



**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
 RESOLUTION NO. 24 - 30**

A RESOLUTION APPROVING LUC-23-00021 BLOCK 6 SUBDIVISION TWO LOCATED AT THE PROPERTY LEGALLY DESCRIBED AS A PORTION OF BLOCK 6 CRESTED BUTTE SOUTH, SECOND FILING, LOCATED WITHIN NW ¼ SECTION 27, TOWNSHIP 14 S, RANGE 85 W OF THE 6TH PRINCIPAL MERIDIAN, GUNNISON COUNTY, COLORADO

WHEREAS, the Applicant, Adagio Properties, submitted an Application to Gunnison County Community Development on May 16, 2023 to subdivide a portion of Block 6 of the Crested Butte Subdivision into 28 lots (“Subdivision”) as described in *Table 1. CB South Block 6 Subdivision Dimensions*

Table 1. CB South Block 6 Subdivision Dimensions

Lot Number	Lot Area (sq. ft.)	Lot Use	CAMP Zone
1	Lot 1 subdivided Feb 20, 2019 (BOCC Resolution No. 2019-05, Reception No. 658764)		
2	14,520	Commercial	Commercial Building Zone/Active Ground Floor Use Zone
3	24,000	Commercial	Commercial Building Zone
4	19,500	Commercial	Commercial Building Zone
5	13,879	Commercial	Commercial Building Zone
6	8,400	Commercial	Commercial Building Zone
7	26,666	Commercial	Commercial Building Zone
8	12,854	Commercial	Commercial Building Zone
9	14,520	Commercial	Active Ground Floor Use Zone
10	49,950	Commercial	Commercial Building Zone/Active Ground Floor Use Zone
11	11A 3,645 11B 1,995 11C 1,995 11D 2,550	Attached townhome	Village Core Residential Zone
12	12A 2,550 12B 1,955 12C 2,550	Attached townhome	Village Core Residential Zone
13	13A 2,550 13B 1,955 13C 1,995 13D 2,550	Attached townhome	Village Core Residential Zone
14	14A 2,550 14B 1,995 14C 1,995 14D 2,550	Attached townhome	Village Core Residential Zone
15	15A 2,720 15B 2,592	Attached townhome	Village Core Residential Zone
16	16A 2,640 16B 4,084	Attached townhome	Village Core Residential Zone

; and,

WHEREAS, the Subdivision is located in Crested Butte South, a designated Special Area and is



governed by the Crested Butte South Special Area Regulations and Commercial Area Master Plan (CAMP), as amended; and,

WHEREAS, pursuant to CAMP Section 8.21.B *Remainder of Block 6*, the Applicant submitted the Application to Crested Butte South Property Owners Association approved the application with the following conditions on February 12, 2024:

1. *Infrastructure must be completed by a date set forth in the County's Development Improvement Agreement with Adagio (DIA).*
 - *CAMP 8.1 E Infrastructure*
2. *Ford's Way must be completed initially to construction grade and then later paved by a date set forth in the County's DIA.*
 - *CAMP 8.1 E. Infrastructure*
 - *CAMP 8.1 H. Transportation*
 - *CAMP 8.2 G.*
 - *CAMP 8.2 H.*
 - *CAMP 8.15 Street Design*
3. *Shared Driveway easements are shown on the Plan. Adagio shall contractually require adjacent lots with shared driveway access to share in the shared driveway costs, with the first developed lot responsible to complete the agreed upon driveway plan on both lots for two-way traffic ingress/egress, and a reimbursement agreement to be paid by the 2nd lot for its share of the driveway upon construction of the adjoining lot. The shared driveway easement shall be a total of 28 feet wide to accommodate 26 feet of driveway surface with 13 feet of driveway surface on each lot.*
 - *CAMP 8.1 E. Infrastructure*
 - *CAMP 8.16 C Driveway and Parking Area Design.*
 - *CAMP 17 B*
4. *Pedestrian Pathways and Sidewalks-The Plan includes a 6' pedestrian pathway easement that connects Ford's Way to Glacier Street. The Plan also shows a temporary pedestrian trail around the perimeter of the Property. These pathways shall be completed by a date set forth in the County's DIA concurrent with the Property's infrastructure. Adagio agrees to construct a temporary 6' wide trail on the perimeter of Block 6. The trail will be built from crushed gravel or crusher fines, approximately 3-4" thick, and will be installed at an APPROXIMATE location as noted on the attached Plan. The trail will be constructed at or close to existing grade with no retaining walls, rails or vehicular guardrails. It will be replaced over time with concrete sidewalks when each lot submits plans for a permit to construct their buildings. Adagio will contractually require each purchaser of these lots to complete construction of the sidewalks on each of their lots, as part of the development thereof. The final sidewalks shall be coordinated with the grade of the finished streets.*
 - *CAMP 8.1 H. Transportation*
 - *CAMP.2 G.*
 - *CAMP 8.16 Sidewalks*
5. *Management Plan of Ford's Way, ½ of Glacier Street and the proposed sidewalks/pedestrian easements and trails shall be outlined in a declaration of covenants for the Property. The declaration of covenants shall include but is not limited to long term maintenance, and snow removal for the roads, sidewalks/pedestrian easements, and trails. This will be the sole responsibility of the new HOA.*
 - *CAMP 8.15 Street Design H and I Plan.*



- *CAMP 8.16 Sidewalks*

6. *Right of First Refusal the POA board conditioned that a right of first refusal be given on lots 5 and 6 under the terms outlined in Appendix 2.*

- *CAMPS.1 B*

- *CAMP 8.2 F*

7. *POA approval is expressly contingent upon performance and compliance of the above conditions. If the above conditions are met, the POA agrees that all requirements in the Commercial Area Master Plan (CAMP) and Special Use Area regulations for CB South have been met by Adagio.*

and,

WHEREAS, pursuant to CAMP Section 8.21.B.2 the Application resulted in a "Master Development Plan that must be generally followed by each lot developer within the Remainder of Block 6 unless the DRC (Development Review Committee) approves an amendment to the Master Development Plan;" and,

WHEREAS, Crested Butte South Commercial Area Master Plan Section 6.5 *Gunnison County Land Use Change Permit and Building Permit* states that "A development that has obtained a Crested Butte South Special Area Permit in compliance with the CAMP shall be required to secure a Land Use Change Permit and, as applicable, a Building Permit from Gunnison County. Such development shall be classified, reviewed and permitted at no higher impact classification than as an Administrative Review Project That Requires a Land Use Change Permit, pursuant to the applicable sections of the Gunnison County Land Use Resolution, except that no additional Gunnison County noticing requirements are needed". While potentially eligible for an Administrative Review Impact Classification, the Applicant requested a Minor Impact Review. Staff notes that *LUR* Section 3-111:B.1 requires the County to consider demand for public services, impacts on the impact area and environment, and impacts related to all existing and proposed development in the impact area. Staff noted that Section 8 of CAMP established CB South Village Center Design Standards. With these considerations taken into account, Staff did not object to Applicant's request of Minor Impact Review; and,

WHEREAS, CAMP Section 3.1 *Uses Generally Exempt from the Land Use Resolution* states "Development within the CB South Special Area shall be exempt from the requirements of the LUR, unless otherwise specified herein, or by Gunnison County;" and,

WHEREAS, Gunnison County Land Use Resolution (LUR) review pursuant to Section 9-101: E. and F.: *Secondary Residences Are Allowed, And Standards Are Addressed In Covenants* does not apply to the Application. While not proposed at this time, Section 5.2.B.3 of the Crested Butte South Commercial Area Master Plan (CAMP) permits Accessory Apartments in all residential area; and,

WHEREAS, Gunnison County review pursuant to LUR Section 9-102: *Home Occupations* does not apply to the Application. While not proposed at this time, Section 5.2.B.3 of the CAMP permits Home Occupations; and,

WHEREAS, Gunnison County review pursuant to LUR Section 9-103: *Bed And Breakfast* does not apply to the Application. While not proposed at this time, CAMP Section 5.2.A.8 permits for Accommodations, including Bed and Breakfasts, in the CB South Village Center; and,



WHEREAS, Gunnison County review pursuant to LUR Section 9-103: *Commercial and Industrial Uses* does not apply to the Application. CAMP Section 5.2.A 1-16 identifies the allowable commercial uses and prohibited uses, and Industrial uses are prohibited by CAMP Section 5.3.A. Manufacturing uses are generally prohibited in CAMP Section 5.3.B with exception of the following, provided retail is the primary use: breweries, vintner, distillery, coffee roasting, food and/or greenhouse production, mountain sports equipment, and others as approved by the Property Owner Association (POA) Board; and,

WHEREAS, Gunnison County review pursuant to LUR Section 9-304: *Adult-Oriented Uses* does not apply to the Application. While not proposed at this time, Farmer's Markets are permitted by CAMP Section 5.2.10; and,

WHEREAS, Gunnison County review pursuant to LUR Section 9-506: *Child Care Center* does not apply to the Application. While none are proposed at this time, Daycares are permitted in CAMP Section 5.2.A.2; and,

WHEREAS, Gunnison County review pursuant to LUR 10-102: *Locational Standards For Residential Development* does not apply to the Application. Residential uses are permitted in the CB South Village Center under Section 5.2.A.13. More specifically, in the "Village Center Core: multi-family dwelling units and row houses subject to limitations set forth herein." Block 6 is located in Filing 2, which permits multifamily residential structures; and,

WHEREAS, Gunnison County review pursuant to LUR 10-103: *Residential Density* does not apply to the Application. CAMP Section 5.2.A 13 defines allowed residential uses within the Village Commercial Core; and,

WHEREAS, Gunnison County review pursuant to LUR Section 10-104: *Locational Standards for Commercial, Industrial, or Other Non-Residential Uses* does not apply to the Application. CAMP Section 5.2.A defines allowed Commercial, Industrial, and Manufacturing uses within the Village Commercial Core; and,

WHEREAS, Gunnison County review pursuant to LUR Section 10-104: *Development in Geologic Hazard Areas* does apply pursuant to CAMP Section 7.2 Geologic Hazard Study which states "...development in areas subject to geologic hazards shall be subject to the applicable requirements of the LUR;" and,

WHEREAS, Gunnison County review pursuant to LUR Section 10-104: *Development in Wildfire Hazard Areas* does apply pursuant to CAMP Section 7.14 *Wildfire Hazard Areas* requires "Development shall be subject to the most current and applicable sections of the LUR;" and,

WHEREAS, Gunnison County review pursuant to LUR Section 11-107: *Protection of Water Quality* does not apply pursuant to "Irrigation Ditch Evaluation", SGM, May 25, 2023, assessing that the stormwater ditch on the property is not a Waters of the US. A Water Body as defined by the Land Use Resolution excludes stormwater and irrigation ditches; exempting the feature from the provisions of this section; and,

WHEREAS, Gunnison County review pursuant to LUR Section 12-103: *Protection of Water Quality*



does apply pursuant to "Irrigation Ditch Evaluation", CAMP Section 8.15.A requires that "Streets shall be designed in accordance with the Gunnison County and Crested Butte Fire Protection District standards in effect at the time of development except as may be varied as specified and allowed herein"; and,

WHEREAS, Gunnison County review pursuant to LUR Section 10-104: *Development in Wildfire Hazard Areas* does apply pursuant to CAMP Section 7.14 *Wildfire Hazard Areas* requires "Development shall be subject to the most current and applicable sections of the LUR;" and,

WHEREAS, Gunnison County review pursuant to LUR Section 13-103: *General Site Plan Standards And Lot Measurements* does not apply pursuant to CAMP Section 8. *CB South Village Center Design Standards* and subsection 8.9 *Minimum Setbacks*; and,

WHEREAS, Gunnison County review pursuant to LUR Section 13-104: *Setbacks From Property Lines And Road Rights-Of-Way* does not apply pursuant to CAMP Section 8. *CB South Village Center Design Standards* and subsections 8.8 *Dimensional Standards* and 8.10 *Building Height*; and,

WHEREAS, Gunnison County review pursuant to LUR Section 13-105: *Residential Building Sizes And Lot Coverages* does not apply pursuant to CAMP Section 8. *CB South Village Center Design Standards* and subsections 8.8 *Dimensional Standards*, 8.9 *Minimum Setbacks*, and 8.10 *Building Height*; and,

WHEREAS, Gunnison County review pursuant to LUR Section 13-108: *Open Space and Recreation Areas* does not apply pursuant to CAMP Section 8.8.A *Dimensional Standards for the CB South Village Center*; and,

WHEREAS, Gunnison County review pursuant to LUR Section 13-109: *Signs* does not apply pursuant to CAMP Section 8.21, stating all signs shall be designed and installed per the *CB South Sign Regulations*; and,

WHEREAS, Gunnison County review pursuant to LUR Section 13-110: *Off-Road Parking And Loading* does not apply pursuant to CAMP Section 8.13 *Parking Regulations*; and,

WHEREAS, Gunnison County review pursuant to LUR Section 13-111: *Landscaping and Buffering* does not apply pursuant to CAMP Section 8.12 *Landscaping*; and,

WHEREAS, Gunnison County review pursuant to LUR Section 13-112: *Snow Storage* does not apply pursuant to CAMP Section 8.18 *Snow Storage and Staging in CB South Village Center*, which requires "All designs for snow storage shall be subject to review and approval by the CB South Metro District"; and,

WHEREAS, Gunnison County review pursuant to LUR Section 13-113: *Fencing* does not apply pursuant to CAMP Section 8.12.C *Walls, Fences, and Berms*; and,

WHEREAS, Gunnison County review pursuant to LUR Section 13-114: *Exterior Lighting* does not apply pursuant to CAMP Section 8.14 *Exterior Lighting Design*; and,



WHEREAS, a copy of the Application was sent to the following referral agencies by email on April 12, 2024:

- Gunnison Regional Transit Authority
- Gunnison County Public Works
- Gunnison County Environmental Health Official
- Crested Butte Fire Protection District
- Crested Butte South Metro District
- Gunnison Watershed School District
- Colorado Division of Water Resources
- Colorado Division of Natural Resources

Responses were not received from the following departments/agencies: Gunnison Regional Transit Authority, Gunnison County Environmental Health Official, Crested Butte South Metro District, Gunnison Watershed School District, the Colorado Division of Water Resources, or the Colorado Division of Natural Resources.

WHEREAS, pursuant to LUR Section 12-105 *Water Supply* and LUR Section 12-106 *Wastewater Treatment*, the Crested Butte South Metropolitan District provided a conditional will-serve letter on March 13, 2023 with the following conditions:

1. *Approval by the District of initial design and/or engineering plans that identify the water demands and the preferred locations of all taps and of all service lines requested.*
2. *Developer must pay all costs required to connect the Project to District services to include any main-line extensions or apparatuses needed to facilitate the operations of the Project. Once completed, the utilities will be conveyed to the District under a separate development improvement agreement. The agreement would include but not be limited to District engineering review of the plans, a warrantee period of two years, minimum specifications on the design, construction and testing of the infrastructure including roads, pipelines, lift stations, testing inspection and acceptance procedures.*
3. *Any and all other conditions required by the District Rules and Regulations or District Board requirements.*
4. *A formal application for connection shall be submitted by someone with signing authority on this Project.*

WHEREAS, pursuant to LUR Section 12-107 *Fire Protection*, the Crested Butte Fire Protection District provided a conditional approval letter on September 9, 2023 then an amended conditional approval letter on June 6, 2024 with the following conditions:

1. *Access: the proposed access, to include road widths, cul-de-sac and the road name of "Ford Way" is compliant with comment:*
 - a. *The 28 foot wide "shared driveway easement between Lots 2 & 3 will allow access for the proposed height of future structures. Final access requirements to be determined at the building plan submittal stage.*
 - b. *The 28 foot wide "shared driveway easement between Lots 4 & 5 will allow access for the proposed height of the future structures. Final access requirements to be determined at the building plan submittal stage.*
2. *Water Supply: noted on the revised fire site plan received June 4th, 2024 is compliant with requirements.*
 - a. *Move the proposed "new fire hydrant" on Gillaspey Avenue 50 feet towards Haverly Street to correct the code required distances between fire hydrants.*



- b. *All installations of new fire hydrants will comply with Crested Butte South Metro District's Standards for Fire Hydrants.*

WHEREAS, Gunnison County review pursuant to LUR Section 10-104: *Development in Wildfire Hazard Areas* does apply pursuant to CAMP Section 7.14 *Wildfire Hazard Areas* requires "Development shall be subject to the most current and applicable sections of the LUR;" and,

WHEREAS, in "CB South Block 6 Subdivision – LUC-23-00021 Gunnison County, CO; CGS Unique No. GU-24-0011," May 22, 2024, the Colorado Geologic Survey provided the following comments:

The site is mostly flat (slopes less than 10%) and contains only isolated areas of steep, human-made slopes. It is just outside the toe area of a mapped "Landslide, slump, debris-flow and earthflow" complex. Provided roads, buildings, and driveways are configured such that the need for grading cuts is minimized, CGS has no objection to approval. Cuts greater than four feet should be evaluated for temporary and long-term slope stability.

WHEREAS, in a September 8, 2023 email, the Gunnison County Public Works Department provided the a conditional approval of the project, stating "Public Works does not, at this time, identify any further concerns that would hinder the approval of the Access Permit." The conditions of approval were:

1. *Public Works comments are specific to the access road.*
2. *All access permit conditions shall be fulfilled.*
3. *Based on the road plans at hand County access standards are fulfilled.*
4. *Is there a long-term subdivision plan for maintenance and plowing of this road right of way? Is there a cost share agreement for the subdivision in place?*
5. *Any changes to the plan set will require a re-review.*

The Public Works Department provided additional comment during a March 16, 2024 meeting:

1. *Including the shoulder in the ROW to meet the 30' ROW requirement in CAMP*
2. *Updating snow storage plans*
3. *Addressing overlap of access easements from Ford Way to lots 6,7,8*

The Applicant submitted a revised plan set that addressed all the comments from this meeting on June 11, 2024. No additional approval conditions are recommended.

WHEREAS, the Planning Commission held a work session to discuss the project on June 20, 2024; and

WHEREAS, the Planning Commission considered the following:

1. The project is in Crested Butte South, a designated Special Geographic Area, and
2. Parcels within Crested Butte South are governed by the *Crested Butte South Special Area Regulations and Commercial Area Master Plan (CAMP)*, and
3. The subject property will receive domestic water and sewer services from the Crested Butte South Metro District
4. The purpose of the Special Area designation and the CAMP, described in CAMP Section 1.2 *Purpose* is to simplify the LUR review and approval, to promote a compact



commercial and business development pattern, to protect the environment, public health, safety and welfare, public services, facilities and property, to provide opportunity for new and existing businesses, and to encourage economic diversity. Further, the "Vision for the Future" described in CAMP Section 8.1 CB South Village Center Vision and Goals as

...CB South Village Center is the community's cultural and social focal point that also provides for economic vitality including desired and needed businesses: a diversity of housing types; a variety of public spaces that encourage social and community interaction; a well-connected intermodal transportation system; and for sustainable design that incorporates the surrounding scenic beauty.

5. The CAMP addresses the transition from single family residential development to commercial and mixed-use development in CAMP Section 8.3.A:

All Single-Family Dwelling owners in the Village Center Perimeter Lots are aware they have built or will be building in an area envisioned for commercial, mixed-use and multiple-family dwellings, with activity, noise, parking areas, smells, traffic, large building massing and similar impacts.

WHEREAS, the Planning Commission found the proposal met the following standards of LUR Section 3-111:B *Criteria for Classifying Impact*, and reduced the impact classification from Minor Impact to Administrative Impact Review; and,

WHEREAS, the Application shall comply with the Administrative Impact Review standards of LUR Section 5-103:A. *General Standards*:

1. *COMPLY WITH APPLICABLE STANDARDS. The land use change shall comply with all applicable standards and other provisions of this Resolution.*
2. *COMPATIBILITY WITH COMMUNITY CHARACTER. The proposed land use change shall be compatible with, or an enhancement of, the character of existing land uses in the area, and shall not adversely impact the future development of the surrounding area.*

WHEREAS, the Gunnison County Board of County Commissioners did, on August 20, 2024 approve the Application with the following Findings and Conditions of Approval:

FINDINGS:

The Board finds that:

1. The Planning Commission classified the application as an Administrative Review project, based upon the impact classification found in LUR Section 3-111:B *Criteria for Classifying Impact*; and
2. The land use change complies with all applicable requirements of the *Gunnison County and Use Resolution (LUR)* and LUR Section 5-103: *Standards for Approval of Administrative Review Projects, General Standards 1, 2.*
3. This application is consistent with the standards and requirements of this Resolution.
4. The parcels will be served by municipal sewer.
5. Restrictive covenants for have been provided.



6. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

Conditions of Approval:

1. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.
2. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
3. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.
4. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
5. This permit 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.
6. 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 permit.
7. 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.
8. Enter into a Development Improvement Agreement pursuant to Section 16-118 *Development Improvement Agreement Required*.
9. Cuts greater than four feet should be evaluated for temporary and long-term slope stability as noted in Colorado Geologic Survey letter "CB South Block 6 Subdivision – LUC-23-00021 Gunnison County, CO; CGS Unique No. GU-24-0011" May 22, 2024.
10. Block 6 is in a High Local Wildfire Hazard area. There are no prohibited development areas pursuant to this section. All future development will be required to comply with the International Wildland Urban Interface Code as amended and the fire suppression requirements of the Crested Butte Fire Protection District.



- 11. The proposed access, to include road widths, cul-de-sac and the road name of "Ford Way" is compliant with comment:
 - a. The 28 foot wide "shared driveway easement between Lots 2 & 3 will allow access for the proposed height of future structures. Final access requirements to be determined at the building plan submittal stage.
 - b. The 28 foot wide "shared driveway easement between Lots 4 & 5 will allow access for the proposed height of the future structures. Final access requirements to be determined at the building plan submittal stage.
- 12. Move the proposed "new fire hydrant" on Gillaspey Avenue 50 feet towards Haverly Street to correct the code required distances between fire hydrants.
- 13. All installations of new fire hydrants will comply with Crested Butte South Metro District's Standards for Fire Hydrants.
- 14. Any site disturbance exceeding 10,000 sq. ft. shall be required to obtain a Reclamation Permit.

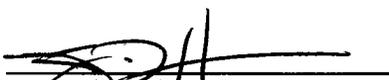
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. LUC-23-00021 Block 6 Subdivision Two is approved as an Administrative Review Project, subject to each and all conditions, as identified above.

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 Puckett Daniels,

seconded by Commissioner Smith, and passed on this 20th day of August, 2024.

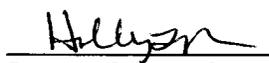
BOARD OF COUNTY COMMISSIONERS


Jonathan Houck,
Chairperson


Elizabeth Smith,
Commissioner


Laura Puckett-Daniels
Commissioner

ATTEST:


Deputy County Clerk

