

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, February 2, 2023**

The Gunnison County Planning Commission conducted a regular meeting in the BOCC Commission Meeting Room in the County Courthouse, 200 E. Virginia, Gunnison, Co. and on Zoom **Present:**

Chairperson-Andy Sovick	Assistant County Manager Community and Economic Development (ACM) -Cathie Pagano
Commissioner-Matt Schwartz	County Attorney (CA)- Matt Hoyt
Commissioner- Julie Baca	Director of Planning- Hillary Seminick
Commissioner- Eric Phillips	Senior Planner – Rachel Sabbato
BOCC-Jonathan Houck	Planner-Sean Pope
BOCC-Liz Smith	Planner/ Manager of Administrative Services- Beth Baker
BOCC-Laura Daniels	Others present as listed in text

Absent: Commissioner Fred Niederer

Recused: Commissioner Annie Beall has recused herself from the review of the Whetstone Workforce Housing application.

Chairperson Andy Sovick seated Commissioner Eric Phillips for the day.

With a quorum present Chairperson Sovick opened the February 2, 2023 regular meeting of the Planning Commission.

Moved by Commissioner Schwartz seconded by Commissioner Baca to approve Planning Commission meeting minutes, dated January 19, 2023, as amended. The motion passed unanimously.

Whetstone Workforce Housing (LUC-22-00049) Jt. Public Hearing: The Gunnison County Planning Commission and Board of County Commissioners conducted a continued joint Public Hearing. The applicant proposes development of an essential workforce housing residential development on the site. The total parcel is 15.1 acres. Approximately 231 units are proposed at the site, the majority (more than 40% per Essential Housing standards) shall be deed restricted based on AMI limitations which will vary based on a range of community need and the ability of the County and developer to secure supplemental funding and control costs. The units will vary and may include: apartments, townhomes, and live/work units. The parcel is located at 25315 Highway 135, a tract of land in the NW1/4SE1/4, Section 12, T14S, R86W, 6th PM.

With a quorum present Chairperson Sovick opened the continued joint public hearing. BOCC members Houck., Smith and Daniels were present. Sovick agreed BOCC Houck would preside over the hearing. Houck noted this is a continued joint public hearing, and all the requirements of a public hearing had been previously met.

Assistant County Manager (ACM) John Cattles explained the proposed project. Consultants Willa Williford and JV DeSousa were also present.

BOCC Daniels asked if the sketch plan is approved with the placement of the buildings as they appear today, could they be moved in the future. ACM Pagano explained the Sketch Plan is a concept and it may look a little bit different at Preliminary Plan.

ACM Cattles noted the design process had been iterative and organic throughout. They have reviewed dozens of iterations that did not make it to the table. Many of them failed on several fronts, including buildings in the middle resulting in no snow storage, and open space moved to the highway. There had been several studies that failed early and they did not bring them forward. Also, they realized not putting the buildings on the highway does not necessarily change the view from the highway, because of the grade of the site.

Williford agreed and added they had looked at siting the buildings as far south as possible and having the parking up front, that was not functional. DeSousa agreed, adding there are many other alternatives that had been considered. Those options were vetted with the stake holder groups, and through an iterative process they arrived at this plan. He said the parking near the highway was ruled out. He explained the form, mass and scale, and how they appear from the road will be in the preliminary plan. The current plan encourages the use of mass transit. ACM Cattles noted we are balancing design and aesthetics.

BOCC Smith said the RTA currently has no intention to have a stop in Whetstone.

BOCC Daniels added Mountain Express would like to expand in the future. But, it is a separate organization and not in the county purview. ACM Pagano clarified the LUR does not give the authority to require it.

BOCC Daniels asked about a transit center for future service: ACM Pagano explained it is described in the recommendation, but it is not a requirement. ACM Cattles said they are proposing a stop rather than a transit center.

BOCC Smith asked what the three conditions are that allow for modifications of the LUR standards. ACM Pagano said energy efficiency, more amenities, and it does not endanger the health and welfare of the public.

Commissioner Phillips asked about the reduced parking space requirements. Pagano said typically some units may have specific spaces allotted, for example the town houses. ACM Cattles said the intent is to provide functionality. The parking spaces align very closely with the bedroom count. DeSousa said more parking could result in the loss of several units. It is a management issue, there are some enclosed garages. Possibly they could require the use of a garage for a vehicle, not storage.

The Planning Commission reviewed the recommendation.

Moved by Commissioner Schwartz seconded by Commissioner Baca to approve the recommendation of LUC-22-00049, the Whetstone Essential Housing Sketch Plan to the BOCC, for their review as amended. The motion was approved unanimously.

LUC-22-00049 is governed by the following standards set forth in the Gunnison County *Land Use Resolution* (LUR) Section 7-103(B), as follows:

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 an essential workforce housing residential development on the site. The total parcel is 15.1 acres. Approximately 231 units are proposed, at this time, at the site of which the majority (more than 40% per Essential Housing standards) shall be deed restricted based on area median income (AMI) limitations which will vary based on a range of community need and the ability of the applicant and developer to secure supplemental funding and control costs. The development will consist of no less than 80% deed restricted units total. 40% of the total units shall be restricted to incomes of 120% AMI or less. The applicant's goal is to have 100% of the units be deed restricted, including income restrictions, to meet the needs of the community as identified in the 2021 "Gunnison Valley Market Housing Update" and to respond to the Board of County Commissioner's strategic goal of building 300 housing units that are affordable for our workforce by 2030. The units will vary and may include: Apartments, townhomes, and live/work units.

1.8 parking spaces per unit are proposed. The applicant has included a location within the development for a bus stop that will accommodate school buses or other mass transit. Section 9-604: B. 1. allows an applicant to request reduced parking requirements for essential housing projects. The applicant is requesting a reduction for this project. Of the 15.1 acres, 6.6 acres (44%) will be set aside for open space which exceeds the LUR standard.

The applicant has not yet partnered with a developer for the site. At the time of preliminary plan application, it is expected that the applicant will have partnered with a developer and significantly more detail is required and expected at that time. The applicant proposes a mixed use building to be included in the development which may include various commercial type facilities that would serve the neighborhood. Those commercial uses could include childcare, mental health offices, a cafe, community meeting space, or co-work space. No commercial uses have been specifically identified at this time.

Separate from this housing application, the applicant is pursuing redevelopment and redesign of the Brush Creek Road and Highway 135 intersection. The applicant has contracted with Mead & Hunt and Charlier Associates, Inc. to develop a design for the intersection to address safety and traffic. The intersection project requires approval by the Colorado Department of Transportation

(CDOT) and the applicant will explore options for funding of the improvements to the intersection through state and federal resources. Additionally, the applicant has released a request for proposals (RFP) for the planning and partial design of the Crested Butte to Crested Butte South multimodal trail that may connect to the subject parcel and interact with the Brush Creek intersection. As part of that process, a proposed design for pedestrian and bike underpass at the site will be designed. All of these projects impact the land use change application but are not specifically in the purview of Planning Commission review. CDOT will review and permit the intersection redesign and underpass and will be a partner on the design of the multimodal path. These projects relate to the traffic impacts of the application and the Planning Commission will need to consider that aspect.

The subject parcel is located at 25315 Hwy 135. The parcel is legally described as: a tract of land in the NW1/4SE1/4, Section 12, Township 14 South, Range 86 West, 6th pm. There are two separately deeded parcels that are part of this application, including the parcel described in warranty deeds recorded at Reception Nos. 658634 and 685777 and the plat recorded at Reception No. 685778.

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

The applicant has requested the modifications as allowed by Section 9-604: A.6., which states:

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

It is important to note that the standard states the decision-making body shall approve modifications if the criteria of energy efficiency, more amenities, or improved design, are met and the modifications will not jeopardize public health, safety, or welfare. The applicant has requested three modifications:

- An increase in height of 25% for two buildings
- An increase in maximum structure size
- A reduction in parking standards

The applicant has requested an increase in height of 25% for two buildings, per Section 9-604: A.3. which states, “An increase of 25 percent in the maximum structure height allowed pursuant to Section 13-103: G.: *Allowed Structure Heights*, when such increase is found to not interfere with solar access or potential solar access of existing adjacent structures, and the County determines the increase to be in the public benefit in its allowance for additional and/or larger residences and that are deed-restricted pursuant to this Division.” In this case the applicant does not have to demonstrate that it meets the standards of Section 9-604: A.6. (energy efficient, more amenities, improved design, no jeopardy to public health, safety, welfare). The application states, “The public benefit of the taller buildings will allow more units in the development for essential housing. No solar access will be obstructed for other units nor will solar access be obstructed for adjacent property owners.” This stated, it is appropriate to conclude that the application is generally consistent with both Section 9-604: A.3’s and A.6’s standards.

The applicant has requested a modification to Section 13-105 for larger structure sizes, as allowed by Section 9-604: A.6. The application states:

“The proposed buildings have been designed in a manner to increase efficiencies—both energy and cost efficiencies and do not jeopardize public health, safety, or welfare. The buildings, especially 9-12 have been designed in a manner to utilize the topography and grade at the site to reduce the appearance and massing of the structures from Highway 135. Locating larger structures closer to the highway creates a sense of arrival to the community with this site which will help to slow traffic on Highway 135. It is important to consider the tradeoffs that are necessary for developing essential housing—larger buildings are more cost effective and energy efficient and can house more people, while smaller buildings may be more culturally acceptable and align with past development patterns. However, if the highest priority is housing our community members and workforce in energy efficient units that are connected to our communities and part of great neighborhoods—larger buildings are a critical tool. We cannot house everyone in single family or even duplex and triplex units while still maintaining open space, ensuring multimodal connection, and aligning with our climate and energy efficiency goals.”

Additionally, during the Planning Commission work sessions, the Commissioners asked the applicant about the tradeoffs associated with relocating the taller buildings to the center of the parcel. The applicants explained that moving the taller buildings would result in less open space and park amenities, a parking lot adjacent to the highway, reduced transit connectivity and more traffic and car trips within the development due to the location of the higher density structures in the center of the parcel.

The applicant has requested a modification to the parking standards as allowed in Section 9-604: B.1. *Reduced Parking Space Requirements*. This Section states:

“Notwithstanding any other requirements of this Resolution, the decision-making body may provide one or more of the following incentives for an Essential Housing Project or a residential or mixed-use development in which a minimum of 40 percent of the residences are Essential Housing, and, because of deed restriction, will remain Essential Housing: 1. Reduced Parking Requirements. A reduction in the number of parking spaces required pursuant to Section 13-110: Off-Road Parking and Loading, depending upon location, bedroom mix, the availability of public transit and other pertinent factors.”

1.8 spaces/unit are proposed at this time. The LUR requires two parking spaces for up to a three-bedroom unit. The application states, “The County and the design team have worked very hard to balance the number of units with needed parking at the site. 1.8 space/unit is significant and that parking, along with the County’s separate project to develop an underpass from the site connecting it to transit and a multimodal path justify the reduction in parking.”

Gunnison Valley Housing Needs Assessment and Market Update

The “Gunnison Valley Housing Needs Assessment (Assessment)” (2016) and the “Gunnison Valley Housing Market Update (Update)” (2021) provide context and analysis for the housing challenges in the Gunnison Valley. The Assessment states, “By providing housing that is affordable and located close to jobs, as recommended in this Assessment, the Gunnison Valley

can support the preservation of community character, economic prosperity, diversity in the workforce, and the health of employees and the environment.”

issues identified in the Assessment include:

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

Key findings described in the Update include:

- *“Employers are struggling to find employees, and employees are struggling to find housing.”*
- *“All indicators point to a worsening labor shortage with valley employers facing the prospect of an increasingly difficult time finding employees. The lack of housing that local employees can afford will be an ongoing barrier in this regard.”*
- *“The gap between housing needs and market prices has worsened.”*
- *“The 2016 assessment identified a need of approximately 960 housing units by 2020 inclusive of homes that the free market will provide and units that require subsidies, incentives and/or are mandates to build. Since 2016, there has been a great deal of time, money, and dedication toward building deed restricted units, yet at the same time, increasing prices, construction costs, and amenity migration have put additional pressure on housing for the local workforce. These dynamics result in a total estimate of new homes needed by 2026 similar to the prior report - just under 1,000.”*

Units Needed by 2026

	Catch Up	Keep Up	Total
Total	490	470	960
Own	300	290	590
Rent	190	180	370

Sources: Colorado Demography Office, 2015-2019 ACS, consultant team

PLANS/REPORTS/SUBMITTALS:

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

- Exhibit A, Final Whetstone Sketch Plan Diagrams, prepared by jvD LLC and dated August 26, 2022 including
 - Conceptual Development Plan
 - Open Space Plan
 - Landscape Plan and Street Sections
 - Landscape Plan
- Water Supply Plan, prepared by JVA Consulting Engineers and dated September 6, 2022
- “Memorandum of Understanding for an Assessment of Town Water and Sanitary Sewer Infrastructures Capabilities to serve the Whetstone Workforce Housing Development between the Town of Crested Butte and Gunnison County,” dated March 1, 2022
- “Whetstone Development—Town of Crested Butte Preliminary Utility Connection Capacity Assessment,” prepared by Carollo Engineers and dated July 5, 2022
- Gunnison Valley Housing Needs Assessment, dated November 2016 and prepared by Rees Consulting, Inc; WSW Consulting; and Williford LLC
- “Gunnison Valley Housing Market Update,” dated May 2021 and prepared by Williford, LLC; Rees Consulting, Inc.; and Urban Rural Continuum.

IMPACT CLASSIFICATION:

The project 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 Whetstone Community Housing application on the following dates:

- October 20, 2022 Work Session and Site Visit
- November 3, 2022 Work Session
- November 17, 2022 Work Session
- December 1, 2022 Work Session
- January 19, 2023 Joint Public Hearing
- February 2, 2023 Joint Public Hearing

SITE VISIT:

The Planning Commission conducted a site visit on October 20, 2022. The Commission noted the topography, adjacent uses, possible location of the highway roundabout, traffic noise, wildlife corridors, beauty of the site, existing berms, and natural features of the parcel. Members of the general public also attended the site visit. The Planning Commission also were invited to visit the neighboring property owned by Tod Colvin to view the site from his vantage which the Commissioners did.

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on January 19, 2023. The joint public hearing was continued to February 2, 2023; Comments received included the following but are not limited to:

- Need for solar access/orientation for buildings to allow for passive solar
- Allow for expansion of EV charging stations
- General support for the project and expression that it is a benefit to live next to workforce housing community
- Noted lack of employees due to housing shortage and need for housing security
- Need full time community and density to support need
- Questions about water/sewer extension possibility from the Town of Crested Butte
- Traffic and urban planning have distorted project design. Destruction of scenic view by project and small team designed project and project designed by committee
- Concern about potential conflicts between residential uses and industrial uses in Riverland Industrial Park.
- Drainage concerns from neighboring property owner.
- Recommendation that traffic calming and mitigation measures begin at Buckley Drive and Highway 135 intersection
- Recommendation that barriers be installed to prevent trespass from site onto neighboring properties and into river corridor
- Concerns about view corridor from highway. Concern that larger buildings will diminish rural character.
- Project meets community needs and diversity of housing types is a benefit
- Request that project be mindful and considerate of impacts to neighboring property owner's quality of life
- Request that access to Creekside Subdivision and easement for access are on subdivision plat
- Maintain the existing berm between Whetstone and Creekside
- Density is anti-sprawl and required to maintain rural character
- Housing is biggest community need and priority
- Question about requirement for Riverland property owners to connect to central sewer
- Expression of support for project from Valley Housing Fund
- Support for parking along highway
- Berm should be planted with large trees and low evergreens
- Accessible housing is connected to public health, educational equity, economic justice, inclusivity and social justice
- Project reflects community values
- Set back proposed development from highway to reflect community values
- Housing is critical for mental health and essential service providers
- Need for employee housing for mental health care providers
- Need to accommodate driveway for Gers parcel and adjust parking and snow storage
- Gers request for landscape buffering along property line
- Mountain Express should be required to serve development
- Large buildings set negative precedent
- Larger buildings should be located elsewhere on parcel
- Too many units
- Buildings adjacent to the highway should be commercial

- Plan creates neighborhood with qualities valued by community
- Need to reduce noise impacts to residents
- Plan reflects community input

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

ADJACENT AND NEARBY USES:

Surrounding land uses include residential, industrial and agricultural uses. Riverland Industrial Park is located to the southeast of the subject parcel. A parcel of land owned by George and Eileen Gers is directly adjacent to the northwest of the subject parcel in addition to Creekside Subdivision which also shares a northwest property boundary with the Whetstone parcel. The parcel is also bordered at the far southwest corner by Riverland Property Owners Association common area. There are several residential and vacant parcels across (east) Highway 135 all of which are approximately three acres in size. Additionally, a 13-acre County-owned parcel is also across Highway 135 at the intersection of Brush Creek Road and the highway.

REVIEW AGENCY REFERRAL COMMENTS:

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

- Colorado Division of Parks and Wildlife
- Colorado Department of Transportation
- Gunnison County Public Works
- Town of Crested Butte
- Regional Transportation Authority (RTA)
- RE1-J School District
- Crested Butte Fire Protection District
- Gunnison Valley Regional Housing Authority
- Colorado State Forest Service
- Gunnison County Electric Association (GCEA)
- Colorado Division of Water Resources

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

Gunnison Valley Rural Transportation Authority, Scott Truex, Executive Director, dated September 10, 2022, comments included:

“We do not anticipate adding bus stops to serve this subdivision and do not want, nor do we believe it is necessary, to have GVRTA buses divert off of the Highway to serve the subdivision. Therefore, we request that the County include pedestrian access from the subdivision to and across Highway 135 as part of the plan and that such access be as close as possible to the existing (or relocated) Brush Creek bus stops...”

Colorado Department of Transportation, Brian Killian, Region 3 Access Program Manager, dated September 16, 2022, comments included:

“This development will only be allowed one access to the highway due to the highway category. Per our meeting the other day, the west leg of the roundabout will be the main access for this development. Another access could create safety and operational issues at the roundabout.

This development will need to provide connectivity to the north properties so they can access via the west leg of the roundabout. The access to the north properties doesn't meet spacing (with the proposed roundabout) and it would create issues for left turns in since it will be a right-in-right-out. For them to make left turns in they would need to drive to River Bend Rd, make a U-turn and drive back. That may not be reasonable."

Colorado Parks and Wildlife, dated September 23, 2022, from Clayton BonDurant, District Wildlife Manager, comments included:

"CPW would like to suggest that the subdivision utilize bear-proof or bear-resistant trash cans. This area has been identified as a human-bear conflict area, and unprotected trash from a new development in the area would lead to more conflicts between humans and bears. Additionally, any restrictions on the use of bird feeders during the months of April-October could potentially reduce human-bear conflicts as well."

Crested Butte Fire Protection District, dated September 28, 2022, from Sean M. Caffrey, Chief Executive Officer and Commissioners and Ric Ems, Fire Marshal, comments included:

"We are pleased to see this much needed local housing project in the planning process and support the objectives of the project as articulated in the application materials. We also fully support the pedestrian safety comments articulated by the Gunnison Valley RTA.

...we would strongly encourage the County to work with and potentially interconnect any new system with the Riverland Industrial Park to improve the overall availability of fire suppression water for the greater area which has been seriously deficient since the Riverland Industrial Park was originally developed and prior to its inclusion in the CBFPD. Failure to take advantage of this opportunity to improve fire protection water supplies and improve life safety would put this important housing project, as well as the existing development in the area, at a greater risk for loss by fire."

Gunnison County Public Works, Martin Schmidt, Assistant County Manager for Public Works, dated October 5, 2022, comments included:

"The landscaping design should consider snow storage and the type of equipment that will be used for removal. At this conceptual stage the landscaping plan that includes low maintenance installations will work.

Including rolled curbs and minimizing obstructions in the layout of parking lots is important for resiliency through all seasons.

Access to snow storage should consider the equipment that will be used and may require reinforcing. Maximizing large snow storage is preferable to reduce the effort required to remove snow."

Town of Crested Butte, dated October 6, 2022, from Ian Billick, Mayor, comments included:

"1) General feedback: The Town supports the County's goal of having 100% of the housing be deed restricted for essential and workforce housing within a mix of housing types with both rental and for-sale units.

2) *Transportation: The Town supports the project's proposed interconnected street network. The proposed network prioritizes pedestrian and bicycle safety over vehicle mobility and should minimize vehicle turning movements on Hwy. 135. The Town also supports the project's goals of connecting to the proposed Brush Creek intersection improvement and pedestrian underpass. Transit oriented design prioritizing the efficient operation of transit along Hwy 135, with comfortable and convenient pedestrian access, is critical for this development effectively served by transit. As such, the Town would like to see a stronger commitment from Gunnison County to build the proposed roundabout at Brush Creek and pedestrian underpass concurrently to ensure traffic operates safely and transit can effectively serve the Whetstone Community Project.*

3) *Site Plan: The Town appreciates the development's traditional design theme of buildings fronting the streets with loading from the alley and a centralized green for community enjoyment. These design features strengthen the strong social fabric of the community. The Town also appreciates the development's respect for the natural topography of the project site. We support placing the higher density building along Hwy 135 to increase transit ridership and cue traffic on Hwy 135 to slow as vehicles approach the proposed roundabout at Brush Creek."*

Gunnison Watershed School District, dated October 12, 2022, in a letter from Tyler Martineau, School Board President and Leslie Nichols, Ed.D., Superintendent, comments included:

"We support the County's taking further steps to provide more affordable and attainable housing for our local workforce. Our teachers and other school employees serve our community in critical ways and struggle more all the time to find housing, especially in the north end of the valley. Projects such as the Whetstone Project will increase the affordable and attainable housing in this area, which will directly benefit the district's workforce, and by extension, this community's students and families.

It is likely that (even as the school district pursues an expansion of the existing CBCS campus in the Town of Crested Butte) continued growth in the East River Valley will require the development of an additional school campus between the Town of Crested Butte and Round Mountain ten to twenty years from now. This is within the lifespan of the affordable housing now being proposed by the county. Even though the location of a future school campus has not been specifically identified and construction will not take place for many years, it will be a benefit for the affordable housing being planned today to connect well not just with the existing CBCS campus but also with future school campuses in the East River Valley.

As regards the Whetstone Project specifically, we urge the County to maximize options for bike and pedestrian traffic directly between the project and CBCS, potentially using the existing Deli Trail that connects to Brush Creek Road. Heavy development across Colorado Highway 135 will be necessary to realize this option, and the District is supportive of this effort.

We are curious to understand estimates for the number of residents of this development, including any estimates of the number of school-aged children. The District is currently pursuing passage of a bond issue on this November's ballot in part to expand the capacity

of CBCS from 750 to 1000 students. Our student population is currently 744 (2021 October Count). The expansion of CBCS through bond funding is critical to support increased enrollment, an expected outcome of expanded affordable and attainable housing opportunities in the north valley such as the Whetstone Project.

In your planning process, you engaged teachers and students from CBCS in dreaming of possibilities for development of this parcel. Thank you for such thoughtful and creative outreach.”

Gunnison Valley Regional Housing Authority, dated November 22, 2022 from Andy Kadlec, Executive Director, comments included:

“Housing Diversity—GVRHA supports the County’s goal of establishing a diversity of housing types with both rental and for-sale units. Neighborhoods with diverse housing types make communities more resilient against economic downturns and promote racial and income diversity (Chakraborty, 2018). Development of both rental and for-sale is highly encouraged.

Affordability—Recent studies (Western Spaces LLC, 2022) have shown a need to provide a diversity of affordability under both rental and for-sale opportunities in the valley. GVRHA encourages targeting development of rental properties for residents between 60 and 120% AMI, and for-sale properties for buyers between 100-180% AMI.

Deed Restrictions—GVRHA supports the County’s commitment to 80% deed restricted housing, and goal of 100% deed restricted housing. These targets represent lasting investment in housing that is attainable to year-round community members at more than double the amount required by Essential Housing standards in the Land Use Regulations.”

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

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

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

7-102: B. Compatibility with Community Character

Applicable, the applicant has demonstrated that the Sketch Plan is compatible with community character, or an enhancement of the character of existing land uses in the development area, and does not adversely impact the future development of the development area.

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

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

The application states:

“Gunnison County proposes an essential workforce housing project on the subject parcel. The 2021 Gunnison Valley Market Update shows a current shortage of 460 housing units (300 own, 190 rent) and an additional need for 470 units (290 own, 180 rent) to keep up with demand by 2026. The impacts of housing shortage have been detailed at public meetings and in the media. Businesses do not have enough employees; essential services cannot hire essential staff from teachers to physicians because of the lack of affordable housing at all price points. The development of essential workforce housing is essential to maintaining community character—without year-round residents that live and work in the community the very core and essence of the community is gone. As stated in Section 9-601:

The wellbeing of the residents and visitors in Gunnison County is dependent upon a supply of affordable workforce housing being available for emergency services personnel, medical practitioners, teachers and other employees crucial to our economy and community so they can live within reasonable proximity to their worksites and provide necessary public- and private-sector services. The documented trend of increasing housing and land prices in Gunnison County has resulted in an inadequate supply of Essential Housing for county residents. This jeopardizes the ability of local employers to hire and retain employees, thus negatively impacting business operations.’

That section was written in 2006 and the lack of essential housing has only grown in scale and challenge.

The proposed neighborhood has been designed to be compatible and complementary to the natural systems and existing land uses in the area. The consultant team has worked extensively with community members and adjacent landowners in the design of the development plan. The neighborhood has been designed with connectivity to neighboring parcels, multimodal access, and appropriate buffering in mind. Additionally, the design team is working with the Town of Crested Butte to determine if connection to the Town’s water and wastewater treatment systems is feasible. The development will likely be developed in phases. At this time a developer has not been selected for the project so the phasing has yet to be determined. It is expected that all infrastructure and utilities will be installed initially and phases of housing will be installed following infrastructure.”

In addition, this standard must take into account the following:

- The LUR “shall be construed liberally to further its stated purposes.” See LUR Section 1-103.
- Amongst the purposes of the LUR is to “encourage a diversity of housing types, densities, and development that assists in providing adequate housing for all people [;] . . . [t]o encourage innovations in residential, commercial, and industrial land use changes, so that the growing demands of the population may be met by greater variety in type, design, and layout of development [;]. [t]o encourage residential development that meets demonstrated housing needs in Gunnison County[;] . . . [t]o protect and enhance the economic strength of the private and governmental sectors of Gunnison County in a manner that is compatible with this Resolution[;] . . . [and] [t]o encourage, strengthen and promote greater economic diversity in the County, to broaden employment opportunities and reduce seasonal employment fluctuation in a manner that will not endanger or detract from the existing economy.” See LUR Section 1-103.

- The modifications and incentives for essential housing set forth in Section 9-601 and 9-604 of the LUR discussed below.

The proposed development is compatible with the community character and is an enhancement of the development area because it will create a secure source of housing for community residents and does not adversely impact the area.

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. The applicant proposes one phase for development of the proposed subdivision.

The application states:

“The County anticipates that the project will be developed in phases and will provide more detail at the time of Preliminary Plan application. At this time a developer has not been selected for the project so the phasing has yet to be determined. It is expected that all infrastructure and utilities will be installed initially and phases of housing will be installed following infrastructure.”

Section 9-100: Uses Secondary to a Primary Residence.

Not applicable, the total number of residential units contemplated is approximately 231, at this time, no secondary uses or residences are proposed.

Section 9-200: Special Residential Uses.

Not applicable, no special residential uses are proposed as part of this application.

Section 9-300: Commercial and Industrial Uses.

Applicable, the applicant proposes a mixed use building to be included in the development which may include various commercial type facilities that would serve the neighborhood. Those commercial uses could include childcare, mental health offices, a cafe, community meeting space, or co-work space. No commercial uses have been specifically identified at this time. The Planning Commission has discussed the benefit of including neighborhood serving commercial uses at this site. The proposed live work units shall be further defined at Preliminary Plan and include defined uses. At the time of Preliminary Plan, the applicant shall demonstrate compliance with the standards of this Section. The Sketch Plan application is generally consistent with the standards of this Section.

Section 9-400: Exploration, Extraction and Processing of Minerals and Construction Materials.

Not applicable. No exploration, extraction or processing of materials is proposed.

Section 9-500: *Miscellaneous Uses and Activities.*

Not applicable. No miscellaneous uses or activities are proposed.

Section 9-600: *Essential Housing.*

Applicable, the proposed development includes essential housing. The applicant proposes that more than 40% of the residential units will be essential housing units, as defined by the LUR. D The development will consist of no less than 80% deed restricted units total. 40% of the total units shall be restricted to incomes of 120% AMI or less. The applicant's goal is to have 100% of the units be deed restricted, including income restrictions. The units will vary and may include: apartments, townhomes, and live/work units. Deed restrictions are not developed or proposed yet and the final ratio of essential units to free market units is not yet determined.

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

***1. Expedited Review Process for Essential Housing Projects.** Conforming and complete applications submitted pursuant to this Division generally shall be given priority over other applications that are being reviewed by staff, the Planning Commission or the Board. At each phase of its review, each application shall be placed on the first scheduled Commission or Board agenda for which it can be properly noticed."*

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

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

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

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

Applicable, an increase in height of 25% is requested for two buildings, at this time. These buildings are designed to work with the site topography and be minimally obtrusive from Highway 135. The public benefit of the taller buildings will allow more units in the development for essential

housing. No solar access will be obstructed for other units nor will solar access be obstructed for adjacent property owners.

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

Not applicable, at this time, as it is expected that the proposed development can meet setbacks from the perimeter of the site.

“5. DEFERRED FEES. *Fees for Essential Housing residences may be deferred as follows:*

a. PROJECTS THAT INCLUDE CONSTRUCTED ESSENTIAL HOUSING RESIDENCES. *A proposed land use change includes the construction of Essential Housing Residences, and the installation of infrastructure to service them. The applicable decision-making body may defer all related County fees, such as Building Permit Fees, ISDS Permit fees, Access Permit fees, and Reclamation Permit fees for Essential Housing that is to be constructed by the Land Use Change Permit applicant, until the applicant receives a Certificate of Occupancy for each of the constructed residences. Payment of fees may be in whole for all the residences in the development when a Certificate of Occupancy is obtained for the first residence, or in part for each residence at the time each residence receives a Certificate of Occupancy thereafter.*

Applicable, the payment of fees and possible deferral may be requested at Preliminary/Final Plan. At this time, because a developer has not been selected, it is unknown if fee deferral will be requested.

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

The applicant has requested a modification to Section 13-105, as allowed by this Section. The application states:

“The conceptual development identifies the following conceptual sizes for the proposed buildings:

- *Single-family residence, 1,200 sq. ft.*
- *Duplex buildings, 3,000 sq. ft.*
- *Triplex buildings, 4,600 sq. ft.*
- *Apartment building, 9,200 sq. ft.*
- *Apartment building, 17,000 sq. ft.*
- *Alley flats, 1,000 sq. ft.*
- *Live/work townhomes, 6,500 sq. ft.*
- *Triplex buildings, 3,800 sq. ft.*

- Apartment building, 19,500 sq. ft.
- Apartment building, 34,500 sq. ft.
- Apartment building, 17,000 sq. ft.
- Apartment building, 42,000 sq. ft.

We request a modification to the design standards of Section 13-105: D.2. Maximum Building Size and Maximum Aggregate of All Structures which states the maximum building size for multi-family residences is 10,000 square feet and the aggregate maximum is 12,500 square feet, as allowed by Section 9-604: A.6. The proposed buildings have been designed in a manner to increase efficiencies—both energy and cost efficiencies and do not jeopardize public health, safety, or welfare. The buildings, especially 9-12 have been designed in a manner to utilize the topography and grade at the site to reduce the appearance and massing of the structures from Highway 135. Locating larger structures closer to the highway creates a sense of arrival to the community with this site which will help to slow traffic on Highway 135. It is important to consider the tradeoffs that are necessary for developing essential housing—larger buildings are more cost effective and energy efficient and can house more people, while smaller buildings may be more culturally acceptable and align with past development patterns. However, if the highest priority is housing our community members and workforce in energy efficient units that are connected to our communities and part of great neighborhoods—larger buildings are a critical tool. We cannot house everyone in single family or even duplex and triplex units while still maintaining open space, ensuring multimodal connection, and aligning with our climate and energy efficiency goals.”

The Planning Commission discussed the proposed sizes of the buildings and the application’s compliance with the required standards for allowance of modification. The Planning Commission found that the larger buildings will be more energy efficient, will provide more amenities including the creation of park and open space due to size and location of the buildings, improved access to transit for residents in larger buildings and reduced traffic and vehicles in the remainder of the neighborhood because of the larger buildings’ location adjacent to the highway. The Planning Commission also found that the proposed modification does not jeopardize public health, safety, or welfare and that neither Section 13-105 nor viewsheds are amongst the “public health, safety, and welfare” standards described in Section 1-105: *Sections Necessary for Immediate Preservation of Public Health, Safety, Welfare, and the Environmental and Natural Resources.*

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

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

Applicable, the applicant has proposed 1.8 spaces/unit. The LUR requires two parking spaces for up to a three-bedroom unit. The application states, “The County and the design team have worked very hard to balance the number of units with needed parking at the site. 1.8 space/unit is significant and that parking, along with the County’s separate project to develop an underpass from the site connecting it to transit and a multimodal path justify the reduction in parking.”

The Planning Commission discussed the requested parking reduction and found that the proposed multimodal access to the site including mass transit, pedestrian/bicycle underpass, and trail connection support a reduction in the required parking.

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

Not applicable, the applicant has proposed 44% of the parcel as open space which exceeds the required 30%.

Section 10-102: Locational Standards for Residential Development.

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...”

The proposed development is within the municipal three-mile plan area for the Town of Crested Butte.

Section 10-103: Residential Density.

Applicable, the standards of this Section apply. The proposed development is within a municipal three-mile plan area of the Town of Crested Butte. The County and the Town do not have an intergovernmental agreement for the three-mile area around the Town and therefore if there is a conflict between Town and County standards, County standards shall apply.

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

The applicant included the following response in the application narrative:

“The Area Plan stated goals include: a healthy environment; a high quality of life; housing for people who live and work in the community. The subject parcel is located in the “Middle Slate River Valley” as defined in the Area Plan. The Area Plan identifies incentives such as increased density for the development of local housing (essential housing). The Area Plan does identify the subject parcel, along with the adjacent Colvin parcels (but not the recently acquired Gers parcel) as “priority preservation areas.” The prioritization of these parcels as preservation areas would leave them as islands that are adjacent to industrial, residential developments and the highway.

The Area Plan identifies the following goals for residential design:

- *Preservation of the natural character of the land and habitat*
- *Clustered buildings*
- *Provision of substantial open space*

- *Solar access and alternative energy*
- *Preservation of agricultural uses whenever possible*

The Whetstone essential housing development has clustered buildings on the parcel, created open space that is meaningful for the neighborhood and accessible for the residents, prioritized solar access and alternative energy for the development. No agricultural lands are impacted by the proposed development.

The Area Plan also recommends that development should provide trails as identified on the Crested Butte Trail Plan. A perimeter trail around the development is proposed that is also expected to connect to a future Crested Butte to Crested Butte South multimodal access that the County is currently working on.

Road design standards are described in the Area Plan and the Whetstone development is expected to comply with those standards. The development has been designed with two access points which improves safety and traffic flow. All exterior lighting shall be required to comply with the County's exterior lighting standards which requires fully-shielded and full cutoff fixtures. The development also proposes connection to the Town's water and sewer service which is an identified goal in the Area Plan. The Area Plan recommends that development include land available for public transit systems; the development includes internal bus stops and the County has included a possible underpass on Highway 135 as part of the Brush Creek intersection redesign.

...The Area Plan includes a section on housing with a specific goal: 'The housing policies of the Crested Butte Area Plan are designed to develop a socially, culturally and economically balanced community with an appropriate mix of residential dwelling unit types for permanent residents, part time residents, and tourists.' The Whetstone development meets this goal by providing deed-restricted essential housing for the local workforce.

The Town's Compass Plan identifies key themes heard from the community and defines community values. The Compass Plan describes a desire to implement policies that 'make driving less convenient while simultaneously improving and expanding transit opportunities as an attractive alternative.' Additionally, the Compass Plan describes concerns about housing insecurity:

'A tension that was an undercurrent to many of the conversations was a deeply held fear of housing insecurity and lack of economic mobility. For example, residents of the Town feel threatened by the changes they are witnessing, including losing their quality of life, a growing divide between the haves and have nots, an inability to maintain the existing culture and community, the inability to afford a home, and the lack of opportunity to build and sustain a life here that future generations can experience.'

The proposed Whetstone workforce housing development addresses a challenge described in the Compass Plan:

'Affordable Housing: Increasingly throughout each jurisdiction, individuals are unable to afford housing near where they work. There are many compounding issues, including the diversity of the housing stock, strategic density, the need to incentivize deed-restricted units, and a lack of options that are walkable, bikeable, and served by transit.'

Mayor Ian Billick, of the Town of Crested Butte provided written comments in a letter dated October 6, 2022 on the Sketch Plan application which are noted above in the referral agency comments sections. The Town noted support for the goal of 100% deed restricted housing for essential and workforce housing; and supported a connected transportation network including the development of an underpass and roundabout on Highway 135; and support for the traditional neighborhood design of the project and location of the higher density buildings along Highway 135 to “increase transit ridership and cue traffic on Hwy 135 to slow as vehicles approach the proposed roundabout at Brush Creek.”

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

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

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

The applicant has provided the below response and the Planning Commission finds that the Sketch Plan is consistent with the standards of this Section and conditions are appropriate for greater density.

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

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

Applicable, the applicant has identified three options for wastewater treatment—connection to the Town of Crested Butte; connection to East River Sanitation district; or development of an onsite wastewater treatment plant. The applicant’s preferred option is connection to the Town of Crested Butte wastewater system.

The applicant and the Town of Crested Butte signed a Memorandum of Understanding which identifies that the parties selected Carollo Engineers to perform a water and sewer capacity study to confirm the capacity of the Town’s water and sewer infrastructure to serve the Whetstone essential housing development. The MOU states: “The MOU parties agree that should the efforts...demonstrate, to the reasonable satisfaction of the MOU parties, adequate water and sanitary sewer capacity in the Town of Crested Butte’s water and sanitary sewer systems for the Whetstone project, the parties will present the findings of the study to the Town Council for the

purpose of the Town's consideration of water and sanitary sewer infrastructure extension to the Whetstone parcel."

Carollo Engineers report found that there is capacity within the Town's systems but there are also additional improvements and policies that may need to be addressed to ensure that capacity. Carollo noted: "additional recommendations for a subsequent phase of the capacity assessment have been developed to confirm the viability and further detail the impacts of connecting the Development to the Town's water and wastewater systems." The recommendations include additional assessments to understand the impacts of connecting the proposed system, responsibility for operation and maintenance of system components, capital costs associated with the proposed connections and possible facility expansion or storage needs, and long-term operations and maintenance costs (e.g., additional staff requirements to support the near-term additional demands on the existing system, power and chemical costs, etc.).

As required by Town Code, the County has submitted a request to the Town for service of water and wastewater to the subject parcel which will trigger additional analysis and review to determine if the Town will allow connection. The Town Council will be holding a public hearing and will identify items that the applicant will be required to submit for further consideration of utility extension at their February 21, 2023 Council meeting.

The applicant shall be required to submit detailed wastewater treatment plans at Preliminary Plan.

2. DEVELOPMENT SERVED BY OTHER SERVICES AND FACILITIES.

To the maximum extent feasible, the development is or will be served by a public water supply, public transportation and other public services and facilities by approval of the subject application.

Applicable, see above regarding the request to the Town of Crested Butte for wastewater and water service. Additionally, the proposed development is adjacent to an existing RTA bus stop on Highway 135. The applicant has included a location within the development to accommodate a bus stop for school buses and/or mass transit services. The applicant is exploring the opportunity to create a bike and pedestrian underpass connecting this development to the east side of Highway 135. The applicant has engaged with an engineering firm, Mead & Hunt, to redesign the Brush Creek Road intersection. At this time a relocated roundabout is proposed the roundabout may include surface crossings for bikes and pedestrians, in addition to a multimodal underpass. The applicant is in the process of creating a plan for a multimodal trail from the Town of Crested Butte to Crested Butte South subdivision and the proposed trail may connect to this development.

3. COMPATIBLE WITH NEIGHBORHOOD. *The development is compatible with the neighborhood existing when the Land Use Change Permit application is submitted. Methods of ensuring compatibility may include, but are not limited to:*

a. PERMANENT COVENANTS TO ENSURE CONTINUED COMPATIBILITY WITH NEIGHBORHOOD USES AND DENSITIES. *The proposed development includes permanent protective covenants that, at a minimum, address the following, to ensure that, if approved, it remains compatible with the neighborhood uses and densities that exist as of the date of approval of the Land Use Change Permit:*

1.DESIGN STANDARDS. *Building exterior design standards.*

Applicable, the applicant has included draft design standards that reflect public input gathered over the past year on the design of the development. Architectural character is described in detail beginning on page 15 of the application submittal narrative. Goals include:

- Variety of architecture and materials
- Tie into Gunnison Valley style
- Some relationship to Riverland's industrial characteristics
- Break down larger masses
- Smart snow management
- Orientation for solar access
- Decks and small private outdoor spaces
- Transition from more traditional architecture to the west to more modern industrial to the east

Additional design information is included below in "Compatibility of Uses."

2. LANDSCAPING. *Landscaping requirements.*

Applicable, the applicant has submitted a conceptual landscaping plan which is described on page 21 of the application submittal narrative and is attached to the application as Maps 4 and 5. The goal of the project is to create a livable, attractive neighborhood which also responds to the need for low water and drought tolerant species.

The application notes:

"The overarching topography of the site - sloping from northeast to southwest will remain. Berms along the east and west sides will remain. The existing berm along Highway 135 will be modified as required for new points of access and structures. All landscaping on site will be either native or naturalized and adapted to the site on the valley floor and will expressly avoid all invasive species. The Wildland Urban Interface code will inform the types of plantings, which could include native trees, shrubs, perennials and grasses—low water, drought tolerant, fire resistant. Dense evergreens and large non-native trees are not anticipated. Native landscaping along Highway 135 is proposed."

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

Applicable, the applicant has included a parking plan including 1.8 spaces/unit. The LUR requires two parking spaces for up to a three-bedroom unit.

The application states, "All housing units constructed within Whetstone shall have secure bulk storage spaces for outdoor equipment and gear. Bulk storage spaces shall be a minimum of 35 sf with a minimum dimension of 5 feet and minimum height of 8 feet. Bulk storage space may be remote from a unit or within the unit but shall not otherwise be used as a bedroom or utility closet."

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

Applicable, and the applicant has requested modifications as allowed by Section 9-604: A.6. which states:

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

It is important to note that the standard states the decision-making body shall approve modifications if the criteria of energy efficiency, more amenities, or improved design, and the modifications will not jeopardize public health, safety, or welfare are met. At this time, the applicant has not requested a modification to this Section and the Sketch Plan submittal states:

“The proposed essential housing neighborhood has been designed to ensure that it is compatible with and complementary to the nearby residential or public use areas.

Neighborhood Planning Guidelines

These guidelines have been created to guide future development within Whetstone. The guidelines are intended to provide a vision for Whetstone while providing flexibility for future development partners to create unique and distinctive structures and spaces within the framework of a coherent and cohesive neighborhood. Developers may propose something different than what is explicitly shown in this plan but must, through the county review process, show how the proposed development is in keeping with these guidelines and the context and character of the neighborhood. Key components of the Neighborhood Planning Guidelines include:

- *Building scale and form*
- *Building relationship to the street*
- *Building relationship to gardens, parks and outdoor spaces*
- *Building typologies*
- *Storage*
- *Architectural character*

Building Scale and Form

- *Larger buildings are to be built at the top of the site near HWY 135 in the neighborhood named “Urban North” where grade changes provide opportunity to minimize the perceived scale of buildings especially as seen from HWY 135. Smaller buildings sensitive to the scale of the adjacent properties are to be constructed on the east, south and west sides of the site.*
- *The neighborhood is to be predominantly two-story structures with the exception of two buildings framing the north end of the greenway along HWY 135 and the potential for a third story on the east side units that are built into the berm along this property boundary.*
- *All structures shall have meaningful changes in plane (creating relief and shadow on the face of the structure) and/or materials to reduce building scale and create visual interest.*
- *Roof orientation shall be such that snow is not shed onto walkways, driveways or unroofed outdoor living spaces when possible. Roofs oriented to maximize the potential for rooftop solar are encouraged but not required.*

Building Relationship to the Street

- *Buildings should address the street and unit entries should be visible from the street wherever possible.*
- *Unit entry porches are to be constructed on all structures on the east side, west side, far northwest and central areas of the site.*
- *Entry porches should be a minimum of five feet in depth and large enough to accommodate resident seating.*
- *Primary living spaces should face the street and have large windows to enliven the streetscape and provide security to pedestrians and neighbors.*

Building Relationship to Gardens, Parks and Outdoor Spaces

- *Outdoor spaces around structures should be planned as shared or private landscaped gardens and yards. Spaces within these structures, and particularly primary living spaces, should be located alongside these garden areas and oriented to take advantage of views of and across them.*
- *Building design at Whetstone is to encourage the connection of residents to the landscape through proximity of indoor and outdoor living spaces and gardens and fenestration patterns to strong visual connection between interior and exterior spaces.*

Building Typologies

- *A wide variety of building types is encouraged.*
- *Building types anticipated are shown on the Development Plan.*
- *Building types should seek to generate the desired density while maintaining a scale appropriate to the context.*
- *Single family detached structures will not be allowed except in the Far Northwest neighborhood.*

The County has worked with adjacent landowners and community stakeholders to design a neighborhood that will be an asset to the community and a great place for our community members to live. The development of accessible open space, trails, and connection to transit create a neighborhood that is compatible with and enhancement of the community. The applicant has also worked with adjoining property owners Tod and Teri Colvin, who own five lots on Creekside Drive. The Colvins' have expressed concern about the height and number of units along the northwest property line. The applicant has purposefully designed that portion of the development to include lower intensity uses such as duplexes and triplexes that will have heights and form similar to the Colvins' existing home. The applicant met the Colvins' onsite and erected small structures to simulate potential viewshed impacts. There will be changes to the views to the south of the Colvins' parcel. The existing residence is oriented to primarily face north and take advantage of views of Paradise divide. The proposed triplex and duplex units are oriented so that they do not directly face the Colvins' property which was done in response to concerns expressed by the Colvins. The units on the northwest corner of the property include a single-family residence, duplex and two triplexes. That portion of the property is prominent and the structures were placed with the intention of blending in with the topography and neighboring uses. There had been consideration of a larger structure in that area but the team felt that several smaller residential units would be more compatible.

The larger apartment structures along Highway 135 have been designed and located to work with the site topography and to create a sense of arrival to the Crested Butte community and help to slow traffic on the highway. In referral comments from the Town of Crested Butte dated October 6, 2022 they state, “The Town also appreciates the development’s respect for the natural topography of the project site. We support placing the higher density building along Hwy 135 to increase transit ridership and cue traffic on Hwy 135 to slow as vehicles approach the proposed roundabout at Brush Creek.” Greater numbers of units in close proximity to regional transit will enable ease of access and ridership.”

5. BUILDING SIZE. *Building size.*

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

Building size and visual impact are discussed above in “Compatibility of Uses” and the modification to building size thresholds is analyzed in Section 9-604:A.6.

4. IMPACT OF INCREASED DENSITY IS MITIGATED. *The decision-making body finds that impacts of the increased density have been reasonably mitigated; methods of mitigation may include, but are not limited to:*

a. ADDITIONAL OPEN SPACE. *The amount of open space included in the proposed development exceeds the amount required by Section 13-108: Open Space and Recreation Areas by at least ten percent of the total land designated for residential uses within the development.*

A major impact residential project is required to provide 30% open space. This requirement may be modified per Section 9-604: B.2. but the applicant is not requesting a modification to this standard, at this time. The total parcel is 15.1 acres and 6.6 acres (44%) is open space. The open space exceeds the required amount by 14%.

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

The application meets and far exceeds this standard and the goal for the entire project is to provide essential residences for the community. The development will consist of no less than 80% deed restricted units total. 40% of the total units shall be restricted to incomes of 120% AMI or less. The County’s goal is to have 100% of the units be deed restricted, including income restrictions, to meet the needs of the community as identified in the 2021 “Gunnison Valley Market Housing Update” and to respond to the Board of County Commissioner’s strategic goal of building 300 housing units that are affordable for our workforce by 2030.

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

The residences and units are clustered and based on traditional neighborhood design and form with the intention of creating a livable, vibrant, and attractive neighborhood.

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

The proposed development is located adjacent to an RTA bus stop on Highway 135. Additionally, the applicant has created space within the development (see #16 on Map 1 of the application) for a bus connection. At this time RTA and Mountain Express do not anticipate circulating within the development but the applicant has created the space for that future opportunity.

Section 10-104: Locational Standards for Commercial, Industrial, and other Non-Residential Uses.

Applicable, a mixed-use structure and live/work units are proposed within the development. Section 10-104: B. states that new growth should be located adjacent to an incorporated municipality or consistent with a three-mile plan area.

The application states:

“The building identified on the site plan as mixed use may include several different neighborhood serving uses such as a co-work space, childcare, mental health center offices, shared/rentable community space, or a cafe. These proposed uses comply with Section 10-104: B.2. as is contemplated in the Crested Butte Area Plan. The Area Plan identifies that neighborhood serving commercial uses are appropriate. Additionally, Section 10-104: C.1.e. Identifies that a commercial use that is designed to serve a specific residential area is appropriate and compatible.”

Section 11-103: Development in Areas Subject to Flood Hazards.

Not applicable, the subject parcel is not within the 100-year floodplain, according to FEMA maps.

Section 11-104: Development in Areas Subject to Geologic Hazards.

Not applicable, the subject parcel is not in an area of mapped geologic hazards.

Section 11-105: Development In Areas Subject to Wildfire Hazards.

Applicable, the parcel is in a high wildfire hazard area. A copy of the application has been referred to the Crested Butte Fire Protection District and Colorado State Forest Service for review and comment. No comments were received from the Colorado State Forest Service. The proposed development shall comply with the standards of this Section and the Preliminary Plan design shall be guided by these standards and the *2021 International Wildland Urban Interface Code*.

Section 11-106: Protection of Wildlife Habitat Areas.

Applicable, the application was referred to Colorado Parks and Wildlife for review and comment; CPW comments included recommendations that bird feeders be limited and bear proof trash containers be installed. The applicant responded that, “The development will utilize bear-proof trash containers and restrict use of bird feeders.”

Section 11-107: Protection of Water Quality.

Applicable, the subject parcel includes water bodies within 125 feet and shall comply with the standards of this Section. No development is proposed within the inner restrictive buffer of a water body. If development within 125 feet of the water body is proposed, a water quality protection plan shall be required at Preliminary Plan.

Section 11-108: Standards for Development on Ridgelines.

Not applicable. The site is not located on a ridgeline.

Section 11-109: Development That Affects Agricultural Lands.

Not applicable, the subject parcel is not adjacent to any agricultural operations, as defined in the LUR.

Section 11-110: Development of Land Beyond Snowplowed Access.

Not applicable, the site is not located beyond snowplowed access.

Section 11-111: Development On Inholdings In The National Wilderness.

Not applicable, the site is not located on a National Wilderness inholding.

Section 11-112: Development On Property Above Timberline.

Not applicable, the site is not located above timberline.

Section 12-103: Road System.

Applicable, a copy of the application was referred to Gunnison County Public Works and the CDOT. The applicant has identified the general locations of roads and access in compliance with Sketch Plan requirements. Engineered road plans and traffic studies are not required or accepted at Sketch Plan.

The application states:

“The general locations of the roads and trails are shown on the site plan titled, ‘Conceptual Development Plan’ dated August 26, 2022. The design team has consulted with Gunnison County Public Works on the design of the internal development roads and is aware of Gunnison County standards. The roads are proposed to meet County and Crested Butte Fire Protection District standards and include on and off-street parking, landscaping, and sidewalks. Gunnison County is currently working with Mead & Hunt to develop a revised Brush Creek intersection plan that is expected to include a roundabout and relocation of Brush Creek Road. The intersection is expected to also include an underpass that would connect Whetstone essential housing to the northwest side of Highway 135.”

A perimeter gravel trail is proposed on the parcel. The applicant is also working with CDOT and other consultant teams to develop a plan for a multimodal access trail from Crested Butte to Crested Butte South and the applicant has stated that they are exploring the option to create an underpass on Highway 135 that would connect the development to the northeast side of the highway, transit stops, and the Deli Trail.

Brian Killian, Region 3 Access Program Manager for CDOT in an email dated September 16, 2022 commented that the roundabout will be the only allowed highway access, and that the development will need to provide connectivity to the Colvin parcel.

Martin Schmidt, Assistant County Manager of Public Works in a letter dated October 5, 2022 commented that the project should consider the type of equipment that will be used for snow storage, the design of curbs and other obstructions that will enable plowing, and encouraged maximizing larger areas for snow storage rather than multiple smaller areas.

Scott Truex, Executive Director of RTA in a letter dated September 10, 2022 commented that RTA doesn't expect to add bus stops nor divert buses off the highway into the development. RTA also supported a pedestrian underpass on Highway 135.

The applicant has provided the following response in the "Response to Referral Comments on Sketch Plan Submittal LUC-22-00049," dated October 14, 2022:

"Applicant acknowledges CDOT comments and is working with traffic engineers and adjacent property owners to understand and mitigate concerns related to emergency access. Future engineering studies will be shared with CDOT to determine if a secondary access is feasible... The applicant will continue to work with Public Works and our consultant team to design and engineer snow removal that is efficient, effective and accommodated...The County will continue to work with CDOT on the Brush Creek intersection and will work with CDOT and local partners and is committed to furthering the design and engineering for a pedestrian underpass."

Section 12-104: Public Trails.

Applicable, trails are proposed as part of this application. The applicant is currently beginning a design and planning process for the Crested Butte to Crested Butte South multimodal access trail. The applicant's preferred option is to create an underpass on Highway 135 that will connect the development to transit stops and the Deli Trail. Additionally, an internal trail on the subject parcels is proposed that will serve the neighborhood.

Section 12-105: Water Supply.

Applicable, the applicant has identified three possible options for water supply for the proposed development:

- Connection to the Town of Crested Butte central water system
- On site development of central wells
- Connection to the Skyland Metropolitan District water system

The applicant's preferred option is connection the Town of Crested Butte's water supply system. The applicant has provided documentation of a memorandum of understanding (MOU) between the Town and the County exploring the option of connection. The applicant has requested the Town of Crested Butte consider extension of water and wastewater utilities to the subject parcel. The Town Code identifies a specific Town process for consideration of utility extension and the applicant and Town are currently working through that process. A water supply plan in compliance with the standards of this Section titled "Water Supply Plan" dated September 6, 2022 and prepared by JVA Consulting Engineers has been submitted.

Section 12-106: Sewage Disposal/Wastewater Treatment.

Applicable, the applicant has identified three possible options for wastewater treatment for the proposed development:

- Connection to the Town of Crested Butte wastewater treatment system
- Connection to the East River Regional Sanitation District system
- Onsite development of a centralized package plant for sewage treatment

The applicant's preferred option is connection to the Town of Crested Butte's water supply system. The applicant has provided documentation of an MOU between the Town and the applicant exploring the option of connection. The applicant has requested the Town of Crested Butte consider extension of water and wastewater utilities to the subject parcel. The Town Code identifies a specific Town process for consideration of utility extension and the applicant and Town are currently working through that process. A wastewater treatment plan in compliance with the standards of this Section, titled "Water Supply Plan" dated September 6, 2022 and prepared by JVA Consulting Engineers has been submitted.

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.

In a letter from Sean Caffrey, CEO and Commissioner and Ric Ems, Fire Marshal dated September 28, 2022 comments related to adequate water supply for fire protection for Riverland Industrial Park.

The applicant has provided the following response in the "Response to Referral Comments on Sketch Plan Submittal LUC-22-00049," dated October 14, 2022: "The preferred option for water service is through the Town of Crested Butte. We have submitted an application to extend utility services. We are open to discussions with the Town of Crested Butte and Riverland Industrial Park to understand if there is a feasible solution to provide fire protection water supply."

Section 13-102: Location with a Municipal Three Mile Plan

Applicable, the subject parcel is within a municipal three-mile plan. The Crested Butte Area Plan has not been adopted by Gunnison County. A copy of the application has been referred to the Town of Crested Butte.

In a letter from Mayor Ian Billick dated October 6, 2022, the Town provided the comments including support for 100% deed restricted housing; support for transit-oriented design for the project including a roundabout at Highway 135 and an underpass connecting to the development to transit and multimodal trails; support for traditional neighborhood design of the proposal and the location of the higher density buildings along Highway 135.

The applicant provided the following response in the "Response to Referral Comments on Sketch Plan Submittal LUC-22-00049," dated October 14, 2022:

- "1) The County shares the Town's goal of creating as much deed restricted housing as financially feasible.

2) The County is fully committed to pursuing an improved Brush Creek intersection which includes pedestrian access. Ongoing engineering and feasibility analysis will determine project costs and help identify financing and funding mechanisms and timing of the project.”

Section 13-103: *General Site Plan Standards and Lot Measurements.*

Applicable, the site plan complies with the standards of this section as shown on the “Conceptual Development Plan” dated August 26, 2022 and prepared by jvD, LLC.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*

Applicable, road setbacks and property line setbacks, are required to comply with the standards of this Section.

A detailed site plan shall be submitted at Preliminary Plan.

Section 13-105: *Residential Building Sizes and Lot Coverages.*

Not applicable, Section 9-604: A. 6. allows the decision-making body to approve modifications to the requirements of Article 13, “provided that the requested modification will result in residences that will be more energy-efficient, will provide more amenities, or improved design, and will not jeopardize public health, safety or welfare.” Please see the analysis in Section 9-604 related to residential building size.

Section 13-107: *Installation of Solid Fuel-Burning Devices*

This section applies and any solid fuel-burning devices proposed shall comply with this section.

Section 13-108: *Open Space and Recreation Areas*

Applicable, a major impact residential project is required to provide 30% open space. This requirement may be modified per Section 9-604: B.2. but the applicant has not requested a modification. The total parcel is 15.1 acres and the applicant proposed 6.6 acres (44%) open space.

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 at Preliminary Plan. The applicant proposes 1.8 spaces/unit. The LUR requires two parking spaces for up to a three-bedroom unit. As allowed by Section 9-604: B.1. the applicant is requesting a reduction in required parking for the proposed development. The application states, “The County and the design team have worked very hard to balance the number of units with needed parking at the site. 1.8 space/unit is significant and that parking, along with the County’s separate project to develop an underpass from the site connecting it to transit and a multimodal path justify the reduction in parking.”

A requested modification to the parking standards as allowed in Section 9-604: B.1. *Reduced Parking Space Requirements*. This Section states:

“Notwithstanding any other requirements of this Resolution, the decision-making body may provide one or more of the following incentives for an Essential Housing Project or a residential or mixed-use development in which a minimum of 40 percent of the residences are Essential Housing, and, because of deed restriction, will remain Essential Housing: 1. Reduced Parking Space Requirements. A reduction in the number of parking spaces required pursuant to Section 13-110: Off-Road Parking and Loading, depending upon location, bedroom mix, the availability of public transit and other pertinent factors.”

The application states “The reduction in parking will not jeopardize public health, safety, or welfare and because of the proposed underpass connection to transit it will likely improve public health and safety by reducing vehicle trips and emissions. Additionally, the reduction in parking allows for the development of improved park and open space that is an amenity for residents.”

The Planning Commission discussed the proposed parking and found that the location of transit adjacent to the site, the bedroom mix and expected multimodal connection to the Town of Crested Butte warrant a parking reduction. The applicant shall comply with all other standards of this Section.

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.”

The application states, “The design team recognizes that the parcel is in a wildfire hazard area and will implement FireWise design standards, defensible space, and fireflow requirements for fire-fighting purposes into the design. It is anticipated that future structures may need to comply with the *International Wildland Urban Interface Code.*”

Section 13-112: *Snow storage.*

Applicable, the applicant has identified areas of snow storage on the site plan and additional detail shall be provided at Preliminary Plan.

Section 13-113: *Fencing*

Applicable, this section applies and any fencing proposed shall comply with this section.

Section 13-114: *Exterior Lighting.*

Applicable, the standards of this Section shall be applied at the time of building permit application.

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

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 design of the sketch plan has been guided by the standards of this Section.

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

Section 13-117: Drainage, Construction And Post-Construction Stormwater Runoff.

Applicable, the Sketch Plan shall be guided by the requirements of this Section, however specific details are not required at Sketch Plan.

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

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

Section 13-118: Water Impoundments.

Not applicable, 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.*

The application states:

“The proposed essential housing neighborhood has been designed to ensure that it is compatible with and complementary to the nearby residential or public use areas. The County has worked with adjacent landowners and community stakeholders to design a neighborhood that will be an asset to the community and a great place for our community members to live. The development of accessible open space, trails, and connection to transit create a neighborhood that is compatible with and enhancement of the community.”

Article 15: Right-to-Ranch Policy.

Not applicable, the subject parcel is not adjacent to any agricultural operations, as defined in the LUR.

FINDINGS:

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

1. This application is classified as a Major Impact per Section 7-101: *More Than Four Units*.
2. The application seeks to develop essential housing and workforce housing as defined by Section 2-102.
3. The criteria set forth in Section 9-604: *Incentives Required to Provide Essential Housing* apply to this application, and the Commission finds that incentives and modifications are generally consistent with the standards of the Gunnison County *Land Use Resolution* as set forth in the Planning Commission recommendation.
4. The applicant has met its burden to establish that application of a modification of the standards set forth in the LUR, including but not limited to, Section 13-103, to allow for an increase in height of 25% for two buildings proposed in the plan, is generally consistent with the standards of the Gunnison County *Land Use Resolution*. Further review and final determination of application of this modification will occur at Preliminary and Final Plan application.
 - a. The applicant has established that its application meets the standards of Section 9-604: A.3, which states, “An increase of 25 percent in the maximum structure height allowed pursuant to Section 13-103: G.: *Allowed Structure Heights*, when such increase is found to not interfere with solar access or potential solar access of existing adjacent structures, and the County determines the increase to be in the public benefit in its allowance for additional and/or larger residences and that are deed-restricted pursuant to this Division.” In addition, the modification standards of Section 9-604: A.6 potentially apply to this application with regard to the foregoing.
 - b. During the sketch plan proceedings, the applicant demonstrated that moving the aforementioned buildings would result in less open space and park amenities, a parking lot adjacent to the highway, reduced transit connectivity and more traffic and car trips within the development due to the location of the higher density structures in the center of the parcel. The Commission therefore finds that the public will benefit from increased building heights to allow more essential affordable workforce housing in the development.
 - c. Section 13-103 is not amongst the “public health, safety, and welfare” standards described in Section 1-105: *Sections Necessary for Immediate Preservation of Public Health, Safety, Welfare, and the Environmental and Natural Resources*.

5. The applicant has met its burden, under LUR Section 9-604: A.6. to establish a modification of the standards set forth in the LUR, including but not limited to, Section 13-105, to allow for an increase in the maximum size of multifamily residential buildings is generally consistent with the standards of the Gunnison County *Land Use Resolution*. Further review and final determination of application of this modification will occur at Preliminary and Final Plan application.
 - a. The applicant has demonstrated that the larger buildings will be more energy efficient; will provide more amenities, including the creation of park and open space due to size and location of the buildings; improved access to transit for residents in larger buildings; and reduced traffic and vehicles in the remainder of the neighborhood because of the larger buildings' location adjacent to the highway.
 - b. The proposed modification does not jeopardize public health, safety, or welfare and that neither Section 13-105 nor viewsheds are amongst the "public health, safety, and welfare" standards described in Section 1-105: *Sections Necessary for Immediate Preservation of Public Health, Safety, Welfare, and the Environmental and Natural Resources*.
6. The applicant has met its burden to establish a modification to the parking standards as allowed in Section 9-604: B.1. *Reduced Parking Space Requirements* and is generally consistent with the standards of the Gunnison County *Land Use Resolution*. Further review and final determination of application of this modification will occur at Preliminary and Final Plan application.
 - a. This Section states: "Notwithstanding any other requirements of this Resolution, the decision-making body may provide one or more of the following incentives for an Essential Housing Project or a residential or mixed-use development in which a minimum of 40 percent of the residences are Essential Housing, and, because of deed restriction, will remain Essential Housing: 1. *Reduced Parking Space Requirements*. A reduction in the number of parking spaces required pursuant to Section 13-110: *Off-Road Parking and Loading*, depending upon location, bedroom mix, the availability of public transit and other pertinent factors."
 - b. The applicant proposes approximately 1.8 spaces/unit at this time.
 - c. LUR Section 13-110 normally requires two parking spaces for up to a three-bedroom unit.
 - d. However, the Commission finds that modification of the foregoing standard, and application of Section 9-604(B)(1) is appropriate because the applicant has established reasonable efforts to balance the number of units with needed parking at the site. The applicant has shown that its proposal of 1.8 spaces/unit still provides parking for residents and that parking, along with the applicant's separate project to develop an underpass from the site connecting it to transit and a multimodal path justifies a modification of the normal parking standard.
7. Pursuant to Section 7-102: *Standards of Approval for Major Impact Projects*, the Commission hereby finds and concludes:
 - 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 addressed, and the Commission has evaluated this submittal for its integration of the standards of the *Resolution* within its conceptual presentation of the proposed development pursuant to the foregoing standard.
 - b. The applicant has submitted sufficient evidence at this stage of the process to demonstrate that the project concept is compatible with the community character, taking into account the appropriate modifications discussed above. The proposed development is compatible with the community character and is an enhancement of the development area because it will create a secure source of housing for community residents and does

not adversely impact the area. A final 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 submitted the Preliminary Plan application, again taking into account the provisions of LUR Section 9-604 and the liberal construction of LUR to meet its stated purposes, which include providing adequate housing for all people.

- c. Phasing has been proposed by the applicant within this Sketch Plan submittal.
 - d. All uses have been identified on lots within this proposed development.
8. The following have been identified as potential issues related to this application during the Sketch Plan review process:
 - a. The livability of the larger buildings alongside Highway 135 and their compatibility with community character.
 - b. The opportunity for multimodal connection to the site that is safe and accessible.
 - c. The connection to the Town of Crested Butte's water and wastewater treatment utilities. However, such issues must be balanced with the modification provisions of Article 9 and the need for liberal construction of LUR in favor of providing adequate housing for all people.
 9. Commercial uses are proposed at the site. The Commission finds that these proposed uses meet the sketch plan standards of the LUR.
 10. In response to recommendations from Colorado Parks and Wildlife the applicant has proposed to install bear-proof trash containers and limit the use of bird feeders.
 11. The applicant has submitted a request to the Town of Crested Butte for water and wastewater treatment utility extension.

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-22-00049 be classified as a Major Impact Sketch Plan, and that the Sketch Plan be approved with the following conditions:

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.

1. 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. Applicant shall describe the livability of the larger buildings alongside Highway 135 and their compatibility with community character including design, form, massing, and architectural features, taking into account the modification provisions of Section 9 and the need for liberal construction of LUR in favor of providing adequate housing for all people.
 - b. Applicant shall identify options for multimodal connection to the site that is safe and accessible, taking into account the modification provisions of Section 9 and the need for liberal construction of LUR in favor of providing adequate housing for all people.
2. The applicant shall further 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.
3. The proposed development shall include bear-proof trash containers and limits on the use of bird feeders in compliance with the recommendations of Colorado Parks and Wildlife.

4. Per LUR Section 7-202(O), 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.

The applicant shall be required to submit and actively pursue the completion of the Preliminary Plan application within twelve (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.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

Chairperson Sovick closed the continued joint public hearing at 9:40 a.m.

The regular meeting of the Gunnison County Planning Commission was adjourned at 9:42 a.m.

/s/ Beth Baker
Gunnison County Community and Economic Development