



Hunter Hill Road Inclusion Public Comments

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November 9, 2020

Mt. Crested Butte Water and Sanitation District
100 Gothic Rd
Mt. Crested Butte, CO 81225

To Mt. Crested Butte Water and Sanitation District Board of Directors:

The Town Council of the Town of Mt. Crested Butte, Colorado, requests that the Board deny the Petition for Inclusion into the MCBWSD filed by Hunter Ridge, LLC.

The Town recently denied annexation and subdivision of a project submitted for the subject property from the same applicant, primarily based on concerns regarding slope stability and lack of need for such a development at the time. The current project proposal contains an even higher density than that which was proposed to the Town. The proposed development represents an increase in density of 9 units, more than double that which was originally presented to the Town. The Council remains concerned about the previously explained issues for denial, as well as increased impacts on Town infrastructure.

Pursuant to Section 6.3.4 of the Inclusion Within Special District regulations, the District may waive the requirements of Section 6.3.4 if the property is not capable of being annexed to the Town. The council suggests that the property itself is capable of being annexed to the Town, however, that neither the project previously submitted for annexation, nor the project being processed through the County, is one the Town would be interested in annexing. To that end, the Town asks that the District not grant a waiver to the requirements of Section 6.3.4.

Sincerely,

Janet R. Farmer, Mayor

From: Harold Duble <hduble@aol.com>
Sent: Tuesday, November 24, 2020 10:05 AM
To: info@mcbwsd.com
Subject: Hunter Ridge

To Members of The Board of Directors

Mt. Crested Butte Water & Sanitation District

My name is Harold Duble. I have owned a Snow Castle Condo for approximately 25 years at #35 Castle Road in Mt. Crested Butte and spend a considerable amount of time there. My property is contiguous with the proposed Hunter Ridge development and I look out directly over that property.

Let me please have your attention for just a few minutes. The city of MCB made a mistake when they did not advance the application made by Mr. Watt to annex and develop Hunter Ridge. But that should not cause you to compound their mistake by making the additional mistake of amending article 6.3.4 to permit you to provide water and sewer service to Hunter Ridge. Article 6.3.4 prohibits you from providing service to a property that is outside of the city but is contiguous with the city limits of MCB. Hunter Ridge is not just contiguous it is surrounded by MCB. If you somehow change 6.3.4 to provide service it will result in the residents of Hunter Ridge having full water and sewer service. They will not have to abide by the laws and ordinances of MCB which surrounds it. They will be using the streets and roads of MCB to gain access to their property and they will pay no city taxes to MCB forever. This is exactly the situation that 6.3.4 was intended to prevent. So why are you even considering amending 6.3.4? Who is pushing you to do this? Obviously the developer is in favor of this. When MCB did not approve his plan as submitted he did not try to work with them to resolve their concerns. He went straight to the county with a new and different plan that more than doubled the density and profitability of Hunter Ridge. So this is a very big thing to him and it's obvious why he is pushing you to change 6.3.4 but who else is in favor of such a change? The neighbors around Hunter Ridge are against it. The city of MCB is against it and by the way they are your biggest customer. So who besides the developer are you trying to please by taking this action? I've not seen any official statement about this but I've heard it mentioned that perhaps this will make it easier for you to service your existing water and sewer lines that cross this property. You already have access to do this via existing easements and besides that I have never witnessed you having to do any work to your water and sewer lines on the property. If you have it has been very rare and should not be a pressing reason for you to take the drastic action of amending 6.3.4 so that it will not apply to Hunter Ridge which will result in all of the inequities mentioned above. You are apparently going to do this without even discussing it with the city of MCB and article 6.3.4 is very important to them.

So give some serious thought to this situation. If you make this change you will make a lot of people mad and unhappy with you. Article 6.3.4 has been in existence for many years and it was put there to prevent

exactly the situation you will cause by eliminating it or modifying it so that it does not apply to Hunter Ridge. Who is in favor of this besides the developer? Are members of the board pushing for this? Why? What's going on here?

Do the only right thing there is to do and withdraw your request or vote against it when you have the opportunity to do so.

Thanks for your consideration.

Harold Duble

From: Delrena Sides <dcsides@gmail.com>
Sent: Monday, November 30, 2020 3:32 PM
To: Info@mcbwsd.com
Cc: Sides Delrena; Jim Sides
Subject: Letter to MCBWSD

Dear Members of the Board of Directors, Mt. Crested Butte Water and Sanitation District,

My husband Jim and I have owned a unit at Snow Castle for over 20 yrs. It is beyond words to describe the gift of this in our lives.

We share with all our neighbors' voices and with Community Development Director Carlos Velado's letter; June/2019, representing the MTCB Town Council, sent to Gunnison Planning Commission to deny waiving regulation 6.3.4. Our neighbor Harold Duble has written a letter to your Board and we agree with his challenges.

This project has had problems from the very beginning. You know the story. We are especially frustrated that Gunnison Planning accepted Mr. Watts and partner's meager geology study to assess slope stability in this avalanche zone. He drilled holes deep enough to plant a tree in. This disregard for a professional assessment should have been a requirement! In fact, this serious oversight is worthy of a legal challenge.

This has been more like a political process than one based on scientific geological reasoning and on upholding the statutes and restrictions that guide MTCB and MCBWSD management.

What happens when Hunter Ridge residents ask for more water? I know they would pay for it. But will they also share in paying the salaries of your employees who use their time and energy to meet their requests? We are concerned that MTCB and MCBWSD do not receive a fair share of tax revenue to help support employees' salaries and other infrastructure needs.

- What guidelines are there for the in Lieu payments? Does Hunter Ridge just keep paying whether or not the lots are bought and built on?
- How does Hunter Ridge pay their share of using the services (EMS, firefighters, police, library, schools, roads, water supply and salaries that are provided to them by MTCB taxpayers?

It appears that Mr. Watts and his partner have maneuvered well in finding "Yes answers" to their wants and needs. If you approve inclusion, we will have a developed island in our midst that depends on our water and waste management services and all other community services. They are like guests on the mountain, but they end up staying. Will they be paying a fair share of tax money? Basically, we think that Gunnison is glad to be rid of this property. Glad that Mr. Watts and partner would develop it, and let MTCB and MCBWSD service their residents while they sit back and receive the greater share of tax, etc benefits. Is that so? Please do not waive 6.3.4!

Thank you for considering our concerns. We don't envy your responsibility to make this complex and important decision. The facts are known and the risks have been defined. Your decision will determine the future of MtCB.

Sincerely,
Delrena and Jim Sides
Snow Castle Condominium, Unit #1

From: Craig Caukin <ccaukin@nonprimeresource.com>
Sent: Friday, November 27, 2020 6:54 PM
To: info@mcbwsd.com
Subject: Hunter Ridge Development
Attachments: 11.4.20 Hunter Ridge 2019 ltr Comments Mt CB 2 (2).pdf

To whom it may concern:

I am significantly opposed to the proposed subdivision named Hunter Ridge LLC. I have owned my West Elk 11 condominium on Castle Road since 1996. The road will be compromised should this subdivision be completed. Hunter Ridge owners have asked for an easement to access the proposed subdivision from the end of Castle Road. The road was not built for this traffic. Also, the site is not desirable for anyone to live. It is steep, no trees with drainage issues, access issues and the developers have not shown the expertise or experience to build on this type of site.

Please take this very seriously. The Town of Mt. Crested Butte sent a Letter on June 11, 2019 to Cathie Pagano, Director Community and Economic Development, Gunnison County Planning Commission, denying the development because of 7 serious concerns. I have attached the Letter for your recollection. It is a damning Letter and needs to be taken seriously. I ask why you, our Water and Sanitation District, has not honored and paid attention to this Letter while considering services to this property?

A few things to take into account in your fiduciary responsibility, which you will be held accountable for:


- the inclusion requirement to the annexation to Mt. CB has not been met. Hunter Ridge will not even be in compliance with Mt. CB rules and regulations. Looks to me like you will be exposed here.
- can you ensure water capacity for a development that is not only approved by the Town but hurting other Town residents. Looks to me like you will be exposed here as well.
- it is not clear that the Overlook has given the permission/easement to the subdivision for sewers. If not in hand at the meeting, I would say you are exposed here.

The owners of Hunter Ridge have already contacted property owners at the end of Castle Road to grant an easement so that they can access their property from there. This isn't ok. Put yourselves in our position. Hunter Ridge is simply trying to get around significant rules, regulations and decency to build their out-of-place subdivision. Please put a stop to this and do the right thing. What if you lived here?

Regards,
Craig Caukin
303 817 9875

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

Memorandum

Date: June 11, 2019
To: Cathie Pagano, Director Community and Economic Development 
From: Carlos L. Velado, Community Development Director
Subject: Mt. Crested Butte Hunter Ridge Subdivision Sketch Plan Referral Comments

Thank you for the opportunity to comment on the Hunter Ridge Subdivision Sketch Plan Application. On June 19, 2018 The Mt Crested Butte Town Council denied the Subdivision Plan Sketch Plan Application submitted by Hunter Ridge, LLC by a vote of 6-1. There also was an annexation application submitted to the Town but since annexation approval was contingent upon subdivision approval, the Annexation Application was essentially terminated by the Council's denial of the subdivision sketch plan. The Council's concerns that led to the denial included slope stability, the lack of demonstrated need for the additional lots given the current inventory, and compliance with specific aspects of the Town's Community Plan. It was stated that the proposed development did not address the following requirements of the Community Plan:

- 1) Foster a distinctive, attractive community with a strong sense of place.
- 2) Foster a well-balanced community through integrated design that promotes economic diversity, transit, and pedestrian-friendly lifestyles, and the mixing of people from different backgrounds.
- 3) Encourage land use to occur in such a way that it protects and enhances the existing physical and natural environment.
- 4) Provided for a "critical mass" of permanent local residents by providing quality community housing integrated into the larger community and by creating a range of housing opportunities and choices.

The plan submitted to the County is also materially different than the one that was denied by the Town. The new application has more than double the density than was proposed to the Town. The new plan has 16 units which is comprised of 4 multi-family (triplexes) and 4 single family units. The plan submitted to the Town was for 7 single family units. The access has also changed. The Plan submitted to the Town had access from Castle Rd while the new plan comes from Hunter Hill Rd. I have attached the land use plan that was submitted to the Town for reference.

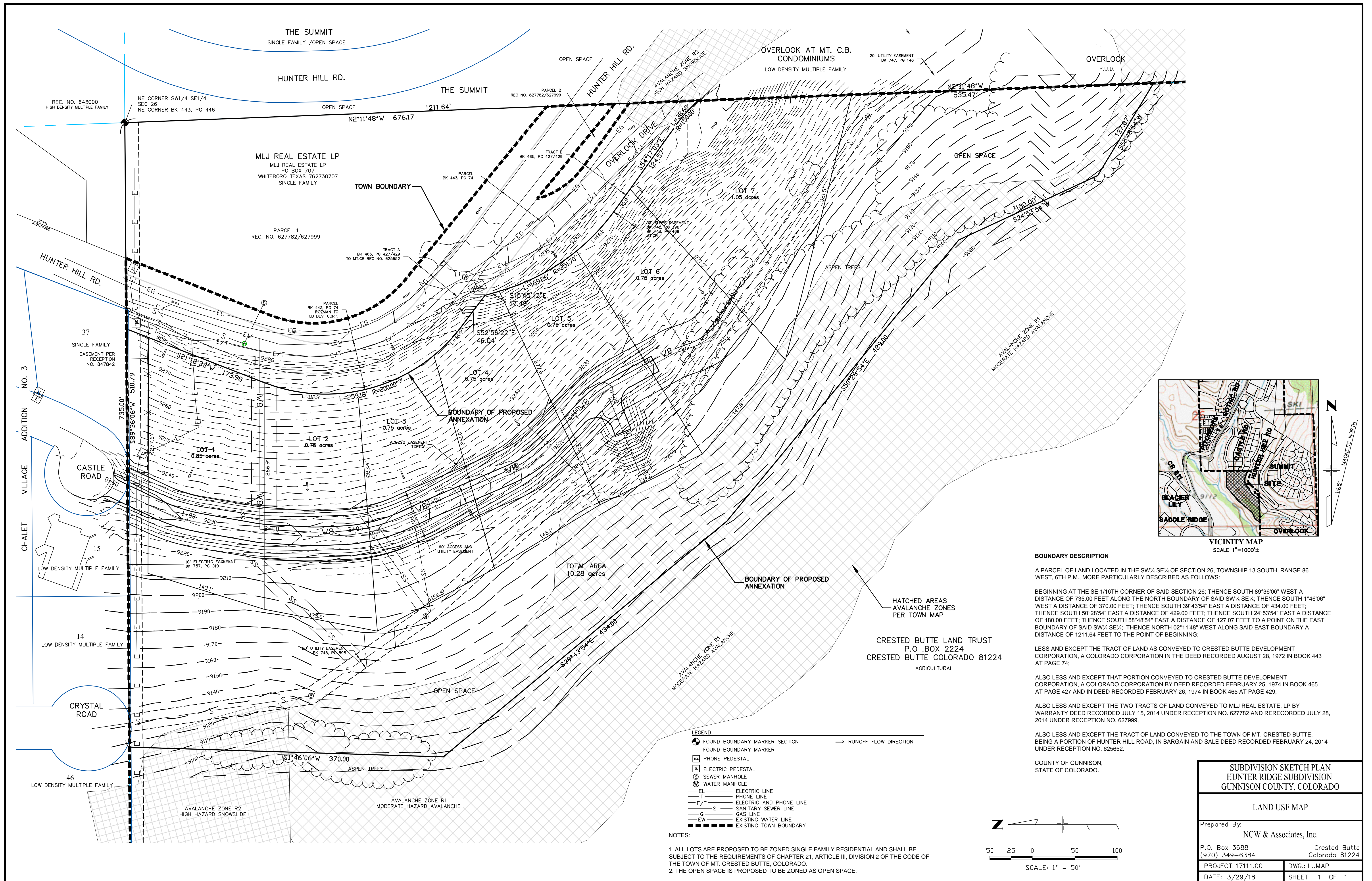
The Mt. Crested Butte Town Council has reviewed the subdivision sketch plan and voted 5-0 to have the following comments forwarded to the Gunnison County Planning Commission:

The Mt. Crested Butte Town Council requests that the Hunter Ridge Major Impact Land Use Sketch Plan Application Located at 45 Hunter Hill Road Submitted by Hunter Ridge, LLC to be denied by the County for the following reasons:

- *The project is within our 3 Mile Plan and if the property were developed, the Town would prefer it to be within our Town Boundaries;*
- *The previous plan did not demonstrate need due to the current inventory in Town and the current proposed development does not either;*
- *The proposed application does not meet the principals of the continuity of the Town;*
- *Reasons for the Town Council's denial of the previous project were well documented;*
- *Concerns still persist about the geology at the project;*
- *The proposed sizes of the structures are inconsistent with Mt. Crested Butte's permitted maximum square footage; and*
- *The previous Town Council denied the previous sketch plan 6-1.*

The Mt Crested Butte Planning Commission also reviewed the application and had no comment at this time.





BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SW 1/4 SE 1/4 OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 88 WEST, 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE 1/16TH CORNER OF SAID SECTION 26; THENCE SOUTH 89°36'06" WEST A DISTANCE OF 735.00 FEET ALONG THE NORTH BOUNDARY OF SAID SW 1/4 SE 1/4; THENCE SOUTH 1°46'06" WEST A DISTANCE OF 370.00 FEET; THENCE SOUTH 39°43'54" EAST A DISTANCE OF 434.00 FEET; THENCE SOUTH 50°28'54" EAST A DISTANCE OF 429.00 FEET; THENCE SOUTH 24°53'54" EAST A DISTANCE OF 180.00 FEET; THENCE SOUTH 58°48'54" EAST A DISTANCE OF 127.07 FEET TO A POINT ON THE EAST BOUNDARY OF SAID SW 1/4 SE 1/4; THENCE NORTH 02°11'48" WEST ALONG SAID EAST BOUNDARY A DISTANCE OF 1211.64 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE TRACT OF LAND AS CONVEYED TO CRESTED BUTTE DEVELOPMENT CORPORATION, A COLORADO CORPORATION IN THE DEED RECORDED AUGUST 28, 1972 IN BOOK 443 AT PAGE 74;

ALSO LESS AND EXCEPT THAT PORTION CONVEYED TO CRESTED BUTTE DEVELOPMENT CORPORATION, A COLORADO CORPORATION BY DEED RECORDED FEBRUARY 25, 1974 IN BOOK 465 AT PAGE 427 AND IN DEED RECORDED FEBRUARY 26, 1974 IN BOOK 465 AT PAGE 429.

ALSO LESS AND EXCEPT THE TWO TRACTS OF LAND CONVEYED TO MLJ REAL ESTATE, LP BY WARRANTY DEED RECORDED JULY 15, 2014 UNDER RECEPTION NO. 627782 AND RERECORDED JULY 28, 2014 UNDER RECEPTION NO. 627999;

ALSO LESS AND EXCEPT THE TRACT OF LAND CONVEYED TO THE TOWN OF MT. CRESTED BUTTE, BEING A PORTION OF HUNTER HILL ROAD, IN BARGAIN AND SALE DEED RECORDED FEBRUARY 24, 2014 UNDER RECEPTION NO. 625652.

COUNTY OF GUNNISON,
STATE OF COLORADO.

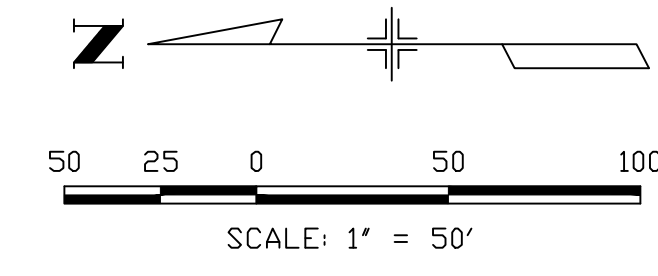
LEGEND

- FOUND BOUNDARY MARKER SECTION
- FOUND BOUNDARY MARKER
- PHONE PEDESTAL
- ELECTRIC PEDESTAL
- ⊙ SEWER MANHOLE
- ⊙ WATER MANHOLE
- EL — ELECTRIC LINE
- T — PHONE LINE
- E/T — ELECTRIC AND PHONE LINE
- S — SANITARY SEWER LINE
- G — GAS LINE
- EW — EXISTING WATER LINE
- — — EXISTING TOWN BOUNDARY

⇒ RUNOFF FLOW DIRECTION

NOTES:

- ALL LOTS ARE PROPOSED TO BE ZONED SINGLE FAMILY RESIDENTIAL AND SHALL BE SUBJECT TO THE REQUIREMENTS OF CHAPTER 21, ARTICLE III, DIVISION 2 OF THE CODE OF THE TOWN OF MT. CRESTED BUTTE, COLORADO.
- THE OPEN SPACE IS PROPOSED TO BE ZONED AS OPEN SPACE.



**SUBDIVISION SKETCH PLAN
HUNTER RIDGE SUBDIVISION
GUNNISON COUNTY, COLORADO**

LAND USE MAP

Prepared By:
NCW & Associates, Inc.

P.O. Box 3688
(970) 349-6384
Crested Butte
Colorado 81224

PROJECT: 17111.00
DATE: 3/29/18

DWG.: LUMAP
SHEET 1 OF 1

Patricia Mullin

1301 S Bates Ave
Springfield, Il

62704

MCBWSD Board

Via email

November 30, 2020

Dear MCBWSD Board,

As the owner of the property at 33 Hunter Hill Rd., I strongly oppose the Hunter Ridge Petition for Inclusion to the Mt Crested Butte Water and Sanitation District.

The property is adjacent to mine and contiguous to the Town of Mt Crested Butte. Any development of the property should be consistent with the regulations imposed by our town since it is such a visible piece of property on the approach to Mt Crested Butte. The town has denied the plan submitted to it by the developer and instead of revising the plan to follow town regulations, the developer sought approval through Gunnison County. The plan submitted to the county is more dense than the plan submitted to the town and does not follow the town of Mt. CB's original plan of single family on that property. As a condition for Inclusion into the Water District, 6.3.4 addresses Annexation. The town of Mt Crested Butte has always been willing to revisit the annexation if Hunter Ridge LLC resubmits and addresses the questions that they had. Because of the cooperating 3 mile plan with the County, the County should have sent the Hunter Ridge LLC Application back to the town but this did not happen. Since Mt. CB is willing to consider annexation if questions are addressed, then The MCBWSD cannot waive the annexation into the town of Mt CB requirement.

The property is ill suited for development due to the steep terrain and questionable mancos shale soil. I had significant unforeseen expenses including expensive soil nails in building our garage on the same hill. Testing submitted to the county of the soil has been spotty and not comprehensive enforcing the tendency of the developer to take the least restrictive route which may lead to problems when structures are being built. How much of a bond will be required to ensure that the Overlook sewer line is not compromised now that there are three road cuts?

The current access point of the development is Hunter Hill Rd. This was a change from the access point of Castle Rd. Honestly the slope is so steep, I don't know how anyone would venture down the planned road safely to the new development.

Although my property has a snow plan that incorporates a snowmelt driveway and spaces for snow storage, I have noticed that snow from the road and other highly dense condominium sites dump the snow off of Hunter Hill Rd onto this property during big

storms. I have not seen where a snow plan has been developed for this project. With all of the road cuts, how will this affect the slope and the stability of the sewer line? This needs to be studied.

Your board has the power to say no to access inclusion into the water and sanitation district. This will force the Hunter Ridge LLC to seek approval and annexation by the town where proper controls and regulations will safeguard our community.

Sincerely yours,

Patricia Mullin

OVERLOOK AT MT. CRESTED BUTTE
11 Overlook Rd, Mt. Crested Butte, CO 81225

December 1, 2020

Mt. Crested Butte Water & Sanitation District
100 Gothic Rd. - P.O. Box 5740
Mt. Crested Butte, CO, 81225

Via Email: info@mcbwsd.com
Via Fax: 970-349-0412

**RE: Hunter Ridge Petition for Inclusion in MTCBWSD
Hearing December 16, 2020**

Dear Mt. Crested Butte Water and Sewer Division:

The owners of the property at 11 Overlook, Mt. Crested Butte oppose the Hunter Ridge petition for inclusion in the Mt. Crested Butte Water and Sewer District. Our reasons include:

1. Pursuant to a Grant of Utilities Easement, (recorded Gunnison County Clerk, Book 745, Page 598, dated May 17, 1994) and Correction Grant of Utilities Easement (recorded Gunnison County Clerk Book 747, Page 148, dated June 14, 1994) the previous owners of the Hunter Ridge property granted a utilities easement across the proposed Hunter Ridge property, that was accessed to provide water and sewer to the property at 11 Overlook. This easement is recognized by Hunter Ridge in its application on Exhibit "B", page 14 of the petition. The easements are attached for your reference.

The easements state that Hunter Ridge has the right to use its property for any purpose not inconsistent with the "full use and enjoyment" of the rights granted to Overlook. Overlook invested in the installation of the water and sewer lines and has the right to demand that Hunter Ridge do nothing to interfere with the right to use those utilities. Overlook's rights in this regard can be severely impaired by Hunter Ridge in several ways:

A. The soils testing that was provided when Hunter Ridge initially sought annexation into the Town of Mt. Crested Butte suggested the shale was unstable and unsuitable for building. The Town Council has been concerned about the stability of the soils on the Hunter Ridge proposed development for some time. As reported at the Regular Town Council Meeting, Mt. Crested Butte June 19, 2018:

Carlos Velardo had an outside geotechnical engineer review the soils report. The geotechnical engineer said the soils report does not address the stability of the slopes and soil borings and more extensive tests need to be done. See Regular Town Council Meeting Minutes June 19, 2018, p.7

Exposing the hillside to the constant stress and compression caused by extended periods of construction of multiple dwellings/buildings implicates significant pressure on the existing water and sewer lines Overlook paid for and depend upon. Hunter Ridge should be required, at a minimum:

i. Provide engineering and soils studies that specifically address the effect on the existing water and sewer lines that Hunter Ridge has previously – through grant of easement – promised would be uninterrupted and undisturbed by anything Hunter Ridge did with the property. Before the District makes any decision on the petition, the soils studies should be made available for inspection, and an adequate period of time provided for Overlook to have the studies reviewed and examined by independent engineers so the District and Overlook can evaluate whether the development Hunter Ridge proposes will likely violate the terms of the easement.

ii. Throughout any period where any dirt work, excavation, shoring, construction development etc., Hunter Ridge should be required to post a performance bond or similar bond of financial responsibility sufficient to protect Overlook in the event there is any interruption of water and sewer, and sufficient to immediately pay for all necessary repairs and damages to Overlook.

B. The Hunter Ridge petitioner should be required to document how the addition of water and sewer service to the multiple residences proposed will impact on the existing water and sewer delivery systems and provide assurances, and a bond to protect all users of the water and sewer.

2. Granting the petition is inconsistent with existing law that requires the property serviced by the District's water and sewer be annexed to the Town of Mt. Crested Butte. Hunter Ridge having tried unsuccessfully to obtain annexation seeks to circumvent the Town authority and violate basic principles of local self-governance. The District's rules and regulations will be directly thwarted and undermined if Sec. 6.3.4 (requiring annexation) is not enforced. What other rules of the MTCBWSO should be ignored? What authority and civil responsibility will be surrendered if the District only selectively enforces its rules? These rules were established to serve the best interests and needs of the community. They were enacted and have been enforced to benefit the people of this Town, each of whom pledges to follow the rules and each of whom is bound by the rules. There is no benefit to the community in this circumstance to abrogate or annul the rules – least of all for an entity that refused to fulfill the requirements the Town imposed to earn annexation, but nevertheless will demand the benefits of the Town utilities.

3. The Town of Mt. Crested Butte has studied and examined the proposed development, has afforded due process and a full opportunity for the Petitioner to prove the development is in the best interests of the community, and is consistent with the rights and duties of land ownership. The Town held multiple hearings, took all the evidence and documents the Petitioner could or wanted to present, and made a decision. The June 11, 2019 letter from the Mt. Crested Butte Town Council to the Gunnison County Planning Commission communicated the Town's unequivocal position on the proposed development after all of the process afforded. To undermine a local governmental decision about the orderly development of its community when the process has been abundantly fair to the Petitioner is inconsistent with the manner in which governments should exercise authority.

Please consider all of the above issues, and respectfully deny the Hunter Ridge petition. We look forward to the hearing on this matter December 16, 202 at 5:00. If you have any questions or need any additional information, please contact F. Michael Hart, at the address and phone # below.

Sincerely yours,

Antoinette Abbott

William Abbott, MD



F. Michael Hart, 1801 Rio Grande Blvd. NW, Albuquerque, NM 87106
505-343-1776; mikeh@osolawfirm.com



Alisa A. Hart,

John Oettel,


Cyndee Bronars,

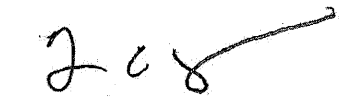


Frederick Michael Hart

Please consider all of the above issues, and respectfully deny the Hunter Ridge petition. We look forward to the hearing on this matter December 16, 202 at 5:00. If you have any questions or need any additional information, please contact F. Michael Hart, at the address and phone # below.

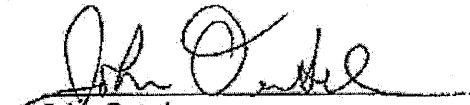
Sincerely yours,


Antoinette Abbott


William Abbott, MD

F. Michael Hart, 1801 Rio Grande Blvd. NW, Albuquerque, NM 87106
505-343-1776; mikeh@osolawfirm.com

Alisa A. Hart,


John Oettel,


Cyndee Bronars,

Frederick Michael Hart

GRANT OF UTILITIES EASEMENT

CB Ranch Properties, Inc., a Colorado corporation, P.O. Box 204, Crested Butte, CO 81224, "Grantor", for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants and conveys to Overlook at Mt. Crested Butte Limited Liability Company, a Colorado limited liability company), P.O. Box 2301, Crested Butte, CO 81224, "Grantee", a permanent easement and right of way 20' in width located 10' on either side of the centerline described on attached Exhibit A, to install, construct, reconstruct, replace, remove, maintain and use underground utilities, including, without limitation, sewer, water, electricity, telephone, cable television and gas, and all necessary and proper appurtenances connected therewith, hereinafter collectively referred to as the "Utilities", upon and through that property legally described on attached Exhibit B, together with the right of ingress and egress over and across the land described on attached Exhibit A as may be necessary for the installation, use and maintenance of said utilities.

Said Easement and Right-of-Way shall be subject to the following terms and conditions:

1. Grantor shall have the right to use the Servient Estate for any purposes not inconsistent with the full use and enjoyment of said rights herein granted to Grantee, which purposes shall include, without limitation, the right to use the Utilities installed by Grantee to serve the Servient Estate on condition that such use by Grantor shall not interfere with or cause damage or additional expense to Grantee's Utilities installation or use.
2. Grantee shall not disturb, destroy or remove any improvements that the Grantor may now or in the future have on the Servient Estate without Grantor's approval.
3. Immediately upon completion of the installation or maintenance of the Utilities, Grantee shall restore the property disturbed or damaged by such installation or maintenance to a condition as near as reasonably possible as it was prior to the installation or maintenance of the Utilities or otherwise restore the area of such installation or maintenance to a level and clean condition.
4. Grantee shall repair any damage that it shall do to Grantor's property and shall further indemnify and hold harmless Grantor against any and all cost, expense, claim or damage of any kind, including reasonable attorney's fees, which shall be caused by the exercise of the privileges granted pursuant to this Grant of Utilities Easement.

This Easement shall be appurtenant to and run with the Servient Estate described on attached Exhibit B, owned by Grantor, and the Dominant Estate owned by Grantee, being Overlook at Mt. Crested Butte Subdivision according to the plat bearing Reception No. 448861 and Overlook at Mt. Crested Butte Condominiums according to the plat bearing Reception No. 450083 in the records of Gunnison County, Colorado and shall be binding upon the heirs, representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, Grantor has executed this Grant of Utilities Easement the 14 day of May, 1994.

CB RANCH PROPERTIES, INC., a
Colorado corporation

By: Jack D. Blanton
Jack D. Blanton, President

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing Grant of Utilities Easement was acknowledged before me this 14th day of May, 1994 by Jack D. Blanton as President of CB Ranch Properties, Inc., a Colorado corporation.

Witness my hand and official seal.

My commission expires: 5-28-95

Patricia E. Hobbs
Notary Public



BK PG
745 600

THE SUMMIT

TOWN LIMITS

C.B. RANCH PARCEL
13.923 ACRES

TOWN LIMITS

OVERLOOK

HUNTER HILL ROAD

OVERLOOK DRIVE

CASTLE

TOWN LIMITS

CRYSTAL

UNPLATTED
PROPERTY

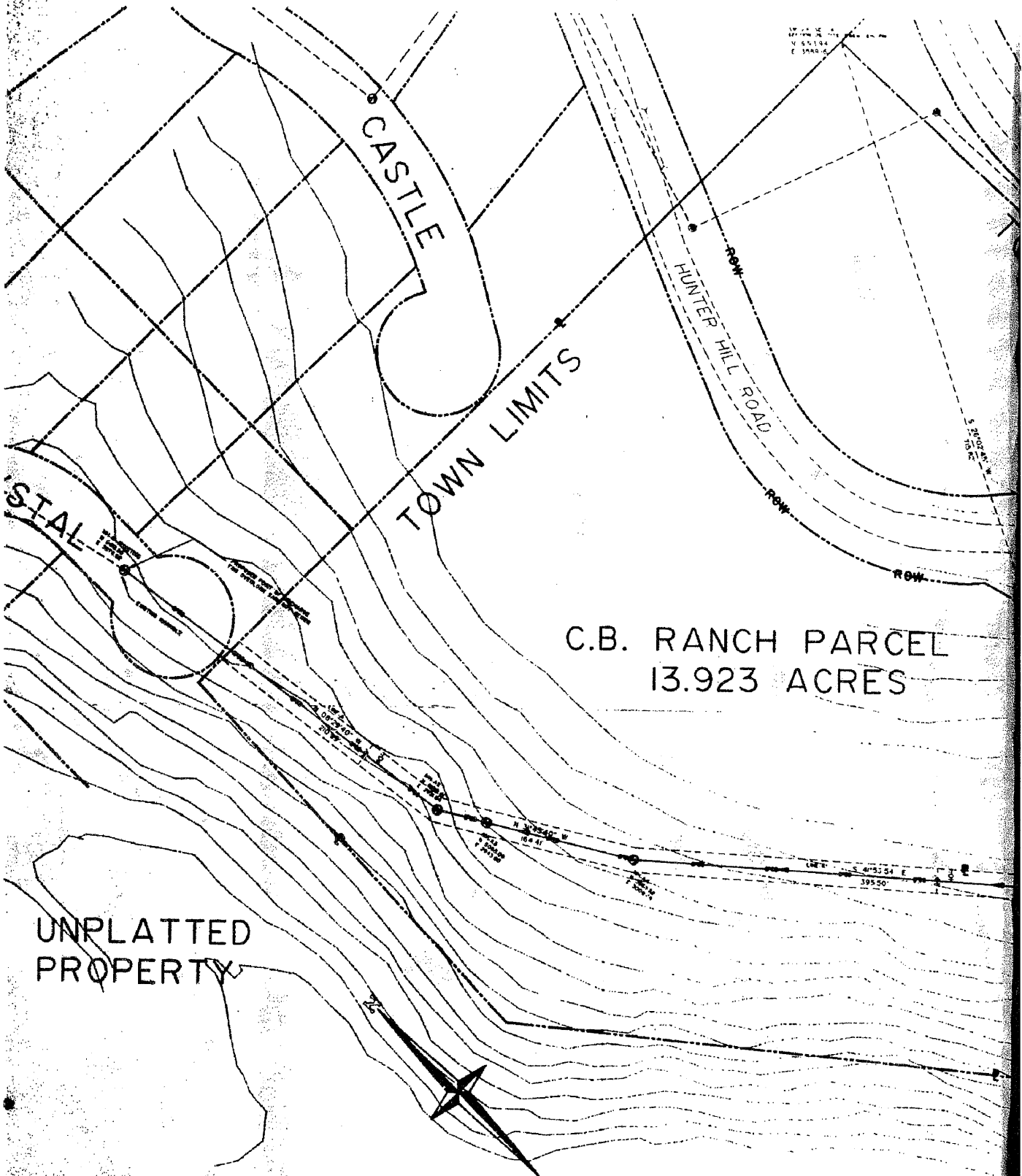
WASHINGTON GULCH



THOMPSON-LANGFORD, CORP.
657 1/2 E. 1/4 SEC. 34, T. 110 N., R. 10 W.,
GRAND JUNCTION, COLORADO
P.O. BOX 245-6007

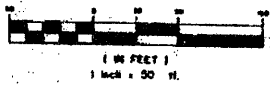
| NO. | AREA | ACRES | PERCENTAGE |
|-----|--------------|-------|------------|
| 1 | THE OVERLOOK | | |
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BLANTON GRAVITY SEWER



C.B. RANCH PARCEL
13.923 ACRES

UNPLATTED
PROPERTY



WASH



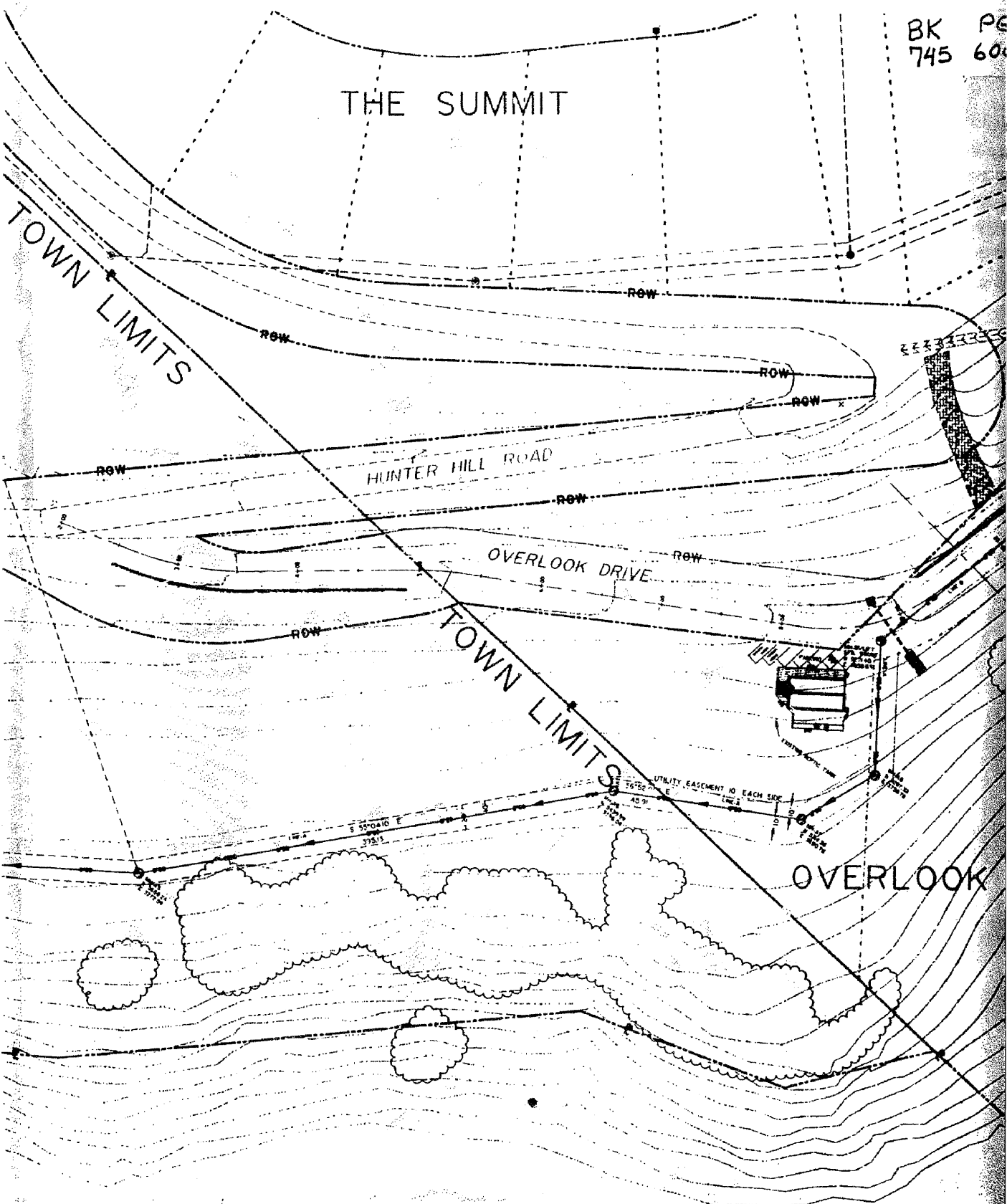
American Consulting
Engineers' Council
Member

THOMPSON-LANGFORD CORP.
629 28 1/2 RD., SUITE B210
GRAND JUNCTION, COLORADO
PH. (303) 249-8067

| REVISION | DATE | DESCRIPTION |
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THE SUMMIT

TOWN LIMITS



HINGTON GULCH

GRANT OF UTILITIES EASEMENT.
EXHIBIT A

JAB

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| BY | DATE | THE OVERLOOK | MT. CRESTED BUTTE | SCALE | DATE | BY |
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| BLANTON GRAVITY SEWER ROUTE | | | 1 of 1 | | | |
| | | | 207 | | | |

EXHIBIT B

LEGAL DESCRIPTION

13.923 Acre Parcel in Northeast Corner
of Ranch at Mt. Crested Butte

A parcel of land containing 13.923 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 13 South, Range 86 West of the Sixth Principal Meridian, County of Gunnison, State of Colorado, more particularly described as follows:

BEGINNING at the SE 1/16 corner of said Section 26;
THENCE S89°36'06"W a distance of 735.00 feet along the north boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$.
THENCE S01°46'06"W a distance of 370.00 feet;
THENCE S39°43'54"E a distance of 434.00 feet;
THENCE S50°28'54"E a distance of 429.00 feet;
THENCE S24°53'54"E a distance of 180.00 feet;
THENCE S58°48'54"E a distance of 127.07 feet to a point on the east boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;
THENCE N02°11'48"W along said east boundary a distance of 1211.64 feet to the POINT OF BEGINNING.

CORRECTION GRANT OF UTILITIES EASEMENT

THIS CORRECTION GRANT OF UTILITIES EASEMENT CORRECTS AN ERROR IN THE LEGAL DESCRIPTION OF THE GRANT OF UTILITIES EASEMENT RECORDED IN BOOK 745 AT PAGE 598 OF THE GUNNISON COUNTRY RECORDS.

CB Ranch Properties, Inc., a Colorado corporation, P.O. Box 204, Crested Butte, CO 81224, "Grantor", for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants and conveys to Overlook at Mt. Crested Butte Limited Liability Company, a Colorado limited liability company), P.O. Box 2301, Crested Butte, CO 81224, "Grantee", a permanent easement and right of way 20' in width located 10' on either side of the centerline described on attached Exhibit A, to install, construct, reconstruct, replace, remove, maintain and use underground utilities, including, without limitation, sewer, water, electricity, telephone, cable television and gas, and all necessary and proper appurtenances connected therewith, hereinafter collectively referred to as the "Utilities", upon and through that property legally described on attached Exhibit B, together with the right of ingress and egress over and across the land described on attached Exhibit A as may be necessary for the installation, use and maintenance of said utilities.

Said Easement and Right-of-Way shall be subject to the following terms and conditions:

1. Grantor shall have the right to use the Servient Estate for any purposes not inconsistent with the full use and enjoyment of said rights herein granted to Grantee, which purposes shall include, without limitation, the right to use the Utilities installed by Grantee to serve the Servient Estate on condition that such use by Grantor shall not interfere with or cause damage or additional expense to Grantee's Utilities installation or use.
2. Grantee shall not disturb, destroy or remove any improvements that the Grantor may now or in the future have on the Servient Estate without Grantor's approval.
3. Immediately upon completion of the installation or maintenance of the Utilities, Grantee shall restore the property disturbed or damaged by such installation or maintenance to a condition as near as reasonably possible as it was prior to the installation or maintenance of the Utilities or otherwise restore the area of such installation or maintenance to a level and clean condition.
4. Grantee shall repair any damage that it shall do to Grantor's property and shall further indemnify and hold harmless

Grantor against any and all cost, expense, claim or damage of any kind, including reasonable attorney's fees, which shall be caused by the exercise of the privileges granted pursuant to this Grant of Utilities Easement.

This Easement shall be appurtenant to and run with the Servient Estate described on attached Exhibit B, owned by Grantor, and the Dominant Estate owned by Grantee, being Overlook at Mt. Crested Butte Subdivision according to the plat bearing Reception No. 448861 and Overlook at Mt. Crested Butte Condominiums according to the plat bearing Reception No. 450083 in the records of Gunnison County, Colorado and shall be binding upon the heirs, representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, Grantor has executed this Grant of Utilities Easement the 30 day of May, 1994.

CB RANCH PROPERTIES, INC., a
Colorado corporation

By: Jack D. Blanton
Jack D. Blanton, President

STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing Grant of Utilities Easement was acknowledged before me this 30th day of May, 1994 by Jack D. Blanton as President of CB Ranch Properties, Inc., a Colorado corporation.

Witness my hand and official seal.

My commission expires: 5-28-95

Patricia E. Hoopes
Notary Public

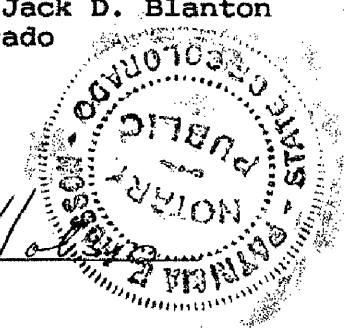


EXHIBIT A

BK PG
747 150

A Twenty foot strip of land, being Ten feet each side of the following described centerline, located in the southwest quarter of the southeast quarter of Section 26, Township 13 South, Range 86 West of the Sixth Principal Meridian, County of Gunnison, State of Colorado, being more particularly described as follows:

Commencing at the southeast sixteenth corner of said Section 26;

Thence $S02^{\circ}11'47''E$ a distance of 911.34 feet along the east line of said southwest quarter of the southeast quarter to the point of beginning;

Thence $N36^{\circ}52'00''W$ a distance of 45.91 feet;

Thence $N55^{\circ}04'10''W$ a distance of 351.25 feet to the point of termination from whence the southeast quarter corner of said Section 26 bears $N22^{\circ}38'14''E$ a distance of 728.99 feet.

The sidelines of said easement are to be lengthened or shortened to end at the intersecting property lines.

EXHIBIT B

BK PG
747 151

LEGAL DESCRIPTION

13.923 Acre Parcel in Northeast Corner
of Ranch at Mt. Crested Butte

A parcel of land containing 13.923 acres located in the SW $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26, Township 13 South, Range 86 West of the Sixth Principal Meridian, County of Gunnison, State of Colorado, more particularly described as follows:

BEGINNING at the SE 1/16 corner of said Section 26;
THENCE S89°36'06"W a distance of 735.00 feet along the north boundary of said SW $\frac{1}{2}$ SE $\frac{1}{4}$.
THENCE S01°46'06"W a distance of 370.00 feet;
THENCE S39°43'54"E a distance of 434.00 feet;
THENCE S50°28'54"E a distance of 429.00 feet;
THENCE S24°53'54"E a distance of 180.00 feet;
THENCE S58°48'54"E a distance of 127.07 feet to a point on the east boundary of said SW $\frac{1}{2}$ SE $\frac{1}{4}$;
THENCE N02°11'48"W along said east boundary a distance of 1211.64 feet to the POINT OF BEGINNING.

Mt CB Water & San District Board

I am Kathy Hooge @ 18 Castle Road, Mt CB and owned since 1993 and am a full-time resident.

I request that the Board deny the Petition for Inclusion to MCBWSD from Hunter Ridge LLC .

I am concerned about MCBWSD's ability to supply water to a new piece of annexed property.

In a letter dated January 30, 2008, Bill Racek (then Mt CB Planner) said "The district has forecasted a water supply shortage in the future if the Town of Mt Crested Butte continues to grow as expected". (attached) When I asked Frank Glick (district manager before Mike Fabbre) in 2008 about "enough water at buildout", he said that if every piece of property was built on and people were here year round, then no, there is not enough water. But then he said, "what are the chances of that"? I say the chances are very good. The most current study forecast a growth of 4% per year so buildout at approx 2035. I strongly disagree with that forecast. Global warming is causing migrations and people are coming to the Gunnison Colorado valley. With the current pandemic we can see that this has affected higher real estate prices in 2020 and higher rent prices as well as low availability due to the fact that people can work remote. In the future, predictions say more people will work remote. Therefore, more of the properties that people purchased long ago could be built on in Mt CB to satisfy the need. And don't forget the potential of 1000 units at North Village. Because it is also very easy to rent a room in your home/condo or your unit/home to augment income, due to Airbnb's incredible platform, then more people are renting when they are not here which means more year round use instead of a few months per year.

I fully request a comprehensive study of our water availability (not water processing). We have water meters on everyone's unit so one could calculate how much water is used and how much water we have currently and then multiply by the number of units at buildout. As I understand it, in the summer, in drought years, we have been at 95% capacity of water usage?. I do not have the statistics, but it should be easy to compute. If Mt Crested Butte is only at about 40% build out with everything that is already platted, then how will we have enough water in the future? I would like definite figures before we annex a property for inclusion in the Mt CB Water District.

I would like to know what Senior water rights MCBWSD has. I think we may not have any that date back to 1903. As I understand it, we have junior water rights and really not enough to service the town of Mt CB at build out. I understand MCBWSD has ditch rights, spring rights & the East River. Possibly the only person that has senior water rights on the East River is Bill Lacy (not sure).

I understand there is a fund comprised of 'in lieu' of water rights collected from previous parcels without water rights that received annexation or water without annexation. How much is in that fund? It is expensive to buy water in the state of Colorado and here in Mt CB area. If you do buy water, how do you get it to the water plant. This would be expensive. So how does "in lieu of help? Only properties that bring water rights should be allowed to annex. Long Lake is oversold so that is not an option to purchase water rights. The possibility of the proposed dam from 1984 from the Conditional Water Rights Decree will not provide water as Wright Water Engineers from Denver in 2008 did the core samples and said that specific area would not hold

water even with a liner. I know that the Kapushion's own water rights in Washington Gulch, and the Allen's own adjacent so possibly a dam in a different location? But, in order to use these other properties, the owners would need to be paid and if they are not in favor, then the condemnation process is long and costly and the District would still have to pay a fair price. I know that the Allen's were paid \$40,000 in 2008, just to grant the easement for a 2 year period so the Water Engineers could do the study. So not only will the property cost a lot of money, but the Dam will be expensive if an area can be found that could hold water.

The Water dam proposed by CBMR called Crescent Lake at the edge of North Village (which is for snow making and recreation) has not ,to my knowledge, had a geology study done to see if it will hold water, not do we have current cost estimates. Even if MCBWSD & CBMR were to partner, there is no guarantee that the site would hold water or how expensive it would be.

The East River, from which Mt CB gets most of its water, empties into the Gunnison which empties into the Colorado. Knowing that other people have more senior water rights, then what does that mean to MCBWSD in a drought situation? I think it needs to be proven that we have enough water.

The Citizen's Guide to Colorado Water Law is a good read. Everyone in our state should read it and be informed about water.

Until a complete accurate study is done by MCBWSD that gives the citizens a clear picture and proof of our water availability in the future at buildout, then no new properties should be annexed.

Also, 6.3.4 says that to be included, the project must be annexed into the Town of Mt. CB. Mt CB asked for more information and that is why they turned down the Hunter Ridge LLC project assuming they would come back with answers, but they went to the County instead. The County should follow the 3 mile plan and send the project back to Mt Crested Butte for the Hunter Ridge Project to follow Mt. CB's criteria.

Therefore since proof of water is not available and 6.3.4 has not been met, I request that you deny the Hunter Ridge LLC Inclusion.

I would also think it would be better for voting to wait until the 1st of the year when you would have a full board.

Please send receipt that you received my email and I assume all letters will be included in the Dec 4 packet so we can read them on line?

Respectfully,

Kathy Hooge Khooge2000@yahoo.com – 18 Castle Road

TESTING TO GO AHEAD FOR RESERVOIR ON ALLEN LAND

🕒 January 30, 2008 👁 273 Views

Allen family to receive \$40,000

Following a recent settlement agreement, the Mt. Crested Butte Water and Sanitation District will be able to access land owned by the Allen family to conduct geotechnical studies for a proposed reservoir.

A signed order from Water Judge Robert Brown dated January 22 affirms that the district will be able to access the site, but must pay the Allen family \$40,000 in compensation.

"In the long run it's a good thing. I hope it created some good will between ourselves and the Allens with regard to not having to go through a condemnation," Mt. Crested Butte Water and Sanitation District board president Bill Racek says.

The Mt. Crested Butte Water and Sanitation District had filed a petition in condemnation in Gunnison District Court on Thursday, September 6, 2007 in hopes of getting a court order that would allow them to access the property to conduct geotechnical studies.

The property is just past the northwest edge of Mt. Crested Butte at the base of Snodgrass Mountain. According to the district's original petition, the geotechnical studies are necessary to proceed with the establishment and construction of a reservoir for which the district holds a conditional water right to build.

A conditional water rights decree was issued in 1984, granting the district the right to build a reservoir with a total water storage capacity of 700 acre-feet and a surface area of 35 acres.

The decree also approves the general location of the proposed reservoir, part of which is on property owned by Crested Butte Mountain Resort (CBMR). However, the majority of it is on property owned by the Allens.

According to Racek, the district has forecasted a water supply shortage in the future if the Town of Mt. Crested Butte continues to grow as expected.

State law gives the district the power of eminent domain, through which property can be condemned and forced to sell for public purposes. A common example would be the government condemning a property in order to build a highway. But when property is taken through eminent domain, the owner is entitled to compensation.

Dec 1, 2020-

Reference – Hunter Ridge LLC Letter RE: Inclusion into MCBWSD

From Paul Hooge – 18 Castle Road – owner since 1993, full time resident

Dear MCBWSD Board:

I request that the Board deny the Petition for Inclusion to MCBWSD from Hunter Ridge LLC .

I understand that no private landowner should be deprived of reasonable economic use of their property, but Mt Crested Butte has varying terrain and more extensive geologic studies should be done to make sure the prospective buyer is not left with an unbuildable lot. As I understand it Hunter Ridge LLC is only putting in the roads and water/sewer to the lots and not doing the development; they will only sell the lots.

Andesite Point was left after the builder could not build the units on the piece of property in 2005. I see excavation equipment every year at the Villas Summit phase 3. Nothing has been built there and I don't know what that means. The Bridges at Columbine, which is recent, is for sale and no lots were sold or built on. Lot 3 in The Summit sold for \$300,000 in 2012 and was basically scrapped for \$15,000 due to problems with building on the lot in 2018. Insurance does not pay. The owner is stuck with the bill.

The Petition should be denied due to 6.3.4 in the Rules as Mt Crested Butte is willing to consider annexation if questions are answered and proper due diligence done. They are only asking to protect the citizens of Mt Crested Butte to make sure anything built on the property follows established guidelines. (see attached)

I have several questions for the Board.

1. What is the amount Hunter Ridge LLC will pay in lieu of water rights and will it be paid up front?
2. Will Hunter Ridge LLC have to pay up front for running water and sewer to the lots as they are an LLC and can declare bankruptcy if costs are too high, then MCBWSD would not get paid? Will the owners of the lots have to pay for the hook-ups?
3. Will there be a bond to pay for damages if Hunter Ridge LLC causes damage to the Sewer line to Overlook?


Attached is the 2019 Mt Crested Butte Letter in case no one else has included.

Respectfully,

Paul E. Hooge, PhD

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

Memorandum

Date: June 11, 2019
To: Cathie Pagano, Director Community and Economic Development 
From: Carlos L. Velado, Community Development Director
Subject: Mt. Crested Butte Hunter Ridge Subdivision Sketch Plan Referral Comments

Thank you for the opportunity to comment on the Hunter Ridge Subdivision Sketch Plan Application. On June 19, 2018 The Mt Crested Butte Town Council denied the Subdivision Plan Sketch Plan Application submitted by Hunter Ridge, LLC by a vote of 6-1. There also was an annexation application submitted to the Town but since annexation approval was contingent upon subdivision approval, the Annexation Application was essentially terminated by the Council's denial of the subdivision sketch plan. The Council's concerns that led to the denial included slope stability, the lack of demonstrated need for the additional lots given the current inventory, and compliance with specific aspects of the Town's Community Plan. It was stated that the proposed development did not address the following requirements of the Community Plan:

- 1) Foster a distinctive, attractive community with a strong sense of place.
- 2) Foster a well-balanced community through integrated design that promotes economic diversity, transit, and pedestrian-friendly lifestyles, and the mixing of people from different backgrounds.
- 3) Encourage land use to occur in such a way that it protects and enhances the existing physical and natural environment.
- 4) Provided for a "critical mass" of permanent local residents by providing quality community housing integrated into the larger community and by creating a range of housing opportunities and choices.

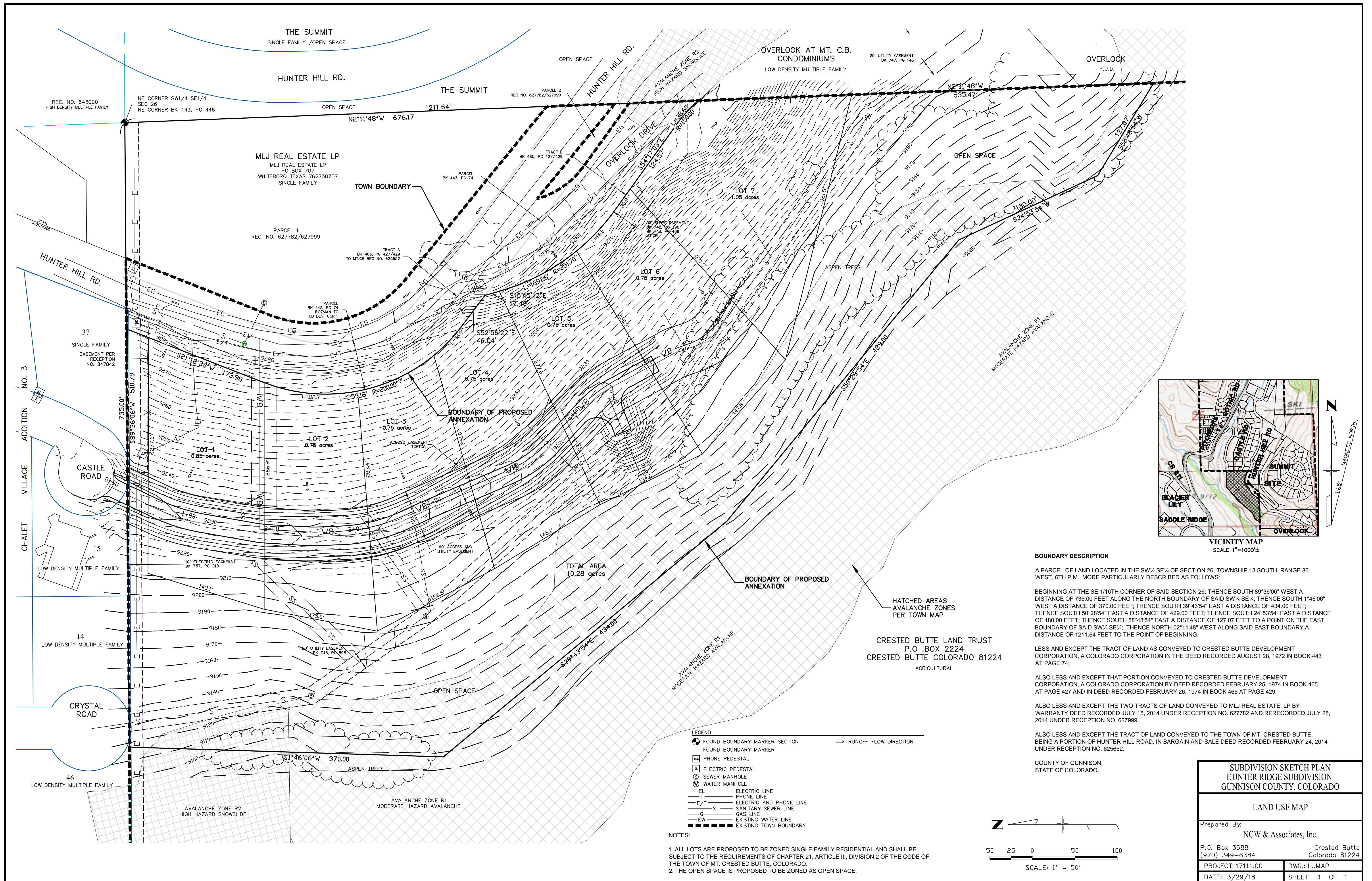
The plan submitted to the County is also materially different than the one that was denied by the Town. The new application has more than double the density than was proposed to the Town. The new plan has 16 units which is comprised of 4 multi-family (triplexes) and 4 single family units. The plan submitted to the Town was for 7 single family units. The access has also changed. The Plan submitted to the Town had access from Castle Rd while the new plan comes from Hunter Hill Rd. I have attached the land use plan that was submitted to the Town for reference.

The Mt. Crested Butte Town Council has reviewed the subdivision sketch plan and voted 5-0 to have the following comments forwarded to the Gunnison County Planning Commission:

The Mt. Crested Butte Town Council requests that the Hunter Ridge Major Impact Land Use Sketch Plan Application Located at 45 Hunter Hill Road Submitted by Hunter Ridge, LLC to be denied by the County for the following reasons:

- *The project is within our 3 Mile Plan and if the property were developed, the Town would prefer it to be within our Town Boundaries;*
- *The previous plan did not demonstrate need due to the current inventory in Town and the current proposed development does not either;*
- *The proposed application does not meet the principals of the continuity of the Town;*
- *Reasons for the Town Council's denial of the previous project were well documented;*
- *Concerns still persist about the geology at the project;*
- *The proposed sizes of the structures are inconsistent with Mt. Crested Butte's permitted maximum square footage; and*
- *The previous Town Council denied the previous sketch plan 6-1.*

The Mt Crested Butte Planning Commission also reviewed the application and had no comment at this time.



BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SW 1/4 SE 1/4 OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 88 WEST, 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE 1/16TH CORNER OF SAID SECTION 26; THENCE SOUTH 89°36'06" WEST A DISTANCE OF 735.00 FEET ALONG THE NORTH BOUNDARY OF SAID SW 1/4 SE 1/4; THENCE SOUTH 1°46'06" WEST A DISTANCE OF 370.00 FEET; THENCE SOUTH 39°43'54" EAST A DISTANCE OF 434.00 FEET; THENCE SOUTH 50°28'54" EAST A DISTANCE OF 429.00 FEET; THENCE SOUTH 24°53'54" EAST A DISTANCE OF 180.00 FEET; THENCE SOUTH 58°48'54" EAST A DISTANCE OF 127.07 FEET TO A POINT ON THE EAST BOUNDARY OF SAID SW 1/4 SE 1/4; THENCE NORTH 02°11'48" WEST ALONG SAID EAST BOUNDARY A DISTANCE OF 1211.64 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE TRACT OF LAND AS CONVEYED TO CRESTED BUTTE DEVELOPMENT CORPORATION, A COLORADO CORPORATION IN THE DEED RECORDED AUGUST 28, 1972 IN BOOK 443 AT PAGE 74;

ALSO LESS AND EXCEPT THAT PORTION CONVEYED TO CRESTED BUTTE DEVELOPMENT CORPORATION, A COLORADO CORPORATION BY DEED RECORDED FEBRUARY 25, 1974 IN BOOK 465 AT PAGE 427 AND IN DEED RECORDED FEBRUARY 26, 1974 IN BOOK 465 AT PAGE 429.

ALSO LESS AND EXCEPT THE TWO TRACTS OF LAND CONVEYED TO MLJ REAL ESTATE, LP BY WARRANTY DEED RECORDED JULY 15, 2014 UNDER RECEPTION NO. 627782 AND RERECORDED JULY 28, 2014 UNDER RECEPTION NO. 627999;

ALSO LESS AND EXCEPT THE TRACT OF LAND CONVEYED TO THE TOWN OF MT. CRESTED BUTTE, BEING A PORTION OF HUNTER HILL ROAD, IN BARGAIN AND SALE DEED RECORDED FEBRUARY 24, 2014 UNDER RECEPTION NO. 625652.

COUNTY OF GUNNISON,
STATE OF COLORADO.

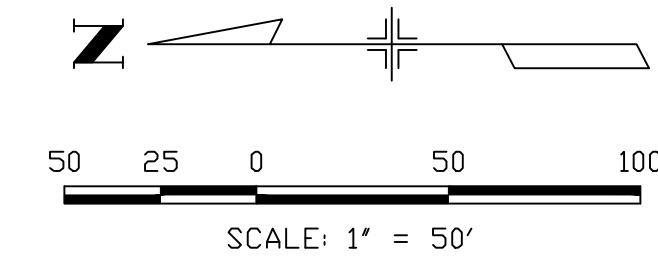
LEGEND

- FOUND BOUNDARY MARKER SECTION
- FOUND BOUNDARY MARKER
- PHONE PEDESTAL
- ELECTRIC PEDESTAL
- ⊙ SEWER MANHOLE
- ⊙ WATER MANHOLE
- EL — ELECTRIC LINE
- T — PHONE LINE
- E/T — ELECTRIC AND PHONE LINE
- S — SANITARY SEWER LINE
- G — GAS LINE
- EW — EXISTING WATER LINE
- — — EXISTING TOWN BOUNDARY

⇒ RUNOFF FLOW DIRECTION

NOTES:

1. ALL LOTS ARE PROPOSED TO BE ZONED SINGLE FAMILY RESIDENTIAL AND SHALL BE SUBJECT TO THE REQUIREMENTS OF CHAPTER 21, ARTICLE III, DIVISION 2 OF THE CODE OF THE TOWN OF MT. CRESTED BUTTE, COLORADO.
2. THE OPEN SPACE IS PROPOSED TO BE ZONED AS OPEN SPACE.



**SUBDIVISION SKETCH PLAN
HUNTER RIDGE SUBDIVISION
GUNNISON COUNTY, COLORADO**

LAND USE MAP

Prepared By:
NCW & Associates, Inc.

P.O. Box 3688
(970) 349-6384
Crested Butte
Colorado 81224

PROJECT: 17111.00
DATE: 3/29/18

DWG.: LUMAP
SHEET 1 OF 1

From: bcolvey@southwind.net
Sent: Tuesday, December 1, 2020 2:53 PM
To: info@mcbwsd.com
Subject: Proposed Hunter Ridge Development
Attachments: OverlookSewerEasement1994.pdf

Hello Board Members,

First, thank you for serving on the Board of the Mt. CB W&S District. We recognize and appreciate the work you do for our community.

By way of introduction, we are Linda and Bob Colvey. We are full-time residents of Mt CB and live at 14 Peakview Dr. in the Overlook subdivision.

Please accept this letter as opposition to the Hunter Ridge proposed development. Our reasoning is as follows:

1. The project, on a much smaller scale, was originally submitted to Mt. CB and was denied in June of 2018. In your packet you have a letter from Mr. Carlos Velado (6/11/19) explaining the town's reasoning. Since that time, the project has more than doubled in scope going from the original 7 units to the current proposal of 16 units.
2. There are very real and serious issues with the following:
 - Geology – please see comments in #4 that follows.
 - Traffic/Safety – the proposed entrance to the development is adjacent to a blind curve on Hunter Hill Rd. Also, during icy winter conditions, cars heading downhill on Hunter Hill have skidded off the road, gone over the embankment, and ended up in the area where the fourplexes and entrance road are proposed.
 - Snow Plowing/Storage – when the town plows Hunter Hill Rd. the snow will go over the embankment and onto the roads and individual properties in Hunter Ridge. This area currently experiences snow slides caused by plowing. (Hunter Hill Rd. is plowed by the town; the proposed development will be plowed by a contractor on a different schedule.)
3. The landscape in Mt. CB is littered with numerous building projects that were started with the best of intentions yet never completed. Examples include: Andesite Point, Bridges at Columbine, Wildhorse at Prospect (the four foundations that sat untouched for 3-4 years), the Villas at the Summit, Nevada Ridge and the Outrun Poplar Building. Any project of this scope warrants appropriate and proportionate bonding on the principals, not just on an LLC which can easily shelter and/or transfer assets.
4. Soil Instability – you have 2 different documents in your packet from Lambert Geotechnical Engineers. Both letters point out the risks inherent in this area.
 - In their 10/9/2017 letter:
Pg. 6 – “References cited in the Site Geology section show the area as landslides and unstable slopes.”

Pg. 7 – “Signs of soil creep were evident.”

Pg. 7 – “The slope should be considered potentially unstable.”

- In their 12/27/18 letter:

Pg. 5 – “A site structure specific geotechnical engineering study should be performed for any proposed new construction to provide geotechnical engineering suggestions and recommendations for design and construction of the structures.”

Pg. 5, 4.0 – “Post Design Considerations – The project geotechnical engineer should be consulted during construction of the project to observe site conditions and open excavations during construction and to provide materials testing of soil and concrete.”

Pg. 5, 4.0 – “Our experience has shown that significant variations are likely to exist and can become apparent only during additional on site excavation. For this reason, a site and structure specific geotechnical engineering study should be performed for any proposed new construction to provide geotechnical engineering suggestions and recommendations for design and construction of the structures.”

5. Overlook Subdivision Sewer Easement – Attached to this letter is a copy of an easement for underground utilities for the Overlook subdivision across the land proposed for Hunter Ridge. Please note that para. 1 protects Overlook as follows: “Grantor shall not interfere with or cause damage or additional expense to Grantee’s Utilities installation or use.” As noted by Lambert Engineers in their letters referenced above, this land has experienced soil creep and is potentially unstable. Further, they state that **any** proposed construction should have a site and structure specific geotechnical engineering study. Without these specific studies, how can the homeowners in Overlook be assured that the terms of their easement are being honored and that their sewer service will not be impacted?

Thank you for your consideration.

Respectfully,
Linda and Bob Colvey
14 Peakview Dr.
Mt. CB, CO. 81225

GRANT OF UTILITIES EASEMENT

CB Ranch Properties, Inc., a Colorado corporation, P.O. Box 204, Crested Butte, CO 81224, "Grantor", for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants and conveys to Overlook at Mt. Crested Butte Limited Liability Company, a Colorado limited liability company), P.O. Box 2301, Crested Butte, CO 81224, "Grantee", a permanent easement and right of way 20' in width located 10' on either side of the centerline described on attached Exhibit A, to install, construct, reconstruct, replace, remove, maintain and use underground utilities, including, without limitation, sewer, water, electricity, telephone, cable television and gas, and all necessary and proper appurtenances connected therewith, hereinafter collectively referred to as the "Utilities", upon and through that property legally described on attached Exhibit B, together with the right of ingress and egress over and across the land described on attached Exhibit A as may be necessary for the installation, use and maintenance of said utilities.

Said Easement and Right-of-Way shall be subject to the following terms and conditions:

1. Grantor shall have the right to use the Servient Estate for any purposes not inconsistent with the full use and enjoyment of said rights herein granted to Grantee, which purposes shall include, without limitation, the right to use the Utilities installed by Grantee to serve the Servient Estate on condition that such use by Grantor shall not interfere with or cause damage or additional expense to Grantee's Utilities installation or use.

2. Grantee shall not disturb, destroy or remove any improvements that the Grantor may now or in the future have on the Servient Estate without Grantor's approval.

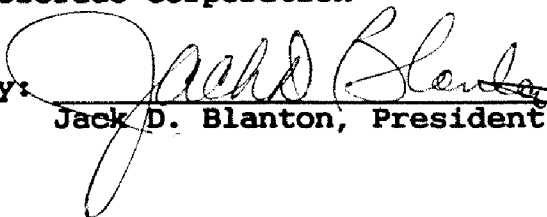
3. Immediately upon completion of the installation or maintenance of the Utilities, Grantee shall restore the property disturbed or damaged by such installation or maintenance to a condition as near as reasonably possible as it was prior to the installation or maintenance of the Utilities or otherwise restore the area of such installation or maintenance to a level and clean condition.

4. Grantee shall repair any damage that it shall do to Grantor's property and shall further indemnify and hold harmless Grantor against any and all cost, expense, claim or damage of any kind, including reasonable attorney's fees, which shall be caused by the exercise of the privileges granted pursuant to this Grant of Utilities Easement.

This Easement shall be appurtenant to and run with the Servient Estate described on attached Exhibit B, owned by Grantor, and the Dominant Estate owned by Grantee, being Overlook at Mt. Crested Butte Subdivision according to the plat bearing Reception No. 448861 and Overlook at Mt. Crested Butte Condominiums according to the plat bearing Reception No. 450083 in the records of Gunnison County, Colorado and shall be binding upon the heirs, representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, Grantor has executed this Grant of Utilities Easement the 14 day of May, 1994.

CB RANCH PROPERTIES, INC., a Colorado corporation

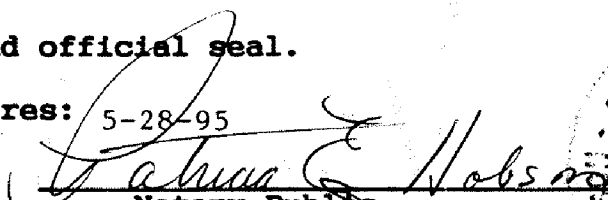
By: 
Jack D. Blanton, President

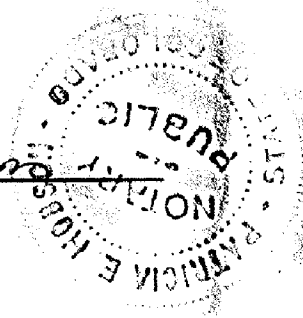
STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing Grant of Utilities Easement was acknowledged before me this 14th day of May, 1994 by Jack D. Blanton as President of CB Ranch Properties, Inc., a Colorado corporation.

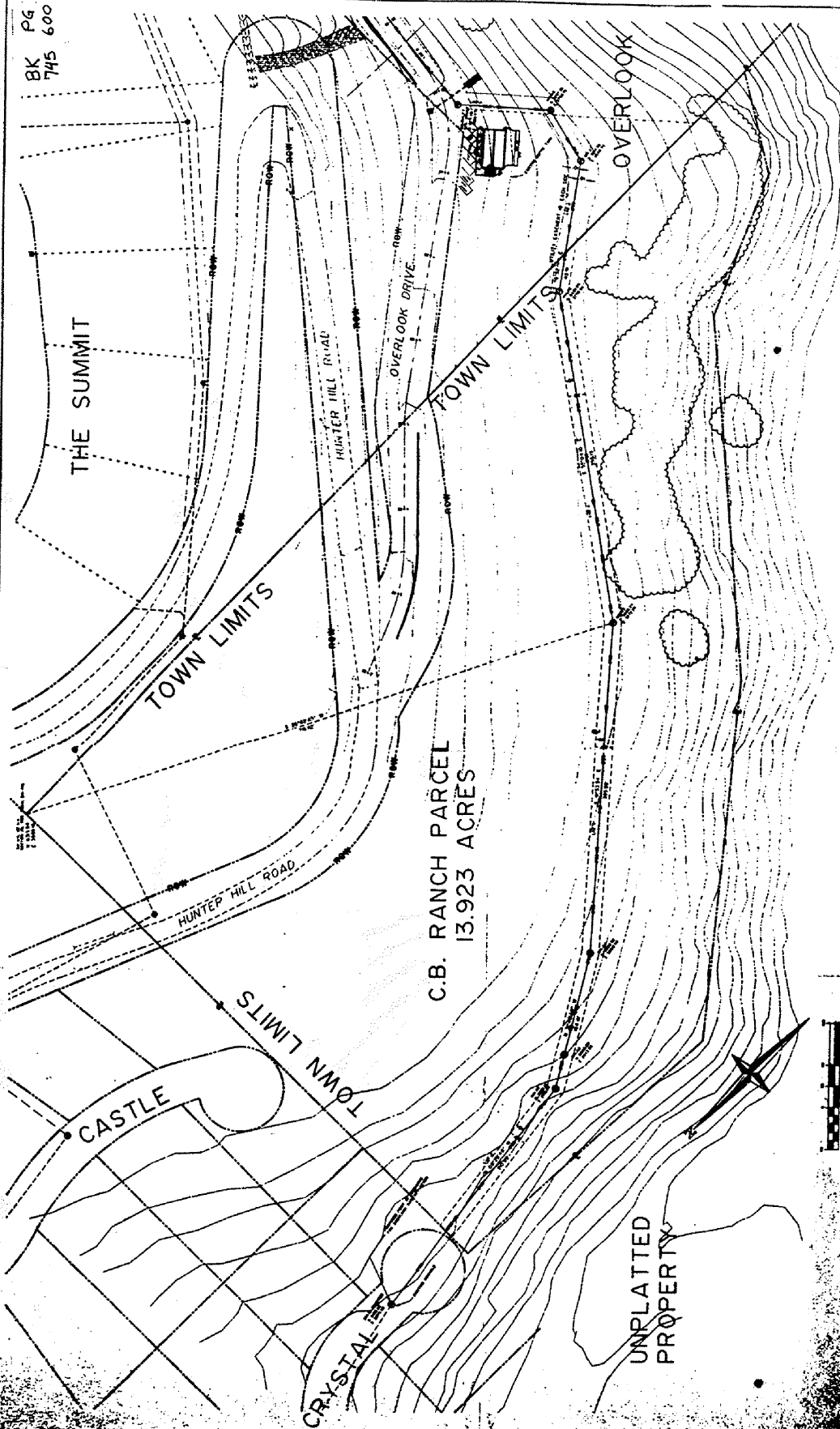
Witness my hand and official seal.

My commission expires: 5-28-95


Notary Public



BK Pg
745 600



WASHINGTON GULCH

C.B. RANCH PARCEL
13.923 ACRES

THE SUMMIT

TOWN LIMITS

TOWN LIMITS

OVERLOOK

CASTLE

TOWN LIMITS

CRYSTAL

UNPLATTED
PROPERTY

HUNTER HILL ROAD

OVERLOOK DRIVE

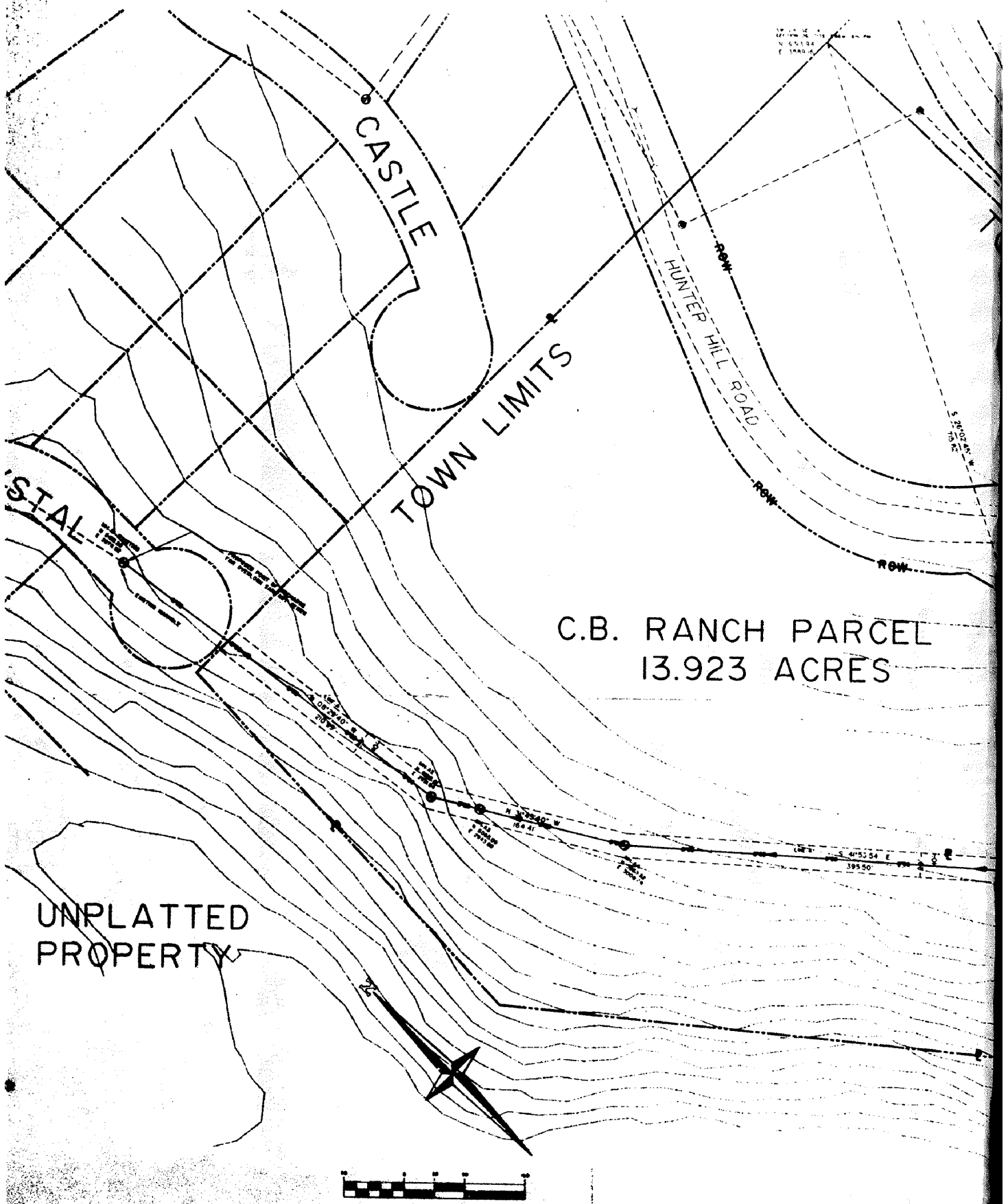


BLANKET MAP

THOMPSON-LANGFORD CORP.
 635 W. 1/2 E. 34TH ST. S.
 GRAND JUNCTION, COLORADO
 P.O. BOX 248-0047

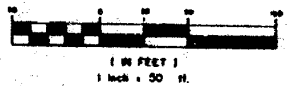
| SECTION | TOWNSHIP | RANGE | ACRES | DATE |
|---------|----------|-------|-------|----------|
| 1 | 10N | 6W | 360 | 10/15/00 |
| 2 | 10N | 6W | 360 | 10/15/00 |
| 3 | 10N | 6W | 360 | 10/15/00 |
| 4 | 10N | 6W | 360 | 10/15/00 |
| 5 | 10N | 6W | 360 | 10/15/00 |
| 6 | 10N | 6W | 360 | 10/15/00 |
| 7 | 10N | 6W | 360 | 10/15/00 |
| 8 | 10N | 6W | 360 | 10/15/00 |
| 9 | 10N | 6W | 360 | 10/15/00 |
| 10 | 10N | 6W | 360 | 10/15/00 |
| 11 | 10N | 6W | 360 | 10/15/00 |
| 12 | 10N | 6W | 360 | 10/15/00 |
| 13 | 10N | 6W | 360 | 10/15/00 |
| 14 | 10N | 6W | 360 | 10/15/00 |
| 15 | 10N | 6W | 360 | 10/15/00 |
| 16 | 10N | 6W | 360 | 10/15/00 |
| 17 | 10N | 6W | 360 | 10/15/00 |
| 18 | 10N | 6W | 360 | 10/15/00 |
| 19 | 10N | 6W | 360 | 10/15/00 |
| 20 | 10N | 6W | 360 | 10/15/00 |

BLANTON GRAVITY SERVICE



C.B. RANCH PARCEL
13.923 ACRES

UNPLATTED
PROPERTY



WASH



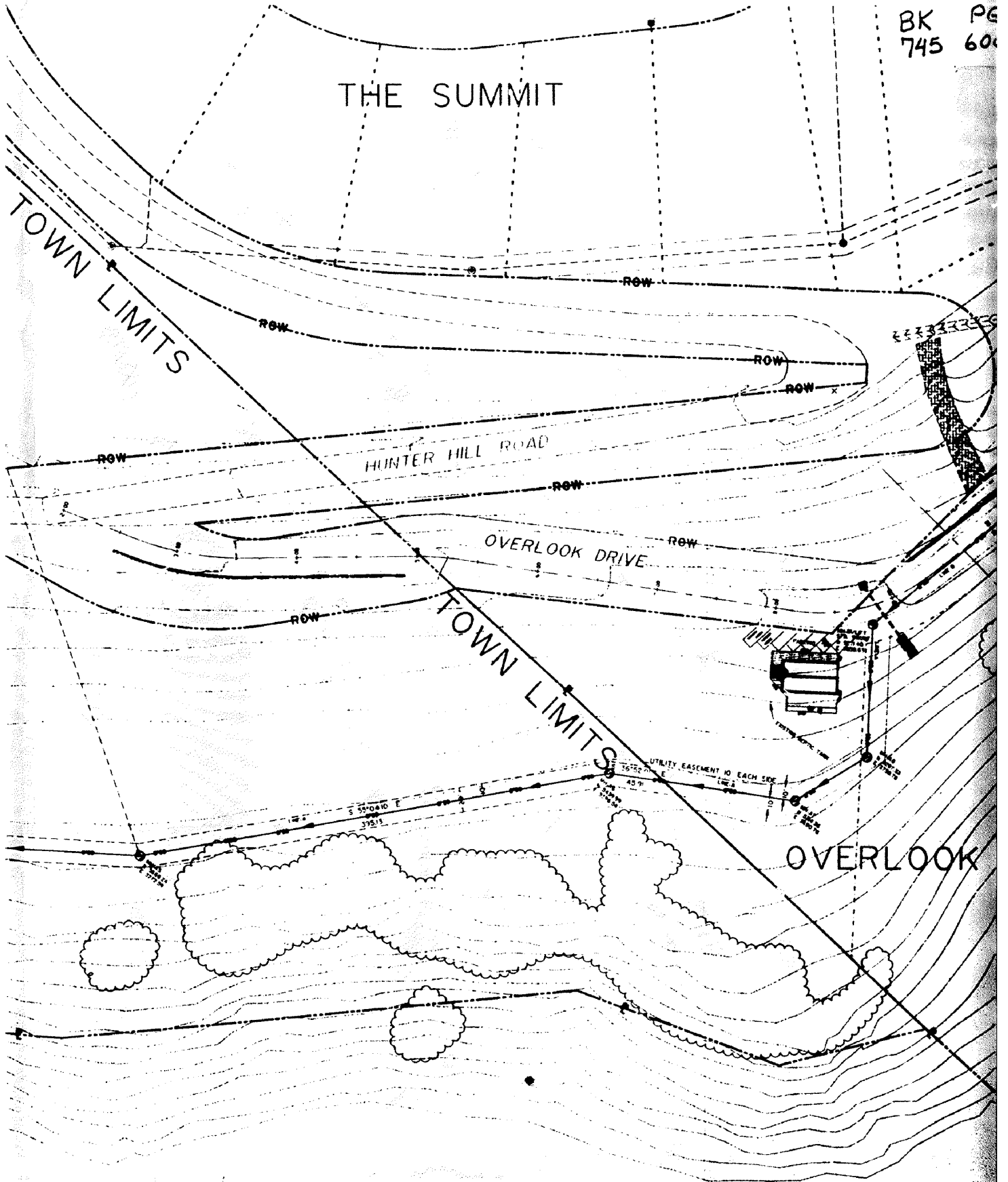
American Consulting
Engineers Council
Member

THOMPSON-LANGFORD CORP.
528 25 1/2 RD., SUITE B210
GRAND JUNCTION, COLORADO
P.O. (303) 249-6067

| REVISION | DATE | DESCRIPTION |
|----------|------|-------------|
| | | |
| | | |
| | | |
| | | |

THE SUMMIT

TOWN LIMITS



OVERLOOK

HINGTON GULCH

GRANT OF UTILITIES EASEMENT
EXHIBIT A

JAD

| | | | | | | |
|-----------------------------|-----|--------------|-------------------|----------|----------|---------|
| BY | C/D | THE OVERLOOK | MT. CRESTED BUTTE | SCALE | SUB. NO. | DATE |
| | | | | 1" = 30' | 008-007 | |
| BLANTON GRAVITY SEWER ROUTE | | | | | | |
| | | | | | | 39 1.75 |

EXHIBIT B

LEGAL DESCRIPTION

13.923 Acre Parcel in Northeast Corner
of Ranch at Mt. Crested Butte

A parcel of land containing 13.923 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 13 South, Range 86 West of the Sixth Principal Meridian, County of Gunnison, State of Colorado, more particularly described as follows:

BEGINNING at the SE 1/16 corner of said Section 26;
THENCE S89°36'06"W a distance of 735.00 feet along the north boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$.
THENCE S01°46'06"W a distance of 370.00 feet;
THENCE S39°43'54"E a distance of 434.00 feet;
THENCE S50°28'54"E a distance of 429.00 feet;
THENCE S24°53'54"E a distance of 180.00 feet;
THENCE S58°48'54"E a distance of 127.07 feet to a point on the east boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;
THENCE N02°11'48"W along said east boundary a distance of 1211.64 feet to the POINT OF BEGINNING.

December 2, 2020

To: Mt. Crested Butte Water and Sanitation District Board

From: Robert Valentine and Robert Bolton – Owners of 2 Peakview Drive, the Overlook Subdivision

Subject: Rejecting Hunter Ridge Application for Water and Sewer Access in MTCB.

Dear Water and Sanitation District Board (the “Board”),

We are in opposition of the Board approving the application to supply water and sanitation services to the Hunter Ridge Development for the reasons stated below. We feel that there are too many risks relative to the benefits of that parcel of land being developed.

Our Primary Objections to the Project Are:

1. The geological stability of the hill and the ability of the Developer to remedy any immediate or long-term damage caused by their disturbing the parcel of land including future rupture of the new water and sewer infrastructure to be installed.
 - a. The Developer should be required to post a significant bond to insure they don't leave the LLC with no money in it for fixing future land or infrastructure issues.
 - b. A personal guarantee by the Developer to remedy long term “damage” to the area or water and sewer infrastructure, would be another layer of protection that “things get done right”.
2. The easement for Water and Sewer to the Overlook neighborhood could be impacted by the development – any agreement to extend should address this risk with an appropriate remedy. See attached.
3. We are concerned about the access point and grade into and throughout the development and the ability of fire vehicles to access the site in the event of a fire. An unabated fire could spread to the Overlook subdivision quite easily.
4. The June 11, 2019 letter to Cathy Pagano from Carlos L. Velado asked that the sketch plan and green light to the project be denied for the reasons in that letter. As a Mt. Crested Butte taxpayer who employs Carlos, we fully support his assessment of why the project should NOT be approved as he is our local expert on such matters. His assessment and conclusions should be respected, not overruled. See attached. Further, Mayor Farmer has sent a letter to the District requesting they deny the inclusion. Again, that should be respected, not overruled.
5. We are concerned about having an adequate supply of water for our community, given recent droughts.

Thank you for your time today and to allow us to weigh in on this subject. We do oppose extending water and sewer services to the proposed development site – at this time – as the risks to the Overlook Neighborhood, where we live, is too high and unnecessary to take on at this point.

Respectfully,


Robert Valentine (bobcat2me@aol.com) & Robert Bolton (stevebolton@me.com)

2 Peakview Drive - Overlook Subdivision, Mt. Crested Butte, CO 81225

713-594-9025

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

Memorandum

Date: June 11, 2019
To: Cathie Pagano, Director Community and Economic Development 
From: Carlos L. Velado, Community Development Director
Subject: Mt. Crested Butte Hunter Ridge Subdivision Sketch Plan Referral Comments

Thank you for the opportunity to comment on the Hunter Ridge Subdivision Sketch Plan Application. On June 19, 2018 The Mt Crested Butte Town Council denied the Subdivision Plan Sketch Plan Application submitted by Hunter Ridge, LLC by a vote of 6-1. There also was an annexation application submitted to the Town but since annexation approval was contingent upon subdivision approval, the Annexation Application was essentially terminated by the Council's denial of the subdivision sketch plan. The Council's concerns that led to the denial included slope stability, the lack of demonstrated need for the additional lots given the current inventory, and compliance with specific aspects of the Town's Community Plan. It was stated that the proposed development did not address the following requirements of the Community Plan:

- 1) Foster a distinctive, attractive community with a strong sense of place.
- 2) Foster a well-balanced community through integrated design that promotes economic diversity, transit, and pedestrian-friendly lifestyles, and the mixing of people from different backgrounds.
- 3) Encourage land use to occur in such a way that it protects and enhances the existing physical and natural environment.
- 4) Provided for a "critical mass" of permanent local residents by providing quality community housing integrated into the larger community and by creating a range of housing opportunities and choices.

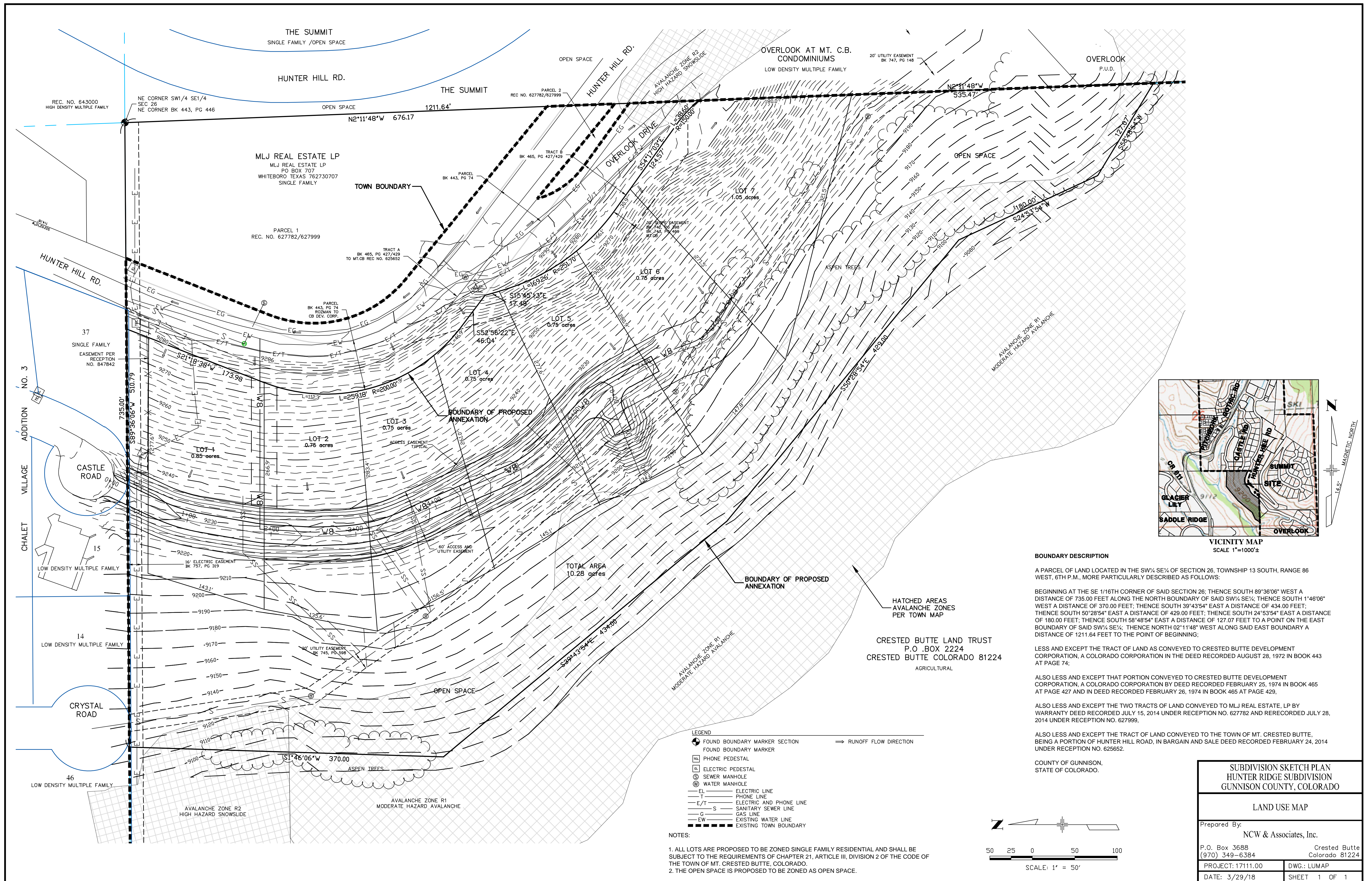
The plan submitted to the County is also materially different than the one that was denied by the Town. The new application has more than double the density than was proposed to the Town. The new plan has 16 units which is comprised of 4 multi-family (triplexes) and 4 single family units. The plan submitted to the Town was for 7 single family units. The access has also changed. The Plan submitted to the Town had access from Castle Rd while the new plan comes from Hunter Hill Rd. I have attached the land use plan that was submitted to the Town for reference.

The Mt. Crested Butte Town Council has reviewed the subdivision sketch plan and voted 5-0 to have the following comments forwarded to the Gunnison County Planning Commission:

The Mt. Crested Butte Town Council requests that the Hunter Ridge Major Impact Land Use Sketch Plan Application Located at 45 Hunter Hill Road Submitted by Hunter Ridge, LLC to be denied by the County for the following reasons:

- *The project is within our 3 Mile Plan and if the property were developed, the Town would prefer it to be within our Town Boundaries;*
- *The previous plan did not demonstrate need due to the current inventory in Town and the current proposed development does not either;*
- *The proposed application does not meet the principals of the continuity of the Town;*
- *Reasons for the Town Council's denial of the previous project were well documented;*
- *Concerns still persist about the geology at the project;*
- *The proposed sizes of the structures are inconsistent with Mt. Crested Butte's permitted maximum square footage; and*
- *The previous Town Council denied the previous sketch plan 6-1.*

The Mt Crested Butte Planning Commission also reviewed the application and had no comment at this time.



BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SW 1/4 SE 1/4 OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 86 WEST, 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE 1/16TH CORNER OF SAID SECTION 26; THENCE SOUTH 89°36'06" WEST A DISTANCE OF 735.00 FEET ALONG THE NORTH BOUNDARY OF SAID SW 1/4 SE 1/4; THENCE SOUTH 1°46'06" WEST A DISTANCE OF 370.00 FEET; THENCE SOUTH 39°43'54" EAST A DISTANCE OF 434.00 FEET; THENCE SOUTH 50°28'54" EAST A DISTANCE OF 429.00 FEET; THENCE SOUTH 24°53'54" EAST A DISTANCE OF 180.00 FEET; THENCE SOUTH 58°48'54" EAST A DISTANCE OF 127.07 FEET TO A POINT ON THE EAST BOUNDARY OF SAID SW 1/4 SE 1/4; THENCE NORTH 02°11'48" WEST ALONG SAID EAST BOUNDARY A DISTANCE OF 1211.64 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE TRACT OF LAND AS CONVEYED TO CRESTED BUTTE DEVELOPMENT CORPORATION, A COLORADO CORPORATION IN THE DEED RECORDED AUGUST 28, 1972 IN BOOK 443 AT PAGE 74;

ALSO LESS AND EXCEPT THAT PORTION CONVEYED TO CRESTED BUTTE DEVELOPMENT CORPORATION, A COLORADO CORPORATION BY DEED RECORDED FEBRUARY 25, 1974 IN BOOK 465 AT PAGE 427 AND IN DEED RECORDED FEBRUARY 26, 1974 IN BOOK 465 AT PAGE 429.

ALSO LESS AND EXCEPT THE TWO TRACTS OF LAND CONVEYED TO MLJ REAL ESTATE, LP BY WARRANTY DEED RECORDED JULY 15, 2014 UNDER RECEPTION NO. 627782 AND RERECORDED JULY 28, 2014 UNDER RECEPTION NO. 627999;

ALSO LESS AND EXCEPT THE TRACT OF LAND CONVEYED TO THE TOWN OF MT. CRESTED BUTTE, BEING A PORTION OF HUNTER HILL ROAD, IN BARGAIN AND SALE DEED RECORDED FEBRUARY 24, 2014 UNDER RECEPTION NO. 625652.

COUNTY OF GUNNISON,
STATE OF COLORADO.

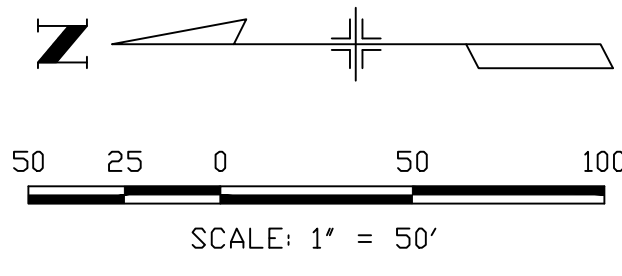
LEGEND

- FOUND BOUNDARY MARKER SECTION
- FOUND BOUNDARY MARKER
- ☐ PHONE PEDESTAL
- ☐ ELECTRIC PEDESTAL
- ⊙ SEWER MANHOLE
- ⊙ WATER MANHOLE
- EL — ELECTRIC LINE
- T — PHONE LINE
- E/T — ELECTRIC AND PHONE LINE
- S — SANITARY SEWER LINE
- G — GAS LINE
- EW — EXISTING WATER LINE
- — — EXISTING TOWN BOUNDARY

⇒ RUNOFF FLOW DIRECTION

NOTES:

- ALL LOTS ARE PROPOSED TO BE ZONED SINGLE FAMILY RESIDENTIAL AND SHALL BE SUBJECT TO THE REQUIREMENTS OF CHAPTER 21, ARTICLE III, DIVISION 2 OF THE CODE OF THE TOWN OF MT. CRESTED BUTTE, COLORADO.
- THE OPEN SPACE IS PROPOSED TO BE ZONED AS OPEN SPACE.



**SUBDIVISION SKETCH PLAN
HUNTER RIDGE SUBDIVISION
GUNNISON COUNTY, COLORADO**

LAND USE MAP

Prepared By:
NCW & Associates, Inc.

P.O. Box 3688
(970) 349-6384
Crested Butte
Colorado 81224

PROJECT: 17111.00
DATE: 3/29/18

DWG.: LUMAP
SHEET 1 OF 1

GRANT OF UTILITIES EASEMENT

CB Ranch Properties, Inc., a Colorado corporation, P.O. Box 204, Crested Butte, CO 81224, "Grantor", for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants and conveys to Overlook at Mt. Crested Butte Limited Liability Company, a Colorado limited liability company), P.O. Box 2301, Crested Butte, CO 81224, "Grantee", a permanent easement and right of way 20' in width located 10' on either side of the centerline described on attached Exhibit A, to install, construct, reconstruct, replace, remove, maintain and use underground utilities, including, without limitation, sewer, water, electricity, telephone, cable television and gas, and all necessary and proper appurtenances connected therewith, hereinafter collectively referred to as the "Utilities", upon and through that property legally described on attached Exhibit B, together with the right of ingress and egress over and across the land described on attached Exhibit A as may be necessary for the installation, use and maintenance of said utilities.

Said Easement and Right-of-Way shall be subject to the following terms and conditions:

1. Grantor shall have the right to use the Servient Estate for any purposes not inconsistent with the full use and enjoyment of said rights herein granted to Grantee, which purposes shall include, without limitation, the right to use the Utilities installed by Grantee to serve the Servient Estate on condition that such use by Grantor shall not interfere with or cause damage or additional expense to Grantee's Utilities installation or use.

2. Grantee shall not disturb, destroy or remove any improvements that the Grantor may now or in the future have on the Servient Estate without Grantor's approval.

3. Immediately upon completion of the installation or maintenance of the Utilities, Grantee shall restore the property disturbed or damaged by such installation or maintenance to a condition as near as reasonably possible as it was prior to the installation or maintenance of the Utilities or otherwise restore the area of such installation or maintenance to a level and clean condition.

4. Grantee shall repair any damage that it shall do to Grantor's property and shall further indemnify and hold harmless Grantor against any and all cost, expense, claim or damage of any kind, including reasonable attorney's fees, which shall be caused by the exercise of the privileges granted pursuant to this Grant of Utilities Easement.

This Easement shall be appurtenant to and run with the Servient Estate described on attached Exhibit B, owned by Grantor, and the Dominant Estate owned by Grantee, being Overlook at Mt. Crested Butte Subdivision according to the plat bearing Reception No. 448861 and Overlook at Mt. Crested Butte Condominiums according to the plat bearing Reception No. 450083 in the records of Gunnison County, Colorado and shall be binding upon the heirs, representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, Grantor has executed this Grant of Utilities Easement the 14 day of May, 1994.

CB RANCH PROPERTIES, INC., a Colorado corporation

By: Jack D. Blanton
Jack D. Blanton, President

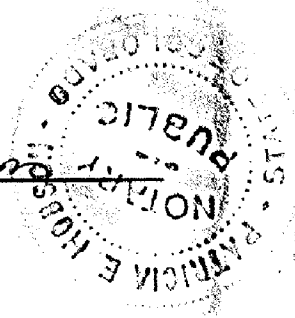
STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing Grant of Utilities Easement was acknowledged before me this 14th day of May, 1994 by Jack D. Blanton as President of CB Ranch Properties, Inc., a Colorado corporation.

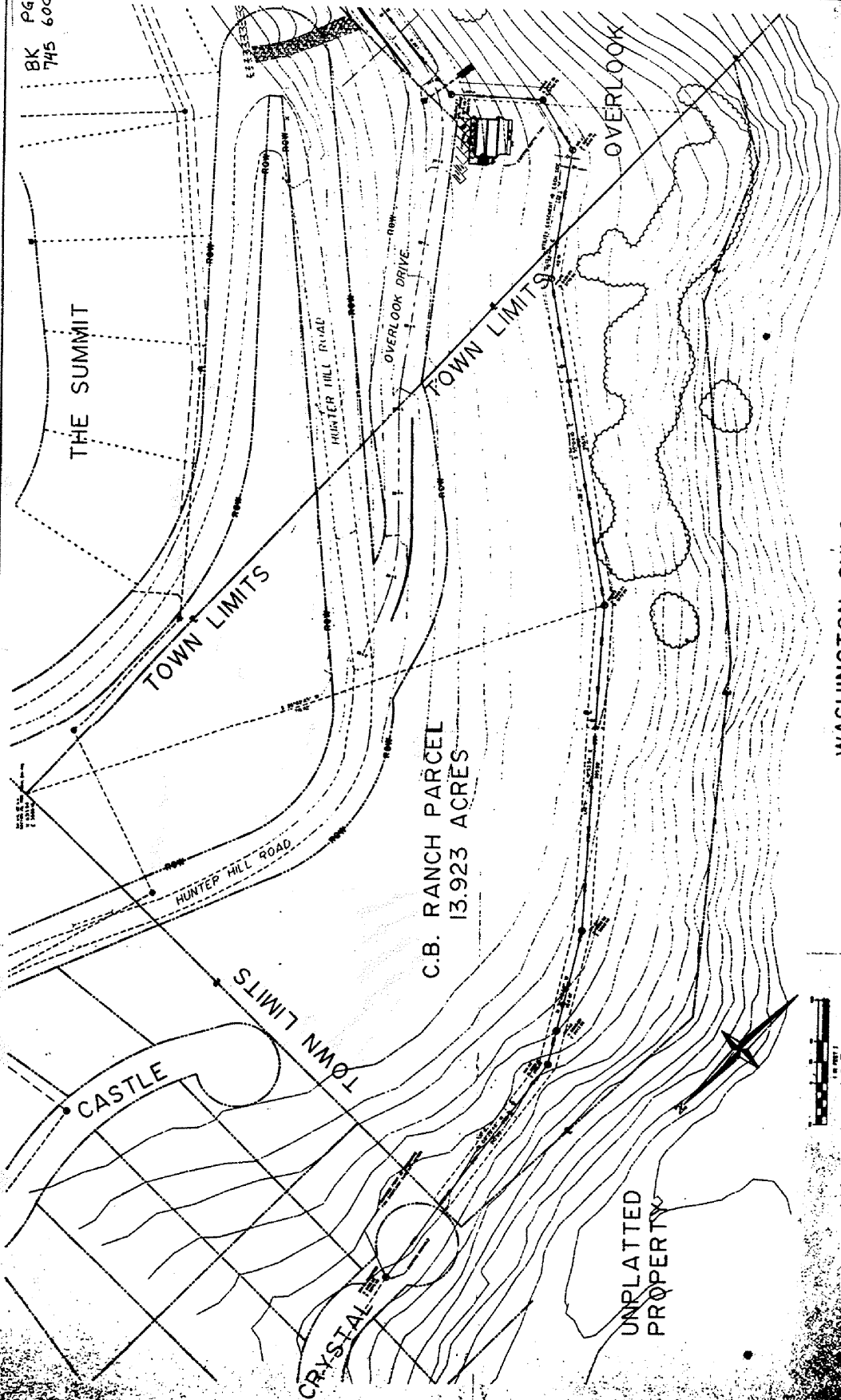
Witness my hand and official seal.

My commission expires: 5-28-95

Patricia E. Hobbs
Notary Public



BK Pg
745 600



C.B. RANCH PARCEL
13.923 ACRES

TOWN LIMITS

TOWN LIMITS

UNPLATTED
PROPERTY

WASHINGTON GULCH

OVERLOOK

THE SUMMIT

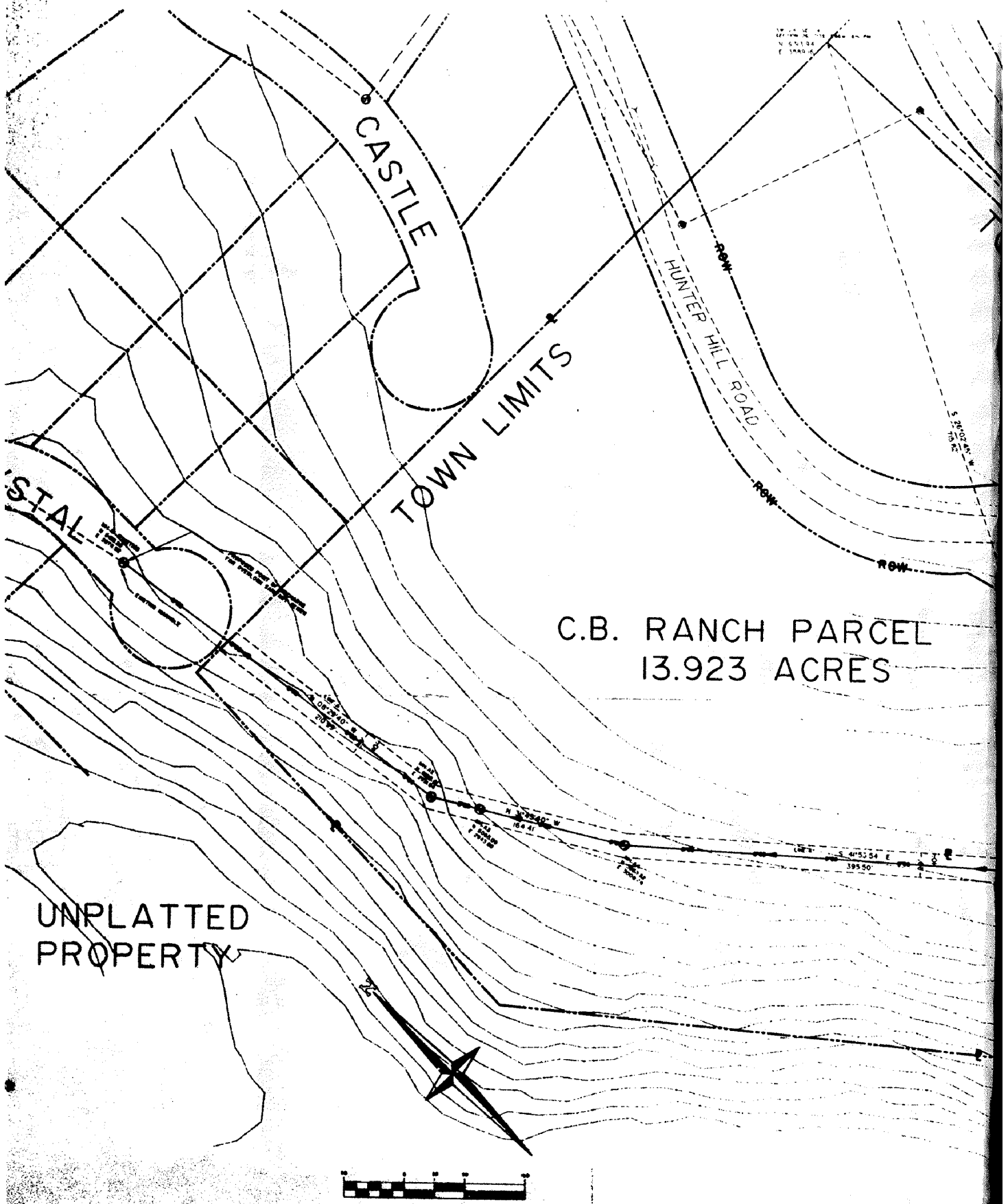
CASTLE

CRYSTAL

| ACRES | AREA | PERCENTAGE | OF THE OVERLOOK |
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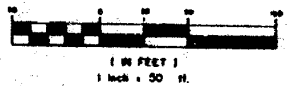
THOMPSON-LANGFORD CORP.
 600 W. 1/2 E. QUARTER 3810
 GRAND JUNCTION, COLORADO
 P.O. BOX 245-0047

BLANTON GRAVITY SERVICE



C.B. RANCH PARCEL
13.923 ACRES

UNPLATTED
PROPERTY



WASH



American Consulting
Engineers Council
Member

THOMPSON-LANGFORD CORP.
528 25 1/2 RD., SUITE B210
GRAND JUNCTION, COLORADO
PH. (303) 249-6067

| REVISION | DATE | DESCRIPTION |
|----------|------|-------------|
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EXHIBIT B

LEGAL DESCRIPTION

13.923 Acre Parcel in Northeast Corner
of Ranch at Mt. Crested Butte

A parcel of land containing 13.923 acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 13 South, Range 86 West of the Sixth Principal Meridian, County of Gunnison, State of Colorado, more particularly described as follows:

BEGINNING at the SE 1/16 corner of said Section 26;
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THENCE S58°48'54"E a distance of 127.07 feet to a point on the east boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;
THENCE N02°11'48"W along said east boundary a distance of 1211.64 feet to the POINT OF BEGINNING.

From: Jim Williamson <jgwceo@ipa.net>
Sent: Tuesday, December 1, 2020 5:11 PM
To: info@mcbwsd.com
Subject: Hunter Hill Petition of Inclusion.

Ladies and Gentlemen,

We wish to express our concern on the Hunter Hill Petition for Inclusion to the Mt. CB Water and Sanitation District. We believe the Inclusion would allow a project denied by Mt. Crested Butte to be modified only slightly and slip through another governing body. That would set an unfortunate precedent. We have owned our condominium in Mt. Crested Butte since 1992. Over the years we have watched the town grow and appreciated the cooperation between the town and the county. Besides the project being environmentally unsound, it is contrary to the wishes of the town of Mt. Crested Butte for its future development.

Thank you,
Carole and Jim Williamson,
Owners 21 Castle Road #8

December 1, 2020

RE: Hunter Ridge LLC Petition for Inclusion to the Mt Crested Butte Water and Sanitation District

Dear Mt Crested Butte Water and Sanitation District Board:

I am a full-time resident and property owner in Mt Crested Butte, and a Mt Crested Butte Water and Sanitation District (MCBWS) customer. I am writing to request that the MCBWS Board deny the Petition for Inclusion to the MCBWS filed by Hunter Ridge, LLC.

The Rules and Regulations of the District adopted on August 11, 2015 as revised July 16, 2018 set forth the requirements for inclusion of property in the District. The Petition fails to satisfy the requirements for inclusion in the District in at least one particular—the Property must be annexed to the Town of Mt Crested at the time of inclusion.

As a condition of inclusion to the District, Section 6.3.4 of the Regulations states “The Petitioner has complied with all requirements of the Town of Mt. Crested Butte, Colorado and has been or will be concurrently annexed to the Town of Mt. Crested Butte, Colorado.” The Town of Mt Crested Butte denied subdivision and annexation of the Property on June 20, 2018. Since the Property is not annexed now, nor will it be annexed concurrently, this requirement is not satisfied and the Board may not include the Property in the District.

Section 6.3.4 goes on to state, “Provided, however, if the property is not contiguous to or is not capable of being annexed to the Town of Mt. Crested Butte, Colorado, the District **may** waive the requirements of this Section 6.3.4.” In this case the Property IS contiguous to the Town. And IS capable of being annexed. The Property could be annexed should a satisfactory and appropriate plan of development be submitted. See attachments A (Mt CB 2020 3-mile plan) and B (Nov. 9, 2020 letter to District from Town of Mt CB), which describe the Property as desirable for annexation by the Town. Therefore, the second section of Section 6.3.4 is inapplicable and the District may not waive the annexation requirement of the first sentence of Section 6.3.4.

Section 6.11 reiterates the annexation requirement stating it as a specific condition of final approval for inclusion in the District.

In summary, this petition must be dismissed because it does not meet at least one of the requirements of the District Regulations.

However, should the Petitioner satisfy the annexation requirement at some later date, as a concerned resident, I would like the Board to consider two other issues that should be addressed:

1. The lack of engineering and geotechnical analysis of the effect of the proposed development of the Property on the Overlook sewer main.

It is the District's job to protect its existing infrastructure. The Property is traversed by a District sewer main that services the Overlook Subdivision. The sewer main is located just above a precarious slope break and at the head of an avalanche zone where slopes change from 30% to 60+%. The Property is classified as unstable slopes with landslides by the Colorado Geologic Survey (Soule, 1976). Lambert and Associates note on page 7 of the geotechnical report supplied by the Petitioner "Signs of soil creep were evident." On the same page, the report goes on to say "The slope should be considered potentially unstable. Because of the site characteristics there is at least some potential risk". Thus, development on the steep, unstable slopes that characterize the Property has potential for disruption of the sewer main.

The Lambert and Associates geotechnical report and Theoretical Slope Analysis provided by the Petitioner were prepared in 2017 and 2018, respectively, for a proposed subdivision brought before the Town of Mt. Crested Butte. The proposed development at that time was for a single, slope-parallel road and 7 single-family units. The proposed development before the County and now before the Board is vastly different and more complex in terms of engineering design. The proposed development now includes three roads that will require substantial grading and fill and 16 units (4 triplexes and 4 single-family units). Furthermore, the Theoretical Slope Analysis prepared by Lambert and Associates was performed without consideration of the potential impacts of proposed road grading, snow storage and associated melt, changes in natural drainage patterns, detention ponds, and structures on slope stability. All of these are known factors that can cause slope failure (in some cases, catastrophic) due to oversaturation of soils, overloading and/or oversteepening of steep, unstable slopes.

The District has had recent experience with how slope instability can detrimentally affect a sewer main. In 2018 the District applied for a variance to the Town of Mt CB to be able to construct a two tiered retaining wall to shore up an unstable slope that was impacting a sewer main below Gothic Road (see attached document C). The solution to mitigate the instability was an expensive and extensive undertaking. If the inclusion of the Property moves forward without a thorough geotechnical and engineering assessment of the potential impacts of the proposed development on the Overlook sewer main, the Board must ask themselves if the District will be prepared to pay for similar stabilization of the Overlook sewer main.

At a minimum, the Petitioner should satisfy the Board that his proposed development will not negatively affect the Overlook sewer main. To do so, he must address how the proposed snow storage and associated melt, located immediately upslope, downslope and on top of sections of the sewer main, the proposed detention ponds, also located immediately upslope of a section of the sewer main, and the up to 18 feet of fill for grading road C, again immediately upslope and on top of sections of the sewer main, will impact slope stability in the vicinity of the sewer main (see attached documents D, E, F).

2. The lack of a recent study to determine the adequacy of the District's water rights in light of its obligation to provide service at 100% build-out plus inclusion of the Property at peak demand.

The most recent study conducted addressing the adequacy of Districts water rights to serve all users at full build-out was in 2014 by Stantec Engineering. It should be noted that during the past several years water conservation measures have been required of District customers during peak use summer months. These conservation measures have been required although the District is only at partial build out (~43 % as of 2018, JVA Engineering). Conservation measures have been even more restrictive during East River low flow years (e.g., 2013, 2018, 2020) when the amount of water that the District may legally draw from the East River, due to the mostly junior status of its rights, is reduced to a fraction of normal (1.78 cfs in summer and 1.1 cfs in winter). That translates to 0.97 Mgd in summer and 0.71 Mgd in winter. Full build-out calculations project up to 2.0 Mgd of water use. Other less reliable (due to seasonal fluctuations and turbidity) sources of water include springs on Mt Crested Butte and the Malenski Ditch and pipeline. If low flow years continue to be the norm rather than the exception, will the District be able to meet its obligation of providing service at 100% build-out plus the included Property at peak demand?

The demographic of the District is changing. In the past couple of years more year-round residents have moved into the District due to the ability to work remotely and a desire to relocate from urban centers. There has also been a dramatic increase in the number and use of short-term rentals. In many cases these are second homes/condos that, in the past, had been vacant most of the year. This dynamic has the potential to increase water demand during critical low flow times in the fall “off season” when traditionally the District has had few users.

These facts support the requirement of an up-to-date study of the adequacy of the District’s water rights to meet full build-out, and to evaluate the Districts ability to grow its service area to include the Property, which does not have transferable water rights. These data are especially critical given the general long-term trend of increasing temperatures, lower precipitation and extreme drought conditions in the Gunnison watershed.

In closing, I would also like the Board to consider that this is an important decision, affecting the ability of the District to serve its constituents in the future. In addition to requiring added analysis of geology and water quantity, I respectfully request that the current members of the Board wait until the entire membership is present to decide this important petition.

Sincerely,

Nancy Grindlay
15 Castle Rd, Mt Crested Butte

**TOWN OF MT. CRESTED BUTTE
THREE MILE PLAN
AS REQUIRED BY C.R.S. §31-12-105**

ORIGINALLY ADOPTED ON JANUARY 10, 1994
AMENDED ON JANUARY 16, 1996 , SEPTEMBER 16, 1997, DECEMBER 1, 1998,
SEPTEMBER 4, 2018, NOVEMBER 6, 2019, AND **NOVEMBER 4, 2020**

1. THREE MILE PLAN FOR MT. CRESTED BUTTE

This plan envisions a community that manages growth to preserve what we appreciate about the Upper East River valley. In order to remain consistent in future planning, the goals and objectives as previously set forth in the Mt. Crested Butte Master Plan are to be recognized and carried forth into any new development or annexation that may occur in the future.

In accordance with requirements set forth in the 1987 amendment to the Colorado Municipal Annexation Act of 1965, C.R.S. §31-12-105, a municipality is required to have a Three Mile Plan adopted before annexation may take place.

The Three Mile Plan is hereby developed to comply with C.R.S. §31-12-105. The Three Mile Plan hereby incorporates the Master Plan, as such is amended, and the Gunnison County Road and Bridge Map, as such is amended, to the extent that it is within the boundaries of the Three Mile Plan.

Public Facilities in the Three-Mile area will be provided as follows:

- I. Power - Gunnison County Electric Association. This includes successors and/or assigns, and future service providers.
- II. Telephone – CenturyLink and cellular providers. This includes successors and/or assigns, and future service providers.
- III. Natural Gas - Atmos Energy is available within the Town and to the south of Town and along Gothic Road in the main pipeline. This includes successors and/or assigns, and future service providers.
- IV. Telecommunications – Network television is available in Mt. Crested Butte because of services provided by the Gunnison County Metropolitan Recreation District. Telecommunications are available in and near Mt. Crested Butte from Spectrum, Direct TV, and Dish Network. This includes successors and/or assigns, and future service providers.
- V. Water and Sewer - Available in the Town from Mt. Crested Butte Water & Sanitation District. Sewer service is extended as per District ordinances. This includes successors and/or assigns, and future service providers.

- VI. Trash Collection - Waste Management and Golden Eagle provide trash collection services on a contract basis within the Town. This includes successors and/or assigns, and future service providers.
- VII. Transportation - Mountain Express bus service is provided between Mt. Crested Butte and Crested Butte and services the residents and visitors of Mt. Crested Butte. Gunnison Valley RTA bus service is provided by the county and services the Gunnison valley. This includes successors and/or assigns, and future service providers.
- VIII. Sidewalks and trails - Any land use change or annexation within the three-mile area shall consider existing trails and new trails as appropriate to connect any future subdivision to the municipality and to public lands.
- IX. Emergency Services –Mt. Crested Butte Police Department, and the Crested Butte Fire Protection District which includes emergency medical services and fire protection. This includes successors and/or assigns, and future service providers.

To the extent that any item mentioned in C.R.S. 31-12-105 (1)(e) is not reflected in the documents, maps and plans included as a part of this Three Mile Plan, the plan should be construed to mean that no such facilities are contemplated to be provided.

The proposed land uses for the Three Mile Plan area consist of the various zoning districts described in the Code of the Town of Mt. Crested Butte, Colorado.

In the event of any conflict between anything in the foregoing elements of the Three Mile Plan and the Town Code, ordinances or regulations, the Town Code, ordinances and regulations shall control. The Town Master Plan and other elements of the above documents shall control with respect to any conflicts with provisions of the Three Mile Plan incorporated from other "non- Town" entities.

2. ANNEXATION

A. INTRODUCTION

Annexation of areas adjacent to cities and towns is often crucial to establishing and maintaining urban order and effective government. Unorganized development and population growth frequently occur just outside municipal boundaries due to less expensive property values and less restrictive zoning laws. Problems associated with uncontrolled development include increased traffic congestion, failure of septic systems, inadequate water supply, inadequate roads, need for additional police protection and inappropriate land planning. Unincorporated outlying areas benefit in many ways from the adjoining municipalities through use of their parks, streets, and utilities without contributing to the cost of providing and maintaining them.

Annexation, properly used, enables urbanized areas to unite with the municipality and benefit from socially and economically related issues. It allows Town administrative personnel to address needs in a manner consistent with policies of the annexing municipality. Most importantly, it guarantees a municipality responsible control over the future development of the fringe area. Municipal zoning and land use extended to adjacent areas in a logical manner will provide orderly growth and avoid incompatible land uses.

B. GOALS

1. **FUTURE DEVELOPMENT AREAS (Exhibit A)** - The Town of Mt. Crested Butte has discussed the growth boundaries of the town. There may be areas within the identified areas for potential growth which are unsuitable for certain types of development because of topography, natural hazards, or sensitive natural areas. Any annexation application will be reviewed for suitability of the proposed development in accordance with the Town's Code and land use policies.

A. Areas Identified for Potential Growth:

1. **The 10.28 acre parcel of land below Hunter Hill Rd between Timberline and Overlook Condos (shown on Exhibit A as Area A in white shaded area).**
2. The area west of the Town boundaries towards the Washington Gulch area (shown on Exhibit A as Area B in white shaded area).
3. The skier domain area (shown on Exhibit A as Area C in white shaded area).
4. Upper Loop Parcel adjacent to the Overlook Subdivision, owned by the U.S. Forest Service (shown on Exhibit A as Area D).
5. Areas north of the current Town boundaries, owned by the U.S. Forest Service (shown on Exhibit A as Area E).
6. Areas east of the Parcel C tract of land that was part of the 3 Way Land Trade between CBMR, the U.S. Forest Service, and the Colorado Board of Land Commissioners (shown on Exhibit A as Area F).

B. Areas Proposed for No Residential or Commercial Development:

1. Upper Loop Parcel adjacent to the Overlook Subdivision (shown on Exhibit A as Area D)
2. Areas north of the current Town boundaries (shown on Exhibit A as Areas E)
3. Areas east of the Parcel C tract of land that was part of the 3 Way Land Trade between CBMR, the U.S. Forest Service, and the Colorado Board of Land Commissioners (shown on Exhibit A as Areas F).

With the areas proposed for no residential or commercial development, annexation must provide a unique opportunity for the Town, including land preservation, protection of open space, parks or recreational opportunities, etc.

2. DENSITY- The provisions of the zoning chapter of the Mt. Crested Butte Code can be extended to adjacent areas in a logical manner to encourage orderly growth and prevent incompatible land uses. Municipal boundaries can be "squared off" and made more orderly and uniform, thus eliminating confusion as to whether a particular parcel should look to the municipality or to the county to obtain services.

The Town of Mt. Crested Butte employs various methods for control of density. The Town regulates the size of lots and the size of buildings relative to lot size by means of the zoning chapter of the Town Code. The zoning chapter stipulates minimum property sizes in various districts.

3. ZONING - Together with setback, open space, height, bulk, and footprint requirements, lot size standards are used as a means of controlling the character of a particular area. The establishment of very large minimum lot sizes is sometimes used to avoid conventional subdivisions. Large lot zoning may also be used where the terrain is very rough and more flexibility is needed for locating building sites. Smaller lot sizes and larger allowable densities create cluster type developments such as those in the base area of Mt. Crested Butte.

In addition to lot size requirements, the Town zoning districts prescribe minimum lot widths and frontages.

- a. Residential - Residential land use in Mt. Crested Butte has been based on the concept that large lot sizes decrease density and thereby create a more desirable residential character. The characteristics are open space buffers between residences, a buffering of low and high density multi-family developments between single family residential and commercial development, and the use of open space and pedestrian corridors to define developments visually.

The Town of Mt. Crested Butte would like to encourage diversity by allowing a mixture of housing choices including smaller lots, clustering and density bonuses or incentives for providing affordable housing where appropriate. Smaller lots and higher density may improve affordable housing opportunities and will reduce the per unit cost of public services. Even with some higher densities, the Town would like to maintain lower densities at the edges of Mt. Crested Butte as a transition to the rural nature of the county outside the town.

1. Reduce the allowable density in subdivisions by clustering building structures within pockets between ridge lines to provide more open space.
2. Develop structures in areas with appropriate soil conditions, slopes, and free of natural hazards.

3. Avoid ridge line development to protect the view shed, hide structures, and limit density.
 4. Maintain a set of design guidelines for building construction, which includes building height, colors, lighting, roofs, landscaping, parking, etc.
 5. Provide affordable community housing.
- b. Commercial - Commercial land use in Mt. Crested Butte is based on the concept that clustering of lodging and services within the same area minimizes the impact of the resort aspects of the community on the infrastructure. In Mt. Crested Butte, this area is located at the base of the ski area, the major economic influence on the Town.
1. Develop structures in areas with appropriate soil conditions, slopes, and free of natural hazards.
 2. Avoid ridge line development to protect the view shed, hide structures, and limit density.
 3. Maintain a set of design guidelines for building construction, which includes building height, colors, lighting, roofs, landscaping, parking, etc.
 4. Discourage commercial development, including large, enclosed recreation facilities along County Road 317 between Mt. Crested Butte and Crested Butte.
 5. Require commercial delivery routes to be developed in new commercial developments.
 6. Provide affordable community housing.
- c. Open Space

The Town also requires the platting of open space areas as a part of the subdivision process. Coordination of subdivision controls with density restrictions is required in establishing an overall density for subdivisions. Important aspects of the Mt. Crested Butte economy are the recreational amenities and the Town's relationship to surrounding public lands. This is accomplished by the designation of open space. Open space designation has several functions beyond recreational uses and access to public lands. This zoning classification can provide buffering between different types of development. This buffering mitigates conflicts between different types of

activity usually associated with differing land use classifications and provides relief from continuous development of a similar nature. Open space designation also protects and preserves sensitive environmental areas, vistas, scenic corridors, and community amenities.

d. Natural Hazards

Natural hazards in the Mt. Crested Butte area are the result of natural geologic conditions and hydrology processes that, if unrecognized or inadequately planned for, can result in loss of life, damage to structures, and costly maintenance, especially for homes, other buildings, roads, and utilities. In most cases, safe development of such areas will necessitate the modification of natural ongoing processes by high cost engineering practices. Appropriate design standards and well thought out land use profiles can be successful in mitigating some natural hazards, but forethought during annexation can serve to avoid many of the related problems and associate development costs.

e. Wetlands

Wetlands are often found along perennial and intermittent streams and drainages. These wetland areas are critical from both a development and natural resource stand point. Contemporary planning principals advocate the protection of wetlands and natural water bodies by integrating such natural drainage features into the designs for new development. This integration process avoids unnecessary infrastructure development/maintenance expense, bypasses bureaucratic problems associated with Clean Water Act and water rights, and eliminates the potential degradation associated with engineered channeling techniques. The annexation of areas with wetland features should only be done in a manner that provides appropriate protection to these resources.

f. Habitat Corridors

The Town advocates that all annexation proposal must protect both game and non-game wild life habitat areas, migration corridors, breeding areas, food sources, and other related habitat needs. Any proposed annexations should be coordinated in detail with the U.S. Forest Service, Colorado Department of Wildlife, Rocky Mountain Biological Laboratory and other interested stakeholders to identify critical habitat environments. Such coordination should address not only land use configuration impact, but also the long-term preservation of unique sub-alpine/alpine environments and how those environments are critical to the wildlife that inhabit the areas.

3. FINANCIAL REASONS - Annexation may serve to protect and enhance the municipal tax base. It increases the Town's property valuation and may help to avoid

an imbalance between taxable resources and municipal obligations; It will obligate new development to pay its share of the costs already in effect such as police and fire protection.

4. **MUNICIPAL SERVICES AND UTILITIES** - Annexation is an efficient and economical means of extending municipal services and utilities. Any new annexation to Mt. Crested Butte involves extending existing services to the development at the developers' expense. It would also be a means of controlling ingress and egress to the area. Municipal services recognized in this category include:

- street systems
- water and sanitation systems
- fire and police protection
- emergency services
- garbage collection
- recreational facilities and trails
- natural gas services
- electrical service
- telecommunication services
- transit services

5. **SOCIAL AND GOVERNMENTAL REASONS** - Annexation may provide the means for citizens in the fringe area to become politically active by participating in policy-making decisions. It increases the municipality's size and population thereby allowing a greater population base when applying for grants, funding, and associated financial and political needs.

6. **TRANSPORTATION:**

- a. Limit the access points on Gothic County Road to a maximum of two per subdivision and attempt to combine access points for adjacent subdivisions.
- b. Provide appropriate traffic control measures at intersections. Specifically, widen the Gothic County Road and provide acceleration and deceleration lanes at any intersection with the Gothic County Road.
- c. Provide for public transportation by dedicating land for the location of future bus stops, widening roads, and designing proper turn radiuses for sufficient sight distances around corners.
- d. Designate and improve multiple use trails.
- e. Encourage provision of alternative methods of transportation.

7. **PARKS, RECREATION, AND OPEN SPACE:**

- a. Provide an open space buffer zone between the potentially developed portions of the subdivisions and Gothic Road.
- b. Provide open space between the two towns and preserve unique natural features such as Washington Gulch.

- c. Provide opportunities for active recreation, such as athletic fields and cross country trails, open to the public, or available for contractual use, and consider dedication of land for public recreation facilities.
 - d. Prevent the loss of existing public access into lands used for recreational purposes.
 - e. Provide access to new areas for recreational use so citizens and visitors have the opportunity to use these areas.
8. SEWAGE AND WATER
- a. Discourage developments in the 3-mile area of sufficient size and density that would require new central water and sewage treatment facilities.

C. WRITTEN CRITERIA¹

1. The Town of Mt Crested Butte, while concerned with development in the entire north end of Gunnison Valley, proposes to focus future annexation so as not to conflict with neighboring municipalities or with county land use policies.
2. Mt. Crested Butte will annex no land which either cannot be served by Mt. Crested Butte Water and Sanitation District or cannot show proof that adequate water and sanitation facilities exist.
3. To annex land where it is clearly desirable to configure municipal boundaries for the purpose of greater efficiency or economy in providing municipal services and where such annexation is determined to be in the best interest of the municipality and the annexed property.
4. To annex the territory
 - which is determined to be urban in character;
 - where urbanization is clearly imminent and where such territory is in need of proper land use controls to include zoning and subdivision controls, building regulations, adequate roadway systems and good engineering standards;
 - open land that would be best used as open space or parks within the Town.
5. Annexation will be initiated, financially supported, and promoted by those living within the area proposed to be annexed.
6. The area under consideration for annexation should be a part of or located in the identified zones of potential growth and expansion of the municipality. The general terrain of the area should allow for additional future expansion of utilities.
7. The cost of providing permanent ordinary municipal services should be fully analyzed and determined.

8. A preliminary site and land use plan of the area proposed to be annexed must accompany any annexation petition.
9. The proposed zoning of the annexed territory must be appropriate to the Town's Master Plan.
10. The annexation of any previously subdivided land shall require an annexation agreement which shall provide for compliance with the Town Code.

¹ See Town of Mt. Crested Butte's Annexation Resolution, No. 1 series 1995 as amended.



PO BOX 5800 MT. CRESTED BUTTE, COLORADO 81225-5800

PHONE: 970.319.6632 FAX: 970.319.6326

November 9, 2020

Mt. Crested Butte Water and Sanitation District
100 Gothic Rd
Mt. Crested Butte, CO 81225

To Mt. Crested Butte Water and Sanitation District Board of Directors:

The Town Council of the Town of Mt. Crested Butte, Colorado, requests that the Board deny the Petition for Inclusion into the MCBWSD filed by Hunter Ridge, LLC.

The Town recently denied annexation and subdivision of a project submitted for the subject property from the same applicant, primarily based on concerns regarding slope stability and lack of need for such a development at the time. The current project proposal contains an even higher density than that which was proposed to the Town. The proposed development represents an increase in density of 9 units, more than double that which was originally presented to the Town. The Council remains concerned about the previously explained issues for denial, as well as increased impacts on Town infrastructure.

Pursuant to Section 6.3.4 of the Inclusion Within Special District regulations, the District may waive the requirements of Section 6.3.4 if the property is not capable of being annexed to the Town. The council suggests that the property itself is capable of being annexed to the Town, however, that neither the project previously submitted for annexation, nor the project being processed through the County, is one the Town would be interested in annexing. To that end, the Town asks that the District not grant a waiver to the requirements of Section 6.3.4.

Sincerely,

A handwritten signature in blue ink that reads "Janet R. Farmer". The signature is written in a cursive, flowing style.

Janet R. Farmer, Mayor



PO BOX 5800 MT. CRESTED BUTTE, COLORADO 81225-5800

PHONE: 970.349.6632 FAX: 970.349.6326

**Town of Mt. Crested Butte
Variance Application**

1 Applicant Name: Michael Fabbre C/O Mt. Crested Butte Water & Sanitation District
Address: 100 Gothic Road * PO Box 5740 * Mt. Crested Butte CO 81225-5740
Phone Number: 970-349-7575
Email: mfabbre@mcbwsd.com

2 Legal Description of Property Owned by Applicant:
 100 Gothic Road Mt. Crested Butte CO 81225-5740
 Parcel # 3177-264-03-020

3 A statement of the precise nature of the variance requested, regulations involved and the practical difficulty inconsistent with the objections of the zoning ordinance.
 See Attachment #1
 See Photo #1
 See Photo #2

4 Attached as Exhibit "A" hereto is a detailed site plan showing existing and proposed features on the site, site boundaries, required setbacks, building locations and heights, topography and physical features and similar data.
 See Exhibit "A" Site Plan
 See Exhibit "A" Site Plan Cross Section
 See Exhibit "A" Google Earth Image

5 Attorney or representative, if any:
Name: Jill Norris, Dufford Waldeck Milburn & Krohn LLP
Address: 477 Horizon Court, Suite 300 Grand Junction, CO 81506
Phone Number: 970-248-5874
Email: norris@dwmk.com

6 Engineer, if any
Name: Jerry Burgess, PE
Address: 103 W Tomichi Ave, Suite A Gunnison CO 81230
Phone Number: 970-641-5355
Email: jerryb@sgm-inc.com



PO BOX 5800 MTCRESTED BUTTE, CO COLORADO 81225-5800

PHONE: 970.349.6632 FAX: 970.349.6326

7 Fee - \$500 payable to Town of Mt. Crested Butte

Pd 11/2/17 C/F. VAR-1

8 Other Information:

Respectfully Submitted this 12th day of January 2018
~~2014~~

Signature of Applicant or Agent:

Report on public hearing, deliberation and findings of Mt. Crested Butte Planning Commission:

Denied: _____ Date: _____

Approved: _____ Date: _____

Approved with conditions as follows: *

Action by Town Council of Mt. Crested Butte, Colorado:

Denied: _____ Date: _____

Approved: _____ Date: _____

Approved with conditions as follows:

Attachment #1

The Mt. Crested Butte Water & Sanitation District (District) is requesting a variance from Sec. 21-305 Design Policies (4) Retaining wall maximum height and landscaping between terraced retaining walls.

Currently, a sewer main line exists in the steep slope between Gothic Road and the District's wastewater treatment plant just Northeast of the "Welcome to Mt. Crested Butte" sign at 100 Gothic Road. This parcel is in the commercial district of Mt. Crested Butte. Over the years, the road side slope has been moving. In 2011, the hillside sloughed off and moved enough to warrant an emergency soil nail stabilization project. In the years since, the slope has continued to move enough to be noticeable during routine video inspection of the sewer main. We suspect that the movement is due to the steepness of the terrain and ground water movement through the slope.

The District is concerned that the slope could fail over time. The extent of the slope failure we cannot predict, but it could affect the sewer main and/or Gothic Road. The District is being proactive and intends to stabilize the slope where the sewer main line currently is placed. This stabilization will protect the District's assets (sewer main line) and also help stabilize Gothic Road.

To implement the slope stability enhancement, the District has elected to construct tiered retaining walls engineered to support the sewer main line slope. Given the steepness, and space limitations, it is necessary to exceed the Town's maximum retaining wall height. The space limitations would not allow 8-foot tiered retaining walls to fit in the site. Our series of walls (see site plan) will include wall heights up to 13 feet (see site plan cross section).

The District's rule and regulations state that trees and/or shrubs are not allowed to be planted within 10 feet of each side of a water or sewer main line. Roots from the associated landscaping will grow and follow a water source and cause damage to the piping and infrastructure. As a result, the District is requesting a variance from having one (1) tree or four (4) shrubs per ten (10) linear feet between terraced retaining walls. The District is proposing rock with native grasses between the soldier pile wall and the mechanically stabilized earth (MSE) retaining wall.

Photo #1 illustrates the proposed bottom soldier pile wall. The District's wall shall be colored the same as the MSE wall as to blend harmoniously with the surroundings and the development with which they are associated.

Photo #2 illustrates the proposed top MSE wall. This picture is the MSE wall on the backside of the District's garage at the same parcel and is visible from Gothic Road. We would propose the same color and texture to match the existing infrastructure.

Exhibit "A" Google Earth Image



| | |
|------|--|
| | rate of one (1) point for each square foot. Landscape points will not be awarded for hard surfaced walkways provided in the accessways required by section 21-201. The landscape plan for developments in the PAD, BD, CD, ROS and nonresidential areas of PUD zoning districts will be evaluated by the planning commission for its appropriateness to the individual project's size, location and density. |
| PUDF | A total of twenty-five (25) points per one hundred (100) square feet of lot area, and a minimum of three thousand five hundred (3,500) points are required. A minimum of fifty (50) percent of the total required points must be provided by trees; a minimum of twenty-five (25) percent of the total points shall be evergreen trees. The landscape plan shall be prepared by a licensed landscape architect when required by state statute. The landscape plan shall address the pedestrian landscape space and scale. It is required that all new developments receive points in at least five (5) of the above listed categories. Development plans with floor area (GRFA/CRFA) greater than two thousand five hundred (2,500) square feet in size will require a minimum of one (1) additional point for each one (1) square foot over the two thousand five hundred (2,500) square feet of floor area. Landscape points may be counted for space in an enclosed atrium at the rate of one (1) point for each square foot of floor area. |
| ROS | Two thousand (2,000) points minimum for each one-half (1/2) acre of lot area. For development of facilities other than agricultural outbuildings, one (1) additional point shall be required for each square foot of floor area over two thousand five hundred (2,500) square feet. A minimum of fifty (50) percent of the total required points must be provided by trees; a minimum of twenty-five (25) percent of the total points shall be evergreen trees. Streets proposed through ROS shall have a minimum of three (3) trees (one (1) evergreen six (6) feet tall and two (2) deciduous) per one hundred (100) feet of right-of-way. Tree plantings shall be clustered and located in manner where they will not affect snow plowing. The planning commission may reduce the total number and distribution of landscape points if it finds that the landscape plan articulates a harmonious blend between the natural environment, pedestrian environment, and proposed architecture. |
| PUD | Areas within a PUD shall provide points in accordance with the zoning district that most closely resembles the proposed development, as determined by the appropriate review authority. |

(g) Cuts, fills and retainage.

(1) Excessive grading, in the opinion of the zoning administrator, for building sites, access drives, off-street parking, pool sites, recreation areas or other improvements is not permitted.

(2) Cut and fill slopes shall be limited to a ratio of two (2) horizontal to one (1) vertical for un-mowed slopes and a ratio of three (3) horizontal to one (1) vertical for mowed slopes unless written permission from the Planning Commission is received.

(3) Slopes that exceed a ratio of two (2) horizontal to one (1) vertical shall be retained with a **retaining wall** or walls and/or structures.

(4) **Retaining walls shall not exceed eight (8) vertical feet. Terraced retaining walls, beginning at the second tier and all tiers above the second tier, must be stepped back at least four (4) feet in width and must be landscaped with one (1) tree or four (4) shrubs per ten (10) linear feet of wall.**

(5) **Retaining walls** shall be textured, colored or faced so as to blend harmoniously with their surroundings and the building, project or development with which they are associated.

(6) Railroad tie **retaining walls** which exceed four (4) feet in height shall be battered as opposed to straight vertical at a minimum batter of one (1) horizontal to eight (8) vertical.

(h) Snow shed. Buildings and structures shall not be constructed so as to allow snow to slide from any portion thereof onto a public right-of-way or onto adjacent property, or onto areas which, because of the design of the improvements, are intended to be occupied or used by persons on a regular basis.

(i) Roofs. Roofs should have a design and be covered with materials that are harmonious with their surroundings. All metal roofs, trim, flashing, crickets, stove pipe or other piping located on or above the roof of a structure shall be anodized or painted so as to be nonreflective.

(j) Driveway or private access road connection. No driveway or private access road shall connect a corner lot to an arterial street, as defined in the subdivision regulations of this Code.

(k) Snow slides. All developments shall be designed and constructed so as to avoid the creation of artificial slopes

Photo #1

Soldier Pile Retaining Wall



Photo #2

MSE Retaining Wall

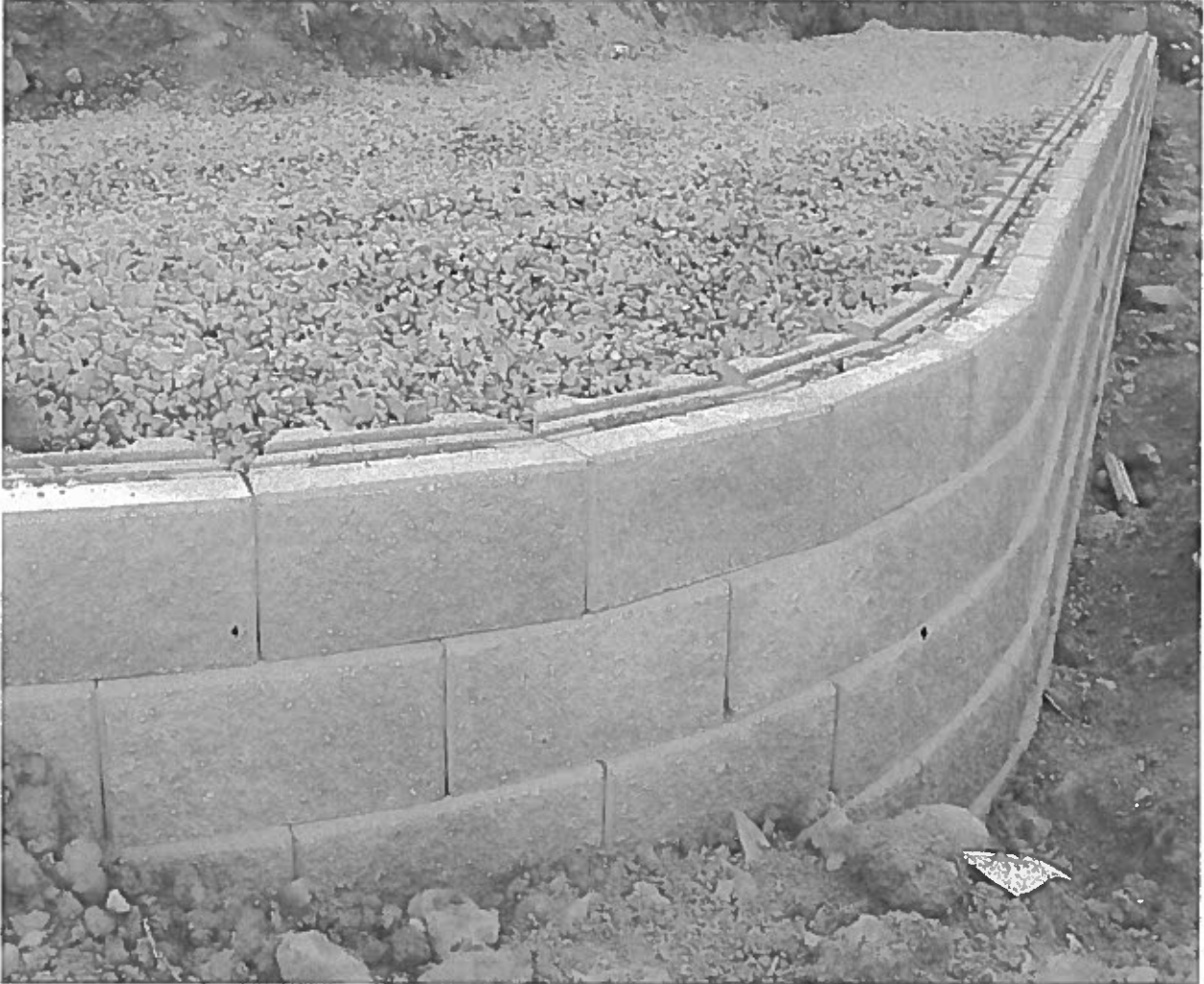


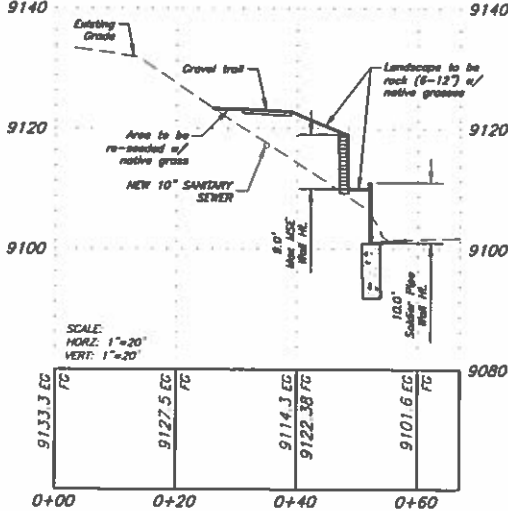
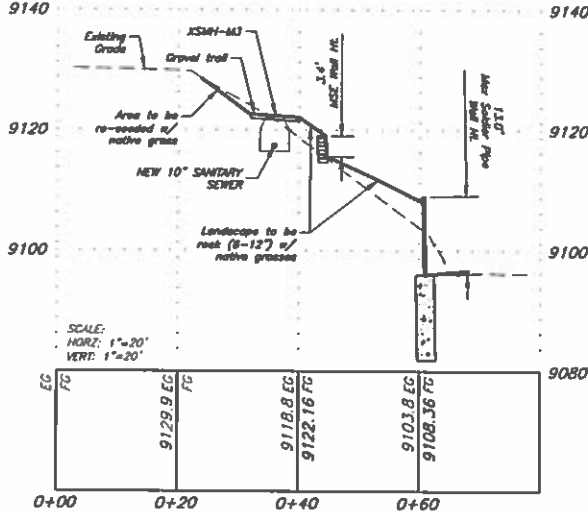
Exhibit "A" Site Plan Cross Section

Section A-A:

Location of Maximum Soldier Pile Wall Height

Section B-B

Location of Maximum MSE Wall Height



Mt Crested Butte Water and Sanitation District
 Gothic Road Sewer Line Replacement

| Rev | Date | By |
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Job No: 2018-237-001
 Drawn by: JH
 Date: 01/01/2018
 QC: JFE
 File: 01-Site Plan

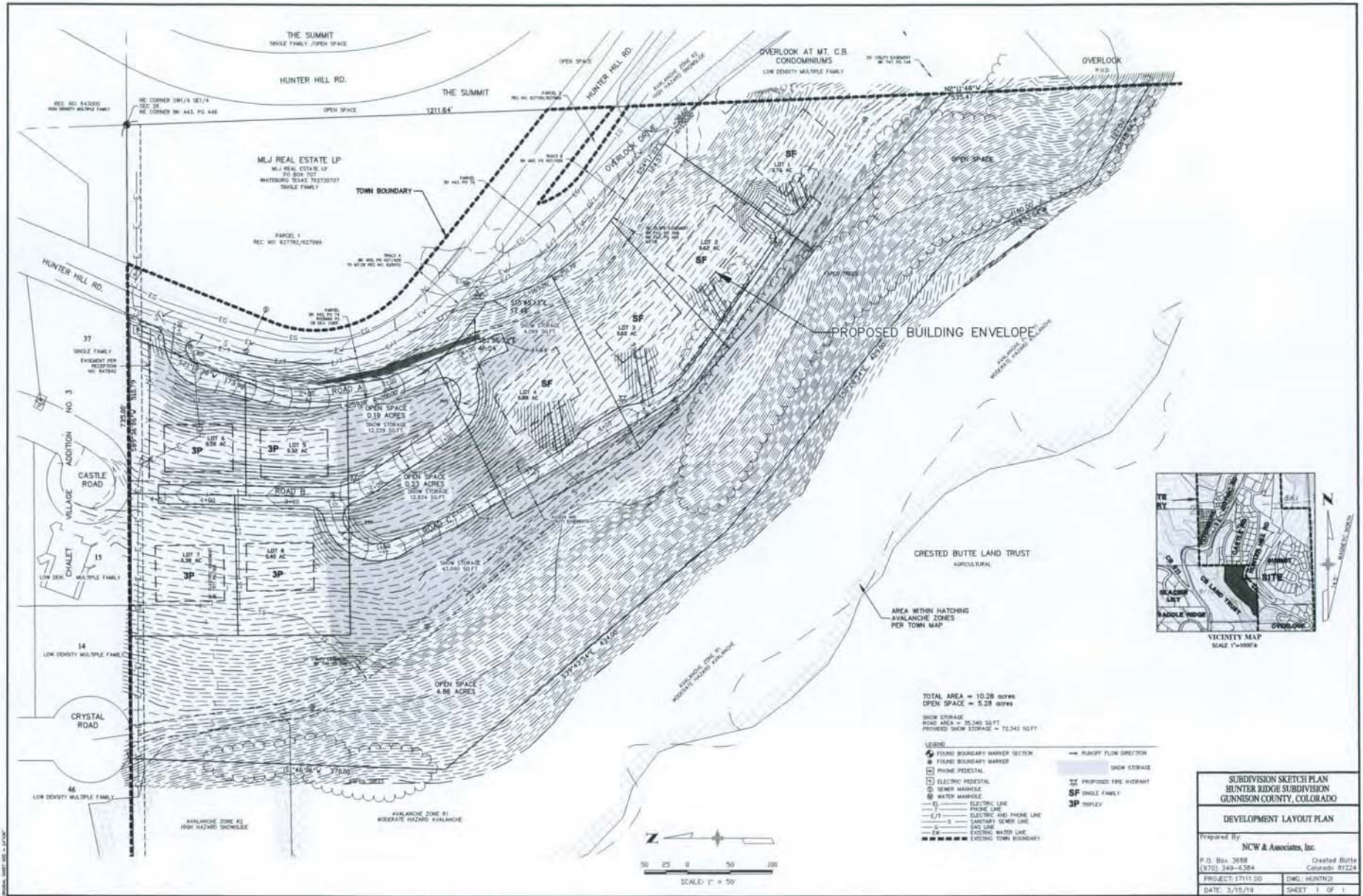
Variance Application:
 Wall Cross Sections

Draw No: 02
 of: 2

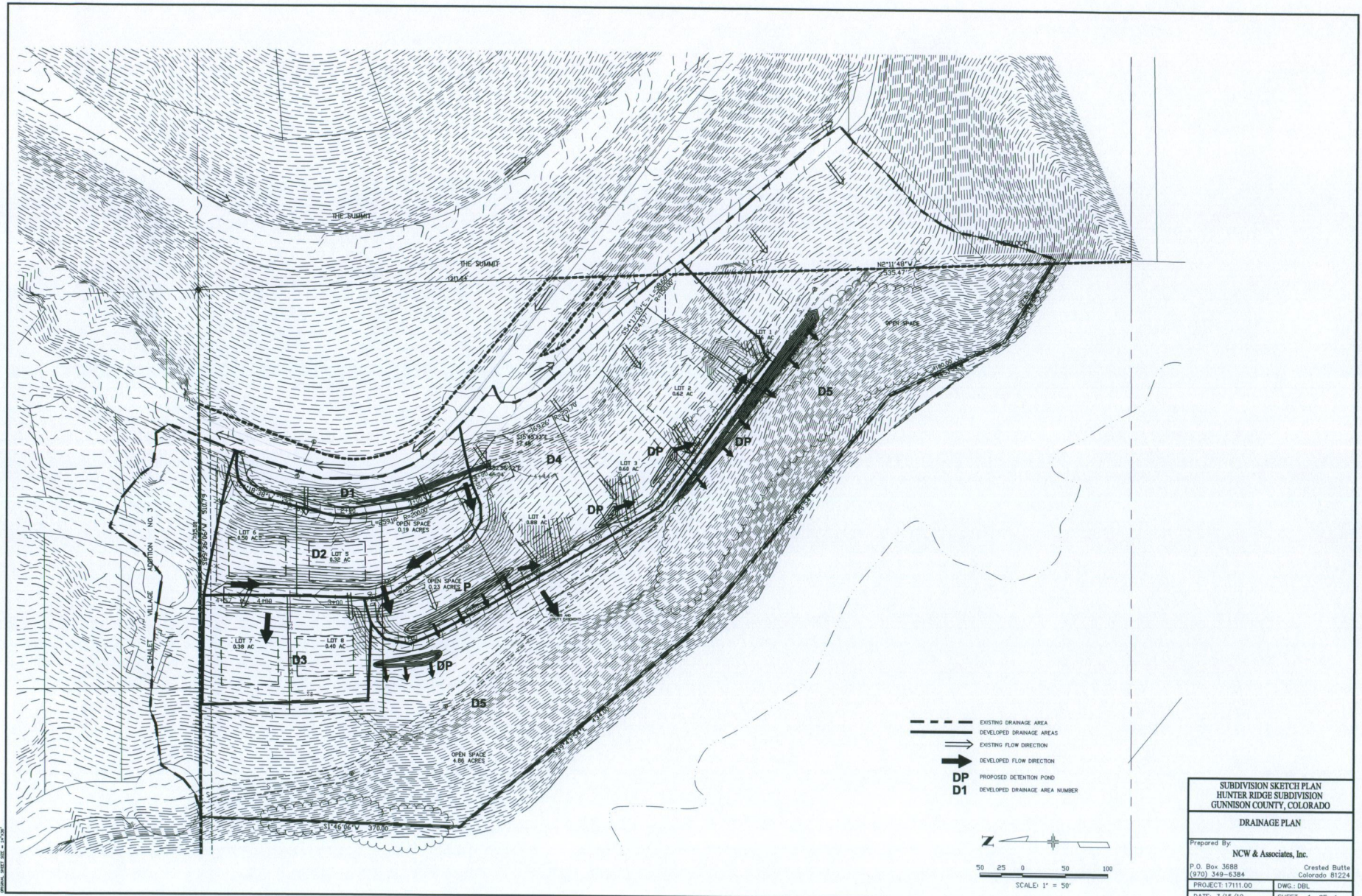
Project Milestone Preliminary Not For Construction

A:\2018\2018-237-001-SewerlineReplacement\4-Design\Drawings\05-SheetSet\variance\01-Site Plan.dwg Plotter: 1/11/2018 1:31 PM By: jiang.su@sgm.com

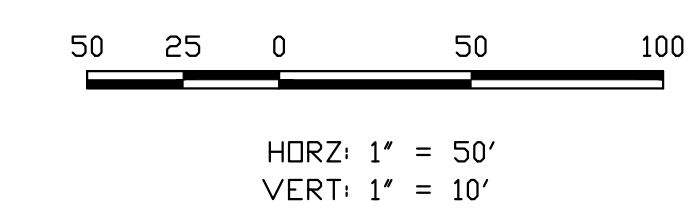
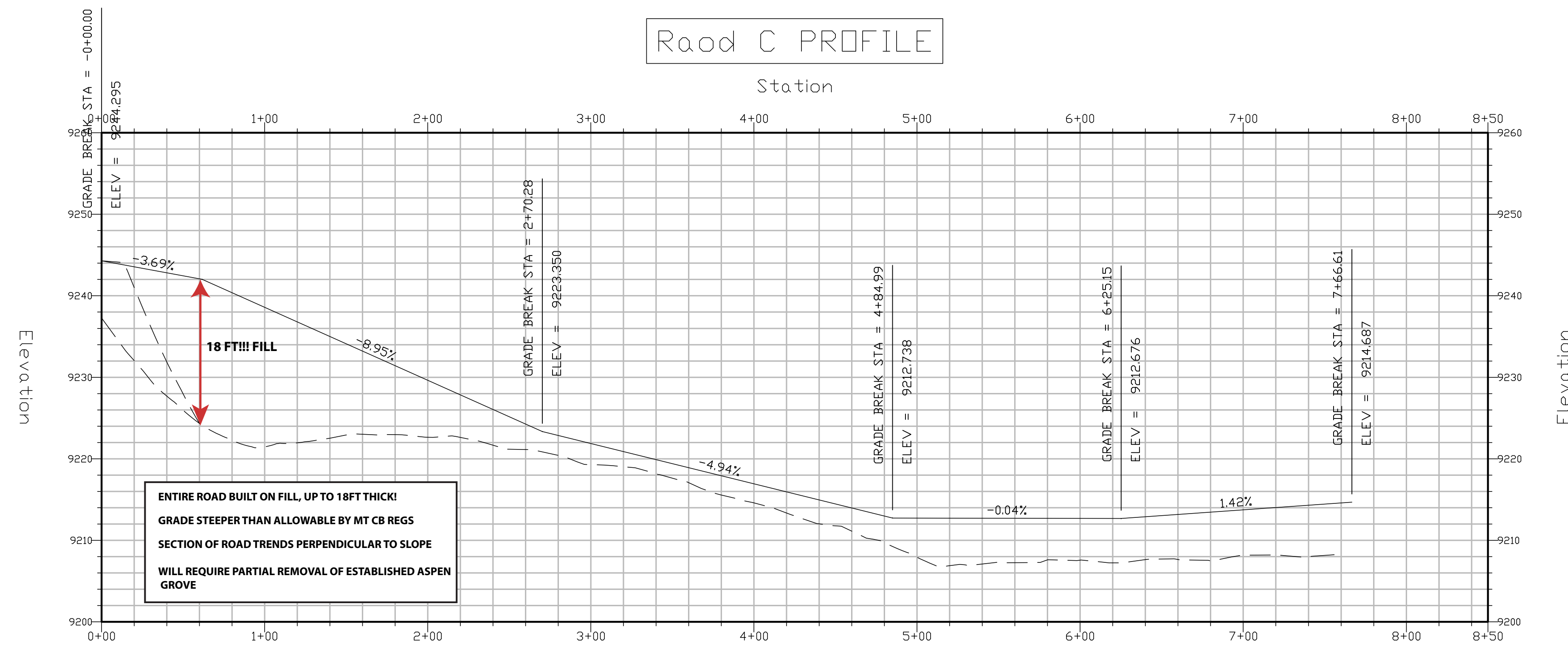
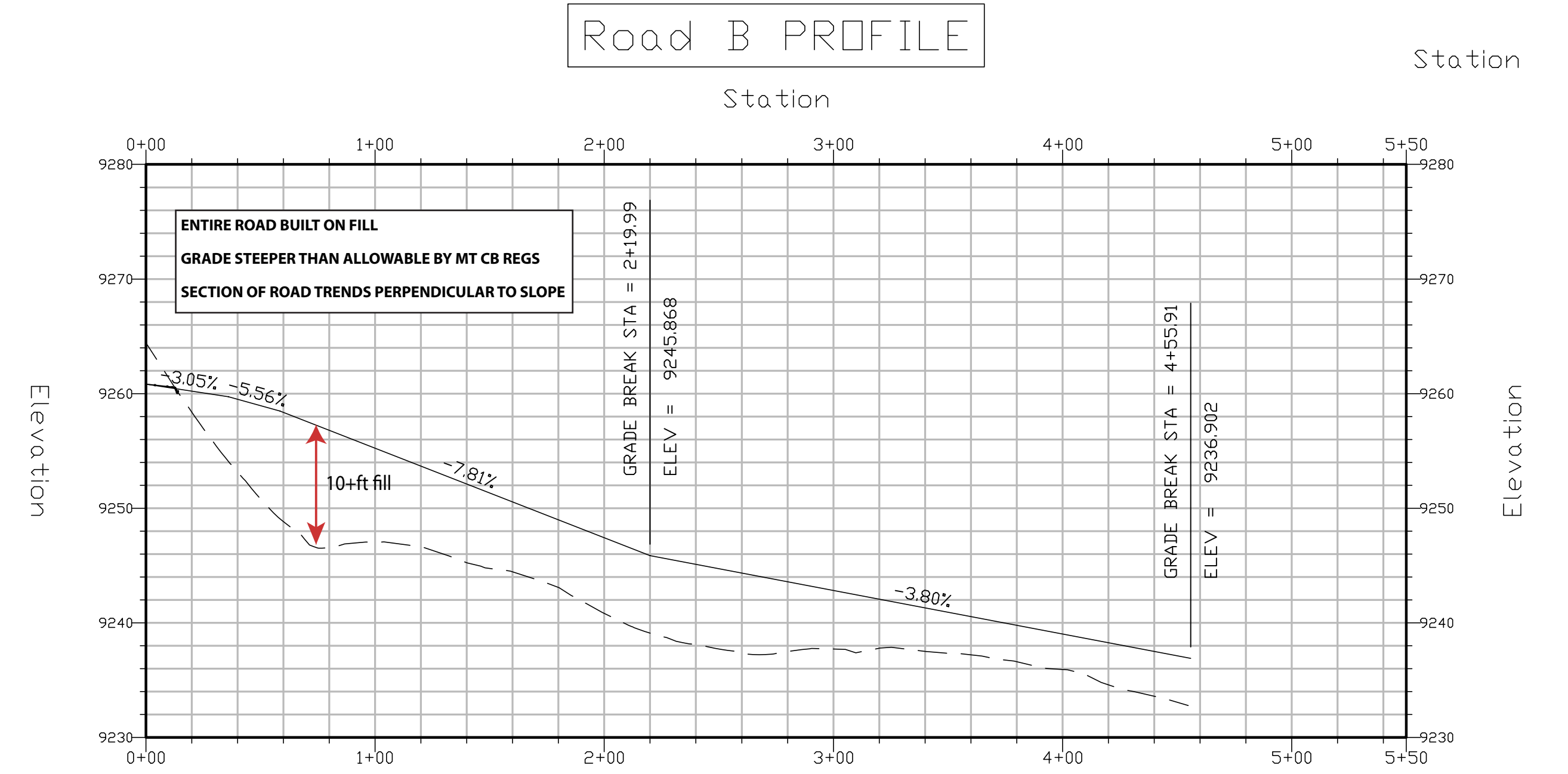
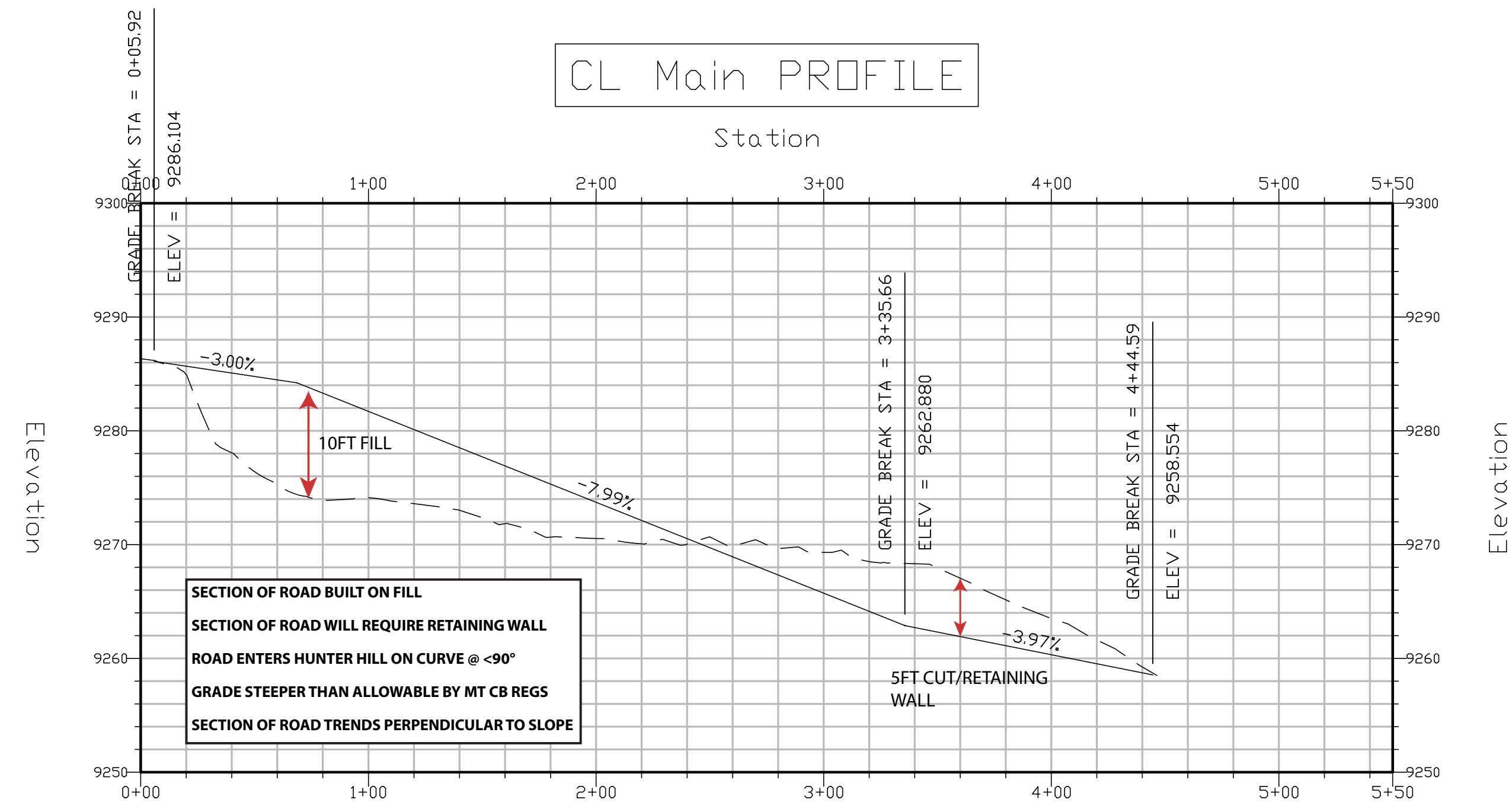
ATTACHMENT D, SNOW STORAGE



ATTACHMENT E, DRAINAGE PLAN



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|--|---------------------------------|
| SUBDIVISION SKETCH PLAN HUNTER RIDGE SUBDIVISION GUNNISON COUNTY, COLORADO | |
| DRAINAGE PLAN | |
| Prepared By: | |
| NCW & Associates, Inc. | |
| P.O. Box 3688 (970) 349-6384 | Crested Butte Colorado 81224 |
| PROJECT: 17111.00 | DWG.: DBL |
| DATE: 3/15/19 | SHEET 1 OF 1 |



| | |
|--|---------------------------------|
| SUBDIVISION SKETCH PLAN HUNTER RIDGE SUBDIVISION GUNNISON COUNTY, COLORADO | |
| PRELIMINARY ROADWAY | |
| Prepared By: NCW & Associates, Inc. | |
| P.O. Box 3688 (970) 349-6384 | Crested Butte Colorado 81224 |
| PROJECT: 17111.00 | DWG.: HUNTN2I |
| DATE: 8/29/19 | SHEET 2 OF 2 |