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*\*Direct Mail to Glenwood Springs*

DATE: June 13, 2024  
TO: Planning & Zoning Commission  
FROM: Karp Neu Hanlon, P.C.  
RE: Belden Place amendment to SIA and revocation of Cost Sharing Agreement

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As members of Council may recall, the Town entered into a settlement agreement with Belden Place in November 2023 to settle litigation stemming from the land use approvals completed in March 2022. As part of that settlement, Belden Place was permitted to request the allocation of 16 SFEs not used by Minturn North for use in the Belden Place project. Council heard this request in March and approved the allocation of the 16 SFEs. Council recently considered on first reading amendments to the PUD Guide and PUD Plat reducing the number of lots and making other minor modifications.

In conjunction with implementing the settlement, an amendment to the subdivision improvements agreement (SIA) is required. Attached to this memo is a redline of the SIA. The changes relate to the reduction in the total number of lots and the allocation of the 16 SFEs to the project. Current water right dedication fees have been applied. Other minor edits and formatting have been made.

Edits have been made to Section 4.C. of the SIA. The new language reflects the additional 16 SFEs allocated to the project, for a total of 39 SFEs. The developer receives credit for 19 SFEs of service for historical water use on the property. The SIA provides that “No additional SFEs of water service can be provided to the Property until such time as the moratorium is lifted or amended.” Zoning for the property allows for a total of 42 SFEs of development. However, the developer may choose to limit the “stacked triplexes” to only 3 SFEs of service and thereby stay within the 39 SFEs provided in the SIA. See chart from Belden Place listing SFE allocation by lot at Exhibit A.

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After the ordinances approving amendments to the PUD Guide, PUD Plat, and resolution approving edits to the SIA have been adopted, the Town is authorized under the settlement agreement to rescind Resolution No. 10, Series 2022. This Resolution approved a cost sharing agreement between the Belden Place developer and the Town related to drainage improvements. Paragraph 9 of the settlement agreement provides that the cost sharing agreement be voided as part of implementation of the settlement agreement. A separate resolution is included to rescind Resolution No. 10, Series 2022.

**Exhibit A**  
**Chart of SFE's by Lot**

<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

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<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."

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Stovall Associates, P.C.  
Re: Belden Place Settlement/SFEs  
December 14, 2023  
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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>