

MEMORANDUM

DATE: February 21, 2025
TO: Minturn Planning and Zoning Commission
FROM: Michael Sawyer and Harper Powell
RE: Ordinance Amending Chapters 13, 16, and 17 of the Municipal Code –
Water Restrictions

The Town wishes to amend Chapters 13, 16, and 17 of the Minturn Municipal Code (the “Code”) to incorporate into the Code existing restrictions on connections to the Town’s water system based on limitations of available legal and physical water supply.

The limitations that exist on the Town’s water availability include: (1) legal consumptive use limitations on the Town’s water rights, and (2) limited physical capacity of the Town’s water treatment facility, both of which necessitated implementing a moratorium on connection to the Town’s water system and allocation of water service in 2020.

The Town extended the 2020 moratorium in 2023 to limit allocation of water service to no more than the historic number of Single Family Equivalents (“SFEs”) used plus one additional SFE for new water use for an entire property or collection of adjoining properties owned by the same or related owners, as legally configured on the date the 2020 ordinance was passed.

Chapter 13 of the Code contains the provisions that govern Municipal Utilities. Chapters 16 and 17 contain the Zoning and Subdivision provisions of the Code and include language on connections to the Town’s water supply. Town staff has reviewed these Code chapters and believes it necessary to amend the code provisions set forth in the ordinance exhibit to condition any building permit or subdivision on issuance of a “Letter of Service” from the Town authorizing connection to the Town’s water system. This condition will ensure that no building permit is issued without conformance to the restrictions set forth by the 2020 and 2023 moratoriums. The code changes will also limit the processing and approval of a subdivision creating more lots or units than are made available in the Letter of Service.

To protect the Town’s water supply while the Town pursues legal and physical capacity solutions to expand its water service, Town staff recommends codifying the restrictions articulated by the 2020 and 2023 moratoriums into the Code with the adoption of the ordinance attached as **Exhibit A**.