AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: DRAFT BOCC Meeting Minutes; 8/7/2018

Action Requested: Motion

Parties to the Agreement:

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

Summary:

The draft 8/7/2018 minutes are attached for consideration.

Fiscal Impact:

Submitted by: Liz Mense **Submitter's Email Address:** EMense@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 8/31/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 8/31/2018 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\emense Discharge Date: 8/31/2018

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 1

Agenda Date: 9/4/2018

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
August 7, 2018

The August 7, 2018 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present were:

Phil Chamberland, Chairperson
Jonathan Houck, Vice-Chairperson
John Messner, Commissioner
Matthew Birnie, County Manager
Elizabeth Mense, Deputy County Clerk
Others Present as Listed in Text

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT SPECIAL MEETING:

CALL TO ORDER: Chairperson Chamberland called the meeting to order at 8:31 am.

Ratification of Vice-Chairperson's Signature; State of Colorado Request for Extension of Time to File Audit; 60-day Extension; Gunnison River Valley Local Marketing District:
Moved by Commissioner Houck and seconded by Commissioner Messner to approve ratification of Vice-Chairperson's signature that was placed on the request for 60-day extension of time to file for the Gunnison River Valley Local Marketing District audit. Motion carried unanimously.

ADJOURN. Moved by Commissioner Houck, to adjourn the Gunnison River Valley Local Marketing District special meeting. The meeting adjourned at 8:31 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Chamberland called the meeting to order at 8:31 am.

MINUTES APPROVAL: Moved by Commissioner Houck, seconded by Commissioner Messner to approve the meeting minutes of 7/17/18, 7/24/18, 7/26/18 and 7/31/18 minutes as presented. Motion carried unanimously.

1. 7/17/18 Regular Meeting
2. 7/24/18 Special Meeting
3. 7/26/18 Special Meeting
4. 7/31/18 Special Meeting

AGENDA REVIEW: There were no changes made to the agenda.

CONSENT AGENDA: Moved by Commissioner Houck, seconded by Commissioner Messner to approve the Consent Agenda as presented. Motion carried unanimously.

1. Ratification of Vice-Chairperson's Signature; State of Colorado Request for Extension of Time to File Audit; 60-day Extension: Gunnison County
2. Ratification of Vice-Chairperson's Signature; State of Colorado Request for Extension of Time to File Audit; 60-day Extension: Gunnison Valley Regional Transportation Authority
3. Construction Agreement; Stripe-A-Lot, Inc.; 2018 Multi-Agency Road Painting Project; $120,000
4. Grant Acceptance; Colorado Department of Health Care Policy & Financing; Long Term Care Medicaid Outreach Project; $18,468.52
5. Grant application: Colorado Department of Local Affairs; Energy and Mineral Impact Assistance Program; Compressed Natural Gas Vehicle Acquisition: $74,883
6. Gunnison-Crested Butte Region Airport Disadvantaged Business Enterprise Program Acceptance
7. Retail Liquor License Renewal; Crested Butte Nordic Council dba Magic Meadows Yurt; September 15, 2018 – September 15, 2019
8. Retail Liquor License Renewal; Black Mesa Lodge; September 6, 2018 – September 6, 2019
9. Special Event Liquor License; Crested Butte Tourism Association; 7:00AM – 7:00PM; August 25, 2018
10. Colorado Judicial Department Agreement for Services by Independent Contractor; 7th Judicial District Probation Department; Gunnison County Wraparound Services; July 1, 2018 – June 30, 2019
11. Grant Contract Amendment; The Colorado Trust; Increase of $2,500

SCHEDULING:

1. The board discussed dates for the upcoming County Board of Equalization Hearings. The tentative dates, pending agreement from the Assessor's Office, are October 1st and October 2nd, 2018.
2. The Upcoming Meetings Schedule was discussed and updated.

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COUNTY MANAGER'S REPORT: County Manager Matthew Birnie was present for discussion.

1. CM Birnie received a request from two Colorado State Troopers requesting permission to place a memorial sign for a fallen Trooper at the corner of Virginia and Georgia Avenue.
2. CM Birnie discussed a vacancy on the Tourism Association Board. He mentioned that John Norton contacted him requesting an out-of-cycle appointment upon approval from the board per Resolution 2016-22. The Board was in support of an out-of-cycle appointment.
3. The Family Services building remodel is scheduled to be completed by the end of the month.
4. Stallion Park affordable housing project is underway. Framing has started on both buildings.
5. Commissioner Messner has an upcoming planning meeting with the Mt Crested Butte Planning Commission regarding the Pitchfork property project.
6. CM Birnie provided an update on the Lot 22 property.

Correspondence; Letter of Support for the Endangered Places Application; The Crystal Mill
Moved by Commissioner Houck, seconded by Commissioner Messner to approve the signatures of the Gunnison County Board of County Commissioners on the letter of support for the Endangered Places application for the Crystal Mill. Motion carried unanimously.

RESOLUTION 2018-27; SUPPORTING BALLOT INATIATIVE NO. 153 SEEKING VOTER APPROVAL TO INCREASE TRANSPORTATION INFRASTRUCTURE FUNDING
Moved by Commissioner Houck, seconded by Commissioner Messner to adopt Resolution 2018-27; Supporting Ballot Initiative No. 153 Seeking Voter Approval to Increase Transportation Infrastructure Funding. Motion carried unanimously.

BREAK: The Board took a break at 8:50 am. The meeting resumed at 8:55 am.

COMMISSIONER ITEMS:
John Messner-

1. Commissioner Messner has an upcoming meeting with the Northfork Coal Mine Methane Working Group. He provided an update on what the group is currently working on.
2. Commissioner Messner has upcoming meeting with the STOR committee and a meeting on August 10, 2018 regarding the Shady Island planning process.

Jonathan Houck-

1. Commissioner Houck discussed the retirement of Betsy Neely from Nature Conservancy. The Nature Conservancy has worked in Gunnison County on Climate Resiliency which includes habitat treatment and restoration for Gunnison County Sage Grouse. Commissioner Houck wants to ensure that the working relationship with the Nature Conservancy continues following Betsy's departure. He has reached out to the Nature Conservancy to find out who will be taking over Betsy's responsibilities.
2. Commissioner Houck discussed the incoming correspondence from constituents regarding concerns over the use of Razor recreational vehicles in the Pitkin and Marble areas. Concerns included increased use and excessive speeds.
3. Commissioner Houck provided an update on the Public Lands Partnership quarterly meeting in Montrose that he attended. He has an upcoming meeting with the Fish & Wildlife Service in Ridgway.
4. Commissioner Houck has an upcoming GMUG meeting regarding forest plan revisions and an upcoming overnight field visit with the Public Lands Initiative group.

GUNNISON COUNTY PLANNING COMMISSION SKETCH PLAN RECOMMENDATION; APT BRUSH CREEK ROAD, LLC: Cathie Pagano, Director of Community & Economic Development and County Attorney David Baumgarten were present for the discussion.
Cathie Pagano, Director of Community & Economic Development introduced the Planning Commission's sketch plan recommendation for Brush Creek. She discussed where the County is at within the planning process and stated that it is up to the Board to decide whether another Public Hearing is warranted at this time. She stated that the Planning Commission voted unanimously for the recommendation of approval of the sketch plan and for Board review. After discussion, the overall consensus from the Board was that an additional hearing is not warranted at this time. The new proposal will result in a reduction of units from 220 to 180 or less. The ratio of Area Median Income (AMI) categories and percentage of deed restricted units will remain the same under the current plan. Chairperson Chamberland clarified that the Gunnison Regional Housing Authority or another third party agency would be the vetting agency that would review deed restrictions and ensure compliance. The three wastewater treatment options were discussed. The plan includes Gunnison County residence preference on all residential units and prohibits short term rentals. There will be no leases shorter than six months. The Board requested that a phasing plan be incorporated for phase two of the project and included in the plan. Chairperson Chamberland briefly opened the floor to comments from unscheduled citizens. The Board heard and addressed questions and comments from unscheduled citizens.

BREAK: The board took a break at 10:38 am for Board recommended revisions to be made to the Resolution. The meeting resumed at 11:09 am.

GUNNISON COUNTY PLANNING COMMISSION SKETCH PLAN RECOMMENDATION; APT BRUSH CREEK ROAD, LLC CONTINUED:
Cathie Pagano explained the revisions that were made to the Resolution. There will be no lease terms less than six months on any residential property and short term rentals are prohibited. The applicant shall work with a Colorado licensed water engineer or professional geologist to identify impact of proposed wells on neighboring and nearby wells. One or more pressure transducers will be installed on such neighboring and nearby wells subject to permission from well and or property owners. The AMI ratio shall remain proportionally the same for proposed 180 units and with the consideration that the numbers of units at 120% AMI and below remain the same as economically feasible and as identified in the second sketch plan submittal.
Moved by Commissioner Messner and seconded by Commissioner Houck to approve revised Resolution 2018-28 A Resolution Approving the Sketch Plan for LUC-17-00034 APT Brush Creek Road, LLC (AKA The Corner at Brush Creek). Motion carried unanimously**.**

2017 GUNNISON COUNTY FINANCIAL AUDIT: Gunnison County Finance Director Linda Nienhueser and Paul Backes from McMahan & Associates, LLC were present for the conversation. Mr. Backes provided an explanation of the audit process and the audit findings.

CONTINUED COMMISSIONER ITEMS: This item occurred earlier than scheduled due to a scheduling conflict.
Philip Chamberland-

1. Chairperson Chamberland attended the Granby Club 20 committee meetings and provided an update.
2. Chairperson Chamberland recently attended the Rural Agricultural Council of America conference in Washington, DC.

ADJOURN: **Moved** by Commissioner Houck to adjourn the meeting. The meeting adjourned at 11:50 am.

_____
Phil Chamberland, Chairperson

_____
Jonathan Houck, Vice-Chairperson

_____
John Messner, Commissioner

Minutes Prepared By:

_____
Elizabeth Mense, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2018-27

A RESOLUTION SUPPORTING BALLOT INITIATIVE NO. 153 SEEKING VOTER APPROVAL TO INCREASE TRANSPORTATION INFRASTRUCTURE FUNDING

WHEREAS, in May 2018 the Colorado State Legislature passed and the Governor signed into law Senate Bill 2018-001 ("SB18-001"), which authorized the diversion of a percentage of sales and use tax revenue from Colorado's General Fund to the State's Highway Fund for two years;

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WHEREAS, the Colorado State Legislature recognized in SB18-001 that increased transportation funding was critical to "to preserve and improve Colorado's economic prosperity and quality of life";

WHEREAS, the Legislature also recognized that increased funding is "necessary to develop and maintain a modern, efficient, and cost-effective multimodal transportation system that can move people, goods, and information without undue delays or environmental consequences";

WHEREAS, SB18-001 made the diversion of increased transportation funding conditioned upon the approval of the voters of Colorado by a ballot measure;

WHEREAS, there is an effort to place Ballot Initiative No. 153, which authorizes increased transportation funds pursuant to SB18-001, on the ballot for the 2018 general election;

WHEREAS, Initiative No. 153 would raise the state sales tax by 0.62% (six-tenths of a percent or 6 cents for every $10 purchase) for transportation projects, including multimodal projects enabled by new technology and bicycle, inter-regional public transit, and pedestrian friendly infrastructure;

WHEREAS, it is projected that if passed, Initiative No. 153 would raise approximately $767 million a year for transportation funding, including over $123 million to Colorado counties, including Gunnison County;

WHEREAS, the tax increase proposed by Initiative No. 153 is temporary in that the initiative contains a 20-year sunset clause;

WHEREAS, there is a critical need for investment in transportation infrastructure within Gunnison County in order to sustain the County's population growth and increased tourism, as well as to promote economic development;

WHEREAS, the inclusion of mass transit, pedestrian and bicycle projects and infrastructure is fully in line with the modes of transportation used, and indeed celebrated, within Gunnison County;

WHEREAS, the temporary, modest tax increase that passage of Initiative No. 153 would authorize is substantially justified by the need for transportation infrastructure funding in Colorado; and

NOW THEREFORE, BE IT RESOLVED that Board of County Commissioners of the County of Gunnison, Colorado supports Initiative No. 153 and its inclusion on the 2018 general election ballot, and, should it be included, encourages the citizens of Gunnison County to vote in favor of its passage.

INTRODUCED by Commissioner_____, seconded by Commissioner _____, and adopted this 7th day of August, 2018.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – yes; Houck – yes; Messner – yes.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2018 - ___

A RESOLUTION APPROVING THE SKETCH PLAN FOR
LUC-17-00034
APT Brush Creek Road, LLC (AKA The Corner at Brush Creek)

WHEREAS, 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 and the revised proposal includes:

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.

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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.
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."
WHEREAS, a joint public hearing was conducted February 16, 2018 , March 2, May 4, June 1, and July 20, 2018 by the Planning Commission and Board of County Commissioners; and
WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, at its regular meeting on August 3, 2018 forward to the Board of County Commissioners a Recommendation of approval of that application with certain Findings and Conditions;
NOW, THEREFORE, the Board hereby adopts in full the Planning Commission's Recommendation, with these Findings:

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 applicant is 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 would not be approved.

7. The need for essential housing units whose cost do not exceed 120% AMI is a priority of Gunnison County.

8. The conceptual designs of the proposed buildings are generally compatible with the surrounding neighborhoods including but not limited to the renderings of proposed materials and flat and gabled roof designs.

9. 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.

10. 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.

11. 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 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 system." 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

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

19. 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.

20. 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.

21. 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.

22. The water supply is proposed to be obtained from a central well or wells.

23. 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.

24. 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.

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

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

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

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

29. Draft protective covenants are required to be submitted with the Preliminary Plan application.

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30. 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.

31. 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.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that no additional public hearing on the APT Brush Creek Road, LLC Sketch Plan need be conducted by the Board, and further, the Board hereby approves the APT Brush Creek Road, LLC Sketch Plan for LUC No. 2017-00034 as recommended by the Planning Commission, 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 would not be approved.

5. The AMI ratio shall remain proportionally the same for the proposed 180 units and with the consideration that the numbers of units at 120% AMI and below remain the same, as economically feasible, and as identified in the Second Sketch Plan Submittal.

6. As part of the Preliminary Plan application, the applicant shall submit a detailed phasing plan for Phase 2.

7. 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.

8. 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.

9. 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 including use of similar materials and architectural styles.

10. There shall be no lease terms less than six months on the subject parcel for any of the residential units. Short-term rentals shall be prohibited; for purposes of this condition short-term rental shall mean the rental of any unit for less than a period of six months.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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

19. 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.

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

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

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

23. 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.

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

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25. 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.

26. 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.

27. The applicant shall work with a Colorado licensed water engineer or professional geologist to identify the impacts of proposed wells on neighboring and nearby wells. One or more pressure transducers shall be installed on such neighboring and nearby well(s), subject to permission of well and/or property owners.

28. 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*.

29. 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.

30. 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.

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

32. 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.

33. 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.

34. 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.

35. Preliminary and final plan applications shall not be combined. Each phase shall be submitted separately.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted on this ____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Chamberland – yes; Houck – yes; Messner – yes.

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