

**TOWN OF CRESTED BUTTE  
PLANNING COMMISSION  
MINUTES  
DECEMBER 21, 2009**

1. The Crested Butte Planning Commission meeting was called to order by Chair Leah Williams at 6:30 p.m. Commissioners present: Dan Escalante, Jim Schmidt, Reed Betz, Phoebe Wilson, Roland Mason and John Wirsing. Staff present: Town Manager Susan Parker, Town Planner John Hess, Town Attorney John Belkin, Town Clerk Eileen Hughes, Building and Zoning Director Bob Gillie and Public Works Director Rodney Due.

2. Approval of Minutes of December 7, 2009 Planning Commission Meeting.

Schmidt moved and Betz seconded to approve the minutes of the December 7, 2009 Planning Commission Meeting. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

3. Continuation of Public Hearing on Subdivision Sketch Plan for the Foothills at Crested Butte.

Attorney for the Foothills at Crested Butte, Aaron Huckstep, noted that the Planning Commission had expressed support for putting consideration of the Foothills Annexation on hold for a while. Huckstep recommended that consideration of the Subdivision Sketch Plan for the Foothills at Crested Butte be tabled for about three months and that the Planning Commission close the public hearing.

Chair Williams opened the Public Hearing.

Crested Butte resident David Leinsdorf said the proponents of the Foothills Annexation had not paid the Town for staff time and legal fees in connection with the Annexation process and that the proponents were \$96,000 in default. Leinsdorf said the Town is carrying the project and the Town Planner is essentially planning the project for the proponents.

Leinsdorf said the project should be denied because the proponents are in default of their reimbursement agreement with the Town.

4. Planning Commission Discussion and Possible Decision.

Town Manager Susan Parker confirmed that the annexation proponents were in arrears. She said the Town recently sent the annexation proponents a bill and that the Town will pursue further action to collect if necessary.

Attorney Aaron Huckstep said he did not receive copies of the Town's invoices and that he cannot confirm the assertions about non-payment. Huckstep noted that his clients are under contract to reimburse the Town and believes they intend to pay.

Commissioners discussed possible courses of action regarding the project. Several Commissioners voiced concern about the proponents being in arrears on their reimbursement agreement with the Town. Town Manager Susan Parker said if the project were denied rather than tabled that the proponents may not pursue the characterization study of the Town Dump. One commissioner suggested tabling the item with the condition that if payment is not made within 60 days that the annexation project is denied.

Town Attorney John Belkin weighed in on the topic and noted that if the matter is tabled that the Town in reality would not bring the annexation project up for further consideration until the reimbursement is paid. Council indicated that it also did not want staff to spend any more time on the project until payment is made.

Belkin noted recommendation No. 1 of Town Planner John Hess' memo dated December 14, 2009. Council indicated support for staff recommendation No. 1 with the addition of language regarding the annexors payment of bills due to the Town.

Wirsing moved to close the public hearing for the Foothills Annexation Subdivision Sketch Plan and to table further review of the project until:

- a. the proponents request that the Town continue to review the Sketch Plan, and
- b. provide the results of an "environmental plan" for the Annexor's property, as described in the Recommendations of the E-Quest Corporation cover letter for the Phase II Environmental Site Assessment of the Annexor's land dated September 20, 2006 and as approved in advance by the Town.

If the proposed Sketch Plan changes substantially, as determined by the Crested Butte Town Planning Commission, a new application will be submitted and the Subdivision Sketch Plan review will begin again. The proponents of the Foothills Annexation will pay all bills due to the Town before further review of the project will commence. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

5. Chair Leah Williams adjourned the meeting at 6:57 p.m.

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Leah B. Williams, Chairman

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Eileen Hughes, Secretary