



**Wednesday, April 19, 2023
Regular Session – 5:30pm**

AGENDA

**Town Council Meeting Minturn Town Hall / Council Chambers
302 Pine St Minturn, CO**

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate. This agenda and meetings can be viewed at www.minturn.org.

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/86054628392>

Zoom Call-In Information: **1 651 372 8299 or 1 301 715 8592 Webinar ID: 860 5462 8392**

Please note: all virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER

2. ROLL CALL & PLEDGE OF ALLEGIANCE

3. APPROVAL OF CONSENT AGENDA Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.

3.1 April 5, 2023, Meeting Minutes Pg 4

4. APPROVAL OF REGULAR AGENDA Opportunity for amendment or deletions to the agenda.

5. DECLARATION OF CONFLICTS OF INTEREST

- 6. PUBLIC COMMENT** Citizens are invited to comment on any item on the Consent Agenda, or not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.

7. COUNCIL COMMENTS & COMMITTEE REPORTS

8. STAFF REPORTS

8.1 Manager Report Pg 12

- 9. SPECIAL PRESENTATIONS** Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.

- 10. BUSINESS ITEMS** Items and/or Public Hearings are listed under Business may be old or new and may require review or action by the Council.

10.1 Ordinance 04 - Series 2023 (Second Reading) an Ordinance amending Chapter 16 and Appendix B of the Minturn Municipal Code – Hunn Pg 13

10.2 Ordinance 05 - Series 2023 (First Reading) an Ordinance updating building codes and energy codes – Harris Pg 32

10.3 Ordinance 06 - Series 2023 (First Reading) an Ordinance amending snow storage requirements in Chapter 16 of the MMC - Harris Pg 85

11. DISCUSSION / DIRECTION ITEMS

12. FUTURE AGENDA ITEMS Pg 91

13. EXECUTIVE SESSION

13.1 An Executive Session for the purposes of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to C.R.S. 24-6-402(4)(e)

- Battle Mountain
- Belden Place

14. ADJOURN

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

- April 19, 2023
- May 3, 2023
- May 17, 2023
- June 7, 2023



**Wednesday, April 5, 2023
Regular Session – 5:30pm**

OFFICIAL MINUTES

**Town Council Meeting Minturn Town Hall / Council Chambers
302 Pine St Minturn, CO**

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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION

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Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 Webinar ID: 886 9638 1226

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PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER

Mayor Earle B. called the meeting to order at 5:34pm.

2. ROLL CALL & PLEDGE OF ALLEGIANCE

Those present included: Mayor Earle Bidez, Town Council members, Gusty Kanakis, Brian Rodine, Kate Schifani, and Tom Sullivan. Note: Terry Armistead and Lynn Feiger were excused absent.

Staff present: Attorney Richard Peterson-Cramer (zoom), Planner Scot Hunn, Town Manager Michelle Metteer, and Town Clerk/Treasurer Jay Brunvand (zoom).

3. **APPROVAL OF CONSENT AGENDA** Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.

3.1 March 15, 2023, Meeting Minutes

Motion by Gusty K., second by Kate S., to approve the Consent Agenda of April 5, 2023 as presented. Motion passed 5-0. Note: Terry Armistead and Lynn Feiger were excused absent.

4. **APPROVAL OF REGULAR AGENDA** Opportunity for amendment or deletions to the agenda.

Motion by Gusty K., second by Kate S., to approve the Agenda of April 5, 2023 as presented. Motion passed 5-0. Note: Terry Armistead and Lynn Feiger were excused absent.

5. **DECLARATION OF CONFLICTS OF INTEREST**

6. **PUBLIC COMMENT** Citizens are invited to comment on any item on the Consent Agenda, or not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.

Mr. Christian Neuswanger was present to state he was running for ERWSD Board of Directors in the May District Election.

7. **COUNCIL COMMENTS & COMMITTEE REPORTS**

Earle B. noted Colorado US Representative Joe Neguse will be in town and visiting the water plant on Friday at 4pm. Earle B. discussed a letter dated from Colorado US Senator Bennet and Colorado US Representative Neguse to the EPA regarding issues of opening the existing rail line in Eagle County to transport and noted it could be very dangerous in the event of a spill or derailment. He noted the 3/22 Transit Authority retreat. He conveyed the issues discussed and outcomes of the meeting. Earle B. also noted that if a council member is going to miss a meeting to please let Michelle M. know so that we ensure we have quorum.

8. **STAFF REPORTS**

8.1 Manager Report

Uinta Rail Line Opposition

Senator Bennett and Congressman Joe Neguse have reached out to the EPA requesting further review of the Uinta rail line request. Considerations regarding impacts to Colorado were not addressed in the original review. A copy of the press release as well as the letter sent to the EPA have been included with this manager update.

\$6M: Congressionally Directed Spending (CDS) Application – Main Street Sidewalks - Revised

Minturn recently applied for \$6M toward the completion of the Main Street Phase 2 sidewalks and Phase 3 design, engineering and construction. Phase 3 is expected to exceed \$6M in cost, and this will be an issue. For federal funding, the town must prove a “benefit-cost analysis” whereby showing the amount of money being spent is benefiting a large enough number of people to justify awarding a grant. Minturn is unable to prove a benefit-cost analysis given the small population being served by this connection. I therefore expect that any efforts to complete Phase 3 of the project will need to come from state and local funding (not federal).

Bellm Bridge Structural Engineering

Minturn/Inter-Mountain Engineering continue to work toward obtaining structural engineering plans for the repairs to Bellm Bridge. Finding an available firm for this work has been difficult and the cost is expected to well exceed \$20k. More to come.

Housing Now [SB23-213](#)

The Colorado Association of Ski Towns has been working with representatives from Senate offices as well as the Governor’s office for amendments to SB23-213. All indications point to this bill passing and local efforts are focusing how best to mold the change for mitigating impacts to municipalities. A few notes of importance:

- Most of this legislation will not directly affect Minturn. A critical exception to this is the elimination for restrictions on # of unrelated people living in a structure.
- This bill is precedent setting. Identifying housing as a “state-wide concern” opens the door for other areas where the state may begin to regulate local control. As a home-rule municipality, Minturn should consider this as a threat.

Colorado HB23-1255 Eliminating Restrictions on the Number of Building Permits Issued for Development

Like SB23-213, this legislation is a state mandate superseding local control by eliminating the ability for municipalities to limit new development. This has potential to effect Minturn. The current language in the legislation does not recognize water production as a limiting factor to development which *may* impact Minturn’s upcoming water treatment plant infrastructure discussion. Richard Peterson-Cremer will be proactively to submitting comments for amendment to the bill allowing for this limiting factor.

Climate Action Week

As a member of the Climate Action Collaborative, Minturn is supporting the upcoming Climate Action Week! Get involved and tell your friends. A poster of events is included with this update.

9. SPECIAL PRESENTATIONS Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.

- 9.1 2023 GoPro Mountain Games/Dual Slalom Race – Vail Valley Foundation; Peggy Wolfe (10 min)

Ms. Peggy Wolfe of the Vail Valley Foundation outlined the GoPro game schedule and dates. There will be plenty of bus service to accommodate visitors. The events will be June 8-10; Thursday and Friday will be the events and Saturday will be clinics on Saturday. She also discussed contingency plans for highwater, in the event of high water, some will be moved to the Eagle River in Minturn.

9.2 Eagle Valley Wildland Update – Hugh Fairfield-Smith (10 min)

Mr. Fairfield-Smith gave an update on the forest mitigation being done to help in the event of a wildland fire in the forest.

10. **BUSINESS ITEMS** Items and/or Public Hearings are listed under Business may be old or new and may require review or action by the Council.

10.1 146 North Main Street – The Saloon – Request for Exception from Sec. 16-17-110

Scot H. updated the Council is asked to review request by Los Amigos Property Company LLC, represented by Mr. Nick Brechtel, Pierce Austin Architects, for an exception from the Town's requirements for undergrounding of the electrical lines.

The Saloon has been under construction for several months, as the owners undertake extensive interior remodel and renovation work to the restaurant, including extensive upgrades to the kitchen, ventilation, and power supply. Much of this work relates to brining the building and restaurant space up to current building and fire code requirements.

The owner's representative, Mr. Brechtel, approached staff recently with a request, in conjunction and coordination with Xcel Energy, represented by Peter Kunz, with regard to necessary upgrades to existing power transmission lines, transformer(s) and service lines to serve the restaurant. Per the attached correspondence from Mr. Brechtel and Mr. Kunz, and pursuant to Section 16-17-110 – Underground utilities, of the Minturn Municipal Code cited below, the owners are requesting an exception from the Town's policy of requiring that new transmission lines and other above ground utilities and equipment be undergrounded as part of new development:

“Except as otherwise approved by the Town Council, all wires, cables or other equipment for the distribution of electric energy and telecommunications signals, with the exception of transformers, meters, junction boxes and similar equipment, shall be placed underground. Where developments are approved along or with crossing existing overhead power and communication facilities, energy and telecommunications may be obtained from these existing facilities. The service connections to these facilities shall be placed underground unless otherwise approved by the Town Council due to economic, engineering or aesthetic reasons. Utility easements and right-of-way shall be provided as part of the development.”

Staff has reviewed the applicable section of code and advises that while the intent of this regulation may be to ensure undergrounding of lines and other utilities/facilities as new projects are completed throughout the Town, staff also suggests that the language in this section is vague

and particularly problematic with regard to process (there is no process outlined for applying for or requesting an exception) and determining which projects or development are subject to the regulation and which are exempt (without the need to request an exemption from Council).

In this case, based on the language of Section 16-17-110, and based on the proposed electrical transmission line and service line upgrades and solutions outlined by Mr. Kunz (described below) in response to practical, engineering related difficulties associated with power upgrades at this location, staff supports the Applicant's request an exception.

Moving forward, staff will work to update and clarify the intents and requirements contained within Section 16-17-110 with regard to undergrounding of overhead lines and facilities.

Mr. Nick Brechtel, project architect, presented for the Saloon.

Mr. Peter Kunz, Xcel Energy, outlined the current status and how this would be modified but that it is very difficult and expensive. He outlined the proposed recommendation that would allow the poles to remain over the street, then transition to underground from the pole that is on-site.

Brian R. asked about the impact on the sidewalk. Michelle M. discussed this.

Motion by Kate S., second by Gusty K., to approve an exception an exception to the town's requirements for undergrounding of electrical lines as identified in MMC Section 16-17-110 as presented. Motion passed 5-0. Note: Terry Armistead and Lynn Feiger were excused absent.

Earle B. asked about the Saloon. Owner Connie Mazza stated they are looking at mid-July/August to re-open.

10.2 Resolution 14 - Series 2023 A Resolution supporting Ballot Issue A; Eagle River Fire Protection District

Chief Bauer was present to introduce and discuss. He stated that they have more work to cover in informing the community and asked this be pulled tonight and then would be reconsidered once the community outreach is completed.

Motion by Gusty K., second by Brian R., to table to a date uncertain Resolution 14 – 2023 a Resolution supporting Ballot Issue A, Eagle River Fire Protection District. Motion passed 5-0. Note: Terry Armistead and Lynn Feiger were excused absent.

10.3 Council Committee Appointments

- Minturn Fitness Center Board
- Northwest Colorado Council of Governments
- Eagle Valley Regional Transit Authority Alternate
- Climate Action Collaborative Alternate

Michelle M. reviewed this committee appointments with Council. She noted that the openings are

being considered due to a recent council appointment. Appointments were made and approved by consent of the Council.

10.4 Ordinance 04 - Series 2023 (First Reading) an Ordinance amending Chapter 16 and Appendix B of the Minturn Municipal Code

Scot H. presented request.

Review on first reading of an Ordinance amending Chapter 16, Zoning, of the Minturn Municipal Code.

At their regular meeting(s) of February 22, 2023 and March 8, 2023, the Town of Minturn Planning Commission reviewed, commented on, and recommended approval of the attached ordinance aimed at addressing numerous deficiencies, conflicts, and inefficiencies within Article 2, Definitions; Article 21, Administration and Procedures; and Appendix B, Minturn Design Standards and Guidelines, of Chapter 16, Zoning, of the Minturn Municipal Code.

Ultimately, the Commission voted 5-0 to recommend approval of Ordinance No. 4, Series 2023 as presented to Council under cover of this memo.

Ordinance No. 4, Series 2023 addresses several deficiencies of Articles 2 and 21 of Chapter 16 and is based on input from the Town Attorney, and the Planning Commission.

No members of the public spoke at the DRB 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.

Scot H. reviewed the Ordinance and discussed the recommendations.

Note: Terry A. arrived and assumed her seat at 6:45pm and remained for the balance of the meeting.

Public Hearing opened
No Public Comment
Public Hearing Closed

Motion by Tom S., second by Terry A., to approve Ordinance 04 – Series 2023 (First Reading) an Ordinance amending Chapter 16 and Appendix B of the Minturn Municipal Code as presented. Motion passed 6-0. Note: Lynn Feiger was excused absent.

11. DISCUSSION / DIRECTION ITEMS

11.1 Colorado Senate Bill 23-213 Regarding Housing – Metteer

Richard P-C, updated the council on this bill and how the provisions will affect municipalities. He noted 15 communities have been carved out that represent resort communities which have lots of jobs and job needs with limited housing. He stated the concept is to get people living closer to their

job site, something that isn't workable in resort communities. Items included in the bill such as ADU's as a use by right and affordable deed restrictions would negatively affect neighborhoods. Again, items that are not conducive to resort areas where key corridor lots could construct 2-6 units on a lot. Other items remove restrictions on unit occupancy. In essence this would eliminate occupancy and would cause a health and safety issue.

Discussion ensued as to how this bill would be very devastating and counter productive to resort communities. Minturn staff does receive calls on excessive occupancy due to the health and safety, parking, and other negative aspects. It was noted housing needs to be addressed but does not seem to be properly vetted out and will cause more issues than it would ever solve. It was noted that Minturn does not have the water to support this occupancy influx.

The biggest concern is that this bill removes local governance and allows the state to override at the state level. Minturn's limited water rights was discussed as how this would allow the state to override local decisions made due based on the town's diminished water, water rights, and water systems.

It was noted this is an assault by the state to limit Home Rule, overrides limited water, land use, and infrastructure concerns at the local level, and removes local governance by allowing the state to override local restrictions and controls.

Brian R. recognized the housing issue and the intent of the bill. Discussion ensued that although the intent was understood it is so all encompassing at such a high state level that it misses the nuances in resort areas and overrides local control and limited physical resources with state mandates.

12. FUTURE AGENDA ITEMS

Michelle M. noted the code updates at the 4/19 meeting.

Michelle M. noted how well the key fob system is working at the Minturn Fitness Center. She is looking to discuss the capital reserves at the MFC. She asked for \$2k from the budgeted \$5k MFC allowance to be used for this purpose. She noted 2022-23 MFC fiscal year is the first year where the MFC has operated in the black. Michelle's intent is to direct those available funds to maintenance and improvement needs at the MFC.

13. EXECUTIVE SESSION

13.1 An Executive Session for the purposes of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to C.R.S. 24-6-402(4)(e)

- Battle Mountain
- Belden Place
- Confluence Parcel
- HCE Avon to Gilman Transmission Line

Motion by Terry A., second by Kate S. to convene in Executive Session for the purposes of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to C.R.S. 24-6-402(4)(e). Motion passed 6-0. Note: Lynn Feiger was excused absent.

- Battle Mountain
- Belden Place
- Confluence Parcel
- HCE Avon to Gilman Transmission Line

No decisions were given as a result of this Executive Session.

14. ADJOURN

Motion by Kate S, second by Terry A., to adjourn at 9:15pm

INFORMATIONAL ONLY ITEMS

Upcoming Council Meetings:

- April 19, 2023
- May 3, 2023
- May 17, 2023

To: Minturn Town Council
From: Michelle Metteer
Date: April 5, 2023
RE: Town Manager Update



Uinta Rail Line / Moffat Tunnel Discussion

Minturn has a zoom call scheduled with Kate McIntire for Tuesday, April 18th. This call will center around the current Union Pacific negotiations for the lease on the Moffat Tunnel line. There may be an opportunity to discuss how this line may relate to the Uintah Basin project as well as potential long term impacts to the Tennessee Pass line. Expect and update during Council comments.

Dowd Junction – State Land Board Housing Initiative

I participated in a meeting last week convening the up-valley municipalities, Eagle Vail, State Land Board and the Lindholm group. The discussion centered on the State Land Parcel in Eagle Vail and the potential for community housing in this area. One action step will be moving the current CDOT housing units on the site as well as the CDOT maintenance facility. It is important to keep the CDOT maintenance facility regionally positioned. If CDOT cannot find a location in the up-valley area the facility will be moved to Gypsum or Silverthorne which will slow down response times for snow removal in the Minturn area. One concept being discussed is the Vail Boneyard, located in Eagle County at the north end of Minturn.

Regional Housing – Vail Valley Foundation Efforts

Minturn continues to participate in the regional housing discussions being hosted by the Vail Valley Foundation. Most of the housing projects are being developed in Gypsum, which leaves a gap in up-valley local's housing options. Consideration surrounding the formation of a regional housing authority has begun.

Minturn Municipal Code – Cash in Lieu & ADU TAP Fees

Staff has come across some discrepancies in the MMC and 2023 Fee Schedule as they relate to ADU TAP allocations and Cash in Lieu (CIL) fees. Namely, the CIL fees were accidentally amended at the same rate as TAP and SIF fees. This is not accurate as the CIL fees address a different aspect of the water system. The CIL fee should be decreased to an amount 6% over the 2022 rate. This will come before Council in the coming months.

Secondly, the ADU section of the code does not allow for assessing anything more than a .5 SFE. There is interest from staff for the Council to allow the assessing of up to 1 SFE. ADUs in the Game Creek character area can be up to 1200 sf. Additional items to consider are the assessment of only .5 SFE with a deed restriction for local's only housing. More to come.

Minturn Water Infrastructure Discussion

A water infrastructure discussion is scheduled for May 3, 2023, during the town council meeting. This discussion will have impacts on Minturn's water future and corresponding utility bills. All Minturn residents and business owners are encouraged to attend and learn more about the system moving forward and how upgrades will impact water rates. Council – please start spreading the word to anyone who may be interested. Thank you!

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 4 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 16 OF THE MINTURN
MUNICIPAL CODE

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, the Town of Minturn 2023-2025 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

WHEREAS, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “Keep Minturn, Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

WHEREAS, the Strategic Plan contains specific strategies in support of proposed amendments to Chapter 16, Zoning, Appendix B, Town of Minturn Design Guidelines and Standards, such as “Sustain and Invest in the Things That Define Minturn as a Proud, Sturdy Mountain Town to “Keep Minturn, Minturn,” “Implement methods to recognize historic structures,” “Enforce ordinances aimed at maintaining the health, safety, welfare and aesthetic of the town – snow, trash, nuisance abatement and zoning/land use,” and

WHEREAS, in 2023, the Town completed a comprehensive update to the 2009 Community Plan (hereinafter “the 2023 Town of Minturn Community Plan”); and

WHEREAS, a key objective of the 2023 Town of Minturn Community Plan is to review and update the Town’s zoning, land use, development and design regulations and standards; and

WHEREAS, Town Council has directed staff to draft text amendments to Chapter 16 of the Minturn Municipal Code, the Town Land Use Regulations, from time to time, in accordance with the Town’s Strategic Plan and the 2023 Minturn Community Plan; and

WHEREAS, on February 22 and March 8, 2023, the Minturn Planning Commission considered this ordinance; and

WHEREAS, on March 8, 2023, the Minturn Planning Commission recommended approval of this ordinance; and

WHEREAS, on April 5, 2023, the Minturn Town Council approved this ordinance on first reading; and

WHEREAS, the Minturn Planning Commission and Town Council have determined that the text amendments to Chapter 16 of the Minturn Municipal Code as provided herein are necessary and proper.

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. Chapter 16 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and language to be deleted shown as ~~strike through~~ text. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

ARTICLE 2 - Definitions, Illustrations and Lot Standards

* * *

Sec. 16-2-20. - Definitions.

Building height or height of building means the maximum vertical (plumb) distance measured at any point along the perimeter of the structure from the finished, ~~or natural~~, or established grade (whichever is more restrictive) and a point on the roof depending on the roof type. No portion of any structure included in building height measurements where height is measured to a mean or mid-point shall exceed the applicable building height limitation contained in this Code. (See Illustration No. 16-2.)

Grade, established means the grade of a previously disturbed property prior to the most recent proposed development or construction activity. On developed lots, the established grade is established by extrapolating and referencing elevations at points where the previously disturbed and/or developed area appears to meet the undeveloped portions of the lot. Such extrapolation and reference may occur at the property boundary if the lot is previously disturbed or developed to the furthest extent of the lot.

Grade, finished means the final elevation of the ground surface of a site after human-made alterations, such as grading, grubbing, cutting, filling, or excavating, have been made on the ground surface; the grade of a site after reconfiguring grades according to an approved site plan.

Grade, natural means the elevation of the surface of the ground which has been created through the action of natural forces and has not resulted from humanmade cuts, fills, excavation grading or similar earthmoving processes, or, the ground surface elevation in existence prior to the initiation of development on a parcel of land.

Ordinary high water mark means that line on the bank established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding areas. ~~The ordinary high water mark shall be determined by a qualified and licensed professional chosen by the Town and paid for by the project applicant.~~

* * *

Sec. 16-2-50 – Specific lot requirements and dimensional standards

(b) Live stream setback. A strip of land measured horizontally from the ordinary high water mark on each side of any live stream, river, or creek shall be protected in its natural state free from human made structures or other improvements and appurtenances, and vegetated with natural riparian vegetation. If necessary to protect the live stream, river or creek, additional setback distances may be required by the Planning Commission. The following exceptions may be considered by the Planning Commission and/or the Town Council on a case-by-case basis:

(1) Underground utilities may be located in the live stream river or creek setback; provided, however, that there is no practical alternative location for such utilities, and that plans and/or reports related to proposed disturbance within the setback area are prepared by qualified professionals showing limits of disturbance, erosion control measures and revegetation are approved by the Town Council.

(2) Roof overhangs may project a maximum of eighteen (18) inches into the live stream setback if the Planning Commission determines that such encroachments do not detrimentally impact the proper, natural functioning of the protected live stream setback area.

(c) The ordinary high water mark shall be identified by a ~~licensed~~ professional land surveyor licensed in the State of Colorado on all applicable surveys, plats and plans required under this [Chapter 16](#).

* * *

Sec. 16-21-460. - Action by Planning Commission.

For each application heard by the Planning Commission, the Planning Commission shall forward within thirty (30) calendar days after the public hearing one (1) of the following recommendations to the Town Council; ~~or it may table an application for a maximum of forty (40) calendar days to receive additional information. No public hearing shall continue for more than forty (40) calendar days from the date of commencement without the written consent of the applicant.~~

- (1) Recommend approval of the application as submitted or with certain conditions as stated; or
- (2) Recommend denial of the application with all reasons clearly stated.

~~(Prior code 16-21-8)~~

Alternatively, the Planning Commission may grant conceptual approval to applicants who in a general fashion appear to meet design and other regulations of the Town but submit applications inadequate to warrant final approval. Conceptual approvals are also appropriate where a complete application has not been submitted, or where an applicant wishes to obtain a preliminary review of a sketch plan. A conceptual approval shall not be deemed a final approval of an application; conceptual approval does not constitute a determination by the DRB that an application conforms to design or other regulations; and a conceptual approval shall not bind the DRB to grant final approval to a completed or final application.

Notwithstanding one of the previous actions, the Planning Commission may table an application for a maximum of forty (40) calendar days to receive additional information. No public hearing shall continue for more than forty (40) calendar days from the date of commencement without the written consent of the applicant.

* * *

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.
- (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 ~~Board of Trustees~~ 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 ~~five [5] years~~ 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 (.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 100-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.
Setback lines.
 - b. Existing and proposed easements.
 - c. Existing and proposed buildings, including sheds and enclosures. Include decks, patios, and balconies. Indicate the building ~~face (exterior finish)~~ footprint and the outside face of exterior walls, inclusive of all cantilevered elements of the building, with a ~~dashed~~ solid line and the roof/eave edge with a ~~solid~~ dashed line. ~~All cantilevered portions of the building must also be shown with a solid line.~~
 - d. Height elevations of all roof ridgelines and/or the top of all flat roof elements, as well as and the mid-point of all sloped roof gables elements.
 - e. Driveways and parking areas. Indicate finished surface, heated or unheated, grade, percent slope, dimensions, turning radii and spot elevations at the property line.
 - f. Identify all slopes between thirty percent (30%) and forty percent (40%), as well as any slopes in excess of forty (40%) percent.
 - ~~g. Identify slopes greater than forty percent (40%).~~
 - hg. Existing and proposed retaining walls (including materials) and spot elevations.
 - ih. Existing and proposed fences (including height and materials).
 - ji. Waterbodies, ~~and~~ 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.

- kj. Snow storage areas denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.
 - k. ~~Landscaped areas.~~
 - k. 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 areas. 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 of for all sides of the proposed structure(s), indicating type, size, and texture ~~and color~~ 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. including existing and proposed vegetation. ~~The plan should indicate the quantity, type and size of the proposed vegetation. For projects less than two hundred fifty (250) square feet, a landscaping plan is required for the disturbed area of the property only.~~

- (8) Floor plans of all levels of any the proposed structure(s) that indicate 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.
- (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. ~~Please consult the Building Department for the applicable submittal requirements.~~ 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 ~~Foundation Location Certificate~~ Improvement Location Certificate (ILC) verifying the location of the foundation must be submitted to the Building Official after the building foundation has been poured. Construction may not proceed until the location of the approved foundation has been verified by the Building Official as part of the foundation inspection.
- (3) 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) ~~is required for verifying location of the location of all roof ridge height(s) and to ensure that no locations of all exterior walls of the structure relative to required setbacks encroachments exist on the~~ 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. The framing inspection will not be approved until this survey has been approved by the Building Official.~~

- (4) 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.
- (5) CO inspection required. The final step in the construction and inspection process is the final Certificate of Occupancy inspection.

(Ord. 2-2012 §1)

* * *

APPENDIX B - Design Standards and Guidelines

* * *

Chapter II General Design Standards

* * *

~~A. DESIGN REVIEW BOARD~~

~~The Design Review Board (DRB) is established by the Town Council and consists of seven (7) members. The Town Council delegates its powers and duties to administer these standards and guidelines to the DRB.~~

Membership

~~Members of the Planning Commission shall serve ex officio as members of the DRB. The terms of the membership shall be identical to their terms on Planning Commission, and removal from one board shall constitute removal from the other. Members of the DRB serve at the pleasure of the Town Council, and DRB members shall hold no other municipal office except as provided above. Members may be removed by the Town Council for inefficiency, neglect of duty, failure to attend meetings or malfeasance in office. A notification of removal shall state the reasons for such removal.~~

Organization and Operation

~~The DRB shall elect a chairman and vice chairman from its members and fill such other offices as it may determine. Such officers shall not necessarily be the same officers as the Planning Commission. The term of chairman and vice chairman shall be one (1) year with eligibility for reelection. The chairman, or in his absence, the vice chairman, shall preside over the DRB meetings. The DRB shall meet at the call of the chairman and it shall meet as often as it is necessary to carry out the tasks of the Board. Not more than thirty (30) days should pass between~~

~~the time a complete application is made and the DRB takes action upon that application. Rules for transaction of business, including the requirement of fees, shall be adopted by the DRB and a record shall be kept of deliberations, findings and decisions. This record shall be kept in the office of the Town Clerk. A majority of the members of the Board shall constitute a quorum for the transaction of business.~~

~~The Town staff will review the application to determine compliance with the submittal of required information. Minor design review applications may be reviewed and approved by the Town staff. Denials issued by the Town staff may be appealed to the DRB.~~

Board Procedure

~~The Town staff will forward applications (other than minor design applications), and recommendations, to the DRB.~~

~~The DRB shall review the application and supporting material submitted by the applicant, as well as the staff recommendation. After review, the DRB, through a formal motion, seconded and passed by a majority of the members present, shall take one of the following courses of action:~~

~~1. Table the application. The application may be tabled for a period not to exceed thirty (30) days if the application is incomplete or if the DRB determines that changes are required to bring the application into compliance with design standards and guidelines or other regulations of the Town. The Board may specify additional requirements for the applicant is to bring to the future meeting. These requirements may include additional information necessary to determine whether the application complies with all zoning, building, design codes adopted by the Town, and may include plans, reports, surveys or other documents completed by registered architects, surveyors, engineers or other professionals in order to indicate conformance with such codes. The DRB may also table the application if it determines that changes in the application are required which would bring the proposed project into compliance with zoning, building, design codes, and other regulations of the Town.~~

~~2. Conceptual/Preliminary approval. The DRB may grant conceptual approval to applicants who in a general fashion appear to meet design and other regulations of the Town but submit applications inadequate to warrant final approval. Conceptual approvals are also appropriate where a complete application has not been submitted, or where an applicant wishes to obtain a preliminary review of a sketch plan. A conceptual approval does not deem final approval of an application, nor does it deem that an application conforms to design or other regulations, nor shall it bind the DRB to grant final approval to a completed or final application.~~

~~3. Disapproval of application. If an application is found to conflict with the purposes and/or any one (1) or more of the design guidelines, codes or any other regulations of the Town, the DRB shall disapprove the application. Any disapproval shall be in writing and shall specifically describe the reasons upon which the disapproval is based.~~

~~4. Approval of application. If the application is complete and is found to comply with the design standards and guidelines, codes and other regulations of the Town, the DRB shall approve the project. The DRB shall keep a record of all such approvals, and the applicant should keep a copy of the approval. The DRB may approve an application with conditions or modifications. The DRB shall not approve an application that does not meet the requirements of the Town or any other provision required to ensure compliance with the design standards and guidelines, codes and other regulations of the Town.~~

~~5. If a motion for approval, for conceptual approval or to table an application results in a tie vote, the motion will fail.~~

~~* * *~~

~~B. SUBMITTAL INFORMATION~~

~~The request for design review requires the submittal of the following information:~~

- ~~1. An application form (available at the Town of Minturn offices);~~
- ~~2. An Improvement Location Certificate or Survey (ILC or ILS), as appropriate;~~
- ~~3. A second framing and foundation ILC will be submitted with all the planning requirements such as height, location of building, square footage of building and setbacks. A Certificate of Occupancy is issued after the second ILC is approved and after it has been determined the builder has met all the zoning requirements. The building, foundation location, building height, setbacks, driveway access, topographic and finished grade and utility easements information would be shown on the final ILC.~~
- ~~4. A scaled site plan showing the subject property and the proposed layout of the development. This site plan shall include the development within the context of existing conditions, including but not limited to topography, delineation of water bodies, adjacent development, sidewalks, utility locations and easements of record;~~
- ~~5. Elevations of the proposed structure(s), as may be required;~~
- ~~6. Architecture details, including window and door detail;~~
- ~~7. A landscape plan, including snow storage areas, as may be required;~~
- ~~8. A parking plan; and~~
- ~~9. A three dimensional mass model, to scale, for multi family and/or commercial development may be required; a three dimensional architectural model including adjacent structures may be requested.~~

~~* * *~~

~~C. A. - REVIEW CRITERIA~~

~~* * *~~

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 APRIL 2023. 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 APRIL 2023 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



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 APRIL 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Minturn Planning Department
Minturn Town Center
302 Pine Street
Minturn, Colorado 81645



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Elliot Hovey
Sage Pierson
Tom Priest

To: Planning Commission
From: Scot Hunn, Planning Director
Date: February 16, 2023
Re: Ordinance No. TBD, Series 2023

The attached ordinance contains several amendments and updates to certain sections of Chapter 16, Zoning, of the Minturn Municipal Code. This ordinance is being presented to the Minturn Planning Commission for review and comment prior to presenting the same to the Minturn Town Council for approval.

The proposed amendments to Chapter 16 are targeted at several aspects of the Town’s design review procedures and application submittal requirements - what gets submitted to the Town for new applications requiring Design Review Board review and approval; how the DRB conducts its review; and what actions the DRB can take, including recommendations for approval or denial to the Town Council, or the granting of a conceptual approvals.

Additionally, staff is proposing long overdue yet relatively minor revisions and clarifications to certain definitions specifically related to the Town’s building height definition (inclusive of methods of for calculation), grade (existing, natural, or established grade around a structure) and ordinary high water mark. In all cases of proposed changes to definitions, staff is attempting to clarify intent as well as language to aid in interpretation and to reduce confusion or potential legal challenges in the future.

Briefly, the following amendments are proposed:

1. Section 16-2-20 - Definitions:

Changes to Article 2, *Definitions* include revisions to the following terms and methods of calculation that the Town uses when reviewing development proposals:

Building Height: Removed contradictory language precluding “any part” of a structure exceeding height limitations

Grade: Added new definitions for established grade (“Grade, established”), finished grade (“Grade, finished”) and natural grade (“Grade, natural”) to aid applicants, staff, and Planning Commission in determining building height.

*Ordinary High
Water Mark:*

Revised this definition to be consistent with other text in the Minturn Municipal Code and to eliminate confusion regarding requirements for survey preparation by a professional land surveyor. Removed sentence requiring the Town to choose a surveyor. This is not practiced, is not practical or desired by staff, and most surveyors who do work in the Eagle River Valley are competent in delineation of water marks.

2. Section 16-2-50 - Specific lot requirements and dimensional standards:

In relation to proposed revisions to the Town’s definition of Ordinary High Water Mark, staff is proposing complimentary, clarifying language revisions to Section 16-2-50 to make clear that surveys must be prepared by a professional land surveyor licensed in the State of Colorado.

3. Section 16-21-460 - Action by Planning Commission:

This section is being amended to clarify the alternative actions that the Planning Commission may take to approve, approve with conditions, deny, table or grant conceptual approval for an application. These changes are in relation to other changes proposed for Section 16-21-615 aimed at clarifying and adding to submittal requirements for all Design Review Board applications, review requirements, and construction requirements (see below).

4. Section 16-21-615 - Design Review applications:

Staff has spent considerable time formulating and analyzing a number of revisions to this section of the Code, all aimed at the following goals:

- Ensuring that DRB submittal and review requirements are located in one place in the Minturn Municipal Code (currently they are listed in at least two different sections of the code, Section 16-21-615 and Appendix “B” Design Standards and Guidelines). The proposed changes include removing application submittal requirement language from Appendix “B” and relocating it in Section 16-21-615.
- Beefing up DRB submittal requirements and making language and terms consistent and clear. Please note additional language aimed, in some cases, at ensuring a higher level of details are provided on plans submitted to the Town in the future.
- Enhancing requirements and clarifying procedures for building permit/construction process, particularly with regard to required inspections and requirements for Improvement Location Surveys/Land Survey Plat documents as part of foundation inspections, framing inspections, and final inspections to ensure that all structures permitted by the Town and approved by the DRB are constructed according to plans.
- Striking non-regulatory or suggestive language (“should”) and replacing it with enforceable language (“shall”) in certain circumstances.

5. Appendix B - Design Standards and Guidelines:

In relation to and as a result of moving DRB submittal requirements out of Appendix B - Design Standards and Guidelines and into Section 16-21-615, changes to Appendix B in the ordinance show striking through (removing) Section “A” - Design Review Board, and Section “B” - Submittal Information from the Town’s Design Standards and Guidelines. These sections are not needed and/or conflict with existing language elsewhere in the Code that establishes the Planning Commission as the DRB, provides processes and rules for the Planning Commission when reviewing applications, and/or provides detailed direction on submittal requirements (see above).

Many of the proposed amendments are items that staff has identified over the years, and several relate back to conversations between staff and the Planning Commission regarding confusing or unclear language, or desired *additional* language to ensure that the Town is able to properly interpret and apply the provisions of Chapter 16.

Staff will look forward to reviewing all proposed amendments to Chapter 16 with the Planning Commission.

Minturn Planning Department
Minturn Town Center
302 Pine Street
Minturn, Colorado 81645



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Elliot Hovey
Sage Pierson
Tom Priest

To: Planning Commission
From: Scot Hunn, Planning Director
Date: March 2, 2023
Re: Ordinance No. TBD, Series 2023 - Update

The Planning Commission reviewed the attached ordinance which includes amendments and updates to certain sections of Chapter 16, Zoning, of the Minturn Municipal Code, at their regular meeting of February 22, 2023. This ordinance is being presented to the Minturn Planning Commission for review and comment prior to presenting the same to the Minturn Town Council for approval.

The Planning Commission provided feedback and suggested a few minor revisions:

1. Update the requirement for surveys - to be completed or dated no more than ninety (90) days prior to submission of any application or inspection that requires a survey.
2. Require color and materials boards with all Design Review Board applications.
3. Change all references to “Town Board” to “Town Council.”
4. Clarify building height definition to require all mid-points on all structures to comply with the height requirements. Staff removed “strikethrough” language and added the following language:

“No portion of any structure included in building height measurements where height is measured to a mean or mid-point shall exceed the applicable building height limitation contained in this Code.”

Other suggestions related to the Town’s definition of building height, specifically to make determination of building height easier to administer, or to ensure that reference to other sections of the Code that address building height are easier to find and use, will be addressed as the Town works on a more comprehensive update of Chapter 16.



To: Mayor and Council
From: Scot Hunn, Planning Director
Date: March 30, 2023

Agenda Item: Ordinance No. 4, Series 2023 Review on First Reading

REQUEST:

Review on first reading of an ordinance amending Chapter 16, Zoning, of the Minturn Municipal Code.

INTRODUCTION:

At their regular meeting(s) of February 22, 2023 and March 8, 2023, the Town of Minturn Planning Commission reviewed, commented on, and recommended approval of the attached ordinance aimed at addressing numerous deficiencies, conflicts, and inefficiencies within Article 2, Definitions; Article 21, Administration and Procedures; and Appendix B, Minturn Design Standards and Guidelines, of Chapter 16, Zoning, of the Minturn Municipal Code.

The attached staff memos that were presented to the Commission – an original memo outlining the proposed amendments and a second memo summarizing and responding to recommended changes that the Commission requested - provide details regarding suggested amendments, as well as staff's rationale and goals for proposing the amendments.

Ultimately, the Commission voted 5-0 to recommend approval of Ordinance No. 4, Series 2023 as presented to Council under cover of this memo.

ANALYSIS:

Ordinance No. 4, Series 2023 addresses several deficiencies of Articles 2 and 21 of Chapter 16 and is based on input from the Town Attorney, and the Planning Commission.

COMMUNITY INPUT:

No members of the public spoke at the DRB 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.

BUDGET / STAFF IMPACT:

N/A.

STRATEGIC PLAN ALIGNMENT:

The Council's review of ordinances aimed at addressing and correcting deficiencies, conflicts and inefficiencies located with the Minturn Municipal Code aligns with the following key strategies:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

THE TOWN WILL SEEK TO MAKE INFORMED, DATA-BASED DECISIONS WITH A STANDARD OF “DOING IT RIGHT.” WITH AN HONEST APPROACH TO ALL ASPECTS OF LOCAL GOVERNMENT AND A FOCUS ON THE PUBLIC PROCESS, THE TOWN COUNCIL AND STAFF ARE COMMITTED TO SERVING MINTURN WITH THE HONESTY AND INTEGRITY EXPECTED OF A SMALL-TOWN GOVERNMENT.

ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN

The ability for Minturn to approach development as resilient, sustainable, creative and diverse will allow the town to continue embracing what has “made Minturn, Minturn.” The town can further leverage its crossroads location as a valley-wide benefit and competitive advantage.

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve the following on first reading:

1. Ordinance No. 4, Series 2023

ATTACHMENTS:

- Ordinance No. 4, Series 2023
- Minturn Planning Commission Cover Memo/Report by Staff dated February 16, 2023
- Minturn Planning Commission Cover Memo/Update by staff dated March 02, 2023

OFFICIAL AD PROOF

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

Notice ID: JdnTOB7YnuKeCwUi9RY5 | **Proof Updated: Apr. 07, 2023 at 09:32am MDT**
 Notice Name: 8CD13 ORDINANCE NO. 4 – SERIES 2023 | Publisher ID: 270206

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
treasurer@minturn.org	
(970) 827-5645	

Columns Wide: 1 Ad Class: Legals

04/11/2023: Other Notice	13.26
Affidavit Fee	4.00

Subtotal	\$17.26
Tax	\$0.00
Processing Fee	\$1.73
Total	\$18.99

TOWN OF MINTURN, COLORADO
 ORDINANCE NO. 4 – SERIES 2023
 AN ORDINANCE OF THE TOWN OF MINTURN,
 COLORADO AMENDING CHAPTER 16 OF THE
 MINTURN
 MUNICIPAL CODE

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 APRIL 2023. 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
 APRIL 2023 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,
 APRIL 11, 2023.**



To: Mayor and Council
From: Madison Harris, Planner I
Date: April 13, 2023
Agenda Item: Ordinance 05 - Series 2023 updating building codes and energy codes

REQUEST:

Review and approve Ordinance 05- series 2023 on first reading amending Chapter 18 of the Minturn Municipal Code to adopt and amend the 2021 International Building Code, 2021 International Residential Code, 2021 International Energy Conservation Code, 2021 International Mechanical Code, 2021 International Property Maintenance Code, 2021 International Fire Code, and the International Plumbing Code and International Fuel Gas Code as adopted and amended by the State of Colorado. These will hereinafter be referred to as the I-Codes.

INTRODUCTION:

The Town of Minturn 2023-2025 Strategic Plan seeks to “foster the authentic small town character that is Minturn,” and to commit to “Long-term stewardship of the natural beauty and health of Minturn’s environment,” through specific strategic plan goals and policies such as committing to a three year building code adoption cycle and to adopt the 2021 building codes by 2023.

Minturn has participated in the Eagle County Code Cohort over the last few months to participate in efforts to generate a consistent adoption of the 2021 International Energy Conservation Code. In order to facilitate that adoption, Minturn is needing to update the rest of the I-Codes to a more recent version.

COMMUNITY INPUT:

A work session on the topic of the 2021 International Energy Conservation Code was held at the February 1, 2023 Council meeting. Staff hopes that the builders, architects, and other professionals that use the I-Codes will attend this meeting in order to give input.

BUDGET / STAFF IMPACT:

TBD.

STRATEGIC PLAN ALIGNMENT:

The comprehensive review and updating of the Town’s land use and subdivision regulations and processes aligns with the following key strategies:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

THE TOWN WILL SEEK TO MAKE INFORMED, DATA-BASED DECISIONS WITH A STANDARD OF “DOING IT RIGHT.” WITH AN HONEST APPROACH TO ALL ASPECTS OF LOCAL GOVERNMENT AND A FOCUS ON THE PUBLIC

PROCESS, THE TOWN COUNCIL AND STAFF ARE COMMITTED TO SERVING MINTURN WITH THE HONESTY AND INTEGRITY EXPECTED OF A SMALL-TOWN GOVERNMENT.

LONG-TERM STEWARDSHIP OF THE NATURAL BEAUTY AND HEALTH OF MINTURN'S ENVIRONMENT

Minturn will work to become a leader in advancing renewable and sustainable initiatives. With a forward-thinking approach and focus on environmental stewardship the town can responsibly utilize the remaining developable land in the Minturn valley.

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve Ordinance 05 - Series 2023 updating building codes and energy codes.

ATTACHMENTS:

- Eagle County Codes Cohort Memo
- Ordinance 05 - Series 2023

Eagle County Codes Cohort Memo

To: Town of Minturn
From: The Eagle County Codes Cohort
Date: April 10, 2023
Subject: Eagle County Codes Cohort, Recommendations

What Code Changes Are Recommended for Adoption Now?

To move forward on a priority action in the [Eagle County Climate Action Plan 2020 Update](#) (CAP), Walking Mountains and a team of consultants organized an Eagle County Code Cohort, composed of all the jurisdictions (Avon, Basalt, Eagle, Eagle County, Gypsum, Minturn, Red Cliff, and Vail) within Eagle County, to review and adopt a regionally-consistent base energy code throughout the region as well as supporting amendments that support County-wide sustainability, climate, and resiliency goals. These supporting amendments include:

- Revised solar-ready requirements
- Revised EV-ready requirements
- Electric-preferred requirements
- Energy efficiency improvements
- Revised Exterior Energy Offset Program (Note, the code language for this amendment is not ready yet, therefore it has not been included in the code language package).

More details on these supporting amendments is below, and in the attachments.

How Will These Codes be Adopted and Implemented?

Codes are adopted by the Town Council, and then included in the Municipal Code, in the Buildings Regulations chapter. The building department will also post the amendment package and a list of significant changes on the website, and keep a binder at the permit counter.

How Does This Dovetail with the State Law for Building Codes?

In 2022, the Colorado legislature passed a new bipartisan law that updates minimum energy code requirements. The state law requires that jurisdictions adopt at least the 2021 IECC, along with EV-ready, solar-ready, and electric-ready supporting amendments, when updating any other building codes after July 1, 2023. (Note: state electrical and plumbing codes are included as a building code that triggers the required update.) Then, beginning July 1, 2026, jurisdictions must adopt at least a low-energy and carbon code when they update their building code, including the State Electric and Plumbing codes. A new Energy Code Board, appointed by the Colorado Energy Office and the Colorado Department of Local Affairs, will develop the code language for the EV-ready, solar-ready, electric-ready, and low energy and carbon code, and

jurisdictions can choose to adopt that code language, something equivalent, or something stronger. The Codes Cohort is working to align EV-ready, solar-ready, and electrification amendments with what other communities in the state are adopting to ensure Eagle County communities will be in line with future state standards.

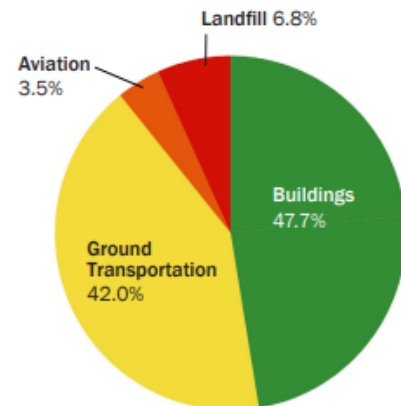
How Does This Help Towards our Climate Goals?

The Town of Minturn has demonstrated a strong commitment to climate action by adopting the CAP. The CAP calls for reducing greenhouse gas emissions 50% by 2030 and 80% by 2050 (from 2014 baseline levels). To achieve these levels, the Town is implementing an incremental approach – adopting measures as they become available, practicable, and cost-effective. This avoids moving too slowly and missing the targets, and it avoids huge leaps that would place undue burden on our residents and businesses.

In 2021, the most recent emissions inventory demonstrated that energy use in residential, commercial, and industrial buildings in Eagle County generated almost half of all emissions in Eagle County.

4. Emissions by Sector, 2021

Buildings – which include residential, commercial, institutional and industrial facilities – are the largest source of emissions in the county, and account for nearly all of the electricity and natural gas emissions depicted in the previous chart.



New construction provides a crucial opportunity for emissions mitigation. Buildings constructed today could last 30 to 130 years^[1] and could either lock in carbon emissions for generations or be used as a means for achieving emission reduction goals. Adopting above building code standards for new and remodeled residential and commercial buildings is an immediate priority action listed in the CAP due to the building decarbonization potential of code improvements. Regular updates to the Town of Minturn building codes are critical for future-proofing Town of Minturn’s communities, accelerating clean energy use, and keeping the County resilient amid climate change.

¹<https://www.mckinsey.com/industries/engineering-construction-and-building-materials/our-insights/call-for-action-seizing-the-decarbonization-opportunity-in-construction>

Overview of the Code Cohort

The Eagle County Code Cohort is made up of representatives from the Town of Avon, Town of Eagle, Eagle County, Town of Minturn, and Town of Vail. The Town of Basalt and Town of Gypsum participated as listening members in Cohort meetings, and Red Cliff received support toward the end of the Cohort process.

The goal of the Code Cohort is to support the participating communities in adopting a consistent regional base energy code throughout the valley as well as amendments that support the region's sustainability, climate, and resiliency goals. Reducing the patchwork of differing local energy codes has many benefits including streamlining compliance for builders and reducing workload for local government staff (because of increased compliance).

The Colorado Energy Office provided funding to a team of consultants to facilitate and lead the Cohort process. The consultants working with the Cohort through this process included Lotus Engineering and Sustainability (Lotus), Southwest Energy Efficiency Project (SWEEP), and Mozingo Code Group. The grant provided consulting and facilitation services free of charge for participating communities.

Code Cohort Facilitation Process

The Code Cohort was jointly led and supported by energy code and public process experts from Lotus, SWEEP, the Mozingo Code Group, Walking Mountains Sustainability, and the Eagle County Climate Action Collaborative.

Eagle County Code Cohort meetings began with a kickoff on September 13, 2022, followed by three more meetings in October and November 2022. Each meeting was geared towards providing the cohort with information on each amendment including their cost and environmental impacts, and gaining consensus among the participating staff on amendments they could support as part of their jurisdictions code update.

The Code Cohort was composed of building department staff and sustainability staff from each participating jurisdiction. Staff from each jurisdiction worked together to develop a set of code update recommendations that would set a new floor for building code in Eagle County, with the recognition that some communities may go further with their individual code updates. Gaining consensus and support from key staff in each jurisdiction was a crucial first step to adopting the updated codes. Following the cohort consensus meetings, community staff will be responsible for bringing the recommendations forward to their individual councils or boards to gain direction from councils on their code adoption goals.

The representatives of each jurisdiction that participated are listed below:

Town of Avon	Derek Place, Charlotte Lin
Town of Basalt	Amanda Poindexter
Town of Eagle	Eddie Wilson, Jackie VanEyll
Eagle County	John Gitchell, Jesse Meryhew
Town of Gypsum	Shane Gremmer
Town of Minturn	Madison Harris, Michelle Metteer, Earle Bidez
Town of Red Cliff	Ben Kleimer
Town of Vail	CJ Jarecki, Cameron Millard

In late 2022, a Code Language Package was finalized that included code language for each of the identified supporting amendments, along with supporting materials such as fact sheets and presentations that will support each community through their code adoption process.

Code Cohort Supporting Amendment Recommendations:

The Cohort’s recommendations have been included below along with a note on what specific updates the Town of Minturn would need to make to their code in order to align with the Cohort’s recommendations.

Cohort Recommendation	Details	Town of Minturn specific Action
Adopt 2021 International Energy Conservation Code (IECC) <i>(See attachment A)</i>		The Town of Minturn will need to adopt the 2021 I-codes, including the IECC.
Adopt the 2021 Solar-Ready Appendix for Residential and Commercial; revise to cover ALL buildings <i>(See attachment B)</i>	Prepares homes and buildings for the future installation of solar by requiring conduit, space on the electrical panel, adequate room and structural capacity on the roof, and permitting. The “expanded” component ensures all multifamily buildings are included in the scope.	The Town of Minturn will need to adopt the solar-ready appendix and revise to ensure the requirements cover all residential and multifamily buildings.
Adopt EV Ready Amendments <i>(See attachment C)</i>	An EV-Ready amendment requires new single family homes to have one EV-ready space, and new multifamily and commercial buildings to require a percentage of EV-capable, EV-ready, and EV-installed spaces.	The Town of Minturn will need to adopt the EV ready amendment to ensure all new residential and commercial buildings have access to EV charging.

<p>Adopt Electric-Preferred Amendments (See <i>attachment D</i>)</p>	<p>Electric-preferred amendments allow new construction to be either all-electric or "mixed fuel" (e.g. natural gas) but mixed fuel homes and buildings must have extra efficiency to make up for extra emissions.</p>	<p>The Town of Minturn would need to adopt all the changes outlined in the Cohort Code Package for this amendment. Minturn does not have any electric-preferred amendment language already in place.</p> <p>This amendment will require all new buildings and homes that are not built all-electric to be pre-wired and have sufficient panel capacity for the future installation of all-electric equipment AND to implement additional efficiency elements.</p>
<p>Adopt Efficiency Requirements for Existing Buildings</p>	<ul style="list-style-type: none"> • For existing buildings undergoing a renovation where a building permit is required, require projects to investigate which efficiency upgrade options they could pursue • For existing buildings undergoing an HVAC upgrade where a building permit is required, require programmable thermostats for electric heating systems • For existing buildings undergoing an HVAC upgrade where a building permit is required, require a project to receive bids for both gas and electric heating 	<p>The Town of Minturn would need to adopt all the changes outlined in the Cohort Code Package for this set of amendments.</p> <p>The existing building efficiency requirements include energy audits for retrofit projects, electrification analysis and bids for HVAC replacement projects, and thermostat installation requirements for HVAC replacement projects.</p>
<p>Adopt Efficiency Requirements for New Construction</p>	<ul style="list-style-type: none"> • Require heat tape timers to be installed if heat tape is installed • Require hot water insulation to be installed 	<p>The Town of Minturn would need to adopt all the changes outlined in this Cohort Code Package for this set of amendments.</p> <p>The new construction efficiency requirements include installation of programmable heat tape timers and hot water pipe insulation for all systems regardless of site. (Note, the 2021 IECC already requires some level of hot water pipe insulation, and this amendment expands the requirement to cover all buildings and all hot water piping).</p>
<p>Update the Exterior Energy Offset Program (EEOP) Regulations (See <i>attachment E</i>)</p> <p>Note, the code language for this amendment is not ready yet,</p>	<p>The EEOP requires new construction with highly consumptive exterior amenities (i.e., spas & hot tubs) to offset assumed energy use.</p>	<p>No action needed here from Minturn.</p>

therefore it has not been included in the code language package.		
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Cohort Communities & Supporting Amendments

The following summary reflects the discussions and consensus gained from key staff during the Code Cohort meetings. Note, each community indicated their support for the following amendments, but in most cases have not started their code adoption processes.

Community	Adopting 2021 IECC?	Adopting Supporting Amendments?					Adoption Timeline
		Solar Ready	EV Ready	Electric Preferred	Extra Efficiency Measures	Updated EEOP	
Eagle County Staff	X	X	X	X	X	X (ECO Build program in place since 2006, not updated)	TBD
Town of Avon Staff	X Adopted Jan 2023	X Adopted Jan 2023	X EV-Ready currently in Avon Municipal Code	X	X	X (EEOP program in place, not updated)	Feb 2023
Town of Vail Staff	X Adopted Spring 2022	X Adopted Spring 2022	X Adopted Spring 2022	(X) (Electric-ready adopted Spring 2022)	X	X	Q1-Q2 2023 (for EEOP only)
Town of Eagle Staff	X	X	X	X	X	X	February 2023
Town of Minturn Staff	X	X	X	X	X	(X) (EEOP program in	March 2023

						place, not updated)	
Town of Red Cliff (late participant)			TBD	TBD	TBD	TBD	TBD

Note, observing communities were not included in the table.

Key	
X	Community supports the amendment
(X)	Communities who support the amendment, but have concerns
No mark	Communities who are not considering the amendment

Electrification

Across Colorado, natural gas emissions have become the primary source of building energy emissions as the Colorado electric grid becomes cleaner each year. Utilities across the state and in Eagle County continue to increase their portfolios of renewable energy resources and GHG emissions from electricity use continue to fall. Holy Cross Energy has already achieved over 50% renewable energy and the utility expects to reach 100% renewably powered electricity generation by 2030. While these goals robustly address electricity emissions, natural gas emissions could continue to be a significant source of emissions in the County without intentional policy updates.

Transitioning the fuel source of new buildings from natural gas to electricity (called electrification) capitalizes on clean grid efforts from Holy Cross Energy and produces significant greenhouse gas emissions savings. Peer communities are already codifying the transition to electrification. Crested Butte passed the first ordinance in Colorado requiring all new construction to be all-electric, beginning in 2023 (with the exception of commercial kitchens). The Town of Basalt and Town of Vail each require new construction to include the pre-wiring and panel capacity for all-electric systems to be installed in the future (called electric-ready). Other jurisdictions in the state are pursuing a middle-ground strategy called electric-preferred that allows a choice of all-electric or natural gas, but requires extra efficiency in the case of natural gas.

Looking Ahead & Next Steps

The consultant team alongside Walking Mountains and the Climate Action Collaborative will be working with Eagle County jurisdictions through May of 2023 to adopt the 2021 IECC and supporting amendments.

In order to support each community's adoption process, the consultant team hosted a public webinar on January 11, 2023, to share the cohort recommendations and answer questions from the community. Following the webinar, a public survey was launched to collect input from the community on their level of support for the Cohort recommendations. These insights will be summarized and presented to Cohort communities to support their implementation processes. The webinar can be found [here](#), along with an [FAQ](#) on the cohort amendments.

Attachment A: 2021 IECC

2021 International Energy Conservation Code

Prepared for Eagle County Code Cohort



About I-Codes: Building codes improve the quality of construction of the built environment and thereby promote the health, safety, resiliency, affordability, sustainability, and general welfare of our communities. Building codes set a bare minimum construction quality that local officials deem necessary and that consumers expect. Most jurisdictions across the country adopt model building codes published by the International Code Council, and these are updated every three years in an extensive process involving builders, trades, architects, manufacturers and suppliers, low-income advocates, and, crucially, local building officials who are ultimately responsible for enforcing the codes. These codes are then adopted at local level. The 2021 codes are the most recent edition.

About the 2021 International Energy Conservation Code (IECC): After two previous cycles of stagnant efficiency, building officials voted overwhelmingly in favor of provisions in the latest IECC to strengthen energy efficiency. Overall, the 2021 IECC reduces energy by 8-9% (and reduces energy bills by 8-9%) compared to the previous 2018 IECC. The 2021 also includes language clean-up and clarifications, and an expanded focus on flexibility and options. Most of the changes "tighten up" provisions already in the code. Key changes for residential new construction include a better "thermal envelope" (e.g. walls, insulation, windows, doors, etc.), changes to duct testing, and increased use of lighting controls. On the commercial side, key changes include air barrier commissioning (i.e. testing and verification of the layer in walls that keeps outside air out and clean, conditioned inside air in), more efficient mechanical systems, technology for energy monitoring in larger buildings so that building operators can better measure and track their building's energy use, and increased options for additional energy efficiency "points."

Jurisdictions with the 2021 IECC: Arapahoe County, Aurora, Crested Butte, Denver, Dolores, Erie, Fort Collins, Golden, Larimer County, Littleton, Longmont, Louisville, Parker, Superior, and Vail. At least 66 other jurisdictions covering 70% of Colorado's population have announced plans to adopt the 2021 IECC in the next year, or are already in the process of adopting it.

New Colorado Law (2022): The Colorado legislature passed a new bipartisan law that updates minimum energy code requirements. Jurisdictions must adopt at least the 2021 IECC, along with EV-ready, PV-ready, and electric-ready, when updating any other building codes between July 1, 2023 and July 1, 2026. After that date, jurisdictions must adopt at least a low-energy and carbon code. A new Energy Code Board will identify code language for the EV-ready, PV-ready, electric-ready, and low energy and carbon code, and jurisdictions can choose to adopt that code language, something equivalent, or something stronger.

Cost Discussion: An extensive [analysis](#) from the Pacific Northwest National Labs (PNNL, the entity charged by the U.S. Congress to perform energy code cost-effectiveness studies) calculates that the increased first cost per household is \$1,470 for the 2021 IECC versus the 2015 IECC in Climate Zone 6B (as of Dec. 2021). PNNL's analysis is considered the most credible compared to other estimates because of PNNL's long-standing peer-reviewed methodology, and its absence of profit motive or conflict of interest. The majority of the first cost increase compared to the 2015 IECC is an increase in insulation levels. (Cost data is roughly similar between the 2015 and 2018 IECC, since the efficiency levels were similar.)

Increased First Cost (vs 2015)	Annual Mortgage Increase	Annual Energy Savings	Net Annual Savings	Years to Positive Savings	Lifecycle Cost Savings
\$1,470	\$59	\$119	\$51	4	\$1,144

Other studies of incremental upfront costs to builders for the 2021 IECC (not including local, state, utility, or federal incentives):

- [ICF International](#): \$333-\$2,288
- [NAHB](#) (via Home Innovation Research Lab): \$3,685-\$6,891 (note: ICF study found HIRL study used incorrect economic assumptions)

Mild/Medium/Aggressive Rating: Mild. The 2021 IECC is the minimum energy code required by the state of Colorado and even before the state law, jurisdictions covering half of Colorado's population had already announced plans to adopt it. As such, "mild" also includes EV-ready, PV-ready, and electric-ready as required by Colorado law. A "medium" rating would include a higher degree of electric transition – for instance, allowing a choice of either all-electric or mixed fuel new construction but requiring mixed fuel homes and buildings to pursue additional energy efficiency to make up for the extra emissions from fossil gas use onsite. An "aggressive" rating would include either all-electric requirements, the zero energy appendices, or both.

Prepared For: Eagle County Code Cohort supported by the Colorado Energy Office

Date Updated: January 8, 2023



Attachment B: Solar Ready

Expanded Solar-Ready

Prepared for Eagle County Code Cohort



About: Solar-Ready appendices (RB for residential and CB for commercial) are officially prepared by the International Code Council as “add-on” to the IECC. They prepare homes and buildings for the future installation of solar by requiring conduit, space on the electrical panel, space reserved on the roof free from obstructions and shady objects, adequate roof structural capacity, notation on construction documentation, and a permanent certificate. Shady roofs are exempted. The current appendices only include multifamily buildings 4-5 stories tall, so an amendment is needed to include all multifamily buildings – a provision we call “expanded solar-ready”.

Cost Discussion: Upfront costs are minimal (<\$200). Cost savings include avoiding the need to tear up walls, redo wiring, and potentially upgrade an electrical panel. They also avoid the situation where roof penetrations for attic vents, etc. are poorly placed in a way that prevents future solar.

Jurisdictions with Solar-Ready: Avon, Boulder, Boulder County, Breckenridge,* Craig, Denver, Fort Collins, Frisco,* Golden, Lafayette, Louisville, Superior, Vail, and Wheat Ridge. Others considering or in the process of adopting it, besides Code Cohort communities, include Eagle County (*via Summit County sustainability program). Note: a new 2022 Colorado law requires all upcoming IECC adoptions to include solar-ready provisions equivalent to or better than a version to be identified by the state's Energy Code Board. We highly anticipate Appendices RB and CB with the multifamily fix will meet the law.

Mild/Medium/Aggressive Rating: Mild. A “medium” rating would require solar to actually be installed on some buildings for part of the energy load, plus a residential solar access law. An “aggressive” rating would require solar installed on all buildings for all of the energy load, a residential solar access law, and a retrofit policy.

Prepared For: Eagle County Code Cohort supported by the Colorado Energy Office

Date Updated: October 10, 2022



Attachment C: EV Ready

EV-Ready

Prepared for Eagle County Code Cohort



About: Electric Vehicle Ready (EV-Ready) appendices prepare homes and buildings for the current transition to electric vehicles. These appendices recognize that the vast majority of all electric vehicle charging will occur at home, with some charging infrastructure needed at work or around town. New single family homes will require one EV-ready space, and new multifamily and commercial buildings will require a percentage of EV-capable, EV-ready, and EV-installed spaces depending on the building type and use.

- Note: EV-ready is especially important for multifamily buildings, for equity reasons, since renters can't retrofit their parking lot or garage to install a 240-volt outlet on their own.



Building Type	EV-Installed	EV-Ready	EV-Capable
Single-family	N/A	1 space	N/A
Multifamily	5%	10%	40%
Commercial	5%	0%	40%

Market Discussion: EVs comprised 9% of new vehicle sales in Colorado in Q1 2022, and dealers continue to have long waitlists, especially with the recent rises in gas prices. All major auto brands have announced plans to shift the majority of their fleets to EVs by the mid-2030s or sooner. Newer models have ranges of well over 300 miles. Besides the reduced environmental impact, buyers like the faster acceleration, the low maintenance, the safety ratings, and the convenience of avoiding trips to the gas station.

Cost Discussion: One EV-ready space for a single-family home averages about \$325-\$400 at the time of construction. Federal and utility rebates are available. Retrofitting even just the wiring later can run \$481-\$1,493 per space (depending on the distance from the panel to the garage) plus potential costs to upgrade the electrical panel. For commercial and multifamily, costs can run \$300 for EV-capable, \$1,300 for EV-ready, and \$2,500 for EV-Installed per space, before any federal, Colorado, or utility rebates. Retrofits done later can cost several times more, and may include the need to tear up and rebuild walls (and in the case of commercial and multifamily, parking lots and landscaping), redo wiring, and upgrade the electrical panel.

Climate Impact: It depends on adoption by homeowners, but for an average-sized household, a new EV in Colorado reduces CO2e 8,175 pounds per year compared to new gas car (a 63% reduction), as of 2022. The CO2e reductions improve over time as Xcel's grid adds increasing levels of renewables.

Jurisdictions with EV-Ready: Aspen, Avon, Basalt, Boulder, Boulder County, Breckenridge, Broomfield, Crested Butte, Denver, Dillon, Durango, Eagle County, Erie, Fort Collins, Frisco, Golden, Lafayette, Lakewood, Larimer County, Louisville, Longmont, Pueblo County, Steamboat, Summit County, Superior, and Vail, Others in the Code Cohort communities are also planning to adopt it. Note: a new 2022 Colorado law requires all upcoming IECC adoptions to include EV-ready provisions equivalent to or better than a version to be identified by the state's Energy Code Board. We highly anticipate these amendments will meet the new law.

Mild/Medium/Aggressive Rating: Medium. A "mild" rating would have lower percentages for commercial and multifamily. An "aggressive" rating would require every space in multifamily to have some level of infrastructure, plus a policy for renovations.

Prepared For: Eagle County Code Cohort supported by the Colorado Energy Office
Date Updated: January 13, 2023



Electric-Ready and Electric-Preferred

Prepared for Eagle County Code Cohort



About: Electric-ready amendments prepare homes and buildings for the choice between electric and gas equipment and appliances by ensuring they have the wiring and panel capacity available for future electric equipment (and enough physical space, in the case of water heaters). Electric-preferred amendments, the next step, still allow new construction to be either all-electric or "mixed fuel" (e.g. natural gas) but mixed fuel homes and buildings require extra efficiency to make up for extra emissions.

Code Amendment Specifics: In particular, the residential amendments in the prescriptive path require mixed fuel homes to select three "additional efficiency packages" instead of one. Mixed fuel homes choosing the "Total Building Performance" pathway would similarly choose three additional efficiency packages instead of one, or have annual energy costs less than or equal to 80% of the standard reference design instead of 95%. Mixed fuel homes choosing the "Energy Rating Index" (ERI) pathway would seek a score of 51 instead of 54.* For commercial buildings, mixed fuel buildings would choose extra efficiency options totaling an extra 10 points. The amendment also fixes two places in the commercial code where gas systems were given more points than electric.

Market Developments: Air source heat pumps have been commonplace in other parts of the country, and are now making inroads in Colorado thanks to rapid technological developments that allow "cold climate" heat pumps to supply heat even when outdoor temps fall to -22F. Other configurations are possible as well, such as a non-cold-climate heat pump plus extra "strip heat" that can kick in for extra cold times. (This configuration is cheaper upfront but more expensive to run in extra cold temperatures.) For water heating, heat pump water heaters are an easy replacement for a typical gas or electric hot water storage tank. Finally, on the cooking side, some homeowners may express a preference for gas, but induction stoves are proving their mettle with twice-as-fast boil times, more finely-tunable controls, safety protections (e.g. the ability to touch the burner and not get burned) and the near-elimination of harmful air pollutants that lead to increased asthma rates and other respiratory distress. Note that reliability of electric systems during a power outage is the same as for gas systems, since gas systems require electricity to run as well.

Cost Discussion: Upfront costs depend highly on the configuration selected by the builder. All-electric homes, depending on supply chain availability and builder/contractor familiarity, can be built at no additional cost compared to mixed fuel [1]. Although the upfront costs of an air source heat pump and heat pump water heater are typically more than gas equivalents, the big savings come from avoiding the gas connection and gas piping costs to and within the home or building, and state and utility rebates offset the cost as well. Separate market transformation efforts are underway to train builders and contractors for the transition to all-electric equipment, and the familiarity and economies of scale are expected to bring total costs down further. * Before 5% efficiency required in R401

(Cost Discussion Cont'd): For mixed fuel homes, electric-ready infrastructure is estimated at \$300 for a water heater and the same for a stove (or possibly increased to \$400 each with inflation and a tight labor market). No additional costs are incurred for electric readiness for a furnace, because central air conditioning or other space cooling would be provided anyway. The cost of the additional two efficiency packages, required for mixed fuel homes, range from \$467 for the HVAC efficiency option to \$1,453 for the ventilation option (not including inflation since 2021).

Jurisdictions with Electric-Ready and/or Electric Preferred: Boulder, Boulder County, Crested Butte (all-electric) Denver (in progress), Fort Collins, Louisville, Superior, other Code Cohort communities (in progress). Note: a new 2022 Colorado law requires all upcoming IECC adoptions to include electric-ready provisions equivalent to or better than a version to be identified by the state's Energy Code Board. We highly anticipate these amendments will be in compliance with the law.

Mild/Medium/Aggressive Rating: Medium. A “mild” rating would be just electric ready – i.e. just the wiring and panel capacity. An “aggressive” rating would require all-electric heating and water heating for most residential, multifamily, and commercial buildings, or, even further, no gas connections at all.

Prepared For: Eagle County Code Cohort supported by the Colorado Energy Office
Date Updated: October 10, 2022



Attachment E: Exterior Energy Offset Program

Exterior Energy Offset Program

Prepared for Eagle County Code Cohort



About: The Exterior Energy Offset Program, or EEOP, is a policy designed to encourage sustainable and energy-efficient solutions for residential exterior energy uses, such as sidewalk snowmelt systems, pools, spas, outdoor heaters, and outdoor fireplaces. A similar program known as the Renewable Energy Mitigation Program, or REMP, adds additional fees for larger homes and adds commercial buildings. New homes and buildings meeting the criteria have typically have two options: pay a fee, or offset the energy use with onsite renewable energy.

Fee Uses: Fees collected by the jurisdiction are used to facilitate additional energy efficiency, electrification, and renewable energy within the jurisdiction. Specific uses therein can include:

- Incentives, rebates, and grants
- Free or reduced-cost home energy assessments
- Educational and outreach materials
- Staff, business, and resident trainings
- Energy coaching
- Quick install of certain weatherization measures
- Planning and design for projects
- Special consideration for projects that positively affect occupants of local affordable housing or low-income residents

Jurisdictions with EEOP or REMP:

- Aspen (REMP)
- Avon (EEOP)
- Basalt (REMP)
- Eagle County (EEOP)
- Minturn (EEOP)
- Pitkin County (REMP)

Offset and Fee Calculations: For EEOP, the amount of renewable energy required or the amount of fee to be paid is based on the type and size of exterior energy use and the expected energy use over the system's lifetime. For REMP, the fee is based on the type and size of exterior energy use and the boiler efficiency, and the fee is reduced by the amount of renewable energy provided. See the chart below for specific amounts.



Item	Renewable Offsets	Fee-In-Lieu
Avon, Eagle County, and Minturn Exterior Energy Offset Program		
Snowmelt Systems >200 Sq Ft	34,425 BTUs (50% required)	\$16/ sq ft
Hot Tub / Spa >62 Sq Ft	430,000 BTUs (50% required)	\$176/sq ft
Exterior Pool	83,000 BTUs (50% required)	\$136/ sq ft
Basalt Exterior Energy Offset Program		
Snowmelt Systems	34,425 BTUs (100% required)	Fee-in-lieu not allowed
Hot Tub / Spa	430,000 BTUs (100% required)	Fee-in-lieu not allowed
Aspen and Pitkin County Renewable Energy Mitigation Program		
Snowmelt Systems (also requires min. efficiency & insulation)	\$6,241.20/kW PV (Pitkin) * \$6,865.32/kW PV (Aspen)	\$34/sq ft + boiler efficiency
Hot Tub / Spa >62 Sq Ft	\$224.65/sq ft solar thermal \$6.84/100k BTUs GSHP (Pitkin)	\$176/sq ft + boiler efficiency
Exterior Pool	\$1,400/10k BTU GSHP (Aspen)	\$136/sq ft + boiler efficiency
Home size (for homes >5,000 sq ft)	2 kW PV	\$1/sq ft

* These are the portion of the REMP fee avoided through the use of PV, solar thermal, and ground source heat pumps (GSHPs).

Recommended EEOP Updates: Based on findings and experience in later-edition REMP programs, the EEOP could be improved and strengthened in three key ways:

- The BTUs and hourly use estimates for snowmelt systems rely on outdated info, and should be updated to 82,863 BTUs/sq ft/yr, as included in REMP.
- Rather than a fee-in-lieu based on cost of operation, the fee-in-lieu should align with the local cost of installing solar as an offset, and should be recalibrated every three years.
- The program could apply to both residential and commercial buildings.

Climate Impact: This is tough to calculate since on the jurisdiction's part it depends on how high the fees are set, how impactfully the funds are used to encourage other climate-friendly projects. From the homeowner or developer's side it depends how much the program discourages installation of these systems, or encourages higher-efficiency systems than would otherwise be used.

Mild/Medium/Aggressive Rating: This entirely depends on how high the fee is set, what exterior energy uses are included, and if the program covers both residential and commercial. In general, we give the current EEOP programs a ranking of mild, at least until the BTU offset and/or fees-in-lieu are raised, and commercial properties are added. We give the current REMP programs a rating of Medium..

Prepared For: Eagle County Code Cohort supported by the Colorado Energy Office

Date Updated: October 26, 2022



TOWN OF MINTURN, COLORADO
ORDINANCE NO. 5 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 18 OF THE MINTURN MUNICIPAL CODE TO PROVIDE FOR ADOPTION AND AMENDMENT OF THE 2021 INTERNATIONAL BUILDING CODE, 2021 INTERNATIONAL RESIDENTIAL CODE, 2021 INTERNATIONAL ENERGY CONSERVATION CODE, 2021 INTERNATIONAL MECHANICAL CODE, 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 INTERNATIONAL FIRE CODE, AND THE INTERNATIONAL PLUMBING CODE AND INTERNATIONAL FUEL GAS CODE AS ADOPTED BY THE STATE OF COLORADO

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, the Town of Minturn 2023-2025 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

WHEREAS, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “Keep Minturn, Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

WHEREAS, the Strategic Plan contains specific strategies in support of proposed amendments to Chapter 18, Building Regulations, such as “Commit to a 3-yr building code adoption cycle” and “Adopt 2021 building codes by 2023”; and

WHEREAS, by Ordinance No. 13 – Series 2018 the Town Council adopted and amended the 2015 versions of the International Building Code, International Residential Code, International Fuel Gas Code, International Energy Conservation Code, International Plumbing Code, International Mechanical Code, International Property Maintenance Code, and International Fire Code, and National Electrical Code (collectively, the “International Codes”)

WHEREAS, the State Plumbing Board publishes the Colorado Fuel Gas Code and the Colorado Plumbing Code (the “State Codes”) that amend respective International Codes and are published at 3 CCR 720-1; and

WHEREAS, section 11.11 of the Home Rule Charter and Section 31-16-202, C.R.S. provides the Town the authority to adopt and amend building and energy codes to suit local conditions; and

WHEREAS, the Town Council recognizes that the 2021 International Building Code, 2021 International Residential Code, 2021 International Energy Conservation Code, 2021

International Mechanical Code, 2021 International Property Maintenance Code, 2021 International Fire Code, and the International Plumbing Code and International Fuel Gas Code as adopted and amended by the State of Colorado, with amendments (“I-Codes”) will improve the construction and maintenance of the built environment and will thereby promote the health, safety, resiliency, affordability, sustainability, and general welfare of our community; and

WHEREAS, the Town Council recognizes that the 2021 International Energy Conservation Code, with amendments, is essential for improving the energy performance of homes and buildings; and

WHEREAS, the Town wishes to adopt additional requirements to promote conservation and recognizes that buildings are responsible for 40 percent of greenhouse gas emissions in the United States, and reducing building greenhouse emissions is essential for reducing the impacts of climate changes, including mitigating local disaster events such as wildfires, droughts, and other severe weather; and

WHEREAS, the Town agreed to collaborate with neighboring communities to adopt a consistent version of the 2021 International Energy conservation Code with supporting amendments; and

WHEREAS, the Town Council finds and believes that it is necessary and proper to amend and readopt the 2021 International Codes, the Electrical Code, and the State Codes to constitute the Minturn Building Code to provide for consistent and updated regulation of construction within Town; and

WHEREAS, on April 19, 2023, the Minturn Town Council approved this ordinance on first reading; and

WHEREAS, the Town Council has determined, based on evidence and testimony presented at the public hearing, that the adoption of these codes, as amended herein, will further the health, safety, and welfare of the inhabitants of Minturn.

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. Chapter 18 of the Minturn Municipal Code is hereby amended to read as follows in Exhibit A, with additions shown in double underlined text and deletions shown in ~~strike through~~ text. Sections of Chapter 18 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

* * *

See Exhibit A

* * *

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 19th DAY OF APRIL 2023. 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 3rd DAY OF MAY 2023 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

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 3rd DAY OF MAY 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

EXHIBIT A

CHAPTER 18 Building Regulations

ARTICLE 1 Building Codes

Sec. 18-1-10. Title.

The provisions of the ordinance codified herein shall be known and cited collectively as the "Town of Minturn Building Code" or "International Codes." (~~Ord. 5-2011 §1~~)

Sec. 18-1-20. Codes adopted.

The Town of Minturn adopts by reference the following codes:

- (1) *International Building Code, 2021~~2015~~ Edition*, including Appendices B, E, G, J, and K, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001.
- (2) *International Residential Code, 2021~~2015~~ Edition*, including Appendices F and J, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001.
- (3) *International Fuel Gas Code, 2015 Edition~~current edition adopted by the State of Colorado~~*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 and amended by the State of Colorado at 3 CCR 720-1.
- (4) *International Energy Conservation Code, 2021~~2015~~ Edition*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001.
- (5) *International Plumbing Code, 2015 Edition~~Current edition adopted by the State of Colorado~~*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 and amended by the State of Colorado at 3 CCR 720-1.
- (6) *International Mechanical Code, 2021~~2015~~ Edition*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001.
- (7) *International Property Maintenance Code, 2021~~2015~~ Edition*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001.
- (8) *National Electrical Code* as currently adopted by the State of Colorado.
- (9) *International Fire Code, 2021~~2015~~ Edition*, including Appendices A, B, C, D, E, G, H, I, and J, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 and amended by Eagle River Fire Protection District.
- ~~(10) The Colorado Fuel Gas Code as codified at 3 CCR 720-1.~~
- ~~(11) The Colorado Plumbing Code as codified at 3 CCR 720-1.~~
- ~~(1012)~~ *Accessible and Usable Buildings and Facilities (ICC A1 17.1-2009)*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001.
- ~~(1113)~~ *Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition*, as published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, CA 90601.

ARTICLE 2 Building Code

Sec. 18-2-10. Adoption.

- (a) The *International Building Code, 2021~~2015~~ Edition, 2~~nd~~^{3rd} printing*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 35 inclusive, including Appendices B, E, G, J, and K ("IBC"), is hereby adopted by reference as the Town of Minturn Building Code as if fully set out in this Article with the additions, deletions, insertions and changes as set forth in this Article.
- (b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IBC, as adopted and as amended.

~~(Ord. 5-2011 §2; Ord. 13-2018, §2(Exh. A))~~

Sec. 18-2-20. Amendments.

The following sections of the adopted code are hereby revised as follows:

- (1) Section 101.1 Title is amended by inserting "Town of Minturn" instead of NAME OF JURISDICTION.
- (2) Section 103.1 Creation of enforcement agency is amended by inserting "Building Department" instead of INSERT NAME OF DEPARTMENT.
- ~~(31)~~ Section 105.2 Work Exempt from Permit.
Item 2 is amended to read as follows:
"Fences not over 6 feet (1829 mm) high."
Item 14 is added to read:
"Decks not over 30 inches (762 mm) above grade and not part of a means of egress or an accessible route."
~~(42)~~ Section 111.2 Certificate Issued shall read:
"Final Certificate of Occupancy Inspection approval shall be the Certificate of Occupancy."
~~(53)~~ Section ~~508.5.2419.2~~ Occupancies. The following sentence shall be added:
"F and I occupancies shall not be permitted in a live/work unit."
~~(64)~~ Section ~~1031.21030.1~~ Emergency Escapes and Rescue is amended to delete Exception 1.
~~(75)~~ Section ~~1503.61510.7~~ Snow Retention is added to read as follows:
"New roof assemblies shall be designed to prevent accumulations of snow from shedding onto exterior balconies, decks, pedestrian and vehicular exits from buildings, stairways, sidewalks, streets, alleys, areas directly above or in front of gas and electrical utility meters, or adjacent properties. The design of snow retention devices shall be provided by a licensed structural engineer or as determined by the Building Official.
Exception 1: Roof areas with a horizontal dimension of no more than 48 inches that will not receive snow shedding from a higher roof. The horizontal projection shall be measured perpendicular to the exterior wall line from the edge of the roof or eave to any intersecting vertical surface."
~~(86)~~ Section ~~1603.1.101603.2~~ Boulder Walls is added, to read as follows:
"Boulder or rock walls more than four feet tall shall be designed by a licensed engineer."
~~(97)~~ Section 1608.2 Ground Snow Loads. This Section is amended by deleting the Section in its entirety and replacing it with the following language:

"Roof pitches of less than 4:12 shall be designed to carry a 100 pounds per square foot snow load, and roof pitches of 4:12 and greater shall be designed to carry an 80 pounds per square foot snow load."

(10) Section 1612.3 Establishment of flood hazard areas is amended by inserting "Eagle County, Colorado and Incorporated Areas" instead of NAME OF JURISDICTION and by inserting "December 4, 2007" instead of DATE OF ISSUANCE.

(118) Section 1809.5 Frost Protection. This Section is amended by deleting the Section in its entirety and replacing it with the following language:

"Foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by the following method - Footings subject to frost shall have a minimum depth of 48" measured from finished grade to the bottom of the footing or the depth specified by the soils engineer of record."

(129) Section 1809.12 Timber Footings is deleted in its entirety.

(1310) Section 2111.14.3 Exterior Air Intake is amended by adding the following:

"Outside combustion air intake shall be required for all gas-fired and wood burning fireplaces. Combustion air ducts shall be a minimum 26 gauge sheet metal for the portion of duct extending through the building on the outside of the fire-resistive shaft. Ducts extending from the fireplace and exiting directly to the outside without passing through any other portion of the building may be of any material permitted by the fireplace manufacturer or the International Mechanical Code. Fireplaces: Where dampers are required to be removed, clamped or welded open, doors in front of fireplace openings are required."

(1411) Section 3001.5 is added to read as follows:

"A fee for each permit and plan review shall be paid to the Northwest Colorado Council of Governments. The annual certificate of inspection will be administered by the certified elevator inspection agency. For permit applications and inspections, contact Elevator Inspection Program at (970) 468-0295. Ext. 108"

(1512) Notwithstanding anything in this Chapter 18 to the contrary, the Minturn Mountaintop Utilities Regulations set forth in Article 7 of Chapter 13 [and Section 16-10-40(7)] are the exclusive requirements applicable to water supply and wastewater treatment for development within estate lots and ranch lots located in the mountaintop area (as such terms are defined in Section 17-2-10).

ARTICLE 3 Residential Code

Sec. 18-3-10. Adoption.

- (a) The *International Residential Code, 2021~~2015~~ Edition*, 2nd printing, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 44 inclusive and including Appendices AA, AC, AF, AG, AH, AJ, and AN ("IRC"), is hereby adopted by reference as the Town of Minturn Residential Building Code as if fully set out in this Article, with the additions, deletions, insertions and changes as set forth in this Article.
- (b) No residential building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IRC, as adopted and as amended.

(Ord. 5-2011 §3; Ord. 13-2018, §2(Exh. A))

Sec. 18-3-20. Amendments.

The following sections of the adopted code are hereby revised as follows:

(1) R101.1 Title is amended by inserting "Town of Minturn" instead of NAME OF JURISDICTION.

(2) Part II Definitions. The following definitions are revised as follows:

"FIREPLACE. An assembly consisting of a hearth and fire chamber of ~~noncombustible~~ noncombustible material and provided with a chimney for use with solid fuels to the extent permitted by Chapter 7, Article 8 of the Minturn Municipal Code.

FIREPLACE STOVE. A free-standing, chimney-connected solid-fuel burning heater designed to be operated with the fire chamber doors in either the open or closed position, and permitted in accordance with Chapter 7, Article 8 of the Minturn Municipal Code."

(3) Section R104.4 Inspections is amended by the addition of the following paragraph:

"A third-party inspection by a certified log inspection agency shall be required of all structural members in log framed buildings. A letter from the log grading agency certifying log grades are in accordance with the plan specifications shall be required at, or prior to frame inspection. Elevators installed in all structures shall require a third party plan review and inspection by Northwest Colorado Council of Governments."

(4) Section R301.2.3 Snow Loads is amended by deleting the Section in its entirety and replacing it with the following:

"Snow loads for decks shall be 75 pounds per square foot. Roof pitches of less than 4:12 shall be designed to carry a 100 pounds per square foot snow load, and roof pitches of 4:12 and greater shall be designed to carry an 80 pounds per square foot snow load."

~~(4) Section R302.2.2 Parapets for townhouses is amended by the deletion of the exception.~~

(5) Section R302.7 Under-stair protection. This Section is amended by deleting the Section in its entirety and replacing it with the following language:

"Enclosed accessible spaces under stairs shall have walls, under stair surfaces and any soffit protected on the enclosed side with 5/8" Type X gypsum board."

(6) Section R313.1 Townhouse automatic fire sprinkler systems is amended to read:

"R313.1 Townhouse automatic fire sprinkler systems.

An automatic residential fire sprinkler system shall be installed in *townhouses* as required by the Minturn Municipal Code and the Eagle River Fire Protection District.

Exception: An automatic residential fire sprinkler system may be required, at the discretion of the Eagle River Fire Protection District where *additions* or *alterations* are made to existing *townhouses* that do not have an automatic residential fire sprinkler system installed.

R313.1.1 Design and installation.

Automatic residential fire sprinkler systems for *townhouses* shall be designed and installed in accordance with Section P2904 or NFPA 13D and Eagle River Fire Protection District installation requirements."

(7) Section R313.2 One- and two-family dwelling automatic fire systems is amended to read:

"R313.2 One- and two-family dwelling automatic fire sprinkler systems.

An automatic residential fire sprinkler system shall be installed in one- and two-family *dwelling*s as required by the Minturn Municipal Code and the Eagle River Fire Protection District.

Exception: An automatic residential fire sprinkler system may be required, at the discretion of the Eagle River Fire Protection District, where *additions* or *alterations* are made to existing *One- and two-family dwelling*s that do not have an automatic residential fire sprinkler system installed.

R313.2.1 Design and installation.

Automatic residential fire sprinkler systems for *one- and two-family dwellings* shall be designed and installed in accordance with Section P2904 or NFPA 13D and Eagle River Fire Protection District installation requirements."

- (8) Section R315.2.1 New construction is amended to read:

"For new construction, carbon monoxide alarms shall be provided in dwelling units where either or both of the following conditions exist.

1. The *dwelling unit* contains a fuel fired appliance.
2. The *dwelling unit* has an attached garage."

- (9) Section 315.3 is amended to read:

"Carbon monoxide alarms in *dwelling units* shall be installed within fifteen feet of the entrance to each bedroom."

- (10) Section R403.1.4.1 Frost Protection is amended by deleting ~~the Section in its entirety~~ the wording prior to the exceptions and replacing it with the following:

"Foundation walls, piers, and other permanent supports of buildings shall be protected from frost by the following method - Footings subject to frost shall have a minimum depth of 48" measured from finished grade to the bottom of the footing or the depth specified by the soils engineer of record."

- (11) Section R403.2 Footings for Wood Foundations is amended by adding the following:

"Foundations shall be designed by a registered Colorado Engineer or Architect and approved by a Geotechnical Engineer."

- (12) Section R403.3 Frost Protected Shallow Foundations is amended by adding the following:

"Foundations shall be designed by a registered Colorado Engineer or Architect and approved by a Geotechnical Engineer."

- (13) Section R404.2 Wood Foundation Walls is amended by adding the following:

"Foundations shall be designed by a registered Colorado Engineer or Architect and approved by the Geotechnical Engineer."

- (14) Section G2425.8 (501.8) Equipment/Appliances Not Required to be Vented is amended by deleting item #7. The sentence after this exception should be amended to read: "Where the appliances listed in Items 5 and 6 above..."

- (15) Section G2445 (621) is amended by removing all subsections and replacing it with "Section G2445.1 General. Unvented room heaters are prohibited from installation."

- (16) Table R301.2(1) is amended by deleting it in its entirety and replacing it with the following:

**"TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD ^o	WIND DESIGN				SEISMIC DESIGN CATEGORY ^e	SUBJECT TO DAMAGE FROM			ICE BARRIER UNDERLAYMENT REQUIRED ^f	FLOOD HAZARDS ^g	AIR FREEZING INDEX ^h	MEAN ANNUAL TEMP ⁱ
	Speed ^d (mph)	Topographic Effects ^k	Special wind Region ^l	Windborne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c				
Footnote o	105	No	No	No	B	Severe	48"	None to Slight	Yes	2007	2000	45
MANUAL J DESIGN CRITERIA ⁿ												
Elevation	Altitude correction factor ^d	Coincident wet bulb	Indoor winter design relative humidity	Indoor winter design dry-bulb temperature	Outdoor winter design dry-bulb temperature	Heating temperature difference						
7800	0.75	58°	30%	70°	-1°	71°						
Latitude	Daily range	Summer design grains	Indoor summer design relative humidity	Indoor summer design dry-bulb temperature	Outdoor summer design dry-bulb temperature	Cooling temperature difference						
39°N	H	-40 to -58	50%	75°	84°	9°						

Amend footnote o to read: 100 psf for roof pitch less than 4:12; 80psf for roof pitch 4:12 and greater.

Roof Snow Load	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic effects		Weathering	Frost line depth	Termite					
100-psf for roof pitch less than 4:12; 80-psf for roof pitch 4:12 and greater	90	NO	B	SEVERE	48"	NONE TO SLIGHT	-15°F	YES	2007	2000	45°F

(17) Table R302.6 is amended to read:

"SEPARATION	MATERIAL
From residence and attics	not less than 5/8" Type X gypsum board applied on the garage side
From all habitable rooms above the garage	not less than 5/8" Type X gypsum board
Structure(s) supporting floor ceiling assemblies used for separation required by this section	not less than 5/8" Type X gypsum board
Garages located less than 6 feet from a dwelling unit on the same lot	not less than 5/8" Type X gypsum board applied to the interior side of exterior walls of the garage that are within this area"

(18) Add a new Section R303.1.2 Mechanical ventilation to read:

"R303.1.2 Mechanical ventilation. Dwelling units shall be provided with a mechanical exhaust system, supply system, or combination thereof to provide whole building ventilation with outdoor air. Such system shall comply with Section R303.1.2.1 through R303.1.2.2.

Exception:

1. Other *approved* mechanical ventilation systems."

(19) Add a new Section R303.1.2.1 Mechanical ventilation rate to read:

"R303.1.2.1 Mechanical ventilation rate. The mechanical ventilation system shall provide outdoor air continuously at a rate of not less than that determined in accordance with Table R303.4(1).

Exception:

Continuous operation of the system is not required where the system has controls that enable operation for not less the 25% of each 6 hour segment and the ventilation rate prescribed in Table R303.1.2.1(1) is multiplied by the factor in accordance with Table R303.1.2.1(2)."

(20) Add a new table, TABLE R303.1.2.1(1) to read:

**"TABLE R303.1.2.1(1)
VENTILATION AIR REQUIREMENTS, CFM¹**

FLOOR AREA (SQ. FT.)	BEDROOMS				
	0—1	2—3	4—5	6—7	>7
<1,500	30	45	60	75	90
1,500—3,000	45	60	75	90	105
3,001—4,500	60	75	90	105	120
4,501—6,000	75	90	105	120	135
6,001—7,500	90	105	120	135	150
>7,500	105	120	135	150	165

For SI: 1 square foot = 1 square foot = 0.0929 m².

1; Equation R303.1.2.1(1) can be used as an alternative to Table R303.1.2.1(1)

$$Q_{fan} = 0.01 A_{floor} + 7.5 (N_{br} + 1)$$

Where:

Q_{fan} = fan flow rate in cubic feet per minute (cfm).

A_{floor} = floor area in square feet (ft²)

N_{br} = number of bedrooms; not to be less than 1"

(21) Add a new table, TABLE R303.1.2.1(2) to read:

**"TABLE R303.1.2.1(2)
INTERMITTENT MECHANICAL VENTILATION RATE FACTORS^{ab}**

Run Time Percentage in each 6-hour Segment	25%	33%	50%	66%	75%
Factor	4	3	2	1.5	1.3

a. Interpolation between entries is permitted.

b. The ventilation system run time shall be not less than 25%."

(22) Add a new Section R303.1.2.2, System design, to read:

"R303.1.2.2 System design. The required whole-house ventilation system shall consist of one or more supply or exhaust fans or a combination thereof and associated ducts and controls. Outdoor air ducts connected to the return side of an air handler shall be considered to be supply ventilation where the manufacturer's requirements for a minimum return air temperature for the air handler are met."

(23) Add a new Section R303.1.2.3 System Controls, to read:

"R303.1.2.3 System Controls. The mechanical ventilation system shall be provided with controls that enable occupant override."

(24) Add a new Section R303.3.1 Bathroom ventilation to read:

"R303.3.1 Bathroom ventilation. Bathrooms shall be mechanically exhausted in accordance with section 1507."

(1825) Add a new Section R1001.14~~R1001.13~~ Air Quality Control to read:

"R1001.13~~R1001.14~~ **Air Quality Control.** Any device or appliance installed under this Chapter must comply with Chapter 7, Article 8 of the Minturn Municipal Code."

(19) P2603.5.1 Sewer depth is amended by inserting "forty eight (48)" instead of NUMBER.

(20) **Chapter 11 [RE] ENERGY EFFICIENCY** is hereby deleted in its entirety and all provisions for energy efficiency shall comply with the currently adopted International Energy Conservation Code, residential provisions, and its local amendments because the language of this chapter is duplicated therein.

(Ord. 5-2011 §3; Ord. 13-2018, §2(Exh. A))

ARTICLE 4 Fuel Gas Code

Sec. 18-4-10. Adoption.

- (a) The *International Fuel Gas Code, 2015 Currently adopted Edition by the State of Colorado, 4th printing*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 8 inclusive ("IFGC") and as amended by the Colorado Fuel Gas Code as codified at 3 CCR 720-1, is hereby adopted by reference as the Town of Minturn Fuel Gas Code as if fully set out in this Article with the additions, deletions, insertions and changes as set forth in this Article.
- (b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IFGC, as adopted and as amended.

(Ord. 5-2011 §4; Ord. 13-2018, §2(Exh. A))

Sec. 18-4-20. Amendments.

The following sections of the adopted code are hereby revised as follows:

(1) Section 101.1 Title is hereby amended to insert "Town of Minturn" in place of NAME OF JURISDICTION.

(~~2~~) Section 303.1303.3 Prohibited Locations is amended by deleting exceptions number 3 and 4.

(~~3~~) Section 402.6.2401.2.1 Liquefied Petroleum Gas Facilities and Piping is added to read:

"Liquefied petroleum gas facilities and equipment shall not be located in any pit or basement, under show windows or interior stairways, in engine, boiler, heater, or electric meter rooms."

The following exception shall apply:

"Equipment may be installed with an approved means of detection and removal of unburned liquid petroleum gas. A minimum 3" drain pipe to the exterior of the building, propane sensor and automatic safety shutoff shall be installed. The drain shall not be trapped and shall be protected from snow closure and rodents. When the above listed means cannot be achieved, an engineered mechanical exhaust system with a propane sensor, and an automatic safety shut-off, shall be required."

(~~4~~) Section 501.8 ~~Equipment~~Appliances Not Required to be Vented is amended by the deletion of item No. 8.

(5) Section 115.4 Violation penalties is amended by inserting "misdemeanor" instead of SPECIFY OFFENSE, "a fine not exceeding the maximum fine permitted pursuant to Section 13-10-113, C.R.S., as may be amended from time to time" instead of AMOUNT, and "no person shall be subject to imprisonment for a violation of this IPC, unless the person convicted of a misdemeanor violation of this Code, that person having previously been convicted of two (2) or more misdemeanor violations under the same Chapter in the previous two (2) years prior to the new conviction, then the person may be subject to a fine and imprisonment not exceeding the maximum penalties permitted pursuant to Section 13-10-113, C.R.S., as may be amended from time to time." Instead of NUMBER OF DAYS.

ARTICLE 5 Fire Code

Sec. 18-5-10. Adoption.

- (a) The *International Fire Code, 2015~~2021~~ Edition, 4th2nd* printing, including Appendices A, B, C, D, E, G, H, I and J, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, and amended by the Eagle River Fire Protection District is hereby adopted by reference as the Town of Minturn Fire Code as if fully set out in this Article with the additions, deletions, insertions and changes as set forth in this Article.
- (b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IFC, as adopted and as amended.

(Ord. 8-2011 §1; Ord. 13-2018, §2(Exh. A))

Sec. 18-5-20. Amendments.

The following Sections of the 2015 International Fire Code are hereby revised as follows:

- (1) Section 101.1 Title shall be amended to insert the phrase “Town of Minturn” in place of NAME OF JURISDICTION. These regulations shall be known as the Fire Code of Eagle River Fire Protection District, hereinafter referred as (“the IFC”).
- (2) 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be the most current published editions of those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in sections 102.7.0 and 102.7.2.
- (3) 106.1 Submittals. Construction documents and supporting data shall be submitted in two or more sets of hard copy or one set of portable data file (PDF) with each application for a permit and in such form and detail as required by the fire code official. Construction documents shall be prepared by a Colorado State registered design professional as required by the statutes of the jurisdiction in which the project is to be constructed.
- (4) 107.4 Work commencing before permit issuance. No work shall commence prior to permit issuance without written authority by the code official. Any work authorized to begin prior to issuance of a permit does not negate the permit holder from meeting the regulations of this code. Work done prior to the issuance of a permit that does not meet the regulations of this code will be corrected at the permit holder’s expense. All approved permits are subject to field inspection and do not negate the permit holder’s requirement to meet the regulations. Deficiencies shall be corrected at the permit holder’s expense. Work performed prior to attaining a proper permit shall increase the permit fees by four times.
- (5) 107.6 Refunds. ERFPD shall authorize the refunding of fees as follows:
 - a. The full amount of any fee paid hereunder which was erroneously paid or collected.
 - b. Not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code. Not more than 80% of the plan review fee when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
 - c. The Fire Official shall not authorize the refunding of any fee paid, except upon written request filed by the original applicant not later than 180 days after the date of fee payment.
- (6) 111.1.1 Procedures. To request a hearing before the board of appeals, the applicant shall file a request in writing to the fire chief. The fire chief shall arrange for the board of appeals to meet within 10 working days of receipt of the request. All applicable fees as stated in the fire district fee schedule shall be paid at the time the written request is made.

The board shall consist of members who are qualified by experience and training to deliberate on matters pertaining to the hazards of fire, explosions, hazardous conditions or fire protection systems.

(71) Section ~~109.4~~112.4 Violation Penalties shall be amended to read as follows:

"Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of misdemeanor, punishable in accordance with the provisions of Section 1-4-20 of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The imposition of a penalty for any violation of this code shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation occurs or that a prohibited condition is maintained shall constitute a separate offense. The application of the above penalty or penalties shall not be held to prevent the enforced removal of any prohibited condition.

109.112.4.1 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act; conduct of business or occupancy of structure on or about any premises.

109.3112.4.2 Issuance of summons and complaint by fire code official. Pursuant to the general enforcement powers conferred upon fire protection districts in Section 30-15-401.5, C.R.S., to enforce fire safety standards, and subject to the provisions of this code, the fire code official may arrest a person without a warrant whenever he or she has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which he or she has the discretionary duty to enforce, and to issue a summons to appear in the Eagle County Court or the Municipal Court of the Town in which the violation is alleged to have occurred. The fire code official shall file executed summonses and complaints with Clerk of the County Court or the Clerk of the Municipal Court, and notify the District Attorney or the Town Attorney, as appropriate, of such filing."

(8) Chapter 2 – Definitions

Fire Area. The aggregate floor area enclosed and bounded by fire walls meeting the requirements of the International Building Code and fire barriers, exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or next floor above. For buildings constructed under the International Residential Code, the fire area is the aggregate floor area enclosed and bounded by exterior walls of a building.

(92) Section 307 is amended to read as follows:

"Section 307"

Recreational Fires

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted in accordance with this section.

307.1.2. Definition. For the purposes of this section, a recreational fire is defined as the burning of clean fire wood where the fuel area is no greater than three (3) feet in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking or similar purposes.

307.2 Prohibited burning. Outdoor burning that will be offensive or objectionable due to excessive smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. Open burning of rubbish containing paper products, garbage, solid

waste, rubber or other petroleum based products (including tires), building material, roofing material, animal carcasses, plastics, tree limbs and leaves, and lawn clippings shall be prohibited.

307.2.1 Extinguishment Authority. The Eagle River Fire Protection District and Minturn Police Department are authorized to order the extinguishment of any recreational fire that creates or adds to a hazardous or objectionable situation.

307.3 Location. The location for recreational fires shall not be less than five (5) feet from any property line and ten (10) feet from any neighboring structure including wooden fences.

307.3.1 Fires within the 30' river setback. No recreational fires shall be permitted within thirty (30) feet of the high water mark of any live stream in the Town of Minturn. Portable cooking devices may be used in this area; however, the dumping of ash in the river or setback area is strictly prohibited.

307.4 Attendance. Recreational fires and portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

307.5 Additional requirements. The following restrictions shall apply to all recreational fires and portable outdoor burning devices:

No recreational fire shall exceed three feet in diameter or two feet in height.

Only natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with a preservative and does not contain resins or glues as in plywood or other composite wood products shall be used for a recreational fire.

307.6 Bonfires. The Town of Minturn reserves the right to conduct a bonfire in accordance with guidelines established by the Eagle River Fire Protection District.

307.7 Fire Restrictions. Pursuant to section 7-10-10 of the Minturn Municipal Code, the Town reserves the right to enact and enforce further fire restrictions as provided by law."

(10) 308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 48 pounds [nominal 20-pound (9.1kg) LP-gas capacity].

(11) 308.1.5.1 Location near combustibles. Open flames such as from candles, lanterns, kerosene heaters, propane mushroom heaters, and gas fire heaters shall not be located on or near decorative material or combustible construction members.

Exception: Use of propane powered heaters, kerosene heaters, and gas fire heaters shall not be used on R1 or R2 balconies with overhead ceiling or decking.

(12) 315.3 Storage in buildings. Storage of materials in buildings shall be orderly and stacks shall be stable. Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur. Storage room doors shall be provided with approved signage.

(13) 503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Eagle County Land Use Regulations (ECLUR) Article 4: Site Development Standards, Division 4-6: Improvement Standards, Section 4-620 Roadway Standards for all roadway and driveway access approvals. The ECLUR meets or exceeds the requirements of Sections 503.1.1 through 503.1.3.

(14) 503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with Eagle County Land Use Regulations (ECLUR) Article 4: Site Development Standards, Division 4-6:

Improvement Standards, Section 4-620 Roadway Standards for all roadway and driveway access approvals. AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges where required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, approved barriers, approved signs or both shall be installed and maintained where required by the fire code official.

- (15) 503.2.7 Grade. The grade of the fire apparatus access road shall be within Eagle County Land Use Regulations (ECLUR) Article 4: Site Development Standards, Division 4-6: Improvement Standards, Section 4-620 Roadway Standards for all roadway and driveway access approvals.
- (16) 506.1 Key Boxes – A key box, known as a Knox Box, shall be installed in an approved location in all commercial and residential structures with a monitored fire alarm system that summons the fire department, where access to or within a structure or an area is restricted because of secured openings, or where immediate access is necessary for life-saving or fire-fighting purposes. The Knox Box shall be of an approved type listed in accordance with UL 1037 and shall contain keys to gain necessary access as required by the fire code official. Commercial structures shall have a Knox Box that holds no less than 50 keys unless a different size is authorized by the fire code official.
- (17) 508.1 General. A Fire Command Center for fire department operations complies with Sections 508.1.1 through 508.1.6. shall be required in buildings, structures, or facilities that are more than 4 stories (including basements and underground garages) in height or are greater than 50,000 square feet (4645msq.) within surrounding exterior walls.
- (18) 510.1 Emergency responder radio coverage in new buildings. Approved in-building, two-way emergency responder communication coverage for emergency responders shall be provided in all new buildings. In-building, two-way emergency responder communication coverage within the building shall be based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the interior of the building. This section shall not require improvement of the existing public safety communication systems.
- (19) 603.9 Gas & Utility meters. Above-ground gas & utility meters, regulators and piping subject to damage shall be protected by a barrier complying with Section 312 or otherwise protected in an approved manner. Gas & utility meters and piping shall be protected from snow & ice shedding from a roof area. Snow & ice build-up around gas & utility meters shall be kept clear at all times.
- (20) 901.11 Responding to Nuisance Alarms. Nuisance alarms are defined as “an alarm caused by mechanical failure, malfunction, improper installation or lack of maintenance, or an alarm activated by a cause that cannot be determined.” Fire alarms that require emergency response that are caused by a system not being “offline” during repair, test, or inspection will fall under nuisance alarms. When two or more nuisance alarms from an occupancy occur within twelve months of each other, the property owner/manager may be fined. Fines are measured by response apparatus and human resources as defined in the District’s current Colorado Resource Rate Form (CRRF) plus actual personal costs- “using a minimum of two hours
- a. 1st offense: 0
 - b. 2nd offense: Actual CRRF rate for response.
 - c. 3rd offense: Actual CRRF rate for response plus \$200.
 - d. 4th offense: Actual CRRF rate for response plus \$400.
 - e. 5th offense: Actual CRRF rate for response plus \$800.
 - f. Additional offenses will be billed at the 5th offense rate.
 - g. Exceptions: The property owner/manager can provide documentation that the issue that caused the nuisance alarm is in the process of being repaired.

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- (21) 903.2.13 Buildings Constructed under the International Residential Code. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be provided throughout all detached one and two-family dwellings and multiple single-family dwellings (townhouses), complying with the requirements of the International Residential Code, whose total aggregate fire area exceeds 6,000 square feet (557 square meters). The fire area shall be listed on site plan submittal.
- Exception: Unless otherwise required by more restrictive local codes, policies, amendments, ordinances or plat notes.
- (22) 905.3.1 Height. Class I standpipe systems shall be installed throughout buildings where the following conditions exist:
- 905.3.1.1 Building Area. In buildings exceeding 10,000 sq. ft. (929 sq. m.) within surrounding exterior walls, an approved Class I standpipe system shall be provided where any portion of the building's interior is more than 150 feet (46 m) of travel, vertically and/or horizontally, from the nearest point of fire department access. Location of standpipes shall be approved by fire code official.
- (23) 907.2 Where required-new buildings and structures. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code. One manual fire alarm box shall be provided at all designated exits in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or waterflow detection devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, fire alarm boxes shall be installed at all designated exits.
- Exceptions:
- The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service.
- (24) 907.6.6 Monitoring. Fire protection systems required by this chapter or by the International Building Code shall be monitored by an approved supervising station in accordance with NFPA 72.
- Exception: Monitoring by a supervising station is not required for:
- a. Single- and multiple-station smoke alarms required by section 907.2.11
 - b. Smoke detectors in Group I-3 occupancies.
- (25) 912.2.2 Existing buildings. On existing buildings, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.
- (26) 912.5 Signs. A metal sign with raised letters not less than 1 inch (25 mm) in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable. Where the fire department connection does not serve the entire building, a sign shall be provided indicating the portions of the building served.
- (27) 912.5.1 Additional signs for FDC. The fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.
- (28) Section 1103.5.3 Group I-2, Condition 2 is amended by inserting "time period subject to the Fire Code Official" instead of DATE BY WHICH SPRINKLER SYSTEM MUST BE INSTALLED.

(29) 3103.2 Approval required. Tents and membrane structures having an area in excess of 400 square feet (37 m2) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

Exceptions:

- a. Tents used exclusively for recreational camping purposes.
- b. Tents open on all sides that comply with all of the following:
 - i. Individual tents shall have a maximum size 400 square feet.
 - ii. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658mm) shall not exceed 400 square feet

~~(Ord. 8-2011 §1; Ord. 7-2018, §4; Ord. 13-2018, §2(Exh. A))~~

ARTICLE 6 Energy Conservation Code

Sec. 18-6-10. Adoption.

- (a) The International Energy Conservation Code, 2015~~2021~~ Edition, 3~~rd~~ printing (the "IECC"), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 6 inclusive ("IECC"), is hereby adopted by reference as the Town of Minturn Energy Code as if fully set out in this Article with the additions, deletions, insertions and changes as set forth in this Article. The IECC includes appendices CB and RB by the International Code Council, and new appendices CD and RD as set forth below. The subject matter of the IECC includes the design of energy-efficient and high-performance buildings and related energy uses including mechanical, lighting, power systems, and electric vehicle infrastructure for the purpose of protecting the public health, safety, and welfare. The 2021 IECC, as amended in this Article, shall apply to all property within Minturn.
- (b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IECC, as adopted and as amended.

~~(Ord. 5-2011 §5; Ord. 13-2018, §2(Exh. A))~~

Sec. 18-6-20. Amendments.

The following sections of the adopted code are hereby revised as follows:

- (1) Chapter 1 Administration shall be deleted and chapter 1 of the IBC and IRC shall apply.
- (2) Section C101.1 Title is retained in its entirety with the following amendments:

C101.1 Title. This code shall be known as the International Energy Conservation Code of Minturn and shall be cited as such. It is referred to herein as "this code" or "the IECC."
- (3) Section C103.2 Information on construction documents, is amended by modifying item 6 and adding items 14, 15, and 16 as follows:
 - 6. Mechanical and service water heating systems and equipment types, sizes, fuel source, and efficiencies.
 - 14. Details of additional electric infrastructure, including branch circuits, conduit, or pre-wiring, and panel capacity in compliance with the provisions of this code.

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15. Location of pathways for routing of raceways or cable from the solar ready zone to the electrical service panel.
16. Location of designated EVSE spaces, EVSE Universal spaces, EV-Ready spaces, and EV-Capable spaces in parking facilities.
- (4) Section C105.2.5 Electrical system is amended to read:
C105.2.5 Electrical system. Inspection shall verify lighting system controls, components, ~~and~~ meters, and additional electric infrastructure, as required by the code, approved plans and specifications.
- (5) Section C202 GENERAL DEFINITIONS is amended to add or revise the following definitions in alphabetical order:
ALL-ELECTRIC BUILDING. A building and building site that contains no combustion equipment, or plumbing for combustion equipment, and that uses heat pump technology as the primary supply for heating, cooling, and service water heating loads.
COMBUSTION EQUIPMENT: Any equipment or appliances used for space heating, cooling, water heating (including pools and spas), cooking, clothes drying or lighting that uses natural gas, propane, other fuel gas, or fuel oil.
ELECTRIFICATION RETROFIT FEASIBILITY REPORT: A report that analyzes the feasibility of using an electric heat pump when certain appliances are proposed to be replaced without an electric heat pump, and that also lists the following: the cost of the appliance with and without an electric heat pump, and the annual energy cost of the appliance with and without an electric heat pump.
MIXED-FUEL BUILDING. A building and building site that contains combustion equipment, or plumbing for combustion equipment.
- (6) Section C401.2.1, International Energy Conservation Code, item 2, is amended to read as follows:
2. Total Building Performance. The Total Building Performance option requires compliance with Section C407 and, for mixed fuel buildings, Section C405.13 and 10 credits from Tables C406.1(1) through C406.1(5).
- (7) Section C401.2.2 ASHRAE 90.1 is amended to read as follows:
C401.2.2 ASHRAE 90.1. Commercial buildings shall comply with the requirements of ANSI/ASHRAE/IESNA 90.1 and, for mixed fuel buildings, Section C405.13 and 10 credits from Tables C406.1(1) through C406.1(5).
- (8) Section C403.13.3 Roof and gutter deicing controls is added as follows:
C403.13.3 Roof and gutter deicing controls. Roof and gutter deicing systems, including but not limited to self-regulating cable, shall include automatic controls configured to shut off the system when the outdoor temperature is above 40°F (4.8°C) maximum and shall include one of the following:
1. A moisture sensor configured to shut off the system in the absence of moisture; or
2. A programmable timer configured to shut off the system for 8 hours minimum at night.
- (9) C404.2.1 High input service water-heating systems, item 1 under exceptions, is amended to read as follows:
1. Where not less than 50 percent of the annual service water heating requirement is provided by on-site renewable energy or site-recovered energy, not including any capacity used for compliance with Section C406 of this code or the Exterior Energy Offset Program, the minimum thermal efficiency requirements of this section shall not apply.
- (10) Section C404.10 is added as follows:
C404.10 Water heating equipment location. Water heaters with combustion equipment shall be located in a space with the following characteristics:

1. Minimum dimensions of 3 feet by 3 feet by 7 feet high.
2. Minimum volume of 760 cubic feet, or the equivalent of one 16-inch by 24-inch grill to a heated space and one 8-inch duct of no more than 10 feet in length for cool exhaust air.
3. Contains a condensate drain that is no more than 2 inches higher than the base of the installed water heater and allows natural draining without pump assistance, installed within 3 feet of the water heater.

Exceptions:

1. Instantaneous water heaters located within 10 feet of the point of use.
 2. Water heaters with an input capacity of more than 300,000 Btu/h.
- (11) Section C405.5.3 Gas lighting is amended to read as follows:
- Section C405.5.3. Gas lighting.** Gas fired lighting appliances are not permitted.
- (12) Table C405.12.2 ENERGY USE CATEGORIES is amended to add a new line at the end:

<u>Electric vehicle charging</u>	<u>Electric vehicle charging loads.</u>
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- (13) A new Section C405.13 is added to read as follows:

C405.13 Additional electric infrastructure. All *combustion equipment* shall be provided with a junction box that is connected to an electrical panel by continuous raceways and conductors that meet the following requirements:

1. The junction box, raceway, and bus bar in the electric panel and conductors serving the electric panel shall be sized to accommodate electric equipment that is sized to serve the same load as the *combustion equipment*.
2. The panel shall have reserved physical space for a three-pole circuit breaker.
3. The junction box and electrical panel directory entry for the dedicated circuit breaker space shall have labels stating "For future electric equipment."
4. The junction box shall allow for the electric equipment to be installed within the same place of the *combustion equipment* that it replaces.

Exceptions:

1. Warm air furnaces serving spaces that also have space cooling.
 2. Water heating equipment with an input capacity more than 300,000 Btu/h
 3. Industrial, manufacturing, laboratory, and high hazard occupancy combustion equipment.
- (14) Section C406.1 Additional energy efficiency credit requirements, first sentence, is amended to read as follows with the other parts of the paragraph and section to remain:
- C406.1 Additional energy efficiency credit requirements.** New *all-electric buildings* shall achieve a total of 10 credits and new *mixed-fuel buildings* shall achieve a total of 20 credits from Tables C406.1(1) through C406.1(5) where the table is selected based on the use group of the building and from credit calculations as specified in relevant subsections of C406.
- (15) TABLE C406.1(2) ADDITIONAL ENERGY EFFICIENCY CREDITS FOR GROUP R AND I OCCUPANCIES is retained in its entirety, except Sections C406.7.3 and C406.7.4 in Climate Zone 6B are amended to read as follows:

TABLE C406.1(2)

ADDITIONAL ENERGY EFFICIENCY CREDITS FOR GROUP R AND I OCCUPANCIES

<u>SECTION</u>	<u>CLIMATE ZONE 6B</u>
<u>C406.7.3: Efficient fossil fuel water heater^b</u>	<u>3</u>
<u>C406.7.4: Heat pump water heater^b</u>	<u>9</u>

(16) TABLE C406.1(3) ADDITIONAL ENERGY EFFICIENCY CREDITS FOR GROUP E OCCUPANCIES is retained in its entirety, except Sections C406.7.3 and C406.7.4 in Climate Zone 6B are amended to read as follows:

TABLE C406.1(3)

ADDITIONAL ENERGY EFFICIENCY CREDITS FOR GROUP E OCCUPANCIES

<u>SECTION</u>	<u>CLIMATE ZONE 6B</u>
<u>C406.7.3: Efficient fossil fuel water heater^a</u>	<u>1</u>
<u>C406.7.4: Heat pump water heater^a</u>	<u>3</u>

(17) TABLE C406.1(5) ADDITIONAL ENERGY EFFICIENCY CREDITS FOR OTHER OCCUPANCIES is retained in its entirety, except Sections C406.7.3 and C406.7.4 in Climate Zone 6B are amended to read as follows:

TABLE C406.1(5)

ADDITIONAL ENERGY EFFICIENCY CREDITS FOR OTHER^a OCCUPANCIES

<u>SECTION</u>	<u>CLIMATE ZONE 6B</u>
<u>C406.7.3: Efficient fossil fuel water heater^b</u>	<u>3</u>
<u>C406.7.4: Heat pump water heater^b</u>	<u>9</u>

a. Other occupancies include all groups except Groups B, E, I, M, and R.

b. For occupancy groups listed in Section 406.7.1

(18) TABLE C407.2 REQUIREMENTS FOR TOTAL BUILDING PERFORMANCE is retained in its entirety and amended to add the following items:

TABLE C407.2

REQUIREMENTS FOR TOTAL BUILDING PERFORMANCE

<u>SECTION</u>	<u>TITLE</u>
<u>Envelope</u>	
<u>C401.3</u>	<u>Thermal envelope certificate</u>
<u>C402.2.4</u>	<u>Slabs-on-grade</u>
<u>C402.2.6</u>	<u>Insulation of radiant heating system</u>

(19) Section C501.6 Energy audit is added as follows:

C501.6 Energy audit. An ASHRAE Level II energy audit shall be performed and provided to the code official prior to a permit application for any *alteration, addition, or change of occupancy*, in order to baseline the efficiency of the existing building and offer opportunities for cost-effective energy upgrades.

(20) Section C501.7 Thermostatic controls is added as follows:

Section C501.7 Thermostatic controls. *Alterations, additions, and changes of occupancy that involve replacing or expanding a heating or cooling system shall comply with section C403.4.1 Thermostatic controls.*

(21) Section C501.8 Replacement of electric equipment is added as follows:

C501.8 Replacement of electric equipment. Combustion equipment shall not be permitted to be installed to replace electric equipment.

(22) Section C503.3.3 Electrification retrofit feasibility report is added as follows:

C503.3.3 Electrification retrofit feasibility report. Where a gas-fired warm-air furnace is replaced with a gas-fired warm-air furnace, or when a unitary air conditioner or condensing unit serving a heated space is replaced with another unitary air conditioner or condensing unit, an *Electrification Retrofit Feasibility Report* is required.

(23) Section C503.3.4 Mechanical system acceptance testing is added as follows:

C503.3.4 Mechanical system acceptance testing. Where an alteration requires compliance with Section C403 or any of its subsections, mechanical systems that serve the alteration shall comply with Sections C408.2.2, C408.2.3 and C408.2.5.

Exceptions:

1. Mechanical systems and service water heater systems in buildings where the total mechanical equipment capacity is less than 480,000 Btu/h (140.7 kW) cooling capacity and 600,000 Btu/h (175.8 kW) combined service water-heating and space-heating capacity.
2. Systems included in Section C403.5 that serve individual dwelling units and sleeping units.

(24) Section C503.4.1 Service hot water system acceptance testing is added as follows:

C503.4.1 Service hot water system acceptance testing. Where an alteration requires compliance with Section C404 or any of its subsections, service hot water systems that serve the alteration shall comply with Sections C408.2.3 and C408.2.5.

Exceptions:

1. Service water heater systems in buildings where the total mechanical equipment capacity is less than 600,000 Btu/h (175.8 kW) combined service water-heating and space-heating capacity.
2. Systems included in Section C403.5 that serve individual dwelling units and sleeping units.

(25) CB103.1, first sentence, is amended to read as follows, with the exceptions to remain:

CB103.1 General. A solar-ready zone shall be located on the roof of all new buildings that are subject to the commercial provisions of the IECC and that are oriented between 110 degrees and 270 degrees of true north or have low-slope roofs. Solar-ready zones shall comply with Sections CB103.2 through CB103.9.

(26) Appendix CD is added as follows:

APPENDIX CD

EV READINESS – COMMERCIAL

CD101. Purpose and intent. The purpose and intent of this Appendix CD is to accommodate the growing need for EV charging infrastructure. Including these measures during initial commercial construction substantially reduces the costs and difficulty of installing EV infrastructure at a later date.

CD102. Applicability. This Appendix CD shall apply to all new commercial construction to which the current International Building Code applies.

Section CD103. Definitions.

AUTOMOBILE PARKING SPACE. A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office, and work areas, for the parking of an automobile.

DIRECT CURRENT FAST CHARGING (DCFC) EVSE: EV power transfer infrastructure capable of fast charging on a 100A or higher 480VAC three-phase branch circuit. AC power is converted into a controlled DC voltage and current within the EVSE that will then directly charge the *electric vehicle*.

EV LOAD MANAGEMENT SYSTEM: A system designed to allocate charging capacity among multiple EVSE and that complies with the current National Electric Code.

ELECTRIC VEHICLE (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood *electric vehicles*, and electric motorcycles, primarily powered by an electric motor that draws current from an electric source.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). Equipment for plug-in power transfer including the ungrounded, grounded, and equipment grounding conductors, and the *electric vehicle* connectors, attachment plugs, personal protection system and all other fittings, devices, power outlets or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the *electric vehicle*.

ELECTRIC VEHICLE SUPPLY EQUIPMENT INSTALLED SPACE (EVSE space). An automobile parking space that is provided with a dedicated EVSE connection.

ELECTRIC VEHICLE CAPABLE SPACE (EV CAPABLE SPACE). A designated automobile parking space that is provided with electrical infrastructure, such as, but not limited to, raceways, cables, electrical capacity, and panelboard or other electrical distribution equipment space, necessary for the future installation of an EVSE.

ELECTRIC VEHICLE READY SPACE (EV READY SPACE). An automobile parking space that is provided with a branch circuit and a ground fault circuit interrupter (GFCI/GFI) outlet, junction box, or receptacle, that will support an installed EVSE.

UNIVERSAL VEHICLE CHARGING STATION. A charging station installed in a parking space for a minimum vehicle width of 120 inches (3048 mm) with 36 inch access aisles (915 mm) on each side.

CD104 Electric vehicle power transfer infrastructure. New parking facilities shall be provided with *electric vehicle* power transfer infrastructure in compliance with Sections CD104.1 through CD104.6, CD105, and CD106.

CD104.1 Quantity. The number of required EVSE spaces, EV ready spaces, and EV capable spaces shall be determined in accordance with this Section and Table CD104.1 based on the total number of *automobile parking spaces* and shall be rounded up to the nearest whole number. For multifamily buildings, the Table requirements shall be based on the total number of dwelling units or the total number of *automobile parking spaces*, whichever is less.

1. Where more than one parking facility is provided on a building site, the number of required *automobile parking spaces* required to have EV power transfer infrastructure shall be calculated separately for each parking facility.
2. Where one shared parking facility serves multiple building occupancies, the required number of spaces shall be determined proportionally based on the floor area of each building occupancy.

3. Installed EVSE spaces that exceed the minimum requirements of this section may be used to meet minimum requirements for EV ready spaces and EV capable spaces.
4. Installed EV ready spaces that exceed the minimum requirements of this section may be used to meet minimum requirements for EV capable spaces.
5. Where the number of EV ready spaces allocated for multifamily occupancies is equal to the number of dwelling units or to the number of automobile parking spaces, whichever is less, requirements for EVSE spaces shall not apply.
6. In multifamily complexes that contain multiple buildings, required EV spaces shall be dispersed throughout parking areas so that each building has access to a similar number of spaces per dwelling unit.
7. Direct Current Fast Charging. The number of EVSE spaces may be reduced by up to ten per DCFC EVSE provided that the building includes not less than one parking space equipped with a DCFC EVSE and not less than one EV ready space. A maximum of fifty spaces may be reduced from the total number of EVSE spaces.

Exception: Parking facilities, serving occupancies other than multifamily, with fewer than 10 automobile parking spaces.

TABLE CD104.1

REQUIRED EV POWER TRANSFER INFRASTRUCTURE

BUILDING TYPE	MINIMUM EV INSTALLED SPACES	MINIMUM EV READY SPACES	MINIMUM EV CAPABLE SPACES
Multifamily^a	5%	10%	40%
All Other Commercial	5%	0%	40%

- a. Where all (100%) parking serving multifamily are EV ready spaces, requirements for EVSE spaces shall not apply.

CD104.2 EV capable spaces. Each EV capable space used to meet the requirements of Section CD104.1 shall comply with all of the following:

1. A continuous raceway or cable assembly shall be installed between an enclosure or outlet located within 3 feet (914 mm) of the EV capable space and a suitable panelboard or other onsite electrical distribution equipment.
2. Installed raceway or cable assembly shall be sized and rated to supply a minimum circuit capacity in accordance with CD104.5
3. The electrical distribution equipment to which the raceway or cable assembly connects shall have sufficient dedicated space and spare electrical capacity for a 2-pole circuit breaker or set of fuses.
4. The electrical enclosure or outlet and the electrical distribution equipment directory shall be marked: "For future electric vehicle supply equipment (EVSE)."
5. Reserved capacity shall be no less than 4.1 kVA (20A 208/240V) for each EV capable space.

CD104.3 EV ready spaces. Each branch circuit serving EV ready spaces used to meet the requirements of Section CD104.1 shall comply with all of the following:

1. Terminate at an outlet or enclosure, located within 3 feet (914 mm) of each EV ready space it serves.
2. Have a minimum circuit capacity in accordance with CD104.5.
3. Branch circuit on the panelboard or other electrical distribution equipment directory designated as "For electric vehicle supply equipment (EVSE)" and the outlet or enclosure marked "For electric vehicle supply equipment (EVSE)."

CD104.4 EVSE spaces. An installed EVSE with multiple output connections shall be permitted to serve multiple EVSE spaces. Each EVSE installed to meet the requirements of Section CD104.1, serving either a single EVSE space or multiple EVSE spaces, shall comply with all of the following:

1. Have a minimum circuit capacity in accordance with CD104.5.
2. Have a minimum charging rate in accordance with CD104.4.1.
3. Be located within 3 feet (914 mm) of each EVSE space it serves.
4. Be installed in accordance with Section CD104.6 and CD104.7.

CD104.4.1 EVSE minimum charging rate. Each installed EVSE shall comply with one of the following:

1. Be capable of charging at a minimum rate of 6.2 kVA (or 30A at 208/240V).
2. When serving multiple EVSE spaces and controlled by an energy management system providing load management, be capable of simultaneously charging each EVSE space at a minimum rate of no less than 3.3 kVA.
3. When serving EVSE spaces allowed to have a minimum circuit capacity of 2.7 kVA in accordance with CD104.5.1 and controlled by an energy management system providing load management, be capable of simultaneously charging each EVSE space at a minimum rate of no less than 2.1 kVA.

CD104.5 Circuit capacity. The capacity of electrical infrastructure serving each EV capable space, EV ready space, and EVSE space shall comply with one of the following:

1. A branch circuit with a rated capacity not less than 8.3 kVA (or 40A at 208/240V) for each EV ready space or EVSE space it serves.
2. The requirements of CD104.5.1.

CD104.5.1 Circuit capacity management. The capacity of each branch circuit serving multiple EVSE spaces, EV ready spaces or EV capable spaces designed to be controlled by an energy management system providing load management in accordance with NFPA 70, shall comply with one of the following:

1. Have a minimum capacity of 4.1 kVA per space.
2. Have a minimum capacity of 2.7 kVA per space when serving EV ready spaces or EVSE spaces for a building site where all (100%) of the automobile parking spaces are designed to be EV ready or EVSE spaces.

CD104.6 EVSE installation. EVSE shall be installed in accordance with NFPA 70 and shall be listed and labeled in accordance with UL 2202 or UL 2594.

CD104.7. EVSE ENERGY STAR. All EVSE shall be ENERGY STAR certified.

CD105. Universal vehicle charging stations. Where electric vehicle charging stations are provided for public use, or where electric vehicle charging stations are shared by multiple multifamily dwelling units, the number of universal vehicle charging stations shall be provided in accordance with Table CD104.1. When multiple stalls are required, access aisles may be shared.

TABLE CD105.1

UNIVERSAL EV SPACE REQUIREMENTS

<u>TOTAL # OF EV CHARGING STATIONS</u>	<u>MINIMUM # OF UNIVERSAL VEHICLE CHARGING STATIONS</u>
<u>1 or more</u>	<u>25%</u>

CD106. Identification. Construction documents shall designate all EV capable spaces, EV ready spaces, and EVSE spaces and indicate the locations of conduit and termination points serving them. The circuit

breakers or circuit breaker spaces reserved for the *EV capable spaces, EV ready spaces, and EVSE spaces* shall be clearly identified in the panel board directory. The conduit for *EV capable spaces* shall be clearly identified at both the panel board and the termination point at the parking space.

(27) Section R101.1 Title is retained in its entirety with the following amendments:

R101.1 Title. This code shall be known as the International Energy Conservation Code of Minturn, and shall be cited as such. It is referred to herein as “this code” or “the IECC.”

(28) Section R103.2 Information on construction documents, is amended by modifying item 6 and adding items 10, 11, and 12 as follows:

6. Mechanical and service water heating systems and equipment types, sizes, fuel source, and efficiencies.

10. Details of additional electric infrastructure, including branch circuits, conduit, or pre-wiring, and panel capacity in compliance with the provisions of this code.

11. Location of pathways for routing of raceways or cable from the solar ready zone to the electrical service panel.

12. Location of designated EVSE spaces, EVSE Universal spaces, EV-Ready spaces, and EV-Capable spaces in parking facilities, as applicable.

(29) Section R202 GENERAL DEFINITIONS is amended to add the following definitions in alphabetical order:

ALL-ELECTRIC BUILDING. A *building* and building site that contains no *combustion equipment*, or plumbing for *combustion equipment*, and that uses heat pump technology as the primary supply for heating, cooling, and service water heating loads.

COMBUSTION EQUIPMENT: Any equipment or appliances used for space heating, cooling, water heating (including pools and spas), cooking, clothes drying or lighting that uses natural gas, propane, other fuel gas, or fuel oil.

MIXED-FUEL BUILDING. A *building* and building site that contains *combustion equipment*, or plumbing for *combustion equipment*.

(30) Section R401.2.5 Additional energy efficiency is amended as follows:

R401.2.5 Additional energy efficiency. This section establishes additional requirements applicable to all compliance approaches to achieve additional energy efficiency.

1. For buildings complying with Section R401.2.1, the building shall meet one of the following:

1.1. For *all-electric buildings*, one of the additional efficiency package options shall be installed according to Section R408.2.

1.2. For *mixed-fuel buildings*, three of the additional efficiency packages shall be installed, at least one of which addresses the envelope.

2. For buildings complying with Section R401.2.2, the building shall meet one of the following:

2.1. For *all-electric buildings*, one of the additional efficiency package options in Section R408.2 shall be installed without including such measures in the proposed design under Section R405.

2.2. For *mixed-fuel buildings*, three of the additional efficiency packages shall be installed, at least one of which addresses the envelope, without including such measures in the proposed design under Section R405.

2.3. For *all-electric buildings*, the proposed design of the building under Section R405.3 shall have an annual energy cost that is less than or equal to 95 percent of the annual energy cost of the standard reference design.

2.4. 2.4. For mixed-fuel buildings, the proposed design of the building under Section R405.3 shall have an annual energy cost that is less than or equal to 80 percent of the annual energy cost of the standard reference design.

3. For buildings complying with the Energy Rating Index alternative Section R401.2.3, the Energy Rating Index value shall be at least 5 percent less than the Energy Rating Index target specified in Table R406.5.

The options selected for compliance shall be identified in the certificate required by Section R401.3.

(31) Section R401.3 Certificate, item 4, is amended and new items 8, 9, and 10 are added as follows:

R401.3 Certificate. A permanent certificate shall be completed by the builder or other approved party and posted on a wall in the space where the furnace is located, a utility room or an approved location inside the building. Where located on an electrical panel, the certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label or other required labels. The certification shall indicate the following:

4. The types, sizes, fuel sources, and efficiencies of heating, cooling and service water heating equipment. Where a gas-fired unvented room heater, electric furnace or baseboard electric heater is installed in the residence, the certificate shall indicate "gas-fired unvented room heater," "electric furnace" or "baseboard electric heater," as appropriate. An efficiency shall not be indicated for gas-fired unvented room heaters, electric furnaces and electric baseboard heaters.

8. The fuel sources for cooking and clothes drying equipment.

9. Where combustion equipment is installed, the certificate shall indicate information on the installation of additional electric infrastructure including which equipment and/or appliances include additional electric infrastructure, capacity reserved on the electrical service panel for replacement of each piece of combustion equipment and/or appliance

10. Where a solar-ready zone is provided, the certificate shall indicate the location, dimensions, and capacity reserved on the electrical service panel.

(32) Section R403.5 Service hot water systems is amended as follows:

R403.5 Service hot water systems. Energy conservation measures for service hot water systems shall be in accordance with Sections R403.5.1 through R403.5.4.

(33) Section R403.5.2 Hot water pipe insulation, item 1, is amended to read as follows:

1. Piping located inside the conditioned space, unless completely encapsulated by insulation which serves the cavity or space.

(34) Section R403.5.4 Water heating equipment location is added as follows:

R403.5.4 Water heating equipment location. Water heaters with combustion equipment shall be located in a space with the following characteristics:

1. Minimum dimensions of 3 feet by 3 feet by 7 feet high.

2. Minimum volume of 760 cubic feet, or the equivalent of one 16-inch by 24-inch grill to a heated space and one 8-inch duct of no more than 10 feet in length for cool exhaust air.

3. Contains a condensate drain that is no more than 2 inches higher than the base of the installed water heater and allows natural draining without pump assistance, installed within 3 feet of the water heater.

Exception:

1. Water heaters with an input capacity of greater than 300,000 Btu/h that serve multiple dwelling units or sleeping units.

(35) Section R403.10 Roof and gutter deicing controls is added as follows:

R403.10 Roof and gutter deicing controls. Roof and gutter deicing systems, including but not limited to self-regulating cable, shall include automatic controls configured to shut off the system when the outdoor temperature is above 40°F (4.8°C) maximum and shall include one of the following:

1. A moisture sensor configured to shut off the system in the absence of moisture, or
2. A programmable timer configured to shut off the system for 8 hours minimum at night.

(36) Section R404.1.1 Fuel gas lighting is amended to read as follows:

Section R404.1.1. Fuel gas lighting. Fuel gas lighting systems are prohibited.

(37) A new Section R404.4 Additional electric infrastructure is added as follows:

R404.4 Additional electric infrastructure. All combustion equipment shall be installed in accordance with Section R403.5.4 and shall be provided with a junction box that is connected to an electrical panel by continuous raceways and conductors that meet the following requirements:

1. The junction box, raceway, and bus bar in the electric panel and conductors serving the electric panel shall be sized to accommodate electric equipment that is sized to serve the same load as the combustion equipment.
2. The panel shall have reserved physical space for a dual-pole circuit breaker.
3. The junction box and electrical panel directory entry for the dedicated circuit breaker space shall have labels stating "For future electric equipment."
4. The junction box shall allow for the electric equipment to be installed within the same place of the combustion equipment that it replaces.

Exceptions:

1. Fossil fuel space heating equipment where a 208/240-volt electrical circuit with a minimum capacity of 40 amps exists for space cooling equipment.
2. Water heating equipment with an input capacity greater than 300,000 Btu/h that serves multiple dwelling units or sleeping units.

(38) Table R405.2 Requirements for Total Building Performance adds a new row under Mechanical and a new row under Electrical Power and Lighting Systems as follows:

TABLE R405.2 REQUIREMENTS FOR TOTAL BUILDING PERFORMANCE

<u>SECTION</u>	<u>TITLE</u>
<u>Mechanical</u>	
<u>R403.5.4</u>	<u>Water heating equipment location</u>
<u>Electrical Power and Lighting Systems</u>	
<u>R404.4</u>	<u>Additional electric infrastructure</u>

(39) Table R406.2 Requirements for Energy Rating Index adds a new row under Mechanical and a new row under Electrical Power and Lighting Systems as follows:

TABLE R406.2 REQUIREMENTS FOR ENERGY RATING INDEX

<u>SECTION</u>	<u>TITLE</u>
<u>Mechanical</u>	

<u>R403.5.4</u>	<u>Water heating equipment</u>
<u>Electrical Power and Lighting Systems</u>	
<u>R404.4</u>	<u>Additional electric infrastructure</u>

(40) Section R406.5 ERI-based compliance is amended as follows:

R406.5 ERI-based compliance. Compliance based on an ERI analysis requires that the rated proposed design and confirmed built dwelling be shown to have an ERI less than or equal to the appropriate value for the proposed all-electric or mixed-fuel building as indicated in Table R406.4 when compared to the ERI reference design.

TABLE R406.5 MAXIMUM ENERGY RATING INDEX

<u>CLIMATE ZONE</u>	<u>ALL-ELECTRIC BUILDING</u>	<u>MIXED FUEL BUILDING</u>
<u>6</u>	<u>54</u>	<u>49</u>

(41) Section R501.7 Energy audit is added as follows:

R501.7 Energy audit. A RESNET, Building Performance Institute, or other approved energy audit shall be performed and provided to the code official prior to a permit application for any *addition or alteration*, in order to baseline the efficiency of the existing building and offer opportunities for cost-effective energy upgrades. The audit must include a blower door test and a thermographic scan.

(42) Section R501.8 Programmable thermostat is added as follows:

Section R501.8 Programmable thermostat. Alterations, additions, and changes of occupancy that involve replacing or expanding a heating or cooling system shall comply with section R403.1.1 Programmable thermostat.

(43) Section R501.9 Replacement of electric equipment.

R501.9 Replacement of electric equipment. Combustion equipment shall not be permitted to be installed to replace electric equipment.

(44) Section R501.10 Electrification retrofit bid is added as follows:

R501.10 Electrification retrofit bid. Where a gas-fired warm-air furnace is replaced with a gas-fired warm-air furnace, or when a unitary air conditioner or condensing unit serving a heated space is replaced with another unitary air conditioner or condensing unit, an *Electrification Retrofit Bid* shall be obtained and submitted.

(45) Appendix RB Title is amended to read: “Appendix RB Solar Ready Provisions.”

(46) RB103.1, first sentence, is amended as follows, with the rest of the section remaining:

RB103.1 General. New residential buildings with not less than 600 square feet (55.74 m²) of roof area oriented between 110 degrees and 270 degrees of true north shall comply with Sections RB103.2 through RB103.8.

(47) Appendix RD is added as follows:

APPENDIX RD

EV READINESS - RESIDENTIAL

RD101. Purpose and intent. The purpose and intent of this Appendix RD is to accommodate the growing need for EV charging infrastructure, in particular meeting preferences for charging at home. Including these measures during initial construction substantially reduces the costs and difficulty of installing EV infrastructure at a later date.

RD102. Applicability. This Appendix RD shall apply to all new residential construction to which the International Residential Code applies.

RD103. Definitions.

AUTOMOBILE PARKING SPACE. A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office, and work areas, for the parking of an automobile.

DIRECT CURRENT FAST CHARGING (DCFC) EVSE: EV power transfer infrastructure capable of fast charging on a 100A or higher 480VAC three-phase branch circuit. AC power is converted into a controlled DC voltage and current within the EVSE that will then directly charge the electric vehicle.

EV LOAD MANAGEMENT SYSTEM: A system designed to allocate charging capacity among multiple EVSE and that complies with the current National Electric Code.

ELECTRIC VEHICLE (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, and electric motorcycles, primarily powered by an electric motor that draws current from an electric source.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). Equipment for plug-in power transfer including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, personal protection system and all other fittings, devices, power outlets or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

ELECTRIC VEHICLE SUPPLY EQUIPMENT INSTALLED SPACE (EVSE space). An automobile parking space that is provided with a dedicated EVSE connection.

ELECTRIC VEHICLE CAPABLE SPACE (EV CAPABLE SPACE). A designated automobile parking space that is provided with electrical infrastructure, such as, but not limited to, raceways, cables, electrical capacity, and panelboard or other electrical distribution equipment space, necessary for the future installation of an EVSE.

ELECTRIC VEHICLE READY SPACE (EV READY SPACE). An automobile parking space that is provided with a branch circuit and receptacle that will support an installed EVSE.

UNIVERSAL VEHICLE CHARGING STATION. A charging station installed in a parking space for a minimum vehicle width of 120 inches (3048 mm) with 36 inch access aisles (915 mm) on each side.

RD104 One- and two- family dwellings and townhouses. One EV ready space shall be provided for each dwelling unit. The branch circuit shall be identified as EV ready in the service panel or subpanel directory, and the termination location shall be marked as EV ready.

Exception: Dwelling units where no parking spaces are either required or provided.

RD105 Residential multifamily dwellings, 3-stories or less. New dwelling units for residential multifamily buildings, other than duplexes and townhomes, shall be provided with electric vehicle power transfer infrastructure in compliance with Sections RD105.1 through RD105.6 and Sections RD106 through RD107.

RD105.1 Quantity. The number of required EVSE spaces, EV ready spaces, and EV capable spaces shall be determined in accordance with this Section and Table RD105.1 based on the total number of automobile parking spaces and shall be rounded up to the nearest whole number. For multifamily buildings, the Table requirements shall be based on the total number of dwelling units or the total number of automobile parking spaces, whichever is less.

1. Where more than one parking facility is provided on a building site, the number of required automobile parking spaces required to have EV power transfer infrastructure shall be calculated separately for each parking facility.
2. Installed EVSE spaces that exceed the minimum requirements of this section may be used to meet minimum requirements for EV ready spaces and EV capable spaces.
3. Installed EV ready spaces that exceed the minimum requirements of this section may be used to meet minimum requirements for EV capable spaces.
4. Where the number of EV ready spaces allocated for multifamily occupancies is equal to the number of dwelling units or to the number of automobile parking spaces allocated to multifamily occupancies, whichever is less, requirements for EVSE spaces shall not apply.
5. In multifamily complexes that contain multiple buildings, required EV spaces shall be dispersed throughout parking areas so that each building has access to a similar number of spaces per dwelling unit.

TABLE RD105.1

REQUIRED EV POWER TRANSFER INFRASTRUCTURE FOR MULTIFAMILY

<u>BUILDING TYPE</u>	<u>MINIMUM EV INSTALLED SPACES</u>	<u>MINIMUM EV READY SPACES</u>	<u>MINIMUM EV CAPABLE SPACES</u>
<u>Multifamily</u>	<u>5%</u>	<u>10%</u>	<u>40%</u>

- a. Where all (100%) parking serving multifamily occupancies are EV ready spaces, requirements for EVSE spaces shall not apply.

RD105.2 EV capable spaces. Each *EV capable space* used to meet the requirements of Section RD105.1 shall comply with all of the following:

1. A continuous raceway or cable assembly shall be installed between an enclosure or outlet located within 3 feet (914 mm) of the EV capable space and a suitable panelboard or other onsite electrical distribution equipment.
2. Installed raceway or cable assembly shall be sized and rated to supply a minimum circuit capacity in accordance with RD105.5
3. The electrical distribution equipment to which the raceway or cable assembly connects shall have sufficient dedicated space and spare electrical capacity for a 2-pole circuit breaker or set of fuses.
4. The electrical enclosure or outlet and the electrical distribution equipment directory shall be marked: "For future electric vehicle supply equipment (EVSE)."
5. Reserved capacity shall be no less than 4.1 kVA (20A 208/240V) for each EV capable space.

RD105.3 EV ready spaces. Each branch circuit serving *EV ready spaces* used to meet the requirements of Section RD105.1 shall comply with all of the following:

1. Terminate at a receptacle with overcurrent protection and GFCI protection as required by NFPA 70, located within 3 feet (914 mm) of each EV ready space it serves.
2. Have a minimum circuit capacity in accordance with RD105.5.
3. Have a branch circuit on the panelboard or other electrical distribution equipment directory designated as "For electric vehicle supply equipment (EVSE)" and the outlet or enclosure shall be marked "For electric vehicle supply equipment (EVSE)."

RD105.4 EVSE spaces. An installed *EVSE* with multiple output connections shall be permitted to serve multiple *EVSE spaces*. Each *EVSE* installed to meet the requirements of Section RD105.1, serving either a single *EVSE space* or multiple *EVSE spaces*, shall comply with all of the following:

1. Have a minimum circuit capacity in accordance with RD105.5.
2. Have a minimum charging rate in accordance with RD105.4.1.

3. Be located within 3 feet (914 mm) of each EVSE space it serves.
4. Be installed in accordance with Section RD105.6 and RD105.7

RD105.4.1 EVSE minimum charging rate. Each installed EVSE shall comply with one of the following:

1. Be capable of charging at a minimum rate of 6.2 kVA (or 30A at 208/240V).
2. When serving multiple EVSE spaces and controlled by an energy management system providing load management, be capable of simultaneously charging each EVSE space at a minimum rate of no less than 3.3 kVA.
3. When serving EVSE spaces allowed to have a minimum circuit capacity of 2.7 kVA in accordance with RD105.5.1 and controlled by an energy management system providing load management, be capable of simultaneously charging each EVSE space at a minimum rate of no less than 2.1 kVA.

RD105.5 Circuit capacity. The capacity of electrical infrastructure serving each EV capable space, EV ready space, and EVSE space shall comply with one of the following:

1. A branch circuit with a rated capacity not less than 8.3 kVA (or 40A at 208/240V) for each EV ready space or EVSE space it serves.
2. The requirements of RD105.5.1.

RD105.5.1 Circuit capacity management. The capacity of each branch circuit serving multiple EVSE spaces, EV ready spaces or EV capable spaces designed to be controlled by an energy management system providing load management in accordance with NFPA 70, shall comply with one of the following:

1. Have a minimum capacity of 4.1 kVA per space.
2. Have a minimum capacity of 2.7 kVA per space when serving EV ready spaces or EVSE spaces for a building site when all (100%) of the automobile parking spaces are designed to be EV ready or EVSE spaces.

RD105.6 EVSE installation. EVSE shall be installed in accordance with NFPA 70 and shall be listed and labeled in accordance with UL 2202 or UL 2594.

RD105.7. EVSE ENERGY STAR. All EVSE shall be ENERGY STAR certified.

RD106. Universal vehicle charging stations. Where electric vehicle charging stations are provided for public use, or where electric vehicle charging stations are shared by multiple multifamily dwelling units, the number of universal vehicle charging stations shall be provided in accordance with Table RD106.1. When multiple stalls are required, access aisles may be shared.

TABLE RD106.1

UNIVERSAL EV SPACE REQUIREMENTS

<u>TOTAL # OF EV CHARGING STATIONS</u>	<u>MINIMUM # OF UNIVERSAL VEHICLE CHARGING STATIONS</u>
<u>1 or more</u>	<u>25%</u>

RD107. Identification. Construction documents shall designate all EV capable spaces, EV ready spaces, and EVSE spaces and indicate the locations of conduit and termination points serving them. The circuit breakers or circuit breaker spaces reserved for the EV capable spaces, EV ready spaces, and EVSE spaces shall be clearly identified in the panel board directory. The conduit for EV capable spaces shall be clearly identified at both the panel board and the termination point at the parking space.

ARTICLE 7 Plumbing Code

Sec. 18-7-10. Adoption.

- (a) The *International Plumbing Code, 2015-Currently adopted Edition by the State of Colorado, 3rd printing*, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 13 inclusive ("IPC"), as amended by the Colorado Plumbing Code as codified at 3 CCR 720-1, is hereby adopted by reference as the Town of Minturn Plumbing Code as if fully set out in this Article with the additions, deletions, insertions and changes as set forth in this Article.
- (b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IPC, as adopted and as amended.

~~(Ord. 5-2011 §6; Ord. 13-2018, §2(Exh. A))~~

Sec. 18-7-20. – Amendments.

The following sections of the adopted code are hereby revised as follows:

- (1) Section 101.1 Title is amended by inserting "Town of Minturn" instead of NAME OF JURISDICTION.
- (2) Section 103.1 Creation of agency is amended by inserting "Building Department" instead of INSERT NAME OF DEPARTMENT.
- (3) Section 115.4 Violation penalties is amended by inserting "misdemeanor" instead of SPECIFY OFFENSE, "a fine not exceeding the maximum fine permitted pursuant to Section 13-10-113, C.R.S., as may be amended from time to time" instead of AMOUNT, and "no person shall be subject to imprisonment for a violation of this IPC, unless the person convicted of a misdemeanor violation of this Code, that person having previously been convicted of two (2) or more misdemeanor violations under the same Chapter in the previous two (2) years prior to the new conviction, then the person may be subject to a fine and imprisonment not exceeding the maximum penalties permitted pursuant to Section 13-10-113, C.R.S., as may be amended from time to time." Instead of NUMBER OF DAYS.
- (4) Section 305.4.1 Sewer depth is amended by inserting "forty eight (48)" instead of NUMBER.
- (5) Section 903.1.1 Roof extension unprotected is amended by inserting "eighteen (18)" instead of NUMBER.

ARTICLE 8 Mechanical Code

Sec. 18-8-10. Adoption.

- (a) The *International Mechanical Code, 20152021 Edition*, 3rd printing, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, Chapters 1 through 15 inclusive ("IMC"), is hereby adopted by reference as the Town of Minturn Mechanical Code as if fully set out in this Article with the additions, deletions, insertions and changes as set forth in this Article.
- (b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IMC, as adopted and as amended.

~~(Ord. 5-2011 §7; Ord. 13-2018, §2(Exh. A))~~

Sec. 18-8-20. – Amendments.

The following sections of the adopted code are hereby revised as follows:

- (1) Section 101.1 Title is amended by inserting “Town of Minturn” instead of NAME OF JURISDICTION.
- (2) Section 103.1 Creation of agency is amended by inserting “Building Department” instead of NAME OF DEPARTMENT.
- (3) Section 115.4 Violation penalties is amended by inserting “misdemeanor” instead of SPECIFY OFFENSE, “a fine not exceeding the maximum fine permitted pursuant to Section 13-10-113, C.R.S., as may be amended from time to time” instead of AMOUNT, and “no person shall be subject to imprisonment for a violation of this IPC, unless the person convicted of a misdemeanor violation of this Code, that person having previously been convicted of two (2) or more misdemeanor violations under the same Chapter in the previous two (2) years prior to the new conviction, then the person may be subject to a fine and imprisonment not exceeding the maximum penalties permitted pursuant to Section 13-10-113, C.R.S., as may be amended from time to time.” Instead of NUMBER OF DAYS.

ARTICLE 9 Property Maintenance Code

Sec. 18-9-10. Adoption.

- (a) The *International Property Maintenance Code, 2015/2021 Edition, 4th 2nd* printing, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, is hereby adopted by reference as the Town of Minturn Property Maintenance Code as if fully set out in this Article with the additions, deletions, insertions and changes as set forth in this Article.
- (b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IPMC, as adopted and as amended.

(Ord. 5-2011 §8; Ord. 13-2018, §2(Exh. A))

Sec. 18-9-20. – Amendments.

The following sections of the adopted code are hereby revised as follows:

- (1) Section 101.1 Title is amended by inserting “Town of Minturn” instead of NAME OF JURISDICTION.
- (2) Section 103.1 Creation of agency is amended by inserting “Building Department” instead of INSERT NAME OF DEPARTMENT.
- (3) Section 302.4 Weeds is amended by inserting “eighteen (18) inches” instead of JURISDICTION TO INSERT HEIGHT IN INCHES.
- (4) Section 304.14 Insect screens is amended by inserting “January 1st to December 31st” instead of [DATE] to [DATE].
- (5) Section 602.3 Heat supply is amended by inserting “January 1st to December 31st” instead of [DATE] to [DATE].
- (6) Section 602.4 Occupiable work spaces is amended by inserting “January 1st to December 31st” instead of [DATE] to [DATE].

ARTICLE 11 Accessibility Code

Sec. 18-11-10. Adoption.

- (a) The *Accessible and Usable Buildings and Facilities* (ICC A1 17.1-~~2009~~2017), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001, and the rules and regulations thereunder, is hereby adopted by reference as the Town of Minturn Accessibility Code as if fully set out in this Article with the additions, deletions, insertions and changes as set forth in this Article.
- (b) No building shall be hereafter constructed, erected, enlarged, altered or moved into the City unless the same shall, as to design, construction, quality of materials and workmanship, conform with the NEC, as adopted and as amended.

~~(Ord. 13-2018, §2(Exh. A))~~

ARTICLE 16 Impact Fees¹

Sec. 18-16-100. Impact fee schedule.

- (a) The following impact fees for fire protection and emergency medical services are established and imposed. The impact fee amounts and rates are deemed to fairly, equitably and proportionately mitigate the impacts on capital facilities for fire protection and emergency medical services created by development within the Town. Any impact fee for fire protection and emergency medical services hereby imposed shall be imposed and applied on a uniform and nondiscriminatory basis throughout the Town to any lot, tract, parcel or expansion for which no building permit has yet been issued.
- (b) For residential, commercial (including lodging) or industrial development, impact fees imposed for fire protection and emergency medical services shall be based on size of the water meter required for development:

<i>Size</i>	<i>Impact Fee</i>
¾-inch	\$ <u>1,671,795.00</u>
1-inch	<u>2,841,053.00</u>
1.5-inch	<u>5,515,927.00</u>
2-inch	<u>8,857,517.00</u>
3-inch	<u>18,382,753.00</u>
4-inch	<u>28,409,528.00</u>
6-inch	<u>55,147,260.00</u>
<u>8-inch</u>	<u>108,106.00</u>
<u>10-inch</u>	<u>138,515.00</u>
<u>12-inch</u>	<u>258,964.00</u>

~~(Ord. 2, 2009 §1; Ord. 5-2011 §§8, 9; Ord. 13-2018, §2(Exh. A))~~

¹Note(s)—See editor's note at Art. 13.



To: Mayor and Council
From: Madison Harris, Planner I
Date: April 13, 2023
Agenda Item: Ordinance 06 - Series 2023 Amending Snow Storage Requirements in Chapter 16 of the MMC

REQUEST:

Review and approve Ordinance 06 - Series 2023 amending Section 16-16-130 - *Snow storage*, of the Minturn Municipal Code, on first reading.

INTRODUCTION:

The Planning Commission requested that this section of code be amended as there was concern that 5% of the parking area was too little space to be dedicated to snow storage. One Planning Commissioner believed that the previous requirement was 5% of the lot area, and direction was given to staff to bring forth an amendment addressing this issue.

ANALYSIS:

The Planning Commission reviewed this ordinance at their April 12, 2023 regular meeting and forwarded a recommendation of approval to the Town Council.

COMMUNITY INPUT:

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:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

THE TOWN WILL SEEK TO MAKE **INFORMED, DATA-BASED DECISIONS** WITH A **STANDARD OF “DOING IT RIGHT.”** WITH AN **HONEST** APPROACH TO ALL ASPECTS OF LOCAL GOVERNMENT AND A FOCUS ON THE **PUBLIC PROCESS**, THE TOWN COUNCIL AND STAFF ARE COMMITTED TO SERVING MINTURN WITH THE HONESTY AND INTEGRITY EXPECTED OF A SMALL-TOWN GOVERNMENT.

ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN

The ability for Minturn to approach development as **resilient, sustainable, creative and diverse** will allow the town to continue embracing what has **“made Minturn, Minturn.”** The town can further leverage its crossroads location as a valley-wide benefit and **competitive advantage**.

RECOMMENDED ACTION OR PROPOSED MOTION:

1. Approve Ordinance 06 - Series 2023 amending snow storage requirements in Chapter 16 of the MMC.

ATTACHMENTS:

- Memo to the Planning Commission
- Ordinance 06 - Series 2023 amending snow storage requirements in Chapter 16 of the MMC.

Minturn Planning Department
Minturn Town Center
302 Pine Street
Minturn, Colorado 81645



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Amanda Mire
Sage Pierson
Tom Priest

To: Planning Commission
From: Scot Hunn, Planning Director
Date: April 6, 2023
Re: Ordinance No. TBD, Series 2023

The attached ordinance contains amendments to Section 16-16-130 - *Snow storage*, of the Minturn Municipal Code. This ordinance is being presented to the Minturn Planning Commission for review and comment prior to presenting the same to the Minturn Town Council for approval.

Briefly, the following amendments are proposed:

1. Updating the amount of area, expressed in square feet, of a property, from five (5%) percent of the area dedicated to parking and loading on the parcel to five (5%) percent of the **total land area** of the parcel in question.
2. Updating the requirements for the location and accessibility of proposed snow storage areas on a property to ensure and require that such areas are functionally accessible and in proximity to the areas of impervious parking and/or loading areas on the parcel in question.

This amendment is being proposed in response to concerns raised by the Planning Commission and by the Town of Minturn Public works over several years during and after the review and approval of numerous new residential developments or redevelopments in different areas of the Town, where the locations and areas of proposed snow storage, while compliant with the Town's minimum 5% requirement (of parking and loading areas including driveway areas), were questioned due to the proposed snow storage area accessibility and/or or size relative to the size of impervious surfaces and the amount of snow received in the Town of Minturn on an average annual basis.

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 06 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING SECTION 16-16-130 SNOW
STORAGE REQUIREMENTS OF THE MINTURN
MUNICIPAL CODE

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, the Town of Minturn 2023-2025 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

WHEREAS, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “Keep Minturn, Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

WHEREAS, the Strategic Plan contains specific strategies in support of proposed amendments to Chapter 16, Zoning, such as “Sustain and Invest in the Things That Define Minturn as a Proud, Sturdy Mountain Town to “Keep Minturn, Minturn,” “Enforce ordinances aimed at maintaining the health, safety, welfare and aesthetic of the town – snow, trash, nuisance abatement and zoning/land use;” and

WHEREAS, in 2023, the Town completed a comprehensive update to the 2009 Community Plan (hereinafter “the 2023 Town of Minturn Community Plan”); and

WHEREAS, a key objective of the 2023 Town of Minturn Community Plan is to review and update the Town’s zoning, land use, development and design regulations and standards; and

WHEREAS, Town Council has directed staff to draft text amendments to Chapter 16 of the Town of Minturn Municipal Code, the Town Land Use Regulations, from time to time, in accordance with the Town’s strategic plan and the Community Plan; and

WHEREAS, on April 12, 2023, the Minturn Planning Commission considered and recommended approval of this ordinance; and

WHEREAS, on April 19, 2023, the Minturn Town Council approved this ordinance on first reading; and

WHEREAS, the Minturn Planning Commission and Town Council have determined that the text amendments to the Land Use Regulations Chapter 16 as provided herein are necessary and proper.

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. Chapter 16 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and deletions shown in ~~strike through~~ text. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

ARTICLE 16 – Off-Street Parking and Loading

* * *

Sec. 16-6-130. – Snow storage.

Adequate, usable, and accessible space within close or direct proximity to areas subject to snow removal shall be provided for the removal, management, and storage of snow removed from pedestrian and vehicular ways, driveways, parking, and loading spaces on any property that contains commercial or industrial uses, multi-family units, single-family units, duplexes, and a common outdoor parking area.

(1) Minimum area. A designated area or areas, which shall be accessible and functional for snow removal and storage purposes, and which shall be sufficient in area to store snow for ~~the entire parking~~ all pedestrian and vehicular ways, driveways, parking, and loading spaces on any property that contains commercial or industrial uses, multi-family units, single-family units, duplexes and a common outdoor parking area, ~~area~~ shall be provided. A minimum of five percent (5%) of the total land area of the ~~required off-street parking and loading area, inclusive of driveways,~~ subject property shall be designated to serve as a snow storage area or areas.

(2) Storage in parking spaces prohibited. Snow shall not be stored within required parking spaces, except on an emergency basis for a period not to exceed forty-eight (48) hours.

(3) Storage in yards and open spaces permitted. Snow may be stored in required yards and open space, including landscaped areas properly designed for snow storage. Snow stored in a required yard or open space shall not restrict access or circulation or to obstruct views of motorists.

(4) Drainage. Adequate drainage shall be provided for the snow storage area to accommodate snowmelt and to ensure it does not drain onto adjacent property.

* * *

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 19th DAY OF APRIL 2023. 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 3rd DAY OF MAY 2023 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

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 3rd DAY OF MAY 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



Town of Minturn
301 Boulder St #309
Minturn, CO 81645
970-827-5645
council@minturn.org
www.minturn.org

FUTURE MEETING AGENDA ITEMS

Below reflects proposed topics to be scheduled at future Town Council meetings and is informational only. Dates and topics are subject to change.

April 19, 2023

- Ord ___ - Series 2023 – Building Code and Energy Code Updates
- Ord ___ - Series 2023 – Amending snow storage requirements in Chapter 16 of the MMC__

May 3, 2023

- Community Plan Implementation Update – Safety Measures / Main Steet Bulb outs
- Discussion/Direction - Water Infrastructure Analysis

May 17, 2023

- Ord ___ - Series 2023 – ECSD Impact Fee in lieu
- Ord ___ - Series 2023 An Ordinance defining SFE requirements for ADUs over 750 sf.
- Discussion/Direction – Snow removal policy
- Resolution ___ - Series 2023, A Resolution updating the fee for Cash in Lieu

June 7, 2023

Dates to be Determined: