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Via: E-mail

To: Minturn Town Council  
Attn: Michael J. Sawyer, Esq., Town Attorney  
(mjs@mountainlawfirm.com)

**Re: Belden Place Settlement Agreement  
Single Family Equivalent (“SFE”) Application**

Dear Michael:

Pursuant to the Settlement Agreement between Miners Base Camp, LLC (“Miners” or “Belden Place”) and the Town of Minturn (“Minturn”), please accept these materials as Miners’ application for 16 SFEs as the Settlement Agreement states. The additional 16 SFEs come from those not utilized by the Minturn North project. The additional 16 SFEs would give Belden Place a total of 39 SFEs. Broken down, the 39 SFEs are as follows: (i) Belden Place has 19 historical SFEs provided to the property, (ii) plus 1 SFE associated with the Duran subdivision, (iii) plus 3 SFEs as provided for in the Moratorium Ordinance, (iv) plus the 16 SFEs contemplated here (19 + 1 + 3 + 16 = 39 SFEs). Further, as you and I have discussed, an explanation of allocation versus actual usage of the SFEs at Belden Place follows.

Currently, Belden Place requires 43.5 SFEs to build out the project. The current Subdivision Improvement Agreement (“SIA”) provides Belden Place with 23 SFEs, which is 20.5 SFEs short of providing enough SFEs to fully build out the project.<sup>1</sup>

Simultaneous with this SFE Application, Miners is submitting (i) an application to amend the Belden Place Final Development Plan and the Final Subdivision Plat to eliminate the Triplex on Lot 12/13/14 and replace it with a single-family unit plus an ADU (*i.e.*, amend Ordinance No. 4, Series 2022, and Ordinance No. 5, Series 2022), and (ii) an application to amend the SIA to change the number of available SFEs. If approved as the Settlement Agreement contemplates, Belden Place would receive a total of 39 SFEs to build out the project (*i.e.*, 23 existing SFEs plus the additional 16 SFEs).

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<sup>1</sup> Please note, as the table below shows, two units at Belden Place are over 3,000 sq. feet, thus requiring those two units to have 2 SFEs each rather than 1 SFE. However, these units do not require additional exterior water usage.

Belden Place is unique regarding the actual water used versus what will be allocated to it, especially considering outdoor use/irrigation. Under Minturn’s Town Code, 1 SFE allows for 2,000 square feet of outdoor irrigation. That means Belden Place’s 39 SFEs can be used to irrigate 78,000 square feet of outdoor space.

However, because Belden Place was designed in such a sustainable manner, the maximum outdoor irrigation potential it has available to it is only 42,955 square feet. Therefore, Belden Place has 35,045 square feet of outdoor irrigation water allocated to it, which it will never use. The practical result is that 35,045 square feet of outdoor water use stays in Minturn’s system and Belden Place never touches it.

Regarding indoor use, the following table shows each lot (as amended) and the required number of SFEs needed for each lot based upon Minturn’s definition that 1 SFE serves up to 3,000 square feet of indoor use.

<b>Lot #</b>	<b>Anticipated Square Feet</b>	<b>Number of SFEs Needed</b>
1	2,229	1
2	3,927	2
3	2,635	1
4	3,932	2
5	2,058	1
6	2,058	1
7 (Stacked Triplexes) <sup>2</sup>	17,769	12
8	2,898	1
9	2,120	1
10	2,898	1
11	2,120	1
12 (Single-Family plus ADU)	3,750	1.5
15	2,229	1
16	2,229	1
17 (Christensen Residence with ADU)	2,923	1.5
18	2,554	1
19	2,554	1
20	2,007	1
21	2,142	1
22	2,464	1
23	2,364	1

<sup>2</sup> Lot 7 has one additional triplex approved which would require an additional 3 SFEs to fully build out the project. Pursuant to the Settlement Agreement at section 11 “For a period of 7 years from the Effective Date, if additional SFEs do not become available for Belden Place so it can fully build out the project, then Miners may eliminate or reconfigure lot(s) and/or unit(s) in the project accordingly, subject to any then-existing ordinances or restrictions on development and water services as the Town has deemed necessary and appropriate.”

24	2,464	1
25	2,589	1
26	2,030	1
27	2,030	1
<b>Total Lots = 25</b>		<b>Total SFEs Needed = 39</b>

As you can see, when Belden Place is granted the 16 SFEs it will have a total of 39 SFEs to build the project. Additionally, as agreed upon by the Parties, Belden has a seven-year window to hopefully obtain 3 SFEs if they become available or, if not, eliminate/reconfigure lot(s)/unit(s). The redlined SIA is being provided herewith to show the SFE changes.

In sum, Belden Place's design is complete, and when Belden Place is granted the 16 additional SFEs its project can be built now. Indeed, construction can start right away. Granting the additional 16 SFEs does not change what has already been approved, except for some minimal amendments which will be addressed at the Council's next meeting. Approval provides a quick resolution of this matter and attainable housing for Minturnites can be built now. Importantly for Minturn's water system, the amount of water allocated to Belden Place will not be the amount actually used because of the significant "lack" of outdoor square footage at the project and the fact that almost all of the units are less than 3,000 square feet (*i.e.*, smaller units = less water used). Finally, as the Settlement Agreement contemplates, approval of this SFE application resolves the litigation.

Very truly yours,

STOVALL ASSOCIATES, P.C.



Brian W. Bevan, Esq.

Enclosures: SIA (Redline)