

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 17 – SERIES 2024**

**A RESOLUTION APPROVING DESIGN REVIEW TO
CONSTRUCT A STRUCTURE AT 806 AND 808
CEMETERY ROAD WITH CONDITIONS**

WHEREAS, The Town of Minturn (“Town”) is a legal and political subdivision of the State of Colorado for which the Minturn Town Council (“Town Council”) is authorized to act; and,

WHEREAS, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974 §29-20-101 through §29-20-108, C.R.S., as amended and §31-23-301, C.R.S., as amended to plan for and regulate the use of land within the Town’s jurisdiction, and to enact zoning, subdivision, and other land use and development regulations; and,

WHEREAS, the 2023 Community Plan adopted via Resolution No. 05, Series 2023 sets forth community visions, policy goals, and implementing strategies calling for the protection and preservation of natural resources and wildlife; and

WHEREAS, the 2023-2025 Strategic Plan adopted via Resolution No. 02, Series 2023 promotes “Wildlife protection and safety” within the key strategy to “Practice Fair, Transparent and Communicative Local Government” as well as a second key strategy “Long-Term Stewardship of the Natural Beauty and Health of Minturn’s Environment;” and

WHEREAS, the property owner of 806 Cemetery Road and 808 Cemetery Road have submitted a Design Review Board (“DRB”) application to construct a structure within and/or adjacent to areas identified by Colorado Parks and Wildlife as a sensitive habitat for migratory and wintering wildlife; and

WHEREAS, the Planning Commission reviewed this DRB application at their regular meeting of January 24, 2024, and forwarded a recommendation of approval with conditions to the Town Council on consent agenda; and

WHEREAS, pursuant to Sec. 16-21-30(8) of the Minturn Municipal Code (“MMC”) the Town Council exercised its right to call up for review the DRB application upon concerns of the impact to wildlife wintering habitat and migration corridor;

WHEREAS, according to Sec. 16-21-30(8) the Town Council “may affirm, deny, or affirm with additional conditions the decision of the Planning and Zoning Commission” and have deemed that approval with conditions of the DRB application is appropriate with conditions recommended by the Commission and with the addition of a new condition limiting construction activities pursuant to the protection of migratory and/or wintering wildlife.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN
COUNCIL OF THE TOWN OF MINTURN, COLORADO:**

The DRB application for a new Maintenance and Storage Shed at 806 Cemetery Road be approved subject to the following conditions:

1. The Applicant shall work with the Town of Minturn to initiate a zone district amendment for the subject property within 3 months of any DRB approval. The building permit process can happen concurrently with the amendment of the zoning district.
2. The Applicant shall only undertake construction authorized by the DRB approval from June 22nd through November 22nd annually.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 1st day of May, 2024.

TOWN OF MINTURN

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk