

APPENDIX A

IMPACT FEES

Impact fees have been defined as "A monetary charge to recoup a proportionate share of the capital costs required to accommodate new development with necessary public facilities". Impact fees are a financing technique which respond to the problem in growing communities of the difference between infrastructure needs and available fiscal resources. This gap can be generally attributed to the increasing costs of developing new facilities, combined with decreasing federal and state contributions to local budgets and increasing local opposition to authorize new taxes which would be required to subsidize the costs of growth.

Impact fees provide an opportunity for local governments to assign the responsibility for financing capital facilities to developments which cause the need for the new or expanded facilities. The effect of such systems is to shift the financial burden for new public facilities away from the general taxpayer to those persons who are creating the need for and will benefit from the facilities.

Impact fees are a direct descendent of traditional regulatory provisions that a developer install those public improvements within a subdivision which are designed to serve its residents. On-site improvements are directly necessary for the individual subdivision and are, therefore, typically required to be installed by the developer prior to sale of lots or development of new units.

The improvements within the subdivision, however, are clearly only a part of the range of public facilities and services needed for or impacted by a new subdivision. Off-site facilities, such as roads and parks, typically serve residents of several subdivisions and need to be integrated into the community-wide system of public facilities so they do not function in isolation from one another. Since off-site facilities are required by and benefit more than one subdivision, local governments have turned to impact fees to ensure that the proportionate cost of such facilities is borne by new development, instead of trying to get several different developers to join together over time to collectively build needed facilities.

The courts have found that impact fees do not constitute taxes. Therefore, impact fees can be authorized by local ordinance and do not require a vote of the electors. However, where a tax need not demonstrate a relationship between the amount paid and the benefit received, a fee must have a direct, proportionate relationship. The courts have defined this as the "rational nexus test".

For an impact fee regulation to meet the rational nexus test, it should be based on certain operating principles, stated below.

1. The impact fee should be based on a documented estimate of the cost of constructing new facilities and show that the need for new facilities is a consequence of new, not existing developments.
2. The impact fee should be based on a reasonable formula for determining the portion of the cost imposed on new development, such that new developments pay only their proportionate share, and not the entire burden, of the cost of new facilities.
3. The formula should provide a credit for any tax payments which landowners have made while their land is vacant or will make after their land is developed which are spent on the same type of capital facilities for which the fee has been imposed. The impact fee regulation should also credit the developer for any improvements or land dedications made which have general benefit and are in excess of those internal to the subdivision.
4. The regulation should specify that expenditures will be made within small geographic service areas, so residents of the new development will likely benefit from facilities for which they paid their fair share.
5. The regulation should provide that any funds collected are segregated from other revenue sources and are earmarked for expenditure for only those facilities for which monies were originally collected.
6. The regulation should establish a time limit within which the monies collected will be expended and a procedure for refunds if the time constraint is not met.

The first three of these principles are typically addressed in a technical report which substantiates the adoption of the impact fee by providing a formula and impact fee calculations. The Parks Improvements and the Snow Plowing and Traction Control subchapters of the Land Use Plan are the technical reports for Crested Butte. The last three of the principles are typically addressed in the regulation itself but are also briefly included in the policies for the each technical report in the Land Use Plan

APPENDIX B**Park and Recreation Improvements, Further Documentation.****A Description of Park Improvements**

Public parks within the Town are improved with landscaping and other amenities that permit active use of the land for park purposes. As a general proposition, the Town's parks include grass surfaces, sprinkler systems, trees, shrubs, playground equipment, trails and footpaths, playing field equipment such as backstops, ice rinks, a warming house, batting cages, outfield fences and other similar public amenities.

An evaluation of the Town's parks indicates that on a per acre basis, the following minimum landscaping improvements are commonly present:

Table B 1
Minimal Park Improvements And Their Costs

Improvement per acre	Estimate of replacement cost per acre 1995
43,560 square feet of fescue sod	\$20,038 + ground prep.
Replacement costs for 81 Aspen trees @ \$ 150 / tree = \$12,150 / 11.43 acres =	\$ 1,063
Replacement costs for 43 Spruce trees @ \$ 170 / tree = \$ 7,310 / 11.43 ACRES =	\$ 640
Replacement costs for 112 shrubs @ \$ 28 / shrub = \$ 3,136 / 11.43 acres =	\$ 274
Automatic sprinkler system installed adequate to maintain grass, trees, and shrubs	<u>\$14,587</u>
Per acre total cost	\$36,602

Note: These cost estimates are from three local and West Slope landscape companies and do not reflect actual expenditures by the Town.

The Parks and Recreation Improvements chapter states that during the past 20 years the Town has spent an average of \$21,196 per acre for landscaping, including landscaping of the ball fields. If the 1995 estimated replacement cost per acre for landscaping (\$36,602) is updated using CPI to 2003, the amount per acre would be \$46,229. Since the town used the actual expenditures and not the estimated replacement cost per acre for landscaping, the costs used in the Capital Expansion Recovery System Fee are conservative.

As of May, 2004 there were 11.513 acres of park that have been developed with the above listed minimum park improvements in Crested Butte.

Table B 2
Landscaped Park Land in Crested Butte

Three Ladies Park	.2 Acres
Totem Pole Park	.37
Sheila Murray Park	.015
Henderson Park	.028
Gothic Field	1.6
Town Park	8.1
<u>Tommy Villanueva Field</u>	<u>1.2</u>
Total	11.513

The other major parks include Big Mine Park that is at the old coal tiple site and probably cannot be reasonably converted to sod due to the cinders on the site, Red Lady Estates Park, which has been left in its natural condition and is principally an old spruce tree forest, and Kapushion trail R.O.W. which was intended to be a natural willow park. In addition there are all the parks and greenways in the Verzuh Annexation and Paradise Park Subdivision, but there have been no improvements to those parks do to date.

Table B 3
DOCUMENTED PARK AND RECREATION EQUIPMENT EXPENDITURES
1979 - 2003

Year	Improvement	Value at Year of Improvement	Est. Value at 2003 CPI 1983-2003
1979	Park improvements	1,668	4,451
	Tennis courts	24,962	66,613
1980	Park improvements	37,638	89,678
1983	Windscreens	961	
	Fence	1,884	3,502
1985	Henderson park equip	551	961
1986	Mary Yelenick	16,000	27,700

	Pavilion	3,000	5,194
1987	Volleyball court	1,665	2,807
1988	Landscape 6th & Elk	4,431	7,280
	Soccer Field	45,757	75,175
1989	Town park restrooms	19,539	31,519
	Misc. park equip on cap asset list	6,957	11,223
	Landscape 6th & Elk	7,879	12,710
	Pavilion rec. bldg.	3,000	4,839
1990	Misc. park	6,795	10,499
	Park equip	2,120	3,276
1991	Misc. park	2,042	3,037
	12 new trees	1,800	2,677
1993	Warming House	144,928	199,356
	Ice rink lights	1,433	1,971
	Bike racks	1,900	2,614
1994	Broom & mower for tractor	6,835	9,004
	Gothic backstop	844	1,112
	Pitsker batting cage and fence	5,715	7,529
	Tennis windscreen	1,676	2,208
1995	Landscape trailer	500	632
	Totem pole sprinkler system	4,313	5,447
	Halazon ditch pipeline	59,838	75,576
	Irrigation system	9,537	12,045
	Snow blower	400	505
1996	Three ladies park	8,460	10,322
	Visitor ctr. landscape	8,878	10,832
	Landscaping	8,912	10,873
	Bike racks	2,200	2,684
	Soccer goals	2,287	2,790
	John Deere	24,000	29,283
	Game scheduling software	1,900	2,318
	Bleacher	1,068	1,303
	Zamboni	7,967	9,721
1997	Skate park	66,052	78,042
	3 ladies park	17,154	20,268
	10 bike racks	2,200	2,599
	10 benches	2,992	3,535
	Irrigation Yelenik pump house	4,333	5,120
	Ford minibus	10,000	11,815
	Hockey scoreboard	875	1,034
1998	Yelenik play structure	62,722	72,369
	K-12 ballfield	68,375	78,891
	Bike racks	2,200	2,538
	Ryan aerator	5,409	6,241
	115 gallon Sprayer	2,396	2,765
	Frisbee golf course	4,438	5,121

	Tumble bugs	1,642	1,895
	10 benches	2,951	3,405
	10 bike racks	2,200	2,538
	Snowcat	98,900	114,111
1999	Sod cutter	2,000	2,242
	Field striper	905	1,015
	Top Dresser	2,000	2,242
	Warming house addition	72,726	81,544
	K-12 ballfield	1,676	1,879
	Town Hall landscaping 50% parks 50% ADA access	9,212	5,164
	10 benches	2,638	2,958
	Pave basketball court	4,215	4,726
	Totem Ppole park bridge	6,275	7,036
2000	Pave park pavilion and walkways	8,599	9,274
	K-12 infield	4,402	4,748
	Gym renovations	1,470	1,585
	Basketball backboards	1,987	2,143
	Ballfield fencing	5,186	5,593
	4 Benches	840	906
	Track Snow thrower	1,318	1,421
	Park Bleachers	4,090	4,411
	4 Bike racks	840	906
2001	Ice rink renovation	192,331	198,166
	Chevy 15 passenger van	18,800	19,370
	Park Bleachers	3,601	3,710
2002	Crank's Tank addition	16,839	17,021
	1999 Chevy 1 Ton Truck	16,060	16,234
	6 Benches	1,020	1,031
	Tommy V field fencing	5,430	5,489
	Total 1983 - 2002	1,167,270	1,413,625

Note the park pavilion building was purchased by the Town from the County at a bargain price. The estimated cost to replace the structure is \$27,000 to \$32,000. (Alex Rachak Recreation, Inc. \$32,077 1/5/96. Litchfield Industries, Inc. \$27,000 1/2/95)

Park Land for Total Town Buildout

The Town zoning provides for up to 1,202 units if all lots are built out to their maximum residential use. The existing facilities will not provide adequate park and recreation space for the residents of all 1,202 units. The provision of 7.11 acres of land by the Town for ball fields, parking and school buildings on the Town Ranch, could provide adequate space for the roughly 395 additional people at full buildout. (1,202 units - 952 units * 1.58 people per unit = 395 people * .018 acres per person = 7.11 acres for parks). (26.55 acres of park land / 1,507 residents = .0176 acres of land for parks and recreation in 2004)

Appendix C-1

Affordable Housing Strategy Identification - Tier 1

This appendix describes in detail implementation options to achieve the goals and policies of the affordable housing Chapter of the Land Use Plan.

To date, a total of 13 distinct approaches have been used to provide affordable housing in Crested Butte. Town staff, the consultant and task force members identified 15 additional ways by which the Town could address housing needs in the future.

Existing and Potential Strategies

Existing Strategies	New, Potential Strategies
Commercial Linkage	Housing rehabilitation/weatherization
Residential Linkage	Acquisition/preservation of market units
Inclusionary Zoning (Annexation Policy Amendments)	6320 non-profit corp. & tax exempt bond issue
Tap fee/permit reductions	Demolition/replacement regulation
Density and height bonus for ADU's	Tax credit apartment development
FAR bonus in B-1 and C zones	Senior housing development
Housing for Town employees	Mortgage/down pmt assistance
Sale of Paradise Park lots	Employer-assisted housing
Town development of units	Sales tax for housing
USDA Mutual Self Help Build	Lodging tax for housing
Habitat for Humanity	Voluntary housing contribution
Annexation Policy	Donation/tax break program
Public /private partnerships	Lot trades
	General obligation bonds
	Section 8 rental vouchers

Of the 15 new, potential strategies, five were eliminated from inclusion in this five-year strategic plan but should be considered in the future (identified by strike through on table above). All taxes were eliminated because a public vote would be required, and task force members felt that it would probably not pass given current economic conditions. Strategies involving tax exempt bond issues were eliminated due to the high cost of issuance, the requirement for voter approval and the inability to sell unrated bonds under current market conditions. Creating a voluntary housing contribution program was also removed from further consideration at this time since non-profit organizations are struggling with declines in donations, and there are no examples of similar programs elsewhere that could potentially be copied in Crested Butte.

A two-tier grouping of strategies was done in order to focus the time and expertise of task force members on the strategies that could be the most effective in the near term and that could be realistically implemented given funding and staffing constraints.

General criteria for assigning the strategies into the two groups were as follows:

Criteria Used to Prioritize

Tier 1 Criteria	Tier 2 Criteria
Funding appears to be available	Funding uncertain
Involves continuation of existing program	New program
Opportunities appear to be forthcoming	Market conditions limit opportunities
Builds on existing admin expertise	Extensive administrative requirements
Effective at producing units	Results in a limited number of new affordable units

The following table lists the strategies by group. Specific objectives for each strategy in the Tier 1 group were developed with detailed steps for implementation (see following section of this Plan). The strategies in the Tier 2 group need further refinement. The Task Force should be reconvened within one year of the Plan's adoption to tackle this task.

Priority Strategies by Group

Tier 1 Strategies	Tier 2 Strategies
Commercial Linkage	Inclusionary Zoning Amendments
Residential Linkage	
Annexation Policy Amendments	Sec 8 Rental Subsidy Vouchers
Paradise Park Lots	Donation/Preservation
Paradise Park Duplexes/Triplexes	Employer-Assisted Housing
Mortgage Assistance & Homebuyer Counseling	Lot Trades
Incentives (eg. fee reductions, density bonuses)	
Low Income/ Tax Credit Apartments	
Acquisition/Preservation	
Rehabilitation/Weatherization	

In some cases, strategies were combined. For example, development of senior housing was not eliminated but rather addressed as a component of the construction and sale of duplex/triplex units in Paradise Park.

Strategy Development

Tier 1

Commercial Linkage

Commercial linkage is a requirement for addressing keep-up needs – it is based on the jobs created by new development and the resulting demand generated for affordable housing. It requires developers of new commercial space (it does not apply to existing businesses or existing space) to provide or fund a portion of the affordable housing for which need is generated by the new commercial space, usually by building it on site in mixed-use projects. Structuring the requirement as an impact fee also appears to be allowable based on the Gunnison County decision, a lawsuit in which the court upheld the County’s impact fee for affordable housing charged on both residential and commercial buildings.

Crested Butte has had a commercial linkage requirement in place since 2003. Since the fee is low relative to the documented maximum fee and to the cost for building units (\$2.08 per square foot when the cost of building new commercial square feet is roughly \$500 per square foot), developers have opted to pay the

fee. Revenues from this fee have been used to support a variety of affordable housing efforts including incentives, infrastructure and administration.

An *Affordable Housing Strategy Support Study* for both commercial and residential linkage was completed in March 2010 that documents the link between development and housing demand. It provides the basis for calculating the fee-in-lieu so that it can be periodically updated to reflect changes in incomes and housing costs.

Recommendations for Crested Butte's commercial linkage requirements include:

- Require new commercial development to address 25% of the housing demand it generates. The Town prefers that units provided to meet the housing requirement be long-term rentals but recognizes that long term rentals may not be practical in all cases. Therefore, developers are encouraged to work with the Town to determine the types of units provided to meet the requirements.
- Incent on-site development of units but allow off site development, in the Town of Crested Butte, fees in lieu and land in lieu as options for compliance, based on community benefits, incompatibility with adjacent commercial/industrial uses, opportunities to utilize and leverage revenue, location and site attributes.
- Require new commercial development to address 50% of the housing demand it generates if a fee-in-lieu of building units is proposed.
- Calculate the fee in lieu according to the methodology provided in the *Affordable Housing Strategy Support Study* and update it annually.
- Units provided via the commercial linkage requirements should be targeted for Category 2 households (81% to 120% AMI) with the average price of units affordable for households with income of 100% AMI.
- Clarify that the commercial linkage requirement is imposed when the building permit is pulled and is therefore applicable to all new commercial development that has not been permitted by the date the changes are enacted.

Based on the model in Appendix C-4, if 50,000 sq. ft. of commercial space is built in the next five years, the proposed commercial linkage program is projected to produce 23 affordable units by 2015, primarily on site above or behind commercial space. Ideally, fees-in-lieu would be accepted for three to five units to generate income needed to support other housing efforts. Fees-in-lieu on three units would generate approximately \$615,000 by 2015 based on a linkage fee of \$94 per square foot on the construction of new commercial space.

While it is recognized that a 25% affordable housing requirement for commercial development falls far short of the housing demand created by the development, policies of this Plan call for responsibility for affordable housing to be broadly shared, as described below.

Residential Linkage

Residential linkage requires new home construction to contribute to the provision of affordable housing based on the housing demand that the new home generates from the resulting permanent on-site jobs. Since most home maintenance and service jobs are low wage, these requirements are typically designed to provide housing for low-income employees. The requirement can be a fee-in-lieu formula where affordable units are required (typically only a fraction of an affordable housing unit is required for each single-family home), or as an impact fee as was done and upheld in Gunnison County. In Crested Butte, home builders are currently charged \$1.82 per square foot.

Recommendations for the Town's residential linkage requirement are as follows:

- Establish a stepped up mitigation rate that increases with house size from 20% for homes with fewer than 2,000 square feet, 30% for homes with 2,000 to 2,999 square feet, and 40% for homes with 3,000 or more square feet.
- Recommended affordable housing units required for each free market residential unit built and fees in lieu, based on the Support Study and the model in Appendix C, are as follows and are based on the total square footage built for a new home or the total square footage for a home after an addition is added:
 - Up to 1,999 sq. ft. at a 20% mitigation rate: .016 AH units or \$2.85 per sq. ft. of free market residential unit built.
 - 2,000 to 2,999 sq. ft. at a 30% mitigation rate: .033 AH units or \$3.50 per sq. ft.
 - 3,000 sq. ft. or more, at a 40% mitigation rate: .061 AH units or \$4.50 per sq. ft.
- Update the fee annually as incomes and housing prices change.
- Continue to exempt from the requirement all deed-restricted units, except units with the resident occupied deed restriction (RO) (qualified owners or renters must earn 80% of their income in the County but no income or price caps).
- The program should primarily address the housing needs of low-income households (Category 1 - ≤80% AMI) but also serve Category 2 households (81% - 120% AMI) as appropriate to partially keep-up with housing demand generated by future residential growth; possible uses of the funds might include subsidizing the development of low-income tax credit apartments to achieve the quality and design desired.
- If a deed restricted unit is built on a single family residential parcel with a free market unit, there should be no additional affordable housing requirement for the free market unit.

Based upon a series of assumptions about future residential development, a linkage program as proposed would generate total revenue of approximately \$261,500 by 2015. This estimate is based on the assumption that six free-market homes will be built each year at an average size of 2,500 square feet. In the past decade, an average of about 9.4 free-market homes were built each year.

Annexation Strategies

The Town's current annexation policy calls for 60% of residential units to be deed restricted in developments on land previously outside of Town boundaries. This policy serves as a guide for consideration of future annexations, and the basis for negotiations. Communities often require higher

standards from annexed developments in trade for providing the added amenities of town services through annexation since through negotiation, both catch-up and keep-up housing needs can be addressed. Consideration should be given to amending Crested Butte's annexation policy to insure that the goals set forth in this Strategic Plan are addressed.

Recommendations include:

- Increase the percentage of deed restricted residential units in annexations to 70% in accordance with the desire to keep the percentage of homes occupied by local residents at 70%, and slow down the shift toward vacation homes
- Require pricing to generally align with the income distribution of current town residents as presented on page 11 of this Plan, so that as the Town grows, its diversity will be maintained.
- Use an RO-type of deed restriction for a portion of the deed-restricted units that serve higher-income residents. In accordance with the policy for income targeting, about 11% of units should be RO.
- Half lots of approximately 2,500 sq. ft., or larger, may be appropriate in new developments where utility service can be provided through adjacent lots. Such lots should be resale deed restricted, since small lots alone do not ensure affordability, and should be located at block corners to allow for access and utility service. Such lots will need a new zoning district because F.A.R. ratios will be around .6 in existing zone districts.

Assuming an annexation of 75 units occurs, 70% of the units are deed restricted, and the build out is 15 years, then within the next five years as many as 17.5, or rounded to 18, units could be provided by means of these annexation policies.

Paradise Park Lots

The Town has provided infrastructure to two blocks within the Paradise Park subdivision in which all lots are deed restricted. Lots in Block 77 were sold at below market prices ranging from \$15,000 to \$85,000, or donated – a triplex lot to the Housing Authority, a duplex lot to Habitat for Humanity and a duplex lot to the Fire Protection District in lieu of the subdivision's fire impact fee. Only one lot has been sold in Block 78. The infrastructure improvements which will serve a total of 40 units in Blocks 77 and 78 cost \$680,102, which equates to a cost of \$17,003 per unit.

After donating lots for five units, the Town sold the remaining 11 lots (18 units) in Block 77 for \$492,000 and one lot (2 units) in Block 78 for \$80,000. The average revenues collected for each unit were about \$28,600 per unit $((\$492,000 + \$80,000) / 20 \text{ units} = \$28,600)$. Since the costs were \$680,102 and the revenues were \$572,000, the Town subsidized these units a total of \$108,102 $(\$680,102 - 492,000 - 80,000 = \$108,102)$.

Continuing to sell lots so that local residents have the option to design and build their homes is a unique approach not frequently done in other communities but one that appears to be appropriate for Crested Butte. It is effective at building unique, diverse neighborhoods compatible with the remainder of town. Block 79 is the next area scheduled for development. It is platted with 7 single-family lots, 8 duplex lots and 1 triplex lot, for a total of 26 units.

Recommended steps include:

- Sell only single-family lots; reserve duplex and triplex lots for the Town to develop the units since selling duplex lots is a concern for the Town because two unit owners of the same lot could have very different design ideas which could create issues for the owners from day one.
- Consider selling duplex lots to builders who are required to sell the constructed units to people in specific AMI ranges. Consider requiring the builder to provide a bond, or other mechanism, to ensure the units are completed.
- Sell a few dispersed lots with RO deed restrictions (no appreciation limits or income limits but require that owners or renters earn 80% of their income in the County) at prices that are approximately one-third below the free market. Also consider selling the lots at auction. This step will help generate funds to pay for infrastructure costs or other affordable housing.
- Develop a pricing structure for the lots that covers all infrastructure costs and generates revenue to subsidize the construction of low-income units.
- Devise a way to cover the cost of infrastructure improvements until revenues from lot sales are received since the Town can not incur debt without a vote.
- Impose consistent deed restrictions on all lots other than the high-priced RO lots that limit the value/resale price of homes built so that they remain affordable at the AMI levels originally targeted.
- If grants are obtained for the infrastructure, use lot sales money to build low income, Town owned, rental units.

Paradise Park Duplexes/Triplexes

The Town has developed six duplex units on Paradise Park lots, four of which were sold to eligible households and two of which are town employee rentals. The average subsidy per unit for the units that were sold equaled \$17,832 including \$10,000 each in tap fee reductions but not counting the value of the land and soft costs. The cost for the rental units was approximately \$137,000 each, also not counting land. This approach has been effective at producing marketable, permanently-affordable homes and should be continued with some modifications.

Recommendations for the continued development of duplexes and triplexes in Paradise Park include:

- Build 10 units during the next five years for sale to eligible households; building rental units using local revenues should be low priority and considered only if attempts to obtain Federal and State subsidies are unsuccessful.
- Primarily target Category 2 households (81% to 120% AMI) but attempt to price a couple of dispersed units as low as 60% AMI.
- Encourage the Gunnison County Housing Authority to exchange the triplex in Block 77 donated by the Town for the triplex lot in Block 79 so that it could be combined with the four triplex lots in Block 78 for the development of 15 low-income, permanently affordable apartments. (See Low Income Apartment strategy, p. 20)
- Partner with the Fire Protection District to develop a duplex on the lot in Block 77 donated by the Town with the District providing financial subsidies and the Town providing expertise and administration.
- Build some units that are ADA compliant.

Mortgage Assistance and Homebuyer Counseling

The credit crisis has calmed but not subsided. While mortgage interest rates are at very low levels, qualifying for loans is difficult -- underwriting criteria have toughened and are still in a state of flux, high credit scores are required, 100% loan products have disappeared, and large reserves are required at closing. Many eligible low, moderate and middle income buyers will likely need down payment assistance or other forms of financial assistance like a shared equity investment in order to purchase homes. Since one goal is to create owner occupied housing in 52% of the units built, the Gunnison County Housing Authority (CGHA) should be encouraged to offer homebuyer education classes but these classes alone may not be sufficient for moving higher risk borrowers into ownership. Personalized credit counseling and down payment assistance are likely needed.

- Work with the Gunnison County Housing Authority on a down payment assistance program that has limits appropriate for Crested Butte.
- Apply for down payment assistance for low income households through the Colorado Division of Housing.
- Establish a pipeline for accessing CHFA down payment assistance.
- Work with local lenders and local residents to establish a locally-funded mortgage assistance pool.
- Consider a shared equity approach for buying free market units. By structuring the assistance in the form of an equity investment rather than debt, the Town could realize appreciation upon the sale of the free-market homes to subsidize the purchase of other units.
- Develop the administrative capacity to assist potential buyers with credit counseling through a personalized case management approach or refer potential buyers to the GCHA for this service.

Incentives

Commercial FAR bonuses in B1 and C zones allow up to two deed restricted units per building. Units must be rentals unless occupied by the owners of the commercial space. Conflicts have occurred between residential and commercial uses. Residential development in both zones will be limited by the lack of on-street parking and limited off-street parking options. As the commercial zone transitions further from light industrial to business services, the compatibility and desirability of residential units in mixed-use developments should increase. One change to the FAR bonuses is recommended.

- Eliminate the limit on two units per residential building if parking needs can be addressed.

The Town waives two-thirds of its tap fee for all types of deed-restricted units. The subsidy now equals \$10,000 per unit. Since their enactment in 2003, revenues from the Town's commercial and residential linkage programs have paid for this subsidy. Since 2000, the Town has spent just over \$566,000 on affordable housing tap fees which were covered from a variety of sources including Linkage fees and an Energy Impact Assistance grant. These fee reductions have served as an incentive for the construction of deed restricted accessory dwelling units. When combined with land, infrastructure improvements, grants and other revenue from the Linkage programs on the construction of duplexes, these fee reductions are an additional subsidy but should not be considered as incentives.

- Provide fee reductions only for Town-developed units when needed to make the costs affordable for low- and moderate-income households. Fee reductions should no longer be automatic for deed restricted units targeting Category 3 and 4 households (120% to 200% AMI).
- Increase compliance with deed restrictions on accessory dwelling units that receive fee reductions.

Modify the deed restriction for all deed restricted units when the owner benefits from this incentive by requiring occupants to earn at least 80% of their income in Gunnison County, and require confirmation by the Town that the deed restriction is being met,.

Low-Income Apartments

In accordance with the policy established by this Plan, 48% of new deed restricted units should be rentals. While approximately 70% of existing deed restricted units are rentals, only those owned by the Town are permanently affordable. There are no limits on the rents that can be charged for the other units since rent controls are not allowed in Colorado. The most common technique now used to finance the development of rental units that are affordable for low-income households are Low Income Housing Tax Credits (LIHTC). Tax credits are allocated on a competitive basis by the Colorado Housing and Finance Authority (CHFA) for apartment projects that target households with incomes no greater than 60% AMI. Housing authorities, non-profit organizations (like Mercy Housing and the Denver Archdiocese) and private developers can all utilize the credits. Credits are often used to finance development of rental units by public/private partnerships.

- Provide triplex lots in Blocks 77 and 78 of Paradise Park for the construction of up to 15 rental units. Since the lots in Block 78 are already served by infrastructure, this site might work for the development of low-income apartments. Team with the Housing Authority on this effort by exchanging their lot in Block 77 for the one in Block 79.
- Explore the feasibility of partnering with a private or non-profit developer for construction of the project. Consider issuing a Request for Qualifications to evaluate a number of firms and identify an appropriate partner for the development that will maximize the funds available for this community asset.
- Insure that the scale and design of the buildings are compatible and appropriate with variation in appearance; it is imperative that the buildings not look like an apartment complex.
- Incorporate green building/energy-efficiency into the design and construction of the buildings.

Acquisition/Preservation

Crested Butte's 2003 Land Use Plan called for purchase of existing free-market housing followed by resale with deed restrictions or conversion to long-term rentals under public management. As of mid February, six condominiums were listed for sale in Crested Butte at prices under \$200,000. Subsidies in the range of \$25,000 to \$50,000 per unit could make them affordable for households with incomes around 80% AMI. Another way to approach acquisition would be to purchase homes where an additional unit or two is/are allowed in the Zone District (like a single family home on a lot where a duplex or accessory dwelling are allowed), and to build allowable units and sell/rent them with deed restrictions.

- Determine the amount of buy down required for the imposition of deed restrictions acceptable to buyers in part by analyzing the results from the 2009 Gunnison County Housing Needs Assessment survey.
- Identify funding sources to make improvements to the units if necessary to make them marketable and energy efficient.
- Explore utilizing a non-profit organization as a vehicle for obtaining loans to purchase units since, with the Town's inability to incur long-term debt without a public vote, acquiring units could require large cash outlays.
- Request the GCHA to consider acquiring and buying down low-end condominium units using funds from their Linkage program.

With a large inventory of homes listed for sale and declining home prices, there is a window of opportunity for an acquisition effort. Linkage revenues are the only known source of funds, however, for the subsidy needed to buy down units. Given the amount available in the Town's fund at present and expected in the near future, and the competition for these funds among the strategies in this Plan, acquisition may need to be a Tier 2 strategy unless the Housing Authority can assist.

Rehabilitation and Weatherization

Providing assistance for weatherization and rehabilitation of units to address high utility costs, unsafe surroundings, overcrowding, needed repairs and substandard living conditions would help preserve the town's aging housing stock while improving affordability. Assistance programs for this work in the form of energy audits, weatherization grants and low-interest rehabilitation loans are often part of a comprehensive affordable housing strategy and should be a component in Crested Butte.

Because of the complex administrative requirements associated with financing and implementing a rehab/weatherization program, these services should ideally be provided county-wide resulting in sufficient volume to be efficient and effective. It would potentially fall under the auspices of the Gunnison County Housing Authority (GCHA) or the Office of Resource Efficiency, in partnership with the Town. The Town recently received a grant to work with ORE to pilot a similar program in two blocks in town. If this proves successful, the program could be expanded, using Town and ORE resources, including grant writing resources.

To make weatherization and rehabilitation more accessible to the community's residents, the following steps are recommended:

- Develop a specific operations plan outlining the scope, initiation, implementation and monitoring of weatherization and rehabilitation programs;
- Obtain multiple sources of funding including assistance from the Colorado Division of Housing (Community Development Block Grants), CARHOF, Housing Resources of Western Colorado in Grand Junction, the Governor's Energy Office (American Recovery and Reinvestment Act [ARRA] monies), local utility providers and local lending institutions;

- Hire or contract for inspection services and field work; utilize existing staff, ORE staff or GCHA staff for coordination, program administration and financial management;
- Initially target efforts to an historic block and to a block of houses that is less than 50 years old given funding limitations but expand to serve the whole town as opportunities are identified;
- Investigate options for trading energy upgrades for RO type deed restrictions on the houses receiving the energy upgrades.

While ARRA funds are now available, the tasks associated with preparing grant applications, establishing agency relationships, staffing up and running a program are significant and may take a long time to accomplish.

Appendix C-2

Affordable Housing Strategy Identification - Tier 2

Inclusionary Zoning Amendments

Since 2003 the Town has required that 60% of the new units in a Major Subdivision be deed restricted. The base level of deed restriction is that people living in these units must earn 80% of their income in Gunnison County, but more restrictions could be required. The Town also requires that at least 21% of the total number of units in a Major Subdivision be affordable for households with incomes from 111% to 153% AMI. This technique is known as inclusionary zoning (or IZ). Inclusionary zoning is one of the oldest and most tested methods for mandating affordable housing in new development, and is often one of the most effective ways of maintaining income diversity in communities as they grow. This strategy has limited potential for generating affordable units in Crested Butte because most of the residential land within the town has already been subdivided. Opportunities for redevelopment in the future through a PUD (Planned Unit Development) process make continuation of this program worthwhile provided that it is amended to achieve desired goals. Specific amendments that should be considered include the following:

- Increase the percentage of units that are deed restricted from 60% to 70% in accordance with the policy of this Plan to insure that 70% of units in Crested Butte are occupied by local residents; (See also Annexation Strategies in Tier 1 Strategies)
- Amend the income targets to align with the AMI categories delineated in the *Policies and Goals* section of this plan ranging as high as 200% AMI;
- Allow developers to place a permanent 1% real estate transfer assessment (RETA) on all sales after the initial purchase in exchange for a 5 percentage point reduction in the requirement.

Because of its limited potential, the extent of the amendments needed, and the unlikelihood that any residential PUD applications will be submitted in the near future, IZ amendments should be in the Tier 2 group of strategies.

Rent Subsidy Vouchers

The Section 8 rent subsidy voucher program is funded by the US Department of Housing and Urban Development (HUD). Vouchers are provided to low income households who, on their own, find units with rents lower than the HUD-defined Fair Market Rents (FMRs). The landlord is then paid the difference between 30% of the tenant's income and the market rent.

The GCHA administers the Section 8 voucher program with a total of 42 vouchers currently held. About 15% are used in Crested Butte. The wait list is short but most, if not all vouchers, are now being utilized. For 2010, the FMRs for Gunnison County are: studio - \$538; 1 bedroom - \$650; 2 bedrooms - \$845; 3 bedrooms - \$1,169; 4 bedrooms - \$1,483. These low rates have limited the utilization of the Section 8 program in Crested Butte in the past.

- Request the GCHA to work with the State Housing office to increase the number of vouchers allocated to Gunnison County.
- Conduct a survey that conforms to HUD's requirements to raise FMRs so that they are more in line with rents in the Crested Butte area.

- Publicize the program in Crested Butte and identify landlords who are willing to participate. With relatively high rental vacancy rates at this time, landlords might be more interested than they have been in the past.
- Determine if Town employees are eligible for vouchers that would be used to rent the Town owned apartments.

It will take time to improve the extent to which this program can be utilized in Crested Butte. Pursuing landlord participation before the next surge in construction increases occupancies and rent rates is advisable.

Donation/Preservation

Making a donation to a non-profit organization by selling free market units at below market prices in exchange for a tax deduction/write off, should be explored as a means for acquiring and deed restricting existing units. Homeowners who value the community and who could benefit from a tax deduction upon the sale of their homes might forego selling their homes at the maximum price the market would bear.

- Research interest in a program of this type before extensive time and money is spent determining how to make it work.
- Consider the feasibility and legality of using a non profit for the transactions in order to provide a tax deduction.
- Target Category 3 and 4 households since the homes owned by sellers who could benefit from a sizable tax deduction are probably high end; discounts of at least 50% of value would likely be required to make them affordable.
- Identify eligible/interested buyers before accepting donations of homes.
- Explore other incentives to encourage unit owners to deed restrict units. For instance, unit owners could voluntarily give the right to rent to anyone to a non-profit 501(c)3 corporation. The non-profit could then set rents for the units that are affordable to low income households. The owner would be giving part of the value of the property to a non-profit which may be tax deductible. Another example would be that the non-profit corporation controls who the unit is rented to and only rents the unit to people who earn at least 80% of their income in the county. Rents may need to be lower since only a small share of the market will be allowed to rent the unit so there may be a donation of value that is tax deductible.

Employer-Assisted Housing (EAH)

The Town owns seven units that are rented to its employees – three apartments at Town Ranch, a duplex in Paradise Park, the Town Manager’s home and its accessory dwelling. In 2003, the Town adopted a strategy as part of its Land Use Plan calling for efforts to encourage employers “to address the affordable housing situation.” Ten specific ways by which employers could provide assistance, ranging from low-interest loans to direct development of units, were called for in the plan. While a small number of employers in the community have provided housing for their employees, they have done so independently.

Employer assisted housing has a long history in this country with mining, textile and other “company” towns. Today it is common in isolated areas where housing is not available, like in the remote oil/natural gas fields of northwest Colorado. Ski area operators often provide housing especially for seasonal employees, and in high cost resort communities, municipalities and special districts frequently provide housing for essential employees who need to live near their work. Small retailers, restaurants and service providers rarely provide housing assistance, lacking the resources and expertise to do so.

The ability of employers to provide assistance might be enhanced if the Town, GCHA or non-profit housing organization serves as a catalyst, possibly providing technical assistance, marketing of the program, pooling of resources and management. To explore the feasibility of, potential value from, and the cost of such an effort, the following steps are recommended:

- Conduct research on examples elsewhere.
- Survey employers about their interest and ability.
- Clearly define the roles, responsibilities and tasks to be assumed by the Town.

Because most Crested Butte employers appear to be struggling now as a result of the recession and declines in both tourism and construction, this strategy should be in the Tier 2 group and explored when the economy recovers.

Lot Trades

Trading Town-owned lots in Paradise Park for lots elsewhere in town could be a technique for achieving greater dispersal of affordable housing throughout the community. This strategy would not, however, produce additional homes or preserve existing units.

To determine if the value to be obtained for the community from dispersing additional affordable housing units throughout the town is worth the financial cost, transaction and legal costs should be identified and quantified.

Timing

The strategies outlined herein cannot all be implemented simultaneously due to funding and administrative capacity limitations. The following sequence is recommended:

Strategy	Schedule
Commercial Linkage	2010
Residential Linkage	2010
Annexation Policy Amendments	2010
Paradise Park Lots	2011 - 13
Paradise Park Duplexes/Triplexes	2011 - 15
Mortgage Assistance/Homebuyer Counseling	2011
Incentives	2011 - 2015
Low Income/Tax Credit Apartments	2011 - 2013
Acquisition/Preservation	2011-12
Affordable Housing Advisory Committee	2010

Units, Costs and Revenues

The first modeling of the Tier 1 strategies called for the construction of 89 new units and preservation of eight but resulted in a development deficit of \$328,500 (administrative costs not considered). By assuming that fees in lieu are paid for three of the units that would be required from commercial linkage, the estimated budget produced net revenue of \$286,125. As is often the case with five-year budgets, costs are likely underestimated. Scenario B, however, appears financially feasible with sufficient funding to cover administrative costs.

Scenario A	DR Units	Expenses	Revenue
Residential Linkage			\$261,500
Commercial Linkage	23		\$0
Units in Com. Bldgs - FAR bonus	4	\$40,000	
Low Income Apartments	15	\$150,000	
Accessory Dwellings - 2 per yr	10	\$100,000	
Paradise Park Lots	7	\$585,000	\$585,000
Paradise Park Duplex Units	10		
Fire Protection District Duplex	2		
Annexation	18		
Total New Units	89		
Acquisition	4	\$200,000	
Mortgage Assistance	4	\$200,000	\$100,000
Total Units Built/Preserved	97	\$1,275,000	\$946,500
Net Revenue			-\$328,500
Scenario B	DR Units	Expenses	Revenue
Residential Linkage			\$261,500
Commercial Linkage	20		\$614,625
Units in Com. Bldgs - FAR bonus	4	\$40,000	
Low Income Apartments	15	\$150,000	
Accessory Dwellings - 2 per yr	10	\$100,000	
Paradise Park Lots	7	\$585,000	\$585,000
Paradise Park Duplex Units	10		
Fire Protection District Duplex	2		
Annexation	18		
Total New Units	86		
Acquisition	4	\$200,000	
Mortgage Assistance	4	\$200,000	\$100,000
Total Units Built/Preserved	94	\$1,275,000	\$1,561,125
Net Revenue			\$286,125

Appendix C-3

Affordable Housing Implementation/Administration

Multi-disciplined expertise and extensive time will be needed to implement the tasks called for in this Strategic Plan. Additional resources will need to be committed and responsibilities clearly defined. In the past, the responsibilities of existing staff members in the Planning, Building and Finance departments have been expanded to include affordable housing. As the Town's housing programs have grown over the years, the capacity and expertise to design, implement and manage/operate them has not been significantly increased, however. The work required to administer resales and rentals of existing units has increased with the inventory, and this Plan will require even more time. Specific areas that need increased expertise and/or focus are:

Financing:

Seeking Federal and State funding for housing (writing and administering grant applications, applying for tax credits, developing a pipeline to down payment assistance), which is especially important now with the decline in local revenues and increase in some Federal housing programs through stimulus legislation.

Administration:

Keeping requirements (codes and guidelines) up to date as incomes and housing prices change.

Community Outreach:

Conducting outreach and education involving community relations, establishment of wait lists for affordable housing that can provide insight for development decisions, a case management approach to entry-level ownership and working with other entities (GCHA, Town of Mt. Crested Butte, ORE, banks and developers).

Alternative Approaches

Four approaches have been identified for obtaining the time and expertise needed to carry out this Plan:

1. Contract with the Gunnison County Housing Authority for clearly-defined services.
2. Contract with consultants to manage specific projects and/or undertake short-term tasks.
3. Hire a staff member with expertise in housing development and finance to take the lead on the implementation of this Plan with the acknowledgement that staff now involved will need to continue to perform certain tasks.
4. Form and staff a multi-jurisdictional housing authority to serve the north end of the valley.

Examples

Breckenridge - Population 3,296

The Town of Breckenridge has utilized a combination of approaches to carry out their housing program, which involves development of units on Town-owned land, requirements placed on new private development and an aggressive annexation policy. Staff in the Planning Department has assumed lead responsibility. The Town has a close working relationship with the Summit Combined Housing Authority (a multi-jurisdictional housing authority) for the provision of services including down payment assistance, certifying applicant eligibility, calculating resale prices and marketing. The Town partnered with a private developer (Corum Real Estate Group) for the development of an affordable apartment project on a Town-owned parcel (leased to the developer). The Town also pursued a partnership with a non-profit housing development (Mercy Housing) for development of a 42-unit neighborhood but terminated the relationship and hired a project manager to take charge of the project. There are three people in the Breckenridge Planning Department plus one person dedicated to Housing.

Boulder - Population 97,467

In Boulder, two entities are responsible for a very comprehensive array of housing programs, the City of Boulder Housing Division and Boulder Housing Partners (BHP - a public housing authority). The City receives property and excise tax revenues for housing (voter approved) and allocates them to BHP and various non-profit housing groups through their Community Housing Assistance Program (CHAP). The City also provides homeownership assistance by participating in mortgage revenue bond issues and imposes inclusionary zoning on new development but does not directly develop units. BHP builds, owns and manages housing with a large inventory of rental projects and some homeownership. They also operate the Section 8 rental subsidy voucher program.

Steamboat Springs - Population 10,742

When the City of Steamboat Springs embarked upon a major expansion of its housing program with adoption of both residential and commercial linkage and amendments to their inclusionary zoning requirements, they used facilitators to consider administration options. After discussions with the Yampa Valley Housing Authority, the City opted to hire a housing director. The position was created within the Planning Department. The City Council assumed oversight responsibilities. With elections and significant changes in the composition of the Council, housing programs were frequently debated, which ultimately led to the resignation of the Housing Director. The future of the position, as well as the Yampa Valley Housing Authority, is uncertain.

Telluride - Population 2,335

Telluride adopted a policy in 2004 to house, in the Telluride region, 60-70% of the people who work in the Telluride region. Currently the town estimates 55% of the people who work in the region live in the region. To achieve the 60% goal, it is estimated that an additional 500 affordable housing units would be needed region-wide over the next 23 years, assuming current

mitigation programs are maintained, that trends in new construction continue to favor second homeownership, etc. Given that approximately 60% of the region's jobs are attributable to Telluride, the Town has set a goal to construct approximately 300 of these units, and is building 10-20 units per year or land banking. Presently, there are 270 deed restricted units in town. Telluride uses a ½ cent sales tax for affordable housing that was passed in 1994. Using this revenue stream, Telluride has constructed approximately \$22 million dollars in new affordable housing since 1999. Subsidies for for-sale units have ranged from \$55,000 to \$120,000, inclusive of development costs and land. About 1,100 deed restricted units have been built in the region. San Miguel County and the Town of Mt. Village do not have price caps on most of their deed restricted units, thus their units tend to serve higher wage earners. Telluride's for-sale, price-capped projects, and units constructed through the Town's development mitigation program, target the 80-120% AMI income group. Within the Town, planning and policy development, and construction of units, is performed at the direction of the Town Council by a Council Subcommittee and town staff. The Town contracts with the San Miguel County Housing Authority to administer deed restrictions, qualify occupants, perform enforcement, etc. SMRHA also performs similar services for the County and the Town of Mt. Village. The Program Director in the Town Manager's office works part time on affordable housing, as do other town employees, as needed, to complete projects. The deed restriction/enforcement component of SMRHA is performed by two employees.

Affordable Housing Fees charged in lieu of providing units in other communities.

Vail

\$329,206 per employee for commercial

\$398.65/sq ft of residential

Must provide at least ½ on site; other half can be Payment in Lieu (PIL) or off-site or land trade

Ketchum, ID

System is based on density bonus. Density can be increased if the housing is constructed or the in-lieu fee is paid.

\$337/sq ft

May pay-in-lieu for fractions of unit

Must build each whole unit

May apply for PIL of whole unit, requires Council approval

Fee based on Prop. Assessment; adjusted annually

Also have a hotel housing requirement.

Telluride

\$171/sq ft for comm. and multi-family res.

May only PIL for up to 10% of the total required AH needed; paid before issued permit

May provide off-site w/in Town or County at a 1:1 sq ft ratio

May deed restrict existing free-market units in-lieu

Advisory Board

An advisory board should be established to oversee and guide the Town's housing programs. Implementing the comprehensive and complex strategies called for in this Plan will require continuous consideration of policy and administrative issues. Taking all of these issues to the Town Council as has mostly been done in the past would slow implementation. Getting time on the Council's agenda alone would be a significant challenge. Expertise is required, which is hard to develop and maintain at the Council level when seats change every two to four years. The nature of the issues that arise such as foreclosures, non-compliance situations and evictions, also complicates the Council's involvement.

As an alternative, an advisory board should be established, perhaps consisting of the Task Force members who helped develop this Plan. Duties of this advisory board could include:

- Recommending the allocation of revenues received from fees in lieu and residential linkage requirements;
- Making decisions about development of Paradise Park including the pricing structure, unit mix and design;
- Considering and approving annual/periodic changes to the Town's Affordable Housing Guidelines including routine fee-in-lieu updates;
- Reporting to the Town Council on goals and progress in meeting them;
- Approving annual budget requests for the Town Council's consideration.

Administrative Tasks

The following is a list of the tasks associated with putting the strategies contained herein into place and operating them over time. It is not all inclusive of day-to-day operations, but rather focuses on the main tasks.

- Draft code language for changes to requirements (linkage, inclusionary zoning, incentives).
- Annually update AMI figures and fee in lieu amounts.
- Support the functions of a housing advisory board – meeting packets, public notices, minutes.
- Create and take lead on public relations/outreach/education effort.
- Create and maintain a page on the Town's web site for affordable housing.

- Write succinct guidelines for developers that consolidate information on all requirements and incentives.
- Write and administer grant applications -- comply with quarterly and annual reporting requirements from various funding agencies – HUD, Colorado Div. of Housing, CHFA
- Recommend maximum Area Median Incomes for each unit to the Housing Advisory Board.
- Negotiate acquisition deals for existing housing to be deed restricted.
- Work with BOZAR and the Building Department to design and build duplexes and triplexes.
- Coordinate regularly with the GCHA.
- Form a partnership for a tax credit apartment projects on Town land
- Set up a financial management system for program operators to better track and evaluate project costs.
- Develop budget requests for submission to the Town Council.
- Update deed restrictions and restrictive covenants including mechanism for keeping rents affordable and for controlling occupancy on ADU's.
- Update administrative procedures for the sale and rental of affordable units.
- Update unit tracking system – address, date approved, CO date, # bedrooms, sq ft, initial sales price, resale prices, AMI target, # occupants.
- Support rehab/weatherization with coordination among funding agencies, public outreach and home inspections
- Provide counseling to residents in need of housing assistance; serve as a clearinghouse for all housing services
- Review development applications to determine compliance with IZ and linkage requirements
- Negotiate compliance alternatives – on site, off site, fees-in-lieu, land-in-lieu
- Qualify/certify applicants for affordable housing; provide homebuyer education and counseling as needed.
- Conduct lotteries if needed
- Periodically update Strategic Plan; prioritize allocation of funds
- Monitor IZ/linkage/incentive effectiveness; make modifications as needed
- Monitor key community/housing indicators on regular basis; update housing needs assessment as appropriate
- Manage/maintain properties
- Administer deed restrictions; calculate resale prices
- Revise deed restrictions for ADU's to help ensure they are occupied.

Appendix C-4 Model - 2010 Crested Butte Affordable Housing Strategy						
The following spreadsheet projects the number of units that could be created, costs and revenues in the next five years if:						
1. An average of six residential units are built per year, between 2 and 3,000 sq.ft., each,						
2. There is an annexation and subdivision of about 75 units,						
3. The annexation will not be built out in 5 years. Instead, about 18 DR units will be built by 2015.						
4. About 50,000 sq. ft. of new commercial space will be built.						
5. The 50,000 sq. ft will require 23 DR units. Assumption is that 20 will be built and fees will be paid for three units,						
6. The infrastructure for Block 79 will be built and 7 DR SFR tracts will be sold,						
Projected new units, expenses and revenues 2010-2015						Estimated Budget
New Construction	Total Units	Inc. Category	Expense Item	Cost per Unit	Expenses	Revenue
Residential Linkage						\$0
Commercial Linkage	20	2				\$0
Units in Com. Bldgs - FAR bonus	4	2, 3 & 4	tap fees	\$10,000	\$40,000	
Low Income Apartments*	15	1	tap fees	\$10,000	\$150,000	
Accessory Dwellings - 2 per yr	10	2, 3 & 4	tap fees	\$10,000	\$100,000	
Paradise Park Lots**	7	3 & 4	infrastructure	\$85,000	\$585,000	\$585,000
Paradise Park Duplex Units	10	2 & 3	construction/fees	break even prices		
Fire Protection District Duplex	2	TBD				
Annexation	18	1 thru 4	N/A			
Total New Units	86					
Acquisition	4	1, 2	purchase, write down	\$50,000	\$200,000	
Mortgage Assistance*	4	1, 2	down pmt/equity	\$50,000	\$200,000	\$100,000
Total Units Built/Preserved	94			Totals	\$1,275,000	\$685,000
				Difference		-\$590,000
* Assumes Fed/State subsidies						
** Infrastructure costs to be shared by single family and duplex/triplex lots						

TOWN OF CRESTED BUTTE, COLORADO
AFFORDABLE HOUSING – STRATEGY SUPPORT STUDY
March 2010

Purpose of the Study

The Town of Crested Butte is continuing its efforts to address the housing needs of its residents. Since 1990, the Town of Crested Butte has sought to address the community's affordable housing needs through multiple strategies ranging from Town sponsorship of projects to programs that encourage or require private developers to build affordable units. Through the development of a strategic plan for affordable housing, in the Affordable Housing chapter of the Crested Butte Land Use Plan, modifications to existing programs and the addition of new strategies are under consideration. This study is intended to support the strategic planning process and future decisions about affordable housing, and to establish the rationale for programs that place responsibility for producing affordable housing on new development.

Organization of the Report

This report provides support to the Town for decisions on a wide range of housing policies and specific regulatory housing strategies. It provides the rationale for the percentage of housing demand that should be addressed through new development and the percentage of total new units that should be deed restricted. It provides a basis for public accountability. It also offers defensibility against legal challenges. The report is organized into four sections:

- I. *Statement of the Problem*, which briefly describes why communities like Crested Butte have affordable housing problems and quantifies the disparity between incomes and housing prices in the town.
- II. *Community Characteristics – Support for Policy Decisions*, which summarizes key information on housing units and residential growth rates, primary/vacation home relationship, owner/renter mix, incomes, the job/housing relationship, household composition and the types of housing units in Crested Butte. This section provides the foundation for policy decisions and the setting of quantitative objectives.
- III. *Basis for Linkage Requirements*, which provides both commercial and residential job generation rates and the methodology for applying that data to proposed development thus establishing the link between new development (both commercial and residential) and affordable housing demand.
- IV. *Payment in Lieu Calculation*, which presents a formula and current data for determining the amount that the Town might charge under certain conditions as a payment in lieu of the provision of an affordable housing unit.

I. Statement of the Problem

In Crested Butte and similar communities where land is expensive and housing demand is fueled by wealth from outside the region, the private market tends to supply housing that is priced beyond the reach of most local employees. With few exceptions, private developers will supply housing at the highest prices that the market will bear. When there is demand for high-end homes, lower-cost housing is not built. Even when the upper end of the market is saturated with inventory, the high cost of land, materials and labor in mountain communities like Crested Butte makes it difficult to build homes that employees in a tourism-based economy can afford. This results in an undersupply of adequate housing that is affordable for low- to middle-income employees.

The Gunnison County Housing Needs Assessment prepared by BBC Consulting dated December 2009 provided multiple measurements of the extent to which housing prices and incomes are out of balance in Crested Butte:

- The median price of homes increased over 200% between 2000 and 2009, while the median income grew 45%.
- Households would need to earn \$150,000 more in 2009 than in 2000 to afford the median priced home.
- The median income in Crested Butte was \$60,000 in 2009 yet the median price of all units listed for sale as of May 2009 (single family homes and condominiums) was \$802,500, which would be affordable for households with annual incomes of at least \$228,540. An income of over \$283,000 is needed to afford the median priced single family home.
- Nearly half (47%) of the households in Crested Butte spend more than 30% of their income on their housing payment and are therefore considered to be cost burdened.

With this disparity between incomes and housing costs in Crested Butte, the study also found that 59% of the town's population feels that housing is the most serious or critical problem in the community.

When the supply of housing that is affordably priced for local wage earners is inadequate labor shortages arise with too few employees to support a healthy economy. Jobs are difficult to fill including positions that are essential to the welfare and safety of residents such as fire fighters, police officers, teachers, and medical practitioners. Employees are often forced to commute long distances in sometimes dangerous conditions to find homes in less expensive communities. Forcing employees to drive until they qualify has long been recognized by smart growth initiatives throughout this state as a detrimental consequence of poor planning and land use management.

The insufficient response by development to workforce housing demand also results in what is often termed "loss of community." Residents often leave when they cannot find housing that is affordable and meets their family's changing needs. School enrollment may decline. Civic organizations are unable to raise the volunteers they rely upon. Sense of neighborhood is lost as homes that were once occupied as primary residences stay empty and dark much of the time.

Municipalities and counties throughout the United States, and particularly in Colorado, California and Florida, have created requirements to address the shortcomings of the free market when it comes to providing housing that is affordably priced for local wage earners. The requirements were enacted to provide an adequate labor force for a sustainable economy and community, and to preserve the fabric or character of the community as it grows with a diversity of housing opportunities and balanced residential development.

The Town recognizes that there is an existing deficiency in Community Housing, and intends to continue efforts to partially address this shortfall. Plans include providing Town-owned land for housing and offering incentives such as reduced tap fees for deed-restricted units. The number of units now needed and the number that will be provided by these efforts in relationship to the existing deficiency is to be addressed by the strategic plan in the appendices of the Affordable Housing chapter of the Crested Butte Land Use Plan but is not addressed in the study since the Town of Crested Butte will not make new development within existing Town limits address existing needs. This study focuses on the links between new development and affordable housing demand, insuring that new development is only required to address housing needs it generates in the future as growth occurs.

II. Community Characteristics – Support for Policy Decisions

This section of the report provides measurements of several key community characteristics which support the setting of policies and development of strategies to address affordable housing needs. They inform decision making on the unit production goals, how housing units should be priced to be affordable for the community's households, the income ranges that should be targeted by housing efforts and occupancy restrictions.

Number of Units and Rate of Growth

Since 2000, Crested Butte has been growing at an average rate of 18.6 units per year. This equates to a 1.7% average annual rate of growth. The 2009 Housing Needs Assessment assumed a rate of 1.5% per year throughout Gunnison County when projecting housing demand through 2015.

Total and Deed-Restricted Housing Units

Inventory	2000	2001	2002	2003	2004	2005	2006	2007	2008	Average
Total Units	928	945	953	962	982	1010	1052	1049	1063	N/A
New/Change in Units	32	17	8	9	20	28	42	-3	14	18.6
Growth Rate		1.8%	0.8%	0.9%	2.1%	2.9%	4.2%	-0.3%	1.3%	1.7%
Total Deed Restricted	122	132	136	140	154	162	172	176	187	N/A
New Deed Restricted	10	10	4	4	14	8	10	4	11	8.3
Growth Rate - DR Units		8.2%	3.0%	2.9%	10.0%	5.2%	6.2%	2.3%	6.3%	5.5%
DR % of Total Units	13.1%	14.0%	14.3%	14.6%	15.7%	16.0%	16.3%	16.8%	17.6%	15.4%
DR % of New Units	31.3%	58.8%	50.0%	44.4%	70.0%	28.6%	23.8%	N/A	78.6%	48.19%

Source: Town of Crested Butte Annual Census

Of the 1,063 residential units in Crested Butte as of 2008, 187 units or 17.6% were deed restricted. The growth in deed restricted units has surpassed growth overall with an average of 8.3 units added each year, which equates to a 5.5% average annual rate of growth. Of new units built since 2000, an average of 48.1% has been deed restricted.

Primary/Vacation Home Relationship

The relationship between primary and second homes is an important component of community character. As more homes become vacation properties sitting vacant much of the year, local residents are forced out by the higher prices the absentee owners can pay, neighborhoods lose their neighbors, and volunteerism declines. As employees face increasing competition for housing from absentee, vacation-home buyers, all types of employees including those who provide essential emergency services are forced out. This leads to concerns about safety and welfare as responders are unable to reach their jobs/duties quickly in cases of emergency. These are well recognized trends in high-amenity communities.

The percentage of homes in Crested Butte occupied as primary residences has been decreasing while the number of units that are second homes or short-term vacation rentals is increasing. As shown on the following table, over 75% of the residential units in Crested Butte were lived in by local residents in 2000. By 2008, that percentage had dropped four percentage points to 71%. At the same time, second homes and vacation rentals increased from 21% to 25% of the total. Note: These percentages do not add up to 100% due to vacant units.

To maintain the community's character, the Town might want to aim for having 70% of all new units occupied as primary residences. This could be achieved through a combination of full deed restrictions with income, price and residency limits, restrictions that limit only occupancy to local, growth management that restricts the rates at which housing units can be built and possibly incentives.

Owner/Renter Mix

In the first half of this decade, the homeownership rate increased in Crested Butte, as was the case in the state as a whole and much of the nation when interest rates were low, mortgages were easily obtained and the economy was prospering. With the economic recession and the mortgage melt down, this trend is not likely to continue. Based on the Town's 2008 Annual Census, it appears that the homeownership rate is already decreasing. The Affordable Housing Goal, Policies and Strategies used to achieve them, could seek to preserve the owner/renter relationship at roughly 50/50 or shift more towards rental housing. Efforts at providing affordable homeownership will likely need some form of publically-subsidized mortgage assistance until such time as mortgage underwriting standards become less stringent.

Housing Units by Occupancy/Use

Occupancy/Use	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Second homes	142	159	148	161	151	158	181	170	185
Short term rentals	50	47	63	55	67	81	89	93	76
Total Vacation Units	192	206	211	216	218	239	270	263	261
% of Total	20.7%	21.8%	22.1%	22.5%	22.2%	23.7%	25.7%	25.1%	24.6%
Renter Occupied	364	342	365	354	327	333	341	348	382
Owner Occupied	335	345	342	361	390	393	399	393	376
Total Primary Residences	699	687	707	715	717	726	740	741	758
% of Total	75.3%	72.7%	74.2%	74.3%	73.0%	71.9%	70.3%	70.6%	71.3%
Homeownership Rate	47.9%	50.2%	48.4%	50.5%	54.4%	54.1%	53.9%	53.0%	49.6%

Source: Town of Crested Butte Census

Income Targeting

Providing housing priced to be affordable for Crested Butte’s current mix of low-, moderate-, middle- and upper-income households would maintain the community’s demographic character and diversity as it grows. To implement a “stay the same” policy preserving the current income distribution of households into the future, a goal for *all new housing* in the community should be targeted to the income distribution in the left column of the table below: 40% for low-income households (\leq 80% AMI), 23% for moderate- to middle-income households (81% - 120% AMI) and 26% for middle/upper-income residents (121% to 200% AMI), and 11% for high-income households.

Based on home prices as of February 2010, the free market is generally providing housing without subsidies or mandates for households with incomes greater than 200% AMI. While there are some condominiums and mobile homes priced lower, options are very limited. As such, the efforts of the Town, Gunnison County Housing Authority, employers and others who work to provide housing for the workforce could target households with incomes as high as 200% AMI. Loss of the middle class is a common consequence when the gap between the upper income levels served by the free market and the low incomes that qualify for federal and state assistance is not addressed.

*Income Distribution – Crested Butte Households
Shading Denotes Low Income*

	<i>AMI</i>	<i>Max. Income</i>	<i>% total households</i>	<i>% Owners</i>	<i>% Renters</i>
Extremely Low Income	0 - 30%	\$18,000	11%	10%	12%
Very Low Income	31 - 50%	\$30,000	12%	5%	27%
Low Income	51 – 80%	\$48,000	17%	16%	19%
Moderate Income	81 – 100%	\$60,000	16%	17%	13%
Middle Income	100% - 120%	\$72,000	7%	5%	12%
Upper/Middle Income	121% - 150%	\$90,000	16%	18%	10%
Upper Income	151% - 200%		11%	13%	4%
High Income	>200%		11%	15%	4%
Total			100%	100%	100%

Source: 2009 Gunnison County Needs Assessment.

Jobs/Housing Relationship

Understanding the relationship between housing and jobs and setting policy on this relationship is often a key component of strategic housing plans since workforce housing is key to a sustainable economy. The 2009 Gunnison County Housing Needs Assessment reported a 8.7% growth in jobs in the county between 2000 and 2009 (from 7,603 to 8,265, a gain of 662 jobs) but did not provide any information on the number of jobs or employees in Crested Butte. Using information from the Needs Assessment survey on households with employees and employees per household in combination with zip code business pattern files from the US Census Bureau allows for partial examination of the jobs/housing relationship in Crested Butte.

Approximately 1,076 of Crested Butte's residents work (69% of population - from Needs Assessment). Of these, 66% or 710 employees work in Crested Butte.

Employees Living in Crested Butte

Households in CB - 2008	758
No employees in the household (17%)	129
Employee households	629
Employees per households	1.71
Employed persons living in CB (some commute out for work)	1076
Work in Crested Butte	66%
Employees living and working in CB	710
Employees in 81224 zip code	1934
% of employees living in Crested Butte	56%
Employees in 81224 & 81225 zip codes	3,246
% North Valley employees housed in CB	33%

The number of jobs in Crested Butte is not known therefore it is impossible to calculate the percentage of employees working in the town who are also able to live there. It appears, however, that approximately 56% of the employees working in the 81224 zip code live in Crested Butte and that 33% of the persons working in the north end of the valley (zip codes 81224 and 81225) are Crested Butte residents.

According to the 1999 Housing Needs Assessment, 1,296 employees worked in Crested Butte and 58% of them also lived in town. This equated to 752 employees who live and work in Crested Butte. While data availability and the methodology are different, it appears that fewer of Crested Butte's employees are now able to reside in the community.

Household Composition

Crested Butte has a diverse population. To preserve this mix, housing developed for occupancy as primary residences should be designed so that about 20% is appropriate for one person to live alone, 12% should be for roommate households, one-third should be suitable for children, and the remainder should be designed for couples or other types of households.

Household Composition in Crested Butte

<i>Persons in Household</i>	<i>% of total</i>
Single adult living alone	20%
Single adult living with roommates	12%
Single parent	4%
Couple no children at home	32%
Couple with children living in the home	23%
Couple planning to have children	6%
Other household types	4%
	100%

Unit Types

Crested Butte's homes are a significant part of the town's appeal both as a tourist destination and a desirable place to live. Their character – unit size, scale and design, are controlled for compatibility with the community's original historic core. Affordable housing policies should consider this environment and the mix of unit types that exist when setting goals for the types of affordable units that will be developed in the future. Preserving the mix would limit the development of apartments to only small projects and would also limit new mobile homes, which are typically the most cost effective options for housing, since mobile homes comprise only 4% of the housing inventory and only 18% of total units are multi-family residences.

Units by Type in Crested Butte

<i>Unit Type</i>	<i>% of Total</i>
Single family	40%
Duplex	16%
Multi- family	18%
Mobile homes	4%
ADU's	8%
Unit in business bldgs	9%
Other	1%
	100%

Preserving the bedroom mix in the community as it grows could be an ambitious goal since over 60% of units have three or more bedrooms. Basing targets for bedrooms on household composition would lead to higher percentages of one- and two-bedroom units.

Bedroom Mix

<i>Number of Bedrooms</i>	<i>% of total</i>
one	9%
two	29%
three	41%
four or more	21%
	100%

III. Basis for Linkage Requirements

Crested Butte assesses fees on new residential development and new commercial development for affordable housing. This type of strategy is generally referred to as linkage, though the terms impact mitigation and impact fees could also be applicable. The definitions

- Commercial Linkage-- Developers of commercial space build or pay for the construction of housing for employees which is affordable for a targeted income level. The basic premise is that new commercial development fuels demand for affordable housing through the new on-site jobs that are created in the finished space.
- Residential Linkage – Builders of new residential units are required to address a portion of the housing demand generated by on-site jobs associated with the maintenance and operation of the home, usually by providing a payment in lieu when homes are the size allowed in Crested Butte.

In both cases, linkage or mitigation rates are established that equal a percentage of the demand for housing generated by the development. Establishment of these rates is typically based upon a combination of factors including the key community metrics presented earlier in this report, the effectiveness in producing units, and acceptability to builders and developers.

Methodology

To establish a basis for both residential and commercial linkage requirements, a five-step formula-driven process as outlined below is followed. It uses well-documented statistics from primary research conducted in Crested Butte as well as similar western mountain communities to provide a method for quantifying the number of jobs and corresponding housing demand generated by development. It establishes a reasonable relationship between development in general and the legislative adoption of linkage requirements.

The steps are as follows:

1. Determining the number of jobs generated by commercial and residential development in order to calculate housing demand generated by new development;
2. Accounting for multiple job holding to eliminate double counting of employees;
3. Converting the number of employees to households by applying an employees per household ratio;
4. Crediting developments for contributions to employee housing; and,
5. Consolidating the information on job generation, job holding patterns, employees per household and income levels into a formula that can be applied to commercial, residential or mixed-use projects to calculate mitigation requirements.

The formula often results in a fraction of a dwelling unit being required. When this is the case, or in other circumstances as may be allowed, payment can be made in lieu of building units. Determining the amount of the payment that can be made in lieu is based on the affordability gap, which is the difference between what targeted households can afford to pay and market prices for housing.

It is important to note that the housing demand estimates contained herein are based only on direct, on-site, permanent jobs. This study does not establish the link between development and the total impact it generates including those from:

- Construction jobs, which are temporary in nature.
- Direct, off-site jobs, like the architect who designed the home or commercial building, the realtor who sold it, the truck driver who delivered landscaping materials, the interior designer who furnished it, the mortgage broker who financed it ,etc.
- Indirect jobs, like retail clerks, police officers and health care providers who provide services to the residents of the new residential development – the general job growth in the town which results from new development.

1. Job Generation

When new commercial/industrial/lodging/residential projects are built, additional employment is generated. Some of the new commercial employment may be from new businesses and some may be from businesses relocating from other space (thereby freeing up that space for other tenants), but the net effect over time is a net increase in employment in the community. Job generation rates that provide measurements of the number of jobs typically generated by residential units and in various types of commercial spaces can be used to estimate the number of jobs that will be created when development is planned.

Commercial

Beginning in 1990, RRC Associates and Rees Consulting, Inc. conducted housing needs assessments in mountain communities and counties in Colorado, Idaho and Wyoming. As part of these studies, public- and private-sector employers were surveyed concerning the number of jobs they offer and the amount of space they occupy. These surveys of 1,995 employers were used to compile a database on job generation ratios (Merged Database), which are expressed as the number of total jobs (full- and part-time combined, not FTE) per 1,000 square feet of net leasable space.

The merged data base contains a total of 1,995 cases from surveys conducted in Colorado, Idaho and Wyoming from 1990 through 2008. The employer surveys conducted in Gunnison County in 1992 and 1998/99 as part of housing needs assessment generated 100 valid cases that are included in the merged database. The merged database combines surveys from commercial core areas, where space tends to be intensively used, and nearby communities and unincorporated areas, where employment is often less. It is recommended that the merged dataset be used rather than figures for just Gunnison County for the following reasons:

- The smaller number of cases in individual communities is less statistically valid than the merged data set, particularly when broken down by types of businesses;

-
- Surveys of individual communities provide point-in-time estimates of job generation during the year of the survey. These rates are subject to change depending on many factors, including local and regional economic conditions and changes in development incentives, ordinances and regulations that may affect the intensity of commercial space usage in the community;
 - The merged data set provides a more general sample of the types of businesses and intensity of uses found in resort communities over a period of time that includes both economic booms and slumps. This results in numbers that represent average commercial job generation that can be comfortably used over an extended period of time, rather than constantly changing with point-in-time economic conditions; and,
 - The merged data set also provides a more general sample of the intensity of uses of businesses in multiple resort communities. Because each community represents a different “maturation” state, the database presents an average mix of intensities that could be expected as communities change and as businesses move into and out of communities. The merged database provides job generation rates that recognize the changing economic mix of communities over time, both within and between different industries, and accommodates this change.

The merged database includes both core resort areas as well as nearby communities, which are listed below, with survey dates ranging between 1990 and 2008.

- Aspen 2002, 2008
- Basalt 2008
- Blaine County, ID: 1990, 1996
- Copper Mountain: 2001
- Eagle County: 1990, 1999, 2001, 2007
- Frisco: 1998
- Garfield County 2004
- Grand County: 1992, 2001, 2007
- Gunnison County: 1992, 1998
- Keystone 2001
- Pitkin County 1991, 2004
- Routt County: 1990
- San Miguel County: 2000
- Snowmass Village: 1999, 2008
- Summit County: 1990, 2001
- Telluride: 1993, 1996, 2001
- Teton County: 2006
- Pitkin, Eagle & Garfield Counties (Healthy Mountain Communities surveys - 1997/98)

Commercial Job Generation Rates

	Gunnison County Jobs/1,000 sq ft	N	Merged Database Jobs/1,000 sq ft	N
Bar/restaurant	7.95	7	8.15	213
Construction	12.50	5	6.67	165
Education	2.11	6	1.67	45
Office	3.18	18	3.64	395
Government	3.67	4	2.44	79
Real Estate/property management	1.46	2	5.00	116
Retail sales	2.06	24	3.28	421
Service	1.46	10	3.94	124
Recreation/attractions/amusements	2.00	13	4.38	69
Other	2.69	11	3.33	233
Overall Median	2.20	100	4.00	1,860

	Gunnison County Emp/unit	N	Merged Emp/unit	N
Lodging/hotel/housekeeping	.21	14	0.53	102
Property Management	--	--	0.42	33

Source: RRC Associates/Rees Consulting surveys

Overall, 4.0 employees work in every 1,000 square feet of net leasable commercial space. The ratios for restaurants and bars (8.15 per 1,000 SF), construction (6.67 per 1,000 SF) and real estate/property management offices (5.0 per 1,000 SF) are considerably higher than the overall median. Research has shown that these job generation ratios change very little over time.

The rates for lodging and professionally managed vacation properties are unique in that they are expressed on a per room or unit basis rather than per 1,000 square feet. The rate for lodging is .53 employees per room while property management is .42 per unit. The employee generation for lodge/hotel properties varies significantly by property type. For example, a luxury/upscale resort hotel with a spa, restaurant, room service etc. might have a job generation rate of between 2 and 3/room. A small hotel with only front desk service might have a generation rate between 0.01 and 0.4. Some communities have recognized the large variance in hotel generation rates and have provided the option for an independent calculation of the number of employees to be generated by the proposed development. The proposed rate would be evaluated as part of the development review process.

Some communities use a single average while others combine similar categories into several groups. The rates are usually used to estimate employment when the PUD or building permit application is filed. The rates can be applied to new development and to redevelopment that results in additional space being created. Using a single average makes it less problematic when the exact use of space is not defined at the time of project approval. For instance, space in a commercial building could be used for either a retail shop or an office, which have different job generation rates. The problem is compounded by the fact that the use could change over the years; a single rate makes it unnecessary to reconsider the employment generated by the space. It is acknowledged that restaurants, bars and other uses with high job generation rates

may be encouraged by the use of a single average and that uses with lower rates, like services and education, might be discouraged from locating in Crested Butte.

Residential

Residential dwelling units generate demand for housing through their operation and maintenance. Activities including exterior and interior maintenance and upkeep, house cleaning, meal preparation, childcare, personal services, and home office support generate jobs, many of which are relatively low paying. The employees that fill these jobs generate demand for modestly-priced housing. Furthermore, homes built for second homeownership reduce the land and number of units available for the local workforce. As a result, the more homes that are built in Crested Butte (particularly for visitor or second home use), the more the affordable housing problem is aggravated.

Average job generation rates were calculated to support an employee housing mitigation program that is fairly simple to administer, yet responsive to the finding that large residential units generate more jobs than smaller units. Data from homeowners surveys administered in mountain communities across Colorado including Gunnison County were used. The data include 3,362 valid cases for residences. The surveys focused on jobs directly generated as a result of the residential unit. That is, jobs associated with housing maintenance and operations, including property and rental management, homeowner’s association, gardeners, snow removal, exterior maintenance, housekeepers, kitchen help/chef, child care provider/nanny, caretaker/ concierge/butler, personal trainer/administrative assistant and other related employees. The studies did not include workers generated through construction of the home.

The job generation rates, expressed in full-time equivalents (FTE) per unit, were found to vary by square footage according to the following exponential functions:

Equation of Residential Employee Generation by Home Size

$$\text{Total FTE} = 0.0893 * e^{(.0003)(\text{Finished Square Footage})}$$

The following table of FTE employee generation rates was calculated by applying the above formula to each of the residential square-footage categories shown in the first column.

Residential Job Generation Rates by Size

Finished Sq Ft	Gunnison County	Merged Database
<1,000 s.f.	.16	0.10
1,000 - 1,999	.17	0.14
2,000 - 2,999	.29	0.19
3,000 - 3,999	.45	0.26
4,000 - 4,999	.64	0.34
5,000 - 5,999	.41	0.46
6,000 - 6,999	n/a	0.63
7,000 - 7,999	.46	0.85
8,000+	1.41	1.14
Number of Cases	80	3,362

Source: Rees Consulting, Inc. and RRC Associates

The residential job generation rates expressed in 500 square foot increments are substantially similar in all of the communities surveyed; there is little variation by community/county. In other words, a 5,000 square foot house in Gunnison County generates about the same employment as a 5,000 square foot house in Summit County. The fact that job generation is linked to the size of the home and not the value of the home ensures this consistency in job generation rates. If an overall average for all homes was used, however, job generation rates would vary considerably due to the different mix of housing sizes in each community. Communities where house sizes tend to be large would have higher averages than communities with smaller homes. Use of an overall average is therefore not recommended.

There is a positive correlation between household size and job generation – the larger the home, the more jobs that are generated by the residence. To ensure fairness in implementation, requirements should vary by size of the home. The implementation of requirements segmented by broad categories of mitigation (e.g., less than 2,000 square feet and 2,000 square feet or more) does not equitably distribute job generation and employee mitigation.

2. Accounting for Multiple Job Holding

The *commercial* job generation ratios measure the number of full- and part-time employees working within various types of commercial space. Some of the employees, particularly the part-time workers, may also hold other jobs. In order to avoid double counting and potentially requiring two different commercial developments to pay for housing the same employee, the number of total employees in commercial space that generate demand for housing in Crested Butte is adjusted for multiple jobs they might hold.

The 2009 Gunnison County Housing Needs Assessment measured multiple job holding. On average in the town, employees hold 1.28 jobs. This measure was calculated by evenly weighting the number of jobs held during the winter, summer and shoulder seasons.

It should be noted that the job generation rates for *residential* dwellings are presented in terms of full-time equivalents (FTE) and, as such, do not need to be adjusted for multiple job holding.

3. Converting from Workers to Households

It is recognized that employees often live together in family and unrelated roommate households. Housing requirements should recognize established lifestyle patterns and existing characteristics. The 2009 Gunnison County Housing Needs Assessment found that there are 1.71 employees per unit on average in Crested Butte. As such, the number of employees generated by a project should be divided by 1.71 to convert to the number of households generated.

4. Credits and Double Charging

Communities considering commercial linkage and residential linkage should ensure that the adopted programs are not “double-charging” for the same employees. In other words, if residential developments are required to mitigate for all jobs created through homeowner expenditures (direct basic jobs and secondary jobs), commercial linkage figures must ensure

that employees housed by residential linkage requirements are not also required to be housed through commercial linkage. The job generation rates provided in this study eliminate the possibility of double charging by only accounting for the direct jobs provided on-site.

5. Linkage Formula

To determine the number of workforce housing units that commercial, residential or mixed-use projects must produce, the following formula is recommended:

- The size of the project is first multiplied by the appropriate job generation rate to estimate the number of jobs that will be created.
- The number of jobs generated for commercial space and lodging is then divided by the average job holding ratio of 1.28 to estimate the number of new employees that will be generated by the development.
- The number of new employees is then converted to an estimate of the number of new households generated by the project by applying a factor of 1.71 employees per household, an estimate from the 2009 Gunnison County Housing Needs Assessment.
- The rates, expressed as percentages of the total number of households generated to determine the number of units required.

**Table 5
Linkage Calculation Formulas**

<u>Formula</u>	<u>Residential</u>	<u>Commercial</u>	<u>Lodging</u>
Size of Development	# units in 1,000 s..f. ranges	# square feet	# lodging units
x Job generation rates	<1,000 s. f. – 0.10 1,000 – 1,999 – 0.14 2,000 – 2,999 – 0.19 3,000 – 3,999 - 0.26	Bar/restaurant – 8.15 Construction - 6.67 Retail sales - 3.28 Manufacturing - 1.80 Overall Median - 4.00	ea. Unit .53
= Jobs Generated			
÷ Jobs per Employee	N/A	1.28	1.28
= Employees Generated			
÷ Employees per Household	1.71	1.71	1.71
= Housing Demand Generated			
x linkage rate	TBD	TBD	TBD
= Affordable Housing Units Required			

The following table provides an example for a 5,000 square foot commercial building at three different linkage or mitigation rates. At 10%, just under one unit would be required. A fee in lieu, if allowed, would equal \$187,203. The number of units or fee in lieu required would double with a doubling of the linkage rate.

Commercial Linkage Example

Sq. Ft. Bldg	5000	5000	5000
Jobs per 1,000 sq ft	4	4	4
Total jobs	20	20	20
Housing demand	9.1	9.1	9.1
Mitigation rate	10%	20%	30%
Units Required	0.9	1.8	2.7
Fee in Lieu	\$187,203	\$374,406	\$561,609
Fee per Sq Ft	\$37	\$75	\$112

With much lower job generation rates than commercial buildings, residential units of the size possible in Crested Butte create demand for only fractions of units. Fees in lieu are therefore typically paid. Since the job generation rates increase with size on a curved line, the fee per square foot is generally not a consistent rate but varies by size. Mitigation rates could be flat or step up with unit size. The two approaches are shown in the table below.

Residential Linkage Examples

Unit Size	1500	2500	3500
Flat Rate Approach			
Jobs per unit	0.14	0.19	0.26
Housing demand	0.082	0.111	0.152
<i>Mitigation rate</i>	20%	20%	20%
Units required	0.016	0.022	0.030
OR Fee required	\$4,282	\$5,811	\$7,952
Fee per Sq Ft	\$2.85	\$2.32	\$2.27
OR Stepped Up Rate			
Jobs per unit	0.14	0.19	0.26
Housing demand	0.082	0.111	0.152
<i>Mitigation rate</i>	10%	20%	30%
Units required	0.008	0.022	0.046
OR Fee required	\$2,141	\$5,811	\$11,928
Fee per Sq Ft	\$1.43	\$2.32	\$3.41

IV. Payment in Lieu Calculation

The difference between prevailing market prices and what targeted households can afford to pay for housing is the gap that must be taken into consideration when determining the amount of the payment that could be made in lieu of producing units under certain circumstances. This gap varies by the income level of the targeted household.

To generate a figure for the targeted income category that represents the gap between affordable and market costs, a series of calculations must be made, as follows:

1. The income range of targeted households is first established. Three categories are presented as a method for targeting the Town's different strategies to serve different income groups. These categories are subject to change based on the outcome of the Strategic Plan. The basis is the median family income for two-person households from the 2009 median income estimates published by the US Department of Housing and Urban Development (HUD). It is assumed that the size of households served by residential linkage will average close to two persons given that the average household size in the community is 2.06 persons per unit, according to the Town's census. The income range must be updated annually to reflect changes in the published wage or median income figures, depending upon which is used as an eligibility measure. As a result, the amount of the gap and resulting payment in lieu will fluctuate yearly.
2. Target income points within the range are then set so that a gap calculation can be performed for the range of household incomes served.
3. The affordable monthly housing payment is next established based on a commonly used standard: 30% of gross income equals housing payment.
4. The affordable monthly housing payment is then converted to an affordable purchase price by assuming a 5% down payment, 20% of the total affordable housing payment covers property taxes and insurance with the remaining 80% of the payment paying for a mortgage with a 6.0% fixed rate of interest for 30 years. Interest rates are currently lower (FHA's rate for a 30-year term was 5.5% as of early February 2010) but is expected to increase. A rate of 6% better represents where interest rates for 30-year fixed rate mortgages will likely be, and makes it less likely that the payment in lieu would need to be adjusted during the coming year.
5. The average size for Affordable Housing units varies by AMI category, ranging from 800 to 1,200 square feet.
6. The market price for comparable units is then determined using the median sales price per square foot of dwelling units purchased in Crested Butte in 2009. The cost of units sold rather than the cost of construction has been used for several reasons:
 - Market-rate prices on a per square foot basis can be readily obtained and can be used to update the fee on a regular basis;
 - Construction costs vary widely, depending upon numerous variables. Adding the cost of land further complicates the calculation; and
 - The Town may use the fees obtained to purchase existing units, provide rent subsidies, or support other housing efforts in addition to new construction projects.

7. The affordability gap is the difference between the market cost and the affordable purchase price. The market cost for the average Affordable Housing unit is determined by multiplying the average size of the unit by the median price per square foot of \$382 for units sold within the Town of Crested Butte in 2009. The average size of unit varies by AMI category.

Payment in Lieu Calculation for 2009

Category	1	2	3	4
AMI Range	≤80% AMI	81% -120%	121%-160%	161% - 200%
Max. Income: 2-person HH's	\$42,300	\$63,480	\$79,350	\$105,800
Targeted Income Point (middle of range)	40% AMI	100% AMI	140% AMI	180% AMI
Average Income to be Served	\$21,160	\$52,900	\$74,060	\$95,220
Gross Monthly Income	\$1,763	\$4,408	\$6,172	\$7,935
Affordable Monthly payment	\$529	\$1,323	\$1,852	\$2,381
Prop. Taxes/Ins./HOA = 20% of pmt	\$106	\$265	\$370	\$476
Mortgage Payment	\$423	\$1,058	\$1,481	\$1,904
Max. Mortgage Amount	\$79,160	\$197,899	\$277,058	\$356,218
5% Down	\$4,166	\$10,416	\$14,582	\$18,748
Affordable Purchase Price	\$83,326	\$208,315	\$291,640	\$374,966
Average Sq. Ft of Units	800	1,000	1,200	1,400
Median per Sq Ft. 2009 sales	\$382	\$382	\$382	\$382
Market Cost per Unit	\$305,600	\$382,000	\$458,400	\$534,800
Affordability Gap	\$222,274	\$173,685	\$166,760	\$159,834
Plus 15% Administrative Fee	\$39,225	\$30,650	\$29,428	\$28,206
Payment in Lieu per Unit	\$261,499	\$204,335	\$196,188	\$188,040

In many cases, linkage regulations will result in a fraction of a housing unit being required. As such, the payment is determined by applying that fraction to the per-unit in lieu amount.

The payment in lieu calculation must be updated annually upon publication of household income estimated by HUD and sales data for the previous year compiled by the Town of Crested Butte from County Assessor files.

It should be noted that the payment in lieu calculations include an allowable administrative fee for expenses directly related to operation of the impact mitigation program and production of units, which is optional. Also, the calculations presented above assume that any HOA fees (plus property taxes and insurance) would be covered by 20% of the "affordable monthly housing payment." This percentage can be amended if HOA dues tend to be lower or higher than this allowance.

ORDINANCE NO. 12

SERIES 1993

AN ORDINANCE IDENTIFYING THE TOWN COUNCIL AS THE MUNICIPAL PLANNING COMMISSION AND ADOPTING THE CRESTED BUTTE THREE MILE PLAN REQUIRED BY COLORADO REVISED STATUTES, SECTION 31-12-105.

WHEREAS, the Town of Crested Butte, Colorado is a Colorado Home Rule Municipality subject to the provision of Colorado Revised Statutes, Section 31-12-105(1)(e) which requires that prior to completion of an annexation within three miles in any direction from any point of its boundary, "the municipality shall have in place a plan for that area which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area."; and

WHEREAS, the Town has received requests for annexation of lands within this three mile area in the past, and anticipates receiving more such requests in the future; and

WHEREAS, Colorado Revised Statutes, Section 31-23-201, et seq states that such a Three Mile Plan shall be made and adopted by a municipal planning commission, and furthermore that the Town Council may, by ordinance, assume and exercise any power granted to or duty placed upon a municipal planning commission; and

WHEREAS, the Town has devoted approximately eight months, from February, 1993, to October, 1993, toward the effort of gathering information and developing a Three Mile Plan, and finds that it is in the best interest of the Town to have the Town Council assume and exercise the powers granted to and duties placed upon a municipal planning commission; and

WHEREAS, the Town Council has held numerous public meetings on the proposed Three Mile Plan and intends to hold a public hearing on the proposed plan on October 18, 1993; and

WHEREAS, the Town Council finds that it is in the best interests of the Town, its residents, and adjoining land owners to establish and adopt the below referenced Three Mile Plan; and

WHEREAS, the Town Council finds that the provisions of the below referenced Three Mile Plan are necessary to protect the health, safety and welfare of the Town's residents.

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

Section 1. Constitution of Municipal Planning Commission. The Town Council of the Town of Crested Butte, pursuant to Colorado Revised Statutes, Section 31-23-227, hereby assumes and exercises the powers granted to and duties placed upon a municipal planning commission pursuant to Colorado law and hereby identifies and designates said Town Council as the Town's Municipal Planning Commission.

Section 2. Adoption of Three Mile Plan. The Town Council of the Town of Crested Butte, as the Municipal Planning Commission, hereby adopts the Crested Butte Three Mile Plan attached hereto, and the original 1 inch = 1,000 feet scale maps, the reductions of which are in the Plan, to be used as a guide for planning purposes and capital improvements budgeting.

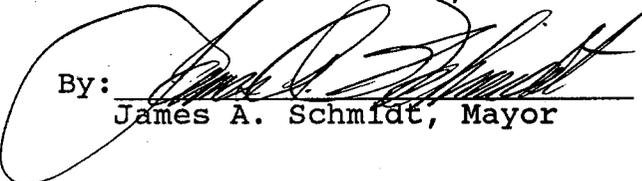
Section 3. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance 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 4. Savings Clause. Except as hereby amended, the 1987 Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 4TH DAY OF OCTOBER, 1993.

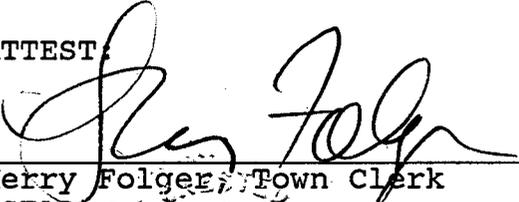
ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 1st DAY OF November, 1993.

TOWN OF CRESTED BUTTE, COLORADO

By: 

James A. Schmidt, Mayor

ATTEST


Kerry Folger, Town Clerk
(SEAL)



RESOLUTION 1996-1

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE FOR THE ADOPTION OF THE 1996 LAND USE PLAN

WHEREAS, the Town of Crested Butte, acting through its Planning Commission, is empowered pursuant to Section 31-23-201, et seq., C.R.S. to make and adopt a master or comprehensive plan for the physical development of the Town, including appropriate areas outside its boundaries; and

WHEREAS, the Town began creation of a comprehensive land use plan in August, 1995, and has prepared such a plan (hereafter "1996 Land Use Plan") for the physical development of the Town which has been reviewed by the Town Planning Commission; and

WHEREAS, the 1996 Land Use Plan includes by reference the Town's Three Mile Plan which will be updated for the year 1996 by amendment on page 46 thereof; and

WHEREAS, the 1996 Land Use Plan is made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town and its environs which will, in accordance with present and future needs, best promote the health, safety, order, convenience, prosperity, and general welfare of the Town's residents, as well as efficiency and economy in the process of development; and

WHEREAS, the 1996 Land Use Plan will promote adequate provision for traffic, safety from fire, flood waters, and other dangers, adequate provision for light and air, the healthful and convenient distribution of population, good civic design and arrangement, wise and efficient expenditure of public funds, energy conservation, and adequate provision of public utilities and other public requirements; and

WHEREAS, in accordance with Section 31-23-208, C.R.S., the Town Planning Commission held a public hearing on April 15, 1996, following the publication of notice of the time and place of the hearing in the Town's newspaper of record and notice published in the official newspaper for Gunnison County, Colorado; and

WHEREAS, the Planning Commission believes that it is in the best interests of the Town of Crested Butte that the 1996 Land Use Plan be adopted.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION FOR
THE TOWN OF CRESTED BUTTE, COLORADO,**

Section 1. The 1996 Land Use Plan for the Town of Crested Butte is hereby adopted by the Crested Butte Planning Commission, and it shall be referred to as the "1996

Land Use Plan." Copies of the 1996 Land Use Plan are available for public inspection at the office of the Town Clerk during regular business hours. The 1996 Land Use Plan expressly includes maps and descriptive matter intended by the Planning Commission to form the whole of the Plan, all of which materials are contained within the Plan itself.

Section 2. The 1996 Land Use Plan adopted hereby shall include the Town's Three Mile Plan as updated by the Town Council for the year 1996, and subsequent years.

Section 3. The action of the Planning Commission adopting the 1996 Land Use Plan shall be recorded on the Plan by the identifying signature of the Chairperson of the Commission.

Section 4. The Town Clerk shall certify an attested copy of the 1996 Land Use Plan to the Town Council for the Town of Crested Butte and to the County Commissioners of Gunnison County.

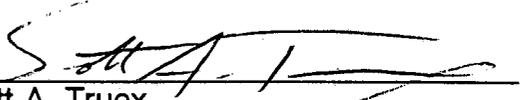
Section 5. This Resolution shall become effective upon adoption by the Planning Commission.

ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE, COLORADO, BY AN AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE ENTIRE MEMBERSHIP OF THE COMMISSION, BY A VOTE OF Seven AYES AND 0 NOS, ON THIS 15th DAY OF APRIL, 1996.



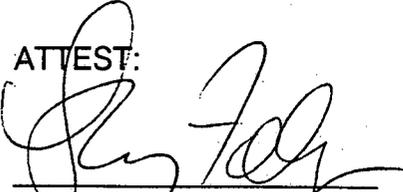
PLANNING COMMISSION FOR THE TOWN OF
CRESTED BUTTE, COLORADO

By:


Scott A. Truex

Planning Commission Chairperson

ATTEST:


Kerry Folger, Town Clerk

**RESOLUTION NO. 3
SERIES 1996**

A RESOLUTION UPDATING THE TOWN'S THREE MILE PLAN

WHEREAS, Section 31-12-105(1)(e), C.R.S., requires as a precondition of any annexation of land within a three mile area around the Town that the Town have in place a plan for the area which generally describes the proposed location, character, and extent of streets, bridges, waterways, parkways, playgrounds, parks, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town, and the proposed land uses for the area; and

WHEREAS, Section 31-12-105(1)(e), C.R.S. requires that such plan be updated at least once annually; and

WHEREAS, By Ordinance No. 12, Series 1993, the Town Council constituted itself as the Municipal Planning Commission and adopted the Crested Butte Three Mile Plan; and

WHEREAS, the Town Council has determined that the Three Mile Plan should be amended to reflect the importance of requiring at least a 100 foot buffer between development and high quality wetlands; and

WHEREAS, the Town has prepared a comprehensive plan known as the 1996 Land Use Plan for the physical development of the Town and such plan includes the updated Three Mile Plan as an element thereof; and

WHEREAS, the Town Council, acting in their capacity as the Planning Commission, has adopted the 1996 Land Use Plan, which includes the Three Mile Plan, and the Town Council has approved the adoption in accordance with Section 31-23-201 et seq., C.R.S.; and

WHEREAS, the Town Council believes it is desirable to recognize that the creation, adoption, and approval of the 1996 Land Use Plan included an updating of the Three Mile Plan element as required by Section 31-12-105(1)(e), C.R.S.

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

Section 1. The Three Mile Plan is hereby amended by adding the language set forth on the attached Crested Butte Three Mile Plan Update - 1996 which is incorporated herein by reference. The language shall appear on page 46 of the Three Mile Plan, as set forth in said attachment.

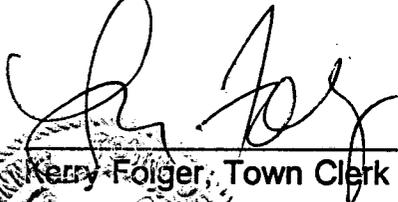
Section 2. The Three Mile Plan element contained in the 1996 Land Use Plan for the Town of Crested Butte was amended as set forth above, constituting the update for the year 1996 in accordance with Section 31-12-105(1)(e), C.R.S.

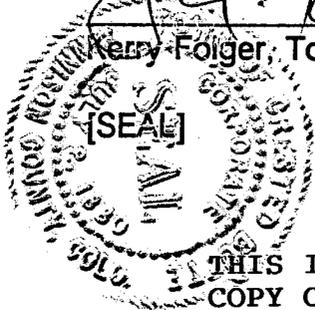
Section 3. A copy of this Resolution shall be attached to each copy of the 1996 Land Use Plan and shall serve as an attestation that the Three Mile Plan element was amended and updated as provided in this Resolution.

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, ON THIS 15th DAY OF APRIL, 1996.

By: 
Scott A. Truex, Mayor

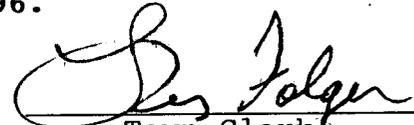
ATTEST:


Kerry Folger, Town Clerk



THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. 3, SERIES 1996.

April 16, 1996
Date


Town Clerk



**RESOLUTION NO. 4
SERIES 1996**

**A RESOLUTION APPROVING THE ADOPTION OF
THE 1996 LAND USE PLAN**

WHEREAS, Sections 31-23-206 and 31-23-207, C.R.S., provide that it is the duty of the planning commission of a municipality to adopt a master or comprehensive plan for the physical development of the municipality, including appropriate areas outside its boundaries, and that such adoption shall be made by the planning commission by resolution; and

WHEREAS, the Town has prepared a comprehensive plan for the physical development of the Town and the Town Council acting in its capacity as the Planning Commission for the Town adopted the plan, known as the 1996 Land Use Plan, by resolution following a public hearing held on April 15, 1996, following publication of a notice of the time and place of the hearing in the Town's newspaper of record and publication in the official newspaper of Gunnison County, Colorado; and

WHEREAS, in accordance with Sections 31-23-206(1) and 31-23-208, C.R.S., the adopted comprehensive plan is subject to approval of the governing body of the jurisdiction, which is the Town Council of the Town of Crested Butte, Colorado; and

WHEREAS, the Town Council believes that it is in the best interest of the Town that the 1996 Land Use Plan be approved.

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

Section 1. Adoption of Comprehensive Plan. The 1996 Land Use Plan for the Town of Crested Butte, as adopted by the Planning Commission on April 15, 1996, is hereby approved by the Town Council in accordance with Section 31-23-201, et seq., C.R.S. Copies of the 1996 Land Use Plan are available for public inspection at the office of the Town Clerk during regular business hours.

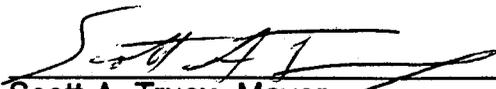
Section 2. Attestation. A copy of this Resolution shall be attached to each copy of the 1996 Land Use Plan and shall serve as an attestation that each such copy is a true and correct copy of the original 1996 Land Use Plan as adopted.

Section 3. Filing with County. The Town Clerk shall file a certified and attested copy of the 1996 Land Use Plan with the Clerk and Recorder for Gunnison County, Colorado.

Section 4. Effective Upon Adoption. This Resolution shall become effective upon adoption by the Town Council.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE,
COLORADO, ON THIS 15th DAY OF APRIL, 1996.

By:


Scott A. Truex, Mayor

ATTEST:


Kerry Folger, Town Clerk



THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT
COPY OF RESOLUTION NO. 4, SERIES 1996.

April 16, 1996
Date


Town Clerk



RESOLUTION 1996-2

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE FOR THE ADOPTION OF ARTICLE 15-3, SUBDIVISION REGULATIONS.

WHEREAS, the Town of Crested Butte, acting through the Town Council, has adopted Ordinance No. 33, Series 1995 which repeals and reenacts the minor and major subdivision regulations for the Town; and

WHEREAS, Colorado Revised Statutes, section 31-23-213, authorizes the Planning Commission to adopt as part of the Town's 1996 Land Use Plan, a major street plan for the territory within three miles of the Town's boundaries and half way to the limits of Mt. Crested Butte; and

WHEREAS, C.R.S. 31-23-214(1) requires that before the Planning Commission can exercise the powers set forth in C.R.S. 31-23-213, it shall adopt regulations governing the subdivision of land within the Town's jurisdiction; and

WHEREAS, the Planning Commission wishes to exercise its authority and powers as set forth above, and believes that it is in the best interests of the Town of Crested Butte to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION FOR THE TOWN OF CRESTED BUTTE, COLORADO,

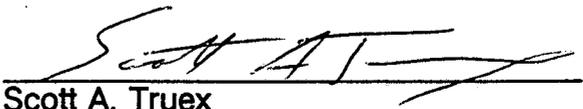
Section 1. The Subdivision Regulations adopted by the Town Council in Ordinance No. 33, Series 1995 are hereby adopted by the Planning Commission to govern the subdivision of land within the Town, and as set forth in C.R.S. 31-23-212 concerning the development of a major street plan.

Section 2. The Town Clerk shall certify an attested copy of the Subdivision Regulations to the Gunnison County Clerk and Recorder.

Section 3. This Resolution shall become effective upon adoption by the Planning Commission.

ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE,
COLORADO, ON THIS 15th DAY OF APRIL, 1996.

PLANNING COMMISSION FOR THE TOWN OF
CRESTED BUTTE, COLORADO

By: 
Scott A. Truex
Planning Commission Chairperson

ATTEST:


Kerry Folger, Town Clerk

RESOLUTION 1996-3

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE ADOPTING THE FIRST AMENDMENT TO THE 1996 LAND USE PLAN TO AUTHORIZE THE IMPOSITION AND COLLECTION OF CAPITAL EXPANSION RECOVERY SYSTEM FEES FOR FIRE PROTECTION SERVICES.

WHEREAS, the Town of Crested Butte, acting through its Planning Commission, is empowered pursuant to Section 31-23-201, et. seq., C.R.S., to adopt and amend a comprehensive plan for the physical development of the Town; and

WHEREAS, by Resolution 1996-1 the Planning Commission of the Town adopted the 1996 Land Use Plan, and by Resolution No. 4, Series 1996, the Town Council adopted the 1996 Land Use Plan (hereafter "Plan"); and

WHEREAS, the Guiding Principals of the Plan include the goal that development should pay its own way (page 12 of the Plan), and the Crested Butte Fire Protection District (hereafter "District") has requested that the Town impose a capital expansion recovery fee on major new subdivisions within the Town for the purpose of constructing capital facilities for fire protection services which are required for the new development; and

WHEREAS, the staffs of the Town and the District have worked together to identify and calculate appropriate capital expansion recovery fees for fire protection services within major new subdivisions in the Town; and

WHEREAS, pages 9 and 10 of the Plan contain typographical errors whereby the 1996 Land Use Plan is identified as the 1995 Land Use Plan, and said errors need to be corrected; and

WHEREAS, in accordance with Section 31-23-208, C.R.S. the Town Planning Commission held a public hearing on August 19, 1996, following the publication of notice of the time and place of the hearing in the Town's newspaper of record and notice published in the official newspaper for Gunnison County, Colorado; and

WHEREAS, the Planning Commission believes that adoption of the below amendments to the Plan is in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION FOR THE TOWN OF CRESTED BUTTE, COLORADO,

Section 1. The 1996 Land Use Plan for the Town of Crested Butte is hereby amended

by inserting the document attached hereto which is entitled "Fire Protection", starting on page 133 of the Plan.

Section 2. The Table of Contents for the Plan shall be amended as set forth on the attached Table of Contents.

Section 3. The Appendices currently found at pages 133 - 140 of the Plan shall follow the newly added "Fire Protection" section of the Plan, and the pages thereof shall be renumbered A1 - A8, respectively.

Section 4. The Plan is further amended by correcting the references on pages 9 and 10 from the "1995 Land Use Plan" to the "1996 Land Use Plan."

Section 5. The action of the Planning Commission amending the Plan shall be recorded on the Plan by inserting copies of this Resolution, and Resolution No. 14, Series 1996 of the Town Council at the end of the Plan.

Section 6. The Town Clerk shall certify an attested copy of this Resolution and the attached "Fire Protection" section to the Town Council for the Town of Crested Butte and to the County Commissioners of Gunnison County.

Section 7. This Resolution shall become effective upon adoption by the Planning Commission.

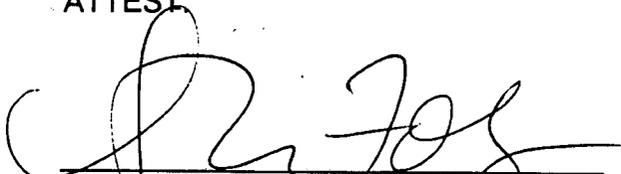
ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE, COLORADO, BY AN AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE ENTIRE MEMBERSHIP OF THE COMMISSION, BY A VOTE OF 5 AYES AND 0 NAYS, ON THIS 19th DAY OF AUGUST, 1996.

PLANNING COMMISSION FOR THE TOWN OF
CRESTED BUTTE, COLORADO

By:


Scott A. Truex
Planning Commission Chairperson

ATTEST:


Kerry Folger, Town Clerk

RESOLUTION 2003-1

SERIES 2003

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE TOWN OF CRESTED BUTTE ADOPTING THE 2003
HOUSING AMENDMENT TO THE 1996 LAND USE PLAN.**

WHEREAS, the Town of Crested Butte, acting through its Planning Commission, is empowered pursuant to Section 31-23-201, et. seq., C.R.S., to adopt and amend a comprehensive plan for the physical development of the Town; and

WHEREAS, by Resolution 1996-1 the Planning Commission of the Town adopted the 1996 Land Use Plan, and by Resolution No. 4, Series 1996, the Town Council adopted the 1996 Land Use Plan (hereafter "Plan"); and

WHEREAS, the Town has prepared an update of the Housing Section of the 1996 Crested Butte Land Use Plan; and

WHEREAS, recent surveys of employees in Crested Butte demonstrate that a relatively consistent percentage of the respondents believe housing is either a serious problem, or the most serious problem facing the community; and

WHEREAS, the cost of housing has led increasing numbers of employees to seek housing in Crested Butte South and in Gunnison, where prices are lower. It has also resulted in some jobs remaining unfilled due to lack of employee housing; and

WHEREAS, the Town of Crested Butte recognizes that maintaining adequate housing and housing diversity are keys to a successful community. If reasonable housing opportunities are unavailable or unattainable for a significant segment of the Town's population, the Town may become a community comprised of citizens living in rental housing, part-time residents, and citizens living in high-priced housing intended primarily to serve the seasonal tourist and second home industry. Where a range of diversity and price in housing is not maintained, many persons employed within the Town will live significant distances from the Town which will detrimentally impact traffic, air pollution and other important aspects of the quality of life; and

WHEREAS, based upon this information, and other information the Town has obtained, the Planning Commission has determined that the Town will need to consider creative approaches to produce affordable housing for employees who cannot afford housing in Crested Butte. The update to the Housing Section of the 1996 Crested Butte Land Use Plan identifies a range of housing strategies and incentives to combat the problem of a lack of affordable housing; and

WHEREAS, in accordance with Section 31-23-208, C.R.S. the Town Planning Commission held a public hearing on March 17, 2003, following the publication of notice of the time and place of the hearing in the Town's newspaper of record and notice published in the official newspaper for Gunnison County, Colorado; and

WHEREAS, the Planning Commission believes that adoption of the below amendments to the Plan are in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION FOR THE TOWN OF CRESTED BUTTE, COLORADO,

Section 1. The 1996 Land Use Plan for the Town of Crested Butte is hereby amended by deleting the Housing section in its entirety (starting on page 107) and inserting the document attached hereto which is entitled "Housing" starting on page 107 and continuing to page 116 of the Plan.

Section 2. The 1996 Land Use Plan for the Town of Crested Butte is hereby amended by inserting the document attached hereto which is entitled "Appendix C, Housing Appendix" starting on page C1 and continuing to page C27 of the Plan.

Section 3. Appendix I, Impact Fees, shall be renamed "Appendix A, Impact Fees".

Section 4. Appendix II, Park Improvements, Further Documentation will be renamed "Appendix B, Park Improvements, Further Documentation" and the page numbers will be changed from A3 through A8 to B1 through B6.

Section 5. The Table of Contents for the Plan shall be amended as set forth on the attached Table of Contents.

Section 6. The pages titled "Acknowledgments" shall be amended as set forth on the attached pages titled "Acknowledgments."

Section 7. Following ratification and approval of the Plan by the Town Council as shown below, the Town Clerk shall send a certified and attested copy of this Amendment to the Land Use Plan to both the Town Council for the Town of Crested Butte and to the County Commissioners of Gunnison County. Attachment by the Town Clerk of a certified copy of this Resolution and a certified copy of the Town Council's Ratification Resolution to a copy of the 1996 Town of Crested Butte Land Use Plan shall constitute certification and attestation of the Land Use Plan.

Section 8. This Resolution shall become effective upon adoption by the Planning Commission.

ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE, COLORADO, BY AN AFFIRMATIVE VOTE OF NOT LESS THAN

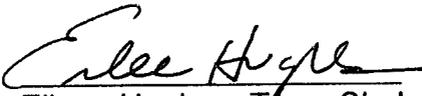
TWO-THIRDS OF THE ENTIRE MEMBERSHIP OF THE COMMISSION, BY A
VOTE OF 6 AYES AND 2 NAYS, ON THIS 17 DAY OF MARCH,
2003.

PLANNING COMMISSION FOR THE TOWN
OF CRESTED BUTTE, COLORADO

By: _____


Linda Powers,
Planning Commission Chairperson

ATTEST


Eileen Hughes, Town Clerk

RESOLUTION NO. 5

SERIES 2003

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
CRESTED BUTTE RATIFYING AND APPROVING THE PLANNING
COMMISSION'S ADOPTION OF THE 2003 AMENDMENT TO THE 1996
TOWN OF CRESTED BUTTE LAND USE PLAN.**

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; and

WHEREAS, Section 4.7 of the Town's Home Rule Charter states that Town Council actions, other than legislative enactments, may be in the form of resolutions or motions; and

WHEREAS, by Resolution 1996-1 the Planning Commission of the Town ("Planning Commission") adopted the 1996 Land Use Plan, and by Resolution No. 4, Series 1996, the Town Council adopted the 1996 Land Use Plan (hereafter "Plan"); and

WHEREAS, the Town has prepared an update of the Housing Section of the 1996 Crested Butte Land Use Plan; and

WHEREAS, recent surveys of employees in Crested Butte demonstrate that a relatively consistent percentage of the respondents believe housing is either a serious problem, or the most serious problem facing the community; and

WHEREAS, the cost of housing has led increasing numbers of employees to seek housing in Crested Butte South and in Gunnison, where prices are lower. It has also resulted in some jobs remaining unfilled due to lack of employee housing; and

WHEREAS, the Town of Crested Butte recognizes that maintaining adequate housing and housing diversity are keys to a successful community. If reasonable housing opportunities are unavailable or unattainable for a significant segment of the Town's population, the Town may become a community comprised of citizens living in rental housing, part-time residents, and citizens living in high-priced housing intended primarily to serve the seasonal tourist and second home industry. Where a range of diversity and price in housing is not maintained, many persons employed within the Town will live significant distances from the Town which will detrimentally impact traffic, air pollution and other important aspects of the quality of life; and

WHEREAS, based upon this information, and other information the Town has obtained, the Planning Commission and the Town have determined that the Town will need to consider creative approaches to produce affordable housing for

employees who cannot afford housing in Crested Butte. The update to the Housing Section of the 1996 Crested Butte Land Use Plan identifies a range of housing strategies and incentives to combat the problem of a lack of affordable housing; and

WHEREAS, the Town Planning Commission passed Resolution 2003-1 adopting the 2003 housing amendment to the 1996 Land Use Plan; and

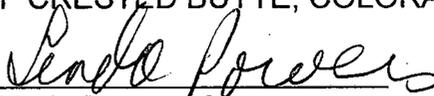
WHEREAS, the Town Council, through the passage and adoption of the instant resolution ratifies and approves the Planning Commission resolution pursuant to C.R.S. Section 31-23-206(1), as the adoption of the referenced amendments to the Plan are in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, that the Town hereby ratifies and approves of the aforementioned Amendment, and the Town Clerk shall send a certified and attested copy of this Amendment to the Land Use Plan to the County Commissioners of Gunnison County.

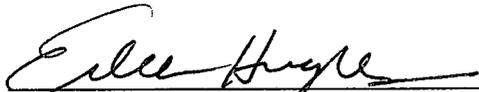
INTRODUCED, READ AND ADOPTED UPON THIS FIRST READING THIS
17 DAY OF MARCH, 2003.

TOWN OF CRESTED BUTTE, COLORADO

By: _____


Linda Powers, Mayor

ATTEST:


Eileen Hughes, Town Clerk

(SEAL)

RESOLUTION 2004-1

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE ADOPTING THE 2004 PARK AND RECREATION IMPROVEMENTS AMENDMENT TO THE CRESTED BUTTE LAND USE PLAN AND RENAMING THE PLAN.

WHEREAS, the Town of Crested Butte, acting through its Planning Commission, is empowered pursuant to Section 31-23-201, et. seq., C.R.S., to adopt and amend a comprehensive plan for the physical development of the Town; and

WHEREAS, by Resolution 1996-1 the Planning Commission of the Town adopted the 1996 Crested Butte Land Use Plan, and by Resolution No. 4, Series 1996, the Town Council adopted the 1996 Crested Butte Land Use Plan; and

WHEREAS, the Planning Commission believes the date should be eliminated from the title since the 1996 Land Use Plan was amended in 1996, 2003 and with this amendment will be amended in 2004; and

WHEREAS, the Town has prepared an update of the Park and Recreation Improvements chapter of the Crested Butte Land Use Plan; and

WHEREAS, in accordance with Section 31-23-208, C.R.S. the Town Planning Commission held a public hearing on July 6, 2004, following the publication of notice of the time and place of the hearing in the Town's newspaper of record and notice published in the official newspaper for Gunnison County, Colorado; and

WHEREAS, the Planning Commission believes that adoption of the below amendments to the Plan are in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION FOR THE TOWN OF CRESTED BUTTE, COLORADO,

Section 1. The "Crested Butte Land Use Plan April 1996" is hereby amended by deleting the title in its entirety, on the cover page, and inserting "Crested Butte Land Use Plan" on the cover page.

Section 2. The Crested Butte Land Use Plan is hereby amended by deleting the Parks Improvements chapter in its entirety, starting on page 56 and inserting the document attached hereto which is entitled "Park and Recreation Improvements" starting on page 56 and continuing to page 69 of the Plan.

Section 3. Acknowledgments pages for the Crested Butte Land Use Plan shall be amended as set forth on the attached Acknowledgements.

Section 4. The Table of Contents for the Crested Butte Land Use Plan shall be amended as set forth on the attached Table of Contents.

Section 5. Following ratification and approval of the 2004 Amendment to the Crested Butte Land Use Plan by the Town Council as shown below, the Town Clerk shall send a certified and attested copy of this Amendmanet to the Crested Butte Land Use Plan to both the

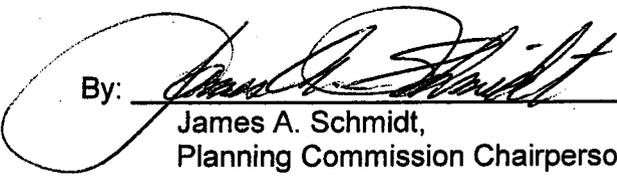
both the Town Council for the Town of Crested Butte and to the County Commissioners of Gunnison County. Attachment by the Town Clerk of a certified copy of this Resolution and a certified copy of the Town Council's Ratification Resolution of the 2004 Amendment to the Crested Butte Land Use Plan shall constitute certification and attestation of the 2004 Amendment to the Crested Butte Land Use Plan.

Section 6. This Resolution shall become effective upon adoption by the Planning Commission.

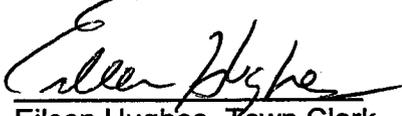
ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE, COLORADO, BY AN AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE ENTIRE MEMBERSHIP OF THE COMMISSION, BY A VOTE OF 7 AYES AND 0 NAYS, ON THIS 6 DAY OF JULY, 2004.

PLANNING COMMISSION FOR THE TOWN OF
CRESTED BUTTE, COLORADO

By:


James A. Schmidt,
Planning Commission Chairperson

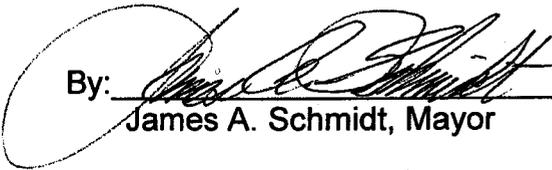
ATTEST


Eileen Hughes, Town Clerk

RESOLUTION NO. 7, SERIES 2004

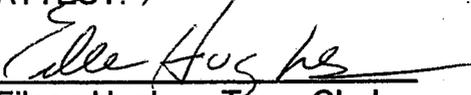
**A RESOLUTION RATIFYING AND APPROVING
THE ADOPTION OF THE 2004 AMENDMENTS TO
THE CRESTED BUTTE LAND USE PLAN.**

Resolution 2004-1 by the Town of Crested Butte Planning Commission and the Planning Commission's adoption of the 2004 Amendment to the Crested Butte Land Use Plan is hereby ratified and approved pursuant to C.R.S. § 31-23-206(1) by a majority vote of a quorum of the Town Council of the Town of Crested Butte, Colorado.

By: 

James A. Schmidt, Mayor

ATTEST:


Eileen Hughes, Town Clerk

RESOLUTION 2006-1

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE UPDATING THE TOWN'S THREE MILE PLAN BY ADOPTING THE CRESTED BUTTE AREA PLAN AND ADOPTION OF AN AMENDMENT TO THE 1996 CRESTED BUTTE LAND USE PLAN

WHEREAS, the Town of Crested Butte (the "Town"), acting through its Planning Commission, is empowered pursuant to C.R.S. Section 31-23-201, et seq. to make and adopt a master or comprehensive plan for the physical development of the Town, including appropriate areas outside its boundaries; and

WHEREAS, the Town adopted the 1996 Land Use Plan ("Land Use Plan") for the physical development of the Town after review by the Planning Commission of the Town of Crested Butte; and

WHEREAS, C.R.S. Section 31-12-105(1)(e) requires as a precondition of any annexation of land within a three mile area around the Town that the Town have in place a plan for the area which generally describes the proposed location, character, and extent of streets, bridges, waterways, parkways, playgrounds, parks, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town, and the proposed land uses for the area; and

WHEREAS, in accordance with State statute, the Town adopted the Crested Butte Three Mile Plan ("Three Mile Plan") which was made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town and its environs which will, in accordance with present and future needs, best promote the health, safety, order, convenience, prosperity, and general welfare of the Town's residents, as well as efficiency and economy in the process of development; and

WHEREAS, the Three Mile Plan will promote adequate provision for traffic, safety from fire, flood waters, and other dangers, adequate provision for light and air, the healthful and convenient distribution of population, good civic design and arrangement, wise and efficient expenditure of public funds, energy conservation, and adequate provision of public utilities and other public requirements; and

WHEREAS, the Town's Three Mile Plan was included as an element of the 1996 Land Use Plan; and

WHEREAS, C.R.S. Section 31-12-105(1)(e) requires that such plan be updated at least once annually; and

WHEREAS, significant changes have occurred in the three mile area around Crested Butte since the adoption of the Three Mile Plan in 1993 and since updates to the plan were made; and

WHEREAS, in accordance with C.R.S. Section 31-23-208, the Town Planning Commission held a public hearing regarding adoption of the 2006 Crested Butte Area Plan on September 6, 2005 and continued the public hearing to October 4, 2005;

November 11, 2005; December 15, 2005; January 17, 2006; March 6, 2006; April 17, 2006; June 2, 2006; June 19, 2006; and July 5, 2006 following the publication of notice of the time and place of the public hearing in the official newspaper for Gunnison County, Colorado; and

WHEREAS, in accordance with C.R.S. Section 31-23-208, the Town Planning Commission continued a public hearing regarding adoption of the 2006 Crested Butte Area Plan, on July 5, 2006, following the publication of notice of the time and place of the public hearing in the Town's newspaper of record and in the official newspaper for Gunnison County, Colorado; and

WHEREAS, the Crested Butte Area Plan has been written to satisfy the requirements of C.R.S. Section 31-12-105(1)(e) which requires as a precondition of any annexation of land within a three mile area around the Town that the Town have in place a plan for the area; and

WHEREAS, the Planning Commission, upon receipt of testimony at the public hearing, and the continued public hearings, believes that it is in the best interests of the Town of Crested Butte that the Crested Butte Three Mile Plan and the Crested Butte Land Use Plan be amended to reflect changes which have occurred in the three mile area around Crested Butte since adoption of the Three Mile Plan in 1993, and since updates to the plan were made, and to reflect current planning principles,

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION FOR THE TOWN OF CRESTED BUTTE, COLORADO,

Section 1. The 1996 Land Use Plan for the Town of Crested Butte is hereby amended by deleting the 1993 Three Mile Plan in its entirety and replacing with, and adopting, the "Crested Butte Area Plan, July 5, 2006," as set forth in Attachment A.

Section 2. The action of the Planning Commission adopting the 2006 amendment to the 1996 Land Use Plan shall be recorded on the Plan by the identifying signature of the Chairperson of the Commission.

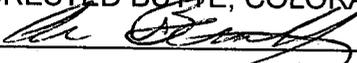
Section 3. The Town Clerk shall certify an attested copy of this amendment to the 1996 Land Use Plan to the Town Council for the Town of Crested Butte and to the County Commissioners of Gunnison County.

Section 4. This Resolution shall become effective upon adoption by the Planning Commission.

ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE, COLORADO, BY AN AFFIRMATIVE VOTE OF NOT LESS THAN TWO THIRDS OF THE ENTIRE MEMBERSHIP OF THE COMMISSION, BY A VOTE OF 7 AYES AND 7 NAYS, ON THIS 5 DAY OF JULY, 2006.

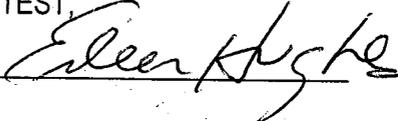
PLANNING COMMISSION FOR THE TOWN OF
CRESTED BUTTE, COLORADO

BY:



Alan Bernholtz, Planning Commission Chairperson

ATTEST,



Eileen Hughes, Town Clerk

Attachment A

See "Crested Butte Area Plan"

Dated July 5, 2006

RESOLUTION NO. 7, SERIES 2006

A RESOLUTION AMENDING THE TOWN'S LAND USE PLAN BY REPLACING THE TOWN'S THREE MILE PLAN WITH THE CRESTED BUTTE AREA PLAN AND APPROVING THE PLANNING COMMISSION'S AMENDMENT OF THE MASTER PLAN

WHEREAS, C.R.S. Section 31-12-105(1)(e) requires as a precondition of any annexation of land within a three mile area around the Town that the Town have in place a plan for the area which generally describes the proposed location, character, and extent of streets, bridges, waterways, parkways, playgrounds, parks, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town, and the proposed land uses for the area; and

WHEREAS, C.R.S. Section 31-12-105(1)(e) requires that such plan be updated at least once annually; and

WHEREAS, by Ordinance No. 12, Series 1993, the Town Council constituted itself as the Municipal Planning Commission and adopted the Crested Butte Three Mile Plan; and

WHEREAS, by Resolution No.3, Series 1996, and by Resolution No. 16 Series 2003 the Town Council updated the Crested Butte Three Mile Plan; and

WHEREAS, the Town has prepared a Master Plan known as the 1996 Land Use Plan for the physical development of the Town and such plan includes the 1996 updated Three Mile Plan as an element thereof; and

WHEREAS, the Town Council, acting in their capacity as the Planning Commission, has adopted the 1996 Land Use Plan, which includes the Three Mile Plan, and the Town Council has approved the adoption in accordance with C.R.S. Section 31-23-201 et seq.; and

WHEREAS, the Town Council has determined that the Three Mile Plan should be amended to reflect changes in the three mile area; and

WHEREAS, the Three Mile Plan has previously been made a part of the Master Plan, and the Master Plan has been amended by the Planning Commission to incorporate the above changes to the Three Mile Plan; and

WHEREAS, the Town Council has received the 2006 amendment to the Town of Crested Butte Master Plan approved by the Town of Crested Butte Planning Commission, made pursuant to the authority granted under C.R.S.

Section 31-23-208, and hereby approves such amendment.

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

Section 1. The Three Mile Plan is hereby amended by deleting the 1993 Three Mile Plan in its entirety and replacing it with the "Crested Butte Area Plan, July 5, 2006," as set forth in Attachment A.

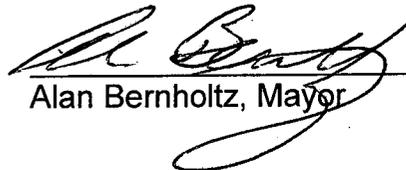
Section 2. The Three Mile Plan element contained in the 1996 Land Use Plan for the Town of Crested Butte is amended as set forth above, constituting the update for the year 2006 in accordance with C.R.S. Section 31-12-105(1)(e).

Section 3. A copy of this Resolution shall be attached to each copy of the 1996 Land Use Plan and shall serve as an attestation that the Three Mile Plan element, named the "Crested Butte Area Plan, July 5, 2006" was amended and updated as provided in this Resolution.

Section 4. The Town Council hereby approves and ratifies the amendments to the Master Plan of the Town of Crested Butte incorporating the Crested Butte Area Plan, July 5, 2006 as the amended three mile plan required as a precondition for annexation.

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, ON THIS 5 DAY OF JULY, 2006.

By:


Alan Bernholtz, Mayor

ATTEST


Eileen Hughes, Town Clerk

[SEAL]

RESOLUTION 2007-1

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE ADOPTING THE 2007 PARK LAND AND LAND FOR TOWN PUBLIC FACILITIES CHAPTERS OF THE CRESTED BUTTE LAND USE PLAN.

WHEREAS, the Town of Crested Butte, acting through its Planning Commission, is empowered pursuant to Section 31-23-201, et. seq., C.R.S., to adopt and amend a comprehensive plan for the physical development of the Town; and

WHEREAS, by Resolution 1996-1 the Planning Commission of the Town adopted the 1996 Crested Butte Land Use Plan, and by Resolution No. 4, Series 1996, the Town Council adopted the 1996 Crested Butte Land Use Plan; and

WHEREAS, the Town has prepared an update of the Park Land chapter of the Crested Butte Land Use Plan; and

WHEREAS, the Town has prepared a new chapter of the Crested Butte Land Use Plan named Land for Town Public Facilities; and

WHEREAS, in accordance with Section 31-23-208, C.R.S. the Town Planning Commission held a public hearing on September 17, 2007, following the publication of notice of the time and place of the hearing in the Town's newspaper of record and notice published in the official newspaper for Gunnison County, Colorado; and

WHEREAS, the Planning Commission believes that adoption of the below amendments to the Plan are in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION FOR THE TOWN OF CRESTED BUTTE, COLORADO,

Section 1. The "Crested Butte Land Use Plan" is hereby amended by deleting the Park Land chapter in its entirety, starting on page 51 and inserting the document attached hereto which is entitled "Park Land" starting on page 51 and continuing to page 55c of the Plan, and including the attached maps.

Section 2. The Crested Butte Land Use Plan is hereby amended by inserting the document attached hereto which is entitled "Land For Town Public Facilities" starting on page 80 and continuing to page 84 of the Plan.

Section 3. Page numbers of the Crested Butte Land Use Plan, following the Land For Town Public Facilities chapter, will be renumbered to allow for insertion of the Land For Town Public Facilities chapter as shown in the Table of Contents. The Table of Contents for the Crested Butte Land Use Plan shall be amended as set forth on the attached Table of Contents.

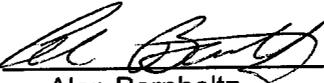
Section 4. Following ratification and approval of the 2007 Amendments to the Crested Butte Land Use Plan by the Town Council as shown below, the Town Clerk shall send a

certified and attested copy of this Amendmanet to the Crested Butte Land Use Plan to both the Town Council for the Town of Crested Butte and to the County Commissioners of Gunnison County. Attachment by the Town Clerk of a certified copy of this Resolution and a certified copy of the Town Council's Ratification Resoulion to a copy of the 2007 Amendment to the Crested Butte Land Use Plan shall constitute certification and attestation of the 2007 Amendment to the Crested Butte Land Use Plan.

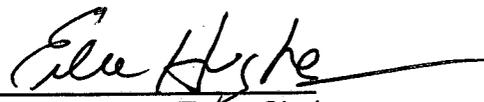
Section 5. This Resolution shall become effective upon adoption by the Planning Commission.

ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE, COLORADO, BY AN AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE ENTIRE MEMBERSHIP OF THE COMMISSION, BY A VOTE OF 5 AYES AND 0 NAYS, ON THIS 17 DAY OF SEPTEMBER, 2007.

PLANNING COMMISSION FOR THE TOWN OF
CRESTED BUTTE, COLORADO

By: 
Alan Bernholtz,
Planning Commission Chairperson

ATTEST


Eileen Hughes, Town Clerk

RESOLUTION 2007-2

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE FOR THE ADOPTION OF AMENDMENTS TO THE CRESTED BUTTE AREA PLAN, DATED JULY 5, 2006, CONCERNING PARK LAND DEDICATIONS AND LAND FOR TOWN PUBLIC FACILITIES.

WHEREAS, the Town of Crested Butte, acting through its Planning Commission, is empowered pursuant to Section 31-23-201, et. seq., C.R.S., to adopt and amend a comprehensive plan for the physical development of the Town; and

WHEREAS, C.R. S. Section 31-12-105(1)(e) requires as a precondition of any annexation of land within a three mile area around the Town that the Town have in place a plan for the area which generally describes the proposed location, character, and extent of streets, bridges, waterways, parkways, playground, parks, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town, and the proposed land uses for the area; and

WHEREAS, by Resolution 2006-1 the Planning Commission of the Town adopted the Crested Butte Area Plan, dated July 5, 2006, and by Resolution No. 7, Series 2006, the Town Council amended the Crested Butte Three Mile Plan by replacing it with the Crested Butte Area Plan, dated July 5, 2006; and

WHEREAS, by Resolution No. 7, Series 2006, the Town Council also amended the Three Mile Plan element of the Crested Butte Land Use Plan by replacing with the Crested Butte Area Plan, dated July 5, 2006; and

WHEREAS, the Town has prepared an update of the recommended amount of land to be used for park purposes in the Policies Section, in Part 1, on Page 24, of Crested Butte Area Plan; and

WHEREAS, the Town has prepared an update of the recommended amount of land to be used for Town public facilities purposes in the Policies Section, in Part 1, on Page 24, of Crested Butte Area Plan; and

WHEREAS, the Town has prepared an update of the Sample Development of 100 Units in Appendix VII of Crested Butte Area Plan to reflect the proposed changes in policies 23 and 24 discussed above; and

WHEREAS, in accordance with Section 31-23-208, C.R.S. the Town Planning Commission held a public hearing on September 17, 2007, following the publication of notice of the time and place of the hearing in the Town's newspaper of record and notice published in the official newspaper for Gunnison County, Colorado; and

WHEREAS, the Planning Commission believes that adoption of the below amendments to the Plan are in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION FOR THE

TOWN OF CRESTED BUTTE, COLORADO,

Section 1. The "Crested Butte Area Plan" is hereby amended by deleting Policy 23. in Part 1, Section III, Land Use, Residential Site Design, Public Lands on page 24, in its entirety, and replacing in with the following:

"23. There were 45.9 acres of land used for public purposes in Crested Butte in 2007 such as the Town Hall, the Fire Hall, equipment maintenance and water and sewer treatment plants and all of it is needed for public purposes. In 2007 there were 1,052 residential units and 389 commercial units in Town, thus for each residential unit there were .032 acres (1,393 square feet) of land for public purposes. Residential and/or commercial developments should provide at least .032 acres (1,393 square feet) of developable land for each residential and commercial unit for Town public facilities purposes."

Section 2. The "Crested Butte Area Plan" is hereby amended by deleting Policy 24. in Part 1, Section III, Land Use, Residential Site Design, Public Lands on page 24, in its entirety, and replacing in with the following:

"24. There were 35.49 acres of park land in Crested Butte in 2007 and there were .0327 acres (1,425 sq. ft.) of parks per single family unit and .0336 acres (1,463 sq. ft.) of parks per multi-family unit. Developments should provide at least .0327 acres of park land for each single family residential unit and .0336 acres of park land for each multi-family residential unit."

Section 3. The "Crested Butte Area Plan" is hereby amended by deleting Appendix VII, in Part 3 in its entirety, and replacing in with the following:

**"Appendix VII
A Sample Development of 100 Units.**

If the policies are followed then a 100 unit residential subdivision could look something like this:

Residential Units

Maximum density for free market units would be	5 units per acre.
Maximum density (if more than 40% of the dwelling units in a residential subdivision that will not be annexed to Town are local housing) would be	10 units per acre

Assume:

60% or 60 units would be local housing, at max. density this requires at least (60 units / 10 units per acre = 6 acres)	6 acres for the units
40% or 40 units would be free market, at the same maximum density this requires at least (40 units / 10 units per acre = 4 acres)	<u>4 acres</u> for the units
Total acres required for residential units: (Between the town and Cemetery there are 16.5 developable acres.)	10 acres

Open Space

Assuming some resource land and some hazardous land is preserved, then 3 acres should be preserved for each free market unit for a total of	120 acres.
Open space for local housing would be	<u>60 acres.</u>
Total open space would be (between Round Mountain and Schofield Pass/Paradise Divide)	180 acres,

Land for Public Purposes

Land for public purposes would be: $((1,393 \text{ SF per unit} \times 100) / 43,560)$	3.2 acres
Land for parks would be: $((1,425 \text{ SF per unit} \times 100) / 43,560)$	3.27 acres.
Land for a school would be 16,100 sq. ft. or	.37 acres

The average sale price of all vacant land in the Middle Slate River Valley and in Crested Butte, but not Mt. Crested Butte, in 2004 was \$2.18 per square foot. So as an alternative to providing land, payment-in-lieu of land would be:

Public land: $3.2 \times 43,560 \text{ sq. ft.} = 139,392 \text{ sq. ft.} \times \$2.13 =$	\$296,905
Parks: $3.27 \times 43,560 = 142,441 \times 2.13 =$	\$303,340
Schools: $16,100 \times \$2.13 =$	\$ 34,293

Trails

Trails for 100 units x 40 feet per unit =	4,000 ft.
or payment-in-lieu of \$14.45/ft.) =	\$57,800

Snow Storage

Snow storage for single family areas is .12 acres snow storage per 2.8 acres of development. So, if 14 acres are developed the recommended snow storage would be	6 acres"
--	----------

Section 4. The Crested Butte Area Plan element contained in the Crested Butte Land Use Plan for the Town of Crested Butte is amended as set forth above, constituting the update for the year 2007 in accordance with C.R.S. section 31-12-105(1)(e).

Section 5. Following ratification and approval of the 2007 amendments to the Crested Butte Area Plan by the Town Council, the Town Clerk shall send a certified and attested copy of this amendmanet to the Crested Butte Area Plan to both the Town Council for the Town of Crested Butte and to the County Commissioners of Gunnison County. Attachment by the Town Clerk of a certified copy of this Resolution and a certified copy of the Town Council's Ratification Resoulution to a copy of the 2007 Amendment to the Crested Butte Land Use Plan shall constitute certification and attestation of the 2007 Amendment to the Crested Butte Land Use Plan.

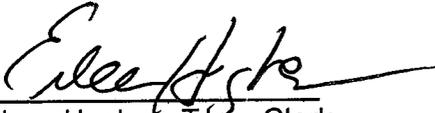
Section 6. This Resolution shall become effective upon adoption by the Planning Commission.

ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE, COLORADO, BY AN AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE ENTIRE MEMBERSHIP OF THE COMMISSION, BY A VOTE OF 5 AYES AND 0 NAYS, ON THIS 17 DAY OF SEPTEMBER, 2007.

PLANNING COMMISSION FOR THE TOWN OF CRESTED BUTTE, COLORADO

By: 
Alan Bernholtz,
Planning Commission Chairperson

ATTEST



Eileen Hughes, Town Clerk

RESOLUTION NO. 9, SERIES 2007

**A RESOLUTION RATIFYING AND APPROVING AN
AMENDMENT TO THE CRESTED BUTTE LAND
USE PLAN.**

Resolution 2007-1 by the Town of Crested Butte Planning Commission and the Planning Commission's adoption of the 2007 Amendments to the Crested Butte Land Use Plan are hereby ratified and approved pursuant to C.R.S. § 31-23-206(1) by a majority vote of a quorum of the Town Council of the Town of Crested Butte, Colorado.

**INTRODUCED, READ AND ADOPTED UPON THIS FIRST READING THIS 17th DAY OF
SEPTEMBER, 2007.**

By: 
Alan Bernholtz, Mayor

ATTEST:

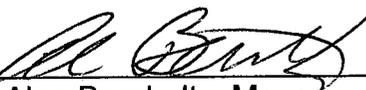
Eileen Hughes, Town Clerk

RESOLUTION NO. 10, SERIES 2007

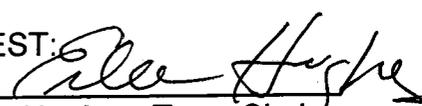
**A RESOLUTION RATIFYING AND APPROVING AN
AMENDMENT TO THE CRESTED BUTTE AREA
PLAN.**

Resolution 2007-2 by the Town of Crested Butte Planning Commission and the Planning Commission's adoption of the 2007 Amendments to the Crested Butte Area Plan are hereby ratified and approved pursuant to C.R.S. § 31-23-206(1) by a majority vote of a quorum of the Town Council of the Town of Crested Butte, Colorado.

**INTRODUCED, READ AND ADOPTED UPON THIS FIRST READING THIS 17th DAY OF
SEPTEMBER, 2007.**

By: 
Alan Bernholtz, Mayor

ATTEST:


Eileen Hughes, Town Clerk

DAY OF June, 2000.

TOWN OF CRESTED BUTTE, COLORADO

By Linda Powers
Linda Powers, Mayor

ATTEST:


Lynda Jackson Petito,
Town Clerk

(SEAL)

RESOLUTION 2010-1

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE TOWN OF CRESTED BUTTE ADOPTING THE 2010
AMENDMENTS TO THE HOUSING CHAPTER OF THE
CRESTED BUTTE LAND USE PLAN.**

WHEREAS, the Town of Crested Butte, acting through its Planning Commission, is empowered pursuant to Section 31-23-201, et. seq., C.R.S., to adopt and amend a comprehensive plan for the physical development of the Town; and

WHEREAS, by Resolution 1996-1 the Planning Commission of the Town adopted the 1996 Crested Butte Land Use Plan, and by Resolution No. 4, Series 1996, the Town Council adopted the 1996 Crested Butte Land Use Plan; and

WHEREAS, the Town has prepared an update of the Housing chapter of the Crested Butte Land Use Plan; and

WHEREAS, in accordance with Section 31-23-208, C.R.S. the Town Planning Commission held a public hearing on December 20, 2010, following the publication of notice of the time and place of the hearing in the Town's newspaper of record and notice published in the official newspaper for Gunnison County, Colorado; and

WHEREAS, the Planning Commission believes that adoption of the below amendments to the Plan are in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION FOR THE TOWN OF CRESTED BUTTE, COLORADO,

Section 1. The "Crested Butte Land Use Plan" is hereby amended by deleting the Housing chapter in its entirety, starting on page 121 and inserting the document attached hereto which is entitled "Housing" starting on page 121 and continuing to page 132 of the Plan, and including the attached Appendices C-1, C-2, C-3, C-4 and C-5.

Section 2. The Crested Butte Land Use Plan is hereby amended by inserting the document attached hereto which is entitled "Glossary of Terms" starting on page 1 and continuing to page 2 of the Plan.

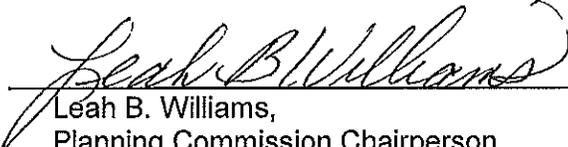
Section 3. The Acknowledgements shall be amended as set forth on the attached Acknowledgements. The Table of Contents for the Crested Butte Land Use Plan shall be amended as set forth on the attached Table of Contents.

Section 4. Following ratification and approval of the 2010 Amendments to the Crested Butte Land Use Plan by the Town Council as shown below, the Town Clerk shall send a certified and attested copy of this Amendment to the Crested Butte Land Use Plan to both the Town Council for the Town of Crested Butte and to the County Commissioners of Gunnison County. Attachment by the Town Clerk of a certified copy of this Resolution and a certified copy of the Town Council's Ratification Resolution to a copy of the 2010 Amendment to the Crested Butte Land Use Plan shall constitute certification and attestation of the 2010 Amendment to the Crested Butte Land Use Plan.

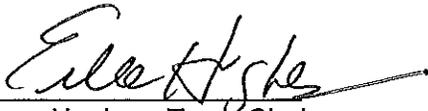
Section 5. This Resolution shall become effective upon adoption by the Planning Commission.

ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE, COLORADO, BY AN AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE ENTIRE MEMBERSHIP OF THE COMMISSION, BY A VOTE OF 7 AYES AND 0 NAYS, ON THIS 20th DAY OF DECEMBER, 2010.

PLANNING COMMISSION FOR THE TOWN OF
CRESTED BUTTE, COLORADO

By: 
Leah B. Williams,
Planning Commission Chairperson

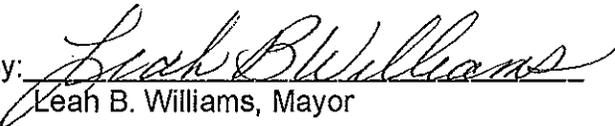
ATTEST


Eileen Hughes, Town Clerk

**RESOLUTION NO. 15
SERIES 2010**

**A RESOLUTION RATIFYING AND APPROVING AN
AMENDMENT TO THE CRESTED BUTTE LAND
USE PLAN**

Resolution 2010-1 by the Town of Crested Butte Planning Commission and the Planning Commission's adoption of the 2010 Amendments to the Crested Butte Land Use Plan are hereby ratified and approved pursuant to C.R.S. § 31-23-206(1) by a majority vote of a quorum of the Town Council of the Town of Crested Butte, Colorado.

By: 
Leah B. Williams, Mayor

ATTEST:


Eileen Hughes, Town Clerk

RESOLUTION 2011-1

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE ADOPTING AMENDMENTS TO THE CRESTED BUTTE LAND USE PLAN BY DELETING THE TRAILS CHAPTER, DELETING MOST OF THE TRANSPORTATION CHAPTER, AMENDING THE LAND FOR TOWN PUBLIC FACILITIES CHAPTER, AMENDING THE PARK LAND CHAPTER AND AMENDING THE ACKNOWLEDGEMENTS AND TABLE OF CONTENTS.

WHEREAS, the Town of Crested Butte, acting through its Planning Commission, is empowered pursuant to Section 31-23-201, et. seq., C.R.S., to adopt and amend a comprehensive plan for the physical development of the Town; and

WHEREAS, by Resolution 1996-1 the Planning Commission of the Town adopted the 1996 Crested Butte Land Use Plan, and by Resolution No. 4, Series 1996, the Town Council adopted the 1996 Crested Butte Land Use Plan; and

WHEREAS, after considering an annexation for about two years where many issues were raised by the public and the annexors that needed clarification in the Area Plan, and

WHEREAS, the purpose of the 2011 update is to make those clarifications and update data in the affected parts of the Land Use Plan and the Crested Butte Area Plan, a part of the Crested Butte Land Use Plan; and

WHEREAS, the Town has prepared updates of the Park Land chapter and the Land for Town Public Facilities chapter of the Crested Butte Land Use Plan, and

WHEREAS, the Town has updated the Acknowledgments and Table of Contents of the Crested Butte Land Use Plan; and

WHEREAS, in accordance with Section 31-23-208, C.R.S. the Town Planning Commission held a public hearing on July 5, 2011, following the publication of notice of the time and place of the hearing in the Town's newspaper of record and notice published in the official newspaper for Gunnison County, Colorado; and

WHEREAS, the Planning Commission believes that adoption of the below amendments to the Plan are in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION FOR THE TOWN OF CRESTED BUTTE, COLORADO,

Section 1. The Acknowledgements for the Crested Butte Land Use Plan shall be amended as set forth on the attached Exhibit A. The Table of Contents of the Crested Butte Land Use Plan shall be amended as set forth on the attached Exhibit B.

Section 2. The Crested Butte Land Use Plan is hereby amended by deleting the Trails chapter in its entirety, starting on page 75 and continuing to page 81 of the Plan.

Section 3. The Crested Butte Land Use Plan is hereby amended by deleting pages 89 through 96 of the Transportation chapter of the Land Use Plan. The Snow Plowing and Traction Control Equipment portion of the Transportation chapter will remain in the Land Use Plan.

Section 4. The Crested Butte Land Use Plan is hereby amended by deleting the Park Land chapter in its entirety, and inserting the document attached hereto as Exhibit C, which is entitled "Public Lands, Park Land" starting on page 51 and continuing to page 60 of the Plan.

Section 5. The Crested Butte Land Use Plan is hereby amended by deleting the Land for Town Public Facilities chapter in its entirety, starting on page 82 and continuing to page 88 of the Land Use Plan, and inserting the document attached hereto as Exhibit D, which is entitled "Land For Town Public Facilities" starting on page 82 and continuing to page 89 of the Plan.

Section 6. All page numbers in the Crested Butte Land Use Plan, are changed to conform with the page numbers in the Table of Contents in Exhibit B.

Section 7. Following ratification and approval of the 2011 Amendments to the Crested Butte Land Use Plan by the Town Council as shown below, the Town Clerk shall send a certified and attested copy of this Amendment to the Crested Butte Land Use Plan to both the Town Council for the Town of Crested Butte and to the County Commissioners of Gunnison County. Attachment by the Town Clerk of a certified copy of this Resolution and a certified copy of the Town Council's Ratification Resolution of the 2011 Amendment to the Crested Butte Land Use Plan shall constitute certification and attestation of the 2011 Amendment to the Crested Butte Land Use Plan.

Section 8. This Resolution shall become effective upon adoption by the Planning Commission.

ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE, COLORADO, BY AN AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE ENTIRE MEMBERSHIP OF THE COMMISSION, BY A VOTE OF 6 AYES AND 0 NAYS, ON THIS 5th DAY OF JULY, 2011.



PLANNING COMMISSION FOR THE TOWN OF CRESTED BUTTE, COLORADO

By: *Leah B. Williams*
Leah B. Williams,
Planning Commission Chairperson

ATTEST

Eileen Hughes
Eileen Hughes, Town Clerk

RESOLUTION NO. 4

SERIES 2011

A RESOLUTION RATIFYING AND APPROVING AN
AMENDMENT TO THE CRESTED BUTTE LAND USE
PLAN.

Resolution 2011-1 by the Town of Crested Butte Planning Commission and the Planning Commission's adoption of the 2011 Amendments to the Crested Butte Land Use Plan are hereby ratified and approved pursuant to C.R.S. § 31-23-206(1) by a majority vote of a quorum of the Town Council of the Town of Crested Butte, Colorado.

INTRODUCED, READ, AND ADOPTED UPON THIS FIRST READING, THIS 5th DAY
OF JULY, 2011.

By: *Leah B. Williams*
Leah B. Williams, Mayor

ATTEST:

Eileen Hughes
Eileen Hughes, Town Clerk



RESOLUTION 2011-2

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE ADOPTING AMENDMENTS TO THE CRESTED BUTTE LAND USE PLAN BY AMENDING THE CRESTED BUTTE AREA PLAN BY MAKING CHANGES TO THE TITLE PAGE, SYNOPSIS, ACKNOWLEDGEMENTS, TABLE OF CONTENTS, AND PREFACE, AND MAKING CHANGES TO PART 1 INCLUDING CHANGES TO: GENERAL POLICIES, LAND USE POLICIES, NATURAL HAZARDS TO DEVELOPMENT POLICIES, NATURAL RESOURCES POLICIES, THE SENSITIVE VISUAL RESOURCE AREAS MAP, THE TRANSPORTATION POLICIES AND MAKING CHANGES TO PART 2 INCLUDING CHANGES TO: WETLANDS, TRANSPORTATION AND AMENDING THE DEVELOPED AND UNDEVELOPED LAND MAPS.

WHEREAS, the Town of Crested Butte, acting through its Planning Commission, is empowered pursuant to Section 31-23-201, et. seq., C.R.S., to make, adopt and amend a comprehensive plan for the physical development of the Town; and

WHEREAS, the Town of Crested Butte is empowered pursuant to Section 31-12-101, et. seq., C.R.S., to have and update a plan for the physical development within three miles of the Town; and

WHEREAS, by Ordinance No. 12 Series 1993 the Town Council, acting in their capacity as the Planning Commission of the Town adopted the 1993 Crested Butte Three Mile Plan, and

WHEREAS, by Resolution 1996-1 the Planning Commission of the Town adopted the 1996 Crested Butte Land Use Plan, and by Resolution No. 4, Series 1996, the Town Council approved the 1996 Crested Butte Land Use Plan; and

WHEREAS, by Resolution No. 3, Series 1996, the Town Council, acting in their capacity as the Planning Commission, amended the Three Mile Plan as an element of the 1996 Land Use Plan for the Town of Crested Butte; and

WHEREAS, by Resolution 2006-1 the Town Council, acting in their capacity as Planning Commission, amended the 1996 Land Use Plan for the Town of Crested Butte by deleting the 1993 Three Mile Plan in its entirety and replaced it by adopting the Crested Butte Area Plan, and by Resolution No. 7, Series 2006, the Town Council amended the Area Plan, constituting the 2006 update to the Land Use Plan; and

WHEREAS, after considering an annexation for about two years where many issues were raised by the public, the annexors, and the Town that needed clarification in the Crested Butte Area Plan, and

WHEREAS, the purpose of the 2011 update is to make those clarifications and update data in the affected parts of the Crested Butte Area Plan, and

WHEREAS, the Town has prepared updates of Part 1, General Policies, Land Use Policies, Natural Hazards to Development Policies, Natural Resources Policies, and Transportation Policies, and to Part 2: Wetlands issues and Transportation issues and has amended several maps in the Crested Butte Area Plan, and

WHEREAS, in accordance with Section 31-23-208, C.R.S. the Town Planning Commission held a public hearing on July 5, 2011, following the publication of notice of the time and place of the hearing in the Town's newspaper of record and notice published in the official newspaper for Gunnison County, Colorado; and

WHEREAS, the Planning Commission believes that adoption of the below amendments to the Plan are in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION FOR THE TOWN OF CRESTED BUTTE, COLORADO,

Section 1. The Title page, Synopsis, Open Space and Development Map, Acknowledgements, Table of Contents, and the following portions of Part 1,

- Preface,
- Chapter I Applicability,
- Chapter II General Policies,
- Chapter III Land Use Goal, Policies and maps

of the Crested Butte Area Plan, a part of the Crested Butte Land Use Plan, are hereby deleted in their entirety and replaced with the following: Title page, Synopsis, Open Space and Development Map, Acknowledgements, Table of Contents, and the following portions of Part 1 of the amended Area Plan:

- Preface,
- Chapter I Applicability,
- Chapter II General Policies,
- Chapter III Land Use Goal, Policies and maps

as shown in Exhibit A.

Section 2. The Crested Butte Area Plan is hereby amended by deleting "Part 1, Chapter V Natural Hazards to Development, Flood Hazards," in its entirety on page 33 and replacing it with the following on page 33:

"FLOOD HAZARDS

7. Development in a flood prone area should be avoided. Unless a professional flood plain engineer demonstrates an area is not in a flood plain, Crested Butte discourages development, including parks, in flood plains as shown on the Flood Hazards map in Part 2, Description of the Issues, page 71."

Section 3. The Crested Butte Area Plan is hereby amended by deleting the Wetlands goal and policies and the Wildlife goal and policies in "Part 1, Chapter V Natural Resources" in their entirety, beginning on page 37 and continuing through page 43 and inserting the amended Wetlands goal and policies and the amended Wildlife goal and policies in "Part 1, Chapter V Natural Resources," beginning on page 40 and continuing through page 47 of the amended Area Plan as shown in Exhibit B

Section 4. The Crested Butte Area Plan is hereby amended by deleting "Part 1, Chapter I Transportation" goal and policies beginning on page 44 and continuing through page 48, and inserting the amended "Part 1, Chapter VI Transportation" goal and policies, starting on page 48 and continuing through page 56 of the amended Area Plan as shown in Exhibit C attached hereto.

Section 5. The Crested Butte Area Plan is hereby amended by deleting the Part 2, Sensitive Visual Resource Areas map on page 91, and inserting the amended Part 2, Sensitive Visual Resource Areas map on page 99 of the amended Area Plan as shown in Exhibit D attached hereto.

Section 6. The Crested Butte Area Plan is hereby amended by deleting "Part 2, Description of the Issues, Wetlands" beginning on page 92 and continuing through page 103, and inserting "Part 2, Description of the Issues, Wetlands," starting on page 100 and continuing through page 110 of the amended Area Plan as shown in Exhibit E attached hereto.

Section 7. The Crested Butte Area Plan is hereby amended by deleting "Part 2, Description of the Issues, Transportation" beginning on page 113 and continuing through page 125, and inserting the amended "Part 2, Description of the Issues, Transportation," starting on page 120 and continuing through page 136 of the amended Area Plan as shown in Exhibit F attached hereto.

Section 8. The Crested Butte Area Plan is hereby amended by deleting "Part 2, Developed and Undeveloped Land #1 and Developed and Undeveloped Land #2" maps on page 141 and 142, and inserting the amended "Part 2, Developed and Undeveloped Land #1 and Developed and Undeveloped Land #2" maps on pages 155 and 156 of the amended Area Plan as shown in Exhibit G attached hereto.

Section 9. The Crested Butte Area Plan is hereby amended by deleting "Part 2, Glossary Of Terms" beginning on page 146 and continuing through page 149, and inserting the amended "Part 2, Glossary Of Terms," starting on page 160 and continuing through page 163 of the amended Area Plan as shown in Exhibit H attached hereto.

Section 10. All page numbers in the amended Crested Butte Area Plan, a part of the Crested Butte Land Use Plan, and all references to page numbers found throughout the amended Area Plan, are changed to conform with the Table of Contents.

Section 11. Following ratification and approval of the 2011 Amendments to the Crested Butte Land Use Plan by the Town Council as described and as shown below, the Town Clerk shall send a certified and attested copy of this Amendment to the Crested Butte Land Use Plan to both the Town Council for the Town of Crested Butte and to the County Commissioners of Gunnison County. Attachment by the Town Clerk of a certified copy of this Resolution and a certified copy of the Town Council's Ratification Resolution to a copy of the 2011 Amendment to the Crested Butte Land Use Plan shall constitute certification and attestation of the 2011 Amendment to the Crested Butte Land Use Plan.

Section 12. This Resolution shall become effective upon adoption by the Planning Commission.

ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF CRESTED BUTTE,
COLORADO, BY AN AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE
ENTIRE MEMBERSHIP OF THE COMMISSION, BY A VOTE OF 6 AYES AND 0
NAYS, ON THIS 5th DAY OF JULY, 2011.

PLANNING COMMISSION FOR THE TOWN OF
CRESTED BUTTE, COLORADO

By: *Leah B. Williams*
Leah B. Williams,
Planning Commission Chairperson

ATTEST

Eileen Hughes
Eileen Hughes, Town Clerk



RESOLUTION NO. 5

SERIES 2011

**A RESOLUTION RATIFYING AND APPROVING
AMENDMENTS TO THE CRESTED BUTTE AREA PLAN,
A PART OF THE CRESTED BUTTE LAND USE PLAN.**

Resolution 2011-2 by the Town of Crested Butte Planning Commission and the Planning Commission's adoption of the 2011 Amendments to the Crested Butte Area Plan, a part of the Crested Butte Land Use Plan, are hereby ratified and approved pursuant to C.R.S. § 31-23-206(1) by a majority vote of a quorum of the Town Council of the Town of Crested Butte, Colorado.

**INTRODUCED, READ, AND ADOPTED UPON THIS FIRST READING, THIS 5th DAY
OF JULY, 2011.**

By: *Leah B. Williams*
Leah B. Williams, Mayor

ATTEST:

Eileen Hughes
Eileen Hughes, Town Clerk

