

ORDINANCE NO. 16

SERIES 2011

AN ORDINANCE AMENDING THE TOWN'S SUBDIVISION REGULATIONS BY AMENDING THE DEFINITIONS, FEES, MAJOR SUBDIVISION SKETCH PLAN SUBMITTALS, MAJOR SUBDIVISION PRELIMINARY PLAN SUBMITTALS, MAJOR SUBDIVISION DEDICATION REQUIREMENTS, MAJOR SUBDIVISION DESIGN STANDARDS AND WETLAND FUNCTIONAL ANALYSIS.

WHEREAS, the Town of Crested Butte, Colorado 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, the Town's Subdivision Regulations (hereafter "Regulations") set forth certain definitions, submittal requirements, improvement standards and wetland functional analysis, regarding wetlands; and

WHEREAS, the Crested Butte Three Mile Plan was adopted in 1993 and the, Crested Butte Area Plan was adopted as an update to the Three Mile Plan on July 5, 2006 (the "Crested Butte Area Plan") and the Crested Butte Area Plan was amended, July 5, 2011; and

WHEREAS, the Transportation and Park Land chapters of the Crested Butte Land Use Plan were amended on July 5, 2011, and

WHEREAS, the Town Council has determined that changes to the Regulations are necessary to clarify the intent of the Regulations and to make the Regulations consistent with the Crested Butte Land Use Plan and the Crested Butte Area Plan; and

WHEREAS, the Town Council finds that the below amendments are in the best interests of the health, safety and general welfare of the residents of the Town.

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

Section 1. Amending the Major Subdivision Definitions. Section 17-1-100 is hereby amended by the deletion of the definition of "floodplain" and the addition of the following definitions:

100-year Flood means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any year (1% chance exceedance probability). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

100-year Floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

Area Plan means the Crested Butte Area Plan, a part of the Crested Butte Land Use Plan.

Critical Facility for floodplain purposes, means a structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. For examples of such facilities, see Rule 6 of the Standards for Delineation of Regulatory Floodplains, in the Colorado Department of Natural Resources, Colorado Water Conservation Board, Rules and Regulations for Regulatory Floodplains in Colorado, November 17, 2010, effective date January 14, 2011, or as amended.

Fen is a peat-containing wetland (or peatland) that is mainly supported by groundwater discharge. All fens are considered high quality wetlands and require a buffer of at least one hundred (100) feet.

Ground Water Study is a scientific study that may or may not include a modeling effort which attempts to show ground water levels in the proposed subdivision and how ground water would be affected by the proposed project. In lieu of providing a modeling effort, hydrographs and ground water / ground surface profiles using real elevations of ground water and water table may be sufficient to describe the ground water. The study must be adequate to determine compliance with the standards listed in Section 17-8-50.

Ground Water Study Report is a report that summarizes the Ground Water Study and explains the study methods, resulting data from the ground water study, provides an interpretation of these data and discusses how ground water could be affected by the proposed project. It includes the following sections: introduction, executive summary, methods, results, and conclusion.

Growing Season is the portion of the year when plants are growing. It may vary from year to year and is determined through onsite observations. It has begun when two or more different non-evergreen vascular plant species exhibit one or more of the following indicators of biological activity:

- a. Emergence of herbaceous plants from the ground
- b. Appearance of new growth from vegetative crowns
- c. Emergence of coleoptile/cotyledon from seed (e.g. "seed leaves" are visible sprouting from seeds)
- d. Bud burst on woody plants (e.g. some green foliage is visible between spreading bud scales)
- e. Emergence or elongation of leaves of woody plants
- f. Emergence or opening of flowers

The end of the growing season is indicated when woody deciduous plants lose their leaves and/or the last herbaceous plants cease flowering and their leaves become dry or brown.

Hydrologic Study is a scientific study that attempts to differentiate wetlands from non-wetlands using the protocol outlined in the *Technical Standard for Water-Table Monitoring of Potential Wetland Sites* (US Army Corps of Engineers 2005).

Hydrologic Study Report is a report that provides a summary of the hydrologic study. It includes an executive summary, a discussion of methods, a summary of the hydrologic data collected in the field, a conclusion, and graphs showing depths to ground water over time.

Irrigated Wetlands are those lands that meet the definition of a wetland but that have experienced a modified hydrologic regime as a result of the application of water associated with agricultural (including ranching) or landscaping activities. Irrigated wetlands are identified and regulated the same as wetlands, unless a hydrologic study can unequivocally show that the land is non-wetland.

Low Impact Development (LID) is a storm water management strategy that emphasizes the use of natural site features along with small-scale engineered facilities which are distributed in a manner that attempts to replicate natural hydrologic patterns.

Noxious Weed is a plant species defined by the State of Colorado and the Town as a species that is not indigenous to the state of Colorado and meets one or more of the following criteria:

- a. Is listed by the Colorado Department of Agriculture as a noxious weed;
- b. Aggressively invades or is detrimental to economic crops or native plant communities;
- c. Is poisonous to livestock;
- d. Is a carrier of detrimental insects, diseases, or parasites; and/or
- e. Is detrimental to the environmentally sound management of natural or agricultural ecosystems.

Noxious Weed Management Plan is a report that provides detailed information regarding the presence and management of noxious weeds. It includes the following sections: introduction, executive summary, methods, results of the literature search and an inventory of noxious weeds, proposed weed management actions, conclusion, and literature cited. It also includes detailed noxious weed maps and photos. (See Noxious Weed Management Plan in Sec. 17-5-50 (7) g.)

Other Water Feature includes ephemeral, intermittent, and perennial streams and rivers; lakes; ponds; irrigation ditches and canals; storm water ditches; or any aquatic habitat other than wetlands.

Peatland is a wetland that has accumulated at least eight (8) inches of organic soil material (partially decomposed plant material). The organic soil material must have an organic carbon content of at least twelve (12) percent and can include sapric (muck), hemic (mucky peat), and/or fibric (peat) material. All peatlands and wetlands immediately adjacent to (abutting) and/or hydrologically connected to peatlands are considered high quality wetlands and require a buffer of at least one hundred (100) feet

from any changes in use. The most common type of peatland in the Crested Butte area is a fen.

Potential High Quality Wetland is a naturally occurring wetland whose functions have been impaired or degraded by changes in hydrology (e.g. ditching, diversions, or irrigation), removal or other changes in vegetation, metal pollution, stream bed degradation, or other factors. In many cases these impacts can be removed or reversed and the site can be restored to a high quality wetland. All potential high quality wetlands require a buffer of at least one hundred (100) feet from any development.

Potential Threatened and Endangered Species (TES) Habitat is land that may be occupied or otherwise used by TES (including plants) for reproduction, nesting, denning, hibernating, foraging, migration, or other purposes.

Subdivision cost and expense reimbursement agreement is an agreement obligating the subdivider to reimburse the Town for all costs and expenses whatsoever incurred by the Town in connection with the subdivision, and annexation if appropriate. A subdivision cost and expense reimbursement agreement shall substantially follow the model subdivision cost and expense reimbursement agreement located in Appendix Q to the Code.

Threatened or Endangered Species (TES) are plants, plant communities, and animal species listed as:

- a. Critically imperiled or imperiled by Colorado Natural Heritage Program;
- b. Endangered, threatened, proposed threatened, or candidate for listing by US Fish and Wildlife Service;
- c. "Sensitive" by US Forest Service or Bureau of Land Management as defined by the US Forest Service or Bureau of Land Management; or
- d. Threatened, endangered, or special concern by Colorado Division of Wildlife.

Threatened or Endangered Species (TES) Survey is a scientific presence/absence survey conducted in areas that contain potential TES habitat. The surveys must be completed during the appropriate season(s) (when the TES species could be expected to occur) and be conducted per the protocol(s) used and/or accepted by the listing agency or agencies.

Threatened or Endangered Species (TES) Survey Report is a report that summarizes the results of a presence/absence survey conducted in areas with potential TES habitat. The report must include an introduction, executive summary, methods, results, and conclusion sections, and be in accordance with the requirements of the listing agency or agencies.

Wetland Delineation Report is a report that provides a detailed description of the wetlands identified in the wetland study area. It also includes an executive summary, project description, the purpose of the report, methods, literature cited, wetland delineation data forms, wetland functional analysis data forms, photographs of the wetlands, and maps of wetlands and other water features. (See Sketch Plan Submittals for information regarding the report.)

Wetland Functional Analysis is a method or protocol used to identify the ecological services provided by, or the ecological condition of a wetland. The method used to

comply with Town regulations can be found in Article 16.

Wetland Mitigation Plan is a report that provides a detailed approach to compensating for permanent wetland impacts as well as a list of specific measures to be employed before, during, and after, construction to minimize overall wetland impacts as a result of a project.

Wetland Study Area includes the lands within the proposed subdivision and within one hundred (100) feet of the proposed subdivision. This is the area where wetlands are identified and assessed.”

Section 2. Amending the Major Subdivision Definitions. Section 17-1-100 is hereby amended by amending the following definitions:

“High Quality Wetland is a wetland that:

- a. Performs at least one of the seven functions listed in the wetland functional analysis (Article 16) to a high degree (regardless of certainty), or
- b. Is a peatland or is immediately adjacent to (abutting) and/or hydrologically connected to a peatland, or
- c. Supports threatened or endangered species (TES)

All high quality wetlands require a buffer of at least one hundred (100) feet from a change in land use. Functions performed by wetlands in the vicinity of the Town provide critical environmental benefits for the State River valley. The Planning Commission is the body that makes the final determination about whether a wetland is high quality based on the wetland delineation report and the recommendations of the Town's wetland consultant.

Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Common wetlands in and around Crested Butte include wet meadows, shallow marshes, willow stands, wet forested areas associated with high groundwater or snowmelt, peatlands, irrigated lands, and other areas along water courses or where groundwater is near the ground surface. The procedures used to identify wetlands are those described in the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region* (US Army Corps of Engineers 2008). All wetlands identified, using this methodology, are regulated by the Town, regardless of whether they are regulated by the US Army Corps of Engineers under Section 404 of the Clean Water Act. Also see *High Quality Wetlands, Potential High Quality Wetlands, Peatlands, Fen, and Irrigated Wetlands.*”

Section 3. Amending the Major Subdivision review fees. Section 17-2-30(1)b. is hereby deleted in its entirety and replaced with the following:

“b. Major subdivision: In consideration for the Town processing, reviewing and prosecuting the subdivision application, the subdivider shall pay the Town as set forth in a subdivision cost and expense reimbursement agreement obligating the subdivider to reimburse the Town for all costs and expenses whatsoever incurred by the Town in

connection with the subdivision review. A subdivision cost and expense reimbursement agreement shall substantially follow the model subdivision cost and expense reimbursement agreement located in Appendix Q to the Code.”

Section 4. Amending the major subdivision sketch plan procedures. Sections 17-5-20(4), (5) and (6) are hereby deleted in their entirety and replaced with the following and Sections 17-5-20(7) and (8) are added:

“(4) Staff referral. Prior to completing the Staff Report to the Planning Commission the Planning Director shall refer the sketch plan to the Board of Zoning and Architectural Review (Board) and/or any of the following referral agencies for 30 days for their review, comments and recommendations concerning said sketch plan:

- a. Gunnison County Board of County Commissioners;
- b. Gunnison County Planning Commission;
- c. Mountain Express;
- d. Town of Mt. Crested Butte;
- e. Colorado Division of Wildlife;
- f. Gunnison County Trails Commission;
- g. RE1J School District;
- h. Crested Butte Fire Protection District;
- i. Colorado Geologic Survey;
- j. U.S. Army Corps of Engineers; and/or
- k. other relevant agencies or entities.

(5) Staff report. Prior to the public hearing to consider the application, and after the Board and referral agencies have submitted comments about the proposed subdivision, after the 30 day review period, the Planning Director shall prepare and forward a report to the Planning Commission summarizing whether the plan is in general conformance with:

- a. these subdivision regulations,
- b. the existing or proposed underlying zone districts,
- c. the Town's Land Use Plan,
- d. the Town's Transportation Plan,
- e. the Town's Noxious Weed Management Plan,
- f. the Energy Action Plan for the Town of Crested Butte,
- g. the Town of Crested Butte Parks and Recreation Regional Master Plan,
- h. the Design Guidelines for the Town of Crested Butte, and
- i. the Gunnison County Trails Master Plan.

The Planning Director shall have at least thirty (30) days to complete the review of specific recommendations by the Board and/or referral agencies before submitting the Staff report to the Planning Commission.

(6) Public action by Planning Commission.

a. The sketch plan public hearing will be reasonably scheduled with the Planning Commission so as to allow adequate time for the staff to prepare and distribute the staff report as determined by the Planning Director.

b. Information concerning any aspect of the proposed subdivision may be discussed at the sketch plan review.

c. Prior to any comments by the Planning Commission, or as a result of discussions with the subdivider, the Planning Commission may, at its discretion, request that the sketch plan be reviewed by the Board and any of the following referral agencies to address questions of the Planning Commission and for specific recommendations concerning said questions and the sketch plan:

1. Gunnison County Board of County Commissioners;
2. Gunnison County Planning Commission;
3. Mountain Express;
4. Town of Mt. Crested Butte;
5. Colorado Division of Wildlife;
6. Gunnison Trails Commission;
7. RE1J School District;
8. Crested Butte Fire Protection District;
9. Colorado Geologic Survey;
10. U.S. Army Corps of Engineers; and/or
11. other relevant agencies or entities.

d. In the event of such a referral by the Planning Commission, the Planning Commission shall, at its discretion, table further discussion about the sketch plan to a date certain, or continue discussing parts of the sketch plan that have not been sent to the Board or a referral agency for specific recommendations. The Town shall have at least thirty (30) days to complete the review of specific recommendations by the Board or a referral agency before assigning a referred item to an agenda date for further consideration by the Planning Commission.

e. The Planning Commission shall conduct a public hearing to review the conformance of the sketch plan with all applicable:

1. dedication requirements in Sec. 17-5-90,
2. proposed capital expansion recovery system fees to comply with Sec. 17-5-100,
3. general and specific design and improvement standards set forth in Articles 6 through 13 of this Chapter,
4. the existing or proposed underlying zone districts,
5. the Town's Land Use Plan,
6. the Town's Transportation Plan,
7. the Town's Noxious Weed Management Plan,
8. the Energy Action Plan for the Town of Crested Butte,
9. the Town of Crested Butte Parks and Recreation Regional Master Plan,
10. the Design Guidelines for the Town of Crested Butte, and
11. the Gunnison County Trails Master Plan.

The Planning Commission is authorized to take action on the sketch plan and may either approve, approve with conditions or deny the sketch plan, based on specific findings of fact concerning substantial compliance of the proposed subdivision with this Article. The Planning Commission is also authorized, at its discretion or upon request by the subdivider, to table the proposed sketch plan to a date certain, so that the subdivider may make modifications or provide additional information before the Planning Commission takes action. If the subdivider submits such modifications or additional information for approval, the Town shall have at least twenty-one (21) days to complete the review of this

material before assigning an agenda date for further consideration by the Planning Commission.

(7) Effect of sketch plan approval. Approval of the sketch plan, with or without conditions, shall constitute authorization for the subdivider to prepare and submit a preliminary plan in accordance with any conditions included in the sketch plan approval. Sketch plan approval shall be effective for a maximum of twelve (12) months unless, upon application for good cause, the Planning Commission grants an extension of time. Submittal of a complete preliminary plan application, even if for less than the entire area covered by the sketch plan, shall extend the duration of the sketch plan approval to a date six (6) months following the date of submittal of the preliminary plan. Approval of the sketch plan shall not be deemed to provide the subdivider with the right to begin conveying real property interests or to begin any subdivision improvements.

(8) If Sketch Plan review is suspended, for any reason, for more than 6 months, the subdivider shall, at the Town's election, submit a new Sketch Plan application, with a current date, for review and the Sketch Plan procedure shall begin again at Sec. 17-5-20(1) after the Town confirms that all subdivision cost and expense reimbursement agreement balances have been paid and any other expenses incurred by the Town during the original sketch plan review have been paid"

Section 5. Amending the Major Subdivision Sketch Plan Submittals. Section 17-5-30 is hereby deleted in its entirety and replaced with the following:

"Sec. 17-5-30. Sketch plan submittals.

A sketch subdivision plan submittal shall contain, at a minimum, the following:

(1) Application. The application shall consist of the Subdivision Application Form, attached as Appendix K to this Code.

(2) Legal description. The sketch plan shall contain the legal description of the property and the legal description of the proposed subdivision.

(3) Site plan. The sketch plan site plan shall consist of the following:

a. The name of the proposed subdivision (the subdivision name shall be followed by the term "Sketch Plan"):

1. The name shall consist of alphabetic characters only.

2. If the land to be subdivided is part of an existing subdivision, the name shall include the name of the existing subdivision.

3. The name of the proposed subdivision shall not be the same or similar to any name used in a recorded plat in the County, unless the subdivision is part of an existing subdivision.

b. Date of preparation, written and graphic scale, and north arrow designated as true north (each revised drawing shall have a new date).

c. Contour lines related to an established benchmark or other datum approved by the Town Engineer and having contour intervals as follows:

1. For slopes less than ten percent (10%), one-foot contours.

2. For slopes ten percent (10%) or greater, five-foot contours.

- d. Schematic representation of the proposed subdivision, including:
 - 1. General location, type, and number of all residential and commercial units.
 - 2. Existing or proposed zoning.
 - 3. Location, shape, and size of all:
 - a) Residential and commercial tracts or parcels.
 - b) Recreation areas.
 - c) Open lands.
 - d) Off street parking.
 - e) Schools.
 - f) Trails.
 - g) Snow storage areas.
 - h) Other public land.
 - i) Sidewalks.
 - 4. Proposed landscaping of public lands or street rights-of-way or utility corridors.
- e. The proposed internal vehicular, public transportation, and pedestrian access schemes and the existing surrounding vehicular, public transportation, and pedestrian access schemes which provide access to the Property.
- f. All recorded easements and rights-of-way which are within the proposed subdivision, within one hundred (100) feet of the proposed subdivision or which could affect the proposed subdivision.
- g. All existing structures, utilities and other physical features which could affect the proposed subdivision.
- h. Significant natural, human-made and topographic features, including but not limited to:
 - 1. Rock outcroppings or other prominent geologic features.
 - 2. Drainage ways and ditches.
 - 3. Agricultural ditches.
 - 4. Bodies of water and other water features.
 - 5. The location and direction of all water courses and the location of all areas subject to the one-hundred-year floodplain, using the procedures described in Rule 7, Standards for Delineation of Regulatory Floodplains, in the Colorado Department of Natural Resources, Colorado Water Conservation Board, Rules and Regulations for Regulatory Floodplains in Colorado, November, 17, 2010, effective date January 14, 2011, or as amended, within the Property or within one hundred (100) feet of the Property and the estimated flow rate used in determining the one-hundred-year floodplain location.
 - 6. Natural hazards.
 - 7. A preliminary analysis of the site concerning any existing or potential hazardous conditions, including but not limited to soils, mine tailings, mine drainages, petroleum residue, landfills, underground tanks, etc.
 - 8. Wildlife habitat areas, including TES habitat. If the proposed subdivision contains potential habitat for TES, the subdivider shall conduct a TES Survey. The survey shall be completed during the appropriate season(s) (when the TES species could be expected to occur) and be conducted per the protocol(s) used and/or accepted by the listing agency or agencies. The

results of the survey must be described in a TES Survey Report that includes the following sections: introduction, executive summary, methods, results, and conclusion.

9. The location, size and type of existing vegetation, including:
 - a) The location of willows and other shrubs at least three (3) feet in diameter measured at the widest point of the canopy or crown
 - b) Trees with a trunk diameter of six (6) inches or more measured four and one-half (4.5) feet above the ground
 - c) An indication of which trees and shrubs are proposed to be removed. In areas where large groves are to remain undisturbed, single shrubs or trees need not be located.
 - d) The proposed limits of any excavation and/or regrading in the proposed subdivision
 - e) Noxious weeds within the proposed subdivision and within at least one hundred (100) feet of the proposed subdivision. The locations should be shown on a map at one (1) inch equals two hundred (200) feet (or similar) scale.
10. Wetlands.
 - a) Wetlands within the proposed subdivision and within at least one hundred (100) feet of the proposed subdivision, are hereafter referred to as the wetland study area. Wetlands must be identified using the procedures described in the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region* (US Army Corps of Engineers 2008).
 - b) The wetlands in the wetland study area must be described in a Wetland Delineation Report which includes:
 - 1) Introduction - a brief project description and purpose for the report
 - 2) Executive Summary - a summary of the whole report including significant findings and recommendations
 - 3) Site Description - a summary of the general ecological setting and specific site location
 - 4) Methods - information on literature review, fieldwork, wetland classification, mapping techniques, etc.
 - 5) Wetland Description - detailed accounts of vegetation, hydrology, and soil conditions; justification for wetland boundaries; area and classification of all wetlands; and a summary of the wetland functional analysis
 - 6) Literature Cited
 - 7) Wetland delineation data forms
 - 8) Wetland functional analysis data forms
 - 9) Photographs of each wetland
 - 10) Detailed map of the wetlands and other water features at one (1) inch equals two hundred (200) feet scale (or similar)

If irrigated wetlands are present in the wetland study area and the subdivider would like to attempt to show that the wetlands are non-wetlands, then a Hydrologic Study will be required. The study must include the installation and monitoring of shallow groundwater wells using the protocol described in the *Technical Standard for Water-Table Monitoring of Potential Wetland Sites* (US Army Corps of Engineers 2005). If the site does not have at least fourteen (14) consecutive days of flooding, ponding, or a water table within

twelve (12) inches of the ground surface during the growing season in a normal year, with the source of irrigation turned off, then it does not meet the wetland hydrology criterion and may be considered non-wetland.

Multiple years of monitoring may be necessary to make a determination. At the end of the monitoring period, the subdivider must prepare and submit a Hydrologic Study Report that includes a discussion of the methods used to install and monitor the wells, a summary of the well data with graphs showing the depth to ground water over time, and a conclusion. The duration of monitoring and final wetland determination will be made by the Planning Commission.

11. Ground Water. If wetlands are present within the proposed subdivision or within one hundred (100) feet, a Ground Water Study that provides details of how ground water flows through the proposed subdivision is required. It must be adequate to determine compliance with the standards listed in Section 17-8-50. The results of the Ground Water Study must be provided in a Ground Water Study Report that includes an introduction, methods, results, and conclusion. (See Definitions)

(4) Sketch plan facility plan. The sketch plan facility plan shall show the general location of the following:

- a. Water supply lines, treatment facilities and storage,
- b. Waste Water disposal lines and treatment facilities,
- c. Irrigation ditch system and storage,
- d. Other utilities,
- e. Drainage,
- f. Fire protection facilities.
- g. Storm water facilities,
- h. Other public facilities,
- i. An estimate by the subdivider of the number of gallons per day required of the water system (see Section 17-11-370 of this Chapter),
- j. An estimate by the subdivider of the number of gallons per day required of the waste water system.

(5) Soils report.

a. The sketch plan shall include evidence establishing soil suitability, in the form of a report prepared by a registered professional engineer specializing in geotechnical engineering, in accordance with the "Soil Survey of Gunnison Area, Colorado" by the United States Department of Agriculture, Soil Conservation Service, "Soil Survey," which shall minimally include a description of the subdivision site soil, including:

1. Types.
2. Locations.
3. Characteristics supported by:
 - a) Soil maps.
 - b) Soil logs.
4. Data from the "Soil Survey" and other information needed to determine:
 - a) Soils suitability for proposed development;
 - b) Constraints on development based on the findings;
5. Analysis and evaluation of such descriptive information; and

6. The structural characteristics of the soil as they relate to the proposed uses and development.

b. Test borings should be sufficient in number to identify the different soils types within the proposed subdivision. The soils information should establish in reasonable detail the stratigraphy, together with a basic knowledge of the engineering properties of the overburden and bedrock formations which will be affected by or will have an effect upon the new structures, roads, utilities and other facilities in the proposed subdivision. A non-technical discussion shall be provided to describe what to do about the identified soils that may pose problems during construction of the subdivision infrastructure or private structures.

(6) Vicinity map. The sketch plan shall include a vicinity map indicating the location of:

- a. The Property and the proposed subdivision within it.
- b. Commonly known landmarks.
- c. Roads.
- d. Abutting land uses.
- e. Existing zone districts in which the proposed subdivision and adjacent properties are located.

(7) Narrative. The sketch plan shall include a narrative description which provides:

- a. A conceptual description of the proposed land uses and densities for the Property.
- b. A conceptual description of the proposed number of residential and commercial units on each proposed tract or parcel.
- c. A conceptual description of the proposed zoning, landscaping and road and utility plans for the proposed subdivision.
- d. A written report setting forth the findings of the floodplain study, if applicable.
- e. The name and address of the owner of any mineral estates, including mineral leases, if any, underlying the proposed subdivision.
- f. The names and addresses of all property owners within three hundred (300) feet of the proposed subdivision.
- g. The Wetland Delineation Report, if applicable.
- h. The Hydrologic Study Report, if applicable.
- i. The TES Survey Report, if applicable.
- j. The Ground Water Study Report, if applicable.

(8) An executed subdivision cost and expense reimbursement agreement.

(9) Number of copies. Four (4) copies of the above maps, plans and narrative information shall be submitted to the Town. Additional copies shall be provided by the subdivider, as determined by the Planning Director, for submittal to other agencies or if additional copies are needed for the Planning Commission. The subdivider shall provide at least three (3) copies for the Planning Commission and the public at all public meetings. All copies shall be provided by the subdivider."

Section 6. Amending the Major Subdivision Preliminary Plan Submittals. Sections 17-5-50(1) and (2) are hereby deleted in their entirety and replaced with the following:

"(1) Costs and Expenses. Payment, by the subdivider, of all outstanding balances incurred as a result of signing the subdivision cost and expense reimbursement agreement.

(2) Subdivision name. The name of the proposed subdivision. The subdivision name shall be followed by the term "Preliminary Plan" and shall comply with the requirements of Paragraph 17-5-30(3)a. above."

Section 7. Amending the Major Subdivision Preliminary Plan Submittals regarding site analysis. Section 17-5-50(7) is hereby deleted in its entirety and replaced with the following:

"(7) Site analysis information. Site analysis information must include:

a. A boundary survey indicating the location and dimensions of: the exterior boundary of the proposed subdivision, all existing public rights-of-way, streets and alleys, all existing easements, all public and private utilities, above and below the surface of the ground, section lines, property corners, Town boundary lines, monuments and other significant man-made, ground level features within or adjacent to the proposed subdivision.

b. Existing uses on the Property, including the location of all existing structures and fences.

c. The location of all existing or historical pedestrian and bicycle paths on site, and any easements relating to these facilities.

d. Contour lines related to an established benchmark or other datum approved by the Town Engineer and having contour intervals as follows:

1. For slopes less than ten percent (10%): one-foot contours; and
2. For slopes ten percent (10%) or greater: five-foot contours.

e. The location and direction of all water courses and the location, within the Property and within one hundred (100) feet of the Property, of all areas subject to the twenty-five-year floodplain, and the one-hundred-year floodplain, as provided in the Sketch Plan.

f. Significant natural features, including but not limited to:

1. Rock outcroppings or other prominent geologic features.
2. Drainage ways.
3. Agricultural or drainage ditches.
4. Bodies of water and other water features.

5. Wetlands. If the proposed subdivision boundaries are unchanged, and therefore the wetland study area is unchanged since the Sketch Plan submittal, no additional information other than that listed below is required. If the wetland study area has been revised, then a revised Wetland Delineation Report must be submitted. The revised report must include the information listed below and updates to all the information listed for the Sketch Plan submittal.

a) Wetland Mitigation Plan, including a compensatory plan for those wetlands permanently lost as a result of the project, as well as mitigation measures to be employed before, during, and after construction to

minimize overall wetland impacts. The intent of compensatory wetland mitigation is to replace the ecological functions lost in the watershed as a result of the project. The Town must approve the final mitigation plan before it is implemented.

b) The Wetland Mitigation Plan must include:

- 1) Introduction - a brief project description, reason for the mitigation, and project location
- 2) Executive summary - a summary of the whole report including significant findings and recommendations.
- 3) Summary of the impacted wetlands - vegetation communities, functions, water source, etc.
- 4) Summary of the proposed mitigation site - size and location, how and why the site was selected, general description of existing habitats and their functions (including presence of any noxious weeds and TES habitat), ownership status, current land use(s), and other relevant information
- 5) Goals and objectives
- 6) Work plan - qualifications of the people who will monitor construction of the proposed mitigation; construction schedule and methods; grading plan (earthwork); erosion control measures; soil treatments; water source, delivery, and distribution; methods for planting, seeding, and mulching, including a list of all plant species to be used and their quantities; noxious weed treatment; and any other information relevant to the successful implementation of the mitigation plan
- 7) Maintenance plan - a description and schedule of maintenance requirements to ensure success of the site
- 8) Performance standards - ecologically-based standards that will be used to determine whether the site is achieving its goals and objectives (e.g. cover of native wetland plants, survival rates for woody plantings, size of wetland to be restored/created, etc.)
- 9) Monitoring requirements - detailed description of the parameters to be monitored in order to determine if the site is on track to meet the performance standards, including the party responsible for the site, data to be collected/reported, methods to be used for data collection (must be quantitative), format for reporting, and monitoring schedule
- 10) Long-term management plan - description of how the site will be managed after the performance standards have been achieved, including long-term financing mechanisms and responsible parties
- 11) Adaptive management plan - description of how unforeseen changes in the site that may affect its overall success will be managed, including the party responsible for implementing the plan
- 12) Financial assurances - description of financial assurances that will be provided and how they are sufficient to ensure success of the site (see Sec. 17-8-50(i)).

g. The location, size and type of existing vegetation. If there is no change in the extent of the proposed subdivision since the Sketch Plan submittal, no additional information other than that listed below is required. If the extent of the subdivision

has been modified, then the previously submitted information must be revised to include the information listed below and updates to all the information listed for the Sketch Plan submittal.

1. Noxious Weed Management Plan that includes:

- a) Introduction - a brief project description, general site description, and list of noxious weeds considered.
- b) Executive Summary - a summary of the whole report including significant findings and recommendations.
- c) Methods - an explanation of the literature review and field methods employed.
- d) Results - a detailed discussion of the literature review and field survey results.
- e) Weed Management - a discussion of goals, objectives and priorities for weed management.
- f) Weed Management Actions - detailed accounts of how specific weeds will be controlled.
- g) Conclusion.
- h) Literature Cited.
- i) Maps and photos - include detailed maps of noxious weed occurrences at one (1) inch equals two hundred (200) feet (or similar) within the proposed subdivision and within one hundred (100) feet of the proposed subdivision.

h. Ground Water. If wetlands are present within the proposed subdivision or within one hundred (100) feet, the Ground Water Study Report prepared for the Sketch Plan Submittal must be revised to include the details on how ground water flow would be affected by the proposed project, including the installation of foundations, utilities, and other below-ground infrastructure. The study must be adequate to determine compliance with the standards listed in Section 17-8-50.

i The designation of all areas that constitute natural hazard areas, including but not limited to avalanche, mudslide, rockslide and wildfire.

j. The location of all existing or historical wildlife movement corridors, flyways, breeding grounds, or other significant wildlife habitat, including TES habitat. If there is no change in the extent of the proposed subdivision since the Sketch Plan submittal, no additional information regarding wildlife habitat is required except the TES mitigation plan discussed below. If the extent of the proposed subdivision has been revised, then the previously submitted information must be revised to include updates to all the information listed for the Sketch Plan submittal.

1. TES mitigation plan, a plan designed to compensate for the loss of TES habitat, including plans developed with the appropriate state or federal agency, including Colorado Natural Heritage Program, the Colorado Division of Wildlife, and the Town.

k. Ghosting in the existing lot or tract lines, streets or other subdivision features which are proposed to be changed or removed.

l. Ghosting in structures existing or approved by the Town, the County or Mt. Crested Butte located within the proposed subdivision, and within three hundred (300) feet of the proposed subdivision.

- m. The names of adjacent subdivisions and the zoning, if applicable.
- n. A map indicating the "Priority Views That Should Be Preserved" in the proposed subdivision, which are identified in the Area Plan.
- o. A preliminary plan addressing any existing or potential hazardous conditions, including but not limited to soils, mine tailings, mine drainages, petroleum residue, landfills, underground tanks, etc.
- p. Evidence establishing soil suitability in the form of a report prepared by a registered professional engineer specializing in geotechnical engineering, using the "Soil Survey of Gunnison Area, Colorado" by the United States Department of Agriculture, Soil Conservation Service, which shall minimally include a description of site soil:
 - 1. Types.
 - 2. Locations.
 - 3. Characteristics supported by:
 - a) Soil maps.
 - b) Soil logs.
 - 4. Data from the "Soil Survey" and other information needed to determine:
 - a) Soils suitability for proposed development.
 - b) Constraints on development based on the findings.
 - 5. Analysis and evaluation of such descriptive information, together with sufficient soils engineering data, with recommendations regarding:
 - a) Structural and facility constraints.
 - b) Foundation design considerations.
 - c) Erosion control.
 - d) The adequacy of the structural characteristics of the soil as they relate to the proposed uses and development.

The soils information should establish, in reasonable detail, the stratigraphy, together with a basic knowledge of the engineering properties of the overburden and bedrock formations which will be affected by or will have an effect upon the new structures, roads and utilities. Because this information will be used to design the roads and utilities, the road soils test holes for investigation shall be a minimum of four (4) feet deep from the proposed road grade, or as recommended by the geotechnical engineer, and the spacing shall be no more than four hundred (400) feet or one (1) test hole for each soil type, whichever is closer. Test holes for utilities shall be sufficiently deep to identify the soil conditions that may influence the performance of the utility. The spacing of test holes for structures such as buildings shall be a minimum of one (1) per two (2) single-family residential, mobile home or commercial tracts or parcels and one (1) per ten thousand (10,000) square feet of multi-family residential development, but no more than one (1) per one hundred (100) feet, provided that fewer or additional test holes may be required as determined by the engineer. Test holes for structures shall be sufficiently deep to identify the soil conditions that may influence the performance of foundations. Other tests or data may be required depending upon specific site conditions and proposed uses."

Section 8. Amending the Major Subdivision Preliminary Plan Submittals. Section 17-5-50(10) is hereby deleted in its entirety and replaced with the following:

"(10) Preliminary site plan map. The preliminary site plan shall include the following information relating to the proposed subdivision:

a. Existing and proposed zoning districts.

b. A road plan showing the location, width, name and approximate grade and radii of new streets and street curves and the relationship of proposed subdivision streets to any existing streets, or proposed streets as shown in map or written form in the Town Land Use Plan, and drawn with the following information:

1. Centerline profiles of streets and roads shall be plotted with sufficient accuracy to ensure that street designs will conform with the prescribed standards of the Town Engineer; and

2. All centerline profiles shall be drawn to a scale of ten (10) feet vertical and fifty (50) feet horizontal to the inch, or five (5) feet vertical and fifty (50) feet horizontal to the inch, as required by the Town.

c. The location, width and approximate grades of all proposed pedestrian and bicycle trails, and their relationship to any existing trails or proposed trails as shown in map or written form in the Area Plan, the Crested Butte Parks and Recreation Regional Master Plan or the planning documents of the Gunnison County Trails Commission.

d. The location, width and purpose of any proposed easements.

e. The location, approximate dimensions, and acreage of each:

1. Single-family residential tract or parcel;

2. Multi-family residential tract or parcel;

3. Business or commercial tract or parcel;

4. Mobile home tract or parcel;

5. Recreation area;

6. Open land area;

7. School land;

8. Snow storage area;

9. Other land for Town public facilities;

10. Sidewalk;

11. Trail that is not included in the proposed easements discussed above.

f. The location of all off-street parking areas and off-street snow storage areas.

g. An outline of the areas proposed for phased development, if applicable.

h. A utility plan, prepared by a registered professional engineer licensed in the State, which shall include the following at a minimum:

1. The location and size of all existing utilities and all existing easements on the proposed subdivision.

2. The proposed location and size of water supply lines and related water service facilities and where any proposed system will connect with existing systems.

3. The proposed location and size of waste water lines and waste water service facilities and where any proposed system will connect with existing systems.

4. The location and size of drainage facilities including all: low impact development strategies, culverts, storm water drainage, drainage detention ponds and water quality measures, including profiles where appropriate.

5. Utility upgrades required to serve the subdivision if required by the Town Engineer.

6. The proposed location of all other applicable utilities, including without limitation, telephone, electrical service, television cable, fiber optic lines, and gas and the location of the proposed connections with existing systems.

7. Statements of approval signed by a representative of each utility provider for the electric, gas, telecommunications, cable television, telephone companies and such other utilities as appropriate, which shall be in a manner as found in Appendix L attached to this Code (a similar letter shall also be provided from the Crested Butte Fire Protection District and the School District indicating that adequate facilities exist or that the subdivider has agreed to mitigate the impacts of the new subdivision on the district).

8. Report evaluating the relationship between the available capacity of existing utility systems, including water and waste water treatment facilities, and the projected demand of the subdivided property at full build-out. The evaluation of available utility capacity shall consider and include projected demand by all properties that have previously paid either a system development fee or availability of service fee regardless of whether or not such properties currently require water or waste water services. In the event that the report identifies that service to the subdivision shall result in exceeding eighty percent (80%) of the total available capacity of either the water distribution or treatment system or the waste water collection or treatment system, then the report shall identify and recommend alternatives to address and mitigate the shortage of service capacity resulting from the proposed subdivision.

i. Any revised contour lines related to an established benchmark or other datum approved by the Town Engineer and having contour intervals as follows:

1. For slopes less than ten percent (10%): one-foot contours; and
2. For slopes ten percent (10%) or greater: five-foot contours.

j. Where the proposed subdivision covers only a part of the Property, a conceptual plan for the entire Property shall be submitted, and the proposed streets, utilities, easements and other improvements of the proposed subdivision shall be considered with reference to proposed development of the other portions of the Property (The Planning Commission will reasonably decide the level of detail needed on the conceptual plan to judge the proposed subdivision in light of the maximum number and type of units on the Property and the surrounding areas).

k. Subdivisions adjacent to lands used for agriculture, shall submit the following information:

1. The location, size and decreed capacity of any agricultural ditch crossing or adjoining the proposed subdivision.
2. The location of historical easements utilized for any purpose, including gaining access to headgates, ditches and fences for maintenance or operation purposes.

3. The location of any established stock drive crossing or adjoining the proposed subdivision and the location of any new fences or other obstacles proposed to be built across such stock drive.

4. The location of any proposed or existing fences which will continue to exist after subdivision of the property.

l. Such other information as may be required by the Planning Commission or other reviewing agency to aid in the evaluation of the proposed subdivision and to assure that the subdivision is capable of construction without undue adverse effect upon the surrounding area."

Section 9. Amending the Major Subdivision Preliminary Plan Submittals regarding soil erosion control plan. Section 17-5-50(12) is hereby deleted in it's entirety and replaced with the following:

"(12) Soil erosion control plan. A soil erosion control plan, including revegetation and water quality monitoring, meeting the standards set forth in applicable provisions of Section 17-6-80 shall be provided.

a. A description and location of all soil erosion control features shall be provided.

b. Pollution avoidance plan which proposes measures to avoid degradation of waterways, water bodies or wetlands."

Section 10. Amending the Major Subdivision Preliminary Plan Submittals regarding Narrative. Section 17-5-50(15) is hereby deleted in it's entirety and replaced with the following:

"(15) Narrative. The preliminary plan shall be accompanied by written statements containing the following information:

a. Tabular summary of the development proposal which identifies the total proposed subdivision in acres, and the number of acres and percentages devoted to the following:

1. Residential development with subtotals for:

- a) One-family dwelling units;
- b) Two-family dwelling units;
- c) Multi-family dwelling units; and
- d) Mobile homes.

2. Commercial and business development with subtotals for:

- a) Commercial; and
- b) Business development.

3. Developed parks dedicated to the Town;

4. Other municipal land to be dedicated to the Town;

5. Open lands;

6. Roads, streets, sidewalks and trails; and

7. Land for schools.

b. The total number of proposed residential dwelling units and their type, including one-family dwelling units, two-family dwelling units, multi-family dwelling units and mobile home units.

c. A tabular summary of the development proposal which demonstrates that the preliminary plan conforms with all applicable off-street parking and snow storage requirements for the following land uses:

1. Multi-family dwelling units;
2. Commercial and business development; and
3. Street snow storage.

d. A preliminary estimate of the cost of all required public improvements and a description of proposed methods of financing, the tentative development schedule for public improvements with development phases identified, and proposed performance guarantees.

e. Any agreements with agricultural ditch owners, when appropriate. Any agreement with adjacent agricultural land owners about fence maintenance and/or the movement of any boundary line fences.

f. A preliminary draft of any protective covenants or deed restrictions desired by the subdivider or these subdivision regulations.

g. A description of the function, ownership and manner of maintenance of public parks and other facilities, and open land areas to be preserved by the subdivider.

h. A preliminary draft of any conservation easement or other document acceptable to the Town, permanently preserving open land as required in Article 9 of this Chapter.

i. A traffic analysis, prepared by a person engaged or employed in the field of traffic engineering, together with maps and diagrams where appropriate, addressing the following:

1. The estimated traffic flow on existing streets, roads or highways that will serve or convey traffic to and from the proposed subdivision;
2. The estimated increase in traffic flow on existing streets resulting from the proposed subdivision;
3. Visibility at existing and proposed intersections;
4. The total number of proposed off-street parking spaces, excluding parking associated with single-family, duplex or mobile home residential tracts or parcels;
5. A description of the alternate transportation facilities proposed to be a part of the subdivision;
6. An evaluation of the need for road improvements to be made to existing streets based on the impacts of the proposed subdivision; and
7. The expected effects of traffic upon the existing community and upon arterial roads serving Crested Butte.

j. If any natural hazards or hazardous conditions as described in Subparagraph (7)o. above are identified on the land to be subdivided, a report shall be

submitted by a professional, as described below, providing evidence to show that all areas of the proposed subdivision which involve natural hazard areas or hazardous conditions or require special precaution, treatment or development have been identified by the subdivider, and that the proposed uses of these areas are compatible with such conditions. The following hazards shall be addressed in reports by the following types of expert:

1. Avalanche, by a professional avalanche control engineer;
2. Mudslide, rockslide or other geologic hazard, by a professional engineering geologist;
3. Wildfire, by a professional range scientist or graduate forester;
4. Floodplain, by a licensed professional engineer; and
5. Hazardous soils, mine tailings, mine drainage and petroleum residual by a professional engineer and water quality expert.

k. A plan for revegetation of disturbed areas, including a list of plant species to be used.

l. A plan for dust abatement during and, as applicable, after construction.

m. A description of the steps that have been taken to protect and enhance the use of solar energy in the proposed subdivision.

n. Documentation of the subdivision's water requirements per day.

o. Revised Wetland Delineation Report, if applicable.

p. Wetland Mitigation Plan, if applicable.

q. Noxious Weed Management Plan.

r. Revised Ground Water Study Report, if applicable.

s. Revised TES Survey Report, if applicable.

t. TES Mitigation Plan, if applicable."

Section 11. Amending Chapter 17, Article 5 regarding water requirements. Section 17-5-50(15)n. is hereby deleted in its entirety and replaced with the following:

"Sec. 17-5-50(15)n. Water supply requirements.

In accordance with C.R.S. 29-20-301 et.seq. and other concerns of the Town, the subdivider shall submit the following information to the Town in order for the Town to make a determination of the adequacy of the domestic and irrigation water supply.

- (1) A report by a registered professional engineer or water supply expert acceptable to the Town which includes the minimum elements below:
 - a. Estimate of the water supply requirements for the development through build out.
 - b. Description of the physical source of water supply.

- c. Estimate of the amount of water yield projected from the proposed water supply under various hydrologic conditions.
 - d. Proposed water conservation measures, if any.
 - e. Proposed water demand management measures, if any.
 - f. Water quality of the proposed source.
- (2) If requested by the Town, a letter from the state engineer commenting on the documentation required pursuant to this Sec. 17-5-50(17) and Sec. 17-11-370 and/or
- (3) Any other information deemed relevant by the Town to determine, in its sole discretion, whether the water supply for the proposed development is adequate."

Section 12. Amending the Major Subdivision Preliminary Plan Submittals regarding impact analysis. Section 17-5-50(17) is hereby deleted in its entirety and replaced with the following:

"(18) Impact analysis. In addition to the foregoing, the preliminary plan submittals shall include an impact analysis containing, at a minimum, the annexation impact analysis requirements of Subparagraph 15-1-60(b)(2)g. of this Code and other requirements listed below. If the property to be subdivided is also proposed to be annexed, the information provided for the submittals for this section and for Subparagraph 15-1-60(b)(2)g. shall be the same, and the other analysis information listed below shall also be submitted. The following shall be included in the impact analysis that is submitted with a subdivision preliminary plan:

a. all subdivision submittals shall contain a carbon footprint and sustainability analysis that assesses how the subdivision will minimize its carbon footprint impacts on the environment and maximize sustainability of the development. A carbon footprint and sustainability analysis shall address, at a minimum, the following topics, including topics addressed below in the Area Plan, whether or not the subdivision is also proposed for annexation:

1. Inherent values and features of the site that will contribute to a sustainable subdivision such as natural drainages, areas development will avoid such as flood plains, solar orientation, etc.

2. Drainage and the associated water pollution, including, but not limited to, water pollution from fertilizers, construction sites, oil-based roofs and roads or sediment from drainage of the proposed development site in any water body.

3. Storm water integration with natural drainages, and accommodation of large snow loads and high volume spring melts.

4. Integration of the subdivision with the existing hydrologic capacity of the site.

5. Conservation of natural areas through compact site design.

6. Impacts to wetlands, streams and water.

7. An analysis of how the proposed subdivision compares with the existing town including density, ability of people to move about, surrounding open space, and trails.

8. Impacts to indigenous vegetation and what was done in the subdivision design to limit impacts to indigenous vegetation.

9. Space for subdivision occupants to grow food on residential sites.

10. An analysis of how the proposed subdivision complies with the policies in the Transportation chapter in the Area Plan.

11. An analysis of how the proposed subdivision complies with the Solar Access and Energy policies in the Residential Site Design chapter of the Area Plan

12. An analysis of how the use of treated irrigation water will be minimized.

13. The location and amount of open space preserved for each proposed dwelling unit.

14. How greenways along rivers and streams, will be preserved and used by occupants and how wildlife users of greenways will be affected by the subdivision.

15. Whether adequate land for public facilities, parks and schools will be provided and how such existing facilities will be affected by the subdivision.

16. How much energy will need to be generated on, or off, site to serve the proposed subdivision.

17. Where employees who work within the subdivision will live and the percentages of units expected to be full-time occupied and part-time occupied."

Section 13. Amending the Major Subdivision Preliminary Plan Submittals regarding number of copies. Section 17-5-50(18) is hereby deleted in its entirety and replaced with the following:

"(19) Number of copies. A minimum of twelve (12) copies of all of the above maps, plans and information shall be submitted to the Town. Additional copies may be required if submittal to other agencies is required by the Planning Director or if additional copies are needed for the Planning Commission. All copies are to be provided by the subdivider, at the subdivider's expense."

Section 14. Inserting a new subsection 17-5-70(7) in the Final Plan Submittals and renumbering existing subsections (7), (8), (9), (10), (11), (12), (13), (14), and (15) of Section 17-5-70. A new subsection 17-5-70(7) in the Final Plan Submittals is hereby inserted after 17-5-70(6) as follows and the existing subsections (7), (8), (9), (10), (11), (12), (13), (14), and (15) are hereby renumbered to (8), (9), (10), (11), (12), (13), (14), (15), and (16).

“(7) A final plan to address any existing or potential hazardous conditions, including but not limited to soils, mine tailings, mine drainages, petroleum residue, landfills, underground tanks, etc. which has been approved by all applicable state and federal agencies as adequate for the proposed uses.”

Section 15. Amending the Major Subdivision improvements agreement requirements regarding collateral required. Section 17-5-80(c)(1) is hereby deleted in its entirety and replaced with the following:

“(c) Collateral required.

(1) Suitable collateral to ensure completion of the public improvements according to design and time specifications in an amount stipulated in the Subdivision Improvements Agreement, but no less than one hundred twenty-five percent (125%) of the estimated costs, including landscaping, noxious weed eradication and wetland mitigation, as agreed upon by the subdivider and the Town, shall accompany the signed final plat submission for filing. The collateral shall be in the form of a certificate of deposit, letter of credit or other such legal assurance as may be deemed appropriate by the Town Council.

Section 16. Amending the Major Subdivision dedication requirements for land for public facilities and land for park purposes and to allow required snow storage to be on the required public land. Sections 17-5-90(e) (1) and (2) are hereby deleted in their entirety and replaced with the following:

“(e) Park, public land and school land dedication requirement.

(1) The following minimum land acreage shall be dedicated to the Town for public park purposes, as recommended in the Crested Butte Land Use Plan, Park Land section of the Public Lands chapter, and in the Crested Butte Area Plan, Part 1, Section III, Land Use, Residential Site Design, Public Lands:

a. For each single-family residential unit, including mobile home units, and accessory dwellings and assuming at least 18% of the single family home tracts will have accessory dwellings on them as the Town Census found in 2009, .0263 acres (1,146 square feet) of developable land; and

b. For each multi-family residential unit, including duplex units, residential units in commercial buildings and bed and breakfast units, .03 acres (1,307 square feet) of developable land.

c. For every 100 proposed residential dwelling units, at least 2.42 acres of contiguous flat developable land shall be provided in a shape and having topography suitable for ball fields and other park facilities,

(2) The following minimum land acreage shall be dedicated to the Town for Town public facility purposes to be used for, for example and not by way of limitation: a public meeting hall, a fire hall, energy generation, equipment maintenance and storage, water and waste water treatment facilities, snow storage, or for other public

purposes, as recommended in the Crested Butte Land Use Plan, Land for Town Public Facilities section of the Public Lands chapter, and in the Crested Butte Area Plan, Part 1, Section III, Land Use, Residential Site Design, Public Lands, for each commercial unit and for each residential unit, including single family units, mobile home units, multifamily units and accessory dwellings (assume 18% of the single family home tracts will also have accessory dwellings), and each residential unit in a commercial building .0356 acres (1,552 square feet) of developable land."

Section 17. Amending the Major Subdivision dedication requirements for payment in lieu of providing required dedicated land. Section 17-5-90(e)(5) is hereby deleted in its entirety and replaced with the following:

"(5) Where the required park, public facility or school lands dedication per unit within the proposed subdivision would not meet or exceed the minimum size defined in Paragraph (4) above because of the small size of the subdivision, the subdivider shall make a payment of a fee in lieu equivalent to the costs of dedicating the required acreage of park, Town public facility land or school land as further described in Section Paragraph (i) below."

Section 18. Amending the Major Subdivision dedication requirements for required trail dedication. Section 17-5-90(f)(1) is hereby deleted in its entirety and replaced with the following:

"(1) Trail dedications shall be made within each subdivision in accordance with Article 10, Division 2 of this Chapter. Such dedications shall be made in the form of public easement or right-of-way as determined by the Town. For each proposed residential unit, including mobile homes, sixty-one (61) lineal feet of trail right-of-way or easement shall be provided."

Section 19. Amending the Major Subdivision dedication requirements for required dedicated trail land location. Section 17-5-90(f)(4) is hereby deleted in its entirety and replaced with the following:

"(4) The location, purpose and design considerations when planning trails shall comply with the requirements of Sections 17-10-340 and 350."

Section 20. Amending the Major Subdivision dedication requirements for payment in lieu of providing required dedicated trail land. Section 17-5-90(f)(5) is hereby deleted in its entirety and replaced with the following:

"(5) When the trail dedication required would result in more trails than practically viable for the site, or if the Planning Commission determines trails located in areas outside the subdivision may be more appropriate, a payment in lieu of the dedication, or an alternate trail dedication, may be made by the subdivider if the payment or the alternate trail location complies with one of the following:

- a. The payment in lieu shall be equivalent to the requirements of Subsection (i) below, provided, however, that nothing herein shall obligate the Town to

- accept such substitute payment in lieu, or
- b. the subdivider may provide trails at another location; provided, however, that nothing herein shall obligate the Town to accept such substitute dedication, or
- c. The subdivider may pay to construct or rehabilitate a trail within three (3) miles of Town, provided, however, that nothing herein shall obligate the Town to accept such substitute payment in lieu. The Planning Commission shall determine whether the payment to construct a trail is adequate, when compared to the amount of trail not included in the subdivision.
- d. The Town encourages subdividers to offer substitute trails within three (3) miles from the Town boundary existing at the time of subdivision but the Town may consider other trail locations.”

Section 21. Amending the Major Subdivision dedication requirements for trails by adding a paragraph regarding construction of trails. The following Section 17-5-90(f)(6) is hereby added:

“(6) Subdividers shall provide easements for trails proposed outside the proposed subdivision. Trails within the proposed subdivision shall be constructed by the subdivider to the trail standards described in the “Crested Butte Parks and Recreation Regional Master Plan, Appendix D, Crested Butte Trail System Design Standards” (Trail Design Standards) and shall be located on easements at least 15 feet wide, as described in Section 17-5-90(f)(3) and in the trails policies of the Area Plan. The Trail Design Standards describe design standards for types of trails including: paved shared use trails, street-side share use trails, natural surface trails, boardwalks and decks, and on-street bike routes and sidewalks. For each segment of trail in the subdivision, the Planning Commission shall determine the type of trail to be built. The Town engineer and the Town Parks and Recreation Director will provide further information regarding construction materials, etc., during the subdivision review process”

Section 22. Amending the Major Subdivision dedication requirements for payment in lieu of providing required dedication of land. Section 17-5-90(i) is hereby deleted in its entirety and replaced with the following:

“(i) Payment in lieu of dedication.

(1) In lieu of any dedication of land required by this Section, the Town may request and, if requested, the subdivider shall make, a payment to the Town if:

- a. The Town determines that the amount or quality of the land to be dedicated by the subdivider pursuant to this Section would not be of adequate size to achieve the purpose of the dedication; or
- b. The Town reasonably determines that the dedication of the land would not serve the health, safety or welfare of the public; or
- c. The Town makes a finding that it would be more beneficial to the Town for the subdivider to pay the payment in lieu of land for trails, rather than providing the required land for trails; or

d. The Town makes a finding that the trail dedication required would result in more trails than practically viable for the proposed subdivision.

(2) the amount of the payment in lieu of any land dedication requirement, except land for trails, shall be determined as follows:

- Fair market per square foot value of the entire property proposed for subdivision after the proposed subdivision has received all subdivision approvals,
- *Multiplied by:*
- The total square footage of land that is required for the dedication,
- *Minus:*
- The value of any dedications made toward the required dedication at the fair market value as described above.

"(3) the amount of the payment in lieu of any land dedication requirement for trails shall be determined as follows:

- Fair market per square foot value of the entire property proposed for subdivision after it has received all subdivision approvals,
- *Multiplied by:*
- The total lineal footage of trail required after applying the standard in Section 17-5-90(f)(1) of the Town Code times 15 feet wide,
- *Minus:*
- The value of any dedications made toward the required dedication at the fair market value as described above.

(4) The fair market square foot value of land for purposes of determining the amount of a payment in lieu of land dedication shall be determined by an independent real estate appraisal obtained by the Town at the subdivider's cost. Such appraisal shall be performed by an appraiser acceptable to both the Town and the subdivider. The value determined by the appraisal shall be the value of the property proposed to be subdivided after all approvals have been obtained, and shall be binding upon the subdivider and the Town."

Section 23. Amending the Major Subdivision dedication requirements by adding a dedication provision for water rights. Section 17-5-90(l) is hereby added to the Town Code.

"l. Domestic Water. Domestic water rights dedications shall be made to meet the supply needs of the proposed residential units and the proposed business and commercial

uses, in accordance with Sec. 17-11-370. The water quality of the domestic water provided by this dedication shall meet or exceed the Colorado Department of Public Health and Environment water quality standards of Segment 11 of Coal Creek. Water rights shall be sufficiently senior to all other potential water diverters in the Middle State River Valley, as described in the Area Plan, to the satisfaction of the Town or, a water augmentation plan may be required."

Section 24. Amending/ the Major Subdivision Design Standards for "General Requirements" regarding Town documents the subdivision shall comply with. Section 17-6-10(b)(1) is hereby deleted in its entirety and replaced with the following:

"(b) All subdivisions in the Town shall comply with the following general requirements. They shall:

(1) Conform to:

- a. these subdivision regulations,
- b. the existing or proposed underlying zone districts,
- c. the Crested Butte Land Use Plan (including the Area Plan),
- d. the Crested Butte Transportation Plan,
- e. the Crested Butte Noxious Weed Management Plan,
- f. the Energy Action Plan for the Town of Crested Butte,
- g. the Town of Crested Butte Parks and Recreation Regional Master Plan,
- h. the Design Guidelines for the Town of Crested Butte, and
- i. the Gunnison County Trails Master Plan.

If there are discrepancies between these subdivision regulations and recommendations of the Crested Butte Land Use Plan, or other applicable Town plans listed above, the more rigorous standard of performance shall be met."

Section 25. Amending the Major Subdivision general requirements standards by adding standards to result in no financial burden to the Town and to be consistent with the existing town. Section 17-6-10(b) is hereby amended by adding standards (8) and (9):

"(8) Result in no additional financial burden on current residents and property owners within the Town for services to residential and commercial uses in the new subdivision.

(9) Be similar in design and density to the remainder of town, and once built out, the difference between the appearance of the existing town and the new subdivision will be negligible except for reduced carbon footprint considerations in the proposed subdivision."

Section 26. Amending the Major Subdivision Design Standards for "General Requirements." Section 17-6-10(c)(5) is hereby deleted in its entirety and replaced with the following:

"(5) Subdivision design shall, to the maximum extent possible, preserve:
a. Existing and historical trails;

- b. Existing and historical wildlife movement corridors, flyways, breeding grounds; or other significant wildlife habitat;
- c. Existing historic structures;
- d. wetlands, other water features and buffers from wetlands and water features (as required in Sections 17-8-50 and 17-8-90)."

Section 27. Amending the Major Subdivision Design Standards, Adoption of standards, and adding Public Works Criteria for Design and Construction: Earthwork, Sewer, and Water to the list of publications adopted by reference. Section 17-6-20 (a) is hereby deleted in its entirety and replaced with the following:

"(a) The following publications are adopted by reference as provided in this Chapter and their adoption is intended to make them Town standards, unless standards in this Chapter 17 specifically contradict the standards in these publications:

(1) State of *Colorado State Highway Access Code, Volume 2, Code of Colorado Regulations*, 601-1, March 2002, as amended, which describes how access should be made to state highways;

(2) *Walter M. Kulash, "Residential Streets"*, (American Society of Civil Engineers, National Association of Home Builders, Institute of Transportation Engineers, ULI (the Urban Land Institute), Third Edition, Washington D.C., ULI-the Urban Land Institute, 2001, which describes how residential streets should be designed;

(3) Standards and Guidelines policy published by the Crested Butte Fire Protection District, P. O. Box 1009, Crested Butte, Colorado, 81224, revised December, 2010, as amended, which describes fire protection standards for subdivisions; and

(4) *Public Works Criteria for Design and Construction: Earthwork, Sewer, and Water, March 2009*, as amended which is design criteria of the Town of Crested Butte, and can be found in the office of the Director of Public Works and at the Town's World Wide Web site."

Section 28. Amending the Subdivision Design Standards regarding development in floodplains. Sections 17-6-30(b) and (c) are hereby deleted in their entirety and replaced with the following:

"(b) Development in the one-hundred-year floodplain shall be prohibited except for arterial streets which cross Coal Creek or the Slate River, or trails approved by the Town and the exemptions applicable to the restrictive inner buffer listed in Subsection 17-8-90(b) of this Chapter. Critical facilities that must be located within the one-hundred-year floodplain, such as pumping stations for water, power and gas, shall be protected using one or more of the following methods:

(1) location outside the one-hundred-year floodplain, or

(2) elevation or flood proofing of the structure so that the lowest floor elevation is elevated or protected to one foot above the one-hundred-year flood elevation.

New critical facilities and expansions of critical facilities shall, when practicable, as determined by the Town, have continuous non-inundated access (ingress and egress)

during a one-hundred-year flood event.

"(c) A twenty-five foot strip of land measured horizontally from the one-hundred-year floodplain designation on each side of any stream or other water feature located within the boundaries of the subdivision, and of any stream or other water feature located on land adjacent to the subdivision property, shall be protected in its natural state and shall be available for emergency access during periods of high water flow, with the exception that the exemptions applicable to the wetland and other water feature buffer listed in Subsection 17-8-90(b) of this Chapter may be constructed or conducted thereon. Underground utilities may be located in such protected areas, provided that there is no practical alternative location for such utilities, that the plans are approved by the Planning Commission and that all construction scars are revegetated and the natural flow of water is not constricted. The setback resulting in the largest distance from the stream or other water feature in Subsection 17-6-30(c) or Article 8 of this Chapter shall be maintained."

Section 29. Amending the Major Subdivision Design Standards, specifically the Hazardous Areas Standards, by expanding the standard regarding findings of environmental audits and assessments. Section 17-6-30(f) is hereby deleted in its entirety and replaced with the following:

"(f) Because hazardous areas may include other areas posing a risk to public health or safety, a Phase 1 Environmental Audit, or a Phase 1 Environmental Assessment, (Environmental Audit) shall be conducted on all properties proposed for subdivision. All recognized environmental conditions shall be reported by the subdivider to the Town and County and the applicable state and federal agencies. The subdivider shall address any such recognized environmental conditions in accordance with applicable law. If the Environmental Audit identifies mine tailings, other hazardous wastes, or other environmental hazards, the use of such land shall be limited by the amount of cleanup proposed by the subdivider and agreed to by the Town and the applicable agency. Prior to Final Subdivision Plan approval of the proposed uses, the applicable county, state or federal agency must approve a cleanup plan that the agency determines will be adequate for the proposed uses. The Town will withhold building permits for the site, until the applicable county, state or federal agency determines the cleanup has been performed according to the approved cleanup plan. "

Section 30. Amending Article 13, Wetland Functional Analysis, by moving it to Article 16. Article 13 is hereby deleted in its entirety and relocated to Article 16. Section numbers are hereby changed as follows:

"Sec. 17-13-10 to Sec. 17-16-10
Sec. 17-13-20 to Sec. 17-16-20
Sec. 17-13-30 to Sec. 17-16-30
Sec. 17-13-40 to Sec. 17-16-40
Sec. 17-13-50 to Sec. 17-16-50
Sec. 17-13-60 to Sec. 17-16-60
Sec. 17-13-70 to Sec. 17-16-70
Sec. 17-13-80 to Sec. 17-16-80"

Section 31. Amending Article 6 of the Major Subdivision Design Standards, specifically the Agricultural impacts, Recreation facilities, Survey monuments, Landscaping and Other Provisions and relocating them to Article 13. Sections 17-6-40, 17-6-50, 17-6-60, 17-6-70 and 17-6-90 are hereby moved in their entirety and relocated to Article 13. Section numbers are hereby changed as follows:

"Sec. 17-6-40 to Sec. 17-13-10
Sec. 17-6-50 to Sec. 17-13-20
Sec. 17-6-60 to Sec. 17-13-30
Sec. 17-6-70 to Sec. 17-13-40
Sec. 17-6-90 to Sec. 17-13-50"

Section 32. Amending the Major Subdivision dedication requirements for landscaping by adding a paragraph regarding construction of trails to the new Section 17-13-40. The following Section 17-13-40(h) is hereby added:

"(h) The subdivider shall be responsible for eradication of noxious weeds, on public land and on land owned by the subdivider, for at least five (5) years after final acceptance of subdivision improvements by the Town. Suitable bonding or other performance guarantee to ensure eradication of noxious weeds shall be established in the Subdivision Improvements Agreement. The bond or other performance guarantee shall not be less than 125% of the estimated cost of weed eradication on the site. Heavy equipment used for construction sites and new development shall be power washed to remove noxious weed seed prior to bringing it on site. The site shall be revegetated with native seed after infrastructure is constructed and after hazardous areas are reclaimed unless the Town agrees that other vegetation will be more appropriate, such as grass for a park on a portion of the site. An annual statement of performance report regarding noxious weed abatement shall be due to the Town by November 1, each year until the abatement of noxious weeds is accepted in accordance with the subdivision improvements agreement."

Section 33. Amending the Major Subdivision Design Standards by adding Sustainability and Carbon Neutrality standards. Section 17-6-40 is hereby added:

"**Sec. 17-6-40** Sustainability and provisions to minimize the carbon footprint.

Subdivision design shall incorporate provisions to minimize the carbon footprint of the subdivision and maximize sustainability of the development. Guiding principles for these topics are listed below and titles of Area Plan policies, where more discussion and ideas are located, are listed next to each topic below. Guiding principles for minimizing the carbon footprint are not limited to the recommendations of the Area Plan or the list below:

(1) Sustainability topics, guiding principles for minimizing carbon footprint, and topics discussed in the Area Plan include the following, but are not limited to the following:

- a. Drainage, runoff and water pollution - Utilities policies.
- b. Utilizing the inherent features of the site - Residential Site design policies.
- c. An integrated intermodal transportation system - Transportation policies.
- d. Low impact development strategies to address storm water, integrate natural drainages, and accommodate large snow loads and high volume spring melts - Utilities policies.
- e. Dense development, where walking and bicycling are encouraged, similar to the existing town, surrounded by open space and trails - Residential Site Design policies.
- f. Incorporation of existing indigenous vegetation - Residential Site Design policies.
- g. Commercial services such as corner stores and mixed uses and onsite employment, where appropriate, to minimize the need for motor vehicles - Transportation policies.
- h. Solar access and energy production - Residential Site Design policies.
- i. Infrastructure designed to utilize non-treated water for irrigation water - Utilities policies.
- j. Open space preserved for each proposed dwelling unit - General Policies for Land Use policies.
- k. Greenways - Residential Site Design policies.
- l. Provision of public lands for public facilities - General Policies for Land Use policies.
- m. Sustainable energy communities - Residential Site Design policies.
- n. On site and off site energy production to serve the proposed subdivision - Residential Site Design policies.
- o. Deed restricted affordable housing - Housing policies.

(2) Other guiding principles to reduce a subdivision's carbon footprint:

- a. Community gardens and composting on "Residential tracts or parcels, especially if significant numbers of multi-family housing are proposed.
- b. The recommendations found in the Energy Action Plan for the Town of Crested Butte."

Section 34. Amending the section number of Subdivision Design Standards for Soil erosion control. Section 17-6-80. is hereby renumbered to Section 17-6-50.

Section 35. Amending the Subdivision Design Standards for Block and Building Site patterns. Section 17-7-30 is hereby deleted in its entirety and replaced with the following:

"Sec. 17-7-30. Block and building site patterns.

(a) Residential blocks and building sites shall be shaped to reflect the traditional grid pattern of the Town. Where the topography or natural features of the site, such as rivers or high quality wetlands, require different shapes, blocks and tracts or parcels (building sites), shall be shaped so as to:

- (1) accommodate lawful dwelling units, within the setbacks required by the applicable zone district and

- (2) accommodate buildings that can comply with the "Design Guidelines, Town of Crested Butte".
- (b) When the topography or natural features of the site suggest shapes other than the traditional grid pattern of the Town due to features such as hills, high quality wetlands, or rivers, tracts or parcels shall utilize natural dividers as their boundaries."

Section 36. Amending the Subdivision Design Standards for Snow storage. Sections 17-7-70.(b) and (f) are hereby deleted in their entirety and replaced with the following:

"(b) The following snow storage requirements shall be complied with in each subdivision:

(1) one (1) square foot of snow storage space is generally necessary for each three (3) square feet of public or private land to be cleared except streets.

(2) For every four hundred (400) feet of public right-of-way on avenues and streets, one (1) space at least fifty (50) by one hundred twenty (120) feet shall be provided within each block for snow storage unless otherwise agreed to by the Town. Drainage from such snow storage areas shall be directed away from adjacent lots.

(3) The preferred location for snow storage is approximately mid-block. Alternative snow storage areas will be located so that all snow is "pushable" to snow storage areas, provided, however, that nothing herein shall obligate the Town to accept such substitute snow storage areas. Pushable means pushing snow no more than 400 feet which is the length of a typical block.

(4) Land provided for snow storage shall be counted as part of the required public facility land as required in Section 17-5-90(e)(2), but shall not exceed 33% of the public facility land dedication.

(5) No subdivision will be approved if snow hauling off the site will be required."

"(f) Required snow storage areas shall not be located in wetlands or within wetland buffer areas, unless agreed to by the Town."

Section 37. Amending the Subdivision Design Standards for Buffers. Section 17-7-140. is hereby deleted in its entirety and replaced with the following:

"Sec. 17-7-140. Buffers.

A buffer shall be required where a subdivision is adjacent to an intensive use such as a highway or recreational facility from which the subdivision should be protected; or a natural feature, such as a lake, wetland, or other water feature, which should be protected from the impacts of the subdivision. If adverse impacts are suspected or buffers or screening deemed appropriate, the Town may require plantings, berms, screening, the retention of existing vegetation, fencing or other reasonable measures to substantially reduce adverse impacts. Acceptable screening shall include trees and

berms and may include fences if approved by the Town. No improvements shall be constructed in a manner that would create adverse impacts to the buffered area."

Section 38. Amending the Subdivision Design Standards for Solar Access. Section 17-7-160 shall be deleted in its entirety and replaced with the following:

"Sec. 17-7-160. Solar access standards.

"Because subdivision layouts can affect the future orientation of buildings and consequently determine the natural access to sunlight and because solar access is important, subdivision plans shall comply with the following solar access issues.

(1) All tract design shall allow for at least 70% of the glazing on the south-facing wall to be completely unshaded at noon on December 21st.

(2) Avenue orientation. Avenues should be oriented in the east-west direction so that most tracts or parcels can be on a north-south axis, to minimize the risk of solar shading. Tracts at the east and west ends of blocks should have an east/west orientation with the intention of maximizing the amount of south facing facades on those tracts.

(3) Setbacks. Where appropriate, the subdivider shall establish setbacks, easements or building envelopes which protect solar access to adjacent tracts or parcels.

(4) Buffers. Space may be required to create a buffer between zone districts which permit buildings with different heights, to protect a small building from the shadow cast by an adjacent higher building of another zone district.

(5) Solar easements. Protection of both existing solar easements and dedication of new solar easements may be required by the Town. Solar easements shall be described and enforced as provided by Article 32.5 of Title 38, C.R.S.

(6) Use of deciduous trees is encouraged on the north side of avenues to enhance solar access during winter months for housing on the north side of the avenue."

Section 39. Amending the Subdivision Design Standards for Preservation of resource areas. Section 17-8-10 is hereby deleted in its entirety and replaced with the following:

"Sec. 17-8-10. Preservation of resource areas.

Subdividers shall preserve resource areas, including the following:

(1) Existing waterways and other water features and a 25 foot buffer;

(2) Wetlands as described in Sections 17-1-100 and 17-8-50 of this Chapter;

(3) Mature tree cover (all trees six [6] inches or more in diameter measured four and one-half [4 1/2] feet above the ground);

- (4) Willows and shrubs three (3) feet in diameter or larger, measured at the widest part of the canopy or crown;
- (5) Wildlife movement corridors, flyways, breeding grounds, and other significant wildlife habitat, including TES habitat;
- (6) Rock formations;
- (7) Significant existing views and natural vistas reasonably designated by the Planning Commission across the proposed subdivision from adjacent properties and from public areas and out of the proposed subdivision; and
- (8) Other environmentally sensitive resources identified by the Planning Commission."

Section 40. Amending the Subdivision Design Standards for Wetlands and adding standards for threatened or endangered species. Section 17-8-50 is hereby deleted in its entirety and replaced with the following:

"Sec. 17-8-50. Wetlands and threatened or endangered species.

- (a) No development, including without limitation, platting of tracts or parcels, streets, sewer lines or other utilities, developed parks, dredging or filling, shall occur within any wetlands, including high quality wetlands, potential high quality wetlands, irrigated wetlands, for which no hydrologic study has been completed, and within a buffer zone of at least twenty-five feet from the boundary of any wetland or one hundred (100) feet from the boundary of any high quality wetlands or potential high quality wetlands. (See Section 17-8-90)
- (b) Development shall not result in modifications of surface or ground water flows in areas that are hydrologically connected to high quality wetlands.
- (c) Wetlands shall not be fragmented so that the interconnected functions of the wetlands are diminished or eliminated.
- (d) Fill material shall not be placed in any wetlands without the required federal and other applicable permits. Whether or not a federal or other permit is required, said work shall occur in such a manner as to avoid and minimize impacts to wetlands. If federal and other requirements conflict with Town requirements, the standards that offer more protection for wetlands shall be used.
- (e) Provisions for wetland functional analysis are contained in Article 16 of this Chapter.
- f) All unavoidable impacts to wetlands shall be compensated for by replacing, in the Middle Slate River Valley, the ecological functions lost as a result of the project. Compensatory mitigation may be performed using restoration, enhancement, creation, and in some circumstances preservation. Restoration is generally considered the preferred approach. If restoration is not practical, then protection of existing wetlands may be most appropriate. In-lieu fee programs, creation of wetlands and use of wetland mitigation banks will be considered, but there is no obligation of the Town to accept

those mitigations. Too often enhancement of existing wetlands results in proposals which are not well thought out and may damage the function of a wetland that previously functioned well. Therefore, enhancement should only be used as a last resort and there is no obligation of the Town to accept enhancement as a mitigation strategy for the loss of wetlands. A combination of mitigation approaches may be appropriate. The Town must approve the final mitigation plan before it is implemented. The Area Plan defines the Middle Slate River Valley as the land within three miles of Crested Butte. If the order of priority in this paragraph is different than the order of priority in the Area Plan, the order of priority in the subdivision regulations shall be used.

(g) The goal of wetland mitigation will be no net loss of wetland area, values or functions. The ratio of the area of wetlands lost to development compared to mitigation area may result in more new wetlands to compensate for the difference in wetland functions or the time it will take for a created wetland to perform the functions the Town agrees must be performed in order to provide satisfactory mitigation measures.

(h) Payments in lieu of preserving wetlands may be used when there is no reasonable alternative, other than to destroy wetlands for development and creation of new wetlands is not feasible, as determined by the Town. The payments should be used to acquire and preserve wetlands with the same functions as the wetlands that will be lost, or to help restore degraded wetlands, rather than trying to create new wetlands, at the option of the Town. Payments in lieu shall be calculated based on the area of wetlands that will be lost and the average per square foot value of the entire property proposed for subdivision after the subdivision is approved by the Town. In other words, if .5 acres of wetlands will be filled, and the average appraised value of all land in the subdivision is determined to be \$83.33 per square foot, (\$500,000 per 6,000 square foot tract) then the payment should be \$1,814,927 for the loss of .5 acres of wetlands. (21,780 sq. ft. x \$83.33 = \$1,814,927)

(i) A restoration stewardship fund shall be created for each restoration project to ensure noxious weeds do not invade and to otherwise pay for management of the wetland. The stewardship fund should be at least \$5,000 per acre of mitigation wetlands, or as otherwise recommended by the Town's consultant, when consideration is made for the wetland functions to be restored, the amount of restoration being attempted, and other issues at the particular site and as resolved and stated in the Subdivision Improvements Agreement. Fee ownership by the Town, or a conservation easement that allows Town access to the mitigation site should accompany the fee.

(j) The Subdivider will be responsible for monitoring the wetland mitigation site for at least 10 years, or as determined by the Town, to ensure the proposed functions and values of the mitigation site are being achieved. If they are not, the Subdivider will address issues of the mitigation site, and if necessary meet with the Town to determine what to do about the site not achieving the goals. Solutions may include, but are not limited to, re-performing the mitigation strategies or payment in-lieu to the Town. Thereafter, the stewardship fund will be used to help the Town monitor and manage the mitigation site. A portion of the Performance Guarantee, in the Subdivision Improvements Agreement (Appendix J of the Town Code) will include monitoring the mitigation site for 10 years to ensure that if the developer fails to monitor the wetland mitigation site, funds will be available to do so. That portion of the performance guarantee shall not be returned to the developer until the 10 year period has ended.

(k) Although the U.S. Fish and Wildlife Service will have final authority about species it listed as threatened or endangered, other species of concern to the Town are listed by other agencies such as the U.S. Forest Service, or the U.S. Bureau of Land Management. Those agencies only have authority on land managed by them. The Colorado Natural Heritage Program (CNHP), also lists species of concern and the CNHP has no authority to protect. Threatened, endangered, or species of special concern are also listed by Colorado Division of Wildlife. Therefore, the Town will use the following general guidelines to help protect threatened or endangered species, unless other governmental agencies have overriding authority.

(1) All unavoidable impacts to TES habitat shall be compensated for by replacing the ecological functions lost in the Slate River watershed as a result of the project. Compensatory mitigation may be performed using restoration, enhancement, or preservation of other potential TES habitat, and/or payments in lieu. Restoration and enhancement of potential TES habitat is generally considered the preferred approach, but preservation and in lieu fee programs will be considered. A combination of mitigation approaches may be appropriate and development of the mitigation plan shall be done in coordination with the listing agency or agencies (e.g. Colorado Natural Heritage Program, U.S. Forest Service, etc). The Town must approve the final mitigation plan before it is implemented.

(2) The ratio of the area of TES habitat lost to development compared to the mitigation area shall be at least 2:1 (two acres of land used for mitigation for each one acre of TES habitat lost to development) in order to compensate for the difference in ecological functions, and/or the time it will take for the mitigation site to perform the functions the Town agrees must be performed in order to provide satisfactory mitigation. The Town encourages the listing agency and other appropriate state and federal agencies to participate in determining the mitigation ratio. However, the Town will be the final decision maker regarding the location and amount of land used for compensatory mitigation, unless the listing agency has legal authority (such as the US Fish and Wildlife Service under the Endangered Species Act.).

(3) Payments in lieu may be used when there is no other reasonable mitigation alternative, as determined by the Town. The payments should be used to acquire potential TES habitat for the same species or suite of species that will be affected by the project. Payments in lieu shall be for an area that is at least twice the area of TES habitat that will be lost and the dollar amount shall equal or exceed twice the average cost per acre of such habitat that the Town (or other entities) have participated in preserving in the last 5 years from the date the Preliminary Plan is submitted because the cost of land is on an upward trend."

Section 41. Amending the Subdivision Design Standards for Wildlife Habitat. Section 17-8-60. is hereby deleted in its entirety and replaced with the following:

"Sec. 17-8-60. Wildlife habitat.

Subdivision design shall avoid development in Important Wildlife Habitat Areas as identified in the Area Plan and in, or near, significant wildlife habitat as identified below.

(1) Areas of particular concern include, but are not limited to:

- a. Nesting areas for ducks, teal and geese;
- b. Rookeries for Great Blue Herons;
- c. Migration corridors, calving grounds (Elk Production Areas mapped in the Area Plan) and winter range for elk;
- d. Migration corridors and fawning areas for deer;
- e. Streams for trout production;
- f. Nesting sites for raptors such as red tailed hawks, owls and northern goshawks;
- g. Habitat for boreal toads;
- h. Habitat for TES species
- i. Tiger salamander habitat;
- j. Denning sites for fox and black bears;
- k. Blue grouse staging areas;
- l. Migratory bird flyways; and
- m. Any high quality or potential high quality wetlands.

(2) Buffer zones similar to wetland buffers shall be provided and maintained between wildlife habitat areas and the developed area.

(3) Noxious weeds shall be identified and managed before, during, and after project construction to stop the continued spread of these species. Control of noxious weeds shall be the responsibility of the subdivider for at least five (5) years after the subdivision improvements have been accepted by the Town. (See Sec. 17-13-40(h))"

Section 42. Renaming and amending the Subdivision Design Standards for Restrictive inner buffers. Section 17-8-90 is hereby deleted in its entirety and replaced with the following:

"Sec. 17-8-90. Wetland and other water feature buffers.

(a) Distance. A setback of at least twenty-five (25) feet shall be maintained from wetlands and other water features, unless a one hundred (100) foot setback from high quality or potential high quality wetlands is appropriate as discussed in Section 17-8-50. The setback shall be measured horizontally from the ordinary high water mark in average hydrologic years on each side of the water feature or from the wetland boundary identified using the wetland identification procedures discussed for the Sketch Plan Submittal. This setback is referred to as the "water feature buffer." The following activities shall not be allowed in the water feature buffer:

- (1) Construction, installation or placement of any obstruction or the erection of a structure.
- (2) Placement of material, including but not limited to soil, sand, gravel, mineral, aggregate, organic material or snow plowed from roadways and parking areas.
- (3) Removal, excavation or dredging of solid material, including soil, sand, gravel, mineral, aggregate or organic material.
- (4) Removal of any existing vegetation or conduct of any activity that will cause any loss of vegetation, unless it involves the approved removal of noxious weeds, nonnative species or dead or diseased trees.
- (5) Lowering of the water level or water table by any means except as allowed by the Colorado Division of Water Resources.
- (6) Use of equipment within the buffer, except for the construction of roads, bridges, or trails across wetlands or other water features.

(7) Disturbance of existing natural surface drainage characteristics, sedimentation patterns, flow patterns or flood retention characteristics by any means, including but not limited to grading and alteration of existing topography. Measures taken to restore existing topography, to improve drainage flow patterns or flood control shall be approved by the Town prior to taking the measures.

(8) Any landscaping activities, unless they are for the purpose of restoring or enhancing degraded areas to their native vegetation communities. Restoration and/or enhancement actions shall only involve the use of plants native to the site and shall be approved by the Town prior to taking action.

(9) Placement or location of any portion of any residential or commercial tracts.

(b) Exemptions from wetland and other water feature buffer. The following structures, improvements and activities are exempt from the wetland and other water feature buffer:

(1) Structures for decreed water rights, docks, piers, watercraft launches and ramps.

(2) Activities and structures in wetlands resulting from agricultural operations.

(3) Projects primarily for water protection that have received required state or federal permits, such as those projects designed for the enhancement, protection and/or restoration of wetlands or other water features.

(4) Emergency flood control measure.

(5) Maintenance, repair or replacement of roads, roads that approach bridges and bridges existing as of the effective date of the Crested Butte Area Plan.

(6) Single track dirt trails may be constructed outside, but adjacent to, the water feature buffer if measures are taken to protect and preserve the adjacent wetlands or water feature and if the Planning Commission agrees the proposed trail(s) will not negatively impact the adjacent wetland or water feature.

(7) Stream habitat enhancement.

(8) Bank stabilization.

(c) Variable outer buffer. A variable outer buffer shall also be maintained. The width of the variable outer buffer need not be uniform across a parcel. Specific features or activities proposed within one hundred (100) feet of the closest border of a wetland or other water feature should define the width of the variable outer buffer on a site-specific basis and should be based on the presence of or the proposal of:

(1) Slopes steeper than fifteen percent (15%) and draining into a wetland or other water feature.

(2) Highly erodible soils.

(3) The area is needed to protect trees, shrubs or other natural features that provide for stream bank stability, habitat enhancement for aquatic environments, riparian area protection, or to maintain predevelopment riparian plant or animal communities,

(4) The area is within the one-hundred year floodplain,

(5) The area is needed to prevent or minimize flood damage by preserving storm water and floodwater storage capacity.

(6) An activity that presents a special hazard to water quality shall have the maximum setback (e.g., storage or handling of hazardous or toxic materials),

(d) Maximum buffer size. A variable outer buffer shall not be required to extend more than one hundred (100) feet beyond the outer boundary of the water feature buffer unless, when considering the functions and values of the wetland and the proposed adjacent uses, the Planning Commission determines a larger buffer should be maintained.

(e) Prohibited activities in, and exemptions from variable outer buffer. The activities listed in Subsection (a) above shall not be allowed in the variable outer buffer and the exemptions in Subsection (b) above shall also be exempt in the variable outer buffer."

Section 43. Amending the Subdivision Design Standards for Amount of Open Lands required. Section 17-9-20. is hereby deleted in its entirety and replaced with the following:

"Sec. 17-9-20. Amount required.

(a) For subdivisions within the Town. The subdivider shall provide for the preservation of at least two and fifty six one hundredths (2.56) acres of open lands for each residential unit proposed within the subdivision, based upon the number of residential units in Crested Butte and the number of acres of open lands, or open space, in which the Town had participated in preserving as of 2010 within three miles of town.

(b) For subdivisions of land annexed into the Town. The subdivider shall provide at least five (5) acres of open lands, or open space, for each additional residential unit and for each five thousand (5,000) square feet of commercial development. As an incentive, if land within three miles of Crested Butte is preserved in "Priority Preservation Areas" (as shown on the Preservation Priorities maps in the Area Plan), or if the Planning Commission determines lands proposed by the subdivider comply with the definition of Priority open lands in Section 17-9-60, less open space shall be required as a way to preserve the more important open spaces. As another incentive, if local housing or affordable housing units are proposed, less open space is required. The requirements for the preservation of open lands or open space contained in this Subsection are recommended in the Area Plan in Section III, Land Use, General Policies for Land Use, Density and Density Transfers. Table 17-C below sets forth the required amount of open space per additional residential unit and for each five thousand (5,000) square feet of commercial development.

**Table 17-C
Number of Acres Required for Preservation**

<i>Type of Development</i>	<i>Type of Land Preserved</i>	
	<i>Hazard Areas, Developable Land, or land beyond the end of plowed roads</i>	<i>Priority Preservation Areas (Resource Areas)</i>
Each free market dwelling unit	5 acres	3 acres
Each local housing or affordable housing unit	1 acre	1 acre
Each 5,000 sq. ft. of commercial development	5 acres	3 acres

Section 44. Amending the Subdivision Design Standards for Eligible Open Lands. Section 17-9-30. is hereby deleted in its entirety and replaced with the following:

"Sec. 17-9-30. Eligible lands.

(a) All lands shown on the Preservation Priorities #1 map and on the Preservation Priorities #2 map and labeled "Priority Preservation Areas" or "Other Preservation" in the map legend, in the Area Plan, and all private land in the Coal Creek watershed as mapped for the official Town of Crested Butte Municipal Watershed map depicting the Watershed District Boundary and filed in the office of the Town Clerk and also mapped as the Coal Creek Watershed on the Preservation Priorities maps in the Area Plan shall be eligible for preservation as open lands (open space) under this Subsection; provided, however that land with the following characteristics shall not be eligible:

(1) Lands from which the subsurface mineral interests have been severed and are available for location and mining of minerals, and the mineral interests are not conveyed or appropriately restricted concurrently with the surface interests.

(2) Lands that are presently subdivided or platted under a recorded plat, unless such subdivision approval or plat is revoked or rescinded and such revocation or rescission is placed on public record, except a lot in a subdivision that is thirty-five (35) acres or more may be preserved if no structures exist on the lot or will be allowed on the lot.

(b) A percentage of land in the proposed subdivision shall be preserved as open lands (open space). The percentage of land in the subdivision that shall be preserved as open lands shall be the same as the percentage of open lands currently in the Town limits, compared to the total amount of land in the Town. In 2011 there were 220.9 acres open space in Town and the total area of the Town was 539.5 acres. Therefore, 40.9% of the land in the Town limits was open lands in 2011 and 40.9% of a subdivision site in 2011 should be preserved as open lands."

Section 45. Amending the Subdivision Design Standards for Priority Open Lands. Section 17-9-60. is hereby deleted in its entirety and replaced with the following:

"Sec. 17-9-60. Priority open lands.

(a) The following lands are encouraged to be preserved as undeveloped open lands and are Priority Open Lands" for Table 17-C":

(1) All lands shown on the Preservation Priorities #1 map and on the Preservation Priorities #2 map and labeled "Priority Preservation Areas" in the map legend in the Crested Butte Area Plan.

(2) Unique and/or fragile areas, including but not limited to geologic formations, forested areas, critical view sheds, ridgelines, bodies of water, streams and rivers, and wetlands and their one-hundred-foot buffer as defined in this Chapter and verified by field inspection.

(3) Critical wildlife winter range and significant wildlife habitat as identified in Section 17-8-60 of this Chapter and by the Colorado Division of Wildlife.

(4) Historically significant structures and sites, as listed on federal or state lists of historical places, or as reasonably determined by the Town.

(5) Areas which have historically provided, or are reasonably identified as desirable, for public access to public lands.

(6) All private land in the Coal Creek Watershed as mapped for the official Town of Crested Butte Municipal Watershed map depicting the Watershed Protection District boundaries and filed in the office of the Town Clerk and also mapped as the Coal Creek Watershed on the Preservation Priorities maps in the Area Plan.

(7) All irrigated agricultural land in the upper East River Valley, located north of Round Mountain.

(b) The following lands are also encouraged to be preserved as undeveloped lands to avoid development in potentially dangerous or otherwise inappropriate areas and to preserve sensitive and unique lands but are not Priority Open Lands for Table 17-C, unless they also exhibit characteristics found in the list in Sec. 17-9-60(a) above. Only the portion of the land exhibiting characteristics found in the list in Sec. 17-9-60(a) will be considered "Priority Open Lands":

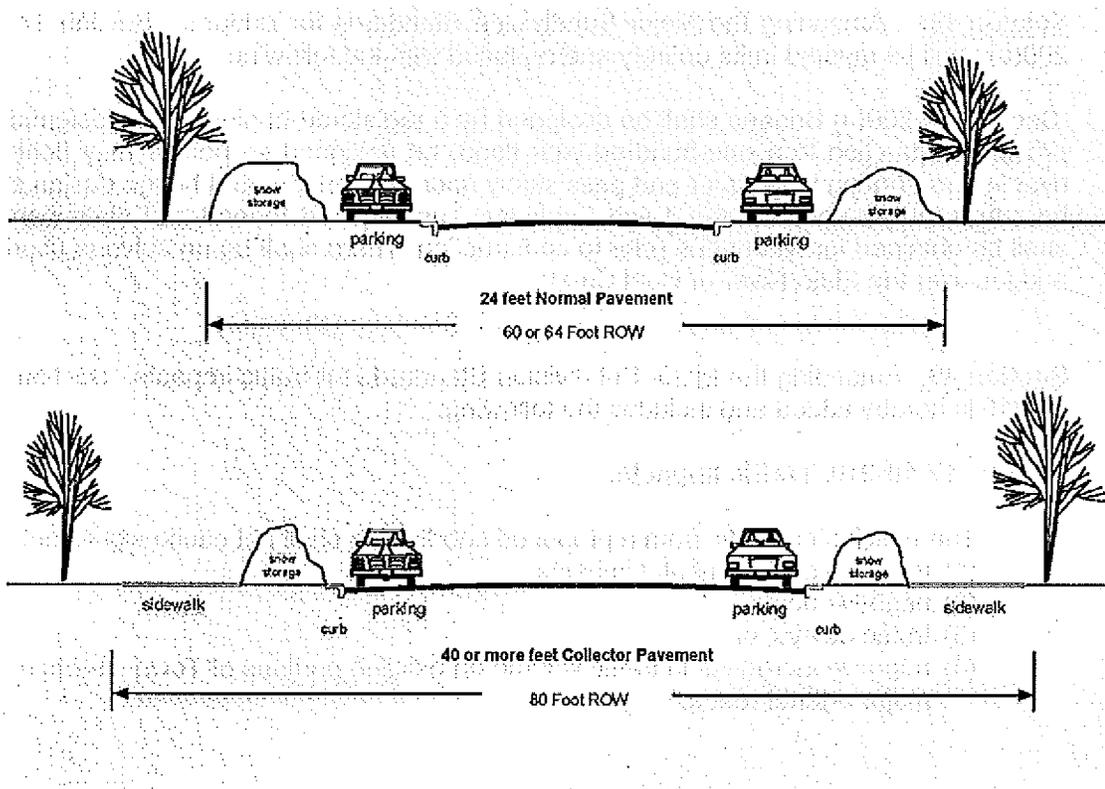
- (1) Land within a one hundred year flood plain.
- (2) Steep slopes in excess of thirty percent (30%) as measured over a ten foot interval.
- (3) Rock fall areas and other geologic hazards.
- (4) Land meeting Extreme Hazard or High Hazard wildfire criteria as defined by the Colorado State Forest Service.
- (5) Other land, including land suitable for development.

(c) All land determined by the Planning Commission to meet the descriptions in Subparagraph 17-9-60(b) above, shall be considered "Hazard Areas, Developable Land, or land beyond the end of plowed roads" land for Table 17-C "Number of Acres Required for Preservation."

Section 46. Amending the Major Subdivision Standards for Street Parking. Section 17-10-170 is hereby deleted in its entirety and replaced with the following:

Sec. 17-10-170. Street parking, sidewalks and trees.

(a) Parking on streets will be outside the curbs, except that the width of collector streets (which generally have 80 foot rights-of-way or wider) is designed to allow for parking between the curbs.



(b) Sidewalks will be located outside travel ways and parallel parking areas along major streets.

(c) Existing sidewalks, such as the sidewalks along Sixth Street and Eight Street, will be extended into subdivisions.

(d) The right of way along major streets and avenues shall be 80 feet wide, to allow space for travel ways, parking, sidewalks and snow storage.

(e) Street and avenue rights-of-way are used for snow storage. Trees shall not be located in street and avenue rights-of-way."

Section 47. Amending the Major Subdivision Standards by adding standards for Transit. Section 17-10-180 shall be deleted in its entirety and replaced with the following:

"Sec. 17-10-180. Transit.

- (a) Whenever a proposed subdivision embraces any part of an existing or planned street or transit alignment designated on an adopted plan, easements shall be provided to accommodate the plan within the subdivision.
- (b) Bus stops for circulator busses and other appropriate busses, as identified by the Town, shall be provided to serve new subdivisions."

Section 48. Amending the Major Subdivision Standards for Bridges. Section 17-10-200(a) shall be deleted in its entirety and replaced with the following:

"Sec. 17-10-200(a) Bridges shall be designed by a registered engineer, be designed to prevent obstruction to a one-hundred-year flood, be designed so people may float the river in a raft during high water and pass safely under the bridge, and bridge design shall be subject to approval by the Town Engineer. The required federal and state permits shall be obtained for all bridges prior to construction. There shall be no culverts used as bridges over the Slate River or Coal Creek."

Section 49. Amending the Major Subdivision Standards for traffic impacts. Section 17-10-210 is hereby added and includes the following:

"Sec. 17-10-210. Traffic Impacts.

The anticipated traffic from a proposed subdivision shall not cause significant:

- (1) negative environmental impacts,
- (2) negative noise,
- (3) traffic delays, or
- (4) negative increases in traffic volume on existing portions of Town streets or on major arterial roads."

Section 50. Amending the Major Subdivision Standards for Trails, Walkways, and Sidewalks. Division 2 of Article 10 of Chapter 17 is hereby deleted in its entirety and replaced with the following:

*"Division 2
Standards for Trails*

Sec. 17-10-310. Trail requirements.

It is the policy of the Town to require bicycle and pedestrian trails to be dedicated to the Town as a component of the Town's alternative transportation network and to provide recreational opportunities. Subdivision proposals shall include, as a component of the required public improvements, a pedestrian and bicycle trail system designed to integrate with existing trails within three (3) miles of the Town limits, integrate with existing improvements and provide service appropriate to the character of trails within three (3) miles of the Town limits.

Sec. 17-10-320. Compliance with trail plans.

The subdivider shall dedicate to the Town those portions of the trails, if any, shown on the Crested Butte Trail Plan which is located at the end of the Transportation Policies in the Area Plan and/or generally described in the Town of Crested Butte Parks and Recreation Regional Master Plan and/or generally described in the Gunnison County Trails Master Plan, 2010, as amended, which traverse the subdivision. The Town may accept reasonable alternative trail alignments and dedications proposed by the subdivider which will implement the trail plans and policies.

Sec. 17-10-330. Relationship to other land dedication requirements.

Land dedicated for a trail shall apply toward the subdivider's trail dedication requirements under Section 17-5-90 of this Chapter. Trails shall be dedicated to the Town unless they traverse open lands that will remain in private ownership. In such cases, permanent easements shall be provided for the trails in the name of the Town. Land area for sidewalks adjacent to streets for internal pedestrian circulation, shall not be credited toward the trail or open land requirements.

Sec. 17-10-340. Location requirements.

To fulfill the trail dedication requirements of Section 17-5-90, the subdivider shall dedicate trails to the Town, or provide trail easements outside the subdivision, which are reasonably necessary or convenient to the subdivision, including the following:

(1) Trails within three miles of Town which are identified or described in the following documents:

- a. the Crested Butte Trail Plan in the Area Plan,
- b. more generally described in the Town of Crested Butte Parks and Recreation Regional Master Plan, or
- c. more generally described in the Gunnison County Trails Master Plan, 2010, as amended.

(2) Trails that provide reasonable access to schools, shopping areas, parks, trails, open land and other public areas.

(3) Trail easements through open land areas that take advantage of the visual qualities of the area and that are designed to be an alternative to vehicular traffic.

(4) Trails that provide access to public lands.

(5) Trails along rivers, lakes or wetlands, shall be outside the wetland and other water feature buffer and shall comply with the requirements of Sec. 17-8-90(b)(6). Short trails that cross a wetland or river/stream on a bridge or boardwalk may be approved by the Planning Commission.

(6) Trails that create unsafe road crossings shall be avoided. Special structures and/or traffic control devices may be required at road crossings for safety.

(7) Trails may be within a subdivision, or within three miles of town.

Sec. 17-10-350. Design requirements.

(a) Separation between vehicular traffic ways and trails is required unless topography or other physical constraints necessitate a trail parallel to and near a traffic way. The minimum distance between vehicular rights-of-way and trails shall be twenty (20) feet.

(b) The type of construction for trails and walkways shall be compatible with the anticipated use.

(c) The traveled portion of improved, hard surfaced trails shall be the same width as existing trails they connect with or shall be no less than six (6) feet wide and no more than 10 feet wide, if they do not connect with existing trails, unless the terrain

necessitates more width for safety purposes, or as approved by the Planning Commission considering proposed uses, location, and terrain.

(e) The traveled portion of natural surfaced trails shall be the same width as existing trails they connect with or shall be two (2) feet to three (3) feet wide, unless the terrain necessitates more width for safety purposes, or as approved by the Planning Commission considering proposed uses, location, and terrain.

(d) Easements for trails and trail rights-of-way shall be dedicated to the Town and shall be at least fifteen (15) feet wide when they are located outside otherwise dedicated public land. Easements over 8% gradient shall be wide enough, as determined by the Planning Commission with the help of the Crested Butte Mountain Bike Association, to accommodate switchbacks and maintain a grade of 8% or less.

(e) Grades should be kept below five percent (5%) wherever possible, and should not exceed ten percent (10%) for sections of trail exceeding fifty (50) feet in length. The absolute maximum shall be twelve percent (12%) for sections of trail less than fifty (50) feet long, subject to approval of the Planning Commission. When long grades steeper than seven percent (7%) are unavoidable, consideration should be given to providing level stretches on which the user can rest or curves in the trail to make the grade less steep.

(f) Trails shall avoid all willows and indigenous shrubs larger than three (3) feet in diameter measured at the widest point of the canopy or crown and shall avoid or go around all trees with a trunk diameter of six (6) inches or more measured four and one-half (4½) feet above the ground. Trails shall avoid rocks larger than four (4) feet in diameter and other natural features. Trails shall go around such vegetation and natural features to create interesting, winding ways. Where necessary, trails shall be built by hand to preserve such vegetation or other natural features.

Sec. 17-10-360. Trail construction.

The subdivider shall construct trails proposed within the subdivision."

Section 51. Amending Chapter 17, Article 10 by adding Division 3 regarding sidewalks. Chapter 17, Article 10 of the Town Code is hereby amended by the addition of Division 3 which states the following:

"Division 3
Sidewalks

Sec. 17-10-410. Sidewalks.

(a) Sidewalks shall be provided for reasonable access to magnet amenities such as schools, shopping areas, parks, trails, open land and other public areas.

(b) Sidewalks shall be required in all commercial or business zone districts on the side of the street where the commercial or business zone is located.

(c) Sidewalks do not contribute to the trails required in Section 17-5-90.

(d) Sidewalks shall be six (6) to ten (10) feet wide, as determined by the Planning Commission. Typically, sidewalks in residential areas are narrower and sidewalks along arterial streets or commercial areas are wider. If a sidewalk will extend an existing sidewalk, the new sidewalk will be the same width as the existing sidewalk.

(e) Because sidewalks are considered part of the infrastructure in Crested Butte, they shall be constructed by the subdivider with all other infrastructure constructed by the subdivider."

Section 52. Amending the design criteria for water supplies. Section 17-11-320 is hereby deleted in its entirety and replaced with the following:

"Sec. 17-11-320. Design.

The internal water distribution system of each subdivision shall be designed and sized hydraulically to meet the initial and future demands of the subdivision and shall comply with the Town design criteria found in *Public Works Criteria for Design and Construction: Earthwork, Sewer, and Water, March 2009*, as amended, and shall be approved by the Public Works Director and the Town engineer."

Section 53. Amending criteria for average daily demand for water. Section 17-11-370 is deleted in its entirety and replaced with the following:

"Sec. 17-11-370. Average daily demand.

(a) Sufficient supply for the average daily demand of a subdivision is based upon three hundred (300) gallons per day (gpd) per residential unit or one hundred (100) gpd per capita, whichever is greater.

(b) For business and commercial uses, the quantity will be reviewed and established based on the anticipated demand of the uses. Appropriate multipliers may be utilized in calculating this amount.

(c) Minimum water for irrigation uses should be supplied from sources other than the central treated water system, and quantities will be based on eight hundred sixty (860) cubic feet per day per acre. Required irrigation quantities may be higher if for ball fields in a park or school yard and other areas receiving high usage. If a separate irrigation system will not be used, then the average daily demand should be increased for each unit based on the eight hundred sixty (860) cubic feet per day per acre figure and the proposed tract or parcel sizes.

(d) If estimates of water supply provided to satisfy Sec. 17-5-50(15)n. vary from the above numbers, the subdivider may propose such estimates and the Town may evaluate such estimates however, nothing herein shall obligate the Town to accept alternative estimates."

Section 54. Adding criteria for a lawn, park and garden irrigation water supply system. Section 17-11 is hereby amended by the addition of the following:

"Sec. 17-11-411. Irrigation Water Supply.

A second water supply system shall be provided for lawn, park and garden irrigation throughout the subdivision. It shall be sized to adequately meet the irrigation

requirements of all lawns, parks and gardens proposed or anticipated, in the subdivision so treated water will not be used for such uses. The source of this second water supply will be non-treated water and may be irrigation water formerly associated with the site, but shall not be transferred water which results in the drying up of irrigated agricultural land in the Middle Slate River Valley as defined in the Area Plan. The Town may also require that land for storage be provided, if the water source cannot irrigate all lawns, parks and garden spaces without storage. Land for water storage should be located so that water pressure is maintained by gravity. The quality of irrigation water, shall be adequate for all irrigation uses proposed, as determined by the Town."

Section 55. Adding criteria for land for water storage and treatment. Section 17-11 is hereby amended by the addition of the following:

"Sec. 17-11-420. Land for water storage and treatment

Unless otherwise agreed to by the Town's engineer and the Public Works Director, land for water storage and treatment shall be provided by the subdivider to provide space for water storage for the subdivision and redundant water storage for the whole system. The amount and location of the land shall be proposed by the Subdivider's engineer and reviewed by the Town engineer and approved by the Planning Commission. Land for water storage should be located so that water pressure is maintained by gravity. Such land shall be counted as part of the required land for Town public facilities."

Section 56. Amending the Wetland Functional Analysis Article of Chapter 17. Article 13 of Chapter 17 is hereby deleted in its entirety and replaced with the following:

"ARTICLE 16

Wetland Functional Analysis

Sec. 17-16-10. Description of functions.

The information contained in this Article is a brief description of wetland functions commonly found in the Crested Butte Region and of how each function shall be evaluated in the field. Typically, wetland functional analysis is determined while the wetlands are being delineated. The wetland functional analysis shall be determined during the growing season, as defined in the definitions.

Each of the seven functions listed below shall be evaluated in the field and rated using a two-scale system. The first scale ranks the intensity from 1 to 3 with which the function is performed by the wetland in its current condition. A rating of 1 indicates that the function is not being performed. A rating of 2 indicates that the function is performed to a low to moderate degree. A rating of 3 indicates that the function is being performed to a high degree.

The second scale ranks the confidence (from a to c) that the evaluator has in the rating given with the first scale. A rating of "a" means the evaluator is confident of the intensity rating given for the function. A rating of "b" means that the evaluator is relatively certain and a rating of "c" means that the evaluator has great uncertainty in the rating. Increased certainty often arises from direct observation of the function being performed. For example, a wetland that contains fish habitat where a native minnow species was observed might receive a rating of 2a (habitat of low to moderate value with

certainty that the habitat exists), whereas if no fish were observed, the same site would receive a 2b or 2c since there is uncertainty whether the fish are present.

Brief field notes and the ratings for each of the functions shall be recorded on the functional analysis data form (See Sec. 17-16-90). The data form and a brief summary of why the ratings were given shall be included in the Wetland Delineation Report (see Section 17-5-30 Sketch Plan Submittals).

Sec. 17-16-20. Groundwater discharge.

This function involves the movement of ground water to the ground surface. It is difficult to determine whether this function is occurring unless it is seen or measured, or unless a peatland is present. Peatlands always indicate ground water discharge in Colorado and equate to this function being performed to a high degree (unless the site has been drained or otherwise impaired hydrologically). Other indicators of this function include an unrestricted outlet, the wetland is situated low in the watershed, there is a dam upstream, and/or the site has diverse lithology (different bedrock types, some of which may be water bearing).

Sec. 17-16-30. Flood storage.

Flood storage is the process by which peak flows (from runoff, surface flow, groundwater flow and discharge and precipitation) enter a wetland basin and are delayed in their downslope journey. This function includes flood desynchronization, which involves the simultaneous storage of peak flows in numerous basins within a watershed and their subsequent gradual release in a non-simultaneous, staggered manner. A wetland that has good flood storage typically has one or more of the following characteristics:

- (1) Occurs in a large watershed
- (2) Occurs along a first or second order (very small) stream
- (3) Its size greatly increases during periods of flooding
- (4) Is located in a large and deep basin with a low-gradient
- (5) Contains soils that are not permanently saturated
- (6) Is located high above ground and/or below ground storage with no outlet
- (7) Dense vegetation.

A wetland that would perform this function to a high degree would likely occupy a large and broad, low-gradient basin. Wetlands that would not perform this function well would be those containing channelized stretches of streams, numerous irrigation ditches or canals.

Sec. 17-16-40. Sediment retention.

Sediment retention or trapping is the process by which inorganic particulate matter of any size is retained and deposited within a wetland or its basin. This function may be performed over the short-term or long-term. Wetlands that perform this function to a high degree typically have the following characteristics: no outlet, surface water input exceeds surface water output, dense vegetation, gently sloping wetland edges, and a wide floodplain. These wetlands often have surface deposits of sediment from deposition.

Sec. 17-16-50. Shoreline anchoring.

Shoreline anchoring is the stabilization of soil at the water's edge or in shallow water by plant species with fibrous roots. Stabilization may include long term accretion of

sediment. This function only applies to wetlands that are situated along open water (lakes and streams). Rating this function is done under the assumption that vegetation density, vegetation type, and wetland width are important predictors. Wetlands along streams that are dominated by woody vegetation, where the stream bottom is largely covered by fibrous roots, provide this function to a high degree.

Sec. 17-16-60. Water quality improvement.

This function relates to water quality improvements as a result of nutrient retention and removal associated with biogeochemical processes. Excessive nutrient retention is the storing of nutrients within the substrate and vegetation of wetlands. Nutrient removal is the purging of nitrogen nutrients by conversion to gas (denitrification). Nutrient retention usually involves trapping runoff borne nutrients in wetlands before they are carried downstream or into underlying aquifers. This nutrient storage may be over the long-term (greater than 5 years) or short-term (30 days to 5 years).

The most critical nutrients for retention in aquatic ecosystems and removal are nitrogen and phosphorus compounds, although other nutrients may also be important. Wetlands that perform the water quality improvement function over the long-term typically have the following characteristics:

- (1) Ability to trap large amounts of sediments (which often contain nutrients)
- (2) Presence of accumulated organic matter (debris)
- (3) No outlet and/or flooded permanently or semi permanently. This creates reducing soil conditions by supporting active populations of denitrification bacteria and minimizing the oxidation of organics (which facilitates peat accumulation).

Wetlands with a high-rated long-term water quality improvement function would be those with high sediment retention and/or those with highly productive vegetation containing organic soils that are permanently saturated (peatland). Many wetlands located in urban and industrial areas would also perform this function well.

Wetlands that perform the water quality improvement function over the short-term typically have the following characteristics:

- (1) High net biological productivity
- (2) Good sediment retention
- (3) Non-acid soils
- (4) Occur in watersheds that are highly developed, including those in urban, industrial, and/or agricultural areas that have eroding soils and/or where fertilizer is applied

An example of a wetland that performs the water quality improvement function to a high degree over the short-term is one with extremely productive vegetation and permanently saturated soils. Most densely vegetated marsh stands would meet these criteria. A wetland that would not perform this function well would have very sparse vegetation, little sediment retention, and a steep slope which would keep sediment moving.

Sec. 17-16-70. Wildlife habitat in wetlands.

(a) Wildlife habitat is defined as those physical and chemical factors which affect the metabolism, attachment, and predator avoidance of adult and/or larval forms of both aquatic and terrestrial wildlife, and provide food and cover needs in the place where they

reside. These factors determine the suitability of a given site for an animal species. A wetland's physical and chemical characteristics that are good for one species are not necessarily good for another species. However, there are several indicators of good habitat for animals in general. Good terrestrial wildlife habitat can be anticipated if a wetland has some of the following characteristics:

- (1) Good edge ratio
- (2) Contains islands
- (3) High plant diversity
- (4) Some (but not excessive) alkalinity
- (5) Sinuous and irregular wetland basin
- (6) Basin and wetland area that are not small
- (7) Gentle gradient
- (8) No artificial water level fluctuations
- (9) Not moss dominated
- (10) A pH that exceeds 6.0
- (11) Contains some open water
- (12) Not urban
- (13) No deep water
- (14) Not channelized or farmed
- (15) Relatively undisturbed by humans
- (16) Good food sources

(b) Good aquatic wildlife habitat can be anticipated if the wetland has some of the following characteristics:

- (1) Some open water that is not too shallow
- (2) Not acidic
- (3) Not turbid
- (4) No barriers to migration
- (5) No oxygen stagnation
- (6) No artificial fluctuations
- (7) Not oligotrophic (nutrient poor)
- (8) Does not experience flashy flows
- (9) Cool water temperatures with some shade

An example of a wetland that would provide high quality wildlife habitat would be one that supports diverse and productive vegetation, has some open water, is relatively undisturbed, and provides some isolation from human activities.

Sec. 17-16-80. Aquatic food chain support.

Food chain support is the export of organic matter produced in a wetland to a stream, lake, or other water feature where the energy and nutrients in that organic matter are utilized by animals inhabiting the aquatic environment. Food chain support may occur within a wetland basin or in downstream habitats.

(1) Wetlands that perform within basin food chain support to a high degree typically have the following characteristics:

- a. No stagnant water
- b. Highly productive vegetation
- c. Irregularly shaped with no outlet
- d. Not entirely shallow with warm water in the summer (limited shading)
- e. Good mixing of the water

(2) Wetlands that perform downstream food chain support to a high degree typically have the following characteristics:

- a. An outlet
- b. Non-acidic waters
- c. Not a sandy substrate
- d. Not permanently flooded
- e. Dense and diverse vegetation with high sustained productivity
- f. Not hypersaline
- g. Good flushing flows
- h. Vegetation overhanging the water"

Section 57 Adding the Wetland Functional Analysis Data Form to Article 16. The wetland Functional Analysis Data Form attached hereto in Exhibit A is added to Chapter 16 as Section 17-16-90.

Section 58. Adding the model Subdivision Cost and Expense Reimbursement Agreement to Appendix Q. The model Subdivision Cost and Expense Reimbursement Agreement form attached hereto in Exhibit B is added to Appendix Q.

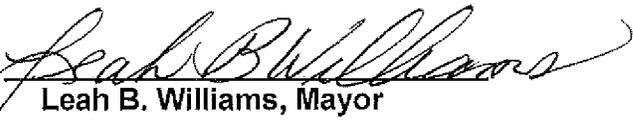
Section 59. Severability. If any section, sentence, clause, phrase, word or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions 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 60. Savings Clause. Except as hereby amended, the Town Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this Ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 6th DAY OF SEPTEMBER, 2011.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 19th DAY OF SEPTEMBER, 2011.

TOWN OF CRESTED BUTTE, COLORADO

By: 
Leah B. Williams, Mayor

ATTEST:

Eileen Hughes

Eileen Hughes, Town Clerk

(SEAL)



Project Name/Location:		Date:
Evaluator(s):		Wetland Identifier:
Instructions: Check the observed or assumed indicators of each function and provide ratings. Include other indicators and detailed notes as appropriate. Refer to Article 13 of the Subdivision Regulations for more information.		
<p>Ground Water Discharge</p> <input type="checkbox"/> Organic soils <input type="checkbox"/> Unrestricted outlet <input type="checkbox"/> Low in the watershed <input type="checkbox"/> Dam upstream <input type="checkbox"/> Diverse lithology <input type="checkbox"/> Other indicators:	<p>Sediment Retention</p> <input type="checkbox"/> No outlet <input type="checkbox"/> Surface water input exceeds output <input type="checkbox"/> Dense vegetation <input type="checkbox"/> Gently sloping wetland edges <input type="checkbox"/> Wide flood plain <input type="checkbox"/> Sediment deposits <input type="checkbox"/> Other indicators:	<p>Wildlife Habitat</p> <p>Terrestrial</p> <input type="checkbox"/> Good edge ratio <input type="checkbox"/> Contains islands <input type="checkbox"/> High plant diversity <input type="checkbox"/> Some (but not excessive) alkalinity <input type="checkbox"/> Sinuous and irregular wetland basin <input type="checkbox"/> Basin and wetland area that are not small <input type="checkbox"/> Gentle gradient <input type="checkbox"/> No artificial water level fluctuations <input type="checkbox"/> Not moss dominated <input type="checkbox"/> A pH that exceeds 6.0 <input type="checkbox"/> Contains some open water <input type="checkbox"/> Not urban <input type="checkbox"/> No deep water <input type="checkbox"/> Not channelized or farmed <input type="checkbox"/> Relatively undisturbed by humans <input type="checkbox"/> Good food sources <input type="checkbox"/> Other indicators:
<p>Intensity Rating (1-3): Confidence Rating (a-c): Notes:</p>	<p>Intensity Rating (1-3): Confidence Rating (a-c): Notes:</p>	<p>Intensity Rating (1-3): Confidence Rating (a-c): Notes:</p>
<p>Flood Storage</p> <input type="checkbox"/> Large watershed <input type="checkbox"/> 1st or 2nd order stream <input type="checkbox"/> Wetland size greatly enlarged during flooding <input type="checkbox"/> Large and deep wetland basin <input type="checkbox"/> Low-gradient wetland basin <input type="checkbox"/> Not permanently saturated <input type="checkbox"/> High storage capacity with no outlet <input type="checkbox"/> Dense vegetation <input type="checkbox"/> Other indicators:	<p>Shore Line Anchoring</p> <input type="checkbox"/> Along stream, pond, or other open water <input type="checkbox"/> Dominated by woody vegetation <input type="checkbox"/> Other indicators:	<p>Aquatic</p> <input type="checkbox"/> Some open water that is not too shallow <input type="checkbox"/> Not acidic <input type="checkbox"/> Not turbid <input type="checkbox"/> No barriers to migration <input type="checkbox"/> No oxygen stagnation <input type="checkbox"/> No artificial water level fluctuations <input type="checkbox"/> Not oligotrophic (nutrient poor) <input type="checkbox"/> No flashy flows <input type="checkbox"/> Cool water temperatures with some shade <input type="checkbox"/> Other indicators:
<p>Intensity Rating (1-3): Confidence Rating (a-c): Notes:</p>	<p>Intensity Rating (1-3): Confidence Rating (a-c): Notes:</p>	<p>Intensity Rating (1-3): Confidence Rating (a-c): Notes:</p>
<p>General Notes:</p>	<p>Water Quality Improvement</p> <p>Long-Term</p> <input type="checkbox"/> Ability to trap sediments <input type="checkbox"/> Accumulated organic matter (debris) <input type="checkbox"/> No outlet <input type="checkbox"/> Flooded permanently or semi-permanently <input type="checkbox"/> Other indicators:	<p>Aquatic Food Chain Support</p> <p>Within Basin</p> <input type="checkbox"/> No stagnant water <input type="checkbox"/> Highly productive vegetation <input type="checkbox"/> Irregularly shaped wetland basin with no outlet <input type="checkbox"/> Not entirely shallow with warm water <input type="checkbox"/> Good mixing of the water <input type="checkbox"/> Other indicators:
	<p>Short-Term</p> <input type="checkbox"/> High net biological productivity <input type="checkbox"/> Good sediment retention <input type="checkbox"/> Non-acid soils <input type="checkbox"/> Developed watershed <input type="checkbox"/> Other indicators:	<p>Downstream</p> <input type="checkbox"/> An outlet <input type="checkbox"/> Non-acidic waters <input type="checkbox"/> Not a sandy substrate <input type="checkbox"/> Not permanently flooded <input type="checkbox"/> Dense, diverse and productive vegetation <input type="checkbox"/> Not hypersaline <input type="checkbox"/> Good flushing flows <input type="checkbox"/> Vegetation overhanging the water <input type="checkbox"/> Other indicators:
	<p>Intensity Rating (1-3): Confidence Rating (a-c): Notes:</p>	<p>Intensity Rating (1-3): Confidence Rating (a-c): Notes:</p>
<p>Intensity Rating Guidelines 1 = function not performed 2 = function performed to a low/moderate degree 3 = function performed to a high degree Confidence Rating Guidelines: a = confident in the intensity rating (observed) b = relatively certain in the intensity rating c = certain in the intensity rating</p>		

Exhibit B
Appendix Q

REIMBURSEMENT AGREEMENT
(Subdivision review)

The undersigned ("**Applicant**") has applied ("**Application**") to the Town of Crested Butte ("**Town**"), a Colorado home rule municipality, for approval of a proposed subdivision for that certain property legally described as _____ ("**Property**") pursuant to the requirements of the Town Code ("**Project**"). Applicant acknowledges and agrees that in consideration for the Town processing, reviewing and prosecuting the Application and the Project, Applicant shall make the following payments to the Town and agrees as follows:

1. **Fees, Costs and Expenses.** Applicant shall pay all fees, costs and expenses whatsoever, including, without limitation, all such fees, costs and expenses in connection with any legal publications, notices, filings, reproduction of materials, public hearings, recording of documents, engineering, attorney services, consultant services, administrative time of Town staff, security, permits and easements, in connection with the Application and the Project, either directly or indirectly, whether incurred prior to Applicant's execution of this Agreement or after the completion of the Project.

2. **Payment.** Any and all bills for said costs and expenses are due and payable to the Town as follows: (i) all accounts are due net fifteen (15) days from the date of the bill; and (ii) interest on any overdue amounts shall be assessed and paid by Applicant at the rate of 1.5% percent per month from the date due until paid.

3. **Deposit.** Simultaneously with execution hereof, Applicant shall place on deposit with the Town _____ Dollars (\$ _____) ("**Deposit**"). The Deposit shall be placed by the Town in a non interest bearing account at a local financial institution. Said Deposit shall secure Applicant's payment to the Town of all costs and expenses described in Section 1 hereof. The Town may draw upon such Deposit, upon delivery of written notice to Applicant, in the event that the Applicant fails to pay to the Town any amounts billed to the Applicant within said fifteen (15)-day period of the date of said bill. In the event that the Town draws upon said Deposit, the Applicant shall replace the funds withdrawn therefrom within five (5) business days. At the conclusion of the Project, and after all actions have been taken by the Town and Applicant in connection with the Project, and all costs and expenses associated therewith having been paid to the Town, the Town shall refund the remaining Deposit funds, if any, to Applicant within a reasonable time thereafter.

4. **Breach.** In the event of a breach of any of the terms and conditions of this Agreement by Applicant, the Town may take any action necessary or appropriate and permitted by law or equity, including, but not limited to: (i) an immediate suspension of the processing, reviewing and prosecuting of the Application and the Project including, without limitation, the cancellation of any scheduled hearings; (ii) the refusal to issue any building permit or certificate of occupancy associated with the Property; (iii) the

recording with the County Clerk and Recorder of an affidavit approved in writing by the Town Attorney and executed by the Town Manager stating that the terms and conditions of this Agreement have been breached; (iv) a demand or draw for payment on any performance guarantee for completion of public improvements by any owner of the Property; (v) refusal to allow further development review for the Property and the Project; (vi) a draw upon the Deposit; and (vii) any other remedy available at law or in equity including claims for damages or injunctive relief. In the event of and breach by Applicant, Applicant shall be responsible for all attorneys' fees, costs and expenses associated therewith.

5. **Continuing Obligation.** Applicant's obligation to pay the costs and expenses provided for in this Agreement shall exist and continue independent of whether the Application, or any part thereof, is approved, approved with conditions, denied, withdrawn or terminated by the Town or the Applicant prior to a final decision in the process.

6. **Termination by Applicant.** Applicant may terminate the Application at any time by giving written notice to the Town. The Town shall take all reasonable steps necessary to terminate the accrual of costs to Applicant and file such notices as are required by the Town's requirements. The Applicant shall be liable for all costs incurred by the Town in terminating the processing of the Application.

7. **No Representations.** Applicant acknowledges and agrees that the Town in no way guarantees, assures or otherwise represents to Applicant that either the Application filed by Applicant or the Project will be granted and makes no representation concerning the timing of the review thereof.

8. **Binding Obligation.** Applicant agrees and acknowledges that this Agreement shall be a continuing obligation which will run with the land and be binding on Applicant and any future owners of the land, and will include the obligation to reimburse the Town for any and all costs associated with the Project incurred by the Town, including, without limitation, (i) participation in any litigation or depositions, whether the Town is a party or not associated with the Property or any approvals granted with regard to the Property; (ii) counseling and advice associated with any potential amendments to approvals or compliance or lack of compliance with any approvals; and (iii) any actual costs directly associated with the Property and the Project incurred by the Town.

9. **Warranty.** Applicant represents and warrants that the lien or encumbrance created by the obligations contained in this Agreement shall be superior to any deed of trust or other lien.

10. **Indemnification.** Applicant shall indemnify, defend and hold harmless the Town and any of its elected, officers, employees, agents, independent contractors, insurers, insurance pools, attorneys and consultants from and against any and all damages and other obligations or liabilities, costs and expenses (including reasonable attorneys' fees) incurred by the same in connection with Applicants actions or failure to act

stemming from the transactions contemplated under this Agreement.

11. **Severability.** If any provisions of the Agreement shall be determined to be void by any court of competent jurisdiction, such determination shall not effect any other provisions hereof, all of which other provisions shall remain in full force and effect. It is the intention of the parties hereto that if any provision of this Agreement is capable of two constructions, one of which would render the provisions void and the other which renders the provisions valid, then the provision shall have the meaning which renders it valid.

12. **Collection.** In the event the Town is finds it necessary to pursue collection of any amounts due and unpaid under this Agreement, it shall be entitled to collect attorneys' fees and all costs and expenses reasonably incurred in said collection efforts in addition to the amounts due and unpaid hereunder.

13. **Venue.** Venue in any dispute in connection with this Agreement shall be the District Court for the County of Gunnison, State of Colorado. By executing this Agreement, Applicant submits to the personal jurisdiction of the state courts of the State of Colorado.

14. **Counterparts.** This Agreement may be executed in several counterparts and, after execution and as executed, shall constitute an agreement binding on all of the parties, notwithstanding that all of the parties are not signatory to the original or the same counterpart.

15. **Facsimile.** A facsimile, telecopy or other reproduction of this Agreement may be executed by the parties and shall be considered valid, binding and effective for all purposes.

16. **Memorandum of Record.** A memorandum of record of this Agreement may be recorded in the official real property record of the Clerk and Recorder of Gunnison County, State of Colorado.

Executed this day of _____, 20__.

[APPLICANT]

By: _____

TOWN OF CRESTED BUTTE,
a Colorado home rule municipality

By: _____
Susan R. Parker, Town Manager

ATTEST:

Eileen Hughes, Town Clerk

[SEAL]

APPROVED AS TO FORM:

By: John D. Belkin, Town Attorney