

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 16 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO APPROVING THE FINAL SUBDIVISION PLAT
FOR THE UPRR SUBDIVISION

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 is authorized by the Home Rule Charter and Section 31-23-301, C.R.S., to enact zoning and land use regulations; and

WHEREAS, Chapter 17, Subdivisions, of the Code, regulates the subdivision of lands within the Town; and

WHEREAS, the purpose of Chapter 17 is to protect the health, safety and welfare of the citizens of the Town by providing for orderly, controlled development; by requiring disclosure to purchasers of unknown risks; and by establishing minimum standards for the design of land subdivision projects to ensure that all public and private facilities, including streets and other forms of access, drainage, water supply and sanitation improvements necessary to support human occupation on the land, are provided while also protecting the land form, streams and vegetation from the effects of excessive earthwork and deforestation resulting in extensive erosion and other forms of environmental deterioration; and

WHEREAS, Sec. 16-15-10 - Purposes and general provisions, of the Code, establishes the purpose of the Planned Unit Development (“PUD”) Overlay Zone District which is to allow flexibility for landowners to creatively plan for the overall development of their land and to achieve the purpose and objectives of this Code and the Community Plan; and

WHEREAS, Sec. 16-15-140 - Preliminary development plan submittal requirements, of the Code, states that where the PUD proposes activities that constitute a subdivision, the application for a preliminary plan for PUD shall also be required to meet the requirements of Chapter 17 of this Code regarding procedures for preliminary plat for subdivision; and

WHEREAS, Chapter 17, Article 6 of the Code governs the processing and review of Final Plat submittals; and

WHEREAS, the Preliminary Plat for UPRR Subdivision (“Preliminary Plat”) was approved by Resolution No. 19, Series 2023; and

WHEREAS, the Applicant submitted an application for Final Plat for UPRR Subdivision (“Final Plat”) on September 29, 2023; and

WHEREAS, the Final Plat will subdivide the parcel into two separate parcels allowing the creation of the Planned Unit Development; and

WHEREAS, Sec. 17-6-20 - Planning Commission review, of the Code, states that the Planning Commission (“Commission”) shall review the Final Subdivision Plat and make findings that the plat is in conformance with the approved preliminary subdivision plat and meets the requirements for final subdivision plat; and

WHEREAS, at its regular meeting held on October 11, 2023 the Commission recommended approval of the UPRR Subdivision Final Plat with conditions recommended by Town of Minturn Staff (“Town Staff”); and

WHEREAS, Town Staff has determined that the Final Plat conforms with the Town’s applicable standards and that the Applicant has successfully addressed all conditions of approval contained in Resolution No. 19, Series 2023 or otherwise recommended by the Commission; and

WHEREAS, the Minturn Town Council finds that the Final Plat conforms with the Code’s applicable standards; and

WHEREAS, the Town Council finds is necessary and proper to approve the UPRR Subdivision Final Plat.

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. That the UPRR Subdivision Final Plat is hereby approved.

SECTION 3. That the UPRR Subdivision Final Plat is hereby approved subject to the following conditions:

1. The Applicant shall provide, and the Town of Minturn shall review and approve additional flood, mudflow, and/or debris flow hazards evaluation(s), report(s) and/or studies prepared by a professional geotechnical engineer licensed in the State of Colorado and specifically related to the Game Creek Drainage and associated alluvial fan areas occurring within the Minturn North PUD boundaries. Such evaluation(s), report(s) and/or studies shall specifically evaluate and assess the risk of potential flood, mudflow, and/or debris flow events, as well as the efficacy of proposed mitigation design and construction. Such evaluation(s), report(s), and/or studies shall be reviewed and approved by the Town Engineer and the Colorado Geological Survey; and any revisions to proposed mitigations shall be designed and submitted for review and approval by the Town and/or it’s consultants prior to the recording of the UPRR Subdivision Final Plat and/or the Minturn North PUD Subdivision Final Plat.
2. The Applicant shall work with the Town Engineer and Town Attorney to address and resolve all outstanding technical comments related to plat language and/or survey data prior to second reading of Ordinance No. 16, Series 2023.

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 ____ DAY OF _____ 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 ____ DAY OF _____ 2023 AT ____ 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 ____ DAY OF _____ 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk