AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Gunnison County Planning Commission Sketch Plan Re

Action Requested:

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Please see the attached submitted by Cathie Pagano

Fiscal Impact:

Submitted by: Josh Ost **Submitter's Email Address:** jost@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 8/3/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 8/3/2018 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\emense Discharge Date: 8/3/2018

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 60

Agenda Date: 8/7/2018

Revised April 2015

TO:	**Planning Commission**
SUBJECT:	**Draft Planning Commission Sketch Plan Recommendation** **APT Brush Creek Road, LLC** **LUC-17-00034**
DATE:	**August 3, 2018**
PREPARED BY:	**Cathie Pagano, Director of Community Development**
APPLICANT:	**APT Brush Creek Road, LLC** **Represented by Kendall Burgemeister and John O'Neal**

SKETCH PLAN IS EXPLORATORY. *Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant to promote development and land use change which is consistent with the intent and purposes of this Resolution.*

SKETCH PLAN EXPECTED TO EVOLVE. *Requirements of Sketch Plan direct the applicant to review specific sections of this Resolution and submit a plan that has addressed issues important to the County. It is expected that the proposal will evolve during Sketch Plan review.*

ENGINEERED DESIGNS AND DETAILED PLANS NOT REQUIRED NOR ACCEPTED AT SKETCH PLAN. *To encourage the consideration of alternatives and to allow the Sketch Plan to evolve, detailed engineering plans and other overly detailed information shall not be required nor accepted by the County.*

PROJECT DESCRIPTION:

The applicant proposes the development of 220 units on the subject parcel. 63.6% (140) of the units will be deed restricted to qualifying households earning less than 180% of the Area Median Income. 108 (49%) of the total units are deed restricted for households earning less than 120% of Area Median Income and meet the definition of "workforce" as stated in Section 2-102: *Definitions* of the Gunnison County *Land Use Resolution* and also meet the definition of essential qualified households by the Gunnison Valley Regional Housing Authority. The remainder of the units (80) will be free market rental units. This application will include a subdivision including the townhome units (20 parcels), rental units (1 parcel), and parking lot parcel (1 parcel).

200 of the total units are proposed as rental units and twenty (20) units are proposed as for sale units. The for sale units are proposed to be deed restricted but the AMI criteria have not been proposed by the applicant at this time. The applicant has proposed to offer developer construction and seller financing for buyers of the for sale units; no buyer shall be required to utilize the seller financing. The proposed financing terms are a 3% down payment, 30-year amortization, and a low interest rate. The propose interest rate is fixed, determined as the 30-year Treasury Rate plus 60 basis points at the time of acquisition.

The deed restrictions will include Area Median Income (AMI) limits and other criteria. These restrictions are necessary to ensure that housing remains permanently available for the local workforce. Deed restricted units will each be priced at no more than 30% (including utilities) of an individual's or families' income ~~based on their AMI category~~. The categories and number of units have been modified since the original Sketch Plan application:

Sketch Plan Submittal: August, 2017			
Unit Type	Incremental Units	Cumulative Units	Cumulative % of Total Units
Restricted: <50% AMI	16	16	6.66%
Restricted: <80%	42	58	24.16%
Restricted: <120%	62	120	50%
Restricted: <180%	36	156	65%
No Income Restriction	84	240	100%

The revised proposal:

Revised Plan: May, 2018			
Unit Type	Incremental Units	Cumulative Units	Cumulative % of Total Units
Restricted: <50% AMI	33	33	16.5%
Restricted: <80%	49	82	41%
Restricted: <120%	26	108	54%
Restricted: <180%	12	120	60%
No Income Restriction	80	200	100%
For Sale Deed Restricted	20/20	20	100%
Total Deed Restricted	140/220	220	63.63%

Deed restrictions are proposed as follows: the Household must have at least one "Resident," which means "a natural person who (i) at the time of rental of a Restricted Unit, earns his or her living from a business operating in and serving Gunnison County, by working at such business an average of at least 30 hours per week on an annual basis, or (ii) is a person who is approved, in writing, by GVRHA or the County which approval shall be based upon criteria including, but not limited to, total income, percent of income earned within Gunnison County, place of voter registration, place of automobile registration, and driver's license address and other qualifications established by the GVRHA or the County from time to time. A person over 65 years of age shall remain a Resident regardless of his or her working status, so long as he or she has occupied the Property for a time period of not less than seven years. Full time residents of Gunnison County who are persons with disabilities are not required to be employed. The term "business" as used in this definition shall mean an enterprise or organization providing goods and/or services, whether or not for profit, and shall include, but not be limited to, educational, religious, governmental and other similar institutions.

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The applicant proposes a minimum lease term of six months and preference for Gunnison County residents for all units (deed restricted and free market) in compliance with federal regulations.

The applicant proposes the following buildings on the subject parcel:

Building Type	**Quantity**	**Estimated Square Footage Per Building**	**Aggregate Square Footage**
Duplex	10	3,200 sq ft	32,000 sq ft
8-plex	6	8,000 sq ft	48,000 sq ft
10-plex	6	9,000 sq ft	54,000 sq ft
16-plex	3	12,800 sq ft	38,400 sq ft
22-plex	2	18,000 sq ft	36,000 sq ft
Transit/Community Center	1	4,500 sq ft	4,500 sq ft
Maintenance and Wastewater	1	3,000 sq ft	3,000 sq ft
Total	**29**		**215,900 sq ft**

A community and transit center is proposed on the northeast corner of the parcel. The footprint of the community center will be approximately 4,500 square feet and house space for events, meetings and a communal bike/ski workshop. Post office boxes are to be included in the building and office space for the Gunnison County Sheriff. A convenience store/coffee shop, approximately 1,000 square feet in size, will also be housed in the community center building.

The Brush Creek transit stop for Regional Transportation Authority (RTA) and Mountain Express are proposed to be located at the community center and serve the entire Brush Creek area. Bike racks and restrooms will be available to the general public that may be utilizing the bus stop. The applicant initially proposed the development and paving of a parking lot for the transit center. The applicant now proposes to subdivide that portion of the parcel and deed it to Gunnison County who may determine how to develop the intercept parking lot with other MOU participating parties in the future.

Other amenities included in the proposal include: playing fields, trails, a playground, picnic area, and a dog park. A trail connection to the Deli Trail is proposed that would allow future connection to a possible Crested Butte to Crested Butte South trail. 8.1 acres (50%) of the parcel is proposed as open space.

The project is proposed to be developed in two phases, as shown on Map 13, Phasing Plan, dated April 16, 2018.

Phase 1 includes: Infrastructure (utilities, roads, parking areas serving the units constructed), the transit/community center, the 10-plexes (60 units) along the northwest side of the property, and the 16-plexes near the middle of the property (48 units) and for sale townhomes, along the eastern property line, and the amenities as identified on Map 13, Phasing Plan, dated April 16, 2018.

Phase 1 will include the construction of 108 units; 63.6% (68 units) of the Phase 1 units will be deed restricted while the remaining 40 units will be free market. The majority of the park, trails, and open space amenities are included for development in this phase (see Map 13 for better depiction).

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Phase 2 includes: the remaining residential units, based on market demand, remaining infrastructure (for Phase 2 units) and remaining trail and open space amenities. Phase 2 units will be constructed based on market demand and no timeframe for construction is identified at this time. As units are constructed in Phase 2 the applicant proposes to maintain the restricted/free market ratio, for example, if a building with 24 units is constructed, 63% (15) of those units would be deed restricted while the remaining 37% (9) would be free market. All rental units are proposed to be held under the single ownership and managed by Gatesco. An onsite management office is proposed.

The applicant proposes to supply water to the development via one or more wells which will be augmented by purchase of water from Meridian Lake through a contract with the Upper Gunnison River Water Conservancy District. In an email dated July 19, 2018 attorney Kendall Burgemeister stated, "The Skyland Metro District has made it clear that provision of water to the project is not possible."

Central sewage disposal is proposed. The applicant's preferred option is the construction of central sewage treatment facility on-site. It may also be possible for the development to connect to the East River Regional Sanitation District. In an email dated July 19, 2018 attorney Kendall Burgemeister stated:

> *"The Applicant requested from ERRSD an indication of whether it can serve the project, whether it would consider a rules change to provide reduced fees for affordable housing projects, and whether it would cooperate in development of the necessary infrastructure to pump water from the treatment plant back to the Slate River basin. Such a project would prevent Slate River diversions from being 100% consumptive and greatly reduce augmentation costs. The Board would not comment on any such requests without submittal of a formal written application for service. The Applicant is finalizing such an application, and is committed to running these items to ground before the project receives preliminary and final approval. However, it is unlikely that such concessions would facilitate reduced density for the project. It is anticipated that such concessions, at most, would make connection to ERRSD similar to onsite wastewater treatment in terms of economic feasibility."*

The subject parcel is located on the southeast corner of the intersection of Brush Creek Road and Highway 135, approximately 1.5 miles south of the Town of Crested Butte. The parcel is approximately 14.29 acres and is legally described as all of the land in Section 12, Township 14 South, Range 86 West, 6th p.m., lying south and east of Brush Creek Road, and west of Larkspur Subdivision and Red Feather Subdivision, excepting any portion that may lie south and west of the southwest boundary of Colorado State Highway 135.

Modifications Requested per Section 9-604: *Incentives to Provide Essential Housing*

The applicant has requested the following modifications as allowed per Section 9-604: *Incentives to Provide Essential Housing*:

- Section 10-103: C. 3.a.1 *Development Served by Public Wastewater Treatment System*: In the Sketch Plan submittal the applicant has identified three options for wastewater treatment: connection to the East River Regional Sanitation District, connection to the Town of Crested Butte wastewater treatment plant, or construction of an on-site wastewater treatment facility. If the applicant pursues the option of construction of an on-site wastewater treatment facility a modification shall be requested to Section 10-103:C.3.a.1. which requires that a "development is or will be served by a public wastewater

treatment sytem." The LUR defines Public Services and Facilities as: "those services and facilities provided by a public entity or public utility (including but not limited to, any municipality, county, or special district) including, but not limited to, roads, trails, schools, wastewater treatment, water treatment…". The proposed on-site wastewater treatment facility does not meet the definition of a public service or facility.

- Section 13-103: H. *Allowed Structure Heights*: The February 7, 2018 Sketch Plan supplemental states that the estimated building heights will be between 26 feet and 35 feet. Andrew Hadley, architect for the applicant, explained that the maximum roof height (as measured per County standards of Section 13-103: H. *Allowed Structure Heights*) is 32 feet for the 10-plexes and flat roof buildings.

- Section 13-104: *Setbacks from Property lines and Road Rights-of-Way*, the applicant proposes an approximate 45-foot setback from the edge of Brush Creek Road. Front, side and rear setbacks are shown on Map 12, "Development Layout Plan," dated April 16, 2018. The Development Layout Plan depicts a 45-foot setback from the edge of the Brush Creek Road for the proposed buildings. Section 13-104 requires a 40-foot setback from the edge of the County road right-of-way.

  While this incentive allows an exception to property line setbacks it does not mention setbacks from roads. However, Section 9-604: A.6. does allow the decision making-body to modify standards in Article 13 which includes setbacks from roads.

- Section 13-105: *Residential Building Sizes and Lot Coverages*, the applicant proposes the construction of buildings in excess of the maximum size thresholds identified in this Section. The applicant has proposed buildings that range in size from 3,200 to 18,000 square feet, with a total approximate square footage of 215,900 square feet.

  Staff has determined that this issue is not governed by the standards of Section 13-105: G. when reviewing the proposed modification, rather the issue is governed by the standards of Section 9-604: A. 6. *Modified Development Standards* related to energy efficiency, amenities, design, etc.

Changes to Original Sketch Plan Application Submittal

The application has evolved since the original submittal and the applicant has made the following changes including but not limited to:

- Increased setback along Brush Creek Road from 30' to 45'
- Decreased building density along Brush Creek Road
- Reduced bedroom count from 408 to 341 with a projected population reduction from approximately 600 people to approximately mid-500 people.
- Increased residential parking from 361 to 410 spaces, including 31 designated for visitors, with an additional 38 parking spaces available based on future demand (448 spaces total)
- Increased number of covered parking spaces
- Elimination of the transit parking lot (parcel to be conveyed to County for future development)
- Decreased building square footage from approximately 280,000 square feet to 215,900 square feet
- Decreased building count to 29 buildings, including reduction of four buildings along Brush Creek Road in response to public concern about view corridors

- 20 For Sale Units
- Additional units at lower AMI categories

Applicant Proposes Conditions for Sketch Plan Approval

An email from applicant attorney, Kendall Burgemeister, dated July 19, 2018 stated:

> *"The Applicant is ready, willing, and committed to continue to engage in all productive conversations with the various stakeholder groups that could ultimately result in a project that is still feasible yet more palatable to the objectors (e.g. discussions with ERRSD regarding a pumpback project). First and foremost of these conversations will be discussions with the four MOU partners to obtain a majority vote to allow the applicant to develop the property. The Applicant would accept a condition of sketch plan approval that requires the Applicant to obtain the consent of three of the four partners to the MOU before the Applicant submits an application for preliminary and final plan approval."*

GUNNISON VALLEY HOUSING NEEDS ASSESSMENT

The Gunnison Valley Housing Needs Assessment (the Assessment) was completed in November 2016. The Assessment states, "By providing housing that is affordable and located close to jobs, as recommended in this Assessment, the Gunnison Valley can support the preservation of community character, economic prosperity, diversity in the workforce, and the health of employees and the environment" (page 2).

Some issues in the Assessment are set forth below:

- "*Rental vacancies are lower than 1%. Availability is so limited that renters who want to reside in the North Valley are forced to live in the South Valley where many rental units are not well maintained. Affordable rental units are fully occupied other than a few still in the initial lease-up period at Anthracite Place.*
- *Homeownership opportunities are far fewer than the number of households that want to own. Demand was high for eight deed restricted lots sold at Paradise Park and only two out of 137 deed restricted homes are listed for sale.*
- *Employers report numerous problems related to housing. Nearly 70% indicated that the availability of housing affordable for the workforce is a serious or the most critical problem in the region and approximately 360 jobs were unfilled as of August. This compares with about 190 jobs in summer 2015.*
- *On average in the Gunnison Valley, an income of over $155,000 is needed to afford the median home price of $635,000, which is equivalent to over 280% AMI.*
- *Rents have risen sharply in recent years and are continuing to rise. The median monthly rent of $1,167 for units listed for rent in August would require an income at or above 128% AMI ($71,000) to be considered affordable.*
- *The North and Mid-Valley must import workers who commute from the South Valley to help fill approximately 845 jobs, whereas a much lower 370 South Valley jobs are filled by North and Mid-Valley residents. Approximately 12% of South Valley residents want to live in the North Valley.*
- *Affordability is more acute in the North Valley as measured by the percentage of households that are cost burdened by high housing payments relative to income. Yet, because of its larger population, there are more cost burdened households in the South Valley.*
- *94% of renters in the North Valley think that the availability of housing that is affordable for the workforce is the most critical problem in the region."*

The Assessment notes that "all of the households moving to Anthracite (Place in Crested Butte) already lived or worked in the North Valley." There is concern that the proposed project would accommodate new residents to the Gunnison Valley. The Assessment notes that there is current demand for affordable homes including demand for 140 rental units Valley-wide (page 12). By 2020, the number of rental units needed Valley-wide increases to 185 total units. Additionally, the proposed deed restrictions for 65% of the proposed Brush Creek units require that an individual be employed by a business that operates in Gunnison County. The restricted units will accommodate existing residents that may live in an overcrowded situation or in a location that is less than desirable.

The Assessment notes individual's preference for locations to live in the North Valley—(in order of preference): Town of Crested Butte; Skyland/Buckhorn/Riverbend/Meridian lake; Town of Mt. Crested Butte. According the Assessment survey, 53.5% of renters in the North Valley were forced to move.

The Assessment displays the housing gap (page 13) and shows that the North Valley will need approximately 92 rental units and 155 owner units by 2020. "The gap—the housing units that the market will not provide, represents the units that collaborative strategies will partially address."

Phase 1 of this application is for the development of 68 deed restricted (aka "gap") units and 40 free market units. The units proposed in Phase 2 would be constructed based on market demand. The proposal would make a significant dent in the gap of units need in the North Valley but would not fully address that gap.

PLANS/REPORTS/SUBMITTALS:

Plans, reports, letters and other submittal documents informing this decision include, but are not limited to:

- "Brush Creek Road Workforce Housing Project, Sketch Plan," Application dated August 29, 2017
- Exhibit H, "Perspective Sketch," dated August 28, 2017
- Exhibit H, "3-D Model Snapshot," dated August 28, 2017
- Exhibit H, "4-Plex Model & Floor Plan," dated August 28, 2017
- Map 11, "Site Plan," dated August 28, 2017
- Map 12, "Development Layout Plan," dated April 16, 2018
- Map 13, "Phasing Plan," dated April 16, 2018
- Map 14, "Open Space Plan," dated April 16, 2018
- Map 15, "Parking & Snow Storage Plan," dated April 16, 2018
- Map 16, "Landscape Plan," dated April 16, 2018
- Map 17, "Existing Drainage Map," dated August 28, 2017
- Map 18, "Proposed Drainage Map," dated February 7, 2018
- "Sketch Plan Supplement," dated February 7, 2018
- "Second Sketch Plan Supplement," dated April 16, 2018

IMPACT CLASSIFICATION:

The project, by definition, is a Major Impact pursuant to Section 7-101:A. *More Than Four Units*.

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the Corner at Brush Creek application on the following dates:

- October 20, 2017 Work Session and Site Visit
- November 17, 2017 Work Session
- December 1, 2017 Site Tour and Work Session
- December 20, 2017 Work Session
- January 5, 2017 Joint Work Session
- February 16, 2018 Joint Work Session and Joint Public Hearing
- March 2, 2018 Joint Public Hearing
- May 4, 2018 Joint Public Hearing
- June 1, 2018 Joint Public Hearing
- July 20, 2018 Joint Public Hearing
- August 3, 2018 Work Session

SITE VISIT:

The Planning Commission conducted a site visit on October 20, 2017. The Commission noted the topography, adjacent uses, and natural features of the parcel. The Planning Commission also conducted a site tour on December 1, 2017 to visit other residential projects that had comparable densities and to visit the surrounding neighborhoods in the Brush Creek area.

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on February 16, 2018. The joint public hearing was continued to March 2, 2018; May 4, 2018; June 1, 2018; and July 20, 2018. Comments received included the following but are not limited to:

- The application is a simplistic solution to a complex problem
- Comments that the bus schedule does not work with the application
- Concern that current trail easements for the Deli Trail would be jeopardized
- Questions about who will pay for the needed bus service and statements that cars will be needed at development
- Need for a housing master plan
- Fear that applicant would abandon project in economic downturn
- Extra costs related to schools and transportation
- Applicant's project is doomed to fail
- The subject parcel is in the boundaries of the East River Regional Sanitation District and must connect
- Concerns related to light pollution, animal migration, noise
- Lack of adequate emergency and fire personnel
- Recommendation that landscaping be xeriscaped
- Project is too large and abandons the County's rules and regulations
- Concern that a precedent will be set for extreme density.
- Project is not substantially similar to surrounding uses
- Project is not served by wastewater provider nor public water supply

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- Project is not served by public transportation
- Lack of parking
- Impacts are unmitigated
- Economic impacts to schools and roads
- Deed restrictions do not guarantee affordability
- Money should be set aside from County general fund for affordable housing
- Snow removal and snow storage costs
- Lack of community integration
- Separation of workers from rest of community
- Water availability
- Creates appearance that Crested Butte is just another large resort community
- Affordable housing is needed
- Housing crisis continues to get worse; rental units are needed
- For sale units are very expensive without massive public subsidies
- Location is closest location to Town of CB that is physically possible
- Affordable housing should be spread throughout County
- Project does not provide enough affordable housing for the proposed density
- Need solution for everyone
- High rent of units proposed
- Unsuitable living conditions proposed
- Short term rentals cause problems
- Population at subject parcel would be too high
- Questions about master leases for entities such as hospital and University
- Project is too divisive
- Project should be built using Crested Butte builders
- Septic system will be too large
- County will have to manage the wastewater treatment plant
- Questions about why the applicant did not accept offer of land in Mt. CB
- Questions about if the subject parcel had already been conveyed to the applicant
- Project is moving too quickly
- Project is moving too slowly
- Too many buses that will be driving on Brush Creek Road
- Request that free market units only be rented to north valley residents
- Request for additional time
- Questions about rate of tenant evictions from applicant and litigation
- Need for stakeholders to come together to ensure maximum benefit for most people
- Project is too intense, dense, massive and visually obtrusive
- Commissioners not protecting the citizenry
- Concern that decision about project has already been made
- Finance concerns and future costs to County
- Project is not walkable to Town of Crested Butte
- Tiny houses, summer housing, intercept lot and other proposals should be considered
- Possible loss of parking lot for stand up paddle boarders
- Profit margin of project is not sustainable
- Community opposition is too great to approve application
- Critical need for housing in north valley
- Project will change the character of the community
- Pressure on recreation fields in Town of Crested Butte

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- Project is compatible and harmonious with surrounding areas
- Traffic is not an issue
- Opposition is pushing affordable housing into government purview
- Other Gatesco properties in Texas are not well maintained or managed
- Failing intersection of Hwy 135 and Brush Creek Road
- Affordable housing should be constructed throughout valley and along transportation corridor.
- The higher the density, the more likely the project is to survive financially
- Project should be 100% deed restricted
- Transit center should be in Riverland
- Support for affordable housing but not this application
- Project this large is not needed
- Community needs more housing similar to Anthracite Place
- Difficulty of going through County application review will deter other developers from building housing
- Concerns related to density and neighborhood compatibility
- Concerns related traffic, safety, parking, impact on Brush Creek Road and intersection with Highway 135
- Concerns related to view corridor entrance to Town of Crested Butte
- Concerns related to adequacy of water supply and creation of new wastewater treatment plant
- Concerns relative to numbers of people living at the subject parcel and quality of life for those residents
- Concerns related to viability of alternative modes of transportation (bus, bicycles, and pedestrian) to and from the subject parcel
- Concerns from business owners that there is not enough housing for their employees which has a detrimental impact on their businesses
- Concerns from local residents that there are not enough opportunities for attainable housing in the community and that this project is needed
- Multiple letters from the Town of Crested Butte stating that the application should be denied
- Concerns that the applicant is not trustworthy and does not have experience developing a project of similar scale
- Concerns from the Town of Crested Butte related to impacts to their community around recreation, traffic and parking
- Concern that there is a need for housing and this project may alleviate some of that need
- Possible loss or extermination of deed restrictions
- Preference to see housing on the parcel rather than parking
- A lack of sense of community
- Statements that the application does not comply with the LUR standards

The entirety of the public record is included within the Land Use Change permit file.

ADJACENT AND NEARBY USES:

Surrounding land uses include residential and industrial uses. Skyland is located to the northwest, across the Brush Creek Road from the proposed project site and includes single-family lots, multi-family units and lots, and The Club at Crested Butte (golf course, lodge building with recreation amenities and dining).

Skyland is a mixed-use development approved in the early 1980's that includes lots and single-family homes, townhomes, duplexes and triplexes, multi-family development, a commercial golf course and retail golf shop, three outdoor tennis courts and year-round heated, domed tennis court providing services for tennis clinics, tournaments, leagues and U.S.T.A. team drills; an aerobics and fitness center with indoor pool, full-service spa and dining (Remi's, Remi's Bar and The 19th Hole), and provides the setting and services for weddings, banquets and other special events for as many as 200 people throughout the year. Lake Grant, a man-made lake, exists in the subdivision.

Rivergreen and Silver Sage subdivisions (single-family lots and homes that allow an efficiency residence in each single-family residence) lie to the north of Skyland. Whetstone Vista (single-family homesites), Red Feather Ranch (single-family and secondary residences) and Buckhorn Ranch subdivision (single-family, multiple-family, deed-restricted affordable residences, private airstrip open to limited public use, and airport-related commercial uses) located further east.

Larkspur Subdivision was approved by Gunnison County in 2006 and includes 46 free-market single family lots; one lot that will remain the property of the Larkspur Community Association to include an employee unit, an office and maintenance barn; eight deed-restricted single-family essential housing lots; two deed-restricted (essential housing) lots, two of which will have one four-plex; and one deed-restricted (essential housing) lot allowing one duplex. Lot sizes range from one seventh to one third of an acre. All housing units and houses are required to have two enclosed attached garages. Maximum total aggregate square footage (house and garage) for each single-family home is 4,800. Multifamily four-plex lots allow a maximum square footage (four multifamily residences and eight garages) of 6,200 square feet. The duplex residence is limited to a maximum aggregate size for residences and garages of 5,200 square feet. Maximum size structure on the maintenance parcel is 4,000 square feet, limited to two structures.

A 2.78-acre parcel (R1) in the Larkspur Subdivision will house a recreation center, to be owned separately from either the applicant or the Larkspur Community Association. The center is allowed by the subdivision's protective covenants to include year-round tennis facilities (i.e. indoor and outdoor), clubhouse, health club, swimming center, bathrooms and showers, climbing wall, batting cages, golf practice area, basketball courts, pro shops, parking , food and bar service ancillary to the tennis facilities, and accompanying offices and services. The maximum size of all structures on the Recreation Lot is 39,000 square feet. The lot may be resubdivided by its owner to create two condominium units or a maximum of three condominium units, only if one of the three is restricted to a residence for an employee of the facility.

The Larkspur recreation center is intended to occasionally host special events. As many as twelve special events may be conducted annually. The Final Plan Decision for Larkspur states:

> *"A document to be presented to property purchasers discloses the possibility of future development around the Larkspur parcel, and includes the following:*
>
> *'Development on Adjacent Property: That a parcel of property exists, approximately 13 acres in size, that lies immediately to the West of Larkspur, between a portion of Larkspur and Brush Creek Road. That this parcel is owned by Gunnison County, the Towns of Crested Butte and Mt. Crested Butte and Crested Butte Mountain Resort and that these entities plan to develop the property in the future. Proposals for development include, but are not limited to, an affordable (essential) housing project, intercept or park and ride parking lot. Some or all of this property may be sold and/or partitioned off.'"*

Buckhorn Ranch includes a privately-owned airstrip, open to a limited use by the public; commercial uses are permitted, limited by a protective covenant to retail businesses that serve the residential lots such filling stations, restaurants, bakeries, etc. Lots 1, 3, C-2, C-3 may house conference or meetings areas. 388 residential units are allowed, including 200 multi-family units per the protective covenants (Reception No. 510419).

Red Feather Subdivision includes three residential lots, each approximately 6.3-acres in size. Each lots allows a primary residence and a secondary residence.

Large single-family parcels (6+ to 18+ acres in size) are located immediately south and to the southeast. Across Highway 135 uses include residential lots and Riverland Industrial park to the southwest.

The Planning Commission and BOCC viewed a number of projects in Gunnison County with comparable densities as summarized below.

TABLE 1: COMPARABLE DENSITIES

ESTIMATED CORNER AT BRUSH CREEK NEIGHBORHOOD DENSITIES COMPARED TO EXISTING DEVELOPMENT IN IMPACT AREA (IN GREY) AND OTHER AREAS FOR COMPARISON (NOT SHADED)				
	NUMBER OF RESIDENCES	TOTAL AREA/ACRES	GROSS DENSITY (TOTAL RESIDENCES ÷TOTAL AREA INC. ROADS, OPEN SPACE, ET.AL.)	ACRES PER RESIDENCE (TOTAL AREA INC. ROADS, OPEN SPACE, ET.AL. ÷NUMBER OF RESIDENCES)
CORNER AT BRUSH CREEK	220	14.29 acres (8 acres open space)	15.39 residences per acre	0.06 acre per residence
LARKSPUR	65	35.6 acres (14.24 acres or 40% of total area)	1.83 residences per acre	0.55 acres per residence
SKYLAND (THE CLUB AT CRESTED BUTTE)	515	663.7 acres (total open space not computed in all filings)	0.76 residences per acre	1.29 acres per residence
GOLF VILLAS (SKYLAND)	~~53~~45	6.42 acres	~~8.3~~7 residences per acre	0.~~12~~ 14 acres per residence
BUCKHORN	388	280 acres (total open space not computed in all filings)	1.39 residences per acre	0.72 acres per residence
BUCKHORN LOT M-1	72 (including 32 units at Stallion Park)	10.95 acres (excludes roads and open space)	6.57 residences per acre	0.15 acres per residence
BUCKHORN LOT M-2	74	12.58 acres (excludes roads and open space)	5.88 residences per acre	0.17 acres per residence
BUCKHORN LOT M-3	54	9.18 (excludes roads and open space)	5.88 residences per acre	0.17 acres per residence
STALLION PARK (BUCKHORN)	~~75~~ 32	2.13 acres	15 residences per acre	0.06 acres per residence
WHETSTONE VISTA	9	32.5 acres (14.123 acres open space)	0.28 residences per acre	3.6 acres per residence

Butte Pastures	9	62.72 acres (35.11-acres in conservation easement)	0.14 residences per acre	6.96 acres per residence
Rivergreen	17 (each allowed an efficiency residence by protective covenants)	19.9868 acres (10.57 acres open space)	0.85 residences per acre; 1.7, with efficiency residence in each single-family residence	1.18 acres per residence; 0.59, with efficiency residence in each single-family residence
Silver Sage	23 (each allowed an efficiency residence by protective covenants)	27.85 acres (6.45 acres open space)	0.83 residences per acre; 1.65, with efficiency residence in each single-family residence	1.21 acres per residence; 0.61, with efficiency residence in each single-family residence
Red Feather Ranch	6 (single-family residence and secondary residence)	18.90 acres	0.31 residence per acre	6.3 acres per lot; 3.15 acre per residence (primary residences and secondary residences)
Anthracite Place	30	0.5 acres	60 residences per acre	0.02 acres per residence
Pitchfork	102	7.9 acres	13 residences per acre	0.08 acres per residence
Waterfall Creek Condos	13	1.47 acres	8.8 residences per acre	0.11 acres per residence
North star condos	20	1.4 acres	28 residences per acre	0.07 acres per residence
VanTuyl Village	24	0.96 acre	25 residences per acre	0.04 acres per residence
Mountaineer Village Apartments	87	2.93 acres	29.7 residences per acre	0.03 acres per residence
The Lofts (Meldrum Subd)	20	2.46 acres	8.13 residences per acre	0.12 acres per residence
Dos Rios Multi-Family	139	13.84 acres	10.04 residences per acre	0.09 acres per residence

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via email to the following review agencies for comments:

- Colorado Department of Public Health and Environment (CDPHE)
- Colorado Division of Water Resources
- Colorado Division of Parks and Wildlife
- Colorado Department of Transportation
- Gunnison County Public Works
- Gunnison County Building and Environmental Health Official
- Town of Crested Butte
- Town of Mt. Crested Butte
- Regional Transportation Authority (RTA)
- Mountain Express
- RE1-J School District
- Crested Butte Fire Protection District
- Gunnison Valley Regional Housing Authority
- Crested Butte Mountain Resort

Comments received include, but are not limited to, the following:

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Gunnison Valley Regional Housing Authority in a letter dated October 10, 2017 from Jennifer Kermode, Executive Director, comments and recommendations included:

"…Affordability Recommendations

1. *Maximum monthly rental rates should be calculated at 30% of the household's gross monthly income, with utilities (water, sewer, electric and gas) included in that rate.*
2. *Rent increases at lease renewal should not exceed 2% annually. This keeps rate increases aligned with the typical expectation of increases in income.*
3. *Household size should only be used to calculate a household's AMI to determine what AMI unit they qualify for.*
4. *The Authority requests the opportunity to provide additional recommendations as warranted.*

…Unit Type and Mix Recommendations

1. *The Authority and the applicant should work together to determine the appropriate unit types at each AMI level.*
2. *Restricted units should be scattered throughout the campus and not aggregated within one or two buildings.*
3. *The Authority requests the opportunity to provide additional recommendations as warranted*

…AMI Targets Recommendations

1. *The AMI categories should represent the maximum household income that will qualify for a specific unit. The maximum rent for each restricted unit should be calculated at 30% of a household's actual income, as determined by the Authority.*
2. *The applicant should verify what AMIs are with the Authority on an annual basis, and provide regular reports confirming the proper number of units available to specific AMI targets.*
3. *The Authority requests the opportunity to provide additional recommendations as warranted.*

… The applicant is proposing minimum lease terms that could result in a great deal of unit turnover, which distracts from the quiet enjoyment of other residents living nearby. The Authority believes that if the intent is to provide housing for local workers, then lease terms should be for a minimum of one year. To house seasonal employees, master leases should be negotiated with larger employers which gives them control over who occupies their units and when. Free-market units that are allowed to turn over every three months serve to intensify the likelihood of short term rental practices, and does little to address the local workforce housing needs in the Valley.

…Livability Recommendations:

1. *Site and floor-plan design*
    - ***a.*** *The Authority should work with the applicant on floor-plan design of the restricted units to prevent functional obsolescence and increase the long-term livability of each unit type.*
    - ***b.*** *The restricted units should have the same quality of appliances, countertops, flooring, lighting etc. that is built into the free market units.*
    - ***c.*** *Units should be designed to allow resident interaction with the natural environment, such as large windows, passive solar orientation when possible, and decks.*
2. *Storage*

a. *Interior storage should be adequate to accommodate a long-term resident lifestyle. The number of and size of closets and cabinets should be sufficient to prevent residents from having to store daily-living items in a separate outside storage space.*
b. *Exterior storage space should provide adequate protection from weather, provide good lighting and be easily accessible to each resident.*

3. *Density*
   a. *The Authority believes that the proposed density may deter from the livability of the neighborhood. The number of buildings and the expected number of residents could conflict with a resident's perception of personal space. The applicant should design buildings and units to provide a resident with the perception of having private space to live in.*
   b. *The amount of parking that may be required to meet LUR means that much of the neighborhood's footprint will be parking lots and cars. This conflicts with a sense of place and perception of open space.*
   c. *Lease terms for each restricted unit should be for a minimum one-year period.*
      i. *Master lease agreements should be made with larger employers who have seasonal housing needs.*
      ii. *Month-to-month extensions should require re-qualification to determine income and renewal rates.*
   d. *Free-market units should have a minimum lease term of six (6) months.*
4. *Included or near-by amenities*
   a. *The Authority recommends that the community center concept stay included in the final site plan, along with the community gardens and open space.*
   b. *Access to the bike path connecting to Crested Butte should be maintained.*
   c. *The Authority supports the inclusion of a neighborhood 'general store and coffee shop' in the community center.*
5. *Noise*
   a. *The buildings should provide construction techniques that reduce sound transmission and impact insulation to improve the livability of each unit.*
6. *Transportation and Parking*
   a. *Easy access to the transit center appears to be met in the current site plan.*
   b. *Measures that would entice residents to reduce their reliance on automobile transportation should be encouraged.*

…Process Recommendations:

1. *The Authority and the applicant should work with the County staff to craft a deed restriction that is appropriate for this neighborhood, and meets the requirements of the County and the Authority in establishing long-term affordability for locally-employed workforce.*
2. *The Authority and the applicant should work with the County staff to craft lease agreements that address the restricted units regarding the term, expected rate increases, additional occupants, and compliance with federal, state and local laws.*
3. *The Authority should complete resident income/employment qualifications for restricted units at initial lease-up for a service fee of $50 per unit.*
4. *The applicant should deliver semi-annual reports to the County or the Authority detailing which units are capped at what AMIs, the AMI of the occupying household, lease term and rental rates, and other metrics that may be determined useful by the County.*
5. *The AMIs in effect at the time of initial lease-up should be used to calculate the maximum income for the targeted restricted units.*

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6. *The Authority requests the opportunity to provide additional recommendations as warranted."*

Town of Crested Butte, dated July 18, 2018, from James Schmidt, Mayor, comments included:

"…the Town of Crested Butte makes the following requests:

1. *Deny the sketch plan application based on the lack of compliance with standards in the Land Use Resolution; or*
2. *Conditionally approve the sketch plan application with the necessary significant and substantive modifications to achieve compliance with the LUR; or*
3. *Continue the public hearing if all parties are willing to participate in robust public discussion with each other about the use of the property."*

Town of Crested Butte, dated April 30, 2018, from Dara MacDonald, Town Manager, comments included:

- *"The applicant proposes to develop 200 rental units and 20 ownership units of which 49% meet the County's definition of Essential Housing and therefore should not be provided with all of the requested incentives for Essential Housing for projects with 40% - 100% essential housing;*
- *The income mix of deed-restricted units has shifted with fewer units in the low income target and more in the moderate and higher income ranges. The number of residences qualified as Essential Housing has been reduced from 130 to 108 units and therefore should not be provided with all of the requested incentives for Essential Housing for projects with 40% - 100% essential housing;*
- *The proposed density of 15.4 units/acre is from 9 to 18 times greater than the average densities of the surrounding neighborhoods and therefore is incompatible with community character;*
- *The proposed maximum building size is up to approximately 18,000 sq. ft., an increase of 1.8 times the LUR allowance for buildings and therefore is incompatible with community character;*
- *The proposed maximum aggregate building size of all structures on the parcel is 215,900 sq. ft. or up to 17 times greater than the LUR allowance of 12,500 sq. ft. The structures are obtrusively visible and therefore should not be allowed;*
- *The proposed height increase of up to 17%--an increase of 5 feet is incompatible with community character;*
- *The proposed reduction in setback along Brush Creek Road is not allowed by the LUR;*
- *The proposed subdivision of land does not meet the maximum density or minimum lot size requirements of the LUR;*
- *The proposed 7% decrease in the amount of required parking for the residences – a reduction of 30 parking spaces is not warranted given that public transportation is not assured for the site; and*
- *With the elimination of the transit parking, the proposed development is contrary to the allowed uses of the property as set forth in the Memorandum of Agreement executed by the County, the Town of Crested Butte, and Mt. Crested Butte, and the Crested Butte Mountain Resort.*

… Simply stated, this proposed use is too intense; too dense; too massive; too 'visually obtrusive'; and neither similar nor compatible with the existing, adjacent low-density residential land uses and landscape character.

The Town of Crested Butte reaffirms the recommendation that Gunnison County deny the Corner at Brush Creek Land Use Change/Sketch Plan because the application does not comply, broadly or conceptually with the LUR requirements, far exceeds the incentives for Essential Housing, and adversely affects not only the future development of the area, but the entire SH 135 Corridor from Gunnison to Crested Butte. We do not believe that approval of the current application is defensible because it fails to satisfy so many provisions of the Gunnison County Land Use Resolution."

Town of Crested Butte, dated February 12, 2018, from Dara MacDonald, Town Manager, comments included:

- *"The applicant proposes to develop 240 rental units of which only 54% meet the County's definition of Essential Housing;*
- *The applicant proposes a density ranging from 9 to 19 times greater than the average densities of the surrounding neighborhoods;*
- *The applicant requests a maximum building size up to approximately 25,000 sq. ft., an increase of 2.5 times the LUR allowance for buildings;*
- *The applicant requests a maximum aggregate building size on the parcel up to 18 times greater than the LUR allows;*
- *The applicant requests a height increase of up to 17%- an increase up to 5'; and*
- *The applicant requests a 17% decrease in the amount of required parking for the residences – a reduction of 80 parking spaces.*

Simply stated, this proposed 100% rental apartment use is: too intense; too dense; too massive; too 'visually obtrusive'; and neither similar nor compatible with the existing, adjacent low-density residential land uses and landscape character.

The Town of Crested Butte urges Gunnison County to deny the Corner at Brush Creek Land Use Change/Sketch Plan because the application does not comply, broadly or conceptually with the LUR requirements, far exceeds the incentives for Essential Housing, and adversely affects not only the future development of the area, but the entire SH 135 Corridor from Gunnison to Crested Butte. We do not believe that approval of the current application is defensible because it fails to satisfy so many provisions of the Gunnison County Land Use Resolution.

Specifically, the project should be denied for failure to satisfy the following sections of the LUR: Section 7-102: Standards of Approval for Major Impact Projects Section 9-601: Essential Housing, Purposes Section 9-604: Incentives to Provide Essential Housing; Section 10-103: Residential Density; Section 13-103: General Site Plan Standards and Lot Measurements; Section 13-104: Setbacks from Property Lines and Road Rights-of-Way; Section 13-105: Residential Building Sizes and Lot Coverages; and Section 13-108: Open Space and Recreation Areas Section 13-110: Off-Road Parking and Loading.

The Town agrees that the County should provide allowances or incentives to an applicant in exchange for developing Essential Housing, but this project proposal requests too much and goes too far. The incentives requested are neither reasonable nor compatible. Density is

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16.8 times greater than that recommended in the Crested Butte Area Plan and the County Comprehensive Corridor Plan and it is 9 to 19 times greater than that of the average existing residential land uses in the area; this is not a reasonable request. Building sizes that are up to triple those allowed in the LUR and an aggregate of all structures on the parcel being up to 18 times greater than the LUR allows; these are not realistic or practical requests for incentives.

The developer has been adamant that 240 units are necessary to make the project work financially and that the density cannot or will not be reduced. Based on the Town's analysis, it is simply not practical to fit that many units on this site at this location and comply with the LUR standards; therefore, the Town recommends that the County deny the project at this time during Sketch Plan. This action by the County will allow an opportunity for the MOA Partners and the public to discuss what type and scale of development is appropriate for the site and to formulate an action plan for moving forward cooperatively."

Town of Crested Butte, dated December 11, 2017, from Dara MacDonald, Town Manager, comments included:

"Prior to initiating the Sketch Plan public hearing process, the Town would like to request an additional Planning Commission work session to review and discuss this proposal. We would like to hear the applicant address the project within the context of the Gunnison County Comprehensive Plan-Crested Butte/Gunnison Corridor Plan. Specifically, the Town would appreciate a discussion about the Recommendations for Development Between Gunnison and Crested Butte and the Gunnison and Crested Butte/Mt. Crested Butte 3-Mile Planning Areas.

At the additional work session we also would appreciate if the Planning Commission could take time to discuss the project in light of the Gunnison County Land Use Resolution standards found in the following sections:

1. *Definitions (LUR 2-102)*
2. *Density (LUR 10-103)*
3. *Site plan standards—lot size/height (LUR 13-103)*
4. *Setbacks (LUR 13-104)*
5. *Building size/site coverage (LUR 13-105)*
6. *Parking (LUR 13-110, Table 2)*
7. *Incentives for essential housing (LUR 9-604)*
8. *A summary of applicant's requested modifications, if any, from the LUR standards*
9. *The project's relationship with other adopted transportation and regional plan or studies such as the Upper Gunnison Valley Transportation Plan—2008 Update and Upper East River Valley Wide 201 Facilities Plan"*

Town of Crested Butte, dated October 10, 2017, from Dara MacDonald, Town Manager, comments included:

"On October 5th, the Town hosted a community meeting to hear from our constituents about their thoughts on the potential impacts of the proposed development. At the end of this memo, the Town has included the comments made by the public during this meeting.

Town of Crested Butte Comments:

Density

The proposed development of 240 units equates to an approximate density of 16.8 units per acre. Density raises issues of impacts to the Town, and compatibility with surrounding land uses.

The following table can be used as a density comparison to other residential projects and zone districts in the Town and Mt. Crested Butte:

TOWN ZONE/PROJECT	***AREA (sq ft)***	***# UNITS***	***DENSITY (units/acre)***
R2A (Paradise Park)	*398,110*	*78*	*8.535*
M (Red Lady Estates)	*244,041*	*40*	*7.140*
Poverty Gulch	*29,970*	*10*	*14.535*
R2	*773,951*	*141*	*7.936*
R2C	*700,905*	*113*	*7.023*
R4	*345,385*	*90*	*11.351*
Anthracite Place	*21,875*	*30*	*59.739*
MT. CRESTED BUTTE			
Pitchfork	*338,461*	*103*	*13.25*
Prospect Homestead	*185,565*	*38*	*8.92*

The proposed density is greater than the 15 units per acre identified as typical by the Housing Needs Assessment and greater than any affordable project located within any municipality in the north end of the valley with the exception of Anthracite Place. In addition, the densest projects currently are located within one block of transit facilities and within the urban cores of a municipality. These developments provide residents with proximity to Town services and the ability to walk, bike or ride transit to destinations valley-wide including places of employment.

In contrast, the proposed development is located outside of the core service area of a municipality.

Placing this much density outside of the urban context of the municipalities can have future potential impacts on Town services that must be mitigated. These impacts include additional fire and police service, traffic, parking, and increased demand for transit.

Type of Housing

The proposal seems to focus on apartments and similar rental housing. The Housing Needs Assessment, however, says that ownership housing including townhomes, duplexes and single family homes in neighborhoods with the amenities desired by families should be a priority. The Town would like to see more townhomes, duplexes and single family homes suitable for ownership in place of so many rental units.

Mass and Scale

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The applicant has proposed a variety of building types to support the project. A total of 30 buildings are proposed to contain the 240 studio, 1, 2 and 3-bedroom units. These building range from duplexes to apartment buildings containing up to 24 units. The residential structures range in size from 4,000 to 25,000 square feet and 30 to 37-1/2 feet in height. The proposed project plans to place 83% of the housing units (200 units) in buildings over 10,000 square feet. For comparison, Anthracite Place which contains 30 units is 21,874 square feet. This project underwent an extensive public process to ensure that it was compatible with the surrounding neighborhood and the built environment of the Town.

Architectural Character and Materials

A 'contemporary high altitude vernacular' is the proposed architectural style for the 5 building types: duplexes, 4-plexes, 8-plexes, 16-plexes and 24-plex structures. The materials and colors will be natural with wood, natural stone, stucco and non-reflective metal. Roof forms will vary among building types. The buildings along Brush Creek Road will have gable roofs; duplexes, 4-plexes and community center have shed roofs; and the 16-plex and 24-plex buildings have flat roofs. Given the semi-rural setting, the Town requests that the architectural design and roof-forms be based on a more rustic architectural character. The Town would be happy to provide sketches of more rustic architecture and forms.

Transit

The proposed development includes a community center with a transit station and a 69-space park & ride lot to be served by bus service from the RTA and potentially Mt. Express. At this time, the current shop yard for Mt. Express does not have the capacity to accommodate any additional bus storage for new services outside of its existing scope. If additional transit service is requested, the applicant should plan on providing additional bus storage on site for this service.

Connection to Town Water and Sewer Service

At this time, the Town will not provide municipal water or sewer service to the project as currently proposed. We also understand that sewer service might not be possible under any circumstances, owing to the fact that the development lies within the service of a special district.

Traffic

The proposed density with an estimated population of 600 to 700 residents next to SR 135 will add additional traffic to the only major artery in and out of the north end of the valley. While the applicant has stated that the availability of transit will help alleviate some of the potential vehicle trips, the potential traffic impacts to key intersections including SR135/Brush Creek, SR135/Red Lady Avenue, and Elk Avenue/Sixth Street should be included in any traffic study prepared for the project. The Town is already planning a $2.5 million roundabout at the entrance to Town at SR 135/Red Lady Avenue. The Town will have further comment once a traffic study is prepared.

Parking

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The plan proposes a total of 430 parking spaces; 69 park n ride spaces and 361 residential parking spaces. The 240 unit project has proposed an overall residential parking ratio of 1.5 spaces/unit. Studio and 1-bedroom units are parked at 1 space/unit; 2-bedroom units have 1.5 spaces/unit; and 2-bedroom units with a study and 3-bedroom units have 2 spaces/unit. The 24-plexes have open, surface parking; 16-plexes have tuck-under and open surface parking spaces; 8-plexes have below grade parking garages; and 4-plexes and duplexes have garages with open surface parking or driveways. Guest parking is not addressed in the application.
The Town anticipates that this development will create additional demand for the Town's already taxed parking situation. Solutions for the Town to accommodate additional parking demand are very expensive.

Increased Demands on Recreation

The Town has seen substantial growth in recreation participants over the past 10 years. Programmable park space for field sports such as soccer, softball, flag football, and baseball are at capacity as identified by the Town of Crested Butte 2010 Parks and Recreation Master Plan prepared by Pros Consulting and Greenways Incorporated. The Town hopes that new workforce housing would create additional participants in Town programs, however, there is insufficient space for the creation of additional athletic fields in Town to support program growth. The Town requests that multi-use athletic fields are able to be programmed on the planned open space that is proposed in the development.

Natural Features and Visual Buffering

The site is bounded by a prominent knoll feature along its southern and eastern boundaries with low-lying bowl areas in the central and northeastern sectors of the property. The illustrative renderings portray the site as being relatively flat; a conceptual grading plan is not included in the application. A plan should be prepared that shows existing and proposed contours and any landforms that will be retained to visually screen or buffer the development from SR 135 and Brush Creek Road.

Increased Demands on Schools

The Crested Butte Community School serves the entire valley north of Round Mountain and is nearing capacity. The Town is concerned about the impacts of growth throughout the valley on the school and its ability to maintain the high level of service enjoyed by students.

Additional Analysis from Applicant at Preliminary Plan Phase.

The Town understands that the sketch plan phase is conceptual in nature and that the County Land Use Resolution requires the applicant to submit more detailed design, reports and studies to the County with the preliminary plan. The Town requests that the County request that the analyses include an assessment of impacts to the Town of Crested Butte as follows:

1. Analysis by the developer of how the development fulfills the workforce housing shortages identified in the Housing Needs Assessment.

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2. Analysis of compatibility of scale, massing, and density of the development with the surrounding natural and built environment, and proposed mitigation to improve compatibility.

3. Assessment of impacts of increased impervious surface areas to drainage and erosion, and proposed mitigation of those impacts.

4. Assessment of impacts to Mt. Express and other transit delivery systems, and proposed mitigation of those impacts.

5. Assessment of traffic impacts to the Town of Crested Butte including SR135/Brush Creek, SR135 Red Lady Avenue, and Elk Avenue/Sixth Street and proposed mitigation of those impacts.

6. Assessment of increased demand for parking in the Town of Crested Butte, and proposed mitigation of those impacts.

7. Assessment of impacts of increased demand on Town of Crested Butte recreation programs and active recreation facilities such as athletic fields, and proposed impacts to mitigate those impacts.

8. A grading plan that shows existing and proposed contours and any landforms that will be retained to the greatest extent possible, and methods for screening or buffering visual impacts of the site.

9. Assessment of the impacts to the Crested Butte Community School and proposed mitigation of those impacts based on discussions with the school district."

Additionally, a summary of public comments that were received at a public meeting hosted by the Town of Crested Butte on October 5, 2017 were included within the letter.

The Town of Crested Butte also submitted a report from Rees Consulting, Inc. titled, "Key Metrics Comparison: The Corner at Brush Creek and 2016 Gunnison Valley Housing Needs Assessment," dated October 31, 2017. The report from Rees Consulting was specifically requested and contracted for by the Town of Crested Butte. Additionally, a staff report from Michael Yerman, Community Development Director to the Crested Butte Town Council titled, "Gatesco Brush Creek Proposal in Comparison to the 2016 Housing Needs Assessment Study," dated November 6, 2017 was sent to the County accompanying the Rees report.

Town of Mt. Crested Butte, dated October 4, 2017, from Carlos Velado, Community Development Director, comments included:

"The Town of Mt. Crested Butte recognizes the dire need for workforce housing in the entire Gunnison Valley…The Town Council feels that increasing the availability of community integrated rental workforce housing is critical to maintaining the character and economic vitality of this amazing area that we all call home.

…The Mt. Crested Butte Town Council respectfully requests that the Gunnison County Planning Commission examine and consider the following items…

1. *While recognizing that the Housing Needs Assessment completed November 2016 established a typical need of 15 units/acre, the Council requests that the Planning*

Commission seriously contemplate that a density less than 240 units may be more appropriate for this site.

2. *Please examine traffic impacts on Brush Creek Road and Highway 135.*
3. *Please examine the traffic impacts on Brush Creek Road and examine the entrance and exit strategies for the project. Please pay particular attention to the entrance closest to Highway 135 and its potential impact on traffic and safety.*
4. *Please consider holding some public hearings that are part of the application process in the northern end of the Valley.*
5. *Please evaluate the project impacts on the Crested Butte Community School and who might be responsible for bearing the costs of these impacts.*
6. *Please take into consideration the comments and concerns of the neighboring property owners and other members of the public.*
7. *Please consider how the project impacts the natural topography of the site and consider preserving as much of the natural topography as possible while providing open space and access to public trails.*
8. *Please recognize the applications connectivity to public trails and public transportation.*
9. *Please consider maintaining the views from Public Rights of Way and those of adjacent properties."*

Crested Butte Mountain Resort, dated October 8, 2017, from Michael Kraatz, Vice-President and General Manager, comments included:

"As one of the largest employers in the Gunnison Valley, we see housing as a need that cannot be ignored. We hear from our employees and manager the need for affordable housing. This need has grown significantly with the growth of Short Term Rental units (STR'S) which have greatly reduced the number of houses and condominiums that were once available to employees of CBMR and other employers.

…While we all enjoy the open space we have in our valley, there is also a limited amount of land available for housing and this too is mentioned in the housing assessment. The housing assessment goes on to identify that there will be a shortage in the housing of 420 units by 2020, with rental units making up 185 of the total.

We believe the application submitted by APT Brush Creek, LLC will go a long way toward meeting the needs identified in the housing assessment in that what is being proposed are rental units with 65% of those being proposed as deed restricted making them affordable to the labor force throughout the valley. We also believe that this proposal makes good use of the limited land supply in the valley. While we understand and fully appreciate that density, traffic as well as water supply and wastewater disposal are a concern, we believe that the permitting process will flesh these issues out and a project that can have a positive and meaningful impact on the valley's housing needs can be approved."

Crested Butte Fire Protection District, dated October 17, 2017, from Ric Ems, Fire Chief, comments included:

"…After reviewing the application and preliminary sketch plan the Fire Division feels that this project, can achieve compliance if the proponents design complies with all the currently adopted codes and Crested Butte Fire Protection District's Standards and Guidelines."

Colorado Parks and Wildlife, dated October 11, 2017, from Chris Parmeter, District Wildlife Manager, comments included:

> *"…The proposed development is located within a mapped elk winter concentration area and migration corridor, Canada goose production area, and black bear human conflict area. Prairie dogs, cotton tail rabbits, striped skunks, red fox, and coyotes would also be expected to inhabit the area, along with numerous other small mammals and an occasional mountain lion.*
>
> *…Although this parcel is mapped as elk winter range, and is labeled as critical habitat, the suitability of this parcel of land for wintering elk is negligible. Its value as 'winter range' has been degraded by the existing development, which essentially surrounds the proposed development. …residents should not be allowed to chase, scare, disturb, or otherwise harass elk in an attempt to move them off open space areas within the development during the winter months.*
>
> *…To avoid human/bear encounters, the storage and handling of trash should be given a high priority…The use of bear proof trash containers is proven the safest and best technique to avoid human/bear conflicts.*
>
> *…Fences should be minimized to facilitate wildlife movements, optimize habitat availability, and reduce wildlife mortality. We recommend that fence construction, whether of wire, wood, electric, or synthetic be wildlife friendly.*
>
> *…As the Gunnison basin continues to develop, habitat available for use by wildlife is incrementally lost and conflicts with wildlife will increase. Although this project in itself affects only a small fragment of available habitat, the impacts of projects such as this are cumulative, and should be considered as such."*

Colorado Department of Public Health and Environment, dated September 26, 2017, from Kent Kuster, Environmental Specialist, comments included:

> *"…The Water Quality Control Division (WQCD) found that this development will have a new public water system and its own domestic treatment works. Therefore, WQCD will need the following items related to this project:*
>
> - *Preliminary effluent limits (WW)*
> - *Site location application (WW)*
> - *Process design report application (WW)*
> - *Final plans and specification application (WW)*
> - *Basis of design report application (DW)*
> - *Permit application"*

Colorado Division of Water Resources, dated September 28, 2017, from Megan Sullivan, Water Resource Engineer, comments included:

> *"…Because this proposal is a sketch plan where, in general the water supply may not be finalized, and not a preliminary plan, we are not at this time providing an opinion pursuant to Section 30-28-136(1)(h)(1), C.R.S., as to whether the proposed water supply plan will cause material injury to existing water rights. Instead we would like to offer general*

comments on the proposed water supply and defer providing an opinion until the preliminary plan is filed.

…The source of water for the development is to be from one or two central wells. The groundwater source of the proposed water supply would be from, or tributary to, the Slate River. This area of the river basin is over-appropriated; therefore, a court decreed plan for augmentation plan is required to offset depletions caused by the pumping of any wells within the development. The applicant has indicated that they would either seek a contract with the Upper Gunnison Water Conservancy District (UGWCD) for augmentation water, or develop a new augmentation plan to replace out-of-priority depletions. This decision will be driven by which central wastewater treatment plant will be used. If the project utilizes the Town of Crested Butte's treatment plant which discharges to the Slate River, the out-of-priority depletions that impact the Slate River could be augmented by a contract with UGWCD. However, should the East River Regional Sanitation District be utilized, which discharges to the East River, the out-of-priority depletions that impact the Slate River would be significantly higher as the project's wastewater return flows would not be available to off-set well pumping depletions. From the information provided, it appears that the UGWCD does not has sufficient water available to augment the higher amount of out-of-priority depletions and the Applicant would have to develop a new augmentation plan instead.

As of the date of this letter, neither has a contract been finalized with the Upper Gunnison Water Conservancy District or an augmentation plan been approved by the Division 4 Water Court. Without a signed contract or approved augmentation plan, well permits to construct and /or operate wells to supply the development cannot be issued."

Colorado Department of Transportation, Dan Roussin, Permit Unit Manager, dated September 11, 2017, comments included:

"When there is development (240 residential units, transit center, and community center) and there isn't any traffic study that shows the impacts of the roadway; it is hard to comment on traffic issues….The development doesn't have direct access on SH 135. All access is off a county road (Brush Creek Road). Conceptually, CDOT will not give any additional access off SH 135 for this development. However, this development could have an impact where there could be a need for a traffic signal at Brush Creek Road/SH 135. I would suggest a signal warrant analysis with the traffic study, and I don't like the development access being this close to the SH 135 intersection because it could affect the SH 135/Brush Creek Road. But, that is a Gunnison County issue, and they will need to make determination if this is an issue.

In closing, 240 residential units and bus transit center and community center could have significant traffic issues, but we won't be able to tell you until we receive the traffic study. In community sensitive development project, I would say the County should require a traffic study to get see all the transportation issues at the beginning of the process."

Gunnison County Public Works, Marlene Crosby, Director, dated September 27, 2017, comments included:

"Improvements at the Brush Creek/Highway #135 intersection may be required by CDOT. If so, the improvement costs will not be the sole responsibility of the development due to existing development using the intersection. The use of two access points into the

development will help relieve any possible congestion at the intersection during peak hour traffic.

Any improvements to Brush Creek Road that are needed, including potential turn lanes, will be presented and reviewed during the preliminary plan review.

…Landscaping at the intersections onto Brush Creek Road should be designed so that now, and in the future when the plantings reach full growth, there will be excellent visibility for users entering the Brush Creek Road from the development.

It is unclear whether the trail network will be for resident use only or for public use. It is our recommendation that at least the perimeter trail be public, which in the future might be a link to a trail network between CB South and the Town of Crested Butte."

Gunnison Valley Rural Transportation Authority, Scott Truex, Executive Director, dated October 20, 2017, comments included:

"…If the applicant plans to have residents use a transit system and not have access to cars, then impacts to the transit system should be considered at this time. GVRTA spends $125/bus-hour to operate our fleet in 2016—not including capital. If a large portion of residents are not expected to have cars, then GVRTA recommends that a study be performed regarding the cost of providing meaningful transit to the subdivision and who will pay for it.

…GVRTA recommends that smaller buses with more frequent headways dedicated to shorter routes would provide better service to this proposed subdivision and perhaps other subdivisions…This type of service likely fits better with the Mt. Express mission and fleet than with the GVRTA mission and fleet.

…The GVRTA has concerns regarding snow removal and the turning radius of the GVRTA 45' commuter coaches. The path of the bus to and from the transit center looks like it should work well when there is no snow. If snow removal is accomplished by plowing to the sides of the lanes, then the lanes may get too narrow for the buses to make the turns. This has been a problem for us at the CB South bus stop and we have had several buses stuck in snow banks there. Therefore a snow removal plan that includes keeping the entire width of the bus travel lanes free of snow is important to us.

Lastly, the GVRTA has concerns regarding the intersection of Brush Creek Rd. and Hwy 135. As traffic increases at the intersection, it will become more difficult to cross traffic when using the intersection. It will be necessary to control the intersection for safety purposes. As the intersection is currently designed, the GVRTA has serious concerns about crossing traffic when entering Brush Creek Rd. and about the ability of the bus to accelerate and safely turn onto the highway going southbound towards Gunnison from the intersection. The GVRTA requests that this be addressed in the traffic study."

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*

Section 7-100: *Classification, Standards and General Review Steps for Major Impact Projects*

7-102: A. *Compliance with All Applicable Standards*.
Applicable, the applicant has submitted evidence in compliance with the applicable standards. The analysis in each of the following LUR sections identifies if and how the application complies with the applicable standards.

7-102: B. *Compatibility with Community Character*
Applicable, the applicant shall demonstrate that the project shall be compatible with, or enhancement of, the character of existing land uses in the development area, and shall not adversely impact the future development of the development area.

The *Land Use Resolution* (LUR) defines compatible as "means consistent with, harmonious with, similar and complementary to, the use and/or function of natural systems and/or existing land uses in an area.

The LUR defines development area as, "those geographic areas within the county that will be developed or altered directly by the construction or operation of a proposed project."

The applicant has stated their compliance with this standard in a letter dated April 27, 2018 from applicant attorney Kendall Burgemeister:

> *"As illustrated in numerous presentations and submittals by the Applicant, there are multiple examples within the Brush Creek corridor, the greater Gunnison Valley, and other mountain towns of Colorado, where dense multi-family development is immediately adjacent to sprawling, often high value, single-family development.*
>
> *...The thrust of the LUR is not to mandate that new land uses be identical or nearly identical to the other uses in the vicinity. Rather, the mandate is to impose sufficient terms and conditions on new uses so that, even though different from their neighbors, they do not create undue adverse impacts. The LUR expressly acknowledges many instances where differing adjacent land uses can be compatible. See e.g. 9-201. A.1. (manufactured homes and conventionally built residences); 9-304:E. (dude ranches and neighboring uses); 9-401 (mining operations and neighboring uses); 9-505 (telecommunications structures); and 11-109.A (development and ranching can exist together compatibly).*
>
> *More germane to this project, the LUR expressly acknowledges that residential projects in close proximity to one another but with differing densities are allowed. Section 10-103:C.3.a. of the LUR provides the conditions where greater density is appropriate….Compatibility is determined with reference to various criteria, including building design standards, limitation on outside storage, and various requirements in Section 13-119, including limits on hazards or nuisances, hours of operation, noise and glare, refuse management, illumination, etc. Finally, Section 10-103: C.3.a.4 provides methods to mitigate the impact of increased density, including through provision of open space, provision of essential residences, clustering, and participation in public transportation. Thus a project that provides essential housing can receive greater density than a project that does not provide essential housing, not just because of the essential housing incentives in Section 9-604, but because the essential housing mitigates the density under Section 10-103: C.3.a.4.*
>
> *In summary, under the LUR, increased density is not per se incompatible with neighboring land uses. However, when an applicant proposes a project that is denser than other neighborhood parcels, the applicant must demonstrate compatibility using the criteria and*

mitigation factors provided in Section 10-103, which can include the provision of essential housing.

Requiring this Project to have a similar density to the subdivisions that already exist on Brush Creek Road corridor would run afoul of the very purposes of Section 10-103, which include preventing sprawl and allowing flexibility in residential subdivision design.

Determining that a project violates Section 7-102. B because its density is different from nearby parcels, even after the density has been determined to satisfy Section 10-103, would render the entirety of Section 10-103 superfluous, violating the basic canons of interpretation that a legislative scheme shall be read "as a whole to give consistent, harmonious and sensible effect to all its parts" Martin v. People, 27 P.3d 846, 851 (Colo. 2001) and "to avoid statutory interpretations that render certain words or provisions superfluous or ineffective." Kinder Morgan CO2 Co., LP v. Montezuma Cty. Bd. Of Comm'rs, 2017 CO 72 24."

The community explored many issues related to housing and community character during the One Valley Prosperity Project. The One Valley Prosperity Strategy states:

"Affordable and attainable housing are essential values of the Gunnison Valley community. Affordable housing maintains authentic communities that are economically and socially diverse, supports economic development and eliminates inequity.

…A community cannot be prosperous if it is not livable. A high cost of living and poor job prospects are interrelated. High housing costs mean people need to make more money to be able to afford to live here, yet high paying jobs are few and far between. Similarly, the ability to attract or retain a talented workforce needed for higher paying professions is impeded by a lack of available housing. While many people are willing to make sacrifices to live here, people also desire financial stability for themselves and their families.

…Housing affordability and the jobs to housing balance plays an essential role in sustaining the social and economic fabric of our Valley. It is the foundation for maintaining a diversity of residents and incomes in our communities that contribute to our authenticity. Additionally, if the location of where a person lives and where they work are significantly different, commuting can affect a person's available free time, it can eat up significant financial resources, and contributes to congestion on our roads. Mass transit can become an integral part of housing policy and propel solutions. Housing availability and affordability play a key role in supporting local businesses and institutions as well. We have seen this first-hand with the cost and shortage of housing driving seasonal employees to camp on public lands and businesses reducing hours because of employee shortages.

Many other mountain communities have struggled to address affordable housing aggressively and are now feeling the loss of their sense of community and a diminished ability to obtain labor for service jobs. We have learned that when a community deploys a housing strategy to both "catch up" and "keep up" with housing demand, it is much easier to maintain community character and fulfill the demand for employees and labor. The Gunnison Valley has the unique opportunity to get in front of this challenge with availability of affordable land for housing development and an excellent transit system to connect these areas."

Accordingly, and as expressed in the One Valley Prosperity Strategy, compatibility with community character includes the ability of a project to reflect community values. The people of the Gunnison Valley have identified the importance of safe, caring and family friendly values that allow people to live a simple life that is also connected to nature. Lack of affordable housing options has created conflicts with community values. It is difficult to have a safe, caring and family friendly community when friends, neighbors and co-workers are unable to find homes. Many residents feel left behind and insecure because of the unavailability of homes for rent or for sale in an attainable price range.

Furthermore, and again as expressed in the One Valley Prosperity Strategy, the community character of the upper valley is unique and special and there is a strong desire of our community members to maintain the community character. The lack of homes for people that live and work in the upper valley threatens the character of the community because it prevents people from living in a place that they love and continues to force residents to make tradeoffs each month about whether to pay rent or buy food or move. People are impacted by the development and zoning of the Town of Crested Butte which has placed a high value on the aesthetic value of the built environment and the conservation of lands surrounding the towns thereby preventing adjacent development or significant multifamily development within Town boundaries. Those policies have created a charming community that is in high demand from a housing perspective, and along with the rapid growth of short-term rentals, has created a situation that is forcing long-time residents out of the community.

Data from the Town of Crested Butte show the rapid growth in short term rentals, particularly in the last five years. In 1997 short-term rentals, second homes, and vacant homes made up 22% of the total housing units in the Town of Crested Butte, while owner-occupied units and long-term rentals made up 78% of the housing units.

In 2016 those numbers have shifted with short term rentals and second homes making up 49% of the housing units and owner occupied and long term rentals consisting of 51% of the units. The number of owner occupied and long-term rentals decreased 27% in 20 years with most of that loss occurring in the past five years.

As is contemplated by the Gunnison County *Land Use Resolution* (*LUR*), the availability of homes that are attainable for residents, friends, neighbors and co-workers is tied to the overall prosperity of the Gunnison Valley. A prosperous economy with a healthy community and sustainable tourism must include housing as part of that equation—they are all intricately tied together.

Section 7-103: C. Phases Required to "Stand Alone" in Providing Services.
Applicable, each phase shall contain the required roads, bridges, utilities, landscaping, and other improvements that are necessary and desirable for residents of the project. If the Land Use Change incorporates any amenities for the benefit of the County, such as trail connections, these shall be constructed within the first phase of the Project, or, if this is not possible, then at a time defined and agreed upon as part of the Development Improvement Agreement at Final Plan approval.

The applicant has stated that all necessary infrastructure shall be completed in Phase 1 which includes: utilities, roads and parking areas serving the units constructed, along with 108 residential units, the transit/community center and amenities as shown on Map 13, dated 4/16/18 on the Sketch Plan submittal.

Phase 2 will include the construction of the remaining residential units based on demand. Construction of remaining roads and amenities are proposed in Phase 2.

Section 9-100: ***Uses Secondary to a Primary Residence.***
Not applicable, the total number of residential units contemplated is 220, no secondary uses or residences are proposed.

Section 9-200: ***Special Residential Uses.***
Not applicable. No special residential uses are proposed as part of this application.

Section 9-300: ***Commercial and Industrial Uses.***
Applicable, the applicant proposes approximately 1,000 square foot commercial facility within the community center. The commercial use includes a convenience store and café.

Section 9-400: ***Exploration, Extraction and Processing of Minerals and Construction Materials.***
Not applicable. No exploration, extraction or processing of materials is proposed.

Section 9-500: ***Miscellaneous Uses and Activities.***
Not applicable. No miscellaneous uses or activities are proposed.

Section 9-600: ***Essential Housing*****.**
Applicable, the subject proposal includes 49% of the proposed units as essential housing, in compliance with the definition of essential housing in the Land Use Resolution. Essential housing is defined as "housing for qualified households as determined by the Gunnison County Housing Authority." An additional 14% (~~12~~ 32 units including rental and for sale units) of the units are proposed to be deed restricted for persons earning less than 180% of the AMI. The subject proposal meets the definition of Essential Housing and Essential Housing Projects and is eligible for the incentives identified in this Section.

> ***"A. Required Incentives.*** *Notwithstanding any other requirements of this Resolution, the decision-making body shall provide one or more of the following incentives for an Essential Housing Project or a residential or mixed-use development in which a minimum of 40 percent of the residences are Essential Housing, and, because of deed restriction, will remain Essential Housing:*
>
> ***1. Expedited Review Process for Essential Housing Projects.*** *Conforming and complete applications submitted pursuant to this Division generally shall be given priority over other applications that are being reviewed by staff, the Planning Commission or the Board. At each phase of its review, each application shall be placed on the first scheduled Commission or Board agenda for which it can be properly noticed."*

Applicable, Community Development staff has given this project priority over other applications for review and scheduling.

> ***"2. Increase in Allowable Residential Living Area.*** *An increase of 15 percent in maximum residential living area allowed pursuant to Section 13-105: C.: Parcels Smaller Than 6,500 Sq. Ft., and Section 13-105: D.: Parcels Equal To or Larger Than 6,500 Sq. Ft. when a secondary residence is included that is deed-restricted as an Essential Housing residence."*

Not applicable, this incentive is intended to address the construction of a primary residence and secondary residence whereby the primary residence is free market and the secondary residence is deed restricted as Essential housing.

> ***"3. Increase in Building Height.*** *An increase of 25 percent in the maximum structure height allowed pursuant to Section 13-103: G.: Allowed Structure Heights, when such increase is found to not interfere with solar access or potential solar access of existing adjacent structures, and the County determines the increase to be in the public benefit in its allowance for additional and/or larger residences and that are deed-restricted pursuant to this Division."*

Applicable, the February 7, 2018 Sketch Plan supplemental states that the estimated building heights will be between 26 feet and 35 feet. Andrew Hadley, architect for the applicant, explained that the maximum roof height (as measured per County standards of Section 13-103: H. *Allowed Structure Heights*) is 32 feet for the 10-plexes and flat roof buildings.

> ***"4. Reduced Setback Requirements.*** *An exception pursuant to Section 13-104: Setbacks from Property Lines and Rights-of-Way shall be allowed by reducing front setbacks to 15 feet, and side/rear setbacks to 10 feet, subject to approval by the applicable fire protection district."*

Applicable, front, side and rear setbacks are shown on Map 12, "Development Layout Plan," dated April 16, 2018. The setbacks are generally in compliance with Section 13-104: *Setbacks from Property Lines and Rights-of-Way* and will be reviewed in detail at Preliminary Plan. The Development Layout Plan depicts a 45-foot setback from the edge of the Brush Creek Road for the proposed buildings. Section 13-104 requires a 40-foot setback from the edge of the County road right-of-way. Ownership of Brush Creek Road is clear but the width of the right-of-way that the County claims is not clear at this time.

The application states: "The conceptual site plan that has been developed does not include any structures near 15 feet from the south or east sides of the Property. The community building is currently depicted within 40 feet of Wright Ranch Road. The buildings along the northwest (front) side of the property are intended to be 15 feet from the Property line... No buildings are close to being within 40 feet of the Highway. The final site layout will be determined at the preliminary plan stage, after a survey of the Property has been completed, and direction received during sketch plan review is taken into account."

While this incentive allows an exception to property line setbacks it does not mention setbacks from roads. However, Section 9-604: A.6. does allow the decision making-body to modify standards in Article 13 which includes setbacks from roads.

> ***"5. DEFERRED FEES.*** *Fees for Essential Housing residences may be deferred as follows:*
>
> > *a****. PROJECTS THAT INCLUDE CONSTRUCTED ESSENTIAL HOUSING RESIDENCES.*** *A proposed land use change includes the construction of Essential Housing Residences, and the installation of infrastructure to service them. The applicable decision-making body may defer all related County fees, such as Building Permit Fees, ISDS Permit fees, Access Permit fees, and Reclamation Permit fees for Essential Housing that is to be constructed by the Land Use Change Permit applicant, until the applicant receives a Certificate of Occupancy*

for each of the constructed residences. Payment of fees may be in whole for all the residences in the development when a Certificate of Occupancy is obtained for the first residence, or in part for each residence at the time each residence receives a Certificate of Occupancy thereafter.

Applicable, the applicant may request deferral of the above noted fees but has not requested deferral at this time.

6. MODIFIED DEVELOPMENT STANDARDS. *The decision-making body shall approve modifications to the design requirements of Article 10: Locational Standards, Article 11: Resource Protection Standards, Article 12: Development Infrastructure Standards, and Article 13: Project Design Standards for Essential Housing, provided that the requested modification will result in residences that will be more energy-efficient, will provide more amenities, or improved design, and will not jeopardize public health, safety or welfare.*

Applicable, the applicant has requested the following modifications of the design requirements in Article 10, Article 12 and Article 13 of the Gunnison County *Land Use Resolution*:

- Section 10-103: C. 3.a.1 Development Served by Public Wastewater Treatment System: Applicant may request a modification to this standard if the applicant proposes development of an on-site wastewater treatment system.
- Section 13-104: *Setbacks from Property lines and Road Rights-of-Way*, the applicant proposes an approximate 45-foot setback from the edge of Brush Creek Road.
- Section 13-105: *Residential Building Sizes and Lot Coverages*, the applicant proposes approximately 215,900 aggregate square feet on the subject parcel.

The applicant proposes the construction of buildings in excess of the maximum size thresholds identified in Section 13-105: *Building Size and Lot Coverage*. The applicant has proposed buildings that range in size from 3,200 to 18,000 square feet, with a total approximate square footage of 215,900 square feet.

Staff has determined that this issue is not governed by the standards of Section 13-105: G. when reviewing the proposed modification, rather the issue is governed by the above standards including energy efficiency, amenities, and design.

The applicant stated in a letter from applicant attorney, Kendall Burgemeister, dated May 11, 2018:

"The Project design, which includes a handful of buildings larger than 10,000 square-feet, is more energy efficient than one that uses exclusively smaller structures in many ways. The following information was provided by the Applicant's structural engineering consultant:

- *Heating energy is reduced by the reduction of exterior surfaces per area of living space. The primary driver of required heating energy is the amount of exterior surface (walls, roof, floors) per livable area. In multi-family homes, units will often have one or two surfaces exposed to the elements, rather than all four walls + roof + grade that is exposed with a single family homes. This effect is compounded when the unit sizes decrease. We often see that in multi-family units with two people living in 1,000ft2 or less the heating loads are so low that for the majority of the year -even in Crested Butte- the continual heat given off by appliances (for*

example refrigerators), cooking, bodies, and other loads (like standby losses from wifi routers etc.) is sufficient to heat these units.

- *Domestic hot water energy is also reduced in multi-family housing. Different units use hot water at different times. This allows the engineer to downsize the hot water heater relative to the equivalent Btu's of heating capacity and required storage for single and smaller multi-family units such as duplexes. The reduction of standby losses from downsizing the storage tanks is significant.*
- *Materials used in construction are reduced in multi-family housing. This represents a significant reduction of environmental impact. Less material per area of livable space is required to build in this style of housing versus single family homes. This is clearly illustrated by the reduction in construction cost. One example: for a 3-story building three units 'share' one foundation system and one roof, the floors of each level work as the ceiling/floor of the next, etc. The same can be said for utilities like water, sewer, electrical service and gas.*
- *Site area disturbance, utility infrastructure, hard-scape area, and carbon footprint of housing is all reduced in multi-family housing. Density in general increases efficiency of materials used in construction, as well as reducing site disturbance required for building of roads, foundations and supplying utilities to a given project.*

The Project design also results in more amenities than a project of similar density that utilizes more, smaller, units. An illustrative example is Pitchfork, which, for all of its virtues, cannot provide the same quantity of open space, snow storage, guest parking, etc. as this Project.

… In addition to preserving open space on the Property, the Project helps preserve open space off of the Property by clustering the development on approximately 14 acres of land, rather than contributing to sprawl at a rate of one dwelling unit per acre. The Project protects sensitive natural areas by being located on a site that is simply not very environmentally sensitive as compared to most parcels of vacant land in the northern Gunnison Valley, and by preserving the natural drainage area that exists along the eastern boundary.

The Project protects agricultural forage areas by being located entirely on non-productive vacant land that offers no agricultural value. The Project protects view corridors by being located between the existing Riverland Industrial Park to the south, and the visibly continuous string of development from the corner of Brush Creek Rd. to the flank of Mt. Crested Butte to the north and east."

The applicant has identified that it is more cost effective to build fewer buildings that are greater in square footage. Moreover, the development of more buildings that are smaller in size would also result in the loss of additional open space. According to the information submitted by the applicant, the natural contours of the property and landscaping, and architectural style will all mitigate the visual impact. The structures located around the perimeter of the property will be much smaller in scale, buffering the visual impact of the larger structures located near the middle of the Property. The Sketch Plan provides that all utilities will be buried.

B. POSSIBLE ADDITIONAL INCENTIVES. *Notwithstanding any other requirements of this Resolution, the decision-making body may provide one or more of the following incentives for an Essential Housing Project or a residential or mixed-use development in which a minimum of 40 percent of the residences are Essential Housing, and, because of deed restriction, will remain Essential Housing:*

1. REDUCED PARKING SPACE REQUIREMENTS. *A reduction in the number of parking spaces required pursuant to Section 13-110: Off-Road Parking and Loading, depending upon location, bedroom mix, the availability of public transit and other pertinent factors.*

Not applicable, the applicant meets the parking requirements of Section 13-110. Map 15, "Parking and Snow Storage Plan," dated February 7, 2018 of the Sketch Plan supplement depicts the proposed parking at the development. The proposed number of parking spaces has been increased since the original submittal from 361 spaces to 410 space, plus an additional thirty-eight (38) reserved parking spaces based on future demand. A parking space has been allocated for each bedroom in the proposed development. Thirty-one (31) parking spaces (of the total 448) will be set aside for visitor parking.

Section 13-110: *Off Road Parking and Loading* Section 13-110: *Off-Road Parking and Loading*, Appendix Table 3, requires two parking spaces per residence for up to a three-bedroom residence. Table 3, with no reduction, requires 440 parking spaces for the proposed 220 units. Appendix Table 3, with no approved modifications, requires six parking spaces (one parking space per four persons of seating capacity and one parking space per three employees) for an eating and/or drinking facility. One parking space per 300 square feet of office space is required. The total parking spaces required, with no modification, is 448.

The application states (page 24) that, "Parking shall be provided in accordance with the Gunnison County LUR Section 13-110: *Off Road Parking and Loading*. Each unit will have at least one designated parking spot within a convenient distance to their unit. Additional parking spaces may be provided based on unit size or rental agreement. Visitor parking spaces and ADA accessible parking spaces will be provided throughout the site. Recreation vehicles, all-terrain vehicles, snowmobiles, heavy equipment and trailers may not be parked in open parking lot spaces. These types of vehicles may be accommodated in units with an attached garage only."

2. REDUCTION IN REQUIRED AMOUNT OF OPEN SPACE. *A reduction in the amount of open space required pursuant to Section 13-108: Open Space and Recreation Areas.*

Not applicable, Map 14, "Open Space Plan," of the Sketch Plan submittal depicts the locations of open space on the subject parcel. The applicant has not requested a reduction in the required amount of open space. The applicant has proposed open space (56%) in excess of the requirement (30%) for the proposed development.

Section 10-102: *Locational Standards for Residential Development.*
Applicable, the application meets the standards of this Section. The standards of this Section require that an application for a new residential development shall initially be reviewed for its location relative to existing development and shall be located adjacent to existing population centers, within a municipal three mile plan area or "to a subdivision that is served by a central wastewater treatment system that was platted and approved pursuant to the requirements of the former *Gunnison County Land Use Resolution*."

The proposed development is within the three mile plan area of the Town of Crested Butte and is adjacent to the Skyland subdivision which was platted and approved under the former *Land Use Resolution* and is served by a central wastewater treatment facility.

Section 10-103: *Residential Density.*

***C. PRIMARY RESIDENTIAL LOT SIZE AND DENSITY STANDARDS**. Residential lot sizes and density of a land use shall change shall initially be reviewed relative to existing development.*

***1. COMPLIANCE WITH MUNICIPAL THREE MILE PLAN AREA**. When the proposal is for development located within a municipal three-mile plan area, the development proposal shall address how it comports with the objectives and policies of the applicable municipal three-mile plan. The County shall consider how the proposed development has addressed those objectives and policies, and any further intergovernmental agreement between the County and the municipal government regarding the three-mile plan area. Where there is a conflict between the objectives or policies of a three-mile plan or the intergovernmental agreement, and County standards, County standards shall apply; and*

Applicable, the subject parcel is within the Town of Crested Butte's three-mile plan area however there is no intergovernmental agreement between the County and the Town regarding the three mile planning area. If there is a conflict between the three-mile plan and the LUR, the County standards apply.

The application (page 29) states:

> *The project is adjacent to existing development, including the Skyland area which has pockets of high density, multi-family housing. The project will be served by central water and sewer. The project will preserve significant amounts of open space—approximately 50% of the parcel will remain open space, even though the LUR's standard is 30%...The project is a clustered development, with a central open space, myriad public benefits including the transit center and recreational path. The project will provide residential units that are all targeted towards the local workforce, including 65% ~~(sic 63%)~~ of the units that will be restricted to exclusive use by the local workforce.*
>
> *There are some details of the Plan with which the Project does not strictly comply. For example, the Plan encourages development on parcels not located entirely within a quarter mile of Highway 135 to push the development to the portion of the parcel located more than a quarter mile away from the Highway. The subject property is almost entirely within a quarter mile of the Highway, with only a small corner being located outside this buffer. In the area of the property, there are already numerous developments within a quarter mile of the Highway, including residential, commercial, and industrial uses. The addition of the proposed housing development would be visually appropriate in this area.*
>
> *The Plan also has density and dedication of open space policies that will not be met by this Project because they are simply not feasible for as Essential Housing project that is not relying on massive public subsidies.*
>
> *…The visual impact of the project is mitigated in several ways. Larger scale buildings are located towards the interior of the site and at the lower elevations of the site. The pattern of buildings across the parcel is clustered in certain areas to preserve open space in others. Smaller buildings (duplexes) are located along the natural contours of the site and located to buffer the view of larger structures from sensitive neighboring communities.*
>
> *…Most significantly, the project is consistent with the Housing policies of the Plan (Ref. Section VII). It is a goal of the Plan and it is the goal of the project to help create a '…socially, culturally and economically balanced community….' The project's permanent*

restriction of 65% ~~(sic 63%)~~ of the units to qualifying households (members of the local workforce and their families) far exceeds the Plan's target of 40%."

The Town of Crested Butte submitted the following comments in a letter from Dara MacDonald, Town Manager, dated April 30, 2018:

> *The Crested Butte Area Plan identifies this area, SH 135 to Buckhorn Ranch Subdivision on the south side of Brush Creek Road, as having recommended density of 0.50 units/acre, similar to Skyland densities. The Plan, as an incentive to create more local housing, does have a provision that allows for twice the recommended density or 1.0 unit/acre at this location.*
>
> *…The Town finds that the project does not comport with the Three Mile Pans as required by this Section for the following reasons:*
>
> 1. *The proposed density of 15.4 units/acre is not consistent with the recommendations of the adopted Crested Butte Area Plan and Gunnison County Comprehensive Corridor Plan.*
>
> *The project density is not compatible with existing development. The proposed density is not similar or compatible to the densities of the existing, adjacent developments of Larkspur, Skyland and Buckhorn Ranch; existing densities which range from 0.25 units/acre at Whetstone Vista to 1.82 units/acre at Larkspur.*

The applicant has submitted evidence of how they believe their application comports with the Town of Crested Butte Three-Mile Plan.

2. DETERMINATION OF DENSITY CONSIDERS SEWAGE DISPOSAL REQUIREMENTS. *Location, configuration, and the final maximum density of lots one acre or larger in a proposed development shall be determined subject to feasibility of use of individual sewage disposal systems pursuant to the Gunnison County On-Site Wastewater Treatment System Regulations. In no case shall any lots smaller than an acre be allowed in a new subdivision unless served by a central or regional wastewater treatment system, and*

Not applicable, on-site wastewater treatment (septic) systems are not proposed for this development.

3. LOT SIZE AND LOT DENSITY CONSIDERATIONS. *Unless exempted pursuant to Section 10-103: B.1.: Exemption for Parcels on Agricultural Operation, lot size and lot density shall be substantially similar to neighborhood parcels unless the standards of either (a) or (b) are met:*

a. CONDITIONS ARE APPROPRIATE FOR SMALLER LOTS OR GREATER DENSITY. *The project shall be considered for smaller lots or greater density when all of the following four requirements are met:*

1. DEVELOPMENT SERVED BY PUBLIC WASTEWATER TREATMENT SYSTEM. *The development is or will be served by a public wastewater treatment system, by approval of the subject application pursuant to Section 12-106: Sewage Disposal/Wastewater Treatment.*

Applicable, the applicant proposes that the development shall be served by a public wastewater treatment system either by development and installation of a public wastewater treatment system

onsite or connection to an existing wastewater treatment system such as the East River Regional Sanitation District or the Town of Crested Butte.

The Town of Crested Butte has stated, "At this time, the Town will not provide municipal water or sewer service to the project as currently proposed." The applicant has explained that they are preparing an application to request service from the ERRSD. Further discussion of wastewater treatment can be found in Section 12-106: *Sewage Disposal/Wastewater Treatment*.

> ***2. DEVELOPMENT SERVED BY OTHER SERVICES AND FACILITIES.*** *To the maximum extent feasible, the development is or will be served by a public water supply, public transportation and other public services and facilities by approval of the subject application.*

Applicable, the development is proposed to be served by one or more wells. There are no nearby public water supply systems available. The development may be served by the development of a public transportation center on the subject parcel in conjunction with RTA and/or Mountain Express. The development will also be served by public utilities including natural gas and electric. The development is adjacent to public trails and will provide connections on the parcel to those trails to create more connectivity and opportunities for commuting and recreation.

> ***3. COMPATIBLE WITH NEIGHBORHOOD.*** *The development is compatible with the neighborhood existing when the Land Use Change Permit application is submitted. Methods of ensuring compatibility may include, but are not limited to:*
> ***a. PERMANENT COVENANTS TO ENSURE CONTINUED COMPATIBILITY WITH NEIGHBORHOOD USES AND DENSITIES.*** *The proposed development includes permanent protective covenants that, at a minimum, address the following, to ensure that, if approved, it remains compatible with the neighborhood uses and densities that exist as of the date of approval of the Land Use Change Permit:*
> **1.DESIGN STANDARDS.** *Building exterior design standards.*

Applicable, the proposed development, designed by local architect Andrew Hadley, has been designed to complement and fit in with the existing mountain architecture development that already exists in the Brush Creek area.

The Sketch Plan submittal application states:

> *"The design theme for the development is to create a community first and foremost. The development will be congregated around a central park area where the residences will all have access to open space, trails and recreational areas. A pedestrian scale will be established to further enhance these spaces. The goal and vision of the design guidelines will be to establish criteria which all structures will adhere to. This will ensure that all development will harmoniously fit within the natural landscape and architecture of the surrounding area….The individual buildings will be designed to be compatible with the terrain and integrate with the natural contour of the site. There will be numerous buildings sizes and types to create an innovative architectural style to the development."*

> ***2. LANDSCAPING.*** *Landscaping requirements.*

Applicable, a "Landscape Plan," dated August 28, 2017 was submitted as Map 16 of the Sketch Plan submittal. The application states:

> *"The design of the site landscape responds to the needs of the project (access and circulation, structures, parking, snow management, etc.) while providing substantial open space, common amenities (trails, sidewalks, patios, picnic areas, etc.), beautification and transition from the structures/built environment to the surrounding native landscape and the landscape character that has been established in the adjacent neighborhoods. The following design elements are integrated into the site landscape:*
>
> - *Plant list comprised of native/naturalized plant material that requires low water and low maintenance.*
> - *Preservation of existing, established native sagebrush landscape where feasible.*
> - *Use of vegetation to frame outdoor spaces and provide additional comfort in areas that may require windscreens, visual screens and shade.*
> - *Placement of trees and berms to soften views of the site from adjacent, residential neighborhoods.*
> - *Use of existing site drainage area as common amenity*
> - *Use of the natural lay of the land and topography to take advantage of surrounding views from within the site*
> - *Use of natural & regionally appropriate materials that harmonize with the natural setting and the surrounding communities*
> - *Low Impact Development (LID) techniques will be incorporated to the landscape design to address site drainage needs."*

3. OUTSIDE PARKING AND STORAGE. *Standards and limitations on outside parking and storage.*

Applicable, the application identifies that parking areas shall not be utilized for the storage of RV's, ATV's, trailers, heavy equipment. Each unit is provided with a 4' by 8' enclosed storage unit. Outside storage is restricted as follows, "Tenants will be prohibited from storing items of personal property, including mops, brooms, clothing, towels, garbage cans, toys, bicycles, skis or other sporting goods, and like articles outside the apartment unit or enclosed storage dedicated to the unit, or on balconies. No furniture designed for indoor use shall be placed outdoors for any purpose. Items that otherwise detract from the appearance and cleanliness of the property may be prohibited at management's sole discretions."

Parking is described above.

4. COMPATIBILITY OF USES. *Conditions pursuant to Section 13-119: Standards to Ensure Compatible Uses.*

Applicable, the Sketch Plan submittal states:

> *The Restrictions will ensure that the project does not adversely affect the character or tranquility of the surrounding residential uses, as required by Section 13-119 of the LUR. The project will not generate undue noise, dust, fumes, odor, explosions, aircraft flight patterns, or other hazards or nuisances. The project has been designed to mitigate conflicts with adjoining land uses to the maximum extent feasible. Smaller structures located at the perimeter of the Property will create a smooth transition into the surrounding*

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residential neighborhoods. Landscaping and the natural topography will also mitigate any perceived adverse aesthetic impact to adjoining land owners. The transit center will provide an amenity to the surrounding neighborhoods.

See also Section 13-119: *Standards to Ensure Compatible Uses*.

5. BUILDING SIZE. *Building size.*

Applicable, the proposed buildings vary in size from approximately 3,200 square feet to 18,000 square feet.

There are a variety of unit types in the Brush Creek area (Skyland, Larkspur, Buckhorn, etc.) that include modest and large single family residences to duplex buildings (approximately 6,700 square feet) to the Skyland Lodge (one and two bedroom condos in 35,000 square foot building) and the Recreation lot in Larkspur (unbuilt but allows maximum building size of 39,000 square feet).

A letter from applicant attorney, Kendall Burgemeister, dated May 11, 2018 states:

> *"The Golf Villas (Skyland Multi-Family Tract 4) has one structure in excess of 14,000 square feet, another in excess of 13,000 square feet, and another in excess of 10,000 square feet. The Links has two structures that are each over 10,000 square feet. The clubhouse is over 32,000 square feet. The Skyland Lodge is approximately 35,000 square feet. The size of the buildings within the Project make it compatible with the size of other buildings approved and/or built in the area, not obtrusively visible."*

The Skyland development has adopted the following building size criteria:

> *"A. Single-Family Lot. The total gross residential floor area shall not be less than 2,500 square feet excluding caretaker's apartment, porch, garage and basement nor more than 9,000 square feet, including a caretaker's apartment but excluding the first 1,000 square feet of an attached garage...*
>
> *B. Duplex Lot. If two primary dwelling units are constructed on any duplex lot the gross residential floor area of each unit shall not be less than 1,800 square feet, excluding porch, garage and basement, no more than 3,750 square feet, excluding the first 600 square feet of an attached garage and in such event, no caretaker's unit or apartment shall be permitted…*
>
> *C. Multi-Family. The gross residential floor area of each multifamily condominium or apartment unit constructed on a Multi-Family Tract, exclusive of garage and porch, shall be not less than the following: For any unit with less than three bedrooms, 800 square feet. For any unit with three bedrooms or more, 1,200 square feet. The gross residential floor area of a multi-family building shall not exceed 10,000 square feet, excluding attached garages unless the garage area is greater than 600 square feet per unit.*
>
> *D. Lodge Tract. The gross residential floor area for each living unit constructed within the Lodge Tract shall be not less than 450 square feet. The gross residential floor area of a multi-family building shall not exceed 10,000 square feet, excluding garages."*

The Larkspur subdivision, which is adjacent to the proposed development. has adopted the following building size requirements:

> *"The total GRFA (Gross Floor Area) on all single family lots, essential or otherwise shall not be less than 800 square feet and not more than 4,000 square feet. Buildings of more than one story shall have a main floor footprint, as determined by the Design Review Committee, including garage, of not less than 800 square feet. The maximum GRFA for the entire structure on the essential duplex lot shall be 3,600 square feet. The maximum GRFA for the structure on each essential fourplex lot shall be 4,400 square feet. The maximum total square footage of all structures on the Association/Maintenance Lot shall be 8,000 feet. The maximum size of all structures on the Recreation Lot shall be 39,000 square feet."*

> > ***b. SITE LAYOUT AND DESIGN.*** *The proposed development shall locate buildings and lots to minimize to minimize visual impact.*

Applicable, the Sketch Plan submittal states:

> *"The project has been designed to mitigate conflicts with adjoining land uses to the maximum extent feasible. Smaller structures located at the perimeter of the Property will create a smooth transition into the surrounding residential neighborhoods. Landscaping and the natural topography will also mitigate any perceived adverse aesthetic impact to adjoining land owners. The transit center will provide an amenity to the surrounding neighborhoods…. Height and Size Restrictions: The structures will be subject to the same residential structure height requirements as all of the surrounding neighborhoods. Smaller structures around the perimeter blend the multi-family housing units in this project into the surrounding neighborhoods."*

> > ***4. IMPACT OF INCREASED DENSITY IS MITIGATED****. The decision-making body finds that impacts of the increased density have been reasonably mitigated; methods of mitigation may include, but are not limited to:*
> > > ***a. ADDITIONAL OPEN SPACE****. The amount of open space included in the proposed development exceeds the amount required by Section 13-108: Open Space and Recreation Areas by at least ten percent of the total land designated for residential uses within the development.*

Applicable, a major impact residential project is required to provide 30% open space. Section 9-604: B. 2. *Reduction in Required Amount of Open Space* allows the decision-making body to incentivize essential housing projects with reductions in the required amount of open space.

Map 14, "Open Space Plan," of the Sketch Plan submittal depicts the locations of open space on the subject parcel.

The applicant has proposed more than the 30% of open space that is required with no incentives for essential housing. The development proposes eight (8) acres or 56% of the total land ~~of~~ as open space.

The Sketch Plan submittal states, "Open space includes non-developed land, park space, green space, pedestrian trails & sidewalks and common areas such as patio spaces and picnic areas. The percentage of open space for the parcel exceeds 50%, and far exceeds the LUR

requirements of 30%, even though an essential housing project such as this one could receive a reduction in the open space requirement."

> ***b. PROVISION OF ESSENTIAL RESIDENCES****. Provision of Essential Residences that equal at least ten percent of the total number of residences, in addition to any other applicable requirements of this Resolution.*

Applicable, the applicant proposes the provision of 108 units of essential housing or 49% of the total number of residential units (220) proposed on the parcel. The essential residences will have varying qualifying thresholds from 50% to 120% of AMI and shall work collaboratively with the Gunnison Valley Regional Housing Authority to develop deed restrictions. Additional deed restricted units will also be developed and available to those earning up to 180% of AMI.

> ***c. CLUSTERING OF RESIDENCES****. Residences are clustered to minimize visual impact and impacts on wildlife habitats as depicted on Wildlife Habitat Maps.*

Applicable, the proposed development clusters 220 residential units on a 14.29 acre parcel. The parcel is surrounded by existing development.

> ***d. PARTICIPATION IN PUBLIC TRANSPORTATION SYSTEM****. As applicable, provision of a bus stop or similar facility for use with an existing public transportation system.*

Applicable, the applicant is working to develop a public transportation hub at the subject parcel which will enable the residents of the proposed development and other nearby areas (Skyland, Buckhorn, Larkspur, Riverbend, etc.) to utilize public transportation in a greater capacity than is currently available.

Scott Truex, Executive Director, RTA stated:

> *"If the applicant plans to have residents use a transit system and not have access to cars, then impacts to the transit system should be considered at this time. Buses are expensive to run (GVRTA spent $125/bus-hour to operate our fleet in 2016 – not including capital). If a large portion of residents are not expected to have cars, then GVRTA recommends that a study be performed regarding the cost of providing meaningful transit to the subdivision and who will pay for it.*
>
> *The GVRTA is not currently able to provide trips for hundreds of additional daily passengers for short journeys. The type of transit system that would be needed to serve this new subdivision would be more similar to the service provided by the Mountain Express than by the GVRTA. GVRTA service is designed to provide longer distance commuter service using very large commuter coaches with less frequency and longer headways than would be required to serve the daily needs of residents of this subdivision travelling between the Towns of CB/Mt. CB and The Corner at Brush Creek. Also, during peak times, the GVRTA buses are often full and would not be able to pick up additional passengers northbound in the mornings. During the afternoon peak times, southbound passengers to Brush Creek would likely take up seats which could be used by passengers going to Gunnison.*

Therefore, the GVRTA recommends that smaller buses with more frequent headways dedicated to shorter routes would provide better service to this proposed subdivision. This type of service likely fits better with the Mt. Express mission and fleet than with the GVRTA mission and fleet.

The GVRTA would be able to provide very effective commuter service for residents of the subdivision and neighboring subdivisions going to work, shop, or do errands in the south end of the valley. Currently only about 15% of our passengers live in CB/Mt. CB and are using the bus to go south, so the capacity for a southbound commute exists on the current system. The GVRTA believes that the proposed transient parking should suffice for people commuting to Gunnison.

People from area subdivisions going to Crested Butte who have driven to the intersection are likely to continue the additional two miles to town and are unlikely to park at the transient lot. Currently, even with the long distance commuters that we carry, only about 10% of our passengers use a car to get to the bus stop. This number would likely be less for a short commute.

GVRTA met with the applicant prior to submission of the sketch plan and suggested as much separation as possible between buses and cars. The bus only ingress lane to the transit center should work well from an operational standpoint. GVRTA also noted that having the transit center as close as possible to the intersection would help reduce the time that it takes the bus to serve the transit center. Topography may make that request difficult."

Section 10-104: *Locational Standards for Commercial, Industrial, and other Non-Residential Uses.*
Applicable, the applicant proposes a commercial facility within the community center for convenience items and as a coffee shop. The proposed retail facility is 1,000 square feet and hours of operation anticipated are 7:00 am to 9:00 pm. The proposed commercial facility is subordinate to the multifamily use of the parcel.

The application explains its compliance with this Section:

"The Community/Transit Center comports with the locational standards of Section 10-104 of the LUR. The development is not adjacent to an incorporated municipality, but it is adjacent to existing development in the Brush Creek corridor. The Community/Transit Center is consistent with the Crested Butte Area Plan, which provides that "Commercial and office uses should be limited to those uses which are oriented exclusively toward meeting the needs of the residents or temporary occupants of the subdivision," (p. 19)."

The Community/Transit Center meets the Alternative Locational Standards of Section 10-104.C. There will be "no significant net adverse impact to neighborhood uses, wildlife, visual quality, air or water quality," from this proposed use, and the proposed use is compatible with existing nearby uses. The location is necessary and well-suited for the services provided, which are designed to serve the proposed Project and surrounding residential neighborhoods. According to the information provided in the Sketch Plan application, the services provided will reduce vehicle trips between the residential area and population centers.

Section 11-103: *Development In Areas Subject to Flood Hazards*.
Not applicable, the subject parcel is not within the 100-year floodplain, according to FEMA maps.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
Not applicable, the subject parcel is not in an area of geologic hazards.

Section 11-105: *Development In Areas Subject to Wildfire Hazards.*
Applicable, the subject parcel is in an area of low wildfire hazard. The application was referred to the Crested Butte Fire Protection District for review and comment; CBFPD comments are noted above and do not reference specific concerns to wildfire hazards.

Section 11-106: *Protection of Wildlife Habitat Areas.*
Applicable, the application was referred to Colorado Parks and Wildlife for review and comment; CPW comments included recommendations that fencing be minimized, residents should not harass elk, and bear proof trash containers should be installed.

Section 11-107: *Protection of Water Quality*.
Applicable, mapping from the U.S. and Fish and Wildlife Service, identifies that there may be a "freshwater emergent wetland" on the subject parcel. The applicant has contracted with a certified wetlands delineator to identify any jurisdictional wetlands on the subject parcel. Any development shall comply with the requirements and standards of this Section. Verification that there is or is not a jurisdictional wetland on the parcel shall be required at Preliminary Plan.

Section 11-108: *Standards For Development On Ridgelines.*
Not applicable. The site is not located on a ridgeline.

Section 11-109: *Development That Affects Agricultural Lands.*
Not applicable, the subject parcel is not adjacent to any agricultural operations, as defined in the LUR.

The Sketch Plan submittal states:

> *"The Property is adjoined by residential uses on all sides. Approximately 620 feet of the eastern boundary is adjacent to Ranch 1 of Red Feather Ranch subdivision. Although the Assessor has classified the parcel as agricultural, the protective covenants restrict the parcel to residential use. The parcel is owned by Michael and Renee Wright. In any event, there are no agricultural ditches crossing or adjoining the Property. Applicant is not aware of any historical agricultural easements across the Property used to gain access to headgates, ditches, and fences for agricultural maintenance or operations. Applicant does not believe there are any historical (and certainly not any recorded) stock drive easements crossing or adjoining the Property.*
>
> *Applicant does not anticipate that the proposed Project will have any practical adverse impact on any current, active agricultural operation on adjoining or other nearby properties. However, Applicant is willing to take reasonable steps to minimize any impact of the proposed Project on agricultural operations occurring on adjoining lands, including compliance with any applicable requirements of Sections 11-109 and 15-103 of the LUR."*

Section 11-110: *Development Of Land Beyond Snowplowed Access*.
Not applicable, the site is not located beyond snowplowed access.

Section 11-111: *Development On Inholdings In The National Wilderness.*
Not applicable, the site is not located on a National Wilderness inholding.

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Section 11-112: ***Development On Property Above Timberline.***
Not applicable, the site is not located above timberline.

Section 12-103: ***Road System***.
Applicable, a copy of the application was referred to Gunnison County Public Works and the Colorado Department of Transportation. The applicant has identified the general locations of roads and access in compliance with Sketch Plan requirements. Engineered road plans and traffic studies are not required or accepted at Sketch Plan.

Map 15, "Parking and Snow Storage Plan," dated August 28, 2017 depicts the road layout. The Sketch Plan Submittal states:

> *"The road and trail system will comply with Section 12-103 and 12-104 of the LUR. Access to the Property will be from Brush Creek Road and Wright Ranch Road. There will also be a bus only entrance to the property from Brush Creek Road to access the Transit Center stop. The Applicant is in the process of completing a traffic study and the results will be available as part of the Preliminary Plan.*
>
> *Site circulation provides multiple layers of connectivity for motorists, transit users, pedestrians and bicyclists. A "complete streets" approach provides safe and attractive circulation options for all modes of travel. The following elements contribute to the safety, efficiency and aesthetics of the proposed site plan.*
>
> *A loop circulation pattern provides ease of navigation and access for vehicular circulation and emergency access. The roadway layout responds to the natural topography of the site, minimizing the need for road cuts. Roadways have been designed with snow management in mind. Snow storage areas are located throughout the site and in areas where snow plows can push the snow downhill into storage areas. See Map 15.*
>
> *Access to the property is via Brush Creek Road and Wright Ranch Road, both of which are public roads. The only easement allowing for use of the property by third parties is Wright Ranch Road, pursuant to the Deed of Dedication recorded August 21, 2006 at Reception No. 568257. See Map 11."*

In an email dated September 11, 2017 from Daniel Roussin, Permit Unit Manager for CDOT, Roussin states:

> *"When there is development (240 residential units, transit center, and community center) and there isn't any traffic study that shows the impacts of the roadway; it is hard to comment on traffic issues….The development doesn't have direct access on SH 135. All access is off a county road (Brush Creek Road). Conceptually, CDOT will not give any additional access off SH 135 for this development. However, this development could have an impact where there could be a need for a traffic signal at Brush Creek Road/SH 135. I would suggest a signal warrant analysis with the traffic study, and I don't like the development access being this close to the SH 135 intersection because it could affect the SH 135/Brush Creek Road. But, that is a Gunnison County issue, and they will need to make determination if this is an issue.*
>
> *In closing, 240 residential units and bus transit center and community center could have significant traffic issues, but we won't be able to tell you until we receive the traffic study.*

In community sensitive development project, I would say the County should require a traffic study to get see all the transportation issues at the beginning of the process."

Comments from Gunnison County Public Works state:

"Improvements at the Brush Creek/Highway #135 intersection may be required by CDOT. If so, the improvement costs will not be the sole responsibility of the development due to existing development using the intersection. The use of two access points into the development will help relieve any possible congestion at the intersection during peak hour traffic.

Any improvements to Brush Creek Road that are needed, including potential turn lanes, will be presented and reviewed during the preliminary plan review.

…Landscaping at the intersections onto Brush Creek Road should be designed so that now, and in the future when the plantings reach full growth, there will be excellent visibility for users entering the Brush Creek Road from the development.

It is unclear whether the trail network will be for resident use only or for public use. It is our recommendation that at least the perimeter trail be public, which in the future might be a link to a trail network between CB South and the Town of Crested Butte."

Comments from Scott Truex, Executive Director RTA, address road design, snow removal and traffic:

"The GVRTA has concerns regarding snow removal and the turning radius of the GVRTA 45' commuter coaches. The path of the bus to and from the transit center looks like it should work well when there is no snow. If snow removal is accomplished by plowing to the sides of the lanes, then the lanes may get too narrow for the buses to make the turns. This has been a problem for us at the CB South bus stop and we have had several buses stuck in snow banks there. Therefore a snow removal plan that includes keeping the entire width of the bus travel lanes free of snow is important to us.

The GVRTA has concerns regarding the intersection of Brush Creek Rd. and Hwy 135. As traffic increases at the intersection, it will become more difficult to cross traffic when using the intersection. It may be necessary at some point to control the intersection for safety purposes.

Lastly, when exiting the subdivision and heading back to HWY 135, the bus will be travelling downhill prior to entering the highway. During storm cycles, the intersection can get slippery and vehicles can slide into traffic on the Highway. This is not an issue solely for the developer, but it could be a safety issue for the general public. More traffic on this intersection may require a re-grading of Brush Creek Rd."

Under the LUR, engineered road plans and a traffic study are not required at the Sketch Plan stage of a Major Impact project; those elements are required at Preliminary Plan. Public comments included concerns expressed regarding increased traffic, the safety of the intersection of Highway 135 and Brush Creek Road, the safety of the intersection of the development on Brush Creek Road, and traffic flow and congestion.

Section 12-104: *Public Trails*.

Applicable, the application states, "The proposed site trail system connects the site to the adjacent Riverbend Trail and to neighboring communities. The internal circulation provides easy access from residential buildings to common amenities and transit. Soft surface site trails provide a recreational amenity and strong connectivity throughout the site. Paved sidewalks and marked crosswalks provide clear pedestrian circulation adjacent to and across roadways and parking areas."

Map 15, "Parking and Snow Storage Plan," dated April 16, 2018 depict the trail types and locations.

Section 12-105: *Water Supply*.
Applicable, the applicant proposes drilling one or more wells on the parcel to supply water to the entire development. The wells will be augmented by Meridian Lake through an agreement for purchase of water with the Upper Gunnison River Water Conservancy District.

In an email from applicant attorney, Kendall Burgemeister on July 19, 2018 he states, "the Skyland Metro District has made it clear that provision of water to the project is not possible."

The applicant has submitted Exhibit F of the Sketch Plan Submittal, "Water Supply." Estimated demands for residences have been prepared and submitted by the applicant for Average Daily Demand, Maximum Daily Demand and Peak Hour Demand for 240 residences, irrigation and the community center.

The applicant proposes to test an existing well onsite and drill at least one additional well for domestic and fire suppression water supply. The existing well will be tested for flow and water quality in the fall and again in February when water levels are typically at their lowest.

The applicant used data from two wells in the area to help determine anticipated water quality. One well is in the Town of Crested Butte and, "a summary of the results indicate that there were not any exceedances of any primary Safe Drinking Water Act (SDWA) maximum contaminant levels. Additionally, all other constituents tested were below the secondary SDWA maximum contaminant levels. The second well is located in the Skyland neighborhood and "the consumer confidence report indicates a high level of quality within the well system."

The applicant has identified the demand for the proposed project in Exhibit F. Estimated average daily demand is 65,619 gallons of water per day or 45.6 gallons per minute for the initial proposal of 240 units. According to the Second Sketch Plan submittal, the water demand will be reduced from 72 acre-feet per year to 61 acre-feet per year for 220 residential units.

The applicant proposes to store water for fire protection in an on-site storage tank. Distribution from the tank to a network of fire hydrants is planned to be provided by a fire booster pump station with a backup generator. The fire flow rate is estimated by Crested Butte Fire Protection District to be 2,000 gallons per minute (gpm) for two hours of duration.

A report signed by Jon F. Kaminsky, P.G., of Mesa Hydrologic, LLC, dated May 24, 2017. The report states:

> *"…At this time, I would recommend a couple of data collection activities to be carried out at this well to better understand hydrogeologic conditions at the site. First, I recommend installing a pressure transducer in the well which will automatically log the groundwater level on a regular basis. These data may provide insight to the magnitude of interference*

from neighboring wells and provide data on seasonal variation of groundwater levels in the area. Second, a step-rate well efficiency test should be carried out. Such a test can provide valuable information on a sustainable pump rate for this well. I can assist in either undertaking. In any case, the installation of a transducer should be prioritized as it is a relatively inexpensive source of data and the data obtained would also be useful in providing aquifer trend information before any downhole testing is conducted."

No water rights have been conveyed with the property. Applicant, attorney Kendall Burgemeister submitted a letter dated August 28, 2017 regarding the water feasibility for the project. Burgemeister's letter states:

"If wastewater is returned to the Slate River (either via onsite treatment or connection to the Town of Crested Butte's treatment plant), depletions to the Slate River will be approximately 6 acre-feet per year (diversions minus wastewater and irrigation return flows). This quantity of depletions can be readily augmented by the purchase of Meridian Lake augmentation certificates from the Upper Gunnison River Water Conservancy District UGRWCD). Because UGRWCD's plan for augmentation is already decreed, this augmentation solution would not even require a water court application. This would be a turn-key solution that is the quickest and most economical for the Project. I have no hesitation representing to you that a legal water supply is absolutely feasible in this scenario.

Alternatively, if the wastewater is required to be discharged to the East River (via the East River Regional Sanitation District), the depletions to the Slate River increase exponentially to almost 100% of the diversions. Based on review of dry-year stream gage records, the out-of priority depletions to the Slate River could be as high as 32 acre-feet per year. The UGRWCD does not currently have this quantity of augmentation water available. Gatesco would have a number of options to close the gap between the depletions and augmentation water available from UGRWCD. One or a combination of these alternatives could be implemented to create a legal supply of water for the project at full build-out. The alternatives include: (1) a pumpback project that diverts water from the East River below the wastewater treatment plant outfall and pipes it to be discharged into the Slate River; (2) construction of a reservoir upstream of the Property on land owned by a third party; (3) construction of a small pond on the Property; (4) acquisition of the right to use a senior water right from the Slate River basin above the Property; or (5) waiting for completion of a project by Mt. Crested Butte Water & Sanitation District that will increase UGRWCD's available Meridian Lake augmentation water.

Each one of the above alternatives would be expensive and time consuming to implement, most would require water court approval, and all would almost certainly adversely impact Gatesco's ability to offer housing at affordable rates. The only alternative that would be in the control of Gatesco is onsite storage, but that alternative would reduce the quantity of land available to fulfill other desired uses of the Property. Because the other alternatives are contingent upon the actions of third parties, it is difficult to guarantee their viability. Assuming that we receive the necessary cooperation from the requisite third parties, a plan for augmentation that relies on a combination of existing UGRWCD Meridian Lake water plus one or more of the additional alternatives is a viable means of providing a legal supply of water for the Project. However, wastewater treatment through the ERRSD will increase the cost of providing a legal water supply substantially and possibly reduce the number of deed restricted units that can be provided by the project."

At such time that the applicant determines water supply further analysis by staff and the Division of Water Resources shall be completed.

Section 12-106: ***Sewage Disposal/Wastewater Treatment.***
Applicable, the applicant has several options for wastewater treatment as described in Exhibit F of the Sketch Plan Submittal. Central wastewater treatment is proposed for the development. The application states:

> *"There are two feasible options for wastewater. One is to design, permit and build an on-site system. This system would meet all of CDPHE's criteria for design, construction and on-going operations of said plant. A treatment plant is included in the site plan submittal. Our project will have a density greater than one unit per acre. Therefore, part of the Preliminary Plan application will provide engineering and economic evaluation of the feasibility of providing a central wastewater treatment facility for the development.*
>
> *A central onsite treatment facility has been tentatively sized to treat a demand of 62,000 gallons per day at full build out. The facility will be designed to accommodate 20% more than this (75K gpd). The purpose for this is to keep the facility below the CDPHE threshold that would dictate an upgrade at full build out. Since this project will be brought on line over time, we currently propose to install an Integrated Fixed-Film Activated Sludge (IFAS) system in modules. The final element within the treatment train will be ultraviolet disinfection. The facility at completion will be a smaller version of the plant serving Crested Butte South. The CB South plant, after the 2009 expansion, is a 225,000 gallon per day facility, approximately 3 times larger than what we propose.*
>
> *Another option to further explore is connecting to the Town of Crested Butte's system. Tap and user fees would be paid to the Town. Additionally, infrastructure upgrades to convey the wastewater to Town would be included in our design and construction schedules. Alternatively, connection to the East River Regional Sanitation District treatment plan has been considered but it is the least preferred alternative due to the significantly higher augmentation requirement created by delivering wastewater return flows from the Slate River basin to the East River basin."*

The Town of Crested Butte has stated that it is unwilling to provide wastewater treatment service as the project is currently proposed. The applicant has also contacted the East River Regional Sanitation District (ERRSD) regarding possible connection for wastewater treatment. In an email dated July 19, 2018 applicant attorney Kendall Burgemeister states:

> *"The Applicant requested from ERRSD an indication of whether it can serve the project, whether it would consider a rules change to provide reduced fees for affordable housing projects, and whether it would cooperate in development of the necessary infrastructure to pump water from the treatment plant back to the Slate River basin. Such a project would prevent Slate River diversions from being 100% consumptive and greatly reduce augmentation costs. The Board would not comment on any such requests without submittal of a formal written application for service. The Applicant is finalizing such an application, and is committed to running these items to ground before the project receives preliminary and final approval. However, it is unlikely that such concessions would facilitate reduced density for the project. It is anticipated that such concessions, at most, would make connection to ERRSD similar to onsite wastewater treatment in terms of economic feasibility. Such concessions could eliminate the onsite wastewater treatment, which some members of public would view as a positive development in and of itself.*

Nevertheless, the Applicant believes that the sketch plan includes a feasible plan for wastewater treatment, and the potentiality of switching to a different plan for wastewater treatment should not be a reason to deny or delay consideration of the sketch plan application."

Section 12-107: *Fire Protection*.
Applicable, the subject parcel is within the Crested Butte Fire Protection District (CBFPD) and a copy of the application has been referred to CBFPD for review and comment.

Exhibit F of the Sketch Plan submittal identifies the fire flow requirements for the proposed development:

> *Fire Flow: Fire flow requirements shall be related to the location and character of the development, and shall comply with the standards of Section 12-107: Fire Protection. At this time we expect that the fire flow requirements to be 2,000 gallons per minute (gpm) for a 2 hour duration (240K gallons stored fire flow water). This fire flow rate was discussed with the Fire District Chief via phone. Fire flow supply, once finally determined based on structure sizes and consultation with the Fire District will be stored on site. Average daily demand is not applicable to fire flow.*

It is proposed that water will be stored on site for fire protection. The subject parcel is in an area of low wildfire hazard.

Comments from CBFPD state: "After reviewing the application and preliminary sketch plan the Fire Division feels that this project, can achieve compliance if the proponents design complies with all the currently adopted codes and Crested Butte Fire Protection District's Standards and Guidelines."

Section 13-102: *Location with a Municipal Three Mile Plan*
The subject parcel is within three miles of the Town of Crested Butte. The Town and Gunnison County have not adopted an intergovernmental agreement related to a three-mile plan. In accordance with the LUR, where there may be conflicts between County and Town standards, County standards apply.

The application (page 29) states:

> *"The project is adjacent to existing development, including the Skyland area which has pockets of high density, multi-family housing. The project will be served by central water and sewer. The project will preserve significant amounts of open space—approximately 50% of the parcel will remain open space, even though the LUR's standard is 30%...The project is a clustered development, with a central open space, myriad public benefits including the transit center and recreational path. The project will provide residential units that are all targeted towards the local workforce, including 65% (*sic 63%) of the units that will be restricted to exclusive use by the local workforce.
>
> *There are some details of the Plan with which the Project does not strictly comply. For example, the Plan encourages development on parcels not located entirely within a quarter mile of Highway 135 to push the development to the portion of the parcel located more than a quarter mile away from the Highway. The subject property is almost entirely within a quarter mile of the Highway, with only a small corner being located outside this buffer. In the area of the property, there are already numerous developments within a*

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quarter mile of the Highway, including residential, commercial, and industrial uses. The addition of the proposed housing development would be visually appropriate in this area.

The Plan also has density and dedication of open space policies that will not be met by this Project because they are simply not feasible for as Essential Housing project that is not relying on massive public subsidies.

…The visual impact of the project is mitigated in several ways. Larger scale buildings are located towards the interior of the site and at the lower elevations of the site. The pattern of buildings across the parcel is clustered in certain areas to preserve open space in others. Smaller buildings (duplexes) are located along the natural contours of the site and located to buffer the view of larger structures from sensitive neighboring communities.

…Most significantly, the project is consistent with the Housing policies of the Plan (Ref. Section VII). It is a goal of the Plan and it is the goal of the project to help create a '…socially, culturally and economically balanced community….' The project's permanent restriction of 65% (sic 63%) of the units to qualifying households (members of the local workforce and their families) far exceeds the Plan's target of 40%.

The Town of Crested Butte submitted the following comments in a letter from Dara MacDonald, Town Manager, dated April 30, 2018:

The Crested Butte Area Plan identifies this area, SH 135 to Buckhorn Ranch Subdivision on the south side of Brush Creek Road, as having recommended density of 0.50 units/acre, similar to Skyland densities. The Plan, as an incentive to create more local housing, does have a provision that allows for twice the recommended density or 1.0 unit/acre at this location.

…The Town finds that the project does not comport with the Three Mile Pans as required by this Section for the following reasons:

2. *The proposed density of 15.4 units/acre is not consistent with the recommendations of the adopted Crested Butte Area Plan and Gunnison County Comprehensive Corridor Plan.*
3. *The project density is not compatible with existing development. The proposed density is not similar or compatible to the densities of the existing, adjacent developments of Larkspur, Skyland and Buckhorn Ranch; existing densities which range from 0.25 units/acre at Whetstone Vista to 1.82 units/acre at Larkspur.*

Because the County and the Town do not have an adopted intergovernmental agreement for the Three-Mile Plan area around the Town, under the LUR, County standards apply.

Section 13-103: *General Site Plan Standards And Lot Measurements.*
Applicable, the site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The "Development Layout Plan," Map 12 of the Sketch Plan submittal dated April 16, 2018 complies with the requirements of this Section. The Sketch Plan submittal states:

"The requirements of Section 13-103 were taken into account during site design. The location of structures follows the natural contours of the site to the extent practicable. Buildings are positioned to maximize solar exposure. Each unit will exceed the minimum

residence floor area. It is not anticipated that any structure will exceed the standard maximum residential height of 30 feet. However, essential housing projects are allowed a 25% increase in the default maximum height, making the maximum height 37.5 feet. It is possible that a couple of larger structures with pitched roofs may fall between 30 and 37.5 feet of height. More definitive details will be made available at the preliminary plan stage."

In work sessions, the applicant's architect, Andrew Hadley, stated that the maximum roof height is 32 feet for the 10-plexes and flat roof buildings.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
Applicable, the application generally complies with the standards of this Section for property line setbacks. Per Section 9-604: A.4 *Setbacks*, setbacks may be reduced for essential housing projects, subject to approval by the applicable fire protection district. The applicant is proposing a 45-foot setback from the edge of Brush Creek Road. The standards of this section require a setback of 40 feet from the edge of the County road right-of-way.

The application states:

"The conceptual site plan that has been developed does not include any structures near 15 feet from the south or east sides of the Property. The community buildings is currently depicted within 40 feet of Wright Ranch Road. The buildings along the northwest (front) side of the property are intended to be 15 feet from the Property line, and will be close to 40 feet from the improved surface of Brush Creek Road. No buildings are close to being within 40 feet of the Highway. The final site layout will be determined at the preliminary plan stage, after a survey of the Property has been completed, and direction received during sketch plan review is taken into account. If any of the setback requirements are not met by the preliminary plan, after taking Essential Housing exceptions into account, the Applicant will request a variance pursuant to 13-104.E of the LUR."

Section 13-105: *Residential Building Sizes and Lot Coverages.*
Applicable, the applicant proposes the construction of buildings in excess of the maximum size thresholds identified in this Section. The applicant has proposed 29 buildings that range in size from 3,200 to 18,000 square feet.

The application states:

"The buildings described in the table above would result in square footage that is between 6.2 and 7.3 acres of total floor area, which is between 43.6% and 51% of the parcel based on the Gunnison County GIS calculation of 14.29 acres. Some individual buildings would exceed 10,000 square feet, and the aggregate square-footage will exceed 12,500 square feet.

The Project, as designed, will result in residences that will be more energy-efficient, will provide more amenities and improved design, and will not jeopardize public health, safety or welfare, as compared to a project that strictly complied with Section 13-105. Therefore, the incentive created by Section 9-604.A should apply, and the Applicant should not have to demonstrate compliance with Section 13-105.G. In the event that 13.105.G is deemed to apply, the Project structures will not be obtrusively visible. The natural contours of the property and landscaping, and architectural style will all mitigate the visual impact. The structures located around the perimeter of the property will be much smaller in scale,

buffering the visual impact of the larger structures located near the middle of the Property. All utilities will be buried."

Staff has determined that this issue is not governed by the standards of Section 13-105: G. when reviewing the proposed modification, rather the issue is governed by the standards of Section 9-604: A. 6. *Modified Development Standards* related to energy efficiency, amenities, design, etc.

Section 13-106: *Energy and Resource Conservation.*
Applicable, this section will be applied at the time of building permit application.

Section 13-107: *Installation of Solid Fuel-Burning Devices*
This section applies and any solid fuel-burning devices proposed shall comply with this section.

Section 13-108: *Open Space And Recreation Areas*
Applicable, a major impact residential project is required to provide 30% open space. Section 9-604: B. 2. Reduction in Required Amount of Open Space allows the decision-making body to incentivize essential housing projects with reductions in the required amount of open space.

Map 14, "Open Space Plan," of the Sketch Plan submittal depicts the locations of open space on the subject parcel. The applicant has proposed more than the 30% of open space that is required with no incentives for essential housing. The development proposes eight (8) acres or 56% of the total development land as open space.

The Sketch Plan submittal states, "Open space includes non-developed land, park space, green space, pedestrian trails & sidewalks and common areas such as patio spaces and picnic areas. The percentage of open space for the parcel exceeds 50%, and far exceeds the LUR requirements of 30%, even though an essential housing project such as this one could receive a reduction in the open space requirement."

In a letter dated April 30, 2018 from Town Manager Dara MacDonald, Town of Crested Butte comments stated:

"The Town has seen substantial growth in recreation participants over the past 10 years. Programmable park space for field sports such as soccer, softball, flag football, and baseball are at capacity as identified by the Town of Crested Butte 2010 Parks and Recreation Master Plan prepared by Pros Consulting and Greenways Incorporated. The Town hopes that new workforce housing would create additional participants in Town programs. However, there is insufficient vacant land for developing additional athletic fields in Town to support growth of these recreational programs. The proposed project does not include any programmable field space to offset the increasing needs of the community and satisfy the active recreational needs of its own residents.

The open space or park space that is provided within the development is internally focused and will not easily be accessible or usable by the community at-large. The Second Sketch Plan Supplement does not include a 50'x75' 'multi-purpose field/court.' This space is too small to be utilized for organized athletics. Town recommends that the proposed new play area be expanded to 90 feet x 160 feet so it could accommodate one (1) child under 10 soccer field or two (2) child under 6 soccer fields; or at a minimum, increase the area to 75 feet x 90 feet to provide one (1) child under 6 soccer field. The proposed perimeter trail may be an amenity for the residents of the project but it is unlikely to be used by general public."

The applicant has provided open space in excess of the requirements of this Section; however that open space may be utilized in a more active manner than is currently designed.

Section 13-109: *Signs.*
Applicable, any proposed sign(s) shall meet the requirements of this Section. The applicant may submit designs for any proposed signs at the Preliminary Plan stage.

Section 13-110: *Off-Road Parking And Loading.*
Applicable, the application meets the parking requirements of this Section. Map 15, "Parking and Snow Storage Plan," dated April 16, 2018 of the Sketch Plan supplement depicts the proposed parking at the development.

The proposed number of parking spaces has been increased since the original submittal from 361 spaces to 410 space, plus an additional thirty-eight (38) reserved parking spaces based on future demand. A parking space has been allocated for each bedroom in the proposed development. Thirty-one (31) parking spaces (of the total 448) will be set aside for visitor parking.

Section 13-110: *Off Road Parking and Loading*, Appendix Table 3, requires two parking spaces per residence for up to a three-bedroom residence. Table 3, with no reduction, requires 440 parking spaces for the proposed 220 units.

Appendix Table 3, with no modifications, requires six parking spaces (one parking space per four persons of seating capacity and one parking space per three employees) for an eating and/or drinking facility. One parking space per 300 square feet of office space is required. The total parking spaces required, with no modification, is 448.

The Second Sketch Plan submittal states:

> *"...this plan accommodates 31 visitor parking spaces. However, the design team recommends starting with 20 designated visitor parking spaces due to overall increase in parking ratio. Map 15 and the parking/snow storage calculations demonstrate the ability to accommodate additional parking spaces as needed. However, many members of the public have criticized a perceived lack of adequate parking. The applicant desires to show that ample parking is available, but would prefer to not over-park/pave the site, allowing for more preservation of open space and permeable surfaces."*

The application states that recreation vehicles, all-terrain vehicles, snowmobiles, heavy equipment and trailers may not be parked in open parking lot spaces. These types of vehicles may be accommodated in units with an attached garage only.

Section 13-111: *Landscaping And Buffering.*
Applicable, this Section requires that a Major Impact application "shall integrate the elements of the site plan and design, so that the land use change preserves and enhances the unique identity of the site. Landscaping may include plant materials including trees, shrubs, ground covers, perennials and annuals, and other materials including rocks, walls, fences, planters and paving materials."

A "Landscape Plan," dated April 16, 2018 was submitted as Map 16 of the Sketch Plan submittal. The application states:

"The design of the site landscape responds to the needs of the project (access and circulation, structures, parking, snow management, etc.) while providing substantial open space, common amenities (trails, sidewalks, patios, picnic areas, etc.), beautification and transition from the structures/built environment to the surrounding native landscape and the landscape character that has been established in the adjacent neighborhoods. The following design elements are integrated into the site landscape:

- *Plant list comprised of native/naturalized plant material that requires low water and low maintenance.*
- *Preservation of existing, established native sagebrush landscape where feasible.*
- *Use of vegetation to frame outdoor spaces and provide additional comfort in areas that may require windscreens, visual screens and shade.*
- *Placement of trees and berms to soften views of the site from adjacent, residential neighborhoods.*
- *Use of existing site drainage area as common amenity*
- *Use of the natural lay of the land and topography to take advantage of surrounding views from within the site*
- *Use of natural & regionally appropriate materials that harmonize with the natural setting and the surrounding communities*
- *Low Impact Development (LID) techniques will be incorporated to the landscape design to address site drainage needs."*

The applicant also submitted visual renderings of the site during the Sketch Plan review that helped to illustrate the visual impacts of the proposed development.

Section 13-112: *Snow storage*.
Applicable, the applicant is required to include language in the covenants identifying the HOA as responsible for snow removal and become familiar with the requirements of this Section. The location of snow storage has been identified on Map 15, "Parking & Snow Storage Plan," dated April 16, 2018 of the Sketch Plan submittal.

Map 15 states that the total snow storage area proposed equals 40% (1.47 acres) of parking and roadway surface area. This is a reduction from the original application that allowed for greater than 50% of roadway surface area as snow storage (approximately 2 acres). The application states, "Initial building design has also been influenced by snow maintenance considerations. Some buildings have underground parking to reduce the ground surface area requiring snow removal, and larger buildings have been designed with flat roofs that will allow the snow to melt and drain without shedding onto a ground surface that would need to be shoveled or plowed."

Marlene Crosby, Gunnison County Public Works Director, stated in her comments, "The section of Brush Creek Road (CR#738) adjacent to the development requires adequate snow storage on both sides of the road, but primarily opposite the development. The snow storage is used to manage the wind and drifting snow issues rather than actual volumes of snow. All snow plowed on trails and roads shown on the drawings must be kept on site, not plowed into the county road. Discussions with Jerry Burgess and Tyler Harpel of SGM indicate that there is adequate snow storage on site and there will be no drainage from snow melt onto the County Right-of-Way."

Section 13-113: *Fencing*
Applicable, this section applies and any fencing proposed shall comply with this section.

Section 13-114: ***Exterior Lighting.***
Applicable, the standards of this Section shall be applied at the time of building permit application.

All lighting proposed on the parcel shall comply with this Section and Section 9-301: D.6. *Exterior Lighting* for commercial and nonresidential development (community center and transit area).

Section 13-115: ***Reclamation And Noxious Weed Control.***
Applicable, the applicant has acknowledged that a reclamation plan, prepared in compliance with this Section, shall be required at Preliminary Plan. A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

Section 13-116: ***Grading And Erosion Control.***
Applicable, the applicant has submitted Maps 17 and 18, "Existing Drainage Map," dated August 28, 2017. The maps show the current drainage plan and the proposed drainage plan post development.

The Preliminary Plan is the step of this overall review in which engineered details are required to be indicated and assure compliance with this Section. Details of grading and erosion control are appropriately required at Preliminary Plan level of review as elements of detailed engineered plans.

Section 13-117: ***Drainage, Construction And Post-Construction Stormwater Runoff.***
Applicable, the Sketch Plan shall be guided by the requirements of this Section, however specific details are not required at Sketch Plan. The applicant has submitted Maps 17 and 18, "Existing Drainage Map," dated August 28, 2017. The maps show the current drainage plan and the proposed drainage plan post development.

This is a Major Impact subdivision, likely to involve 10,000 square feet or more of impervious surface area created by road and driveway improvements. A plan pursuant to this Section is required to be submitted in the Preliminary Plan, certified by a qualified professional engineer licensed in the State of Colorado, indicating that this project meets the standards of this Section including methods to ensure that drainage will not injure adjacent lands. Documentation of whether a Stormwater Discharge Permit is required for this project by the Colorado Department of Public Health and Environment is also required to be submitted as part of Preliminary Plan.

Subject to State standards, storm water runoff is required to be managed onsite, to direct runoff to stable, vegetated areas capable of maintaining sheet flow for infiltration, or to discharge to a storm water conveyance structure, designed to accommodate the projected additional flows from the proposed project.

Section 13-118: ***Water Impoundments.***
Not applicable, this project does not propose a water impoundment that is greater than 99-acre feet.

Section 13-119: ***Standards to Ensure Compatible Uses.***
Applicable, this Section notes that, "Proposed land use changes shall be designed, constructed, and maintained in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas, as well as the following:

> ***1. Hazards or Nuisances.*** *Land use changes shall not subject other uses to undue noise, dust, fumes, odor, explosion, aircraft flight patterns, or other hazards or nuisances,*

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whether the result of design, location, basic character, or of planned or reasonably expected growth.
2. Adverse Impacts to Adjoining Land. *Land use changes shall eliminate or minimize or mitigate conflicts between adjoining land uses and to the maximum extent feasible, avoid changes that will result in significant net adverse impact to adjoining land.*

"Significant net adverse effect" is defined in the *Land Use Resolution* as, "…an impact of an action, after mitigation, which is considerable or substantial, and unfavorable or harmful; includes social, economic, physical, health, aesthetic and historical impacts, and biological impacts including but not limited to, effects on natural resources or the structure or function of affected ecosystems."

Further, this Section notes that, "…the applicable review body may recommend and the decision-making body shall be authorized to impose conditions that are necessary to minimize any potentially adverse impacts" as conditions of approval of a Permit, but does not require that those conditions be devised in actions taken on plans submitted in the phases of review that precede recommendation and/or action on a Permit (in this case, Sketch or Preliminary Plans for a Major Impact project).

Conditions that may be imposed upon the Permit may include, but are not necessarily limited to: Limitation on hours of operation and deliveries; relocation on a site of activities that generate potential adverse impacts on adjacent uses including noises and glare; appropriate placement of trash receptacles; appropriate location of loading and delivery areas; appropriate lighting location, intensity, and hours of illumination; appropriate placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities; the requirement of additional landscaping and buffering; the imposition of height and size restrictions to preserve light, privacy, views of significant features from public property and rights-of-way, and to ensure reasonable compatibility of structure sizes; preservation of natural lighting and solar access; ventilation and control of odors and fumes; and the imposition of paving or other means as a dust control measure.

The Sketch Plan submittal states:

"The Restrictions will ensure that the project does not adversely affect the character or tranquility of the surrounding residential uses, as required by Section 13-119 of the LUR. The project will not generate undue noise, dust, fumes, odor, explosions, aircraft flight patterns, or other hazards or nuisances. The project has been designed to mitigate conflicts with adjoining land uses to the maximum extent feasible. Smaller structures located at the perimeter of the Property will create a smooth transition into the surrounding residential neighborhoods. Landscaping and the natural topography will also mitigate any perceived adverse aesthetic impact to adjoining land owners. The transit center will provide an amenity to the surrounding neighborhoods. Each of the factors listed in Section 13-119.B. of the LUR are either inapplicable or can be reasonably addressed to avoid adverse impacts:

Hours: The project is primarily residential and will not have hours of operation.

Noise and Glare: The project will not generate noise or glare.

Trash: Trash receptacles will be located throughout the property in consultation with the waste management provider.

Loading and Delivery: The residential use will not generate deliveries. To the extent that the small commercial use in the community building generates deliveries, such deliveries will be relatively small and made during daylight hours.

Illumination: Exterior lighting is discussed in paragraph 9, above.

Outdoor Services: Outdoor activities other than the recreational path will all be located on the interior of the Property and shielded from adjoining neighborhoods.

Landscaping: The conceptual landscaping plan is shown on Map 16.

Height and Size Restrictions: The structures will be subject to the same residential structure height requirements as all of the surrounding neighborhoods. Smaller structures around the perimeter blend the multi-family housing units in this project into the surrounding neighborhoods.

Natural Lighting: The project will not disturb the natural lighting of any surrounding properties.

Solar Access: The project will not disturb the solar access of any surrounding properties.

Odors and Fumes: The project will not generate odors or fumes.

Dust Control: All driveways and parking areas will be paved."

Article 15: *Right-to-Ranch Policy*.
Not applicable, the subject parcel is not adjacent to any agricultural operations, as defined in the LUR.

The Sketch Plan submittal states:

"The Property is adjoined by residential uses on all sides. Approximately 620 feet of the eastern boundary is adjacent to Ranch 1 of Red Feather Ranch subdivision. Although the Assessor has classified the parcel as agricultural, the protective covenants restrict the parcel to residential use. The parcel is owned by Michael and Renee Wright. In any event, there are no agricultural ditches crossing or adjoining the Property. Applicant is not aware of any historical agricultural easements across the Property used to gain access to headgates, ditches, and fences for agricultural maintenance or operations. Applicant does not believe there are any historical (and certainly not any recorded) stock drive easements crossing or adjoining the Property.

Applicant does not anticipate that the proposed Project will have any practical adverse impact on any current, active agricultural operation on adjoining or other nearby properties. However, Applicant is willing to take reasonable steps to minimize any impact of the proposed Project on agricultural operations occurring on adjoining lands, including compliance with any applicable requirements of Sections 11-109 and 15-103 of the LUR."

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FINDINGS:

The Gunnison County Planning Commission finds, for purposes of approval of the Sketch Plan phase of the Major Impact project application, that:

1. Approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicants are unable to fulfill all of the requirements of this Resolution or any requirements imposed as part of the Preliminary or Final Plan review, then the application shall be denied at the Preliminary or Final Plan review stage.

2. The applicant stated that they would accept a condition of sketch plan approval that requires the applicant to obtain the consent of at least three of the four parties (Gunnison County, Town of Crested Butte, Town of Mt. Crested Butte, Crested Butte Mountain Resort) to the Memorandum of Understanding (MOU) before the applicant submits an application for preliminary and final plan approval.

3. This application, by definition, is classified as a Major Impact.

4. Pursuant to Section 7-102:Standards of Approval for Major Impact Projects:

    a. This Sketch Plan application is generally consistent with the standards and requirements of the *Resolution,* pursuant to Section 7-103, *i.e.*, compliance of the proposed land use change with the standards of the *Resolution* are required to be determined broadly and conceptually during Sketch Plan review. This application has broadly addressed, and the Commission has broadly evaluated this submittal for its integration of the standards of the *Resolution* within its conceptual presentation of the proposed development. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for evaluation.

    b. A determination of whether or not the proposed land use change would result in a significant adverse net effect to adjacent land uses can occur only after the applicant has designed mitigations in response to conflicts and general issues raised during this Sketch Plan review process. While the applicant has proffered conceptual mitigations to elements that have been raised as issues by the public and by the Planning Commission, determination of the effectiveness of those proposals requires additional information that engineered solutions might provide.

    c. Phasing has been proposed by the applicant within this Sketch Plan submittal.

    d. All uses have been identified on lots within this proposed subdivision.

5. The following have been identified as significant issues related to this application during the Sketch Plan review process:
    a. Density
    b. Compatibility
    c. Intensity of uses
    d. Amenities

e. Buffering the neighbors from impacts
f. Building concepts, materials, and design standards
g. Sketch elevations
h. Maintaining existing trail easements
i. Water supply and wastewater treatment
j. Review of Town of Crested Butte's Three Mile Plan in the context of the proposed density and impacts to recreation
k. Traffic congestion, flow, safety and bus loops
l. Bus service

6. For purposes of this Sketch Plan approval, the project is compatible if it has density of no more than 180 units; this finding does not suggest that at Preliminary or Final Plan a lesser number may not be required.

~~6.~~7. The proposed application includes 49% essential housing as defined by the Gunnison County Land Use Resolution and Gunnison Valley Regional Housing Authority. The proposed project includes 63% of the units will be deed restricted housing with income and residency requirements up to 180% of the Area Median Income.

~~7.~~8. The application meets the criteria set forth in Section 9-604: *Incentives Required to Provide Essential Housing,* and the Planning Commission may determine which incentives are appropriate to grant to this project.

~~8.~~9. The applicant has requested the following incentives (also referred to as modifications) in compliance with Section 9-604 which are hereby approved conceptually as part of the Sketch Plan application; further review and final determination of approval will occur at Preliminary and Final Plan application:

a. Section 10-103: C. 3.a.1 Development Served by Public Wastewater Treatment System: In the Sketch Plan submittal the applicant has identified three options for wastewater treatment: connection to the East River Regional Sanitation Distriction, connection to the Town of Crested Butte wastewater treatment plant, or construction of an on-site wastewater treatment facility. If the applicant pursues the option of construction of an on-site wastewater treatment facility a modification shall be requested to Section 10-103:C.3.a.1. which requires that a "development is or will be served by a public wastewater treatment sytem." The LUR defines Public Services and Facilities as: "those services and facilities provided by a public entity or public utility (including but not limited to, any municipality, county, or special district) including, but not limited to, roads, trails, schools, wastewater treatment, water treatment…". The proposed on-site wastewater treatment facility does not meet the definition of a public service or facility.

~~a.~~b. Section 13-103: H. *Allowed Structure Heights*: The February 7, 2018 Sketch Plan supplemental states that the estimated building heights will be between 26 feet and 35 feet. Andrew Hadley, architect for the applicant, explained that the maximum roof height (as measured per County standards of Section 13-103: H. *Allowed Structure Heights*) is 32 feet for the 10-plexes and flat roof buildings.

~~b.~~c. Section 13-104: *Setbacks from Property lines and Road Rights-of-Way*, the applicant proposes an approximate 45-foot setback from the edge of Brush Creek Road. Section 13-104 requires a 40-foot setback from the edge of the County road right-of-way.

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~~c.~~d. Section 13-105: *Residential Building Sizes and Lot Coverages*, the applicant proposes the construction of buildings in excess of the maximum size thresholds identified in this Section. The applicant has proposed buildings that range in size from 3,200 to 18,000 square feet, with a total approximate square footage of 215,900 square feet.

~~9.~~10. There is a proposed commercial use on the subject parcel. While commercial uses have been approved in Buckhorn Ranch and Skyland/the Club at Crested Butte, their existence sets no precedent that additional commercial uses proposed at the Corner at Brush Creek are compatible with established uses in the area. However, the Commission finds, based upon the existence of other subdivisions with commercial recreational amenities in the impact area (particularly Skyland/the Club at Crested Butte) that uses similar to those proposed are established in the area. Therefore, the concept of locating a residential subdivision with similar amenities and similar restrictions regarding hours and types of use in the area is reasonable.

~~10.~~11. There is a proposed community and transit center on the subject parcel. The concept of the transit center would provide an opportunity to create greater connectivity from the Brush Creek area to the Towns of Crested Butte and Mt. Crested Butte and to the City of Gunnison. Thus, the Commission finds that, consistent with the LUR, the proposed center is a benefit to the Brush Creek neighborhood and to the Gunnison Valley as a whole.

12. A requisite component of the proposal at Preliminary Plan shall be dedication of an area for an intercept parking lot and transit; this shall be in addition to parking for the residents of the development. The method of the dedication may include conveyance of land, long-term lease or other alternatives. The applicant shall not be responsible for the cost of construction, maintenance or operation of the intercept parking lot.

~~11.~~13. Gunnison County has not adopted the Crested Butte Three Mile Plan nor has the County entered into an intergovernmental agreement with the Town of Crested Butte. Therefore, the provisions of the Crested Butte Three Mile plan are not mandatory. –The County has nonetheless considered the Crested Butte Three Mile Plan in a reasonable attempt to remain attentive to the concerns of the Town, and will continue to consider the Town's Three Mile Plan as this process continues.

~~12.~~14. Neighboring property owners and others in the community have argued that the proposed density is not compatible with the existing Brush Creek neighborhood. For the reasons set forth in this document and consistent with the LUR, the Commission finds that such arguments should not prevent or preclude approval of the sketch plan with the conditions set forth below.

~~13.~~15. A determination of whether or not the proposed land use change has demonstrated that conditions are appropriate for greater density on the subject parcel can occur only after the applicant has designed mitigations in response to conflicts and general issues raised during this Sketch Plan review. While the applicant has proffered conceptual mitigations for possible impacts (connection to services such as GCEA, RTA, and public trails; the development of protective covenants and design standards that will ensure compatibility with the neighborhood; landscaping; limitations on outside storage; preservation of 56% open space; and the establishment of deed restricted essential housing units to elements); determination of the effectiveness of those proposals requires the additional information that engineered solutions might provide.

~~14.~~16. Mapping from the U.S. Fish and Wildlife Service indicates that there may be wetlands on the subject parcel.

~~15.~~17. Traffic flow on Brush Creek Road, intersection with Hwy 135, winter conditions, bus turnaround on subject parcel, and safety of all intersections are some of the concerns that have been expressed by the public.

~~16.~~18. The proposed access from Highway 135 and Brush Creek Road will need to be evaluated by the Colorado Department of Transportation and Gunnison County Public Works at Preliminary Plan.

~~17.~~19. The public trails proposed on the subject parcel are an important amenity to connect the development to multi-modal transportation options and to align with community values.

~~18.~~20. The water supply is proposed to be obtained from a central well or wells.

~~19.~~21. Wastewater treatment is proposed by either a central treatment system onsite; connection to the East River Regional Sanitation District; or the Town of Crested Butte.

~~20.~~22. The site plan has not been fully developed at Sketch Plan and the applicant has not made a final determination of the setbacks at this time.

~~21.~~23. The applicant has proposed 410 parking spaces, with 38 additional spaces identified for future demand.

~~22.~~24. A landscaping plan has been submitted as Map 16 of the Sketch Plan submittal, dated April 16, 2018.

~~23.~~25. The applicant proposes an aggregate square footage of 215,900 square feet on the parcel.

~~24.~~26. Fifty-six percent (56%) of the parcel is proposed as open space.

~~25.~~27. Draft protective covenants are required to be submitted with~~in~~ the Preliminary ~~Plan are required~~Plan application.

~~26.~~28. Integration of the standards of Section 13-119: *Standards to Ensure Compatible Uses*, as well as other measures to mitigate issues raised during this Sketch Plan review is required within the Preliminary Plan submittal. Issues that have been identified relative to compatibility include but are not limited to: density, intensity of uses, amenities, buffering the neighbors from impacts, building concepts, materials, and design standards, sketch elevations, maintaining existing trail easements, water supply and wastewater treatment, compliance with Town of Crested Butte's Three Mile Plan in the context of the proposed density and impacts to recreation, traffic congestion, flow, safety and bus loops, and bus service.

~~27.~~29. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-

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17-00034 be classified as a Major Impact Sketch Plan, and that the Sketch Plan be approved with the following conditions:

1. As proposed by the applicant, and accepted as a finding, prior to submittal of the Preliminary Plan, and prior to submittal of the Final Plan, the applicant shall obtain consent of three of the four parties (Gunnison County; Town of Crested Butte; Town of Mt. Crested Butte; Crested Butte Mountain Resort) to the MOU.

2. Pursuant to Section 7-103: C., in the submittal of Preliminary Plan, the applicant shall formulate detailed, designed/engineered solutions to the issues and concerns identified during this Sketch Plan review, and shall address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan.

3. The Preliminary Plan application shall address how the application and proposed development will address the following issues identified during the Sketch Plan review process:
    a. Density
    b. Compatibility
    c. Intensity of uses
    d. Amenities
    e. Buffering the neighbors from impacts
    f. Building concepts, materials, and design standards
    g. Sketch elevations
    h. Maintaining existing trail easements
    i. Water supply and wastewater treatment
    j. Compliance with Town of Crested Butte's Three Mile Plan in the context of the proposed density and impacts to recreation
    k. Traffic congestion, flow, safety and bus loops
    l. Bus service

4. For purposes of this Sketch Plan approval, the project is compatible if it has density of no more than 180 units; this finding does not suggest that at Preliminary or Final Plan a lesser number may not be required.

~~4.~~5. Certain ~~of the~~ comments submitted by the public, including but not limited to the Town of Crested Butte, are matters appropriately addressed at the Preliminary Plan phase rather than the Sketch Plan phase.

6. The applicant shall submit protective covenants as part of the Preliminary Plan application in compliance with Section 7-301: K. *Protective Covenants or Restrictions*. The protective covenants shall include language that all units on the subject parcel shall have a rental and ownership preference for Gunnison County residents, in compliance with federal laws.

~~5.~~7. The Protective Covenants shall include design standards that are generally compatible with the design standards of other subdivisions (i.e. Skyland and Larkspur) in the Brush Creek corridor.

~~6.~~8. There shall be no lease terms less than six months on the subject parcel for any of the residential units.

~~7.~~9. The applicant shall submit a list and photograph of proposed building materials, elevations and visual renderings of all proposed buildings as part of the Preliminary Plan application.

a. The visual renderings are required to be submitted as part of the Preliminary Plan application and shall include site design impacts demonstrated, at a minimum from the following points: Wright Ranch Road, the intersection of Brush Creek Road and Highway 135; from the intersection of Slate River Road and Fairway Lane; and ¼ to ½ mile north and south on Highway 135 from the Brush Creek Road intersection.

b. Building materials and building design are a critical component of determining compatibility. The buildings shall be designed in a manner that complements the existing architecture and materials that exist in the Brush Creek corridor. Final proposed building heights shall also be included.

~~8.~~10. The applicant shall submit a site plan in compliance with Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way* as part of the Preliminary Plan. The applicant shall work with the County Public Works Director to identify the road right-of-way width and maintain a setback from that right-of-way of 40 feet to the maximum extent feasible. If a modification to setbacks is proposed, the applicant shall identify the proposed modification in the Preliminary Plan application.

11. A requisite component of the proposal at Preliminary Plan shall be dedication of an area for an intercept parking lot and transit; this shall be in addition to parking for the residents of the development. The method of the dedication may include conveyance of land, long-term lease or other alternatives. The applicant shall not be responsible for the cost of construction, maintenance or operation of the intercept parking lot.

~~9.~~12. The applicant shall identify how the proposed project modifications allowed per Section 9-604: A. 6. *Modified Development Standards*, will result in residences that will be more energy-efficient, will provide more amenities, or improved design, and will not jeopardize public health, safety or welfare than if the modifications are not approved.

~~10.~~13. The applicant shall submit an analysis of how the project comports with the 2016 Gunnison Valley Housing Needs Assessment, particularly the identification of numbers of units needed at differing AMI categories in the north end of the Gunnison valley.

~~11.~~14. The applicant shall submit a detailed outline of what unit types and in which building(s) (including rental and for sale), units will be available at each AMI category as part of the Preliminary Plan application.

~~12.~~15. The applicant shall consult the Gunnison Valley Regional Housing Authority (~~GVHRA~~GVRHA) to develop draft deed restrictions for the applicable rental units and for sale units and submit those as part of the Preliminary Plan application.

16. The applicant shall, to the maximum extent feasible, adopt deed restrictions on the proposed units that shall be maintained in perpetuity. The applicant shall provide a narrative explaining how the deed restrictions for all units will be maintained in perpetuity, even in the case of foreclosure

~~13. .~~

~~15.~~17. A third-party oversight agency (such as GVRHA or Gunnison County) shall be the oversight agency responsible for verifying that all tenants and/or buyers meet the deed restriction criteria; the developer may be responsible for paying an administrative fee to that entity for the service.

~~16.~~18. Gunnison County shall maintain the right and authority to enforce deed restrictions placed on the units in this application.

~~17.~~19. The uses of the community center shall be outlined in the Preliminary Plan including hours of operation, commercial uses and expected impacts.

~~18.~~20. A wetland delineation shall be completed in compliance with Section 11-107: *Protection of Water Quality*.

~~19.~~21. The proposed trails on the parcel shall be dedicated and open to the public at-large. A trail easement for possible future connection from Crested Butte to Crested Butte South shall be included in the Preliminary Plan submittal.

22. A water supply plan, in compliance with Section 12-105: *Water Supply* shall be submitted as part of the Preliminary Plan application.

~~20.~~23. The water supply plan shall identify a set of best management practices (including measures, methods, and techniques) for water conservation as part of the Preliminary Plan application.

~~21.~~24. In compliance with the recommendations from the applicant's consultant, John Kaminsky, P.G.:

a. A pressure transducer shall be installed in the well on the subject parcel (aka Well MH-23084) which will automatically log the groundwater level on a regular basis prior to submittal of the Preliminary Plan application.

b. A step rate efficiency test of the same well shall be completed prior to submittal of the Preliminary Plan application.

~~22.~~25. The applicant shall complete a well pump test in January or February to ensure that a year-round consistent supply of water will be available to the proposed development in compliance with Section 12-105: G. *Well Testing*.

~~23.~~26. A plan for wastewater treatment in compliance with Section 12-106: *Sewage Disposal/Wastewater Treatment* shall be submitted as part of the Preliminary Plan application.

~~24.~~27. The applicant shall submit a written application for service to the East River Regional Sanitation District (ERRSD) prior to submittal of the Preliminary Plan application. The applicant shall work to obtain wastewater treatment service from the ERRSD to the maximum extent feasible. If it is determined to not be feasible by the applicant, a financial analysis of connection to ERRSD compared with development of new on-site wastewater treatment facility shall be submitted as part of the Preliminary Plan application.

~~25.~~28. The applicant shall submit a traffic study in compliance with Section 12-106: E. as part of the Preliminary Plan application.

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~~26.~~29. The County reserves the right to require a third party review of the traffic study and the impacts of traffic on Brush Creek Road and Highway 135; the applicant shall be responsible for a pro-rata share of that cost..

~~27.~~30. Berms and/or other landscaping that will screen the development from neighboring property owner, particularly along Brush Creek Road and Wright Ranch Road shall be included as an element of the Preliminary Plan submittal, along with visual renderings of how the landscaping will appear in year 1, year 5 and year 10.

~~28.~~31. Integrating the standards of Section 13-119: *Standards to Ensure Compatible Uses*, as well as other measures to mitigate issues raised during this Sketch Plan review, is required within the Preliminary Plan submittal. Mitigation must address: density, compatibility, intensity of uses, amenities, buffering the neighbors from impacts, building concepts, materials, and design standards, sketch elevations, maintaining existing trail easements, water supply and wastewater treatment, compliance with Town of Crested Butte's Three Mile Plan in the context of the proposed density and impacts to recreation, traffic congestion, flow, safety and bus loops, and bus service.

~~29.~~32. Preliminary and final plan applications shall not be combined. Each phase shall be submitted separately.

33. Approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicants are unable to fulfill all of the requirements of this Resolution or any requirements imposed as part of the Preliminary or Final Plan review, then the application shall be denied at the Preliminary or Final Plan review stage.
~~This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the Gunnison County Land Use Resolution.~~

34. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Per Section 7-202: Q. *Extension of Submittal Deadline*, the Board may extend the deadline to submit a Preliminary Plan application for no more than 12 months beyond the date of the 12-month expiration, and only one extension may be granted. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void, and require the applicant to begin the Sketch Plan review process again.

~~31.~~35. This approval is founded on each individual requirement. Should the applicant successfully challenge, in a judicial proceeding, any such finding or requirement, this approval is null and void.

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~~32.~~36. This ~~permit~~ Sketch Plan approval may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

~~33.~~37. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change ~~permit~~application.

~~34.~~38. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

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TO: **Planning Commission**

SUBJECT: **Draft Planning Commission Sketch Plan Recommendation**
APT Brush Creek Road, LLC
LUC-17-00034

DATE: **August 3, 2018**

PREPARED BY: **Cathie Pagano, Director of Community Development**

APPLICANT: **APT Brush Creek Road, LLC**
Represented by Kendall Burgemeister and John O'Neal

At a regularly scheduled meeting on August 3, 2018, Commissioner Rogalski made a motion to approve the recommendation, as amended, Commissioner Mugglestone seconded the motion. The motion passed unanimously.

> ***SKETCH PLAN IS EXPLORATORY.*** *Sketch Plan review provides an opportunity for the County, the applicant, and the public to engage in an exploratory discussion of a proposed land use change, to examine alternative approaches to development of the property, to participate in a process of joint planning and negotiation between the County and the applicant to promote development and land use change which is consistent with the intent and purposes of this Resolution.*
>
> ***SKETCH PLAN EXPECTED TO EVOLVE.*** *Requirements of Sketch Plan direct the applicant to review specific sections of this Resolution and submit a plan that has addressed issues important to the County. It is expected that the proposal will evolve during Sketch Plan review.*
>
> ***ENGINEERED DESIGNS AND DETAILED PLANS NOT REQUIRED NOR ACCEPTED AT SKETCH PLAN.*** *To encourage the consideration of alternatives and to allow the Sketch Plan to evolve, detailed engineering plans and other overly detailed information shall not be required nor accepted by the County.*

PROJECT DESCRIPTION:

The applicant proposes the development of 220 units on the subject parcel. 63.6% (140) of the units will be deed restricted to qualifying households earning less than 180% of the Area Median Income. 108 (49%) of the total units are deed restricted for households earning less than 120% of Area Median Income and meet the definition of "workforce" as stated in Section 2-102: *Definitions* of the Gunnison County *Land Use Resolution* and also meet the definition of essential qualified households by the Gunnison Valley Regional Housing Authority. The remainder of the units (80) will be free market rental units. This application will include a subdivision including the townhome units (20 parcels), rental units (1 parcel), and parking lot parcel (1 parcel).

200 of the total units are proposed as rental units and twenty (20) units are proposed as for sale units. The for sale units are proposed to be deed restricted but the AMI criteria have not been proposed by the applicant at this time. The applicant has proposed to offer developer construction and seller financing for buyers of the for sale units; no buyer shall be required to utilize the seller

financing. The proposed financing terms are a 3% down payment, 30-year amortization, and a low interest rate. The propose interest rate is fixed, determined as the 30-year Treasury Rate plus 60 basis points at the time of acquisition.

The deed restrictions will include Area Median Income (AMI) limits and other criteria. These restrictions are necessary to ensure that housing remains permanently available for the local workforce. Deed restricted units will each be priced at no more than 30% (including utilities) of an individual's or families' income. The categories and number of units have been modified since the original Sketch Plan application:

Sketch Plan Submittal: August, 2017			
Unit Type	Incremental Units	Cumulative Units	Cumulative % of Total Units
Restricted: <50% AMI	16	16	6.66%
Restricted: <80%	42	58	24.16%
Restricted: <120%	62	120	50%
Restricted: <180%	36	156	65%
No Income Restriction	84	240	100%

The revised proposal:

Revised Plan: May, 2018			
Unit Type	Incremental Units	Cumulative Units	Cumulative % of Total Units
Restricted: <50% AMI	33	33	16.5%
Restricted: <80%	49	82	41%
Restricted: <120%	26	108	54%
Restricted: <180%	12	120	60%
No Income Restriction	80	200	100%
For Sale Deed Restricted	20/20	20	100%
Total Deed Restricted	140/220	220	63.63%

Deed restrictions are proposed as follows: the Household must have at least one "Resident," which means "a natural person who (i) at the time of rental of a Restricted Unit, earns his or her living from a business operating in and serving Gunnison County, by working at such business an average of at least 30 hours per week on an annual basis, or (ii) is a person who is approved, in writing, by GVRHA or the County which approval shall be based upon criteria including, but not limited to, total income, percent of income earned within Gunnison County, place of voter registration, place of automobile registration, and driver's license address and other qualifications established by the GVRHA or the County from time to time. A person over 65 years of age shall remain a Resident regardless of his or her working status, so long as he or she has occupied the Property for a time period of not less than seven years. Full time residents of Gunnison County who are persons with disabilities are not required to be employed. The term "business" as used in this definition shall mean an enterprise or organization providing goods and/or services,

whether or not for profit, and shall include, but not be limited to, educational, religious, governmental and other similar institutions.

The applicant proposes a minimum lease term of six months and preference for Gunnison County residents for all units (deed restricted and free market) in compliance with federal regulations.

The applicant proposes the following buildings on the subject parcel:

Building Type	**Quantity**	**Estimated Square Footage Per Building**	**Aggregate Square Footage**
Duplex	10	3,200 sq ft	32,000 sq ft
8-plex	6	8,000 sq ft	48,000 sq ft
10-plex	6	9,000 sq ft	54,000 sq ft
16-plex	3	12,800 sq ft	38,400 sq ft
22-plex	2	18,000 sq ft	36,000 sq ft
Transit/Community Center	1	4,500 sq ft	4,500 sq ft
Maintenance and Wastewater	1	3,000 sq ft	3,000 sq ft
Total	**29**		**215,900 sq ft**

A community and transit center is proposed on the northeast corner of the parcel. The footprint of the community center will be approximately 4,500 square feet and house space for events, meetings and a communal bike/ski workshop. Post office boxes are to be included in the building and office space for the Gunnison County Sheriff. A convenience store/coffee shop, approximately 1,000 square feet in size, will also be housed in the community center building.

The Brush Creek transit stop for Regional Transportation Authority (RTA) and Mountain Express are proposed to be located at the community center and serve the entire Brush Creek area. Bike racks and restrooms will be available to the general public that may be utilizing the bus stop. The applicant initially proposed the development and paving of a parking lot for the transit center. The applicant now proposes to subdivide that portion of the parcel and deed it to Gunnison County who may determine how to develop the intercept parking lot with other MOU participating parties in the future.

Other amenities included in the proposal include: playing fields, trails, a playground, picnic area, and a dog park. A trail connection to the Deli Trail is proposed that would allow future connection to a possible Crested Butte to Crested Butte South trail. 8.1 acres (50%) of the parcel is proposed as open space.

The project is proposed to be developed in two phases, as shown on Map 13, Phasing Plan, dated April 16, 2018.

Phase 1 includes: Infrastructure (utilities, roads, parking areas serving the units constructed), the transit/community center, the 10-plexes (60 units) along the northwest side of the property, and the 16-plexes near the middle of the property (48 units) and for sale townhomes, along the eastern property line, and the amenities as identified on Map 13, Phasing Plan, dated April 16, 2018.

Phase 1 will include the construction of 108 units; 63.6% (68 units) of the Phase 1 units will be deed restricted while the remaining 40 units will be free market. The majority of the park, trails, and open space amenities are included for development in this phase (see Map 13 for better depiction).

Phase 2 includes: the remaining residential units, based on market demand, remaining infrastructure (for Phase 2 units) and remaining trail and open space amenities. Phase 2 units will be constructed based on market demand and no timeframe for construction is identified at this time. As units are constructed in Phase 2 the applicant proposes to maintain the restricted/free market ratio, for example, if a building with 24 units is constructed, 63% (15) of those units would be deed restricted while the remaining 37% (9) would be free market. All rental units are proposed to be held under the single ownership and managed by Gatesco. An onsite management office is proposed.

The applicant proposes to supply water to the development via one or more wells which will be augmented by purchase of water from Meridian Lake through a contract with the Upper Gunnison River Water Conservancy District. In an email dated July 19, 2018 attorney Kendall Burgemeister stated, "The Skyland Metro District has made it clear that provision of water to the project is not possible."

Central sewage disposal is proposed. The applicant's preferred option is the construction of central sewage treatment facility on-site. It may also be possible for the development to connect to the East River Regional Sanitation District. In an email dated July 19, 2018 attorney Kendall Burgemeister stated:

> *"The Applicant requested from ERRSD an indication of whether it can serve the project, whether it would consider a rules change to provide reduced fees for affordable housing projects, and whether it would cooperate in development of the necessary infrastructure to pump water from the treatment plant back to the Slate River basin. Such a project would prevent Slate River diversions from being 100% consumptive and greatly reduce augmentation costs. The Board would not comment on any such requests without submittal of a formal written application for service. The Applicant is finalizing such an application, and is committed to running these items to ground before the project receives preliminary and final approval. However, it is unlikely that such concessions would facilitate reduced density for the project. It is anticipated that such concessions, at most, would make connection to ERRSD similar to onsite wastewater treatment in terms of economic feasibility."*

The subject parcel is located on the southeast corner of the intersection of Brush Creek Road and Highway 135, approximately 1.5 miles south of the Town of Crested Butte. The parcel is approximately 14.29 acres and is legally described as all of the land in Section 12, Township 14 South, Range 86 West, 6th p.m., lying south and east of Brush Creek Road, and west of Larkspur Subdivision and Red Feather Subdivision, excepting any portion that may lie south and west of the southwest boundary of Colorado State Highway 135.

Modifications Requested per Section 9-604: *Incentives to Provide Essential Housing*

The applicant has requested the following modifications as allowed per Section 9-604: *Incentives to Provide Essential Housing*:

- Section 10-103: C. 3.a.1 *Development Served by Public Wastewater Treatment System*: In the Sketch Plan submittal the applicant has identified three options for wastewater treatment: connection to the East River Regional Sanitation District, connection to the

Town of Crested Butte wastewater treatment plant, or construction of an on-site wastewater treatment facility. If the applicant pursues the option of construction of an on-site wastewater treatment facility a modification shall be requested to Section 10-103:C.3.a.1. which requires that a "development is or will be served by a public wastewater treatment sytem." The LUR defines Public Services and Facilities as: "those services and facilities provided by a public entity or public utility (including but not limited to, any municipality, county, or special district) including, but not limited to, roads, trails, schools, wastewater treatment, water treatment…". The proposed on-site wastewater treatment facility does not meet the definition of a public service or facility.

- Section 13-103: H. *Allowed Structure Heights*: The February 7, 2018 Sketch Plan supplemental states that the estimated building heights will be between 26 feet and 35 feet. Andrew Hadley, architect for the applicant, explained that the maximum roof height (as measured per County standards of Section 13-103: H. *Allowed Structure Heights*) is 32 feet for the 10-plexes and flat roof buildings.

- Section 13-104: *Setbacks from Property lines and Road Rights-of-Way*, the applicant proposes an approximate 45-foot setback from the edge of Brush Creek Road. Front, side and rear setbacks are shown on Map 12, "Development Layout Plan," dated April 16, 2018. The Development Layout Plan depicts a 45-foot setback from the edge of the Brush Creek Road for the proposed buildings. Section 13-104 requires a 40-foot setback from the edge of the County road right-of-way.

  While this incentive allows an exception to property line setbacks it does not mention setbacks from roads. However, Section 9-604: A.6. does allow the decision making-body to modify standards in Article 13 which includes setbacks from roads.

- Section 13-105: *Residential Building Sizes and Lot Coverages*, the applicant proposes the construction of buildings in excess of the maximum size thresholds identified in this Section. The applicant has proposed buildings that range in size from 3,200 to 18,000 square feet, with a total approximate square footage of 215,900 square feet.

  Staff has determined that this issue is not governed by the standards of Section 13-105: G. when reviewing the proposed modification, rather the issue is governed by the standards of Section 9-604: A. 6. *Modified Development Standards* related to energy efficiency, amenities, design, etc.

Changes to Original Sketch Plan Application Submittal

The application has evolved since the original submittal and the applicant has made the following changes including but not limited to:

- Increased setback along Brush Creek Road from 30' to 45'
- Decreased building density along Brush Creek Road
- Reduced bedroom count from 408 to 341 with a projected population reduction from approximately 600 people to approximately mid-500 people.
- Increased residential parking from 361 to 410 spaces, including 31 designated for visitors, with an additional 38 parking spaces available based on future demand (448 spaces total)
- Increased number of covered parking spaces
- Elimination of the transit parking lot (parcel to be conveyed to County for future development)

- Decreased building square footage from approximately 280,000 square feet to 215,900 square feet
- Decreased building count to 29 buildings, including reduction of four buildings along Brush Creek Road in response to public concern about view corridors
- 20 For Sale Units
- Additional units at lower AMI categories

Applicant Proposes Conditions for Sketch Plan Approval

An email from applicant attorney, Kendall Burgemeister, dated July 19, 2018 stated:

> *"The Applicant is ready, willing, and committed to continue to engage in all productive conversations with the various stakeholder groups that could ultimately result in a project that is still feasible yet more palatable to the objectors (e.g. discussions with ERRSD regarding a pumpback project). First and foremost of these conversations will be discussions with the four MOU partners to obtain a majority vote to allow the applicant to develop the property. The Applicant would accept a condition of sketch plan approval that requires the Applicant to obtain the consent of three of the four partners to the MOU before the Applicant submits an application for preliminary and final plan approval."*

GUNNISON VALLEY HOUSING NEEDS ASSESSMENT

The Gunnison Valley Housing Needs Assessment (the Assessment) was completed in November 2016. The Assessment states, "By providing housing that is affordable and located close to jobs, as recommended in this Assessment, the Gunnison Valley can support the preservation of community character, economic prosperity, diversity in the workforce, and the health of employees and the environment" (page 2).

Some issues in the Assessment are set forth below:

- "*Rental vacancies are lower than 1%. Availability is so limited that renters who want to reside in the North Valley are forced to live in the South Valley where many rental units are not well maintained. Affordable rental units are fully occupied other than a few still in the initial lease-up period at Anthracite Place.*
- *Homeownership opportunities are far fewer than the number of households that want to own. Demand was high for eight deed restricted lots sold at Paradise Park and only two out of 137 deed restricted homes are listed for sale.*
- *Employers report numerous problems related to housing. Nearly 70% indicated that the availability of housing affordable for the workforce is a serious or the most critical problem in the region and approximately 360 jobs were unfilled as of August. This compares with about 190 jobs in summer 2015.*
- *On average in the Gunnison Valley, an income of over $155,000 is needed to afford the median home price of $635,000, which is equivalent to over 280% AMI.*
- *Rents have risen sharply in recent years and are continuing to rise. The median monthly rent of $1,167 for units listed for rent in August would require an income at or above 128% AMI ($71,000) to be considered affordable.*
- *The North and Mid-Valley must import workers who commute from the South Valley to help fill approximately 845 jobs, whereas a much lower 370 South Valley jobs are filled by North and Mid-Valley residents. Approximately 12% of South Valley residents want to live in the North Valley.*
- *Affordability is more acute in the North Valley as measured by the percentage of households that are cost burdened by high housing payments relative to income. Yet,*

because of its larger population, there are more cost burdened households in the South Valley.

- *94% of renters in the North Valley think that the availability of housing that is affordable for the workforce is the most critical problem in the region."*

The Assessment notes that "all of the households moving to Anthracite (Place in Crested Butte) already lived or worked in the North Valley." There is concern that the proposed project would accommodate new residents to the Gunnison Valley. The Assessment notes that there is current demand for affordable homes including demand for 140 rental units Valley-wide (page 12). By 2020, the number of rental units needed Valley-wide increases to 185 total units. Additionally, the proposed deed restrictions for 65% of the proposed Brush Creek units require that an individual be employed by a business that operates in Gunnison County. The restricted units will accommodate existing residents that may live in an overcrowded situation or in a location that is less than desirable.

The Assessment notes individual's preference for locations to live in the North Valley—(in order of preference): Town of Crested Butte; Skyland/Buckhorn/Riverbend/Meridian lake; Town of Mt. Crested Butte. According the Assessment survey, 53.5% of renters in the North Valley were forced to move.

The Assessment displays the housing gap (page 13) and shows that the North Valley will need approximately 92 rental units and 155 owner units by 2020. "The gap—the housing units that the market will not provide, represents the units that collaborative strategies will partially address."

Phase 1 of this application is for the development of 68 deed restricted (aka "gap") units and 40 free market units. The units proposed in Phase 2 would be constructed based on market demand. The proposal would make a significant dent in the gap of units need in the North Valley but would not fully address that gap.

PLANS/REPORTS/SUBMITTALS:

Plans, reports, letters and other submittal documents informing this decision include, but are not limited to:

- "Brush Creek Road Workforce Housing Project, Sketch Plan," Application dated August 29, 2017
- Exhibit H, "Perspective Sketch," dated August 28, 2017
- Exhibit H, "3-D Model Snapshot," dated August 28, 2017
- Exhibit H, "4-Plex Model & Floor Plan," dated August 28, 2017
- Map 11, "Site Plan," dated August 28, 2017
- Map 12, "Development Layout Plan," dated April 16, 2018
- Map 13, "Phasing Plan," dated April 16, 2018
- Map 14, "Open Space Plan," dated April 16, 2018
- Map 15, "Parking & Snow Storage Plan," dated April 16, 2018
- Map 16, "Landscape Plan," dated April 16, 2018
- Map 17, "Existing Drainage Map," dated August 28, 2017
- Map 18, "Proposed Drainage Map," dated February 7, 2018
- "Sketch Plan Supplement," dated February 7, 2018
- "Second Sketch Plan Supplement," dated April 16, 2018

IMPACT CLASSIFICATION:

The project, by definition, is a Major Impact pursuant to Section 7-101:A. *More Than Four Units*.

MEETING DATES:

The Planning Commission held work sessions and public hearings to discuss the Corner at Brush Creek application on the following dates:

- October 20, 2017 Work Session and Site Visit
- November 17, 2017 Work Session
- December 1, 2017 Site Tour and Work Session
- December 20, 2017 Work Session
- January 5, 2017 Joint Work Session
- February 16, 2018 Joint Work Session and Joint Public Hearing
- March 2, 2018 Joint Public Hearing
- May 4, 2018 Joint Public Hearing
- June 1, 2018 Joint Public Hearing
- July 20, 2018 Joint Public Hearing
- August 3, 2018 Work Session

SITE VISIT:

The Planning Commission conducted a site visit on October 20, 2017. The Commission noted the topography, adjacent uses, and natural features of the parcel. The Planning Commission also conducted a site tour on December 1, 2017 to visit other residential projects that had comparable densities and to visit the surrounding neighborhoods in the Brush Creek area.

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on February 16, 2018. The joint public hearing was continued to March 2, 2018; May 4, 2018; June 1, 2018; and July 20, 2018. Comments received included the following but are not limited to:

- The application is a simplistic solution to a complex problem
- Comments that the bus schedule does not work with the application
- Concern that current trail easements for the Deli Trail would be jeopardized
- Questions about who will pay for the needed bus service and statements that cars will be needed at development
- Need for a housing master plan
- Fear that applicant would abandon project in economic downturn
- Extra costs related to schools and transportation
- Applicant's project is doomed to fail
- The subject parcel is in the boundaries of the East River Regional Sanitation District and must connect
- Concerns related to light pollution, animal migration, noise
- Lack of adequate emergency and fire personnel
- Recommendation that landscaping be xeriscaped

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- Project is too large and abandons the County's rules and regulations
- Concern that a precedent will be set for extreme density.
- Project is not substantially similar to surrounding uses
- Project is not served by wastewater provider nor public water supply
- Project is not served by public transportation
- Lack of parking
- Impacts are unmitigated
- Economic impacts to schools and roads
- Deed restrictions do not guarantee affordability
- Money should be set aside from County general fund for affordable housing
- Snow removal and snow storage costs
- Lack of community integration
- Separation of workers from rest of community
- Water availability
- Creates appearance that Crested Butte is just another large resort community
- Affordable housing is needed
- Housing crisis continues to get worse; rental units are needed
- For sale units are very expensive without massive public subsidies
- Location is closest location to Town of CB that is physically possible
- Affordable housing should be spread throughout County
- Project does not provide enough affordable housing for the proposed density
- Need solution for everyone
- High rent of units proposed
- Unsuitable living conditions proposed
- Short term rentals cause problems
- Population at subject parcel would be too high
- Questions about master leases for entities such as hospital and University
- Project is too divisive
- Project should be built using Crested Butte builders
- Septic system will be too large
- County will have to manage the wastewater treatment plant
- Questions about why the applicant did not accept offer of land in Mt. CB
- Questions about if the subject parcel had already been conveyed to the applicant
- Project is moving too quickly
- Project is moving too slowly
- Too many buses that will be driving on Brush Creek Road
- Request that free market units only be rented to north valley residents
- Request for additional time
- Questions about rate of tenant evictions from applicant and litigation
- Need for stakeholders to come together to ensure maximum benefit for most people
- Project is too intense, dense, massive and visually obtrusive
- Commissioners not protecting the citizenry
- Concern that decision about project has already been made
- Finance concerns and future costs to County
- Project is not walkable to Town of Crested Butte
- Tiny houses, summer housing, intercept lot and other proposals should be considered
- Possible loss of parking lot for stand up paddle boarders
- Profit margin of project is not sustainable

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- Community opposition is too great to approve application
- Critical need for housing in north valley
- Project will change the character of the community
- Pressure on recreation fields in Town of Crested Butte
- Project is compatible and harmonious with surrounding areas
- Traffic is not an issue
- Opposition is pushing affordable housing into government purview
- Other Gatesco properties in Texas are not well maintained or managed
- Failing intersection of Hwy 135 and Brush Creek Road
- Affordable housing should be constructed throughout valley and along transportation corridor.
- The higher the density, the more likely the project is to survive financially
- Project should be 100% deed restricted
- Transit center should be in Riverland
- Support for affordable housing but not this application
- Project this large is not needed
- Community needs more housing similar to Anthracite Place
- Difficulty of going through County application review will deter other developers from building housing
- Concerns related to density and neighborhood compatibility
- Concerns related traffic, safety, parking, impact on Brush Creek Road and intersection with Highway 135
- Concerns related to view corridor entrance to Town of Crested Butte
- Concerns related to adequacy of water supply and creation of new wastewater treatment plant
- Concerns relative to numbers of people living at the subject parcel and quality of life for those residents
- Concerns related to viability of alternative modes of transportation (bus, bicycles, and pedestrian) to and from the subject parcel
- Concerns from business owners that there is not enough housing for their employees which has a detrimental impact on their businesses
- Concerns from local residents that there are not enough opportunities for attainable housing in the community and that this project is needed
- Multiple letters from the Town of Crested Butte stating that the application should be denied
- Concerns that the applicant is not trustworthy and does not have experience developing a project of similar scale
- Concerns from the Town of Crested Butte related to impacts to their community around recreation, traffic and parking
- Concern that there is a need for housing and this project may alleviate some of that need
- Possible loss or extermination of deed restrictions
- Preference to see housing on the parcel rather than parking
- A lack of sense of community
- Statements that the application does not comply with the LUR standards

The entirety of the public record is included within the Land Use Change permit file.

ADJACENT AND NEARBY USES:

Surrounding land uses include residential and industrial uses. Skyland is located to the northwest, across the Brush Creek Road from the proposed project site and includes single-family lots, multi-family units and lots, and The Club at Crested Butte (golf course, lodge building with recreation amenities and dining).

Skyland is a mixed-use development approved in the early 1980's that includes lots and single-family homes, townhomes, duplexes and triplexes, multi-family development, a commercial golf course and retail golf shop, three outdoor tennis courts and year-round heated, domed tennis court providing services for tennis clinics, tournaments, leagues and U.S.T.A. team drills; an aerobics and fitness center with indoor pool, full-service spa and dining (Remi's, Remi's Bar and The 19th Hole), and provides the setting and services for weddings, banquets and other special events for as many as 200 people throughout the year. Lake Grant, a man-made lake, exists in the subdivision.

Rivergreen and Silver Sage subdivisions (single-family lots and homes that allow an efficiency residence in each single-family residence) lie to the north of Skyland. Whetstone Vista (single-family homesites), Red Feather Ranch (single-family and secondary residences) and Buckhorn Ranch subdivision (single-family, multiple-family, deed-restricted affordable residences, private airstrip open to limited public use, and airport-related commercial uses) located further east.

Larkspur Subdivision was approved by Gunnison County in 2006 and includes 46 free-market single family lots; one lot that will remain the property of the Larkspur Community Association to include an employee unit, an office and maintenance barn; eight deed-restricted single-family essential housing lots; two deed-restricted (essential housing) lots, two of which will have one four-plex; and one deed-restricted (essential housing) lot allowing one duplex. Lot sizes range from one seventh to one third of an acre. All housing units and houses are required to have two enclosed attached garages. Maximum total aggregate square footage (house and garage) for each single-family home is 4,800. Multifamily four-plex lots allow a maximum square footage (four multifamily residences and eight garages) of 6,200 square feet. The duplex residence is limited to a maximum aggregate size for residences and garages of 5,200 square feet. Maximum size structure on the maintenance parcel is 4,000 square feet, limited to two structures.

A 2.78-acre parcel (R1) in the Larkspur Subdivision will house a recreation center, to be owned separately from either the applicant or the Larkspur Community Association. The center is allowed by the subdivision's protective covenants to include year-round tennis facilities (i.e. indoor and outdoor), clubhouse, health club, swimming center, bathrooms and showers, climbing wall, batting cages, golf practice area, basketball courts, pro shops, parking , food and bar service ancillary to the tennis facilities, and accompanying offices and services. The maximum size of all structures on the Recreation Lot is 39,000 square feet. The lot may be resubdivided by its owner to create two condominium units or a maximum of three condominium units, only if one of the three is restricted to a residence for an employee of the facility.

The Larkspur recreation center is intended to occasionally host special events. As many as twelve special events may be conducted annually. The Final Plan Decision for Larkspur states:

> *"A document to be presented to property purchasers discloses the possibility of future development around the Larkspur parcel, and includes the following:*
>
> *'Development on Adjacent Property: That a parcel of property exists, approximately 13 acres in size, that lies immediately to the West of Larkspur, between a portion of Larkspur and Brush Creek Road. That this parcel is owned by Gunnison County, the Towns of*

Crested Butte and Mt. Crested Butte and Crested Butte Mountain Resort and that these entities plan to develop the property in the future. Proposals for development include, but are not limited to, an affordable (essential) housing project, intercept or park and ride parking lot. Some or all of this property may be sold and/or partitioned off.'"

Buckhorn Ranch includes a privately-owned airstrip, open to a limited use by the public; commercial uses are permitted, limited by a protective covenant to retail businesses that serve the residential lots such filling stations, restaurants, bakeries, etc. Lots 1, 3, C-2, C-3 may house conference or meetings areas. 388 residential units are allowed, including 200 multi-family units per the protective covenants (Reception No. 510419).

Red Feather Subdivision includes three residential lots, each approximately 6.3-acres in size. Each lots allows a primary residence and a secondary residence.

Large single-family parcels (6+ to 18+ acres in size) are located immediately south and to the southeast. Across Highway 135 uses include residential lots and Riverland Industrial park to the southwest.

The Planning Commission and BOCC viewed a number of projects in Gunnison County with comparable densities as summarized below.

TABLE 1: COMPARABLE DENSITIES

ESTIMATED CORNER AT BRUSH CREEK NEIGHBORHOOD DENSITIES COMPARED TO EXISTING DEVELOPMENT IN IMPACT AREA (IN GREY) AND OTHER AREAS FOR COMPARISON (NOT SHADED)				
	NUMBER OF RESIDENCES	TOTAL AREA/ACRES	GROSS DENSITY (TOTAL RESIDENCES ÷TOTAL AREA INC. ROADS, OPEN SPACE, ET.AL.)	ACRES PER RESIDENCE (TOTAL AREA INC. ROADS, OPEN SPACE, ET.AL. ÷NUMBER OF RESIDENCES)
CORNER AT BRUSH CREEK	220	14.29 acres (8 acres open space)	15.39 residences per acre	0.06 acre per residence
LARKSPUR	65	35.6 acres (14.24 acres or 40% of total area)	1.83 residences per acre	0.55 acres per residence
SKYLAND (THE CLUB AT CRESTED BUTTE)	515	663.7 acres (total open space not computed in all filings)	0.76 residences per acre	1.29 acres per residence
GOLF VILLAS (SKYLAND)	45	6.42 acres	7 residences per acre	0.14 acres per residence
BUCKHORN	388	280 acres (total open space not computed in all filings)	1.39 residences per acre	0.72 acres per residence
BUCKHORN LOT M-1	72 (including 32 units at Stallion Park)	10.95 acres (excludes roads and open space)	6.57 residences per acre	0.15 acres per residence
BUCKHORN LOT M-2	74	12.58 acres (excludes roads and open space)	5.88 residences per acre	0.17 acres per residence
BUCKHORN LOT M-3	54	9.18 (excludes roads and open space)	5.88 residences per acre	0.17 acres per residence
STALLION PARK (BUCKHORN)	32	2.13 acres	15 residences per acre	0.06 acres per residence

WHETSTONE VISTA	9	32.5 acres (14.123 acres open space)	0.28 residences per acre	3.6 acres per residence
BUTTE PASTURES	9	62.72 acres (35.11-acres in conservation easement)	0.14 residences per acre	6.96 acres per residence
RIVERGREEN	17 (each allowed an efficiency residence by protective covenants)	19.9868 acres (10.57 acres open space)	0.85 residences per acre; 1.7, with efficiency residence in each single-family residence	1.18 acres per residence; 0.59, with efficiency residence in each single-family residence
SILVER SAGE	23 (each allowed an efficiency residence by protective covenants)	27.85 acres (6.45 acres open space)	0.83 residences per acre; 1.65, with efficiency residence in each single-family residence	1.21 acres per residence; 0.61, with efficiency residence in each single-family residence
RED FEATHER RANCH	6 (single-family residence and secondary residence)	18.90 acres	0.31 residence per acre	6.3 acres per lot; 3.15 acre per residence (primary residences and secondary residences)
ANTHRACITE PLACE	30	0.5 acres	60 residences per acre	0.02 acres per residence
PITCHFORK	102	7.9 acres	13 residences per acre	0.08 acres per residence
WATERFALL CREEK CONDOS	13	1.47 acres	8.8 residences per acre	0.11 acres per residence
NORTH STAR CONDOS	20	1.4 acres	28 residences per acre	0.07 acres per residence
VANTUYL VILLAGE	24	0.96 acre	25 residences per acre	0.04 acres per residence
MOUNTAINEER VILLAGE APARTMENTS	87	2.93 acres	29.7 residences per acre	0.03 acres per residence
THE LOFTS (MELDRUM SUBD)	20	2.46 acres	8.13 residences per acre	0.12 acres per residence
DOS RIOS MULTI-FAMILY	139	13.84 acres	10.04 residences per acre	0.09 acres per residence

REVIEW AGENCY REFERRAL COMMENTS:

A copy of the complete application was sent via email to the following review agencies for comments:

- Colorado Department of Public Health and Environment (CDPHE)
- Colorado Division of Water Resources
- Colorado Division of Parks and Wildlife
- Colorado Department of Transportation
- Gunnison County Public Works
- Gunnison County Building and Environmental Health Official
- Town of Crested Butte
- Town of Mt. Crested Butte
- Regional Transportation Authority (RTA)
- Mountain Express
- RE1-J School District
- Crested Butte Fire Protection District
- Gunnison Valley Regional Housing Authority
- Crested Butte Mountain Resort

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Comments received include, but are not limited to, the following:

Gunnison Valley Regional Housing Authority in a letter dated October 10, 2017 from Jennifer Kermode, Executive Director, comments and recommendations included:

"…Affordability Recommendations

1. *Maximum monthly rental rates should be calculated at 30% of the household's gross monthly income, with utilities (water, sewer, electric and gas) included in that rate.*
2. *Rent increases at lease renewal should not exceed 2% annually. This keeps rate increases aligned with the typical expectation of increases in income.*
3. *Household size should only be used to calculate a household's AMI to determine what AMI unit they qualify for.*
4. *The Authority requests the opportunity to provide additional recommendations as warranted.*

…Unit Type and Mix Recommendations

1. *The Authority and the applicant should work together to determine the appropriate unit types at each AMI level.*
2. *Restricted units should be scattered throughout the campus and not aggregated within one or two buildings.*
3. *The Authority requests the opportunity to provide additional recommendations as warranted*

…AMI Targets Recommendations

1. *The AMI categories should represent the maximum household income that will qualify for a specific unit. The maximum rent for each restricted unit should be calculated at 30% of a household's actual income, as determined by the Authority.*
2. *The applicant should verify what AMIs are with the Authority on an annual basis, and provide regular reports confirming the proper number of units available to specific AMI targets.*
3. *The Authority requests the opportunity to provide additional recommendations as warranted.*

… The applicant is proposing minimum lease terms that could result in a great deal of unit turnover, which distracts from the quiet enjoyment of other residents living nearby. The Authority believes that if the intent is to provide housing for local workers, then lease terms should be for a minimum of one year. To house seasonal employees, master leases should be negotiated with larger employers which gives them control over who occupies their units and when. Free-market units that are allowed to turn over every three months serve to intensify the likelihood of short term rental practices, and does little to address the local workforce housing needs in the Valley.

…Livability Recommendations:

1. *Site and floor-plan design*
    - ***a.*** *The Authority should work with the applicant on floor-plan design of the restricted units to prevent functional obsolescence and increase the long-term livability of each unit type.*
    - ***b.*** *The restricted units should have the same quality of appliances, countertops, flooring, lighting etc. that is built into the free market units.*

   c. *Units should be designed to allow resident interaction with the natural environment, such as large windows, passive solar orientation when possible, and decks.*

2. *Storage*
   a. *Interior storage should be adequate to accommodate a long-term resident lifestyle. The number of and size of closets and cabinets should be sufficient to prevent residents from having to store daily-living items in a separate outside storage space.*
   b. *Exterior storage space should provide adequate protection from weather, provide good lighting and be easily accessible to each resident.*

3. *Density*
   a. *The Authority believes that the proposed density may deter from the livability of the neighborhood. The number of buildings and the expected number of residents could conflict with a resident's perception of personal space. The applicant should design buildings and units to provide a resident with the perception of having private space to live in.*
   b. *The amount of parking that may be required to meet LUR means that much of the neighborhood's footprint will be parking lots and cars. This conflicts with a sense of place and perception of open space.*
   c. *Lease terms for each restricted unit should be for a minimum one-year period.*
      i. *Master lease agreements should be made with larger employers who have seasonal housing needs.*
      ii. *Month-to-month extensions should require re-qualification to determine income and renewal rates.*
   d. *Free-market units should have a minimum lease term of six (6) months.*

4. *Included or near-by amenities*
   a. *The Authority recommends that the community center concept stay included in the final site plan, along with the community gardens and open space.*
   b. *Access to the bike path connecting to Crested Butte should be maintained.*
   c. *The Authority supports the inclusion of a neighborhood 'general store and coffee shop' in the community center.*

5. *Noise*
   a. *The buildings should provide construction techniques that reduce sound transmission and impact insulation to improve the livability of each unit.*

6. *Transportation and Parking*
   a. *Easy access to the transit center appears to be met in the current site plan.*
   b. *Measures that would entice residents to reduce their reliance on automobile transportation should be encouraged.*

…Process Recommendations:

1. *The Authority and the applicant should work with the County staff to craft a deed restriction that is appropriate for this neighborhood, and meets the requirements of the County and the Authority in establishing long-term affordability for locally-employed workforce.*
2. *The Authority and the applicant should work with the County staff to craft lease agreements that address the restricted units regarding the term, expected rate increases, additional occupants, and compliance with federal, state and local laws.*
3. *The Authority should complete resident income/employment qualifications for restricted units at initial lease-up for a service fee of $50 per unit.*
4. *The applicant should deliver semi-annual reports to the County or the Authority detailing which units are capped at what AMIs, the AMI of the occupying household, lease term and rental rates, and other metrics that may be determined useful by the County.*

5. *The AMIs in effect at the time of initial lease-up should be used to calculate the maximum income for the targeted restricted units.*
6. *The Authority requests the opportunity to provide additional recommendations as warranted."*

Town of Crested Butte, dated July 18, 2018, from James Schmidt, Mayor, comments included:

"…the Town of Crested Butte makes the following requests:

1. *Deny the sketch plan application based on the lack of compliance with standards in the Land Use Resolution; or*
2. *Conditionally approve the sketch plan application with the necessary significant and substantive modifications to achieve compliance with the LUR; or*
3. *Continue the public hearing if all parties are willing to participate in robust public discussion with each other about the use of the property."*

Town of Crested Butte, dated April 30, 2018, from Dara MacDonald, Town Manager, comments included:

- *"The applicant proposes to develop 200 rental units and 20 ownership units of which 49% meet the County's definition of Essential Housing and therefore should not be provided with all of the requested incentives for Essential Housing for projects with 40% - 100% essential housing;*
- *The income mix of deed-restricted units has shifted with fewer units in the low income target and more in the moderate and higher income ranges. The number of residences qualified as Essential Housing has been reduced from 130 to 108 units and therefore should not be provided with all of the requested incentives for Essential Housing for projects with 40% - 100% essential housing;*
- *The proposed density of 15.4 units/acre is from 9 to 18 times greater than the average densities of the surrounding neighborhoods and therefore is incompatible with community character;*
- *The proposed maximum building size is up to approximately 18,000 sq. ft., an increase of 1.8 times the LUR allowance for buildings and therefore is incompatible with community character;*
- *The proposed maximum aggregate building size of all structures on the parcel is 215,900 sq. ft. or up to 17 times greater than the LUR allowance of 12,500 sq. ft. The structures are obtrusively visible and therefore should not be allowed;*
- *The proposed height increase of up to 17%--an increase of 5 feet is incompatible with community character;*
- *The proposed reduction in setback along Brush Creek Road is not allowed by the LUR;*
- *The proposed subdivision of land does not meet the maximum density or minimum lot size requirements of the LUR;*
- *The proposed 7% decrease in the amount of required parking for the residences – a reduction of 30 parking spaces is not warranted given that public transportation is not assured for the site; and*
- *With the elimination of the transit parking, the proposed development is contrary to the allowed uses of the property as set forth in the Memorandum of Agreement executed by the County, the Town of Crested Butte, and Mt. Crested Butte, and the Crested Butte Mountain Resort.*

… Simply stated, this proposed use is too intense; too dense; too massive; too 'visually obtrusive'; and neither similar nor compatible with the existing, adjacent low-density residential land uses and landscape character.

The Town of Crested Butte reaffirms the recommendation that Gunnison County deny the Corner at Brush Creek Land Use Change/Sketch Plan because the application does not comply, broadly or conceptually with the LUR requirements, far exceeds the incentives for Essential Housing, and adversely affects not only the future development of the area, but the entire SH 135 Corridor from Gunnison to Crested Butte. We do not believe that approval of the current application is defensible because it fails to satisfy so many provisions of the Gunnison County Land Use Resolution."

Town of Crested Butte, dated February 12, 2018, from Dara MacDonald, Town Manager, comments included:

- *"The applicant proposes to develop 240 rental units of which only 54% meet the County's definition of Essential Housing;*
- *The applicant proposes a density ranging from 9 to 19 times greater than the average densities of the surrounding neighborhoods;*
- *The applicant requests a maximum building size up to approximately 25,000 sq. ft., an increase of 2.5 times the LUR allowance for buildings;*
- *The applicant requests a maximum aggregate building size on the parcel up to 18 times greater than the LUR allows;*
- *The applicant requests a height increase of up to 17%- an increase up to 5'; and*
- *The applicant requests a 17% decrease in the amount of required parking for the residences – a reduction of 80 parking spaces.*

Simply stated, this proposed 100% rental apartment use is: too intense; too dense; too massive; too 'visually obtrusive'; and neither similar nor compatible with the existing, adjacent low-density residential land uses and landscape character.

The Town of Crested Butte urges Gunnison County to deny the Corner at Brush Creek Land Use Change/Sketch Plan because the application does not comply, broadly or conceptually with the LUR requirements, far exceeds the incentives for Essential Housing, and adversely affects not only the future development of the area, but the entire SH 135 Corridor from Gunnison to Crested Butte. We do not believe that approval of the current application is defensible because it fails to satisfy so many provisions of the Gunnison County Land Use Resolution.

Specifically, the project should be denied for failure to satisfy the following sections of the LUR: Section 7-102: Standards of Approval for Major Impact Projects Section 9-601: Essential Housing, Purposes Section 9-604: Incentives to Provide Essential Housing; Section 10-103: Residential Density; Section 13-103: General Site Plan Standards and Lot Measurements; Section 13-104: Setbacks from Property Lines and Road Rights-of-Way; Section 13-105: Residential Building Sizes and Lot Coverages; and Section 13-108: Open Space and Recreation Areas Section 13-110: Off-Road Parking and Loading.

The Town agrees that the County should provide allowances or incentives to an applicant in exchange for developing Essential Housing, but this project proposal requests too much and goes too far. The incentives requested are neither reasonable nor compatible. Density is

16.8 times greater than that recommended in the Crested Butte Area Plan and the County Comprehensive Corridor Plan and it is 9 to 19 times greater than that of the average existing residential land uses in the area; this is not a reasonable request. Building sizes that are up to triple those allowed in the LUR and an aggregate of all structures on the parcel being up to 18 times greater than the LUR allows; these are not realistic or practical requests for incentives.

The developer has been adamant that 240 units are necessary to make the project work financially and that the density cannot or will not be reduced. Based on the Town's analysis, it is simply not practical to fit that many units on this site at this location and comply with the LUR standards; therefore, the Town recommends that the County deny the project at this time during Sketch Plan. This action by the County will allow an opportunity for the MOA Partners and the public to discuss what type and scale of development is appropriate for the site and to formulate an action plan for moving forward cooperatively."

Town of Crested Butte, dated December 11, 2017, from Dara MacDonald, Town Manager, comments included:

"Prior to initiating the Sketch Plan public hearing process, the Town would like to request an additional Planning Commission work session to review and discuss this proposal. We would like to hear the applicant address the project within the context of the Gunnison County Comprehensive Plan-Crested Butte/Gunnison Corridor Plan. Specifically, the Town would appreciate a discussion about the Recommendations for Development Between Gunnison and Crested Butte and the Gunnison and Crested Butte/Mt. Crested Butte 3-Mile Planning Areas.

At the additional work session we also would appreciate if the Planning Commission could take time to discuss the project in light of the Gunnison County Land Use Resolution standards found in the following sections:

1. *Definitions (LUR 2-102)*
2. *Density (LUR 10-103)*
3. *Site plan standards—lot size/height (LUR 13-103)*
4. *Setbacks (LUR 13-104)*
5. *Building size/site coverage (LUR 13-105)*
6. *Parking (LUR 13-110, Table 2)*
7. *Incentives for essential housing (LUR 9-604)*
8. *A summary of applicant's requested modifications, if any, from the LUR standards*
9. *The project's relationship with other adopted transportation and regional plan or studies such as the Upper Gunnison Valley Transportation Plan—2008 Update and Upper East River Valley Wide 201 Facilities Plan"*

Town of Crested Butte, dated October 10, 2017, from Dara MacDonald, Town Manager, comments included:

"On October 5th, the Town hosted a community meeting to hear from our constituents about their thoughts on the potential impacts of the proposed development. At the end of this memo, the Town has included the comments made by the public during this meeting.

Town of Crested Butte Comments:

Density

The proposed development of 240 units equates to an approximate density of 16.8 units per acre. Density raises issues of impacts to the Town, and compatibility with surrounding land uses.

The following table can be used as a density comparison to other residential projects and zone districts in the Town and Mt. Crested Butte:

TOWN ZONE/PROJECT	***AREA (sq ft)***	***# UNITS***	***DENSITY (units/acre)***
R2A (Paradise Park)	*398,110*	*78*	*8.535*
M (Red Lady Estates)	*244,041*	*40*	*7.140*
Poverty Gulch	*29,970*	*10*	*14.535*
R2	*773,951*	*141*	*7.936*
R2C	*700,905*	*113*	*7.023*
R4	*345,385*	*90*	*11.351*
Anthracite Place	*21,875*	*30*	*59.739*
MT. CRESTED BUTTE			
Pitchfork	*338,461*	*103*	*13.25*
Prospect Homestead	*185,565*	*38*	*8.92*

The proposed density is greater than the 15 units per acre identified as typical by the Housing Needs Assessment and greater than any affordable project located within any municipality in the north end of the valley with the exception of Anthracite Place. In addition, the densest projects currently are located within one block of transit facilities and within the urban cores of a municipality. These developments provide residents with proximity to Town services and the ability to walk, bike or ride transit to destinations valley-wide including places of employment.

In contrast, the proposed development is located outside of the core service area of a municipality.

Placing this much density outside of the urban context of the municipalities can have future potential impacts on Town services that must be mitigated. These impacts include additional fire and police service, traffic, parking, and increased demand for transit.

Type of Housing

The proposal seems to focus on apartments and similar rental housing. The Housing Needs Assessment, however, says that ownership housing including townhomes, duplexes and single family homes in neighborhoods with the amenities desired by families should be a priority. The Town would like to see more townhomes, duplexes and single family homes suitable for ownership in place of so many rental units.

Mass and Scale

The applicant has proposed a variety of building types to support the project. A total of 30 buildings are proposed to contain the 240 studio, 1, 2 and 3-bedroom units. These building

range from duplexes to apartment buildings containing up to 24 units. The residential structures range in size from 4,000 to 25,000 square feet and 30 to 37-1/2 feet in height. The proposed project plans to place 83% of the housing units (200 units) in buildings over 10,000 square feet. For comparison, Anthracite Place which contains 30 units is 21,874 square feet. This project underwent an extensive public process to ensure that it was compatible with the surrounding neighborhood and the built environment of the Town.

Architectural Character and Materials

A 'contemporary high altitude vernacular' is the proposed architectural style for the 5 building types: duplexes, 4-plexes, 8-plexes, 16-plexes and 24-plex structures. The materials and colors will be natural with wood, natural stone, stucco and non-reflective metal. Roof forms will vary among building types. The buildings along Brush Creek Road will have gable roofs; duplexes, 4-plexes and community center have shed roofs; and the 16-plex and 24-plex buildings have flat roofs. Given the semi-rural setting, the Town requests that the architectural design and roof-forms be based on a more rustic architectural character. The Town would be happy to provide sketches of more rustic architecture and forms.

Transit

The proposed development includes a community center with a transit station and a 69-space park & ride lot to be served by bus service from the RTA and potentially Mt. Express. At this time, the current shop yard for Mt. Express does not have the capacity to accommodate any additional bus storage for new services outside of its existing scope. If additional transit service is requested, the applicant should plan on providing additional bus storage on site for this service.

Connection to Town Water and Sewer Service

At this time, the Town will not provide municipal water or sewer service to the project as currently proposed. We also understand that sewer service might not be possible under any circumstances, owing to the fact that the development lies within the service of a special district.

Traffic

The proposed density with an estimated population of 600 to 700 residents next to SR 135 will add additional traffic to the only major artery in and out of the north end of the valley. While the applicant has stated that the availability of transit will help alleviate some of the potential vehicle trips, the potential traffic impacts to key intersections including SR135/Brush Creek, SR135/Red Lady Avenue, and Elk Avenue/Sixth Street should be included in any traffic study prepared for the project. The Town is already planning a $2.5 million roundabout at the entrance to Town at SR 135/Red Lady Avenue. The Town will have further comment once a traffic study is prepared.

Parking

The plan proposes a total of 430 parking spaces; 69 park n ride spaces and 361 residential parking spaces. The 240 unit project has proposed an overall residential parking ratio of 1.5 spaces/unit. Studio and 1-bedroom units are parked at 1 space/unit; 2-bedroom units

have 1.5 spaces/unit; and 2-bedroom units with a study and 3-bedroom units have 2 spaces/unit. The 24-plexes have open, surface parking; 16-plexes have tuck-under and open surface parking spaces; 8-plexes have below grade parking garages; and 4-plexes and duplexes have garages with open surface parking or driveways. Guest parking is not addressed in the application.
The Town anticipates that this development will create additional demand for the Town's already taxed parking situation. Solutions for the Town to accommodate additional parking demand are very expensive.

Increased Demands on Recreation

The Town has seen substantial growth in recreation participants over the past 10 years. Programmable park space for field sports such as soccer, softball, flag football, and baseball are at capacity as identified by the Town of Crested Butte 2010 Parks and Recreation Master Plan prepared by Pros Consulting and Greenways Incorporated. The Town hopes that new workforce housing would create additional participants in Town programs, however, there is insufficient space for the creation of additional athletic fields in Town to support program growth. The Town requests that multi-use athletic fields are able to be programmed on the planned open space that is proposed in the development.

Natural Features and Visual Buffering

The site is bounded by a prominent knoll feature along its southern and eastern boundaries with low-lying bowl areas in the central and northeastern sectors of the property. The illustrative renderings portray the site as being relatively flat; a conceptual grading plan is not included in the application. A plan should be prepared that shows existing and proposed contours and any landforms that will be retained to visually screen or buffer the development from SR 135 and Brush Creek Road.

Increased Demands on Schools

The Crested Butte Community School serves the entire valley north of Round Mountain and is nearing capacity. The Town is concerned about the impacts of growth throughout the valley on the school and its ability to maintain the high level of service enjoyed by students.

Additional Analysis from Applicant at Preliminary Plan Phase.

The Town understands that the sketch plan phase is conceptual in nature and that the County Land Use Resolution requires the applicant to submit more detailed design, reports and studies to the County with the preliminary plan. The Town requests that the County request that the analyses include an assessment of impacts to the Town of Crested Butte as follows:

1. Analysis by the developer of how the development fulfills the workforce housing shortages identified in the Housing Needs Assessment.

2. Analysis of compatibility of scale, massing, and density of the development with the surrounding natural and built environment, and proposed mitigation to improve compatibility.

3. Assessment of impacts of increased impervious surface areas to drainage and erosion, and proposed mitigation of those impacts.

4. Assessment of impacts to Mt. Express and other transit delivery systems, and proposed mitigation of those impacts.

5. Assessment of traffic impacts to the Town of Crested Butte including SR135/Brush Creek, SR135 Red Lady Avenue, and Elk Avenue/Sixth Street and proposed mitigation of those impacts.

6. Assessment of increased demand for parking in the Town of Crested Butte, and proposed mitigation of those impacts.

7. Assessment of impacts of increased demand on Town of Crested Butte recreation programs and active recreation facilities such as athletic fields, and proposed impacts to mitigate those impacts.

8. A grading plan that shows existing and proposed contours and any landforms that will be retained to the greatest extent possible, and methods for screening or buffering visual impacts of the site.

9. Assessment of the impacts to the Crested Butte Community School and proposed mitigation of those impacts based on discussions with the school district."

Additionally, a summary of public comments that were received at a public meeting hosted by the Town of Crested Butte on October 5, 2017 were included within the letter.

The Town of Crested Butte also submitted a report from Rees Consulting, Inc. titled, "Key Metrics Comparison: The Corner at Brush Creek and 2016 Gunnison Valley Housing Needs Assessment," dated October 31, 2017. The report from Rees Consulting was specifically requested and contracted for by the Town of Crested Butte. Additionally, a staff report from Michael Yerman, Community Development Director to the Crested Butte Town Council titled, "Gatesco Brush Creek Proposal in Comparison to the 2016 Housing Needs Assessment Study," dated November 6, 2017 was sent to the County accompanying the Rees report.

Town of Mt. Crested Butte, dated October 4, 2017, from Carlos Velado, Community Development Director, comments included:

"The Town of Mt. Crested Butte recognizes the dire need for workforce housing in the entire Gunnison Valley…The Town Council feels that increasing the availability of community integrated rental workforce housing is critical to maintaining the character and economic vitality of this amazing area that we all call home.

…The Mt. Crested Butte Town Council respectfully requests that the Gunnison County Planning Commission examine and consider the following items…

1. *While recognizing that the Housing Needs Assessment completed November 2016 established a typical need of 15 units/acre, the Council requests that the Planning Commission seriously contemplate that a density less than 240 units may be more appropriate for this site.*
2. *Please examine traffic impacts on Brush Creek Road and Highway 135.*

3. *Please examine the traffic impacts on Brush Creek Road and examine the entrance and exit strategies for the project. Please pay particular attention to the entrance closest to Highway 135 and its potential impact on traffic and safety.*
4. *Please consider holding some public hearings that are part of the application process in the northern end of the Valley.*
5. *Please evaluate the project impacts on the Crested Butte Community School and who might be responsible for bearing the costs of these impacts.*
6. *Please take into consideration the comments and concerns of the neighboring property owners and other members of the public.*
7. *Please consider how the project impacts the natural topography of the site and consider preserving as much of the natural topography as possible while providing open space and access to public trails.*
8. *Please recognize the applications connectivity to public trails and public transportation.*
9. *Please consider maintaining the views from Public Rights of Way and those of adjacent properties."*

Crested Butte Mountain Resort, dated October 8, 2017, from Michael Kraatz, Vice-President and General Manager, comments included:

"As one of the largest employers in the Gunnison Valley, we see housing as a need that cannot be ignored. We hear from our employees and manager the need for affordable housing. This need has grown significantly with the growth of Short Term Rental units (STR'S) which have greatly reduced the number of houses and condominiums that were once available to employees of CBMR and other employers.

…While we all enjoy the open space we have in our valley, there is also a limited amount of land available for housing and this too is mentioned in the housing assessment. The housing assessment goes on to identify that there will be a shortage in the housing of 420 units by 2020, with rental units making up 185 of the total.

We believe the application submitted by APT Brush Creek, LLC will go a long way toward meeting the needs identified in the housing assessment in that what is being proposed are rental units with 65% of those being proposed as deed restricted making them affordable to the labor force throughout the valley. We also believe that this proposal makes good use of the limited land supply in the valley. While we understand and fully appreciate that density, traffic as well as water supply and wastewater disposal are a concern, we believe that the permitting process will flesh these issues out and a project that can have a positive and meaningful impact on the valley's housing needs can be approved."

Crested Butte Fire Protection District, dated October 17, 2017, from Ric Ems, Fire Chief, comments included:

"…After reviewing the application and preliminary sketch plan the Fire Division feels that this project, can achieve compliance if the proponents design complies with all the currently adopted codes and Crested Butte Fire Protection District's Standards and Guidelines."

Colorado Parks and Wildlife, dated October 11, 2017, from Chris Parmeter, District Wildlife Manager, comments included:

"…The proposed development is located within a mapped elk winter concentration area and migration corridor, Canada goose production area, and black bear human conflict area. Prairie dogs, cotton tail rabbits, striped skunks, red fox, and coyotes would also be expected to inhabit the area, along with numerous other small mammals and an occasional mountain lion.

…Although this parcel is mapped as elk winter range, and is labeled as critical habitat, the suitability of this parcel of land for wintering elk is negligible. Its value as 'winter range' has been degraded by the existing development, which essentially surrounds the proposed development. …residents should not be allowed to chase, scare, disturb, or otherwise harass elk in an attempt to move them off open space areas within the development during the winter months.

…To avoid human/bear encounters, the storage and handling of trash should be given a high priority…The use of bear proof trash containers is proven the safest and best technique to avoid human/bear conflicts.

…Fences should be minimized to facilitate wildlife movements, optimize habitat availability, and reduce wildlife mortality. We recommend that fence construction, whether of wire, wood, electric, or synthetic be wildlife friendly.

…As the Gunnison basin continues to develop, habitat available for use by wildlife is incrementally lost and conflicts with wildlife will increase. Although this project in itself affects only a small fragment of available habitat, the impacts of projects such as this are cumulative, and should be considered as such."

Colorado Department of Public Health and Environment, dated September 26, 2017, from Kent Kuster, Environmental Specialist, comments included:

"…The Water Quality Control Division (WQCD) found that this development will have a new public water system and its own domestic treatment works. Therefore, WQCD will need the following items related to this project:

- *Preliminary effluent limits (WW)*
- *Site location application (WW)*
- *Process design report application (WW)*
- *Final plans and specification application (WW)*
- *Basis of design report application (DW)*
- *Permit application"*

Colorado Division of Water Resources, dated September 28, 2017, from Megan Sullivan, Water Resource Engineer, comments included:

"…Because this proposal is a sketch plan where, in general the water supply may not be finalized, and not a preliminary plan, we are not at this time providing an opinion pursuant to Section 30-28-136(1)(h)(1), C.R.S., as to whether the proposed water supply plan will cause material injury to existing water rights. Instead we would like to offer general comments on the proposed water supply and defer providing an opinion until the preliminary plan is filed.

…The source of water for the development is to be from one or two central wells. The groundwater source of the proposed water supply would be from, or tributary to, the Slate River. This area of the river basin is over-appropriated; therefore, a court decreed plan for augmentation plan is required to offset depletions caused by the pumping of any wells within the development. The applicant has indicated that they would either seek a contract with the Upper Gunnison Water Conservancy District (UGWCD) for augmentation water, or develop a new augmentation plan to replace out-of-priority depletions. This decision will be driven by which central wastewater treatment plant will be used. If the project utilizes the Town of Crested Butte's treatment plant which discharges to the Slate River, the out-of-priority depletions that impact the Slate River could be augmented by a contract with UGWCD. However, should the East River Regional Sanitation District be utilized, which discharges to the East River, the out-of-priority depletions that impact the Slate River would be significantly higher as the project's wastewater return flows would not be available to off-set well pumping depletions. From the information provided, it appears that the UGWCD does not has sufficient water available to augment the higher amount of out-of-priority depletions and the Applicant would have to develop a new augmentation plan instead.

As of the date of this letter, neither has a contract been finalized with the Upper Gunnison Water Conservancy District or an augmentation plan been approved by the Division 4 Water Court. Without a signed contract or approved augmentation plan, well permits to construct and /or operate wells to supply the development cannot be issued."

Colorado Department of Transportation, Dan Roussin, Permit Unit Manager, dated September 11, 2017, comments included:

"When there is development (240 residential units, transit center, and community center) and there isn't any traffic study that shows the impacts of the roadway; it is hard to comment on traffic issues….The development doesn't have direct access on SH 135. All access is off a county road (Brush Creek Road). Conceptually, CDOT will not give any additional access off SH 135 for this development. However, this development could have an impact where there could be a need for a traffic signal at Brush Creek Road/SH 135. I would suggest a signal warrant analysis with the traffic study, and I don't like the development access being this close to the SH 135 intersection because it could affect the SH 135/Brush Creek Road. But, that is a Gunnison County issue, and they will need to make determination if this is an issue.

In closing, 240 residential units and bus transit center and community center could have significant traffic issues, but we won't be able to tell you until we receive the traffic study. In community sensitive development project, I would say the County should require a traffic study to get see all the transportation issues at the beginning of the process."

Gunnison County Public Works, Marlene Crosby, Director, dated September 27, 2017, comments included:

"Improvements at the Brush Creek/Highway #135 intersection may be required by CDOT. If so, the improvement costs will not be the sole responsibility of the development due to existing development using the intersection. The use of two access points into the development will help relieve any possible congestion at the intersection during peak hour traffic.

Any improvements to Brush Creek Road that are needed, including potential turn lanes, will be presented and reviewed during the preliminary plan review.

…Landscaping at the intersections onto Brush Creek Road should be designed so that now, and in the future when the plantings reach full growth, there will be excellent visibility for users entering the Brush Creek Road from the development.

It is unclear whether the trail network will be for resident use only or for public use. It is our recommendation that at least the perimeter trail be public, which in the future might be a link to a trail network between CB South and the Town of Crested Butte."

Gunnison Valley Rural Transportation Authority, Scott Truex, Executive Director, dated October 20, 2017, comments included:

"…If the applicant plans to have residents use a transit system and not have access to cars, then impacts to the transit system should be considered at this time. GVRTA spends $125/bus-hour to operate our fleet in 2016—not including capital. If a large portion of residents are not expected to have cars, then GVRTA recommends that a study be performed regarding the cost of providing meaningful transit to the subdivision and who will pay for it.

…GVRTA recommends that smaller buses with more frequent headways dedicated to shorter routes would provide better service to this proposed subdivision and perhaps other subdivisions…This type of service likely fits better with the Mt. Express mission and fleet than with the GVRTA mission and fleet.

…The GVRTA has concerns regarding snow removal and the turning radius of the GVRTA 45' commuter coaches. The path of the bus to and from the transit center looks like it should work well when there is no snow. If snow removal is accomplished by plowing to the sides of the lanes, then the lanes may get too narrow for the buses to make the turns. This has been a problem for us at the CB South bus stop and we have had several buses stuck in snow banks there. Therefore a snow removal plan that includes keeping the entire width of the bus travel lanes free of snow is important to us.

Lastly, the GVRTA has concerns regarding the intersection of Brush Creek Rd. and Hwy 135. As traffic increases at the intersection, it will become more difficult to cross traffic when using the intersection. It will be necessary to control the intersection for safety purposes. As the intersection is currently designed, the GVRTA has serious concerns about crossing traffic when entering Brush Creek Rd. and about the ability of the bus to accelerate and safely turn onto the highway going southbound towards Gunnison from the intersection. The GVRTA requests that this be addressed in the traffic study."

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*

Section 7-100: *Classification, Standards and General Review Steps for Major Impact Projects*

7-102: A. *Compliance with All Applicable Standards*.

Applicable, the applicant has submitted evidence in compliance with the applicable standards. The analysis in each of the following LUR sections identifies if and how the application complies with the applicable standards.

7-102: B. *Compatibility with Community Character*
Applicable, the applicant shall demonstrate that the project shall be compatible with, or enhancement of, the character of existing land uses in the development area, and shall not adversely impact the future development of the development area.

The *Land Use Resolution* (LUR) defines compatible as "means consistent with, harmonious with, similar and complementary to, the use and/or function of natural systems and/or existing land uses in an area.

The LUR defines development area as, "those geographic areas within the county that will be developed or altered directly by the construction or operation of a proposed project."

The applicant has stated their compliance with this standard in a letter dated April 27, 2018 from applicant attorney Kendall Burgemeister:

> *"As illustrated in numerous presentations and submittals by the Applicant, there are multiple examples within the Brush Creek corridor, the greater Gunnison Valley, and other mountain towns of Colorado, where dense multi-family development is immediately adjacent to sprawling, often high value, single-family development.*
>
> *...The thrust of the LUR is not to mandate that new land uses be identical or nearly identical to the other uses in the vicinity. Rather, the mandate is to impose sufficient terms and conditions on new uses so that, even though different from their neighbors, they do not create undue adverse impacts. The LUR expressly acknowledges many instances where differing adjacent land uses can be compatible. See e.g. 9-201. A.1. (manufactured homes and conventionally built residences); 9-304:E. (dude ranches and neighboring uses); 9-401 (mining operations and neighboring uses); 9-505 (telecommunications structures); and 11-109.A (development and ranching can exist together compatibly).*
>
> *More germane to this project, the LUR expressly acknowledges that residential projects in close proximity to one another but with differing densities are allowed. Section 10-103:C.3.a. of the LUR provides the conditions where greater density is appropriate….Compatibility is determined with reference to various criteria, including building design standards, limitation on outside storage, and various requirements in Section 13-119, including limits on hazards or nuisances, hours of operation, noise and glare, refuse management, illumination, etc. Finally, Section 10-103: C.3.a.4 provides methods to mitigate the impact of increased density, including through provision of open space, provision of essential residences, clustering, and participation in public transportation. Thus a project that provides essential housing can receive greater density than a project that does not provide essential housing, not just because of the essential housing incentives in Section 9-604, but because the essential housing mitigates the density under Section 10-103: C.3.a.4.*
>
> *In summary, under the LUR, increased density is not per se incompatible with neighboring land uses. However, when an applicant proposes a project that is denser than other neighborhood parcels, the applicant must demonstrate compatibility using the criteria and*

mitigation factors provided in Section 10-103, which can include the provision of essential housing.

Requiring this Project to have a similar density to the subdivisions that already exist on Brush Creek Road corridor would run afoul of the very purposes of Section 10-103, which include preventing sprawl and allowing flexibility in residential subdivision design.

Determining that a project violates Section 7-102. B because its density is different from nearby parcels, even after the density has been determined to satisfy Section 10-103, would render the entirety of Section 10-103 superfluous, violating the basic canons of interpretation that a legislative scheme shall be read "as a whole to give consistent, harmonious and sensible effect to all its parts" Martin v. People, 27 P.3d 846, 851 (Colo. 2001) and "to avoid statutory interpretations that render certain words or provisions superfluous or ineffective." Kinder Morgan CO2 Co., LP v. Montezuma Cty. Bd. Of Comm'rs, 2017 CO 72 24."

The community explored many issues related to housing and community character during the One Valley Prosperity Project. The One Valley Prosperity Strategy states:

"Affordable and attainable housing are essential values of the Gunnison Valley community. Affordable housing maintains authentic communities that are economically and socially diverse, supports economic development and eliminates inequity.

…A community cannot be prosperous if it is not livable. A high cost of living and poor job prospects are interrelated. High housing costs mean people need to make more money to be able to afford to live here, yet high paying jobs are few and far between. Similarly, the ability to attract or retain a talented workforce needed for higher paying professions is impeded by a lack of available housing. While many people are willing to make sacrifices to live here, people also desire financial stability for themselves and their families.

…Housing affordability and the jobs to housing balance plays an essential role in sustaining the social and economic fabric of our Valley. It is the foundation for maintaining a diversity of residents and incomes in our communities that contribute to our authenticity. Additionally, if the location of where a person lives and where they work are significantly different, commuting can affect a person's available free time, it can eat up significant financial resources, and contributes to congestion on our roads. Mass transit can become an integral part of housing policy and propel solutions. Housing availability and affordability play a key role in supporting local businesses and institutions as well. We have seen this first-hand with the cost and shortage of housing driving seasonal employees to camp on public lands and businesses reducing hours because of employee shortages.

Many other mountain communities have struggled to address affordable housing aggressively and are now feeling the loss of their sense of community and a diminished ability to obtain labor for service jobs. We have learned that when a community deploys a housing strategy to both "catch up" and "keep up" with housing demand, it is much easier to maintain community character and fulfill the demand for employees and labor. The Gunnison Valley has the unique opportunity to get in front of this challenge with availability of affordable land for housing development and an excellent transit system to connect these areas."

Accordingly, and as expressed in the One Valley Prosperity Strategy, compatibility with community character includes the ability of a project to reflect community values. The people of the Gunnison Valley have identified the importance of safe, caring and family friendly values that allow people to live a simple life that is also connected to nature. Lack of affordable housing options has created conflicts with community values. It is difficult to have a safe, caring and family friendly community when friends, neighbors and co-workers are unable to find homes. Many residents feel left behind and insecure because of the unavailability of homes for rent or for sale in an attainable price range.

Furthermore, and again as expressed in the One Valley Prosperity Strategy, the community character of the upper valley is unique and special and there is a strong desire of our community members to maintain the community character. The lack of homes for people that live and work in the upper valley threatens the character of the community because it prevents people from living in a place that they love and continues to force residents to make tradeoffs each month about whether to pay rent or buy food or move. People are impacted by the development and zoning of the Town of Crested Butte which has placed a high value on the aesthetic value of the built environment and the conservation of lands surrounding the towns thereby preventing adjacent development or significant multifamily development within Town boundaries. Those policies have created a charming community that is in high demand from a housing perspective, and along with the rapid growth of short-term rentals, has created a situation that is forcing long-time residents out of the community.

Data from the Town of Crested Butte show the rapid growth in short term rentals, particularly in the last five years. In 1997 short-term rentals, second homes, and vacant homes made up 22% of the total housing units in the Town of Crested Butte, while owner-occupied units and long-term rentals made up 78% of the housing units.

In 2016 those numbers have shifted with short term rentals and second homes making up 49% of the housing units and owner occupied and long term rentals consisting of 51% of the units. The number of owner occupied and long-term rentals decreased 27% in 20 years with most of that loss occurring in the past five years.

As is contemplated by the Gunnison County *Land Use Resolution* (*LUR*), the availability of homes that are attainable for residents, friends, neighbors and co-workers is tied to the overall prosperity of the Gunnison Valley. A prosperous economy with a healthy community and sustainable tourism must include housing as part of that equation—they are all intricately tied together.

Section 7-103: C. Phases Required to "Stand Alone" in Providing Services.
Applicable, each phase shall contain the required roads, bridges, utilities, landscaping, and other improvements that are necessary and desirable for residents of the project. If the Land Use Change incorporates any amenities for the benefit of the County, such as trail connections, these shall be constructed within the first phase of the Project, or, if this is not possible, then at a time defined and agreed upon as part of the Development Improvement Agreement at Final Plan approval.

The applicant has stated that all necessary infrastructure shall be completed in Phase 1 which includes: utilities, roads and parking areas serving the units constructed, along with 108 residential units, the transit/community center and amenities as shown on Map 13, dated 4/16/18 on the Sketch Plan submittal.

Phase 2 will include the construction of the remaining residential units based on demand. Construction of remaining roads and amenities are proposed in Phase 2.

Section 9-100: ***Uses Secondary to a Primary Residence.***
Not applicable, the total number of residential units contemplated is 220, no secondary uses or residences are proposed.

Section 9-200: ***Special Residential Uses.***
Not applicable. No special residential uses are proposed as part of this application.

Section 9-300: ***Commercial and Industrial Uses.***
Applicable, the applicant proposes approximately 1,000 square foot commercial facility within the community center. The commercial use includes a convenience store and café.

Section 9-400: ***Exploration, Extraction and Processing of Minerals and Construction Materials.***
Not applicable. No exploration, extraction or processing of materials is proposed.

Section 9-500: ***Miscellaneous Uses and Activities.***
Not applicable. No miscellaneous uses or activities are proposed.

Section 9-600: ***Essential Housing.***
Applicable, the subject proposal includes 49% of the proposed units as essential housing, in compliance with the definition of essential housing in the Land Use Resolution. Essential housing is defined as "housing for qualified households as determined by the Gunnison County Housing Authority." An additional 14% (32 units including rental and for sale units) of the units are proposed to be deed restricted for persons earning less than 180% of the AMI. The subject proposal meets the definition of Essential Housing and Essential Housing Projects and is eligible for the incentives identified in this Section.

> ***"A. Required Incentives.*** *Notwithstanding any other requirements of this Resolution, the decision-making body shall provide one or more of the following incentives for an Essential Housing Project or a residential or mixed-use development in which a minimum of 40 percent of the residences are Essential Housing, and, because of deed restriction, will remain Essential Housing:*
>
> ***1. Expedited Review Process for Essential Housing Projects.*** *Conforming and complete applications submitted pursuant to this Division generally shall be given priority over other applications that are being reviewed by staff, the Planning Commission or the Board. At each phase of its review, each application shall be placed on the first scheduled Commission or Board agenda for which it can be properly noticed."*

Applicable, Community Development staff has given this project priority over other applications for review and scheduling.

> ***"2. Increase in Allowable Residential Living Area.*** *An increase of 15 percent in maximum residential living area allowed pursuant to Section 13-105: C.: Parcels Smaller Than 6,500 Sq. Ft., and Section 13-105: D.: Parcels Equal To or Larger Than 6,500 Sq. Ft. when a secondary residence is included that is deed-restricted as an Essential Housing residence."*

Not applicable, this incentive is intended to address the construction of a primary residence and secondary residence whereby the primary residence is free market and the secondary residence is deed restricted as Essential housing.

> ***"3. Increase in Building Height.*** *An increase of 25 percent in the maximum structure height allowed pursuant to Section 13-103: G.: Allowed Structure Heights, when such increase is found to not interfere with solar access or potential solar access of existing adjacent structures, and the County determines the increase to be in the public benefit in its allowance for additional and/or larger residences and that are deed-restricted pursuant to this Division."*

Applicable, the February 7, 2018 Sketch Plan supplemental states that the estimated building heights will be between 26 feet and 35 feet. Andrew Hadley, architect for the applicant, explained that the maximum roof height (as measured per County standards of Section 13-103: H. *Allowed Structure Heights*) is 32 feet for the 10-plexes and flat roof buildings.

> ***"4. Reduced Setback Requirements.*** *An exception pursuant to Section 13-104: Setbacks from Property Lines and Rights-of-Way shall be allowed by reducing front setbacks to 15 feet, and side/rear setbacks to 10 feet, subject to approval by the applicable fire protection district."*

Applicable, front, side and rear setbacks are shown on Map 12, "Development Layout Plan," dated April 16, 2018. The setbacks are generally in compliance with Section 13-104: *Setbacks from Property Lines and Rights-of-Way* and will be reviewed in detail at Preliminary Plan. The Development Layout Plan depicts a 45-foot setback from the edge of the Brush Creek Road for the proposed buildings. Section 13-104 requires a 40-foot setback from the edge of the County road right-of-way. Ownership of Brush Creek Road is clear but the width of the right-of-way that the County claims is not clear at this time.

The application states: "The conceptual site plan that has been developed does not include any structures near 15 feet from the south or east sides of the Property. The community building is currently depicted within 40 feet of Wright Ranch Road. The buildings along the northwest (front) side of the property are intended to be 15 feet from the Property line... No buildings are close to being within 40 feet of the Highway. The final site layout will be determined at the preliminary plan stage, after a survey of the Property has been completed, and direction received during sketch plan review is taken into account."

While this incentive allows an exception to property line setbacks it does not mention setbacks from roads. However, Section 9-604: A.6. does allow the decision making-body to modify standards in Article 13 which includes setbacks from roads.

> ***"5. DEFERRED FEES.*** *Fees for Essential Housing residences may be deferred as follows:*
>
> > *a.* ***PROJECTS THAT INCLUDE CONSTRUCTED ESSENTIAL HOUSING RESIDENCES.*** *A proposed land use change includes the construction of Essential Housing Residences, and the installation of infrastructure to service them. The applicable decision-making body may defer all related County fees, such as Building Permit Fees, ISDS Permit fees, Access Permit fees, and Reclamation Permit fees for Essential Housing that is to be constructed by the Land Use Change Permit applicant, until the applicant receives a Certificate of Occupancy*

for each of the constructed residences. Payment of fees may be in whole for all the residences in the development when a Certificate of Occupancy is obtained for the first residence, or in part for each residence at the time each residence receives a Certificate of Occupancy thereafter.

Applicable, the applicant may request deferral of the above noted fees but has not requested deferral at this time.

6. MODIFIED DEVELOPMENT STANDARDS. *The decision-making body shall approve modifications to the design requirements of Article 10: Locational Standards, Article 11: Resource Protection Standards, Article 12: Development Infrastructure Standards, and Article 13: Project Design Standards for Essential Housing, provided that the requested modification will result in residences that will be more energy-efficient, will provide more amenities, or improved design, and will not jeopardize public health, safety or welfare.*

Applicable, the applicant has requested the following modifications of the design requirements in Article 10, Article 12 and Article 13 of the Gunnison County *Land Use Resolution*:

- Section 10-103: C. 3.a.1 Development Served by Public Wastewater Treatment System: Applicant may request a modification to this standard if the applicant proposes development of an on-site wastewater treatment system.
- Section 13-104: *Setbacks from Property lines and Road Rights-of-Way*, the applicant proposes an approximate 45-foot setback from the edge of Brush Creek Road.
- Section 13-105: *Residential Building Sizes and Lot Coverages*, the applicant proposes approximately 215,900 aggregate square feet on the subject parcel.

The applicant proposes the construction of buildings in excess of the maximum size thresholds identified in Section 13-105: *Building Size and Lot Coverage*. The applicant has proposed buildings that range in size from 3,200 to 18,000 square feet, with a total approximate square footage of 215,900 square feet.

Staff has determined that this issue is not governed by the standards of Section 13-105: G. when reviewing the proposed modification, rather the issue is governed by the above standards including energy efficiency, amenities, and design.

The applicant stated in a letter from applicant attorney, Kendall Burgemeister, dated May 11, 2018:

"The Project design, which includes a handful of buildings larger than 10,000 square-feet, is more energy efficient than one that uses exclusively smaller structures in many ways. The following information was provided by the Applicant's structural engineering consultant:

- *Heating energy is reduced by the reduction of exterior surfaces per area of living space. The primary driver of required heating energy is the amount of exterior surface (walls, roof, floors) per livable area. In multi-family homes, units will often have one or two surfaces exposed to the elements, rather than all four walls + roof + grade that is exposed with a single family homes. This effect is compounded when the unit sizes decrease. We often see that in multi-family units with two people living in 1,000ft2 or less the heating loads are so low that for the majority of the year -even in Crested Butte- the continual heat given off by appliances (for*

example refrigerators), cooking, bodies, and other loads (like standby losses from wifi routers etc.) is sufficient to heat these units.

- *Domestic hot water energy is also reduced in multi-family housing. Different units use hot water at different times. This allows the engineer to downsize the hot water heater relative to the equivalent Btu's of heating capacity and required storage for single and smaller multi-family units such as duplexes. The reduction of standby losses from downsizing the storage tanks is significant.*
- *Materials used in construction are reduced in multi-family housing. This represents a significant reduction of environmental impact. Less material per area of livable space is required to build in this style of housing versus single family homes. This is clearly illustrated by the reduction in construction cost. One example: for a 3-story building three units 'share' one foundation system and one roof, the floors of each level work as the ceiling/floor of the next, etc. The same can be said for utilities like water, sewer, electrical service and gas.*
- *Site area disturbance, utility infrastructure, hard-scape area, and carbon footprint of housing is all reduced in multi-family housing. Density in general increases efficiency of materials used in construction, as well as reducing site disturbance required for building of roads, foundations and supplying utilities to a given project.*

The Project design also results in more amenities than a project of similar density that utilizes more, smaller, units. An illustrative example is Pitchfork, which, for all of its virtues, cannot provide the same quantity of open space, snow storage, guest parking, etc. as this Project.

… In addition to preserving open space on the Property, the Project helps preserve open space off of the Property by clustering the development on approximately 14 acres of land, rather than contributing to sprawl at a rate of one dwelling unit per acre. The Project protects sensitive natural areas by being located on a site that is simply not very environmentally sensitive as compared to most parcels of vacant land in the northern Gunnison Valley, and by preserving the natural drainage area that exists along the eastern boundary.

The Project protects agricultural forage areas by being located entirely on non-productive vacant land that offers no agricultural value. The Project protects view corridors by being located between the existing Riverland Industrial Park to the south, and the visibly continuous string of development from the corner of Brush Creek Rd. to the flank of Mt. Crested Butte to the north and east."

The applicant has identified that it is more cost effective to build fewer buildings that are greater in square footage. Moreover, the development of more buildings that are smaller in size would also result in the loss of additional open space. According to the information submitted by the applicant, the natural contours of the property and landscaping, and architectural style will all mitigate the visual impact. The structures located around the perimeter of the property will be much smaller in scale, buffering the visual impact of the larger structures located near the middle of the Property. The Sketch Plan provides that all utilities will be buried.

B. POSSIBLE ADDITIONAL INCENTIVES. *Notwithstanding any other requirements of this Resolution, the decision-making body may provide one or more of the following incentives for an Essential Housing Project or a residential or mixed-use development in which a minimum of 40 percent of the residences are Essential Housing, and, because of deed restriction, will remain Essential Housing:*

1. REDUCED PARKING SPACE REQUIREMENTS. *A reduction in the number of parking spaces required pursuant to Section 13-110: Off-Road Parking and Loading, depending upon location, bedroom mix, the availability of public transit and other pertinent factors.*

Not applicable, the applicant meets the parking requirements of Section 13-110. Map 15, "Parking and Snow Storage Plan," dated February 7, 2018 of the Sketch Plan supplement depicts the proposed parking at the development. The proposed number of parking spaces has been increased since the original submittal from 361 spaces to 410 space, plus an additional thirty-eight (38) reserved parking spaces based on future demand. A parking space has been allocated for each bedroom in the proposed development. Thirty-one (31) parking spaces (of the total 448) will be set aside for visitor parking.

Section 13-110: *Off Road Parking and Loading* Section 13-110: *Off-Road Parking and Loading*, Appendix Table 3, requires two parking spaces per residence for up to a three-bedroom residence. Table 3, with no reduction, requires 440 parking spaces for the proposed 220 units. Appendix Table 3, with no approved modifications, requires six parking spaces (one parking space per four persons of seating capacity and one parking space per three employees) for an eating and/or drinking facility. One parking space per 300 square feet of office space is required. The total parking spaces required, with no modification, is 448.

The application states (page 24) that, "Parking shall be provided in accordance with the Gunnison County LUR Section 13-110: *Off Road Parking and Loading*. Each unit will have at least one designated parking spot within a convenient distance to their unit. Additional parking spaces may be provided based on unit size or rental agreement. Visitor parking spaces and ADA accessible parking spaces will be provided throughout the site. Recreation vehicles, all-terrain vehicles, snowmobiles, heavy equipment and trailers may not be parked in open parking lot spaces. These types of vehicles may be accommodated in units with an attached garage only."

2. REDUCTION IN REQUIRED AMOUNT OF OPEN SPACE. *A reduction in the amount of open space required pursuant to Section 13-108: Open Space and Recreation Areas.*

Not applicable, Map 14, "Open Space Plan," of the Sketch Plan submittal depicts the locations of open space on the subject parcel. The applicant has not requested a reduction in the required amount of open space. The applicant has proposed open space (56%) in excess of the requirement (30%) for the proposed development.

Section 10-102: *Locational Standards for Residential Development.*
Applicable, the application meets the standards of this Section. The standards of this Section require that an application for a new residential development shall initially be reviewed for its location relative to existing development and shall be located adjacent to existing population centers, within a municipal three mile plan area or "to a subdivision that is served by a central wastewater treatment system that was platted and approved pursuant to the requirements of the former *Gunnison County Land Use Resolution*."

The proposed development is within the three mile plan area of the Town of Crested Butte and is adjacent to the Skyland subdivision which was platted and approved under the former *Land Use Resolution* and is served by a central wastewater treatment facility.

Section 10-103: *Residential Density.*

***C. PRIMARY RESIDENTIAL LOT SIZE AND DENSITY STANDARDS**. Residential lot sizes and density of a land use shall change shall initially be reviewed relative to existing development.*

***1. COMPLIANCE WITH MUNICIPAL THREE MILE PLAN AREA**. When the proposal is for development located within a municipal three-mile plan area, the development proposal shall address how it comports with the objectives and policies of the applicable municipal three-mile plan. The County shall consider how the proposed development has addressed those objectives and policies, and any further intergovernmental agreement between the County and the municipal government regarding the three-mile plan area. Where there is a conflict between the objectives or policies of a three-mile plan or the intergovernmental agreement, and County standards, County standards shall apply; and*

Applicable, the subject parcel is within the Town of Crested Butte's three-mile plan area however there is no intergovernmental agreement between the County and the Town regarding the three mile planning area. If there is a conflict between the three-mile plan and the LUR, the County standards apply.

The application (page 29) states:

> *The project is adjacent to existing development, including the Skyland area which has pockets of high density, multi-family housing. The project will be served by central water and sewer. The project will preserve significant amounts of open space—approximately 50% of the parcel will remain open space, even though the LUR's standard is 30%...The project is a clustered development, with a central open space, myriad public benefits including the transit center and recreational path. The project will provide residential units that are all targeted towards the local workforce, including 65% of the units that will be restricted to exclusive use by the local workforce.*
>
> *There are some details of the Plan with which the Project does not strictly comply. For example, the Plan encourages development on parcels not located entirely within a quarter mile of Highway 135 to push the development to the portion of the parcel located more than a quarter mile away from the Highway. The subject property is almost entirely within a quarter mile of the Highway, with only a small corner being located outside this buffer. In the area of the property, there are already numerous developments within a quarter mile of the Highway, including residential, commercial, and industrial uses. The addition of the proposed housing development would be visually appropriate in this area.*
>
> *The Plan also has density and dedication of open space policies that will not be met by this Project because they are simply not feasible for as Essential Housing project that is not relying on massive public subsidies.*
>
> *…The visual impact of the project is mitigated in several ways. Larger scale buildings are located towards the interior of the site and at the lower elevations of the site. The pattern of buildings across the parcel is clustered in certain areas to preserve open space in others. Smaller buildings (duplexes) are located along the natural contours of the site and located to buffer the view of larger structures from sensitive neighboring communities.*
>
> *…Most significantly, the project is consistent with the Housing policies of the Plan (Ref. Section VII). It is a goal of the Plan and it is the goal of the project to help create a '…socially, culturally and economically balanced community….' The project's permanent*

restriction of 65% of the units to qualifying households (members of the local workforce and their families) far exceeds the Plan's target of 40%."

The Town of Crested Butte submitted the following comments in a letter from Dara MacDonald, Town Manager, dated April 30, 2018:

The Crested Butte Area Plan identifies this area, SH 135 to Buckhorn Ranch Subdivision on the south side of Brush Creek Road, as having recommended density of 0.50 units/acre, similar to Skyland densities. The Plan, as an incentive to create more local housing, does have a provision that allows for twice the recommended density or 1.0 unit/acre at this location.

…The Town finds that the project does not comport with the Three Mile Pans as required by this Section for the following reasons:

1. *The proposed density of 15.4 units/acre is not consistent with the recommendations of the adopted Crested Butte Area Plan and Gunnison County Comprehensive Corridor Plan.*

The project density is not compatible with existing development. The proposed density is not similar or compatible to the densities of the existing, adjacent developments of Larkspur, Skyland and Buckhorn Ranch; existing densities which range from 0.25 units/acre at Whetstone Vista to 1.82 units/acre at Larkspur.

The applicant has submitted evidence of how they believe their application comports with the Town of Crested Butte Three-Mile Plan.

2. DETERMINATION OF DENSITY CONSIDERS SEWAGE DISPOSAL REQUIREMENTS. *Location, configuration, and the final maximum density of lots one acre or larger in a proposed development shall be determined subject to feasibility of use of individual sewage disposal systems pursuant to the Gunnison County On-Site Wastewater Treatment System Regulations. In no case shall any lots smaller than an acre be allowed in a new subdivision unless served by a central or regional wastewater treatment system, and*

Not applicable, on-site wastewater treatment (septic) systems are not proposed for this development.

3. LOT SIZE AND LOT DENSITY CONSIDERATIONS. *Unless exempted pursuant to Section 10-103: B.1.: Exemption for Parcels on Agricultural Operation, lot size and lot density shall be substantially similar to neighborhood parcels unless the standards of either (a) or (b) are met:*

a. CONDITIONS ARE APPROPRIATE FOR SMALLER LOTS OR GREATER DENSITY. *The project shall be considered for smaller lots or greater density when all of the following four requirements are met:*

1. DEVELOPMENT SERVED BY PUBLIC WASTEWATER TREATMENT SYSTEM. *The development is or will be served by a public wastewater treatment system, by approval of the subject application pursuant to Section 12-106: Sewage Disposal/Wastewater Treatment.*

Applicable, the applicant proposes that the development shall be served by a public wastewater treatment system either by development and installation of a public wastewater treatment system

onsite or connection to an existing wastewater treatment system such as the East River Regional Sanitation District or the Town of Crested Butte.

The Town of Crested Butte has stated, "At this time, the Town will not provide municipal water or sewer service to the project as currently proposed." The applicant has explained that they are preparing an application to request service from the ERRSD. Further discussion of wastewater treatment can be found in Section 12-106: *Sewage Disposal/Wastewater Treatment*.

> ***2. DEVELOPMENT SERVED BY OTHER SERVICES AND FACILITIES.*** *To the maximum extent feasible, the development is or will be served by a public water supply, public transportation and other public services and facilities by approval of the subject application.*

Applicable, the development is proposed to be served by one or more wells. There are no nearby public water supply systems available. The development may be served by the development of a public transportation center on the subject parcel in conjunction with RTA and/or Mountain Express. The development will also be served by public utilities including natural gas and electric. The development is adjacent to public trails and will provide connections on the parcel to those trails to create more connectivity and opportunities for commuting and recreation.

> ***3. COMPATIBLE WITH NEIGHBORHOOD.*** *The development is compatible with the neighborhood existing when the Land Use Change Permit application is submitted. Methods of ensuring compatibility may include, but are not limited to:*
> ***a. PERMANENT COVENANTS TO ENSURE CONTINUED COMPATIBILITY WITH NEIGHBORHOOD USES AND DENSITIES.*** *The proposed development includes permanent protective covenants that, at a minimum, address the following, to ensure that, if approved, it remains compatible with the neighborhood uses and densities that exist as of the date of approval of the Land Use Change Permit:*
> **1.DESIGN STANDARDS.** *Building exterior design standards.*

Applicable, the proposed development, designed by local architect Andrew Hadley, has been designed to complement and fit in with the existing mountain architecture development that already exists in the Brush Creek area.

The Sketch Plan submittal application states:

> *"The design theme for the development is to create a community first and foremost. The development will be congregated around a central park area where the residences will all have access to open space, trails and recreational areas. A pedestrian scale will be established to further enhance these spaces. The goal and vision of the design guidelines will be to establish criteria which all structures will adhere to. This will ensure that all development will harmoniously fit within the natural landscape and architecture of the surrounding area….The individual buildings will be designed to be compatible with the terrain and integrate with the natural contour of the site. There will be numerous buildings sizes and types to create an innovative architectural style to the development."*

> ***2. LANDSCAPING.*** *Landscaping requirements.*

Applicable, a "Landscape Plan," dated August 28, 2017 was submitted as Map 16 of the Sketch Plan submittal. The application states:

> *"The design of the site landscape responds to the needs of the project (access and circulation, structures, parking, snow management, etc.) while providing substantial open space, common amenities (trails, sidewalks, patios, picnic areas, etc.), beautification and transition from the structures/built environment to the surrounding native landscape and the landscape character that has been established in the adjacent neighborhoods. The following design elements are integrated into the site landscape:*
>
> - *Plant list comprised of native/naturalized plant material that requires low water and low maintenance.*
> - *Preservation of existing, established native sagebrush landscape where feasible.*
> - *Use of vegetation to frame outdoor spaces and provide additional comfort in areas that may require windscreens, visual screens and shade.*
> - *Placement of trees and berms to soften views of the site from adjacent, residential neighborhoods.*
> - *Use of existing site drainage area as common amenity*
> - *Use of the natural lay of the land and topography to take advantage of surrounding views from within the site*
> - *Use of natural & regionally appropriate materials that harmonize with the natural setting and the surrounding communities*
> - *Low Impact Development (LID) techniques will be incorporated to the landscape design to address site drainage needs."*

3. OUTSIDE PARKING AND STORAGE. *Standards and limitations on outside parking and storage.*

Applicable, the application identifies that parking areas shall not be utilized for the storage of RV's, ATV's, trailers, heavy equipment. Each unit is provided with a 4' by 8' enclosed storage unit. Outside storage is restricted as follows, "Tenants will be prohibited from storing items of personal property, including mops, brooms, clothing, towels, garbage cans, toys, bicycles, skis or other sporting goods, and like articles outside the apartment unit or enclosed storage dedicated to the unit, or on balconies. No furniture designed for indoor use shall be placed outdoors for any purpose. Items that otherwise detract from the appearance and cleanliness of the property may be prohibited at management's sole discretions."

Parking is described above.

4. COMPATIBILITY OF USES. *Conditions pursuant to Section 13-119: Standards to Ensure Compatible Uses.*

Applicable, the Sketch Plan submittal states:

> *The Restrictions will ensure that the project does not adversely affect the character or tranquility of the surrounding residential uses, as required by Section 13-119 of the LUR. The project will not generate undue noise, dust, fumes, odor, explosions, aircraft flight patterns, or other hazards or nuisances. The project has been designed to mitigate conflicts with adjoining land uses to the maximum extent feasible. Smaller structures located at the perimeter of the Property will create a smooth transition into the surrounding*

residential neighborhoods. Landscaping and the natural topography will also mitigate any perceived adverse aesthetic impact to adjoining land owners. The transit center will provide an amenity to the surrounding neighborhoods.

See also Section 13-119: *Standards to Ensure Compatible Uses*.

5. BUILDING SIZE. *Building size.*

Applicable, the proposed buildings vary in size from approximately 3,200 square feet to 18,000 square feet.

There are a variety of unit types in the Brush Creek area (Skyland, Larkspur, Buckhorn, etc.) that include modest and large single family residences to duplex buildings (approximately 6,700 square feet) to the Skyland Lodge (one and two bedroom condos in 35,000 square foot building) and the Recreation lot in Larkspur (unbuilt but allows maximum building size of 39,000 square feet).

A letter from applicant attorney, Kendall Burgemeister, dated May 11, 2018 states:

> "*The Golf Villas (Skyland Multi-Family Tract 4) has one structure in excess of 14,000 square feet, another in excess of 13,000 square feet, and another in excess of 10,000 square feet. The Links has two structures that are each over 10,000 square feet. The clubhouse is over 32,000 square feet. The Skyland Lodge is approximately 35,000 square feet. The size of the buildings within the Project make it compatible with the size of other buildings approved and/or built in the area, not obtrusively visible."*

The Skyland development has adopted the following building size criteria:

> *"A. Single-Family Lot. The total gross residential floor area shall not be less than 2,500 square feet excluding caretaker's apartment, porch, garage and basement nor more than 9,000 square feet, including a caretaker's apartment but excluding the first 1,000 square feet of an attached garage...*
>
> *B. Duplex Lot. If two primary dwelling units are constructed on any duplex lot the gross residential floor area of each unit shall not be less than 1,800 square feet, excluding porch, garage and basement, no more than 3,750 square feet, excluding the first 600 square feet of an attached garage and in such event, no caretaker's unit or apartment shall be permitted…*
>
> *C. Multi-Family. The gross residential floor area of each multifamily condominium or apartment unit constructed on a Multi-Family Tract, exclusive of garage and porch, shall be not less than the following: For any unit with less than three bedrooms, 800 square feet. For any unit with three bedrooms or more, 1,200 square feet. The gross residential floor area of a multi-family building shall not exceed 10,000 square feet, excluding attached garages unless the garage area is greater than 600 square feet per unit.*
>
> *D. Lodge Tract. The gross residential floor area for each living unit constructed within the Lodge Tract shall be not less than 450 square feet. The gross residential floor area of a multi-family building shall not exceed 10,000 square feet, excluding garages."*

The Larkspur subdivision, which is adjacent to the proposed development. has adopted the following building size requirements:

> *"The total GRFA (Gross Floor Area) on all single family lots, essential or otherwise shall not be less than 800 square feet and not more than 4,000 square feet. Buildings of more than one story shall have a main floor footprint, as determined by the Design Review Committee, including garage, of not less than 800 square feet. The maximum GRFA for the entire structure on the essential duplex lot shall be 3,600 square feet. The maximum GRFA for the structure on each essential fourplex lot shall be 4,400 square feet. The maximum total square footage of all structures on the Association/Maintenance Lot shall be 8,000 feet. The maximum size of all structures on the Recreation Lot shall be 39,000 square feet."*

> > ***b. SITE LAYOUT AND DESIGN.*** *The proposed development shall locate buildings and lots to minimize to minimize visual impact.*

Applicable, the Sketch Plan submittal states:

> *"The project has been designed to mitigate conflicts with adjoining land uses to the maximum extent feasible. Smaller structures located at the perimeter of the Property will create a smooth transition into the surrounding residential neighborhoods. Landscaping and the natural topography will also mitigate any perceived adverse aesthetic impact to adjoining land owners. The transit center will provide an amenity to the surrounding neighborhoods…. Height and Size Restrictions: The structures will be subject to the same residential structure height requirements as all of the surrounding neighborhoods. Smaller structures around the perimeter blend the multi-family housing units in this project into the surrounding neighborhoods."*

> > ***4. IMPACT OF INCREASED DENSITY IS MITIGATED****. The decision-making body finds that impacts of the increased density have been reasonably mitigated; methods of mitigation may include, but are not limited to:*
> > > ***a. ADDITIONAL OPEN SPACE****. The amount of open space included in the proposed development exceeds the amount required by Section 13-108: Open Space and Recreation Areas by at least ten percent of the total land designated for residential uses within the development.*

Applicable, a major impact residential project is required to provide 30% open space. Section 9-604: B. 2. *Reduction in Required Amount of Open Space* allows the decision-making body to incentivize essential housing projects with reductions in the required amount of open space.

Map 14, "Open Space Plan," of the Sketch Plan submittal depicts the locations of open space on the subject parcel.

The applicant has proposed more than the 30% of open space that is required with no incentives for essential housing. The development proposes eight (8) acres or 56% of the total land as open space.

The Sketch Plan submittal states, "Open space includes non-developed land, park space, green space, pedestrian trails & sidewalks and common areas such as patio spaces and picnic areas. The percentage of open space for the parcel exceeds 50%, and far exceeds the LUR

requirements of 30%, even though an essential housing project such as this one could receive a reduction in the open space requirement."

> ***b. PROVISION OF ESSENTIAL RESIDENCES****. Provision of Essential Residences that equal at least ten percent of the total number of residences, in addition to any other applicable requirements of this Resolution.*

Applicable, the applicant proposes the provision of 108 units of essential housing or 49% of the total number of residential units (220) proposed on the parcel. The essential residences will have varying qualifying thresholds from 50% to 120% of AMI and shall work collaboratively with the Gunnison Valley Regional Housing Authority to develop deed restrictions. Additional deed restricted units will also be developed and available to those earning up to 180% of AMI.

> ***c. CLUSTERING OF RESIDENCES****. Residences are clustered to minimize visual impact and impacts on wildlife habitats as depicted on Wildlife Habitat Maps.*

Applicable, the proposed development clusters 220 residential units on a 14.29 acre parcel. The parcel is surrounded by existing development.

> ***d. PARTICIPATION IN PUBLIC TRANSPORTATION SYSTEM****. As applicable, provision of a bus stop or similar facility for use with an existing public transportation system.*

Applicable, the applicant is working to develop a public transportation hub at the subject parcel which will enable the residents of the proposed development and other nearby areas (Skyland, Buckhorn, Larkspur, Riverbend, etc.) to utilize public transportation in a greater capacity than is currently available.

Scott Truex, Executive Director, RTA stated:

> *"If the applicant plans to have residents use a transit system and not have access to cars, then impacts to the transit system should be considered at this time. Buses are expensive to run (GVRTA spent $125/bus-hour to operate our fleet in 2016 – not including capital). If a large portion of residents are not expected to have cars, then GVRTA recommends that a study be performed regarding the cost of providing meaningful transit to the subdivision and who will pay for it.*
>
> *The GVRTA is not currently able to provide trips for hundreds of additional daily passengers for short journeys. The type of transit system that would be needed to serve this new subdivision would be more similar to the service provided by the Mountain Express than by the GVRTA. GVRTA service is designed to provide longer distance commuter service using very large commuter coaches with less frequency and longer headways than would be required to serve the daily needs of residents of this subdivision travelling between the Towns of CB/Mt. CB and The Corner at Brush Creek. Also, during peak times, the GVRTA buses are often full and would not be able to pick up additional passengers northbound in the mornings. During the afternoon peak times, southbound passengers to Brush Creek would likely take up seats which could be used by passengers going to Gunnison.*

Therefore, the GVRTA recommends that smaller buses with more frequent headways dedicated to shorter routes would provide better service to this proposed subdivision. This type of service likely fits better with the Mt. Express mission and fleet than with the GVRTA mission and fleet.

The GVRTA would be able to provide very effective commuter service for residents of the subdivision and neighboring subdivisions going to work, shop, or do errands in the south end of the valley. Currently only about 15% of our passengers live in CB/Mt. CB and are using the bus to go south, so the capacity for a southbound commute exists on the current system. The GVRTA believes that the proposed transient parking should suffice for people commuting to Gunnison.

People from area subdivisions going to Crested Butte who have driven to the intersection are likely to continue the additional two miles to town and are unlikely to park at the transient lot. Currently, even with the long distance commuters that we carry, only about 10% of our passengers use a car to get to the bus stop. This number would likely be less for a short commute.

GVRTA met with the applicant prior to submission of the sketch plan and suggested as much separation as possible between buses and cars. The bus only ingress lane to the transit center should work well from an operational standpoint. GVRTA also noted that having the transit center as close as possible to the intersection would help reduce the time that it takes the bus to serve the transit center. Topography may make that request difficult."

Section 10-104: *Locational Standards for Commercial, Industrial, and other Non-Residential Uses.*
Applicable, the applicant proposes a commercial facility within the community center for convenience items and as a coffee shop. The proposed retail facility is 1,000 square feet and hours of operation anticipated are 7:00 am to 9:00 pm. The proposed commercial facility is subordinate to the multifamily use of the parcel.

The application explains its compliance with this Section:

"The Community/Transit Center comports with the locational standards of Section 10-104 of the LUR. The development is not adjacent to an incorporated municipality, but it is adjacent to existing development in the Brush Creek corridor. The Community/Transit Center is consistent with the Crested Butte Area Plan, which provides that "Commercial and office uses should be limited to those uses which are oriented exclusively toward meeting the needs of the residents or temporary occupants of the subdivision," (p. 19)."

The Community/Transit Center meets the Alternative Locational Standards of Section 10-104.C. There will be "no significant net adverse impact to neighborhood uses, wildlife, visual quality, air or water quality," from this proposed use, and the proposed use is compatible with existing nearby uses. The location is necessary and well-suited for the services provided, which are designed to serve the proposed Project and surrounding residential neighborhoods. According to the information provided in the Sketch Plan application, the services provided will reduce vehicle trips between the residential area and population centers.

Section 11-103: *Development In Areas Subject to Flood Hazards*.
Not applicable, the subject parcel is not within the 100-year floodplain, according to FEMA maps.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
Not applicable, the subject parcel is not in an area of geologic hazards.

Section 11-105: *Development In Areas Subject to Wildfire Hazards.*
Applicable, the subject parcel is in an area of low wildfire hazard. The application was referred to the Crested Butte Fire Protection District for review and comment; CBFPD comments are noted above and do not reference specific concerns to wildfire hazards.

Section 11-106: *Protection of Wildlife Habitat Areas.*
Applicable, the application was referred to Colorado Parks and Wildlife for review and comment; CPW comments included recommendations that fencing be minimized, residents should not harass elk, and bear proof trash containers should be installed.

Section 11-107: *Protection of Water Quality*.
Applicable, mapping from the U.S. and Fish and Wildlife Service, identifies that there may be a "freshwater emergent wetland" on the subject parcel. The applicant has contracted with a certified wetlands delineator to identify any jurisdictional wetlands on the subject parcel. Any development shall comply with the requirements and standards of this Section. Verification that there is or is not a jurisdictional wetland on the parcel shall be required at Preliminary Plan.

Section 11-108: *Standards For Development On Ridgelines.*
Not applicable. The site is not located on a ridgeline.

Section 11-109: *Development That Affects Agricultural Lands.*
Not applicable, the subject parcel is not adjacent to any agricultural operations, as defined in the LUR.

The Sketch Plan submittal states:

> *"The Property is adjoined by residential uses on all sides. Approximately 620 feet of the eastern boundary is adjacent to Ranch 1 of Red Feather Ranch subdivision. Although the Assessor has classified the parcel as agricultural, the protective covenants restrict the parcel to residential use. The parcel is owned by Michael and Renee Wright. In any event, there are no agricultural ditches crossing or adjoining the Property. Applicant is not aware of any historical agricultural easements across the Property used to gain access to headgates, ditches, and fences for agricultural maintenance or operations. Applicant does not believe there are any historical (and certainly not any recorded) stock drive easements crossing or adjoining the Property.*
>
> *Applicant does not anticipate that the proposed Project will have any practical adverse impact on any current, active agricultural operation on adjoining or other nearby properties. However, Applicant is willing to take reasonable steps to minimize any impact of the proposed Project on agricultural operations occurring on adjoining lands, including compliance with any applicable requirements of Sections 11-109 and 15-103 of the LUR."*

Section 11-110: *Development Of Land Beyond Snowplowed Access*.
Not applicable, the site is not located beyond snowplowed access.

Section 11-111: *Development On Inholdings In The National Wilderness.*
Not applicable, the site is not located on a National Wilderness inholding.

Section 11-112: ***Development On Property Above Timberline.***
Not applicable, the site is not located above timberline.

Section 12-103: ***Road System***.
Applicable, a copy of the application was referred to Gunnison County Public Works and the Colorado Department of Transportation. The applicant has identified the general locations of roads and access in compliance with Sketch Plan requirements. Engineered road plans and traffic studies are not required or accepted at Sketch Plan.

Map 15, "Parking and Snow Storage Plan," dated August 28, 2017 depicts the road layout. The Sketch Plan Submittal states:

> *"The road and trail system will comply with Section 12-103 and 12-104 of the LUR. Access to the Property will be from Brush Creek Road and Wright Ranch Road. There will also be a bus only entrance to the property from Brush Creek Road to access the Transit Center stop. The Applicant is in the process of completing a traffic study and the results will be available as part of the Preliminary Plan.*
>
> *Site circulation provides multiple layers of connectivity for motorists, transit users, pedestrians and bicyclists. A "complete streets" approach provides safe and attractive circulation options for all modes of travel. The following elements contribute to the safety, efficiency and aesthetics of the proposed site plan.*
>
> *A loop circulation pattern provides ease of navigation and access for vehicular circulation and emergency access. The roadway layout responds to the natural topography of the site, minimizing the need for road cuts. Roadways have been designed with snow management in mind. Snow storage areas are located throughout the site and in areas where snow plows can push the snow downhill into storage areas. See Map 15.*
>
> *Access to the property is via Brush Creek Road and Wright Ranch Road, both of which are public roads. The only easement allowing for use of the property by third parties is Wright Ranch Road, pursuant to the Deed of Dedication recorded August 21, 2006 at Reception No. 568257. See Map 11."*

In an email dated September 11, 2017 from Daniel Roussin, Permit Unit Manager for CDOT, Roussin states:

> *"When there is development (240 residential units, transit center, and community center) and there isn't any traffic study that shows the impacts of the roadway; it is hard to comment on traffic issues….The development doesn't have direct access on SH 135. All access is off a county road (Brush Creek Road). Conceptually, CDOT will not give any additional access off SH 135 for this development. However, this development could have an impact where there could be a need for a traffic signal at Brush Creek Road/SH 135. I would suggest a signal warrant analysis with the traffic study, and I don't like the development access being this close to the SH 135 intersection because it could affect the SH 135/Brush Creek Road. But, that is a Gunnison County issue, and they will need to make determination if this is an issue.*
>
> *In closing, 240 residential units and bus transit center and community center could have significant traffic issues, but we won't be able to tell you until we receive the traffic study.*

In community sensitive development project, I would say the County should require a traffic study to get see all the transportation issues at the beginning of the process."

Comments from Gunnison County Public Works state:

"Improvements at the Brush Creek/Highway #135 intersection may be required by CDOT. If so, the improvement costs will not be the sole responsibility of the development due to existing development using the intersection. The use of two access points into the development will help relieve any possible congestion at the intersection during peak hour traffic.

Any improvements to Brush Creek Road that are needed, including potential turn lanes, will be presented and reviewed during the preliminary plan review.

…Landscaping at the intersections onto Brush Creek Road should be designed so that now, and in the future when the plantings reach full growth, there will be excellent visibility for users entering the Brush Creek Road from the development.

It is unclear whether the trail network will be for resident use only or for public use. It is our recommendation that at least the perimeter trail be public, which in the future might be a link to a trail network between CB South and the Town of Crested Butte."

Comments from Scott Truex, Executive Director RTA, address road design, snow removal and traffic:

"The GVRTA has concerns regarding snow removal and the turning radius of the GVRTA 45' commuter coaches. The path of the bus to and from the transit center looks like it should work well when there is no snow. If snow removal is accomplished by plowing to the sides of the lanes, then the lanes may get too narrow for the buses to make the turns. This has been a problem for us at the CB South bus stop and we have had several buses stuck in snow banks there. Therefore a snow removal plan that includes keeping the entire width of the bus travel lanes free of snow is important to us.

The GVRTA has concerns regarding the intersection of Brush Creek Rd. and Hwy 135. As traffic increases at the intersection, it will become more difficult to cross traffic when using the intersection. It may be necessary at some point to control the intersection for safety purposes.

Lastly, when exiting the subdivision and heading back to HWY 135, the bus will be travelling downhill prior to entering the highway. During storm cycles, the intersection can get slippery and vehicles can slide into traffic on the Highway. This is not an issue solely for the developer, but it could be a safety issue for the general public. More traffic on this intersection may require a re-grading of Brush Creek Rd."

Under the LUR, engineered road plans and a traffic study are not required at the Sketch Plan stage of a Major Impact project; those elements are required at Preliminary Plan. Public comments included concerns expressed regarding increased traffic, the safety of the intersection of Highway 135 and Brush Creek Road, the safety of the intersection of the development on Brush Creek Road, and traffic flow and congestion.

Section 12-104: *Public Trails*.

Applicable, the application states, "The proposed site trail system connects the site to the adjacent Riverbend Trail and to neighboring communities. The internal circulation provides easy access from residential buildings to common amenities and transit. Soft surface site trails provide a recreational amenity and strong connectivity throughout the site. Paved sidewalks and marked crosswalks provide clear pedestrian circulation adjacent to and across roadways and parking areas."

Map 15, "Parking and Snow Storage Plan," dated April 16, 2018 depict the trail types and locations.

Section 12-105: *Water Supply*.
Applicable, the applicant proposes drilling one or more wells on the parcel to supply water to the entire development. The wells will be augmented by Meridian Lake through an agreement for purchase of water with the Upper Gunnison River Water Conservancy District.

In an email from applicant attorney, Kendall Burgemeister on July 19, 2018 he states, "the Skyland Metro District has made it clear that provision of water to the project is not possible."

The applicant has submitted Exhibit F of the Sketch Plan Submittal, "Water Supply." Estimated demands for residences have been prepared and submitted by the applicant for Average Daily Demand, Maximum Daily Demand and Peak Hour Demand for 240 residences, irrigation and the community center.

The applicant proposes to test an existing well onsite and drill at least one additional well for domestic and fire suppression water supply. The existing well will be tested for flow and water quality in the fall and again in February when water levels are typically at their lowest.

The applicant used data from two wells in the area to help determine anticipated water quality. One well is in the Town of Crested Butte and, "a summary of the results indicate that there were not any exceedances of any primary Safe Drinking Water Act (SDWA) maximum contaminant levels. Additionally, all other constituents tested were below the secondary SDWA maximum contaminant levels. The second well is located in the Skyland neighborhood and "the consumer confidence report indicates a high level of quality within the well system."

The applicant has identified the demand for the proposed project in Exhibit F. Estimated average daily demand is 65,619 gallons of water per day or 45.6 gallons per minute for the initial proposal of 240 units. According to the Second Sketch Plan submittal, the water demand will be reduced from 72 acre-feet per year to 61 acre-feet per year for 220 residential units.

The applicant proposes to store water for fire protection in an on-site storage tank. Distribution from the tank to a network of fire hydrants is planned to be provided by a fire booster pump station with a backup generator. The fire flow rate is estimated by Crested Butte Fire Protection District to be 2,000 gallons per minute (gpm) for two hours of duration.

A report signed by Jon F. Kaminsky, P.G., of Mesa Hydrologic, LLC, dated May 24, 2017. The report states:

> *"…At this time, I would recommend a couple of data collection activities to be carried out at this well to better understand hydrogeologic conditions at the site. First, I recommend installing a pressure transducer in the well which will automatically log the groundwater level on a regular basis. These data may provide insight to the magnitude of interference*

from neighboring wells and provide data on seasonal variation of groundwater levels in the area. Second, a step-rate well efficiency test should be carried out. Such a test can provide valuable information on a sustainable pump rate for this well. I can assist in either undertaking. In any case, the installation of a transducer should be prioritized as it is a relatively inexpensive source of data and the data obtained would also be useful in providing aquifer trend information before any downhole testing is conducted."

No water rights have been conveyed with the property. Applicant, attorney Kendall Burgemeister submitted a letter dated August 28, 2017 regarding the water feasibility for the project. Burgemeister's letter states:

"If wastewater is returned to the Slate River (either via onsite treatment or connection to the Town of Crested Butte's treatment plant), depletions to the Slate River will be approximately 6 acre-feet per year (diversions minus wastewater and irrigation return flows). This quantity of depletions can be readily augmented by the purchase of Meridian Lake augmentation certificates from the Upper Gunnison River Water Conservancy District UGRWCD). Because UGRWCD's plan for augmentation is already decreed, this augmentation solution would not even require a water court application. This would be a turn-key solution that is the quickest and most economical for the Project. I have no hesitation representing to you that a legal water supply is absolutely feasible in this scenario.

Alternatively, if the wastewater is required to be discharged to the East River (via the East River Regional Sanitation District), the depletions to the Slate River increase exponentially to almost 100% of the diversions. Based on review of dry-year stream gage records, the out-of priority depletions to the Slate River could be as high as 32 acre-feet per year. The UGRWCD does not currently have this quantity of augmentation water available. Gatesco would have a number of options to close the gap between the depletions and augmentation water available from UGRWCD. One or a combination of these alternatives could be implemented to create a legal supply of water for the project at full build-out. The alternatives include: (1) a pumpback project that diverts water from the East River below the wastewater treatment plant outfall and pipes it to be discharged into the Slate River; (2) construction of a reservoir upstream of the Property on land owned by a third party; (3) construction of a small pond on the Property; (4) acquisition of the right to use a senior water right from the Slate River basin above the Property; or (5) waiting for completion of a project by Mt. Crested Butte Water & Sanitation District that will increase UGRWCD's available Meridian Lake augmentation water.

Each one of the above alternatives would be expensive and time consuming to implement, most would require water court approval, and all would almost certainly adversely impact Gatesco's ability to offer housing at affordable rates. The only alternative that would be in the control of Gatesco is onsite storage, but that alternative would reduce the quantity of land available to fulfill other desired uses of the Property. Because the other alternatives are contingent upon the actions of third parties, it is difficult to guarantee their viability. Assuming that we receive the necessary cooperation from the requisite third parties, a plan for augmentation that relies on a combination of existing UGRWCD Meridian Lake water plus one or more of the additional alternatives is a viable means of providing a legal supply of water for the Project. However, wastewater treatment through the ERRSD will increase the cost of providing a legal water supply substantially and possibly reduce the number of deed restricted units that can be provided by the project."

At such time that the applicant determines water supply further analysis by staff and the Division of Water Resources shall be completed.

Section 12-106: ***Sewage Disposal/Wastewater Treatment.***
Applicable, the applicant has several options for wastewater treatment as described in Exhibit F of the Sketch Plan Submittal. Central wastewater treatment is proposed for the development. The application states:

> *"There are two feasible options for wastewater. One is to design, permit and build an on-site system. This system would meet all of CDPHE's criteria for design, construction and on-going operations of said plant. A treatment plant is included in the site plan submittal. Our project will have a density greater than one unit per acre. Therefore, part of the Preliminary Plan application will provide engineering and economic evaluation of the feasibility of providing a central wastewater treatment facility for the development.*
>
> *A central onsite treatment facility has been tentatively sized to treat a demand of 62,000 gallons per day at full build out. The facility will be designed to accommodate 20% more than this (75K gpd). The purpose for this is to keep the facility below the CDPHE threshold that would dictate an upgrade at full build out. Since this project will be brought on line over time, we currently propose to install an Integrated Fixed-Film Activated Sludge (IFAS) system in modules. The final element within the treatment train will be ultraviolet disinfection. The facility at completion will be a smaller version of the plant serving Crested Butte South. The CB South plant, after the 2009 expansion, is a 225,000 gallon per day facility, approximately 3 times larger than what we propose.*
>
> *Another option to further explore is connecting to the Town of Crested Butte's system. Tap and user fees would be paid to the Town. Additionally, infrastructure upgrades to convey the wastewater to Town would be included in our design and construction schedules. Alternatively, connection to the East River Regional Sanitation District treatment plan has been considered but it is the least preferred alternative due to the significantly higher augmentation requirement created by delivering wastewater return flows from the Slate River basin to the East River basin."*

The Town of Crested Butte has stated that it is unwilling to provide wastewater treatment service as the project is currently proposed. The applicant has also contacted the East River Regional Sanitation District (ERRSD) regarding possible connection for wastewater treatment. In an email dated July 19, 2018 applicant attorney Kendall Burgemeister states:

> *"The Applicant requested from ERRSD an indication of whether it can serve the project, whether it would consider a rules change to provide reduced fees for affordable housing projects, and whether it would cooperate in development of the necessary infrastructure to pump water from the treatment plant back to the Slate River basin. Such a project would prevent Slate River diversions from being 100% consumptive and greatly reduce augmentation costs. The Board would not comment on any such requests without submittal of a formal written application for service. The Applicant is finalizing such an application, and is committed to running these items to ground before the project receives preliminary and final approval. However, it is unlikely that such concessions would facilitate reduced density for the project. It is anticipated that such concessions, at most, would make connection to ERRSD similar to onsite wastewater treatment in terms of economic feasibility. Such concessions could eliminate the onsite wastewater treatment, which some members of public would view as a positive development in and of itself.*

Nevertheless, the Applicant believes that the sketch plan includes a feasible plan for wastewater treatment, and the potentiality of switching to a different plan for wastewater treatment should not be a reason to deny or delay consideration of the sketch plan application."

Section 12-107: *Fire Protection*.
Applicable, the subject parcel is within the Crested Butte Fire Protection District (CBFPD) and a copy of the application has been referred to CBFPD for review and comment.

Exhibit F of the Sketch Plan submittal identifies the fire flow requirements for the proposed development:

> *Fire Flow: Fire flow requirements shall be related to the location and character of the development, and shall comply with the standards of Section 12-107: Fire Protection. At this time we expect that the fire flow requirements to be 2,000 gallons per minute (gpm) for a 2 hour duration (240K gallons stored fire flow water). This fire flow rate was discussed with the Fire District Chief via phone. Fire flow supply, once finally determined based on structure sizes and consultation with the Fire District will be stored on site. Average daily demand is not applicable to fire flow.*

It is proposed that water will be stored on site for fire protection. The subject parcel is in an area of low wildfire hazard.

Comments from CBFPD state: "After reviewing the application and preliminary sketch plan the Fire Division feels that this project, can achieve compliance if the proponents design complies with all the currently adopted codes and Crested Butte Fire Protection District's Standards and Guidelines."

Section 13-102: *Location with a Municipal Three Mile Plan*
The subject parcel is within three miles of the Town of Crested Butte. The Town and Gunnison County have not adopted an intergovernmental agreement related to a three-mile plan. In accordance with the LUR, where there may be conflicts between County and Town standards, County standards apply.

The application (page 29) states:

> *"The project is adjacent to existing development, including the Skyland area which has pockets of high density, multi-family housing. The project will be served by central water and sewer. The project will preserve significant amounts of open space—approximately 50% of the parcel will remain open space, even though the LUR's standard is 30%...The project is a clustered development, with a central open space, myriad public benefits including the transit center and recreational path. The project will provide residential units that are all targeted towards the local workforce, including 65% (*sic 63%) of the units that will be restricted to exclusive use by the local workforce.
>
> *There are some details of the Plan with which the Project does not strictly comply. For example, the Plan encourages development on parcels not located entirely within a quarter mile of Highway 135 to push the development to the portion of the parcel located more than a quarter mile away from the Highway. The subject property is almost entirely within a quarter mile of the Highway, with only a small corner being located outside this buffer. In the area of the property, there are already numerous developments within a*

quarter mile of the Highway, including residential, commercial, and industrial uses. The addition of the proposed housing development would be visually appropriate in this area.

The Plan also has density and dedication of open space policies that will not be met by this Project because they are simply not feasible for as Essential Housing project that is not relying on massive public subsidies.

…The visual impact of the project is mitigated in several ways. Larger scale buildings are located towards the interior of the site and at the lower elevations of the site. The pattern of buildings across the parcel is clustered in certain areas to preserve open space in others. Smaller buildings (duplexes) are located along the natural contours of the site and located to buffer the view of larger structures from sensitive neighboring communities.

…Most significantly, the project is consistent with the Housing policies of the Plan (Ref. Section VII). It is a goal of the Plan and it is the goal of the project to help create a '…socially, culturally and economically balanced community….' The project's permanent restriction of 65% (sic 63%) of the units to qualifying households (members of the local workforce and their families) far exceeds the Plan's target of 40%.

The Town of Crested Butte submitted the following comments in a letter from Dara MacDonald, Town Manager, dated April 30, 2018:

The Crested Butte Area Plan identifies this area, SH 135 to Buckhorn Ranch Subdivision on the south side of Brush Creek Road, as having recommended density of 0.50 units/acre, similar to Skyland densities. The Plan, as an incentive to create more local housing, does have a provision that allows for twice the recommended density or 1.0 unit/acre at this location.

…The Town finds that the project does not comport with the Three Mile Pans as required by this Section for the following reasons:

2. *The proposed density of 15.4 units/acre is not consistent with the recommendations of the adopted Crested Butte Area Plan and Gunnison County Comprehensive Corridor Plan.*
3. *The project density is not compatible with existing development. The proposed density is not similar or compatible to the densities of the existing, adjacent developments of Larkspur, Skyland and Buckhorn Ranch; existing densities which range from 0.25 units/acre at Whetstone Vista to 1.82 units/acre at Larkspur.*

Because the County and the Town do not have an adopted intergovernmental agreement for the Three-Mile Plan area around the Town, under the LUR, County standards apply.

Section 13-103: *General Site Plan Standards And Lot Measurements.*
Applicable, the site plan for this proposed development must meet the site plan criteria of this section, including proposed and existing roads, driveways, lot lines, building sites, and natural features of the site. The "Development Layout Plan," Map 12 of the Sketch Plan submittal dated April 16, 2018 complies with the requirements of this Section. The Sketch Plan submittal states:

"The requirements of Section 13-103 were taken into account during site design. The location of structures follows the natural contours of the site to the extent practicable. Buildings are positioned to maximize solar exposure. Each unit will exceed the minimum

residence floor area. It is not anticipated that any structure will exceed the standard maximum residential height of 30 feet. However, essential housing projects are allowed a 25% increase in the default maximum height, making the maximum height 37.5 feet. It is possible that a couple of larger structures with pitched roofs may fall between 30 and 37.5 feet of height. More definitive details will be made available at the preliminary plan stage."

In work sessions, the applicant's architect, Andrew Hadley, stated that the maximum roof height is 32 feet for the 10-plexes and flat roof buildings.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
Applicable, the application generally complies with the standards of this Section for property line setbacks. Per Section 9-604: A.4 *Setbacks*, setbacks may be reduced for essential housing projects, subject to approval by the applicable fire protection district. The applicant is proposing a 45-foot setback from the edge of Brush Creek Road. The standards of this section require a setback of 40 feet from the edge of the County road right-of-way.

The application states:

"The conceptual site plan that has been developed does not include any structures near 15 feet from the south or east sides of the Property. The community buildings is currently depicted within 40 feet of Wright Ranch Road. The buildings along the northwest (front) side of the property are intended to be 15 feet from the Property line, and will be close to 40 feet from the improved surface of Brush Creek Road. No buildings are close to being within 40 feet of the Highway. The final site layout will be determined at the preliminary plan stage, after a survey of the Property has been completed, and direction received during sketch plan review is taken into account. If any of the setback requirements are not met by the preliminary plan, after taking Essential Housing exceptions into account, the Applicant will request a variance pursuant to 13-104.E of the LUR."

Section 13-105: *Residential Building Sizes and Lot Coverages.*
Applicable, the applicant proposes the construction of buildings in excess of the maximum size thresholds identified in this Section. The applicant has proposed 29 buildings that range in size from 3,200 to 18,000 square feet.

The application states:

"The buildings described in the table above would result in square footage that is between 6.2 and 7.3 acres of total floor area, which is between 43.6% and 51% of the parcel based on the Gunnison County GIS calculation of 14.29 acres. Some individual buildings would exceed 10,000 square feet, and the aggregate square-footage will exceed 12,500 square feet.

The Project, as designed, will result in residences that will be more energy-efficient, will provide more amenities and improved design, and will not jeopardize public health, safety or welfare, as compared to a project that strictly complied with Section 13-105. Therefore, the incentive created by Section 9-604.A should apply, and the Applicant should not have to demonstrate compliance with Section 13-105.G. In the event that 13.105.G is deemed to apply, the Project structures will not be obtrusively visible. The natural contours of the property and landscaping, and architectural style will all mitigate the visual impact. The structures located around the perimeter of the property will be much smaller in scale,

buffering the visual impact of the larger structures located near the middle of the Property. All utilities will be buried."

Staff has determined that this issue is not governed by the standards of Section 13-105: G. when reviewing the proposed modification, rather the issue is governed by the standards of Section 9-604: A. 6. *Modified Development Standards* related to energy efficiency, amenities, design, etc.

Section 13-106: *Energy and Resource Conservation.*
Applicable, this section will be applied at the time of building permit application.

Section 13-107: *Installation of Solid Fuel-Burning Devices*
This section applies and any solid fuel-burning devices proposed shall comply with this section.

Section 13-108: *Open Space And Recreation Areas*
Applicable, a major impact residential project is required to provide 30% open space. Section 9-604: B. 2. Reduction in Required Amount of Open Space allows the decision-making body to incentivize essential housing projects with reductions in the required amount of open space.

Map 14, "Open Space Plan," of the Sketch Plan submittal depicts the locations of open space on the subject parcel. The applicant has proposed more than the 30% of open space that is required with no incentives for essential housing. The development proposes eight (8) acres or 56% of the total development land as open space.

The Sketch Plan submittal states, "Open space includes non-developed land, park space, green space, pedestrian trails & sidewalks and common areas such as patio spaces and picnic areas. The percentage of open space for the parcel exceeds 50%, and far exceeds the LUR requirements of 30%, even though an essential housing project such as this one could receive a reduction in the open space requirement."

In a letter dated April 30, 2018 from Town Manager Dara MacDonald, Town of Crested Butte comments stated:

> *"The Town has seen substantial growth in recreation participants over the past 10 years. Programmable park space for field sports such as soccer, softball, flag football, and baseball are at capacity as identified by the Town of Crested Butte 2010 Parks and Recreation Master Plan prepared by Pros Consulting and Greenways Incorporated. The Town hopes that new workforce housing would create additional participants in Town programs. However, there is insufficient vacant land for developing additional athletic fields in Town to support growth of these recreational programs. The proposed project does not include any programmable field space to offset the increasing needs of the community and satisfy the active recreational needs of its own residents.*
>
> *The open space or park space that is provided within the development is internally focused and will not easily be accessible or usable by the community at-large. The Second Sketch Plan Supplement does not include a 50'x75' 'multi-purpose field/court.' This space is too small to be utilized for organized athletics. Town recommends that the proposed new play area be expanded to 90 feet x 160 feet so it could accommodate one (1) child under 10 soccer field or two (2) child under 6 soccer fields; or at a minimum, increase the area to 75 feet x 90 feet to provide one (1) child under 6 soccer field. The proposed perimeter trail may be an amenity for the residents of the project but it is unlikely to be used by general public."*

The applicant has provided open space in excess of the requirements of this Section; however that open space may be utilized in a more active manner than is currently designed.

Section 13-109: *Signs.*
Applicable, any proposed sign(s) shall meet the requirements of this Section. The applicant may submit designs for any proposed signs at the Preliminary Plan stage.

Section 13-110: *Off-Road Parking And Loading.*
Applicable, the application meets the parking requirements of this Section. Map 15, "Parking and Snow Storage Plan," dated April 16, 2018 of the Sketch Plan supplement depicts the proposed parking at the development.

The proposed number of parking spaces has been increased since the original submittal from 361 spaces to 410 space, plus an additional thirty-eight (38) reserved parking spaces based on future demand. A parking space has been allocated for each bedroom in the proposed development. Thirty-one (31) parking spaces (of the total 448) will be set aside for visitor parking.

Section 13-110: *Off Road Parking and Loading*, Appendix Table 3, requires two parking spaces per residence for up to a three-bedroom residence. Table 3, with no reduction, requires 440 parking spaces for the proposed 220 units.

Appendix Table 3, with no modifications, requires six parking spaces (one parking space per four persons of seating capacity and one parking space per three employees) for an eating and/or drinking facility. One parking space per 300 square feet of office space is required. The total parking spaces required, with no modification, is 448.

The Second Sketch Plan submittal states:

> *"...this plan accommodates 31 visitor parking spaces. However, the design team recommends starting with 20 designated visitor parking spaces due to overall increase in parking ratio. Map 15 and the parking/snow storage calculations demonstrate the ability to accommodate additional parking spaces as needed. However, many members of the public have criticized a perceived lack of adequate parking. The applicant desires to show that ample parking is available, but would prefer to not over-park/pave the site, allowing for more preservation of open space and permeable surfaces."*

The application states that recreation vehicles, all-terrain vehicles, snowmobiles, heavy equipment and trailers may not be parked in open parking lot spaces. These types of vehicles may be accommodated in units with an attached garage only.

Section 13-111: *Landscaping And Buffering.*
Applicable, this Section requires that a Major Impact application "shall integrate the elements of the site plan and design, so that the land use change preserves and enhances the unique identity of the site. Landscaping may include plant materials including trees, shrubs, ground covers, perennials and annuals, and other materials including rocks, walls, fences, planters and paving materials."

A "Landscape Plan," dated April 16, 2018 was submitted as Map 16 of the Sketch Plan submittal. The application states:

"The design of the site landscape responds to the needs of the project (access and circulation, structures, parking, snow management, etc.) while providing substantial open space, common amenities (trails, sidewalks, patios, picnic areas, etc.), beautification and transition from the structures/built environment to the surrounding native landscape and the landscape character that has been established in the adjacent neighborhoods. The following design elements are integrated into the site landscape:

- *Plant list comprised of native/naturalized plant material that requires low water and low maintenance.*
- *Preservation of existing, established native sagebrush landscape where feasible.*
- *Use of vegetation to frame outdoor spaces and provide additional comfort in areas that may require windscreens, visual screens and shade.*
- *Placement of trees and berms to soften views of the site from adjacent, residential neighborhoods.*
- *Use of existing site drainage area as common amenity*
- *Use of the natural lay of the land and topography to take advantage of surrounding views from within the site*
- *Use of natural & regionally appropriate materials that harmonize with the natural setting and the surrounding communities*
- *Low Impact Development (LID) techniques will be incorporated to the landscape design to address site drainage needs."*

The applicant also submitted visual renderings of the site during the Sketch Plan review that helped to illustrate the visual impacts of the proposed development.

Section 13-112: *Snow storage*.
Applicable, the applicant is required to include language in the covenants identifying the HOA as responsible for snow removal and become familiar with the requirements of this Section. The location of snow storage has been identified on Map 15, "Parking & Snow Storage Plan," dated April 16, 2018 of the Sketch Plan submittal.

Map 15 states that the total snow storage area proposed equals 40% (1.47 acres) of parking and roadway surface area. This is a reduction from the original application that allowed for greater than 50% of roadway surface area as snow storage (approximately 2 acres). The application states, "Initial building design has also been influenced by snow maintenance considerations. Some buildings have underground parking to reduce the ground surface area requiring snow removal, and larger buildings have been designed with flat roofs that will allow the snow to melt and drain without shedding onto a ground surface that would need to be shoveled or plowed."

Marlene Crosby, Gunnison County Public Works Director, stated in her comments, "The section of Brush Creek Road (CR#738) adjacent to the development requires adequate snow storage on both sides of the road, but primarily opposite the development. The snow storage is used to manage the wind and drifting snow issues rather than actual volumes of snow. All snow plowed on trails and roads shown on the drawings must be kept on site, not plowed into the county road. Discussions with Jerry Burgess and Tyler Harpel of SGM indicate that there is adequate snow storage on site and there will be no drainage from snow melt onto the County Right-of-Way."

Section 13-113: *Fencing*
Applicable, this section applies and any fencing proposed shall comply with this section.

Section 13-114: ***Exterior Lighting.***
Applicable, the standards of this Section shall be applied at the time of building permit application.

All lighting proposed on the parcel shall comply with this Section and Section 9-301: D.6. *Exterior Lighting* for commercial and nonresidential development (community center and transit area).

Section 13-115: ***Reclamation And Noxious Weed Control.***
Applicable, the applicant has acknowledged that a reclamation plan, prepared in compliance with this Section, shall be required at Preliminary Plan. A reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

Section 13-116: ***Grading And Erosion Control.***
Applicable, the applicant has submitted Maps 17 and 18, "Existing Drainage Map," dated August 28, 2017. The maps show the current drainage plan and the proposed drainage plan post development.

The Preliminary Plan is the step of this overall review in which engineered details are required to be indicated and assure compliance with this Section. Details of grading and erosion control are appropriately required at Preliminary Plan level of review as elements of detailed engineered plans.

Section 13-117: ***Drainage, Construction And Post-Construction Stormwater Runoff.***
Applicable, the Sketch Plan shall be guided by the requirements of this Section, however specific details are not required at Sketch Plan. The applicant has submitted Maps 17 and 18, "Existing Drainage Map," dated August 28, 2017. The maps show the current drainage plan and the proposed drainage plan post development.

This is a Major Impact subdivision, likely to involve 10,000 square feet or more of impervious surface area created by road and driveway improvements. A plan pursuant to this Section is required to be submitted in the Preliminary Plan, certified by a qualified professional engineer licensed in the State of Colorado, indicating that this project meets the standards of this Section including methods to ensure that drainage will not injure adjacent lands. Documentation of whether a Stormwater Discharge Permit is required for this project by the Colorado Department of Public Health and Environment is also required to be submitted as part of Preliminary Plan.

Subject to State standards, storm water runoff is required to be managed onsite, to direct runoff to stable, vegetated areas capable of maintaining sheet flow for infiltration, or to discharge to a storm water conveyance structure, designed to accommodate the projected additional flows from the proposed project.

Section 13-118: ***Water Impoundments.***
Not applicable, this project does not propose a water impoundment that is greater than 99-acre feet.

Section 13-119: ***Standards to Ensure Compatible Uses.***
Applicable, this Section notes that, "Proposed land use changes shall be designed, constructed, and maintained in a manner that will not adversely affect the character and tranquility of nearby residential or public use areas, as well as the following:

> ***1. Hazards or Nuisances.*** *Land use changes shall not subject other uses to undue noise, dust, fumes, odor, explosion, aircraft flight patterns, or other hazards or nuisances,*

whether the result of design, location, basic character, or of planned or reasonably expected growth.
2. Adverse Impacts to Adjoining Land. *Land use changes shall eliminate or minimize or mitigate conflicts between adjoining land uses and to the maximum extent feasible, avoid changes that will result in significant net adverse impact to adjoining land.*

"Significant net adverse effect" is defined in the *Land Use Resolution* as, "…an impact of an action, after mitigation, which is considerable or substantial, and unfavorable or harmful; includes social, economic, physical, health, aesthetic and historical impacts, and biological impacts including but not limited to, effects on natural resources or the structure or function of affected ecosystems."

Further, this Section notes that, "…the applicable review body may recommend and the decision-making body shall be authorized to impose conditions that are necessary to minimize any potentially adverse impacts" as conditions of approval of a Permit, but does not require that those conditions be devised in actions taken on plans submitted in the phases of review that precede recommendation and/or action on a Permit (in this case, Sketch or Preliminary Plans for a Major Impact project).

Conditions that may be imposed upon the Permit may include, but are not necessarily limited to: Limitation on hours of operation and deliveries; relocation on a site of activities that generate potential adverse impacts on adjacent uses including noises and glare; appropriate placement of trash receptacles; appropriate location of loading and delivery areas; appropriate lighting location, intensity, and hours of illumination; appropriate placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities; the requirement of additional landscaping and buffering; the imposition of height and size restrictions to preserve light, privacy, views of significant features from public property and rights-of-way, and to ensure reasonable compatibility of structure sizes; preservation of natural lighting and solar access; ventilation and control of odors and fumes; and the imposition of paving or other means as a dust control measure.

The Sketch Plan submittal states:

"The Restrictions will ensure that the project does not adversely affect the character or tranquility of the surrounding residential uses, as required by Section 13-119 of the LUR. The project will not generate undue noise, dust, fumes, odor, explosions, aircraft flight patterns, or other hazards or nuisances. The project has been designed to mitigate conflicts with adjoining land uses to the maximum extent feasible. Smaller structures located at the perimeter of the Property will create a smooth transition into the surrounding residential neighborhoods. Landscaping and the natural topography will also mitigate any perceived adverse aesthetic impact to adjoining land owners. The transit center will provide an amenity to the surrounding neighborhoods. Each of the factors listed in Section 13-119.B. of the LUR are either inapplicable or can be reasonably addressed to avoid adverse impacts:

Hours: The project is primarily residential and will not have hours of operation.

Noise and Glare: The project will not generate noise or glare.

Trash: Trash receptacles will be located throughout the property in consultation with the waste management provider.

Loading and Delivery: The residential use will not generate deliveries. To the extent that the small commercial use in the community building generates deliveries, such deliveries will be relatively small and made during daylight hours.

Illumination: Exterior lighting is discussed in paragraph 9, above.

Outdoor Services: Outdoor activities other than the recreational path will all be located on the interior of the Property and shielded from adjoining neighborhoods.

Landscaping: The conceptual landscaping plan is shown on Map 16.

Height and Size Restrictions: The structures will be subject to the same residential structure height requirements as all of the surrounding neighborhoods. Smaller structures around the perimeter blend the multi-family housing units in this project into the surrounding neighborhoods.

Natural Lighting: The project will not disturb the natural lighting of any surrounding properties.

Solar Access: The project will not disturb the solar access of any surrounding properties.

Odors and Fumes: The project will not generate odors or fumes.

Dust Control: All driveways and parking areas will be paved."

Article 15: *Right-to-Ranch Policy*.
Not applicable, the subject parcel is not adjacent to any agricultural operations, as defined in the LUR.

The Sketch Plan submittal states:

"The Property is adjoined by residential uses on all sides. Approximately 620 feet of the eastern boundary is adjacent to Ranch 1 of Red Feather Ranch subdivision. Although the Assessor has classified the parcel as agricultural, the protective covenants restrict the parcel to residential use. The parcel is owned by Michael and Renee Wright. In any event, there are no agricultural ditches crossing or adjoining the Property. Applicant is not aware of any historical agricultural easements across the Property used to gain access to headgates, ditches, and fences for agricultural maintenance or operations. Applicant does not believe there are any historical (and certainly not any recorded) stock drive easements crossing or adjoining the Property.

Applicant does not anticipate that the proposed Project will have any practical adverse impact on any current, active agricultural operation on adjoining or other nearby properties. However, Applicant is willing to take reasonable steps to minimize any impact of the proposed Project on agricultural operations occurring on adjoining lands, including compliance with any applicable requirements of Sections 11-109 and 15-103 of the LUR."

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FINDINGS:

The Gunnison County Planning Commission finds, for purposes of approval of the Sketch Plan phase of the Major Impact project application, that:

1. Approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicants are unable to fulfill all of the requirements of this Resolution or any requirements imposed as part of the Preliminary or Final Plan review, then the application shall be denied at the Preliminary or Final Plan review stage.

2. The applicant stated that they would accept a condition of sketch plan approval that requires the applicant to obtain the consent of at least three of the four parties (Gunnison County, Town of Crested Butte, Town of Mt. Crested Butte, Crested Butte Mountain Resort) to the Memorandum of Understanding (MOU) before the applicant submits an application for preliminary and final plan approval.

3. This application, by definition, is classified as a Major Impact.

4. Pursuant to Section 7-102:Standards of Approval for Major Impact Projects:

    a. This Sketch Plan application is generally consistent with the standards and requirements of the *Resolution,* pursuant to Section 7-103, *i.e.*, compliance of the proposed land use change with the standards of the *Resolution* are required to be determined broadly and conceptually during Sketch Plan review. This application has broadly addressed, and the Commission has broadly evaluated this submittal for its integration of the standards of the *Resolution* within its conceptual presentation of the proposed development. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for evaluation.

    b. A determination of whether or not the proposed land use change would result in a significant adverse net effect to adjacent land uses can occur only after the applicant has designed mitigations in response to conflicts and general issues raised during this Sketch Plan review process. While the applicant has proffered conceptual mitigations to elements that have been raised as issues by the public and by the Planning Commission, determination of the effectiveness of those proposals requires additional information that engineered solutions might provide.

    c. Phasing has been proposed by the applicant within this Sketch Plan submittal.

    d. All uses have been identified on lots within this proposed subdivision.

5. The following have been identified as significant issues related to this application during the Sketch Plan review process:
    a. Density
    b. Compatibility
    c. Intensity of uses
    d. Amenities

e. Buffering the neighbors from impacts
f. Building concepts, materials, and design standards
g. Sketch elevations
h. Maintaining existing trail easements
i. Water supply and wastewater treatment
j. Review of Town of Crested Butte's Three Mile Plan in the context of the proposed density and impacts to recreation
k. Traffic congestion, flow, safety and bus loops
l. Bus service

6. For purposes of this Sketch Plan approval, the project is compatible if it has density of no more than 180 units; this finding does not suggest that at Preliminary or Final Plan a lesser number may not be required.

7. The proposed application includes 49% essential housing as defined by the Gunnison County Land Use Resolution and Gunnison Valley Regional Housing Authority. The proposed project includes 63% of the units will be deed restricted housing with income and residency requirements up to 180% of the Area Median Income.

8. The application meets the criteria set forth in Section 9-604: *Incentives Required to Provide Essential Housing,* and the Planning Commission may determine which incentives are appropriate to grant to this project.

9. The applicant has requested the following incentives (also referred to as modifications) in compliance with Section 9-604 which are hereby approved conceptually as part of the Sketch Plan application; further review and final determination of approval will occur at Preliminary and Final Plan application:

   a. Section 10-103: C. 3.a.1 Development Served by Public Wastewater Treatment System: In the Sketch Plan submittal the applicant has identified three options for wastewater treatment: connection to the East River Regional Sanitation Districtiion, connection to the Town of Crested Butte wastewater treatment plant, or construction of an on-site wastewater treatment facility. If the applicant pursues the option of construction of an on-site wastewater treatment facility a modification shall be requested to Section 10-103:C.3.a.1. which requires that a "development is or will be served by a public wastewater treatment sytem." The LUR defines Public Services and Facilities as: "those services and facilities provided by a public entity or public utility (including but not limited to, any municipality, county, or special district) including, but not limited to, roads, trails, schools, wastewater treatment, water treatment…". The proposed on-site wastewater treatment facility does not meet the definition of a public service or facility.

   b. Section 13-103: H. *Allowed Structure Heights*: The February 7, 2018 Sketch Plan supplemental states that the estimated building heights will be between 26 feet and 35 feet. Andrew Hadley, architect for the applicant, explained that the maximum roof height (as measured per County standards of Section 13-103: H. *Allowed Structure Heights*) is 32 feet for the 10-plexes and flat roof buildings.

   c. Section 13-104: *Setbacks from Property lines and Road Rights-of-Way*, the applicant proposes an approximate 45-foot setback from the edge of Brush Creek Road. Section 13-104 requires a 40-foot setback from the edge of the County road right-of-way.

d. Section 13-105: *Residential Building Sizes and Lot Coverages*, the applicant proposes the construction of buildings in excess of the maximum size thresholds identified in this Section. The applicant has proposed buildings that range in size from 3,200 to 18,000 square feet, with a total approximate square footage of 215,900 square feet.

10. There is a proposed commercial use on the subject parcel. While commercial uses have been approved in Buckhorn Ranch and Skyland/the Club at Crested Butte, their existence sets no precedent that additional commercial uses proposed at the Corner at Brush Creek are compatible with established uses in the area. However, the Commission finds, based upon the existence of other subdivisions with commercial recreational amenities in the impact area (particularly Skyland/the Club at Crested Butte) that uses similar to those proposed are established in the area. Therefore, the concept of locating a residential subdivision with similar amenities and similar restrictions regarding hours and types of use in the area is reasonable.

11. There is a proposed community and transit center on the subject parcel. The concept of the transit center would provide an opportunity to create greater connectivity from the Brush Creek area to the Towns of Crested Butte and Mt. Crested Butte and to the City of Gunnison. Thus, the Commission finds that, consistent with the LUR, the proposed center is a benefit to the Brush Creek neighborhood and to the Gunnison Valley as a whole.

12. A requisite component of the proposal at Preliminary Plan shall be dedication of an area for an intercept parking lot and transit; this shall be in addition to parking for the residents of the development. The method of the dedication may include conveyance of land, long-term lease or other alternatives. The applicant shall not be responsible for the cost of construction, maintenance or operation of the intercept parking lot.

13. Gunnison County has not adopted the Crested Butte Three Mile Plan nor has the County entered into an intergovernmental agreement with the Town of Crested Butte. Therefore, the provisions of the Crested Butte Three Mile plan are not mandatory. The County has nonetheless considered the Crested Butte Three Mile Plan in a reasonable attempt to remain attentive to the concerns of the Town, and will continue to consider the Town's Three Mile Plan as this process continues.

14. Neighboring property owners and others in the community have argued that the proposed density is not compatible with the existing Brush Creek neighborhood. For the reasons set forth in this document and consistent with the LUR, the Commission finds that such arguments should not prevent or preclude approval of the sketch plan with the conditions set forth below.

15. A determination of whether or not the proposed land use change has demonstrated that conditions are appropriate for greater density on the subject parcel can occur only after the applicant has designed mitigations in response to conflicts and general issues raised during this Sketch Plan review. While the applicant has proffered conceptual mitigations for possible impacts (connection to services such as GCEA, RTA, and public trails; the development of protective covenants and design standards that will ensure compatibility with the neighborhood; landscaping; limitations on outside storage; preservation of 56% open space; and the establishment of deed restricted essential housing units to elements); determination of the effectiveness of those proposals requires the additional information that engineered solutions might provide.

16. Mapping from the U.S. Fish and Wildlife Service indicates that there may be wetlands on the subject parcel.

17. Traffic flow on Brush Creek Road, intersection with Hwy 135, winter conditions, bus turnaround on subject parcel, and safety of all intersections are some of the concerns that have been expressed by the public.

18. The proposed access from Highway 135 and Brush Creek Road will need to be evaluated by the Colorado Department of Transportation and Gunnison County Public Works at Preliminary Plan.

19. The public trails proposed on the subject parcel are an important amenity to connect the development to multi-modal transportation options and to align with community values.

20. The water supply is proposed to be obtained from a central well or wells.

21. Wastewater treatment is proposed by either a central treatment system onsite; connection to the East River Regional Sanitation District; or the Town of Crested Butte.

22. The site plan has not been fully developed at Sketch Plan and the applicant has not made a final determination of the setbacks at this time.

23. The applicant has proposed 410 parking spaces, with 38 additional spaces identified for future demand.

24. A landscaping plan has been submitted as Map 16 of the Sketch Plan submittal, dated April 16, 2018.

25. The applicant proposes an aggregate square footage of 215,900 square feet on the parcel.

26. Fifty-six percent (56%) of the parcel is proposed as open space.

27. Draft protective covenants are required to be submitted with the Preliminary Plan application.

28. Integration of the standards of Section 13-119: *Standards to Ensure Compatible Uses*, as well as other measures to mitigate issues raised during this Sketch Plan review is required within the Preliminary Plan submittal. Issues that have been identified relative to compatibility include but are not limited to: density, intensity of uses, amenities, buffering the neighbors from impacts, building concepts, materials, and design standards, sketch elevations, maintaining existing trail easements, water supply and wastewater treatment, compliance with Town of Crested Butte's Three Mile Plan in the context of the proposed density and impacts to recreation, traffic congestion, flow, safety and bus loops, and bus service.

29. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

RECOMMENDATION:

The Gunnison County Planning Commission, having considered the submitted plan, site observations and public testimony, has reached the above findings and recommends that LUC-

17-00034 be classified as a Major Impact Sketch Plan, and that the Sketch Plan be approved with the following conditions:

1. As proposed by the applicant, and accepted as a finding, prior to submittal of the Preliminary Plan, and prior to submittal of the Final Plan, the applicant shall obtain consent of three of the four parties (Gunnison County; Town of Crested Butte; Town of Mt. Crested Butte; Crested Butte Mountain Resort) to the MOU.

2. Pursuant to Section 7-103: C., in the submittal of Preliminary Plan, the applicant shall formulate detailed, designed/engineered solutions to the issues and concerns identified during this Sketch Plan review, and shall address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan.

3. The Preliminary Plan application shall address how the application and proposed development will address the following issues identified during the Sketch Plan review process:
    a. Density
    b. Compatibility
    c. Intensity of uses
    d. Amenities
    e. Buffering the neighbors from impacts
    f. Building concepts, materials, and design standards
    g. Sketch elevations
    h. Maintaining existing trail easements
    i. Water supply and wastewater treatment
    j. Compliance with Town of Crested Butte's Three Mile Plan in the context of the proposed density and impacts to recreation
    k. Traffic congestion, flow, safety and bus loops
    l. Bus service

4. For purposes of this Sketch Plan approval, the project is compatible if it has density of no more than 180 units; this finding does not suggest that at Preliminary or Final Plan a lesser number may not be required.

5. Certain comments submitted by the public, including but not limited to the Town of Crested Butte, are matters appropriately addressed at the Preliminary Plan phase rather than the Sketch Plan phase.

6. The applicant shall submit protective covenants as part of the Preliminary Plan application in compliance with Section 7-301: K. *Protective Covenants or Restrictions*. The protective covenants shall include language that all units on the subject parcel shall have a rental and ownership preference for Gunnison County residents, in compliance with federal laws.

7. The Protective Covenants shall include design standards that are generally compatible with the design standards of other subdivisions (i.e. Skyland and Larkspur) in the Brush Creek corridor.

8. There shall be no lease terms less than six months on the subject parcel for any of the residential units.

9. The applicant shall submit a list and photograph of proposed building materials, elevations and visual renderings of all proposed buildings as part of the Preliminary Plan application.

    a. The visual renderings are required to be submitted as part of the Preliminary Plan application and shall include site design impacts demonstrated, at a minimum from the following points: Wright Ranch Road, the intersection of Brush Creek Road and Highway 135; from the intersection of Slate River Road and Fairway Lane; and ¼ to ½ mile north and south on Highway 135 from the Brush Creek Road intersection.

    b. Building materials and building design are a critical component of determining compatibility. The buildings shall be designed in a manner that complements the existing architecture and materials that exist in the Brush Creek corridor. Final proposed building heights shall also be included.

10. The applicant shall submit a site plan in compliance with Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way* as part of the Preliminary Plan. The applicant shall work with the County Public Works Director to identify the road right-of-way width and maintain a setback from that right-of-way of 40 feet to the maximum extent feasible. If a modification to setbacks is proposed, the applicant shall identify the proposed modification in the Preliminary Plan application.

11. A requisite component of the proposal at Preliminary Plan shall be dedication of an area for an intercept parking lot and transit; this shall be in addition to parking for the residents of the development. The method of the dedication may include conveyance of land, long-term lease or other alternatives. The applicant shall not be responsible for the cost of construction, maintenance or operation of the intercept parking lot.

12. The applicant shall identify how the proposed project modifications allowed per Section 9-604: A. 6. *Modified Development Standards*, will result in residences that will be more energy-efficient, will provide more amenities, or improved design, and will not jeopardize public health, safety or welfare than if the modifications are not approved.

13. The applicant shall submit an analysis of how the project comports with the 2016 Gunnison Valley Housing Needs Assessment, particularly the identification of numbers of units needed at differing AMI categories in the north end of the Gunnison valley.

14. The applicant shall submit a detailed outline of what unit types and in which building(s) (including rental and for sale), units will be available at each AMI category as part of the Preliminary Plan application.

15. The applicant shall consult the Gunnison Valley Regional Housing Authority (GVRHA) to develop draft deed restrictions for the applicable rental units and for sale units and submit those as part of the Preliminary Plan application.

16. The applicant shall, to the maximum extent feasible, adopt deed restrictions on the proposed units that shall be maintained in perpetuity. The applicant shall provide a narrative explaining how the deed restrictions for all units will be maintained in perpetuity, even in the case of foreclosure

17. A third-party oversight agency (such as GVRHA or Gunnison County) shall be the oversight agency responsible for verifying that all tenants and/or buyers meet the deed restriction

criteria; the developer may be responsible for paying an administrative fee to that entity for the service.

18. Gunnison County shall maintain the right and authority to enforce deed restrictions placed on the units in this application.

19. The uses of the community center shall be outlined in the Preliminary Plan including hours of operation, commercial uses and expected impacts.

20. A wetland delineation shall be completed in compliance with Section 11-107: *Protection of Water Quality*.

21. The proposed trails on the parcel shall be dedicated and open to the public at-large. A trail easement for possible future connection from Crested Butte to Crested Butte South shall be included in the Preliminary Plan submittal.

22. A water supply plan, in compliance with Section 12-105: *Water Supply* shall be submitted as part of the Preliminary Plan application.

23. The water supply plan shall identify a set of best management practices (including measures, methods, and techniques) for water conservation as part of the Preliminary Plan application.

24. In compliance with the recommendations from the applicant's consultant, John Kaminsky, P.G.:

    a. A pressure transducer shall be installed in the well on the subject parcel (aka Well MH-23084) which will automatically log the groundwater level on a regular basis prior to submittal of the Preliminary Plan application.

    b. A step rate efficiency test of the same well shall be completed prior to submittal of the Preliminary Plan application.

25. The applicant shall complete a well pump test in January or February to ensure that a year-round consistent supply of water will be available to the proposed development in compliance with Section 12-105: G. *Well Testing*.

26. A plan for wastewater treatment in compliance with Section 12-106: *Sewage Disposal/Wastewater Treatment* shall be submitted as part of the Preliminary Plan application.

27. The applicant shall submit a written application for service to the East River Regional Sanitation District (ERRSD) prior to submittal of the Preliminary Plan application. The applicant shall work to obtain wastewater treatment service from the ERRSD to the maximum extent feasible. If it is determined to not be feasible by the applicant, a financial analysis of connection to ERRSD compared with development of new on-site wastewater treatment facility shall be submitted as part of the Preliminary Plan application.

28. The applicant shall submit a traffic study in compliance with Section 12-106: E. as part of the Preliminary Plan application.

29. The County reserves the right to require a third party review of the traffic study and the impacts of traffic on Brush Creek Road and Highway 135; the applicant shall be responsible for a pro-rata share of that cost..

30. Berms and/or other landscaping that will screen the development from neighboring property owner, particularly along Brush Creek Road and Wright Ranch Road shall be included as an element of the Preliminary Plan submittal, along with visual renderings of how the landscaping will appear in year 1, year 5 and year 10.

31. Integrating the standards of Section 13-119: *Standards to Ensure Compatible Uses*, as well as other measures to mitigate issues raised during this Sketch Plan review, is required within the Preliminary Plan submittal. Mitigation must address: density, compatibility, intensity of uses, amenities, buffering the neighbors from impacts, building concepts, materials, and design standards, sketch elevations, maintaining existing trail easements, water supply and wastewater treatment, compliance with Town of Crested Butte's Three Mile Plan in the context of the proposed density and impacts to recreation, traffic congestion, flow, safety and bus loops, and bus service.

32. Preliminary and final plan applications shall not be combined. Each phase shall be submitted separately.

33. Approval of this Sketch Plan application constitutes a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design or engineering submittals or proposed solutions to specific problems revealed during the Sketch Plan review or later in the review process. Sketch Plan approval by the Board shall not constitute approval of the Major Impact project, or permission to proceed with construction of any aspect of the proposed land use change. Approval at this stage only authorizes the applicant to submit a Preliminary Plan application. If, during the Preliminary and Final Plan reviews, the applicants are unable to fulfill all of the requirements of this Resolution or any requirements imposed as part of the Preliminary or Final Plan review, then the application shall be denied at the Preliminary or Final Plan review stage.

34. The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within 12 months after the date of approval of the Sketch Plan. Per Section 7-202: Q. *Extension of Submittal Deadline*, the Board may extend the deadline to submit a Preliminary Plan application for no more than 12 months beyond the date of the 12-month expiration, and only one extension may be granted. Failure to submit a complete Preliminary Plan application within this time period shall render the Sketch Plan approval null and void, and require the applicant to begin the Sketch Plan review process again.

35. This approval is founded on each individual requirement. Should the applicant successfully challenge, in a judicial proceeding, any such finding or requirement, this approval is null and void.

36. This Sketch Plan approval may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

37. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change application.

38. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

DRAFT