



BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY  
RESOLUTION NO. 2023 - 2

A RESOLUTION APPROVING THE SKETCH PLAN FOR  
LUC-22-00049  
WHETSTONE COMMUNITY HOUSING DEVELOPMENT

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

**WHEREAS**, the Whetstone Community Housing Land Use Change application was submitted on September 9, 2022 and was determined a complete application by staff on October 14, 2022.

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

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

**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 231 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 which will vary based on a range of community need and the ability of the County and developer to secure supplemental funding and control costs.

**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’s goal is to have 100% of the units be deed restricted, including income restrictions, to meet the needs of the community as identified in the 2021 “Gunnison Valley Market Housing Update” and to respond to the Board of County Commissioner’s strategic goal of building 300 housing units that are affordable for our workforce by 2030.

**WHEREAS**, the applicant proposes 1.8 parking spaces/unit. Section 9-604: B. 1. allows an applicant to request reduced parking requirements for essential housing projects. The applicant is requesting a reduction for this project.

**WHEREAS**, the applicant proposes a mixed use building to be included in the development which may include various commercial type facilities that would serve the neighborhood.

**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 three modifications to LUR standards:

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



**WHEREAS**, a joint public hearing was conducted January 19, 2023 and February 2, 2023 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 February 2, 2023 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.
3. The criteria set forth in Section 9-604: *Incentives Required to Provide Essential Housing* apply to this application, and the Board finds that incentives and modifications are generally consistent with the standards of the Gunnison County *Land Use Resolution* as set forth in the Planning Commission recommendation.
4. The applicant has met its burden to establish that application of a modification of the standards set forth in the LUR, including but not limited to, Section 13-103, to allow for an increase in height of 25% for two buildings proposed in the plan, is generally consistent with the standards of the Gunnison County *Land Use Resolution*. Further review and final determination of application of this modification will occur at Preliminary and Final Plan application.
  - a. The applicant has established that its application meets the standards of Section 9-604: A.3, which states, "An increase of 25 percent in the maximum structure height allowed pursuant to Section 13-103: G.: *Allowed Structure Heights*, when such increase is found to not interfere with solar access or potential solar access of existing adjacent structures, and the County determines the increase to be in the public benefit in its allowance for additional and/or larger residences and that are deed-restricted pursuant to this Division." In addition, the modification standards of Section 9-604: A.6 potentially apply to this application with regard to the foregoing.
  - b. During the sketch plan proceedings, the applicant demonstrated that moving the aforementioned buildings would result in less open space and park amenities, a parking lot adjacent to the highway, reduced transit connectivity and more traffic and car trips within the development due to the location of the higher density structures in the center of the parcel. The Board therefore finds that the public will benefit from increased building heights to allow more essential affordable workforce housing in the development.
  - c. Section 13-103 is not amongst the "public health, safety, and welfare" standards described in Section 1-105: *Sections Necessary for Immediate Preservation of Public Health, Safety, Welfare, and the Environmental and Natural Resources*.



5. The applicant has met its burden, under LUR Section 9-604: A.6. to establish a modification of the standards set forth in the LUR, including but not limited to, Section 13-105, to allow for an increase in the maximum size of multifamily residential buildings is generally consistent with the standards of the Gunnison County *Land Use Resolution*. Further review and final determination of application of this modification will occur at Preliminary and Final Plan application.
  - a. The applicant has demonstrated that the larger buildings will be more energy efficient; will provide more amenities, including the creation of park and open space due to size and location of the buildings; improved access to transit for residents in larger buildings; and reduced traffic and vehicles in the remainder of the neighborhood because of the larger buildings' location adjacent to the highway.
  - b. The proposed modification does not jeopardize public health, safety, or welfare and that neither Section 13-105 nor viewsheds are amongst the "public health, safety, and welfare" standards described in Section 1-105: *Sections Necessary for Immediate Preservation of Public Health, Safety, Welfare, and the Environmental and Natural Resources*.
6. The applicant has met its burden to establish a modification to the parking standards as allowed in Section 9-604: B.1. *Reduced Parking Space Requirements* and is generally consistent with the standards of the Gunnison County *Land Use Resolution*. Further review and final determination of application of this modification will occur at Preliminary and Final Plan application.
  - a. This Section states: "Notwithstanding any other requirements of this Resolution, the decision-making body may provide one or more of the following incentives for an Essential Housing Project or a residential or mixed-use development in which a minimum of 40 percent of the residences are Essential Housing, and, because of deed restriction, will remain Essential Housing: 1. *Reduced Parking Space Requirements*. A reduction in the number of parking spaces required pursuant to Section 13-110: *Off-Road Parking and Loading*, depending upon location, bedroom mix, the availability of public transit and other pertinent factors."
  - b. The applicant proposes approximately 1.8 spaces/unit at this time.
  - c. LUR Section 13-110 normally requires two parking spaces for up to a three-bedroom unit.
  - d. However, the Board finds that modification of the foregoing standard, and application of Section 9-604(B)(1) is appropriate because the applicant has established reasonable efforts to balance the number of units with needed parking at the site. The applicant has shown that its proposal of 1.8 spaces/unit still provides parking for residents and that parking, along with the applicant's separate project to develop an underpass from the site connecting it to transit and a multimodal path justifies a modification of the normal parking standard.
7. Pursuant to Section 7-102: *Standards of Approval for Major Impact Projects*, the Board hereby finds and concludes:
  - a. This Sketch Plan application is generally consistent with the standards and requirements of the *Resolution*, pursuant to Section 7-103, *i.e.*, compliance of the



proposed land use change with the standards of the *Resolution* are required to be determined broadly and conceptually during Sketch Plan review. This application has addressed, and the Board has evaluated this submittal for its integration of the standards of the *Resolution* within its conceptual presentation of the proposed development pursuant to the foregoing standard.

- b. The applicant has submitted sufficient evidence at this stage of the process to demonstrate that the project concept is compatible with the community character, taking into account the appropriate modifications discussed above. The proposed development is compatible with the community character and is an enhancement of the development area because it will create a secure source of housing for community residents and does not adversely impact the area. A final determination of whether or not the proposed land use change would result in a significant adverse net effect to adjacent land uses can occur only after the applicant has submitted the Preliminary Plan application, again taking into account the provisions of LUR Section 9-604 and the liberal construction of LUR to meet its stated purposes, which include providing adequate housing for all people.
  - c. Phasing has been proposed by the applicant within this Sketch Plan submittal.
  - d. All uses have been identified on lots within this proposed development.
8. The following have been identified as potential issues related to this application during the Sketch Plan review process:
- a. The livability of the larger buildings alongside Highway 135 and their compatibility with community character.
  - b. The opportunity for multimodal connection to the site that is safe and accessible.
  - c. The connection to the Town of Crested Butte's water and wastewater treatment utilities. However, such issues must be balanced with the modification provisions of Article 9 and the need for liberal construction of LUR in favor of providing adequate housing for all people.
9. Commercial uses are proposed at the site. The Board finds that these proposed uses meet the sketch plan standards of the LUR.
10. In response to recommendations from Colorado Parks and Wildlife the applicant has proposed to install bear-proof trash containers and limit the use of bird feeders.
11. The applicant has submitted a request to the Town of Crested Butte for water and wastewater treatment utility extension.

**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 Sketch 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. Pursuant to Section 7-103: C., in the submittal of Preliminary Plan, the applicant shall formulate detailed, designed/engineered solutions to the issues and concerns identified during this Sketch Plan review, and shall address, in a site-specific manner, all other issues that are relevant to the Preliminary Plan.
2. The Preliminary Plan application shall address how the application and proposed development will address the following issues identified during the Sketch Plan review process:
  - a. Applicant shall describe the livability of the larger buildings alongside Highway 135 and their compatibility with community character including design, form, massing, and architectural features, taking into account the modification provisions of Section 9 and the need for liberal construction of LUR in favor of providing adequate housing for all people.
  - b. Applicant shall identify options for multimodal connection to the site that is safe and accessible, taking into account the modification provisions of Section 9 and the need for liberal construction of LUR in favor of providing adequate housing for all people.
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.
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.
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.
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.

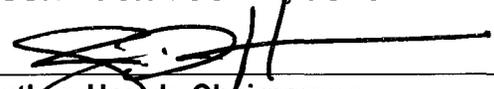


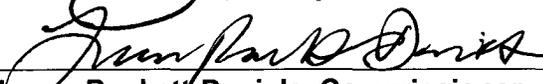
7. This approval is founded on each individual requirement. Should the applicant successfully challenge, in a judicial proceeding, any such finding or requirement, this approval is null and void.
8. This Sketch Plan approval may be revoked or suspended if Gunnison County determines that any material 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.
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.
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.
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.

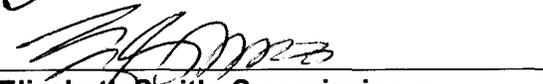
**THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY** shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett Daniels, and adopted on this 1<sup>th</sup> day of February, 2023.

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

  
Jonathan Houck, Chairperson

  
Laura Puckett-Daniels, Commissioner

  
Elizabeth Smith, Commissioner

ATTEST:

  
Gunnison County Deputy Clerk

