so developers are looking elsewhere and in this case our backyard turning the life of people and wildlife upside down for their own needs.
 - This project isn't so much a legal question but a moral question as it;
 - Fans the flames of global warming, further degrades our water and air quality, and disrupts the lives of those who have to travel over this section of National Scenic Byway.

- We do not want to deal with construction traffic for the next twenty years and beyond while you cater to the mega rich.
- Cautions Minturn on selling their soul to this group and at this time he stands adamantly opposed to this project as currently proposed as it stands as a monstrous display of arrogance and greed.

Liz Campbell, 512 Main Street, Minturn, CO;

- Too big, too tall, needs to be negotiated and come down in size.
- No adequate plan at all for Main Street; revenues that will be generated can accommodate changes on Main Street but until we have a plan it is not prudent for us to move forward.
- Traffic is huge issue and to say the town is going to take care of it with CDOT when the Town Manager doesn't even know that CDOT has surveyed Main Street to find out where it truly is. The pin on the 400 Hundred Block comes in quite a ways.
- We need a plan, we don't even know if we are going to get money from Ginn to help pay for this.
- The Town currently has 1,000 residents that we can't manage already, how will we manage an additional 1,700 when there are issues right and left with small developments going on around town.
- If the citizens aren't watch dogs then the Town gets away with it and all of a sudden you have a civil issue with your neighbor.

W. Woodruff took the opportunity to remind everyone that they can submit questions and statements to the Planning & Zoning Commission and there will also be a time when this issue gets to the Town Council that you will be able to address issues again.

Chris Trigg, 304 Eagle Street, Minturn, CO;

- She came here a couple of months ago she came in here with a proposal for a Minturn Management Plan as Minturn to guide us through this, Minturn does not have a plan to assess these types of issues; economically, environmentally, so that we can work together, the Town and the developer, on these issues for our children, for the future.
- Issues such as land use, traffic mitigation, wildlife mitigation, water, potable water, types of buildings (environmentally, economically sound).
- Global warming, war, soil, growing, plants, animals, thriving and growing together
- Integrity of the town, the people, and the development working together.

W. Woodruff closed public comment, called for a short break and noted that the Ginn Company will begin their response to what they have heard after the break .

Applicant opportunity to respond to public comment and questions

D. Mauriello, 5601 Wildridge Road, Avon, CO, for the applicant, we are responding to all of the comments that we have received over the last couple of Public Hearings.

Sam Otero, representing the applicant as the Engineering and Traffic Consultant, HDR, 957 Sylvan Lake Road, Eagle, CO;

- How does Ginn remain accountable for those projections as the project goes forward?
 - By providing **FINANCIAL MEANS** of Implementing "Town initiated" street, pedestrian and other transportation system improvements
 - Managing construction activities to lessen impacts on the Town and **MAINTAIN** pavement conditions.

Dr. Leftwich and some additional consultants had discussion with CDOT and came up with two main differences; public resort (Beaver Creek or Vail) and a private resort (Ginn) and how the information is developed and used

- Public Resort takes in all of the different uses; recreational homes, restaurants, retail, office or recreational facility in and of itself. The rate comes from an ITE Manual based on what the potential use is and it sums those together sometimes taking an additional reduction for operations they see.
 - Public Resort a lot of these trips are especially for restaurant, retail and office are generated off site, it is a different kind of system and how those things all come together.
- Private Resort there is one rate that is all inclusive it takes into account how Ginn operates the facility, the resort programming and project specific occupancies.
- Over 70% of the residents within the Ginn property have properties at multiple locations.
- Rates if you look at private versus public, the person at the restaurant is the same person who skies there, owns a home there, there isn't the outside generated traffic.
- Restaurants in most facilities need turnover, every hour they need a certain amount of turnover to survive. A private resort does not need that; their profitability is generated by the development itself through fees, etc. Dr. Leftwich's information is important because he has done these for several Ginn properties.
- Ginn knew that the specific supply is limited by the roadway; a two lane highway so when they started on the demand side, which is the trips that are generated by the project, Ginn already knew there was a limited supply. Trip and Traffic demand management to reduce the number of trips generated within the project to make it work within the supply that is available.
- What that does is creates results (referring to PowerPoint Presentation, PPP) in a lower projection than the traditional approach of outside trips.
- Typical Traffic Reports use Demand and Mitigation. Ginn is taking those and using them as a budget; even if they are conservative, Ginn is going to live within those numbers and they will do demand management to stay within those numbers, using them as a threshold and budget to stay within.

The projections (referring to PPP) are lower but if you use them as a budget it is very restrictive, to protect the town.

- What happens if Ginn goes over the projected numbers?
 - Ginn will do demand management to stay below those numbers and intervals can be negotiated with the Town, if in those intervals we find that Ginn has gone over then there is a cost recovery for the exceeding those projections and Ginn has to pay for exceeding.

As an example if 10 cars is the threshold that is agreed upon, that can't change, that won't go up and the low/medium/high percentages come into play and the dollars are associated with the economics of more congestion on your roadway; vehicle cost, safety cost, environmental impact cost, etc. The dollars for exceeding can be negotiated with the Town.

Current traffic count is less than 6000 and with Regional Growth added on to that traffic.

- How do we know that the projected regional growth is not over estimated?
 - If it is over estimated it means that our supply for Hwy 24 is lower and we tried to stay within that supply, so it actually reduces our amount of traffic. All of these estimations were based off of information supplied to us by CDOT.

- Currently they are limited funds available to even handle regional growth and if you add on Ginn traffic; guest traffic, employee traffic, construction traffic, etc you get increased general funds to implement desired improvements. More so than that, it gives the town a better seat at the table with CDOT because you are coming with the finances to discuss those improvements that are necessary within the town.
- Construction Traffic is a little more difficult to project but as we stated last time there are opportunities to manage construction traffic;
 - Shuttles from remote sites to onsite
 - Onsite services (catering, etc)
 - Materials management – (timing) if you deliver over a longer period of time as opposed to just the construction season you can reduce the overall peak of the construction traffic as an example; deliver instead of over a period of six months maybe deliver over a longer period of time.
 - Materials management - options to balance the soil volumes as much as we can so we manage it from one onsite location and trips stay up there between the sites and you manage from the one location minimizing the trips through town.
- Ginn Company has started and is looking into negotiates with the railroad to use the railroad during construction periods to transport materials.
- Preferred builder program reducing the number of overall workers on site.
- Provide opportunities for citizen input during construction where they can call if they see something of concern; a truck with its cover up, etc.
- Monitoring and maintaining the pavement condition through town. Ginn has stated that they will provide funds for final pavement overlay. When in twenty years? Timing is really up to the Town when that overlay occurs.
- General street maintenance during that period of time, we will monitor it; sweep general stuff that you rely on other entities to do. Ginn has said they will do those as part of this process.

In summary Ginn's projections are lower because of the private versus public. But if you take those and use those as a budget, you won't exceed those and the Ginn Company will work on more buses, more shuttles, whatever those things are that need to occur to keep within that budget. If for some reason they do go over Ginn is putting their money where their mouth is and they will pay back to the Town for traffic disruption. When you talk to CDOT, the general funds are very limited for Hwy 24 and when you add the Ginn project is already trying to deal with those (red ones) but now you have additional money in the general fund to deal with the (blue) and (green) which is equally as important because the green is generated a lot by Regional Trips. And finally construction traffic and final overlay which Ginn is saying they will overlay and repave that along with general street maintenance during the construction periods as the Town sees fit.

Bennett Raley, 6573 South Heritage Place East, Centennial, CO, Water and Environmental Attorney, he stated that we haven't seen him by he has been at the other of the negotiations of the Waste Water Treatment Plant and he has spoke with your attorneys at Paramount on the Water Right Issues, and he is here to talk about Wildlife issues. Twenty years ago he was involved with pretty intense discussions in front of the Colorado Wildlife Commission on whether or not there were standards for mitigation of projects permitted by local entities and he has dealt with those kinds of issues throughout his career. Before writing him off as a Denver lawyer know that he grew up outside of a town that would make Minturn the big city and he understands of the challenges Minturn faces trying to find the appropriate balance for our community and dealing with the future. He has also spent four years in public service and he knows these decisions are hard.

- In this particular area there is not a formula that you can apply, there is not a definitive standard that says "meet this standard for x". At the end of the day, you are going to need to know and be able to explain to your neighbors, and Ginn is going to need to feel like it is reasonable and fair. There is no

formula that will tell you whether losing 3/10 of 1 percent of the winter range for elk in this wildlife game management area is justified to get a Superfund Cleanup. You simply can't do that with mathematics. He is here to talk about a wide range of wildlife issues but recognize at the end of the day that you can't put them together in a column or form. Words are pretty easy; you have to ask are they meaningful.

- In regards to this project I assume you have already done your homework and checked on Ginn and their reputation throughout the community. Bobby Ginn was Man of the Year for the Audubon Society in Florida where there are a lot of birds and people care a lot about them; that isn't easy to come by. The other things that he himself looks for are there other drivers, are there forces that are far more important than just words on paper that will cause parties to act in a particular way. Environmental Conservation and stewardship is embedded in the business model that Ginn has provided here, simply put the community that they want to build and add to your community will be coming here because it is environmentally sensitive and because we do the right thing. It would be a bad business move for the Ginn Company to do something and not protect the environment.
- Reasonableness and fairness; for us fairness is holding us to the same standards as similar sized projects in this area have been held to regarding wildlife mitigation. We are prepared to accept that. Reasonableness; we think we meet that standard because we have worked to tailor our wildlife plan to address specific issues that exist for this specific project.
- Some of the structural that are unavoidably tied to the WMP; land planning. Over 70% of the Ginn Property will be open space. There has been a concentration clustering of development which helps manage wildlife impacts.
- Avoided ridge line development
- Maintain wildlife movement corridors; you will see that the development builds in, addressing the wildlife issues over and above what the specifics of the Wildlife Mitigation Plan that we have provided to you will say.
- Habitat enhancement; Superfund sites are not good for people and they are not good for wildlife. We believe that there will be general wildlife benefits from cleaning up Superfund sites but there will be enhancements to the wildlife resources.
- Is this project just sailing forward? It is anything but. This project has some more intense focus by some of the more serious Federal and State Regulatory agencies that we deal with because of the seriousness of the remediation effort. The agencies that are involved are;
 - Colorado Department of Health and Environment (CDHE)
 - Environmental Protection Agency (EPA)
 - Army Corp of Engineers (ACE)
 - United States Fish and Wildlife Service (USFWS)
- Wildlife Plan; there is not a numeric standard like there is for drinking water. There are some sources we can go to however. The Wildlife Commission adopted Policy A6; it is worth focusing on what it says mitigation is:
 - "Mitigation is a mechanism for addressing undesirable impacts to wildlife resources. It can be accomplished in several ways, including reducing, minimizing, rectifying, compensating or avoiding impacts."
- We believe we have applied each of these tools as appropriate. How do you approach this? By avoidance, not having any impacts. No, you avoid, minimize and compensate. The Town of Minturn Code says the Environmental Impact Report (EIR) should include mitigating measures proposed to minimize the impact. Our plan includes regulations and mitigation activities that address land use, human activities and we believe our wildlife plan meets or exceeds the other plans in the area.
 - We avoid the ridge tops
 - The typical development is a golf course surrounded by a double ring of homes; that is not what Ginn has proposed. And we fully recognize that golf courses aren't ideal habitat for wildlife.

What Ginn is trying to do is optimize that golf course; there will be topographical variations so that there are places for the wildlife to be rather than being out in the middle of a bowling alley and the roughs will be planted in appropriate vegetation. Ginn is going to do everything they can to make it not be a negative and somewhat of a positive.

- Individual Plan Components has the same as the others:
 - Pets
 - Bears
 - Trash
 - Fencing
 - Seasonal closures
 - Lighting
 - Mitigation Fund

Mr. Ginn is willing to pay into the mitigation fund, which is a standard. Mr. Raley met with Bill Andree today to start exploring exactly how that would work.

- Peregrine Falcon; one of the few successes of the Federal Endangered Species Act. It was listed because DDT was making the egg shells so brittle that they would break and there was no reproduction. It is one of the few species that has been delisted because of the banning of DDT and population recovery. It is a species that is adaptable to a wide range of conditions and they are worth protecting.
 - Nest site is located on Minturn cliffs and we know the nest was active from 1997 to 2005, chicks have been produced from that nest.
 - The nest within ¼ mile of Hwy 24 at its noisiest location; Jake brakes are noisy and they are within ¼ mile of the hair pin turns
 - Falcons were observed in the area but there is no evidence of nesting in 2006
 - Nest construction (referring to a PP slide) is a typical nest showing that a Falcon does not have the elaborate nest structure that an eagle does, they move up and down suitable sites and we have a cliff ban that has suitable sites. It is going to vary in its site from time to time.
 - Ginn's approach is to protect the Peregrine.
 - ¼ to ½ mile buffer recommendations. The buffer is a recommendation; it is a segregate for functional results. An example is that they are working with a gravel pit mining operation on the eastern slope. The gravel pit mining would occur within the ¼ mile buffer. The solution was to build a very high earth berm to shield that nest site from visual impacts of the mining and to have some shielding from the noise. We use that example not that it is directly applicable here but the ½ mile, not one inch more or one inch less, it is a functional objective and we think that we can meet that here.
 - Within the ½ buffer is Hwy 24 and the proposed ECO trail. This is a "Bird's Eye" view (referring to a PP slide 19) of the Minturn cliffs, 2005 nest location, the yellow is the proposed ECO trail within the ½ mile buffer zone, the blue is Hwy 24 and the red line is the top of the ridge, not the top of the cliffs, it is the top of the ridge. You can see the development footprint and he pointed out the Mr. Ginn and Mr. Weber has already adjusted things. They moved ski terrain out of this zone and made some accommodations to deal with the Peregrine. There was no nest in 2006 but if it comes back the accommodations are already in place to take care of it.
 - View Shed Simulation; (referring to PP slide 21) you can see zero of the development activities, there are several hundred feet of topographical relief. The terrain here is on this side of the ridge, the development is on the other side of the ridge. Nature has provided a berm.
- Elk; not a state regulated species, Colorado has the largest elk herd in the United States and they are a significant resource for the state and of course for this community.

- Wintertime impact; Ginn is not aware that their development will have any impact on summertime habitat or calving habitat. The issues are:
 - Wintertime migration paths
 - Winter range.

Game Management Unit 45 GMU (referring to PP slide 26) the legend outlines various types of elk habitat that have been mapped within GMU 45.

- Elk winter time habitat; Ginn's impact is to .26 of a percent of the Elk Winter Habitat
 - Ginn's impact to the individual categories are under 1%
 - Concentration areas, critical areas, etc.

Ginn wants to spend mitigation dollars in this valley.

Bolk's Lake is where we are affecting winter habitat and a lot of that is a Superfund site. What is the trade off; is it acceptable to have a .26% and not ok to have a .27%?

- Wildlife Migration; (referring to PP slide 27) the orange line is Battle Mountain property boundaries, red lines are historic migration corridors and those have been protected and preserved with the development footprint. That was built into this wildlife plan through the land planning.
- Guided elk hunting opportunities to manage elk population so it does not become an elk refuge. Mr. Ginn and Mr. Weber agreed there will be guided hunting and some of that will be set aside for residents of Minturn.
- Canada Lynx; on the endangered species list which has been described as one of the most powerful environmental laws ever passed. Ginn has elected to do is meet the highest standard for mitigation under the Act. Ginn has chosen to go with a habitat conservation plan and it is preparing a plan that it will submit to the DFW for approval. That plan will only be approved if DFW concludes that Ginn has mitigated all of its impacts to the maximum extent practical.
- HCP will require additional mitigation
- Bolt's Lake Character area is an enhancement. If remediation is approved Ginn is confident that it will be better habitat than it is today.

Spencer Stanek, 522 West 6th Street, Leadville, CO International Alpine Designs;

- View shed impact from Bolt's Lake Building which is proposed for 150'
 - Reverse view shed-putting the observer on each corner of the building at the finish grade and lit up the terrain from there to see what would be visible (referring to PP slide 31)
 - Blue area up to Tigiwon Road; would not be visible.
 - Orange area along Hwy 24; become intermittently visible.
 - Blue area further right; would not be visible.
- Similar study cutting a line of sight profile to see if the building would be seen from Pierson Property and the Middle School finish grade contour elevation data that they had for the Golf Course and the Bolt's Lake area and cut some profiles from there (referring to PP slide 32)
 - From Pierson Property; 150' building would have to be 1,287' high to be visible.
 - From Minturn Middle School; 150' building would have to be 2,000' high to be visible.

Domonic Mauirello added some additional comments as clarity;

- Conflict within the Ginn Design Guideline document with respect to the Ginn PUD Guide; 150' is the actual number and he brought with him a revised set of those plans, revising the building height section.
- Single Family Residential; 50' but Ginn is proposing 45'. That is higher than typical areas because when you start to deal with steep slopes you end up with some portions of buildings that end up that tall. In the Design Guidelines, there is a lot of other criteria. He presented Exhibit GG for the public record.

- Building citing and location; taller buildings have been placed in areas where there is clustered development and also have also proposed them in valleys and lower locations where they are not sticking up on a ridge, but sunken down into a valley.
- Flexibility in the development plan; there is no site coverage that they are proposing for the Willow Creek Commercial zone (mixed use). That is because we have a building envelope that does the exact same thing; it restricts where you can build that building and how big that building can be. We have opted, in those commercial areas of having a building envelope that is defined. That is why you don't see a site coverage standard for that.
- Residential zones; not only do they have a site coverage standard but they also have small building envelopes that have been proposed.
- Traffic Study; Ginn committed to providing an additional Traffic Study of Red Cliff based upon our development impacts on Red Cliff. That study began today, the engineers were out there today to start their reconnaissance work.
- Dark Skies; lighting ordinances. Ginn has this addressed in their Design Guidelines as they want to implement these types of principles; down lighting, sensitive to the night sky.
- Historic Preservation; Ginn is taking a Superfund site that has to be cleaned up, it has to be remediate and torn down, metals, asbestos and Ginn plans on rebuilding those buildings exactly the same size, character, as they are today. People lived there, worked there, excited that we can recreate it.
- Trestle; located on Bolt's Lake property. Some portion of that that will be maintained or provided as an historical element to the property. That trestle carries the polluted mine waste to the treatment plant. They are working on that with the State and Federal agencies so that they can do that.
- Population Increase; fiscal analysis that was provided by BBC Research estimated 400 full time residence in addition to whatever employee housing is on site. It is not a full time sort of resort.
- Comments that have already been responded to. There were a lot of comments you received in writing that we already responded to when they were submitted. Our written responses are already in the record addressing those issues.

1. Town Staff and Attorney response to statements and evidence of applicant and public

W. Smith stated Town Staff have no comments or questions at this time.

A. Ferguson based on the comments received tonight and the responses that the applicant has made, we would like to work with staff to fine tune some of these recommendations that are being made to the Planning commission and we will do that for the next meeting. We want to assimilate the documents and comments that we have just heard and/or received.

2. Planning Commission questions and requests for further information

W. Woodruff stated that overall Mr. Ginn and Mr. Weber have stated that they want to be good neighbors. The Town already has neighbors; for this to work we want to have Ginn as a partner, we would like to see Ginn come down into Town and make our town a better place. An example is the ECO Trail. We want you to be a partner all the way from Dowd junction to Red Cliff. We want you to help us with these issues, be a part of the town, not just a neighbor. Mind boggling, make sure that we take our time. Ginn wants to get going but until the other issues are dealt with we aren't going to let go of this until we have our answers. We have implemented a process for Mr. Cerimele and Guy Patterson to keep track of what is happening here which we will get into a working document that we can pass down to council, when it comes time for citizens to vote, it is a document that they could look at and review. We would like to move as many of these issues as we can into the PUD and not add them as conditions, get you to agree to them instead of adding them as a list of conditions.

L. Teach stated that she wants us to really listening to the people and their issues; ECO Trails, Community Center, not a lot for the children of the community to do, maybe a gym with a basketball court, karate classes, someplace where they can hold these kinds of things. Please, public call and ask questions. It is all out there, it just takes some time to read it all.

E. Glesner stated that as he has heard from people in town and from their attorney today, there is no real mathematical way to answer these, we are up against a decision we have to make and it is a lot of gut feeling, endless material you have provided to us. A ton of work and we are doing everything we can to follow the issues and keep everything in line. I want to make some recommendations that don't have to be answered tonight by Ms. Baker or Mr. Mauriello.

- View corridors; what about test from over the back country like Holy Cross, Blue Sky back over, Notch Mountain, the trails in the surrounding area, not just test from the south end of town.
- Building height; where on the 45' are we taking the measurement from on sloped home building sites? Is that at the back of the house could go up over 45' or is that overall height.
- Light issue pollution; it is going to almost impossible to down light a 150' building. The view shed corridors that you see aren't a lot from the road, but it is going to be a giant lit candle stick. He would like to see it no higher than 80'.

W. Woodruff interrupted by requesting computer imaging on what that building will look like sitting against the hillside against the road. What is it going to look like? How high is it going to be? How high is 150'? Maybe provide some photos from the road from different angles, maybe dropping in a computer image of what it is going to look like

E. Glesner that building height is going to be an issue; it is hard to imagine a towering building in the flat Bolt's Lake area.

J. Brinkerhoff added that in the context of Cross Creek Valley it is difficult for him to say what is right. What we are hearing from the public, they are saying it is a little too big, a little too tall. We are trying to balance what the public has said.

E. Glesner continued that the employee housing still seems vague, it has moved around a little bit. He would like to add as a condition that all employee housing be positioned, what they are going to look like, etc. How they are going to be distributed. Are they leased, sold; what about resale, who is going to monitor your employee housing and all of the tenants. Security of employee housing gets a little crazy sometimes.

Mr. Weber, 0627 Hermage Creek Drive, Eagle, CO

- Ginn has proposed two locations for employee housing; Gilman area once the Superfund site has been approved for clean up, 70 sites will be demolished, reconstructed (retro) so they look the way they did in the 1980's when the shut the town down but they will have today's technology.
- Second phase that we have suggested is about 30 acres up Shrine Pass Road (approximately 120 units), that if approved would be annexed in one year and one day later. They will be homes, not modular, not trailers, they will have design guidelines. Homes, duplexes, four-plexes, it depends.
- At build out will have about 800 employees
- When are we going to build them? When we get X amount of CO's approved we will have Y number of employee housing completed.

S. Baker added that it is Appendix B to the written application that they have submitted the provides a breakout estimate of the employee housing we would provide; sale versus lease opportunities. The entirety of the Gilman

Pod of employee housing would be lease opportunities; single family, duplexes, four-plexes. The proposed Red Cliff Pod would be a mix of ownership and rental opportunities.

E. Glesner and W. Woodruff inquired on what occurs if there is resale, if someone quits or gets fired, what happens with their property. Can they sell it on the open market?

Mr. Weber responded no, the way the sales contract would be written is that Ginn has the first right of refusal for purchasing it back with a certain level of up, if up was in the economy at the time. We have never had any go to the market.

W. Woodruff said that he would like to see Ginn pull it out of the plat where you have it in Open Space. He would rather see specific places for employee housing and if you decide you want to change that, come back to us for approval. Each character areas list employee housing in Open Space, pull it out of that and come back when you decide.

S. Baker added that Mr. Mauriello had touched on is that the PUD Guide defines employee housing as a use by right in all zones. What we agreed to amend the PUD Guide so it is a conditional right and we would have to come back in front of the Commission to get approval to put employee housing in any of the ROS zones.

E. Glesner a problem that I see is that you have one of them behind Red Cliff which hasn't even been a part of the annexation process and you have one on a Superfund site that you don't know when you will be able to clean it up.

Mr. Weber interjected that in their submittal Ginn has said X number of CO's approved that they will have the appropriate number of employee housing completed. In our submittal we also say we will provide 40% of employee housing either on site or off site. We want employee housing, a lot of developers don't, we see a lot of advantage to it, it is a positive thing. We are committing that we will have X done when there is a certain threshold.

E. Glesner responded that off site it is just not available right now.

Mr. Weber responded that it is available; everything has a price to it. By the time we have the first threshold of CO's issued, we will have either the Superfund site delisted, annexation of Shrine Pass area will be solved, or we will have selected another area in the appropriate zoning on our property.

A. Ferguson stated that even though the employee site on Shrine Road is not a part of this annexation we can through a variety of our agreements require that that come in, so that it won't be at their discretion. And it will also go along with what Mr. Weber is suggesting and the phasing of it can be tied to the phasing of the project. We can accomplish that even though it is not before you now. Otherwise we are going to look at a lot of Open Space up there.

W. Woodruff brought up the issue of construction employees which he feels has not been addressed.

Mr. Weber responded that historically when Ginn enters into a contract with a major contractor Ginn pays a premium for them to provide housing for those employees during the construction period. We want you to have it, we are not trying to be evasive, if you don't already have it, and you will have it. He will also put into writing that they aren't going to have campers, RVs, or trailers for the employees which is not a good idea.

L. Teach inquired if Ginn will have funds available to assist the employees in buying these units.

Mr. Weber responded yes; Ginn has their own mortgage company and they handle approximately 38% of our buyers, not employee buyers.

J. Brinkerhoff inquired about a monitoring program, how does it get monitored, the X and the Y.

Mr. Weber stated that W. Smith will be issuing the C of O's.

J. Brinkerhoff said that with the impact on Red Cliff regarding employee housing, we strongly urge you guys to get together with them, maybe that hasn't happened yet for certain reasons, we want you to reach out to our neighbor.

Mr. Weber noted that Ginn sent them a letter last Friday, it is in the packet. We are in a very awkward position, and we respect Red Cliff's position. Mr. Weber was quoted in the newspaper six months or so ago, as being on a date with Minturn and he is committed to Minturn. When he met with Red Cliff's Mayor Montoya and Ms. Borne in January they said we really understand but be good to your wife's sister. In the letter that we sent to Red Cliff we are paying for certain things, we have paid for certain things. We have committed that we will not use High Street or Low Street, we are going to come across Shrine Pass. How do you police that? We have done this, we have a full time security department, and we park down there and you drive through once you get a warning, if you drive through a second time you aren't on the payroll anymore. If Red Cliff wants us to come through the town, we will provide paving, we will work them on the water and waste water situation. We have been talking to them; we want to talk to them more. Unless Red Cliff wants us to do something else is to run all of our people through our main entrance, coming in off of Hwy 24 if that is what Red Cliff wants us to do. Designated employee entrances work. We have checks and balances the way it is proposed today and as we continue to meet with Red Cliff, if they are receptive to something else, we will try something else..

W. Woodruff inquired about the water shed issue; isn't Red Cliff's water supply from Turkey Creek and isn't the employee housing planned above Turkey Creek.

Mr. Weber responded that water shed is for the drainage and grading plan, it is for development, it is not for water source or supply.

D. Mauriello interjected that whatever ordinances are out there, we have to comply with them. We have to come back through the whole process just like this one. When we come back in front of you for a subdivision, we have to show our impacts, etc. It isn't as if you say today ok and we are approved for employee housing, we have to come back in front of you.

J. Brinkerhoff inquired if you have thought about servicing those units by Red Cliff with water and sewer

Mr. Weber reminded that this is a proposed area. We are going to be pumping everything from the Bolt's Lake area. When we partner with Red Cliff, and he is optimistic about that, there may be a better way of doing that but we have the engineering capability to do it with the system we are proposing.

J. Brinkerhoff noted that fixing their treatment plant and going through Red Cliff may be a better way of doing it.

Mr. Weber responded that it is an alternative if they would like.

E. Glesner asked what exactly is going to go on with the Willow Creek Road exactly during construction and once built out.

Mr. Weber responded that the only plans they have right now is to go back and forth across Shrine Pass Road for construction traffic and employee traffic. If down the road Red Cliff wants something else, if there is another alternative, but right now, it is just back and forth. And he does mean construction. Once constructed, they will go across. And one of the other things is that we have met with the emergency services, fire department, and there is a very good possibility that there will be one of the life safety facilities that will be added if this project is approved.

L. Teach inquired about a post office, will you be using the Town's or will you have your own.

Mr. Weber doesn't have an answer. In their other facilities they have central mail drops, we take them, we make the run to the post office, etc.

L. Teach added that UPS, Fed Ex etc will generate additional traffic; a general central location would be good. When you were talking construction have you talked any further about the railroad.

Mr. Weber responded that Ginn is trying to get a deal. It is something where you go to one person and then say sounds good, go to some one else and they say they don't think so. It is ongoing. It is not only for our project or our town, but there is a need for railroad in the valley.

W. Woodruff said that one thing we want to hit on tonight is who else we want to talk to and staff could work on getting them here for the next meeting. He would like to get OZ to come in? We would like some help from a presumably objective group. He requested that W. Smith inquire of the Town Manager to bring OZ for next meeting. We are hearing from the town that 1,700 is too many.

Mr. Weber reminded that from the beginning, from the first meetings, Mr. Ginn and Mr. Weber have said 1,700, they have spent a lot of time and effort on that amount of density. Ginn will be guided by you to a degree, but he believes they will be a lot more receptive to looking at the size, location but the 1,700 is not an arbitrary number.

L. Teach inquired on acreage existing in Minturn right now. If you divide 1,700 into the 5,400 - how many homes do we have versus acreage in Minturn?

Mr. Weber stated he will find that out. If you divide 1,700 into 5,300 the number is going to be a lot higher than if you divide the number of residents into whatever the acreage is.

It was agreed that traffic and wildlife are issues that the commission still wants to hear about.

J. Brinkerhoff bugging me is when someone brought up the issue of Tabor and I know that S. Baker said she didn't think that was a problem for us. Can we get a legal opinion that the Tabor Amendment is not going to negatively impact the proposed revenues that the Town of Minturn is going to get as proposed by BBC.

A. Christensen responded that we have de-bruced everything. We hired Bond Council to do it. Ms. Baker hired their attorney's to analyze what our Bond Council told us and I believe we all came up with the same conclusion.

J. Brinkerhoff inquired is it possible to get a legal opinion from somebody on black and white that we can hang our hat on because everybody is counting on all of this money and if someone said we thought it wasn't going to work but...

A. Christensen interjected that you are only concerned with land use issues here.

W. Woodruff stated that it ties with land use issues.

S. Baker stated that Ginn has looked into it as she represented at a prior meeting, however rather than taking our word for it what I suggest is that you hear it from your own attorneys. A. Christensen had referred her to an attorney at Sherman & Howard and rather than you taking our word for it, she encourages the commission to get it from your own attorneys.

J. Brinkerhoff said that he believes it is a very appropriate issue for mitigation.

W. Woodruff stated he agreed, so let's get something in writing. That is what our attorneys do so they will bring it.

S. Baker added that for the record she would like to submit to letters that Mr. Weber referred to. One is to the board of trustees of the Town of Red Cliff as exhibit HH and the second is a letter to the residents of Red Cliff themselves submitted for the record as II.

Motion by K. Bloodworth, second by J. Brinkerhoff to **continue** the hearing on the Environmental Impact Report and the Preliminary Development Plan to **6pm March 14th, 2007; Motion passed 5-0.**

W. Woodruff opened the hearing on the Amendment to the Zone District Map

S. Baker on behalf of the applicant PUD AZDM 06-01 request that all public testimony, applicant response, staff response and planning commission comments also be received in PUD PDP 06-01 also is incorporated into this hearing on the Amendment to Zone District Map; A. Ferguson responded so done.

Motion by K. Bloodworth, second by J. Brinkerhoff to **continue** the public hearing on the Amendment to Zone District Map to **6pm March 14th, 2007; Motion passed 5-0.**

W. Woodruff opened the hearing on the Preliminary Subdivision Application hearing is now open.

S. Baker on behalf of the applicant request that all public testimony, applicant response, staff response and planning commission comments and questions that were received as part of the record on the Preliminary Development Plan application PUD PDP 06-01 also be incorporated into this hearing on the Preliminary Subdivision Plat; A. Ferguson responded so done.

Motion by K. Bloodworth, second by L. Teach to **continue** the hearing on the Preliminary Subdivision Plat to **6pm March 14th, 2007; Motion passed 5-0.**

W. Woodruff said that there are two applicants that want to have a study session with the commission on parking for 382 Main Street. Tom Sullivan wants to build there but he wants to talk to the commission on how he is going to do it and about angled parking. There won't be any minutes; it will just be a chance to talk.

W. Smith stated that the second was a study session on a rezoning of Martin Creek Character Area, next meeting at 5pm.

E. Glesner stated he just wants them to come in during public comment and go over it with us.

W. Smith stated he would like to have all five of you. They will be coming in front of the planning commission and need to be up speed to hear from it again. We need one hour, a half hour for each.

5pm March 14th, 2007 was agreed upon understanding that L. Teach and K. Bloodworth will arrive late.

W. Woodruff adjourned at 9:45pm