

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 05 – SERIES 2020**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO ENACTING A MORATORIUM ON THE
ALLOCATION OF WATER TAPS FOR NEW BUILD
CONSTRUCTION PROJECTS REQUIRING MORE
THAN THREE SINGLE FAMILY EQUIVALENT UNITS.**

WHEREAS, the Town of Minturn (“Town”) is a legal and political subdivision of the State of Colorado for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, new construction projects and projects increasing the footprint or the area of an existing structure proposed to be undertaken within the Town are subject to a water service application review pursuant to Section 13-2-10 et.seq. of the Minturn Municipal Code (“Code”) and to pay a water system improvement fee in order to connect to the Town’s water system; and

WHEREAS, the Town Council approved Resolution 40 – Series 2019 A Resolution to approve a Capital Improvements Plan (CIP) for the Minturn Water Plant and system within the Town of Minturn to address water system capacity issues; and

WHEREAS, the 2019 Water System CIP Table 3 Development Summary acknowledges approximately 70 remaining water taps, or Single-Family Equivalent (“SFE”) units for use within the Town of Minturn with the current water infrastructure and single water source utilized; and

WHEREAS, the 2019 Water System CIP Table 3 Development Summary acknowledges the approximately 70 remaining taps are in addition to the already allocated 120 remaining taps to be designated for the Eagle County School District Maloit Park area as outlined in Ordinances 1-4, Series 2011; and

WHEREAS, Resolution 40 – Series 2019, Section 1 acknowledges the adoption of “Option 2” by the Minturn Town Council to implement water system capital improvements that will support the growth scenario of an additional 330 SFEs; and

WHEREAS, Ordinance 11 – Series 2019 An Ordinance adopting the fee schedule for fiscal year 2020, adopted the water utilities fee schedule based on the Option 2 growth scenario water rate modeling conducted by Ehlers Municipal Financial; and

WHEREAS, in recognition of the capacity issues associated with the Town’s water system, Council passed Resolution 22 – Series 2019 limiting new water uses to meet water rights dedication requirements by paying a cash in lieu of fee.

WHEREAS, Minturn Crossing LLC (the “Applicant”) conducted pre-application meetings for the Minturn Crossing Conceptual Development Plan for Planned Unit Development with the Town on September 4, 2019 and October 24, 2019; and

WHEREAS, the Applicant submitted a Conceptual Development Plan for PUD application (the "Concept Plan") to the Town on November 18, 2019; and

WHEREAS, the Applicant participated in required public conceptual plan review meetings during regularly scheduled Minturn Planning Commission meetings on the following dates: December 11, 2019 and January 8, 2020 and received approval; and

WHEREAS, the Applicant participated in a voluntary public conceptual plan review meeting at a regularly scheduled Minturn Town Council meeting held on December 18, 2019 and received conceptual level support; and

WHEREAS, at its regularly scheduled meeting of January 8, 2020, the Minturn Planning Commission voted unanimously to recommend to the Town of Minturn Planning Director that the Conceptual Plan met the standards for a Conceptual Development Plan for PUD pursuant to the Code, and that the Applicant should proceed to Preliminary Plan for PUD application; and

WHEREAS, the Town received an application (the "Application") for the Minturn Crossing Preliminary Plan for PUD (the "PUD") on March 13, 2020; and

WHEREAS, the Code requires the Town to determine completeness of the Application within ten (10) business days following receipt of a land use application; and

WHEREAS, the Application is for a residential PUD in general conformance with the Concept Plan and proposes up to 162 SFEs or a total buildout of 184 single-family, duplex, and multi-family dwelling units to be constructed in multiple phases, with the first phase to consist of a maximum of 70 dwelling units or SFEs; and

WHEREAS, based upon water system capacity, the water necessary to serve the first phase of the PUD is currently available; and

WHEREAS, should the Application be approved by the Town Council following the processes for review and approval of Preliminary Plan for Planned Unit Development outlined within the Code, the Town may enter into an Agreement with the Applicant that commits the Town water system to serve the first phase of the PUD up to 70 SFEs in exchange for the pre-payment of water system improvement fees by the Applicant; and

WHEREAS, the pre-paid water system improvement fees shall be used in accordance with the provisions of Resolution 40 – Series 2019; and

WHEREAS, due to water system limitations, the Town lacks the water system capacity to serve additional multiple SFE development projects until such time that capital improvements are completed and the Town of Minturn in conjunction with its water consultants determine quantifiable increases in water capacity and ability to serve new building construction projects; and

WHEREAS, Minturn desires that landowners and developers understand that they may

process land use development applications during the term of this moratorium so that development can occur as soon as sufficient water capacity exists to serve new multi-SFE projects; and

WHEREAS, municipalities have the authority to enact moratoria in order to preserve the status quo and promote orderly development so long as it is not contrary to a statewide regulatory scheme or policy; and

WHEREAS, the Town Council hereby finds and determines that a moratorium on the issuance of water taps for new projects requiring more than 3 SFEs after April 8, 2020 preserves the status quo in such a manner as to promote orderly development within the Town and is not contrary to any statewide regulatory schemes or policies, and furthermore provides sufficient assurance as to the availability of water taps for a pending application while protecting the Town's ability to adequately serve existing utility customers, thereby protecting the Town's water infrastructure and water source.

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

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

SECTION 2. A moratorium commencing on April 8, 2020 is hereby imposed on the acceptance and processing by the Town of land use development applications submitted pursuant to Minturn Municipal Code Chapter 16 for new construction projects within the Town's water service area that will require more than three (3) new Single Family Equivalents, as defined in Minturn Municipal Code Chapter 13, Article 1, unless the applicant signs an agreement with the Town acknowledging that physical water service for the proposed development may not be available in sufficient quantity to serve all lots or development proposed in the application and that the Applicant assumes such risk.

SECTION 3. The acceptance of applications for connection to the Town's water system as provided in Section 13-2-10 et. seq. is limited to no more than three SFEs for new water use for an entire property or collection of adjoining properties as legally configured on the date of this Ordinance that are owned by the same or related owners. This limitation may be modified on a case-by-case basis by the Town Council based upon a specific application.

SECTION 4: Until such time as this moratorium is lifted by Council, the terms of Section 3 in Resolution 22 – Series 2019 are hereby amended to state that "Cash in lieu fees may be approved by Town staff for new water use that does not exceed three SFEs for an entire property or collection of adjoining properties owned by the same or related owners."

SECTION 5: This Ordinance shall be reviewed by Council every twelve months and may be continued (including continued with modifications) for an additional twelve month period by a majority vote.

SECTION 6: If any section, subsection, clause, phrase, or provision of this ordinance, or the application thereof to any person or circumstance shall to any extent be held by a court of

competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

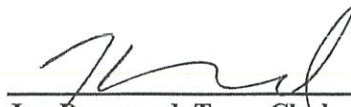
INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 15th DAY OF APRIL, 2020. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 6TH DAY OF MAY, 2020 AT 6:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO



John Widerman IV, Mayor

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 WEB SITE THIS 6TH DAY OF MAY, 2020.

TOWN OF MINTURN, COLORADO



John Widerman IV, Mayor

ATTEST:

By: 

Jay Brunvand, Town Clerk



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Order Stop Date 04/18/2020

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Position CMN Legal

Products 8INTA/8VD

TOWN OF MINTURN, COLORADO ORDINANCE
NO. 05 - SERIES 2020

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO ENACTING A MORATORIUM ON THE
ALLOCATION OF WATER TAPS FOR NEW BUILD
CONSTRUCTION PROJECTS REQUIRING MORE
THAN THREE SINGLE FAMILY EQUIVALENT
UNITS.

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OF APRIL 2020. 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 6TH
DAY OF MAY 2020 AT 6:30pm AT THE MINTURN
TOWN HALL 302 PINE STREET, MINTURN
COLORADO 81645.

TOWN OF MINTURN, COLORADO

John Widerman IV, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 04 - SERIES 2020

AN ORDINANCE FOR THE REGULATION OF
TRAFFIC BY THE TOWN OF MINTURN,
COLORADO; ADOPTING BY REFERENCE THE
2020 EDITION OF THE "MODEL TRAFFIC CODE"
REPEALING ALL ORDINANCES IN CONFLICT
THEREWITH; AND PROVIDING PENALTIES FOR
VIOLATION THEREOF

INTRODUCED, READ BY TITLE, APPROVED ON
THE FIRST READING AND ORDERED PUBLISH-
ED BY TITLE ONLY AND POSTED IN FULL ON
THE OFFICIAL TOWN WEBSITE THE 18th DAY
OF MARCH, 2020. 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 15th
DAY OF APRIL 2020 AT 6:30pm AT THE MINTURN
TOWN HALL 302 PINE STREET, MINTURN
COLORADO 81645.

TOWN OF MINTURN, COLORADO

John Widerman IV, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

Published in the Vail Daily on April 18, 2020.
000574188

Ad shown is not actual print size.

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF MINTURN, COLORADO, ADOPTING BY REFERENCE THE 2020 EDITION OF THE "MODEL TRAFFIC CODE" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF; AND FURTHER AMENDMENTS TO THE CODE RELATING TO THE OPERATION OF VEHICLES WITHIN THE TOWN.

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 WEB SITE THIS 6TH DAY OF MAY, 2020.

TOWN OF MINTURN, COLORADO

John Wideman IV, Mayor

ATTEST:

Jay Brumfield, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 47 - SERIES 2020

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO, AMENDING CHAPTERS 8 AND 16 OF THE MINTURN MUNICIPAL CODE FOR THE PURPOSE OF ADOPTING A DISCRETIONARY ZONING FOR AFFORDABLE HOUSING.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF MAY, 2020. 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 6TH DAY OF MAY, 2020 AT 6:30PM. AT THE MINTURN TOWN HALL, 1002 FINE STREET, MINTURN, COLORADO 81254.

TOWN OF MINTURN, COLORADO

John Wideman IV, Mayor

ATTEST:

Jay Brumfield, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 48 - SERIES 2020

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO, ENACTING A MORATORIUM ON THE ALLOCATION OF WATER TAPS FOR NEW SINGLE CONSTRUCTION PROJECTS REQUIRING MORE THAN THREE SINGLE FAMILY EQUIVALENT UNITS.

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 WEB SITE THIS 6TH DAY OF MAY, 2020.

TOWN OF MINTURN, COLORADO

John Wideman IV, Mayor

ATTEST:

Jay Brumfield, Town Clerk

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 48 - SERIES 2020

AN ORDINANCE AMENDING THE 2020 BUDGET AS SET FORTH IN THE BUDGETING EXHIBIT TO UNAPPROPRIATE GENERAL FUND REVENUES IN THE AMOUNT OF \$17,000 AND INCORPORATING GENERAL FUND EXPENDITURE