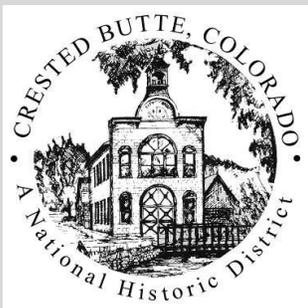


AGENDA
Town of Crested Butte
Regular Town Council Meeting
Monday, January 7, 2019
Council Chambers, Crested Butte Town Hall



Critical to our success is an engaged community and knowledgeable and experienced staff.

Town Council Values

- *Support Crested Butte's quality of life*
- *Promote resource efficiency and environmental stewardship*
- *Encourage a sustainable and healthy business climate*
- *Maintain an authentic and unique community*
- *Remain fiscally responsible*
- *Continue thoughtful management of our historic character*
- *Seek collaborative solutions to regional and local issues*

The times are approximate. The meeting may move faster or slower than expected.

5:00 WORK SESSION

1) Joint Discussion with the Mt. Crested Butte Town Council on The Corner at Brush Creek Housing Project.

6:30 BREAK/DINNER WILL BE PROVIDED

7:00 REGULAR COUNCIL MEETING CALLED TO ORDER BY MAYOR OR MAYOR PRO-TEM

7:02 APPROVAL OF AGENDA

7:04 EXECUTIVE SESSION

For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b).

7:34 CONSENT AGENDA

1) December 17, 2018 Regular Town Council Meeting Minutes.

2) Resolution No. 1, Series 2019 - A Resolution of the Crested Butte Town Council Designating the Town of Crested Butte's Three Official Public Places for Posting Town Council Meetings and Other Important Items.

3) Big Mine Ice Arena Services Agreement between the Town of Crested Butte and Crested Butte Nordic.

4) Authorization of the Town Council to Provide a Letter of Support for the Gunnison County Sustainable Tourism and Outdoor Recreation Committee GOCO Stewardship Impact Grant and Appropriating a \$5,000 Match From the Town's Conservation Trust Fund in 2019.

The listing under Consent Agenda is a group of items to be acted on with a single motion. The Consent Agenda is designed to expedite Council business. The Mayor will ask if any citizen or council member wishes to have any specific item discussed. You may request that an item be removed from Consent Agenda at that time, prior to the Council's vote. Items removed from the Consent Agenda will be considered under New Business.

7:36 PUBLIC COMMENT

Citizens may make comments on item not scheduled on the agenda. Those commenting should state their name and physical address for the record. Comments may be limited to five minutes.

7:45 STAFF UPDATES

7:55 PUBLIC HEARING

1) WTP Improvements Project: Environmental Assessment Public Hearing.

8:00 2) Ordinance No. 30, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Chapter 16, Articles 1, 5 and 8 of the Crested Butte Municipal Code to Include Definitions and Requirements for Formula Businesses in the "T" Tourist and "C" Commercial Zone Districts.

8:10 3) Ordinance No. 31, Series 2018 - An Ordinance of the Crested Butte Town Council to Approve Stipulation Regarding Ownership and Easements for the Heights Open Space Property and for Dismissal of Action in Civil Action No. 2018-CV-30008, Gunnison County District Court.

8:15 4) Ordinance No. 32, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 16, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison,

State of Colorado to the Gunnison Watershed School District RE1J for the Sale Price of \$590,000.00.

8:20 OLD BUSINESS

1) Discussion on The Corner at Brush Creek Housing Project.

8:40 NEW BUSINESS

1) Fat Bike World Championships Special Event Application with a Contingency Plan to Use the Gravel Pit Area on Saturday, January 26, 2019 Including a Special Event Liquor Permit and Road Closures for a Winter Townie Crit on Sunday, January 27, 2019 Closing the 200 and 300 Blocks of Elk Avenue from 8AM to 1:30PM and Closing 2nd Street Between Elk Avenue and Butte Avenue, Closing Butte Avenue Between 2nd and 5th Streets, Closing 4th Street Between Elk and Butte Avenues (Local Access Maintained) from 10:30AM to 1:30PM.

8:50 2) Discussion on Closing a Portion of Elk Avenue for the Crested Butte Wine and Food Festival Proposed by The Center for the Arts.

9:00 3) Discussion on The ARTumn Festival for 2019.

9:10 4) Discussion on Council Code of Conduct.

9:30 5) Ordinance No. 1, Series 2019 (Emergency Ordinance) - An Ordinance of the Crested Butte Town Council Declaring a Temporary Moratorium On Demolition and the Processing and Approval of Applications for Demolition of Permanent Structures Within the Town of Crested Butte Pending Amendment of the Municipal Code of the Town of Crested Butte.

10:00 LEGAL MATTERS

10:05 COUNCIL REPORTS AND COMMITTEE UPDATES

10:20 OTHER BUSINESS TO COME BEFORE THE COUNCIL

10:30 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- *Tuesday*, January 22, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, February 4, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, February 19, 2019 - 6:00PM Work Session - 7:00PM Regular Council

10:35 ADJOURNMENT



Staff Report

January 7, 2019

To: Mayor and Town Council
From: Dara MacDonald, Town Manager
Subject: Brush Creek

Summary: In anticipation of the joint work session between the Town Councils of Crested Butte and Mt. Crested Butte the following documents are being provided in advance of the meeting.

1. The memo sent to Mt. Crested Butte dated December 5th along with the updated draft letter that the Crested Butte Town Council has been working on.
2. The memo from the Town Council of Mt Crested Butte to the Crested Butte Town Council approved on January 2, 2019.
3. The conceptual sketch plan of what a development might look like with 5 acres set aside for parking and 15 units per acre on the remaining property. This was prepared for discussion purposes by Bob Nevins several months ago.
4. The analysis of number of units at various income levels at the varying submittals for units counts 240, 220, 180 and 138.



Memorandum

To: Mayor Barnes and Mt. Crested Butte Town Council
From: Dara MacDonald, Town Manager
Subject: The Corner at Brush Creek
Date: December 5, 2018

The Crested Butte Town Council appreciates the collaboration and ongoing dialogue with the Mt. Crested Butte Town Council regarding appropriate uses at the Brush Creek parcel and conditions under which the Towns will agree to allow The Corner at Brush Creek to proceed to preliminary plan. The CB Town Council feels that the dialogue has been informative perspective and hopes the Mt. CB Council feels the same. This unique opportunity for dialogue has brought the two Councils closer together and strengthened ties between the two communities.

In that vein, the CB Town Council would like to work towards setting up another joint work session sometime in January to continue the dialogue. Would the Mt. CB Town Council be available to meet at 5:00 on January 7th prior to the CB Town Council's next meeting? Or perhaps on the 15th prior to the Mt. CB Town Council meeting?

Since the last joint work session the CB Town Council has continued to refine their version of a possible joint letter (attached). They are looking forward to hearing what the Mt. CB Town Council has been discussing and the dialogue to see what commonalities there are between the two. While consensus may be the goal, the CB Town Council recognizes that it may not be possible between the two Councils or even within either of the Councils. However, they remain hopeful that through robust discussion and compromise by all that the two towns can yet speak with one voice on this important issue in the North Valley.

Some of the changes in the attached draft letter since the last joint work session include further elaboration and clarification on the proposed conditions under which The Corner at Brush Creek would be able to proceed to preliminary plan. Of note, at their most recent meeting the CB Council discussed adding condition #6 requiring a transit feasibility study be submitted as part of the preliminary plan application.

Again, the Crested Butte Town Council looks forward to continuing what they feel has been a productive dialogue with the Mt. Crested Butte Town Council on what has been a challenging discussion for the community.

TOWNS OF MT. CRESTED BUTTE AND CRESTED BUTTE

Gunnison County Board of County Commissioners

Re: The Corner at Brush Creek development project

Dear Commissioners:

Following sketch plan approval and in light of the condition that three of the MOA parties would have to agree to allow the developer to move to preliminary plan, the Towns of Mt. Crested Butte and Crested Butte have met numerous times to see if they could find common ground on appropriate development terms and conditions for the use of the site. Crested Butte and Mt. Crested Butte are two of the four entities that participated in the purchase of this publicly owned parcel and are the two who will be most affected by how this property is developed. The two Town Councils have held multiple joint meetings as well as discussions amongst the individual Councils on this topic.

To go back to the beginning of this process the primary objectives identified for the Brush Creek property in the initial Request for Qualifications issued in March of 2017 were:

- To construct a project that will improve the housing choices available for current and future residents of the Upper East River Valley
- To provide public amenities and transportation choices that benefit residents of the project and the County.

The Towns of Mt. Crested Butte and Crested Butte agree to allow The Corner at Brush Creek project to proceed to the preliminary plan phase subject to the following conditions:

1. Five acres of the site should be set aside for intercept parking and other possible uses as close as feasible to State Highway 135.
2. The developer should provide two parking spaces for every unit constructed to be provided contemporaneous with the construction of the units.
3. Fifteen units per acre is the maximum density on the remainder of the parcel after the set aside described in #1, above.
4. Before the Towns can agree to the developer proceeding to preliminary plan, the developer must prepare and submit for review to the Towns a site plan depicting the five acres of intercept parking, two parking spaces per unit, and a density of no more than fifteen units per acre after the land set aside described in #1.

5. Prior to execution of the contract for sale, the developer must provide a pro forma to the Towns to be reviewed by an outside expert retained by the Towns that demonstrates his financial capability to construct and operate the project.
6. A transit feasibility study exploring the best route opportunities and costs of implementation must be conducted by the developer in collaboration with the RTA and Mt Express and submitted to the County as part of the preliminary plan submittal.
7. The developer should consider including for-sale units for people falling within the range of 80 -120% of AMI.
8. There should be an entity established to address landlord/tenant disputes with the purpose of ensuring protection of tenants from unfair treatment and ensuring that the units remain habitable and affordable. This could be an existing entity such as the Gunnison Valley Regional Housing Authority or a dispute resolution board established as part of the development.

The following provides further explanation and elaboration on the above conditions:

1. At least five acres of the site must be set aside for intercept parking and other possible uses as close as feasible to State Highway 135. This parcel is referred to as the “Parking Lot Parcel” in the Memorandum of Agreement executed at the time of purchase of the property. We are requiring this set aside of land because parking has become a prominent concern for both communities, particularly in the summer months for Crested Butte and with Vail assuming ownership of CBMR, we anticipate increased numbers of winter visitors as well. In speaking with other communities that have been recently acquired by Vail Resorts and come under the Epic pass, their parking counts have increased by as much as 40%. Further, with the improvements to Cottonwood Pass and the anticipated opening in 2019, we are concerned about potential increases in summer drive traffic as well.

Both Towns are limited in our ability to expand or create new additional parking areas within the communities. The parking analysis recently conducted by the Town of Crested Butte identified a shortfall of 232-403 parking spaces during the peak summer season weekdays and weekends. Mt. Crested Butte has limited public parking and ultimately the capacity of skiers on the slopes will be dictated by how many cars and people the two towns can accommodate. Both communities and CBMR are all actively looking at ways to create additional parking spaces within the existing physical areas that we control, however, we are concerned that this will not be enough in the long run. It is important for transit parking to be as close to town and the ski resort as possible and this is the only suitable property for which we currently have public control. Our hope is to provide needed parking in an optimal location as our community grows.

While parking appears to be the identified need of greatest concern at this time, the Towns will have to work with the other parties to the MOA, Gunnison County and Crested Butte Mountain Resort, to decide how the property would ultimately be used and to plan for development.

2. The development must provide for at least two parking spaces for every unit constructed to be provided contemporaneous with the construction of the units. The LUR requires two spaces per unit and because this property is outside of town, we believe most people who live here will have cars. By providing for sufficient parking, this will be a community where parking is not an issue that causes conflict amongst neighbors. Guest parking and snow storage will also be accommodated equally throughout the development by requiring the current LUR standard.

Both municipalities are committed to supporting efforts of RTA and/or Mt. Express to eventually serve this location. However, neither of these publically funded transit services has indicated that they have sufficient funding to begin service in the near future and thus convenient transit may not be immediately available and residents will remain dependent on personal vehicles for some time.

Further, many working people who eventually occupy this development may have work trailers holding their tools or equipment necessary to conduct business. With two parking spaces per unit there may be sufficient space available for those residents with work trailers to park them on site.

3. Fifteen units per acre is the maximum density on the remainder of the parcel after the set aside described in #1, above. Fifteen units per acre is a reasonable, justified and balanced density that also ensures compatibility with the surrounding residential neighborhood. Other parts of the surrounding community have been able to build at this density and maintain compatibility with the surrounding developments. While it should be anticipated that this property may be developed at a higher density than adjacent neighborhoods, the project should still strive to maintain the mountain community character and flavor of the Upper East River Valley.

The most current proposal for The Corner of Brush Creek at the end of the Sketch plan review included 220 units. After subtracting the 1 acre of parking or, 75 spaces, there remain approximately 13 acres for housing. This proportion is out of balance and equates to nearly 17 units per acre. This amount of density was required to be reduced by the Gunnison County Planning Commission and Board of County Commissioners to no more than 180 housing units on this site. If the proposed intercept parking lot remains at 1 acre, then 180 units reconfigured onto the remaining 13 acres equal less than 14 units per acre of density. The Towns recognize the local precedent of 15 units per acre in the nearby multi-family neighborhood, Stallion Park, and recommends an increase from 14 units per acre set by the Board of County Commissioners. Providing up to 15 units per acre is a good faith effort at comprise by increasing allowable density and while ensuring compatibility.

4. Before the Towns can agree to the developer proceeding to preliminary plan, the developer must prepare and submit for review to the Towns a site plan depicting the five acres of intercept parking, two parking spaces per unit, and a density of no more than fifteen units per acre after the land set aside described in #1. A new site plan needs to convey the intentions of the developer to address the preceding conditions and issues described in #1, #2, #3. The site plan should be the same level of detail as the Development Layout Plan provided for sketch plan along with estimates of building heights and square footages. Any development on this publically owned parcel needs to demonstrate to the public their intention to satisfy all of the needed uses onto this site including affordable housing balanced with intercept parking needs.

Once received the Towns are committed to working diligently to review the site plan in a timely manner. Once deemed satisfactory by both Towns the developer may proceed with a preliminary plan application.

5. Prior to execution of the contract for sale, the developer must provide a pro forma to the Towns to be reviewed by an outside expert retained by the Towns that demonstrates his financial capability to construct and operate the project. As the public representatives responsible for the investment of public property in this partnership, it is our duty to make sure we are investing wisely in a long-term successful project. The developer has no prior experience with

construction of this type or scale or in this elevation and alpine environment. Any project proposed on this publically owned land should require an independently reviewed pro forma report that ensures the success of the project as promised.

6. A transit feasibility study exploring the best route opportunities and costs of implementation must be conducted by the developer in collaboration with the RTA and Mt Express and submitted to the County as part of the preliminary plan submittal. Both municipalities are committed to supporting efforts of RTA and/or Mt. Express to eventually serve this location. However, further study must be made of the feasibility and cost of providing transit service which will be an important component of the success of the development in the long-term. Transit is also essential in reducing vehicle trips to the municipalities in the N. Valley as they face increasing parking pressure.

7. The developer should consider including for-sale units for people falling within the range of 80 -120% of AMI. It is difficult to supply ownership units for lower AMI households due to infrastructure and mobilization costs. For a project of this magnitude, which is quite large for this area, it is imperative that consider taking advantage of the larger scale and provide ownership units for lower incomes.

8. An entity must be established to address landlord/tenant disputes with the purpose of ensuring protection of tenants from unfair treatment and ensuring that the units remain habitable and affordable. This could be an existing entity such as the Gunnison Valley Regional Housing Authority or a dispute resolution board established as part of the development. This entity will be established or designated as a precautionary measure. With so much pressure on housing in the area, having one entity controlling so much of the rental market has potential for abuse which can be avoided by establishing mechanisms upfront. As part of the preliminary plan submission to Gunnison County the developer must propose a reasonable plan for development of a dispute resolution board.

We remain committed to efforts to provide additional affordable housing to serve the workforce in Gunnison County. Under the conditions stipulated above, the Towns consent to allow the developer to submit an application for preliminary plan. The Towns reserve their right to submit comments as review agencies on the application.

Thank you again for your interest in gaining support for an acceptable project from the Towns in the Northern part of the Valley.

Mayor James A. Schmidt, Town of Crested Butte

Mayor Todd Barnes, Town of Mt. Crested Butte



TOWN of MT. CRESTED BUTTE
 P.O. Box 5800
 Mt Crested Butte, CO 81225
 (970) 349-6632 Fax: (970) 349-6326

Memorandum

Date: January 2, 2019
 To: Crested Butte Town Council
 From: Mt Crested Butte Town Council
 Subject: The Corner at Brush Creek

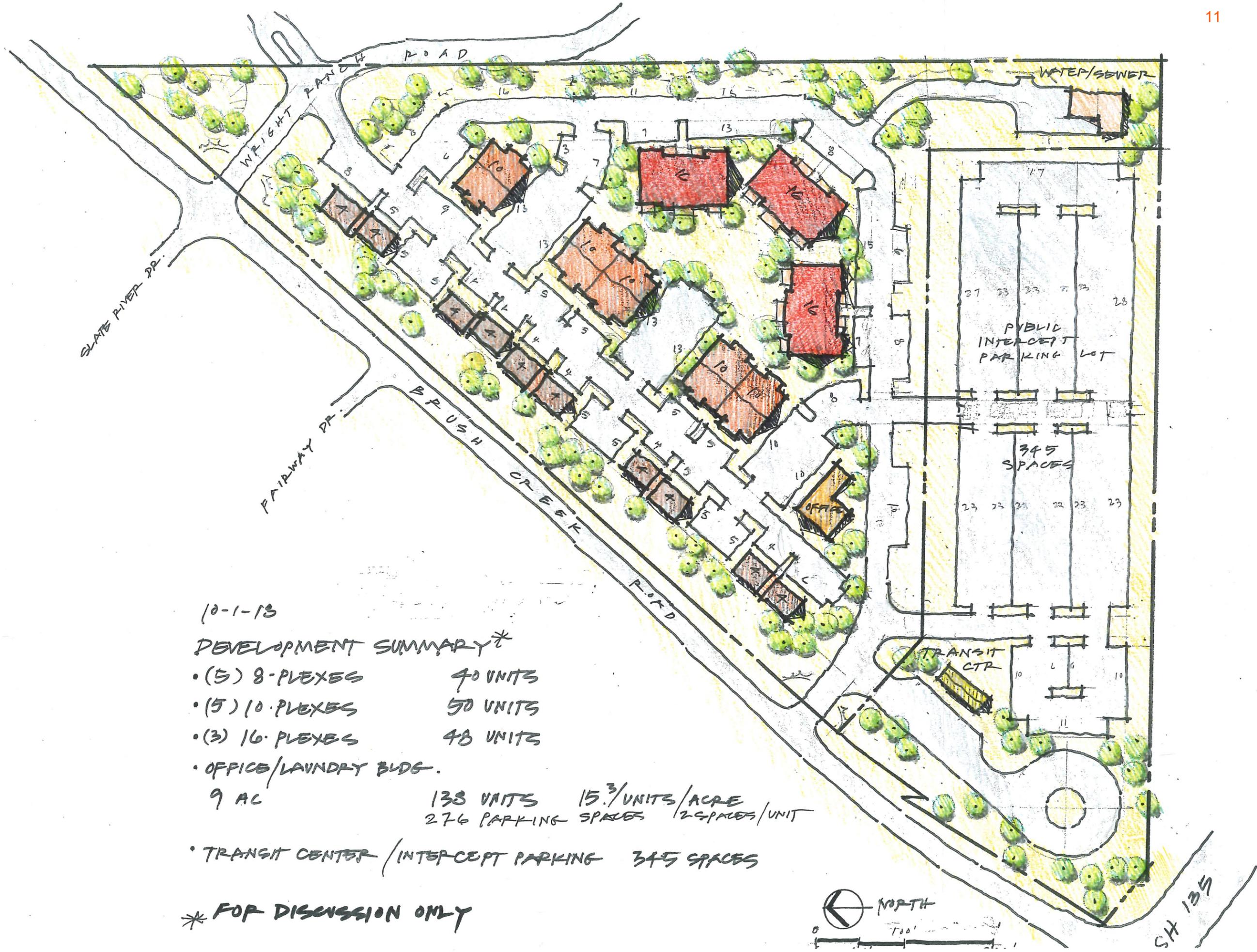
The Mt Crested Butte Town Council held a work session on December 3rd, 2018 to further discuss the talking points that have been previously discussed during joint work sessions between the Mt Crested Butte and Crested Butte Town Councils and which are outlined in the Dara McDonald memo to the Crested Butte Town Council dated October 22, 2018. Following discussion, the Mt Crested Butte Town Council gave staff direction to craft this memo reflecting their conditions to Gatesco entering into the preliminary plan process. Council voted on the below conditions, with a majority of the Council agreeing to the terms below. As such, this memo reflects the current position of the Town Council of the Town of Mt. Crested Butte.

CONDITIONS TO ENTER PRELIMINARY PLAN PROCESS

- 1) A portion of the site should be set aside for intercept parking and other possible uses by the MOA parties, to include, but not be limited to, playing fields, housing, additional parking, etc. The amount of acreage to be set aside for these uses shall be determined by the Town of Mt Crested Butte should the Towns of Mt Crested Butte and Crested Butte be unable to agree on the amount of acreage.
- 2) The developer shall provide two parking spaces for every unit constructed to be provided contemporaneous with the construction of the units.
- 3) A determination on the density on the remaining acreage, after the amount set aside for intercept parking/other uses is determined, shall be made. As with the acreage set-aside of

condition #1, the density shall be determined by the Town of Mt Crested Butte should the Towns of Mt Crested Butte and Crested Butte be unable to agree on the amount of acreage.

The Mt Crested Town Council agrees that these are the three issues that shall be decided before the Town of Mt Crested Butte shall allow the applicant to move into preliminary plan.



10-1-13

DEVELOPMENT SUMMARY*

- (5) 8-PLEXES 40 UNITS
- (5) 10-PLEXES 50 UNITS
- (3) 16-PLEXES 48 UNITS
- OFFICE/LAUNDRY BLDG.
- 9 AC 133 UNITS 15.3 UNITS/ACRE
- 276 PARKING SPACES 2 SPACES/UNIT
- TRANSIT CENTER / INTERCEPT PARKING 345 SPACES

* FOR DISCUSSION ONLY



SH 135

Corner at Brush Creek at 138 units

Condition #5. "The AMI ratio shall remain proportionally the same for the proposed 180 units with the consideration that the numbers of units at 120% AMI and below remain the same, as economically feasible, and as identified in the Second Sketch Plan Submittal"

RENTAL

	Needed per GVRHA Needs Assessment	Brush Creek proposed rental units	% of needed	% of units at various income targets
low income	93	57	61.3%	41.3%
moderate income	46	18	39.1%	13.0%
121-200%+	32	63	196.9%	45.7%
	<u>171</u>	<u>138</u>	80.7%	<u>100.0%</u>

Corner at Brush Creek at 180 units

Condition #5. "The AMI ratio shall remain proportionally the same for the proposed 180 units with the consideration that the numbers of units at 120% AMI and below remain the same, as economically feasible, and as identified in the Second Sketch Plan Submittal"

RENTAL

	Needed per GVRHA Needs Assessment	Brush Creek proposed rental units	% of needed	% of units at various income targets
low income	93	74	79.6%	41.1%
moderate income	46	23	50.0%	12.8%
121-200%+	32	83	259.4%	46.1%
	<u>171</u>	<u>180</u>	105.3%	<u>100.0%</u>

Corner at Brush Creek 4.16.18 - Second Sketch Plan Submittal

RENTAL

	Needed per GVRHA Needs Assessment	Brush Creek proposed rental units	% of needed	% of units at various income targets
low income	93	82	88.2%	41.0%
moderate income	46	26	56.5%	13.0%
121-200%+	32	92	287.5%	46.0%
	<u>171</u>	<u>200</u>	117.0%	<u>100.0%</u>

OWNERSHIP

	Needed per GVRHA Needs Assessment	Brush Creek proposed for sale units	% of needed
low income	37		
moderate income	43		
121-200%	74	20	27.0%
exceeding 200%	35		

Corner at Brush Creek - January 18 proposal

RENTAL

	Needed per GVRHA Needs Assessment	Brush Creek proposed rental units	% of needed
low income	93	100	107.5%
moderate income	46	30	65.2%
121-200%+	32	110	343.8%
	<u>171</u>	<u>240</u>	140.4%

OWNERSHIP

	Needed per GVRHA Needs Assessment	Brush Creek proposed for sale units	% of needed
low income	37		
moderate income	43		
121-200%	74		0.0%
exceeding 200%	35		

Ownership - Built since 2016 Needs Assessment or in pipeline

	Units	Location	
2017	6	Block 79 & 80	lot owner builds
2018	6	Block 79	Town duplexes
2018	2	Block 79	lot owner builds
2018	8	Stallion Park	Gunnison County
2019	22	Block 76 & 80	Town/developer partnership
2019	6	Pitchfork	Gunnison County
2019	3	Paradise Park	lot owner builds
2019	22	Homestead	Town/CBMR/developer partnership
	<u>75</u>		

Rental - Built since 2016 Needs Assessment or in pipeline

	Units	Location	
2017	4	ADUs in Crested Butte	
2017	1	Town Rental Build	
2018	2	ADUs in Crested Butte	
2018	3	5th & Belleview	Coburn building
2019	3	Block 78	CB Fire Protection District
2019	2	Town Rental Build	
2019	4	5th & Belleview	Clark's expansion
2019	3	6th & Teocalli	CB Hotel
	<u>22</u>		

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, December 17, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:06PM.

Council Members Present: Will Dujardin, Chris Haver, Kent Cowherd, Jackson Petito, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald, Town Attorney Barbara Green, and Town Clerk Lynelle Stanford

Water Attorney Scott Miller, Finance Director Rob Zillioux, Community Development Director Michael Yerman, Town Planner Bob Nevins, and Parks and Recreation Director Janna Hansen (for part of the meeting)

APPROVAL OF AGENDA

Schmidt mentioned a change to the agenda. New Business item #4 was moved to just before Ordinance Nos. 28 and 29 in the Public Hearing.

Merck moved and Dujardin seconded a motion to approve the agenda as amended. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

CONSENT AGENDA

1) December 3, 2018 Regular Town Council Meeting Minutes.

2) 2019 Services Agreement with the Crested Butte/Mt. Crested Butte Chamber of Commerce.

Merck moved and Petito seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

PUBLIC COMMENT

None

STAFF UPDATES

- MacDonald pointed out the date of January 25th for the OVPP leadership retreat and that the next intergovernmental meeting would be on February 27th.

- Schmidt questioned Hansen on the Big Mine expansion. Hansen explained that Crested Butte Nordic and West Elk Hockey discontinued moving forward on the Big Mine warming house expansion project.
- Schmidt confirmed Staff had not heard anything regarding Big Air on Elk.
- Cowherd recognized Town was awarded from DOLA, \$405K of the \$800K that was requested.
- MacDonald acknowledged that October sales tax was down.

PUBLIC HEARING

1) Ordinance No. 26, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Articles 1, 2 and 14 of Chapter 16 and Article 15 of Chapter 18 of the Town Code to Add New Criteria for Exclusion of Certain Structures from the Definition of an Historic Building, and to Provide for the Partial Demolition of an Historic Structure Subject to an Approved Rehabilitation and Development Plan. New Business.

Schmidt confirmed there had been proper public notice. Yerman explained that this ordinance created standards for the recycle plan of any deconstructed building, and he outlined additions that were made from the last meeting. Green identified a change to the ordinance in that they should allow the board to approve the deconstruction of a building that was dangerous. There was a discussion on the recycling of materials.

Sue Navy - 324 Gothic

- Tearing down a house was wasteful, even if recycled.
- She wondered if the ordinance was strong enough to prevent buildings from being torn down all over Town.

Yerman responded to Navy's concerns. He elaborated upon what the ordinance accomplished. He told the Council there was no rush to pass the ordinance. Schmidt referred to an email from John Hess. He was happy to continue to the second meeting in January. Green cited concerns that arose in other communities with historic districts.

Haver moved and Dujardin seconded a motion to continue Ordinance No. 26, Series 2018 to the second meeting in January. A roll call vote was taken with all voting, "Yes."

Motion passed unanimously.

NEW BUSINESS

Formerly 4) Settlement and Release Agreements Resolving Any and All Claims and Issues Between the Town and Claimants Related to the Long-term Rental Covenant Asserted in Civil Action No. 2016CV30080.

Green referred to the staff report in the packet from MacDonald. She reviewed background on the agenda item. MacDonald explained that the plaintiffs approached the Town wishing to discuss a settlement after mediation had taken place. The settlement

was in front of the Council. Each plaintiff would make a one-time payment of \$275,000 to the Town's affordable housing fund in exchange for the Town releasing the language in the covenants requiring long-term rentals. Schmidt recalled history of the case, and he thought it was important to pass this agenda item.

Schmidt opened the discussion to the public:

Leslie Baeder - 813 Gothic Avenue

- She asked if the settlement would set precedent. Schmidt said it would not, per the answer he had previously received from Green.

Dujardin was concerned they were not setting the precedent for a high enough price. Cowherd was disappointed they were in this position, but he supported their acceptance of the settlement. Merck agreed with Cowherd. Petito did not think that it felt good and that Dujardin stated his position well.

Mitchell moved and Merck seconded a motion to approve the two Settlement and Release Agreements regarding civil action No. 2016CV30080, the first for Sopris 715, LLC and the second for Christopher D. Mize. A roll call vote was taken with all voting, "Yes," except Dujardin and Petito voted, "No." **Motion passed.**

PUBLIC HEARING CON'T

2) Ordinance No. 28, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Release of Land Use Conditions and Restrictive Covenants.

MacDonald stated both ordinances effectuated the Town's side of the deal. Schmidt confirmed proper public notice had been given. No one from the public chose to comment, and the public hearing was closed.

Cowherd moved and Mitchell seconded a motion to approve Ordinance No. 28, Series 2018. A roll call vote was taken with all voting, "Yes," except Dujardin and Petito voted, "No." **Motion passed.**

3) Ordinance No. 29, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Release Of Land Use Conditions And Restrictive Covenants.

Schmidt confirmed proper public notice had been given. No one from the public commented. The public hearing was closed.

Mitchell moved and Cowherd seconded a motion to approve Ordinance No. 29, Series 2018. A roll call vote was taken with all voting, "Yes," except Dujardin and Petito voted, "No." **Motion passed.**

OLD BUSINESS

1) Discussion on The Corner at Brush Creek Housing Project.

Schmidt spoke with Mayor Barnes from Mt. Crested Butte. They discussed planning a joint work session on January 7th. He identified that the memo discussed by the Council had eight points, and there was elaboration on each point. He read each point. Haver wanted to request the findings report from Mt. Crested Butte. Schmidt referenced an economic analysis that was sent by John O'Neal before the meeting. Cowherd voiced agreement with the three points developed by Mt. Crested Butte.

NEW BUSINESS

1) Update from John Norton with the Gunnison/Crested Butte Tourism Association.

Norton identified the goal of the Tourism Association (TA). They decided to put their chips on summer trails, mountain biking, and steep skiing in the winter, which turned out to be effective. The County Commissioners asked them to become involved in other areas, such as the STOR Committee and business attraction. Norton explained what the TA was doing to support sustainable tourism. Then, he spoke about what they were doing for economic development. Schmidt asked questions on the mission of the TA, their budget, and spy ware. Norton said they wanted to know how people used the valley. The discussion became focused on spy ware. Haver expressed appreciation for efforts of the TA. There was discussion on the role and the work done by the Conservation Corps. Schmidt thought it was important that they kept up on the trails. Schmidt asked Norton to report on Blister. Norton stated Blister was the largest independent gear review company in the world. The TA engaged the owner to move to the valley, instead of moving to Telluride. He said Blister hired local athletes to write reviews. Schmidt asked if the TA was changing its focus because of Vail. Norton was unsure, but they felt responsibility to spend their funds in a way that would help lodging revenue.

2) Resolution No. 29, Series 2018 - A Resolution of the Crested Butte Town Council Approving the Minor Subdivision of Block 76, Paradise Park Subdivision, Town of Crested Butte.

Nevins reviewed the make-up of the block and lots in the re-platted Block 76. Town was able to include Block 76 as part of a larger build in 2019. He outlined public meetings that were held in the past five months. BOZAR voted seven to zero to approve and certify that the Block 76 Minor Subdivision complied with the Code. He explained that the Town Council basically certified BOZAR's approval. Yerman told the Council that BOZAR needed affirmation that the Council wanted to proceed with a build like the one proposed.

Schmidt opened the meeting to public comment:

Leslie Baeder - 813 Gothic Avenue

- She recalled the first meeting at Rainbow Park was heated. She did not think people had been notified of the meeting.
- She felt disregarded at the first meeting, and then the next thing that was decided was the developer and then the architect.
- It felt like it was moving at a high-speed.
- She stated that Town did not follow Colorado law, and she read statutes she believed relevant. Green responded to Baeder's assertions, and she explained the decision in front of the Council.
- Baeder asked the Council to push the reset button and give the community a chance for input and education.

John Wirsing - 115 9th Street

- He agreed with Baeder on how quickly it moved, and his concern was with the process.
- They were making affordable housing unaffordable.
- He encouraged the Council to put on the brakes.

Kat Cooke - 814 Gothic Avenue

- She hoped to see the project go forward.
- She felt informed about the project throughout the process.

Leslie Baeder

- Their neighborhood was for affordable housing.
- She asked the Council to slow down.

Yerman reviewed various notices that had been given and methods used. He showed a slide depicting affordable housing lots to illustrate his point that there was not a lot of availability. He cited that there could be many years of construction in the neighborhood if the project did not happen in 2019. Petito would love to find a way to make the neighborhood feel more heard. Haver questioned notice of the meetings at Rainbow Park.

Jenelle Spedden - 119 9th Street

- Mentioned the notice at her residence.

Leslie Baeder

- She had not heard the sentiment that it needed to be done all at once.

Dujardin acknowledged a lot of people were in favor of what Town was doing on the project, and they were executing the will of the public. Mitchell agreed with Dujardin. Merck thought the meetings were posted properly. He also agreed with Dujardin. Schmidt declared that everyone on Council made a commitment to affordable housing, including himself.

Heli Peterson - 823 Gothic Avenue

- She lived in affordable housing and was for affordable housing.
- She was concerned about the density.
- She felt like they had not been heard.

Dujardin moved and Mitchell seconded a motion to approve Resolution No. 29, Series 2018, the Minor Subdivision re-plat of Block 76, Paradise Park Subdivision, Town of Crested Butte. A roll call vote was taken with all voting, “Yes,” except Petito voted, “No.” **Motion passed.**

3) Discussion on Ride the Rockies coming to Crested Butte June 8, 9 and 10, 2019.

Schmidt explained the reasoning behind the discussion on the event, and he specifically mentioned Whatever USA. MacDonald updated the Council on the meeting that included event organizers and Staff and a second meeting that included the Chamber. Deirdre Moynihan from Ride the Rockies was present at the Council meeting. She explained history of the event in Town and the reasons they wanted to come to Crested Butte. She reviewed logistics of the event and a proposed schedule. Schmidt questioned entertainment for Saturday night. Moynihan said they focused on local entertainment. Cowherd wondered about food trucks in Town, and she said food trucks would only be on the ride route. UpChurch confirmed the Chamber would be working on the event. Nevins voiced concerns about parking, to which Moynihan responded.

4) Ordinance No. 30, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Chapter 16, Articles 1, 5 and 8 of the Crested Butte Municipal Code to Include Definitions and Requirements for Formula Businesses in the “T” Tourist and “C” Commercial Zone Districts.

Nevins summarized the purpose of the ordinance. The ordinance addressed formula retail, formula hotels and motels, and formula restaurants. Nevins read the definition of a formula business. He explained the citizen outreach that had been done. UpChurch had not received comments from businesses on the ordinance. Haver asked for clarification on what would be allowed in specific areas. Cowherd wanted language to include BOZAR on certain points, and Nevins elaborated.

Mitchell moved and Merck seconded a motion to set Ordinance No. 30, Series 2018 for public hearing at the January 7th meeting. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

5) Resolution No. 30, Series 2018 - A Resolution of the Crested Butte Town Council Adopting Changes and Additions to the 2018 Budget and Appropriations Relative to the Affordable Housing Fund.

Zillioux stated all funds were under budget, other than the affordable housing fund.

Dujardin moved and Haver seconded a motion to approve Resolution No. 30, Series 2018 to amend Resolution No. 64, Series 2017 by changing the Affordable Housing Fund

budgeted expense amount from \$542,299 to \$677,119. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

6) Resolution No. 31, Series 2018 - A Resolution of the Crested Butte Town Council Restating and Renewing Approval of the Development Improvements Agreement and Associated McCormick Ditch Relocation Agreement Affecting Lots 17-27, Block 1; Lots 6-16, Block 12; Lots 1-13 and 30-32 Block 11; and Lots 17-32, Block 2; Town of Crested Butte, Colorado.

Yerman reported on Resolution No. 31 and Resolution No. 32. His staff report in the packet was related to both resolutions. The 1986 improvement agreement between Town and the Kapushions did not cover the relocation of the McCormick Ditch or the extension of the sewer main in Teocalli Avenue. He identified that Town was now the majority owner of the McCormick Ditch. The DIA had two phases, and it granted permission to put in streets. MacDonald pointed out the agreement for maintenance in the second resolution. Miller said the agreements were heavily negotiated and were both beneficial to the Town. Schmidt confirmed the Town would maintain the head gate.

Mitchell moved and Merck seconded a motion to approve Resolution No. 31, Series 2018. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

7) Resolution No. 32, Series 2018 - A Resolution of the Crested Butte Town Council Approving the McCormick Ditch Agreement Between the Town of Crested Butte and Sheep Mountain Partners, LLC.

Ryan Martens introduced himself, and his wife, Wynn.

Merck moved and Dujardin seconded a motion to approve Resolution No. 32, Series 2018. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

8) Kapushion Declaratory Judgment Action, Case No. 17CV30036 - Status and Update.

Miller explained the McCormick Ditch agenda items and #9 (currently #8) and #10 (currently #9) were interrelated. The McCormick Ditch agreements represented the settlements with the Martens and Meredith. Now that there was agreement to move the ditch, the lawsuit had been resolved.

9) Authorization to Enter into Stipulations for Settlement with Wayne Meredith and Sheep Mountain Partners, LLC Concerning Their opposition to Town’s Water Court Change Cases, Case Nos. 16CW3085 and 16CW3086.

Miller reviewed background on the agenda item. The parties agreed to stipulate out of the water court cases. Miller asked for authorization to sign the stipulations and settle the cases. Miller recognized opponents that still existed, including the Skyland Metro District.

Dujardin moved and Haver seconded a motion directing the Town water attorney to enter into Stipulations and Agreements, in substantially the forms dated December 6th, 2018, with Wayne Meredith and Sheep Mountain Partners, LLC as well as take any other necessary steps, to settle such parties' Statements of Opposition to Case Nos, 16CW3085 and 16CW3086, Division 4 Water Court. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Miller updated on a revived water right from the Slate River.

10) Ordinance No. 31, Series 2018 - An Ordinance of the Crested Butte Town Council to Approve Stipulation Regarding Ownership and Easements for the Heights Open Space Property and for Dismissal of Action in Civil Action No. 2018-CV-30008, Gunnison County District Court.

MacDonald explained they had been in discussion with the property owners, primarily about being able to control the slope above the Nordic Center for avalanche risk. She reviewed background on the case. She stated they were right where the discussion started. Town would control for avalanches, and access to the Nordic trails and the Ditch Trail would be maintained. Residents of the Heights would continue to own the property.

Dujardin moved and Petito seconded a motion to set Ordinance No. 31, Series 2018 for public hearing on January 7th, 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

11) Ordinance No. 32, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 16, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to the Gunnison Watershed School District RE1J for the Sale Price of \$590,000.00.

Yerman pointed out the ordinance directed the Town Attorney to sign/draft documents, so the Council would not see further agenda items after the public hearing.

Mitchell moved and Dujardin seconded a motion to set Ordinance No. 32, Series 2018 to public hearing on January 7th, 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

12) Policy Regarding Fee Waivers for Photovoltaic Installation Permits.

Schmidt summarized Town would waive permit fees for the installation of solar panels. Yerman explained how the waiver came to be. Town was trying to be proactive. He encouraged the Council to look at renewable energy opportunities for residents.

Dujardin moved and Haver seconded a motion to adopt the fee waivers policy for Photovoltaic Systems in the Town of Crested Butte. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Miller wanted the Town to participate as an objector in the Skyland Case. Yerman said the purpose would be to monitor the case. The Council agreed to direct Miller to move forward.

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- Attended a Mountain Express meeting. There was a new board member. Ridership was down 13% over the year. They had good feedback from employees on raises and the improved benefits package.
- Thanked the Council for covering the last meeting and apologized for missing the dinner.

Kent Cowherd

- Attended the RTA meeting. They finalized the budget and had plans for new bus stops and busses.
- The Creative District would be having a retreat.

Chris Haver

- Attended meetings on the Gunnison Valley Housing Plan.

Jim Schmidt

- There was a housing retreat last Thursday. It was suggested that planners from the communities serve as ad hoc members on the board. Kermode expressed how valuable it was to have Velado from Mt. Crested Butte and Yerman from Crested Butte attend meetings, but she thought they could serve as consulting members. Schmidt suggested Yerman be an ex officio member, and they could appoint Haver as a member of the Housing Committee.

Dujardin moved and Petito seconded a motion to appoint Chris as the second member of the Housing Authority and have Michael Yerman serve as ex officio member. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

Jim Schmidt con’t

- Went to mayors/managers meeting. Others were not aware of Ride the Rockies’ desire to come to the valley.
- Had lunch with Tim Baker last Monday. CBMR was done with snow making this year.
- Thanked the Town for the Christmas party.
- Expressed his best to Dan Greene.

Jackson Petito

- He would attend a Housing Foundation meeting on Wednesday.

Laura Mitchell

- There were four new Mountain Express busses.
- Recognized that bus ridership and sales tax were related.
- Attended the meeting regarding Peanut Lake Road.

Paul Merck

- Went to a STOR Committee meeting. They were putting in for a VOC grant for \$450K to have a coordinator for volunteer groups countywide. They were talking about the addition of new trails cutting off migratory patterns of animals.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt wanted to discuss Council members appearing before BOZAR and/or DRC. He asked anyone to recuse him or herself if he or she might be affected by the upcoming discussion. Petito and Cowherd recused themselves and left the room. Schmidt asked the Council if they wanted to change the code of conduct to allow Council members to appear before the boards. He suggested adding the discussion to the next agenda. The remaining five Council members agreed to add to the upcoming agenda. Green identified how Town could be exposed to liability.

Mitchell recommended starting meetings earlier. Haver asked Staff to provide tools to help with efficiency. Cowherd learned from other mayors that it worked to prepare really, really well for meetings.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

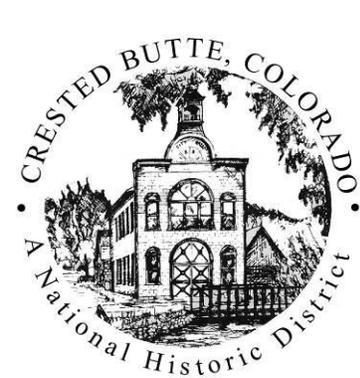
- Monday, January 7, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, January 22, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, February 4, 2019 - 6:00PM Work Session - 7:00PM Regular Council

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 10:59PM.

James A. Schmidt, Mayor

Lynelle Stanford, Town Clerk (SEAL)



Staff Report

January 7, 2019

To: Mayor and Town Council

Thru: Dara MacDonald, Town Manager

From: Lynelle Stanford, Town Clerk

Subject: Resolution No. 1, Series 2018 – A Resolution of the Crested Butte Town Council Designating the Town of Crested Butte’s Three Official Public Places for Posting Town Council Meetings and Other Important Items

Date: December 26, 2018

Summary:

Ordinance No. 2, Series 2010 amended the Town Code by striking the list of three designated posting places. Furthermore, the ordinance stated that designated posting places shall be approved by resolution of the Town Council each year. Staff recommends the following three locations: 1) outside the reception office in the Town Offices, located at 507 Maroon Avenue; 2) the Crested Butte Library, located at 504 Maroon Avenue; and 3) the lobby of the Old Town Hall, located at 132 Elk Avenue in Crested Butte, Colorado, as the official public posting places for the purposes of posting notices announcing Town Council meetings and other important items and for posting copies of ordinances after adoption. These three locations have been the three posting places for Town in recent history.

Recommendation:

To approve Resolution No. 1, Series 2019 designating the three official public places for posting notices announcing Town Council meetings and other important items and for posting copies of ordinances after adoption as part of the Consent Agenda.

Recommended Motion:

Motion to approve Resolution No. 1, Series 2019 as a part of the Consent Agenda.

RESOLUTION NO. 1**SERIES 2019****A RESOLUTION OF THE CRESTED BUTTE TOWN COUNCIL
DESIGNATING THE TOWN OF CRESTED BUTTE'S THREE
OFFICIAL PUBLIC PLACES FOR POSTING TOWN COUNCIL
MEETINGS AND OTHER IMPORTANT ITEMS**

WHEREAS, the Town of Crested Butte, Colorado (“**Town**”) is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, Colorado Revised Statutes, section 24-6-402 (2) (c) requires that each Colorado municipality annually designate an official public posting place for notices announcing Town Council meetings and other important items;

WHEREAS, Article 4.11 of the Town Charter requires that, after adoption of an ordinance, copies of the ordinance shall be posted in three public places within Town; and

WHEREAS, the Town Council wishes to officially designate the following three locations: 1) outside the reception office in the Town Offices, located at 507 Maroon Avenue; 2) the Crested Butte Library, located at 504 Maroon Avenue; and 3) the lobby of Old Town Hall, located at 132 Elk Avenue in Crested Butte, Colorado, as the official public posting places for the purposes of posting notices announcing Town Council meetings and other important items and for posting copies of ordinances after adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF CRESTED BUTTE, COLORADO:

That the Town’s official public posting places for posting notices announcing Town Council meetings and other important items and for posting copies of ordinances after adoption, are hereby designated as: 1) outside the reception office in the Town Offices, located at 507 Maroon Avenue; 2) the Crested Butte Library, located at 504 Maroon Avenue; 3) the lobby of Old Town Hall, located at 132 Elk Avenue in Crested Butte, Colorado, as the official public posting places for the purposes of posting notices announcing Town Council meetings and other important items and for posting copies of ordinances after adoption.

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL THIS 7TH DAY OF JANUARY, 2019.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A. Schmidt, Mayor

ATTEST

Lynelle Stanford, Town Clerk

(SEAL)



Staff Report

January 7, 2019

To: Mayor Schmidt and Town Council

From: Mel Yemma, Open Space/Creative District Coordinator

Thru: Michael Yerman, Community Development Director

Subject: **GOCO Stewardship Impact Grant Matching Funds and Letter of Support for Gunnison County Stewardship Program**

STOR Committee Background:

The Sustainable Tourism and Outdoor Recreation (STOR) Committee was created in 2017 by the Gunnison County Board of Commissioners as an outcome of the One Valley Prosperity Project. The STOR Committee is composed of 13 representatives from land management agencies, governments, local nonprofit groups and eight at-large community members representing various user groups and land management organizations. Paul Merck is the Town's representative on the Committee. Its mission is to address the challenges and impacts from the Gunnison Valley's growing outdoor recreation-based tourism economy.

The STOR Committee has worked to identify areas of high priority for stewardship needs to accommodate rapidly increasing backcountry use and Committee is now looking for funding support to implement stewardship projects throughout Gunnison County.

GOCO Stewardship Impact Grant & Gunnison County Stewardship Program Background:

In November 2018, Great Outdoors Colorado (GOCO) released a new grant opportunity called the "Stewardship Impact Grant". GOCO is aiming to improve the condition of our state's lands by providing grants for outdoor stewardship projects that demonstrate meaningful improvements to the state's ecological and recreational amenities. With this new grant program, GOCO is looking to fund comprehensive and collaborative large-scale projects.

Because of the collaborative nature of STOR, the Committee thought that this grant could be a perfect opportunity to develop and apply for funding to create a county-wide stewardship program, called the Gunnison County Stewardship Program (GCSP). The Committee listened to a presentation from Volunteers for Outdoor Colorado (VOC) on a stewardship model that they use in the San Luis Valley. VOC, the U.S. Forest Service (USFS), and the Bureau of Land Management (BLM) collaboratively manage an employee who coordinates stewardship projects and education initiatives on all federally-managed public land in the San Luis Valley. VOC has seen much success with this position and they suggested that a similar model, that's more tailored to our local community, could work well here. The main desires for the STOR Committee for a local program would be to include all conserved/publically accessible land (County/Municipal land, Land Trust land, etc.) and to utilize the

program to build upon the stewardship activity already occurring here in our various non-profits and agencies. This proposed program would be crucial to fill in the gaps of areas and types of stewardship activity that could use more help and resources.

The GCSP grant proposal for GOCO proposes a progressive, practical approach, involving all STOR Committee members and relevant stakeholders, to strategically plan for the protection and enhancement of our public and publically accessible lands by rallying volunteers, supporting and empowering existing nonprofit groups, and communicating with land managers to facilitate this work. The Gunnison County Stewardship Program will consist of two components: a Stewardship Coordinator position and Stewardship Program funds.

The Stewardship Coordinator will work across all public and/or conserved lands, with all stakeholders, to plan and implement a landscape-wide stewardship program. The Stewardship Program funds would be needed to facilitate the projects occurring. These Program funds will be distributed in accordance with the priorities set by the STOR Committee to ensure that they are used strategically and effectively.

The GCSP model was proposed at the December STOR Committee meeting and overall received consistent support amongst all stakeholders. While there were initially some reservations of this program creating competition amongst existing stewardship initiatives and organizations, the Committee assured itself that this program can be built with the intention of providing more support for existing organizations rather than creating funding competition.

Additionally, VOC has offered support for this program by providing a cash match to the grant in the form of \$5,000 per year to cover benefits for the Coordinator position. The connection to VOC also brings useful in-kind support with their vast volunteer network. Also, the local USFS and BLM offices expressed support and indicated that financial and/or in-kind support could be expected from their agencies.

The GOCO grant asks for up to eight letters of support from individuals, organizations, and land managers that are in support of this project, in addition to matching funds secured for project. Town staff overall finds that this proposal is a great example of county-wide collaboration, and that the Town's open space program, as well as the greater outdoor recreation-based economy that is a significant economic driver for the Town, could benefit greatly from this program.

Town staff recommends providing \$5,000 from the Town's conservation trust fund in 2019 as matching funds for the grant and signing a letter of support for the program. The \$5,000 match would cover a three-year timeline that the grant would cover.

Recommendation:

To authorize the Town Council to provide and sign a letter of support for the STOR Committee GOCO Stewardship Impact Grant and to appropriate a \$5,000 match from the Town's Conservation Trust Fund in 2019 as part of the consent agenda.

Town of Crested Butte
P.O. Box 39
Crested Butte, Colorado 81224
-A National Historic District-

Phone: (970) 349-5338

FAX: (970) 349-6626

www.townofcrestedbutte.com

January 7, 2019

Great Outdoors Colorado
Attn: Chris Yuan-Farnell
1900 Grant Street, Ste 725
Denver, CO 80203

Dear Chris,

Please accept this letter of support for the Gunnison County Stewardship Program grant application, submitted on behalf of Gunnison County's Sustainable Tourism and Outdoor Recreation (STOR) Committee. The Town of Crested Butte has also committed \$5,000 in matching funds towards the Stewardship Program.

The Town of Crested Butte has been encouraged by the positive influence and collaborative nature of the STOR committee since its inception. While the Town's local economy is supported in a large part by outdoor recreation, in recent years, we've seen an exponential increase in use of our surrounding local trails and backcountry, and we see an urgent need for better stewardship of our backyard. The STOR committee and the Gunnison County Stewardship Program are both critical to address the increased use of our public and publically accessible lands.

The Town itself has a small open space program, in which we own or hold easements on publically accessible land and trails surrounding the Town. Two of our popular trails include the Lupine Trail systems and the Baxter Gulch trail, which were both generously supported by Great Outdoors Colorado. While the Town, along with our partners and neighbors can boast an incredible trail network in all seasons, we currently lack the stewardship capacity to maintain these local treasures in the form of trail maintenance and upkeep, trailhead congestion, noxious weed management, and more. Additionally, we understand that a large component of stewardship involves education to build an etiquette for us all to be stewards of the land.

The Town is excited about the proposed Gunnison County Stewardship Program because it will build upon the collaborative spirit of the Gunnison Valley and the STOR committee to support existing stewardship projects and programs while leveraging our resources to fill in many crucial gaps. The Town will optimistically utilize and support this endeavor to ensure that not only our trails, but also all of our neighboring public lands, which are of utmost importance for our outdoor recreation and tourism-based economy, will be healthy, well-maintained, and sustainable for generations to come.

Sincerely,

James A. Schmidt
Mayor, Town of Crested Butte



Memorandum

To: Town Council
From: Dara MacDonald, Town Manager
Subject: Manager's Report
Date: January 7, 2019

Town Manager

- 1) CML Policy Committee update – Attached are the CML Policy Committee's recommendations for positions on a number of policies that have come up in recent legislative sessions or which are anticipated for the 2019 session. The CML Executive Board met on December 14th and approved these recommended action items. There will be a 2019 legislative update webinar hosted by CML on January 11th at noon. Let me know if you are interested in joining the webinar.
- 2) CAST – Attached is a letter recently sent by the CO Association of Ski Towns to Senators Bennet and Gardner and the House Representatives regarding the proposed Ski Area Fee Retention Act.
- 3) School district IGA update – Attached is a letter from school superintendent Leslie Nichols initiating the joint review of the IGA between the Town and the School District. Staff is beginning this process with the school district in the next few weeks. If there are any issues of particular concern from the Council, please let me know.
- 4) CBTF –
 - The Community Builders Task Force met on December 19th and has changed its name to the One Valley Leadership Council. The feeling is that the new name better reflects the relationship to the One Valley Prosperity Project and the ongoing role of the group of implementing the OVPP Plan.
 - The leadership training with One Valley Leadership Council members and elected officials is scheduled for all day on Friday the 25th. Location TBD.
 - The OVLC discussed a number of housekeeping issues such as purpose of the group, principals and ground rules, composition of the group, governance structure, operating procedures, budget and meeting schedule.
 - Chris Haver is the newly appointed vice-chair of the group and Leia Morrison is the new secretary and Russ Forest will remain as Chair.
- 5) Chamber strategic plan – Attached is the recently developed and adopted strategic plan for the Crested Butte/Mt. Crested Butte Chamber of Commerce.
- 6) School parking lot project next steps –
 - After further analysis and discussions with the engineers on the project, Leslie Nichols will be proposing a much more limited project scope for the parking lot to the School Board for consideration on January 7th. The new scope would basically be just a seal coat on the existing parking lot with new striping to better facilitate circulation within the parking lot.

- The additional microsimulations of traffic conditions by the project engineers revealed that:
 - i. The new safe route alignment down Belleview has caused significant improvements in traffic back-ups on SH 135.
 - ii. There is not much difference in the impact between the existing parking lot entrance and the realignment with 8th Street in the immediate operations.
 - iii. The intersection of SH 135/7th/Red Lady is the primary congestion point that needs to be addressed.
- Next steps will likely include:
 - i. Removal of the sidewalk on the South side of Red Lady to further discourage kids from crossing Red Lady at the location adjacent to 7th Street
 - ii. Seal coat and restriping of the existing parking lot
 - iii. Ongoing discussions with the Town and School District regarding the intersection of SH 135/7th/Red Lady as improvements will be a requirement by CDOT when the school district wants to implement expansion of the CBCS facilities in the next few years.

Public Works

- 1) The Town did receive \$405,000 of the \$800,000 in grant funds requested for improvements at the water treatment plant. Staff is working to finalize our recommendation to the Council on what the final loan request should be for the project.

Marshals

- 1) There is an effort to organize a Women's March on Saturday, January 19th. Staff will continue discussions with the event organizers to ensure it is safely conducted.

Parks & Rec

- 1) No updates.

Community Development

- 1) Haney appeal – We have received notice of an appeal of a BOZAR decision on a proposed demolition. Such appeals are heard by the Town Council. The appeal has been scheduled for the February 19th Council meeting. Staff recommends that the Council approve beginning the February 19th Council meeting at 6:00 p.m.

Town Clerk

- 1) No updates.

Finance

- 1) No updates.

Intergovernmental

The City of Gunnison is planning to host the next meeting of elected officials in the County. The meeting will take place on the evening of Wednesday, February 27th.

Upcoming Meetings or Events

January 25th – OVPP Leadership retreat, all day, details TBD

February 27th – Intergovernmental meeting, dinner in Gunnison, details TBD

* As always, please let me know if you have any questions or concerns. You may also directly contact department directors with questions as well.

Action Items

Affordable Housing: Permanent Funding Source for Affordable Housing

In real estate transactions over \$500, there is a documentary recording fee of 1¢ per \$100. In the 2017 legislative session, a bill was introduced that added an additional 1¢ per \$100 and required the county clerk to submit that extra funding to a fund created in the Colorado Housing and Finance Authority (CHFA). CML supports finding a permanent funding solution for affordable housing in Colorado. **Staff**

Recommendation: Support. *Lobbyist: Meghan Dollar*

POLICY COMMITTEE RECOMMENDATION: SUPPORT

Building Codes: Decoupling Electrical Inspection Fees

Currently, the fees for state electrical inspections are adjusted periodically by the Division of Professions and Occupations located within the Department of Regulatory Affairs. In the 2019 session, Colorado Counties Inc. (CCI) will pursue legislation to allow cities and counties to set their own electrical inspection fees to allow them to recoup the actual costs of conducting electrical inspections. **Staff recommendation: Support.**

Lobbyist: Brandy DeLange

POLICY COMMITTEE RECOMMENDATION: SUPPORT

Broadband: Utilize Electrical Service Provider Infrastructure for Broadband

In order to implement broadband and middle-mile infrastructure, some municipalities and counties have partnered with electric power cooperatives and power companies like Tri-State, Delta Montrose Electric Association (DMEA), and Western Area Power Administration (WAPA), leasing out previously installed dark fiber. However, these local governments are not currently able to use the utility infrastructure because the existing utility easements need to be “perfected” for commercial use. During the 2019 session, Colorado Counties Inc. (CCI) will pursue legislation that would allow the use of existing easements controlled by electrical service providers to utilize previously installed and new communications infrastructure. That infrastructure will carry additional network traffic not associated with the control and management of the electrical network. Depending on bill language and subsequent passage, this legislation may act as another tool for municipalities to access broadband and broadband infrastructure.

Staff Recommendation: Staff discretion to support. *Lobbyist: Brandy DeLange.*

POLICY COMMITTEE RECOMMENDATION: STAFF DISCRETION TO SUPPORT

Criminal Justice: Outstanding Judgement Warrants

A bill was introduced late in the 2018 legislative session that removed the Department of Revenue’s (DOR) ability to cancel or suspend an individual’s license if they have an outstanding judgement warrant (OJW) against them. That legislation ultimately failed due to the high fiscal impact to the state. Municipal courts are already limited significantly when collecting fines and do not want to lose another tool to enforce municipal ordinances. **Staff Recommendation: Oppose.** *Lobbyist: Meghan Dollar*

POLICY COMMITTEE RECOMMENDATION: OPPOSE

Criminal Justice: Juvenile Expungement Notification

During the 2017 legislative session, HB 17-1204 was passed that created a process for juvenile expungement in Colorado. CML worked on the legislation and supported it. Unfortunately, due to a drafting error, municipal courts are now saddled with unnecessary notification requirements. The bill requires a municipal court notify certain entities when a juvenile record is expunged. This includes several state entities, schools, and law enforcement. CML has partnered with the Criminal Defense Bar to clean up this legislation to only reflect that municipal courts must notify law enforcement entities of expungement. This change will greatly reduce administrative staff time in municipal court. **Staff Recommendation: CML-initiated legislation.** *Lobbyist: Meghan Dollar.*

POLICY COMMITTEE RECOMMENDATION: CML-INITIATED LEGISLATION

Employment: Family medical leave insurance

This legislation has been introduced the last two sessions and will no doubt be introduced again. The 2018 version of the legislation would establish the Family Medical Leave Insurance (FAMLI) program in the Department of Labor as a TABOR-exempt enterprise funded with no more than a 0.99% employee payroll deduction. The program would provide partial wage replacement to employees while out on authorized family medical leave as specified in the bill. Employees of both private and public employers in Colorado would be covered. Last year, CML and other organizations representing employers spoke with sponsors about additional provisions such as allowing employers to retain a portion of the revenue to cover the administrative costs of the automatic payroll deduction. Since the legislation is far more likely to pass this year, staff will solicit additional feedback on employer impacts and proposed remedies. The Policy Committee requested this legislation be brought back to discuss at the February meeting, depending on the outcome of amendment requests. **Staff recommendation: Oppose unless amended.** *Lobbyist: Kevin Bommer*

POLICY COMMITTEE RECOMMENDATION: OPPOSE UNLESS AMENDED

Employment: Local minimum wage

Historically, CML has not taken a position on either the 1999 preemption of municipalities to set their own local minimum wage or on subsequent attempts to repeal it. In 1999, it was (and still is) generally believed that all municipalities were already preempted from wage regulation based on prior decisions of the Colorado Supreme Court. In addition, Colorado has since adopted a constitutional amendment fixing the minimum wage and subsequent adjustments statewide. If the legislation passes, it is not clear whether the inevitable legal challenges would overcome prior court decisions that seem to carve out private labor relations as a matter of statewide concern, as well as the conflict with constitutional language fixing the state minimum wage. In either case, separate local action may be preempted. The Policy Committee is explicitly interested in reviewing any legislation that could *effectively* allow establishment of a local minimum wage, but agreed to the staff recommendation on any legislation that simply repeals the prior prohibition. **Staff recommendation: Neutral.** *Lobbyist: Kevin Bommer.*

POLICY COMMITTEE RECOMMENDATION: NEUTRAL

Governmental Immunity Act: Landfill Regulations

As a result of an ongoing dispute between La Plata County and the Department of Public Health and Environment (CDPHE) over a 24 year old closed landfill, the La Plata County District Court ruled in July that the Colorado Governmental Immunity Act (GIA) prevents CDPHE from enforcing the Solid Waste Act against any facility owned by a public entity. While this decision only technically applies to La Plata County, CDPHE is concerned that other local government-owned landfills will attempt to make similar arguments, making it impossible for CDPHE to enforce solid waste regulatory requirements at any government-owned landfill. While CDPHE is appealing this decision to the Colorado Court of Appeals, they may pursue legislation to address the weaknesses exposed in the Solid Waste Act. If the legislation is introduced, it may take many forms. CDPHE may only seek to amend Solid Waste Act to clarify that they are the regulatory agency and have authority to keep both public and private landfills compliant. However, staff still wants to look into GIA implications and continue discussion with CDPHE. Depending on the language of any departmental bill, CML may need to oppose it. **Staff recommendation: Staff discretion to oppose.** *Lobbyist: Brandy DeLange*

POLICY COMMITTEE RECOMMENDATION: STAFF DISCRETION TO OPPOSE

Open Records: Internal Affairs Records

During the 2018 legislative session, the ACLU introduced legislation that would have made internal affairs investigation (IA) files of a peace officer for in-uniform or on-duty conduct that involves a member of the public subject to inspection and would have directed what types of information should be redacted before complying with the inspection request (although, the custodian could have first provided an IA summary first). In its introduced form, the bill would have been a significant expansion of the existing practices of releasing criminal justice records under current law. Through negotiation, the bill sponsors eventually changed the bill to allow the denial of a records request. The new language provided that prior to determining whether disclosure would be contrary to the public interest, the custodian shall perform an individualized analysis of each request. In 2018, the negotiated amendment brought CML to a neutral position. Ultimately, the bill did not pass. CML staff expects the ACLU to introduce similar legislation in 2019. Staff is requesting a position of oppose unless amended in preparation for the ACLU to introduce a bill that has none of the negotiated language from 2018. **Staff Recommendation: Oppose Unless Amended.** *Lobbyist: Meghan Dollar*

POLICY COMMITTEE RECOMMENDATION: OPPOSE UNLESS AMENDED

Public Safety: Pilot Program for Supervised Injection Facilities

There will be proposed legislation that creates a pilot program for supervised injection facilities (SIF). In the past, the legislation was drafted to exempt these facilities from local public nuisance ordinances. CML has opposed that. For the 2019 legislation, the proponents have stated that the state legislation is to enable local governments to allow these facilities so the legislation will be drafted to include local opt-in. If that is the case, staff is recommending a neutral position. **Staff Recommendation: Neutral.** *Lobbyist: Meghan Dollar*

POLICY COMMITTEE RECOMMENDATION: NEUTRAL

Public Safety: Substance Abuse in the Criminal Justice System

This proposed legislation is from the Opioid and Other Substance Use Disorders Interim Study Committee. The goal of the legislation is to get addicted individuals to services and treatment rather than the criminal justice system. The bill creates a simplified record sealing process for low level drug crimes as well as identifies funding to expand the Law Enforcement Assisted Diversion (LEAD) Programs from 4 to 10. These programs have been successful for municipalities and CML would like more municipalities be able to utilize LEAD. **Staff Recommendation: Support.** *Lobbyist: Meghan Dollar*

POLICY COMMITTEE RECOMMENDATION: SUPPORT

Public Safety: Recovery from Substance Abuse

This proposed legislation requires each recovery residence operating in Colorado to be licensed by the department of public health and environment. The legislation also expands the housing voucher program currently within the Department of Local Affairs (DOLA) to include individuals with a substance use disorder and appropriates funds. Finally, the bill creates the opioid crisis recovery fund for money the state receives as settlement or damage awards resulting from opioid-related litigation. CML is particularly interested in the regulation of recovery residences and a potential state fund that could support municipal programs to lower substance abuse addiction in their communities. Recovery residences operate in many municipalities across Colorado. Municipalities have been advocating for state-level regulation of these facilities due to concerns that local regulation may conflict with federal law. This legislation creates that process. **Staff Recommendation: Support.** *Lobbyist: Meghan Dollar*

POLICY COMMITTEE RECOMMENDATION: SUPPORT

Sustainability: Plastic bag prohibitions

Several municipalities are contemplating complete prohibitions on plastic bags or related items. In the course of researching the issue, staff discovered a potential pitfall in state statutes that has been on the books since the 90's. C.R.S. 25-17-104 states: "No unit of local government shall require or prohibit the use or sale of specific types of plastic materials or products or restrict or mandate containers, packaging, or labeling for any consumer products." Definitions are found in C.R.S. 25-17-102. Because this may be construed as a preemption against any municipal actions to prohibit plastic materials, staff is seeking permission to initiate legislation striking or amending the language in order to explicitly permit local prohibitions. **Staff recommendation: CML-initiated legislation.** *Lobbyist: Morgan Cullen*

POLICY COMMITTEE RECOMMENDATION: CML-INITIATED LEGISLATION

Sales Tax: State rule change to point-of-delivery

The State of Colorado collects sales tax for statutory municipalities and 24 home rule municipalities, in addition to state, county, and special district sales tax. In October, the Department of Revenue rolled out several rule changes to complement state implementation of the *Wayfair* decision for all of the taxes it collects and remits. One rule change has proved to be very controversial and is likely to result in legislation to

reverse or delay it. The rule would require collection and remittance of state and all applicable local sales taxes by in-state and remote sellers based on the point of delivery. Currently, only the point of sale was considered for intrastate sales. This presents an unusual quandary. While supportive of point-of-delivery as a means to ensure parity for brick and mortar businesses and increased tax remittance to all of the affected municipalities, the immediate effective date of the rule also places a burden on businesses that deliver to multiple jurisdictions. Staff continues to work very closely with the Colorado Association of Commerce and Industry (CACI) and the Colorado Retail Council to navigate through the changes in a manner that ensures tax collection parity with as minimal an impact on in-state businesses as possible. No legislation has been presented for review at this time, but it is clear that at least one bill will be introduced. Staff anticipates being able to revisit this issue with the Policy Committee in February.

Staff recommendation: Staff discretion. *Lobbyist: Kevin Bommer*

POLICY COMMITTEE RECOMMENDATION: STAFF DISCRETION

Sales Tax: Policy position on collection of sales tax from remote sellers

The CML Sales Tax Simplification Committee met on December 3 to discuss whether or not a recommendation could be made to the CML Policy Committee establishing a League position on how the 71 self-collecting home rule cities should uniformly deal with the *South Dakota vs. Wayfair* decision in June that seemingly opens the door to collection of sales tax by remote sellers. While there are issues that have arisen more directly related to state licensing and collection – both in-state and remote – they do not have a direct impact on self-collecting municipalities. In considering options that included pursuing voluntary compliance by remote sellers, trying to amend the 2013 state Marketplace Fairness legislation, or pursue a third-party approach, the committee agreed that voluntary compliance presents the greatest reward with the least legal risk. The committee proposes the following policy position. *All 71 self-collecting home rule municipalities should continue or pursue voluntary compliance by remote sellers in the short term. In the long term, all options are available – including the process of a portal for single point of remittance promoted by the legislature’s Sales Tax Simplification Task Force.* *Lobbyist: Kevin Bommer.* **Staff recommendation: Support**

POLICY COMMITTEE RECOMMENDATION: SUPPORT



December 27, 2018

Senator Cory Gardner
Senator Michael Bennet
Representative Diana DeGette
Representative Doug Lamborn
Representative Scott Tipton
Representative-Elect Joe Neguse

Dear Colorado Delegation,

The Colorado Association of Ski Towns (CAST) represents 40 municipalities, counties and resort associations that are largely dependent on the ski industry and tourism. CAST engages on issues of importance to its members and provides a forum for networking and information sharing around those issues. The organization uses the strength of the coalition to seek support for policy or legislation that will benefit and sustain mountain communities. It was founded on the premise that mountain resort communities face challenges and issues that are unique and different than those in the larger towns and cities along Colorado's Front Range.

CAST has followed the Ski Area Fee Retention bill with great interest and we welcomed the opportunity to discuss the Act with Senator Bennet's staff at our August 2018 meeting in Mt. Crested Butte. Senator Gardner's staff was unable to attend due to a conflicting official event, but they requested we share the results of that discussion.

In short, CAST members would like to see a broader scope to this Act. The criteria currently included in the bill are narrowly defined and we would like to see trail maintenance and the U.S. Forest Services enforcement also benefit from the retention of ski area fees. Ski areas within the White River National Forest and on other national forests in Colorado draw millions of visitors each year, whom then also recreate heavily on the surrounding forest outside the ski area boundaries. Visitors, including families, retirees and Millennials, are likely to visit a ski area for part of their visit, but also spend time engaging in activities such as cross-country skiing, snowmobiling or snowshoeing on our public lands. The White River National Forest is the most visited forest in the country with over 10 million visitors a year, but lacks the funding to adequately manage the heavy recreational use and the much needed wildfire mitigation work that is critical to proactively protecting communities adjacent to U.S. Forest Service land.

As a result of inadequate funding and an increase in visitors, a number of CAST members are currently having to supplement their local USFS ranger district budgets with local dollars to address critical needs. For example, in Summit County, the fire districts, municipalities, and Summit County Government all contributed \$130,000 this past summer to fund four full-time seasonal U.S. Forest Service wildfire mitigation patrols. This local investment also supported the local Sherriff's Department backcountry patrol officers overtime pay to help identify unattended campfires, educate hikers and campers on campfire rules and regulations and manage dispersed camping violations. Vail and Eagle County are planning to set aside as much as \$120,000 next summer to pay for USFS employees to monitor trails and campgrounds and to enforce backcountry rules. For years, Pitkin and Garfield Counties have funded efforts such as supplemental staffing for managing popular USFS trails, fire treatments and prescribed fires. These are just a few examples that demonstrate how local communities are coming together to help manage the greater regional impacts of ski resorts within our communities and the greater impacts to our local trails, parking areas, roads, law enforcement services, medical and social service needs.

We respectfully request that you consider dedicating any fees retained from ski area permit fees to support a broader scope of USFS needs. CAST would welcome the opportunity for further dialog on the Ski Area Fee Retention Act, and is happy to provide additional information if needed. Thank you for your ongoing support of the public lands that are so critical to our Colorado resort communities.

Sincerely,

A handwritten signature in blue ink that reads "Greg Clifton". The signature is written in a cursive, flowing style.

Greg Clifton, CAST President



November 30, 2018

Via Hand Delivery

Dara MacDonald

Town Manager

Town of Crested Butte

P.O. Box 39

507 Maroon Avenue

Crested Butte, CO 81224

Cc: Town Attorney

Town of Crested Butte

P.O. Box 39

507 Maroon Avenue

Crested Butte, CO 81224

Re: Request to Schedule Joint Review of the Intergovernmental Agreement ("IGA") dated May 11, 2009 by and between the Town of Crested Butte ("Town") and Gunnison Watershed School District RE-1J ("District")

Dear Dara:

As part of my duties as Superintendent of the District, I have been familiarizing myself with the District's community partnerships, including the partnership evidenced by the IGA referenced above. I am grateful that the Town and the District have a history of working together to meet their respective needs and look forward to continuing those efforts.

Toward that end and as we approach the ten-year anniversary of the IGA's Effective Date, this letter serves as notice under Section 16(K) of the IGA that I would like to initiate a joint review of the IGA in accordance with Section 14 thereof. Though certain aspects of the IGA appear consistent with existing practices, I have concerns that other provisions are no longer applicable or viable in light of the Town's and the District's current needs. I would like the opportunity for us to discuss and address these concerns, as well as any concerns that the Town may have, with the goal of modifying the IGA as appropriate.

Please let me know some dates and times that would be convenient for you to meet and initiate the joint review, and please contact me if you have any questions.

Regards,

Leslie Nichols, Ed.D.

Superintendent



**Crested Butte/Mt. Crested Butte Chamber of Commerce:
Strategic Plan**

Adopted November 27, 2018

Mission Statement

The mission of the Crested Butte/Mt. Crested Butte Chamber of Commerce is to provide communication, event and advocacy services to our members, so they can successfully operate their businesses.

Strategic Priorities

- **Growth and Change**
- **Representation and Relationships**
- **Infrastructure and Resources**
- **Tourism Economy**

➤ Strategic Priority #1: Growth and Change

The Crested Butte/Mt. Crested Butte Chamber of Commerce (The Chamber) Board of Directors understands that our community is facing many challenges as the community changes with the growth we are experiencing and will continue to see in the foreseeable future. The board further understands that The Chamber can assist in business growth needs of their members.

Strategic Result #1: Benefits/Insurance Program

By January 2020, The Chamber members will have the opportunity to participate in a chamber sponsored Benefit/Insurance Program for themselves and their employees.

Strategic Result #2: Hiring Program

By January 2023, 25% of the Chamber membership will have utilized the chamber's hiring programs to fill their employee position needs.

➤ Strategic Priority #2: Representation and Relationships

Good Governance is measured by the communities understanding and appreciation of the services provided by an organization and the results that are achieved by providing these services. The board understands that growing and strengthening the relationships with the business community and with elected leaders will strengthen the community as a whole.

Strategic Result #1: Business Advocates

By April 20, 2019, the Chamber's members will have a voice on business related local political issues through the chamber's conduit.

Strategic Result #2: Membership Growth

By April 20, 2023, the Chamber members will experience a growing and stable membership through community engagement, as evidenced by 420 members.

Strategic Result #3: Valuable Education

By April 20, 2021, 25% of Members surveyed indicate they have received valuable business education from the Chamber.

➤ **Strategic Priority #3: Infrastructure and Resources**

The Board of Directors understands the relationship and balance between tourism and the natural resources that drive the industry. Further they understand that tourism cannot be fully realized without adequate infrastructure in place. The protection of our resources will enable our guests to have a better experience in our community.

Strategic Result #1: Green Business Initiative

By December 31, 2021, 50% of member's will participate in a green business initiative program sponsored through The Chamber.

Strategic Result #2: Resource Management

The Chamber will continue to participate in and partner with other entities in the valley for backcountry resource management and sustainability.

➤ **Strategic Priority #4: Tourism Economy**

The Board of Directors understands that Crested Butte/Mt. Crested Butte's economy is a tourism-based economy. This type of an economy has highs and lows and is extremely seasonal. They further understand that diversifying the economic base and building on some of the seasons with growth opportunities can assist in stabilizing the highs and lows.

Strategic Result #1: Resource Hub

By December 31, 2019, the Chamber will be identified as the resource hub for business information for re-location, start-up and growth of businesses.

Strategic Result #2: Winter Visitor Growth

By 2023, the Chamber members will realize an increase in winter visitors as evidenced by 100% increase in visitors center visits and chamber contacts between December and March (as compared to 2017-2018 numbers).



Staff Report

January 07, 2019

To: Mayor and Town Council

Thru: Dara MacDonald, Town Manager

From: Shea D Earley, Director of Public Works

Subject: WTP Improvements: Environmental Assessment Public Hearing

Date: January 3, 2019

Attachment: Environmental Assessment

SUMMARY

The Town Public Works Department has submitted a loan request to the Colorado Department of Health and Environment – State Revolving Fund (CDPHE – SRF) for construction of the Water Treatment Plant (WTP) Improvements Project. Per CDPHE – SRF, an Environmental Assessment (EA) was required due to the proposed increase design capacity of the facility. The EA was performed by JVA Engineers. It includes information on the scope of the project, as well as, an evaluation of any potential environmental impacts to surface and groundwater quality/quantity, wetlands, floodplains, plant life, wildlife, air quality, and cultural, historical, and/or archaeological sites, due to the construction project.

Per the requirements of the EA, notification letters were sent to various agencies for their review/response. In all, eight letters were sent to various state and federal agencies. No additional requirements were provided by any agency. Secondly, notice of the public hearing was provided on December 6th, 2018 edition of the Crested Butte News. The final requirement in the EA process is the public hearing. The public hearing is set to inform citizens and solicit public input, regarding the findings of the EA.

Upon review from CDPHE, a Finding of No Significant Impact (FONSI) is anticipated.

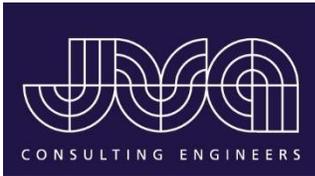
BACKGROUND

The Town received \$86,500 in funding assistance from Department of Local Affairs (DOLA) for the engineering of the Water Treatment Plant Improvements in 2018. On November 30th, 2018, the Town was officially awarded \$405,000 in funding assistance from DOLA for construction of the WTP improvements. Currently, the Town is pursuing a CDPHE – SRF loan to make up the difference in the total project cost, which is estimated to be at 2.4 million. The construction of the Water Treatment Plant Improvements shall commence in spring of 2019, once the grant contract with DOLA is executed.

The improvements to the treatment plant are based on a design provided by JVA Engineers, in conjunction with Moltz Construction. The project is designed to continue to maintain CDPHE compliance, upgrade infrastructure and maintain current and future water demands. The proposed improvements to maintain CDPHE compliance include; the addition of block and bleed valves on the existing skids, turbidimeters, and retrofitting the existing pretreatment system. The improvements also intend to address the hydraulic limitations of the facility by adding a fourth skid, which will also facilitate redundancy within the system. Finally, the improvements looks to address aging infrastructure by replacing components within the existing skids, removing the UV system, replacing the SCADA system, and upgrading the building structure.

COUNCIL ACTION

Council should open the public hearing and consider any comments that are brought forward. No further action is required at this time.



ENVIRONMENTAL ASSESSMENT

FOR THE

TOWN OF CRESTED BUTTE

WATER TREATMENT PLANT IMPROVEMENTS



DECEMBER 30, 2018

ENVIRONMENTAL ASSESSMENT

FOR THE

**TOWN OF CRESTED BUTTE
WATER TREATMENT PLANT IMPROVEMENTS**

JVA, Inc.
817 Colorado Avenue
Suite 301
Glenwood Springs, CO 81601
phone: 970-404-3100

JVA Project No. 2338.5c

DECEMBER 30, 2018

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APPENDIX A – 20-YEAR POPULATION AND DEMAND PROJECTIONS
APPENDIX B – IPAC RESOURCE LIST
APPENDIX C – AGENCY COVER LETTER AND RESPONSE LETTERS

SUMMARY

PROJECT IDENTIFICATION

Applicant: Town of Crested Butte
Address: 800 Reservoir Rd. Crested Butte, CO 81224
JVA Project Number: 2338.5c

CONTACT PERSON

Leanne Miller, Project Manager, Professional Engineer
JVA, Inc.
817 Colorado Avenue, Suite 301
Glenwood Springs, CO 81601

System Owner/Contact Person: Town of Crested Butte/Shea Earley
System Address: 800 Reservoir Rd. Crested Butte, CO 81224

ABSTRACT

The Town of Crested Butte (Town) owns and operates a community water system (PWSID No. CO 0126188) that consists of a water treatment plant (WTP, plant), which treats surface water originating from Coal Creek. The source water is conveyed and stored in a 10-million-gallon raw water reservoir prior to the water treatment plant, finished water storage tanks, and a distribution piping network. In 2002, the WTP was expanded and converted to a microfiltration membrane treatment system with a capacity of 1.25 million gallons per day (MGD). The 2002 improvements were the most recent improvement to the water treatment process. The most recent construction at the plant was a finished water storage tank, installed in 2011.

The existing WTP includes a microfiltration membrane system consisting of chemical pretreatment for oxidation of iron and manganese, microfiltration membranes, ultraviolet (UV) disinfection, and a calcium hypochlorite tablet disinfection system prior to discharge to clearwells. Chlorinated water is stored in the clearwells and onsite storage tanks prior to the distribution system. The plant is permitted for 1.25 MGD. The average annual daily water demand in 2016 was 0.31 MGD. The peak day summer demand in 2017 was 0.90 MGD. The plant's firm capacity (plant capacity with one treatment train out of service) is 0.84 MGD.

As stated in the Project Needs Assessment (PNA) submitted to the Colorado Department of Public Health and Environment (CDPHE) on May 31, 2018, installed equipment is experiencing various issues and modifications are required to continue to reliably meet treatment objectives. Key areas have been identified as limiting factors for the existing plant to reliably meet the rated capacity. These areas include and are discussed in further detail in the following section, a reduced hydraulic throughput due to the configuration of the plant's chemical pretreatment system, aging infrastructure, maintenance concerns, and regulatory compliance.

The Water Treatment Plant Improvements Project (Improvements Project) will replace the existing chemical pretreatment process, add a fourth AP-4 membrane skid to bring the plant capacity to 1.66 MGD and increase firm capacity to 1.25 MGD, construct a building addition to house the additional treatment train, and other maintenance and modifications required for the existing membrane skids. This environmental assessment was performed to evaluate the environmental impact from the Project. All project work will be conducted on the existing WTP site with no disturbance outside of the property boundary. Land surrounding the WTP site is partially developed residential properties. The environmental assessment indicates no significant direct environmental impacts anticipated from the project. It is anticipated that there will be short-term, temporary impacts due to construction. Measures will be taken to mitigate such impacts in accordance with the Design Guidelines of the Town of Crested Butte.

COMMENT PERIOD

In conformance with the requirements of the National Environmental Policy Act and the Colorado Environmental Review Process, a Finding of No Significant Impact (FNSI) will be subject to a 30-day public review period. The FNSI will be distributed to interested persons and agencies for their review. The FNSI will also be available for public review at the CDPHE. Any comments received will be given due consideration. Comments should be addressed to:

Matt Stearns
CDPHE Water Quality Control Division
WQCD-OA-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

PURPOSE AND NEED FOR ACTION

The Town of Crested Butte WTP was last expanded in 2002 with the installation of microfiltration membrane skids to increase the facility to a rated capacity of 1.25 MGD, with a firm capacity of 0.84 MGD. Since that time only minor improvements have been completed. Installed equipment is experiencing various issues and modifications are required to continue to reliably meet treatment objectives. As described in the PNA submitted to CDPHE in May 2018, key areas have been identified as limiting factors for the existing plant and are discussed in detail below.

HYDRAULIC THROUGHPUT

The existing plant includes a 10,000-gallon contact tank for iron and manganese oxidation after potassium permanganate injection. The existing contact tank does not provide sufficient pressure to the raw water feed tanks located on each membrane skid. This hydraulic limitation reduces the hydraulic throughput of each skid from the rated capacity of 289 gallons per minute (gpm) to 225 gpm; equating to a plant capacity reduction from a max of 1.25 MGD to 0.97 MGD. This also reduces the firm capacity from 0.84 MGD to 0.65 MGD (which was exceeded 38 times in 2017). The proposed project includes a redesigned chemical pretreatment system to provide adequate head pressure to the membrane raw water feed tanks and ensure that hydraulic throughput of the existing skids is maximized.

AGING INFRASTRUCTURE

Several pieces of equipment are approaching the end of their useful life and require replacement, maintenance, removal, or supplementation. These include the existing membrane skids, the raw water tanks and reverse filtration tanks on the membrane skids, the UV disinfection system, and the instrumentation/controls and electrical systems. The existing membrane skids require upgrades to maximize process efficiency and to reliably meet their design capacity. The raw water and reverse filtration tanks have leaked multiple times and have been plastic welded repeatedly. Pall now manufacturer's these tanks with a molded plastic process due to the leaking and welding that was reported on the original tanks. The existing tanks will be replaced with the new tanks to reduce possibility of failure. The original design of the plant located the CIP system on the second floor of the WTP, directly above the tanks requiring replacement. This has made accessing and maintaining these tanks and the skids challenging. As part of this project, the building will be expanded in order to locate the equipment currently on the second floor to the first floor and improve operability. The instrument, controls, and electrical systems at the WTP are also inadequate for current operation and lacks sufficient I/O for the addition of new instrumentation (such as the filtrate turbidimeters discussed below). The current software is no longer supported and is not compatible with current systems. As part of this project the existing instrumentation and controls system will be improved to meet current standards and improve operability.

MAINTENANCE CONCERNS

Performing maintenance on some equipment in the plant is a safety concern for operators due to the plant layout. This includes maintenance on the raw water and Reverse Filtration tanks on membrane skids located under the mezzanine, as discussed above, and the equipment on the mezzanine second level. The building will be expanded by 800 square feet to provide adequate space for the new pretreatment system as well as the equipment located on the second floor mezzanine.

REGULATORY COMPLIANCE

As identified in the CDPHE Record of Approved Waterworks for the system, the membrane skids are not equipped with filtrate turbidimeters or block and bleed valves, as required in the State of Colorado Design Criteria for Potable Water Systems, Safe Drinking Water Program Implementation Policy #5. These items will be added to the membrane skids to bring the plant to compliance with CDPHE Design Criteria.

FACILITY LIMITATIONS

The WTP has a rated capacity of 1.25 MGD, with a firm capacity of 0.84 MGD. At this time, the plant is not able to meet the rated capacity or firm capacity because the existing pretreatment chemical contact tank does not provide sufficient pressure to the raw water feed tanks located on each membrane skid, as discussed above.

The membrane skids were installed in 2002 and are approaching the end of useful life. Operators are experiencing increased Operation and Maintenance (O&M) issues with the skids including leaking raw water tanks and increased backwash frequency. Membranes on two of the three skids have been replaced and the third is scheduled for replacement in 2019.

The existing instrumentation, controls, and electrical systems are outdated and no longer supported by the software manufacturers. Additionally, the plant has reached their I/O tag limit and new equipment (such as filtrate turbidimeters) cannot be integrated into their existing SCADA system.

PROJECT SUMMARY

PROJECT DESCRIPTION

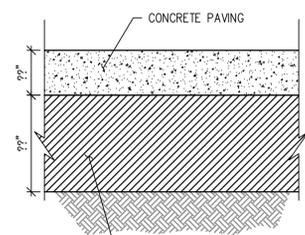
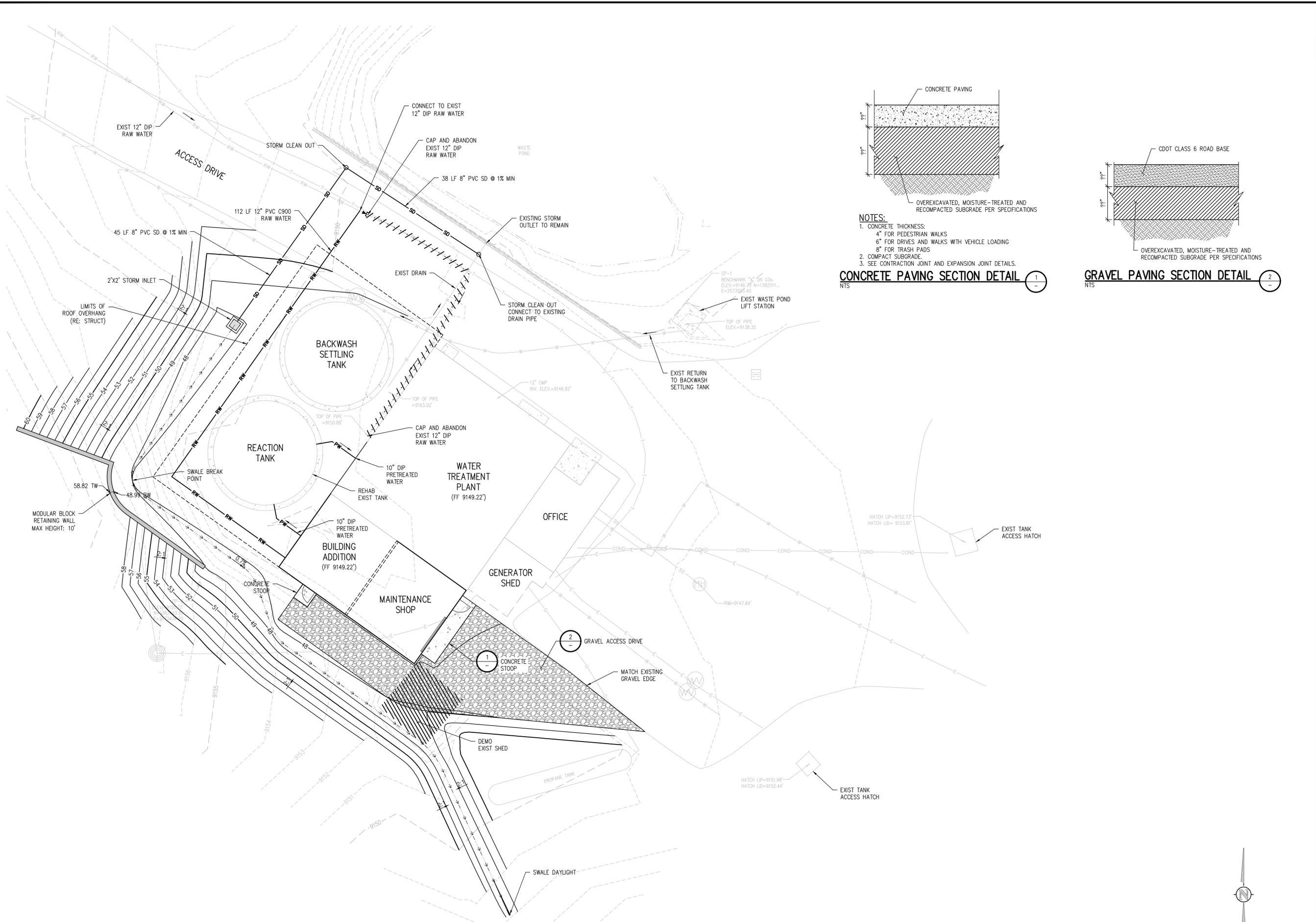
The Town of Crested Butte WTP was last expanded in 2002 with the installation of microfiltration membrane skids to increase the facility to a rated capacity of 1.25 MGD, with a firm capacity of 0.84 MGD. Since that time only minor improvements have been completed. Installed equipment is experiencing various issues and modifications are required to continue to reliably meet treatment objectives. The key areas identified as limiting factors for the existing plant, as discussed in the previous section include:

- **Hydraulic throughput:** The existing plant includes a 10,000-gallon contact tank for iron and manganese oxidation. The existing contact tank does not provide sufficient pressure to the raw water feed tanks located on each membrane skid. This hydraulic limitation reduces the plant capacity from 1.25 MGD to 0.97 MGD which reduces the firm capacity from 0.84 MGD to 0.65 MGD.
- **Aging Infrastructure:** Several pieces of equipment are aging and require either replacement, maintenance, or supplementation. These include the existing membrane filtration units, the raw water and reverse filtration tanks on the skids, the UV disinfection system, and the instrumentation/controls and electrical systems.
- **Maintenance concerns:** Performing maintenance on some equipment in the plant is a safety concern for operators due to the plant layout. This includes maintenance on the raw water and reverse filtration tanks and any equipment located on the membrane skids under the second-floor mezzanine.
- **Regulatory compliance:** The membrane skids are not equipped with filtrate turbidimeters or block and bleed valves, as required in the CDPHE Design Criteria. Additionally, the existing contact tank does not meet CDPHE requirements for 30 minutes of contact time required for oxidation of iron and manganese.

As part of this project, the plant capacity to meet projected 20-year average day demands through the life of the requested State Revolving Fund (SRF) loan was evaluated. The projected 20-year peak day demand for the Crested Butte Water Treatment System is 1.33 MGD. Addressing the hydraulic limitations at the facility will maintain the rated capacity of 1.25 MGD, but an additional AP-4 membrane skid will be required to meet projected demand for the life of the loan. The addition of the fourth AP-4 unit also provides redundancy and reliability to support the three aging membrane filtration skids.

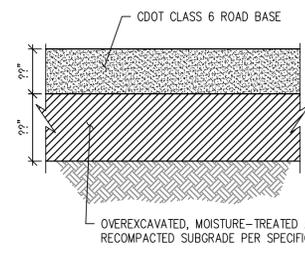
Several alternatives were evaluated based on their ability to meet the system capacity requirements, CDPHE design criteria, and other considerations developed according to the Town's goals including: O&M requirements, capital cost, footprint, implementation feasibility, use of existing equipment, and suitability. The alternatives that were evaluated are discussed in the following section. To address the limiting factors, the following items are recommended as part of the WTP improvements. A site plan and the area affected by the proposed improvements is included as Figure 1.

- Removing the existing pretreatment chemical contact tank and rehabilitating an existing welded steel reaction tank onsite for iron and manganese oxidation contact volume.
- The raw water and reverse filtration tanks on each of the existing membrane skids will be replaced with new tanks provided by the manufacturer.
- Filtrate turbidimeters and block and bleed valves will be added to each of the existing membrane skids to bring the plant to compliance with Policy #5.
- An additional AP-4 membrane skid will be installed to provide filtration system redundancy to support the existing aging membrane skids.
- A building addition will be constructed on site to house the relocated CIP system to service the membranes, as well as other equipment currently located on the second floor mezzanine.
- Electrical, instrumentation, and controls will be updated to accommodate new instrumentation for the membrane skids.



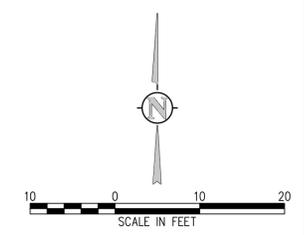
NOTES:
 1. CONCRETE THICKNESS:
 4" FOR PEDESTRIAN WALKS
 6" FOR DRIVES AND WALKS WITH VEHICLE LOADING
 8" FOR TRASH PADS
 2. COMPACT SUBGRADE.
 3. SEE CONTRACTION JOINT AND EXPANSION JOINT DETAILS.

CONCRETE PAVING SECTION DETAIL 1
 NTS



GRAVEL PAVING SECTION DETAIL 2
 NTS

CIVIL SITE PLAN
 1" = 10'



NO.	DATE	DES'D	DWN	REVISION DESCRIPTION

DES BY:	BLM/MLR
DRWN BY:	JCD
CHKD BY:	KAT/JJM
JOB #:	2338.5c
DATE:	OCT 2018
© JVA, INC.	

TOWN OF CRESTED BUTTE
 WATER TREATMENT PLANT IMPROVEMENTS
 CRESTED BUTTE, COLORADO

CIVIL SITE PLAN

SHEET NO.
C1.0

ALTERNATIVES ANALYSIS

Several alternatives were evaluated during the initial planning phases and the preliminary design. Alternatives to the WTP improvements include:

- 1. No Action** – The existing WTP would not be able to continue meeting demand if the issue of insufficient hydraulic throughput were not addressed. If the raw water and reverse filtration tanks on each skid are not replaced, they will continue to leak, wasting water, as it is not safely feasible for WTP operators to continue to patch the tanks in their current location. Also, if the required equipment is not installed on the existing membrane skids, the plant will not be in compliance with CDPHE regulations. No Action would also incur increased O&M costs as many pieces of equipment in the plant have reached the end of their useful life and require more frequent repairs. For these reasons, this alternative does not meet the project's purpose; however, it does set the baseline for the environmental impacts.
- 2. Consolidation** – Consolidation with another water treatment system in the area is not feasible and cost prohibitive based on the distance to any other system, geographical features between the Town of Crested Butte and any neighboring water system, and the existing capacity of the nearest systems.

Based on the initial analysis, improving the hydraulic throughput, upgrading the equipment, replacing tanks on the existing filtration skids, and adding a fourth filtration skid to meet 20-year projected demand are the selected alternatives.

An alternative analysis was carried out for each of the identified limiting factors discussed in the previous section. Each of these sub-alternatives analysis are addressed below and categorized by the limiting factor.

HYDRAULIC THROUGHPUT

To optimize the membrane filtration system and meet the rated design capacity, multiple alternatives were evaluated. Discussions with Pall, manufacturer of the existing membrane microfiltration skids, indicated that hydraulic improvements should be designed to provide a flow of 350 gallons per minute to each of the raw water feed tanks concurrently (for peak demand operation). This equates to a total flow of 1,050 gpm for the three existing skids. Including the fourth membrane filtration skid, the required flow is 1,400 gpm.

To provide the required flow to the raw water feed tanks, the pretreatment system needs to be redesigned to provide appropriate hydraulic conditions. As part of the preliminary design process, the Town collected raw water quality samples during April and May of 2018. Additionally, JVA conducted onsite bench testing to determine the most suitable oxidant to meet the needs of the Town's WTP.

Meeting the hydraulic requirements depends on the selected pretreatment chemical. Three chemicals were evaluated during bench testing; potassium permanganate, sodium permanganate, and chlorine dioxide. If either potassium permanganate or sodium permanganate were selected as

the pretreatment chemical, pumping would be required to the raw water feed tanks due to the contact volume requirements for each of those chemicals. For the TwinOxide chemical pretreatment system, which would not require a reaction tank, the available head from the raw water reservoir would be sufficient to meet the hydraulic requirements of the membrane filtration system. A summary of the three alternatives are provided in Table 1. Advantages and disadvantages for each pretreatment alternative are summarized in Table 2.

Table 1 – Chemical Pretreatment Alternatives

Alternative	Contact Volume	Reaction Time	Chemical Storage Volume	Chemical Dose (Avg.)	Booster Pumps	Capital Cost	Annual O&M Costs
Potassium Permanganate	35,000	30 mins	1,400 gal/month	1.5 mg/L	Yes	\$120,000	\$45,800
Sodium Permanganate	6,000	5 mins	324 gal/month	1.5 mg/L	Yes	\$90,000	\$76,100
TwinOxide	NA	Instant	None	1 mg/L	None	\$15,000	\$854,000 ¹

¹ For proposed design capacity of 1.66 MGD. Assume design capacity dosing for 365 days

Table 2 – Chemical Pretreatment Alternatives – Advantages and Disadvantages

Alternative	Advantages	Disadvantages
Potassium Permanganate	<ul style="list-style-type: none"> Consistent with current operation Lowest chemical cost 	<ul style="list-style-type: none"> Longest reaction time Largest contact volume requirements Highest capital cost No ancillary benefits for TOC oxidation
Sodium Permanganate	<ul style="list-style-type: none"> Comparable to current operation Chemical delivered as a liquid. Reducing chemical makeup time as compared to potassium permanganate Faster reaction rate than potassium permanganate Reduced contact volume 	<ul style="list-style-type: none"> Higher O&M and delivery cost than potassium permanganate
TwinOxide	<ul style="list-style-type: none"> Lowest capital cost, no tankage required Potential for ancillary TOC removal Potential to reduce calcium hypochlorite demand for finished water Instant oxidation reaction, no contact volume required Small footprint 	<ul style="list-style-type: none"> Additional chlorite monitoring required Highest chemical cost Potential to increase DBPs during summer months (chlorite)

Based on the evaluation of the alternatives, the bench scale testing conducting at the WTP, and discussion with the WTP operators, potassium permanganate is the preferred chemical for pretreatment due to its lower chemical cost, ease of storage, and consistency with current operations.

In addition to the chemical pretreatment improvements to optimize the hydraulic throughput of the existing skids, modifications to the membrane filtration units were also considered. The alternatives to optimize the skids to increase capacity and maintain forward flow included:

- Addition of modules to increase the production capabilities between backwashes;
- Increasing the pumping capacity on the skids to increase the hydraulic throughput; and
- Updating the existing skids to include an enhanced flux maintenance (EFM) program to extend the performance of the membranes between clean-in-place cycles.

Based on discussions with the membrane equipment supplier Pall, the options to modify the existing skids by increasing pump capacity or adding modules to the existing skids are not viable. The addition of more modules to increase the production capacity of the skids was not feasible due to the pumping limitations on the skids and the pumps are unable to be upsized due to the space limitations on the existing skids.

AGING INFRASTRUCTURE

The WTP has three Pall AP-4 membrane filtration skids providing a firm and total capacity of 0.84 MGD and 1.25 MGD, respectively. The existing skids are 16 years old and are approaching the end of their useful life, requiring significant improvements. The WTP struggles during the peak demand season to meet demand and provide fire flow capacity. A fourth AP-4 membrane filtration skid will be installed to provide system redundancy and meet the water demand during peak seasons. It is intended to supplement the existing skids reaching the end of their useful life to meet capacity during high turbidity months when more frequent backwashes are required. These frequent backwashes require one skid to go offline, which is an issue during peak demand. While the additional skid will provide system redundancy in the near term it is also required to meet the 20-year water demand projections. Adding the fourth skid as part of this project will allow the Town to meet projected demand requirements over the life of the loan.

In addition, the reliability of the existing membrane equipment skids is a concern. The existing raw water and reverse filtration tanks on each skid leak and have been repaired on multiple occasions. An alternative to replacing the tanks is to continue plastic welding to repair the leaks which is time consuming and challenging due to the plant layout and access limitations. Frequent repairs to the tanks have resulted in decreased production and concerns for operator safety when performing the repairs. There is little clearance between the tanks and the mezzanine above the tanks. To replace the existing tanks, Pall has recommended the new design for the raw water and reverse filtration tanks which are molded plastic as opposed to welded plastic.

At least partial removal of the mezzanine will be required to replace the tanks. Equipment on the mezzanine, such as the potassium permanganate system, the CIP system, the compressors, and the hydropneumatic tanks for house water will need to be relocated. To complete this replacement, alternatives to remove the existing mezzanine temporarily were evaluated and deemed unfeasible without a complete structural redesign of the existing second floor. This alternative was eliminated due to the additional cost associated with this approach and increased construction complexity when compared to relocating the equipment to the new 800 square foot building addition.

The programmable logic controllers (PLCs) on each membrane filtration skid, the clean-in-place (CIP) PLC, and the supervisory PLC are outdated Allen Bradley SLC 500 series, which have been discontinued and are no longer supported by the manufacturer. The PLCs on each skid are critical to skid operation. Since the SLC 500 PLC is no longer supported by Allen Bradley and parts are no longer readily available, a failure would result in the inability to meet water demand and provide

fire flow capabilities. Critical PLCs, such as those on the existing skids and the supervisory PLC, could be replaced and serve as spares for the existing CIP PLC. Improvements and upgrades to the instrumentation and controls system at the WTP is seen as critical to the 20-year life cycle of the facility. Therefore, upgrades are recommended to the membrane filtration PLCs and the WTP supervisory PLC to meet current standards and maintain compatibility with existing and future equipment and instrumentation.

MAINTENANCE CONCERNS

As discussed above, performing maintenance on some equipment in the plant is a safety concern for operators due to the current facility layout. This includes maintenance on the raw water and reverse filtration tanks on membrane skids located under the mezzanine, and the equipment on the mezzanine second level. Recommended modifications were previously discussed to address these issues.

REGULATORY COMPLIANCE

As identified in the Record of Approved Waterworks, the membrane skids are not equipped with filtrate turbidimeters or block and bleed valves, as required in the CDPHE Design Criteria for Potable Water Systems. These items will be added to the membrane filtration units to bring the plant to compliance. There are no alternatives associated with this portion of the proposed WTP proposed improvements as these are CDPHE regulatory requirements.

SELECTED ALTERNATIVES

The following selected alternatives for the limiting factors discussed in previous sections will allow the plant to operate at the current rated capacity while improving reliability, operability, and decreasing risks associated with aging infrastructure.

Hydraulic throughput: To improve the hydraulic conditions to the membrane skids the chemical pretreatment system has been redesigned to eliminate the bottleneck from the existing contact tank. An existing reaction tank will be rehabilitated to achieve the required reaction volume for potassium permanganate while providing the necessary head to feed all four Pall microfiltration membrane skids.

Aging Infrastructure: Existing raw water and reverse filtration tanks on the three membrane skids will be replaced. Instrumentation and controls will be upgraded to membrane PLCs and Supervisory PLC. The existing UV disinfection system will be removed. A fourth AP-4 membrane filtration skid will be installed to provide system redundancy and meet water demands. While the additional skid will provide system redundancy in the near term, it is also required to meet the 20-year water demand projections. Adding the fourth skid as part of this project will allow the Town to meet projected demand requirements over the life of the loan.

Maintenance concerns: Existing raw water and reverse filtration tanks on the three membrane skids will be replaced. Equipment on the second floor of WTP will be relocated into the building addition to improve access to the existing skids and reduce safety concerns for staff maintaining the equipment in this area.

Regulatory compliance: Filtrate turbidimeters will be installed on each of the three existing membrane filtration units. Actuated block and bleed valves will be provided.

AFFECTED ENVIRONMENT

DESCRIPTION OF THE PROJECT AREA

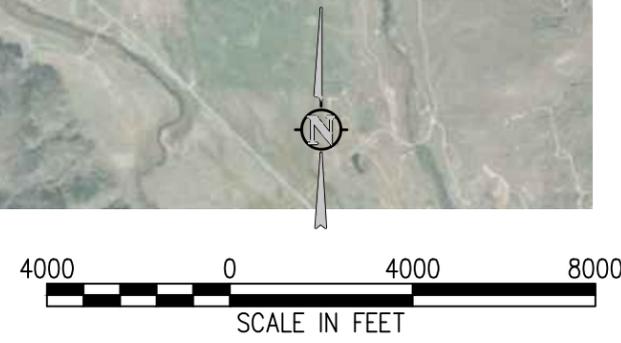
The Town of Crested Butte is in Gunnison County, Colorado. The WTP is owned and operated by the Town and is located at 800 Reservoir Rd. in Crested Butte, Colorado. The property legal description is Section 34, Township 13 South, Range 86 West, of the Colorado Sixth Principal Meridian. The latitude and longitude coordinates are 38°52'26" north and 106°59'52" west, respectively. The elevation of the WTP is approximately 9,160 feet above mean sea level. This project will be contained within the existing property boundary of the WTP. The proposed site plan for the improved WTP can be seen in Figure 1. A vicinity map is included as Figure 2.

The climate in Crested Butte is cold and temperate. The Town sees significant rainfall, with precipitation even during the driest months. Crested Butte is considered a Dfb climate by the Köppen-Geiger system, which is defined as a warm-summer humid continental climate where the coldest month averages below freezing, all months average below 71.6°F, and at least four months averaging above 50°F. The area is also defined as a climate where there is no significant precipitation difference between seasons. In Crested Butte, the average annual temperature is 34°F. About 24 inches of precipitation falls annually. The average annual snowfall is 217 inches.

POPULATION AND FLOW PROJECTIONS

The Town's planning department coordinated with local and regional planning agencies to predict growth projections for the 20-year planning horizon. Population and tourism projections used for these projections are consistent with the Town's planning values and County projection estimates.

To determine the projected water demand for the Town's service area, the annual average daily water demand was calculated at 114 gpcd. This demand was then applied to the total projected population. Peak day winter and summer peaking factors were applied to develop peak seasonal water demands. Population and water demand projections were calculated taking into account the Town's seasonal fluctuations and high number of tourists. See Attachment A for 20-year population and water demand projections.



PROJECT AREA MAP
TOWN OF CRESTED BUTTE
WATER TREATMENT PLANT



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817 Colorado Avenue, Suite 301
Glenwood Springs, CO 81601
970.404.3100
www.jvajva.com
Boulder • Fort Collins • Winter Park
Glenwood Springs • Denver

ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT

DIRECT AND SECONDARY IMPACTS

Construction of the water treatment plant improvements may have short term direct environmental impacts from facility construction and secondary. Secondary impacts are those induced or stimulated by, or as a result of, the proposed action. These can include cumulative, social and land use impacts, among others. Cumulative impacts are the collective incremental impacts of the proposed action regardless of the entity undertaking the action. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. From the characteristics of the proposed project, and descriptive elements of the environmental setting, probable impacts are direct and/or secondary.

Potential secondary and cumulative impacts to the environment from new development, such as increased quantity and decreased quality of urban runoff, degradation of wetland and wildlife habitat and increased air pollution and noise are likely to affect the planning area. Some of the more specific impacts are discussed in the following subsections.

SURFACE WATER AND GROUNDWATER QUALITY AND QUANTITY

This project is not anticipated to have negative direct or secondary impacts to the surface water or groundwater. The project area involves one stream segment. This project will not result in any depletions to the local watershed. Water from stream segment COGUUG11 feeds the raw water reservoir prior to water treatment. The stream segment and the impairment and attainment status are described in Table 3 below.

Table 3 – Stream Segments in Project Area

Water Body ID	Segment Description	Portion	Impairment Status	303(d) Priority
COGUUG11	Coal Creek from Elk Creek to Crested Butte water supply intake, plus Elk Creek	Coal Creek	Cd, Zn, As, Mn(WS)	H

Source water from Coal Creek is conveyed through approximately 9,000 linear feet of 12-inch PVC transmission line to a 10-million-gallon raw water reservoir and then to the WTP. There is no increase in the amount of water being conveyed to the 10-million-gallon raw water reservoir; therefore, no additional flows will be diverted from Coal Creek. The Town has 6 cubic feet per second (cfs) (3.87 MGD) water right from Coal Creek. The transmission line from Coal Creek to the raw water reservoir can convey a maximum 3 cfs (1.93 MGD).

IMPACTS

There are no anticipated affects to groundwater or watershed depletions. Construction activities may temporarily increase the potential for increased sediment runoff downhill from the site, Coal Creek and Halazon Ditch.

MITIGATION

The following mitigation measures will be used, which pertain primarily to construction activities.

- Best management practices (BMPs) used to mitigate potential impact or increased sedimentation loads. These BMPs include use of sediment control logs, erosion control measures at the construction area, and minimization of vegetation removal.
- Construction will be performed in accordance with an approved storm water management plan (SWMP).
- BMPs will be in accordance with the Town of Crested Butte Storm Water Management Plan and the Urban Drainage and Flood Control District (UDFCD) Criteria Manual.

WETLANDS

The project will not wetlands in the area. The raw water reservoir which feeds the WTP is located near the site and is a designated riverine wetland according to the National Wetlands Inventory (NWI) mapping tool, shown on the following page as Figure 3. However, there is no construction activity planned near the raw water reservoir. There are no NWI designated wetlands in the project construction area. Best management practices will be used during construction to mitigate impact such as erosion control and stormwater management.

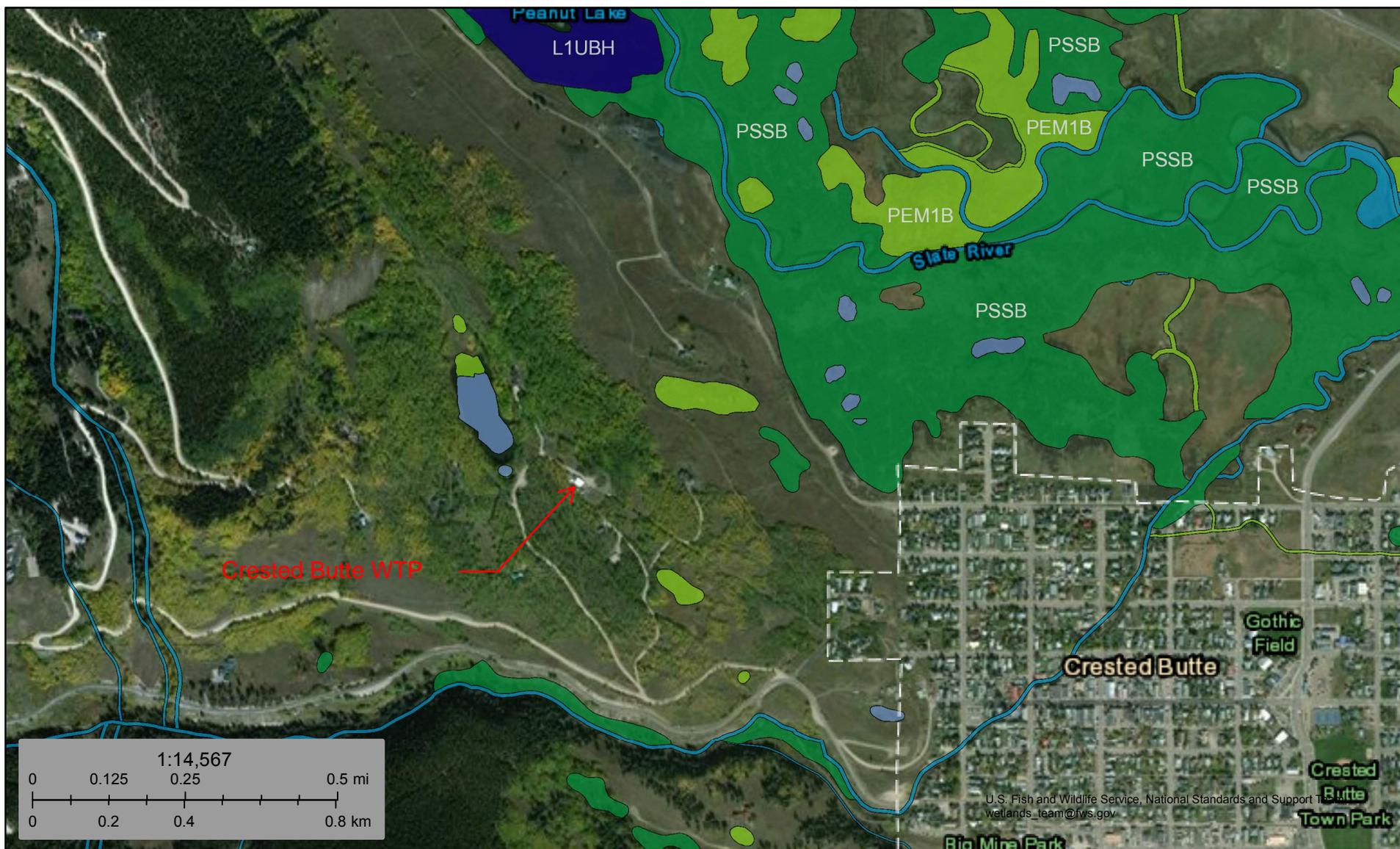
IMPACTS

No impacts are anticipated to the wetlands in the vicinity of the project site. Construction activities will utilize BMPs to ensure proper erosion control and minimize sediment release.

MITIGATION

The following mitigation measures will be used to mitigate potential impact to the wetlands in the area,

- The contractor will create and follow established BMPs and SWMP including erosion control and minimization of vegetation removal. The raw water reservoir is located at a higher elevation than the WTP and will not be affected by construction at the WTP site.
- BMPs will be in accordance with the Design Guidelines for the Town of Crested Butte and the Urban Drainage and Flood Control District (UDFCD) Criteria Manual.



May 4, 2018

Wetlands

- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
|  | Freshwater Pond |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

FLOODPLAINS

The 100-year floodplain delineation does not fall within the existing site. A FEMA generated floodplain FIRM map showing the location of the WTP is included on the following page as Figure 4.

NOTES TO USERS

is for use in administering the National Flood Insurance Program. It does not identify all areas subject to flooding, particularly from local drainage of small size. The community map repository should be consulted for updated or additional flood hazard information.

more detailed information in areas where **Base Flood Elevations (BFEs)** are shown. Users are encouraged to consult the Flood and Floodway Data and/or Summary of Stillwater Elevations tables contained in the Flood Insurance Study (FIS) Report that accompanies this FIRM. Users are aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should be used as the sole source of flood elevation information. Accordingly, additional data presented in the FIS Report should be utilized in conjunction with the purposes of water damage or flood risk management.

Base Flood Elevations shown on this map apply only to landward of 0.0' ocean vertical datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations in the Flood Insurance Study Report for this jurisdiction. Elevations in the Summary of Stillwater Elevations table should be used for construction management purposes when they are higher than the elevations shown on this FIRM.

as of the floodways were computed at cross sections and interpolated cross sections. The floodways were based on hydraulic considerations with requirements of the National Flood Insurance Program. Floodway widths in the Flood Insurance Study Report are provided in the Flood Insurance Study Report.

not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study Report for information on flood control structures for this jurisdiction.

ation used in the preparation of this map was Universal Transverse Mercator (UTM) zone 13. The horizontal datum was NAD 83/ GRS 1980. Differences in datum, spheroid, projection or UTM zones used in the preparation of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

ations on this map are referenced to the North American Vertical Datum of 1988. Flood elevations must be compared to structure and ground elevations of the same vertical datum. For information regarding conversion to the National Geodetic Vertical Datum of 1929 and the North American Datum of 1983, visit the National Geodetic Survey website at <http://ngs.noaa.gov> or contact the National Geodetic Survey at the following:

Information Services
 NGS 12
 Bealefield Survey
 #6202
 West Highway
 Map. Maryland 20714-1202
 3242

current elevation, description, and/or location information for **bench marks** on this map, please contact the Information Services Branch of the National Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Information shown on this FIRM was derived from NADP Orthophotography with a one-meter ground resolution from photography dated 2003.

reflects more detailed and up-to-date stream channel configurations shown on the previous FIRM for this jurisdiction. The floodplains and that were transferred from the previous FIRM may have been adjusted to fit these new stream channel configurations. As a result, the floodplains and Floodway Data tables for multiple streams in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect small distances that differ from what is shown on this map.

Map limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred since this map was published, map users should contact appropriate officials to verify current corporate limit locations.

Refer to the separately printed **Map Index** for an overview map of the community showing the layout of map panels; community map repository addresses; and of Communities table containing National Flood Insurance Program community as well as a listing of the panels on which each community is shown.

Information on available products associated with this FIRM visit the **Map Center (MSC)** website at <http://msc.fema.gov>. Available products may include: Letters of Map Change, a Flood Insurance Study Report, digital versions of this map. Many of these products can be ordered directly from the MSC website.

For **more questions about this map**, how to order products, or the National Flood Insurance Program in general, please call the **FEMA Map Information Center (FMIC)** at 1-877-FEMA-MAP (1-877-325-6277) or visit the **FEMA** website at <http://www.fema.gov/business/mifp>.

Town of Crested Butte WTP



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD
 The 1% annual chance flood (100-year flood), also known as the base flood, is the flood a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Areas are subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include zones A, AE, AR, ARS, V, and VE. The base flood elevation is the water's elevation of the 1% annual chance flood.

ZONE A No Base Flood Elevations determined.
ZONE AE Base Flood Elevations determined.
ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of unusual floor loading, velocities also determined.
ZONE AR Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently dismantled. Zone AR indicates that the former flood control system is being replaced to protect from the 1% annual chance or greater flood.
ZONE ARS Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE
 The floodway is the channel of a stream plus any adjacent floodplain areas that must be accommodated to pass the 1% annual chance flood. It can be covered without substantial increase in flood heights.

OTHER FLOOD AREAS
ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot (or with average areas less than 1 square mile and areas protected by levees from 1% annual chance flood).
OTHER AREAS
ZONE B Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS
OTHERWISE PROTECTED AREAS (OPAs)
 CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.
 1% Annual Chance Floodplain Boundary
 Floodway boundary
 0.2% Annual Chance Floodplain Boundary
 Floodway boundary
 Zone D boundary
 CBRS and OPA boundary
 CBRS and OPA boundary
 Boundary dividing Special Flood Hazard Area Zones and bounding Special Flood Hazard Areas of different base flood flood depths or flood velocities.
 Base Flood Elevation line and value; elevation in feet (EL 947)
 Base Flood Elevation values where uniform within zone, feet

*Referenced to the North American Vertical Datum of 1988

MAP SCALE 1" = 500'
 250 0 150 300 FEET
 150 0 150 300 METERS

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0726D

FIRM
FLOOD INSURANCE RATE MAP
GUNNISON COUNTY,
COLORADO
AND INCORPORATED AREAS

PANEL 726 OF 1975
 (SEE MAP INDEX FOR FIRM PANEL LIST)

CONTAINS:

COMMUNITY	NUMBER	PANEL
CRESTED BUTTE	08025	0726
GUNNISON COUNTY	08029	0746
WATERBURY	13208	0726

Effective Date of Countywide Flood Insurance Rate Map: May 18, 2015

Effective Date(s) of Revision(s) to this Panel:

Notice to User: The **Map Number** shown should be used when placing map orders. **Community Number** shown above should be used on insurance applications for the community.

MAP NUMBER 08051C00
EFFECTIVE DATE MAY 16, 2015
 Federal Emergency Management Agency

NOTE: MAP AREA SHOWN ON THIS PANEL IS LOCATED WITHIN RANGE 86 WEST.

TERRESTRIAL AND AQUATIC PLANTS AND WILDLIFE

Evaluation of possible impact to wildlife in the area was performed using various resources including the US Fish and Wildlife Service's Information and Planning for Consultation (IPaC) system. A resource list was generated using the IPaC system and is included as Appendix B in this report. This list includes endangered/threatened species, migratory birds, US Fish and Wildlife Facilities, and NWI Wetlands. Below is a list of the endangered or threatened species in the area with discussion on their habitats.

- Canada Lynx (*Lynx canadensis*) – Lynx habitat can generally be described as moist boreal forests that have cold, snowy winters and a high-density snowshoe hare prey base. The predominant vegetation of boreal forest is conifer trees, primarily species of spruce and fir. In mountainous areas, the boreal forests that lynx use are characterized by scattered moist forest types with high hare densities in a matrix of other habitats (e.g., hardwoods, dry forest, non -forest) with low hare densities. In these areas, lynx incorporate the matrix habitat (non-boreal forest habitat elements) into their home ranges and use it for traveling between patches of boreal forest that support high hare densities where most foraging occurs.
- Gunnison Sage-grouse (*Centrocercus minimus*) – The Gunnison sage-grouse require a variety of habitats such as large expanses of sagebrush with a diversity of grasses and forbs and healthy wetland and riparian ecosystems. It requires sagebrush for cover and fall and winter food.
- Bonytail Chub (*Gila elegans*) – Bonytail chub are a warm-water species that appear to favor main-stem rivers regardless of turbidity, usually in or near deep swift water, in flowing pools and eddies just outside the main current. It also has been found in reservoirs. Available data suggest that habitats required for conservation include river channels and flooded, ponded, or inundated riverine habitats, especially those where competition from non-native fishes is absent or reduced. Spawning occurs probably in spring over rocky substrates; spawning in reservoirs has been observed over rocky shoals and shorelines. Flooded bottomland habitats appear to be important growth and conditioning areas, particularly as nursery habitats for young.
- Colorado Pikeminnow (*Ptychocheilus lucius*) – The Colorado Pikeminnow habitat includes medium to large rivers. Young prefer small, quiet backwaters. Adults use various habitats, including deep turbid strongly flowing water, eddies, runs, flooded bottoms, or backwaters (especially during high flow). Lowlands inundated during spring high flow appear to be important habitats. Recorded mainly in shoreline habitat over sand. In winter, this species is most common in shallow, ice-covered shoreline areas. Reproductively active adults seek faunally depauperate white-water canyons for deposition of gametes. The species appears to select river canyons that receive freshwater input of groundwater from sandstone/limestone seeps. Spawns where large, deep pools and eddies (resting and feeding areas) are intermingled with riffles and runs and cobble bars of gravel, cobble, and boulder substrates. Returns to previous spawning site. Larvae drift downstream after hatching, then move to shoreline areas and backwaters. Young-of-year (post larval) occupy shallow, alongshore, ephemeral backwaters formed in late summer by receding water levels.

Juveniles tend to occur downstream from area occupied by adults, though larger juveniles are not uncommon in shoreline habitats similar to those occupied by adults.

- Greenback Cutthroat Trout (*Oncorhynchus clarkia stomias*) – The greenback cutthroat trout inhabits cold water streams and cold water lakes with adequate stream spawning habitat present during spring. Field studies however, have indicated that water temperatures averaging 7.8°C or below in July may have an adverse effect on greenback fry (young fish) survival and recruitment.

In general, trout require different habitat types for different life stages: juvenile (protective cover and low velocity flow, as in side channels and small tributaries); spawning (riffles with clean gravels); over-winter (deep water with low velocity flow and protective cover); and adult (juxtaposition of slow water areas for resting and fast water areas for feeding, with protective cover from boulders, logs, overhanging vegetation or undercut banks). Both water quality and quantity are important. Greenbacks, like other cutthroat trout, generally require clear, cold, well-oxygenated water.

- Humpback Chub (*Gila cypha*) – Humpback chub inhabit whitewater reaches of deep canyons, but have been associated with a variety of habitats ranging from pools with turbulent to little or no current, substrates of silt, sand, boulder, or bedrock; and depth ranging from 3ft to as deep as 50 ft. The species require water temperatures of at least 61°F to spawn. Spawning season is from May to July. Spawning occurs at depths ranging 6ft – 12ft and un water velocities of 0.5 ft/s to 1 ft/s, over boulder, sand, and gravel substrates. Presently, the humpback chub is found only in the Little Colorado River and adjacent portions of the Colorado River.
- Razorback Sucker (*Xyrauchen texanus*) – Habitats required by adult razorback suckers in rivers include deep runs, eddies, backwaters, and flooded off-channel environments in spring; runs and pools often in shallow water associated with submerged sandbars in summer; and low-velocity runs, pools, and eddies in winter. Spring migrations of adult razorback sucker were associated with spawning in historic accounts, and a variety of local and long-distance movements and habitat-use patterns have been documented. Spawning in rivers occurs over bars of cobble, gravel, and sand substrates during spring runoff at widely ranging flows and water temperatures (typically greater than 57°F). Spawning also occurs in reservoirs over rocky shoals and shorelines. Young require nursery environments with quiet, warm, shallow water such as tributary mouths, backwaters, or inundated floodplain habitats in rivers, and coves or shorelines in reservoirs.

This fish is often associated with sand, mud, and rock substrate in areas with sparse aquatic vegetation, where temperatures are moderate to warm. It has been collected in flooded gravel pits along the Colorado River and from irrigation canals along the lower Colorado River. Spawning occurs most commonly near shore in streams over silty sand, gravel, or rock substrate at depths of up to about 20 ft, often in water less than 2ft deep. Mature individuals often have been taken over or near coarse sand, or gravel or cobble bars, in flowing water. In reservoirs, spawning occurs on gravel bars swept clean by wave action; also along shorelines over mixed substrates ranging from silt to cobble. Larvae appear to

remain in gravel until swim-up; apparently they prefer the shallow littoral zone for a few weeks after hatching, then disperse to deeper waters. Seasonally inundated flood plains provide favorable feeding areas for young.

In addition to the species listed above, the IPaC resource list identifies four migratory birds potentially present in the project area. The species and their breeding seasons are listed below:

- *Black Rosy-finch (Leucosticte atrata)* – Breeding season: June 15 through August 31
- *Brown-capped Rosy-finch (Leucosticte australis)* – Breeding season: June 15 through August 31
- *Golden Eagle (Aquila chrysaetos)* – Breeding season: January 1 through August 31
- *Long-billed Curlew (Numenius americanus)* – Breeding season: April 1 through July 31

IMPACTS

The potential impacts of the proposed project to the threatened or endangered species' habitats listed above have been evaluated and no long-term impacts are anticipated. The project area is developed, generally clear of vegetation, and disturbed.

This project may impact other plant and wildlife habitat in the area; however, impacts are anticipated to be minor and temporary. The construction of the proposed project will result in a temporary reduction in wildlife use of the area during construction, but wildlife use is anticipated to return to preconstruction conditions soon after project completion.

If construction is taking place during the nesting season, migratory bird nesting may be impacted as indicated by the presence of migratory birds in the area.

The native fish listed above will not be affected as the project will not result in additional water depletions from Coal Creek. There is no increase in the amount of water being conveyed to the 10-million-gallon raw water reservoir; therefore, no additional flows will be diverted from Coal Creek.

MITIGATION

- Minimize the clearing of vegetation
- Reseeding disturbed areas with native seed mix
- Revegetation with native seed mix will be required for relevant affected areas

CULTURAL, HISTORICAL AND ARCHEOLOGICAL RESOURCES

A search of the Colorado Inventory of Cultural Resources was performed by the State Historic Preservation Office. The file search identified one survey and one site during the evaluation. The site found during the file search is named the Pershing Coal Tipple, constructed between 1910 and 1919. While it was operating, the Pershing Coal Mine was located next to Peanut Lake. The Coal

Tipple is believed to be located on the south side of the lake. The Coal Tipple is approximately 2,200 feet away from the boundary of the WTP property. As this historic archaeological site is not located in the project area, this project will not impact this, or any other sites listed on the National Register of Historic Places. This process complies with the State Register Act.

IMPACTS

There are no impacts to sites listed on the National Register of Historic Places known as part of this project. There is potential for buried archaeological resources to be discovered and if any are found during construction, the project will comply with the Archaeological and Historical Preservation Act to ensure the appropriate actions take place. The potential for encountering buried archaeological resources is believed to be minimal.

MITIGATION

No mitigation measures are required for this section.

AIR QUALITY

The U.S. Environmental Protection Agency (EPA) developed National Ambient Air Quality Standards (NAAQS) for six criteria pollutants. The six criteria pollutants are sulfur dioxide, particulate matter, fine particulate matter, carbon monoxide, ozone, nitrogen dioxide, and lead. Gunnison County is considered in attainment status for all criteria pollutants indicating that ambient concentrations are less than the NAAQS in the area for all criteria pollutants and demonstration with the State Implementation Plan (SIP) or demonstration that emissions of the proposed project are below de minimis thresholds is not required.

There are no known major sources of non-criteria hazardous air pollutant (HAP) emission associated with this project. Should there be indication of excess HAP according to Colorado SIP concentrations discovered at any point during the design or construction process, an air pollutant emission notice (APEN) would be submitted in accordance with the SIP.

Under Regulation 3.B.II.D.1.d, this project is exempt from a construction (air) permit.

IMPACTS

There are no known impacts to air quality as a result of criteria or non-criteria pollutant emission associated with this project. Construction activities may result in temporary increases in fugitive dust release or increased pollutant emission as a result of increased heavy machinery and traffic in the immediate project area. These increases are anticipated to be minor and temporary and conform to the Colorado SIP for all pollutant emissions.

MITIGATION

- Dust control BMP's during construction

- APEN submission to CDPHE if HAP emission greater than the de minimis concentration is discovered as part of the construction phase

ENVIRONMENTAL JUSTICE

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” was issued by the President of the United States on February 11, 1994. As part of the environmental compliance process, agencies are required to identify and address disproportionately high and adverse human health or environmental effects on minority or low-income communities (EO 12898 populations). Federal agencies are directed to ensure that federal programs or activities do not result, either directly or indirectly, in discrimination on the basis of race, color, or national origin.

Table 4 below shows the percentage of minority and low-income population in Crested Butte compared to Gunnison County and the State of Colorado.

Table 4 – Percentage of Minority and Low-Income Populations in Crested Butte

Parameter	Crested Butte (%)	Gunnison County (%)	State (%)
Minority Population	3	12.8	31
Low Income Population	7.9	13.8	30

Crested Butte has a lower percentage of minority or low-income population compared to the State of Colorado. Compared to Gunnison County as a whole, Crested Butte’s population has a lower minority population and lower low-income population.

IMPACTS

This project will not have any disproportionately high or adverse effect on minority or low-income populations. The improved WTP will serve all residents in the service area equally. The specific project site is located in a sparsely populated part of the Town with few residential properties in the immediate vicinity. The population of the residential area surrounding the plant will not increase significantly as the subdivision has a minimum 40-acre lot size. Additional building or construction activities will not significantly impact residents. Any impacts from this project would be borne equally among all populations in the Town.

MITIGATION

No mitigation measures are required for this section.

UNAVOIDABLE ADVERSE IMPACTS

Unavoidable adverse impacts of all construction and development related projects that may not be fully mitigated include:

- Short-term increases in noise and ambient air particulate levels in the immediate vicinity of construction activities.

- Increased pollution in stormwater runoff from construction sites and impervious surfaces throughout the planning area.
- Commitment of resources including capital, manpower, and materials.
- Any future development within the service area will not result in loss of potential wildlife habitat as development is restricted the Town boundary and has already been disturbed.
- Increased traffic associated with residential and commercial development served by the project.

MITIGATION OF ADVERSE IMPACTS

Although considered during the planning and design phases, the unavoidable adverse impacts discussed above are not considered to be significant impacts as part of this project.

Regional watershed plan

BMPs for erosion control will be utilized during the construction phase in accordance with the Design Guidelines for the Town of Crested Butte and the Urban Drainage and Flood Control District (UDFCD) Criteria Manual.

Comprehensive or master plan

There are no specific mitigation requirements relevant to this project in the Town's most current Master Plan.

Urban growth boundary or other growth management tools

There are no mitigation measures pertaining to this section known at the time of this assessment.

Storm water management plan

BMPs will be utilized during the construction phase in accordance with the Design Guidelines for the Town of Crested Butte and the Urban Drainage and Flood Control District (UDFCD) Criteria Manual.

Habitat and/or open space preservation and protection

- Minimizing the clearance of vegetation
- Re-seeding disturbed areas with native seed mix
- Re-vegetation with native seed mix will be required for relevant affected areas

Wetland polices/ordinances

- Ensure that the drainage in the project area remains functional during construction and for final completion of the project.

- Contractor will be required to follow established BMPs and SWMP to minimize the impact to the wetlands downhill the project area including erosion control and minimization of vegetation removal.
- BMPs will be in accordance with the Design Guidelines for the Town of Crested Butte and the Urban Drainage and Flood Control District (UDFCD) Criteria Manual.

Floodplain policies/ordinances

There are no mitigation measures pertaining to this section known at the time of this assessment.

Erosion control and re-vegetation requirements

- Contractor will be required to follow established BMPs and SWMP to minimize the impact to the wetlands near the project area including erosion control and minimization of vegetation removal.
- Re-vegetation with native seed mix will be required for relevant affected areas.
- BMPs will be in accordance with the Design Guidelines for the Town of Crested Butte and the Urban Drainage and Flood Control District (UDFCD) Criteria Manual.

Development review/approval processes that relate to wetlands, open space, wildlife, and storm water

- Minimizing the clearance of vegetation
- Re-seeding disturbed areas with native seed mix
- Re-vegetation with native seed will be required for relevant affected areas
- BMPs will be in accordance with the Design Guidelines for the Town of Crested Butte and the Urban Drainage and Flood Control District (UDFCD) Criteria Manual.

Local or regional air quality monitoring

- Dust control BMPs during construction
- APEN submission to CDPHE if HAP emission greater than the de minimis concentration is discovered as part of the construction phase

Mitigation measures requested by contact agencies

No mitigation measures have been requested by contact agencies. Agency response letters are provided with Appendix C.

PUBLIC PARTICIPATION

PUBLIC MEETING

The Public Meeting will be scheduled for public comment on January 7, 2019 and will be properly noticed in the Crested Butte Chronicle and Pilot/CB News, a newspaper of general circulation published in Crested Butte. Minutes will be provided upon completion of the meeting, and any comments will be addressed following this meeting.

REFERENCE DOCUMENTS

State of Colorado Design Criteria for Potable Water Systems – Safe Drinking Water Program Implementation Policy #5

United States Fish and Wildlife – Information for Planning and Consultation

Urban Drainage and Flood Control District Criteria Manual

Colorado Air Quality State Implementation Plan

AGENCIES CONTACTED

1. U.S. Fish & Wildlife – Allison Vendramel
2. Historical Society – Steve Turner
3. Corps of Engineers – Angelle Greer
4. Natural Resources Conservation Service – Theresa McGovern
5. Colorado Division of Wildlife – Gary Thorson (Division Headquarters)
6. Colorado State Engineer’s Office – Kevin Rein
7. Colorado Air Pollution Office – Garrison Kaufman
8. National Park Service - Sue Masica

APPENDIX A – 20-YEAR POPULATION AND DEMAND PROJECTIONS



Year	Total Population	Owner Occupied and log term rentals	Second Homes and Short Term Rentals	Hotel, Bed and Breakfast Occupants	Peak Demand Winter (MGD)	Peak Demand Summer (MGD)
2018	2,912	1,639	850	422	0.50	0.96
2019	2,958	1,665	864	428	0.50	0.98
2020	3,006	1,692	878	435	0.51	0.99
2021	3,054	1,719	892	442	0.52	1.01
2022	3,103	1,746	906	449	0.53	1.02
2023	3,152	1,774	921	456	0.54	1.04
2024	3,203	1,803	935	464	0.54	1.06
2025	3,254	1,831	950	471	0.55	1.07
2026	3,306	1,861	966	479	0.56	1.09
2027	3,359	1,890	981	486	0.57	1.11
2028	3,413	1,921	997	494	0.58	1.13
2029	3,467	1,951	1,013	502	0.59	1.14
2030	3,523	1,983	1,029	510	0.60	1.16
2031	3,579	2,014	1,045	518	0.61	1.18
2032	3,636	2,047	1,062	527	0.62	1.20
2033	3,695	2,079	1,079	535	0.63	1.22
2034	3,754	2,113	1,096	544	0.64	1.24
2035	3,814	2,146	1,114	552	0.65	1.26
2036	3,875	2,181	1,132	561	0.66	1.28
2037	3,937	2,216	1,150	570	0.67	1.30
2038	4,000	2,251	1,168	579	0.68	1.32

APPENDIX B - IPAC RESOURCE LIST

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Gunnison County, Colorado



Local office

Western Colorado Ecological Services Field Office

☎ (970) 243-2778

📠 (970) 245-6933

445 West Gunnison Avenue, Suite 240
Grand Junction, CO 81501-5711

<http://www.fws.gov/mountain-prairie/es/Colorado/>

<http://www.fws.gov/platteriver/>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

Canada Lynx *Lynx canadensis*

Threatened

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/3652>

Birds

NAME

STATUS

Gunnison Sage-grouse *Centrocercus minimus*

Threatened

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/6040>

Fishes

NAME

STATUS

Bonytail Chub *Gila elegans*

Endangered

This species only needs to be considered if the following condition applies:

- Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. This species does not need to be considered if the project is outside of its occupied habitat and does not deplete water from the basin.

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/1377>

Colorado Pikeminnow (=squawfish) *Ptychocheilus lucius*

Endangered

This species only needs to be considered if the following condition applies:

- Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. This species does not need to be considered if the project is outside of its occupied habitat and does not deplete water from the basin.

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/3531>

Greenback Cutthroat Trout *Oncorhynchus clarkii stomias*

Threatened

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/2775>

Humpback Chub *Gila cypha*

Endangered

This species only needs to be considered if the following condition applies:

- Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. This species does not need to be considered if the project is outside of its occupied habitat and does not deplete water from the basin.

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/3930>

Razorback Sucker *Xyrauchen texanus*

Endangered

This species only needs to be considered if the following condition applies:

- Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. This species does not need to be considered if the project is outside of its occupied habitat and does not deplete water from the basin.

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/530>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>

- Measures for avoiding and minimizing impacts to birds
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds
<http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Black Rosy-finch *Leucosticte atrata*

Breeds Jun 15 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9460>

Brown-capped Rosy-finch *Leucosticte australis*

Breeds Jun 15 to Sep 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Golden Eagle *Aquila chrysaetos*

Breeds Jan 1 to Aug 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/1680>

Long-billed Curlew *Numenius americanus*

Breeds Apr 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/5511>

Rufous Hummingbird *selasphorus rufus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8002>

Willet *Tringa semipalmata*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence ()

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of

presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

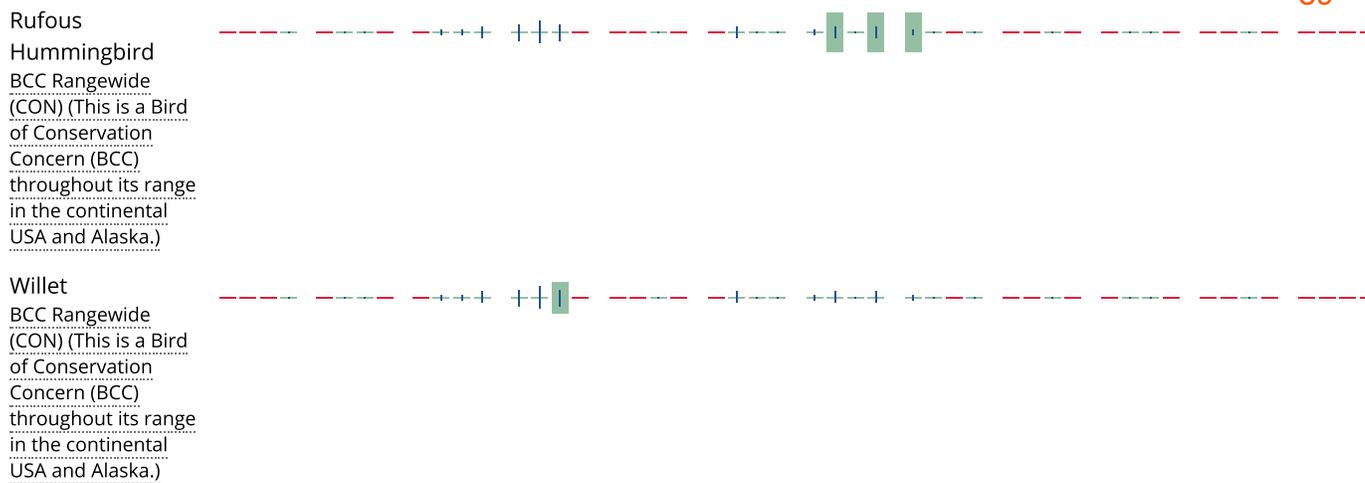
No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [E-bird Explore Data Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to

confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

THERE ARE NO KNOWN WETLANDS AT THIS LOCATION.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Western Colorado Ecological Services Field Office

445 West Gunnison Avenue, Suite 240

Grand Junction, CO 81501-5711

Phone: (970) 243-2778 Fax: (970) 245-6933

<http://www.fws.gov/mountain-prairie/es/Colorado/>

<http://www.fws.gov/platterriver/>

In Reply Refer To:

October 11, 2018

Consultation Code: 06E24100-2019-SLI-0019

Event Code: 06E24100-2019-E-00042

Project Name: Town of Crested Butte Water Treatment Plant Improvements

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Western Colorado Ecological Services Field Office

445 West Gunnison Avenue, Suite 240

Grand Junction, CO 81501-5711

(970) 243-2778

Project Summary

Consultation Code: 06E24100-2019-SLI-0019

Event Code: 06E24100-2019-E-00042

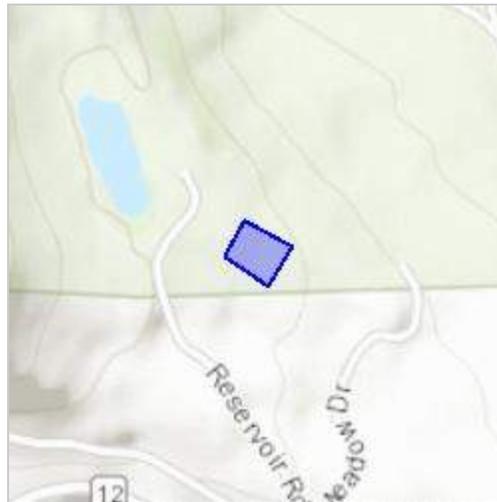
Project Name: Town of Crested Butte Water Treatment Plant Improvements

Project Type: WATER SUPPLY / DELIVERY

Project Description: Construction will be performed on the 1 acre property owned by the Town of Crested Butte and used for it's Water Treatment Plant. Construction will occur in spring of 2019. Most construction will occur within the the existing building, with a small amount of excavation on the treatment plant property to install water pipeline.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.8738115999391N106.99799698315476W>



Counties: Gunnison, CO

Endangered Species Act Species

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 4 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Canada Lynx <i>Lynx canadensis</i> Population: Wherever Found in Contiguous U.S. There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3652	Threatened

Birds

NAME	STATUS
Gunnison Sage-grouse <i>Centrocercus minimus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6040	Threatened

Fishes

NAME	STATUS
<p>Bonytail Chub <i>Gila elegans</i></p> <p>There is final critical habitat for this species. Your location is outside the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. This species does not need to be considered if the project is outside of its occupied habitat and does not deplete water from the basin. <p>Species profile: https://ecos.fws.gov/ecp/species/1377</p>	Endangered
<p>Colorado Pikeminnow (=squawfish) <i>Ptychocheilus lucius</i></p> <p>Population: Wherever found, except where listed as an experimental population</p> <p>There is final critical habitat for this species. Your location is outside the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. This species does not need to be considered if the project is outside of its occupied habitat and does not deplete water from the basin. <p>Species profile: https://ecos.fws.gov/ecp/species/3531</p>	Endangered
<p>Greenback Cutthroat Trout <i>Oncorhynchus clarkii stomias</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/2775</p>	Threatened
<p>Humpback Chub <i>Gila cypha</i></p> <p>There is final critical habitat for this species. Your location is outside the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. This species does not need to be considered if the project is outside of its occupied habitat and does not deplete water from the basin. <p>Species profile: https://ecos.fws.gov/ecp/species/3930</p>	Endangered
<p>Razorback Sucker <i>Xyrauchen texanus</i></p> <p>There is final critical habitat for this species. Your location is outside the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. This species does not need to be considered if the project is outside of its occupied habitat and does not deplete water from the basin. <p>Species profile: https://ecos.fws.gov/ecp/species/530</p>	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Black Rosy-finch <i>Leucosticte atrata</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9460	Breeds Jun 15 to Aug 31
Brown-capped Rosy-finch <i>Leucosticte australis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jun 15 to Sep 15

NAME	BREEDING SEASON
Golden Eagle <i>Aquila chrysaetos</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Long-billed Curlew <i>Numenius americanus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5511	Breeds Apr 1 to Jul 31
Rufous Hummingbird <i>selasphorus rufus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8002	Breeds elsewhere
Willet <i>Tringa semipalmata</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ “Proper Interpretation and Use of Your Migratory Bird Report” before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12

(0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

- The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

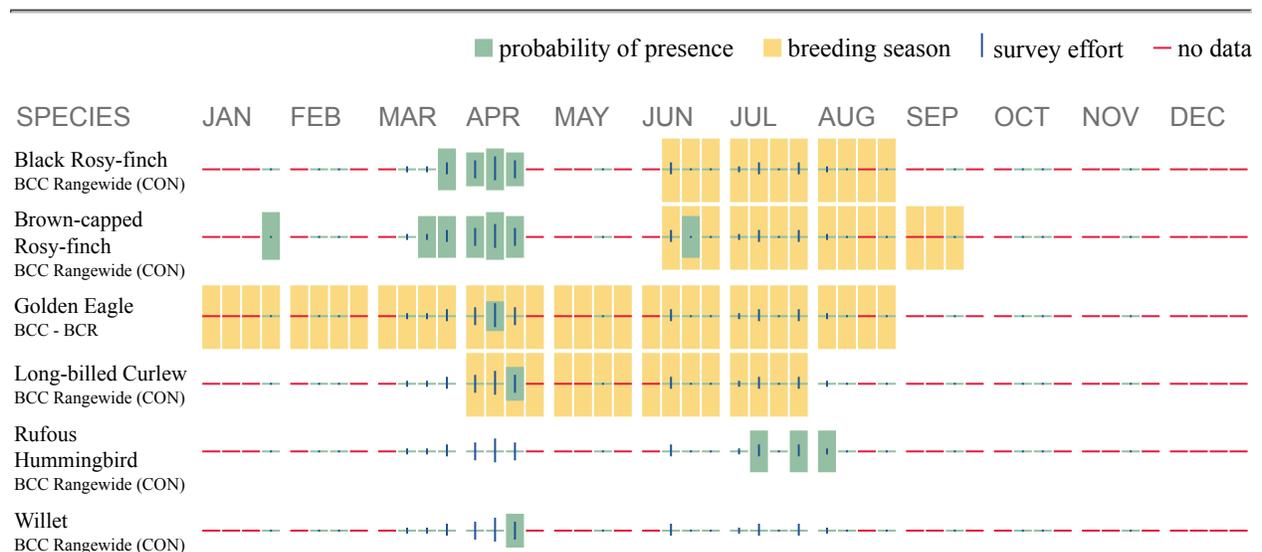
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>

- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

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Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [E-bird Explore Data Tool](#).

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Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and

how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

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3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

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Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

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What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location?”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

Wetlands

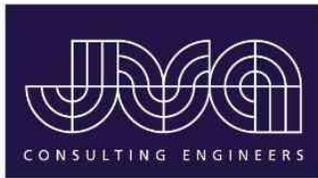
Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

APPENDIX C – AGENCY COVER LETTER AND RESPONSES



108 incorporated
1319 Spruce Street
Boulder, CO 80302
Ph: 303.444.1951
Fax: 303.444.1957

November 2, 2018

Allison Vendramel
Ecological Services
U.S. Fish & Wildlife Service, Western Colorado Field Office
445 West Gunnison Avenue, Suite 240
Grand Junction, CO 81501

Web site:
www.jvajva.com
E-mail:
info@jvajva.com

RE: Agency Letter – Environmental Assessment Agency Review Letter
Town of Crested Butte Water Treatment Plant Improvements Project
JVA Job Number: 2338.5c

Dear Allison Vendramel:

This letter represents a formal request for input from your agency regarding the Town of Crested Butte (Town) Water Treatment Plant (WTP or plant) Improvements Project. The Project is applying for a loan through the State Revolving Loan, Drinking Water Revolving Fund (DWRP) program. To comply with the State of Colorado's environmental review process, the Colorado Department of Public Health and Environment's (CDPHE) Water Quality Control Division (WQCD) is using an interdisciplinary approach to assess impacts. The environmental assessment review, pursuant to the National Environmental Policy Act (NEPA) will be reported and submitted to CDPHE's WQCD to assess the environmental impacts of the WTP Improvements Project.

Located in Gunnison County, west of the Town of Crested Butte, the Town owns and operates a municipal WTP and distribution system. The existing plant has a permitted capacity of 1.25 million gallons per day (MGD). The treatment process consists of chemical pretreatment for oxidation of iron and manganese, microfiltration membranes, ultraviolet (UV) disinfection (secondary disinfection process), and a calcium hypochlorite tablet disinfection system (primary disinfection) prior to discharge to clearwells. Chlorinated water is stored in the clearwells and onsite storage tanks to provide contact time prior to conveyance to the distribution system.

Due to the hydraulic configuration of the pretreatment process within the plant, the plant capacity is hydraulically limited to 0.97 MGD. The firm capacity, capacity of the facility with the largest treatment unit out of service, is 0.65 MGD. The peak day conditions during the summer months have exceeded the firm capacity of the facility and requires expansion. The plant also has several pieces of equipment that are approaching the end of their useful life and require replacement, maintenance, removal, or supplementation. Due to the plant layout, there are also safety concerns around performing regular maintenance tasks, therefore a building expansion of 800 square feet is included in the project to relocate some pieces of equipment to improve access.

The Town is proposing the following improvements to the WTP to reliability meet peak day summer demands.

- Modified pretreatment chemical system with improved hydraulics to maximize process flow and increase contact time during peak day conditions.

- Replace aging and leaking infrastructure (raw water and reverse filtration tanks, two per skid) on the existing membrane skids.
- Replace aging instrumentation and controls on existing membrane skids that is no longer supported by manufacturer to maintain reliable controls and automation.
- Addition of equipment to comply with the CDPHE design criteria, individual filtrate turbidimeters and cross connection control during membrane clean-in-place cycle (block and bleed valves).
- Addition of one new microfiltration membrane skid to provide treatment system redundancy to support the existing aging microfiltration membrane skids. This addition increases plant capacity to 1.66 MGD with a firm capacity of 1.33 MGD which is sufficient for the 20 year planning period.
- 800 square foot building addition on existing property to provide a safe and accessible working environment for plant staff after addition of the new membrane skid.

A project area map and a Site Plan showing the proposed area of potential effect are included in the attached figures.

This Project will not affect water quality in the area. The Town currently has water rights for 6 cubic feet per second (cfs) from Coal Creek and Wildcat Creek. At the current hydraulic capacity, the plant has been receiving a maximum of 1.5 cfs, while the plant is permitted for 1.93 cfs. The proposed project improvements will increase the capacity to 2.57 cfs.

A resource list has been generated by the U.S. Fish and Wildlife's Information for Planning and Consultation (IPaC) and the results have been evaluated. As all construction activity will occur on the existing WTP property, a previously disturbed area, habitats for endangered or threatened species in the area not anticipated to be impacted. The existing site is developed and fully operational and there is a lack of suitable habitat for the species listed. Construction activities may temporarily impact the habitat of local wildlife; however, this impact is anticipated to be minor and temporary and wildlife would return to the area following construction completion. The design of the WTP Improvements Project will be subject to CDPHE's design review and permitting process.

We look forward to receiving input from your agency regarding this Project. Please reply at your earliest convenience or within 30 days as required by CDPHE. If you have any questions, or require any further information, please feel free to contact me by phone or email at 720-975-1439 or lmiller@jvajva.com. Thank you in advance for your time and attention in this matter.

Sincerely,

JVA, INCORPORATED

By: 
Leanne Miller, P.E.
Sr. Project Engineer

As of November 27, 2018, no additional requirements were provided by the US Fish and Wildlife Service regarding the Colorado River Recovery Program

From: Leanne Miller
Sent: Tuesday, November 13, 2018 9:57 AM
To: Chelsea L. Fagan
Subject: Fwd: [EXTERNAL] Crested Butte WTP Improvements EA - FWS Coordination

Leanne Miller, P.E.

720-878-8465

Typos and brevity courtesy of my mobile device.

From: Vendramel, Allison <allison_vendramel@fws.gov>
Sent: Tuesday, November 13, 2018 9:53:05 AM
To: Leanne Miller
Cc: Stearns - CDPHE, Matthew; evan.butcher@state.co.us
Subject: Re: [EXTERNAL] Crested Butte WTP Improvements EA - FWS Coordination

Matt,

Thanks! Got married in August. Also, thank you for the clarification on this project.

Leanne and all,

Yes, Matt's response did clarify greatly the section 7 uncertainty. I do have a question out to our Colorado River Recovery Program regarding the water depletions, which I will get back to you on if needed. To answer the request for input of the letter sent 11/2/2018, I recommend including a discussion of effects on native/threatened/endangered fish species from the removal of water from habitat.

Please feel free to call or email for questions or clarifications.

Thank you,

Allison Vendramel (Jehly)

Fish and Wildlife Biologist

U.S. Fish and Wildlife Service

Grand Junction, CO Field Office

445 W. Gunnison Ave Ste. 240

Grand Junction, CO 81501

(970) 628-7194

On Mon, Nov 12, 2018 at 4:58 PM Leanne Miller <lmiller@jvajva.com> wrote:

Allison –

Hopefully this helps with your review. Do you think a call with Matt would be helpful, or do you have what you need to move forward?



LEANNE MILLER, P.E. | Senior Project Engineer

JVA, Incorporated
817 Colorado Avenue, Suite 301, Glenwood Springs, CO 81601
Direct: 720.975.1439 | Mobile: 720.878.8465 | Phone: 970.404.3100
www.jvajva.com

Boulder | Fort Collins | Winter Park | Glenwood Springs | Denver

From: Stearns - CDPHE, Matthew <matthew.stearns@state.co.us>
Sent: Friday, November 9, 2018 12:09 PM
To: Allison Jehly <allison_vendramel@fws.gov>
Cc: Leanne Miller <lmiller@jvajva.com>; Evan Butcher - CDPHE <evan.butcher@state.co.us>
Subject: Re: [EXTERNAL] Crested Butte WTP Improvements EA - FWS Coordination

Hi Allison,

Good to hear from you! I hope everything is going well - I notice the name change!
Congratulations.

As for this project, while we are preparing a Environmental Assessment, there isn't a federal nexus that I am aware of. The funding for the project will be a combination of state and local funds, with the SRF contributing only state funds. Also, I am not aware of any federal permit that will be required since it is occurring on the existing treatment plant site.

Overall, this is very similar to the Breckenridge project, however, Breckenridge utilized capitalization grant funding, which comes directly from EPA and is therefore subject to a full NEPA review by my office. This project, on the other hand is not utilizing that funding source and so it is being reviewed under a NEPA-like state environmental review process. We still use many of the review standards laid out in NEPA, such as interdisciplinary review of project impacts, but this would not include a Section 7 consultation. Through the interdisciplinary review requirement, we are seeking your input for items to be aware of or that would be appropriate to analyze.

If you would like to talk through this I can be available next week (Wednesday or Thursday), otherwise feel free to submit any comments to Leann and I will make sure to have them addressed in the review.

I hope this clears everything up,

Matt

Matthew Stearns, P.E., LEED AP

Compliance Specialist

Grants & Loans Unit



COLORADO

Water Quality Control Division

Department of Public Health & Environment

P 303.691.4064 | F 303.782.0390

4300 Cherry Creek Drive South, Denver, CO 80246

matthew.stearns@state.co.us | www.colorado.gov/cdphe/wqcd

On Fri, Nov 9, 2018 at 11:43 AM Vendramel, Allison <allison_vendramel@fws.gov> wrote:

Thanks for looping me in, Leanne.

Hi Matt, this Crested Butte WTP project seems similar to the Breckenridge water treatment plant consultation we worked on last year.

The main differences I am noticing and uncertain about with Crested Butte is whether the funding is coming from a Federal source? For the Breckenridge WTP it seemed clear the funding was coming from EPA.

Attached is the programmatic "parent" Biological Opinion (BO) for the Gunnison River Basin. Also attached are the template consultation letters we use to complete ESA section 7 consultation for water depletions in the Gunnison watershed. Because the effects are well documented, this can be a short-form type consultation.

Looking forward to discussing this further,

Allison Vendramel (Jehly)

Fish and Wildlife Biologist

U.S. Fish and Wildlife Service

Grand Junction, CO Field Office

445 W. Gunnison Ave Ste. 240

Grand Junction, CO 81501

(970) 628-7194

On Fri, Nov 9, 2018 at 10:46 AM Leanne Miller <lmiller@jvaja.com> wrote:

Matt –

Thank you! This is for the Crested Butte WTP Improvements Project. I also left you a message to discuss setting up a call next week. I do not understand all the intricacies of the federal agencies and federal funding mechanisms at play here, so I think you're input will be helpful.

WE spoke today and discussed depletions from Coal Creek and the depletion requirements associated with the Gunnison River. There are no new depletions associated with this project however historical depletions may need to be documented as part of this process. Perhaps this is something similar to SPRAP? I have attached our agency letter that was sent to FWS and CCed Allison Vendramel who has been helpful chatting through the process with me thus far. I have also copied her response to the agency letter below in italics so we are all on the same page. If you think a phone

call would be most helpful please let me know which times from those mentioned on my voicemail would be best for your schedule.

Hello Leanne,

I received your letter requesting input from FWS about the Town of Crested Butte's WTP improvements project and the plan to assess the project through NEPA. Is there a federal nexus for this project? For example, is federal funding being used through any of the state agencies? I am curious because generally only federal agencies prepare EAs or EISs, as well as consult with us under section 7 of the Endangered Species Act (ESA).

For section 7 consultation (as well as NEPA) you could look at the effects of increased water depletions on the listed fish species of the Colorado River basin (Colorado pikeminnow, razorback sucker, humpback chub, and bonytail). Water depletions cause adverse effects to the fish, through loss and deterioration of habitat. Because there are many projects that cause water depletions in the Upper Colorado River basin, including the Gunnison River basin, we have a programmatic method of addressing these water depletions. Essentially, the recovery actions of the Colorado River Recovery Program (CRRP) to increase fish populations and protect habitat are used to avoid a jeopardy determination (when an action greatly decreases the likelihood of survival/recovery of a species in the wild) from all water depletions.

Here is a link to the CRRP website and the section 7 consultation for water depletions on the Gunnison River.

<http://www.coloradoriverrecovery.org/documents-publications/section-7-consultation/section-7-consultation.html>

If there is no federal nexus, section 7 consultation does not need to happen. However, further discussion may be needed to determine if an incidental take permit would be warranted for this project.

Thank you for bearing with the extensive email. I would like to discuss the project with you further. Do you have availability this week or next?



LEANNE MILLER, P.E. | Senior Project Engineer

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www.jvajva.com

Boulder | Fort Collins | Winter Park | Glenwood Springs | Denver

From: Stearns - CDPHE, Matthew <matthew.stearns@state.co.us>

Sent: Friday, November 9, 2018 10:33 AM

To: Leanne Miller <lmiller@jvajva.com>

Subject: Re: EA Requirements

Please send me a copy of the letter you sent to them and who I should contact to discuss. Which project is this for?

Matthew Stearns, P.E., LEED AP

Compliance Specialist

Grants & Loans Unit



COLORADO

Water Quality Control Division

Department of Public Health & Environment

P 303.691.4064 | F 303.782.0390

4300 Cherry Creek Drive South, Denver, CO 80246

matthew.stearns@state.co.us | www.colorado.gov/cdphe/wqcd



From: Leah C. Opitz
Sent: Friday, November 16, 2018 7:36 AM
To: Leanne Miller; Chelsea L. Fagan
Subject: Fwd: Crested Butte, CO Water Treatment Plant Improvement Project Notification

Leah Opitz

Begin forwarded message:

From: "IMRextrev, NPS" <imrextrev@nps.gov>
Date: November 16, 2018 at 5:55:41 AM PST
To: <lopitz@jvajva.com>
Subject: Crested Butte, CO Water Treatment Plant Improvement Project Notification

Dear Ms. Opitz,

The National Park Service (NPS) would like to thank you for the opportunity to be involved in your project. The NPS has reviewed this project and has no comment at this time.

Regards,

National Park Service

Intermountain Region External Review Team

Serving MT, UT, WY, CO, AZ, NM, OK, TX

imrextrev@nps.gov



Staff Report January 7, 2019

To: Mayor Schmidt and Town Council

Thru: Michael Yerman, Community Development Director

From: Bob Nevins, Town Planner

Subject: **Public Hearing-Proposed Text Amendment to Chapter 16, Articles 1, 5 and 8 Section 16-8-130 Formula Businesses-Additional Requirements in the “T” Tourist and “C” Commercial Districts**

Date: January 7, 2019

1.0 Purpose.

Pursuant to Section of the Municipal Code 16-23-60 Public hearing, Town Council shall hold a public hearing on the proposed text amendments upon receiving the BOZAR recommendation regarding the definition and regulation of Formula Retail, Formula Restaurant and Formula Motel and Hotel business uses in the “T” Tourist and “C” Commercial Districts.

2.0 Previous Town Council Meeting. At a regular, publicly noticed meeting, Town Council reviewed the proposed text amendment concerning Formula Businesses and considered Ordinance No. 30, Series of 2019. Ashley Upchurch, Executive Director of the CB/Mt. CB Chamber of Commerce, commented that the proposed regulations and advance notice of this meeting had been provided to the membership. There were no other public comments. Council then voted 7-0 to approve First Reading of the Ordinance and set the public hearing date for January 7, 2019.

3.0 Background.

On October 1, 2018, Town Council passed Ordinance No. 25, Series of 2018 that declared a six (6) month moratorium on the issuance of new business occupation licenses for “formula restaurant and retail” businesses in all Business and Commercial Districts in Town. Being a National Historic District, Crested Butte has adopted Town Design Guidelines to protect the integrity of the District and to sustain the character of the community which is so appealing to residents and guests alike. By having nurtured an authentic, non-homogenized, turn-of-the century mining town atmosphere with charming, desirable and economically viable commercial areas comprised primarily of small, independently-owned and unique establishments, Town Council wanted to study “formula businesses” and the impacts they might have upon the Town’s well-established historic character, quality of life, economic health and vitality along with the needs and interests of the community.

4.0 Public Process and Outreach.

As part of the study, Council was desirous of engaging the community in a public process to assist in determining whether the Town Code should be amended to include additional regulations that would

effectively address “formula businesses” and any related community impacts. A Public Discussion was held on November 15, 2018 at Town Hall. Public notices were published in the Crested Butte News on November 8 and 15; the notice was posted on the Town Facebook page and there was a Chamber E-blast notifying members of the meeting. Fourteen (14) members of the public attended the discussion along with Mayor Schmidt and Council members Cowherd and Mitchell. The consensus among those present was that Crested Butte is a “special place” with unique, small businesses and that there should be a ban on all “formula” or “chain” businesses in Town or at a minimum, “formula businesses” should be prohibited in the historic downtown business district along Elk Avenue.

Formula Business Discussion Outline is included as **Attachment 1**; and Public comments received via e-mail are **Attachment 2**.

5.0 Formula Business Restrictions.

“Formula businesses” shall be defined to include retail, restaurant and lodging businesses that are required by contractual or other arrangement to maintain and offer a standardized (“formula”) array of merchandise, menu items and/or services that includes two or more of the following systemized features: façade treatments, décor, color schemes, uniform apparel, signs, servicemarks/trademarks or other standardized features; and that causes it to be substantially identical to a number of other businesses worldwide regardless of ownership.

6.0 Text Amendment Application.

In accordance with Code Section 16-23-30 Application (a) Any application for an amendment of this Chapter shall contain the following information; the Code requirements are shown below in *italics*, followed by Town staff’s response:

- (1) *“A legal description of any land to be rezoned, together with a diagram drawn to scale showing the boundaries of the area requested to be rezoned.”*

Response: This application is requesting text amendments to Code Section 16-5-30 “T” Tourist that would allow “formula restaurant” and “formula motel/hotel” businesses as a Conditional use; and Section 16-5-530 “C” Commercial zone district that would allow “formula retail” as a Conditional use. A Town Zoning Map identifying the boundaries of the “T” Tourist and “C” Commercial Districts is **Attachment 3**. There is no request for these areas to be rezoned.

- (2) *“A statement of the present zoning and the requested new zoning.”*

Response: The proposed text amendment includes regulations that apply to “formula restaurant” and “formula motel/hotel businesses” in the current “T” Tourist District and “formula retail” in the “C” Commercial District. This application is not requesting any new zoning or amending any other zone district requirements.

- (3) *“A statement of justification for such action, including facts concerning any change of conditions, an error in the original zoning or the unusual or peculiar suitability of a lot to a certain use.”*

Response: Currently, the Code does not define or address “formula businesses.”

(4) *“A description of the land and uses thereof within two hundred (200) feet of the boundary lines of the proposed area of change in all directions; and*

Response: The text amendment is proposing to allow “formula businesses” that includes “formula restaurants” and “formula motels/hotels” as Conditional uses in the “T” Tourist District. The “T” District is located in two general areas of town. The “T” Tourist area to the north is located east of Sixth Street between Teocalli Avenue on the north, Seventh Avenue to the east, and Maroon Avenue on the south; the district includes a parcel in south portion of Block 56 and the east 280 feet of Blocks 55 and 56. This neighborhood includes The Hostel, Cristiana Guesthaus, Oh-Be-Joyful church, multi-family residential buildings and several vacant lots on the south side of Gothic Avenue. Adjoining zone districts include: “B2” Business/Highway Related and an “R4” Residential/PUD parcel on Gothic Avenue are to the west; “R4” Residential/PUD and “R1” Residential zones are to the north; “R4” Residential/PUD and “R2” Residential/Multi-Family districts are to the east; and “R1C” Residential Core and “P” Park are to the south. The surrounding area has a variety of land uses and building types: a gas station and convenience store with second-story condos, a restaurant, offices and there a number of undeveloped lots on both sides of Sixth Street with Gothic Park to the west.

The “T” Tourist district to the south is west of Sixth Street between Red Lady Avenue on the south, Fifth Street to the west and the alley north of Whiterock Avenue; it includes the southwest portion of Block 36, western portion of Block 37 and westerly part of Block 48. While zoned “Tourist,” the area includes a wide variety of locally-serving uses: grocery store, movie theater, liquor store, post office annex, offices, Anthracite Place-affordable rental apartments and multi-family buildings. Other adjoining zone districts include: “B2/PUD” Business/Highway Related to the east that includes a bank, gas station, hardware store, Old Town Inn and vacant lots; “M” Mobile Home District, single-family residential, lies south of Red Lady Avenue; “C/PUD” Commercial and “R2C” Core Residential are west of Fifth Street and include limited commercial and light industrial uses; and “R1C” Core Residential, north of the alley in Block 36, contains single-family residential and accessory buildings.

The proposed text amendment includes regulating “formula retail” businesses in the “C” Commercial District as Conditional uses. The “C” District is located in the southwest sector of Town. The Commercial zone is bounded by Fifth Street on the east, Red Lady Avenue to the south, Third Street on the west and by the alley north of Belleview Avenue. The area is largely light industrial, service commercial and retail sales; businesses include: Irwin Brewing, Romp Skis, pool and spa services, paint store, automotive repair, offices, second-story residential units, marijuana retail outlets and an assortment of other businesses. Land uses adjacent to the “C” Commercial zone are: residential mobile homes and open space to the south, Big Mine Park and covered ice rink to the west, single-family homes, duplexes and accessory buildings are to the north and Clark’s Market and Majestic Plaza lies to the east.

(5) *“A statement as to the effect that the new zoning or changes would have on adjacent areas or uses.”*

Response: The proposed “formula business” requirements are limited to “formula restaurant and motel/hotel” business uses in the “T” District and “formula retail” in the “C” Commercial District. The zoning amendments, if approved, would effectively prohibit all “formula retail, restaurant and motel/hotel businesses” on Elk Avenue and Sixth Streets; certain businesses such as gas stations, banks, hardware stores and real estate offices would be exempt and any existing licensed “formula businesses” would continue operating as legal non-conforming uses. These

amendments would allow “formula businesses” within two (2) zone districts as Conditional uses if certain criteria are met. By establishing Conditional use requirements, it ensures that “formula businesses” are compatible with the surrounding neighborhood, complimentary to the unique character of the historic, small town ambience and that permitted business uses are maintained in those districts and a thriving and diverse local economy is ensured.

(b) “Any application to create or amend the zoning of a parcel of land containing more than fifty thousand (50,000) square feet of land shall be subject to the requirements set forth in Chapter 17 of this Code and reviewed for approval as a subdivision under said regulations.

Response: Not applicable. This application includes a text amendment that applies town-wide and specifically to the “T” Tourist and “C” Commercial Districts; the amendment is not specific to a particular parcel of land greater than 50,000 square feet.

7.0 Proposed Text Amendment.

Proposed Text Amendment to Chapter 16 Zoning of the Municipal Code includes the following as set forth in Ordinance No. 30, Series of 2018, see **Attachment 4**. The Town Zoning Map identifying the “T” Tourist and “C” Commercial Districts is **Attachment 3**.

8.0 BOZAR Recommendation.

Pursuant to Section 16-23-40, the Board of Zoning and Architectural Review (BOZAR) at a regular, publicly noticed meeting on November 27, 2018, voted 7 in favor and 0 opposed in forwarding to Town Council for consideration its recommendation of approval for the text amendment as presented by Town staff. There were no members of the public present during this agenda item.

9.0 Staff Summary.

The proposed “Formula business” text amendment seeks to amend Chapter 16: 1) Article 1, Section 16-1-20. Definitions; 2) Article 5, Section 16-5-30 Conditional uses (T-Tourist District); 3) Article 5, Section 16-5-530 Conditional uses (C-Commercial District); and 4) Article 8, Section 16-8-130 Formula Businesses-Additional Requirements. The proposed regulations are rationally related to a legitimate public purpose with the objective of maintaining vibrant, diverse and distinctive commercial areas within the Crested Butte National Historic District that supports tourism and contributes towards a better quality of life for residents by subjecting greater scrutiny to those businesses that are contractually bound to use certain standardized or “formula” processes in stocking, displaying and/or marketing their goods and services.

As described in Section 6.0 above, the proposed text amendment complies with the requirements of Municipal Code Section 16-23-30 Application and those standards have been incorporated into Ordinance No. 30, Series of 2018.

10. Recommended Action.

A Council member make a motion to approve second reading of Ordinance No. 30, Series of 2018, followed by a second.

Attachments:

1. Formula Businesses-Discussion Outline
2. Public comments
3. Town Zoning Map
4. Ordinance No. 30, Series of 2018

ORDINANCE NO. 30,**SERIES 2018****AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 16, ARTICLES 1, 5 AND 8 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE DEFINITIONS AND REQUIREMENTS FOR FORMULA BUSINESSES IN THE “T” TOURIST AND “C” COMMERCIAL ZONE DISTRICTS.**

WHEREAS, the Town of Crested Butte, Colorado (“Town”) is a home rule municipality duly and regularly organized and existing as a body corporate and public under the Colorado Constitution and laws of the State of Colorado; and

WHEREAS, the Town has authority to enact and enforce land use regulations pursuant to Article XX of the Colorado Constitution, as implemented through the Town of Crested Butte Charter and Code; and Title 31, Article 23, and Title 20, Article 29, C.R.S.; and

WHEREAS, the Town is an uncommon, tightly-knit community with qualities that need to be respected and nurtured so that it can continue to thrive and prosper without the threat of unregulated commercial uniformity and predictability; and

WHEREAS, in 1972, the Crested Butte Town Council (“Town Council”) enacted an ordinance designating the entire town as a historic district; and

WHEREAS, the Town adopted Design Guidelines to preserve the integrity of individual historic structures found throughout the Town; to protect the sense of time and place conveyed by the collection of historic buildings in the historic district; to enhance livability; to protect property values and investments; to retain a small town image and atmosphere; to minimize negative impacts on adjacent properties from drainage and snow shedding; to encourage pedestrian activity; to convey a sense of human scale; to protect significant views; and to protect the existing sense of community; and

WHEREAS, the National Register of Historic Places has listed a portion of the Town as the “Town of Crested Butte” historic district comprising approximately 189 residential buildings, 217 outbuildings, 44 commercial buildings, and 15 public/social buildings, that together reflect the economic, social, and political dynamics of the Town from the late nineteenth through the mid-twentieth centuries; and

WHEREAS, in 2005, the Colorado Historical Society (now History Colorado) awarded the Town the Stephen H. Hart Award in recognition of Town’s firm commitment to historic preservation; and in 2008, the National Trust for Historic Preservation selected the Town as one of its Dozen Distinctive Destinations, specifically noting that “Crested Butte is an authentic community rich in character that has re-invented itself through the preservation-based revitalization and well-managed growth. The Town is a model for other communities across the nation; and

WHEREAS, Town Council approved Ordinance No. 25, Series of 2018, declaring a moratorium on the issuance of new business occupation licenses under Chapter 6, Article 2 of the Crested Butte Municipal Code for formula restaurant and retail businesses in all Business and Commercial Districts to provide the Town with time and opportunity to study the impacts of new formula businesses upon the Town’s established historic character, quality of life, economic health and vitality, and the interests and needs of the community; and to engage in a public process to determine whether any additional regulations should be included in the Town Code; and

WHEREAS, the Town’s distinctive character and aesthetics, historical relevance and economic vitality are threatened by the “homogenizing effect” of formula businesses that are reliant upon brand recognition, consistent visual appearances and standardized features; and

WHEREAS, the Town wishes to allow, as conditional uses, formula restaurants and formula motels/hotels in the “T” Tourist zone and formula retail businesses in the “C” Commercial district to provide a broader range of local, regional and national goods and services to residents and visitors while maintaining unique retail, dining and lodging experiences by preserving the integrity and ambience of the historic downtown business district along Elk Avenue and Sixth Street in the B1-B4 Business zones; and

WHEREAS, on November 15, 2018, the Town held a Community Discussion concerning formula businesses and whether such uses should be regulated in Town that was publicly noticed and additional public outreach, education and citizen engagement that included E-blasts by the Chamber of Crested Butte/Mt. Crested Butte; Town posting on its Facebook page; a front page article in the Crested Butte News on November 23, 2018, reporting on the formula business Community Discussion; and

WHEREAS, the Crested Butte Board of Zoning and Architectural Review (BOZAR) at a regular, publicly-noticed meeting on November 27, 2018 discussed and voted 7-0 in favor of forwarding to Town Council its recommendation of approval concerning the proposed text amendment to the Crested Butte Municipal Code (the “Code”) that defines and regulates formula businesses within the “T” Tourist and “C” Commercial Zone Districts; and

WHEREAS, Town Council held a properly noticed public hearing to review the BOZAR’s recommendation, take public comment, discuss and make findings that the Municipal Code be amended to define and regulate formula businesses within the “T” Tourist and “C” Commercial Zone Districts to preserve the Town’s historic and authentic, small mountain town character; to maintain the Town’s unique neighborhood shopping, dining and lodging experiences and ambience; to enhances the vitality and sustainability of the local economy; and to serve the health, safety and welfare of the Town, its residents, property/business owners, workers and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Amendments to Chapter 16, Article 1, Section 16-1-20 Definitions.

Sec. 16-1-20 of the Code is hereby amended to add the following definitions:

Business, Formula means formula retail business, formula restaurant and formula motel and hotel.

Business, Formula Motel and Hotel means a motel and hotel that is required by contractual or other arrangement to maintain and offer a standardized (“formula”) array of services that includes two or more of the following systemized features: room plans, lobbies, on-site amenities, façade treatments, décor, color schemes, uniform apparel, signs, servicemarks/trademarks or other standardized features; and that causes it to be substantially identical to seven (7)* or more other businesses worldwide regardless of ownership.

Business, Formula Restaurant means a restaurant that is required by contractual or other arrangement to prepare and offer a standardized (“formula”) array of food and beverages for sale to the public for consumption on or off premises that includes two or more of the following systemized features: substantially common food and/or drink menus, ingredients, food preparation, façade treatments, décor, color schemes, uniform apparel, signs, servicemarks/trademarks or other standardized features; and that causes it to be substantially identical to seven (7)* or more other businesses worldwide, regardless of ownership. Regulated formula restaurants shall not be co-located within an exempt formula business.

Business, Formula Retail means a business that is required by contractual or other arrangement to maintain a standardized (“formula”) array of merchandise and/or an array of services that includes two or more of the following systemized features: façade treatments, décor, color schemes, uniform apparel, signs, servicemarks/trademarks or other standardized features; and that causes it to be substantially identical to seven (7)* or more other businesses worldwide, regardless of ownership.

Section 2. Amendments to Chapter 16, Article 5.

a. Sec. 16-5-30 is hereby amended to add the following conditional uses:

(24) Formula motel and hotel businesses.

(25) Formula restaurant businesses.

b. Sec. 16-5-530 is hereby amended to add the following conditional uses to the “C” District

(20) Formula retail businesses.

Section 3. Amendments to Chapter 16, Article 8 adding Sec. 16-8-130 Formula businesses-Additional requirements. Chapter 16, Article 8 is hereby amended to add a new Sec. 16-8-130 to read as follows:

- (a) Intent. The purpose of these formula business requirements is to maintain and protect Crested Butte's authentic historic character and small town ambience; ensure the vitality and diversity of the Town's commercial districts; and enhance the quality of life of residents and visitors.
- (b) Applicability. These regulations shall apply to Formula Businesses.
- (c) Related definitions. For purposes of this section, the following definitions apply:
- (1) *Color scheme* means the selection of colors used throughout the business, such as on the walls, furnishings, permanent fixtures or on the building façade.
 - (2) *Décor* means the interior design and furnishings that may include style of furnishings, shelving, display shelving/racks, wall coverings or other permanent fixtures.
 - (3) *Façade* means the principal exterior face or front of a building including awnings, overhangs, porte-cocheres that is oriented towards a street, alley or open space.
 - (4) *Servicemark* means a word, phrase, symbol or design or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.
 - (5) *Signage* means a sign as defined under Sec. 16-1-20.
 - (6) *Standardized array of merchandize* means fifty percent (50%) or more of the in-stock merchandise is from a single manufacturer or distributor bearing uniform markings.
 - (7) *Standardized array of services* means a substantially similar set of services or food and beverage menus that are priced, prepared and performed in a consistent manner.
 - (8) *Trademark* means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs legally registered or established by use that distinguishes the source of the product from one party from those of others.
 - (9) *Uniform apparel* means standardized items of clothing including but not limited to standardized aprons, pants, shirts, vests, smocks or dresses, hat and pins (other than name tags) with standardized colors and fabrics.
- (d) Exemptions. The following formula businesses are exempt from these formula business requirements:
- (1) Lumberyards, hardware, automotive, gas stations, grocers, banks/ATMs, financial services, health care, insurance, real estate, medical marijuana centers and retail marijuana stores.

- (2) Formula businesses for which a business license was issued prior to the effective date of these regulations.
 - (3) Construction work on a pre-existing, approved or exempt formula business that is required to comply with fire and/or life safety standards.
 - (4) Disability access improvements to a pre-existing, approved or exempt formula business.
- (e) Formula Business Location Requirements.
- (1) Formula motels and hotels, and formula restaurants may be permitted as Conditional uses in the T-Tourist District.
 - (2) Formula retail businesses may be permitted as Conditional uses in the C-Commercial District.
 - (3) Formula businesses that are legally in existence as of February 6, 2019 [the effective date of these Regulations] may remain in their current location as a non-conforming use. The same or substantially similar type of use may be transferrable upon sale or transfer of the commercial space or ownership of the business and/or building.
 - (4) Formula businesses that are legally in existence as of February 6, 2019 [the effective date of these Regulations] may be renovated and/or expanded up to fifteen percent (15%) of the existing gross floor area or a maximum of 1,500 square feet, whichever is less.
 - (5) Formula business shall comply with all applicable standards of the underlying zone district and the applicable regulations of the Municipal Code including but not limited to Sec. 16-8-30 Criteria for decision and the Crested Butte Town Design Guidelines.
- (f) Formula business additional criteria. No Conditional use permit for a formula business shall be approved unless the following criteria are met:
- (1) The formula business complements existing businesses and promotes quality, diversity and variety to assure a balanced mix of commercial uses and range of local, regional and national goods and services for residents and visitors.
 - (2) The formula business has submitted plans, drawings, renderings, visual simulations or other examples that illustrate how it will be consistent with the historic and authentic character of Crested Butte including but not limited to exterior design treatments to appropriately minimize the appearance of “formula” architecture, signage and other treatments to enhance Crested Butte’s authentic historic visual appearance and unique, small town shopping, dining and lodging experiences.

(3) The location and amenities of the formula business are compatible with the Town's pedestrian, bicycle and transit-oriented environment.

(4) The formula business does not include any drive-through facilities.

Section 4. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 5. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code shall remain valid and in full force and effect. Any provision of the Code that is in conflict with this ordinance is hereby repealed as of the effective date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 17th DAY OF DECEMBER, 2018.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS ____ DAY OF _____, 2019.

TOWN OF CRESTED BUTTE

James A. Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]

FORMULA BUSINESSES-A COMMUNITY DISCUSSION
November 15, 2018

1. What is a “formula business?”

It is a business that is required by contractual or other arrangement to maintain a standardized (“formula”) array of merchandise, menu and beverage items and/or an array of services that includes two or more of the following systematized features: façade treatments, décor, color schemes, uniform apparel, signs, servicemarks/ trademarks or other standardized features; and that causes it to be substantially identical to seven (7)* or more other businesses worldwide, regardless of ownership. * *The number varies, but seven (7) seems appropriate given the region size.*

2. Why would “formula businesses” be regulated in Crested Butte?

Primary reasons are: 1) To preserve the unique, authentic character of the community and the appeal and ambience of its historic commercial district; 2) To maintain the community’s economic vitality by serving the needs of residents and visitors alike and by ensuring a diversity of distinctive businesses with sufficient opportunities for independent entrepreneurs; and 3) To enhance the quality of life for residents and visitors.

3. Are there different types of “formula businesses?”

Yes, “formula businesses” may include: retail sales (*Eddie Bauer, Staples*) and service (*Great Clips*), food and beverage operations (*Subway, Outback Steakhouse*) and visitor accommodations (*Motel 6, St. Regis*). Some communities allow certain types of “formula businesses” to be exempt; these exceptions may include: grocery stores, gas stations, lumberyards, hardware stores, banks, insurance and financial services, real estate and health care. Communities may exempt certain types because they are “town-serving” or have customized establishments that conform to community design standards.

4. Is there a difference between a “chain” and a “formula business?”

To the general public, no. However, technically a “chain” refers to ownership or franchise, whereas “formula business” refers to the characteristics of the business. There is considerable overlap because a key characteristic of a formula business is that it is controlled as a part of a business relationship, and is generally part of a chain. For example, a restaurant that sells hamburgers could be owned by *McDonald’s*, but it could not operate as a formula franchise business with the golden arches and standardized menu, uniforms, and procedures; the restaurant would need to be distinct from all of its other outlets.

5. How are “formula businesses” regulated in other communities?

It depends on the community and its goals; a majority of municipalities have zoning regulations that do not differentiate between “formula businesses” and other retail, restaurant and lodging businesses. However, a growing number of municipalities have adopted Ordinances that specifically regulate “formula businesses.” The regulations have ranged from: 1) banning all formula businesses (*Nantucket, MA*) or prohibiting only certain types of businesses such as formula hotel/motels (*Sebastopol, CA*) or formula restaurants (*Carmel-by-the Sea, CA*); 2) limiting formula businesses to certain zone districts (*Port Townsend, WA*); 3) capping the number of formula businesses that may be allowed (*10% of businesses in McCall, ID*); and 4) designating certain zone districts where formula businesses may be allowed as a “conditional or special use” subject to a case-by-case review (*Fredricksburg, TX*).

6. If regulated, would “formula businesses” be allowed in Crested Butte?

Yes, existing licensed businesses that meet the definition of “formula businesses” would be permitted to continue operation in their current location and may be allowed to expand and/or transfer ownership or lease of the business, space or building to another similar “formula business.” Other existing licensed “formula businesses” such as gas stations, banks and real estate offices would be exempt and continue to operate under existing zoning regulations. Potential Amendments to Chapter 16 Zoning of the Municipal Code that may be considered include:

- “Formula retail, restaurant and hotel/motel businesses” would be permitted as “Conditional uses” in the “T”-Tourist district;
- “Formula retail” would be permitted as a “Conditional use” in the “C”-Commercial district; and
- “Formula businesses” would not be allowed in all other Business and Commercial districts along Elk Avenue and Sixth Street.

This would allow “formula businesses” in town outside of the historic commercial district. Bans on a type of business use are more difficult to defend in court. Colorado courts have not considered the issue, but generally, Colorado disfavors bans on land uses.

7. What are your thoughts and comments concerning “Formula Retail, Restaurant and/or Lodging Businesses” and whether or not all or some of these business types should be regulated in Crested Butte, if so, how do you think that they should be regulated?

8. What are the Next Steps?

Following this Community Discussion, staff will prepare Draft Requirements related to “Formula Businesses.” The staff report and proposed zoning amendments will be submitted to BOZAR for their review and recommendation on November 27, 2018. Once BOZAR makes a recommendation, it will be forwarded to Town Council in the form of an Ordinance for consideration at a regular public meeting. Ordinances require two (2) readings with the second reading being a noticed public hearing scheduled to a date certain; this matter has not yet been scheduled for a specific Town Council agenda.

Public Comments received via E-mail:**1. 11-12-18**

We are a family of five who will soon be living year round in Crested Butte. The community and beauty of the area is what drew us here.

We come from a suburb of Kansas City, and lived for many years in Lawrence, Kansas. Lawrence is also a unique community with a distinguished historic downtown. In the late 90's formula or chain stores were permitted on Massachusetts St. Across from the oldest brewery in Kansas and historic Liberty Hall theatre, perpendicular to the Civil War era Eldrige Hotel is a Starbucks, Cold Stone Creamery, and a Gap. There used to be a local bank and parking lot in the same location.

It's an odd block. A deterioration of the culture of Mass St both in architecture and economically. There is turnover in those store fronts and another chain goes in.

Crested Butte is in a pivotal moment in time. Much like the 90's when the Land Trust was formed to protect surrounding land from over development, the downtown must be preserved as unique and locally owned. Please preserve the character of Elk Ave. and reject formula based stores and restaurants.

Now that Vail will likely energize the mountain village that is the appropriate location for chain stores appealing to tourists, not downtown.

Please add our concern to the public record.

Thank you,
Dawn Stewart

2. 11-12-18

Hi Bob,

I am interested in this topic but not sure if I will make the meeting. Is there drafted regulations that are being considered? Is there information that you could email to me? (without taking up too much of your time)

Thanks,
Linda Roberts

3. 11-15-18

Dear Bob,

I saw the Public Notice to discuss Chain Stores in CB at the Town Chambers this evening. I live in Mt.CB. It is likely that I cannot come, but want to say that one of the best things about CB is that there are no chain stores, or at least the signage fits the historic district.

If you have information to email, I would welcome that.

Thanks,
Becky Morgan

4. 11-15-18

Mr. Nevins:

While I cannot attend the meeting tonight, I am encouraging the permanent restriction of all formula based business in our small, beautiful community.

There is research available regarding the cancer like growth of "chain stores" from Starbucks to Walmart, and the death of individually owned, local mom and pop shops, and the community impact of such. The research is readily accessible, and I encourage the town to utilize it if necessary.

Please make such restriction PERMANENT!

Respectfully,
Mimi Chatwood

5. 11-14-18

Information was e-mailed to a current licensed business owner on Elk Avenue who has concerns about regulating certain types of businesses within the community.

6. 11-23-18

Hi Bob,

Thanks a lot for sending this, and for putting so much work into proactively resolving this issue.

I realize that an outright ban on formula businesses could be challenged, so I'll just reiterate that I'd like to see the most restrictive regulations that are legally defensible. If this proposed text amendment meets that criteria, then I'll support it. If there's a more restrictive way possible, I'm all for that.

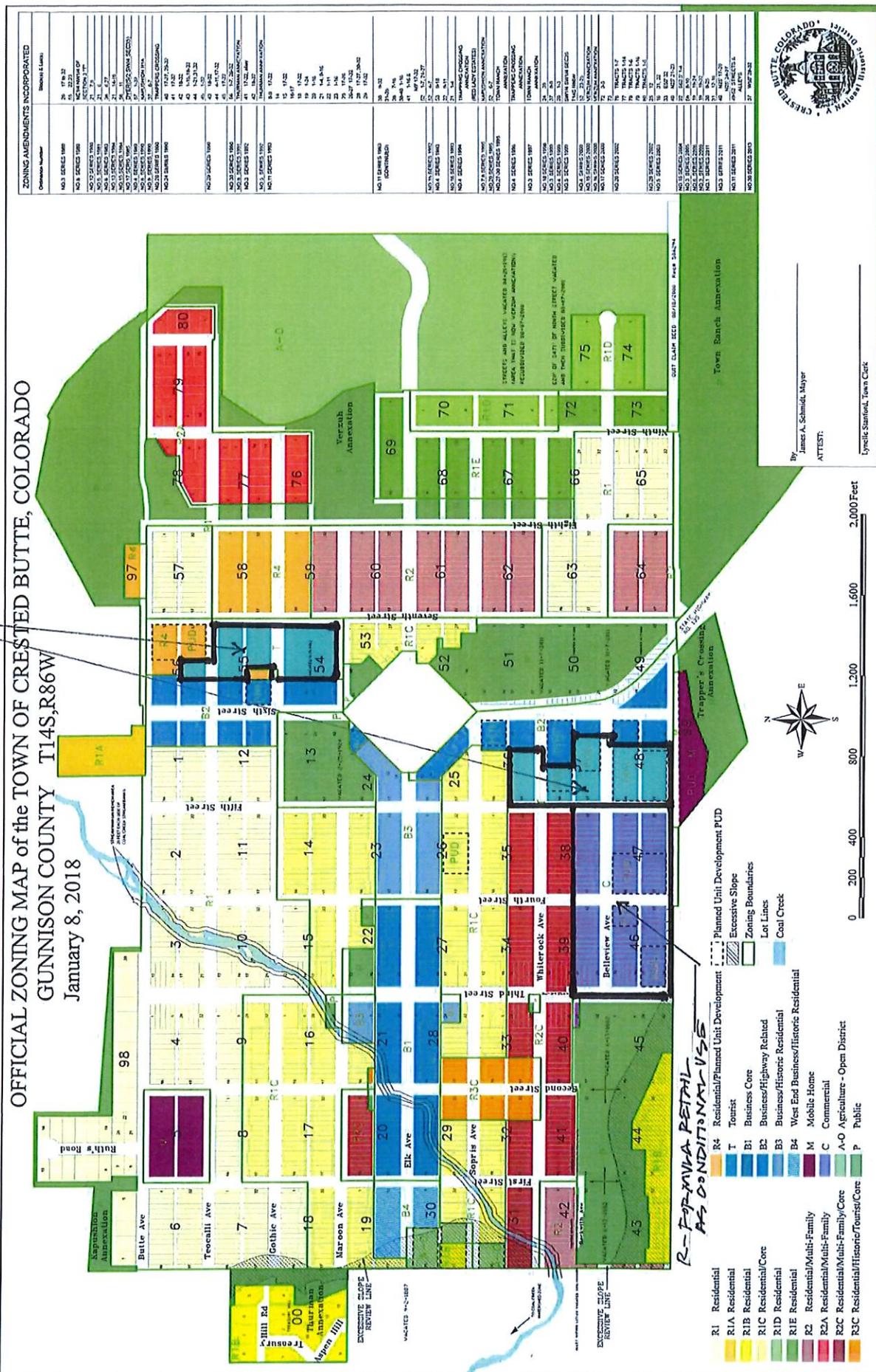
It's a slim-to-none chance that I'll make a 9 PM BOZAR meeting, but I'll be there when the Council reviews the recommendation.

Good luck!

Sue Navy

RST - FORMULA RESTAURANT
M-H - FORMULA MOTEL - HOTEL
AS CONDITIONAL USES

OFFICIAL ZONING MAP of the TOWN OF CRESTED BUTTE, COLORADO
GUNNISON COUNTY T14S,R86W
January 8, 2018



Ordinance Number	Effective Date
NO. 10	1978
NO. 11	1979
NO. 12	1980
NO. 13	1981
NO. 14	1982
NO. 15	1983
NO. 16	1984
NO. 17	1985
NO. 18	1986
NO. 19	1987
NO. 20	1988
NO. 21	1989
NO. 22	1990
NO. 23	1991
NO. 24	1992
NO. 25	1993
NO. 26	1994
NO. 27	1995
NO. 28	1996
NO. 29	1997
NO. 30	1998
NO. 31	1999
NO. 32	2000
NO. 33	2001
NO. 34	2002
NO. 35	2003
NO. 36	2004
NO. 37	2005
NO. 38	2006
NO. 39	2007
NO. 40	2008
NO. 41	2009
NO. 42	2010
NO. 43	2011
NO. 44	2012
NO. 45	2013
NO. 46	2014
NO. 47	2015
NO. 48	2016
NO. 49	2017
NO. 50	2018



By James A. Schmidt, Mayor
ATTEST:
Lyric Stanfield, Town Clerk

R - FORMULA RETAIL USE
AS CONDITIONAL USE

- R1 Residential
- R1A Residential
- R1B Residential
- R1C Residential/Core
- R1D Residential
- R1E Residential
- R2 Residential/Multi-Family
- R2A Residential/Multi-Family
- R2C Residential/Multi-Family/Core
- R3C Residential/Historic/Tourist/Core
- T Tourist
- B1 Business Core
- B2 Business/Highway Related
- B3 Business/Historic Residential
- B4 West End Business/Historic Residential
- M Mobile Home
- C Commercial
- A-O Agriculture - Open District
- P Public

PROPOSED 'FORMULA BUSINESS', 'LONG DISTRICTS'
'T' TOURIST ZONE
'C' COMMERCIAL USE

From: [gareth & linda roberts](#)
To: [Bob Nevins](#); [Lynelle Stanford](#)
Subject: Re: Formulas based business discussion
Date: Sunday, November 18, 2018 2:34:39 PM
Attachments: [image001.png](#)
[image001.png](#)

Thank you Bob.

I think that this is a fine proposal. The fewer chain stores that we have for restaurants and lodging the better. I would suggest that the Town also consider regulations for our 3 mile perimeter as well.

Lynelle, would you please forward my email to the Town Council.

Thank you so much!

Happy Thanksgiving!

Linda Roberts

12 Ruth's Road, CB

On Thu, Nov 15, 2018 at 12:41 PM Bob Nevins <bnevins@crestedbutte-co.gov> wrote:

Linda and Gareth,

Thank you for your interest and comments concerning the potential regulation of "Formula Businesses" within the Town of Crested Butte.

Attached is the following information:

- Ordinance No. 25- Moratorium on the issuance of business licenses for "Formula Businesses" in all Commercial and Business zone districts (OCT. 1 –MAR 31, 2019)
- Formula Business Discussion Points for 11-15-18
- Potential Zone Districts for Formula Businesses as Conditional uses.

BOZAR (Board of Zoning & Architectural Review) will be reviewing this Code Amendment at their regular meeting on Tuesday, November 27 that begins at 6:00 pm in Town Hall. A staff report and draft regulations will be submitted to BOZAR for their review and recommendation to Town Council.

Tonight's public discussion on Formula Businesses is 6-7pm at Town Hall if you are able to attend.

Again, thank you for taking the time to write. Please contact me should you have any questions or would like additional information.

Regards,

Bob

Bob Nevins, Town Planner

Town of Crested Butte

507 Maroon Avenue/P.O. Box 39

Crested Butte, CO 81224

Telephone: (970) 349-5338, Ext. 112

Email: bnevins@crestedbutte-co.gov



From: garth & linda roberts [mailto:gldutte12@gmail.com]

Sent: Wednesday, November 14, 2018 10:41 AM

To: Bob Nevins <bnevins@crestedbutte-co.gov>

Subject: Formulas based business discussion

Hi Bob,

I am interested in this topic but not sure if I will make the meeting. Is there drafted regulations that are being considered? Is there information that you could email to me? (without taking up too much of your time)

Thanks,

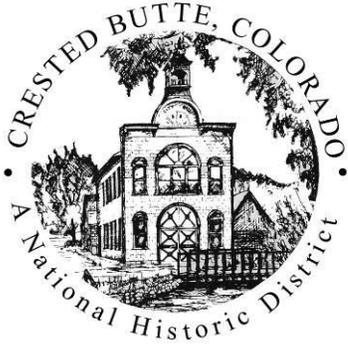
| Linda Roberts

From: [Graves Diana](#)
To: [Chris Haver](#)
Subject: Thank You
Date: Friday, November 16, 2018 3:08:45 PM

Re the upcoming discussion on Chain Stores in CB, or NOT. If you are counting, I would like to see restrictions on more chain stores in CB.

Thank you for serving our community. It is heartening to know that I can trust your judgement on decisions regarding our Town.

Diana Graves
718 9th St.
CB



Staff Report

January 7, 2019

To: Mayor and Town Council

From: Dara MacDonald, Town Manager

Subject: Ordinance 31-2018 – An ordinance of the Crested Butte Town Council authorizing to approve stipulation regarding ownership and easements for the Heights Open Space property and for dismissal of Action in Civil Action No. 2018-CV-30008, Gunnison County District Court

Summary: This agenda item is the effectuation of the settlement negotiations that resulted from mediation in the Heights Open Space suit.

Background: After extensive discussions with the local owners of residential properties at the Heights regarding how best to manage avalanche risk on the property, in January 2017 the Town acquired the open space from Trappers. Following this acquisition the lot owners at the Heights filed suit against the Town claiming that they, in fact, owned the open space among other claims.

Discussion: As a required step in this type of litigation the parties agreed to mediation. The outcome of the mediation is the proposed settlement. In the settlement the Town will release any claim to ownership of the property and the lot owners agree that the Town can perform avalanche mitigation work on the property and that all current public and CB Nordic uses can continue.

Legal Implications: The settlement and appropriate filings with the court will resolve the ongoing litigation in civil action No 2018-CV-30008. All of these documents have been reviewed by the Town Attorney.

Recommendation: Staff recommends the following motions:

1. A motion “**to approve Ordinance 31, Series 2018.**” Followed by a second and roll call vote.

ORDINANCE NO. 31**SERIES 2018****AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL TO APPROVE STIPULATION REGARDING OWNERSHIP AND EASEMENTS FOR THE HEIGHTS OPEN SPACE PROPERTY AND FOR DISMISSAL OF ACTION IN CIVIL ACTION NO. 2018-CV-30008, GUNNISON COUNTY DISTRICT COURT**

WHEREAS, the Town of Crested Butte, Colorado (the “**Town**”) is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by the Constitution and the laws of the State of Colorado;

WHEREAS, the Town Council is authorized pursuant to § 14.4 of the Town Charter to sell and convey Town-owned property;

WHEREAS, the Town owns an interest in certain real property commonly known as the Heights Open Space pursuant to a quit claim deed from Trappers Crossing, Ltd., dated January 5, 2018, recorded January 5, 2018, at reception No. 651146 of the Gunnison County Clerk and Recorder, a copy of which is attached hereto as **Exhibit A** (“Town Deed”);

WHEREAS, the Town is the Defendant in a civil action filed by the owners of the 12 Sites in the Heights at Crested Butte Subdivision as Plaintiffs, captioned *R&S Journey’s End LLC, et al v. Town of Crested Butte, et al*, Case No. 2018-CV-30008, Gunnison County District Court (the “Action”);

WHEREAS, following mediation on November 12, 2018, the Town and the Plaintiffs in the Action have agreed to a Stipulation, a copy of which is attached hereto as **Exhibit B**, and under which the Town will own Easements to use all or part of the Heights Open Space for avalanche mitigation, non-motorized recreational uses and a frisbee golf course, Plaintiffs will own title to the Open Space, and the Action will be dismissed; and,

WHEREAS, the Town Council hereby finds that it is necessary and suitable, and in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte, that the Stipulation be approved, as set forth hereinbelow.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Authorization to Enter into Stipulation. The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the Town to enter into the Stipulation in the form attached hereto as Exhibit B. The Town Council further authorizes and directs the Town Manager, the Town Attorney and the Town Clerk to appropriately execute any additional documents necessary and appropriate to consummate the Stipulation following approval thereof by the Town Attorney.

Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which conflicts with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 17th DAY OF DECEMBER, 2018.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS ___ DAY OF _____, 2019.

TOWN OF CRESTED BUTTE, COLORADO

**By: _____
James A. Schmidt, Mayor**

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]

QUITCLAIM DEED

THIS DEED, dated this 5th day of January, 2018,
between Trappers Crossing, LTD, a Delaware limited partnership
of the County of Windham and State of Connecticut, grantor(s), and
Town of Crested Butte, a Colorado Home Rule Municipality, grantee(s)

whose legal address is 507 Maroon Avenue, P.O. Box 39, Crested Butte, CO 81224, of the County of Gunnison and
State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of Ten dollars and no/100 (\$10.00), the receipt
and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these
presents does remise, release, sell and QUITCLAIM, unto the grantee(s), his heirs and assigns forever, all the right,
title, interest, claim and demand which the grantor(s) has in and to the real property, together with improvements, if
any, situate, lying and being in the County of Gunnison and State of Colorado, described as follows:

A parcel of land located in the Northeast Quarter of Section 3, Township 14 South, Range 86 West, of the
Sixth Principal Meridian, Town of Crested Butte, being more particularly described as follows:

Beginning at the Center Quarter corner of said Section 3, a 3 1/2 inch aluminum cap P.L.S. #18486, from
whence the East Quarter of said Section 3, a G.L.C. brass cap bears S 89°48'06" E with all bearing herein
relative thereto;

thence N 00°41'19" W along the West line of said Northeast Quarter of Section 3 a distance of 382.11;
thence S 55°05'57" E a distance of 121.64 feet;
thence S 71°41'21" E a distance of 93.20 feet;
thence N 85°00'00" E a distance of 187.72 feet;
thence N 67°18'56" E a distance of 206.57 feet;
thence S 82°18'09" E a distance of 270.29 feet;
thence S 65°22'47" E a distance of 166.56 feet;
thence S 61°12'07" E a distance of 348.88 feet;
thence S 84°57'18" E a distance of 144.81 feet;
thence S 00°00'43" E a distance of 24.91 feet to the South line of the Northeast Quarter of said Section 3;
thence along said South line of the Northeast Quarter of said Section 3 N 89°48'06" W a distance of 1374.43
feet to the Point of Beginning,
Town of Crested Butte, County of Gunnison, State of Colorado.

EXCEPTING THEREFROM Sites 1-12, inclusive, THE HEIGHTS AT CRESTED BUTTE, according to
the official Plat thereof filed January 29, 1991 at Reception No. 425077,
Town of Crested Butte, County of Gunnison, State of Colorado.

also known by street and number as:

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereto
belonging, or in anywise thereunto appertaining, all the estate, right, title, interest and claim whatsoever of the
grantor(s), either in law or equity, to the only proper use, benefit and behoof of the grantee(s), his heirs and assigns
forever.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to
all genders.

IN WITNESS WHEREOF, the grantor(s) has executed this deed on the date set forth above.

[Signature]
Trappers Crossing, LTD, a Delaware limited
partnership
By: FAR CORP., a Colorado Corporation, General
Partner
By: Ronald Spence, President

STATE OF ~~COLORADO~~ CONNECTICUT }
COUNTY OF WINDHAM } ss. BROOKLYN

The foregoing instrument was acknowledged before me this 3rd day of January 2018 by Ronald
Spence, President of FAR CORP., a Colorado Corporation, General Partner of Trappers Crossing, LTD, a
Delaware limited partnership.

My Commission expires My Commission Expires Witness my hand and official seal.
December 31, 2022

[Signature]
Notary Public



<p>District Court Gunnison County, Colorado Court Address: 200 E. Virginia Ave. Gunnison, CO 81230</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Plaintiffs: R and S Journey’s End, LLC, a Colorado limited liability company; Jodie Bell Strauss; William Lee Strauss; Roxie J. Lypps; Dorothy W. Haskell; Thomas L. Haskell; Edward L. Felton, Jr.; James E. Lohr; James A. Murray Revocable Trust; Jennifer Eplett Reilly; Sean E. Reilly; David L. Manning Revocable Trust; Lisa Z. Manning Revocable Trust; Matthew S. Cullinan; Anna L. Reilly a/k/a Ann R. Cullinan; and Fort-A, LLC, a Delaware limited liability company</p> <p>v.</p> <p>Defendants: Town of Crested Butte, Colorado, a Colorado home rule municipality of the State of Colorado; Town Council of the Town of Crested Butte, Colorado.</p>	
<p>Attorneys for Plaintiffs: Law of the Rockies Marcus J. Lock, Atty. Reg. #: 33048 Jacob A. With, Atty. Reg. #: 40546 525 North Main Street Gunnison, CO 81230 Phone Number: 970-641-1903 Facsimile Number: 970-641-1943 E-mail: mlock@lawoftherockies.com jwith@lawoftherockies.com</p> <p>Attorneys for Defendants: Sullivan Green Seavy, LLC John T. Sullivan, Atty. Reg. #17069 Barbara J. B. Green, Atty. Reg. #15022 3223 Arapahoe Ave., Suite 300 Boulder, CO 80303 Telephone Number: (303) 440-9101 Facsimile Number: (303) 443-3914 E-Mail: john@sullivangreenseavy.com barbara@sullivangreenseavy.com</p>	<p>Case Number: 2018-CV-30008</p> <p>Div.: 2 Ctrm.:</p>

**STIPULATION REGARDING OWNERSHIP AND EASEMENTS FOR THE HEIGHTS
OPEN SPACE PROPERTY AND FOR DISMISSAL OF ACTION**

Plaintiffs and Defendants, by and through undersigned counsel, stipulate and agree as follows:

1. Plaintiffs in this action are the owners of the open space, which is the large parcel shown on the plat for the Heights at Crested Butte as recorded January 29, 1991 at reception number 425077 in the real property records of Gunnison County, Colorado (the "Plat") that is not identified as a Site (the "Open Space"). More specifically, the Open Space consists of all real property shown on the Plat that is not Sites 1-12, both inclusive.
2. Defendant Town of Crested Butte, Colorado, a Colorado home rule municipality of the State of Colorado (the "Town") has the following easements on the Open Space:
 - a. *Ditch Trail Easement.* The Plat depicts the Spann-Nettack Ditch. A trail exists at approximately the location of the Spann-Nettack Ditch (the "Ditch Trail"). The Town has an easement to use the Ditch Trail in its current location (the "Ditch Trail Easement"). The Ditch Trail Easement is ten feet on either side of the centerline of the currently existing trail. Under the Ditch Trail Easement, the Town or its assigns may allow the general public to use the Ditch Trail, but such use shall be limited to pedestrian use, bicycle use, walking of dogs, and cross country skiing. Under the Ditch Trail Easement, the Town may use a Snow-Cat or similar vehicle to groom the Ditch Trail and otherwise operate motorized vehicles and motorized equipment on the Ditch Trail Easement for purposes of maintaining the Ditch Trail. No other motorized vehicles, including without limitation snow mobiles, ATVs, side-by-sides, dirt bikes or scooters, may be operated on the Ditch Trail Easement except by Town employees and the Town's independent contractors that are using the same to perform maintenance of the Ditch Trail on behalf of the Town. The Town has no obligation to maintain the Ditch Trail, but any maintenance of the Ditch Trail shall be done by the Town at the Town's sole cost and expense. Plaintiffs have no obligation to maintain the Ditch Trail nor pay for any costs of maintaining the Ditch Trail. The Ditch Trail Easement does not include the right to construct or maintain any buildings, fences, walls, or enclosures on the Open Space, including the Ditch Trail Easement. The Ditch Trail Easement is a non-exclusive easement. Notwithstanding the foregoing, however: (i) Plaintiffs are not responsible for the condition of The Ditch Trail as the Town shall have sole and exclusive authority over the condition of The Ditch Trail, and (ii) Plaintiffs are not responsible for any activities of the Town or general public in using The Ditch Trail as the Town shall have sole and exclusive authority for regulating those activities subject to the terms of the Ditch Trail Easement.
 - b. *Survey.* Plaintiffs and the Town shall obtain an accurate survey of the location of the Ditch Trail and the Ditch Trail Easement (the "Survey"). The Survey will be performed by SGM or, if the parties unanimously agree otherwise, such other surveyor as they agree upon. The costs of the survey shall be paid one-half by

Plaintiffs and one-half by the Town. Upon receipt of the Survey, a copy of the Court's Order approving this Stipulation, together with this Stipulation will be re-recorded with the Survey marked as Exhibit A and signed by counsel for Plaintiffs and Defendants.

- c. *Avalanche Mitigation Easement.* The Town has an easement to use the entirety of the Open Space to perform avalanche mitigation (the "Avalanche Mitigation Easement"). As part of the Avalanche Mitigation Easement, the Town may retain an independent contractor to perform avalanche mitigation on the Open Space through visual monitoring, skiing, and ski cutting. In no event will Town employees perform such avalanche mitigation on the Open Space. The Avalanche Mitigation Easement does not include the right to use any explosives on the Open Space. The Avalanche Mitigation Easement does not include the right to construct any structures or improvements on the Open Space. Any independent contractor retained by the Town to perform the avalanche mitigation on the Open Space shall carry liability insurance covering its activities and shall name Plaintiffs as additional insureds. Any independent contractor retained by the Town to perform avalanche mitigation on the Open Space will, prior to commencing its avalanche mitigation activities, contractually agree to waive all claims against Plaintiffs arising out of or relating to its avalanche mitigation activities on the Open Space to the fullest extent permitted by law. The avalanche mitigation easement is a non-exclusive easement.
- d. *Frisbee Golf Course Easement.* The Town has erected a Frisbee Golf Course that, in part, intrudes upon the Open Space. The Town has an easement to maintain the Frisbee Golf Course as it currently exists on the Open Space (the "Golf Course Easement"). As part of the Golf Course Easement, the Town may allow members of the public to play Frisbee golf at the location of the Golf Course Easement. This Golf Course Easement does not include the right to expand the existing golf course by moving any existing elements of the golf course, such as any baskets nor the right to add new baskets. There is currently one basket for the Frisbee golf course on the south side of the Ditch Trail. The Golf Course Easement does not include the right to construct any structures or improvements. The Golf Course Easement does not include the right to maintain any structures or improvements except for Frisbee golf course baskets at the current location of the Frisbee golf course baskets. The Golf Course Easement is a non-exclusive easement. Notwithstanding the foregoing, however: (i) Plaintiffs shall have no responsibility for the condition of the Golf Course Easement as the condition of the Golf Course Easement shall be the sole and exclusive responsibility of the Town, and (ii) Plaintiffs shall have no responsibility for any Frisbee golf activities occurring on the Golf Course Easement as the Town shall have the sole and exclusive authority to regulate those activities in the Golf Course Easement subject to the terms of the Golf Course Easement.

3. Except for the Easements specifically set forth in paragraph 2 above, the Town has no right, title or interest in or to the Open Space. The Town shall have no right to construct, complete, accomplish or maintain any structure or improvement on the Open Space except for: (i) maintenance of the Ditch Trail, (ii) construction and maintenance of trash receptacles on the Ditch Trail, and (iii) maintenance of Frisbee golf course baskets where currently located. The terms “structure or improvement” mean all structures and improvements of any type or nature, including without limitation all buildings, walls, fences, gates, signs, dwellings, trees, shrubs, excavation, dirt work, berms, parking areas, loading areas, hedges, plantings, poles, driveways, ponds, lakes, recreational facilities, decks, enclosures, grading, site work, and removal of trees. Similarly, except as specifically set forth in paragraph 2 above, any use of the Open Space by the Town or general public is trespassing.
4. Plaintiffs may post signage on the Open Space stating, “Private Property, Please Stay On The Trail” and, with respect to the Frisbee golf course, “Frisbee Golf Course Crosses Private Property, Please Stay On The Course.” Plaintiffs may post “Private Property, No Trespassing Signs” on the Open Space outside of the Ditch Trail, the Ditch Trail Easement and Frisbee Golf Course. All such signage will be installed and maintained at Plaintiffs’ expense. No such signage will be placed within the groomed or maintained portions of the Ditch Trail or the Ditch Trail Easement. Plaintiffs may erect and maintain temporary fencing on the Open Space. Such temporary fencing shall not be within any groomed or maintained portions of the Ditch Trail. Such temporary fencing shall be, to the extent practicable, not a bright orange color and such fencing shall not interfere with the Town’s avalanche mitigation activities on the Open Space.
5. A one-twelfth ownership interest in the Open Space is appurtenant to each of the Sites shown on the Plat. The Site owners, if in unanimous agreement, may transfer the appurtenant ownership of the Open Space to an association formed to manage the Open Space and, if such association is formed and owns the Open Space, such association may grant such other permissions to the Town to use the Open Space as it determines.
6. The parties will pay their own fees and costs incurred in this action. In the event of any legal action to enforce this Stipulation, the prevailing party shall be entitled to recover the prevailing party’s reasonable attorney’s fees and costs from the non-prevailing party.
7. This Stipulation is binding upon and inures to the benefit of the Town, the Plaintiffs and their successors in title to the Open Space and shall run with the land.
8. The Town and the Plaintiffs shall record a certified copy of the order approving this Stipulation and the Stipulation, within 30 days after it is entered, in the real property records of Gunnison County, Colorado.
9. The parties agree that this Stipulation should be approved and entered as an order of the Court and upon such approval, all claims that are or could have been asserted in this action shall be dismissed pursuant to C.R.C.P. 41(a)(2) with prejudice.
10. As an order of the Court, once entered, this Stipulation may be enforced through contempt proceedings.
11. A proposed order is submitted herewith for the convenience of the Court.

WHEREFORE, Plaintiffs and Defendants respectfully request that the Court approve the stipulation above, enter it as an Order of the Court, and dismiss this action.

Dated this ___ day of December, 2018.

LAW OF THE ROCKIES

By: _____
Jacob A. With, Atty. Reg. #: 40546
Marcus J. Lock, Atty. Reg. #: 33048
Attorneys for Plaintiffs

Sullivan Green Seavy LLC

By: _____
John T. Sullivan, Atty. Reg. #: 17069
Barbara J.B. Green, Atty. Reg. #: 15022
Attorneys for Defendants



To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director

Subject: **Ordinances 32, Series 2018 School District Duplex Sale**

Date: January 7, 2018

Background:

The Town of Crested Butte (Town) is currently constructing 3 duplexes in Block 79. The Town approached the Gunnison Watershed School District RE1J (District) about the purchase of an entire duplex, two units, to be an employee rental. The School Board has decided to move forward with the purchase of the Duplex located on Lot 16, Block 79 for the purchase price of \$590,000. This price is locked at \$590,000. Ordinance 32, Series 2018 authorizes the sale of the Duplex and instructs the Town Manager and Town Attorney to prepare and execute all the necessary documents for the closing of the sale with the District.

Recommendation:

A Council person make a motion followed by a second to approve Ordinance 32, Series 2018 sell a duplex located on Lot 16, Block 79 to the Gunnison Watershed School District RE1J for the amount of \$590,000.

ORDINANCE NO. 32

SERIES 2018

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE SALE OF TOWN-OWNED PROPERTY LEGALLY DESCRIBED AS LOT 16, BLOCK 79, PARADISE PARK SUBDIVISION, TOWN OF CRESTED BUTTE, COUNTY OF GUNNISON, STATE OF COLORADO TO GUNNISON WATERSHED SCHOOL DISTRICT RE1J FOR THE SALE PRICE OF \$590,000.00

WHEREAS, the Town of Crested Butte, Colorado (the “**Town**”) is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and the laws of the State of Colorado;

WHEREAS, the Town Council is authorized pursuant to § 14.4 of the Town Charter to sell and convey Town-owned property;

WHEREAS, the Town Council has directed the Town staff to sell the above-described property to Gunnison Watershed School District RE1J for \$590,000.00 for the use of the property for school district employee housing; and

WHEREAS, the Town Council hereby finds that it is necessary and suitable, and in the best interest of the Town and the health, safety and welfare of the residents and visitors of Crested Butte, that the above-described property be sold as set forth hereinbelow.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. **Authorization to Sell Town-owned Property.** The Town Council, pursuant to the Crested Butte Town Charter and the laws of the State of Colorado, hereby authorizes the sale and transfer by the Town, for the sum of \$590,000.00 plus customary closing costs and fees, the real property legally described as Lot 19, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Gunnison Watershed School District RE1J, use for employee affordable housing, and authorizes and directs the Town Manager and Town Clerk to appropriately execute any and all documents necessary and appropriate to consummate said sale following approval thereof by the Town Attorney.

Section 2. **Appropriation of Funds.** The Town Council hereby appropriates all customary closing costs and fees for the sale and transfer of the above-described real property out of the Town’s affordable housing fund, and authorizes the expenditure of said sum for such purpose.

Section 3. **Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases,

words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 4. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS __ DAY OF _____, 2019.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS __ DAY OF _____, 2019.

TOWN OF CRESTED BUTTE, COLORADO

**By: _____
James A Schmidt, Mayor**

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]



Staff Report

January 7, 2019

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: **Fat Bike World Championships Special Event Application and Special Event Liquor Permit**
Date: December 19, 2018

Summary:

Kat Cooke and Ashley UpChurch from the Chamber proposed the Fat Bike World Championships to take place in Town on Saturday, January 26, which would be the contingency plan to Skyland, and Sunday, January 27, 2019. The usage of the gravel pit area on Saturday is a back-up plan to the location in Skyland if there is not enough snow to use the trail on the golf course. The event has been held at the gravel pit in past years. There would be a special event liquor permit at the venue. It was confirmed that the proposed liquor permitted area is 500 feet from the school's property boundary. Security would be present to secure the event boundaries, control entrances and exits and to check IDs. There would also be a vendor village as part of the venue at the gravel pit. The Chamber will notify the Town by January 18 of their confirmed location.

On Sunday, January 27 the organizers proposed a townie crit. A crit is a bike race consisting of several laps around a closed circuit. The crit would take place with snow and road conditions as-is; the organizers did not request snow removal or snow hauling from the Town to accommodate the event. The Brick Oven will host aspects of the event, including the service of food and alcohol. The organizers requested that the 200 and 300 blocks of Elk Avenue be closed from 8AM to 1:30PM. The other closures on the route would allow for access to locals. The closures include: 2nd Street between Elk Avenue and Butte Avenue; Butte Avenue between 2nd and 5th Streets; and 4th Street between Elk and Butte Avenues from 10:30AM to 1:30PM.

Recommendation:

Approve the Fat Bike World Championships special event application and special event liquor permit.

Recommended Motion:

Motion to approve the Fat Bike World Championships special event application and special event liquor permit.



TOWN OF CRESTED BUTTE SPECIAL EVENT APPLICATION

1. EVENT INFORMATION:

Name of Event: Fat Bike World Championships

Date(s) of Event: Jan 26th & 27th, 2019

Location(s) of Event: Saturday, Jan 26th: Town Ranch/Gravel Pit

Sunday, Jan 27th: Downtown Crested Butte. Please reference attached Event Plan & Maps for a detailed description.

Map Attached Showing Location of Event *Attach map showing location of event*

Diagram Attached Detailing Event *Attach 8 1/2" X 11" diagram detailing the event showing tents, vendors, security, toilets, tables, signage, fencing, booths, ingress and egress, stage, etc.:*

Event Schedule and Description of Event Attached

Name of Organization Holding the Event ("Permittee"): Crested Butte/Mt. Crested Butte Chamber of Commerce

Note: The permittee of an event must be the same "Entity Name" as the named insured on the insurance certificate and the Secretary of State Certificate of Good Standing.

Event Time(s) (start time of scheduled event to end time of scheduled event each day):

Date Saturday, January 26th, 2019 Time: From 11:00 AM To 3:00 PM

Date Sunday, January 27th, 2019 Time: From 11:00 AM To 2:00 PM

Date _____ Time: From _____ To _____

Date _____ Time: From _____ To _____

Total Time (including setup, scheduled event, breakdown, and clean up):

Date Saturday, January 26th, 2019 Time: From 8:00 AM To 5:00 PM

Date Sunday, January 27th, 2019 Time: From 8:00 AM To 3:00 PM

Date _____ Time: From _____ To _____

Date _____ Time: From _____ To _____

Expected Numbers: Participants: See attached Event Plan Spectators: _____

Name of Event Organizer: Kat Cooke

Phone: (970) 349 - 6438 Cell Phone: (303) 956 - 4777

E-Mail: events@cbchamber.com Fax Number: _____

Name of Assistant or Co-Organizer (if applicable): Ashley UpChurch

Phone: (970) 349 - 6438 Cell Phone: _____ E-Mail: director@cbchamber.com

Mailing Address of Organization Holding the Event: PO Box 1288, Crested Butte, CO 81224

Email Address of Organization: events@cbchamber.com Phone Number: (970) 349 - 6438

2. INSURANCE, LIQUOR PERMITS, SECURITY PLANS:

(a) Do You Intend to Sell or Serve Alcohol? Yes No

If Yes, a Special Event Liquor License is Required. You must submit a separate application for a Special Event Liquor License to the Town Clerk at least 30 days prior to the event to ensure adequate time to comply with state regulations.

Special Event Liquor Permit Application is Attached with Appropriate Fees and Diagram

Describe Plan for Security and Include with Diagram: (All major impact events, as well as events that receive a Special Event Liquor License, are required to have a security plan):

Please see attached Event Plan for a detailed description.

(b) Proof of General Commercial Liability Insurance naming the Town of Crested Butte as Additional Insured, with coverage of no less than \$1,000,000 is required for all special events. If your event is in the Big Mine Ice Arena with over 299 people, you will also need to add the Crested Butte Fire Protection District as Additional Insured. Events selling alcohol also require Liquor Liability Insurance on the Insurance Certificate. (Note: Your application cannot be approved until we receive proof of insurance) Contact the Clerk's Office if you would like to receive an insurance quote through the Town's Insurance Provider.

Is Proof of Insurance Attached? Yes No

3. ROAD CLOSURES, PARKING/HANDICAPPED PARKING, BUS SERVICE:

Will Your Event Require Any Road Closures? Yes No

If Yes, Explain in Detail Streets Closures and Times of Closures:

Streets: Please see attached Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Streets: _____ Date _____ Time: From _____ To _____

Will Your Event Impact Mt. Express Bus Service and/or Routes? Yes No

If Yes, Explain Impact (include times): Please see attached Event Plan for a detailed description.

Will Your Event Affect Any Handicapped Parking Spaces? Yes No

If yes, you must work with the Marshal's Department to create temporary handicapped parking spaces for the duration of your event.

Describe Plan for Parking: Please see attached Event Plan

Is Your Event Requesting Any Additional Services from the Town of Crested Butte (such as barricades, utility irrigation locates, traffic control, snow removal, electrical power, trash removal, additional police etc.)? Yes No

If Yes, explain request for services in detail (attach additional page if necessary):

Please see attached Event Plan

Does Your Event Include a Parade? Yes No

If yes, you must read and sign the following: I understand that if items are to be distributed during the parade (i.e. candy, beads, brochures, etc.), individuals will do so exclusively by foot from along-side the vehicles/floats to minimize the likelihood of spectators running up to the vehicles/floats. I understand and agree that items will not be thrown from any vehicle/float.

Signature of Event Coordinator

4. AMPLIFIED SOUND AND NOTIFICATION:

Will There Be Amplified Sound at This Event? Yes No

If Yes, Describe: There will be amplified race announcements/emceeing and music playing over a PA system.

Note: If there will be amplified sound during your event, the rules and requirements of Crested Butte Municipal Code Section 10-9-50 must be followed. Residents and businesses within 250' of the proposed event must receive written notification (7) days prior to the start of the event.

Describe Plan for Notifying Businesses and Residents Impacted by Your Event: _____

Please see attached Event Plan

5. TRASH, RECYCLING, PORTABLE TOILETS AND RESTROOMS:

How much trash do you anticipate generating at the event? We anticipate generating a minimal amount of trash.

What recyclable products will be generated at the event? _____

We anticipate generating some recyclable plastic cups, cans, paper signage, and cardboard packaging.

Describe your DETAILED plan for trash, recycling and clean up. (All events are required to have a plan for handling recycling and garbage during the event and the removal of recycling and garbage after the event.) Please note that any plan should emphasize increased recycling and decreased waste production. If you feel that your event will require assistance from Waste Management, please contact them directly at (970) 641-1986. Note: Any event application without a detailed recycling and refuse plan will not be accepted as a complete application:

Please see attached Event Plan

Describe Plan for Portable Toilets and/or Restrooms. (Include number of portable toilets and plan to restore bathrooms to their original state following your event): (Required: 1 portable toilet to every 40 attendees)

Please see attached Event Plan

6. SALES TAX:

Have you paid sales tax from your event last year? Yes No

If No, you must pay delinquent sales tax before your special event application will be considered.

Will You Be Selling Products (food, drink, or merchandise) At Your Event? Yes No

If yes, you must collect sales tax and attach a completed Town of Crested Butte Sales Tax License Application with a List of Vendors to the Clerk's Office.

Town of Crested Butte Sales Tax Application is Attached.

List of Vendors with your Crested Butte Sales Tax Application.

7. BANNER PERMITS:

Do you plan to apply for a banner permit to erect a banner at the Pitsker Outfield Fence? Yes No
If Yes, you must apply for a banner permit separately through the Front Desk at Town Hall.

Are you requesting Town Manager approval for a 1-day banner at the event location for the hours of the event? Yes No

Town Manager Approval: 

Please review your application and make sure all questions are answered. Read, sign, and date the following prior to submitting your application.

8. PLEASE REVIEW, SIGN, AND DATE:

In consideration for being permitted by the Town to engage in the permitted event, the Permittee, its heirs, successors, executors, assigns, transferees, employees, officers, directors, members, managers, representatives, contractors, subcontractors, agents, assigns, guests and invitees (collectively, the "Releasor/Indemnitor") hereby acknowledge and agree to the following: (i) Releasor/Indemnitor assume all risk of injury, loss or damage to Releasor/Indemnitor, any of them, arising out of or in any way related to the permitted event, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause; (ii) Releasor/Indemnitor waive and release the Town from any and all claims, demands and actions for injury, loss or damage arising out of or in any way related to the permitted event, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause; (iii) Releasor/Indemnitor agree to defend, indemnify and hold harmless the Town from and against any and all liability, claims, damages and demands, including any third party claim asserted against the Town, on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, arising out of or in any way related to the permitted use, whether or not caused by the act or omission, negligence or other fault of the Town, or by any other cause. For purposes hereof, the term "Town" shall include, individually and collectively, its officers, employees, agents, insurers, insurance pools, contractors and subcontractors. By signing this Special Event Application, the Permittee acknowledges and agrees that this assumption of risk, waiver and indemnity extends to all acts, omissions, negligence or other fault of the Town and that said assumption of risk, waiver and indemnity is intended to be as broad and inclusive as is permitted by the laws of the State of Colorado. If any portion hereof is held invalid, it is further agreed that the balance shall, notwithstanding such invalidity, continue in full legal force and effect.

The undersigned Permittee certifies that all the statements and answers to the above questions are true without any reservations or evasions. The undersigned also understands that the Town of Crested Butte reserves the right to require payment for additional services for major impact events.

Kat Cooke / *Kat Cooke* / 12/12/18
Print Name Clearly / Signature of Applicant (Permittee) / Date



Event Plan - Fat Bike World Championships

Prepared by Kat Cooke, Event Coordinator | events@cbchamber.com | 970.349.6438

Description:

The 4th Annual Fat Bike World Championships (FBW), hosted by the Crested Butte/Mt Crested Butte Chamber of Commerce, will be held January 23-27, 2019. FBW is a five-day fat biking event taking place in both Crested Butte and Mt. Crested Butte. The event includes multiple parties, three races, and a free demo day. FBW was founded in 2016 with the intention of bringing visitors to the area during a historically slow time of the winter season.

Schedule:

Wednesday, January 23

Kick-Off Party
Brick Oven Pizzeria
5:30 PM – 8:00 PM

Thursday, January 24

North Village Classic Race
Mt. Crested Butte - North Village
11:00 AM – 4:00 PM
After Party
TBD
6:00 PM – 9:00 PM

Friday, January 25

Demo Day
Mt. Crested Butte – North Village
10:00 AM – 4:00 PM

Saturday, Jan 26

Fat Bike World Championship Race
The Club at Crested Butte (with contingency planned for Town Ranch)
11:00 AM – 3:00 PM
After Party
TBD
6:00 PM – 9:00 pm

Sunday, Jan 27

Winter Townie Crit
Downtown Crested Butte
11:00 AM – 2:00 PM

Permitting Requests:

The Chamber is applying for a Special Event Permit with the Town of Crested Butte for the following portions of Fat Bike Worlds:

- World Championship Race*
- Winter Townie Crit

*Please note that the Chamber plans to host the World Championship Race at the Club at Crested Butte in Skyland. However, our ability to groom trails on the golf course is dependent on snow. As a contingency plan, we are requesting a permit to host the race at Town Ranch/Gravel Pit in the event that there is not enough snow. The Chamber will stay in communication with the Town and give notice of whether or not the contingency plan will go into effect and Town staff will be notified no later than January 18.

World Championship Race – Event Details

Date & Time:

Saturday, January 26, 2019
11:00 AM – 3:00 PM

Location:

Town Ranch/Gravel Pit (please see attached Event Map)

Expected Numbers:

300 total including spectators

Description:

The World Championship Race is a 3-lap or 5-lap fat biking race on a 6-mile loop. The race takes place on groomed trails provided by the Crested Butte Nordic Center. There will be a Vendor Village located at the Gravel Pit where participants and spectators can gather during/after the race. Food and beer will be served on site from 12 – 3 PM.

Timeline:

8:00 AM	Chamber arrives, venue set-up begins (liquor boundary & signage)
9:00 AM	Vendors arrive, set-up vendor village
10:00 AM	Venue set-up complete, racers begin to arrive for check-in
10:30 AM	Racer meeting
11:00 AM	Race start
12:00 PM	Begin serving food and beer
3:00 PM	Race ends
3:30 PM	Event ends, all participants leave
5:00 PM	Venue break-down and cleanup complete

Security Plan:

The Chamber is committed to ensuring proper security and safety at all of our events. The following security measures have been carefully considered.

A. Liquor Boundary

In conjunction with the Special Event Application, we are submitting a Special Event Liquor Permit Application in order to serve beer inside the Vendor Village. The liquor boundary will be clearly defined and controlled by a plastic fencing barrier surrounding the Vendor Village. There will be two entry/exit points with a security volunteer stationed at each point for the entire duration of the event. The security volunteers will ensure that any beer served at the event does not leave the licensed area and that no outside alcohol beverages are brought inside. Beer servers will check IDs and make sure that no alcohol is served to minors. Please see the attached Event Diagram for a detailed depiction.

B. Emergency Services

We will have medical services available on site provided by gO Orthopedics. Emergency services will have easy access to the event venue.

Road Closures/Bus Service

The Saturday Championship Race will not require any road closures or impact the Mt. Express Bus service.

Parking Plan

We expect most participants to ride their bikes to this event. Those who drive can utilize the parking lot at the Crested Butte Community School. Since the event takes place on a Saturday, we do not anticipate normal parking to be impacted/displaced.

Town Services

We will need assistance with minimal snow removal behind CBCS to Town Ranch.

-Shea?

Plan for Notifying Businesses

The Chamber will exercise due diligence in complying with Crested Butte Municipal Code regarding amplified sound. Residents and businesses within 250' of the Vendor Village will receive written notice no later than Friday, January 18th, 2019. This event will also be promoted through weekly e-blasts, social media outreach, and in the Crested Butte News.

Plan for Trash, Recycling, and Clean Up:

The Chamber is committed to doing everything we can to reduce waste production at all of our events. For most events, single use plastic cups are a major source of generated waste. To address this issue, everyone who registers for one or more FBW race will receive a reusable cup in their participant goodie bag and will be encouraged to use this cup throughout the weekend. We hope this effort will reduce the amount of plastic cups needed to serve beer at this event. Unfortunately, it is inevitable that some people will forget to bring their reusable cup. For this reason, we anticipate generate a moderate amount of recycling and a minimal amount of trash at the including some food waste, recyclable plastic cups, cans, paper signage, and cardboard packaging. For the waste that is produced, we will work with Waste Management to provide the appropriate receptacles. As part of the event breakdown, a cleanup crew will do a final sweep of the Vendor Village area to ensure that no trash/litter is left behind.

Plan for Portable Toilets:

We will work with Gunnison Construction and Septic to provide 1 ADA and 5 regular portable toilets.

Winter Townie Crit – Event Details**Date & Time:**

Sunday, January 27, 2019
11:00 AM – 2:00 PM

Location:

Downtown Crested Butte: Elk Ave, 2nd Street, Butte Ave, 4th Street, and the alley south of Butte Ave between 4th and 5th (please see attached Event Map).

Expected Numbers:

100 total including spectators

Description:

A crit, or criterium, is a bike race consisting of several laps around a closed circuit. Criteriums are a great biking event because they do not require a large amount of space. They are also fun for spectators, as the closed circuit loop allows people to see the riders pass by many times. With this idea in mind, FBW will host a Downtown Winter Crit in full Crested Butte style. Participants will race laps around a closed circuit loop through downtown Crested Butte. There will be two categories, a “fun” race and a “pro” race. The races will take place from 11:00 AM to 1:00 PM. The start and finish of the race will take place in front of the Brick Oven Pizzeria and spectators will be allowed to watch the race from the Brick Oven deck.

Timeline:

8:00 AM	Chamber arrives, venue set-up begins
9:00 AM	Vendors arrive and set-up at Brick Oven deck
10:00 AM	Venue set-up complete, racers begin to arrive for check-in
10:30 AM	Racer meeting
11:00 AM	1 st race starts
12:00 PM	2 nd race starts
1:15 PM	Awards begin at Brick Oven
1:30 PM	Elk Ave open to traffic
2:00 PM	Event ends, participants disperse
3:00 PM	Venue break-down and cleanup complete

III. Security Plan:

The Chamber is committed to ensuring proper security and safety at all of our events. The following security measures have been carefully considered.

A. Liquor

At this event, beer will be served under the Brick Oven’s existing liquor license. The Chamber will provide a security volunteer at the entrance/exit to the Brick Oven

deck. The security volunteers will ensure that any beer served at the event does not leave the licensed area and that no outside alcohol beverages are brought inside. Beer servers will check IDs and make sure that no alcohol is served to minors.

B. Emergency Access

There will be a volunteer race marshal stationed at each intersection of the course (17 total). In case of an emergency, volunteers will stop the race completely to allow emergency vehicles access out of Station One. The Chamber will secure a volunteer who will monitor the emergency radio and initiate a complete stop of the race in the event of an emergency. Should an emergency response need to occur during the race, event organizers will have radios in order to communicate/coordinate.

C. Traffic

The proposed course of this event includes a turn going west from 4th Street onto Elk Ave, which has been identified as a potentially problematic transition. We plan to mitigate this potential hazard by having hay bales or traffic cones line the turn from 4th onto Elk Ave, creating a safety barrier between racers and traffic. The normal turn path of traffic turning south from Elk Ave onto 4th Street will be slightly impacted by the hay bales/traffic cones. One volunteer marshal will be stationed at this intersection to direct traffic. Also, to ensure a clear path for turning traffic, we are requesting that the southeast corner of 4th and Elk Ave be closed to parking during the event. Please see Event Diagram #3 for a detailed depiction.

IV. Road Closures:

A. We are requesting the following road closures on Sunday, January 27th, 2019:

Road name	Time
Elk Ave (200 block & 300 block)	8:00 AM to 1:30 PM
2 nd Street (between Elk Ave & Butte Ave)	10:30 AM to 1:30 PM
Butte Ave (between 2 nd and 5 th Street)	10:30 AM to 1:30 PM
4 th Street (between Elk Ave & Butte Ave)	10:30 AM to 1:30 PM

B. Additional Notes on Road Closures

- To provide a safe start/finish area we will need to ensure that no cars are parked on the 200 and 300 blocks of Elk Ave during this event. This would possibly require special no parking signs beginning at 2:00 AM on Sunday, January 27th, 2019. Elk Ave would reopen to traffic and parking at 1:30 PM.
- We are requesting that the other course roads be closed from 10:30 AM to 1:30 PM with local access allowed. Volunteer course marshals will be stationed at intersections to allow local access. Normal parking on these roads will not be impacted.
- Other alleys/locations that will be part of this course:
 - The bridge on Butte Ave that crosses Coal Creek

- 5th street where it connects to Butte Ave
- The dirt alley south of Butte Ave between 5th and 4th Street

C. Plowing/Heavy Snowfall

This event will not impede the Town's ability to plow. Course roads will be closed for a total duration of 3 hours and will be open for plowing after 1:30 PM.

V. Bus Service

The regular route of the Mt. Express buss service will be impact from 8:00 AM to 1:30 pm on Sunday, Jan 27th.

VI. Additional Services Requested from the Town of Crested Butte:

We are requesting assistance from the Town of Crested Butte with setting up the road closures using wooden horses and ensuring that no cars are parked on the 20 and 20 blocks of Elk Ave before/during the event. We are also requesting that the southeast corner of 4th and Elk Ave be closed to parking during the event.

VII. Plan for Notifying Residents/Businesses:

The Chamber will exercise due diligence in complying with Crested Butte Municipal Code regarding amplified sound. Residents and businesses within 250' of the Vendor Village at 1st and Elk will receive written notice no later than Friday, January 18th, 2019. This event will also be promoted through weekly e-blasts, social media outreach, and in the Crested Butte News. Businesses and residents will be notified of the street closures no later than Friday, January 18th, 2019.

VIII. Plan for Trash, Recycling, and Clean Up:

The Chamber is committed to doing everything we can to reduce waste production at all of our events. For most events, single use plastic cups are a major source of generated waste. To address this issue, everyone who registers for one or more FBW race will receive a reusable cup in their participant goodie bag and will be encouraged to use this cup throughout the weekend. We hope this effort will reduce the amount of plastic cups needed to serve beer at this event. Unfortunately, it is inevitable that some people will forget to bring their reusable cup. For the small amount of waste that is produced, we will work with Waste Management to provide 1 trash can and 1 recycling at this event. As part of the event breakdown, a cleanup crew will do a final sweep of the course to ensure that no trash/litter is left behind.

DR 8439 (06/28/06)
 COLORADO DEPARTMENT OF REVENUE
 LIQUOR ENFORCEMENT DIVISION
 1375 SHERMAN STREET
 DENVER CO 80261
 (303) 205-2300

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details.)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110 <input checked="" type="checkbox"/>	MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170 <input type="checkbox"/>	FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE Crested Butte/Mt. Crested Butte Chamber of Commerce	State Sales Tax Number (Required) 523864
---	---

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE
(include street, city/town and ZIP)

PO Box 1288
Crested Butte, CO 81224

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT
(include street, city/town and ZIP)

Gravel Pit
Crested Butte, CO 81224

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE Joshua Futterman	11/20/1980	106 Pitchfork Drive, Mt. CB, CO 81225	303.915.9000

5. EVENT MANAGER Kat Cooke	07/15/1988	814 Teocalli, Crested Butte, CO 81224	303.956.4777
-------------------------------	------------	---------------------------------------	--------------

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES HOW MANY DAYS? <u>2</u>	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____
--	--

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To
Jan 26, 2019	8:00am		5:00pm												

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE 	TITLE President Board of Directors	DATE 12/6/18
---------------	---------------------------------------	-----------------

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

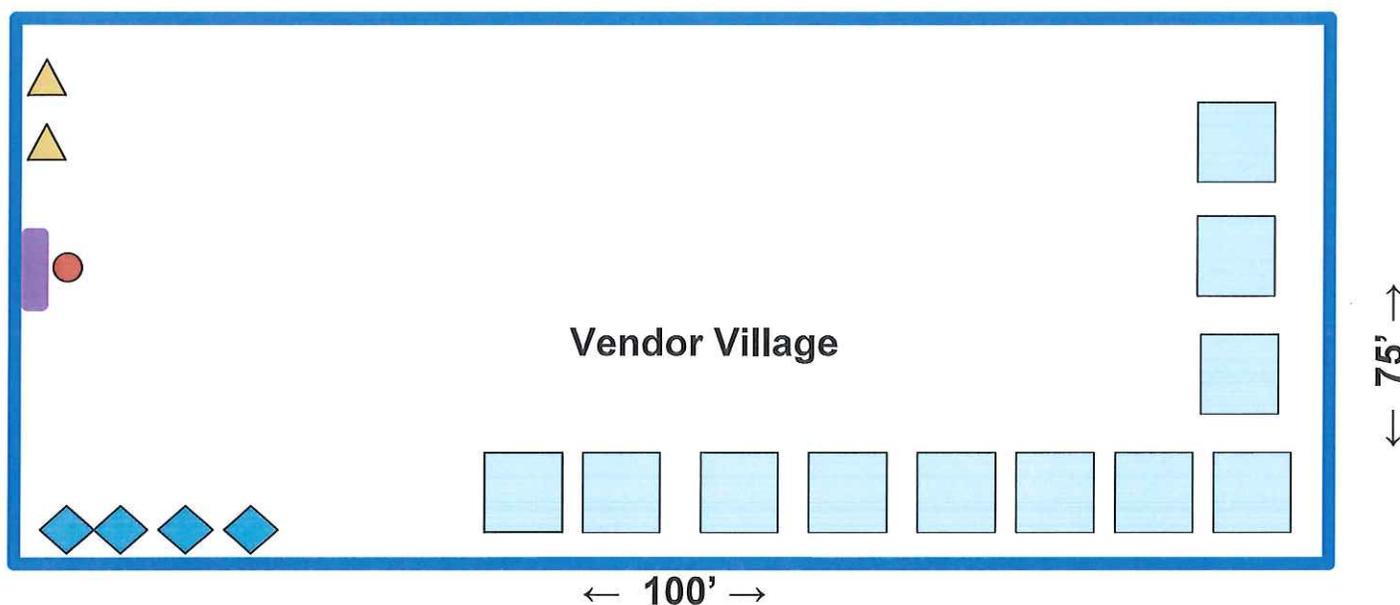
THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$.

Event Diagram #1
Saturday, Jan 26th World Championship Race
Liquor Licensed Area and Security

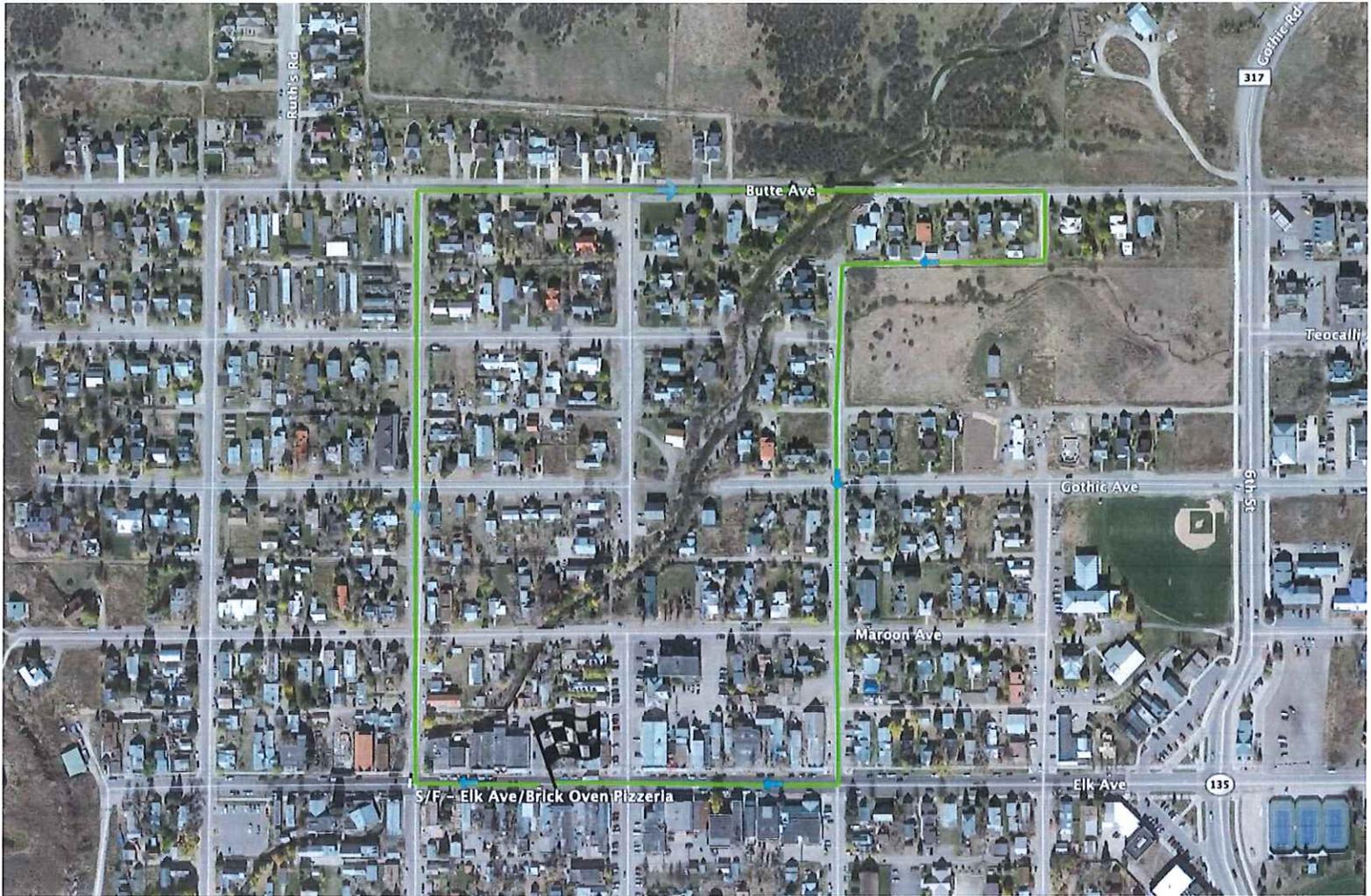


KEY

 = Entrance/Exit	 = Plastic Fencing
 = Security Volunteer	 = Trash/Recycling Bin
 = Portable Toilet	 = Vendor Booth



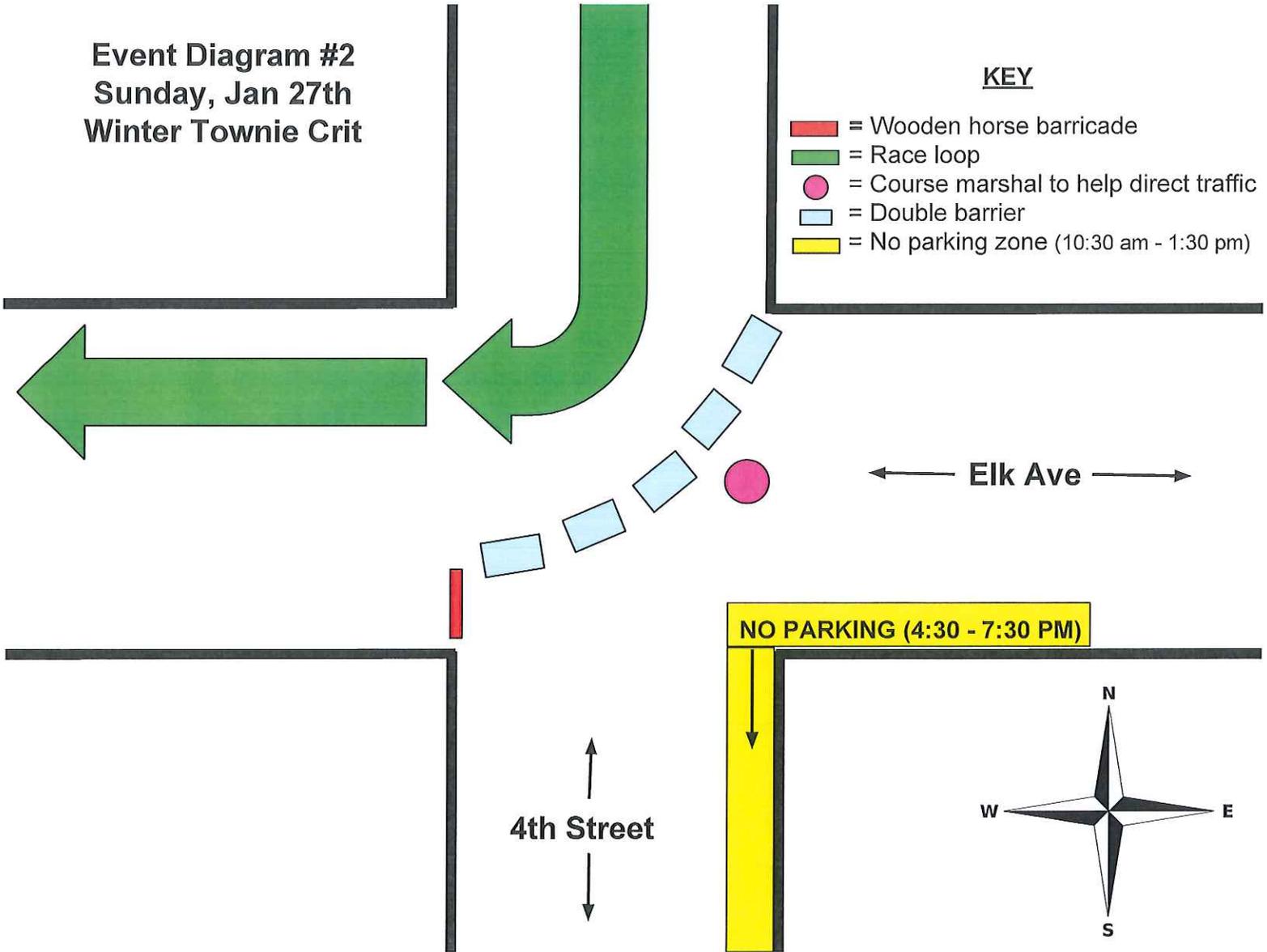
Event Map B
Winter Townie Crit
Sunday, Jan 27th



Event Diagram #2
Sunday, Jan 27th
Winter Townie Crit

KEY

-  = Wooden horse barricade
-  = Race loop
-  = Course marshal to help direct traffic
-  = Double barrier
-  = No parking zone (10:30 am - 1:30 pm)



OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Crested Butte / Mt. Crested Butte Chamber of Commerce

is a

Nonprofit Corporation

formed or registered on 12/29/1980 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871420932 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 02/22/2018 that have been posted, and by documents delivered to this office electronically through 02/26/2018 @ 16:49:16 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 02/26/2018 @ 16:49:16 in accordance with applicable law. This certificate is assigned Confirmation Number 10744926 .



Wayne W. Williams

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

DEPARTMENT APPROVALS (For Official Use Only)

Note: Please clearly state in your comment area what requested services your department will/will not provide for the event.

Marshal's Department:

Signature: [Handwritten Signature] Date: 12/19/18
Name (Printed): MICHAEL REAY

Conditions/Restrictions/Comments:
OK PER CBMC

Public Works:

Signature: [Handwritten Signature] Date: 12/31/2018
Name (Printed): SHEA D EARLEY

Conditions/Restrictions/Comments:
SEE EMAILED COMMENTS (12/31)

Parks and Recreation:

Signature: [Handwritten Signature] Date: 12/21/18
Name (Printed): Janna Hansen

Conditions/Restrictions/Comments:
OK

Town Clerk:

Signature: [Handwritten Signature] Date: 1-2-2019
Printed Name (Printed): Lynelle Stanford

Conditions/Restrictions/Comments:

Town Manager:

Signature: [Handwritten Signature] Date: 1/2/2019
Printed Name (Printed): DARA MACDONALD

Conditions/Restrictions/Comments:

Crested Butte Fire Protection District:

Signature Reo Ems Date 12/21/18
Printed Name (Printed) Reo Ems

Conditions/Restrictions/Comments:
Approved w/ one condition -
Develop a Communication Plan
with Law / Fire / EMS XXX

Mt. Express Bus Service:

Signature [Signature] Date 12/19/18
Printed Name (Printed) Chris Lassen

Conditions/Restrictions/Comments:
will reroute Town Shuttle
onto 5th Street during
race

Official Use Only:

Application Received 10-29-2018 Date Distributed 12-19-2018

Council Date (if applicable) 1-7-2019

Approval Date _____ Method of Approval: Administratively By Town Council

Approval Contingencies _____

Application fee	<u>\$ 25</u>	Check # _____	Date Paid <u>To be paid 1-18-2019 once</u>
Permit Fee	<u>\$ 200</u>	Check # _____	<u>Contingency plan</u>
Local Liquor License Fee	<u>\$ 25</u>	Check # _____	<u>is determined</u>
State Liquor License Fee	<u>0</u>	Check # _____	Date Paid _____ Date Liq. Application Sent _____
Additional Fee	<u>0</u>	Check # _____	Date Paid _____
Clean Up Deposit	<u>\$ 200</u>	Check # _____	Date Paid _____ Date Returned: _____

Betty Warren

From: Shea Earley
Sent: Monday, December 31, 2018 9:44 AM
To: Betty Warren
Subject: FBW comments

Betty

Here are my comments

World Championship Race (if at gravel pit)

- The Town is not responsible for snow removal at CBCS (this includes the main and southern CBCS parking lots, as well as, the side walk along the SW side of the school). If snow removal is required, the event will need to contract with a private contractor. Also, permission from the CBCS will be required to utilize the parking areas and side walk. Town will ensure the access road to the gravel pit is cleared.
- Event needs to maintain access to the gravel pit at all times for snow removal operations.

Winter Townie Crit

- The CBMO will put no parking cones on both sides of elk ave at 200 AM on January 27th, 2019.
- The town will also stage barricades at intersections along course route prior to 1030 AM on Sunday. It will be the responsibility of the course Marshalls to place barricades and remove them after the race (put them back on the side of the road).

Shea Earley

Director of Public Works
Town of Crested Butte
970-349-5338



Staff Report

January 7, 2019

To: Mayor and Town Council

Thru: Dara MacDonald, Town Manager

From: Lynelle Stanford, Town Clerk

Subject: Discussion on Closing a Portion of Elk Avenue for the Crested Butte Wine and Food Festival Proposed by The Center for the Arts.

Date: December 26, 2018

Summary:

The Center for the Arts has been organizing the Crested Butte Wine and Food Festival as an annually occurring event. In the most recent years, the event was held at Big Mine Ice Arena. For 2019, The Center proposed to hold their event on Elk Avenue. Saturday, July 27th is the tentative date that has been mentioned. The event would take place on Saturday night, and the street would be closed starting Saturday morning to allow for set-up. The event, including take down and clean up, would be concluded on Saturday night. The 100 Block of Elk Avenue is the most recent block that has been proposed. No formal application has been filed with the Town.

Recommendation:

Staff is asking Council for direction on processing the event application. The philosophical question in front of the Council is the tolerance for additional closures of Elk Avenue in the summer, particularly in July. Crested Butte Wine and Food Festival is different from other events that close Elk Avenue, in that it is a ticketed event, not open to the traffic flow of the general public.



Staff Report

January 7, 2019

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: Discussion on The ARTumn Festival for 2019
Date: December 26, 2018

Summary:

Steven Wallis of Colorado Events has been coordinating The ARTumn Festival in Crested Butte since fall of 2014. The Festival is held in the 0 Block of Elk Avenue, typically in mid-September. Wallis has submitted an application for the event in 2019.

The Town has received feedback from both residents and business owners concerning the event. In 2015, a resident experienced negative interactions and issues associated with the event. Wallis responded to the resident in a Town Council meeting in a way that was satisfactory to both the resident and the Council. No further issues were subsequently reported. Informally, business owners have vocalized concerns about blocked access and usage of their bathrooms, as well as the quality of the products showcased at the event. Wallis addressed their concerns, and no issues were reported from 2018.

Different locations for the event have been discussed over the years. The event organizer has been amenable to moving the event, but a better location with lesser impacts to residents and businesses has not been identified. The Crested Butte Art Market, an event that uses the same location, typically cancels their event for the weekend of The ARTumn Festival.

Recommendation:

Upon the Council's approval of the event for 2018, Council members stated they would investigate the event. Staff would like direction from Council on whether the Council wants to move forward in processing the special event application for The ARTumn Festival for 2019.

SULLIVAN GREEN SEAVY LLC

TO: Town of Crested Butte Town Council
FROM: Barbara Green
RE: Code of Conduct
DATE: January 7, 2019

This memo provides an overview of the Code of Conduct and issues raised by Council for discussion at the January 7, 2019 Council Meeting. The purpose of this memo is to provide background on the section **Sec. 2-4-30(a)** of the Code of Conduct that prohibits a council member from appearing in front of any board, commission, task force or similar body. Revisions to the Code of Conduct can only be made by ordinance, subject to notice and public comment.

1. **Why are conflicts of interest regulated?**

The reason why conflicts of interest are regulated is because, as Henry Clay once said, “government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people.” Elected officials hold office solely at the will of and for the benefit of the public. CIRSA and CML underscore in their training materials that a council member’s own business concerns or financial interests should not interfere or be seen to interfere with making decisions solely in the best interest of the public.

2. **What is the Crested Butte Code of Conduct?**

Pursuant to statute, the Town of Crested Butte, as a home rule municipality, adopted a Code of Conduct in 2009 that describes conflicts of interest and governs the conduct of Town Councilmembers, members of appointed boards and commissions (e.g. Board of Architectural Review), and employees. See **Sec. 2-4-10 et seq.** of the Town Code.

3. **Is the Town required to adopt a Code of Conduct?**

No. Home rule municipalities may adopt ordinances such as the Code of Conduct that *supersede* state statutes governing conflict of interest and ethics for municipal officials.

In the absence of locally-adopted provisions, state statutes apply to the Town. The relevant state statutes are attached as **Appendix A** to this memo.

Regardless of a locally-adopted ordinance or state statute, failure to manage conflicts of interest properly exposes the Town to legal liability and erodes the public's faith and trust in government.

4. **What is the intent of the Code of Conduct?**

Sec. 2-4-10 states that the Code of Conduct is intended to:

Protect the integrity of the Town government by defining and prescribing conflicts of interest;

Prohibit the appearance and perception of impropriety as well as actual conflicts of interest;

Protect the integrity of Town government by providing standards of conduct to follow when such officials' or employees' private interests as citizens conflict with their public duties; to foster public trust by defining standards of honest government and prohibiting the use of public office for private gain

Specify rules to avoid any appearance of impropriety that may result from the dealings of a public official or public employee with the Town.

5. **Is the Code of Conduct binding on council members?**

Yes. The Town Council adopted the Code of Conduct by ordinance and it has the same legal effect as any other provision of the Crested Butte Municipal Code. Violations of the Code of Conduct are subject to specific enforcement provisions. Such violations also constitute a violation of the oath of office in which council members promise to uphold the laws. Council is responsible for enforcement of the Code of Conduct, but the public may file complaints. Council does not have the authority to grant exceptions or waivers to the Code of Conduct. See Point 9, below.

6. **What is the provision of the Code of Conduct that prompted the Council discussion?**

Sec. 2-4-30(a) states: "No Town Council member or board, commission or task force member shall appear before the Town Council or any Town Board, commission, task force or similar body where such interest has a conflict of interest as identified in Section 2-4-40 below."

We interpret this to prohibit a council member from appearing in front of BOZAR and its Development Review Committee.

7. What is a conflict of interest under the Code of Code?

Sec. 2-4-40 states that a Town Councilmember has a conflict of interest if such member

- (1) Has a substantial interest¹ in any transaction with the Town;*
- (2) Has a substantial interest as an affiliate of a business or undertaking with a substantial interest in any transaction with the Town;*
- (3) Has a substantial interest as an affiliate of a business or undertaking appearing on behalf of or employed by a person with a substantial interest in any transaction with the Town;*
- (4) Is an affiliate of a business or undertaking that has taken an official position on any transaction with the Town (unless the individual or such individual's relative has no substantial interest in the outcome of the official action,² in which case such individual shall simply identify on the record his or her position);*
- (5) Is an affiliate of a business or undertaking that is or could be substantially affected by a transaction with the Town (unless the individual or such individual's relative has no substantial interest in the outcome of the official action, in which case such individual shall simply identify on the record his or her position); or*
- (6) Is required to receive official notice of a quasi-judicial action from the Town.*

8. What happens if a Councilmember has a conflict of interest regarding a matter for which the Council is the decision making body?

¹ A substantial interest is “a situation where there exists the reasonable possibility of: (i) a pecuniary gain by the Town Councilmember, . . . from the outcome of any official action; or (ii) the business or undertaking for which the Town Councilmember . . . is an affiliate . . ., standing to economically benefit from the outcome of any official action where, considering all of the surrounding circumstances, a reasonably prudent person observing the situation would expect a marked tendency **to make or influence a decision other than an objective decision.**”

Under **Sec. 2-4-60(a)**, the Councilmember with a conflict of interest must *disclose* the interest, *refrain from influencing* other members of Council, *refrain from voting or taking an official action* on the matter *and not discuss the matter with any member of Council*.

Sec. 2-4-60(b) allows the Council may vote to order recusal of a member based on “competent evidence” If the member fails to follow **Sec. 2-4-60(a)**.

“Recusal by Town Council, board, commission, task force or similar body. The Town Council and any Town board, commission, task force or similar body may order recusal of one (1) of its members if that member has an obligation to do so under Subsection 2-4-30(a) or (b) or Section 2-4-40 above and has failed to do so. Such an order is valid if reached after majority vote of the members of the body, not including the member whose recusal is sought, based on competent evidence.”

9. How is the Code of Conduct enforced?

Sanctions and remedies for violations are provided at **Sec. 2-4-140**.

- Council or public may request an investigation.
- Contracts and sales entered into may be voided by Council
- Council may publicly censure the councilmember.
- Council may remove the councilmember from Council

10. What are the consequences to the Town of violations of the Code of Conduct? (See **Appendix B** for a summary of legal challenges based on conflict of interest.)

- Loss of public confidence and trust in the integrity of the Town’s governing body.
- Time and expense to investigate a complaint by a member of the public.
- Any person affected by a transaction involving the “willfull or wonton”² violation of the Code of Conduct may bring an action against the Town for enforcement of the Code of Conduct.
- Any decision made by the Council or BOZAR where there is an appearance of or actual conflict of interest may be challenged in court on the basis of due process, undue influence, or other theories based on lack of fundamental fairness.
- Quasi-judicial decision-makers are required to base their decisions on relevant review criteria and the evidence in the administrative record. If a Councilmember is seen as unduly influencing a BOZAR decision because

² It is a defense to such action if the council member obtained an advisory opinion from and is acting in accordance with advice of the Town Attorney.

of her position as an elected official, the decision could also be challenged for failure to make the decision solely on the basis of the record.

11. Can the Town revise or delete Sec. 2-4-30(a) to allow a councilmember to appear before a board, commission, task force, or similar body where a conflict of interest exists?

Yes. Council can, after proper notice and public hearing, amend the Code to allow a councilmember to appear in front of BOZAR or DRC. However, deleting 2-4-30(a) does not eliminate the concerns that were the basis for the prohibition, i.e. the appearance of impropriety, claims of undue influence, loss of confidence in the elected body, or legal challenges to the BOZAR decision. Any amendment must be consistent with the intent of Code of Conduct set forth in **Sec. 2-4-10**, and be designed to address the issues that Sec. 2-4-30(a) was intended to avoid.

12. Have other home rule municipalities adopted provisions that are similar to Sec. 2-4-30(a)?

Yes –This is not a complete list, but here are some of the smaller home rule municipalities that address council members appearing in front of boards or commissions:

Aspen, Avon, Basalt³, Breckenridge, Durango, Fountain, Frisco, Glenwood Springs, Lafayette, Silverthorne, Snowmass Village⁴, Steamboat Springs.

³ Policy, not mandatory.

⁴ Allowed with prior approval by Council and comprehensive disclosure

APPENDIX A
Code of Conduct Memorandum
STATE STATUTORY PROVISIONS

C.R.S. **24-18-101** states: "Legislative declaration. The general assembly recognizes the importance of the participation of the citizens of this state in all levels of government in the state. The general assembly further recognizes that, when citizens of this state obtain public office, conflicts may arise between the public duty of such a citizens and his or her private interest. The general assembly hereby declares that the prescription of some standards of conduct common to those citizens involved with government is beneficial to all residents of the state. The provisions of this part 1 recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances."

C.R.S. **24-18-102(6)** defines a "local government official" as ". . . an elected or appointed official of a local government . . ."

C.R.S. **24-18-103(1)** states: "Public trust-breach of fiduciary duty. (1) The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of public officers, members of the general assembly, local government officials, and employees. A public officer, member of the general assembly, local government official, or employee shall carry out his duties for the benefit of the people of the state."

C.R.S. **24-18-109(3)(a)** states: "A member of the governing body of a local government who has a personal or private interest in any matter proposed or pending before the governing body shall disclose such interest to the governing body and shall not vote thereon and shall refrain from attempting to influence the decisions of the other members of the governing body in voting on the matter."

APPENDIX B

Code of Conduct Memorandum Challenges to actions based on Conflict of Interest

1. Lack of Impartiality. There is a presumption that quasi-judicial hearings are conducted impartially. *Soon Yee Scott v. City of Englewood*, 672 P.2d 2225 (Colo.App.1983); *Hadley v. Moffat County School District*, 681 P.2d 938 (Colo.1984). The presumption can only be overcome by evidence of *actual bias or conflict of interest*.

2. Due Process Claims. A person with a *recognizable* property interest at stake in a quasi-judicial proceeding is entitled to an impartial and disinterested decision maker. The federal and state constitutions prohibit governments from depriving a person of a property interest without due process of law (i.e. notice and fair opportunity to be heard).
Neighbors to a land use application do not have a recognizable property right protected by the due process or takings provisions of the U.S. Constitution. *Hillside Community Church v. Olson*, 58 P.3d 1021 (Colo. 2002).

3. Quasi-judicial Decisions. C.R.C.P. 106(a)(4) allows judicial review of a decision of a governmental body or officer exercising judicial or quasi-judicial functions to determine if the body or officer “exceeded its jurisdiction” or “abused its discretion.” An abuse of discretion occurs when a governmental body issues a decision that is not reasonably supported by any competent evidence in the record. “No competent evidence” means that the governmental body’s decision is “so devoid of evidentiary support that it can only be explained as an arbitrary and capricious exercise of authority or failure to follow applicable law.”

A hearing not conducted *fairly* will be seen by the court as the same as no hearing at all. Failure to provide a fair hearing is an abuse of discretion by the body for failure to follow the requirements of the law. Failure of one board member to properly address bias, prejudice or conflict can invalidate the action of the entire body.



Staff Report

To: Mayor Schmidt and Town Council

From: Michael Yerman, Community Development Director
Barbara Green, Town Attorney

Thru: Dara MacDonald, Town Manager

Subject: **Emergency Moratorium on Applications for and Demolition of Structures Pending Revisions to the Town Code.**

Date: January 7, 2019

Background:

The Town of Crested Butte was established as a Historic District by ordinance in 1972. Portions of the Town were listed on the National Register of Historic Places (NRHP) in 1974. The Board of Zoning and Architectural Review (BOZAR) was established as the body responsible for the review of demolition, alterations or additions to historic buildings and all new construction pursuant to “Design Guidelines.”¹ The National Park Service (NPS) which administers the NRHP requires that a building or structure be at least fifty (50) years old to be classified as historic.

The historic buildings in Crested Butte were professionally identified and studied in three separate documents under the auspices of the Colorado Historical Society. They include Crested Butte Historic Building Surveys of 2000 and 1998-99, and the 1994 Colorado Cultural Resource Survey of the NPS Forest Service station and residential buildings located at 104 and 108 Gothic Avenue.

The NRHP recognizes buildings, sites, and districts for their historic significance, and requires that that significance be associated with a discrete chronological period: the period of significance (“POS”). A historic place may have multiple POSs, but those periods must be strictly demarcated by year. In 2000, Crested Butte’s NRHP boundary was changed and the Historic District’s POS was set from 1880 to 1952. The Town Code protects structures built during the POS from demolition unless they pose immediate life safety risks. Even if a historic structure does pose these immediate risks, the Code imposes requirements to ensure their protection and preservation. Currently, the Town Code classifies any building over fifty (50) as historic, subject to the Design Guidelines and other Code requirements.

¹ Even though BOZAR regulations are referred to as “guidelines,” they are part of the Crested Butte Municipal Code and comprise mandatory criteria and requirements enacted by Council and that have the full force and effect of law.

In the summer of 2018, the Community Development Department received inquiries on the possible demolition of non-historic buildings built outside the POS. In reviewing Section 16-2-70 of the Code, staff identified several provisions that could be improved regarding demolition of a non-historic structure, and the need in some circumstances for exclusions from historic classification for structures older than fifty (50). Staff also considered whether multiple POSs should be established in the Town.

To address these issues, the staff prepared proposed Code revisions in late summer 2018. BOZAR reviewed the proposed revisions in October and November of 2018 and recommended certain revisions to Town Council that were incorporated into Ordinance 26, Series 2018 (Ord. 26-18). Council held a public hearing on Ord. 26-18 on December 17, 2018. During the public hearing and in written comments, several members of the public asked for revisions to Ord. 26-18. The Council continued the public hearing on Ord. 26-18 until January 22, 2019 to allow for additional revisions and public comments.

The issues raised regarding Ord. 26-18 are significant and complex, implicating several different sections of the Town Code. Thus, additional research and public input at the staff and BOZAR level are necessary before proposed revisions can be presented to Council for consideration. The Town also anticipates additional applications for demolition to be filed soon. Given the considerable time research and input deserve, and the likelihood of multiple demolition permit applications being filed in the near future, staff is recommending that Council adopt an emergency moratorium. The Moratorium will provide a “time out” to allow for research and public input without the Town’s architectural integrity being threatened by additional demolition applications prior to the effective date of the Town’s regulatory revisions. If the Moratorium is adopted, Council can withdraw Ord. 26-18 from consideration on January 22, 2019.

Process for Emergency Ordinances:

Section 4.12 of the Charter governs emergency ordinances as follows:

1. Emergency ordinances are ordinances that are necessary for preservation of public property, health, peace or safety. The facts showing urgency and need must be specifically stated in the measure itself.
2. Such ordinances require approval by the vote of at least five (5) members of the Council and become effective immediately upon adoption.
3. Neither a first reading nor a prior public hearing are required but they must be published in full as soon as possible and no later than ten (10) days after adoption.
4. Upon the adoption of an emergency ordinance, Council must schedule a public hearing to be held within twenty (20) days for the purpose of ratifying the emergency ordinance. Public notice is accomplished in the same way as other ordinances.
5. The Council must ratify the emergency ordinance, either in whole or in part and with or without amendments. Upon ratification, notice must be published in accordance with [Section 4.11\(d\)](#).
6. Any emergency ordinance which is not ratified by the affirmative vote of five (5) members of the Council is deemed repealed as of the date of the hearing at which ratification was attempted.

Recommendation:

By affirmative vote of at least five (5) councilmembers:

Adopt a moratorium on applications for and demolition of structures pursuant to Ordinance 1-2019, schedule a public hearing for January 22, 2019 for the purpose of ratifying the moratorium, and direct the Town Clerk to publish the appropriate notice thereof.

ORDINANCE NO. 1

SERIES 2019

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
DECLARING A TEMPORARY MORATORIUM ON DEMOLITION
AND THE PROCESSING AND APPROVAL OF APPLICATIONS
FOR DEMOLITION OF PERMANENT STRUCTURES WITHIN
THE TOWN OF CRESTED BUTTE PENDING AMENDMENT OF
THE MUNICIPAL CODE OF THE TOWN OF CRESTED BUTTE**

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the constitution and laws of the State of Colorado; and

WHEREAS, pursuant to Article XX of the Colorado Constitution and the Land Use Control Enabling Act (Article 20 of Title 29, C.R.S), the Town has the power to regulate the use of land within the community, and the authority to exercise its police powers to protect the health, safety, and welfare of the community and its citizens; and

WHEREAS, the Town is a historic district and portions of the Town are listed on the National Register of Historic Places ("NRHP"); and

WHEREAS, the NRHP established the period from 1880 to 1952 as the district's period of significance ("POS"); and

WHEREAS, the Town has initiated the process of examining appropriate regulatory tools and municipal code amendments to regulate *inter alia* historic structures, structures outside the POS; and demolition of such structures; and

WHEREAS, demolition of structures without appropriate criteria and standards can threaten the Town's historic, unique character and endanger the public health, welfare and the environment; and

WHEREAS, several structures within the Town are in jeopardy of being demolished; and

WHEREAS, the Town Council of the Town of Crested Butte finds that a temporary moratorium of nine (9) months duration is necessary for the Town to gather public input and continue discussion and analysis of appropriate measures to address these concerns before amending the Town Codes; and

WHEREAS, proper notice of the public hearing to consider this Ordinance has been accomplished.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Nine-month Moratorium Imposed. Upon the adoption of this Ordinance, a nine-month moratorium is imposed upon the demolition and processing and approval of applications for demolition of any permanent structure sited within the municipal boundaries of the Town of Crested Butte other than as may be necessary to comply with Sec. 7-2-210. - Dangerous and unsafe buildings.

Section 2. Exception to Moratorium. This Ordinance shall not apply to the demolition of any structure for which an application for a demolition permit has been deemed complete as of the effective date of this Ordinance.

Section 3. Severability. If any section, sentence, clause, phrase, word, or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words, or other provisions of this Ordinance, or the validity of this Ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 4. Authority. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to Article XX of Colorado Constitution and the Local Government Land Use Control Enabling Act (Article 20 of Title 29, C.R.S).

Section 5. Emergency Declared, Effective Date, and Expiration. The Town Council finds, determines and declares that passage of this Ordinance is necessary for the immediate protection of the health, safety and welfare of the citizens of the Town of Crested Butte and of the environment because of the detrimental impact on the Town's historic and unique character resulting from the demolition of permanent structures without additional criteria and standards. The Town Council further determines that the adoption of this Ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Crested Butte. This Ordinance shall be effective upon adoption. The moratorium imposed by this Ordinance shall expire nine (9) months hereafter, at 12:00 am on October 8, 2019 unless repealed prior to that date or extended by action of the Town Council.

ADOPTED BY THE TOWN COUNCIL THIS 7th DAY OF January, 2019

TOWN OF CRESTED BUTTE, COLORADO

By _____
James A. Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

Agenda
BOARD OF ZONING and ARCHITECTURAL REVIEW
 Tuesday
 December 18, 2018

- 6:00 Call to Order.
- 6:02 Review and approve the minutes from the **November 27, 2018** BOZAR meeting
- 6:04 Consideration of the application of **Michael R. Haney** to demolish/relocate the existing primary residence and construct a new primary residence and make additions to the existing accessory building located at 20 Third Street, Block 3, West 100 feet of Lots 20-21 and West 100 feet of the South half of Lot 19 in the R1 zone. (Barney)
- A conditional use permit for a heated and/or plumbed accessory building in the R1 zone is required.
- Permission to demolish/ relocate the existing single family residence is requested.
- Architectural approval is required.
- 7:25 Discussion about siding materials for the Block 76, 77, 78, 79 and 80 proposal.
- 7:55 Discussion about window types for the Block 76, 77, 78, 79 and 80 proposal.
- 8:25 Break
- 8:45 Consideration of the application of **Town of Crested Butte in conjunction with Bywater LLC** to construct a triplex to be located at 806, 808 and 810 Gothic Avenue, Block 76, Lot 5 in the R2A zone. (Barney/Wisian)
- Architectural approval is required.
- A conditional use permit for a three-family dwelling in the R2A zone is required.
- 9:35 Consideration of the application of **Town of Crested Butte in conjunction with Bywater LLC** to construct a triplex and one cold accessory building to be located at 816, 818 and 820 Gothic Avenue, Block 76, Lot 3 in the R2A zone. (Barney/Wisian)
- Architectural approval is required.
- A conditional use permit for a three-family dwelling in the R2A zone is required.
- 10:15 Miscellaneous:
- o DRC for January 14 and 22: Ellis and possibly Alvarez Marti (BOZAR – January 29th)
 - o DRC for February 11 and 19: _____ (BOZAR – February 26th)
 - o **BOZAR Training Manuals – Bring Code Books to the meeting.** Staff will change out binders that includes the new training manual.
 - o **CPI Conference** – February 4-7, 2019
 - o Insubstantial Reviews:
 - o Hermanson (14 Gothic Avenue) – curved deck proposal.
- 10:40 Adjourn

The above times are only tentative. The meeting may move more quickly or slowly than scheduled

AGENDA

Call to Order

Roll Call

Approval of the December 18, 2018 Regular Town Council Meeting Minutes

Reports

- Town Manager's Report
- Town Council Reports

CORRESPONDENCE -

OLD BUSINESS-

Discussion and Possible Consideration of a Letter to the Crested Butte Town Council Regarding the Mt. Crested Butte Town Council's Position on The Corner at Brush Creek – Carlos Velado

Discussion and Possible Consideration of a Planning Commission Recommendation to the Town Council on a Condominium Plat for Units D and E in the Sun Castle Condominiums Located at 33 Castle Road, Lot 16 Chalet Village Addition 3, Mt. Crested Butte, Colorado - Todd Carroll

NEW BUSINESS –

Discussion and Possible Consideration of an Intergovernmental Agreement for Public Works Projects – Joe Fitzpatrick

Discussion and Possible Consideration of a Lot Line Vacation to Vacate the Lot Line and Utility Easements Between Lots 3 and 4, Sunlight Ridge Estates and Adjust the Lot Line and Establish a 16' Sanitary Sewer Easement Between Lot 1 Morning Glory Addition and Lot 3 Sunlight Ridge Estates, Submitted by Bruce Jackson – Leah Desposato

Discussion and Possible Consideration of a Special Event Liquor License Submitted by the Crested Butte/Mt. Crested Butte Chamber of Commerce for an Event to be held on January 24, 2019 from 9:00am to 6:00pm and on January 25, 2019 from 9:00am to 5:00pm at Tract 14, North Village Reserve, Mt. Crested Butte – Tiffany O'Connell

OTHER BUSINESS –

PUBLIC COMMENT – *Citizens may make comments on items not scheduled on the agenda. Those commenting should state their name and physical address for the record. Comments are limited to five minutes.*

ADJOURN

If you require any special accommodations in order to attend this meeting, please call the Town Hall at 349-6632 at least 48 hours in advance. Public comment on these agenda items is encouraged.



To: Town Council

From: Tiffany O'Connell, Town Clerk

Subject: Town Council Calendar – 3 or more Town Councilors may be in attendance at the following events and may discuss town business.

Date: December 19, 2018

Calendar

Date	Time	Event	Location	Additional Information
January 2, 2019	6:00 PM	Town Council Meeting	Town Hall	
January 7, 2019	5:00PM	Joint Work Session	Crested Butte Town Hall	Brush Creek Discussion
January 15, 2018	6:00 PM	Town Council Meeting	Town Hall	
February 6, 2018	9:00AM	Strategic Planning Retreat	Al Johnson Room – Lodge at Mountaineer Square	
February 26, 2019	5:00PM	Special Town Council Meeting	Town Hall	Summer 2019 Admissions Tax Grant Applications
February 27, 2019		Joint Elected Officials Dinner	Gunnison	Two or more Town Councilors may attend
June 18-21, 2019		CML Conference	Breckenridge	
August 1, 2019	5:00PM	Town Council Meet and Greet	Ted Scheske Town Park	
August 2, 2019	5:00PM	Annual Town Picnic	Ted Scheske Town Park	
September 10, 2019	5:00PM	Special Town Council Meeting	Town Hall	Winter 2019/2020 Admissions Tax Grant Applications

GUNNISON COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING AGENDA

190

DATE: Friday, December 21, 2018

Page 1 of 2

PLACE: Board of County Commissioners' Meeting Room at the Gunnison County Courthouse

GUNNISON COUNTY HOUSING AUTHORITY SPECIAL MEETING:

- 10:00 am
- Call to Order
 - Resolution; Amending the Gunnison County Housing Authority Budget for Fiscal Year 2018 and Amending the Appropriation Resolution
 - Adjourn

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT SPECIAL MEETING:

- 10:01 am
- Call to Order
 - Resolution; Amending the Gunnison River Valley Local Marketing District Budget for the Fiscal Year 2018 and Amending the Appropriation Resolution
 - Adjourn

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS SPECIAL MEETING:

- 10:02 am
- Call to Order
 - Resolution; Amending Certain Charges and Fees for Integrated Solid Waste Services Effective January 1, 2019; This Resolution Supersedes Resolutions 17-48
 - Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the Tomichi Division of the Gunnison County Water and Sewer District; This Resolution Supersedes Resolution 17-49
 - Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the Antelope Hills Division of the Gunnison County Water and Sewer District; This Resolution Supersedes Resolution 17-50
 - Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the North Gunnison Division of the Gunnison County Water and Sewer District; This Resolution Supersedes Resolution 17-51
 - Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the Somerset Division of the Gunnison County Water and Sewer District; This Resolution Supersedes Resolution 17-52
 - Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the Dos Rios Division of the Gunnison County Water and Sewer District; This Resolution Supersedes Resolution 17-53
 - Resolution; Establishing the Schedule of Fees and Rates for Water Service within the Antelope Hills Division of the Gunnison County Water and Sewer District; This Resolution Supersedes Resolution 17-54
 - Resolution; Establishing the Schedule of Fees and Rates for Water Service within the Dos Rios Division of the Gunnison County Water and Sewer District; This Resolution Supersedes Resolution 17-55

*NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. The County Manager and Deputy County Manager's reports may include administrative items not listed. Regular Meetings, Public Hearings, and Special Meetings are recorded and **ACTION MAY BE TAKEN ON ANY ITEM**. Work Sessions are not recorded and formal action cannot be taken. For further information, contact the County Administration office at 641-0248. If special accommodations are necessary per ADA, contact 641-0248 or TTY 641-3061 prior to the meeting.*

GUNNISON COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING AGENDA

191

DATE: Friday, December 21, 2018

Page 2 of 2

PLACE: Board of County Commissioners' Meeting Room at the Gunnison County Courthouse

- Resolution; Amending the Gunnison County Budget for Fiscal Year 2018 and Amending the Appropriation Resolution
- Set Gunnison County Mill Levy and Certify All Taxing Entities' Mill Levies to County Assessor
- Adjourn

GUNNISON COUNTY BOARD OF EQUALIZATION SPECIAL MEETING:

- 10:11 am
- Call to Order
 - Minutes Approval
 1. 10/1/18
 2. 10/2/18
 - Adjourn

Please Note: Packet materials for the above discussions will be available on the Gunnison County website at <http://www.gunnisoncounty.org/meetings> no later than 6:00 pm on the Wednesday prior to the meeting.

GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA

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DATE: Tuesday, December 18, 2018

Page 1 of 2

PLACE: Board of County Commissioners' Meeting Room at the Gunnison County Courthouse

GUNNISON/HINSDALE BOARD OF HUMAN SERVICES REGULAR MEETING:

8:30 am • (See separate agenda)

GUNNISON COUNTY BOARD OF HEALTH:

- 9:00 am • Call to Order
- Consumer Protection Update
 - Staffing Update
 - 2019 Board Planning
 - Adjourn

GUNNISON COUNTY BOARD OF COMMISSIONERS REGULAR MEETING:

- 9:45 am • Call to Order; Agenda Review
- Proclamation; Recognition of Carol Worrall's Retirement
 - Minutes Approval:
 1. 11/20/18 Regular Meeting
 2. 12/04/18 Regular Meeting
 - Consent Agenda: These items will not be discussed unless requested by a Commissioner or citizen. Items removed from consent agenda for discussion may be rescheduled later in this meeting, or at a future meeting.
 1. Resolution; A Resolution Adopting the Gunnison County Manager Contract Execution Authority Policy
 2. Ratification of BOCC Signature; Letter of Support; WSCU ICELab Funding Application
 3. Liquor License Renewal; Gunnison Golf Club, Inc. dba Dos Rios Golf & Country Club
 4. Agreement; Off-Airport Ground Transportation Agreement; Gunnison County & Star Peak Services Ltd
 5. Agreement; Ground Transportation Agreement; Gunnison-Crested Butte Regional Airport; Alpine Express
 6. Appointments; Gunnison Valley Hospital Board of Trustees; Donald Haver & Marla Covey
 7. Acceptance of Gunnison Sage-Grouse Strategic Committee Nomination; Fish & Wildlife Service; Alternate Member
 8. Grant Agreement; EAIF 8778; State of Colorado, Department of Local Affairs; Gunnison County CNG Vehicles
 9. WRETAC Regional Systems Development Policy & Application
 10. Development Improvements Agreement; Discount Self-Storage; Parking Area Expansion
 11. Contractor Agreement; Hill Top Community Resources & Gunnison County; Wraparound Coaching
 12. Amendment; 1st Amendment to the Gunnison County Flexible Benefit Plan
 13. IAO Re, Inc.; HIPAA Privacy Release; Stop Loss Disclosure for Protected Health Information
 14. Application; Companion Life Insurance Company; Excess Loss Insurance
 15. 2019 Colorado Counties Casualty & Property Pool (CAPP) Insurance Agreement; January 1, 2019 – December 31, 2019
 16. Colorado Counties, Inc.; 2019 Voting Proxy; Health & Human Services Director Joni Reynolds

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GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA

193

DATE: Tuesday, December 18, 2018

Page 2 of 2

PLACE: Board of County Commissioners' Meeting Room at the Gunnison County Courthouse

17. Memorandum of Understanding; Community Planning Assistance for Wildfire (CPAW); Gunnison County Community & Economic Development
18. Memorandum of Understanding; Rocky Mountain Health Plan & Gunnison County
19. Memorandum of Agreement; Gunnison River Valley Local Marketing District & Gunnison-Crested Butte Tourism Association
20. Memorandum of Agreements; Childcare Nurse Consultant Program; Lake Preschool & Kindergarten, Seasons Schoolhouse, Inc., Paradise Place Preschool, Tenderfoot Child & Family Development Center, Inc., Little Red Schoolhouse of Crested Butte South, Inc., & Stepping Stones Children's Center, Inc.

- Scheduling
 1. 2019 Draft BOCC Meeting Schedule

10:00 • **BREAK**

10:10 • County Manager's Report

10:20 • Deputy County Manager's Report

1. Intergovernmental Agreement; Town of Marble; Winter Road Maintenance

10:30 • Leigh Marie, LLC Request for Waiver Pursuant to Gunnison County Standards & Specifications for Road & Bridge Construction Re: Easement over Waunita Hot Springs Ranch, Inc.

10:40 • Purchase Orders; Harris Govern; Appraiser Field Software Solution

10:45 • Building Adjustment Request; Lot 4 Lost Miner Ranch Subdivision; Ashwood

10:50 • Rock Creek Homeowners Association; County Requested Vote Re: Covenants

10:55 • Discussion; REDI Grant – Western State Colorado University ICELab

11:00 • Vouchers and Transfers

- November 2018 Sales Tax & Local Marketing District Tax Reports

- Treasurer's Report

11:05 • Century Link Update; Al Perez Re: Conduit Installation - Cottonwood Pass

- Commissioner Items: Commissioners will discuss among themselves activities that they have recently participated in that they believe other Commissioners and/or members of the public may be interested in hearing about.

- Unscheduled Citizens: Limit to 5 minutes per item. No formal action can be taken at this meeting.

- Adjourn

Please Note: Packet materials for the above discussions will be available on the Gunnison County website at <http://www.gunnisoncounty.org/meetings> no later than 6:00 pm on the Friday prior to the meeting.

City of Gunnison
NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

PLEASE TAKE NOTE THAT, pursuant to Section 6.7 and 10.5 of the *City of Gunnison and Land Development Code*, a public hearing will be held at the hour of **5:30 PM on the 8th day of January, 2019**, in the City Council Chambers, Gunnison Municipal Building, 201 West Virginia Avenue, Gunnison, Colorado on the merits of Text Amendment application, ZA 18-2, proposing to amend Section 2.3 Designated Housing Types; 2.4 Principal Use Table; 2.6 Base Zone District Dimensional Standards; 3.3 Residential Use Standards adding Cluster Development housing standards; 3.7 Commercial Use standards; and, 4.4 Off-Street Parking and Loading within the *City of Gunnison Land Development Code*.

AT WHICH TIME AND PLACE you may attend and give testimony, if you so desire.

Written comments may be submitted to the City Clerk's Office located in City Hall, 201 W. Virginia Avenue, Gunnison, CO; mailed to the City Clerk at PO Box 239, Gunnison, CO, 81230; or emailed to eboucher@gunnisonco.gov until 4:00 PM on Monday, January 7th, 2019.

By order of Erica Boucher, City Clerk
/s/ Erica Boucher

January 22, 2019

Work Session

Affordable Housing

Consent Agenda

Alley Loop Special Event Application

Letter to the USFS on Comments to the Wild and Scenic Rivers Eligibility Report

Big Mine Ice Arena Services Agreement between the Town of Crested Butte and Crested Butte Nordic.

Public Hearing

Ordinance No. 26, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Articles 1, 2 and 14 of Chapter 16 and Article 15 of Chapter 18 of the Town Code to Add New Criteria for Exclusion of Certain Structures from the Definition of an Historic Building, and to Provide for the Partial Demolition of an Historic Structure Subject to an Approved Rehabilitation and Development Plan.

New Business

MOU with CBFPD and CBSAR

MOU with the School District

Block 76 Developer Contract with Bywater

Ordinance – Restrictive Covenant for 611 4th Street

Resolution – WWTP Contract

February 4, 2019

February 19, 2019

Public Hearing

Appeal of BOZAR Decision

Future Items

- Quarterly Financial Reports
- Year-End – Retreat Update
- Year-End – Project Update
- Heights Open Space Plat Note and Covenants
- RLA for Dillon Wall
- DOLA Update
- Year-End Report from Chamber of Commerce – February
- Mt. Express Annual Report – February
- Affordable Housing Update – February