



Town of Minturn Planning and Zoning Commission Minutes
Wednesday, May 23, 2007 Regular Meeting 6:00 p.m.
Minturn Town Center – 302 Pine Street

1. Call to Order/Roll Call

The meeting was called to order at 6:04 pm by Chairman Woody Woodruff. Roll call showed Woody Woodruff, Jim Brinkerhoff, Lynn Teach, Ernie Glesner and Kristie Bloodworth present.

Also present was Interim Town Planner Chris Cerimele, Town Attorney Allen Christensen, Annexation 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

B. Ferguson noted that Staff has reconsidered Action Item # 5 File No. PUD CDP 06-01 PUD Concept Plan for Battle Mountain that it is not appropriate for it to be in front of the commission at this time so we request that it be removed from the agenda. There was some consideration of some procedural issues and it was placed on the agenda in an abundance of caution; it has since been decided that the matter should rest as it currently exist.

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

3. Approval of Minutes – Minutes from March 14, 2007 and May 9, 2007

C. Cerimele noted that the minutes of March 14, 2007 need to be reapproved as they were incomplete the first time they were approved.

Motion by L. Teach, second by K. Bloodworth to **approve** the minutes of March 14, 2007 as they have been corrected and presented here in this packet and to accept the minutes of May 9, 2007 as presented; **Motion passed 5-0**

W. Woodruff then acknowledgement Lynn Teach’s 60th Birthday which is this evening.

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

Applicant Creekside Mountain Properties, 175 Williams Street seeks approval for a commercial sign in the Commercial Zone of Old Town Character Area.

Motion by L. Teach, second by K. Bloodworth 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 Staff Report of May 18, 2007 and recommend **approval** of this application subject to the following conditions; if any changes to the approved sign become necessary prior to or during construction an amended plan will need to be submitted for Commission review and approval and the DRB grant final approval to the applicant meeting in the general fashion the design and other regulations of the Town; **Motion passed 5-0.**

5. Action Item – Design Review Board (DRB) 07-05 Design Review Approval for a Residence at 822 Main Street

Applicant Tom Sullivan, 822 Main Street to seek Design Review Approval for a single family residence in the South Town Character Area - Residential

C. Cerimele noted that this application is for Tom Sullivan, owner of record, is requesting DRB approval for a proposed single family residence with attached garage at Lot 34 of the South Minturn Addition of the South Minturn character area zoned residential. The subject lot is 4,752 sq ft and staff finds the proposed residential use in a residential zone district appropriate and any future changes will require approval from the Planning Director and the DRB. Considering the findings and other information provided staff recommends approval of this application.

Tom Sullivan, 120 Nelson Avenue, Minturn, CO noted this is Smokey’s old house on the river next to Robert Martinez. He is going to pop the top on it and putting in two bedrooms and two bathrooms upstairs and then just opening up the whole downstairs to make one big common area. Unlike most houses in Minturn, this one had a very good foundation so the only part that he is really redoing from scratch is the garage as it is sitting on railroad ties. He will be taking the garage completely off and just pouring in footer and slab there and building up on that as well. The old section of the house is staying the same; the footprint. It will be about 1700 sq ft with a 200 sq ft garage.

L. Teach questioned if he is popping the top is he keeping the basic exterior that is there.

Mr. Sullivan responded that he will be keeping the basic front exterior that is there and putting new siding on. He noted that the house was in pretty bad shape; knob and tube wiring, 2x4 walls, etc. The front and south side are staying the same, but the back, what he has popped and the garage will all be new. You will see the configuration of the old house there in front.

J. Brinkerhoff inquired if he is gutting the interior walls; Mr. Sullivan responded yes.

W. Woodruff inquired if he would frame it out in 2x6 or leave it at 2x4; Mr. Sullivan responded everything new will be 2x6 and he will probably sister up on the other walls with 2x6.

W. Woodruff inquired what about the basement.

Mr. Sullivan responded that he is moving the stairs. Right now the basement is a little over 6’ and potentially you could raise the floor to get full 8’. We might do that but he has to get into the construction first to see how things are coming together. He is well within his height being at 23’ off the back so raising it 2’ isn’t going to make much of a difference. He noted he probably won’t do that as it is too costly but right now he is at 50/50 on this issue. He inquired if anyone has a problem if he decided to raise the floor to get the extra 2’ basement height.

W. Woodruff you probably wouldn't go up in the garage so there would be a step from the garage to the first floor.

Mr. Sullivan added that he probably would go up from the garage. The house sits below the road quite a bit, so it would be help for drainage if he did take everything up. He is planning on one step from the slab to the main floor of the house.

W. Woodruff stated that this is a legal non-conforming and you brought the second level into conforming.

Mr. Sullivan responded correct. Both the south side and the front are in the set back. But where he popped the top he set it back to the set backs.

W. Woodruff inquired if he is blowing the back out at all.

Mr. Sullivan responded that he is not blowing it out; it is still on the same foundation. He stated that the bathroom upstairs is cantilevered out a couple of feet to make it work a little bit better.

E. Glesner noted that anything done in the basement will require egress. You would have to come back to DR if you were going to have any sleeping space down there; Mr. Sullivan responded that it would be too much work and he doesn't think he would do that.

W. Woodruff added that you could do it but it isn't in these plans so you would have to come back in front of DRB.

Mr. Sullivan stated that the roof will be black asphalt shingles, lap siding, earth tones. He said honestly he hasn't sorted out color yet although they will probably be earth tones.

W. Woodruff inquired if the commission needs him to come back before them in regards to colors.

C. Cerimele noted that it could be made a condition that the planner approve the color before final approval.

W. Woodruff wanted to know if the code ask for that; C. Cerimele responded no.

Mr. Sullivan added that this is going to be a spec house so upon selling he would let the owners decide the colors. He also noted he has no problem coming back in front of them for approval of colors.

L. Teach added that it doesn't appear there will be much snow plowing down there but what about the driveway; are you plowing it over into the yard. That is pretty close to Hwy. 24.

Mr. Sullivan agreed stating he would move it into the front yard. Are you talking pavement or right of way as he only has 20' in front of the garage for parking? He is leaving the picket fence up and it can be snow blowed or shoveled.

W. Woodruff asked if he would put the driveway snow in the set back to the north; Mr. Sullivan responded to the northwest.

W. Woodruff reminded the commission that they have talked about getting our location certificates a little tighter as far as that we don't see the driveway. I am not sure there are any issues.

Mr. Sullivan added that on the front page it shows where parking area is.

W. Woodruff noted that he was looking at the wrong page; how flat is the lot? Are there any drainage issues?

Mr. Sullivan responded that it slopes to the river although it is a relatively flat lot.

J. Brinkerhoff inquired how close he is to each house on the sides; Mr. Sullivan noted that on the south side he is inches from the property line and about 6' from that house. On the other side 12' or so in between houses.

J. Brinkerhoff noted that is pretty tight and also stated that it looks like both properties drain into your foundation.

Mr. Sullivan replied that he will certainly do some perimeter drains and stuff like that for sure. He noted that this spring he went down there and there were no water problems in the basement.

L. Teach added that Smokey had mentioned to her years before about that property and that he had never had problems with flooding down there.

J. Brinkerhoff said that is amazing as everything drains right into the foundation; Mr. Sullivan responded that it is actually a poured foundation.

J. Brinkerhoff inquired how they came up with the high water mark as it states approximate; Mr. Sullivan responded that surveyor went out there and looked for where debris was along the river.

J. Brinkerhoff added that the Town had that established. He finds it interesting that the Town doesn't have a map that you can go by because Carter Burgess (CB) established a high water mark all the way up and down. You might want to look at that because from past experience it is good to have that right.

Mr. Sullivan replied that he was there when they did it and they showed him, he knew it would be tight.

J. Brinkerhoff added that it should be pretty objective at your property because it is very steep where it goes into the river. There is not a lot of room for interpretation on that side. The house looks great and it looks like a great improvement.

W. Woodruff inquired if the floor is going to have to be reengineered; are the joists going to hold up.

Mr. Sullivan said that they plan on sistering up those joists. They are old 2x6 and he doesn't want to drop it because right now it is just 6'2" or 6'3" so he is just going to sister up the joist. His plan engineer is looking at that.

Motion by K. Bloodworth, second by L. Teach in the application for residential use at 822 Main 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 May 18, 2007 and recommend **approval** of this application subject to the following conditions;

1. DRB grant final approval to the applicant meeting in 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. Applicant shall pay all required fees and charges related to the development of the subject property
4. Applicant shall gain approval from planning staff on colors; **Motion passed 5-0**

6. Action Item – File No. PUD PDP 06-01 Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report

W. Woodruff stated that Public Hearing for File PUD PDP 06-01 Application for the Battle Mountain Preliminary Development Plan together with the Environmental Impact Report for the PUD Preliminary Development Plan continued from May 9th, 2007 is now open. Planning Commission members may continue their questions of clarification but not for debate of any member of the public who has testified for the applicant.

Dominic Mauriello, 5601 Wildridge Road, Avon, CO stated that these items were presented to staff on Friday of last week to be included in your packet that you have. A letter from Sarah Baker identifying some additional exhibits that you requested last meeting;

- Exhibit TT Summary of the Environmental Impact Report. We had talked about doing an index and we took that a little bit further and actually provided a more complete summary based upon the input from last meeting.
- Exhibit UU; Town Traffic Improvement Plan Framework to address some of the comments and questions that were asked; we put a little more “meat on the bones”
- Exhibit VV; Construction Traffic Management Plan Framework
- Exhibit WW; Resort Guest and Employee Traffic Plan Framework

Also addressed are seasonal closures primarily regarding elk but also addressing peregrine falcon draft wildlife mitigation plan that was provided. We just wanted to reiterate that based upon your questions. Noting also that the plan is not final until we come back with a final plan and develop our MOU.

W. Woodruff requested that Sam Otero come up and give a presentation on the three different plans?

Sam Otero, 957 Slyvan Lake Road, Eagle, CO starting by covering the Town Traffic Improvement Plan Framework. This framework is the cliff notes version of what would be produced. What is Ginn committing to do to existing Main Street to assist future traffic operations? We stated what the purposes were and then we went into the objectives;

- remove or improve physical conditions that create challenges for the motoring public,
- enhance safety to all users of Main Street, including pedestrians,
- ensure the physical condition of Main Street is managed throughout the construction project,
- work to reduce peak period delays and improve safety for those entering Main Street

When you do plan of this nature you want to do some metrics and measures, some way of measuring whether it is successful or not. We took the metrics that we heard from you;

- vehicular safety; make improvements that encourage drivers to obey posted speed limits and watch for pedestrians and entering traffic

Then we did the same thing for Pedestrian Safety, Pedestrian Mobility (how do pedestrians move within the town), Congestion Management, Character Coordination, Region Collaboration, and Accountability. Monitoring program we are trying to say is in order to measure these what are the different monitoring techniques that we need to do; observations is a big one and public communications. You take one of these improvements and watch it. There isn't any reason to put ten in, you put one in and watch it. Observe it, get

community input, and be specific. Right now we are looking at general progress reports quarterly but if there are corrective actions, maybe a comment comes in or if we see something that needs to occur we will make action, we will come to the town and say here is something we have seen and here is how those need to go through.

W. Woodruff mentioned that with the Minturn Town Homes and the size of that project the council had a representative come in monthly to report. That will be set up by council not us but a project this size you may want to set something up other than quarterly.

Mr. Otero added that they do want to discuss approach; how they are going to report it and how that information gets back to the town.

J. Brinkerhoff inquired who is going to be doing the monitoring. Is it Ginn solely or Ginn and the Town, and how often are you monitoring.

Mr. Otero noted that for a sidewalk for example, maybe quarterly would be fine for that. But a "Ped" actuated button so that people can cross the street would probably be something that Ginn and the Town should monitor maybe with questionnaires; how do you like it, is it working, is it safe, etc. He sees it as a part of this partnership; Ginn making sure it was constructed right but the townspeople would give us communication back to say yes it is working the way it is supposed to be working or maybe some improvement would have to occur to make it work better.

J. Brinkerhoff noted that this plan is conceptual in nature, will it be developed further so that it talks about how you are going to have a process, etc before it goes to Town Council.

Mr. Otero responded sure and OZ is doing some character analysis, get involved in that process and bring that back to you as part of these work hand in hand with that and it is part of a larger process. We have presented some options here and there are some extensions of those options that may occur through this. You will see designs and all of those other things because those are town improvements not necessarily Ginn Development improvements. Those would more as us acting on your behalf as we go through the implementation of those. When we go through the design process, selecting the location, all of those things being the more collaborative process not with just the people in this room but with the public to, to make sure that they agree with what those pieces are. Instead of just dictating to the town, you have a good list here, you can build on how they are actually implemented by gaining comments from the town.

J. Brinkerhoff stated you mentioned short term improvements, what is the time frame. Are you planning on doing analysis early on and then proposing short term, immediate type improvements; Mr. Otero responded yes.

J. Brinkerhoff inquired when would you do that.

Mr. Otero noted that on the first one, right of way alignment, they started those conversations with CDOT on Monday.

Section 5 is the Improvement Options;

- right of way realignment and that is working with the town residents and CDOT to reestablish the highway right of way through the center of town
- reduce grouping, school bus affect, locations for passing lanes both north and south side of town and we have started those discussion with CDOT to determine the right location of those.

J. Brinkerhoff inquired why we need passing lanes.

Mr. Otero noted that there are a couple of reasons for it, for example south bound, there are no passing lanes so they make some illegal passing before the “s” curve to get ahead of pack. So if they know there is a passing lane coming it would help with the speed and safety aspects of it. When you are coming through town north bound, it takes one vehicle and then there are twenty vehicles stacked up behind them. Groups and clusters like that cause problems during peak hours for those backing out onto Main Street.

- Intersections; improve intersection safety by providing better visual lines of sight for those entering Main Street from the side streets. Line of sight is the biggest issue as people move forward to see around the parked cars, trees, ECO bus shelter. So it is trying to improve the safety of the people entering the highway with “bulb outs” that extend the sidewalk out past the parking so that vehicles can safely move out and see past the parked cars. It also has the dual affect of closing the gap of how far they have to walk across the street and it makes them more visible to the people driving on the highway.

W. Woodruff noted that the bulb out constricts and the road and makes people slow down.

Mr. Otero followed up that it gives drivers the sense that the roadway is narrower and it better defines parking.

- Pedestrians; enhance the safety and experience of the pedestrians along the Main Street corridor by installing intersection bulb outs every quarter mile and pedestrian actuated lights every half mile, along with better striping and signage. We really looked at crossings and the safety of those crossings. Most people walk $\frac{1}{4}$ so you look at intersections every quarter mile. In addition to those bulb outs you can paint the strips to highlight the fact that there are pedestrians in the area. And where the painted cross walks are now, install pedestrian actuated buttons which really helps pedestrians move across the road way.

L. Teach asked for a description of a bulb out.

Mr. Otero described (as W. Woodruff drew a rough picture of what they look like) a bulb out as moving the sidewalk out to the edge of parking. With a bulb out you get to move farther out, to the edge of the parked car. It also reduces your crossing by 12’ to 18’ by getting you closer. You can put them on all four corners or just the sections crossing the highway.

A. Ferguson gathered the drawing from W. Woodruff and noted for the record that it would be entered as PZ Exhibit 1 (laughter).

Mr. Otero continued;

- Gateways; construct formal gateways at both ends of Main Street to ensure the traveling public understands it is entering the Town. Gateways establish an expectation of drivers entering the town; it warns them that they are entering your town, you are entering Main Street. It highlights the expectation as they are entering town.
- Drainage; implement as part of proposed improvements better roadway drainage (i.e. inlets, curb and gutter, sloped ditches). This is predominately on the south side of town where drainage is eroding away the pavement. It doesn’t necessarily have to be curb and gutter, especially by Cemetery Road there are a couple of large holes that keep eroding away pavement.
- Long term improvements such as lights they are suggesting to install an Intelligent Transportation System (ITS) that uses metering signals to control the flows into the town to distribute vehicles

especially if it is getting congested it triggers a light on the north side or south side of town. Very similar to the highway metering used in Denver entering the highways to create gaps especially during peak hours where people can get out onto the roadway and get going. Allowing these to queue up outside of town, for example out south of town where there are segments with no road access, no driveways, it allows those people to be controlled. Controlling them within the town where a traditional signal creates havoc because of how it stops access but if it triggers outside of that it allows them to queue up in a space where it doesn't interfere with the town. And then once it detects that the volumes go down it shuts the light off and normal flow resumes.

W. Woodruff inquired if these lights are working anywhere else in the state on a highway; Mr. Otero replied yes.

W. Woodruff corrected not on an onramp but on a highway. Is this part of the quiver of options for CDOT; Mr. Otero responded yes.

J. Brinkerhoff inquired if it is used on a highway other than an onramp; Mr. Otero responded that he has seen it on a highway but not in Colorado.

Mr. Otero continued

- Character consistency; develop character related improvements to present the corridor as a Main Street to assist in developing the right behaviors for those using the corridor.

And other general recommendations as noted (5.1.3); regional traffic coordination, regional growth, and construction maintenance and post construction repair.

W. Woodruff interjected that he did not see anything on shoulders and although we are talking about an ECO trail, hard core bikers are going to stay on the highway. Hard core bikers are moving along at 20-30 miles per hour and that can be a problem on an ECO trail for families. Maybe put something in there about building out the shoulders a little bit. Up near Tigiwon Road there is a nice shoulder up there but from there into town it gets a little tight.

Mr. Otero noted that is one of the reasons for going through the right of way is to determine what we have available. Mr. Otero then continued with Resort Guest and Employee Traffic Plan Framework noting that the objectives are fairly similar. This takes that and makes it specific to the town. All of this criteria metrics and measures are in the traffic report.

Strategies and methods... the basis of that traffic report is to stay within a budget, the goal is to stay within that budget and use these methodologies, to reduce the impacts of the resort and employee traffic.

J. Brinkerhoff in terms of the monitoring program lets say you are fully built out and you are monitoring, what is the mechanism to make sure it is continued, traffic is built around that. What kind of teeth does the town have in case the project morphs and goes away? Live by what you have created. Is there a document?

Mr. Otero it is part of the annexation agreement and it goes with the land.

A. Ferguson what J. Brinkerhoff is asking what are the financial construct.

J. Brinkerhoff actual requirement in perpetuity part of the title, coordinated... is it part of the annexation document.

A. Ferguson take a look, down under traffic, 1c, lets take a lot at this condition and see if it is something you think is appropriate.

W. Woodruff read from the Preliminary Plan Conditions regarding Traffic Number 1.c.; The appropriate plan will define the current levels of service through the Town, on Highway 24 at Bolts Lake, the access road to the east portion of the project, and Gilman, and through Red Cliff, together with a monitoring program that is consistent with the construction phases of the project to insure that mitigation measures can be imposed if the traffic exceeds projections and levels of service are at an unacceptable level. Applicant will include a variety of appropriate mitigation measures as a part of such agreement in order to identify the types of commitments to be made and funded in the future. At each final plat submission, a written report describing the levels of service and status of the projections made that exist at the time of the filing will be provided with the submission together with proposed mitigation measures if required by unacceptable levels of service; to the extent that unacceptable levels of service exist at the time of the approval of a final plat, such approval shall be conditioned upon the imposition of the mitigation measures to return the levels of service to the acceptable level prior to any lots or units being sold, constructed, or occupied.

J. Brinkerhoff stated that what this tells me is up and through construction but not to full build out operations.

A. Ferguson responded that it might be an addition to be made at the submission of the final plat and maybe there is some language that would be appropriate to add at the end of this condition to address the future, past the build out state. We will work on some language while the commission continues on.

W. Woodruff noted that even if we don't get it at this meeting that we can get it at the next meeting and place it then.

B. Weber spoke stating that they are agreeable to monitoring the traffic, if that means 200 hundred years he doesn't know, but at least through build out we will be responsible for it.

J. Brinkerhoff inquired through build out or is it something that runs with the resort and the land; B. Weber stated he has no problem with that.

W. Woodruff inquired if S. Baker and A. Ferguson have a handle on this; yes they nodded that they do.

B. Weber continued that they have spent a lot of time on traffic; you have had a lot of good questions on traffic. It is one of your biggest concerns, it is one of our biggest concerns, we have run a full gauntlet where we are looking at some of it upfront and monitoring and now we are looking at a combination of both upfront and monitoring. You asked what are we going to do and when are we going to do it; we can work with the town and do things sooner than later on the upfront things. One other thing about traffic is the railroad, last week we talked about it and we have met with them since. They will be up here next Wednesday and should our railroad negotiations continue favorably, a lot of the traffic issues will not be as dramatic as they are today without the railroad.

Mr. Otero continued on objectives, the one key component when doing a program like this is to develop right behaviors, sometimes you use the stick, sometimes you use the carrot, sometimes you have to tell them they have to and some times you give them incentive to do it. Safety programs have been proven country wide that

if it is a behavior based program it works twice as good then if it is a standard base program. Metrics and measures; two key ones are truck trips and the condition that says 150 trucks in one direction.

J. Brinkerhoff inquired it that is off peak hours or over twenty four hours.

Mr. Otero responded that I will get to their but that is an annual average day trips. Trucks won't run during those two peak times. Also he added Respect for Lifestyles; as you drive through town you see a lot more people out for the evening so we have added that we won't deliver between the hours of 7pm to 10pm.

J. Brinkerhoff inquired if they anticipate large trucks moving during those hours during the wintertime.

Mr. Otero stated that the objective is to keep them out of the peak hours.

J. Brinkerhoff you won't be compressing them into a six hour period; like one truck every minute each way.

Mr. Otero workers on site doing construction

J. Brinkerhoff it could be four guys in a car or one guy in a car.

Mr. Otero that equates to about 500 workers

J. Brinkerhoff inquired that includes horizontal and vertical

Mr. Otero responded yes and that is running them from the North. Again we are setting a budget for putting people in transit, working through those numbers and trying to get as many people, like infrastructure workers, you will see a lot more infrastructure, the horizontal workers, they are less local, they get in and get out. He believes you will see a lot more local vertical workers. We were trying to set a budget here like we did on truck trips to say here is the budget through the center of town.

J. Brinkerhoff noted that those are the ones primarily coming in and out during rush hour versus the trucks.

Mr. Otero actually what we propose is that those workers come in off peak hours also, like 6-7:30 and then leave, off peak hours for shift changes, keep our construction traffic out of those peak periods.

J. Brinkerhoff added so unlike the truck trips the worker trips are 230 each direction.

Mr. Otero responded no, that is total, both ways.

J. Brinkerhoff said 115 each way that seems manageable. So what are we going to do have someone count them everyday.

Mr. Otero responded that we will work with the contractor and we will count trucks. We will do inspections, inventories; we will produce a report, a progress report.

E. Glesner inquired how are you going to do it really. One day you might count that you have 600.

Mr. Otero responded that they get fined, or if they bring their car when they are suppose to use transit, you charge them to park their car. You do that once or twice and they will get it or as Mr. Weber says you refuse

them and tell them they can't come to work that day. Safe drivers, plan for all of the trucks, when we say we will meet the Motor Carrier Safety requirements, we will meet them. 70% failed these requirements for a recent project in Vail. We will train our drivers for the expectations are for this town.

J. Brinkerhoff requested clarification in regards to an average 60 second wait.

Mr. Otero responded that the targets of those delays are during the peak hours where someone is pulling onto the street off of a side street.

J. Brinkerhoff said an average of a 60 second delay over what period of time; peak hour or a 24 hour period?

Mr. Otero responded during the middle part of your day they are a couple of seconds, during the peak hours they are higher than that, so we can change that a little bit

J. Brinkerhoff said we need to look at the base line numbers a little bit. 60 second delay is unacceptable if it were all day long.

Mr. Otero mitigation we have talked about temporary housing south of town and where they are coming from. Limit the amount of on site for workers, offsite catering, and behavior based mitigation incentives/disincentives, contractual obligations that this is what you do to work on this site. Local workers trying to capture them, based on studies origin based largest number of those workers will come from Leadville, Eagle or Gypsum; gather them up at the origin point and deliver them to the site.

W. Woodruff said early on there was a comment from ECO Transit, have you been talking to them, where are we at with them. They requested that there would be more buses; you said you would have buses, how does that interface with them.

Mr. Mauriello stated that is actually addressed in this framework that we have that coordination, as provided in the financial information Eagle County will obtain out of this project approximately \$1million. No we have not been meeting with them.

W. Woodruff said try to interface with them as they have stated they need more buses to service this project.

Mr. Weber we have not totally ignored the ECO folks, they have been in our office for a table top, we have not taken to the level you are requesting, but we have not ignored them either.

Mr. Otero continued with delivery management goal is to use as much on site material as possible, and that gives some examples as to how we would do that. We put the railroad in there as we are moving through discussions with them and having a comprehensive onsite offsite delivery staging system. If we have a queue of trucks we implement a system, trucks aren't allowed to come into project or as far back as where they are picking up deliveries. We will have a comprehensive system to handle that.

J. Brinkerhoff stated that he was reading the minutes from last meeting in regards to public housing, worker housing, what impact would it have on the town if you take 300 workers located in Lake County versus the same 300 onsite instead of offsite.

Mr. Otero said the goal is to find places south of town opposed to on site.

J. Brinkerhoff asked are we better off having workers in Lake County as far as traffic?

Mr. Weber shared that there are pluses and minuses as Mr. Otero said. If they are all here they will probably generate more trips here in Minturn. We committed to 40% on or offsite for FTE and we heard you all would love to have 40% onsite but we are committed to 40% on or off.

A. Ferguson stated that there are a couple of conditions that he would like to add so we can move forward.

(Under lined words were added, lined out words were deleted)

Traffic:

1. Applicant will submit a final Town Traffic Improvement Plan, Resort Guest and Employee Traffic Plan, and Construction Traffic Management Plan with its PUD Final Development Plan submission that will be based upon the submitted frameworks for such plans and that will reflect meetings with and additional input from town consultants

Ms. Baker, 1914 Bear Creek Trail, Edwards, CO responded that we would have no proposed changes to that proposed addition.

- 1c. The appropriate plan will define the current levels of service through the Town, on Highway 24 at Bolts Lake, the access road to the east portion of the project, and Gilman, and through Red Cliff, together with a monitoring program that is consistent with the construction phases of the project to insure that mitigation measures can be imposed if the traffic exceeds projections and levels of service are at an unacceptable level. Applicant will include a variety of appropriate mitigation measures as a part of such agreement in order to identify the types of commitments to be made and funded in the future. At each final plat submission, a written report describing the levels of service and status of the projections made that exist at the time of the filing will be provided with the submission together with proposed mitigation measures if required by unacceptable levels of service; to the extent that unacceptable levels of service exist at the time of the approval of a final plat, such approval shall be conditioned upon the imposition of the mitigation measures to return the levels of service to the acceptable level prior to any lots or units being sold, constructed, or occupied. The submission for the last final plat for the project shall include a plan for the continuation of the monitoring program at an appropriate level that is approved by the town. The commitment for compliance which such program by the applicant and or it's successor, as may be appropriate, shall be required as part of the final development plan. Following submission and approval of the last final plat of the project, applicant or it's successor, shall submit on an annual basis a written report describing the level of service and the status of the projections made together with proposed mitigation measures if required by unacceptable levels of service.

Ms. Baker responded that the applicant is good with those.

A. Ferguson stated that those will be put into the language during the break.

W. Woodruff inquired if there were any additional questions or comments on traffic.

J. Brinkerhoff stated that he had question on 1b in the middle of the paragraph it talks about the ability to amend a report once actual construction has begun to address unforeseen reasonable circumstances. That is sort of wide open, who determines that? We could add to this stating with town approval so that there are two parties at the table looking at what the problem is as opposed to just one, there should be agreement on that.

Ms. Baker stated that that sounds like a good change as you don't want Ginn to have unilateral ability to amend the plan. You want some approval ability from the Town Council.

A. Ferguson added that this doesn't involve the plans, it involves the reporting of the plan therefore we are talking about is not necessary an amendment of the plan but an amendment to the report and it seems to me we want to have an initial approval of the form of report and then to the extent that is to change that a subsequent change would be approved by the Town.

J. Brinkerhoff inquired if report is a defined term.

A. Ferguson replied yes and where it came from was Carter Burgess Mike Gill.

J. Brinkerhoff stated he doesn't see a definition for it.

A. Ferguson noted that the reason it was in capitals is apparently a term of art in the traffic world. What he will do is get the back up on that.

J. Brinkerhoff inquired if we are talking about the Traffic Improvement Plan, Resort Guest and Employee Traffic Plan and a Construction Traffic Management Plan as a combined report?

A. Ferguson responded that what the report is the implementation, as I understand it, of the monitoring program that says what they are going to do for this phase of the construction and how they are going to handle things. And in the event there becomes a problem it is the reports that go on a phase by phase basis as to what is being done. It is a mechanism for implementing the plan. The basis for it was to bring some uniformity in to fine terms as to what those reports are going to contain. Mr. Gill is not here tonight but we can follow up with him and provide the appropriate reference for the term so everyone knows what it means. And include your desire to make sure that the reports are; initially approved by the town and then to the extent that it is appropriate to change them, change them by the town.

J. Brinkerhoff continued that he is wondering if there is some inconsistency with what we just went over; Construction Traffic Management Plan Framework, it is very well organized and ...

A. Ferguson interjected that what the report really does, at some point, we are going to have both a Construction Traffic Management Plan and a Resort Guest and Employee Traffic Plan and I think that the reports are where those two things come together where we have an assessment on both.

Mr. Otero responded that the reason the reports were set up that way with metrics and measures was so that the town can say if they agree, are we measuring the right things, and a report would come back to the town saying here are the measures, and then it looks at taking the mitigations from that list if we start exceeding those.

Mr. Mauriello added that those reports have to be approved by the town so you could have some paragraphs in those reports that talk about exactly how those reports can be modified in the future and what mechanisms.

J. Brinkerhoff noted that for an example, he is looking at the Construction Traffic Management Plan Framework, then are you going to have a Construction Traffic Management Plan Report, is that the report this is referring to? Is that what the report is; Mr. Mauriello responded yes I believe so and A. Ferguson added that is his understanding of what it is also.

J. Brinkerhoff asked why we would have this; it seems like that it would go away. This is the meat of how you would report on it.

A. Ferguson an example would be that the plan would have a variety of alternatives for addressing traffic, and lets say the railroad was not of the table and then in the middle of this the railroad is now on the table. That is an unforeseen, reasonable circumstance. That is a change that might force a change in a report. And since we have a twenty year build out who knows what other mechanisms that may come along that the town might want too in terms of changing a report.

J. Brinkerhoff responded that it is more of the framework and I think this makes it more confusing; what did we agree to one year ago.

A. Ferguson one of the reasons we had it in there is that they can't build any more houses or you can't occupy them until you fix what is wrong. We could take the enforcement mechanisms of "b" and include them in "c" and the plans would define the documentation for, and therefore eliminate the specific reference that is causing some concerns here. He feels it is very important to have the enforcement mechanisms

J. Brinkerhoff he was not talking about enforcement as much as he was that middle section but the reports that are a result of the traffic management plans, if they are violated, we would have these penalties.

A. Ferguson said that at the break we can work on combining the enforcement mechanism associated with "b" into "c" which is the response mechanism which are coming up with mitigation or cutting back or any number of things. Why don't we just take that out and eliminate the reference to the reports and eliminate the potential confusions. We have one section of conditions that relate to the monitoring program, the implementation of it, what happens if they are violated, both from a prospective planning perspective and also in terms of the enforcement mechanism available in the town. I don't know if we can get that done in this meeting but we can take a few minutes and look at it.

J. Brinkerhoff when he looks at C plan defines current level of service, that doesn't mean a lot to him because he is not a traffic guy. He understands it probably means a lot to a lot of different people and that there are other ways to define it. What is encouraging is that in the Construction Traffic Management Plan Framework when they are talking about a "maximum of x number of workers", trucks, and a maximum of large trucks. I like that; it puts an envelope around it. The current levels of service, we could spend days trying to figure out what that means.

A. Ferguson stated that he believes levels of service were used as a measure is that it does a couple of things. Levels of service are very technical terms that relate to traffic flow based on design capacity and actual capacity of the roadway system. The reason that the levels of service component was important is that it hits, not the number of trucks, but it hits the physiological issue that the town is facing in terms of how crowded is traffic. An acceptable level in our busy town such as ours an acceptable level would be A, B or C, the minute you hit D, E or F you are getting into a defined level of congestion. And as a consequence, we were hoping to protect, not withstanding the other commitments of the applicants, if we ever achieved service level D, that is what we are going to hear about as a community because it is congestion, it is waiting, can't get out of the road, etc. That may generate a different level of response then managing trucks or something like that. We thought levels of service was something that you could define today giving the current set up and help you come up with a measurement as to whether or not there are significant changes.

J. Brinkerhoff his understanding was that construction traffic wasn't really considered in levels of service. Then there are different levels of service; do you do it between 4-6pm or off peak as well, they all matter.

A. Ferguson interjected if you would prefer levels of service be deleted we can take it out.

J. Brinkerhoff it is that I like tangible numbers on construction

A. Ferguson the report that was originally submitted contains the exact number of traffic and identifies that with levels of service at different intersections, which is a typical traffic report.

Mr. Otero explained that level of service is the report card and the things that we put in this plan are ways to stay within that report card. The commitments within those frameworks are just for us to say; in the original traffic report the reason level of service is in here, is because it was written for CDOT and then we went to the next level based on your requirements. The way we see it is level of service is really the report card A- E and all of things that we have proposed for mitigations are to stay within the framework of A-C and those requirements.

J. Brinkerhoff not withstanding the 150 trucks each way and the worker trips what in here is telling me that you are going to do something and at what time period. Or is that something that is going to be developed?

A. Ferguson directed that Mr. Patterson go to (on the screen) to "c" and that perhaps the best way to handle this is to delete everything prior to the word provisions. That retains the enforcement and doesn't create confusion with the next paragraph.

b. ~~Applicant will provide Traffic Management Strategy Reports outlining a plan of the phasing of construction and the handling of the same together with an agreement for the imposition of penalties in the event the Reports are violated and the ability to amend the Report once actual construction is begun to address unforeseen reasonable circumstances, and together with~~ Provisions for enforcement of the mitigation measures through appropriate additional means such as withholding certificates of occupancy for buildings or restricting the issuance of building permits.

S. Baker stated that a few words might be missing to make it a complete sentence.

A. Ferguson noted "a" which simply states "a parking plan".

S. Baker responded good point.

W. Woodruff asked if this works better for J. Brinkerhoff.

J. Brinkerhoff responded yes, that appears clearer. Would it be appropriate to add to "e" the 230 daily trips of the construction workers?

A. Ferguson if that is their commitment in the framework.

J. Brinkerhoff stated so is the 150; A. Ferguson responded that we didn't have the framework when we had the 150. We could eliminate the 150 because we have required the plans to be based upon the submitted frameworks.

W. Woodruff mentioned that might be a better way to do it then if we adjust the framework we are still tied in.

A. Ferguson noted that to name one or two means maybe, by exclusion, we are eliminating a lot of the other components of the frameworks which of course we don't want to do.

J. Brinkerhoff inquired how do these work, are these draft frameworks that will be changed, updated, etc.

A. Ferguson requested that the screen reflect paragraph 1, where it says "that will be based on the submitted frameworks". The plan will be based on those frameworks.

J. Brinkerhoff noted that this refers to that they "will be" submitted.

A. Ferguson, no the plans will be submitted based on these frameworks. I don't think anyone views these frameworks as the plan, these are just the skeleton.

W. Woodruff and they have already been submitted.

J. Brinkerhoff summarized these are the frameworks for the ultimate plan; A. Ferguson responded correct.

J. Brinkerhoff stated he doesn't think it hurts to have it in there; let's add the 230 daily trips.

A. Ferguson a stated that they will do that at the break as to not waste time.

W. Woodruff noted that the point A. Ferguson made that by stating those numbers may mean that other things are left out that we just add the framework language with that. Today we identified 150 and 230 but also refer back to the framework so we don't get ourselves locked out and we can adjust the framework

A. Ferguson interjected such as other measures that are contained in the framework will have the two limitations and do it that way.

Mr. Mauriello stated that it may be useful to use both of those terms, in terms of 150 it is expressed one way and the other is expressed as an average daily trip and maybe express them both as ADT, be consistent.

A. Ferguson stated I think E. Glesner has to weigh in on this one. Average Annual Daily Trips is an average not a maximum. Right now we have a maximum on trucks and an average on cars.

J. Brinkerhoff asked did you intentionally make it daily, should it be weekly, annually,

Mr. Otero it is a standard measure, it is the daily traffic. So it will be over the day, the 24 hour period with all of those mitigations in there. We didn't include it not as a maximum; we just used a measure that is typically used.

J. Brinkerhoff do you have a problem with maximum daily trips. Seems it would help to enforce and you don't want to have to look back on an annual.

Mr. Otero it was intended to be used as a threshold.

J. Brinkerhoff if there isn't a problem, lets do maximum daily, and if that is a problem lets do it over the week.

W. Woodruff said lets just do it average 230 daily.

A. Ferguson noted that he raised this issue because it is something that E. Glesner has focused on over the last several meetings.

W. Woodruff interjected that he likes having a specific cap, so let's just cap it at; 300 and 230 daily trips. It could be maximum daily trips.

Ms. Baker requested some flexibility in it for us in the event that you had 150 maximum and we had 152, that we are not in violation, maybe a reasonable not to exceed, still set forth an annualized average, a full not to exceed that gives us something more than that annualized average.

W. Woodruff stated he thought 150 was the max, did he misunderstand?

Ms. Baker it was expressed by our engineers as an annualized average. If you want to recommend that it is 150 period, not to exceed ever, that is a condition that you can recommend. That was not our original intent when we came up with the 150.

J. Brinkerhoff it would be nice to not have to worry about an annual where we would wait a year to find out if you were in compliance. I don't think anybody wants to go crazy if you go over but let's set up a tangible monitoring system; maybe monitor it over a week.

W. Woodruff interjected maybe make it a month, you know how something might happen; one week something might happen.

E. Glesner said we have to set it tight, if they go over, that is their problem.

W. Woodruff inquired do we monitor it weekly, monthly, or yearly.

J. Brinkerhoff said not annual. I think the idea is that if there is a violation that the Town sit down with Ginn and say hey, you are in violation either put somebody on a bus or penalize or something.

Ms. Baker spoke stating that the applicant would be happy to have it monthly they just needed some average, weekly, monthly or annually, we just need it averaged. Monthly is agreeable.

W. Woodruff inquired of the commissioners do you want it monthly or do you want it weekly.

J. Brinkerhoff noted that he thinks that monthly is reasonable.

E. Glesner reminded that all we can do is put a condition in here.

W. Woodruff instructed to make them both a monthly average cap.

J. Brinkerhoff responded that monthly seems pretty reasonable. Will it be work days? Seven days? It should be Monday through Friday and then they can do what they want on Saturday and Sunday.

Active discussion and comments ensued.

W. Woodruff noted that it would be pretty reasonable that during the summer they would work on Saturdays.

L Teach isn't there something specified that they will not work on Saturdays during the Minturn Market.

W. Woodruff stated that is covered, special events, park events applicant has agreed that they will stop traffic for that as they agreed to limit traffic during rush hours.

J. Brinkerhoff then measures it Monday –Saturday, covered on Sunday?

Mr. Otero we averaged it over seven days.

J. Brinkerhoff is it acceptable to do it over six days.

Mr. Weber stated that realistically some point of the project we will need to have deliveries on Sundays.

J. Brinkerhoff responded that is ok, we just need to make our measurements. Don't you think Monday – Saturday would be better.

W. Woodruff I think it would be better in concept but I am curious whether that fits into the monitoring systems that are established in the traffic business. If we can do it over six days on the monitoring end, that's fine.

J. Brinkerhoff I don't think it matters what the established procedure is, I think it matters what we want.

Mr. Mauriello stated that he believes you can do it any way you want to do it. It is a departure from what they normally do but that doesn't mean we can't do it that way.

J. Brinkerhoff if no one is working on Sunday then they can have more of an ability to run traffic through Monday through Saturday.

W. Woodruff replied fine let's make it Monday through Saturday.

A. Ferguson an average monthly daily trips figure monitored Monday through Saturday. What about Sunday, I don't understand what happens on Sunday.

J. Brinkerhoff stated lets talk about Sundays, what did we agree to on Sundays

A. Ferguson we agree that sometimes it may be appropriate to have deliveries on Sundays, but how do we calculate that.

J. Brinkerhoff replied we would say you do not exceed the agreed upon formula on Sundays.

Mr. Mauriello what you would be saying is that the maximum is true seven days a week with the average being taken Monday through Saturday.

A. Ferguson repeated average monthly daily trips 150 for trucks means that you could have 140 one day and 161 another day that is ok, but on Sundays you can not exceed 150 or the 230, is that where we are.

Nods of approval from Ginn team and verbal approval from J. Brinkerhoff

W. Woodruff called for a break.

W. Woodruff resumed the meeting.

W. Woodruff inquired where did we leave off as far as the conditions for approval.

A. Ferguson noted that we completed the conditions for the EIR and the Preliminary Development Plan because they are approved as part of the same public hearing. We did not go into the conditions for the Amendment Zone District Map, which right now has one condition, and those associated with the Plat. He asked for A. Christensen's assistance in deciding how to proceed and stated that they could leave this hearing open, they could table the matter to later in the meeting, we could go through the conditions in the next two files, open those files, go through those and then you folks can determine where you want to go from there. If you want to consider proposed Resolutions it will take about fifteen minutes to put those together. Then we would come back to this file; do this Resolution first, and then consider each one accordingly.

W. Woodruff restated what A. Ferguson had just said and added that they might be able to crank it all out. One question for Carter Burgess, for Rob Singer, you were looking through the Environmental document that was given to you and you said you would report on that.

Rob Singer, Carter Burgess, noted that was specifically asked two weeks ago was an analysis of the feasibility study. That is a different issue then the Environmental Impact Report (EIR) that we are talking about right there. Yes, we have reviewed the EIR and we have reviewed it against conformance of Town code and we have been addressing several of the issues within the EIR in this forum as well as on our own and a lot of our analysis are the result of what you are seeing here.

W. Woodruff besides that is there anything you have for us that we need to know about right here; Mr. Singer responded no, not at this time.

W. Woodruff continued by rereading what had been added to 1c at which point J. Brinkerhoff stated he would like to add "as defined by the appropriate Traffic Management Plan".

- 1c. The appropriate plan will define the current levels of service through the Town, on Highway 24 at Bolts Lake, the access road to the east portion of the project, and Gilman, and through Red Cliff, together with a monitoring program that is consistent with the construction phases of the project to insure that mitigation measures can be imposed if the traffic exceeds projections and levels of service are at an unacceptable level. Applicant will include a variety of appropriate mitigation measures as a part of such agreement in order to identify the types of commitments to be made and funded in the future. At each final plat submission, a written report describing the levels of service and status of the projections made that exist at the time of the filing will be provided with the submission together with proposed mitigation measures if required by unacceptable levels of service; to the extent that unacceptable levels of service exist at the time of the approval of a final plat, such approval shall be conditioned upon the imposition of the mitigation measures to return the levels of service to the acceptable level prior to any lots or units being sold, constructed, or occupied. The submission for the last final plat for the project shall include a plan for the continuation of the monitoring program at an appropriate level that is approved by the town. The commitment for compliance which such program by the applicant and or it's successor, as may be

appropriate, shall be required as part of the final development plan. Following submission and approval of the last final plat of the project, applicant or it's successor, shall submit on an annual basis a written report describing the level of service and the status of the projections made together with proposed mitigation measures if required by unacceptable levels of service as defined in the appropriate Traffic Management Plan..

J. Brinkerhoff would it be reasonable to add “during peak hours”

R. Singer responded that levels of service, peak and not peak hours are already defined.

W. Woodruff requested a motion to table File No. PUD PDP 06-01 Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report until later in the meeting.

Motion by J. Brinkerhoff, second by E. Glesner to **table** File No. PUD PDP 06-01 Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report until later in this meeting; **Motion passed 5-0**

7. Action Item - File No. PUD AZDM 6-01 Amendment to Zone District Map – PUD Preliminary Development Plan

W. Woodruff opened the Public Hearing on File No. PUD AZDM 6-01 Amendment to Zone District Map – PUD Preliminary Development Plan which is continued from May 9, 2007.

A. Ferguson stated for the record that the Public Hearing on File No. PUD PDP 06-01 Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report are hereby incorporated within.

W. Woodruff noted that the Planning Commission members may ask questions of clarification but not for debate of any member of the public who has testified or the applicant.

A. Ferguson explained that the reason for one condition is that the code is a bit curious as it requires an amendment to the Zone District map to be a part of the Preliminary Development Plan. The Annexation Statute requires that we annex the property within ninety days of the annexation of the property. It is anticipated that if Council decides to annex it, that it will annex it and approve the Preliminary Development Plan if you approve it and send it up to Council. We need to have the property zoned within the ninety days however we anticipate that the Final Development Plan for the PUD will not be completed within the ninety days. Accordingly we felt it was appropriate that we zone the property subject to this condition:

W. Woodruff continued by reading the condition number 3 of the **Zone District Map Amendment;**

3. The applicant agrees to address the Planning Commission comments, concerns, conditions, and recommendations **pertaining to the PUD Preliminary Development Plan in its PUD Final Development Plan application.**

W. Woodruff questioned if it will come back to the Commission; A. Ferguson noted that it would not come back to the commission it goes to the Town but what it does is allows us to zone the property where it says you can't do anything until you meet all of the conditions. Unfortunately the conditions are part of the PUD plan not a part of the zoning. So this was the mechanism we felt that we could zone the property with conditions but

still keep intact all of the conditions that are associated with the Preliminary Development Plan. He inquired of A. Christensen if that makes sense and A. Christensen responded by nodding his head.

W. Woodruff inquired of the commission if everybody follows that and if everybody is happy with that; nodding of heads suggested yes.

W. Woodruff requested a motion to table the PUD AZDM 6-01 Amendment to Zone District Map – PUD Preliminary Development Plan – Battle Mountain until later in the meeting.

Motion by J. Brinkerhoff, second by E. Glesner to **table** the PUD AZDM 6-01 Amendment to Zone District Map – PUD Preliminary Development Plan – Battle Mountain until later in this meeting; **Motion passed 5-0.**

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

W. Woodruff stated that the Public Hearing on PUD PP 06-01 Preliminary Subdivision Plat – Battle Mountain Planned Unit Development Preliminary Plan continued from May 9, 2007 is now open.

A. Ferguson stated that the record for the public hearing on the Battle Mountain PUD Preliminary Development Plan and Environmental Impact Report and the record for the public hearing on Amendment Zone District Map is hereby incorporated herein.

W. Woodruff noted that the Planning Commission members may ask questions of clarification but not for debate of any member of the public who has testified or the applicant.

W. Woodruff said that we have talked about the two accesses to National Forest that you have agreed to keep open; both Shrine Pass and Tigiwon but what about the road up through the golf course to Maloit Park? Is there any question on that staying open? Do you have the golf course planned so golf balls aren't bouncing off of windshields?

Ms. Baker responded to the first part of the question stating that it is a deeded easement; she thinks it is a county road. She stated that they couldn't do anything with that if they wanted to.

Mr. Weber noted that it was a good question and that has been considered

W. Woodruff continued by reading from the Preliminary Subdivision Plat;

Preliminary Subdivision Plat

Administrative

1. The applicant agrees to the requirements in Section 17.6.7, Preliminary Subdivision Plat and to fulfill the requirements of Section 17.7.5, Final Plat Application as conditioned by these recommendations.

~~2. The applicant will submit any change in plans and plats to the Planning Department.~~

A. Ferguson interjected why we don't eliminate that; the code will dictate that and we don't want it as a condition in case the code ever changes and it comes to you. So I think we should delete that condition.

W. Woodruff asked if that was alright with the applicant; nodding of heads suggested it was.

3. The applicant shall pay all required fees and charges related to development of the subject property.

A. Ferguson noted that J. Brinkerhoff had mentioned this once before on whether this was appropriate or not. One of the reasons we thought this would be appropriate on a Plat would be that every homeowner gets a copy of the Plat and we want them to be mindful that they may have association fees but that they will have fees to process their building plans with the Town.

Commission and Staff

1. All staff and outside review comments will be appropriately addressed, mitigated, or corrected before Final Subdivision Plat is accepted for review and processing.
2. The applicant making any modifications to the plan document as requested by the Planning Staff and Building Inspector, Town Clerk, and Eagle River Fire Protection District prior to the issuance of an appropriate Certificate of Occupancy.
3. Any and all material representations of the applicant orally in their presentation at public hearings, or in the materials presented shall be adhered to and are made a condition of approval.
4. The applicant will coordinate with the Town staff and consultants to develop appropriate engineering standards specifically for the project that will be submitted with the application for final subdivision plat and approved as a part of the final plat.
- ~~5. The applicant will make any modifications to the plan and plat document as requested by the Planning Staff and Building Inspector, Town Clerk, and Eagle River Fire Protection District, prior to Certificate of Occupancy.~~

A. Ferguson interjected that this is redundant and that it can be eliminated this one.

Outside Agencies:

1. Applicant will identify and designate for dedication the locations for facilities for fire, emergency response, and police services to be located within the project on the final subdivision plat, the timing of construction and equipping such facilities, the funding for the same by applicant and subsequently by the homeowners association, including bridge funding for the additional employees that will be hired during early construction phases, and provide the approval of the same by the fire district, health services district, and Town police department.

Environmental/Superfund:

1. All activities, uses and construction plans for any areas that are designated areas within the Eagle Mine Superfund Site will be comply fully with the remediation and construction requirements of the EPA, CDPHE, and the Town.
2. Prior to approval of the Final Subdivision Plat for the Bolts Lake Character Area, Applicant will timely provide to the Town copies of the Proposed Plan, Record of Decision and Remedial Design/Remedial Action documents, as they are issued.

3. Gilman Character Area – The applicant has requested that the Gilman Character Area be platted as one parcel that will be subjected to future preliminary subdivision plat application and review once there is more information regarding remediation activities for the parcel. Applicant will have to provide specific information on the location and engineering for the utility corridor for utilities and related infrastructure that is planned to traverse the north portion of the site, which information will include the approval of the EPA and CDPHE, as appropriate, for the utility corridor. It is anticipated that these facilities will be constructed in connection with the first phase of development. Their as-built locations will be the basis for specific dedicated easements for such facilities on the subsequent preliminary subdivision plat. Prior to approval of the amended preliminary subdivision plat for the Gilman Character Area, Applicant will provide to the Town copies of the Remedial Investigation, Risk Assessment, Feasibility Study, Proposed Plan, Record of Decision, Remedial Design/Remedial Action documents and draft and final Agreement and Order on Consent, as they are issued.

5. 4. Bolts Lake Character Area –
 - a. Applicant shall provide specific information on the engineering methods that will be employed for how the proposed utilities will be placed in a “clean corridor” through the CTP since the first phase of the project is proposed to be both infrastructure construction and environmental cleanup in the Bolts Lake Character Area.
 - b. Prior to approval of the Final Development Plan and Final Subdivision Plat for the Bolts Lake Character Area, Applicant will timely provide to the Town copies of the Proposed Plan, Record of Decision and Remedial Design/Remedial Action documents, as they are issued.
 - c. Prior to commencing construction activities, remediation activities and ground disturbance activities within the boundaries of the Bolts Lake Character Area, Applicant will provide timely to the Town copies of all drafts of the Agreement and Order on Consent for the Eagle Mine Superfund Site and a copy of the final executed Agreement and Order on Consent, as they are issued.
 - d. Prior to the commencement of construction activities relating to the installation of infrastructure or the ECO Trail’s trail through the Gilman Character Area, Applicant will provide timely to the Town written evidence of approval by EPA, CDPHE and other regulatory authorities of such activities.

Planning:

1. No construction of those portions of the project that are located to the east of the rights of way for the railroad and for Highway 24 and no construction of infrastructure, improvements, gondola, or utilities across such rights of way shall take place until the property that underlies the alignment of infrastructure, improvements, gondola, and utilities across such rights of way to serve such portions of the project is annexed into the Town.

2. The final plat for any portion of the project that is located to the east of the rights of way for the railroad and for Highway 24 shall include a plat note that provides that no lots may be sold until the property that underlies the alignment of infrastructure, improvements, gondola, and utilities across such rights of way to serve such portions of the project is annexed into the Town.

3. Applicant shall dedicate to the public an easement right along and within the ordinary high water line of the Eagle River and Cross Creek through its property for the purpose of fishing and any and all forms of boating such as kayaking, rafting, canoeing, and tubing, provided however that a condition of such easement on Cross Creek will be that portions of such access through the golf course may be closed during those times of year that the golf course is open and operational and provided that temporary access will be allowed on the banks of the Eagle River for those boaters of the above craft who may from time to time become separated from their craft and need to seek the bank of the river for safety if

the water level is at high water. Such dedication shall be made on the appropriate final subdivision plats.

4. In connection with the final subdivision plat submission, Applicant will provide the locations of utilities through the property and an agreement with the appropriate utility companies that indicates that utility service can and will be provided to the project and a detailed phasing plan that includes specifics associated with infrastructure installation and construction.
5. Final Subdivision Plat notes shall be comprehensive for each final subdivision plat regarding requirements pertaining to each parcel or lot for the protection of wetland and riparian areas, the need, as appropriate, for on site geotechnical assessments prior to building, site drainage assessment and mitigation, the submission of grading plans and evaluation of slope stability, and such other requirements as may be appropriate or necessary and such dedications, reservations, and easements and as are necessary to effectuate the conditions or applicant commitments or obligations as appropriate on a final subdivision plat.

A. Ferguson interjected a change second line up adding “as” prior to “are necessary”.

W. Woodruff requested a motion to table the PUD PP 06-01 Preliminary Subdivision Plat – Battle Mountain Planned Unit Development Preliminary Plan until later in the meeting.

Motion to J. Brinkerhoff, second by E. Glesner to **table** the PUD PP 06-01 Preliminary Subdivision Plat – Battle Mountain Planned Unit Development Preliminary Plan until later in the meeting; **Motion passed 5-0**

W. Woodruff then stated that the File No. PUD PDP 06-01 Battle Mountain Planned Unit Development Preliminary Plan and Environmental Impact Report continued from earlier in this meeting are now open. The Planning Commission members may ask questions of clarification but not for debate of any member of the public who has testified or the applicant.

A. Ferguson stated that in the record for the public hearing on the Battle Mountain PUD application for Amendment to Zone District Map and the application for the Preliminary Subdivision Plat are hereby incorporated.

A. Ferguson continued by stating that we have one remaining condition to fix back at Traffic 1e begin the condition with:

- e. From Monday through Saturday, there shall be no more than 150 ~~average monthly daily trips~~ daily trips averaged monthly construction related heavy trucks traveling in one direction through Town during the construction phase of the project, with the exception of any such trucks that use or are transported along the railroad tracks which applicant has committed to try to do pending approval of the owner of the railroad. There shall be no more than 150 such trips on Sundays.

Ms. Baker asked a question of clarification on if they should be changing the 150 to both ways.

A. Ferguson responded that it does say average monthly trips generated traveling in one direction; Ms. Baker responded ok.

A. Ferguson continued that after the period after “Sundays.” Then add:

Active discussion ensued regarding appropriate verbiage.

There shall be no more than 150 115 ~~average monthly daily trips~~ daily trips averaged monthly for construction related worker trips traveling in one direction through town Monday through Saturday. There shall be no more than 115 such trips on Sundays.

Ms. Baker stated that the applicant agrees that we need to use a consistent measurement number; 300 and 230 or 150 and 115.

Mr. Singer requested that the verbiage be changed to “daily trips averaged monthly”. It was agreed and the changes were made in first sentence and added last sentence.

J. Brinkerhoff spoke on the alignment of the sewer that had been discussed before. Carter Burgess said that they were looking at running it down Hwy 24 or using the current alignment and maybe that decision hasn't been made yet and it looks like the current alignment might be better. If you do use the current alignment it is going to have a fairly significant impact on community members. He developed the Trout Club and the line comes down the middle of a large, hand crafted berm, down the street and then right beside the Club and then right through a neighborhood beyond. My easement agreement says that if those lines ever need to be serviced, maintained, or replaced that the utility company will do that and then I will fix the berm and the portion of the Club that I built a little too close to the easement line, which I got approved by ERWSD. There may be other people in town with that and is it homeowner's nickel to fix all of that based on the sewer agreement or has it been considered as something that may be in the next phase of your application with Council to look at the impact of that and respond to it.

A. Ferguson requested to throw one comment in on that, those easements are held the ERWSD and I think that what we can get from the applicant in the extent that it is involved in the negotiations with the district that this will be an agenda item. Discussions with the district are ongoing, they just started. Make a note of this concern and put it on the agenda for those discussions.

A. Ferguson continued noting that what staff needs is about fifteen minutes to put together these conditions in proposed resolutions that contain findings for your consideration. This will take about ten or fifteen minutes and then bring back copies for each of you, the public and the applicant. Then at that time you can determine whether you are prepared to act on them or not.

W. Woodruff called for a break while the attorneys and the applicant work on the resolution and the remaining commission members sang Happy Birthday to Lynn Teach.

Break ended and meeting resumed at 10:10pm.

A. Christensen directed to take them in numerical order and that resolutions are read by Title only.

Discussion ensued on if the Preliminary Subdivision Plat had been tabled prior to break to prepare resolutions and it was decided that it had not been tabled, it was still open.

W. Woodruff inquired of the commissioners if they had time to read over the Resolution for the Preliminary Development Plan and the Environmental Impact Report; W. Woodruff noted nodding heads. He asked if they were ready to vote on this and then inquired if there was anyone who was not ready to vote on this; W. Woodruff noted no discussion and then proceeded.

W. Woodruff then stated that the commission would take under consideration the Planning Commission Town of Minturn, Colorado Resolution No. 01-2007; a Resolution by the Town of Minturn Planning commission approving recommendation for approval to the Town of Minturn Council a PUD Preliminary Development Plan and Environmental Impact Report File No. PUD PDP 06-01. Do we have a motion?

Motion by J. Brinkerhoff, second by E. Glesner to vote on and **approve** Town of Minturn, Colorado Resolution No. 01-2007; a Resolution by the Town of Minturn Planning commission approving recommendation for approval to the Town of Minturn Council a PUD Preliminary Development Plan and Environmental Impact Report File No. PUD PDP 06-01; **Motion passed by roll call vote 5-0.**

Motion by K. Bloodworth, second by J. Brinkerhoff to close the public hearing PUD PDP 06-01; Motion passed 5-0

W. Woodruff stated that the Application for Amendment Zone District Map Battle Mountain Preliminary Development Plan, the public hearing on File No. PUD AZDM 6-01 application for Amendment Zone District Map Battle Mountain Preliminary Development Plan continued from earlier this evening is now open.

W. Woodruff continued with Planning Commission Town of Minturn, Colorado Resolution No. 02-2007; a Resolution by the Town of Minturn Planning Commission approving recommendation for approval to the Town of Minturn Council an Amendment to the Zone District Map, File No. PUD AZDM 06-01. Do I have a motion?

Motion by K. Bloodworth, second by L. Teach moving to **approve** Resolution 02-2007; a Resolution by the Town of Minturn Planning Commission approving recommendation for approval to the Town of Minturn Council an Amendment to the Zone District Map, File No. PUD AZDM 06-01; **Motion passed by roll call vote 5-0**

Motion by K. Bloodworth, second by L. Teach Move to **close** the public hearing on PUD AZDM 06-01; **Motion passed 5-0**

W. Woodruff stated that the application for the Battle Mountain PUD Preliminary Subdivision Plat public hearing on File No. PUD PP 06-01 application for the Battle Mountain PUD Preliminary Subdivision Plat continued from earlier this evening is now open.

W. Woodruff read Planning Commission Town of Minturn, Colorado Resolution No. 03-2007; a Resolution by the Town of Minturn Planning Commission approving a recommendation for approval to the Town of Minturn Council a Preliminary Subdivision Plat Application File No. PUD PP 06-01. Do we have a motion?

Motion by J. Brinkerhoff, second L. Teach **approve** Resolution No. 03-2007; a Resolution by the Town of Minturn Planning Commission approving a recommendation for approval to the Town of Minturn Council a Preliminary Subdivision Plat Application File No. PUD PP 06-01; **Motion passed by roll call vote 5-0**

Motion by K. Bloodworth, second by J. Brinkerhoff to **close** the hearing on File No. PUD PP 06-01; **Motion passed 5-0**

9. Old Business – Three Mile Plan

Motion by K. Bloodworth, second by E. Glesner to **table** the Three Mile Plan until the next regularly scheduled Planning and Zoning meeting of June 13, 2007; **Motion passed 5-0**

W. Woodruff adjourned the meeting at 10:20pm