



**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2024 - 35**

**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. The applicant submitted an executed contract with the Upper Gunnison River Water Conservancy District for the purchase of 98 base units of augmentation water, dated October 3, 2024.
 17. The applicant has submitted an amended Utility Extension Agreement dated October 7, 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. 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.
7. 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.
8. 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.
9. 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*.
10. The inclusion of deed-restricted essential housing residences as described in the application and project description are a condition of this approval.
11. As applicable, the applicant shall obtain a stormwater discharge permit from the Colorado Department of Public Health and Environment.
12. Prior to commencement of construction the applicant shall provide an access easement for the Creekside subdivision.



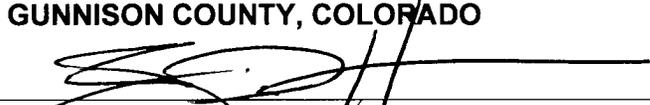
13. A Development Improvements Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board of County Commissioners addressing the infrastructure improvements defined in the following plans:
 - “Whetstone Workforce Housing: Civil Construction Drawings,” stamped by Shelby Madrid, P.E. and dated June 28, 2024
 - “Architectural drawings,” prepared by Hord Coplan Macht and dated June 28, 2024
 - “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
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.



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 Houck, and adopted on this 8th day of October, 2024.

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



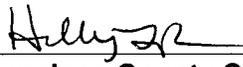
Jonathan Houck, Chairperson

Laura Puckett-Daniels, Commissioner



Elizabeth Smith, Commissioner

ATTEST:



Gunnison County Clerk
Deputy

