



**Town of Minturn
Planning and Zoning Commission Agenda
Wednesday, March 28, 2007**

Study Session 5:00 p.m.
Discuss Parking at 382 Main Street along Harrison Avenue
Regular Meeting 5:15 p.m.
Minturn Town Center – 302 Pine Street

1. Call to Order/Roll Call

The regular meeting was called to order at 5:30pm 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, Annexation Attorney Arthur “Boots” Ferguson, Public Works/Planning Department Assistant Torrey Maxwell and Court Reporter Leeann Keenan.

2. Executive Session

Motion by J. Brinkerhoff, second by E. Glesner to convene into Executive Session to consult with attorneys for legal advice on specific legal questions and to determine positions relative to matters that may be subject to negotiations, development of strategy for negotiations, and instructing negotiators in Water Issues; **Motion passed 5-0**

The Planning Commission reconvened from Executive Session back into Regular Session at 6:30pm and noted that no direction was given but much information was exchanged.

3. 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 K. Bloodworth, second by E. Glesner to **approve** the agenda as presented; **Motion passed 5-0**

4. Approval of Minutes – Minutes from March 14, 2007

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

5. Consent Item – Approval of a Commercial Sign in the Old Town Character Area, 175 Williams Street, Mollie G. Building, Jennifer Burkey applicant.

Motion by L. Teach, second by J. Brinkerhoff in the application for a free standing sign at 175 Williams Street 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 March 23, 2007 and recommend approval of this application subject to the following conditions:

1. If any changes to the approved sign become necessary prior to or during construction an amended plan will need to be submitted for Town Planning review and approval.
2. The applicant shall pay all required fees and charges related to development of the subject property.
3. The Design Review Board grant final approval to the applicant meeting in a general fashion, the design and other regulations of the Town.

Motion passed 5-0

6. Action Item – Final Design Review, F. M. Saloon, applicant Andy Kaufman, 146 N. Main

Chris Cerimele, Staff Planner, stated that the applicant, Andy Kaufman, co-owner and managing member of the Minturn Saloon is requesting Design Review approval for a proposed retractable awning over the existing deck on Lot 5 & 6, in the Bocco Subdivision (Block B) of the Old Town Character Area which is a Commercial Zone.

Additionally the applicant intends to repair the roof over the air lock between the bar deck and the wait station and repair the awning on the west side of the building. Staff finds the proposed awning addition and roof improvements in a commercial zoned district appropriate and any future changes will require approval from the Planning Director and Design Review Board (DRB). DRB will follow the plan amendment requirement when changing the proposed use or modifying the architecture. Considering the findings and other information provided Staff recommends approval of this application. C. Cerimele then provided a sample of the awning and the roofing material for the commission to view.

Andy Kaufman summarized that they are hoping to install a retractable awning that will be mounted along the center of the existing framing that is above the deck, electrically driven, to provide rain and/or shade cover. The repairs to the roof is over the air lock that we built, when we built the deck we realized the drainage was not working as it should and with the installation of the awning it is a good time to match it up so the whole area drains correctly. We are just changing the direction out towards the parking. If funds are available they are hopeful to repair the existing awning along the sidewalk. The corrugated metal sample is what they would use for roofing on front awning doing away with asphalt tile.

Motion by L. Teach, second by K. Bloodworth in the application for the commercial use 146 N. Main Street, 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 March 23, 2007 and recommend **approval** of this application subject to the following conditions:

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

Motion passed 5-0

7. Action Item – Final Design Review, applicant Michael Boyd, 504 Eagle Street

W. Woodruff recused himself because he is a property owner adjacent to the applicant's property and K. Bloodworth, Co-Chair took over as Vice Chair during this action item.

W. Woodruff recused himself, stepped down from the Commission and joined the audience.

Wiley Smith, Town Planner, introduced this as an Action Item tabled from March 14, 2007 Planning Commission meeting. It is a request by Michael Boyd for Design Review approval for a set of stairs connected to the existing garage from the existing breezeway. Staff recommends approval of the application subject to the following conditions:

1. Subject to the terms and conditions of the easement complied to by the court order to prove the ERWSD easement exists or is vacated.
2. No materials or waste shall be stockpiled, deposited, or otherwise placed upon a property in such form or manner that they may be transferred off the property by natural causes or forces. (Section 16.17.6.3) including depositing trash or waste such as food or food by products and containers that hold food, beverages or any edible products onto the adjoining properties.
3. Every use shall be operated such that the noise level produced does not inherently and recurrently exceed sixty (60) decibels during the hours of 7:00 A.M. to 7:00 P.M., or fifty five (55) decibels from 7:00 P.M. to 7:00 A.M. (Section 16.18.3.1)
4. Every use shall be operated so that it does not emit a dangerous or discomforting degree of heat, glare, radiation or electrical interference and does not interfere with the normal operation of other equipment or instruments, including normal radio or television reception beyond any boundary line of the property on which the use is located. (Section 16.18.6), including audio speakers, amplifiers, live music, and noxious or offensive verbal communication.
5. Sources of emissions shall be shielded, operated indoors or pointed away from neighboring properties. Where more than one use is located within the boundaries of a property, then these standards shall also apply along any wall of any other building on the property. (Section 16.18.6) including yard lights, spot lights, or lights that are not shielded.

6. To ensure adequate public notice is provided for future applications of development permits, the applicant shall be responsible for mailing certified notice to adjoining landowners.
7. The applicant making any modifications to the plan document as requested by the Planning Staff, Building Inspector, ***Eagle River Water and Sanitation District*** and Eagle River Fire Protection District prior to Certificate of Occupancy.
8. The applicant shall pay all required fees and charges related to development of the subject property.
9. Plans for future projects need to be approved through the proper processes before construction is to begin.
10. Failure to comply with nuisances declared under General Penalty (Section 17-119 of the MMC) or requirements associated with Chapter 16 of the MMC may result in delay or denial of future applications.

W. Smith asked if the commission had any questions for Staff; hearing none he introduced the representative for the applicant, Wendell Porterfield.

Wendell Porterfield stated that he was here representing Michael Boyd due to history and in support of this presentation to the DRB asked if it would be appropriate to appoint an alternate commission member.

K. Bloodworth inquired of present commission members if they wanted an alternate, Robert Martinez who was in the audience, to take a seat at the table; it was decided against because there was a quorum present without him.

Mr. Porterfield continued that the Town Council entered an order directing that the Certificate of Occupancy for the structure be issued after having been denied by the Town Planner. The application that is before you tonight is simply an application to connect the existing deck on the back of the house up to the top of the garage structure by a set of steps. One of the other issues is the easement; we don't believe it is a proper thing to take into consideration by the DRB. The application conforms in all respects to Town Code. There is an ongoing dispute between Eagle River Water and Sanitation District with respect to what the district alleges to be, or claims to be an easement that runs through the back of Mr. Boyd's property. It is note worthy that these stairs would not require that any excavation be made into the area of the easement or any actual modifications be made to the surface of the claimed easement itself and any issues in regards to easement will eventually be determined by the District Court.

With respect to the Staff findings note that the recommendations on the Staff report dated March 28, 2007 had nine conditions. Mr. Smith seems to have added a new condition that is not in the Staff report and that is that the approval be subject to any requirements issued by the Eagle County District Court. I think that goes without saying; if the court order Mr. Boyd to remove the stairs or not to build them that is going to be the order of the court. Mr. Boyd would request that the matter be approved with the nine findings as set forth in the staff report with the alternate, number ten, added if you deem appropriate.

J. Brinkerhoff inquired if there is a hand rail on top of the garage.

Mr. Porterfield responded that yes there is a wall around the top of the garage that was part of the plan that was submitted and that was part of the plan that was in place when the Certificate of Occupancy was directed to be issued by the Town Council last week.

K. Bloodworth stated that Design Review does not normally include public comment but this evening they are aware that there are people who would like to speak on this issue.

Tim Campbell, 512 Main Street, Minturn, CO the last time we were here Mr. Boyd said he would not be doing anything to the garage. Proper process was not followed and last Wednesday Mr. Smith admitted to making mistakes. He did not say that it was approved and met code. And this devotion of an added space to a non-conforming structure is where the problems lay. P&Z the history of this, there are no permits, built without building permits, hurriedly over a weekend, increase the non-conformity. Look at the pictures; this walled in floor space has been walled into the building besides the roof being flattened out. This increase of walled in wall space the deck structure. There should not be access to this roof, it should remain a ceiling, it has been flattened and cement has been poured. Drainage will come out onto the riparian surface. We feel the avoidance of issues has put neighbors in a position of fighting their neighbors; our future to protect this river, small town characters, and to put sidewalks in. Water shed, 1.2 million dollar restoration and everyone agreed they would protect. He wants clean up of these outbuildings and improvements as they come up.

J. Brinkerhoff responded that this particular project we weren't a part of that. Two weeks ago we saw this for the first time. Town Council issued a Certificate of Occupancy. We are looking at a stairway tonight to a structure that has already been approved, nothing else. He continued by noting that Mr. Campbell referenced the Town increasing the non-conformity and stated he does not feel that is necessarily the case. People can add on if they are doing so in a conforming manner. These stairs appear to meet code from what he can see.

Motion by J. Brinkerhoff, second by L. Teach that in the application for a residential use at 504 Eagle Street, we have read the staff report and we find ourselves in agreement with staff findings including all plans and attachments as set forth in the report dated March 28, 2007, and recommend **approval** of this application subject to conditions 1-9 read into the record by W. Smith and with the addition of condition 10 that "Approval of the stairs are subject to terms and conditions of the easement complied to by the court order to prove the ERWSD easement exists or is vacated"; **Motion passed by 4-0** (*Note: W. Woodruff had recused himself*)

Mr. Porterfield questioned if the commission is stating it is subject to whatever decision the court makes in that case, not that the applicant first has to go to the court and seek approval to have the stairs built.

K. Bloodworth responded no, what we are saying is that we would like it conditioned on the outcome of the court, whatever the court orders or that the easement has been vacated.

Mr. Porterfield replied "if the court says take it down, we take it down"; K. Bloodworth responded yes.

L. Teach excused herself from the Commission and left the meeting to begin her travel to Denver.

8. Action Item # 4 File # PUD PDP 06-01 Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report

Public Hearings on File # PUD PDP 06-01 applications for the Battle Mountain PUD Preliminary Development plan together with the Environmental Impact Report for the PUD Preliminary Development Plan continued from March 14, 2007 is now open.

Dominic Mauriello, 5601 Wildridge Road, Avon, CO began by stating that they have a presentation this evening that responds to questions that have been brought up at prior hearings and specifically we will update you on some EPA permitting issues, wildlife mitigation and we will go through a presentation on building height and bulk at Bolt's Lake area.

Ken Wayshee, 1703 Cutty Sark, Silverthorne, CO, Environmental Resources Management, a consultant to the Ginn Company and he has worked with them and the regulatory agencies of the EPA and CDPHE. On the Superfund cleanup at the Bolt's Lake Parcel looking at the nature and extent of the contamination.

1. That Remedial Investigation has been finalized and approved by the EPA.
2. A Risk Assessment was conducted on this property and looked at the nature of the contamination and evaluated the threat that contamination may pose to human health. That risk assessment has been finalized and approved by the EPA and the CDPHE.
3. Last week they completed a Feasibility Study which looks at various alternatives to address the concerns identified in the above two reports. It looked at various alternatives for remediation of the property and then evaluated, among those alternatives, the development plan that has been proposed and its ability to address those concerns. It put forth a preferred remedy, which is the current development plan, to address the contamination and human health concerns. That Feasibility Study has been finalized and was approved by both the EPA and the State.

Those documents can't be finalized until they have been approved. They are basically done and are in the hands of the agencies and you have both hard copies and disks.

EPA expects to publish the Proposed Plan by April 30, 2007 for a 60-day public comment period and upon the completion of the EPA Responsiveness Summary, questions which are raised to them, a Record of Decision will be issued. The next step, Ginn, upon Annexation, start the detailed engineering design with the State and EPA, they will review the design review plans, interceptor trenches, liners, foundations, cover heights, which they have to approve and then construction. ERM will

begin drafting the Remedial

Design plans Feasibility study on Bolt's Lake identifies concerns mediation of the property. Evaluated among those alternatives preferred remedy address contamination. FS has been finalized and approved by the State and are in the hands of the state. We have the disk. April 30, 2007 public comment 60 days, response and issue a record of decision. Upon annexation we start the detailed designs, blinders, foundation, cover heights,

Rebecca Alman, 115 Jersey Street, Denver, CO, Camlet, Shepherd and Wicker, gave a brief overview of the Wetland and Impacts at the Bolt's Lake parcel.

- CWA 404 regulates the discharge of dredged or fill material into "jurisdictional" wetlands
- Typically requires a permit from US Army Corps - but because wetlands are on a Superfund Site CERCLA process requires Ginn to meet substantive requirements of CWA
- EPA will make final determination of project

Delineation: EPA/Corps concurrence - 28.3 acres of "jurisdictional" wetlands

Avoidance and Minimization: Ginn avoided all but 5.2 acres

Wetlands characterization: 5.0 out of 5.2 acres overlay soil and/or groundwater contamination

Practicable Alternatives: Ginn analyzed numerous alternatives under CWA-taking into

consideration cost, technology, and logistics of the overall project purpose:

- Ginn must comply with 46 Federal and State statutes and guidelines, criteria for tournament-level golf course, and site specific considerations such as existing remedial features, wildlife corridors and habitat, topography, hydrology, safety, roads, utility corridors, and property boundaries.
- Mitigation

EPA sets out mediation goals and request that Ginn excavate. First analysis was regarding Eagle River but new analysis is regarding the human impact.

W. Woodruff stated that Maloit Park has probably the finest piece of wetland that the Town has. Are they talking about excavating Maloit Park's wetland?

Ms. Alman responded no, there is existing ground water contamination.

W. Woodruff asked directly if there was going to be anything done within the Riparian area?

Ms. Alman responded .2 impacts that are not overlying contamination in Maloit Park.

K. Wayshee continued that there is 1.2 acres of impact in that. The .2 acres that is being impacted is not associated with contamination, it is on the north side of Cross Creek and the 1.0 acre that is impacted is a contiguous to a portion of the school road. And that is something that we are required to do to address the soil and ground water contamination there. You see it every spring before we get a significant vegetation growth; orange water at shallow depth coming off of the damn. It is in the riparian area about 1 acre out of the 18.3 acres, it goes right to the road. We have maps that will show that exact location. We plan on first putting down a drain layer because the area is saturated and then put a soil cap on top of that.

J. Brinkerhoff inquired if that will make the wetland go away if you put a drain layer in?

K. Wayshee responded that the covering of it would make the wetland go away in that one acre of impact by placing that soil. Our human health goal is about one meter of soil, so that is what

we are going to be placing, about a foot of drain layer beneath it. So wherever we put the cover over, that riparian area will be lost, and we have to mitigate and compensate for that in some way. We recognize the value of Maloit Park as a Riparian area and Wetland and even if we didn't the agencies remind us of that every time we meet. We do appreciate it and that is why the golf course is designed out of 18.3 acres to completely wrap around that site and the only area we could not avoid is that 1.0 acre and then the .2 on that side of Cross Creek.

J. Brinkerhoff inquired where does the contaminated water drain?

K. Wayshee responded that right now it goes into Cross Creek and with seasonally flushing in the spring time you get more water contributing to Cross Creek and it eventually dries up and then you have a residue on the top of the soils. Our soil testing in that area, when we did the remedial investigation, we identified at least three areas that exceeded human health risk standards and they are fairly small. We are going to address those with soil cover and then some of the ground water areas where we have golf course features, will be capped; which is that 1.0 acre loss.

J. Brinkerhoff inquired what happens to the ground water after you remediate.

K. Wayshee responded that our goal and also regulations require we can not impact the hydrology of Maloit Park, we can't do that. We have drain layer before we put down soils, we have elevated carp pads where the carp pad may go over a wetland area it is elevated so that water can flow underneath that, light can get through and it is maintained.

W. Woodruff added that your contaminated water will still bubble up through your drainage area, it isn't really stopping it, it is just stopping it from coming to the surface.

K. Wayshee stated that is correct, they are putting down a barrier that stops exposure to humans that are in that area.

W. Woodruff noted it doesn't stop take it and pull it into the treatment area for example.

K. Wayshee responded right, there is an existing treatment system that you are all familiar with that runs at the toe of the damn, and that is probably about 75% efficient, it was designed to be about 75% efficient so it is functioning as designed. It takes water and pumps that water from damn to treatment plant for treatment. What it doesn't capture at times of high flow, we put down a new camp and additional soils and grading are being done to, with evapo transpiration to stop moisture that is now falling on top of the CTP, going down, hitting and exiting. Our goal is to dry that feature out. This benefits everybody.

W. Woodruff inquired if there is some sort of mitigation, would it be practical to capture that water that is coming through and get it back, is there a practical way to put a French drain at the end of your drainage, to capture it, not let it go into the Eagle River basin without 75% efficient.

K. Wayshee responded that practical gets into cost affective and the fact is that we did look at that, you could put in an additional drain, we are putting a drain in parallel to the Eagle River for

at least ½ mile on the west bank at the OTP to capture water and where those orange rocks are evident at the north end of Rex Flats we are putting in a drain there, collecting that water and putting in an additional water treatment plant to handle those metals. In this area our approach has been to place a cap on top of the CTP to prevent human contact to it. We have tried to align around this feature and avoided it to the maximum extent.

W. Woodruff stated that his point of view is from the river, not the golf courses. Since we are spending all of this money, time and energy lets look at if you could stop that water from going into the river.

Ms. Alman added that the USA EPA and CDPHE are, in addition to Ginn, considering the Eagle River, they approved the remediation, feasibility alternatives and feasibility study, the proposed plan will set out their preferred alternative and we suspect it will reflect our selected and preferred alternative in our feasibility study. That will be open for public comment but at this time, the EPA and CDPHE are not telling us to go back and reconsider some of these issues, they have already determined what the remediation goals are for the site and what the plan is.

K. Wayshee, having some time to think about this, the one thing I would add is the Eagle River below Cross Creek generally meets some of the more stringent aquatic toxicity standards for the trout populations. It is above Cross Creek where you have the problem. Cross Creek generally, with rare exception, is meeting those standards as well. When we talk about impact to the Eagle River, the Maloit impact to the river is really to the wetlands. By the time it gets to the flow of Cross Creek, it is diluted down and that dilutive capacity reaches the Eagle River.

Bennett Rayley, 6573 South Heritage Place East, Centennial CO for the applicant, my report on the status of the wetlands mitigation plan is going to be brief this evening. Bill Weber asked me to explain to you why he asked a lawyer to be involved in this. He has history that is relevant here; he was involved in the discussion that led to the adoption of the mitigation policy by the Wildlife Commission that the division is still following. Most recently he served as the Assistant Secretary for Water and Science in the Department of the Interior and while he is known and hated in California as the guy who cut off the water from the Colorado River, the thing he is more proud of is we negotiated a wildlife mitigation plan for the entire lower Colorado; same issues, same pressures, same judgment calls just on a different scale.

- We understand Mr. Andree's position on wildlife mitigation and we think he understands what are offer is in the wildlife mitigation plan we submitted to you. We aren't particular close but it isn't uncommon at this stage in this process. We are committed to providing wildlife mitigation that is equal to or better than wildlife mitigation that have been approved in this region over the past five years.

W. Woodruff said that our guidance to you at the last meeting was to get together with Mr. Andree and work something out and we can't say much until you do. Mr. Andree said that the other agreements that have been reached in the last few years in this area although they have taken care of the wildlife in certain areas, that there have been mistakes that they have learned from. Bill has the experience of working with all of these agreements and we are asking you to tap into that experience.

Mr. Rayley added that Ginn has two biologists that have a lot of experience working on this with him and the reason he walked through his history is that he is pretty committed to giving this a good run and I promise you will look at all options that are fair and reasonable. What we want ultimately is to be treated in a fair and reasonable way.

J. Brinkerhoff added that what he feels comfortable with is that the applicant and the Colorado Division of Wildlife agreed on a document on wildlife.

Mr. Rayley stated that there are some things you can't put into writing. Mr. Andree said at the last meeting that we are 95% good; so we are focusing on the 5%. We will do our best to close the gap and if we can't we will identify for you where we were unable to reach common ground. This is important and I am hopeful.

Brian Judge, VAG, 38 Hollis Lane, Edwards, CO some questions were raised previously on building height, scale and mass, we had come to you a few meetings before that and did a cursory review of our design guideline packet. There was a little conflict in packet on ways of calculating and determining height. We will try to clarify these points and terminologies that were generally specific to the Bolt's Lake Core.

Design Goals; Planned to reduce the visual impact to sensitive areas, areas of centralized mass, surrounded by areas of open and recreation space, and a development located in a vastly different setting than 'Downtown' Minturn

Mr. Judge presented an informative three dimensional slide presentation from four different observation locations:

- Observation Location #01 – Switchback overlook looking west
- Observation Location #02 – Resort Entry looking southwest.
- Observation Location #03 – Gilman approach looking northwest
- Observation Location #04 – Golf Course looking east
-

And at each of the observation locations he demonstrated the different building heights and showed three decisional views at maximum building heights of:

- 195'
- 150'
- 100' (34% increase in building footprint compared to 195' and 150')
- Village Style (Mix and blend)

J. Brinkerhoff inquired if they had revisited the height of single family homes; yes, they would have no problem adhering to Beaver Creek's 35'.

Bill Weber, 0675 Hernish Creek Road, Eagle, CO applicant summarized on "Why 1,700 Units"?

Intelligent Land Planning

- Carrying capacity of the land is significantly more than 1,700 units
- 1,219 units clustered in core areas with 77% open space
- Minimized impact on Town of Minturn

- Located bulk of development away from Minturn
- Golf course open space closest to Town
- No ridgeline development/minimal visibility of development

Economics

- Significant tax revenues to the Town
- Amenities to Town
- Project funds itself rather than reliance on community
- Allows for high quality development
- Allows for proper funding of Superfund remediation and infrastructure

Relationships

- Ginn establishing positive relationships with Union Pacific, EPA, USFWS,

Density Comparisons

Battle Mountain

- At 4,340 acres with 1,700 units
- 0.39 units/acre (or 1 unit/2.56 acres)
- By Character Area:
- Bolts Lake 1.30 units per acre (or 1 unit/0.77 acres)
- Gilman 2.65 units per acre (or 1 unit/0.38 acres)
- Willow Creek 0.27 units per acre (or 1 unit/3.77 acres)
- Rock Creek 0.27 units per acre (or 1 unit/3.73 acres)
- Holy Cross 0.07 units per acre (or 1 unit/15.20 acres)

Town of Minturn

- At 630 acres with 484 units = 0.768 units/acre
- Nearly twice as dense as Battle Mountain project
- Battle Mountain would need 3,333 units to equal Minturn's density
- Bulk of the density away from town.
- 700 of the units can not be seen from min red cliff, or other surrounding areas. For approximately 1.5 miles another 700

Beaver Creek (PUD)

- At 2,126 acres with 3,161 units = 1.49 units/acre

Arrowhead (PUD)

- At 2,244 acres with 1,054 units = 0.47 units/acre

Mike Gill, Carter & Burgess, 2638 Eudora Street, Denver, CO, Group Manager of Traffic Engineering, reviewed Traffic Impact Analysis submitted by Ginn.

Process to Date

- Pre-submittal meeting
- Ginn Preliminary Submittal 10/2006
- C&B comments submitted 11/2006
- Ginn Letter Response submitted 1/2007
- Additional Comments 2/2007
- Ginn Revised submittal TBD

Analysis Structure – Typical Study

- Measure existing traffic
- Future Projection of Background Traffic to Build out condition
- Estimate Traffic Impact of Background only traffic

- Estimate Site Generated Traffic (ITE Trip Generation Manual)
- Estimate Traffic Impact of Combined Traffic
- Identify Impacts from project
- Identify Mitigation Measures

Analysis Structure – Typical Mitigation Measures

- Auxiliary lanes
- Additional through lanes
- Increase Control at Intersections
 1. Stop Control
 2. Signal/Roundabouts
- Transit Accommodations
 1. Increased service
 2. Subsidized service
- Other geometric improvements

Analysis Structure – Ginn Study

- Measure Existing Traffic
- Estimate Traffic Impact of Background only traffic
- Estimate Site Generated Traffic (Modified ITE and aggressive Transit assumption)
- Estimate Traffic Impact of Combined traffic
- Identify impacts from project
- Monitoring Programs

Ginn Study

Aggressive Assumptions
Monitoring Program
On-going analysis

Typical Study

Conservative Assumptions
Mitigation Proposed
Study never revisited

Analysis Assumptions – Key Ginn Assumptions

- Background growth rate 1.5%
- Modified Trip generation method
 1. Based on ITE Codes
 - Recreational Home – for guest trips
 - Resort Hotel – for worker trips
- Trip Distribution
- Transit – 50% of total external trips

Ginn Analysis Recommendations

- Roundabouts
 1. Bolts Lake Entrance
 2. Battle Mountain entrance
- Monitoring Program

What does it mean?

- Ginn is making “extraordinary claims”
- Extraordinary claims require extraordinary proof
- Monitoring program can be that proof
- Minturn can take one of essentially two approaches
 1. Require a more standard report

2. Add “teeth” to monitoring program

Standard Study – What does it mean?

Advantages

Identifies mitigation
measures “today”
All Parties know “today”
what is expected

Disadvantages

Reacts to Crystal Ball projections
Should study be wrong Minturn
responsible future traffic problems
Agreement on assumptions for study
likely to be time consuming

Typical Mitigation Measures – What does it mean?

- Auxiliary Lanes
- Additional through lanes
- Increase control of intersections
 1. Stop Control
 2. Signal/Roundabouts
- Transit Accommodations
 1. Increased service
 2. Subsidized service
- Other geometric improvements

Ginn Proposed Approach

Advantages

Developer has a traffic budget
If budget exceeded, developer
must mitigate
If no mitigation then development
is put on hold
Mitigation responds to real traffic
issues

Disadvantages

Requires on-going monitoring
Improvements not defined today

Choices - What does it mean?

- “Get it now” – standard study
- Monitor and enforce traffic budget

C&B Recommendation

- Monitor and enforce
 1. Enforcement Tools
 - Following Phase Building Permits
 - Unoccupied building Certificates of Occupancy

General discussion ensued between commissioners and the following concerns were expressed:

- Town is entitled to understand worse case scenario
- Commission wants independent look at traffic impact, worse case scenario
- Once Phase 1 is completed the Town is stuck with it
- Want mitigation up front; parking garage/transportation center at the north end of Minturn
- Town residents are already having trouble with traffic
- Is vertical construction employment included?
- How will our Town know that Phase I failed?
- Do we have to monitor the monitoring program?

- How much traffic is going to be on the road 24 hours a day?
- Commission does not like the “level of service A-F”

Mr. Gill recommended to hand it back to Ginn and state what the assumptions need to be; straight ITE trip generation rates, etc. Anyone can run the math, it matters what the assumptions are.

Mr. Weber interjected that Ginn met with the railroad on Monday the 19th and they are meeting with them again in April, they requested information on the number of cars we would require, the timing, and they have also requested an (Sam’s group is working on where we could put the siding down at Bolt’s Lake). We can’t say we have a deal yet but we have had meaningful meetings with them and we are scheduled for additional meetings. The railroad would be used initially for material movement.

We heard you the last meeting hard versus soft things you were looking for, some is after the fact, Ginn what do we need to do hard wise up front. We are looking a parking structure; physical improvements.

Sam Otero, 957 Eagle CO said that as far as timing is concerned what we have been directed by Ginn is to look for specific mitigations for existing conditions and how those will work as things progress. You currently have Oz looking at the character of Main Street and improvements. These improvements will either support or be in conflict to that. He met with Mr. Smith and asked what plan to start their process. One way to mitigation is to look at the type of process and make sure they correlate with each other and not in conflict. Hard mitigation versus the soft, we will come back at our next meeting and show here is the character things that OZ is going to do and here are some of the mitigation things that can be done; not just for typical resort traffic but also look at construction traffic. We are having workshops a traffic workshop about three weeks ago. We are changing that a little now, we wanted public input and the public may want to.

J. Brinkerhoff inquired if Ginn can go back and revisit the numbers; give us a sample summary of the numbers regarding vehicle impacts, infrastructure, vertical construction, employment, homeowners so that we can look at it on a 8am, 10am, rush hour, so we can look at the overlaying mitigation.

Mr. Otero the traffic report has two audiences CDOT and Minturn so typically the reports are generally related to the resort traffic. What I am hearing from Dominic and others is to take it to another level related to bringing in the construction traffic. The railroad is facilitating that also by asking the amount of materials, etc. Resort and construction traffic don’t usually mesh. It seems obvious but the original report was to go through that other process. We will bring those two together.

J. Brinkerhoff said monitoring fast forward five years, what are our options conceptually, we can’t widen, let’s talk about that at the next meeting. What would our options be? Can we have C&B make a presentation of how everything is going as far as what they are working on as far as their analysis of the plan, civil engineering, drainage, and any key points that we should be aware of.

W. Woodruff yes, lets make that a regular thing since we are getting down to it.

Motion by K. Bloodworth, second by E. Glesner that the public hearing on File # PUD 06-01 application for the Battle Mountain PUD Preliminary Plan together with the Environmental Impact Report for the PUD be **continued** until the next regular planning commission meeting April 11th, 2007 at 6pm here at the town center; **Motion passed 4-0** (*Note: L. Teach had previously excused herself from the Commission and left the meeting*)

9. Action Item PUD AZDM 6-01 Amendment to Zone District Map – PUD Preliminary Development Plan – Battle Mountain

W. Woodruff opened the Public Hearing on File # PUD AZDM Amendment to Zone District Map Battle Mountain Preliminary Development Plan continued from March 14, 2007.

Boots Ferguson noted for the record that the Public Hearing on the Battle Mountain PUD Preliminary Development Plan and Environmental Impact Report is herby incorporated into this hearing.

Motion K. Bloodworth, second by J. Brinkerhoff that the Public Hearing on PUD AZDM 6-01 application for the Battle Mountain Preliminary Development Plan together with the Environmental Impact Report for the PUD be **continued** until the next regular planning commission meeting April 11th, 2007 at 6pm here at the town center; **Motion passed 4-0** (*Note: L. Teach had previously excused herself from the Commission and left the meeting*)

10. Action Item PUD PP 06-01 Preliminary Subdivision Plat – Battle Mountain Planned Unit Development Preliminary Plan

W. Woodruff opened the Public Hearing on File # PUD PP 06-01 Preliminary Subdivision Plat – Battle Mountain Planned Unit Development Preliminary Plan continued from March 14, 2007.

Boots Ferguson noted for the record that the Public Hearing on the Battle Mountain PUD Preliminary Development Plan and Environmental Impact Report is herby incorporated into this hearing.

Motion K. Bloodworth, second by E. Glesner that the Public Hearing on File # PUD PP 06-01 application for the Battle Mountain PUD Preliminary Subdivision for the PUD be **continued** until the next regular planning commission meeting April 11th, 2007 at 6pm here at the town center; **Motion passed 4-0** (*Note: L. Teach had previously excused herself from the Commission and left the meeting*)

W. Smith added to items to the record; a letter from the EPA undated that was addressed to Rebecca Alman and Coleen Hart and the second item is citizen input from Mr. Vance who spoke to us at last meeting.

W. Woodruff noted there are two things that need to be addressed tonight; one is the Three Mile Plan draft passed onto the council and our Engineering Standards Citizen's Handbook

Motion by K. Bloodworth, second by J. Brinkerhoff to **pass** the Citizens Engineering Standard's Handbook onto the Town Council for approval; **Motion passed 4-0** (*Note: L. Teach had previously excused herself from the Commission and left the meeting*)

General discussion ensued regarding the Three Mile Plan and concerns were stated:

- Large section of land on the east side of the river all the way down to Two Elk that is in the annexation plan. It is over by the gun range and up to the amphitheater. If the Town annexed it then we can rezone it and it can be developed. We don't need more development and that would be a great property for conservation. It is remote now because it is not in Eagle County it is Forest Service.

Boots Ferguson noted that the annexation process allows you to consider zoning prior to annexation, just like you are doing. But you can't zone it until you annex it. Part of the process is get everything done then the night of annexation first approve the Three Mile Plan, secondly you approve the annexation, third they approve the zoning. The statute requires that annexed property be zoned within 90 days of the annexation. You have to be zoned and depending on the parcel, if it is Forest Service property zone it open space or rural.

J. Brinkerhoff asked who does the zoning.

Boots Ferguson replied the Council.

E. Glesner inquired if they take recommendations?

Boots Ferguson noted that as an example tonight you are looking at three different things; Subdivision Plat, Amendment to Zone District Map you are going through the whole zoning process, subdivision, consistent with the zoning. That is what you are doing. Forest Service process for Forest Service property most likely will just be going through the zoning process (*not audible, microphone was off*).

A. Christensen we have been working on this for awhile and will have a presentation for you at the next meeting for a new zone district for potentially any Forest Service (*not audible, microphone was off*).

Boots Ferguson added we want it in the pipeline water, sewer, Three Mile Plan must be updated by statute in conjunction with annexation. You don't want to approve the Three Mile Plan prior to approving the Ginn development because you are necessarily precluding what you are going to approve by pre approving it.

Motion K. Bloodworth, second by J. Brinkerhoff to **table** the Three Mile Plan to the April 11th, 2007 at 6pm; **Motion passed 4-0** (*Note: L. Teach had previously excused herself from the Commission and left the meeting*)

Allen Christensen (not audible, microphone was off) work sessions what do you want to do.

Thirty minute work session was agreed up to begin at 5:30pm April 11, 2007

W. Woodruff adjourned the meeting at 9:57pm