

## **Introduction**

Cypress Foothills, LP (“Cypress” or the “Applicant”) respectfully submits this supplemental narrative in order to summarize revisions made to Cypress’s application as a result of the extremely helpful feedback the Town Council provided at its December 15, 2014 meeting. Cypress thought this supplemental narrative might be helpful to the Town Council in anticipation of the January 5, 2014 meeting regarding Cypress’s Concept Review Application.

This narrative generally follows the order of discussion at the December 15, 2014 meeting and thus addresses the following topics:

1. The Landfill and the Public Works Facility
2. Land Use
3. Affordable Housing
4. The Natural Layout, Roadways, and Transportation
5. Water and Sewer

## **The Landfill and the Public Works Facility**

At the December 15, 2014 meeting, the Town Council indicated that it was (a) open to Applicant’s use of public land as part of this potential annexation and (b) open to Applicant taking responsibility for the clean-up of the landfill located both on Applicant’s land and the Town land. Applicant respectfully submits that Applicant’s use of Town property and clean-up of the dump are topics that are appropriate for inclusion in a Pre-Annexation Agreement between Applicant and the Town.

The Town Council did express concern about the potential impact of this annexation on the existing Public Works facility and expressed a desire to have a third party consultant complete a Facilities Management Plan for the Public Works yard, which assessment would include an evaluation of whether it may be appropriate to relocate some elements of the Public Works area. Applicant respectfully submits that the completion of such a plan is another topic that would be appropriate for consideration in a Pre-Annexation Agreement between Applicant and the Town.

Applicant certainly acknowledges that it will be Applicant’s responsibility to ensure that its project does not adversely impact the effectiveness or efficiency of the Town’s public works facilities.

**Land Use**

**Density**

The Town Council indicated that at least at the concept stage, it was comfortable with the density being proposed by Applicant. Members of the Town Council also suggested that an increase in density may be considered if necessary to accommodate affordable housing, especially if such housing were developer built.

**Commercial Space**

At the December 15, 2014 meeting, the Town Council engaged in a great deal of discussion about the appropriateness of proposed commercial space along Gothic Road. Multiple councilmen indicated that they did not want commercial development to “creep” north towards the Town of Mt. Crested Butte. Applicant understood at the conclusion of the meeting that this issue remained unresolved, and therefore has not modified the proposed commercial space on the exhibits to this supplemental narrative. However, Applicant is certainly willing to do so, and respectfully suggests that one potential compromise to address the various positions of the Town Council members would be to eliminate the Northernmost proposed commercial block and convert it to residential, while allowing some commercial development at the Southwest corner of the proposed development, mixed with business and professional office space as well as some residential units on upstairs floors.

**Parks and Trails**

With respect to the park being proposed in the Northeast corner of the development, there was a discussion about whether a trail should connect this park to the Rec Path at its Northeast corner or its Southeast corner. There was general consensus that the best connection point would depend on the ultimate uses made of this park space. On the revised concept land use maps submitted with this Supplemental Narrative as **exhibits 1, 2, 3 and 4**, Applicant has shown this trail connection at the Northeast corner for purposes of comparison, but recognizes that it can certainly be moved to the Southeast corner if so desired by Town Council.

With respect to the park proposed within the project to the West of the Slate River, feedback from the Town Council suggested that this park should be irrigated. The Town Council also instructed Applicant to eliminate the alley shown behind Poverty Gulch to increase the size of this park. This change also is reflected on the exhibits to this supplemental narrative.

The Council also expressed access to the cemetery as a consideration Applicant should take into account if and when the project moves forward. Accordingly, the revised concept plans attached hereto show a trail extension to the North boundary of the proposed annexation parcel at the Southern boundary of the cemetery. Applicant also has included a trail extension to the North boundary of the property along the river to account for the potential development of the private

property immediately to the North. It is anticipated that trails within the proposed development would be surfaced similarly to existing trails within the Town and that dogs would be allowed on these trails subject to the Town's existing regulations.

### **Affordable Housing**

As referenced above, the Town Council expressed openness to the idea of developer-built affordable housing as partial satisfaction of Applicant's affordable housing requirements. The Council also suggested that a developer-built affordable housing project may potentially warrant an increase in proposed density. The Town Council further expressed openness to a clustered affordable housing development such as a multi-family rental project. The Council also expressed a general preference for inclusionary zoning, whereby affordable housing units are mixed throughout the proposed development project. Finally, the Town Council suggested that it would likely be flexible with respect to apportionment between "capped" and "non-capped" affordable housing requirements.

### **School Land**

Given the small size of the required dedication, the Town Council expressed an openness to the possibility of Applicant satisfying its school land requirement with a payment-in-lieu or affordable housing, though one Council member did raise the possibility of a day care facility as an alternative idea.

### **The Natural Layout, Roadways, and Transportation**

A majority of the Town Council members expressed a preference for a more natural layout. Accordingly, exhibits 1 and 2 show a slightly revised natural plan layout. However, Applicant certainly registered the concerns of Council members and Town staff who favored a more grid-like approach, and consequently, Applicant has included as exhibits 3 and 4 to this supplement a revised grid plan so that Council can compare and contrast these two approaches and view the other revisions within the context of each. If Applicant's concept annexation application is approved, Applicant looks forward to working with the Council and staff on adding detail to whichever of these two approaches the Council ultimately selects. Applicant believes that the sketch plan process will be able to address successfully many of the ideas, thoughts, concerns, and comments expressed about either layout.

The Town Council also requested that an easement for the potential extension of Eighth Street be extended to the Northern boundary of the proposed annexation parcel to account for the potential development of the land North of Applicant's and immediately West of the cemetery.

The Town Council discussed the stretch of Gothic Road adjacent to the proposed development, and recognized that specific plans for improvements to this road segment would be developed later in the annexation process (if the concept plan is approved) in conjunction with Gunnison County, which will continue to own Gothic Road. However, the Town Council generally expressed a preference for lights, sidewalks, curbs, and gutters along Gothic Road adjacent to the proposed development.

**Water**

The Town Council expressed, at this concept stage, openness to allowing Applicant to contribute to the Town’s water supply infrastructure in the way that makes the most sense and is of the most value to the Town. By way of example only, facilitating infrastructure improvements that allow park land to be irrigated with raw water thus freeing up treatment capacity may be a more beneficial contribution than providing superfluous water rights. However, all parties recognized that additional information and detail would be required to properly evaluate any such proposal and that such additional information and detail would be developed later in the annexation process if the Concept Annexation Application is approved.

**Sewer**

Applicant and the Town Council discussed the possibility that the Town’s processing of this annexation request may potentially cause the Colorado Department of Public Health and Environment (“CDPHE”) to require that the Town commence engineering of an expansion to its waste water treatment plant. The Town does not have funds available for such engineering work in 2015. Applicant certainly does not want to put the Town in a position where it is required to commence this engineering work, but cannot pay for it. Accordingly, Applicant ensured the Town Council that in the event CDPHE requires the Town of Crested Butte to commence engineering work necessary to support an expansion of the Town’s waste water treatment plant in 2015, Applicant will provide a means to fund any such required engineering work. Applicant respectfully submits that this is yet another subject matter that may be appropriate for inclusion within a Pre-Annexation Agreement between Applicant and the Town.

**Pre-Annexation Agreement**

As set forth above, and based on discussions with the Town Council and staff, Applicant respectfully submits that it may be appropriate for the Applicant and the Town to enter into a Pre-Annexation Agreement addressing the following four issues:

1. Use of Town property;
2. The clean-up of the old Town landfill;
3. A facilities plan for the Public Works yard; and
4. Interim engineering costs associated with the potential expansion of the Town’s Wastewater Treatment Plant

Cypress believes that the Pre-Annexation Agreement should serve to set the parties’ expectations and address the procedure and timing for dealing with each of these issues.

**Conclusion**

At the January 5, 2014 Town Council Meeting, Cypress looks forward to continuing a positive dialogue with the Town Council, confirming that the revisions set forth above meet with the Council's approval, resolving those few issues that remain outstanding at this concept stage, and discussing the topics to be addressed in a Pre-Annexation Agreement between Applicant and the Town.

Cypress is hopeful that it has adequately addressed each of the concerns raised by the Town Council at the December 15, 2014 meeting. If not, then Cypress looks forward to taking the steps necessary to address the Council's remaining concerns.

Cypress's desire at this upcoming meeting is to obtain the Town's approval of its concept annexation application, commence the negotiation and execution of a Pre-Annexation Agreement, and ultimately, once any and all conditions to any resolution of approval have been met, receive permission to submit its formal annexation petition pursuant to Section 15-1-60 of the Town Code.

Logistically, once the Town Council is satisfied that all of its concerns have been addressed, Cypress respectfully submits that the following steps would be appropriate:

1. Cypress makes any final revisions to the Concept Annexation Application arising from the January 5, 2015 meeting;
2. Concurrently, the Town Council directs staff to prepare a resolution approving the revised Concept Annexation Application, subject to whatever terms and conditions the Town Council deems appropriate, including the requirement that Cypress enter into a Pre-Annexation Agreement with the Town prior to the submission of its formal annexation petition pursuant to Section 15-1-60 of the Town Code.

Importantly, if the Pre-Annexation Agreement is negotiated and executed as a condition precedent to submission of the formal annexation petition, then it, like the Concept Annexation Review, would be legislative in nature, allowing the Town Council greater flexibility to communicate with its constituents during this period of time.

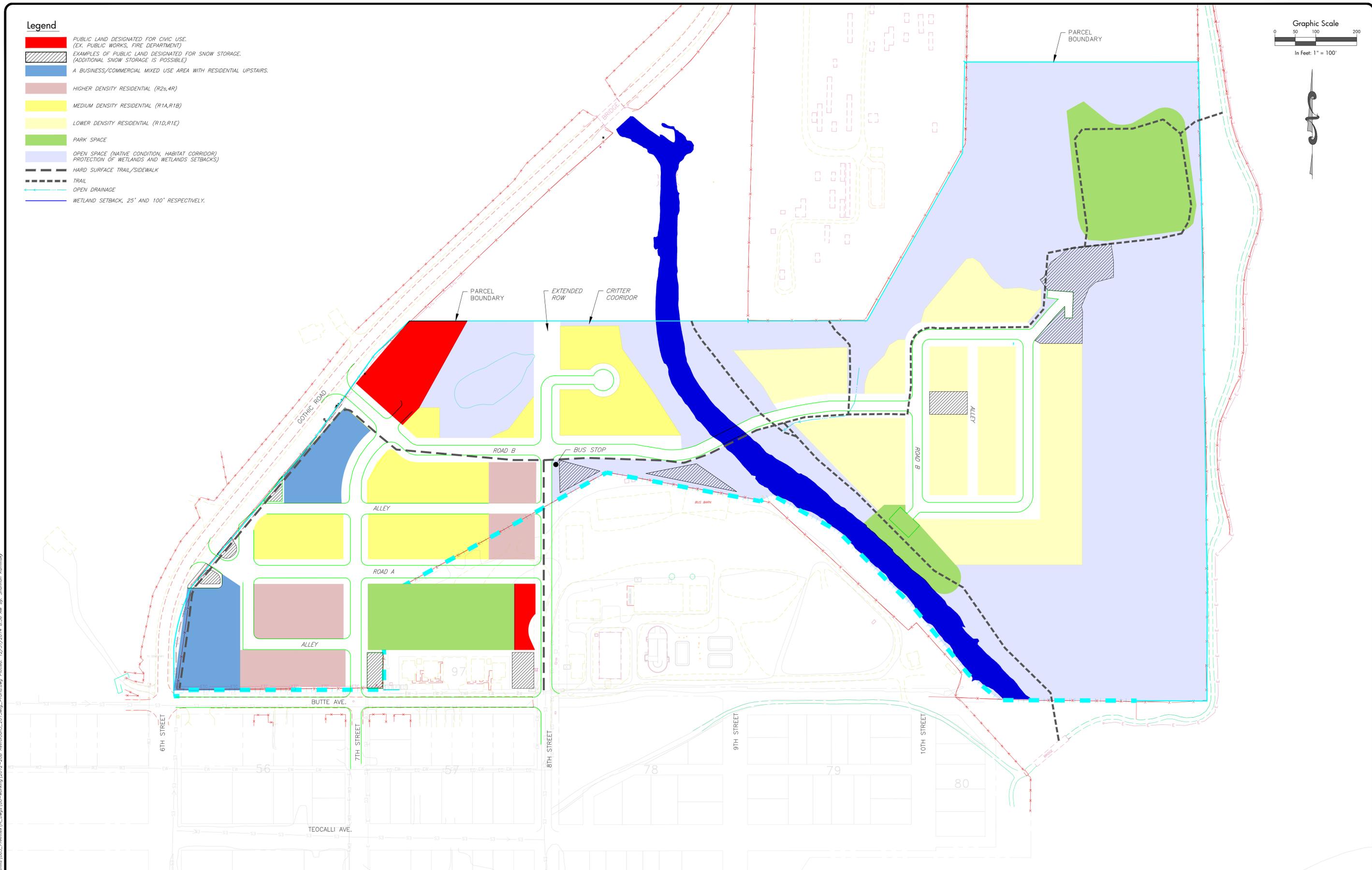
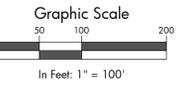
Cypress is excited about the prospect of moving forward with the annexation process and hopes the Town is too. Cypress acknowledges and appreciates the already significant time and energy the Town Council and its staff have spent on this project to date. Cypress also sincerely appreciates the professionalism with which the Town Council and its staff have approached this project. The Town's feedback has already improved the quality of this project, and if Cypress is fortunate enough to obtain the Town's approval of its Concept Annexation Application, Cypress is quite sure that the Town's future input throughout the annexation process will continue to help make the Slate River Addition a project that the Town, its residents, and Cypress can be proud of.





**Legend**

- PUBLIC LAND DESIGNATED FOR CIVIC USE.  
(EX. PUBLIC WORKS, FIRE DEPARTMENT)
- EXAMPLES OF PUBLIC LAND DESIGNATED FOR SNOW STORAGE.  
(ADDITIONAL SNOW STORAGE IS POSSIBLE)
- A BUSINESS/COMMERCIAL MIXED USE AREA WITH RESIDENTIAL UPSTAIRS.
- HIGHER DENSITY RESIDENTIAL (R2s,4R)
- MEDIUM DENSITY RESIDENTIAL (R1A,R1B)
- LOWER DENSITY RESIDENTIAL (R1D,R1E)
- PARK SPACE
- OPEN SPACE (NATIVE CONDITION, HABITAT CORRIDOR)  
PROTECTION OF WETLANDS AND WETLANDS SETBACKS)
- HARD SURFACE TRAIL/SIDEWALK
- TRAIL
- OPEN DRAINAGE
- WETLAND SETBACK, 25' AND 100' RESPECTIVELY.



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Preliminary  
Not For  
Construction

**SGM**  
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Slate River Addition  
Cypress Foothills LP

#	Revision	Date	By
1			

Concept Annexation  
Revised January 5th, 2015

Job No.	2012-208.003
Drawn by:	SK
Date:	12/30/2014
QC:	PE: TJH
File:	2012-208 RevforJan5_2015Mg_PGrid

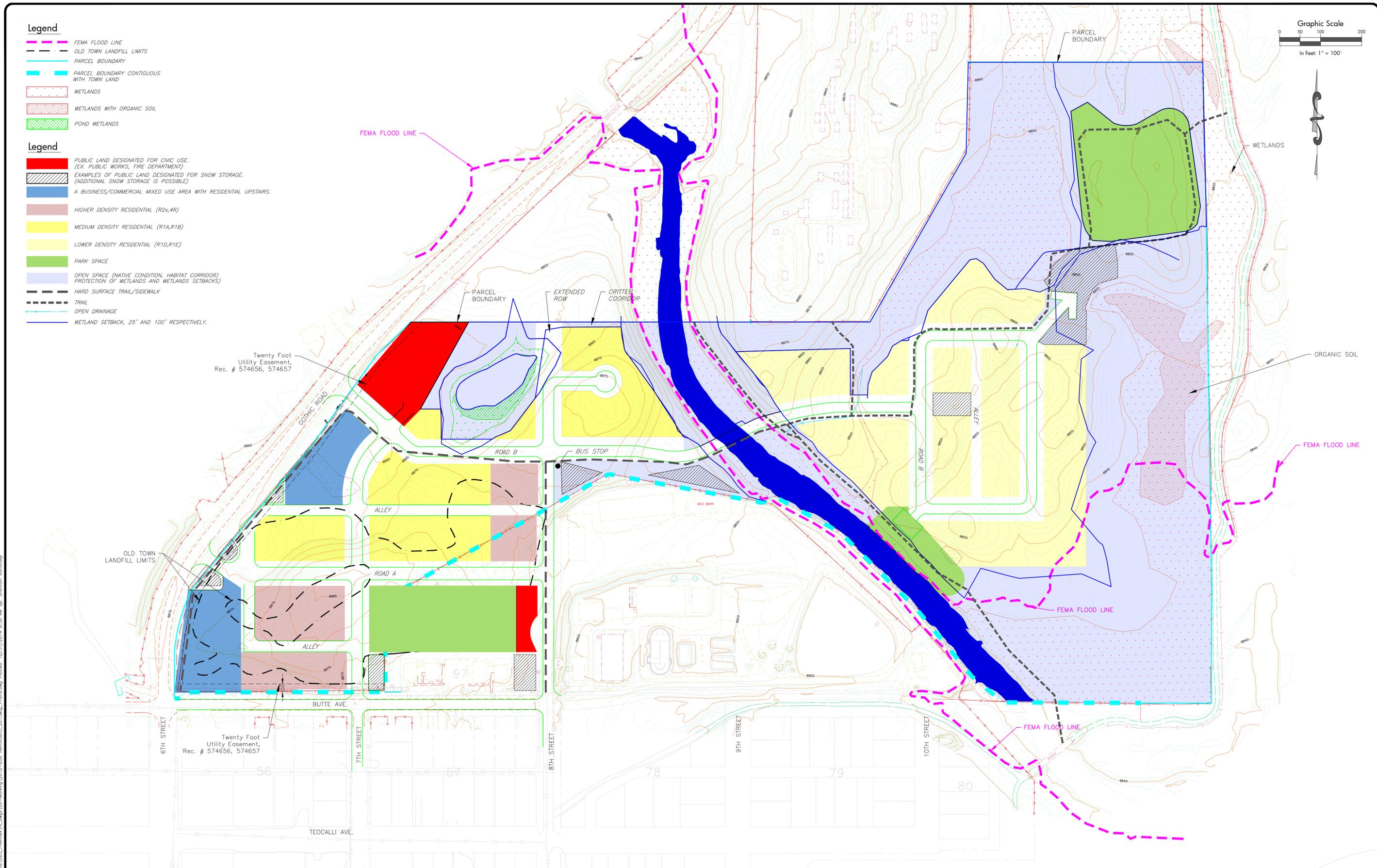
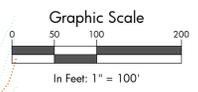
3  
4

**Legend**

- - - - - FEMA FLOOD LINE
- - - - - OLD TOWN LANDFILL LIMITS
- - - - - PARCEL BOUNDARY
- - - - - PARCEL BOUNDARY CONTIGUOUS WITH TOWN LAND
- - - - - WETLANDS
- - - - - WETLANDS WITH ORGANIC SOIL
- - - - - POND WETLANDS

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- PUBLIC LAND DESIGNATED FOR CIVIC USE. (EX. PUBLIC WORKS, FIRE DEPARTMENT)
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4  
4