

GUNNISON COUNTY BOARD OF COMMISSIONERS
MEETING AGENDA

DATE: Tuesday, October 8, 2024

Page 1 of 1

PLACE: Board of County Commissioners' Meeting Room at the Gunnison County Courthouse
(REMOTE OPTION BELOW)

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONER WORK SESSION:

10:00 am

- HB 1177 Roundtable Update

10:05 am

- Upper Gunnison River Water Conservancy District Update

10:20 am

- Colorado River Water Conservation District Update

10:35 am

- Instream Flow Presentation
- Adjourn

JOINT GUNNISON COUNTY PLANNING COMMISSION AND COUNTY COMMISSIONER PUBLIC HEARING:

1:00 pm

- Whetstone Community Housing; LUC-22-00049
- Adjourn

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONER SPECIAL MEETING:

3:30 pm

- Resolution; Approving the Combined Preliminary Plan and Final Plan for LUC-22-00049, Whetstone Community Housing Development
- Adjourn

Please Note: Packet materials for the above discussions will be available on the Gunnison County website at <http://www.gunnisoncounty.org/meetings> prior to the meeting.

ZOOM MEETING DETAILS:

Join Zoom Meeting: <https://us02web.zoom.us/j/89798905619>

One tap mobile

+12532158782,,82753657556#,,,,*471302# US (Tacoma)

+13462487799,,82753657556#,,,,*471302# US (Houston)

AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Instream Flow Presentation

Action Requested:

Parties to the Agreement:

Term Begins:

Term Ends:

Grant Contract #:

Summary:

ISF Presentation

Fiscal Impact:

Submitted by: Holly Perry

Submitter's Email Address: hperry@gunnisoncounty.org

Finance Review:

Required

Not Required

Comments:

Reviewed by:

Discharge Date:

County Attorney Review:

Required

Not Required

Comments:

Reviewed by:

Discharge Date:

Certificate of Insurance Required

Yes No

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirmie

Discharge Date: 10/4/2024

Consent Agenda

Regular Agenda

Worksession

Time Allotted: 60

Agenda Date: 10/8/2024



Gunnison County Board of County Commissioners

County Commissioners Meeting, October 8th

Marielle Sidell, Hydrologist, Stream and Lake Protection, CWCB

Roy Smith, Instream Flow Protection, BLM

Katie Birch, Instream Flow Program Coordinator, CPW

Julie Nania, presenting for HCCA



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources



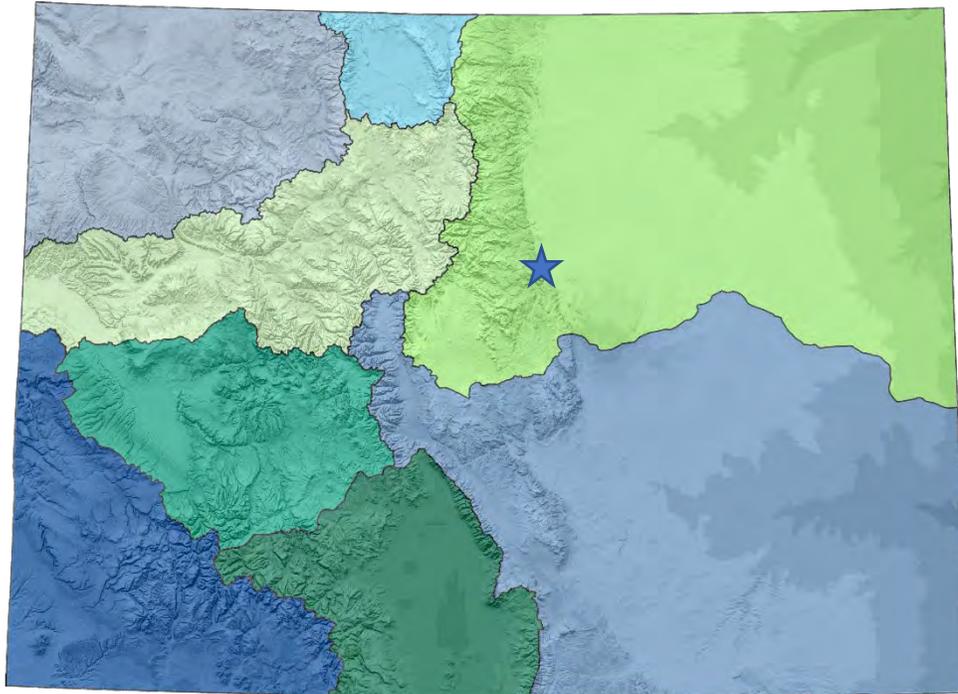
Colorado Water Conservation Board

To promote the protection, conservation, and development of Colorado's water resources for present and future generations

Provides policy direction on water issues

- Finance and Administration
- Interstate & Federal
- Stream and Lake Protection
- Water Supply Planning
- Watershed & Flood Protection

Board of Directors



Ex-Officio Members

Dan Gibbs, DNR Director (*voting*)

Lauren Ris, CWCB Director

Phil Weiser, AG

Jason Ullman, State Engineer

Jeff Davis, CPW Director

Kate Greenberg, Dept. of Ag Director



Greg Felt

ARKANSAS RIVER

gregory.felt@state.co.us
CWCB Board



Paul Bruchez

COLORADO RIVER MAINSTEM

CWCB Board



Jessica Brody

CITY AND COUNTY OF DENVER

jessica.brody@state.co.us
CWCB Board



John McClow

GUNNISON-UNCOMPAGHRE RIVER

CWCB Board



Barbara Vasquez

NORTH PLATTE RIVER

CWCB Board



Nathan Coombs

CHAIR, RIO GRANDE

CWCB Board



Lorelei Cloud

VICE CHAIR, SAN MIGUEL, DOLORES, ANIMAS & SAN JUAN RIVERS

CWCB Board



Brad Wind

SOUTH PLATTE RIVER

CWCB Board



Jaclyn Brown

YAMPA/WHITE RIVERS

jackie.brown@state.co.us
CWCB Board



Colorado in the 1970'S

- Public concern over dry stream reaches
- No mechanism within the water rights system to keep water within a stream for environmental preservation
- Federal imposition of bypass flows on Fry-Ark project
- Threats of ballot initiative to allow private ISFs

See water [talk podcast](#) for more history

Senate Bill 73-97

Established Colorado's Instream Flow Program

- Recognized “the need to correlate the activities of mankind with some reasonable preservation of the natural environment”
- Vested the CWCB with the authority “on behalf of the people of the state of Colorado, to appropriate or acquire... such waters of natural streams and lakes as may be required to preserve the natural environment to a reasonable degree.”



ISF and NLL New Appropriation Water Rights

- Protect minimum stream flows or lake levels to preserve the natural environment
- Defined stream reach or natural lake, defined flow rates & timing
- Exclusively held by CWCB
- New Water Court Filings (very junior appropriation dates)
- Administered within the State's Prior Appropriation System



What Does the Program Accomplish?



Maintains flows in streams and surface elevations in lakes to ensure preservation of the natural environment and achieves a balance with other beneficial uses of water in the state.



Provides regulatory certainty for water users by preserving the doctrine of prior appropriation and operating within the priority system.



ISF Program Areas

New Appropriations

Acquisitions

Legal Protection

Physical Protection

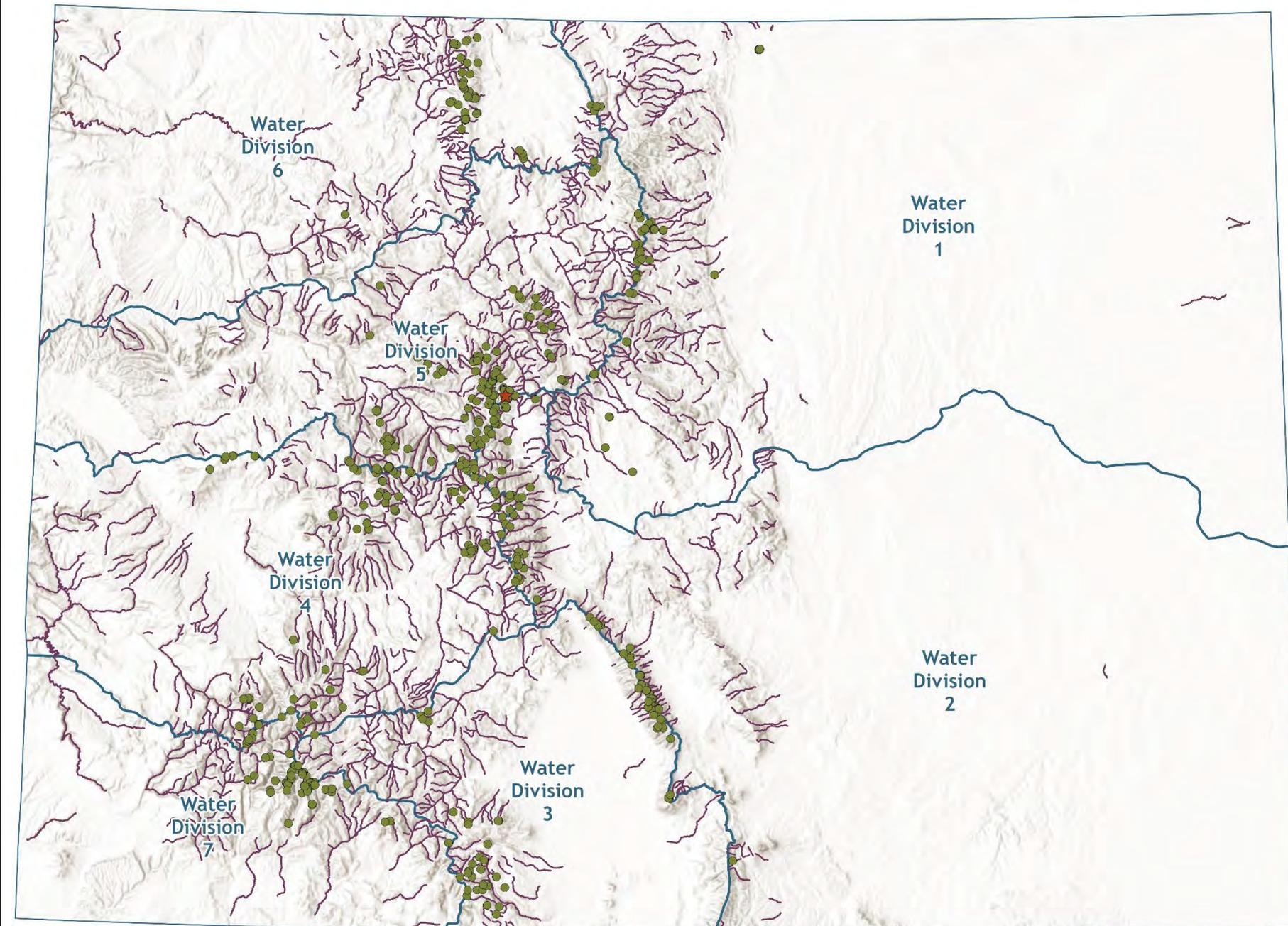
ISFs in the state

New appropriations

- Over 1,700 ISFs
 - 9,500 stream miles
- 486 NLL
 - 5,700 acres

Acquisitions

- Close to 50 projects
- 18 NLLs





New Appropriations Process

ISF Timeline

Recommendation Development

Staff Analysis & Public Outreach

Board Decisions & Hearing Process

Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec

Jan
Feb
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Nov
Dec

Water
Court

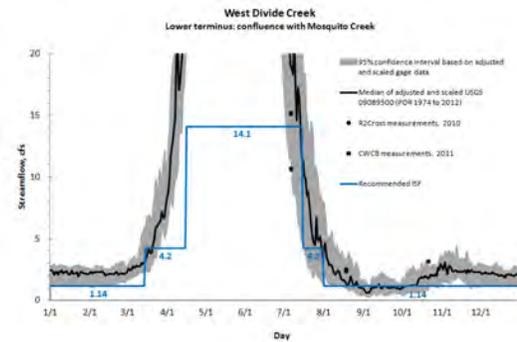
Timeline shows typical recommendation process, but the exact dates can vary. Please see ISF Rules and CWCB website for more detailed information and important dates.

Required Board Findings



A natural environment exists

- Typically identified by the presence of a fishery, but other indicators can be used
Note: Quantification of the amount of water needed is provided by the recommending entity.



Natural environment will be preserved by the water available for appropriation

- Determined by water right and hydrologic investigations
- Daily **median** stream hydrology when available – general CWCB policy to show water available 50% of time
- **Surface elevation** of lake and volumetric capacity



No material injury to other rights

- New appropriations are junior water rights and have no effect on existing senior appropriations
- 37-92-102(3) b. Recognition of existing undecreed uses and exchanges

Natural Environment



flannelmouth sucker



Colorado cutthroat trout



brook trout

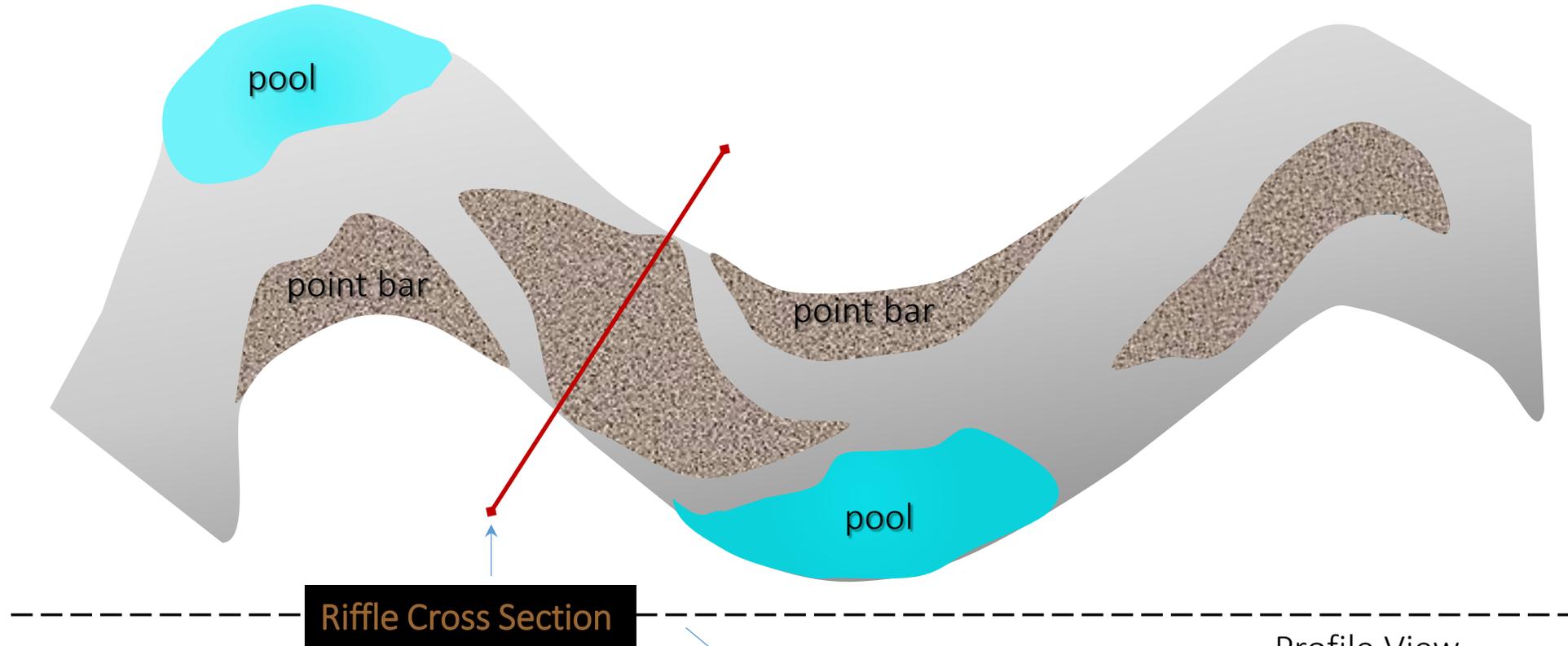
Developing the biological flow recommendation

Collect streamflow measurements & channel geometry to model hydraulic parameters of average depth, velocity, and percent wetted perimeter



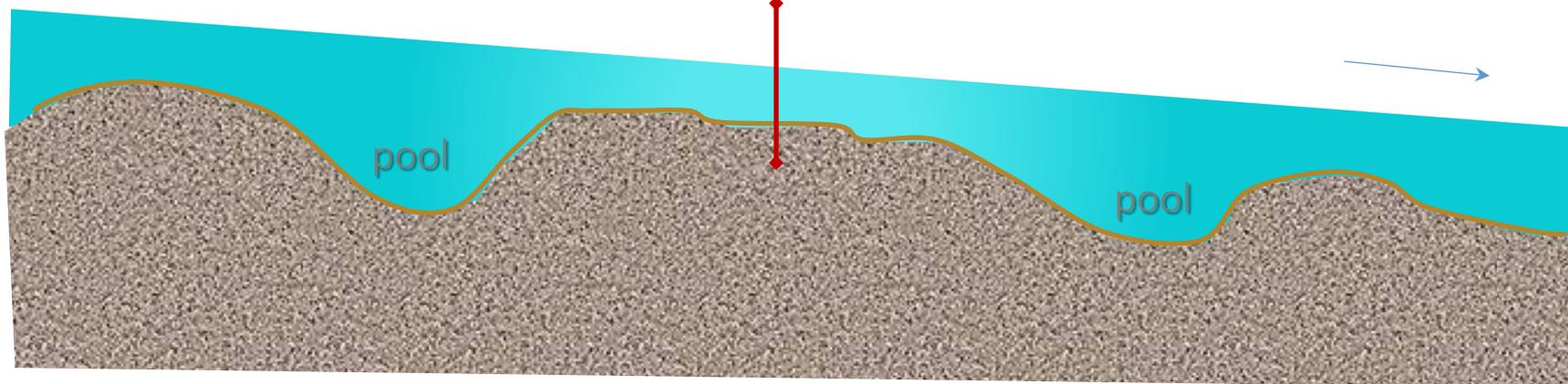
Site Selection

Plan View



Riffle Cross Section

Profile View



R2Cross Method

- R2Cross flow rates are based on maintaining hydraulic parameters related to stream habitat preferences for fish.
- 2 of 3 required for winter flow, 3 of 3 required for summer flow
- Many original ISFS were based solely on 2 of 3

R2Cross Criteria Table (modified from Nehring 1979)

Bankfull Top Width (ft)	Average Depth (ft)	Percent Wetted Perimeter %	Average Velocity (ft/sec)
<=20 ft	0.2	50	1.0
>20 to <=40	0.2-0.4	50	1.0
>40 to <=60	0.4-0.6	50-60	1.0
>60 to <=100 ft	0.6-1.0	>70*	1.0

* Wetted Perimeter criteria is selected by the user, see the R2Cross Field Manual for more information.

Water Availability

Water balance approach based on best available data

Streamflow data

Median hydrology long and short-term gages, temporary gages, spot flow measurements, diversion records.

CSUFlow18

Analysis to provide mean monthly streamflow estimates in ungaged systems.

Point flow modeling

Additional information

From water commissioners, landowners, ditch or reservoir operators, and resource managers.

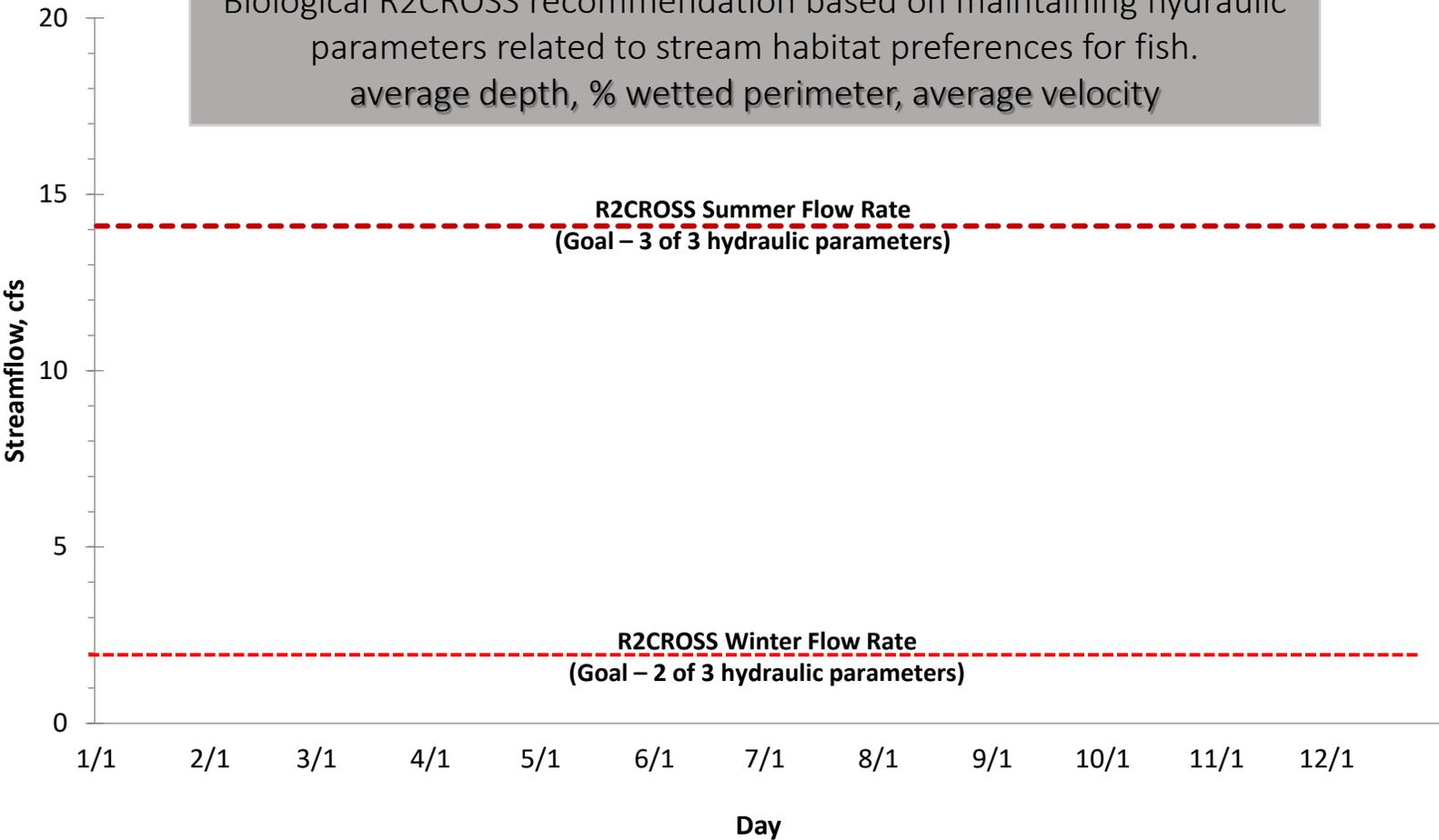


Water Availability

West Divide Creek

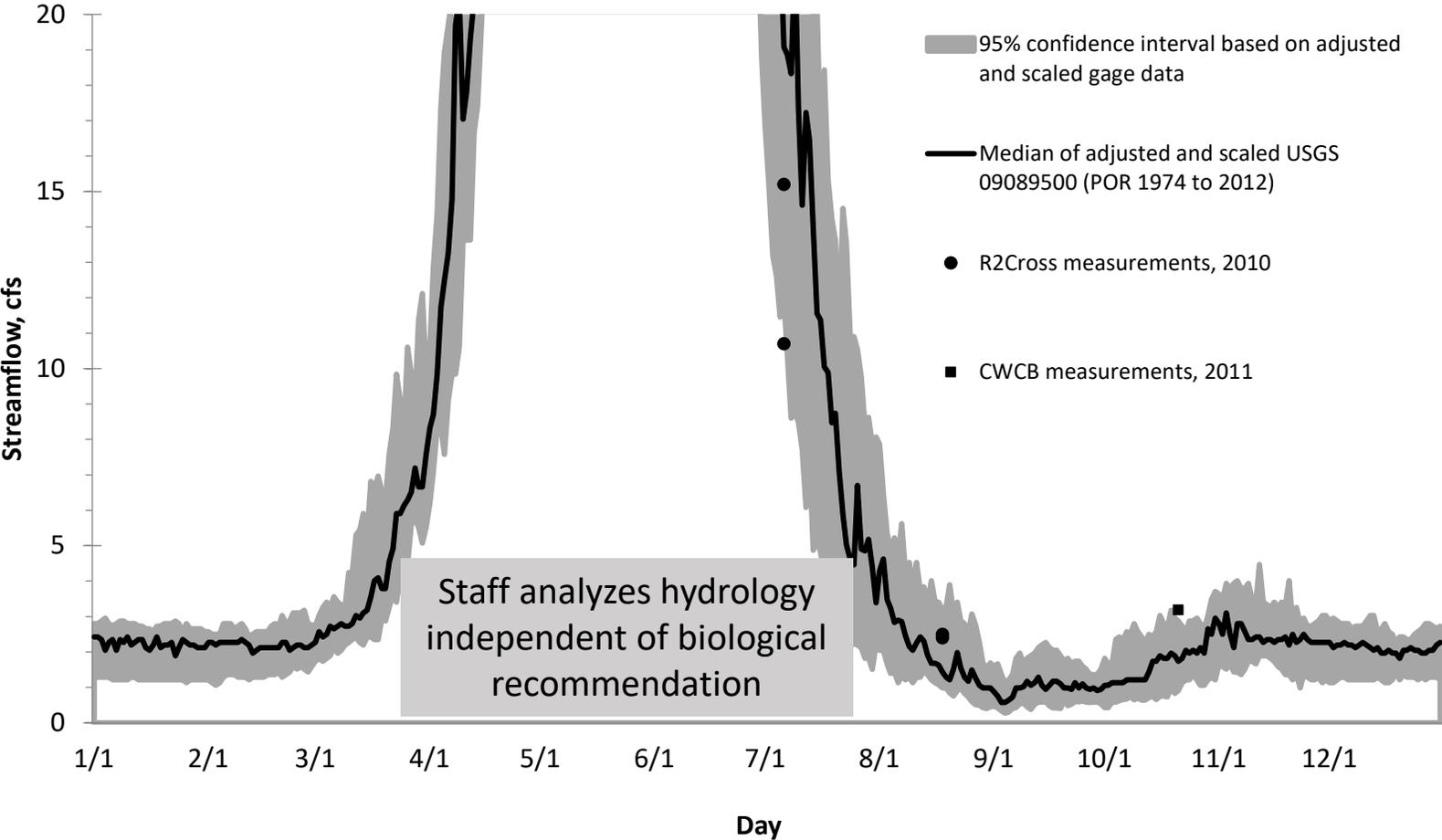
Lower terminus: confluence with Mosquito Creek

Biological R2CROSS recommendation based on maintaining hydraulic parameters related to stream habitat preferences for fish.
average depth, % wetted perimeter, average velocity



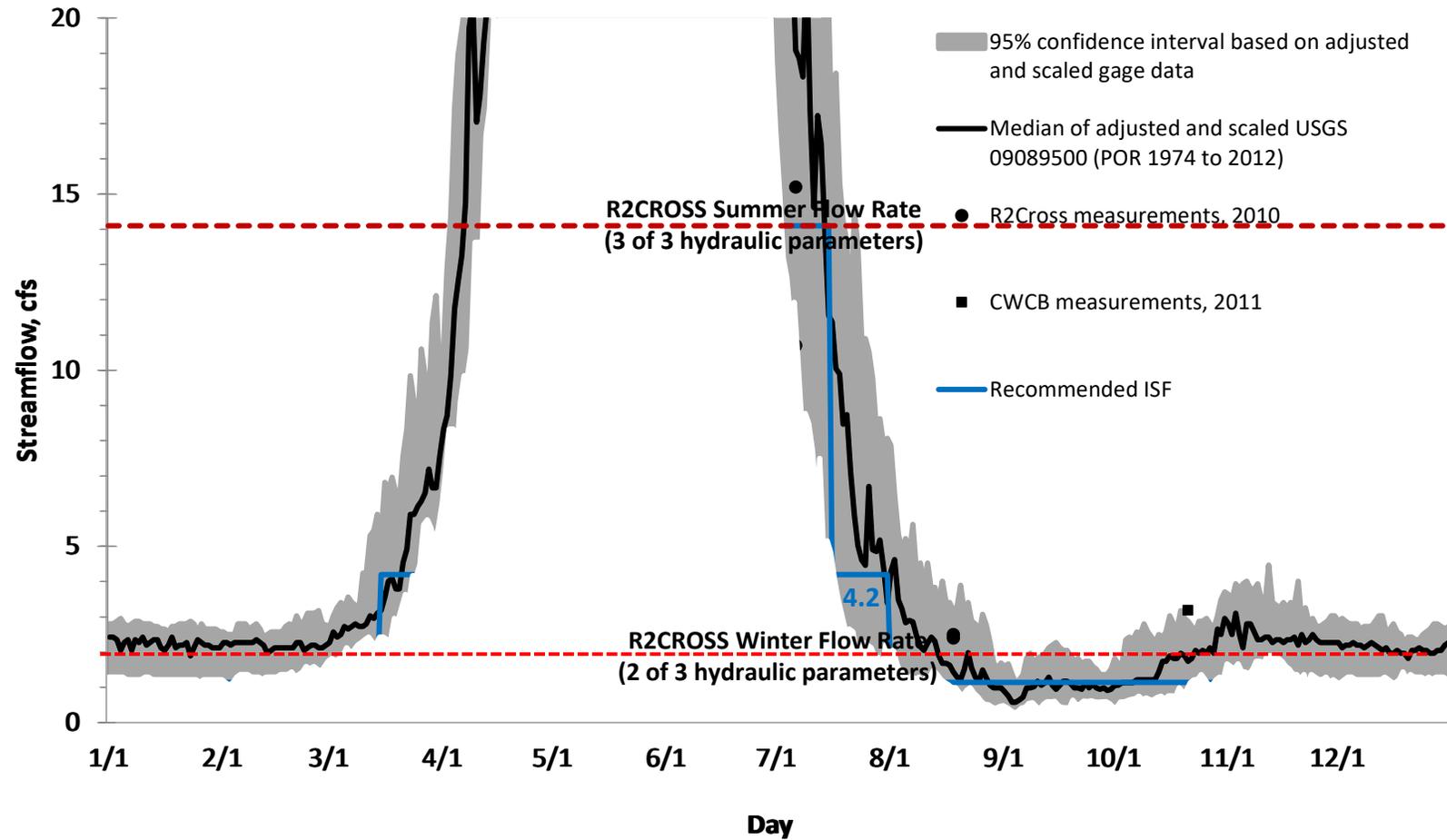
Water Availability

West Divide Creek
Lower terminus: confluence with Mosquito Creek



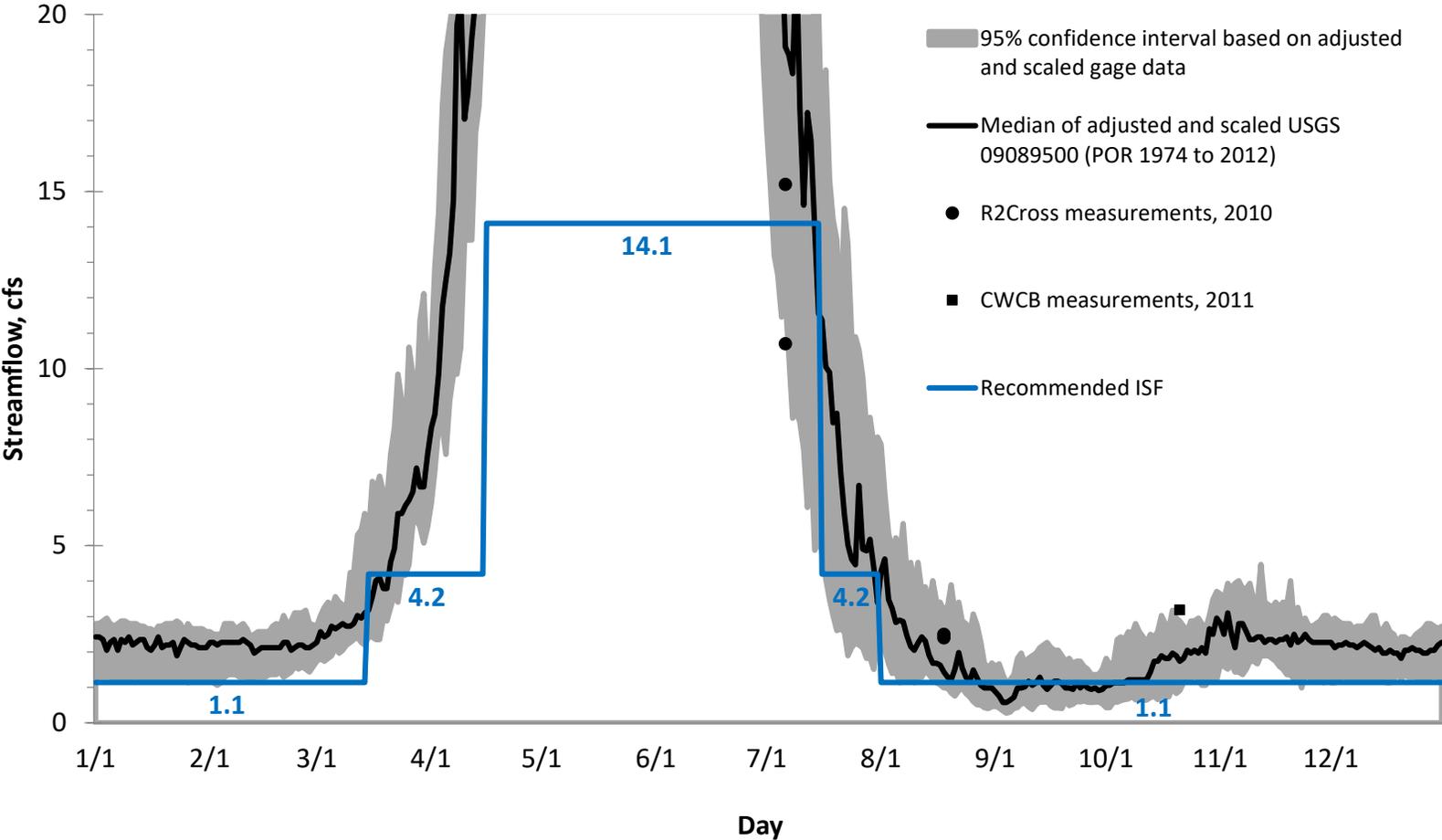
WATER AVAILABILITY

West Divide Creek Lower terminus: confluence with Mosquito Creek



Water Availability

West Divide Creek
Lower terminus: confluence with Mosquito Creek



What Does an ISF Look Like?

Little Cimarron River
3 of 3 criteria = 13 cfs
Measured flow = 13.5 cfs



Recommender Role

1

Identify streams and determine flow needs

2

Submit recommendations “with specificity and in writing”.

3

Identify stakeholders and participate in outreach efforts.

4

Testify on natural environment and flow requirements if there is a contested hearing.

CWCB Staff Role

1

Evaluate
Recommender
Data

2

Water Availability
Assessments

3

Outreach &
Education

4

Inform Board &
support
recommendations
in hearings

CWCB Board Role

1

Listen to public feedback

2

Make 3 determinations

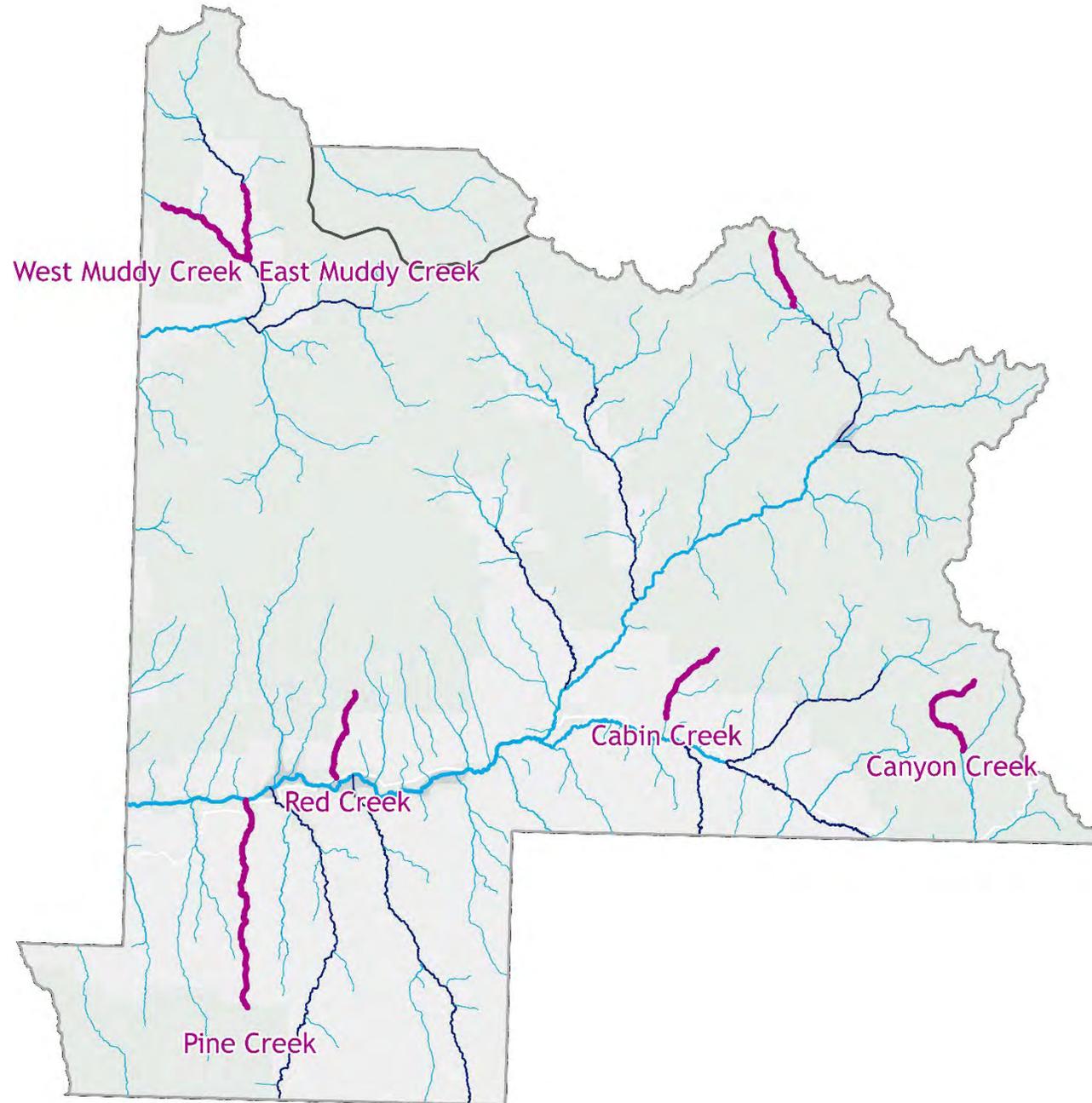
3

Decide whether to appropriate ISFs

4

Make decisions in hearings

Gunnison County recommended ISFs

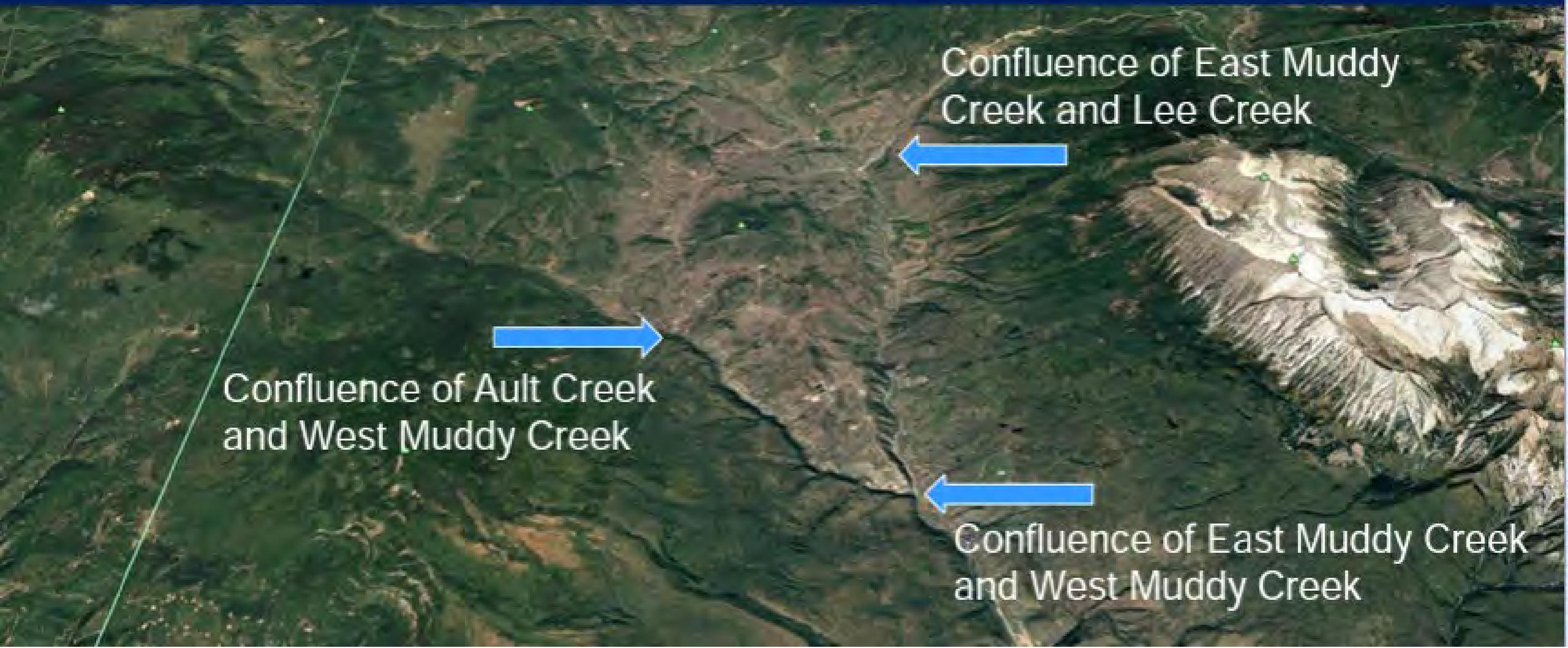


BLM Instream Flow Recommendations



West Muddy Creek

East Muddy Creek and West Muddy Creek - Location



East Muddy



Natural Environment:

- Native Fishery: speckled dace, mottled sculpin, bluehead sucker
- Introduced Fishery: rainbow trout, fathead minnow and white sucker
- Riparian community: willow species, alder, spruce and narrowleaf cottonwood

East Muddy



Preliminary ISF Rates

- Target flow rates are under consideration pending full water availability analysis

West Muddy



Natural Environment:

- Native Fishery: bluehead suckers, speckled dace, and mottled sculpin.
- Introduced Fishery: brook trout, rainbow trout, and white suckers
- Northern leopard frogs
- Riparian community: willow species, alder, narrowleaf cottonwood and spruce.

West Muddy



Preliminary ISF Rates

- Target flow rates are under consideration pending full water availability analysis

Questions for BLM?

Contact Roy Smith at r20smith@blm.gov or 303-239-3940



East Muddy Creek
above confluence with
West Muddy Creek

Pine Creek Instream Flow (ISF) Recommendation

Katie Birch

Instream Flow Program Coordinator

Colorado Parks and Wildlife



LIVE LIFE
OUTSIDE

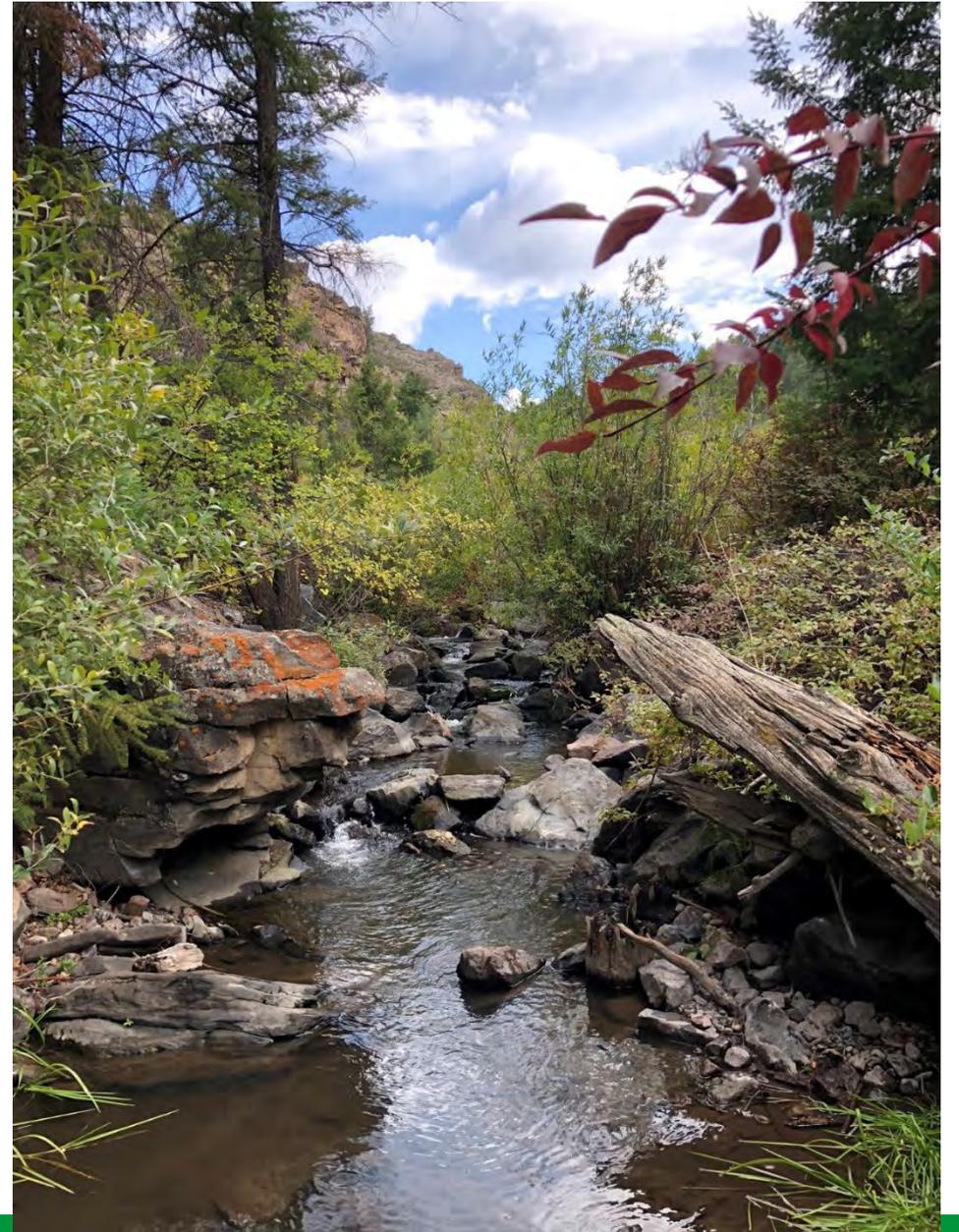
Why?

- Longstanding partnership with BLM and NPS
- Interest in flow protection to support environmental and recreational attributes



Environmental & Recreational Values

- Self-sustaining and healthy populations of recreationally-important rainbow trout and brook trout
- Popular public fishing access in Curecanti NRA
- Major tributary of Morrow Point Reservoir



Pine Creek Basin Land Ownership

- NPS Curecanti National Recreation Area (NRA)
 - Near confluence
- Private lands
- Ute Mountain Ute Tribe (UMUT)
 - Major landowner in basin
- BLM
 - In upper reach



Flow Needs Quantification

- R2Cross investigations in critical riffle transects
- 7 Cross-Sectional Data Sets were collected in 2018, 2020, 2021, and 2022
 - Above and below Highway 50
- 2 Cross-Sectional Data Sets collected on upstream BLM lands
 - No fish sampled in upper reach



Preliminary Flow Recommendations

R2Cross Results (Upper)

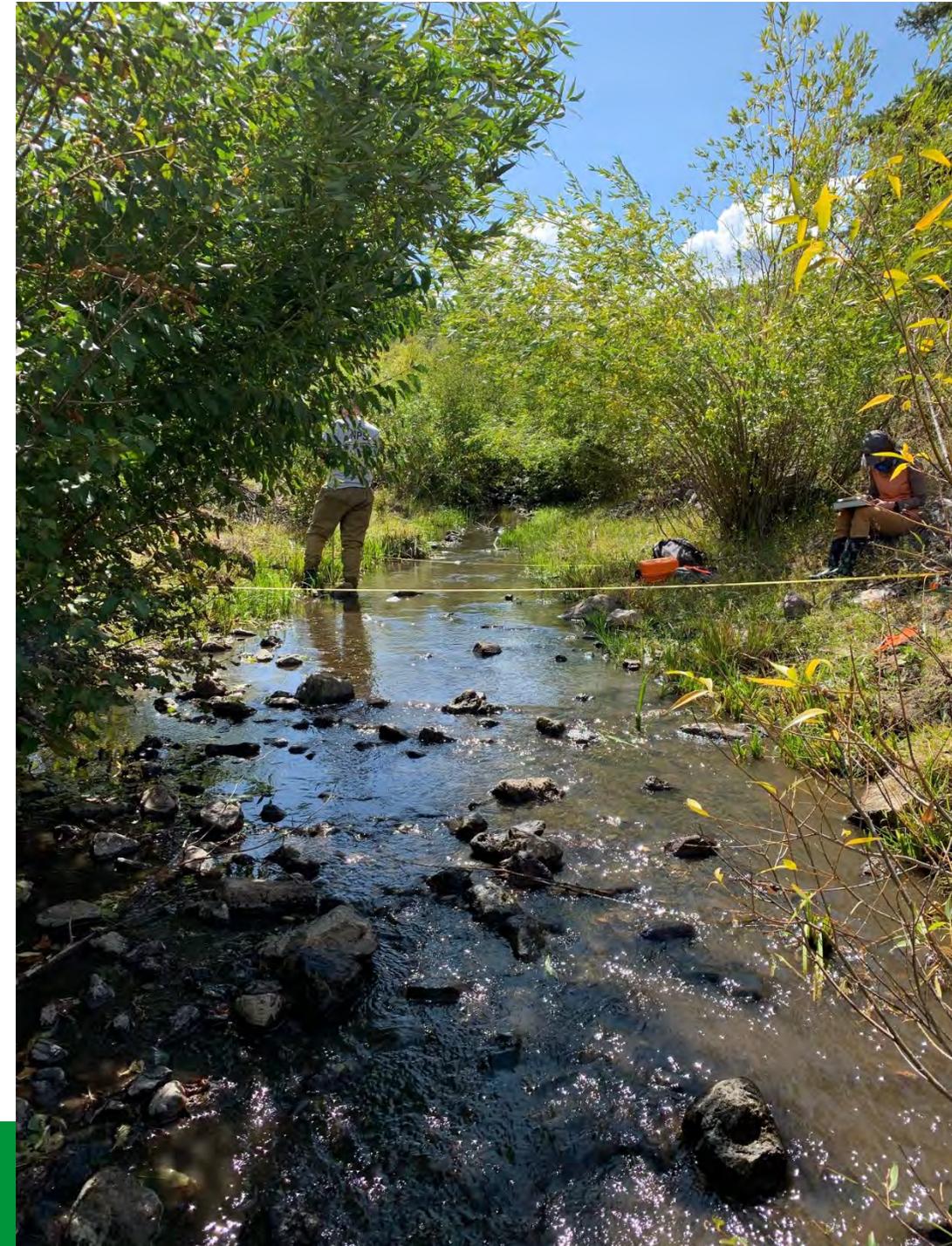
- Baseflow period = 0.6 cfs
- High flow period = 1.2 cfs

No fishery upstream, so likely will forego recommendation on upper BLM reach.



R2Cross Results (Lower)

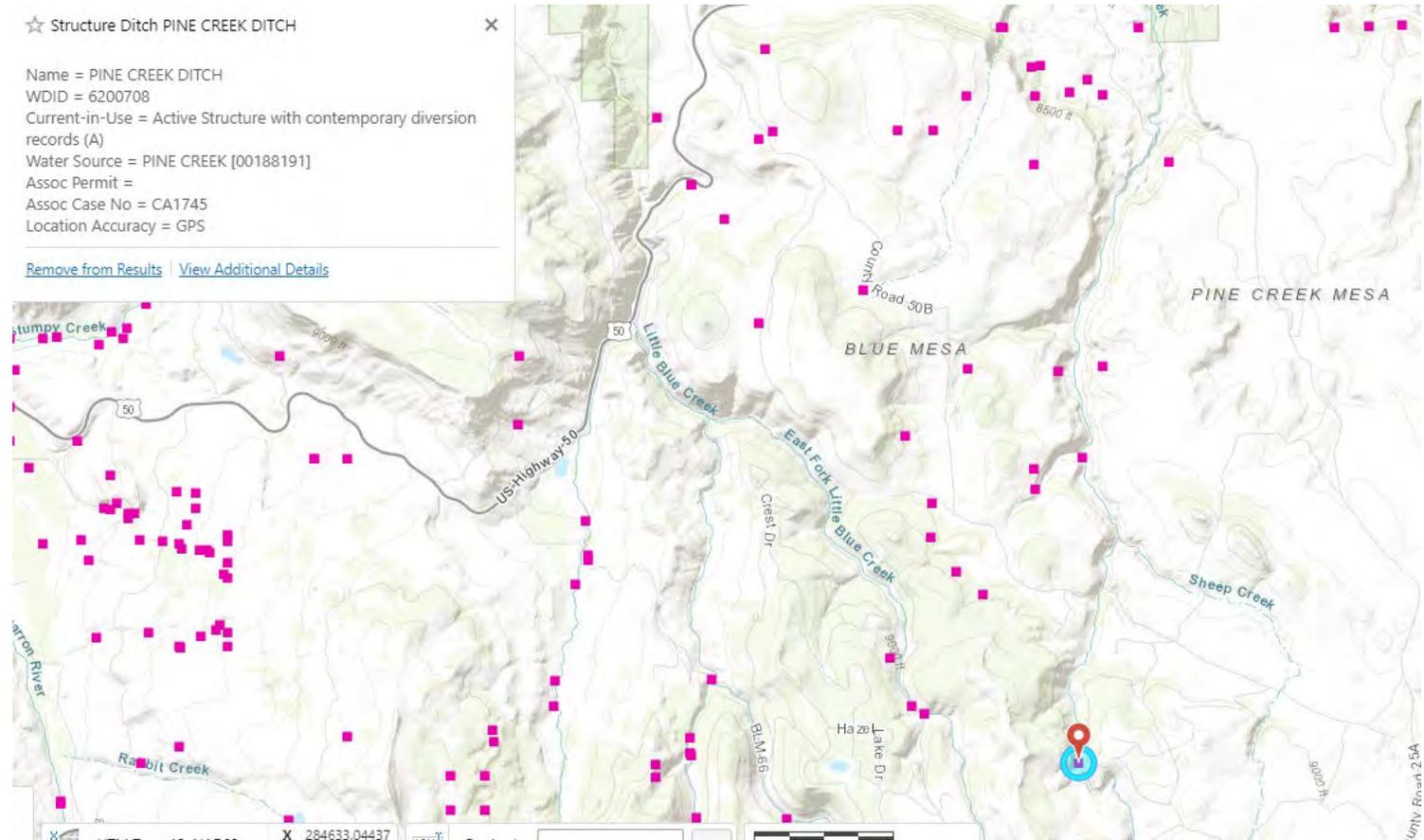
- Baseflow period = 0.7 cfs
- High flow period = 7.3 cfs



LIVE LIFE
OUTSIDE

Segmenting the ISF Reach

- Lower Terminus: Morrow Point Reservoir
- Upper Terminus: TBD



Next Steps & Dialogue

- Continue stakeholder outreach, particularly with UMUT
- Better understand hydrology and Pine Creek Ditch operations



Questions/Concerns/Comments?

303-866-3441 X-3237

Katie Birch

CPW Instream Flow Program Coordinator

970-252-6021

Katie.birch@state.co.us



LIVE LIFE
OUTSIDE



Instream Flow Recommendations





Water Division 4

Canyon Creek





Natural Environment

- No existing ISF right
- Brook and brown trout fishery documented by CPW (fish observed during cross section)
- Colorado Natural Heritage Program Level 4 Potential Conservation Area for unique riparian community; Thinleaf Alder/Mesic Forb Riparian Shrubland community and mesic forbs wet shrubland and montane wet meadows



R2 Cross Assessment

Hydraulic Criteria

- 1 ft./sec Average Velocity
- 50% Wetted Perimeter
- Average Depth

Flow Recommendations

- Flow recommendations meet 3 of 3 hydraulic criteria



Preliminary ISF Rates



Cross Section (Date)	Measured Discharge (cfs)	Bankfull Top Width (ft)	Flow Recommendation to meet 2 of 3 Criteria (cfs)^{2,3}	Flow Recommendation to meet 3 of 3 Criteria (cfs)⁴
Canyon Creek #1	29.2	16.95	1.44	4.57
(6-22-23)				
Canyon Creek #1	3.27	16.43	2.39	4.18
(9-14-23)				
Canyon Creek #2 (9-14-23)	3.39	13.34	0.59	4.88
Average:			1.5	4.5

Water Availability



Physical Availability

- R2Cross
- No gage data available
- CSUflow18 modeling program

Legal Availability

- No diversions



Stakeholders

**US Forest
Service**

Gunnison County

**The Upper
Gunnison River
Water
Conservancy
District**



Instream Flow Reach	Upper Terminus	Lower Terminus	Total Length (miles)	Land Ownership	
				Private (%)	Public (%)
Canyon Creek	Headwaters	Confluence of Tomichi Creek and Canyon Creek	8.6	Riparian Corridor 0.2%	Riparian Corridor 99.8%
				Watershed Composition 0.2%	Watershed Composition 99.8%



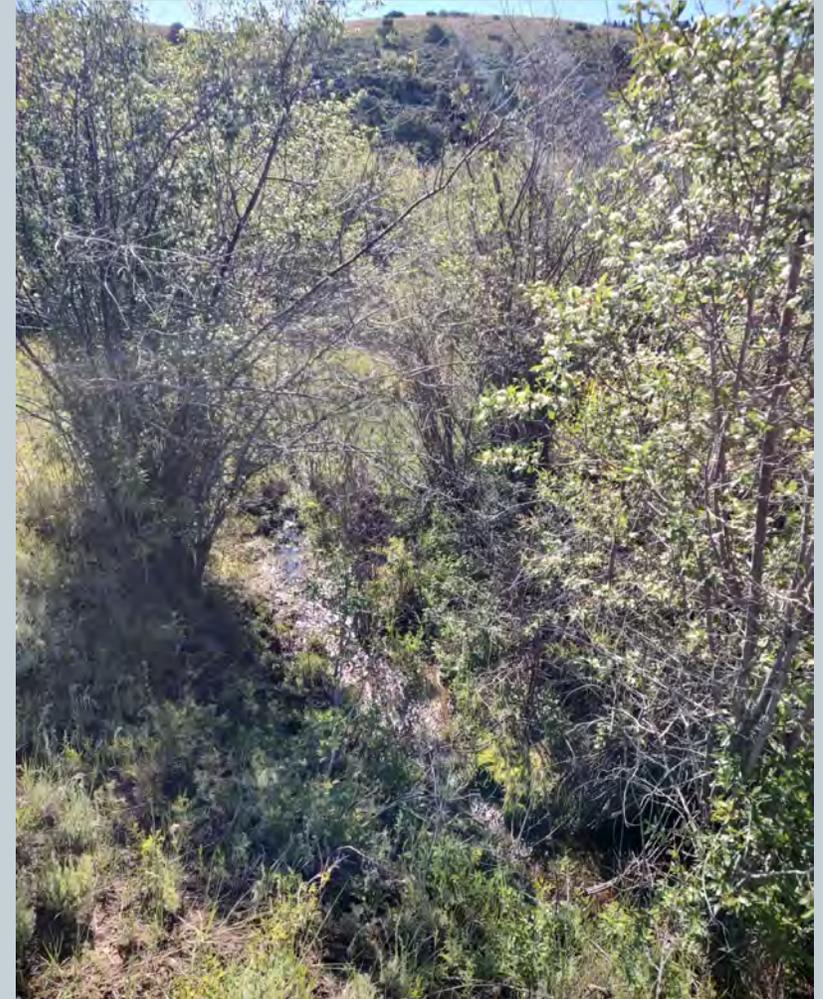
Water Division 4

Cabin Creek

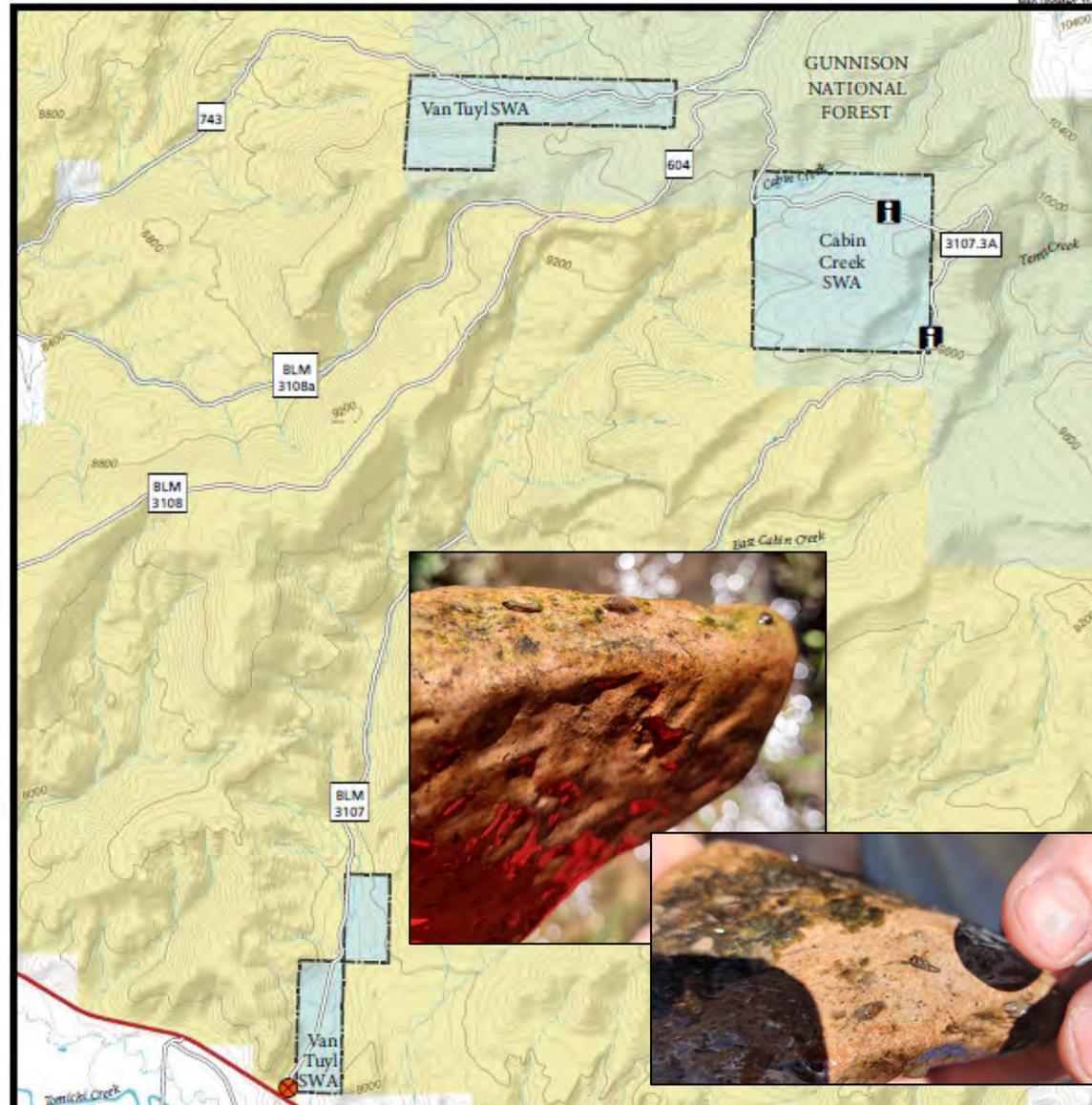


Instream Flow

No existing CWCB ISF
right on Cabin Creek



Van Tuyl & Cabin Creek State Wildlife Areas



Natural Environment

- No existing instream flow right on Cabin Creek
- Cabin Creek supports the Cabin Creek and Van Tuyl State Wildlife areas
- Diverse riparian area and macro community
- Historic beaver complexes

Preliminary ISF Rates



Cross Section (Date & Location)	Measured Discharge (cfs)	Bankfull Top Width ¹ (ft)	Flow Recommendation (cfs) to meet 2 of 3 Criteria (cfs) ^{2,3}	Summer Flow Recommendation to meet 3 of 3 Criteria (cfs)
Cabin Creek #1 (6-21-23)	0.32	5.16	0.39	1.1 ⁵
Cabin Creek #2 (6-21-23)	0.32	4.57	0.25	0.98
Average:			0.32	1.1

Water Availability



Physical

- CSUFlow18 Model
- R2Cross

Legal

- Springs scattered throughout the basin



Stakeholders

Colorado Parks and
Wildlife

Bureau of Land
Management

United States Forest
Service

Gunnison County

The Upper Gunnison
River Water
Conservancy District

Instream Flow Reach	Upper Terminus	Lower Terminus	Total Length (miles)	Land Ownership	
				Private (%)	Public (%)
Cabin Creek	Headwaters	Van Tuyl and Cabin Creek State Wildlife Area boundary	6.6	Riparian Corridor 0%	Riparian Corridor 100%
				Watershed Composition 0%	Watershed Composition 100%

Questions?



Julie Nania
Office@hccacb.org

Bart Miller
Bart.miller@westernresources.org

Laura Belanger
Laura.belanger@westernresources.org





Red Creek Instream Flow Recommendation



Red Creek - Water Division 4



1984 ISE Flat Rate 1.5 cfs (no seasonal variation)



Natural Environment

- Vibrant macro community
- Headwaters is an outstanding waters
- Brook, brown & rainbow trout
- Dillon herd Rocky Mountain sheep, migratory and resident mule deer and elk



R2 Cross Assessment

Hydraulic Criteria

- 1 ft./sec Average Velocity
- 50% Wetted Perimeter
- Average Depth

Flow Recommendations

- Flow recommendations meet 3 of 3 hydraulic criteria



Preliminary ISF Rates

Cross Section (Date)	Measured Discharge (cfs)	Bankfull Top Width (ft)	Winter Flow Recommendation ¹ (cfs)	Summer Flow Recommendation ² (cfs)
Red Creek #2 (6-12-2023)	7.46 cfs	14.2 ft	2.71 cfs	2.86 cfs
Red Creek #3 (6-12-2023)	7.46 cfs	15.5 ft	1.31 cfs	5.13 cfs
Preliminary Proposed ISF Rates:			2.0 cfs	4.0 cfs

1. The proposed dates for the winter flow rate are November 1 through March 31.
2. The proposed dates for the summer flow recommendation are April 1 through October 31.



Water Availability



Physical Availability

- R2Cross
- No gage data readily available
- CSUflow18 modeling program

Legal Availability

- No active diversions; historical Carpenter Ditch



Stakeholders

**Bureau of Land
Management**

Gunnison County

**The Upper
Gunnison River
Water
Conservancy
District**

**Colorado Parks
and Wildlife**



Instream Flow Reach	Upper Terminus	Lower Terminus	Total Length (miles)	Land Ownership	
				Private (%)	Public (%)
Red Creek	Confluence of East and West Red Creek	Confluence of Red Creek and Blue Mesa	6.9	Riparian Corridor 0%	Riparian Corridor 100%
				Watershed Composition 0%	Watershed Composition 100%



Questions?

Brinnen Carter
Brinnen_Carter@nps.com

Nicki Gibney
Nicole_Gibney@nps.gov

Julie Nania
Office@hccacb.org



AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Whetstone Resolution

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins:

Term Ends:

Grant Contract #:

Summary:

BOCC review and possible action on PC recommendation of approval for LUC-22-00049, Whetstone Community Housing

Fiscal Impact:

Submitted by: Cathie Pagano

Submitter's Email Address: cpagano@gunnisoncounty.org

Finance Review:

Required

Not Required

Comments:

Reviewed by: GUNCOUNTY1\psolheim

Discharge Date: 10/4/2024

County Attorney Review:

Required

Not Required

Comments:

Legally sufficient. SO 10/2/24

Reviewed by: GUNCOUNTY1\sobaid

Discharge Date: 10/2/2024

Certificate of Insurance Required

Yes No

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirmie

Discharge Date: 10/4/2024

Consent Agenda

Regular Agenda

Worksession

Time Allotted: 60

Agenda Date: 10/8/2024



Cathie Pagano, Assistant County Manager
Gunnison County Community & Economic Development Department

Phone: (970) 641-0360
Email: planning@gunnisoncounty.org
Website: www.GunnisonCounty.org

From: Cathie Pagano, Assistant County Manager for Community and Economic Development
To: Board of County Commissioners
Date: October 2, 2024
Re: LUC-22-00049, Whetstone Community Housing

At the October 8, 2024 joint public hearing on Whetstone, the Planning Commission will have the opportunity to hear public comment on the proposed Whetstone Community Housing application. The Planning Commission may choose to review and recommend approval, approval with conditions or denial at that time. Per Gunnison County *Land Use Resolution* Section 9-604: A.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 BOCC. At each phase of its review, each application shall be placed on the first scheduled Commission or BOCC agenda for which it can be properly noticed.”

To satisfy that requirement, the BOCC has agreed to hold a special meeting on October 8, 2024 to consider the recommendation of the Planning Commission. The draft recommendation is attached for your review. Section 7-302: K. BOCC Decision on Optional Public Hearing:

“The BOCC shall have the option of conducting another public hearing to consider the Preliminary Plan application and the Planning Commission’s recommendation. Within 20 days of receipt of the Planning Commission’s recommendation, the BOCC shall determine whether to conduct a public hearing. A decision to conduct or not to conduct such a hearing shall be based on the BOCC’s determination of whether it is in the public interest to do so, and considering among other factors the following:

- 1. LEVEL OF PUBLIC INTEREST. There has or has not been substantial public interest in the proposal; or*
- 2. IDENTIFICATION OF NEW ISSUES. Whether it is reasonably probable that new issues related to the Preliminary Plan application of the proposed land use change will be identified; or*
- 3. IDENTIFICATION OF NEW INFORMATION. Whether it is reasonably probable that new information related to the Preliminary Plan of the proposed land use change will be provided.*

L. BOCC PUBLIC HEARING. If the BOCC chooses to conduct a public hearing, public notice shall be provided pursuant to Section 3-112: Notice of Public Hearing, and the hearing shall be conducted pursuant to Section 3-113: Conduct of a Public Hearing.

1. COST FOR PUBLIC HEARING NOTICE(S). The applicant shall be billed and shall be responsible for paying for the actual cost of publication of all applicable public hearing notices as required pursuant to Section 3-112: Notice of Public Hearing.

M. BOCC ACTION. Within 35 days after receipt of the Planning Commission recommendation, if the BOCC did not conduct another public hearing, or within 35 days after closure of the hearing if the BOCC conducted another public hearing, the BOCC shall approve, approve with conditions, or deny the Preliminary Plan. The BOCC's decision shall be entered into the official minutes of the meeting and shall contain the necessary findings of fact and reasons to support the decision. If the BOCC does not make separate findings of fact, it shall be presumed to have adopted the findings and recommendations of the Planning Commission.

1. DELAY OF ACTION. Before it takes action on the application, the BOCC may refer the Preliminary Plan back to the Planning Commission for further consideration and recommendations if at least one of the following circumstances is present:

a. NEW INFORMATION SUBMITTED. There has been information submitted that was not available for consideration by the Commission before its recommendation; or

b. INSUFFICIENT EVALUATION. There are substantive issues or requirements of this Resolution that were not sufficiently evaluated in the Commission's recommendations; or

c. SUBSTANTIVE ALTERATION. There has been a substantive alteration to the plan subsequent to the Commission's recommendation; or

d. NEED FOR CLARIFICATION. There is an element of the Planning Commission's recommendation that requires clarification.

2. OFFICIAL RECORD. The decision shall be entered into the official minutes of the meeting."

The Board has the option to hold an additional public hearing on this matter. The Planning Commission and the Board have conducted a joint public hearing on this application. There has been public interest in this application. No new issues have been identified and no new information has been submitted as part of this application to the Community Development Department.

If the Board decides to hold an additional public hearing proper public notice shall be required (30 days). If the Board decides not to hold an additional public hearing, action may be taken at today's meeting.

The Planning Commission recommendation and draft resolution are attached for your review. Please note that staff will update the recommendation document on October 8th to include public testimony at that day's hearing. Additionally, it is expected that the date of the Utility Extension Agreement will be updated to reflect the revision of the Utility Extension Agreement with the Town of Crested Butte that is scheduled for action on October 7, 2024. Please feel free to contact me with any questions. Thank you.

TO: Board of County Commissioners

SUBJECT: Preliminary/Final Plan Recommendation
Whetstone Community Housing
LUC-22-00049

DATE: October 8, 2024

PREPARED BY: Cathie Pagano, Assistant County Manager for Community and Economic Development

APPLICANT: Gunnison County
Represented by John Cattles, Assistant County Manager for Sustainable Operations and Servitas

LUC-22-00049 is classified as a Major Impact pursuant to Gunnison County *Land Use Resolution* (LUR) Section 7-101:A. *More Than Four Units* and meets the definition of an essential housing project and is governed by the following standards set forth in the Section 7-103: C. and D. as follows:

PRELIMINARY PLAN PROVIDES DETAILED SOLUTIONS AND DESIGN. *Preliminary Plan review requires the applicant to formulate detailed, designed/engineered solutions to the issues and concerns identified during Sketch Plan review, and to address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan. The burden in the Preliminary Plan review is on the applicant to provide detailed information and mitigation proposals for evaluation.*

1. PRELIMINARY AND FINAL PLANS MAY BE COMBINED. *The Preliminary Plan and Final Plan may be combined and processed together based upon consideration of the following factors: design, size, public concern, public facilities and services.*

D. FINAL PLAN FORMALIZES PROJECT. *The purpose of the Final Plan review procedure is to provide a permanent and accurate public record of the development plan: exact size, shape and location of all approved activities and uses, and, as applicable, lots, blocks, streets, easements and other parcels of land within the development, together with all applicable protective covenants, conditions, use restrictions and design and development criteria. A Final Plan or plat shall conform in all respects to the Preliminary Plan previously reviewed and approved by the BOCC and shall incorporate all modifications and special conditions required by the BOCC.*

PROJECT DESCRIPTION:

The applicant proposes the development of an essential and workforce housing residential development on the site. The total parcel is 15 acres. 252 residential units with 476 bedrooms are proposed at the site of which the majority (more than 40% per Essential Housing standards) will be restricted for essential housing:

80% of units will be restricted to local workforce with the following income requirements and target rental rates by area median income (AMI):

- 40% of the units will be deed restricted for residents earning 120% AMI or less
- 10% of the units will be restricted for residents earning 170% AMI or less
- 30% of the units will be restricted with a local workforce requirement but not a specific AMI limitation

- 20% do not have a specific commitment

The applicant has provided the “Affordable Housing Deed Restriction” in Exhibit D of a memo from John Cattles dated September 20, 2024. The deed restriction restricts 40% of the units on the subject parcel to a maximum of 120% of area median income, as required by Section 9-604. Further, the applicant has restricted the units on the subject parcel as part of the “Utility Extension Agreement to Provide Water and Sewer Service,” with the Town of Crested Butte, dated July 15th, 2024, which states:

“Owner shall restrict at least 80% (202 units) of all units as workforce and essential housing meeting the following minimum restrictions:

Workforce housing means the household includes:

- *At least one member working for at least 30 hours a week, or 1,500 hours per year for a Gunnison County based employer (“Full Time Worker”); or*
- *A retired or disabled person who was a Full Time Worker at least four years immediately prior to such person’s retirement or disability*

A minimum of 202 units will be restricted for workforce housing.

No less than 40% (101 units) of the total number of units shall serve households earning no more than 120% Area Median Income (“AMI”).

In addition, no less than 10% (25 units) of the additional units shall serve households earning no more than 170% AMI.”

There are 252 units proposed in 23 residential structures and include multifamily units, townhomes and live-work units. The Sketch Plan proposed 231 units in 30 buildings. The buildings, unit sizes, height, number of units and details are shown in the “Architectural drawings,” prepared by Hord Coplan Macht and dated June 28, 2024. The proposed buildings include:

Table 1: Building Size

Building	Size
Maintenance Building 1	1,171 sq. ft.
Duplex buildings 2	3,596 sq. ft.
Triplex buildings 3	6,046 sq. ft.
Apartment building 4	8,890 sq. ft.
Apartment buildings 5	28,125 sq. ft.
Live/work townhomes buildings 7	7,201 sq. ft.
Triplex buildings 8	3,877 sq. ft.
Apartment building 9	32,031 sq. ft.
Apartment building 10	36,882 sq. ft.
Apartment building 11	27,324 sq. ft.
Apartment building 12	45,385 sq. ft.

The application proposes 421 parking spaces for 252 units (1.67 spaces/unit). The LUR requires two spaces for up to a 3-bedroom unit (504 spaces), the applicant requests a reduction to 421 spaces or 17%. Section 9-604: B. 1. allows an applicant to request reduced parking requirements for essential housing projects. Of the 15.1 acres, 7.2 acres (47%) will be set aside for open space

which exceeds the LUR standard and is a slight increase (3%) from the Sketch Plan application. There is space to accommodate a leasing office and community room in Building 11.

The following amenities and facilities are proposed as part of the application:

- Park facilities that include: 7x7 sized youth soccer field, shade structure, picnic tables, grills, playground area
- Fenced dog park/run
- Dedicated central greenway connecting neighborhood to transit and underpass
- Installation of geothermal fields for energy efficiency and air source heat pumps
- Internal sidewalks
- Maintenance barn to contain equipment and vehicles
- Stormwater detention pond
- Internal bus shelter (for school bus or future transit connectivity)
- Benches throughout site
- Community meeting space (Building 11) with indoor/outdoor space. Community space includes kitchenette.
- Office/lease space
- Storage in larger apartment buildings

Separate from this housing application, the County is pursuing redevelopment and redesign of the Brush Creek and Highway 135 intersection. The County has contracted with Mead & Hunt to develop a design for the intersection that would address safety and traffic. As part of that process, a proposed design for pedestrian and bike underpass has been designed. All of these projects impact the land use change application but are not specifically in the purview of Planning Commission review. CDOT has reviewed and permitted (see Access permits in application file) the intersection redesign and underpass. These projects relate to the traffic impacts of the application and the Planning Commission will need to consider that aspect. On September 9, 2024, the County was notified that they were awarded a Safe Streets for All grant from the U.S. Department of Transportation for \$15,265,600. A portion of this grant is allocated to the installation of the roundabout and underpass and associated improvements at the Brush Creek intersection. In a memo from John Cattles, dated September 30, 2024, the applicant has committed to the underpass being functional prior to any residents occupying the housing units at Whetstone and that the County will begin construction of the roundabout in 2027.

Per Section 7-103: C.1. the applicant has requested that Preliminary and Final plan be combined. The LUR requires that the Planning Commission consider design, size, public concern, public facilities, and services in consideration of combination. At the August 29, 2024, Planning Commission work session, the Commission approved the request to combine the Preliminary and Final plan reviews. The Commission considered the limited applicability of Final Plan requirements for the proposed development since it is not a subdivision. The Commission also considered the public concern related to lack of housing for community members and the public concern about the subject application, and additionally considered the public facilities (housing, multimodal underpass, and park) that will be provided by the development. Additionally, the Planning Commission considered that this project is an essential housing project entitled to an expedited review pursuant to Section 9-604:A.1. Based upon review of these factors, the Commission found that it was appropriate to consider and approve combination of the Preliminary and Final Plans.

The subject parcel is located at 25115 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.

CHANGES BETWEEN SKETCH PLAN AND PRELIMINARY/FINAL PLAN

The applicant proposes the development of an essential workforce housing residential development on the site.

Table 2

	Units	Bedrooms	Parking	Buildings	Building Size Range	Open Space
Sketch Plan	231	430	422 (1.8 spaces/unit)	30	1,200 sq ft - 42,000 sq ft	6.6 acres (44%)
Preliminary Plan	252	476	421 (1.67 spaces/unit)	23	1,171 sq ft- 45,385 sq ft	7.2 acres (47%)

The Preliminary Plan proposes 252 residential units with 476 bedrooms of which the majority (more than 40% per Essential Housing standards) will be restricted for essential housing. The application proposes the development of 30 buildings, ranging in size from 1,171 square feet (maintenance building) to 45,385 (apartment building):

The applicant has identified the specific amenities that will be included in the development as described above. Additionally, the applicant’s requested incentives and modifications has changed, and those changes are noted below in the applicable section.

COMPLIANCE WITH SKETCH PLAN APPROVAL CONDITIONS

The following include all conditions of Sketch Plan approval in bold, followed by the applicant’s corresponding submittal in the Preliminary Plan:

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

Kimley Horn has provided detailed design engineering plans with this Preliminary and Final Plan submittal. Plans include grading and drainage, utility plan and profiles, stormwater management, utility and drainage reports. Engineering has played a critical role in developing the technical documents that have been coordinated with the site plan, building footprints and landscape to ensure a cohesive, coordinated set of plans for this submittal and review.

2. **The Preliminary Plan application shall address how the application and proposed development will address the following issues identified during the Sketch Plan review process:**
 - a. **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.

Livability has been a key focus for the applicant. Following the Sketch Plan process, the applicant has identified Livability and Performance goals that will be used to evaluate tradeoffs during the design phase. Livability is a broad design concept that includes goals for both the site and within the buildings.

Livability on the site: During the design workshop with County, Crested Butte representatives, stakeholders and residents, livability was addressed with the following revisions to the sketch plan:

1. Inclusion of a programmable multi-use field available for recreation programming. The project was able to accommodate this into the site design of the Central Park. The adjacent building #11 can provide restrooms for public use during games or events at the fields. Some seasonal parking may be available for visitors.
2. Accessible, pedestrian-friendly site planning is extremely important to the success of the project. The streetscape and buildings in the central neighborhood are designed with garden-level covered patios so that the east road and the central green feel pedestrian-scaled and approachable.
3. The site plan was enhanced by including a primary pedestrian connection through the middle of the site, connecting all residents north to south in alignment with the underpass under Highway 135. In addition to providing access for the bus stops on both sides of the highway, this underpass will also connect to the Deli Trail to Crested Butte.
4. Parking is an important site consideration; however, the most important livability element is to focus on transit-oriented development, is targeting slightly less than the 1.8 spaces/unit parking ratio (with the parking ratio currently set at 1.67 spaces/unit). Some of the parking may be compact, and at least 10% will be pre-wired for electric car charging as a requirement of the Transformational Affordable Housing, Homeownership, and Workforce Housing Grant ("the Grant").

Livability of the buildings 1. The Alley Flats #6 were removed because of the difficulty of snow removal and the additional cost for so many separate small buildings. Cost per unit is an important livability consideration because it affects rents. These Alley Flat units were relocated into a more efficient version of walk-up buildings #4 and #5. Building #4 remained at 2-stories, while building #5 increased to 3-stories in the middle section but remained 2-stories on both ends.

2. Building #9 increased to three stories so that it can make up grade in the lower level as the steeper section of the site slopes down from highway 135. This third story at building #9 also allows the building to push up against the berm along the highway.
3. Covered porches at building entries were identified as an opportunity for the architectural design to create an inviting, pedestrian-scaled experience. As mentioned above, the central neighborhood will also provide covered patios at the units to activate the street. However, there will only be a limited number of private decks above the garden-level. These will only be provided where needed to break down the scale of the buildings and create architectural interest of the facades.

4. In buildings with double-loaded corridors, windows and daylighting are provided at the ends of corridors. Common stairs are also glazed for natural light. Straight runs in stairs make it easier to move furniture. Some buildings also have secondary entries to facilitate move-in/move-out, as well as allowing exits from stairs (but re-entry only at primary and secondary building entries). These additional accessible entries allow more type-A units to be located on the upper floors, enhancing accessibility since the buildings typically do not provide elevators.

5. Storage for boots, coats, bikes, and skis are a key priority for residents. All units provide a large “mud room” in lieu of a coat closet. Additional private storage outside the unit (but within the buildings) is also available for rent to store gear.

6. Also, inside the units, large kitchens with bar seating typically form the center of daily life – eating, homework, and socializing. Large closets and 10’x10’ bedrooms also provide enough private space for roommates or families to share the units.

7. Amenity space for residents is proposed to be provided in Building #11, adjacent to the Central Park.

- 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.**

The County is committed to development of a roundabout and underpass. The underpass design is underway as a separate project by Gunnison County with engineering firm Mead and Hunt. The development of housing and construction of the roundabout work together on the planning side but have different funding sources and implementation timelines. Creating safe, well-connected access to the underpass has been a driving factor for site plan development as shown in the design and engineering plans. A central pathway system links the entire property north to south, with only two vehicular crossings interrupting the length of path. Along with the pathways, engineering and landscape have collaborated to develop a set of terraced walls, berms and landscape to gently and accessibly connect the underpass to the transit stops.

- 3. 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.**

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 multi-modal connection, and aligning with our climate and energy efficiency goals.”

- 4. 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.**

Bear proof trash containers are proposed in the landscape plans. Additional trash enclosures for large scale materials management will be secured and provided by Waste Management.

- 5. 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.**

No submittal response required by the applicant.

- 6. 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.**

The Sketch Plan application was approved by the Board of County Commissioners on February 9, 2023, in Resolution No. 2023-2 recorded at Reception No. 689672. On January 4, 2024, the applicant requested an extension for submittal of the Preliminary Plan application. At the January 16, 2024, BOCC regular meeting, the BOCC approved the extension request for one year (due February 9, 2024).

- 7. 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.**

No submittal response required by the applicant

- 8. 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.**

No submittal response required by the applicant

- 9. 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.**

No submittal response required by the applicant

- 10. 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.**

No submittal response required by the applicant

- 11. 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.**

No submittal response required by the applicant

MODIFICATIONS REQUESTED PER SECTION 9-604: INCENTIVES TO PROVIDE ESSENTIAL HOUSING

The applicant has requested modifications as allowed by Section 9-604: A. Required Incentives states: "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..." Further Section 9-604: A.6., 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."

- Expedited review process
- An increase in height of 25% for buildings 5A, 5B, 5C, 9, 10, 11, and 12.
- Deferred fees
- Reduced setback requirements
- Reduced parking space requirements

Increase in Building Height

The applicant requests an increase in height of 25% for Buildings 5A, 5B, 5C, 9, 10, 11, 12. This is a change from Sketch Plan which requested an increased height for two buildings (10 and 12). Section 13-103: H. allows a maximum height of 30 feet; the applicant requests an increase to 37'6". According to the application, "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.” Section 9-604: A.3. allows for a 25 percent maximum height increase 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 that are deed-restricted pursuant to this Division.”

The varied height of buildings resulted in distribution of massing across the site, reduction of visual impacts, creates visual interest, and improves the scale of the building in relationship to pedestrians. The closest buildings to the development are in the Riverland Industrial Park. All Riverland lots contiguous to the Whetstone Project are developed; and the orientation of the Whetstone buildings will not block existing solar access.” The location and orientation of the new buildings in Whetstone do not block any solar access. The lots in Creekside Subdivision are separated from Whetstone by a road and their solar access will not be blocked by this development.

Deferred Fees

In compliance with this Section, the applicant has requested that all applicable fees be deferred.

Reduced Setback Requirements

The applicant requests a modification from this standard for setbacks from residential structures to internal subdivision roads. The application states:

“This was not applicable at Sketch Plan and is now requested as an incentive with the Preliminary Plan (“PP”) application. Section 13-104: Setbacks from Property Lines and Road Rights-of-Way Table 7 requires a 25-ft. setback from platted subdivision development roads. Many of the buildings in the development are 10-15 ft from the internal road network. The proposed traditional neighborhood design and compact form is appropriate for this site and makes a more livable community for the residents, helping to create better pedestrian scale along the streetscape, slow traffic on roads, create easy access to transit, and provide more amenity and park space. As a reference, the Town of Crested Butte setbacks which are 7.5-11.5 feet depending on roof slope. Roof forms at Whetstone have been designed to minimize snowfall onto public sidewalks.”

Upon further review and analysis, staff has determined that the applicant is not required to request this incentive. Section 13-104: Table 7, internal setbacks would not apply to the project. The setback standards apply to setbacks from property lines and road rights of way. The proposal of internal setbacks on a development that is not a subdivision and does not have platted or publicly dedicated roads is not included in Section 13-104, therefore, there is no need to address setbacks between uses on a mixed use parcel, nor setbacks from internal roads.

Reduced Parking Space Requirements

Section 9-604: B.1. allows “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 applicant requests a reduction from the required 504 parking spaces to 421 spaces, for a total reduction of 83 spaces. The applicant proposes 421 parking spaces for 252 units (1.67 space/units); the Sketch plan proposed 422 parking spaces for 231 units (1.8 spaces/unit). The LUR requires two parking spaces per unit, for up to a three-bedroom unit. There are 476 bedrooms proposed (0.88 space/bedroom). No units have more than three bedrooms. The application states:

“...Whetstone must achieve a balance for site, building and project needs to maintain target AMI rental rates. Part of this balance is providing a slightly lower parking ratio, encouraging transit use through connection to services and safe pathway systems. The County, Servitas and the design team have worked very hard to balance the number of units with needed parking at the site. The County’s separate project to develop an underpass from the site connecting Whetstone to transit and a multi-modal path justify the reduction in parking. 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 applicant has developed an intersection plan that connects the neighborhood to the Town of Crested Butte via bus, car, bike or walking. Residents can also use the free bus to access other communities (Mt. CB or Gunnison). Additionally, there is close (0.88) to one space per bedroom unit in the development.

The applicant provided a parking management plan in a memo from John Cattles, dated September 30, 2024, which states:

“The attached plan balances reserved parking spaces based on unit size with non-reservable spaces for visitors and households with more vehicles than reserved spaces.

- *1-Bedroom Unit: 1 assigned parking spot*
- *2-Bedroom Units: 1 assigned parking spots*
- *3-Bedroom Units: 2 assigned parking spots*
- *Townhomes: 1 assigned parking spot (garage) + 1 additional assigned spot (for 3-bed townhomes)*
- *141 unassigned spots are available for visitors.*
- *Vehicles parked in unassigned spots must be moved at least once a week.*
- *No RV or trailer parking is permitted in unassigned spots.*
- *No unregistered or inoperable vehicles are allowed on the property.”*

Modifications

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 the following modifications per Section 9-604: A.6. *Modified Development Standards*:

- An increase in maximum structure size
- A decrease in the required landscaping

Maximum Structure Size

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

“...the following sizes for the proposed buildings:

- 1. Maintenance Building – 1,171 sf*
- 2. Duplex buildings – 3,596 sf*
- 3. Triplex buildings – 6,046 sf*

4. Apartment building – 8,890 sf
5. Apartment buildings – 28,125 sf
6. Live/work townhomes – 7,201 sf
7. Triplex buildings – 3,877 sf
8. Apartment building – 32,031 sf
9. Apartment building – 36,882 sf
10. Apartment building – 27,324 sf
11. Apartment building – 45,385 sf

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 trade-offs 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 multi-modal connection, and aligning with our climate and energy efficiency goals.”

The proposed increase in building size enables the development to house additional residents, provides improved amenities such as park space, better snow storage, and improved connectivity. The larger buildings improve energy efficiency and also meet the standards of Zero Energy Ready homes, and do not jeopardize public health, safety, or welfare. If the building heights were limited to 10,000 square feet significantly fewer people would be housed in the development and more land and resources would be required to house people elsewhere. Density and larger buildings prevent sprawl and are more energy efficient. The larger buildings are also served by ground source heat pumps (geothermal) and are solar ready resulting in energy efficient design.

Landscaping and Buffering

The applicant requests a modification to the landscaping standards as allowed by this Section:

“Modifications are requested for landscaping and buffering design requirements under Article 13-111. The landscape plant quantity reduction allows Whetstone to meet Wildland Urban Interface Code (IWUIC), maximize usable spaces for community gathering and recreation, provide snow storage in optional locations to ease maintenance and increase available parking closer to residence doors. No landscape reduction is requested for the berm and buffer along Highway 135. Please see the Landscape Plans LS-001 for required and provided landscaping table.”

The applicant proposes the installation of fewer trees than required by this Section: “At least one tree and three shrubs shall be provided per each 500 sq. ft. of the area that is shown as being

landscaped on the landscaping plan.” The applicant proposes to landscape nearly the entirety of the site which is not required by the LUR. County staff has not updated the landscaping standards since the adoption of the IWUIC which can complicate landscaping. Sheet LS-001, “Overall Notes” prepared by Norris Design and dated June 28, 2024, describes the proposed planting schedule. Based on the standards of this Section, 415 trees and 1,247 shrubs would be required; the applicant proposes 249 trees and 627 shrubs. Numerous projects have been required to install trees and shrubs in climates that don’t typically support those species and struggle to maintain landscaping (Tomichi Gravel Pit, Riverland, etc.). The current landscaping standards do not account for the sage brush landscape in a way that aligns with water conservation and the local climate.

PLANS/REPORTS/SUBMITTALS:

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

- “Whetstone Workforce Housing: Civil Construction Drawings,” stamped by Shelby Madrid, P.E. and dated June 28, 2024
- “Architectural drawings,” prepared by Hord Coplan Macht and dated June 28, 2024
- “Landscaping plan” prepared by Norris Design and dated June 28, 2024
- “Access and parking plan,” prepared by Norris Design and dated June 28, 2024
- “Circulation and trails plan,” prepared by Norris Design and dated June 28, 2024
- “Lighting plan,” prepared by Norris Design and dated June 28, 2024
- “Parks and open space plan,” prepared by Norris Design and dated June 28, 2024
- “Snow storage plan,” prepared by Norris Design and dated June 28, 2024
- “Final Drainage Report: Whetstone Workforce Housing,” stamped by Shelby Madrid, P.E. and dated June 25, 2024
- “Stormwater Management Plan: Whetstone Workforce Housing,” prepared by Shelby Madrid, P.E. and dated June 25, 2024
- “Whetstone Method of Financing” prepared by Servitas
- “Cost estimate,” prepared by Servitas and Moss Construction and dated June 25, 2024
- “Final Whetstone, Project Demand Study,” prepared by Western Spaces, LLC and dated August 2024
- Memo from John Cattles, Assistant County Manager, dated September 30, 2024, and attached Exhibits A-E

IMPACT CLASSIFICATION:

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

PUBLIC ENGAGEMENT:

The applicant provided the following information on public engagement and outreach that was conducted as part of the project design and application preparation.

Activity	Description	Timeline	Engagement Level	# of Participants	Supporting Documents
Developer Forum & Interviews	Developer’s forum held during the design charrette to discuss financing, phasing and implementation of the design discussion, followed by a series of 11 interviews	Aug - Oct 2021	Consult	21	Developer Outreach Summary

	with market rate, workforce, housing authorities, Habitat, and mixed use developers.				
Newsletter Update to the Public	Design Charrette Recap	September 15th, 2021	Inform		Newsletter on Whetstone Website
Youth Engagement	Gunnison High School Freshmen and Crested Butte Elementary Second Graders invited to design the Whetstone Community through City As Play	Oct 2021	Involve	160	Youth Engagement Summary
Draft Site Plan Online Survey	Community members invited to watch a project presentation video and then provide their feedback on the draft site plan	Jan - Mar 2022	Consult	30	Online Survey Report
BOCC Update	Presentation to the Board of County Commissioners to provide an update on the progress of the project	Mar 2021	Inform		Presentation Slide Deck
Virtual Work Session	Community members and stakeholders invited to learn about the project designs and concepts and share their feedback on the updated site plan. Primary topics of discussion: site design/street connections and sustainability.	May 19, 2022	Consult	25	Virtual Work Session Slide Deck and Notes
Newsletter Update to the Public	Article from LIV Crested Butte Magazine	September 27th, 2022	Inform		Newsletter on Whetstone Website
Newsletter Update to the Public	Next Steps in Sketch Plan Process	October 7th, 2022	Inform		Newsletter on Whetstone Website
Newsletter Update to the Public	Community Weighs in on Whetstone Article	January 27th, 2023	Inform		Newsletter on Whetstone Website
Newsletter Update to the Public	Sketch Plan Approval Article	February 2nd, 2023	Inform		Newsletter on Whetstone Website
Newsletter Update to the Public	Grant Award for Whetstone	April 14th, 2023	Inform		Newsletter on Whetstone Website

Gunnison County and ToCB Staff Meeting	Whetstone Community Development & Utility Extension	May 8th, 2023	Involve	8	Meeting Notes
Newsletter Update to the Public	Developer Open House & Materials	May 12th, 2023	Inform		Newsletter on Whetstone Website
Gunnison County and ToCB Staff Meeting	Whetstone Community Development & Utility Extension	June 1st, 2023	Involve	8	Meeting Notes
Gunnison County and ToCB Staff Meeting	Whetstone Community Development & Utility Extension	June 12th, 2023	Involve	8	Meeting Notes
Gunnison County and ToCB Staff Meeting	Whetstone Community Development, Utility Extension, Financial Impact	July 10th, 2023	Involve	8	Meeting Notes
Newsletter Update to the Public	Developer Selection and Annexation Update	July 20th, 2023	Inform		Newsletter on Whetstone Website
Gunnison County and ToCB Staff Meeting	Whetstone Community Development, Developer Selection, Preliminary Plan, Utilities	August 9th, 2023	Involve	8	Meeting Notes
Gunnison County and ToCB Staff Meeting	Whetstone Community Development, IGA, Workshop Planning, Utility Extension	September 11th, 2023	Involve	8	Meeting Notes
Community Workshop	Community members and stake- holders were invited to learn about the project progress to- wards Preliminary Plan and share their feedback. Primary topics of discussion: Updated Site Design, Livability, Architecture and Utilities.	September 14-15th, 2023	Consult	30+	Presentation Deck, Collaboration sessions, Summary
Gunnison County and ToCB Staff Meeting	Whetstone Community Development & Utility Extension	September 18th, 2023	Involve	8	Meeting Notes
Gunnison County and ToCB Staff Meeting	Whetstone Community Development & Utility Extension	October 9th, 2023	Involve	8	Meeting Notes
Gunnison County and ToCB Staff Meeting	Whetstone Community Development & Utility Extension	October 31st, 2023	Involve	8	Meeting Notes

Meeting					
Gunnison County and ToCB Staff Meeting	JVA Comments, CB Reviews, Infill Study	November 13th, 2023	Involve	8	Meeting Notes
Gunnison County and ToCB Staff Meeting	Whetstone Community Development, Affordability, Timeline, Proforma	December 11th, 2023	Involve	8	Meeting Notes
Newsletter Update to the Public	Workshop and Neighborhood Plan Updates	December 18th, 2023	Inform		Newsletter on Whetstone Website
Gunnison County and ToCB Staff Meeting	Whetstone Community Development & Utility Extension	January 16th, 2024	Involve	8	Meeting Notes
Gunnison County and ToCB Staff Meeting	Whetstone Community Development & Utility Extension	March 18th, 2024	Involve	8	Meeting Notes
Stakeholder Meetings	Outreach and meetings with different organizations having a stake in the project, such as employers (Gunnison Watershed School District, Western Colorado University, etc.), affordable housing funders (CHFA, DOLA), service providers (East River Water and Sanitation)	Ongoing	Consult	10+	
Partner Meetings	Outreach and meetings with project partners such as the Town of Crested Butte, CDOT, Gunnison Valley RTA, Mountain Express, etc.	Ongoing	Involve	5+	

MEETING DATES:

The Planning Commission held work sessions and a public hearing to discuss the Whetstone Community Housing application on the following dates:

- August 29, 2024 Work Session and Site Visit
- October 8, 2024 Joint Public Hearing

SITE VISIT:

The Planning Commission conducted a site visit on August 29, 2024.

PUBLIC HEARING:

The Planning Commission and the Board of County Commissioners conducted a joint public hearing on October 8, 2024. Comments received included the following but are not limited to:

- Request that a citizen advisory board be appointed to ensure transparency and ethics review
- Concern that the development does not serve residents below 80% AMI
- Whetstone does not address housing problem
- Rents are too high
- Possible lack of demand for units
- Potential conflicts of interest
- Concern that County has overlapping and conflicting roles
- Concern that Preliminary and Final Plan should not be combined
- Support for the project
- Expressed need for housing

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. Creekside Subdivision 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 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
- Colorado Department of Public Health and Environment

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

Gunnison Valley Rural Transportation Authority, Scott Truex, Executive Director, dated August 9, 2024, 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 across Highway 135 as part of the project.”

The proposed future pedestrian underpass is situated well for people who want to use the bus. However, with the increased number of potential transit passengers created by the subdivision, we are concerned that if the underpass is not constructed at the same time as the subdivision, it could create a dangerous situation for people crossing the highway to use the bus. Without the underpass, it is likely that fewer of the subdivision’s residents would choose to use transit to go to and from their homes. In order to maximize safety and the use of transit, we ask that the underpass be completed before any residents move into the subdivision and if this is not possible, that any delay be short and that mitigation measures be put in place to enable residents to cross the highway safely during the delay.”

Colorado Department of Transportation, Brian Killian, Region 3 Access Program Manager, dated July 24, 2024, comments included: CDOT noted that they have reviewed the application, issued the access permits and worked with the design team and do not have any additional comments.

Colorado Parks and Wildlife, dated August 7, 2024, from Codi Prior, District Wildlife Manager, comments included:

“CPW would suggest that educational materials be displayed throughout the subdivision. Messaging may include the following principles: Leave no Trace, Stay the Trail, Living with Bears, Staying Safe in Moose Habitat, Protecting Riparian Habitat, etc. CPW would be happy to consult on appropriate messaging and education.... CPW recommends that all residents and commercial businesses are required to use bear-proof trash containers.... Dogs outside their yard, kennel, or dog-run should be on a leash or otherwise under direct control... CPW recommends that domestic cats are kept indoors or under direct control while outdoors... CPW recognizes the need for affordable housing across our communities and hopes that this development helps retain current residents on a more permanent basis. However, it is also likely that this development will attract new residents, and therefore CPW would continue to advocate for the County, local municipalities, and Federal land management agencies to consider planning that accommodates for what may be a substantial increase in our local human population. In addition to demands on all basic infrastructure and community resources, this proposed project will increase usage of nearby public lands, which will require continued discussions around natural resource sustainability and stewardship. Increased intensity of use on local roads and trails will result in additional habitat fragmentation and ongoing impacts to local wildlife. A notable increase in traffic volume on Highway 135 is also likely, which will result in more wildlife-vehicle collisions and further discourage any wildlife movement across Highway 135. CPW recommends that Gunnison County continue engagement with the Colorado Department of Transportation (CDOT) to assess future conditions and determine if mitigation to wildlife impacts is possible; CPW would be willing to participate in those discussions.”

Gunnison County Public Works, Martin Schmidt, Assistant County Manager for Public Works, dated August 7, 2024, comments included: Public Works participated in the review of the application as it was developed and support the application.

Colorado Division of Water Resources, Ailis Thyne, P.E. dated August 22, 2024, comments included:

“The well as permitted, cannot be used for the proposed development and would need to be re-permitted pursuant to a water court approved augmentation plan to be used in the multi-residential unit or for irrigation use.

The referral materials stated onsite wells will be used to provide irrigation water, however no additional information regarding irrigation water was provided. In order for well permits to be used for irrigation use on the proposed development, the permit would need to be issued pursuant to a water court approved augmentation plan. Therefore, our office recommends the applicant provide information regarding the augmentation plan the proposed well with operate under.

The application materials indicate that a stormwater detention structure will be constructed as a part of this project. The applicant should be aware that unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), C.R.S., the structure may be subject to administration by this office. The applicant should review DWR’s Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The Applicant is encouraged to use the Colorado Stormwater Detention and Infiltration Facility Notification Portal to meet the notification requirements.”

Colorado Department of Public Health and Environment, Brendan Cicione, Air Quality and Transportation Planner, dated July 22, 2024, comments included: dust control shall be required during construction.

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 shall demonstrate that the project is compatible with community character, or an enhancement of the character of existing land uses in the development area and shall not adversely impact the future development of the development area.

The application states:

“Gunnison County and Servitas propose an essential workforce housing neighborhood on the subject parcel. The Gunnison Valley’s Housing Needs Assessment is in the process of being updated as part of the recent One Valley Resiliency Roadmap, and most recent numbers from the 2024 Gunnison Valley Market Update shows a current shortage of

between 1,080 - 1,345 units to catch up and keep up with demand by 2029. 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. Essential Housing standards, Section 9-601, states the following, which was written in 2006, and the lack of essential housing has only grown worse:

'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.'

The proposed neighborhood has been designed to be compatible and complementary to the natural systems and existing land uses in the area, connected to neighboring parcels and multi-modal access via a pedestrian underpass, and appropriate buffering in mind. The consultant team has worked extensively with community members and adjacent landowners in the design of the neighborhood. Additionally, the design team is working with the Town of Crested Butte on a utility extension agreement for water and wastewater treatment systems. We anticipate receipt of the Utility Extension Agreement from the Town of Crested Butte on 7/15/24."

The applicants entered into a Utility Extension Agreement with the Town of Crested Butte on July 15, 2024.

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 7-102: 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:

"There are several phases of on-site and off-site construction that will occur with development of Whetstone, some of which will be concurrent and some of which will occur later in the construction process. It is expected that utilities being extended from the Town

of Crested Butte will be installed initially, concurrently with grading and excavation on site. Following grading and excavation, on-site utilities and geothermal well drilling will occur, followed by the first phase of housing. Please see the Phasing Plan which identifies Phase 1 utilities, infrastructure and buildings and the graphic timeline.”

The applicant intends to build the entire project at one time—it will take several years but it will not be phased in a fashion like other subdivisions where one portion is built and rented while the other portion is entirely undeveloped. However, as units are constructed, the applicant proposes to allow occupancy of those units if all utilities are available, emergency access is sufficient, and all life safety elements are installed and operational.

Section 7-102: D. Uses Shall be Identified.

All uses proposed on the subject parcel are defined within the Preliminary/Final Plan submittal. Proposed uses include 252 residential housing units with 476 bedrooms.

Building	Size
Maintenance Building	1,171 sq. ft.
Duplex buildings	3,596 sq. ft.
Triplex buildings	6,046 sq. ft.
Apartment building	8,890 sq. ft.
Apartment buildings	28,125 sq. ft.
Live/work townhomes	7,201 sq. ft.
Triplex buildings	3,877 sq. ft.
Apartment building	32,031 sq. ft.
Apartment building	36,882 sq. ft.
Apartment building	27,324 sq. ft.
Apartment building	45,385 sq. ft.

The following amenities and facilities are also included:

- Park facilities that include: 7x7 sized youth soccer field, shade structure, picnic tables, grills, playground area
- Fenced dog park/run
- Dedicated central greenway connecting neighborhood to transit and underpass
- Installation of geothermal fields for energy efficiency and air source heat pumps
- Internal sidewalks
- Maintenance barn to contain equipment and vehicles
- Stormwater detention pond
- Internal bus shelter (for school bus or future transit connectivity)
- Benches throughout site
- Community meeting space (Building 11) with indoor/outdoor space. Community space includes kitchenette.
- Leasing/management office
- Storage in larger apartment buildings

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

Not applicable, the total number of residential units contemplated is approximately 252. The applicant proposes that units in buildings 7 may include a home occupation which shall comply with the standards of this Section. Additionally, the applicant has provided “Whetstone Live/Work Units Rules” in Exhibit E of the memo prepared by John Cattles and dated September 30, 2024. The rules comply with the standards of this Section and further limit uses:

“a. Localized dust collection systems, properly sized and outfitted with HEPA filters, shall be required for activities producing dust or fumes. Excess dust and fumes may not be allowed to enter the unit’s ventilation system. No activities shall produce excess dust, fumes, or smoke. Activities that produce dust which can be detected outside of the unit or in the unit’s second floor residential space shall not be allowed. Lessee shall be responsible for repair and replacement of HVAC equipment damaged from excess dust resulting from improper use or sizing of dust collection systems in work spaces.

b. No storage of flammable or hazardous materials shall be allowed.

c. Noise limits shall comply with the Gunnison County Land Use Resolution Standards”

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.

Not applicable, in building 11 the applicant proposes to include a leasing office and community room which do not meet the definition of a commercial use.

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. Whetstone will be deed restricted and exceeds code requirements. 80% of units will be restricted to local workforce with the following income requirements and target rental rates by AMI:

- 40% of the units will be deed restricted for residents earning 120% AMI or less
- 10% of the units will be restricted for residents earning 170% AMI or less
- 30% of the units will be restricted with a local workforce requirement but not a specific AMI limitation.
- 20% do not have a specific commitment

The applicant provided the “Affordable Housing Deed Restriction” in Exhibit D of a memo from John Cattles dated September 30, 2024. The deed restriction restricts 40% of the units on the subject parcel to a maximum of 120% of area median income, as required by this Section. Further, the applicant has placed the following additional restrictions on units on the subject parcel as part of the “Utility Extension Agreement to Provide Water and Sewer Service,” with the Town of Crested Butte, dated July 15th, 2024, which states:

“Owner shall restrict at least 80% (202 units) of all units as workforce and essential housing meeting the following minimum restrictions:

A. Workforce housing means the household includes:

- 1. At least one member working for at least 30 hours a week, or 1,500 hours per year for a Gunnison County based employer (“Full Time Worker”); or*

2. A retired or disabled person who was a Full Time Worker at least four years immediately proper to such person's retirement or disability

B. A minimum of 202 units will be restricted for workforce housing.

C. No less than 40% (101 units) of the total number of units shall serve households earning no more than 120% Area Median Income ("AMI").

D. In addition, no less than 10% (25 units) of the additional units shall serve households earning no more than 170% AMI."

The following narrative includes the LUR standards in italics and the analysis following.

"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 Buildings 5A, 5B, 5C, 9, 10, 11, 12. This is a change from Sketch Plan which requested an increased height for two buildings (10 and 12). According to the application, "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."

The proposed building heights do not block solar access of existing, adjacent buildings. The taller buildings are along the highway and within the center of the development. The increased height allows for more deed restricted residences in fewer buildings and improves the amenities, open space, transit connectivity, and traffic flow at the site. The Commission finds that the public will benefit from increased building heights to allow more essential affordable workforce housing in the development.

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, the applicant requested a modification from the setback standard for setbacks from residential structures to internal subdivision roads.

The applicant is not required to request this incentive. Per Section 13-104: Table 7, internal setbacks would not apply to the project. The setback standards apply to setbacks from property lines and road rights of way. The proposal of internal setbacks on a development that is not a subdivision and does not have platted or publicly dedicated roads is not included in Section 13-104, therefore, there is no need to address setbacks between uses on a mixed-use parcel, nor setbacks from internal roads.

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

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

Applicable, the deferral of fees is requested. The payment of all applicable fees shall be deferred in compliance with this Section.

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: *Residential Building Sizes and Lot Coverages* and Section 13-111: *Landscaping and Buffering* as allowed by this Section.

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

“...the following sizes for the proposed buildings:

- 1. Maintenance Building – 1,171 sf*
- 2. Duplex buildings – 3,596 sf*
- 3. Triplex buildings – 6,046 sf*
- 4. Apartment building – 8,890 sf*
- 5. Apartment buildings – 28,125 sf*
- 6. Live/work townhomes – 7,201 sf*
- 7. Triplex buildings – 3,877 sf*
- 8. Apartment building – 32,031 sf*
- 9. Apartment building – 36,882 sf*
- 10. Apartment building – 27,324 sf*
- 11. Apartment building – 45,385 sf*

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 trade-offs 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 multi-modal connection, and aligning with our climate and energy efficiency goals.”

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. The larger buildings improve energy efficiency and also meet the standards of Zero Energy Ready homes, and do not jeopardize public health, safety, or welfare. If the building sizes were limited to 10,000 square feet, significantly fewer people would be housed in the development and more land and resources would be required to house people elsewhere. Density and larger buildings prevent sprawl and are more energy efficient. The larger buildings are also served by ground source heat pumps (geothermal) and are solar ready, resulting in energy efficient design.

The larger buildings, and thus greater numbers of units, will better enable people to live close to their jobs, reducing commuting times, vehicle miles traveled and likely improving residents' quality of life.

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*.

Landscaping: The applicant requests a modification to the landscaping standards as allowed by this Section:

"Modifications are requested for landscaping and buffering design requirements under Article 13-111. The landscape plant quantity reduction allows Whetstone to meet Wildland Urban Interface Code (IWUIC), maximize usable spaces for community gathering and recreation, provide snow storage in optional locations to ease maintenance and increase available parking closer to residence doors. No landscape reduction is requested for the berm and buffer along Highway 135. Please see the Landscape Plans LS-001 for required and provided landscaping table."

The applicant proposes the installation of fewer trees than required by this Section. County staff has not updated the landscaping standards since the adoption of the IWUIC which can complicate landscaping.

Sheet LS-001, "Overall Notes" prepared by Norris Design and dated June 28, 2024, describes the proposed planting schedule. Based on the standards of this Section 415 trees and 1,247 shrubs would be required; the applicant proposes 249 trees and 627 shrubs. The current landscaping standards do not account for the sage brush landscape in a way that aligns with water conservation.

The applicant has demonstrated that the reduced landscaping will be more water efficient; will provide more amenities because it will enable the installation of usable recreation space and improves the overall design because it will also align with IWUIC standards and water efficiency. The proposed landscape modification does not jeopardize public health, safety, or welfare and that Section 13-111 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*.

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.*

As allowed by Section 9-604: B.1. the applicant requests a reduction in required parking for the proposed development. The applicant requests a reduction from the required 504 parking spaces to 421 spaces, for a total reduction of 83 spaces. The applicant proposes 421 parking spaces for

252 units (1.67 space/units); the Sketch plan proposed 422 parking spaces for 231 units (1.8 spaces/unit). The LUR requires two parking spaces for up to a three-bedroom unit. There are 476 bedrooms proposed (0.88 space/bedroom). The application states:

“...Whetstone must achieve a balance for site, building and project needs to maintain target AMI rental rates. Part of this balance is providing a slightly lower parking ratio, encouraging transit use through connection to services and safe pathway systems.

The County, Servitas and the design team have worked very hard to balance the number of units with needed parking at the site. The County’s separate project to develop an underpass from the site connecting Whetstone to transit and a multi-modal path justify the reduction in parking. 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 applicant has developed an intersection plan that connects the neighborhood to the Town of Crested Butte via bus, car, bike or walking. Residents can also use the free bus to access other communities (Mt. CB or Gunnison). Additionally, there is close to one (0.88) parking space per unit.

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.

The applicant has shown that its proposal of 1.67 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.

The applicant provided a parking management plan in a memo from John Cattles, dated September 30, 2024, which states:

“The attached plan balances reserved parking spaces based on unit size with non-reservable spaces for visitors and households with more vehicles than reserved spaces.

- *1-Bedroom Unit: 1 assigned parking spot*
- *2-Bedroom Units: 1 assigned parking spots*
- *3-Bedroom Units: 2 assigned parking spots*
- *Townhomes: 1 assigned parking spot (garage) + 1 additional assigned spot (for 3-bed townhomes)*
- *141 unassigned spots are available for visitors.*
- *Vehicles parked in unassigned spots must be moved at least once a week.*
- *No RV or trailer parking is permitted in unassigned spots.*
- *No unregistered or inoperable vehicles are allowed on the property.”*

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 47% 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*

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.

2. **LOT SIZE AND LOT DENSITY CONSIDERATIONS.** *Unless exempted pursuant to Section 10-103: B.1.: Exemption for Parcels on Agricultural Operation, lot size and lot density shall be substantially similar to neighborhood parcels unless the standards of either (a) or (b) are met:*
 - a. **CONDITIONS ARE APPROPRIATE FOR SMALLER LOTS OR GREATER DENSITY.** *The project shall be considered for smaller lots or greater density when all of the following four requirements are met:*
 1. **DEVELOPMENT SERVED BY PUBLIC WASTEWATER TREATMENT SYSTEM.** *The development is or will be served by a public wastewater treatment system, by approval of the subject application pursuant to Section 12-106: Sewage Disposal/Wastewater Treatment.*

The County and the Town of Crested Butte signed a Utility Extension Agreement dated July 15, 2024, for the Town to serve the development with water and wastewater utilities.

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.

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 received funding for the intersection improvements which includes the relocation of RTA bus stops. The highway underpass will be constructed in 2026 and will be operational prior to the any residents occupying the housing units.

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.*

The applicant has included construction plans designed based on feedback received during two public charrettes. The narrative application includes goals and guiding principles that have been utilized to develop the exterior design of the site and architectural character of the buildings and include:

- Streets and layout will encourage community interaction and engagement and provide for safe circulation around the neighborhood and to internal gathering spaces.
- Community amenities will be placed close to residences and eliminate possible hindrances of access.
- Integrate Wildland Urban Interface (WUI) design practices and ensure long-term safety from natural high-alpine considerations (wildlife, wildfires, snow storage)
- Consider long-term maintenance in design and provide realistic continued operations.
- Design with snow storage in mind. Providing adequate snow storage on site and providing snow storage routes and maintenance paths to easily remove and store snow.
- Build upon and maintain the region's architectural legacy but without replicating in-authentically.
- There are 11 unique building types creating variety both in architectural typologies but also in scale, colors and materials.
- Main building entries are covered with "front porches" that signify inviting entries, protect residents from snow and ice, and break down the scale and massing of the buildings.
- Durable low maintenance materials meant to hold up in mountain climates.
- Natural looking materials and colors blend in with surroundings.
- Timeless mountain modern style
- Accommodate all seasons by integrating comfortable high-alpine design solutions

- Optimize space usage and provide adequate storage to best reflect preferred activities and life priorities.
- Large “mud rooms” for boots, coats, and other seasonal gear for mountain living.
- Storage space for bikes, tools, and seasonal gear within the buildings are located outside the units and are available for lease.
- Consider functionality, efficiency and costs for appliance, heating and plumbing solutions.
- Provide covered entries with roof pitch considerations for snow shed.
- Provide outdoor spaces for private resident use such as patios, porches and decks.

2. LANDSCAPING. *Landscaping requirements.*

Landscaping is proposed and discussed in Section 9-604 and 13-111.

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

The applicant has included a parking plan. 421 parking spaces are proposed for 252 units. The LUR requires two parking spaces for up to a 3-bedroom unit. The applicant has requested a reduction in parking standards (discussed above in Section 9-604). The application includes storage in each unit and larger storage areas in the multifamily buildings. All housing units constructed within Whetstone shall have secure bulk storage spaces for outdoor equipment and gear.

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

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.

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. The applicant is not requesting a modification to this standard. The total parcel is 15.1 acres, and 7.2 acres (47%) is open space.

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% restricted units total. 40% of the total units shall be restricted to incomes of 120% AMI or less.

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 Mtn. Express do not anticipate buses circulating within the development but the applicant has created the space for that future opportunity. The applicant proposes a multimodal connection under Highway 135 to safely connect residents to the bus stop and trails.

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

Not applicable, a mixed-use structure (building 11), which includes a leasing office for the property and community meeting room, is proposed within the development. These uses do not meet the definition of a commercial use.

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 within a mapped geologic hazard area. The applicant did submit a "Geotechnical Study, Whetstone Development, 25115 State Highway 135, Gunnison County, Colorado," prepared by CMT Technical Services and dated November 17, 2023.

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; neither entity provided comments. The structures and site have been designed in compliance with the 2021 International Wildland Urban Interface Code.

Section 11-106: Protection of Wildlife Habitat Areas.

Applicable, a copy of the application has been sent to Colorado Parks and Wildlife (CPW) for review and comment. The subject parcel is not in an area of defined sensitive wildlife habitat.

The application states that the development will utilize bear-proof trash containers and restrict use of bird feeders. CPW comments are noted above.

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. Development is proposed within 125 feet of a water body and the applicant has provided the required elements of a water quality protection plan within the Preliminary Plan application. Staff recommends that the developer install silt fencing and protection methods along the southern most property line to ensure protection of the water body. The application notes,

“Additionally, developed stormwater runoff from the site will be conveyed to a new onsite stormwater treatment pond in the south corner of the site. The stormwater treatment pond has been sized to treat and attenuate the Water Quality Capture Volume (WQCV) consistent with the MHFD standards for water quality treatment. Additionally, a trickle channel has been included in the design of the pond for sediment settlement and ease of maintenance.”

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, the development of the road system shall comply with this Section. A copy of the application was referred to Gunnison County Public Works Department and the Colorado Department of Transportation.

The applicant proposes two access points to the development. Engineered road plans are included within the application. The application states, “The design team has consulted with Gunnison County Public Works and the Town of Crested Butte on the design of the internal development roads and has created a cross section to accommodate on-street parking, pedestrian safety, landscaping and snow storage and removal.” The applicant has obtained an approved access permit from CDOT for the development. Access Permit No. 324018 has been issued for up to 256 units and requires that the applicant construct a roundabout for the development and that the existing accesses be completely removed. Access Permit No. 324019 is for the southern entrance point and allows a right-in, right-out only access.

A “Traffic Impact Study” dated December 2023 and prepared by Kimley Horn has been submitted as part of the application. CDOT noted that they have reviewed the application, issued the access permits and worked with the design team and do not have any additional comments.

Comments from CDPHE note that dust control shall be required during construction.

Gunnison County Public Works commented on the application and noted that they had participated in the review of the application as it was developed and support the application.

Section 12-104: Public Trails.

Applicable, public sidewalks are proposed as part of this application. Detail can be found in the “Whetstone Exhibits” and the plan titled, “Circulation and Trails Plan” dated June 28, 2024. The sidewalks and other infrastructure will be owned and maintained by the applicant.

Section 12-105: Water Supply.

Applicable, the applicant has executed a utility extension agreement with the Town of Crested Butte for service of domestic water supply. The applicant proposes that irrigation water be provided by an onsite well. The applicant has purchased augmentation water from the Upper Gunnison River Water Conservancy for the onsite well. The existing residential well permit will be submitted to the Colorado Division of Water Resources for conversion to an irrigation only well. Issuance of the well permit shall be a condition of any approval. Irrigation water demand detail can be found in the “Whetstone Exhibits” and the plan titled, “Parks and Open Space” dated June 28, 2024. According to an email from John Cattles, Assistant County Manager, “The Upper Gunnison has confirmed that they have base units available for purchase and the County has submitted the initial application. Once the contract with Upper Gunnison has been executed, the County will submit the information to the Division of Water Resources to convert the well permit. If for some reason, the well permit conversion is not approved the County will utilize water from the Town of Crested Butte water supply for irrigation.”

The “Preliminary Utility Report, Whetstone Workforce Housing, Gunnison County, Colorado,” prepared by Joel Price, P.E. of Kimley Horn and dated June 25, 2024, was submitted and states:

“This report demonstrates that the proposed water and sanitary sewer infrastructure for this Project will be sufficient to serve the aforementioned development through analysis of the Project’s impact on the existing Town of Crested Butte (“Town”) water and sanitary sewer system with hydraulic modeling. Water and sanitary sewer mainlines will be owned and maintained by Gunnison County.”

CDOT and Army Corps permits may be required for the construction of water and wastewater utility lines to the Town of Crested Butte, if the application is approved it will be a condition of approval that the applicant obtain all required state and federal permits.

Comments from the Division of Water Resources in a letter dated August 22, 2024, identify the need for approved augmentation water for the proposed irrigation well and the re-permitting of the existing well permit.

Section 12-106: Wastewater Treatment.

Applicable, the applicant has executed a utility extension agreement with the Town of Crested Butte for service of wastewater treatment for the development. The “Whetstone Sanitary Sewer System Feasibility Study for Gunnison County, Gunnison County, Colorado,” dated December 2023 and prepared by RG and Associates LLC is included in the application. The “Preliminary

Utility Report, Whetstone Workforce Housing, Gunnison County, Colorado,” prepared by Joel Price, P.E. of Kimley Horn and dated June 25, 2024, was submitted and states:

“This report demonstrates that the proposed water and sanitary sewer infrastructure for this Project will be sufficient to serve the aforementioned development through analysis of the Project’s impact on the existing Town of Crested Butte (“Town”) water and sanitary sewer system with hydraulic modeling. Water and sanitary sewer mainlines will be owned and maintained by Gunnison County.”

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. The applicant has provided “Whetstone Fire Staging Area Exhibit” dated January 18, 2024. CBFPD noted that they have worked with the applicants and will review the final designs at the time of building permit application.

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 was referred to the Town of Crested Butte and no comments were received.

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 “Overall Site Plan” dated February 7, 2024, and prepared by Kimley Horn. This section includes structure height, and the applicant has requested variances to this standard as noted above in Section 9-604.

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. The applicant meets all setback requirements. As noted above and in the application the applicant requested a modification to this setback standard. The applicant is not required to request this incentive. Per Section 13-104: Table 7, internal setbacks would not apply to the project. The setback standards apply to setbacks from property lines and road rights of way. The proposal of internal setbacks on a development that is not a subdivision and does not have platted or publicly dedicated roads is not included in Section 13-104, therefore, there is no need to address setbacks between uses on a mixed use parcel, nor setbacks from internal roads.

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. The total parcel is 15.1 acres, and the applicant proposed 7.2 acres (47%) open space.

Section 13-109: Signs.

Applicable, any proposed sign(s) shall meet the requirements of this Section.

Section 13-110: Off-Road Parking and Loading.

Applicable, Section 9-604: B.1. allows a “reduction in the number of parking spaces required...depending upon location, bedroom mix, the availability of public transit and other factors.” Please see the analysis in Section 9-604 related to parking reductions.

Section 13-111: Landscaping And Buffering.

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 landscaping.

Section 13-112: Snow storage.

Applicable, snow storage detail can be found in the “Whetstone Exhibits” and the plan titled, “Access and Parking Plan” dated June 28, 2024.

Section 13-113: Fencing

Applicable, any fencing proposed shall comply with this section.

Section 13-114: Exterior Lighting.

Applicable, all lighting proposed on the parcel shall comply with this Section. Detail can be found in the “Whetstone Exhibits” and the plan titled “Lighting Plan” dated June 28, 2024, and the “Whetstone Building Mounted Lights” exhibit which comply with the standards of this Section.

Section 13-115: Reclamation And Noxious Weed Control.

Applicable, a reclamation permit is required for road cutting and/or construction, homesite clearing and berm construction.

Section 13-116: Grading And Erosion Control.

Applicable, the applicant has provided a grading and drainage plan (see Kimley Horn Erosion Control plan set, Final Drainage Report, and Stormwater Management Manual).

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

Applicable, this is a Major Impact subdivision, which will create more than 10,000 square feet of impervious surface area created by road and driveway improvements. The applicant has provided a grading and drainage plan (see Kimley Horn Erosion Control plan set, Final Drainage Report, and Stormwater Management Manual).

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. The application states: “The overall drainage design for the site consists of collection of developed stormwater via curb/gutter and inlets for conveyance to the on-site private detention pond in the south corner of the site. Developed stormwater will be treated for water quality and 100-year detention attenuation, generally consistent with the Mile High Flood District standards.”

The “Final Drainage Report: Whetstone Workforce Housing, Gunnison County, Colorado,” dated June 25, 2024, and prepared by Kimley Horn and stamped by Shelby Madrid, P.E. was submitted. The report states, “Proposed drainage designs associated with the Project have been designed in substantial accordance with applicable Gunnison County standards and Mile High Flood District Manual and are not anticipated to adversely affect the existing drainage facilities to which they discharge.”

The “Stormwater Management Plan (SWMP), Whetstone Workforce Housing, Crested Butte, Colorado,” dated February 2024 and prepared by Kimley Horn was submitted as part of this application.

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 Preliminary and Final 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: *Definitions.*
3. Based on consideration of the limited applicability of final plan requirements for the proposed development since it is not a subdivision; the public concern related to lack of housing for

community members and the public concern about the subject application; that this an essential housing project entitled to an expedited review pursuant to Section 9-604:A.1.; and the public facilities (housing, multimodal underpass, and park) that will be provided by the development, the Planning Commission approved the combination of the Preliminary and Final Plans.

4. The criteria set forth in Section 9-604: *Incentives Required to Provide Essential Housing* apply to this application, and the Planning Commission finds that the requested incentives and modifications are consistent with the standards of the Gunnison County *Land Use Resolution* as set forth in this Planning Commission recommendation.
5. The applicant has met its burden to allow a modification of the standards set forth in the LUR, including but not limited to, Section 13-111: *Landscaping and Buffering*, to allow for a reduction in the number of trees and shrubs installed on the parcel, which is consistent with the standards of the Gunnison County *Land Use Resolution*.
 - a. The applicant has demonstrated that the reduced landscaping will be more water efficient; will provide more amenities because it will enable the installation of usable recreation space and improves the overall design because it aligns with the *International Wildland Urban Interface Code* standards and promotes water efficiency. The proposed landscape modification does not jeopardize public health, safety, or welfare and that Section 13-111 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*.
6. The applicant has met its burden to allow a modification of the standards set forth in the LUR, including but not limited to, Section 13-103: *General Site Plan Standards and Lot Measurements*, to allow for an increase in height of 25% for five buildings proposed in the plan, is consistent with the standards of the Gunnison County *Land Use Resolution*.
 - 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.”
 - b. During the Preliminary/Final plan proceedings, the applicant demonstrated that reducing the height of the aforementioned buildings would result in less open space and park amenities, an increased number of buildings, 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 and the increased height will not block solar access of existing adjacent structures.
 - c. Section 13-103: *General Site Plan Standards and Lot Measurements* 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*.

7. The applicant has met its burden, under LUR Section 9-604: A.6. to allow a modification of the standards set forth in the LUR, including but not limited to, Section 13-105: *Residential Building Sizes and Lot Coverages*, to allow for an increase in the maximum size of multifamily residential buildings is consistent with the standards of the Gunnison County *Land Use Resolution*.
 - 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 the size and location of the buildings; will provide improved access to transit for residents in larger buildings; and will reduce traffic and vehicles in the remainder of the neighborhood due to 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: *General Site Plan Standards and Lot Measurements* 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*.
8. The applicant has met its burden to allow a modification to the parking standards as allowed in Section 9-604: B.1. *Reduced Parking Space Requirements* and is consistent with the standards of the Gunnison County *Land Use Resolution*.
 - a. This Section states: "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 1.67 spaces/unit.
 - c. LUR Section 13-110: *Off-Road Parking and Loading* normally requires two parking spaces for up to a three-bedroom unit.
 - d. 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 1.67 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.
9. Pursuant to Section 7-102: *Standards of Approval for Major Impact Projects*, the Commission hereby finds and concludes:
 - a. This combined Preliminary and Final 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 in detail during Preliminary Plan review, and definitively during Final Plan review. This application has addressed, and the Commission has evaluated this submittal for its integration of and compliance with the standards of the *Resolution* within its final presentation of the proposed development pursuant to the foregoing standard.

- b. The applicant has submitted detailed evidence to demonstrate that the project 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.
 - c. The applicant intends to build the entire project at one time. However, as units are constructed, the applicant proposes to allow occupancy of those units as long as all utilities are available, emergency access is sufficient, and all life safety elements are installed and operational.
 - d. All uses have been identified within this proposed development.
10. A portion of the parcel is within 125 feet of a water body and the applicant has submitted the required elements of a water quality protection plan.
11. The proposed live/work units in buildings 7 shall comply with the Home Occupation standards of the LUR and the “Live/Work Unit Rules” in Exhibit E of the memo from John Cattles, dated September 30, 2024.
12. In response to recommendations from Colorado Parks and Wildlife the applicant has agreed to install bear-proof trash containers and limit the use of bird feeders.
13. The applicant has agreed to install the Highway 135 underpass prior to any residents occupying the residential units on the parcel.
14. The applicant has agreed to maintain access to the bus stops during construction of the roundabout.
15. The applicant has agreed to initiate construction of the roundabout no later than 2027.
16. The applicant proposes an onsite well for to supply irrigation water. An executed contract for augmentation water is required prior to the recordation of a resolution of approval.
17. The applicant has submitted a Utility Extension Agreement dated July 15, 2024, with the Town of Crested Butte for water and wastewater treatment utility service.
18. Design guidelines for residential construction are not required to be submitted. The applicant has submitted the designs for each building proposed and also included a list of design elements that guided the design of the buildings.
19. The proposed land use change is compatible with the character of existing land uses in the development area and will not adversely impact the future development of the development area.

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 Preliminary/Final Plan, and that the Preliminary/Final Plan be approved with the following conditions:

1. 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.
2. The applicant shall install the Highway 135 underpass prior to any residents occupying the residential units on the parcel.
3. The applicant shall maintain access to the bus stops during construction of the roundabout.
4. The applicant shall initiate construction of the roundabout no later than 2027.
5. All roads shall be named and shall not duplicate those of any existing named road within the unincorporated county or any incorporated municipality.
6. A contract for water augmentation for the irrigation well shall be submitted prior to recordation of the Resolution of approval.
7. The existing well shall be re-permitted for irrigation water and that well permit shall be submitted to Gunnison County prior to the issuance of any building permits.
8. The applicant shall comply with all applicable standards for the construction and operation of the stormwater detention structure which may be subject to administration by the Colorado Division of Water Resources.
9. The applicant shall install water quality protection measures such as silt fencing, during construction, along the southern most property line to ensure protection of the water body.
10. Any disturbance of ground greater than 10,000 square feet shall require a reclamation permit from Gunnison County Public Works in compliance with Section 13-115: *Reclamation and Noxious Weed Control*.
11. The inclusion of deed-restricted essential housing residences as described in the application and project description are a condition of this approval.
12. As applicable, the applicant shall obtain a stormwater discharge permit from the Colorado Department of Public Health and Environment.
13. A Development Improvements Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners, prior to recordation of the final plat, addressing the infrastructure improvements defined in the following plans:
 - “Whetstone Workforce Housing: Civil Construction Drawings,” stamped by Shelby Madrid, P.E. and dated June 28, 2024
 - “Architectural drawings,” prepared by Hord Coplan Macht and dated June 28, 2024
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 - “Stormwater Management Plan: Whetstone Workforce Housing,” prepared by Shelby Madrid, P.E. and dated June 25, 2024
 - “Whetstone Method of Financing” prepared by Servitas
 - Cost estimate prepared by Servitas and Moss Construction and dated June 25, 2024
 - “Final Whetstone, Project Demand Study,” prepared by Western Spaces, LLC and dated August 2024
14. This Permit Approval of this application is contingent upon compliance with all applicable federal, state, municipal and other permits required for construction following approval.
 15. 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.
 16. This Preliminary and Final 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.
 17. 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.
 18. 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.
 19. 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.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2024 - ____**

**A RESOLUTION APPROVING THE COMBINED PRELIMINARY AND FINAL PLAN FOR
LUC-22-00049
WHETSTONE COMMUNITY HOUSING DEVELOPMENT**

WHEREAS, the parcel that is the subject of this Resolution is located at 25115 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.

WHEREAS, the Planning Commission held work sessions and public hearings to discuss the Whetstone Community Housing application on the following dates:

- August 29, 2024 Work Session and Site Visit
- October 8, 2024 Joint Public Hearing

WHEREAS, the applicant proposes the development of an essential workforce housing residential development on the site, as governed by the Gunnison County *Land Use Resolution*, as amended (LUR).

WHEREAS, the LUR defines “essential housing” as “housing for qualified households as determined by the Gunnison County Housing Authority.” See LUR Section 2-102.

WHEREAS, the LUR defines “workforce” as “persons who are employees in Gunnison County whose household incomes are categorized as low income (i.e., a household whose annual income does not exceed 80 percent of the area median income as published annually by the U.S. Department of Housing and Urban Development) or moderate income ((i.e., a household whose income is between 81 percent and 120 percent of the area median income as published annually by the U.S. Department of Housing and Urban Development). See *id.*

WHEREAS, the LUR “shall be construed liberally to further its stated purposes.” See LUR Section 1-103.

WHEREAS, 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.

WHEREAS, the total parcel is 15.1 acres. Approximately 252 units are proposed at the site at this time, of which the majority (more than 40% per Essential Housing standards) shall be deed restricted based on AMI limitations.

WHEREAS, 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.

WHEREAS, 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.”

WHEREAS, Section 9-604 requires the decision-making body to 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.

WHEREAS, pursuant to LUR Section 9-604, the applicant has requested the incentives and modifications to LUR standards:

- An increase in height of 25% for buildings 5A, 5B, 5C, 9, 10, 11, and 12.
- Deferred fees
- Reduced parking space requirements
- An increase in maximum structure size
- A decrease in the required landscaping

WHEREAS, a joint public hearing was conducted October 8, 2024 by the Planning Commission and Board of County Commissioners, in which the Commission and the Board received and considered both written and oral public comment; and

WHEREAS, after a review of the application and all information, documentation and testimony related to it, the Gunnison County Planning Commission did, at its regular meeting on October 8, 2024, tender to the Board of County Commissioners a Recommendation of approval of that application with certain Findings and Conditions;

NOW, THEREFORE, the Board hereby adopts in full the Planning Commission’s Recommendation and the findings of fact therein, and also makes these findings of fact:

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: *Definitions*.
3. Based on consideration of the limited applicability of final plan requirements for the proposed development since it is not a subdivision; the public concern related to lack of housing for

community members and the public concern about the subject application; that this an essential housing project entitled to an expedited review pursuant to Section 9-604:A.1.; and the public facilities (housing, multimodal underpass, and park) that will be provided by the development, the Planning Commission approved the combination of the Preliminary and Final Plans.

4. The criteria set forth in Section 9-604: *Incentives Required to Provide Essential Housing* apply to this application, and the Planning Commission finds that the requested incentives and modifications are consistent with the standards of the Gunnison County *Land Use Resolution* as set forth in this Planning Commission recommendation.
5. The applicant has met its burden to allow a modification of the standards set forth in the LUR, including but not limited to, Section 13-111: *Landscaping and Buffering*, to allow for a reduction in the number of trees and shrubs installed on the parcel, which is consistent with the standards of the Gunnison County *Land Use Resolution*.
 - a. The applicant has demonstrated that the reduced landscaping will be more water efficient; will provide more amenities because it will enable the installation of usable recreation space and improves the overall design because it aligns with the *International Wildland Urban Interface Code* standards and promotes water efficiency. The proposed landscape modification does not jeopardize public health, safety, or welfare and that Section 13-111 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*.
6. The applicant has met its burden to allow a modification of the standards set forth in the LUR, including but not limited to, Section 13-103: *General Site Plan Standards and Lot Measurements*, to allow for an increase in height of 25% for five buildings proposed in the plan, is consistent with the standards of the Gunnison County *Land Use Resolution*.
 - 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.”
 - b. During the Preliminary/Final plan proceedings, the applicant demonstrated that reducing the height of the aforementioned buildings would result in less open space and park amenities, an increased number of buildings, 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 and the increased height will not block solar access of existing adjacent structures.
 - c. Section 13-103: *General Site Plan Standards and Lot Measurements* 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.

7. The applicant has met its burden, under LUR Section 9-604: A.6. to allow a modification of the standards set forth in the LUR, including but not limited to, Section 13-105: *Residential Building Sizes and Lot Coverages*, to allow for an increase in the maximum size of multifamily residential buildings is consistent with the standards of the Gunnison County *Land Use Resolution*.
 - 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 the size and location of the buildings; will provide improved access to transit for residents in larger buildings; and will reduce traffic and vehicles in the remainder of the neighborhood due to 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: *General Site Plan Standards and Lot Measurements* 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*.
8. The applicant has met its burden to allow a modification to the parking standards as allowed in Section 9-604: B.1. *Reduced Parking Space Requirements* and is consistent with the standards of the Gunnison County *Land Use Resolution*.
 - a. This Section states: "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 1.67 spaces/unit.
 - c. LUR Section 13-110: *Off-Road Parking and Loading* normally requires two parking spaces for up to a three-bedroom unit.
 - d. 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 1.67 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.
9. Pursuant to Section 7-102: *Standards of Approval for Major Impact Projects*, the Commission hereby finds and concludes:
 - a. This combined Preliminary and Final 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 in detail during Preliminary Plan review, and definitively during

Final Plan review. This application has addressed, and the Commission has evaluated this submittal for its integration of and compliance with the standards of the *Resolution* within its final presentation of the proposed development pursuant to the foregoing standard.

- b. The applicant has submitted detailed evidence to demonstrate that the project 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.
 - c. The applicant intends to build the entire project at one time. However, as units are constructed, the applicant proposes to allow occupancy of those units as long as all utilities are available, emergency access is sufficient, and all life safety elements are installed and operational.
 - d. All uses have been identified within this proposed development.
10. A portion of the parcel is within 125 feet of a water body and the applicant has submitted the required elements of a water quality protection plan.
 11. The proposed live/work units in buildings 7 shall comply with the Home Occupation standards of the LUR and the "Live/Work Unit Rules" in Exhibit E of the memo from John Cattles, dated September 30, 2024.
 12. In response to recommendations from Colorado Parks and Wildlife the applicant has agreed to install bear-proof trash containers and limit the use of bird feeders.
 13. The applicant has agreed to install the Highway 135 underpass prior to any residents occupying the residential units on the parcel.
 14. The applicant has agreed to maintain access to the bus stops during construction of the roundabout.
 15. The applicant has agreed to initiate construction of the roundabout no later than 2027.
 16. The applicant proposes an onsite well for to supply irrigation water. An executed contract for augmentation water is required prior to the recordation of a resolution of approval.
 17. The applicant has submitted a Utility Extension Agreement dated July 15, 2024, with the Town of Crested Butte for water and wastewater treatment utility service.
 18. Design guidelines for residential construction are not required to be submitted. The applicant has submitted the designs for each building proposed and also included a list of design elements that guided the design of the buildings.

19. The proposed land use change is compatible with the character of existing land uses in the development area and will not adversely impact the future development of the development area.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that no additional public hearing on the Whetstone Community Housing combined Preliminary and Final Plan need be conducted by the Board, and further, the Board hereby approves the Whetstone Community Housing Sketch Plan for LUC No. 22-00049 as recommended by the Planning Commission, with the following conditions:

1. 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.
2. The applicant shall install the Highway 135 underpass prior to any residents occupying the residential units on the parcel.
3. The applicant shall maintain access to the bus stops during construction of the roundabout.
4. The applicant shall initiate construction of the roundabout no later than 2027.
5. All roads shall be named and shall not duplicate those of any existing named road within the unincorporated county or any incorporated municipality.
6. A contract for water augmentation for the irrigation well shall be submitted prior to recordation of the Resolution of approval.
7. The existing well shall be re-permitted for irrigation water and that well permit shall be submitted to Gunnison County prior to the issuance of any building permits.
8. The applicant shall comply with all applicable standards for the construction and operation of the stormwater detention structure which may be subject to administration by the Colorado Division of Water Resources.
9. The applicant shall install water quality protection measures such as silt fencing, during construction, along the southern most property line to ensure protection of the water body.
10. Any disturbance of ground greater than 10,000 square feet shall require a reclamation permit from Gunnison County Public Works in compliance with Section 13-115: *Reclamation and Noxious Weed Control*.
11. The inclusion of deed-restricted essential housing residences as described in the application and project description are a condition of this approval.
12. As applicable, the applicant shall obtain a stormwater discharge permit from the Colorado Department of Public Health and Environment.

13. A Development Improvements Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners, prior to recordation of the final plat, addressing the infrastructure improvements defined in the following plans:
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19. 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.

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

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted on this ____ day of _____, 2024.

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO**

Jonathan Houck, Chairperson

Laura Puckett-Daniels, Commissioner

Elizabeth Smith, Commissioner

ATTEST:

Gunnison County Clerk