

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 04 – SERIES 2025**

**AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING
CHAPTERS 13, 16, AND 17 OF THE MINTURN MUNICIPAL CODE TO
INCORPORATE INTO THE CODE EXISTING RESTRICTIONS ON
CONNECTIONS TO THE TOWN’S WATER SYSTEM BASED ON
LIMITATIONS OF AVAILABLE LEGAL AND PHYSICAL WATER SUPPLY**

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, limitations on the Town’s water supply, due to (1) consumptive use limitations on the Town’s ability to divert and use water within its service area and (2) limited capacity of the Town’s water treatment facility necessitated implementing a moratorium on connection to the Town’s water system and allocation of water service (the “Moratorium”); and

WHEREAS, by Ordinance No. 02 – Series 2023, the Town Council continued the Moratorium on connection to the Town’s water system that limits allocation of water service to no more than the historic number of Single Family Equivalents (“SFEs”) used plus one additional SFE for new water use for an entire property or collection of adjoining properties owned by the same or related owners as legally configured on the date Ordinance No. 05 – Series 2020 was passed; and

WHEREAS, in order to comply with its decreed water rights and physical supply limitation, the Town has determined it is necessary to incorporate the restrictions imposed by the Moratorium into the Minturn Municipal Code (the “Code”) until the Town has adequate water supply to allocate additional SFEs for connection to the Town’s water system beyond what is provided for in the Moratorium; and

WHEREAS, the Town Council hereby finds and determines that the passage of this Ordinance is necessary to protect public health and safety and promote orderly development within the Town and is not contrary to any statewide regulatory schemes or policies.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. RECITALS. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. AMENDMENT. Chapters 13, 16, and 17 of the Code are hereby amended as set forth in **Exhibit A**, with double underlined text added and ~~strike-through language~~ deleted.

SECTION 3. SEVERABILITY. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall

not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

SECTION 4. REPEAL OF INCONSISTENT ORDINANCES. Ordinance No. 02 – Series 2023 and Ordinance No. 05 – Series 2020 are repealed. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

SECTION 5. SAFETY. This ordinance is deemed necessary for the protection of the public health, safety, and welfare.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 5th DAY OF MARCH 2025. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 19th DAY OF MARCH 2025 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO



Earle Bidez, Mavor

ATTEST:

By: 

Jay Brunvand, Town Clerk



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 19th DAY OF MARCH 2025.

TOWN OF MINTURN, COLORADO



Earle Bidez, Mayor

ATTEST:

By: 

Jay Brunvand, Town Clerk



EXHIBIT A
MINTURN MUNICIPAL CODE AMENDMENT

Sec. 13-1-10. Definitions.

As used in this Chapter, the following definitions shall apply:

Accessory areas means areas such as lobbies, mechanical rooms, convention centers, ballrooms, auxiliary dining rooms and guest recreational facilities in a hotel, lodge, motel, lock-off or accommodation unit.

ADD means average daily demand.

Backflow means the flow of nonpotable water or other nonpotable liquids, mixtures, gases or substances into the distributing pipes of a potable water supply, from any source other than its intended source.

Backflow preventer means an assembly or method designed to prevent backflow, consisting of one (1) of the following:

- a. Air-gap method. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood-level rim of said vessels.
- b. Atmospheric vacuum-breaker assembly.
- c. Pressure vacuum-breaker assembly.
- d. Double-check valve assembly.
- e. Reduced pressure principle assembly.

Backflow prevention means the prevention of the flow of any foreign liquids, mixtures, gases or substances into the distributing pipe lines of the public water system.

Backflow prevention device is a device or assembly accepted and approved by the Town as meeting an applicable specification stated or cited in this Chapter, or as suitable for the proposed use and as approved and accepted by the Colorado Department of Public Health and Environment (CDPHE).

Battle Retained Parcels has the meaning stated in Section 16-2-20.

Bolts Development Agreement means, as may be amended, that certain Development and Vested Property Rights Agreement Implementing the Bolts Lake Settlement Agreement Battle One Developer, LLLP, a Georgia limited liability limited partnership, Battle Two Developer, LLLP, a Georgia limited liability limited partnership, Battle North, LLC, a Georgia limited liability company, Battle South, LLC, a Georgia limited liability company, and Battle One A Developer, LLC, a Georgia limited liability company (collectively, together with their respective successors and assigns, "Battle"), and the Town of Minturn, Colorado, a home rule municipal corporation (together with its successors and assigns, the "Town") having an execution date of _____, 2024, recorded in the public records of Eagle County at Reception No. ____.

Bolts Lake Property has the meaning stated in Section 16-2-20.

Bolts Water Distribution System means all water mains, storage tanks, distribution lines, service lines, and related infrastructure necessary to deliver water from the Bolts Water Treatment Plant to lots within the Battle Retained Parcels and, if applicable, to support non-Town (or Town successors and assigns) activities permitted upon or within the restricted parcels.

Bolts Water Treatment Plant means the ERWSD water treatment plant developed within the Battle Retained Parcels (or as may be permitted use within a restricted parcel, within a restricted parcel) to serve the Battle Retained Parcels with a treatment capacity sized to serve up to two hundred fifty (250) dwelling units and fifty thousand (50,000) square feet of gross leasable area.

Bolts Water Treatment System means the Bolts Water Treatment Plant and all diversion structures, raw water input lines and related infrastructure inboard to the Bolts Water Treatment Plant.

CDPHE means the Colorado Department of Public Health & Environment.

CDPHE regulations means the regulations promulgated from time to time by CDPHE.

CDWR means the Colorado Division of Water Resources, which is also known and referred to as the State Engineer's Office.

CDWR regulations means the well permit and related regulations promulgated from time to time by CDWR.

Community water system means facilities for the provision of water service to multiple dwelling unit(s), structures and permitted uses located and/or undertaken within multiple estate lots and ranch lots, which system(s) may include community well(s), storage facilities and related distribution facilities that are owned and operated either by an owners association or a metropolitan district organized pursuant to Sections 32-1-101, et seq., C.R.S., in either case in accordance with applicable CDPHE regulations.

Community well means a water well for which a well permit has been issued pursuant to CDWR regulations, which well is utilized to provide water service for multiple dwelling unit(s), structures and permitted uses located and/or undertaken within estate lots and ranch lots.

Cross-connection means any unprotected actual or potential connection or structural arrangement between the water system or a customer's potable water system and any other source or system, through which it is possible to introduce into any part of the water system any used water, industrial fluid, gas or substance not meeting drinking water requirements in the Colorado Primary Drinking Water Regulations. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which, or because of which, backflow can or may occur, are considered to be cross-connections.

Curb stop means a shut-off valve located in the private service line.

Customer is any person or entity authorized to connect to and use the Town's water system. The customer effectively encompasses: owner, renter, contractor, subcontractor, developer, etc. A *customer* is also any person who applies to the Town for a service connection, service disconnection, main line extension or other such service agreement, or who attempts to have real property included within the Town.

ECPHA means the Eagle County Public Health Agency.

ECPHA regulations means the OWTS permit regulations and related OWTS regulations promulgated from time to time by ECPHA.

Efficiency room means a single room with a bathroom and a kitchen.

ERWSD means, collectively and together with their respective successors and assigns, the Eagle River Water and Sanitation District and the Upper Eagle Regional Water Authority.

Estate lot has the meaning stated in Section 17-2-10.

Estate lot plat has the meaning stated in Section 17-2-10.

Estate lot process has the meaning stated in Section 17-2-10.

Exemption plat has the meaning stated in Section 17-2-10.

Exemption plat parcel has the meaning stated in Section 17-2-10.

Exemption plat process has the meaning stated in Section 17-2-10.

Kitchen includes, but is not limited to, hot and cold water, stove and/or microwave, sink and refrigerator.

Letter of Service has the meaning stated in Section 13-2-10.

Mountaintop area has the meaning stated in Section 17-2-10.

OWTS means an On-Site Wastewater Treatment System as such term is defined in the ECPHA regulations.

OWTS permit means a permit issued by ECPHA pursuant to applicable ECPHA regulations for the construction or alteration, installation, and use or for the repair of an OWTS.

Package sewage plant means an OWTS that provides sanitary sewer treatment for multiple ranch lots or estate lots pursuant to an OWTS permit, which OWTS is owned and operated either by a homeowners' association or a metropolitan district organized pursuant to Sections 32-1-101, et seq., C.R.S.

Private OWTS means an OWTS that provides sanitary sewer service pursuant to an OWTS permit to dwelling unit(s), other structure(s) and/or any permitted uses within, as applicable, a single ranch lot or a single estate lot.

Private service line means the service line from the curb stop to the customer's water-using unit. The private service line includes, without limitation, the curb stop and water meter. With the exception of the water meter, the private service line is owned and maintained by the customer.

Private well means a water well for which a well permit has been issued pursuant to CDWR regulations, which well is utilized to provide water service for dwelling unit(s), structures and permitted uses located and/or undertaken within, as applicable, a single estate lot or a single ranch lot.

Project water rights means those water rights adjudicated in Case No. 06CW264, as may be further decreed and modified in Case Nos. 16CW3122, 16CW3123 and future water court cases, related to the originally decreed water rights Case No. 06CW264, which water rights are available for use within the Battle Mountain Property (as such term is used in said decrees), including the Mountaintop area in accordance with the terms and conditions set forth in said decrees.

Ranch lot has the meaning stated in Section 17-2-10.

Ranch lot plat has the meaning stated in Section 17-2-10.

Ranch lot process has the meaning stated in Section 17-2-10.

Reservoir Agreement means and refers to that certain agreement pertaining to acquisition for Bolts Lake Reservoir by and among Eagle River Water and Sanitation District, Upper Eagle Regional Water Authority and Battle North, LLC, dated as of February 9, 2021.

Residential unit means any living unit with a kitchen. Examples are: single-family houses, residential condominiums, townhomes, apartments, duplexes, triplexes, lock-off apartments, etc.

Restricted parcels has the meaning stated in Section 16-2-20.

Room means a single room without a kitchen, with or without a bathroom, with private access to a central corridor or the outside.

SFE (single family equivalent) is the basic unit for determination of water charges and fees. One (1) SFE is the water to serve one Dwelling Unit, as that term is defined in Section 16-2-20, which may include up to three thousand (3,000) square feet of building area as measured from the exterior dimensions of development and two thousand (2,000) square feet of outside irrigated area.

Square-foot floor area, as used in determining fees, is calculated on gross residential floor area, plus unfurnished areas, but excluding garage area and multi-unit common space.

System improvement fee (SIF) means a payment or charge made for a permanent reservation of water ~~plant~~ system capacity and the right to use water from the Town water system.

System improvement fee schedule for commercial means the schedule of fees adopted by resolution of the Town Council and applied based on the water connection service line size needed for a commercial development.

System improvement fee schedule for residential means the schedule of fees adopted by resolution of the Town Council and applied to the development of residential dwellings based on square footage added.

Tap or connection means the process of connecting a service line to the water main.

Tap fee means a fee charged to a customer of water or sewer utility, which fee represents an investment and capital contribution to the Town's present physical water and sewer utility system, and includes such items as collection, treatment and storage, but does not include extensions of the Town water and sewer system to provide service, nor payment for acquisition, adjudication, or changes in water rights necessary to provide water service or to protect the Town's water rights.

Threshold criteria means the criteria set forth in Section 13-7-45(i).

Town parcels has the meaning stated in Section 16-2-20.

Water connection or service line means a service line connection from the property line to the water main, including the curb stop installation.

Water main means the principal artery of the water system to which service lines may be connected. The water main is owned, operated and maintained by the Town.

Water meter means a device which measures all water use on a property, including in-house use and outside irrigation use.

Water system means the public water system owned and/or operated by the Town.

Water-using property includes any real property within the Town or outside the legal boundaries of the Town, and being serviced by the Town, on which a water-using unit is located or desired to be located.

Water-using unit includes any space, structure or building, movable, fixed or otherwise, or any part or parcel of the same for which a separate water rate is applicable, or, in the alternative, any space, structure or building, movable, fixed or otherwise, or any part or parcel thereof having or being equipped with a device, fixture or method for using water.

Well permit means any permit issued in accordance with applicable requirements by CDWR for, as applicable, a "well" that is "exempt" or "non-exempt" (as applicable CDWR regulations define such terms) that is appropriate for providing water service to one (1) or more residential unit(s), other structure(s), and/or for any permitted uses within ranch lots or estate lots located within the mountaintop area.

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Sec. 13-2-10. Application procedure generally.

- (a) An application and written ~~approval of the application~~ Letter of Service by the ~~Public Works Director, Town Treasurer, and Planning Director~~ shall be required for any material change in water service for the customer or potential customer, including, without limitation for any new service connection, any expansion of or addition to the water-using unit, any change in use of the water-using unit or property served (e.g., from residential to commercial, conditional-use permit, any increase in irrigated landscape area beyond 2,000 square feet, home-occupation permit or conversion of a garage or outbuilding into a residential unit), the addition of additional water fixtures in commercial establishments, any remodel or other work for which a building permit is required, any demolition of a water-using unit, and/or rezoning or subdivision of property. The water service application shall be in writing on a form approved by the Town, shall be submitted to the Town Clerk and shall set forth: the name and post office address of the owner of the water-using property, the legal description of the water-using property for which water is desired, the purpose or purposes for which the water will be used, plans or drawings depicting the square footage of structures in which water will be used and water fixtures in the structures, and such other facts reasonably required by the Town, to

determine the purpose, extent, nature and location of water use, the water-using property and the water-using unit.

- (b) Applications shall be made only in the names of and for water-using property owners.
 - (c) No Customer may obtain any connection to the Town's water system or make any material change in water service without receiving written approval from the Town authorizing such connection or use in the form of a Letter of Service. The Letter of Service must state the number of SFEs that will be serviced by the connection. The Town shall only issue a Letter of Service for connection or for any material change in water service in an amount limited to no more than the historic number of SFEs served on a property or collection of adjoining properties, which are owned by the same or related owner, as legally configured on the date Ordinance No. 05 Series 2020 was passed, plus one additional SFE for new water service for residential service and one and one-half SFE for new water service for commercial service.
 - (ed) The Town reserves the exclusive right to deny application for service when, in the opinion of the Town, the service applied for would create an excessive seasonal or other demand on the facilities. Denial may also be based upon an unresolved obligation between the Town and the applicant, inadequate documentation of easements for main lines serving the property or any other reason as determined by the Town. The Town reserves the right to revoke any prior approval before service has been provided, and the right to revoke service after it has commenced for any violation of this Chapter.
 - (e) Any application required under this Chapter shall be accompanied by such application fee as the Town Council may establish by resolution. Payment shall be made to the Town Clerk.
- (Ord. 15-2008 §1; Ord. 2-2018, §3)

Sec. 13-2-20. ~~Application and w~~Water system fee payments; water dedication or payment of cash in lieu of water rights.

- (a) Fees Applicable. Each connection to the water system or for any material change in water service shall be accompanied by a tap fee, water rights dedication and/or SIF. ~~Any other application required under this Chapter shall be accompanied by such application fee as the Town Council may establish by resolution. Payment shall be made to the Town Clerk.~~
- (b) System Improvement and Tap Fees. System improvement fees (SIF) owed to the Town are based on Square-foot floor area. For any new structure (including a structure that replaces a structure that was demolished), the System improvement fee shall be based on the total Square-foot floor area of the structure. For any structure that includes all or part of an existing structure, the system improvement fee shall be based on the Square-foot floor area of new construction.

Example: Where one thousand (1,000) square feet is added to a one thousand five hundred (1,500) square foot residential dwelling unit, the SIF shall be calculated at the rate of one thousand (1,000) multiplied by the then applicable Tier 2 price per square foot floor area.

Tap fees owed to the Town are based on the number of SFEs of water service provided to a property. The minimum tap fee is for one SFE per property. For service in excess of one SFE per property, the amount of the SFE will be prorated.

Example: Where a property owner requests to construct a residential dwelling unit of 3500 square feet on a property where an existing residential dwelling unit of less than 3000 square feet will be demolished, the property has a credit for a tap fee for 1 SFE and would pay a prorated tap fee of 500 square feet / 3000 square feet.

Fees shall be based on the current fee rates set by resolution of the Town Council.

- (1) *Residential water service.*

- a. *Tap fee.* A tap fee shall be paid for each SFE of water service or prorated portion thereof.
- b. *System improvement fee.* SIF's for any new development or redevelopment of property resulting in the addition of square footage shall be calculated at rates set by resolution of the Town Council and according to the following SIF Table:

SYSTEM IMPROVEMENT FEE TABLE

	Floor Area Tiers
Tier 1	0—1,500 sq. ft.
Tier 2	1,501—3,000 sq. ft.
Tier 3	3,001 sq. ft. or more

- c. *Accessory unit fees.*
 1. *System improvement fee.* The addition of any accessory unit, whether attached or detached from the primary structure on a property, shall be calculated as though an addition of square footage to the primary structure.
 2. *Tap fee.* The addition of any accessory unit that does not require the purchase of a separate tap, but which would otherwise result in an additional SFE, shall be charged one-half (0.5) SFE.
- (2) *Commercial, industrial, and irrigation water service.*

Commercial water service fees shall be assessed based upon the size of all service lines and using total water demand from all fixtures, connections, outlets, or other water uses, determined by the current section of the International Plumbing Code for metered water.
- (c) Water Rights Dedication. In addition to the fees described above, the Town conditions connection to the water system or for any material change in water service to a property upon either a dedication of water rights or a payment of cash in lieu of water rights. This condition applies to:
 - (1) All new development or redevelopment within the Town not covered by existing taps and all redevelopment within the Town that will require an increase in water use in excess of the use covered by existing taps; and
 - (2) All properties not currently within the Town, as provided in Section 13-2-80 of this Article. The applicant for water service for new development or redevelopment in the Town must agree, in writing, to:
 - a. Dedicate water rights to the Town in an amount, legal priority, and of a quality adequate, in the judgment of the Town and its water consultants, to serve the needs of the new water use or the increase in water use not covered by existing taps; or
 - b. At the Town's sole discretion, pay cash in lieu of such water rights at the then-current rate set by the Town. Such cash-in-lieu payments shall be paid to the Town to be used, at the discretion of the Town, to develop and/or acquire water rights or storage for the Town or to construct or improve municipal water facilities.

The increase in water use caused by redevelopment may be as a result of increased density, increased landscaping or any other change in use of the property that increases the water demand from the pre-redevelopment demand. The applicant must provide evidence, acceptable to the Town, regarding the amount of water required by the proposed use. The applicant shall be required to pay the Town for all legal, engineering and other costs incurred or which may be incurred by the Town to evaluate the application and implement this Section or to adjudicate any Water Court application necessary to provide water service to the new development or redevelopment within the Town. Such agreement shall be made a covenant running with the land.

(d) Letter of Service. Acceptance of an application is conditioned upon issuance by the Town of a Letter of Service as described in Section 13-2-10.

- (e) Should any information disclosed on the application prove at any time to be false, or should the applicant omit any material information, the Town shall have the right to:
- (1) Reassess the tap fee originally charged to the rate current at the time of discovery by the Town of the false or omitted information;
 - (2) Disconnect the service in question;
 - (3) Back-charge the customer for the water-using unit in question for tap fees and/or service fees that may be due and owned; and/or
 - (4) Charge any other additional fee or penalty specified in this Chapter. Any reassessment, penalties or other additional fees, charged with interest at the maximum legal rate on the entire balance upon and from the date of the original application, shall be due and payable immediately.
- (f) Unless otherwise agreed by the Town in writing, the customer shall pay a monthly water service fee commencing upon the earlier of:
- (1) The use of water at the site;
 - (2) Two (2) years from the Town's issuance of the tap for the water-using unit or property;
 - (3) Expiration of the building permit issued for the water-using unit; or
 - (4) Issuance of the certificate of occupancy or temporary certificate of occupancy for the water-using unit.

Monthly service fees commencing under Subparagraphs (e)(1) through (e)(3) above shall be at the base rate, unless the Town Council has established another rate by resolution. Monthly service fees commencing under Paragraph 13-2-20(e)(4) above shall be at the metered water rate.

Editor's note(s)—Ord. 2-2018, §5, adopted May 2, 2018, amended §13-2-20 in its entirety to read as herein set out. Former §13-2-20 pertained to application and tap fee payment; water dedication or payment of cash in lieu of water rights and derived from Ord. 15-2008 §1.

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Sec. 13-2-60. Connections; maintenance and operations; terms generally.

- (a) No person shall make a tap or connect onto the water system of the Town, either within or without the Town, without first submitting an application and obtaining written approval of the application by the Public Works Director along with a Letter of Service pursuant to Section 13-2-10. Tap and service connections are approved for specific uses, as stated on the application. The Public Works Director may conduct an inspection in accordance with Section 13-1-70 of this Chapter, to identify any unauthorized use for which the customer is subject to a fine in accordance with Sections 13-1-110 and 13-2-120 of this Chapter.

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Sec. 16-21-120. Provisions of general applicability.

Application forms. All applications for development permits shall be submitted with the applicable Town forms, which shall be available from the Planning Department. No application shall be considered complete for review unless the requested numbers of copies of all required materials, twelve (12) minimum, are submitted in sufficient detail for the Planning Director to determine whether the application complies with the substantive requirements of these Land Use Regulations.

Water Service. The Town shall not consider an application complete for review unless the applicant has obtained a Letter of Service from the Town for connection to the Town's water distribution system pursuant to Section 13-2-10(c).

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Sec. 16-21-170. Minimum contents of application.

The application shall be submitted in a form established by these Land Use Regulations and made available to the public. All applications shall include, at a minimum, the following materials:

- (1) Applicant's identity. The applicant's name, mailing address, telephone and fax number. If the applicant is to be represented by an agent, a letter signed by the applicant granting power of attorney to the agent shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, mailing address, telephone and fax number.
- (2) Legal description. The legal description and street address, if such exists, of the parcel on which development is proposed to occur.
- (3) Disclosure of ownership. A disclosure of ownership of the parcel on which the development is to occur, listing the names of all owners of the property and all mortgages, judgments, liens, easements, contracts and agreements that run with the land. The disclosure of ownership may be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion or other documentation acceptable to the Town Attorney.
- (4) Vicinity map. An eleven-inch-by-seventeen-inch vicinity map, locating the subject parcel within the Town.
- (5) Written description. A written description of the proposal and an explanation in written, graphic or model form of how the proposed development complies with the review standards applicable to the application.
- (6) Environmental impact report, when applicable.
- (7) Adjacent property owners. A list of all adjacent property owners, compiled by the applicant using the most recent county ad valorem tax rolls (as available from the County Assessor), is required for all applications and shall be submitted to the Town Planner as part of the application for development. In addition to submitting a written list, the applicant shall also submit the addresses on adhesive labels or in the form of preaddressed envelopes.
- (8) Water Service. Letter of Service from the Town for connection to the Town's water distribution system pursuant to Section 13-2-10(c).
- (98) Additional requirements. Submittal requirements as outlined in the specific development permit section of these Land Use Regulations.

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Sec. 16-21-615. Design Review applications.

- (a) Purpose. The purpose of a Design Review is to ensure that all new development and major redevelopments in the Town are constructed in a manner that complies with the adopted regulations of the Town.
- (b) Applicability. All major construction must receive Design Review approval from the Design Review Board prior to the issuance of a building permit. Major construction is defined as all new construction projects and any building addition that increases the building footprint and/or square footage of an existing structure.

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- (c) Application requirements. In addition to the requirements of Section 16-21-170, the following information must be submitted for a Design Review application.
- (1) Application form and fee. Application fees are set annually by the Town Council.
 - (2) A boundary survey, with a stamp and signature (or electronic equivalent) of a licensed surveyor, that includes the following information:
 - a. Date of survey (survey date must be within six (6) months of the project application date).
 - b. Right-of-way and property lines; including bearings, distances, and curve information.
 - c. Labeled ties to existing USGS benchmark.
 - d. Property boundaries to the nearest one-hundredth (0.01) of a foot accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
 - e. All existing easements recorded with the County Clerk and Recorder. Include bearings and distances.
 - f. Spot elevations at the edge of asphalt along the street frontage of the property at five-foot intervals, and a minimum of two (2) spot elevations on either side of the lot.
 - g. Topographic conditions at two-foot contour intervals.
 - h. Existing trees or groups of trees having trunks with diameters of four (4) inches or more.
 - i. Rock outcroppings and other significant natural features.
 - j. All utility meter locations, including any pedestals on site or in the right-of-way adjacent to the site and the exact location of existing utility sources.
 - k. Environmentally sensitive areas or areas of natural hazards, where applicable (i.e., rock fall, wetlands, or floodplain).
 - l. Watercourse setbacks and floodplain information, if applicable. Show centerline and edge of stream or creek in addition to the one hundred-year floodplain, as well as the required stream setback from the ordinary high-water mark.
 - (3) A scaled site plan showing the following information:
 - a. Property line locations and dimensions based on a current boundary survey of the property.
 - b. Setback lines.
 - c. Existing and proposed easements.
 - d. Existing and proposed buildings, including sheds and enclosures. Include decks, patios, and balconies. Indicate the building footprint and the outside face of exterior walls, inclusive of all cantilevered elements of the building, with a solid line and the roof/eave edge with a dashed line.
 - e. Height elevations of all roof ridgelines and/or the top of all flat roof elements, as well as the mid-point of all sloped roof elements.
 - f. Driveways and parking areas. Indicate finished surface, heated or unheated, grade, percent slope, dimensions, turning radii and spot elevations at the property line.
 - g. Identify all slopes between thirty percent (30%) and forty percent (40%), as well as any slopes in excess of forty (40%) percent.
 - h. Existing and proposed retaining walls including materials and spot elevations.
 - i. Existing and proposed fences (including height and materials).

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- j. Waterbodies, stream setbacks from the ordinary high-water mark, and floodplain information according to a current survey of the property, if applicable to the subject property.
 - k. Snow storage areas denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.
 - l. Sidewalks and walkways.
 - m. All areas of lot and impervious coverage denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.
- (4) A grading and drainage plan that includes the following information:
- a. Existing contours. Existing two-foot contours must be provided for all areas proposed to be disturbed as a result of the project proposal. Contours for undisturbed areas must be shown when drainage in those areas impacts the disturbed area, or vice versa.
 - b. Proposed contours. Proposed two-foot contours for all disturbed areas must be shown and must demonstrate positive drainage.
 - c. Spot elevations. Show critical spot elevations, as necessary to demonstrate positive drainage and the direction of flow. Finished grade at all building corners must be provided.
 - d. Top-of-foundation elevations. The top-of-foundation elevation must be shown on the plan and must be consistent with the foundation plan. For buildings on slopes of thirty percent (30%) or greater, elevations for stepped foundation walls must be shown.
 - e. Drainage arrows. Include drainage arrows that show how stormwater will be routed around buildings and where stormwater will exit the property. Stormwater cannot cause damage to any adjacent property. Drainage and erosion control features needed to prevent damage must be included.
 - f. Drainage facilities. Proposed drainage facilities, such as French drains or culverts, must be shown.
 - g. Retaining walls. Retaining wall details are required and must include drainage details. Note top- and bottom-of-wall elevations shall be shown at each location where the retaining wall steps up or down, and shall include the tallest point of the retaining wall.
- (5) Building elevations and proposed architectural detailing for all sides of the proposed structure(s), indicating type, size, and texture of all exterior materials, as well as building heights, setback lines, locations of exterior lighting fixtures and roof and building drainage system (i.e., gutters and downspouts).
- (6) Color chips and/or a materials board shall be required for all projects.
- (7) A landscaping plan pursuant to the Town of Minturn Landscape Standards shall be provided, if applicable.
- (8) Floor plans of all levels of any proposed structure(s) indicating the proposed uses and dimensions of all interior space shall be included. For additions to existing structures, floor plans must be provided for the existing building as well as all proposed additional floor area.
- (9) Reflected ceiling plans if applicable, showing exterior lighting (recessed or can lighting) within soffits.
- (10) Multi-family and commercial developments may require one (1) or more of the following: a three-dimensional model of the proposed project and adjacent buildings to scale; a three-dimensional architectural model including adjacent structures; and a two-dimensional photo illustration of the proposed building in relation to adjacent structures.
- (11) Property corners shall be staked and remain in place throughout the public hearing process.
- (12) Such additional information as the Planning Department or Design Review Board may require.

(13) Water Service. Letter of Service from the Town for connection to the Town's water distribution system pursuant to Section 13-2-10(c).

(d) Administrative procedure.

- (1) Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in this Chapter.
- (2) Criteria and findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board (DRB), shall consider the following factors with respect to the proposal:
 - a. The proposal's adherence to the Town's zoning regulations.
 - b. The proposal's adherence to the applicable goals and objectives of the Community Plan.
 - c. The proposal's adherence to the Town of Minturn Design Standards and Guidelines.
- (3) Necessary findings. The Design Review Board shall make the following findings before approving a Design Review application:
 - a. That the proposal is in conformance with the Town zoning regulations.
 - b. That the proposal helps achieve the goals and objectives of the Community Plan.
 - c. That the proposal complies with the Town of Minturn Design Standards and Guidelines.
- (4) Conditions of approval. The following conditions shall apply to all projects approved by the Design Review Board:
 - a. No changes to an approved plan or design may be made without the written consent of the Town staff. Town staff reserves the right to forward any change to the Design Review Board for final approval.
 - b. Design Review Board approval does not constitute a permit for building.
 - c. Design Review Board approval shall not become valid for twenty (20) days following the date of approval, pursuant to Section 16-21-110(b)(3) and Section 16-21-700.
 - d. Approval of this project shall lapse and become void one (1) year following the date of final approval unless a building permit is issued and construction is commenced and is diligently pursued toward completion. A maximum of one (1) one-year extension may be granted at the request of an applicant.

(e) Construction process.

- (1) Building permit required. Once an application has been approved by the Design Review Board, the applicant may apply for a building permit. A building permit shall be submitted in substantial compliance with plans approved by the Planning Commission and shall be reviewed by the Building Official for compliance with all applicable codes and laws enforceable by the Town of Minturn.
- (2) Pre-construction meeting and inspection required. Once a building permit has been issued, and prior to any construction activity being authorized on the subject property, a pre-construction meeting is required to be held at the subject property. The purpose of the pre-construction meeting is for the contractor (General Contractor and/or Owner's Representative of record with the Town) to familiarize themselves with the Town's construction regulations, inspection process, and requirements. This is also a time for Town staff to inspect the pre-construction conditions of the subject property and to verify limits of disturbance along with any required erosion control measures.
- (3) Foundation inspection required. After any foundation has been poured and foundation work has been completed, and prior to scheduling a foundation inspection, an Improvement Location Certificate (ILC) verifying the location of the foundation must be submitted to the Building Official. Construction may

not proceed until the location of the approved foundation has been verified by the Building Official as part of the foundation inspection.

- (4) Framing inspection required. After the framing of the structure(s) has been completed, and prior to scheduling a framing inspection, an Improvement Location Certificate (ILC) verifying the location of all roof ridge height(s) and locations of all exterior walls of the structure relative to required setbacks and property boundaries must be submitted to the Building Official. Construction may not proceed until the location and the extents of the structure(s) have been verified by the Building Official as part of the framing inspection.
- (5) TCO inspection required. At the completion of the project, a Temporary Certificate of Occupancy (TCO) inspection shall be required. An updated Improvement Location Certificate showing all new improvements on the site, shall be submitted to the Building Official prior to scheduling a TCO inspection.
- (6) CO inspection required. The final step in the construction and inspection process is the final Certificate of Occupancy inspection.

(Ord. 2-2012 §1; Ord. 4-2023 §2)

...

Sec. 17-1-110. Water service connection – general applicability.

No person may submit an application pursuant to this Chapter without first having obtained a Letter of Service from the Town for connection to the Town's water distribution system pursuant to Section 13-2-10(c).



To: Town Council
From: Madison Harris
Date: February 27, 2025
Agenda Item: Ordinance 04 - Series 2025 (First Reading) An Ordinance Amending Chapter 13, 16, and 17 of the MMC to Incorporate into the Code Existing Restrictions on Connections to the Town's Water System Based on Limitations of Available Legal and Physical Water Supply

REQUEST:

Council to approve on first reading Ordinance 04 - Series 2025 amending Chapter 13, 16, and 17 of the MMC to incorporate into the Code existing restrictions on connections to the Town's water system based on limitations of available legal and physical water supply .

INTRODUCTION:

Per the Town Attorney's direction explained in the attached memo, this ordinance is essentially codifying the existing water moratorium (Ord. 02 - Series 2023).

ANALYSIS:

The Planning Commission reviewed the ordinance at their regular meeting on February 26, 2025. They forwarded a recommendation of approval to the Town Council with no recommended changes.

COMMUNITY INPUT:

No members of the public spoke at the hearing. Public notice was provided in accordance with the Minturn Municipal Code as a matter of posting of the official agenda and packet materials for public review prior to the hearing, and following Section 16-21-610 Public notice.

BUDGET / STAFF IMPACT: TBD

STRATEGIC PLAN ALIGNMENT:

The comprehensive review of the Town's regulations and processes aligns with the following key values:

- Transparency
- Collaboration
- Resourcefulness

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Vail Daily (Eagle Valley Enterprise Alternative)** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(970) 949-0555**.

Notice ID: viaoXmCAu6a5MN2s8KMA | **Proof Updated: Mar. 07, 2025 at 09:41am MST**
 Notice Name: 8CD07 ORDINANCE NO. 04 – SERIES 2025

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
TOWN OF MINTURN treasurer@minturn.org (970) 827-5645	Vail Daily (Eagle Valley Enterprise Alternative)

Columns Wide:	1	Ad Class: Legals
Total Column Inches:	2.58	
Number of Lines:	31	

03/11/2025: Other	15.81
Affidavit Fee	10.00

Subtotal	\$25.81
Tax	\$0.00
Processing Fee	\$2.58
Total	\$28.39

TOWN OF MINTURN, COLORADO ORDINANCE NO. 04 – SERIES 2025
 AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTERS 13, 16, AND 17 OF THE MINTURN MUNICIPAL CODE TO INCORPORATE INTO THE CODE EXISTING RESTRICTIONS ON CONNECTIONS TO THE TOWN'S WATER SYSTEM BASED ON LIMITATIONS OF AVAILABLE LEGAL AND PHYSICAL WATER SUPPLY

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 5th DAY OF MARCH 2025. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 19th DAY OF MARCH 2025 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO
 Earle Bidez, Mayor
 ATTEST:
 By:
 Jay Brunvand, Town Clerk

PUBLISHED IN THE VAIL DAILY ON TUESDAY, MARCH 11, 2025.

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Vail Daily (Eagle Valley Enterprise Alternative)** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(970) 949-0555**.

Notice ID: 1MNBvV6iZy8jWPvxMxeN | **Proof Updated: Mar. 21, 2025 at 11:59am MDT**
 Notice Name: 8CD06 - Ord No 04-Series 2025

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
TOWN OF MINTURN	Vail Daily (Eagle Valley Enterprise
treasurer@minturn.org	Alternative)
(970) 827-5645	

Columns Wide:	1	Ad Class: Legals
Total Column	2.25	
Inches:		
Number of	27	
Lines:		

03/24/2025: Other	13.77
Affidavit Fee	10.00

Subtotal	\$23.77
Tax	\$0.00
Processing Fee	\$2.38
Total	\$26.15

TOWN OF MINTURN, COLORADO ORDINANCE NO. 04 – SERIES 2025

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTERS 13, 16, AND 17 OF THE MINTURN MUNICIPAL CODE TO INCORPORATE INTO THE CODE EXISTING RESTRICTIONS ON CONNECTIONS TO THE TOWN'S WATER SYSTEM BASED ON LIMITATIONS OF AVAILABLE LEGAL AND PHYSICAL WATER SUPPLY

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 19th DAY OF MARCH 2025.

TOWN OF MINTURN, COLORADO
 Earle Bidez, Mayor
 ATTEST:
 By:
 Jay Brunvand, Town Clerk

PUBLISHED IN THE VAIL DAILY ON MONDAY, MARCH 24, 2025.