

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 17 – SERIES 2023

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

**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 Minturn North PUD (“Preliminary Plat”) was approved by Resolution No. 19, Series 2023; and

**WHEREAS**, the Applicant submitted an application for Final Plat for Minturn North PUD (“Final Plat”) on September 29, 2023; and

**WHEREAS**, the Final Plat will create various lots with building envelopes and open space areas and tracts; and

**WHEREAS**, Sec. 17-6-20 - Planning Commission review, of the Code, states that the Planning Commission (“Commission”) shall review the Final Subdivision Plat (“Final 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 Minturn North PUD 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**, by Ordinance No. 16, Series 2023 the Town Council approved the UPRR Subdivision Final Plat that creates the parcel which the Minturn North PUD Final Plat further subdivides; 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 Minturn North PUD 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 Final Plat for Minturn North PUD is hereby approved.


SECTION 3. That the Minturn North PUD Final Plat is hereby approved subject to the following conditions:

1. Prior to sale of Lots 1-4 or issuance of a building permit for any of Lots 1-4, Applicant shall provide the Town with additional documentation based on the Wright Water Engineering “Game Creek Existing Mudflow Analysis” specifically related to the Game Creek Drainage confirming that the currently designed berm or other means of mudflow protection which may be provided to be located within the Game Creek setback is sufficient to reasonably mitigate against a 100-year mudflow event. Such additional documentation shall be provided by a professional engineer licensed in the State of Colorado. Such evaluation(s), report(s), and/or studies shall be reviewed by Colorado Geological Survey and approved by the Town Engineer.

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 1ST DAY OF NOVEMBER 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 15TH DAY OF NOVEMBER 2023 AT 5:30 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 15TH DAY OF NOVEMBER 2023.

TOWN OF MINTURN, COLORADO

\_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

By: \_\_\_\_\_  
Jay Brunvand, Town Clerk

