AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Request for Extension to Submit Preliminary Plan;

Action Requested: Motion

Parties to the Agreement:

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

Summary:

Hunter Ridge request for extension to submit Preliminary Plan.

Fiscal Impact:

Submitted by: Cathie Pagano **Submitter's Email Address:** cpagano@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 11/25/20

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 11/25/2020 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 12/1/2020

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 10

Agenda Date: 12/8/2020

Revised April 2015

Gunnison County, CO
Community Development Department
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360
Website: www.gunnisoncounty.org
Email: planning@gunnisoncounty.org

To: BOCC

From: Cathie Pagano, Director of Community and Economic Development

Date: November 18, 2020

Re: Hunter Ridge Preliminary Plan Extension Request

Michael Dawson, attorney representing the Hunter Ridge subdivision application has submitted the attached request for an extension to submit a preliminary plan. The BOCC approved the Hunter Ridge Sketch Plan on January 7, 2020, the decision is attached for your reference.

The Gunnison County Land Use Resolution states:

> *"Section 7-202: Q. Extension of Submittal Deadline. The Board may extend the deadline to submit a Preliminary Plan application for good cause shown, provided the applicant requests the extension in writing no less than 30 days before the deadline, and provided the Board finds that there has been no substantial change in circumstances of neighborhood land uses, in the capability or willingness to serve the development of proposed service providers, or to the site on which it is proposed since Sketch Plan approval. Should the Board determine that such findings are not supportable, the review process shall be required to begin anew with the submittal of a Sketch Plan.*
>
> > *1. REFERRAL TO PLANNING COMMISSION FOR RECOMMENDATION. The Board may request a recommendation from the Planning Commission on the request for extension before taking action.*
> >
> > *2. MAXIMUM PERIOD OF EXTENSION. In no case shall the deadline for submittal of a Preliminary Plan application be extended for more than 12 months beyond the date of the 12-month expiration, and only one extension may be granted.*
> >
> > *3. FEE FOR REQUEST FOR EXTENSION. In order to compensate the County for the cost of reviewing and processing the requested extension, each applicant shall pay the required fee, as shown in a schedule of fees issued by the Community Development Department that is adopted and amended from time to time by the Board. The fee schedule is designed to make the amount of the fee proportional to the amount of expense likely to be "incurred by the County in reviewing and processing the application."*

The request for extension has been submitted more than 30 days before the deadline and the applicant states that no significant changes to neighborhood land uses since the Sketch Plan approval. Additionally, the applicant is still

pursuing inclusion into the Mt. Crested Butte Water and Sanitation District. Please let me know if you have any questions. Thanks.

TO:	**Planning Commission**
SUBJECT:	**Planning Commission Sketch Plan Recommendation** **Hunter Ridge, LLC** **LUC-19-00008**
DATE:	**February 24, 2020**
PREPARED BY:	**Cathie Pagano, Director of Community and Economic Development**
APPLICANT:	**Hunter Ridge, LLC**

At a regularly scheduled meeting on January 7, 2020, the Board of County Commissioners unanimously approved the Sketch Plan application in Resolution 2020-1.

At a regularly scheduled meeting on November 15, 2019 Commissioner Rogalski made a motion to approve the recommendation, Commissioner Diani 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 sixteen residential units on an approximately 10-acre parcel. Four triplex units (twelve units) and four single-family residential lots are proposed. The applicant proposes that the units will be served by the Mt. Crested Butte Water and Sanitation District for central water and sewer services.

Lot sizes range from 0.65 to 0.97 acres. Single family homes are proposed to be no greater than 8,500 sq. ft. Triplex buildings are proposed to be no greater than 8,500 sq. ft. Two of the triplex units are proposed to be deed restricted as workforce housing.

The subject parcel is legally described at 45 Hunter Hill Road. It is adjacent to the Town of Mt. Crested Butte. The parcel is legally described as a parcel of land in the SW1/4SE1/4, Section 26, Township 13 South, Range 86 West, 6th p.m.

PLANS/REPORTS/SUBMITTALS:

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

- "Development Layout Plan," prepared by NCW & Associates, Inc. dated August 29, 2019
- "Preliminary Roadway," prepared by NCW & Associates, Inc. dated August 29, 2019
- "Theoretical Slope Stability Analysis, Proposed Hunter Ridge Subdivision, Crested Butte, Colorado," prepared by Lambert and Associates and dated December 27, 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 application on the following dates:

- July 19, 2019 Work Session and Site Visit
- August 2, 2019 Work Session
- September 6, 2019 Joint Public Hearing
- October 18, 2019 Continued Joint Public Hearing
- November 15, 2019 Continued Joint Public Hearing

SITE VISIT:

The Planning Commission conducted a site visit on July 19, 2019. The Commission viewed the site, adjacent property owners, and the road access. Commissioners noted:

- A lot of multi-family housing adjacent to the subject parcel and large residences nearby.
- The grade of the parcel is similar to other developments in Mt. Crested Butte.
- Some of the lots are quite narrow, particularly the single family residential lots.
- Concerns with the slope stability

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on September 6, October 18, and November 15, 2019.

Comments received included the following but are not limited to:

- Multiple concerns related to geologic hazards, avalanche hazards and overall stability of the subject parcel
- Concern related to adequacy of the analysis of the geologic hazards prepared by Lambert and Associates

- Statement that additional geotechnical analysis is required as part of the Sketch Plan application
- Concerns related to location of snow storage and how it may impact avalanche hazards or be impacted by snowplowing from Hunter Hill Road
- Snow storage and its impacts on slope stability
- Removal of vegetation and its impact on slope stability
- Support the for the development of more homes
- Support for the compatibility of the proposed development with the neighborhood
- Concern related to the proposed density of the project and its compatibility with the neighborhood
- Concern about the road cutting on an unstable slope
- Concern about proximity of road location to avalanche area
- Concern about the cost of development on the parcel due to geologic hazard issues
- Statement that the described “bench” on the subject parcel does not meet the definition of a bench.
- Support for the Town of Mt. Crested Butte’s rejection of previous development proposals on this parcel
- Statement that massive retaining walls would be needed to mitigate slope instability
- Applicant has misrepresented geologic critique from Colorado Geological Survey
- Proposed snow storage locations subjects road system to avoidable geologic hazards
- Statement that so many aspects of the project tie in perfectly to area and make a great development
- Plans are well suited for the property and compliment surrounding land owners
- Concern about aesthetics of possible massive retaining walls
- Possible increased risk of traffic incidents
- Snowplowing conflicts
- Support for proposed density and that affordable housing is a problem
- Proposed development compliments neighborhood
- Size of lots are similar to the Summit to the east
- Location of building envelopes are located a safe distance from avalanche zone
- Developer has good reputation
- Development would be a negative impact to neighborhood, pedestrians and cyclists
- Negative impacts on traffic
- Negative impacts on safety, traffic, public needs, and general welfare of the community
- Negative impacts to pedestrians and cyclists and Upper Loop trail access
- Concern about safety of ingress/egress on a blind corner
- Concern about removal of avalanche danger sign on property
- Unsightly remains of other failed development projects could happen at this site
- Support for development review to be conducted by Town of Mt. Crested Butte
- Access would be safer off of Castle Road
- Concern about the amount of existing land for sale and need for additional development
- Concern related to bus access and turnaround safety on road
- Concern about financial wherewithal of developer
- Previous plan did not demonstrate need due to current inventory of lots for sale in Mt. Crested Butte
- Development does not meet principals of continuity of the Town
- Proposed size of structures are inconsistent with Mt. Crested Butte’s allowed maximum square footage

- How will road maintenance of subdivision roads be ensured
- Concerns about road design and amount of fill that may be needed
- High performance bond is needed
- There is no approved service agreement in place with Mt. Crested Butte Water and Sanitation District.

REVIEW AGENCY REFERRAL COMMENTS:

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

- Gunnison County Public Works, comments received in an email dated June 11, 2019
- Colorado Parks and Wildlife, comments received in a letter dated June 14, 2019
- Town of Mt. Crested Butte, comments received in a letter dated June 11, 2019
- Town of Crested Butte, comments received in a letter dated June 11, 2019
- Colorado Geological Survey, comments received in a letter dated June 19, 2019
- Colorado State Forest Service, comments received in an email dated June 4, 2019
- RE1-J School District, comments received in an email dated May 23, 2019
- Crested Butte Fire Protection District, comments received in an email dated May 24, 2019
- Gunnison Valley Regional Housing Authority

Applicable comments are noted in the below narrative.

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 proposed development and submitted evidence demonstrate compliance with this standard.

7-102: B. *Compatibility with Community Character*
Applicable, the applicant shall demonstrate that the project is compatible with community character, or an 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 proposed development is adjacent to the Town of Mt. Crested Butte and multi-family and single-family residential development adjoin the subject parcel.

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. A Development Improvements Agreement shall be required to be executed upon any final approval of the development.

Section 7-103: D. Uses Identified on all Subdivision Lots.

Applicable, all uses proposed on the subject parcel are defined within the Sketch Plan submittal. Proposed uses include:

- Sixteen total residential units including:
- Four triplex lots (12 total residential units)
- Four single family residential lots
- Two of the twelve triplex units will be deed restricted as "workforce housing."

Section 9-100: *Uses Secondary to a Primary Residence.*
Not applicable, no secondary residences are proposed as part of this application.

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

Section 9-300: *Commercial and Industrial Uses.*
Not applicable, no commercial or industrial uses are proposed as part of this application.

Section 9-400: *Exploration, Extraction and Processing of Minerals and Construction Materials.*
Not applicable, no exploration, extraction or processing of materials proposed as part of this application.

Section 9-500: *Miscellaneous Uses and Activities.*
Not applicable, no miscellaneous uses and/or activities are proposed as part of this application.

Section 9-600: *Essential Housing*.
Applicable, two workforce housing units are proposed as part of this application. The subject proposal includes 12% of the proposed units as workforce housing, in compliance with the definition of workforce housing in the Land Use Resolution.

The application is not eligible for the incentives of Section 9-604: A. *Required Incentives* because it proposes less than 40% of the units as essential housing. The applicant does not propose construction of the workforce housing units, only that a covenant or restriction be placed on the parcel requiring that two of the units are developed as such. A copy of the application has been sent to the Gunnison Valley Regional Housing Authority.

Section 10-102: *Locational Standards for Residential Development.*
Applicable, the standards of this Section are applicable. 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 adjacent to the Town of Mt. Crested Butte and within the municipal three-mile plan areas of Crested Butte and Mt. Crested Butte. The application complies with this Section.

Section 10-103: *Residential Density.*
Applicable, the subject parcel is within the Town of Mt. Crested Butte's three mile plan area and the Town of Crested Butte's three mile plan area, however there is no intergovernmental

agreement between the County and either 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 subject parcel is within three miles of the Towns of Mt. Crested Butte and Crested Butte. Neither town has adopted an intergovernmental agreement related to a three mile plan with Gunnison County. Where there may be conflicts between County and Town standards, County standards apply.

Comments from the Town of Mt. Crested Butte in a memorandum from Carlos Velado, Community Development Director dated June 11, 2019 include:

> "*On June 19, 2018 The Mt Crested Butte Town Council denied the Subdivision Plan Sketch Plan Application submitted by Hunter Ridge, LLC by a vote of 6-1. There also was an annexation application submitted to the Town but since annexation approval was contingent upon subdivision approval, the Annexation Application was essentially terminated by the Council's denial of the subdivision sketch plan. The Councils concerns that led to the denial included slope stability, the lack of demonstrated need for the additional lots given the current inventory, and compliance with specific aspects of the Town's Community Plan. It was stated that the proposed development did not address the following requirements of the Community Plan:*
>
> *1) Foster a distinctive, attractive community with a strong sense of place.*
>
> *2) Foster a well-balanced community through integrated design that promotes economic diversity, transit, and pedestrian-friendly lifestyles, and the mixing of people from different backgrounds.*
>
> *3) Encourage land use to occur in such a way that it protects and enhances the existing physical and natural environment.*
>
> *4) Provided for a "critical mass" of permanent local residents by providing quality community housing integrated into the larger community and by creating a range of housing opportunities and choices.*
>
> *The plan submitted to the County is also materially different than the one that was denied by the Town. The new application has more than double the density than was proposed to the Town. The new plan has 16 units which is comprised of 4 multi-family (triplexes) and 4 single family units. The plan submitted to the Town was for 7 single family units. The access has also changed. The Plan submitted to the Town had access from Castle Rd while the new plan comes from Hunter Hill Rd. I have attached the land use plan that was submitted to the Town for reference. The Mt. Crested Butte Town Council has reviewed the subdivision sketch plan and voted 5-0 to have the following comments forwarded to the Gunnison County Planning Commission:*
>
> *The Mt. Crested Butte Town Council requests that the Hunter Ridge Major Impact Land Use Sketch Plan Application Located at 45 Hunter Hill Road Submitted by Hunter Ridge, LLC to be denied by the County for the following reasons:*
>
> *• The project is within our 3 Mile Plan and if the property were developed, the Town would prefer it to be within our Town Boundaries;*

• The previous plan did not demonstrate need due to the current inventory in Town and the current proposed development does not either;

• The proposed application does not meet the principals of the continuity of the Town;

• Reasons for the Town Council's denial of the previous project were well documented;

• Concerns still persist about the geology at the project;

• The proposed sizes of the structures are inconsistent with Mt. Crested Butte's permitted maximum square footage; and

• The previous Town Council denied the previous sketch plan 6-1."

The June 20, 2019, applicant's response to the Town of Mt. CB states:

"*One of the main reasons for recommendation for denial by the Mt Crested Butte Town Council was the lack of "need". Economic viability or need is not a consideration under the Gunnison County Land Use Resolution or the Mt. Crested Butte Town Code.*

-The Hunter Ridge project does 'meet the principals of the continuity of the Town.'
-The proposed development preserves the character of the neighborhood by being similar or less in density. The existing neighborhood to the North is comprised of High Density Multi-Family buildings of 32, 30 and 15 units, Low Density Multi-Family buildings of 3, 4, 5, 6 and 8 units and Single Family. The existing neighborhood to the East is comprised of a Fourplex and Single Family.

Our proposal blends in well by graduating down to our proposed less dense Triplex and then Single Family.

The topography and slope of the building sites is a continuation of the bordering land to the North being a moderate (24%) and typical for much of Mt. CB building sites. In addition, covenants for setback, open space, height, bulk, landscaping and footprint requirements will be substantially the same as for Mt. CB.

-Concerns about geology should be alleviated by the positive, extensive soils report produced by the respected firm of Lambert & Associates. Even though 3-4 drill holes would have been sufficient for this size property, we instructed them to drill 7 holes just to provide an extra measure of safety. The holes were drilled down to as much as 45 feet. In their Slope Stability Analysis, they found that '…the slopes within and adjacent to the proposed site improvements are stable at their present condition…'

Further, their scientific analysis calculated the driving forces of the soil related to the resisting forces and found that in three cross sections the lot had Minimum Factor of Safety factors of 1.530, 1.517 and 1.722. A calculated Factor of Safety of 1.5 is considered by the geotechnical engineering industry as a minimum factor of safety for a slope to be considered as stable.

-The concern about the maximum square footage of the structures being inconsistent with Town of Mt Crested Butte's regulations can be easily alleviated simply by us increasing

the size of the lots. This would however decrease the size of the Open Space which we believe would not be a desirable option."

Comments from the Town of Crested Butte in a letter from Bob Nevins, Town Planner, dated June 11, 2019 state:

"*Density: The current sketch plan proposal that includes 8 lots/16 residential units on 10.28 acres (1.6 units/ acre) appears to be too dense based on the natural site features/constraints and neighborhood context. The previous proposal that was reviewed and denied by the Town of Mt. Crested Butte contained a total of 7 single-family lots/7 residential units (0.7 units/acre).*

• Mass and Scale: The proposed maximum building size of 8,500 square feet seems to be larger and potentially more massive than the existing, adjacent single-family residences and low density multi-family buildings.

• Access: The proposed private access drive from Hunter Hill Road requires considerable engineering and it is not easily negotiable, especially during the winter months. There is a large amount of fill material and a substantial retaining wall required on the upper 600 lineal feet of roadway that is a dead-end which is over 1,300 feet in length. Road B that accesses the four (4) tri-plex lots results in a 200-feet long cut-bank. The prior submittal accessed the site from Castle Road with a 750 feet long access drive that had a straight alignment and more balanced cut/fill slopes.

• Open Space: The proposed dedicated open space is reasonable as it includes 5.28 acres or 51% of the site that will be retained as natural open space. The proposed open areas generally include the lower portions of the property that have slopes greater than 30% and are identified as avalanche zones per the Town of Mt. Crested Butte. It may be appropriate to consider providing increased buffer/landscaped areas between the four (4) tri-plexes and the existing low density multi-family units immediately to the north.

• Workforce Housing: This development should generate the need for additional employee housing beyond the proposed two (2) deed-restricted workforce housing units: from the need for construction workers to install utilities and construct homes, to servers and lift operators, and including teachers, police officers and others who will provide services to the future residents of this development. Therefore, to mitigate the increased density of sixteen (16) units and the generation of additional employees, the owner/developer should consider providing a minimum of forty percent (40%) or 6.4 units of Essential Housing in accordance with LUR Section 9-604 Incentives to provide Essential Housing.

• Visual Impacts: The site is visible from the Town of Crested Butte and especially from Gothic Road. As such, careful consideration needs to be given to the mass, scale and height of the proposed buildings, architectural-character and use of non-glare materials, site grading (minimizing cuts/fills and retaining walls), landscaping and lighting.

• Other Public Impacts: The impacts to public services and facilities such as schools, parks, trails and emergency services should also be analyzed to ensure proper mitigation measures are required to provide adequate compensation for the 'change in use.'

The Town of Mt. Crested Butte adopted its amended 3-Mile Plan on September 4, 2018. Section 2. Annexation of the Plan includes future development areas and specifically

identifies the Hunter Ridge parcel, "the 10.28 acre parcel of land below Hunter Hill Rd. between Timberline and Overlook Condos (shown on Exhibit A as 'Area A' in white shaded area.)" The annexation of this parcel by the Town of Mt. Crested Butte would be consistent and comport with the Town of Crested Butte Area Plan.

In summary, it seems prudent for Hunter Ridge, LLC to withdraw the County Sketch Plan application and to re-submit the Hunter Ridge Sketch Plan proposal to the Town of Mt. Crested Butte for consideration of annexation and the extension of municipal services including sewer and water in accordance with the Town's duly adopted 3-Mile Plan."

On June 20, 2019 the applicant responded via letter:

"-Density. The proposed development preserves the character of the neighborhood by being similar or less in density. The existing neighborhood to the North is comprised of High Density Multi-Family buildings of 32, 30 and 15 units, Low Density Multi-Family buildings of 3, 4, 5, 6 and 8 units and Single Family. The existing neighborhood to the East is comprised of a Fourplex and Single Family.

Our proposal blends in well by graduating down to our proposed less dense Triplex and then Single Family.

The topography and slope of the building sites is a continuation of the bordering land to the North being a moderate (24%) and typical for much of Mt. CB building sites. In addition, covenants for setback, open space, height, bulk, landscaping and footprint requirements will be substantially the same as for Mt. CB. Taken from Crested Butte's own Three Mile Plan:

'The intent of this Plan is to encourage development to take place in an orderly fashion by encouraging new development to expand upon existing urban services and to avoid patterns of leapfrog, noncontiguous, scattered development within the MSRV' pg.18

'For purposes of this policy, if a subdivision is located adjacent to the parcel proposed for subdivision, the density of the whole subdivision, including streets, parks and open space, will be considered the density of that parcel.' pg.16

'Higher density is directed to areas near existing development' pg.3

'The density should not exceed the average density per acre for the parcels surrounding the land proposed to be subdivided or the density of areas described in Policy LU 7, whichever is applicable' pg.16

Mass and Scale. The neighborhood has several huge Multi-Family structures and large Single Family homes

Access. The private road has been planned by a licensed engineer and has been approved by the Crested Butte Fire Dept. The grade is substantially less than the Gunnison County allowed maximum and is typical of many roads in Mt. Crested Butte.

Open Space. Buffering landscaping can be added to the covenants.

Workforce Housing. The two proposed units exceeds the County requirements.

Visual Impacts. We mitigate visual impact by substantially duplicating the Mt. CB requirements for setback, open space, height, bulk, landscaping and footprint requirements.

Possible annexation into town of Mt. Crested Butte. We feel that Mt. CB has made it clear they do not want this parcel developed. They rejected a simple low density, 7-lot Single Family proposal and now reject a slightly higher density that would provide some much needed lower cost and workforce housing."

The applicant states on page 6 of the Sketch Plan application that "we are proposing lot sizes and densities that are substantially similar to neighborhood parcels. Our goal in mind in designing the lot layout and density was to provide a compatible transition from the high density multi-family and low density multi-family existing projects to the north down to low density multi-family and single-family projects to the south. Our proposed three triplexes bordering Castle Road are a transition down from the various mixture of existing multi-unit buildings. The single-family lots are a transition down from the low density multi-family on the south border."

The Mt. Crested Butte master plan identifies the subject parcel as an area of potential growth for single-family residences, however the Town of Mt. Crested Butte denied Hunter Ridge LLC's previous development proposal to the Town for seven single-family residences.

The Planning Commission determined that the proposed density of the project is substantially similar to neighborhood parcels. The neighborhood includes existing multi-family residential (Treasury Point Townhomes, Castle Creek condominiums) development and single-family residential development (the Summit, the Overlook, Chalet Village Addition).

The subdivision is proposed to be served by central water and wastewater treatment. Mountain Express provides bus service in the Mt. Crested Butte area.

Section 10-104: *Locational Standards for Commercial, Industrial, and other Non-Residential Uses.*
Not applicable, no commercial, industrial or other non-residential uses are proposed.

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

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
Applicable, the subject parcel is an area of mapped geologic hazards (unstable slopes). Areas of avalanche hazard have also been identified on the subject parcel (see Development Layout Plan, dated April 9, 2019). Portions of the parcel are also on slopes greater than 30%.

The applicant has submitted a report prepared by Lambert and Associates, dated December 27, 2018 titled, "Theoretical Slope Stability Analysis for the Proposed Hunter Ridge Subdivision, Crested Butte, Colorado." The applicant shall comply with the recommendations in the Lambert and Associates report dated December 27, 2018.

Section 11-104: D. requires that a plan identifying avoidance or mitigation is required to be submitted. The applicant submitted a narrative dated May 6, 2019 in response to this Section.

The development shall also comply with the standards of Section 11-104: G.7. *Unstable or Potentially Unstable Slopes*. Additional detailed geologic engineering reports have not been requested at this time, in compliance with Section 7-103: B.2. *Engineered Designs and Detailed Plans Not Required Nor Accepted at Sketch Plan*. A copy of the application has been referred to the Colorado Geological Survey for review and comment.

Jill Carlson, of Colorado Geological Survey (CGS), in a letter dated June 19, 2019 stated:

> *"CGS recommends the following, in addition to the recommendations in Lambert's Theoretical Slope Stability Analysis:*
>
> *1. A more detailed geologic hazard analysis and specific hazard mitigation recommendations should be developed based on the currently proposed development plans and building locations relative to the steep slopes in the southwestern portion of the site.*
>
> *2. Structures and driveways should be located such that grading requirements, and the need for retaining walls, will be minimized to the extent possible. Building setbacks from slopes steeper than 3H:1V (33%) must adhere to Section R403.1.7, Footings on or adjacent to slopes, as described in the 2015 International Residential Code (or Section 1808.7 of the 2015 International Building Code) currently adopted by Gunnison County.*
>
> *3. Site-specific, maximum allowable temporary and permanent cut and fill heights and slope angles should be determined by a qualified geotechnical professional familiar with slope stability concerns, and adhered to throughout design and construction.*
>
> *4. Special care should be taken to maintain (not interrupt or alter) existing surface drainage patterns. Drainage improvements must be designed and maintained to channel all surface runoff away from structures and roads and off of slopes as efficiently as possible. If the soils on, near, or above any part of the development become saturated through rainfall, snowmelt, a water or sewer pipeline failure, unchanneled runoff or other means, the soils could lose strength and fail slowly or catastrophically. It is imperative that water is allowed to drain quickly and NOT pond anywhere within or near developed areas in the vicinity of the proposed subdivision.*
>
> *5. Site grading and drainage plans should be prepared and stamped by a qualified, licensed engineer who is familiar with slope stability concerns.*
>
> *6. Existing vegetative cover should be left intact to the extent possible, and every effort should be made to restore native vegetation within disturbed areas as quickly as possible. However, irrigation beyond the bare minimum required to reestablish native vegetation should not be permitted.*
>
> *Provided these recommendations are incorporated into the development plans and are strictly adhered to throughout design, construction, and the life of the development, risks associated with localized potential slope movement may be reduced to an acceptable level."*

Numerous public comments indicated concerns related to geologic hazards, existing failures of developments and scars on the hillsides related to retaining walls and retaining wall failures.

A detailed geotechnical analysis in compliance with the standards of this Section and addressing the recommendations of CGS shall be required to be submitted as part of the Preliminary Plan application.

Section 11-105: *Development In Areas Subject to Wildfire Hazards.*
Applicable, the subject parcel is in an area of moderate fire hazards and also includes some slopes greater than 30%. A copy of the application has been referred to the Crested Butte Fire Protection District and Colorado State Forest Service (CSFS) for review and comment.

Comments from the CSFS state, "I was pleased to see 'wildfire defensible space' included in the Covenants attachment. I did not see any specifics in the landscape plan in regards to proposed tree/shrub species for the development. We would encourage some consideration for Fire Wise plant material to be used for landscaping as much of the wildfire risk for this community may come from adjacent wildfire ember showers."

The applicant responded on June 5, 2019, "The landscape plan on page 63 shows the plant species. At just the subdivision stage there is not much proposed, just some around the entrance and some bordering the buildings next door. We will be writing in our covenants that as people build on their properties that they will have to follow the landscape guidelines for Mt. Crested Butte which is very comprehensive. I like your idea about using some Fire Wise plant material. We'll work that into the landscape guidelines."

Detailed protective covenants that address wildfire hazard, defensible space, and landscaping in accordance with Fire Wise guidelines shall be included as part of the Preliminary Plan application.

Section 11-106: *Protection of Wildlife Habitat Areas.*
Applicable, a copy of the application has been sent to Colorado Parks and Wildlife (CPW) for review and comment. Comments from CPW include, "This type of development—expanding outward from a core population hub—is the preferred method for minimizing the negative impacts to wildlife and their habitats…To avoid human/bear encounters, the storage and handling of trash must be a high priority. The use of bear-proof trash containers has proven the safest and best technique to avoid human/bear conflicts…Household pets such as cats and dogs perhaps present the greatest threat to native wildlife with a new development."

Section 11-107: *Protection of Water Quality*.
Not applicable, the subject parcel appears to be greater than 125 feet from a water body. There do appear to be some wetlands plant species on the subject parcel and a certified wetlands delineation or documentation that there are no wetlands shall be required to be submitted as part of the Preliminary Plan application.

Section 11-108: *Standards For Development On Ridgelines.*
Not applicable, there are no ridgelines, as defined in the Gunnison County *Land Use Resolution*, on the subject parcel.

Section 11-109: *Development That Affects Agricultural Lands.*
Applicable, the subject parcel is adjacent to an agricultural operations, as defined in the Gunnison County *Land Use Resolution*.

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

Section 11-111: ***Development On Inholdings In The National Wilderness.***
Not applicable, the subject parcel is not an inholding in a national wilderness.

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

Section 12-103: ***Road System***.
Applicable, the development of the road system shall comply with this Section. A copy of the application has been referred to Gunnison County Public Works Department. 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. A copy of the application has been referred to Gunnison County Public Works and the Town of Mt. Crested Butte for review and comment.

Comments from Marlene Crosby, Director of Public Works, in an email dated June 11, 2019 included:

> *"The width of the roads is not clearly defined, but it appears that Road A and Road B are not wide enough to allow two 11' lanes and 4' shoulders. The width of Road C may need to be adjusted to accommodate traffic and grade;*
>
> *Road surfacing is not shown, but roads should be paved;*
>
> *The emergency access turn-around for Lot 6 and Lot 7 appears to be beyond the 150' required by our Standards;*
>
> *The location of Road A directly under Hunter Hill Road could cause some issues during the winter as the snow from Hunter Hill Road will be deposited over the edge and potentially ending up on Road A. If that is the case, the snow would either be plowed onto the multi-family lots or have to be carried to the snow storage area.*
>
> *Due to the density of the development and the complexity of defining impacts of the development on roads that are not County maintained or under County jurisdiction our department will request an outside review by a professional traffic engineer selected by our department."*

The applicant provided the following written response on June 20, 2019:

> *"-The width of roads A and B are initially designed by Norm Whitehead to be 22' wide with 2' shoulders. Road C was designed to be 16' to comply with guidelines for ADT of 40. The majority of the grade of Road C is very flat ranging from 0 to 3 %.*
>
> *-Roads shall be paved*
>
> *-The need for an emergency turn-around by Lots 6 and 7 has not yet been determined. There is ample room for one if needed based on final design.*
>
> *-Hunter Hill road has a 60'ROW which allows for ample snow from road plowing. Visually confirmed this last winter.*
>
> *-We do not agree that Hunter Hill Rd. is not under Gunnison County jurisdiction."*

On September 12, 2019, Cathie Pagano, Director of Community Development sent a letter to the Town of Mt. Crested Butte regarding access on the subject parcel and requested, "clarification from the Town on whether Hunter Ridge, LLC has permission from the Town to access the subject parcel for the proposed development."

Janet Farmer, Mayor of the Town of Mt. Crested Butte responded in a letter dated October 2, 2019 and stated:

> *"Legal access to a landlocked parcel of land has never been in dispute. The question is more related to the impact on Town roads, most notably Hunter Hill Rd, and surrounding hillside that may occur as a result of development activities and resulting continuing use of the road as homes are built.*
>
> *The portion of Hunter Hill Road in question has never been legally dedicated nor accepted as a public road, however, it is in fact serving as a public road and is described as a portion of the right of way on the bargain and sale deed. The road is located within the County and the land proposed for development is also within the County. Therefore, while the Town cannot deny access over a public road, we do believe that the impact of the proposed development as it relates to the road must be evaluated under the County's Land Use Resolution. This would include application of the LUR development standards relating to roadways: Article 12, Sections 101, 102 and 103. Further, the Town requests that any Town road standards which are more stringent be applied to analysis of the application (Chapter 18, Article II, Divisions 2 & 3 Code of the Town of Mt. Crested Butte, Colorado).*
>
> *Application of the Article 12 standards will require a traffic study, as well as potential mitigation of impacts, if such can mitigated."*

A detailed road plan, traffic study and summary addressing compliance with the Town of Mt. Crested Butte's road standards shall be included as part of the Preliminary Plan application.

Section 12-104: *Public Trails*.
Not applicable, no trails are proposed or impacted as part of this application.

Section 12-105: *Water Supply*.
Applicable, the applicant has provided a letter from Michael Fabbre of the Mt. Crested Butte Water and Sanitation District dated February 14, 2019 stating "the Mt. Crested Butte Water and Sanitation District is capable of supplying water and sewer services to the Hunter Hill Road property, parcel number: 3177-264-00-053, if it is annexed into the Mt. Crested Butte Water and Sanitation district."

The application complies with Section 12-105: B. *Connection to Existing Systems*.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
Applicable, the applicant has provided a letter from Michael Fabbre of the Mt. Crested Butte Water and Sanitation District dated February 14, 2019 stating "the Mt. Crested Butte Water and Sanitation District is capable of supplying water and sewer services to the Hunter Hill Road property, parcel number: 3177-264-00-053, if it is annexed into the Mt. Crested Butte Water and Sanitation district."

The application complies with Section 12-106: B. Connection to Existing Systems.

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 and Colorado State Forest Service for review and comment.

Comments from the Colorado State Forest Service are noted above in Section 11-105.

Comments from the CBFPD state:

"Access as shown on the site plan submitted December 6, 2018 is approved with the following conditions:

1. Proposed road names cannot be duplicated. Water supply as shown on the site plan submitted December 6, 2018 is approved with the following conditions:
    a. Fire flows must meet the requirements for the size of the proposed homes."

Section 13-102: *Location with a Municipal Three Mile Plan*
The subject parcel is within three miles of the Towns of Mt. Crested Butte and Crested Butte. Neither town has adopted an intergovernmental agreement related to a three mile plan with Gunnison County. Where there may be conflicts between County and Town standards, County standards apply.

Comments from the Town of Mt. Crested Butte from Carlos Velado, Community Development Director in a letter dated June 11, 2019 include:

> "*On June 19, 2018 The Mt Crested Butte Town Council denied the Subdivision Plan Sketch Plan Application submitted by Hunter Ridge, LLC by a vote of 6-1. There also was an annexation application submitted to the Town but since annexation approval was contingent upon subdivision approval, the Annexation Application was essentially terminated by the Council's denial of the subdivision sketch plan. The Councils concerns that led to the denial included slope stability, the lack of demonstrated need for the additional lots given the current inventory, and compliance with specific aspects of the Town's Community Plan. It was stated that the proposed development did not address the following requirements of the Community Plan:*
>
> *1) Foster a distinctive, attractive community with a strong sense of place.*
>
> *2) Foster a well-balanced community through integrated design that promotes economic diversity, transit, and pedestrian-friendly lifestyles, and the mixing of people from different backgrounds.*
>
> *3) Encourage land use to occur in such a way that it protects and enhances the existing physical and natural environment.*
>
> *4) Provided for a "critical mass" of permanent local residents by providing quality community housing integrated into the larger community and by creating a range of housing opportunities and choices.*
>
> *The plan submitted to the County is also materially different than the one that was denied by the Town. The new application has more than double the density than was proposed to the Town. The new plan has 16 units which is comprised of 4 multi-family (triplexes)*

and 4 single family units. The plan submitted to the Town was for 7 single family units. The access has also changed. The Plan submitted to the Town had access from Castle Rd while the new plan comes from Hunter Hill Rd. I have attached the land use plan that was submitted to the Town for reference. The Mt. Crested Butte Town Council has reviewed the subdivision sketch plan and voted 5-0 to have the following comments forwarded to the Gunnison County Planning Commission:

The Mt. Crested Butte Town Council requests that the Hunter Ridge Major Impact Land Use Sketch Plan Application Located at 45 Hunter Hill Road Submitted by Hunter Ridge, LLC to be denied by the County for the following reasons:

• The project is within our 3 Mile Plan and if the property were developed, the Town would prefer it to be within our Town Boundaries;

• The previous plan did not demonstrate need due to the current inventory in Town and the current proposed development does not either;

• The proposed application does not meet the principals of the continuity of the Town;

• Reasons for the Town Council's denial of the previous project were well documented;

• Concerns still persist about the geology at the project;

• The proposed sizes of the structures are inconsistent with Mt. Crested Butte's permitted maximum square footage; and

• The previous Town Council denied the previous sketch plan 6-1."

The applicant's response dated June 20, 2019 to the Town of Mt. Crested Butte letter stated:

"*One of the main reasons for recommendation for denial by the Mt Crested Butte Town Council was the lack of "need". Economic viability or need is not a consideration under the Gunnison County Land Use Resolution or the Mt. Crested Butte Town Code.*

-The Hunter Ridge project does 'meet the principals of the continuity of the Town.'
-The proposed development preserves the character of the neighborhood by being similar or less in density. The existing neighborhood to the North is comprised of High Density Multi-Family buildings of 32, 30 and 15 units, Low Density Multi-Family buildings of 3, 4, 5, 6 and 8 units and Single Family. The existing neighborhood to the East is comprised of a Fourplex and Single Family.

Our proposal blends in well by graduating down to our proposed less dense Triplex and then Single Family.

The topography and slope of the building sites is a continuation of the bordering land to the North being a moderate (24%) and typical for much of Mt. CB building sites. In addition, covenants for setback, open space, height, bulk, landscaping and footprint requirements will be substantially the same as for Mt. CB.

-Concerns about geology should be alleviated by the positive, extensive soils report produced by the respected firm of Lambert & Associates. Even though 3-4 drill holes would

have been sufficient for this size property, we instructed them to drill 7 holes just to provide an extra measure of safety. The holes were drilled down to as much as 45 feet. In their Slope Stability Analysis, they found that '…the slopes within and adjacent to the proposed site improvements are stable at their present condition…'

Further, their scientific analysis calculated the driving forces of the soil related to the resisting forces and found that in three cross sections the lot had Minimum Factor of Safety factors of 1.530, 1.517 and 1.722. A calculated Factor of Safety of 1.5 is considered by the geotechnical engineering industry as a minimum factor of safety for a slope to be considered as stable.

-The concern about the maximum square footage of the structures being inconsistent with Town of Mt Crested Butte's regulations can be easily alleviated simply by us increasing the size of the lots. This would however decrease the size of the Open Space which we believe would not be a desirable option."

Comments from Town of Crested Butte, Town Planner Bob Nevins in a letter dated June 11, 2019 stated:

"*Density: The current sketch plan proposal that includes 8 lots/16 residential units on 10.28 acres (1.6 units/ acre) appears to be too dense based on the natural site features/constraints and neighborhood context. The previous proposal that was reviewed and denied by the Town of Mt. Crested Butte contained a total of 7 single-family lots/7 residential units (0.7 units/acre).*

• Mass and Scale: The proposed maximum building size of 8,500 square feet seems to be larger and potentially more massive than the existing, adjacent single-family residences and low density multi-family buildings.

• Access: The proposed private access drive from Hunter Hill Road requires considerable engineering and it is not easily negotiable, especially during the winter months. There is a large amount of fill material and a substantial retaining wall required on the upper 600 lineal feet of roadway that is a dead-end which is over 1,300 feet in length. Road B that accesses the four (4) tri-plex lots results in a 200-feet long cut-bank. The prior submittal accessed the site from Castle Road with a 750 feet long access drive that had a straight alignment and more balanced cut/fill slopes.

• Open Space: The proposed dedicated open space is reasonable as it includes 5.28 acres or 51% of the site that will be retained as natural open space. The proposed open areas generally include the lower portions of the property that have slopes greater than 30% and are identified as avalanche zones per the Town of Mt. Crested Butte. It may be appropriate to consider providing increased buffer/landscaped areas between the four (4) tri-plexes and the existing low density multi-family units immediately to the north.

• Workforce Housing: This development should generate the need for additional employee housing beyond the proposed two (2) deed-restricted workforce housing units: from the need for construction workers to install utilities and construct homes, to servers and lift operators, and including teachers, police officers and others who will provide services to the future residents of this development. Therefore, to mitigate the increased density of sixteen (16) units and the generation of additional employees, the owner/developer should

consider providing a minimum of forty percent (40%) or 6.4 units of Essential Housing in accordance with LUR Section 9-604 Incentives to provide Essential Housing.

• Visual Impacts: The site is visible from the Town of Crested Butte and especially from Gothic Road. As such, careful consideration needs to be given to the mass, scale and height of the proposed buildings, architectural-character and use of non-glare materials, site grading (minimizing cuts/fills and retaining walls), landscaping and lighting.

• Other Public Impacts: The impacts to public services and facilities such as schools, parks, trails and emergency services should also be analyzed to ensure proper mitigation measures are required to provide adequate compensation for the 'change in use.'

The Town of Mt. Crested Butte adopted its amended 3-Mile Plan on September 4, 2018. Section 2. Annexation of the Plan includes future development areas and specifically identifies the Hunter Ridge parcel, "the 10.28 acre parcel of land below Hunter Hill Rd. between Timberline and Overlook Condos (shown on Exhibit A as 'Area A' in white shaded area.)" The annexation of this parcel by the Town of Mt. Crested Butte would be consistent and comport with the Town of Crested Butte Area Plan.

In summary, it seems prudent for Hunter Ridge, LLC to withdraw the County Sketch Plan application and to re-submit the Hunter Ridge Sketch Plan proposal to the Town of Mt. Crested Butte for consideration of annexation and the extension of municipal services including sewer and water in accordance with the Town's duly adopted 3-Mile Plan."

The applicant responded in a letter dated June 20, 2019:

"-Density. The proposed development preserves the character of the neighborhood by being similar or less in density. The existing neighborhood to the North is comprised of High Density Multi-Family buildings of 32, 30 and 15 units, Low Density Multi-Family buildings of 3, 4, 5, 6 and 8 units and Single Family. The existing neighborhood to the East is comprised of a Fourplex and Single Family.

Our proposal blends in well by graduating down to our proposed less dense Triplex and then Single Family.

The topography and slope of the building sites is a continuation of the bordering land to the North being a moderate (24%) and typical for much of Mt. CB building sites. In addition, covenants for setback, open space, height, bulk, landscaping and footprint requirements will be substantially the same as for Mt. CB.Taken from Crested Butte's own Three Mile Plan:

'The intent of this Plan is to encourage development to take place in an orderly fashion by encouraging new development to expand upon existing urban services and to avoid patterns of leapfrog, noncontiguous, scattered development within the MSRV' pg.18

'For purposes of this policy, if a subdivision is located adjacent to the parcel proposed for subdivision, the density of the whole subdivision, including streets, parks and open space, will be considered the density of that parcel.' pg.16

'Higher density is directed to areas near existing development' pg.3

'The density should not exceed the average density per acre for the parcels surrounding the land proposed to be subdivided or the density of areas described in Policy LU 7, whichever is applicable' pg.16

Mass and Scale. The neighborhood has several huge Multi-Family structures and large Single Family homes

Access. The private road has been planned by a licensed engineer and has been approved by the Crested Butte Fire Dept. The grade is substantially less than the Gunnison County allowed maximum and is typical of many roads in Mt. Crested Butte.

Open Space. Buffering landscaping can be added to the covenants.

Workforce Housing. The two proposed units exceeds the County requirements.

Visual Impacts. We mitigate visual impact by substantially duplicating the Mt. CB requirements for setback, open space, height, bulk, landscaping and footprint requirements.

Possible annexation into town of Mt. Crested Butte. We feel that Mt. CB has made it clear they do not want this parcel developed. They rejected a simple low density, 7-lot Single Family proposal and now reject a slightly higher density that would provide some much needed lower cost and workforce housing."

When there are conflicts between a three mile plan and County standards, County standards shall 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," of the Sketch Plan submittal dated August 29, 2019 complies with the requirements of this Section.

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. The "Development Layout Plan," of the Sketch Plan submittal dated August 29, 2019 complies with the requirements of this Section.

Section 13-105: *Residential Building Sizes and Lot Coverages.*
Applicable, the applicant proposes that the four single-family residences be no greater than 8,500 square feet and the triplex buildings are no larger than 8,500 square feet. The applicant did increase the lot size of the proposed parcels to demonstrate compliance with the Town of Mt. Crested Butte's floor area ratio standards.

Section 13-107: *Installation of Solid Fuel-Burning Devices*
Applicable, the standards of this Section shall be applied at the time of building permit application.

Section 13-108: *Open Space And Recreation Areas*
Applicable, a major impact residential project is required to provide 30% open space. The "Development Layout Plan," dated August 29, 2019 shows 4.12 acres (40%) of open space; the total parcel size is 10.28 acres.

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, parking in compliance with this Section shall be required. Specific detail and location shall be demonstrated as part of the Preliminary Plan application.

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."

Applicable, a "Landscape Plan," dated March 12, 2019 was submitted on page 60 of the Sketch Plan submittal and show that there will be two bushes, eight aspen trees, and four coniferous trees installed. A landscaping plan integrating the recommendations of the Colorado State Forest Service shall be included as part of the Preliminary Plan application.

Section 13-112: *Snow storage.*
Applicable, the "Development Layout Plan," of the Sketch Plan submittal dated August 29, 2019 shows the proposed snow storage location. A copy of the application has been referred to Gunnison County Public Works and comments dated June 11, 2019 state:

> *"The location of Road A directly under Hunter Hill Road could cause some issues during the winter as the snow from Hunter Hill Road will be deposited over the edge and potentially ending up on Road A. If that is the case, the snow would either be plowed onto the multi-family lots or have to be carried to the snow storage area.*
>
> *Due to the density of the development and the complexity of defining impacts of the development on roads that are not County maintained or under County jurisdiction our department will request an outside review by a professional traffic engineer selected by our department."*

A detailed snow storage plan that addresses the concerns of Gunnison County Public Works, the Town of Mt. Crested Butte and the general public shall be included as part of the Preliminary Plan application.

Section 13-113: *Fencing*
Applicable, the proposed development is adjacent to agricultural operations, as defined in the Gunnison County *Land Use Resolution*. Any fencing installed at the subject parcel shall comply with the requirements of 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.

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 a "Drainage Plan" dated March 15, 2019 on page 61 of the Sketch Plan application.

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, this is a Major Impact subdivision, which may create more than 10,000 square feet 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, no water impoundments, as defined in this Section, are proposed as part of this application.

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: 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.

Article 15: *Right-to-Ranch Policy*.
Applicable, the standards of this Section shall apply to the proposed development.

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

3. 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 not been proposed by the applicant within this Sketch Plan submittal.

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

4. There appear to wetland plant species on the subject parcel and a wetlands delineation certified by the U.S. Army Corps of Engineers or documentation that no wetlands exist shall be submitted as part of the Preliminary Plan application.

5. Colorado Parks and Wildlife identified recommendations for protection of wildlife and wildlife habitat in their comment letter which shall be integrated in the Preliminary Plan application.

6. Colorado State Forest Service included recommendations for mitigation of wildlife risk in their comment letter which shall be incorporated as part of the Preliminary Plan application.

7. Conflicts exist between the Town of Mt. Crested Butte's community plan and the County's standards. County standards shall apply where there are conflicts.

8. The proposed development and density is substantially similar to the neighborhood parcels.

9. The Mt. Crested Butte Water and Sanitation District has indicated a willingness to serve the proposed development.

10. The subject parcel is in an area of mapped geologic hazards. The applicant submitted a report from Lambert and Associates, dated December 27, 2018 titled, "Theoretical Slope Stability Analysis for the Proposed Hunter Ridge Subdivision, Crested Butte, Colorado."

11. Concerns related to traffic, access, and safety have been expressed by Gunnison County Public Works, the Town of Mt. Crested Butte, and the general public.

12. Concerns related to snow storage have been expressed by Gunnison County Public Works, the Town of Mt. Crested Butte, and the general public.

13. The following have been identified as significant issues related to this application during the Sketch Plan review process:

    a. Compatibility with neighborhood
    b. Access and safety
    c. Geologic hazards
    d. Traffic
    e. Safety of pedestrians and cyclists
    f. Potential failure of the proposed development due to development costs associated with geologic hazards
    g. Snow storage
    h. Service of water and sewer by the Mt. Crested Butte Water and Sanitation District
    i. Need for additional residential lots

14. 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:

a. Size of proposed units
b. Safety of pedestrians and cyclists on Hunter Hill Road
c. Aesthetics including road cuts, retaining walls
d. Potential slope failures

15. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development department 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-19-00008 be classified as a Major Impact Sketch Plan, and that the Sketch Plan be approved with the following conditions:

1. 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.

2. 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. Compatibility with neighborhood
   b. Access and safety
   c. Geologic hazards
   d. Traffic
   e. Safety of pedestrians and cyclists
   f. Potential failure of the proposed development due to development costs associated with geologic hazards
   g. Snow storage
   h. Service of water and sewer by the Mt. Crested Butte Water and Sanitation District
   i. Need for additional residential lots

3. Demonstration of an adequate and physical legal supply of water shall be included as part of the Preliminary Plan application in compliance with Section 7-301: J. 12. *Water Supply Plan*.

4. Provisions for wastewater treatment shall be included as part of the Preliminary Plan application in compliance with Section 7-301: J. 13. *Sewage Disposal/Wastewater Treatment*.

5. A detailed road plan, traffic study and summary addressing compliance with the Town of Mt. Crested Butte's road standards shall be prepared by a Colorado-licensed engineer in compliance with Section 12-103: *Road System* and shall be included as part of the Preliminary Plan application.

6. Snow storage shall be included as part of the Preliminary Plan application and shall address concerns raised by the general public and Gunnison County Public Works. A narrative

describing how snow storage may impact slope stability shall be prepared by a Colorado-licensed engineer.

7. The recommendations from Colorado Parks and Wildlife noted in Section 11-106: *Protection of Wildlife Habitat Areas* shall be integrated into the covenants and subdivision plan and included as part of the Preliminary Plan application.

8. A wetlands delineation, certified by the U.S. Army Corps of Engineers or documentation that no wetlands exist shall be included as part of the Preliminary Plan application.

9. A detailed geotechnical analysis in compliance with the standards of the Gunnison County *Land Use Resolution* and addressing the recommendations of CGS shall be submitted as part of the Preliminary Plan application.

10. The Preliminary Plan application shall comply with the recommendations in the report prepared by Lambert and Associates, dated December 27, 2018 titled, "Theoretical Slope Stability Analysis for the Proposed Hunter Ridge Subdivision, Crested Butte, Colorado."

11. The Preliminary Plan application shall be submitted to the Colorado Geological Survey for review and comment.

12. A detailed avalanche analysis, in compliance with Section 11-104: G. 1. *Development in Avalanche Hazard Areas*, shall be prepared and submitted as part of the Preliminary Plan application. The analysis shall be prepared by a qualified professional engineer licensed in the State of Colorado or qualified professional geologist, specializing in avalanche hazard area identification and analysis, and approved by the County.

13. Detailed protective covenants that address wildfire hazard, defensible space, and landscaping in accordance with Fire Wise guidelines shall be included as part of the Preliminary Plan application.

14. A landscaping plan integrating the recommendations of the Colorado State Forest Service shall be included as part of the Preliminary Plan application.

15. Draft covenants or restrictions for the proposed workforce housing units shall be submitted as part of the Preliminary Plan application. The applicant shall consult the Gunnison Valley Regional Housing Authority for guidance on drafting the covenants or restrictions.

16. A detailed plan, analysis, and visual rendering showing any proposed retaining walls shall be prepared by a Colorado-licensed engineer and included as part of the Preliminary Plan application.

17. The applicant shall explore utilization of access off of Castle Road for the proposed subdivision and provide evidence of such.

18. Residential building size limitations shall align with the Town of Mt. Crested Butte standards (i.e. floor area ratios).

19. A detailed snow storage plan that addresses the concerns of Gunnison County Public Works, the Town of Mt. Crested Butte and the general public shall be included as part of the Preliminary Plan application.

20. 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:

    a. Size of proposed units
    b. Safety of pedestrians and cyclists on Hunter Hill Road
    c. Aesthetics including road cuts, retaining walls
    d. Potential slope failures

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

O'Hayre Dawson, PLLC

Attorneys at Law
www.guclaw.com

Direct (970) 641-3326 ext. 3
Email: MDawson@guclaw.com

Michael C. Dawson

120 N. Taylor Street
P.O. Box 179
Gunnison, CO 81230
Telephone (970) 641-3326
Facsimile (970) 641-3094

November 16, 2020

19070
Via email only

Cathie Pagano
Community Development Department
221 NB. Wisconsin, Suite D
Gunnison, CO 81230

Re: Hunter Ridge Sketch Plan Application - LUC 19-0008
REQUEST FOR EXTENSION OF PRELIMINARY PLAN SUBMITTAL DEADLINE Section 7-202(Q)

Dear Cathie:

Pursuant to Section 7-202(Q) of the Gunnison Land Use Resolution, the Applicant, Hunter Ridge, LLC, requests an extension to the deadline to submit its Preliminary Plan. For good cause, the applicant submits the following:

1. The applicant is in the process of being annexed for water and sewer service to the Mt. Crested Butte Water and Sanitation District. The current annexation petition hearing is set for December 16, 2020. A necessary pre-requisite to the Preliminary Plan submittal is the decision by Mt. Crested Butte Water and Sanitation District on annexation of the property and project for water and sewer service.

2. There has been no substantial change in the circumstances of neighborhood land uses, or to the site since sketch plan approval.

The applicant will submit the necessary fees as part of this request for extension. Please let me know any additional information or details needed to process this extension request.

Very truly yours,

Michael C. Dawson

MCD
/cc: Hunter Ridge, LLC
David Baumgarten, Gunnison County Attorney