

# Public Notice



## **Mt. Crested Butte Water & Sanitation District** *Regular Board Meeting Agenda*

**[Wednesday, December 16, 2020 5:00 p.m.](#)**

Please join the meeting from your computer, tablet or smartphone.  
<https://www.gotomeet.me/MCBWaterSanitationDistrict>

You can also dial in using your phone.

United States: **+1 (872) 240-3212**

(When prompted for audio PIN, please input your (area code) and phone #)

**Access Code: 370-521-317**

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/370521317>

### **Public Hearing Agenda**

1. Call to Order
2. Public Hearing on The Petition for Inclusion into The District Submitted by Hunter Ridge, LLC,
3. Adjourn

### **Board Meeting Agenda**

1. Call to Order
2. Board Deliberation and Potential Decision
3. Adjourn

The Board may address individual agenda items at their discretion as necessary to accommodate the needs of the Board and audience.



## 45 Hunter Hill Road Inclusion Information Contents

### Contents:

1. Notice of Public Hearing
2. Hunter Ridge, LLC. Inclusion Application
3. Sanitary Sewer Analysis
4. Public Comments
5. MCBWSD Staff Recommendation

**NOTICE OF PUBLIC HEARING BEFORE THE  
MT. CRESTED BUTTE WATER & SANITATION DISTRICT**

Please take notice that the Mt. Crested Butte Water & Sanitation District (the “District”) will hold a public hearing on Wednesday, December 16, 2020 at 5:00 p.m. in a virtual meeting format due to COVID-19 restrictions.

Please join the meeting at <https://www.gotomeet.me/MCBWaterSanitationDistrict> or dial in at (872)240-3212 (Access Code 370-521-317). Further meeting instructions can be found at [www.mcbwsd.com/Agendas-Meetings-Minutes](http://www.mcbwsd.com/Agendas-Meetings-Minutes).

The purpose of the hearing is for public input on a petition for inclusion into the District by Hunter Ridge, LLC, a Colorado limited liability company, the address of which is P.O. Box 1935, Crested Butte, CO 81224. The property proposed to be included within the District is commonly referred to as 45 Hunter Hill Road in Mt. Crested Butte, a 10.458-acre tract with the legal parcel number of 3177-264-00-053. The full legal description of the property is set forth in the petition for inclusion on file with the District.

All persons interested shall appear at the date and time set forth above and show cause in writing why the petition should not be granted. Those who speak at the public hearing shall be allowed a maximum of 5 minutes to express their comments to the Mt. Crested Butte Water & Sanitation District Board of Directors. Advanced written comments are encouraged and should be received at the Mt. Crested Butte Water & Sanitation District, PO Box 5740, Mt. Crested Butte, CO 81225 or by fax to (970) 349-0412, or by email to [info@mcbwsd.com](mailto:info@mcbwsd.com) by Tuesday, December 1, 2020 at 5:00 PM, Mountain Time.

For a digital copy of the petition please visit <https://www.mcbwsd.com/57541>

No action or discussion shall take place by the Mt. Crested Butte Water & Sanitation District Board of Directors until the public hearing is officially closed.

Dated this 12<sup>th</sup> day of November 2020.

/s/ Mike Fabbre  
District Manager

Published in the *Crested Butte News*.  
Issue of November 13, 20, 27, and December 4, 2020.

Feb 28, 2020

Mt. Crested Butte Water and Sanitation District

## Petition for Inclusion

6.4.1 : Hunter Ridge, LLC. Jamie Watt, Managing Partner  
PO Box 1935  
Crested Butte, CO 81224

6.4.2: Shanon Phillips. 100% stockholder  
40336 Loosemoore Rd  
Gonzales, LA 70737

6.4.3: See attached consent form

6.4.4: N/A

6.4.5: See attached

6.4.6: See attached

6.4.7: No water rights

6.4.8: N/A

6.4.9: No water or sewer facilities. 8" sewer main running through entire property

6.4.10: To be submitted week of March 2-5

6.4.11: N/A

6.4.12: To be submitted week of March 2-5

6.4.13: As requested

6.4.14: Attached

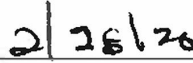
6.4.15: See attached

6.4.16: See attached

Submitted by



\_\_\_\_\_  
Jamie Watt, Managing Partner,  
Hunter Ridge, LLC.




\_\_\_\_\_  
Date

624,3

Feb. 6, 2020

As 100% owner of the shares of Hunter Ridge, LLC, I give my consent for the Petition for Inclusion submitted by Jamie Watt, Managing Partner, to the Mt. Crested Butte Water & Sanitation Department.



---

Sharon Phillips

2/10/20

---

Date

Sign, scan,  
and email  
back

6,4,5

**Summary**

Account Number R033198  
 Parcel Number 3177-264-00-053  
 Account Type Vacant  
 Economic Area Econ Area 6  
 Tax District 606  
 Mill Levy 56.667  
 Property Location 45 HUNTER HILL RD .MT CRESTED BUTTE  
 Neighborhood N/A  
 LEA MT CB ACREAGE (60220)  
 Subdivision N/A  
 Condo N/A  
 Legal Description 11.933A IN SW4SE4. SEC 26 13S86W #651954  
 Parcel Notes STATEMENT OF AUTHORITY #523479 KAUAI VENTURE LLC  
 TOTAL PARCEL = 10.458 AC



**View Map**

Note: Legal Description above is abbreviated for use on Assessor records and is not valid for use on legal documents.

**Owner**

Owner  
 HUNTER RIDGE LLC  
 40336 LOOSEMOORE RD  
 GONZALES, LA 70737-8130

Business Name

**Current Assessment Information**

	2019
+ Land Actual Value	\$513,490
+ Building Actual Value	\$0
= Total Actual Value	\$513,490
+ Land Assessed Value	\$148,910
+ Building Assessed Value	\$0
= Total Assessed Value	\$148,910

**Prior Year Assessment Information**

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2019	\$513,490	\$148,910	56.667	\$8,438.28
2018	\$457,960	\$132,810	58.652	\$7,789.57
2017	\$457,960	\$132,810	59.243	\$7,868.06
2016	\$473,740	\$137,380	55.636	\$7,643.29
2015	\$473,740	\$137,380	54.825	\$7,531.86
2014	\$254,890	\$73,920	56.397	\$4,168.85
2013	\$254,890	\$73,920	49.795	\$3,680.85
2012	\$1,460,600	\$423,570	43.359	\$18,365.57
2011	\$1,460,600	\$423,570	44.434	\$18,820.91
2010	\$682,710	\$197,990	40.244	\$7,967.91
2009	\$682,710	\$197,990	39.091	\$7,739.64
2008	\$850,460	\$246,630	40.652	\$10,026.00
2007	\$850,460	\$246,630	35.448	\$8,742.56
2006	\$267,640	\$77,620	44.485	\$3,452.92

Contact the Treasurer's Office for current property tax amount due. Do not use the figures above to pay outstanding property taxes.

604,16



### Land Title Guarantee Company Customer Distribution



**PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.**

Order Number: **GUR88000227-9**

Date: **01/02/2018**

Property Address: **(VACANT LAND) HUNTER HILL ROAD, MT. CRESTED BUTTE, CO  
81225**

**PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS**

**For Closing Assistance**

Christina Cesario  
411 THIRD STREET  
CRESTED BUTTE, CO 81224  
(970) 349-0115 (Work)  
(800) 834-5192 (Work Fax)  
**ccesario@ltgc.com**  
Company License: CO44565

**Closer's Assistant**

Shirley Barcome  
411 THIRD STREET  
CRESTED BUTTE, CO 81224  
(970) 349-0115 (Work)  
(800) 833-4065 (Work Fax)  
**sbarcome@ltgc.com**  
Company License: CO44565

**For Title Assistance**

Your Response Team  
411 THIRD STREET  
CRESTED BUTTE, CO 81224  
(970) 626-7001 (Work)  
(877) 375-5025 (Work Fax)  
**gcresponse@ltgc.com**

**Buyer/Borrower**

HUNTER RIDGE, LLC  
Delivered via: No Commitment Delivery

**Agent for Seller**

CRESTED BUTTE RESORT REAL ESTATE LLC  
Attention: CINDY ERVIN  
PO BOX 5700  
MT CRESTED BUTTE, CO 81225  
(970) 209-5233 (Cell)  
(970) 349-4999 (Work)  
(970) 349-4265 (Work Fax)  
cervin@cbmr.com

**Seller/Owner**

GLACIER BANK, A MONTANA BANKING CORPORATION  
Delivered via: No Commitment Delivery

**Agent for Seller**

THE REAL ESTATE STORE  
Attention: MICHELLE KLIPPERT  
500 E MAIN ST  
MONTROSE, CO 81401  
(970) 275-3016 (Cell)  
(970) 249-7653 (Work)  
michelleklippertreator@gmail.com

**Agent for Buyer**

CRESTED BUTTE RESORT REAL ESTATE LLC  
Attention: JAMIE WATT  
PO BOX 5700  
MT CRESTED BUTTE, CO 81225  
(970) 209-2675 (Cell)  
(970) 349-4265 (Work)  
alpinewatt@hotmail.com



6.4.15

Feb. 6, 2020

Hunter Ridge, LLC, as pertaining to the Included Parcel shall, upon demand, convey to the District all water and sewer facilities constructed upon the Included Parcel and adequate and necessary easements and rights of way for the purpose of construction, maintenance and repair for the water facilities and sewer facilities.

  
\_\_\_\_\_  
Jamie Watt, Managing Partner Hunter Ridge , LLC

  
\_\_\_\_\_  
Date

6.4.12

Feb. 6, 2020

Hunter Ridge, LLC, as pertaining to the Included Parcel shall agree to pay all costs, fees and expenses incurred by the District in reviewing the Petition for Inclusion, the adequacy of the water rights, the ability of the District to adequately serve the Included Parcel and the District's legal and administrative costs pertaining to the inclusion proceedings.

  
\_\_\_\_\_  
Jamie Watt, Managing Partner Hunter Ridge , LLC

  
\_\_\_\_\_  
Date

4/6/20

Mt. Crested Butte Water and Sanitation District

## Petition for Inclusion

6.4.1 : Hunter Ridge, LLC. Jamie Watt, Managing Partner  
PO Box 1935  
Crested Butte, CO 81224  
970-209-2675

6.4.2: Shanon Phillips. 100% stockholder  
40336 Loosemoore Rd  
Gonzales, LA 70737  
225-290-2720

6.4.2 Registered Agent: Charles F. Cliggett  
319 Elk Ave.  
Crested Butte, CO 81224  
Mailing address; PO Box 867  
Gunnison, CO 81230  
970-641-1154

6.4.3: See attached consent form

6.4.4: N/A

6.4.5: See attached

6.4.6: See attached

6.4.7: No water rights

6.4.8: N/A

6.4.9: No water or sewer facilities. 8" sewer main running through entire property

6.4.10: Submitted week of March 2-5

6.4.11: N/A

6.4.12: Submitted week of March 2-5

6.4.13: As requested

6.4.14: Attached

6.4.15: See attached

6.4.16: See attached

Submitted by

---

Jamie Watt, Managing Partner,  
Hunter Ridge, LLC.

---

Date

4/6/20 11/2/20

Mt. Crested Butte Water and Sanitation District

## Petition for Inclusion

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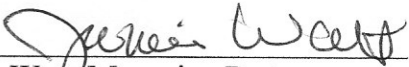
6.4.13: As requested

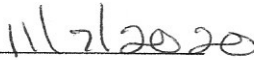
6.4.14: Attached

6.4.15: See attached

6.4.16: See attached

Submitted by

  
\_\_\_\_\_  
Jamie Watt, Managing Partner,  
Hunter Ridge, LLC.

  
\_\_\_\_\_  
Date



State Documentary Fee  
Date: March 01, 2018  
\$50.00

**Special Warranty Deed**  
(Pursuant to 38-30-115 C.R.S.)

THIS DEED, made on March 1st, 2018 by GLACIER BANK, A MONTANA BANKING CORPORATION Grantor(s), of the County of Mesa and State of Colorado for the consideration of (\$500,000.00) \*\*\*Five Hundred Thousand and 00/100\*\*\* dollars in hand paid, hereby sells and conveys to HUNTER RIDGE, LLC, A COLORADO LIMITED LIABILITY COMPANY Grantee(s), whose street address is PO BOX 1935, CRESTED BUTTE, CO 81224, County of Gunnison, and State of Colorado, the following real property in the County of Gunnison, and State of Colorado, to wit:

See attached "Exhibit A"

also known by street and number as: (VACANT LAND) HUNTER HILL ROAD, MT. CRESTED BUTTE, CO 81225

with all its appurtenances and warrants the title against all persons claiming under the Grantor(s), subject to *general taxes for the year 2018 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Record Title Matter (Section 8.2) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility easements, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Off-Record Title Matters (Section 8.3) and Current Survey Review (Section 9) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusion of the Property within any special tax district; any special assessment if the improvements were not installed as of the date of Buyer's signature on the Contract to Buy and Sell Real Estate, whether assessed prior to or after Closing; and other GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2018 AND SUBSEQUENT YEARS AND SUBJECT TO THOSE ITEMS AS SET FORTH ON EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN.*

GLACIER BANK, A MONTANA BANKING CORPORATION

By: *Bruce L. Penny*  
BRUCE L. PENNY, EXECUTIVE VICE PRESIDENT,  
CHIEF CREDIT OFFICER OF BANK OF THE SAN  
JUANS, DIVISION OF GLACIER BANK

State of Colorado )  
 )ss.  
County of MESA )

The foregoing instrument was acknowledged before me on this day of <sup>2-26-18</sup> ~~March 1st, 2018~~ by BRUCE L. PENNY AS EXECUTIVE VICE PRESIDENT, CHIEF CREDIT OFFICER OF BANK OF THE SAN JUANS, DIVISION OF GLACIER BANK, GLACIER BANK, A MONTANA BANKING CORPORATION

Witness my hand and official seal

My Commission expires: 3-18-2022 *Jeri L. Hartman*  
Notary Public

JERRI L. HARTMAN  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID #20014025337  
My Commission Expires March 18, 2022

When Recorded Return to: HUNTER RIDGE, LLC, A COLORADO LIMITED LIABILITY COMPANY  
PO BOX 1935, CRESTED BUTTE, CO 81224



**651954**

3/1/2018 2:34:10 PM 2 of 3

Gunnison County, CO

**Exhibit A**

A PARCEL OF LAND LOCATED IN THE SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> 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<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
THENCE SOUTH 01°46'08" 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<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
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.



**651954**

3/1/2018 2:34:10 PM 3 of 3

Gunnison County, CO

**EXHIBIT B**

Property Address: **(VACANT LAND) HUNTER HILL ROAD, MT. CRESTED BUTTE, CO 81225**

**RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED SEPTEMBER 02, 1927, IN BOOK 235 AT PAGE 137.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN DEED RECORDED SEPTEMBER 12, 1972 IN BOOK 443 AT PAGE 446 AND RELEASE OF OBLIGATIONS RECORDED SEPTEMBER 22, 1978 IN BOOK 520 AT PAGE 743.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF EASEMENT RECORDED JANUARY 18, 1994 IN BOOK 739 AT PAGE 121 AS AMENDED BY INSTRUMENT RECORDED JUNE 27, 1995 IN BOOK 766 AT PAGE 156.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF EASEMENT RECORDED MARCH 18, 1994 IN BOOK 742 AT PAGE 398.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF EASEMENT RECORDED APRIL 08, 1994 IN BOOK 743 AT PAGE 469.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF UTILITIES EASEMENT RECORDED MAY 17, 1994 IN BOOK 745 AT PAGE 598 AS CORRECTED BY INSTRUMENT RECORDED JUNE 14, 1994 IN BOOK 747 AT PAGE 148.**

**TERMS, CONDITIONS, AND PROVISIONS CONTAINED IN INCLUSION ORDER IN THE MATTER OF THE BOUNDARIES OF THE CRESTED BUTTE FIRE PROTECTION DISTRICT RECORDED NOVEMBER 21, 1994, IN BOOK 756 AT PAGE 62 AS AMENDED BY INSTRUMENT RECORDED JANUARY 13, 1995 IN BOOK 758 AT PAGE 689.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN UTILITY EASEMENT TO GUNNISON COUNTY ELECTRIC ASSOCIATION, INC. RECORDED DECEMBER 16, 1994 IN BOOK 757 AT PAGE 319.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT DEED RECORDED OCTOBER 14, 1998 UNDER RECEPTION NO. 487842.**

**EASEMENT AND RIGHT OF WAY FOR HUNTER HILL ROAD AND OVERLOOK ROAD AS SHOWN ON THE GUNNISON COUNTY ASSESSOR'S MAP STORED IN LAND TITLE'S SYSTEM AS ESI 33251221.**

**MATTERS DISCLOSED ON BOUNDARY AND EASEMENT SKETCH ISSUED BY NCW & ASSOCIATES, INC. CERTIFIED JULY 17, 2017, JOB NO. 17111.00 SAID DOCUMENT STORED AS OUR ESI 34871275.**



**Land Title Guarantee Company  
Customer Distribution**



**PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.**

Order Number: **GUR88000227-9**

Date: **01/02/2018**

Property Address: **(VACANT LAND) HUNTER HILL ROAD, MT. CRESTED BUTTE, CO  
81225**

**PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS**

**For Closing Assistance**

Christina Cesario  
411 THIRD STREET  
CRESTED BUTTE, CO 81224  
(970) 349-0115 (Work)  
(800) 834-5192 (Work Fax)  
[ccesario@ltgc.com](mailto:ccesario@ltgc.com)  
Company License: CO44565

**Closer's Assistant**

Shirley Barcome  
411 THIRD STREET  
CRESTED BUTTE, CO 81224  
(970) 349-0115 (Work)  
(800) 833-4065 (Work Fax)  
[sbarcome@ltgc.com](mailto:sbarcome@ltgc.com)  
Company License: CO44565

**For Title Assistance**

Your Response Team  
411 THIRD STREET  
CRESTED BUTTE, CO 81224  
(970) 626-7001 (Work)  
(877) 375-5025 (Work Fax)  
[gcreponse@ltgc.com](mailto:gcreponse@ltgc.com)

**Buyer/Borrower**

HUNTER RIDGE, LLC  
Delivered via: No Commitment Delivery

**Agent for Seller**

CRESTED BUTTE RESORT REAL ESTATE LLC  
Attention: CINDY ERVIN  
PO BOX 5700  
MT CRESTED BUTTE, CO 81225  
(970) 209-5233 (Cell)  
(970) 349-4999 (Work)  
(970) 349-4265 (Work Fax)  
[cervin@cbmr.com](mailto:cervin@cbmr.com)

**Seller/Owner**

GLACIER BANK, A MONTANA BANKING CORPORATION  
Delivered via: No Commitment Delivery

**Agent for Seller**

THE REAL ESTATE STORE  
Attention: MICHELLE KLIPPERT  
500 E MAIN ST  
MONTROSE, CO 81401  
(970) 275-3016 (Cell)  
(970) 249-7653 (Work)  
[michelleklippertrealtor@gmail.com](mailto:michelleklippertrealtor@gmail.com)

**Agent for Buyer**

CRESTED BUTTE RESORT REAL ESTATE LLC  
Attention: JAMIE WATT  
PO BOX 5700  
MT CRESTED BUTTE, CO 81225  
(970) 209-2675 (Cell)  
(970) 349-4265 (Work)  
[alpinewatt@hotmail.com](mailto:alpinewatt@hotmail.com)



**Land Title Guarantee Company  
Estimate of Title Fees**

Order Number: **GUR88000227-9**

Date: **01/02/2018**

Property Address: **(VACANT LAND) HUNTER HILL ROAD, MT. CRESTED BUTTE, CO 81225**

Parties: **HUNTER RIDGE, LLC, A COLORADO LIMITED LIABILITY COMPANY**

Seller: **GLACIER BANK, A MONTANA BANKING CORPORATION**

Visit Land Title's Website at [www.ltgc.com](http://www.ltgc.com) for directions to any of our offices.

<b>Estimate of Title insurance Fees</b>	
"ALTA" Owner's Policy 06-17-06	\$1,271.00
Deletion of Standard Exception(s)	\$65.00
Tax Certificate	\$25.00
	<b>Total \$1,361.00</b>
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
<b>Thank you for your order!</b>	

- CHAIN OF TITLE DOCUMENTS: • [Gunnison county recorded 03/30/2015 under reception no. 632079](#)  
• [Gunnison county recorded 08/22/2011 under reception no. 607524](#)

**ALTA COMMITMENT**  
**Stewart Title Guaranty Company**  
**Schedule A**

Order Number: GUR88000227-9

**Customer Ref-Loan No.:**

**Property Address:**

(VACANT LAND) HUNTER HILL ROAD, MT. CRESTED BUTTE, CO 81225

**1. Effective Date:**

06/02/2017 at 5:00 P.M.

**2. Policy to be Issued and Proposed Insured:**

"ALTA" Owner's Policy 06-17-06

\$500,000.00

Proposed Insured:

HUNTER RIDGE, LLC, A COLORADO LIMITED LIABILITY  
COMPANY

**3. The estate or interest in the land described or referred to in this Commitment and covered herein is:**

A Fee Simple

**4. Title to the estate or interest covered herein is at the effective date hereof vested in:**

GLACIER BANK, A MONTANA BANKING CORPORATION

**5. The Land referred to in this Commitment is described as follows:**

A PARCEL OF LAND LOCATED IN THE SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> 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<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
THENCE SOUTH 01°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<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
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](#),

**ALTA COMMITMENT**  
**Stewart Title Guaranty Company**  
**Schedule A**

Order Number: GUR88000227-9

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.

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**ALTA COMMITMENT**  
**Stewart Title Guaranty Company**  
**Schedule B-1**  
**(Requirements)**

Order Number: GUR88000227-9

The following are the requirements to be complied with:

**Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.**

**Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:**

1. (THIS ITEM WAS INTENTIONALLY DELETED)
2. (THIS ITEM WAS INTENTIONALLY DELETED)
3. CERTIFICATE OF GOOD STANDING OF GLACIER BANK, A MONTANA BANKING CORPORATION, ISSUED BY THE SECRETARY OF STATE OF MONTANA.
4. WRITTEN INSTRUCTIONS AUTHORIZING LAND TITLE TO PREPARE A STATEMENT OF AUTHORITY FOR HUNTER RIDGE, LLC, A COLORADO LIMITED LIABILITY COMPANY, STATING UNDER WHICH LAWS THE ENTITY WAS CREATED, THE MAILING ADDRESS OF THE ENTITY, AND THE NAME AND POSITION OF THE PERSON(S) AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING, OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF THE ENTITY; OR, A DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF HUNTER RIDGE, LLC, A COLORADO LIMITED LIABILITY COMPANY AS A LIMITED LIABILITY COMPANY.

NOTE: ANY STATEMENT OF AUTHORITY MUST BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 38-30-172, C.R.S. AND BE RECORDED WITH THE CLERK AND RECORDER.

NOTE: THE OPERATING AGREEMENT FOR HUNTER RIDGE, LLC, A COLORADO LIMITED LIABILITY COMPANY DISCLOSES JAMIE WATT OR SHANNON PHILLIPS AS THE MANAGER/MEMBER THAT ARE AUTHORIZED TO EXECUTE LEGAL INSTRUMENTS ON BEHALF OF SAID ENTITY.

5. (THIS ITEM WAS INTENTIONALLY DELETED)
6. (THIS ITEM WAS INTENTIONALLY DELETED)
7. WARRANTY DEED FROM GLACIER BANK, A MONTANA BANKING CORPORATION TO HUNTER RIDGE, LLC, A COLORADO LIMITED LIABILITY COMPANY CONVEYING SUBJECT PROPERTY.

NOTE: SAID DOCUMENT CAN BE EXECUTED BY THE PRESIDENT, VICE-PRESIDENT OR CHAIRMAN OF THE BOARD (CEO) OF THE CORPORATION. IF ANY OTHER OFFICER OF THE CORPORATION OR AGENT EXECUTES SAID DOCUMENT ON BEHALF OF THE CORPORATION, A POWER OF ATTORNEY/RESOLUTION MUST BE PROVIDED TO LAND TITLE GRANTING SAID AUTHORIZATION.

**ALTA COMMITMENT**  
**Stewart Title Guaranty Company**  
**Schedule B-1**  
**(Requirements)**

**Order Number:** GUR88000227-9

**The following are the requirements to be complied with:**

REQUIREMENTS TO DELETE THE PRE-PRINTED EXCEPTIONS IN THE OWNER'S POLICY TO BE ISSUED

A. UPON RECEIPT BY THE COMPANY OF A SATISFACTORY FINAL AFFIDAVIT AND AGREEMENT FROM THE SELLER AND PROPOSED INSURED, EXCEPTIONS 1 THROUGH 4 OF THE STANDARD EXCEPTIONS WILL BE DELETED. ANY ADVERSE MATTERS DISCLOSED BY THE FINAL AFFIDAVIT AND AGREEMENT WILL BE ADDED AS EXCEPTIONS.

B. IF LAND TITLE GUARANTEE COMPANY CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTIONS AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH, EXCEPTION NO. 5 OF THE STANDARD EXCEPTIONS WILL BE DELETED.

C. UPON RECEIPT OF PROOF OF PAYMENT OF ALL PRIOR YEARS' TAXES AND ASSESSMENTS, EXCEPTION NO. 6 OF THE STANDARD EXCEPTIONS WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2017 AND SUBSEQUENT YEARS.

NOTE: THE COMMITMENT DOES NOT REFLECT THE STATUS OF TITLE TO WATER RIGHTS OR REPRESENTATION OF SAID RIGHTS.

NOTE: THIS COMMITMENT IS NOT A REPORT OR REPRESENTATION AS TO MINERAL INTERESTS, AND SHOULD NOT BE USED, OR RELIED UPON, IN CONNECTION WITH THE NOTICE REQUIREMENTS THAT ARE SET FORTH IN CRS 24-65.5-103.

## ALTA COMMITMENT

### Stewart Title Guaranty Company

#### Schedule B-2

#### (Exceptions)

Order Number: [GUR88000227-9](#)

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED SEPTEMBER 02, 1927, IN BOOK 235 AT PAGE [137](#).
9. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN DEED RECORDED SEPTEMBER 12, 1972 IN BOOK 443 AT PAGE [446](#) AND RELEASE OF OBLIGATIONS RECORDED SEPTEMBER 22, 1978 IN BOOK 520 AT PAGE [743](#).
10. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF EASEMENT RECORDED JANUARY 18, 1994 IN BOOK 739 AT PAGE [121](#) AS AMENDED BY INSTRUMENT RECORDED JUNE 27, 1995 IN BOOK 766 AT PAGE [156](#).
11. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF EASEMENT RECORDED MARCH 18, 1994 IN BOOK 742 AT PAGE [398](#).
12. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF EASEMENT RECORDED APRIL 08, 1994 IN BOOK 743 AT PAGE [469](#).
13. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF UTILITIES EASEMENT RECORDED MAY 17, 1994 IN BOOK 745 AT PAGE [598](#) AS CORRECTED BY INSTRUMENT RECORDED JUNE 14, 1994 IN BOOK 747 AT PAGE [148](#).



**ALTA COMMITMENT**  
**Stewart Title Guaranty Company**  
**Schedule B-2**  
**(Exceptions)**

**Order Number:** [GUR88000227-9](#)

**The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:**

14. TERMS, CONDITIONS, AND PROVISIONS CONTAINED IN INCLUSION ORDER IN THE MATTER OF THE BOUNDARIES OF THE CRESTED BUTTE FIRE PROTECTION DISTRICT RECORDED NOVEMBER 21, 1994, IN BOOK 756 AT PAGE [62](#) AS AMENDED BY INSTRUMENT RECORDED JANUARY 13, 1995 IN BOOK 758 AT PAGE [689](#).
15. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN UTILITY EASEMENT TO GUNNISON COUNTY ELECTRIC ASSOCIATION, INC. RECORDED DECEMBER 16, 1994 IN BOOK 757 AT PAGE [319](#).
16. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT DEED RECORDED OCTOBER 14, 1998 UNDER RECEPTION NO. [487842](#).
17. EASEMENT AND RIGHT OF WAY FOR HUNTER HILL ROAD AND OVERLOOK ROAD AS SHOWN ON THE GUNNISON COUNTY ASSESSOR'S MAP STORED IN LAND TITLE'S SYSTEM AS ESI [33251221](#).
18. MATTERS DISCLOSED ON BOUNDARY AND EASEMENT SKETCH ISSUED BY NCW & ASSOCIATES, INC. CERTIFIED JULY 17, 2017, JOB NO. 17111.00 SAID DOCUMENT STORED AS OUR ESI [34871275](#).

## DISCLOSURES

Pursant to C.R.S. 10-11-122, notice is hereby given that:

- (a) THE SUBJECT REAL PROPERTY MAY BE LOCATED IN THE SPECIAL TAXING DISTRICT;
- (b) A CERTIFICATE OF TAXES DUE LISTING EACH TAXING JURISDICTION SHALL BE OBTAINED FROM THE COUNTY TREASURER OR THE COUNTY TREASURER'S AUTHORIZED AGENT;
- (c) INFORMATION REGARDING SPECIAL DISTRICTS AND THE BOUNDARIES OF SUCH DISTRICTS MAY BE OBTAINED FROM THE BOARD OF COUNTY COMMISSIONERS, THE COUNTY CLERK AND RECORDER, OR THE COUNTY ASSESSOR.

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Note: Colorado Division of Insurance Regulations 3-5-1, Subparagraph (7) (E) requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed." Provided that Stewart Title - Crested Butte conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lender's Title Policy when issued.

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Note: Affirmative Mechanic's Lien Protection for the Owner may be available (typically by deletion of Exception No. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (a) The land described in Schedule A of this commitment must be a single-family residence, which includes a condominium or townhouse unit.
- (b) No labor or materials have been furnished by mechanic or materialment for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (c) The Company must receive payment of the appropriate premium.
- (d) If there has been construction, improvements or major repairs undertaken on the property to be purchased, within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and/or the contractor; payment of the appropriate premium; fully executed indemnity agreements satisfactory to the company; and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the Insured has contracted for or agreed to pay.

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To comply with the provisions of C.R.S. 10-11-123, the Company makes the following disclosure:

- (a) That there is recorded evidence that a mineral estate has been severed, leased or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (b) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

**NOTE: THIS DISCLOSURE APPLIES ONLY IF SCHEDULE B, SECTION 2 OF THE TITLE COMMITMENT HEREIN INCLUDES AN EXCEPTION SEVERED MINERALS.**

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NOTHING HEREIN CONTAINED WILL BE DEEMED TO OBLIGATE THE COMPANY TO PROVIDE ANY OF THE COVERAGES REFERED TO HEREIN, UNLESS THE ABOVE CONDITIONS ARE FULLY SATISFIED

## STG Privacy Notice Stewart Title Companies

### WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its title affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reason we can share your personal information.	Do we share	Can you limit this sharing?
<b>For our everyday business purposes</b> — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
<b>For our marketing purposes</b> — to offer our products and services to you.	Yes	No
<b>For joint marketing with other financial companies</b>	No	We don't share
<b>For our affiliates' everyday business purposes</b> — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company	Yes	No
<b>For our affiliates' everyday business purposes</b> — information about your creditworthiness.	No	We don't share
<b>For our affiliates to market to you</b> — For your convenience, Stewart has developed a means for you to opt out from its affiliates marketing even though such mechanism is not legally required.	Yes	Yes, send your first and last name, the email address used in your transaction, your Stewart file number and the Stewart office location that is handling your transaction by email to <a href="mailto:optout@stewart.com">optout@stewart.com</a> or fax to 1-800-335-9591.
<b>For non-affiliates to market to you.</b> Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

### SHARING PRACTICES

<b>How often do the Stewart Title Companies notify me about their practices?</b>	We must notify you about our sharing practices when you request a transaction.
<b>How do the Stewart Title Companies protect my personal information?</b>	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
<b>How do the Stewart Title Companies collect my personal information?</b>	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> <li>• request insurance-related services</li> <li>• provide such information to us</li> </ul> <p>We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.</p>
<b>What sharing can I limit?</b>	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

**Contact us: If you have any questions about this privacy notice, please contact us at: Stewart Title Guaranty Company, 1980 Post Oak Blvd., Privacy Officer, Houston, Texas 77056**

**Commitment for Title Insurance  
Issued By  
STEWART TITLE GUARANTY COMPANY**

STEWART TITLE GUARANTY COMPANY, Texas Corporation (Company), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the requirements; all subject to the provisions of Schedule A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

**stewart title**

Issued by:  
Land Title Guarantee Company  
3033 East First Avenue Suite 600  
Denver, Colorado 80206  
(303)321-1880

  
President



Stewart Title Guaranty Company

  
Matt Morris  
President and CEO

  
Denise Carraux  
Secretary

  
AMERICAN  
LAND TITLE  
ASSOCIATION



AMERICAN LAND TITLE ASSOCIATION ALTA COMMITMENT FORM Adopted 6-17-06  
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## Conditions

1. The term "mortgage", when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at [www.alta.org](http://www.alta.org).

All notices required to be given to the Company and any statement in writing required to be furnished the Company shall be addressed to at P.O. Box 2029, Houston, Texas 77252.

AMERICAN LAND TITLE ASSOCIATION ALTA COMMITMENT FORM Adopted 6-17-06  
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**STATEMENT OF AUTHORITY**  
**HUNTER RIDGE, LLC, a Colorado limited liability company**

1. This Statement of Authority relates to an entity named HUNTER RIDGE, LLC, a Colorado limited liability company, and is executed on behalf of the entity pursuant to the provisions of C.R.S. §38-30-172.
2. The type of entity is a limited liability company organized under the Colorado Limited Liability Company Act, C.R.S. §7-80-101.
3. The entity is formed under the laws of Colorado.
4. The mailing address for the entity is: P.O. Box 1935, Crested Butte, CO 81224
5. The name and address of the person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is:

James Watt, Managing Member  
P.O. Box 1935  
Crested Butte, CO 81224

6. The authority of the foregoing person to bind the entity is set forth in the operating agreement of the Company, and such person is authorized to execute any and all agreements, contracts, deeds, deed of trust, bill of sale, documents, certifications and instruments necessary or convenient in connection with the sale of real or personal property.

Executed this 7 day of ~~March~~ <sup>April</sup> ~~March~~, 2020.

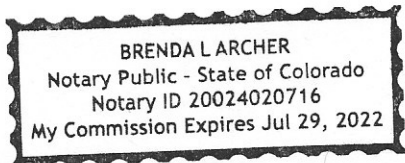
HUNTER RIDGE, LLC, a Colorado  
limited liability company

By: *J. Watt*  
Jamie Watt, Managing Member

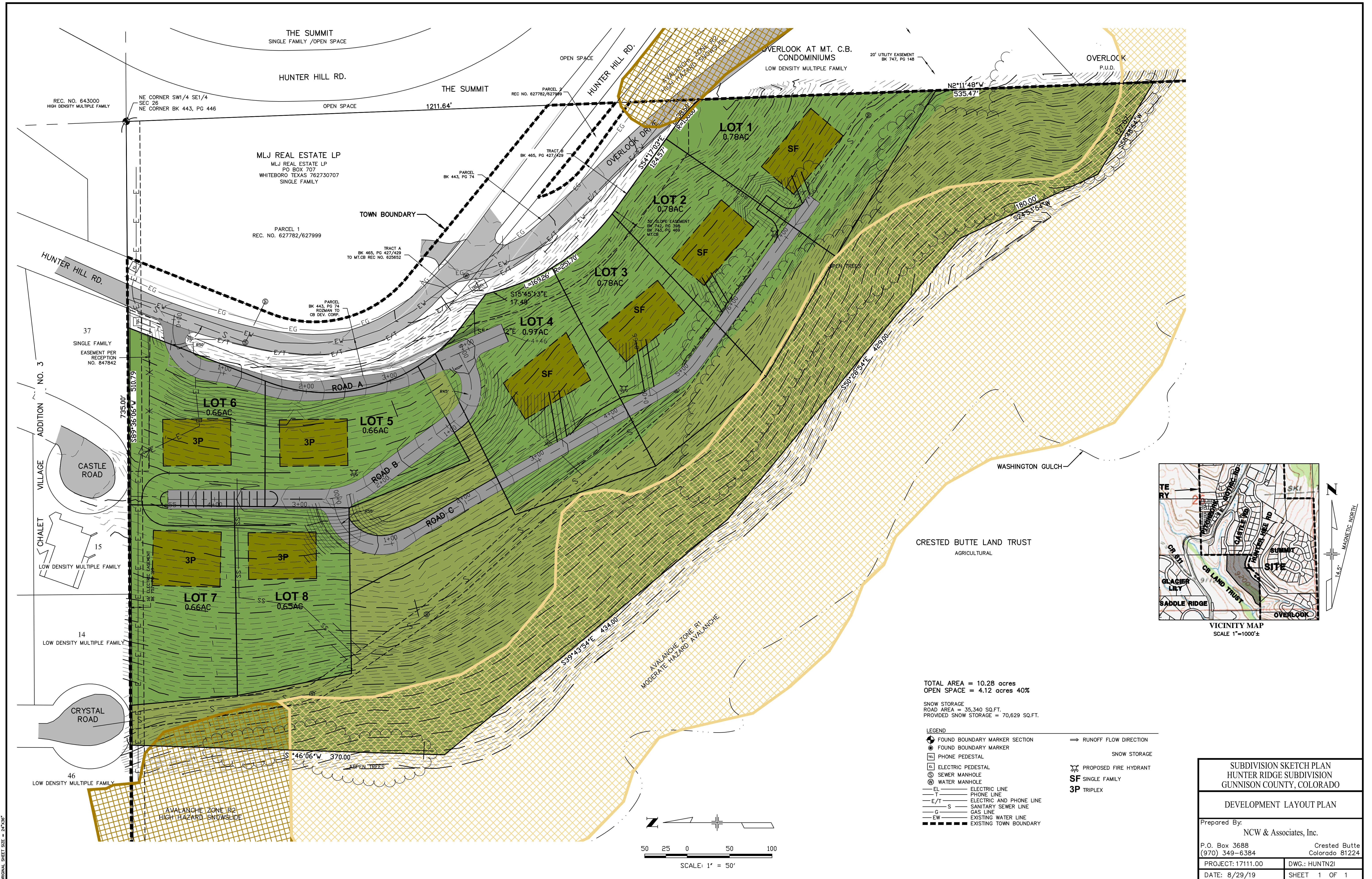
STATE OF COLORADO )  
                                  ) ss.  
County of Gunnison )

*6A* <sup>*April*</sup> The foregoing instrument was acknowledged before me this 7 day of ~~March~~, 2020, by Jamie Watt, as Managing Member of HUNTER RIDGE, LLC, a Colorado limited liability company.

Witness my hand and official seal.  
My commission expires: 7/29/2022



*Brenda L Archer*  
Notary Public



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

**DEVELOPMENT LAYOUT PLAN**

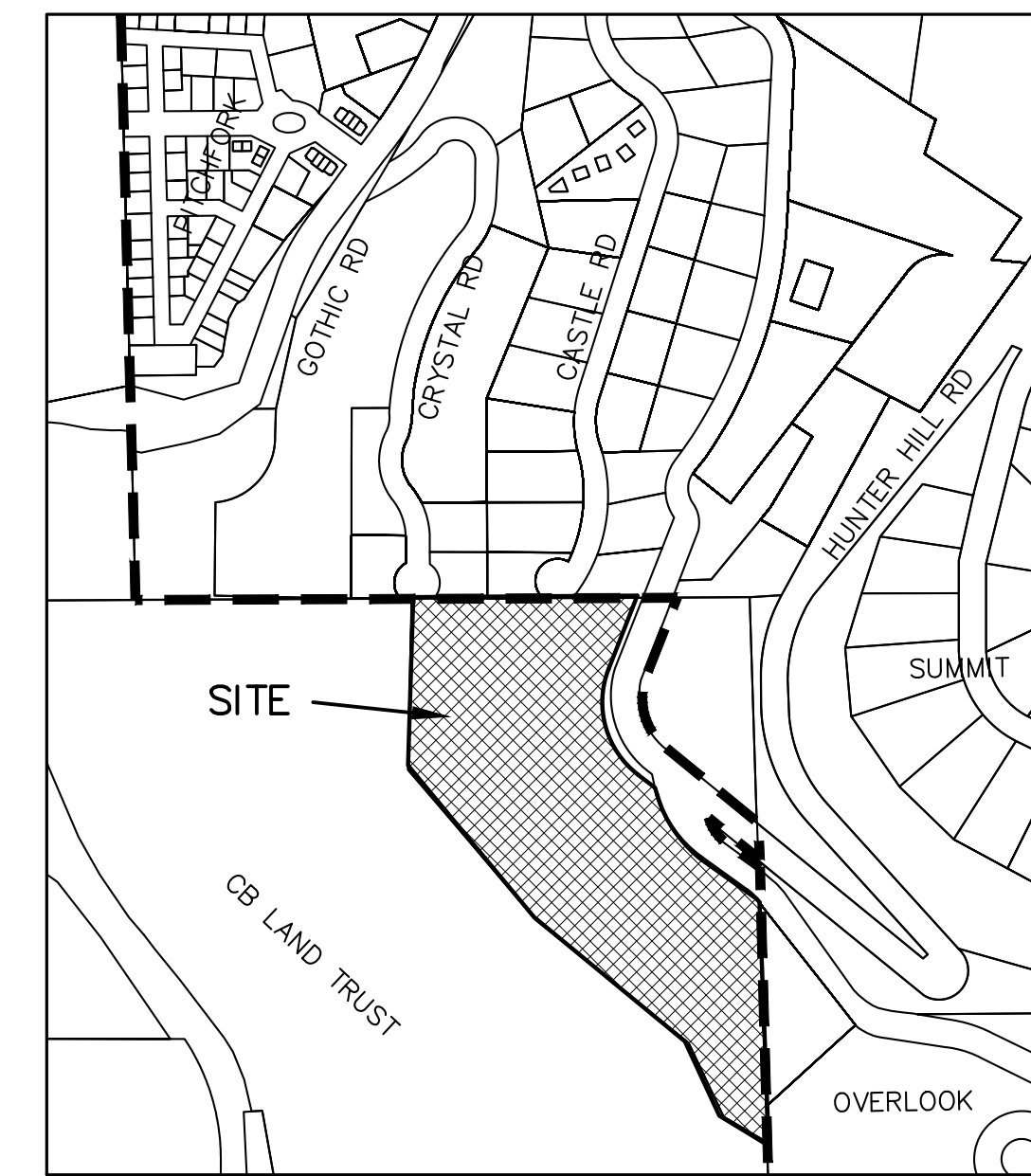
Prepared By:  
NCW & Associates, Inc.

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

PROJECT: 17111.00  
DATE: 8/29/19

DWG.: HUNTN2I  
SHEET 1 OF 1

ORIGINAL SHEET SIZE = 24" x 36"

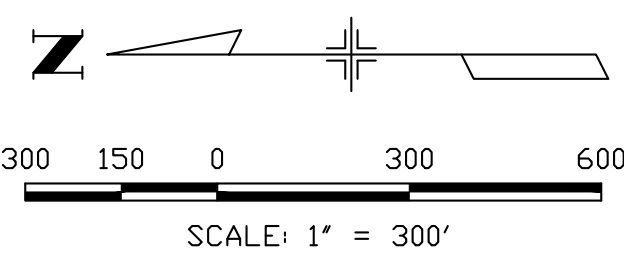


VICINITY MAP  
SCALE 1"=400'

**GENERAL SPECIFICATIONS**

- Safety Requirements:** The Contractor shall have full and complete responsibility for jobsite safety, and shall perform all work in full conformance with all Federal, State, and local safety regulations.
- Mt. Crested Butte Water and Sanitation District's and the Town of Mt. Crested Butte Standards and Specifications:** All construction work shall be performed in conformance with the latest Mt. Crested Butte Water and Sanitation District's and the Town of Mt. Crested Butte Standards and Specifications.
- Contractor Investigation:** The Contractor shall familiarize himself with local conditions and the specifications of the governing entities, and shall examine the site, make such tests, and perform such explorations as he deems necessary to evaluate all conditions on site, in order to perform the work in accordance with the Contract Documents for the Contract Price within the Contract Time.
- Underground Utility Locates:** The Contractor shall have full responsibility to identify, locate, and protect all existing utilities lines, and to repair any damage to utilities caused by Contractor's operations. Contractor shall contact the Town of MT. Crested Butte, the Utility Notification Center of Colorado (811), and individual utility companies as needed, to locate existing underground utilities prior to construction. The construction drawings show utilities that were located for the site survey and represent the best information available at the time, but may not be complete or current.
- Hazardous Materials:** In the event that the Contractor encounters any hazardous materials on the site (including but not limited to asbestos cement pipe), Contractor shall leave such materials undisturbed and shall contact the Owner for directions regarding disposal of said materials.
- Conflicts:** In the event of a conflict between project specifications herein, the District's and the Town's specifications, the more rigorous requirement shall apply.
- Stormwater Pollution Prevention Plan:** Contractor shall prepare a Stormwater Pollution Prevention Plan, obtain the requisite permit from the Colorado Dept of Public Health & Environment, implement the plan, perform regularly scheduled inspections of the site, compile the required records, and manage stormwater control devices until receipt of final payment from the Owner. Contractor shall promptly deliver copies of the regular inspection reports to the Owner.
- Pre Construction Conference:** Contractor shall schedule a Pre Construction Conference with the Owner, the MT. CRESTED BUTTE Public Works Director (or their designee), the Owner's Representative, and the Project Engineer prior to commencement of work to establish lines of communication, quality assurance and materials testing protocols, surveying requirements, schedules, and to clarify any uncertainties about the intent and purpose of the design.
- Construction Surveying:** Owner will provide construction staking for pipelines, set at offsets satisfactory to the Contractor. Any stakes lost during construction will be replaced at Contractor's expense, including stakes needed for the Engineer to evaluate Contractor's work.
- Quality Control of the work is the Contractor's responsibility.** Contractor shall ensure that all structural fill and trench backfill is compacted in conformance with project specifications.
- Quality Assurance Testing** to verify that the Contractor's work shall follow the testing procedures outlined in the Mt. Crested Butte

- Water and Sanitation District's specifications.** Contractor shall be responsible to notify and coordinate testing times with the Owner, the Owner's engineer and the District prior to testing, and to ensure that all necessary testing is accomplished as the work progresses. Any work that is covered up without required testing shall be uncovered and tested at no expense to the Owner.
- Density Testing Records:** Contractor shall submit records of density testing with each Pay Request, to verify compliance with compaction and testing requirements for the work for which payment is being requested.
- Environmental Considerations:** This site is near a developed residential area. Contractor shall manage the work so as to prevent wind blown dust from leaving the site, and shall manage access in such a manner as to prevent tracking of dirt or mud onto adjoining streets.
- Notifications:** Contractor shall notify the Town of Mt. Crested Butte (349-6632) at least 72 hours prior to commencing construction, initiating utility connections or work within public rights of way, or other construction activity that may require the Town's oversight or which may inconvenience local residents.
- Owner's Representative:** Contractor shall notify the designated Owner's Representative at least 48 hours in advance to arrange for quality assurance observation of the work. Any work undertaken without according the Owner's Representative the opportunity to observe the work while it is in progress shall be removed and reconstructed by the Contractor at no additional expense to the Owner.
- Payment for Extra Work:** A Change Order signed by the Owner is required to qualify any extra work for extra payment. Any extra work undertaken by the Contractor without having a Change Order signed by the Owner shall be deemed to have been undertaken for the Contractor's convenience, and shall not be eligible for extra compensation.
- Record Drawings:** Contractor shall record all variations from the design on "as-built" drawings showing the approval of variation, locations and dimensions of any element of the project that is not constructed as designed, and shall provide that information to the Engineer prior to release of final payment.
- Working Hours:** All work must follow the construction operation hours of 7:00am to 7:00 pm.
- Pipeline extensions into existing streets** shall conform to Mt. Crested Butte regulations and specifications, including providing traffic control, signage, barricades, and necessary measures for pedestrian safety. Utility trenches within existing paved streets shall be backfilled with flowfill.



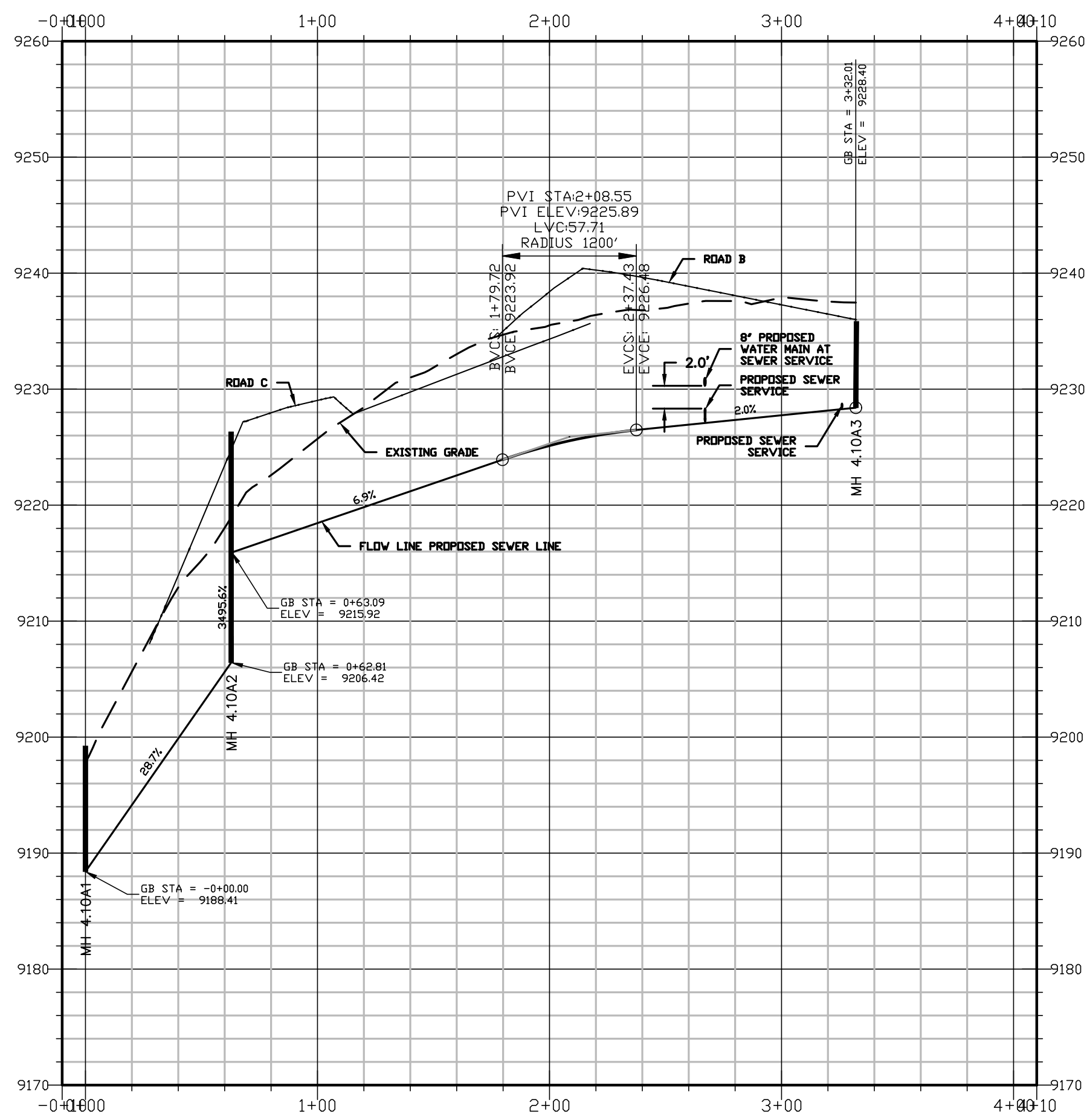
INDEX	1
COVER	1
PLAN	1
SEWER LINE PROFILES	2



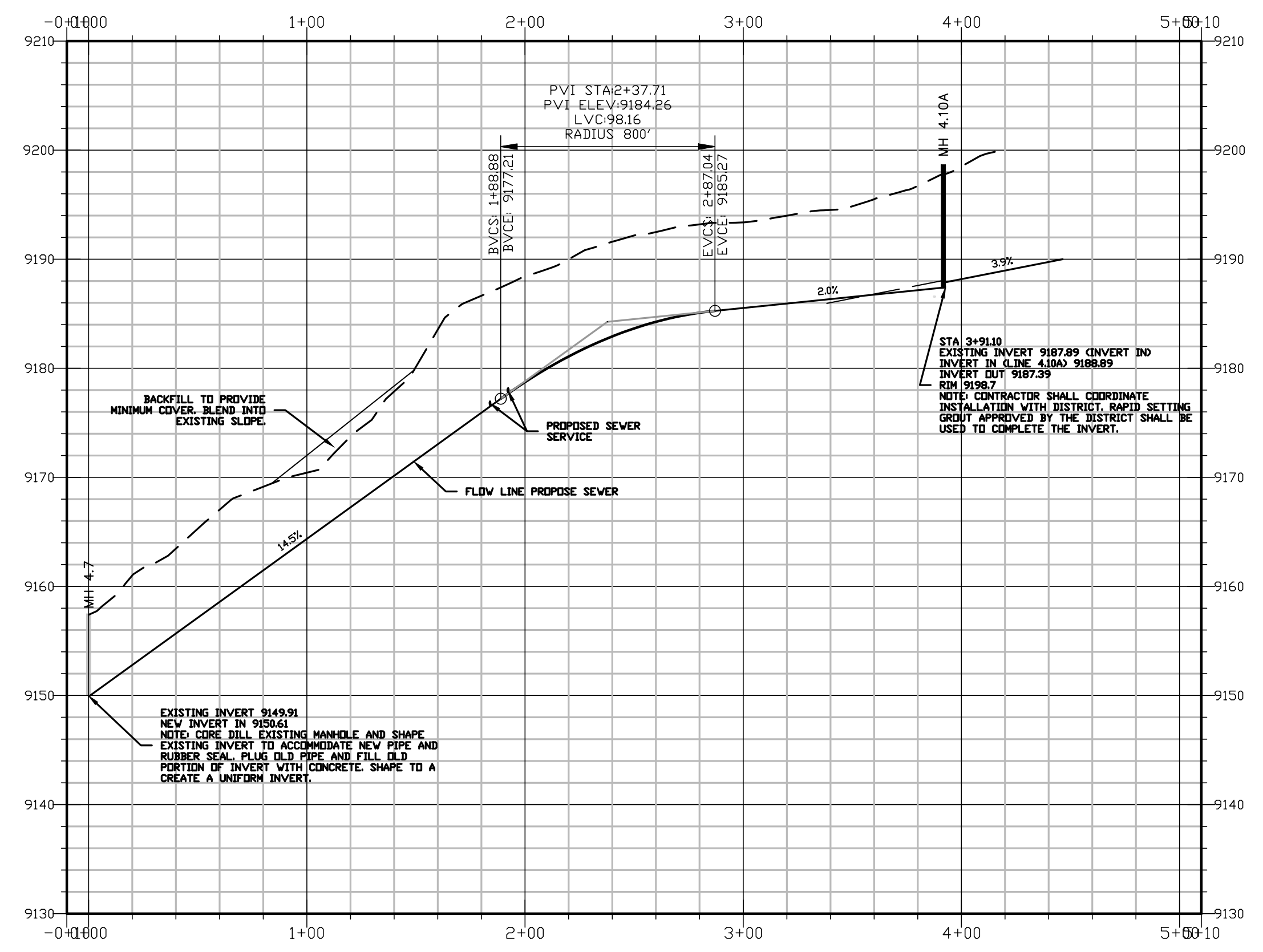
HUNTER RIDGE SUBDIVISION GUNNISON COUNTY, COLORADO	
PRELIMINARY WATER AND SEWER PLAN	
Prepared By: NCW & Associates, Inc.	
P.O. Box 3688 (970) 349-6384	Crested Butte Colorado 81224
PROJECT: 17111.00	DWG.: WS
DATE: 10/8/20	SHEET 1 OF 2

ORIGINAL SHEET SIZE = 24"X36"

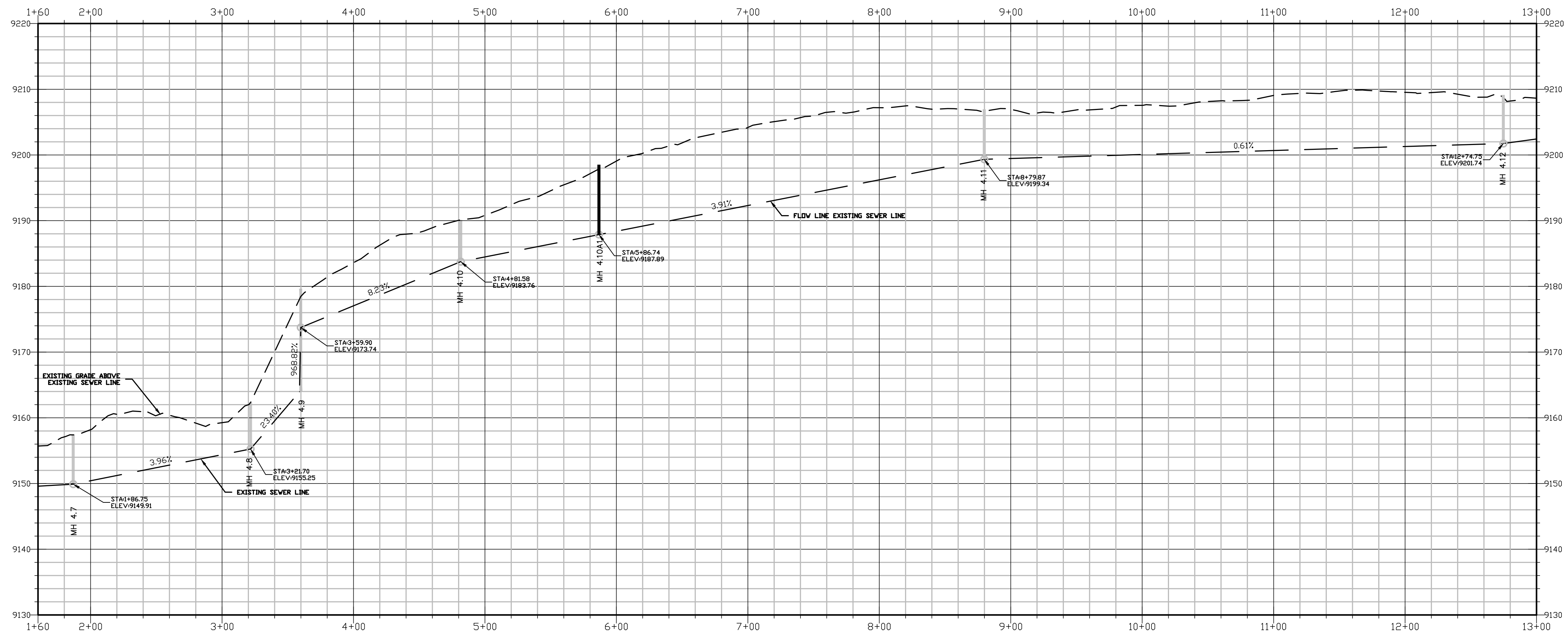




LOTS 5 AND 6 SANITARY SEWER PROFILE



SEWER LINE REALIGNMENT PROFILE



EXISTING SEWER LINE PROFILE

PIPE DEFLECTION SUMMARY  
 HORIZONTAL RADIUS = 600'  
 VERTICAL RADIUS = 800'  
 DEFLECTION 2" PER 13FL  
 DEFLECTION 5" PER 20FL  
 DEFLECTION 1.15 DEG PER 20LF

ALLOWABLE DEFLECTION PER PVC PIPE ASSOCIATION.

SDR 35 PIPE DIAMETER	MINIMUM BENDING RADIUS
4"	55'
6"	82'
8"	110'
10"	137'
12"	162'
15"	200'



HORZ: 1" = 50'  
 VERT: 1" = 10'

HUNTER RIDGE SUBDIVISION  
 GUNNISON COUNTY, COLORADO

PRELIMINARY  
 WATER AND SEWER PLAN  
 PROFILE PROFILES

Prepared By:  
 NCW & Associates, Inc.

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

PROJECT: 17111.00  
 DATE: 10/8/20

DWG.: WS  
 SHEET 2 OF 2

ORIGINAL SHEET SIZE: 24" X 36"

Janet Farmer made a motion approving Resolution 9, Series 2018. Dwayne Lehnertz seconded the motion and it passed unanimously.

**Discussion and Possible Consideration of a Cluster Agreement for Units C2 and C3, Three Seasons Condominiums.** Carlos Velado said this is allowing two commercial units to basically be one space. In the future both units will have to be sold together.

**Motion:**

Lauren Daniel made a motion to approve the Cluster Agreement for Units C2 and C3, Three Seasons Condominiums. Ken Lodovico seconded the motion. Nicholas Kempin abstained from voting. The rest of the Town Council voted in favor of the motion. The motion passed.

**Discussion and Possible Consideration of a Contract to Buy, Sell, and Develop Deed Restricted Housing in the Homestead Subdivision** – Carlos Velado introduced Lance Windel with Homestead Housing, LLC. He will develop the remaining affordable housing units in Prospect. Carlos Velado said they also have to go through a Major Alteration to the Subdivision to create more parking and better snow management. In this regard they are switching from all duplexes to two, three and four plexes. Lance Windel said they will start building in Spring 2019 and people will be able to move in, in November 2019. Janet Farmer asked when will they see design renderings. Carlos Velado said that once they are ready they will show them to the Council. Ken Lodovico asked how the neighborhood feels about this project. Carlos Velado said that at least 4 out of the 15 residents are hoping to upgrade to a larger unit. They have had two public hearings regarding this and there has been no opposition.

Todd Barnes asked how does the public get on this list? Carlos Velado said we currently have a running list of interested persons. Interested persons should call Town Hall to get on the list. There are three tiers of priority – employees of the Town of Mt. Crested Butte, employees of CBMR, and then everyone else.

Kathy Fogo said that this document is complete but we are waiting on the fully executed exhibits to go with this contract. Prospect will not sign the contract until all exhibits are included and a resolution verifying that Prospect has fulfilled their affordable housing guidelines. Mike Dawson also stated that Prospect wants the Town to revise the Deed Restrictions. Once we have a full contract, with all of the referenced exhibits we will bring this item to the Town Council again.

**Discussion and Possible Consideration of a Planning Commission Recommendation on the Subdivision Sketch Plan of an Unnamed 10.28 Acre Parcel Located in the SW1/4 of the SE1/4 of Section 26, Township 13 South, Range 86 West, County of Gunnison, State of Colorado, and also known as Hunter Ridge** – Todd Barnes asked why only four Planning Commissioners were at that meeting. Carlos Velado replied that Mary Kasala and Bobby Jarvis were out of town and Jamie Watt had to step down. Janet Farmer asked about concerns from the neighborhood that Jamie Watt did not recuse himself from the Hunter Ridge discussions at the Planning Commission meetings. She asked if Jamie Watt should have left the room during the discussions. Kathy Fogo said that he did step down as a Planning Commissioner but since he was the applicant he had to stay and present his project. He stayed as an applicant not as a Planning Commissioner.

Carlos Velado said the proposed zoning is single family lots so these homes would have to fit those requirements. Building height is 30 feet, with additional allowance for roof pitch, front set backs are 20 feet, sides and rear set backs are based on your height. Maximum square footage is based on your lot size. Maximum square footage is calculated at 25% of the lot size. The feeder road will be maintained by the HOA, not by the Town.

Todd Barnes asked what is the overall average slope of the subdivision. Carlos Velado said that it varies. The lots are really steep off of Hunter Hill Road, then they get less steep and more flat and then they get steeper again and drop off at the Avalanche Zone. Carlos Velado had an outside geotechnical engineer review the soils report. The geotechnical engineer said the current soils report does not address the stability of the slopes and soil borings and more extensive tests need to be done. Digging of test pits is only good for foundations that are dug on grade, slabs not foundations with basements. Carlos Velado looked at other subdivisions such as Summit and Overlook and the reports submitted for Hunter Ridge are less comprehensive than those subdivisions submitted. Janet Farmer would really like to see more detailed soil reports. Carlos Velado said that Jamie Watt is working on getting more soil reports and Darin Duran of Cesar Incorporated, a geotechnical firm, is willing to do a peer review of that report.

Carlos Velado said that we have bad soil all over Mt. Crested Butte. We do not have simple foundations here. We do our best to inform people and we tell people that your foundation is going to be a large cost of your house.

Janet Farmer asked about the affordable piece. Can we say it has to be one way or the other? Carlos Velado said that it is the hands of the Council. Janet Farmer asked if the Council could require it being one way or the other? Jamie Watt said that has not been decided yet. Unsure if he is going to do in-lieu or provide onsite housing.

Lauren Daniel addressed the 2007 Mt. Crested Butte Community Plan which states "create a vibrant year around community". She stated that this subdivision does not address number 1, 2, 6 and 8 of the Community Plan.

Nicholas Kempin said he would really like to see the comprehensive soil report before he makes a decision.

Todd Barnes asked if the developer went through the County would they be more or less stringent based on the soil surveys. Mike Dawson, attorney for the applicant, answered the question. He said Gunnison County does not have zoning. If this is not included in the Town the County looks at the density of the surrounding properties. This would be designated as multi family. The County has a three-step process, similar to the process here. Sketch Plan is conceptual – similar to this. The Preliminary plan is the nuts and bolts, including a full geotechnical review, which they send out to review agencies including the Colorado Geological Survey for comment as well as to the Town of Mt. Crested Butte since they are within three miles of the site, and then the Final Plan similar to our final plan in which the lots are actually subdivided.

Todd Barnes said that the Planning Commission voted unanimously to approve this subdivision sketch plan with the following conditions, more detailed soils analysis and foundation recommendations, ownership and sue of the spaces below the feeder road be detailed on the plat and the access agreement with Snow Castle Condominiums be included.

Ken Lodovico said that he has a lot of respect for the applicant but he does agree with Jaima Giles and he is worried that these lots will not sell because of the inventory.

Jamie Watt, said Norm Whitehead, his engineer who surveyed the property, prepared the drawing with the contour lines. The map that Nancy Grindlay handed out is grossly inaccurate. The house sites on the lots are in the 22 to 24% slope.

Nicholas Kempin asked what happens if nothing gets built on this property. Jamie Watt said it will be open space. Nicholas Kempin asked if the feeder road gets removed. Carlos Velado, said the feeder road will still be there.

**Motion:**

Lauren Daniel made a motion to deny the subdivision sketch plan for the Hillside Parcel. Steve Morris seconded the motion. Todd Barnes voted against this motion, the rest of the Town Council voted in favor of the motion. The motion passed.

**PUBLIC COMMENT – None**

**ADJOURN**

**Motion:**

Janet Farmer made a motion to adjourn the meeting. Ken Lodovico seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:43pm.



\_\_\_\_\_  
Todd Barnes, Mayor

Attest:



\_\_\_\_\_  
Tiffany O'Connell, Town Clerk

**5:00PM – Work Session** – Discussion regarding the Corner at Brush Creek

**6:00 PM – Public Hearing** - Public Input on the Subdivision Sketch Plan Application of an Unnamed 10.28 Acre Parcel Located in the SW1/4 of the SE1/4 of Section 26, Township 13 South, Range 86 West, County of Gunnison, State of Colorado, and also known as Hunter Ridge.

**Call to Order**

**Roll Call**

**Approval of the June 5, 2018 Regular Town Council Meeting Minutes**

**Reports**

Manager's Report  
Department Head Reports  
Town Council Reports

**CORRESPONDENCE -**

**OLD BUSINESS –**

Discussion and Possible Consideration of a Conditional Use Application for the Mt. Crested Butte Maintenance Building to be Located on an Unnamed 1.10 Acre Parcel in the SW ¼ of the SW ¼, Section 13, Township 13 South, Range 86 West, Town of Mt. Crested Butte, County of Gunnison, State of Colorado – Todd Carroll

Discussion and Possible Consideration of Ordinance No. 2, Series 2018 - An Ordinance Of The Town Council Of The Town Of Mt Crested Butte, Colorado, Approving A Final Plan Application To Rezone 3.319 Acres Located At 16, 18, 22, And 24 Treasury Rd (Inn Sites 4 & 5, Lots 1-2, And 3 Block D, And Lot 1 Block 1 Chalet Village Addition 1) From High Density Multiple Family, Low Density Multiple Family, And Single Family Residential To Planned Unit Development (PUD) As Submitted By Pearls Management, LLC And Amending The Official Zoning Map Of The Town To Designate The Zoning As PUD – Second Reading - The application includes a vested property right of 5 years - Carlos Velado

Discussion and Possible Consideration of Ordinance 3 Series 2018 an Ordinance of the Town Council of the Town of Mt. Crested Butte, Colorado Amending Ordinance No. 2, Series 1996, to Extend the Boundaries of the Downtown Development Authority Pursuant to C.R.S. 31-25-822 – Second Reading – Carlos Velado

**NEW BUSINESS –**

Discussion and Possible Consideration of a Resolution of the Town Council of the Town of Mt. Crested Butte, Colorado, Consenting to the Calling of an Election by the Gunnison Valley Regional Housing Authority on November 6, 2018 – Jennifer Kermode

Discussion and Possible Consideration of a Cluster Agreement for Units C2 and C3, Three Seasons Condominiums – Todd Carroll

Discussion and Possible Consideration of a Contract to Buy, Sell, and Develop Deed Restricted Housing in the Homestead Subdivision

Discussion and Possible Consideration of a Planning Commission Recommendation on the Subdivision Sketch Plan of an Unnamed 10.28 Acre Parcel Located in the SW1/4 of the SE1/4 of Section 26, Township 13 South, Range 86 West, County of Gunnison, State of Colorado, and also known as Hunter Ridge – Carlos Velado

**OTHER BUSINESS –**

**PUBLIC COMMENT** – *Citizens may make comments on items not scheduled on the agenda. Those commenting should state their name and physical address for the record. Comments are limited to five minutes.*

**ADJOURN**

**If you require any special accommodations in order to attend this meeting, please call the Town Hall at 349-6632 at least 48 hours in advance. Public comment on these agenda items is encouraged.**

TOWN OF MT. CRESTED BUTTE, COLORADO  
NOTICE OF  
PUBLIC HEARING BEFORE THE TOWN COUNCIL

Please take notice that the Mt. Crested Butte Town Council will hold a public hearing on Tuesday, June 19, 2018 at 6:00 p.m., in the Council Chambers, Municipal Building, Mt. Crested Butte, Colorado.

The purpose of the hearing is for public input on the subdivision sketch plan of an unnamed 10.28 acre parcel located in the SW1/4 SE1/4 of Section 26, Township 13 South, Range 86 West, County of Gunnison, State of Colorado, and also known as Hunter Ridge.

All interested persons are urged to attend. Written comments are welcome and should be received at the Town Offices, PO Box 5800, Mt. Crested Butte, CO 81225-5800, by fax to (970) 349-6326 or by email at [toconnell@mtcrestedbuttecolorado.us](mailto:toconnell@mtcrestedbuttecolorado.us) by Thursday, June 14, 2018 at 5:00 PM, Mountain Time.

The sketch plan application is available for viewing at Mt. Crested Butte Town Hall during regular business hours. For a digital version of the application please contact the Community Development Department at (970) 349-6632.

Dated this 22<sup>nd</sup> day of May, 2018

/s/ Tiffany O'Connell  
Town Clerk

(Published in the Crested Butte News May 25, 2018.)

If you require any special accommodations in order to attend this meeting, please call the Town Hall at 349-6632 at least 48 hours in advance of the meeting.

## Letter of Support

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### Hunter Ridge

Its not often that a decision to support a development is this easy to make. The Town of Mt. crested Butte does an amazing amount of great work for its residents on a very tight budget. When you consider supporting the Town you have to realize that developments like Hunter Ridge do just that by providing additional tax and permit revenue while having a minimum impact on the land and services by its low density.

If you keep a broader vision for a better Town then this project goes a long way to accomplish that by filling in or “completing” the desired boundary as outlined in the publicly accepted Master Plan.

Thank you, William Buck, (2008-2014) Mayor Mt. Crested Butte



## Carlos Velado

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**From:** David Clayton <claytondl52@gmail.com>  
**Sent:** Tuesday, May 8, 2018 8:57 PM  
**To:** Carlos Velado  
**Cc:** Jamie Watt  
**Subject:** Letter in Support of the Annexation and Subdivision - Hunter Ridge Parcel

Dear Mr. Velado,

I am writing to express my support for the Annexation and Subdivision applications that are in front of the Town of Mt Crested Butte for the Hunter Ridge parcel that has been submitted by Hunter Ridge LLC.

On the matter of annexation, the parcel could be developed either as a subdivision within the Town of Mt Crested Butte or remaining as a part of unincorporated Gunnison County. The access to the property will be via the extension of roads that are solely within the Town of Mt Crested Butte and the parcel as adjacent and adjoining to the boundaries of the Town. Therefore it only makes sense that the parcel should be annexed into the Town so that the parcel is under the control of Town Codes and that the Town be able to collect any fees and taxes that would be collectible if the parcel was annexed. I recommend this action since it will allow the Town to have total control in the zoning, planning and design approval of units that will be built within the parcel.

On the matter of subdivision, I recommend that a subdivision for the parcel be approved with the appropriate review of topology, geography as well as other factors in the subdivision process. The level of development as 7 single family lots is of modest impact to the neighborhood with regards to traffic. The fact that the development and maintenance of roads will not be the responsibility of the Town but of the future Homeowner's Association further decreases the negative financial impacts to the Town while providing a stream of income from property taxes. I do understand that there will be a higher level of traffic during initial parcel development and again as each lot is developed but with only seven lots, even this impact will be minimal. Further the proposed subdivision plan as single family homes is a lower density than most of the lots that have been developed within the neighborhood adjacent to this proposed subdivision.

There is always risk in the success of any real estate development, but I do not believe that the Town should stand in judgement but only review and maximize the safeguards to assure neighbors and the Town that the project will be completed.

Therefore, I support the proposed annexation and subdivision of the Hunter Ridge parcel

David Clayton  
139 Snowmass Road  
Mt Crested Butte, CO  
970-349-0313

## Carlos Velado

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**From:** Alpine Construction <alpinewatt@hotmail.com>  
**Sent:** Wednesday, May 2, 2018 3:20 PM  
**To:** Carlos Velado  
**Subject:** Fw: Hunter Ridge

From Wendy Fisher

Jamie Watt  
Crested Butte Resort Real Estate  
Alpine Construction  
PO Box 1935  
Crested Butte, CO 81224

C-970-209-2675

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**From:** Wendy Fisher <fishski@me.com>  
**Sent:** Wednesday, May 2, 2018 1:19 PM  
**To:** Joe Fitzpatrick  
**Cc:** Jamie Watt  
**Subject:** Hunter Ridge

Hi Joe,

I hope you are well.

I emailed you early April, regarding the Hunter Ridge parcel. The email may have sounded more like an inquire than showing support for Jamie Watt's project.

If what Jamie told me is accurate, then it seems to make sense to me that the town jump at the opportunity of a developer wanting to do a low-density development on this particular parcel. I would think it should be in the interest of Mt. Crested Butte residences to have this parcel annexed into the Mt. Crested Butte's master plan. This way the vision of the town is in the hands of Mt. Crested Butte rather than the County.

I hope it goes well and please let me know if there is anything else you need from me to show my support.

All my best,

*Wendy Fisher*

Olympian  
Crested Butte Mountain Resort Ambassador  
970.209.0256  
[www.fishski.com](http://www.fishski.com)

## Carlos Velado

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**From:** Gary Keiser <keiserhaus@aol.com>  
**Sent:** Friday, May 11, 2018 7:01 AM  
**To:** Carlos Velado  
**Cc:** Jamie Watt  
**Subject:** Annexation

Carlos

I think that 7 single family lots is very reasonable and would be good for the Town.

Gary Keiser

Sent from my iPad

## Carlos Velado

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**From:** Chris Morgan <cmorgan@crestedbutte.net>  
**Sent:** Monday, May 7, 2018 2:43 PM  
**To:** Carlos Velado  
**Subject:** Hunter Ridge

I am writing the Mt. Crested Butte town council on the issue of the Hunter Ridge potential annexation.

When I was on council years ago this parcel was identified as desirable for annexation. It meets the conditions of continuity and fits within town nicely. The proposed density is similar to the density of Castle road and Overlook. Third, the town would maintain the authority to control density and access to the property instead of the county. I would rather the Mt CB council control the use of that land instead of the county whose planning office is 30 miles away and they are not as familiar with our town and residents.

Of course the council must consider and resolve some issues. One of these is access to the property. I do not have an opinion on this issue - I will have to allow the elected and appointed bodies, as well as our town staff, make that determination assuming annexation happens. Second, the town must make sure the annexation produces some positive revenue for the town and that road maintenance and other issues are not subsidized by other taxpayers. Third, the area may be geologically unstable. If you remember we had a significant earth slide in a nearby area years ago. I am sure that the town is looking at this issue and resolution would be achieved before annexation would be considered.

In general, this piece of property deserves serious consideration for annexation.

Chris Morgan  
Mt Crested Butte

Sent from my iPad

OVERLOOK  
AT MT. CRESTED BUTTE  
OWNERS ASSOCIATION

May 21, 2018

Town of Mt. Crested Butte  
Attn.. Town Council  
Mt. Crested Butte CO 812255

Dear Town Council Members,

The Board of Directors of the Overlook at Mt Crested Butte Owners Association is in support of Alpine Construction's proposed Hunter Ridge annexation and sub division in Mt Crested Butte.

While we feel the proposal decreases density from duplexes to single family dwellings, and the access from Castle Road is an improved design; we have not polled our home owners . We will inform the homeowners of the proposal and encourage their input directly to the city council, and will discuss at our annual meeting in August.

Thank you for your consideration.

Sincerely,

Robert Takacs  
President, Board of Director's  
Overlook at Mt Crested Butte Owners Association

April 12, 2018

Town Council  
Town of Mt Crested Butte  
PO Box 5800  
Mt Crested Butte, CO 81225

Dear Council Member:

I am writing in support of the annexation of Hunter Ridge. I was on the Council when we annexed the parcel on the other side of Hunter Hill Road. It was assumed then that the parcel under consideration would also be annexed whenever the owner was ready, since it would complete cleaning up the Town boundary as contemplated in the Master Plan. This would be a low density single family addition, which is desirable as it would produce added revenue to the Town without much additional cost. The arguments against annexation have little merit. The neighbors want to retain green space around them. Everyone does. However, council members must consider what is in the best long-term interest of the Town.

Very truly yours,



Gary Keiser

## Memorandum

Date: June 14, 2018  
To: Town Council  
From: Mt Crested Butte Planning Commission  
Subject: Hunter Ridge Subdivision Sketch Plan

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Hunter Ridge, LLC has submitted a subdivision plan application to subdivide a 10.28 acre parcel that currently sits in Gunnison County. The subject parcel runs along the south side of Hunter Hill Rd just past 33 Hunter Hill Rd. It also sits across from the 2 acre Hillside Parcel which was annexed by the Town in 2014. The property has a pending annexation application with the Town. As part of the annexation process, the Town has required the applicant to go through the subdivision process prior to consideration for annexation. The proposed subdivision would be accessed from Castle Rd and would have a feeder road that would serve 7 lots, with an average size of .8 acres, that would be zoned Single Family Residential. The remaining 4.63 acres would remain open space as they sit in an avalanche zone. A public hearing for subdivision sketch plan consideration has been scheduled for May 16, 2018. All public comment received since the eligibility hearing and by the June 14 deadline have been included with your packet. Please note that some letters only address the annexation application. The Town Council is only considering the subdivision sketch plan. The applicant held a pre-application conference with the Planning Commission on May 2, 2018.

### **Historical Background of the Property**

In the past 15 years, the parcel (with a different applicant) has applied to the Town for annexation on 2 separate occasions. Both applications included an additional 2 acre parcel now known as the Hillside Parcel that was annexed into the Town in 2014. The proposed name of the development was Inspiration Ridge/Point. The applicant was pursuing zoning and subdivision approval during the annexation process. The initial application in 2003 proposed 15 lots on the approximately 13.92 acre tracts. They were requesting a zoning of Low Density Multiple Family for the 15 lots which were intended to house 2 units/lot. The parcels received Town Council approval (Resolution No. 2 Series 2003) for eligibility for

annexation but the application was subsequently withdrawn after receiving a recommendation of denial from the Planning Commission on the Subdivision Sketch Plan application.

The same applicant submitted a second application for the same 2 parcels in 2006. The applicant was only seeking annexation and zoning of single family residential. The parcels received Town Council approval (Resolution No. 7 Series 2007) for eligibility of annexation but the application was subsequently withdrawn during the economic downturn. No application for subdivision was submitted.

### **Master Plans and 3 Mile Plan**

The Town of Mt Crested Butte 3 Mile Plan (1998) and 2001 Master Plan specifically describe the 13 acre Inspiration Ridge Parcel as a preferred area of growth and annexation. The 2007 Community Plan (Update of 2001 Master Plan) states that “new annexation areas (not currently within the Town boundaries) should be limited and should only be considered if there is a clear public benefit.” The Section specifically describing preferred areas of growth was removed from the 2007 Community Plan. The Inspiration Ridge parcel is mentioned in Tables B (Projected Units and Population Buildout) and E (Potential Community Housing Units). The 2007 Community Plan also contains *The Mt Crested Butte Future Land Use Map* which includes the Hunter Ridge parcel with a classification of single family use. Staff has also performed an economic impact report for the proposed subdivision which is included with the packet.

### **Suggested Points of Discussion**

**Access-** The applicant is proposing to access the 7 single family zoned lots via the end of Castle Rd at the cul-du-sac. Previous applications were proposed to be accessed from Overlook Dr. The applicant apparently has a deal in place with the owners from the Snowcastle Condo Association to purchase a piece of land that would allow for this access. The access from Castle Rd would be provided by a feeder road. A feeder road is a private driveway that serves 3 or more units. The Town has specific requirements for feeder roads that would have to be met. The applicant has provided a cross section of the proposed feeder road.

**Soils and Slope-** A geotechnical study has been performed for the site and is included with your packet. Staff has reviewed the report and compared to other reports for other subdivisions. Staff has found that the submitted report of Hunter Ridge to less comprehensive than those for other subdivisions. The applicant has also provided a preliminary analysis of a driveway for one of the proposed lots. The analysis was done for lot 3 which, in the opinion of the engineer, was the most difficult of the proposed lots to provide access to.

**Community Housing –** The subdivision will trigger both inclusionary and mitigation requirements for affordable housing. Assuming 7 single family units, with the finished units being 4,500 sf or greater, the project would require 1.69 affordable units (1.05 inclusionary + .64 mitigation). The Town



Council should discuss how the applicant may meet these requirements. The options are providing the units, payment in lieu, or a combination of the 2.

**Building Square Footage** – The applicant is proposing 7 lots that are to be zoned single family residential. Five of the lots are a proposed to be .75 acres in size. By zoning, this would allow a home up to 8,167 sf on each lot. The remaining 2 lots are .85 and 1.05 acres and would allow homes up to 9,256 sf and 11,434 sf respectively. The allowable building square footage is directly proportional to the size of the lot with 25% of the lot size being the maximum allowable square footage.

### **Subdivision Consideration Procedure**

Subdivision consideration is a five step process detailed as follows:

- 1) Planning Commission public hearing and possible recommendation to the Town Council on a sketch plan application pursuant to Sec. 18-382 of the Town Code. (May 16, 2018)
- 2) Town Council public hearing and possible consideration of sketch plan approval pursuant to Sec. 18-382 of the Town Code.
- 3) Planning Commission public hearing and possible recommendation to the Town Council on a preliminary plan application pursuant to Secs. 18-397 and 18-398 of the Town Code.
- 4) Town Council public hearing and possible consideration of preliminary plan approval pursuant to Secs. 18-397 and 18-398 of the Town Code.
- 5) Town Council final plan consideration pursuant to Secs. 18-412 and 18-413 of the Town Code.

### **Sketch Plan Consideration**

The applicant has submitted all information required pursuant to Sec. 18-382 on the sketch plan map and narrative that have been provided to you. The Town Council may ask for additional information which may aid in the proper evaluation of the proposed subdivision prior to consideration of the sketch plan application.

### **Planning Commission Recommendation**

The Planning Commission unanimously (4-0) passed a motion to recommend approval of the sketch plan application to the Town Council for the project known as Hunter Ridge submitted by Hunter Ridge LLC with the following conditions:

1. More detailed soils analysis and foundation recommendations be provided at consideration of preliminary plan
2. The ownership and uses of the spaces below the feeder road be detailed on the plat provided at preliminary plan
3. The access agreement from Snowcastle Condos included in the preliminary plan

### **Proposed Motion**

I move to approve/deny the Town Council of the subdivision sketch plan for the Hillside Parcel.

The Town Council may also continue the discussion.

12. Develop creative partnerships with non-profits, utility providers, and others in order to create additional community housing.
13. Community housing should be considered an asset of the community as a whole. As such, it is incumbent on the Town to ensure that these assets are kept affordable, are well-maintained, and remain desirable places to live. To this end, the Town should institute policies that will ensure that homeowners' dues are set aside for improvements; that restrictions are put in place and monitored to ensure continued affordability of every unit; and that minimum design standards are met to ensure maximum livability of the units.
14. In order to achieve maximum community housing, the Town should regulate unit sizes based on family size. For instance, a couple should not be allowed to purchase a three-bedroom house when a one bedroom house will be adequate. Two roommates should be able to acquire a two-bedroom unit. This will also ensure that a variety of community members with a variety of incomes will be eligible for housing in Mt. Crested Butte.
15. To strengthen its reputation as an inclusive community for all, the Town should require more than the minimum number of accessible community housing units be provided than are required under the Americans with Disabilities Act (ADA).
16. As a key employer in the community, the Town should consider acquiring land, developing units and managing its own

community housing for Town employees.

17. In order to keep the cost of energy in check, the Town should require all community housing units meet a standard of sustainability by encouraging green building.

## **LAND USE, DEVELOPMENT & GROWTH MANAGEMENT**

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### **Intent Statement**

Encourage smart growth within Mt. Crested Butte, recognizing the connection between development and quality of life. Create a vibrant year-round community with easy access to public lands, and where essential community goods and services are available via alternative transportation servicing all neighborhoods. Land use and development should balance the duality of Mt. Crested Butte, the community, and Mt. Crested Butte, the resort.

### **Goals**

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. In order to create more year-round vitality, encourage the highest intensity of development and mix of land uses within the Downtown Development Authority (DDA) where infrastructure is available.
4. Ensure that infrastructure and community services are in place to

- support CBMR's goal of reaching 600,000 skier days a year.
5. Contain development with the creation of a Community Growth Boundary to distinguish Mt. Crested Butte from Crested Butte and to minimize sprawl near the entrance to Town.
  6. Encourage the development of land from the inside out (infill); strengthen and direct development toward existing infrastructure and services; encourage brownfield redevelopment; discourage development where new infrastructure has not been provided or planned for. Zoning should transition from the most intensive to the least intensive zone on the edges of the community.
  7. Encourage land use to occur in such a way that it protects and enhances the existing physical and natural environment.
  8. Provide 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.
  9. Create walkable neighborhoods. Locate goods and services that a resident or employee needs on a regular basis within an easy and safe walk.
  10. Create streetscapes that better serve a wide range of users -- pedestrians, bicyclists, transit riders, and automobiles.
  11. Utilize and encourage a regional approach to land use planning and develop public-private partnerships to create community facilities whenever possible.
  12. Implement the community plan and update it regularly to respond to changing priorities.
  13. Encourage community and stakeholder collaboration in land use-related matters.
  14. Make land use and development decisions predictable, fair and cost effective.
  15. To provide citizens with the ability to re-evaluate development submittals for current and changing conditions, policies should be in place that address specific timeframes for the physical start-up of an approved PUD development project. Such provisions are necessary for the timely completion of approved PUD projects and the assurance that such projects will be developed according to regulations that address conditions at both the time of approval and at the time of ultimate development.
  16. Encourage the Town and its residents to increase energy efficiency and to access and utilize renewable energy sources (solar thermal, solar electric, wind power etc.).

**Objectives/Policies**

1. There should be a clearly defined open space between Skyland and Mt. Crested Butte and between Crested Butte and Mt. Crested Butte.
2. New annexation areas (not currently within the Town boundaries) should be limited and should only be considered if there is clear public benefit.
3. No new development should occur east of Prospect.
4. The Town Hall property and the land adjacent to the Water and Sanitation District complex should be rezoned

- to Public to ensure adequate areas for future expansion of these public services and facilities.
5. The land donated by the Ingraham family off of Whetstone Rd. for a bird sanctuary should be rezoned from Single Family Residential (SFR) to Recreational Open Space (ROS).
  6. Manage growth in order to control the boom and bust cycle of development and to sustain the local workforce, to the extent possible, by not increasing the cost of living for current residents.
  7. Establish minimum densities to ensure adequate transportation can be economically provided, encouraging compact building design and allowing more open space to be preserved.
  8. Encourage the transfer of development rights from areas where development should not be supported into areas such as the DDA.
  9. Encourage the private sector to develop needed community services such as a post office, a small grocery store, a gym/health club, and more public parking.
  10. Support CBMR in its effort to expand ski terrain onto Snodgrass Mountain.
  11. Encourage the provision of pond skating, an outdoor amphitheatre (if feasible), a branch library, Post Office, community housing, and trail improvements in North Village.
  12. Integrate the North Village into the rest of Town through the trail, transit and roadway system.
  13. Integrate single- and multi-family structures within new housing developments in order to support a more diverse population and to allow more equitable distribution of households of all income levels within the community.
  14. In existing single-family residential neighborhoods, encourage the addition of new units through attached housing, accessory units, or conversion to multi-family dwellings in order to create new opportunities for community housing by slowly increasing density without radically changing the character of the neighborhood.
  15. Consider more incentives to provide community housing in the Town Center where infrastructure and services are located.
  16. Encourage the redevelopment of single uses into mixed uses in the DDA.
  17. Parking, as a land use, should be adequate, but should not dominate the Mt. Crested Butte landscape.
  18. Encourage smaller residential lots, mixed use areas, clustered buildings and community housing.
  19. Secure more open space, views of open spaces and dog parks; a significant amount of open space should surround the perimeter of development in order to create compact urban form.
  20. Manage the level of construction to reduce community impacts (dust, noise, traffic, etc.)
  21. Rezonings, conditional uses, variances, and PUDs should only be approved when there are maximum benefits provided to the community.
  22. Ensure that new development is consistent with the policies set forth in the Transportation section of the plan to minimize traffic impacts within the community.
  23. Continue to work with the Town of Crested Butte on land use and development related issues to

minimize adverse impacts to our sister community.

24. Structure new growth in the community in compact, mixed use patterns that enable and support travel by foot, bicycle and transit for all types of trips.
25. Establish appropriate sunset provisions for new and amended PUD zoning through development agreements where no development has occurred. If development has not commenced at the end of an agreed upon time, zoning approvals and other agreements may be subject to review and renegotiation. Proposed development should have a reasonable expectation of start-up given anticipated absorption rates for different types of land use, and overall growth patterns and trends for Mt. Crested Butte and the region. Appropriate sunset or periodic review provisions should be a part of every annexation, PUD zoning, and metropolitan district authorization.
26. Developers of new multi-family structures should provide either a garage or a storage facility for recreational vehicles and equipment for all residents.
27. Encourage the use of efficient lighting options (compact fluorescent light bulbs, light emitting diode light bulbs, etc.).
28. Discourage the use of incandescent lighting.
29. Consider adopting energy efficiency strategies for all new buildings, developments and major renovations, attempting to achieve a 50% reduction of the regional average energy use through innovative design strategies and the application of renewable technologies.

## **PARKS, RECREATION, AND THE NATURAL ENVIRONMENT**

### **Intent Statement**

Preserve, enhance and restore the natural beauty of the Mt. Crested Butte environment. Support an environment that better the lives of all, preserves our natural resources and provides opportunities and access for all to enjoy. Further the growth and development of outdoor and indoor recreation opportunities through expanded partnerships with government agencies, non-profit organizations, and the general citizenry.

### **Goals**

1. Preserve open space, natural beauty and critical environmental areas.
2. Manage development in a manner that does not increase natural hazards and does not promote development in areas with inherent natural hazards that will affect either safety or welfare of the community.
3. Preserve the recreational aspect of our quality of life and ensure the availability of quality recreational experiences in the future for residents and visitors of all abilities.
4. Maintain the existing parks in order to promote increased use as a community amenity.
5. Parks should be considered social gathering hubs for parents and children, and facilities to encourage this social interchange should be provided.
6. All open space, parks and the base area should be connected through safe bicycle and pedestrian corridors that create a continuous linkage throughout the community and

36

- and Sanitation District, GCEA, ATMOS, etc.) to work toward waiving fees or fee reductions for community housing development.
12. Develop a set of sustainability standards that all community housing must meet. Consider incentives that can be given to developers of community housing that exceed these minimum standards.
  13. Study the pros and cons of awarding public projects through design competitions to promote a higher standard of design and creativity. When possible, sponsor design competitions or other creative methods for getting the best community housing product possible.
5. Study the development of a Transferable Development Rights program that would allow density to be transferred off of environmentally sensitive lands and be developed in areas such as the DDA where infrastructure can support more density.
  6. Consider construction limitations on Sundays and after a certain hour on week days to provide some relief from noise, traffic and dust for residents and visitors.
  7. Study and develop a multi-pronged parking and transportation management approach that will maximize skier days without creating a stranglehold on the daily functions of the year-round community.
  8. Develop incentives in the zoning code for ground-floor retail and upper-level residential uses in existing and future developments in the DDA and North Village core. Discourage non-sales tax generating uses in these limited retail spaces.
  9. Where appropriate and where traffic can be minimized, locate neighborhood-serving stores in mixed-use residential areas.
  10. Explore additional or alternative access into and through Town as an alternative to Gothic Rd., especially during prime construction periods.
  11. Work with the County and the Town of Crested Butte to develop a Three Mile Plan that is consistent with the growth and development policies of those jurisdictions, where possible.
  12. Modify the current PUD language in the zoning code by removing minimum size restrictions and encouraging this tool to be used throughout the DDA.
  13. Draft a Sunset Provision Ordinance for public hearing and adoption for

## **LAND USE, DEVELOPMENT & GROWTH MANAGEMENT**

1. Study growth management models that may work for Mt. Crested Butte. For instance, in the Portland Model, undeveloped lands outside of the growth boundary will only be considered for development when a certain percentage of development has already occurred within the growth boundary. Another model might be Aspen's, where development is capped at 2% per year.
2. Revise the zoning code to encourage the implementation of the community plan.
3. Revise the zoning code to require all land use special requests (variances, conditional uses, etc.) provide maximum community benefit.
4. Study whether the Town's minimum lot size for single family residences may be too large (except on steep slopes).

PUDs that have been approved but not constructed, as allowed under state statutes.

14. Coordinate with ORE (the Office for Resource Efficiency) to create an action plan for the use of incentives for the installation and use of renewable energy sources.
15. Study and consider a ban of incandescent lighting usage.
16. Coordinate with CBMR, ORE, Town of Crested Butte, City of Gunnison and Gunnison County to create a comprehensive, multi-jurisdictional recycling strategy (including composting of organic waste).
17. Work with ORE to study and consider revising Town building codes to reflect increased efficiencies for building in a cold climate.
18. Work with ORE to develop a detailed program that will help the community achieve a reduction in energy use, such as the 2030 challenge, as suggested at the following website: [www.architecture2030.org/home.html](http://www.architecture2030.org/home.html)
19. Study and consider adopting an outdoor heating (snowmelt, spas, roof heating, pools) ordinance similar to Aspen's Renewable Energy Mitigation Program (REMP).
20. Work with ORE to create an overall carbon reduction plan, consistent with the *Cities for Climate Protection* program currently underway.

## **PARKS, RECREATION, AND THE NATURAL ENVIRONMENT**

1. Implement standards for “best management practices” that are crafted to reduce sediment loading in local streams.
2. Continue to provide low interest loans for the conversion of solid fuel burning devices that do not meet current air quality standards.
3. Increase the street sweeping program during those critical periods when the non-attainment of air quality is most likely to occur.
4. Revisit the air quality standards and implement a program that will minimize fugitive dust from all construction activity.
5. Develop a hillside development ordinance that addresses proposed development on slopes over 30%. Change the subdivision regulations that allow development on slopes in excess of 40% to reflect this new requirement. Work with the Town of Crested Butte to identify and develop an open space buffer between the two Towns to help preserve the natural habitat and view sheds that both Towns share.
6. Develop a Parks, Trails, and Recreation Master Plan. Incorporate information from the *Town of Mt. Crested Butte Pedestrian Accessway Plan* and reflect new easements and trail connections to accomplish the goals of this plan. Define and adopt park standards that can be applied to new developments in order to meet park and open space needs for new residential and commercial developments.
7. A feasibility study and design for a recreation center needs to be completed and submitted to the

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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 in appropriate 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 improves the ability for a municipality to exercise responsible control over the future development of the fringe area. Municipal zoning and land use extended to adjacent areas with appropriate zoning will help provide orderly and compatible development in those areas. It should be noted, however, that the Town is more interested in building out and developing within existing boundaries before annexing territories. The Town may consider annexations on a case-by-case basis and determine the constraints and benefits derived by each proposal.

## 4.2 GOALS

**4.2.1 Future Development Areas:** The Town Council has discussed the urban growth boundaries of the town. The following areas are where the Town would prefer to see development directed towards and also where growth should be discouraged or opposed. However, there may be areas within the preferred areas for growth which are unsuitable for growth because of topography, natural hazards, or sensitive natural areas.

### Preferred Areas for Growth:

1. The 13 acre parcel of land that was split from the Robinson Parcel.
2. The area west of the Town boundaries towards the Washington Gulch area.

### Areas Preferred for No Development:

1. Upper Loop Parcel adjacent to the Overlook Subdivision.
2. Areas north of the current Town boundaries.



2.

ANNEXATION

- A. INTRODUCTION--Annexation is a form of self-determination. For the annexing municipality, it represents the most effective means by which the municipality can guide its own destiny. For the annexing property owners and residents, it represents a personal decision to become a formal part of a community to which they already relate. In Colorado, it is particularly significant that present annexation law allows only a few limited circumstances in which the consent of the landowners and residents of the area is not needed as a prerequisite to annexation.

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, 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 – The Town Council has discussed the urban growth boundaries of the town. The following areas are where the Town would prefer to see development directed towards and also where growth should be discouraged or opposed. However, there may be areas within the preferred areas for growth which are unsuitable for growth because of topography, natural hazards, or sensitive natural areas.

Preferred Areas for Growth – 1. The 13 acre parcel of land that was split from the Robinson Parcel.

# Alpine Construction

June 19, 2018

Mt CB Town Council

Re: Sketch Plan for Hunter Ridge

I am proposing to annex into the Town of Mt Crested Butte the 10.28-acre parcel of land located at 45 Hunter Hill Rd. This piece of property has a unique relationship to the town of Mt. Crested Butte as it is one of only two properties specifically referred to in both the Town's **1998 3-mile Plan** and the Town's **2002 Master Plan** as "Preferred Areas for Growth". The property was given this designation by past Planning Commissions and Town Councils because it was the "missing piece of the puzzle" that prevented the Town from having a clean boundary with the County. When traveling along Hunter Hill Road you actually left the Town, entered the County and then came back into Town.

There have been other proposals for this property brought before the Town over the years but none have been successful for various reasons. One proposal for the 10.28-acre portion was for 11 duplex lots with an access drive coming off of Overlook Drive but the Planning Commission rejected this. With this in mind I decided to minimize density as much as possible by proposing the subdivision to be only 7 single-family lots, which is less dense than the recently annexed 2-acre Hillside Parcel that borders this property.

This lot at first has the appearance of being very steep. Close examination of the contour lines on the preliminary plat and actually walking the property will show that there is a plateau where the home sites would be situated. This slope is actually comparable to developed property bordering this land and other sites over all of Town.

For access I am proposing a simple paved common drive coming off of Castle Road. This access point allows for a drive that follows the contour of the land to minimize disturbance with no need for retaining walls. The only other access choice would be from Overlook Drive but this would require huge unsightly engineered retaining walls.

Jamie Watt

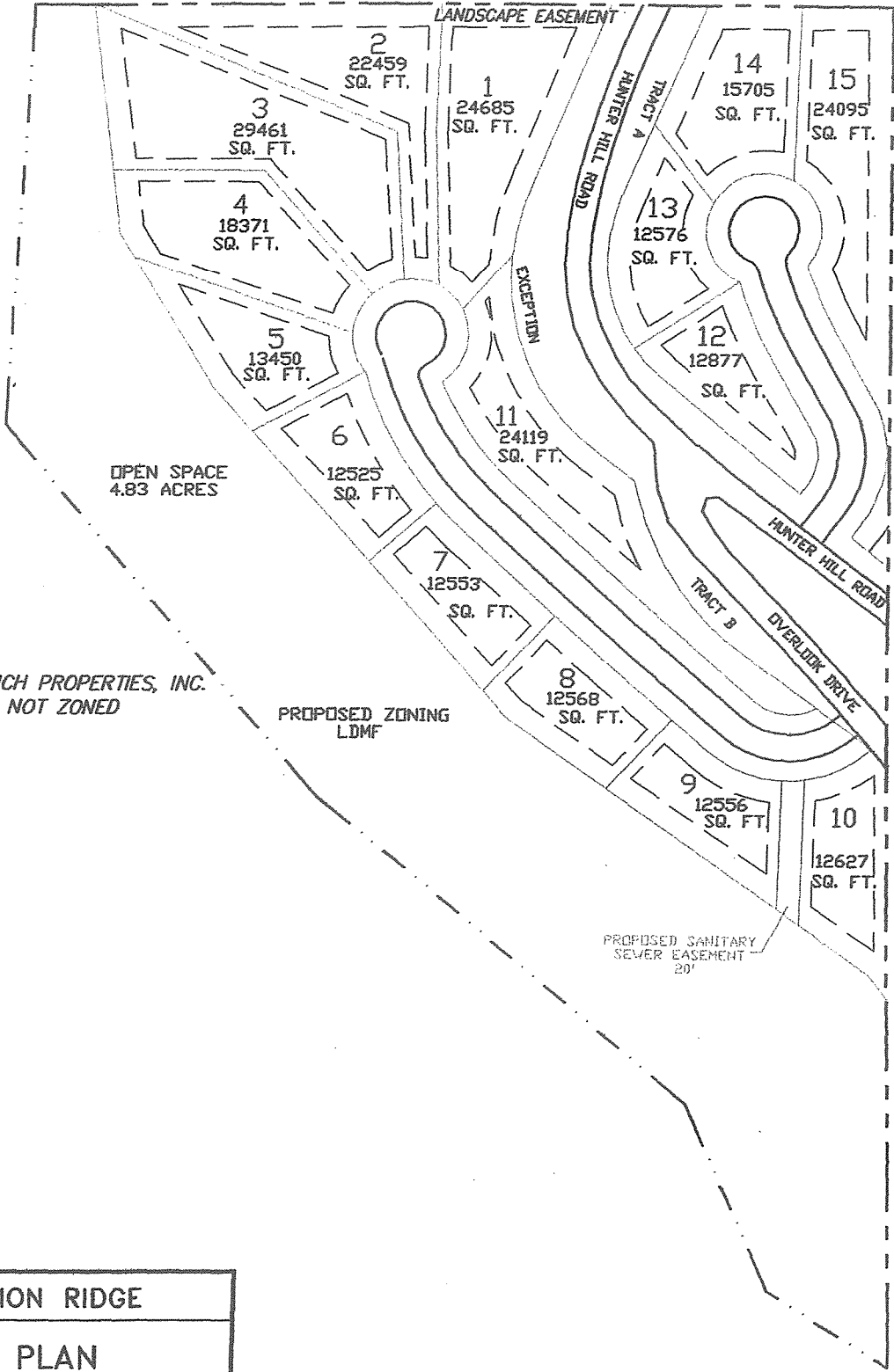
Managing Partner for Hunter Ridge, LLC.

CHALET VILLAGE  
LDMF

CHALET VILLAGE  
SF

CRYSTAL ROAD

CASTLE BLISS



CB RANCH PROPERTIES, INC.  
NOT ZONED

PROPOSED ZONING  
LDMF

PROPOSED SANITARY  
SEWER EASEMENT  
20'

THE SUMMIT  
SF

THE OVERLOOK  
AT MT. CRESTED BUTTE  
PUD

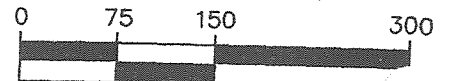
INSPIRATION RIDGE

SITE PLAN

BY  
CRANE ASSOCIATES

2917 LSO LANE  
HOTCHKISS, COLORADO 81419 (970) 672-2433

base.dwg	DESIGNED	DRAWN	CHECKED	SHEET	OF
DATE: Feb, 2003	Jal	Jal		1	1



SCALE: 1" = 150'

SITE PLAN

EXHIBIT A PAGE 2 OF 4

60 of 223

# Sketch Plan

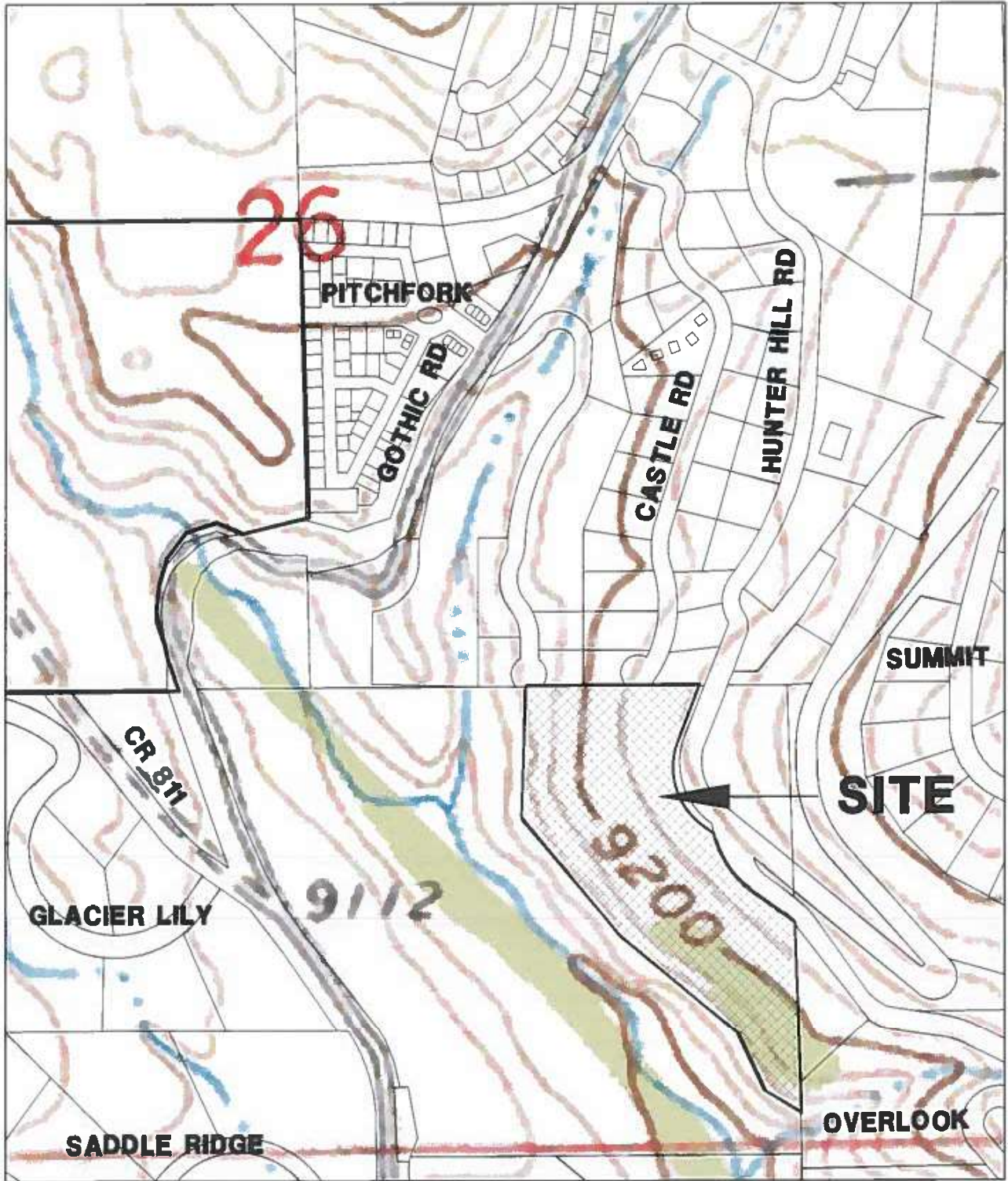
## Sec. 18-382 requirements

1. On plat
2. On plat
3. On plat
4. On plat
5. On plat
6. One filing
7. Enclosed
8. On plat
9. Property owner:  
Hunter Ridge, LLC . PO Box 1935 Crested Butte, CO 81224  
Shanon Phillips 100% share owner

Subdivider:  
Jamie Watt /Alpine Construction PO Box 1935 Crested Butte, CO 81224

Surveyor:  
On plat

10. On plat
11. On plat
12. N/A
13. On plat
14. On plat
15. On plat
16. On plat
17. On plat
18. None prepared for this location from Dept. of Agriculture
19. Enclosed
20. Mt. CB water line available from Hunter Hill Rd.
21. Mt CB sewer line available along lower boundary of lots
22. N/A
23. Will be on pickup route of Waste Management
24. As needed
25. On plat

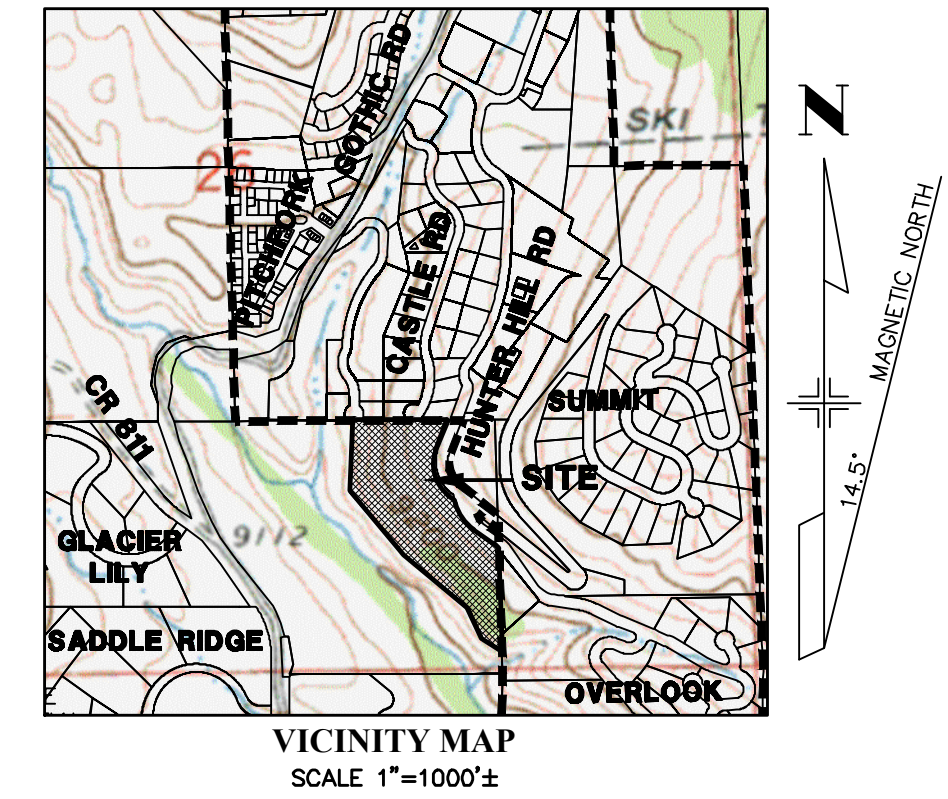
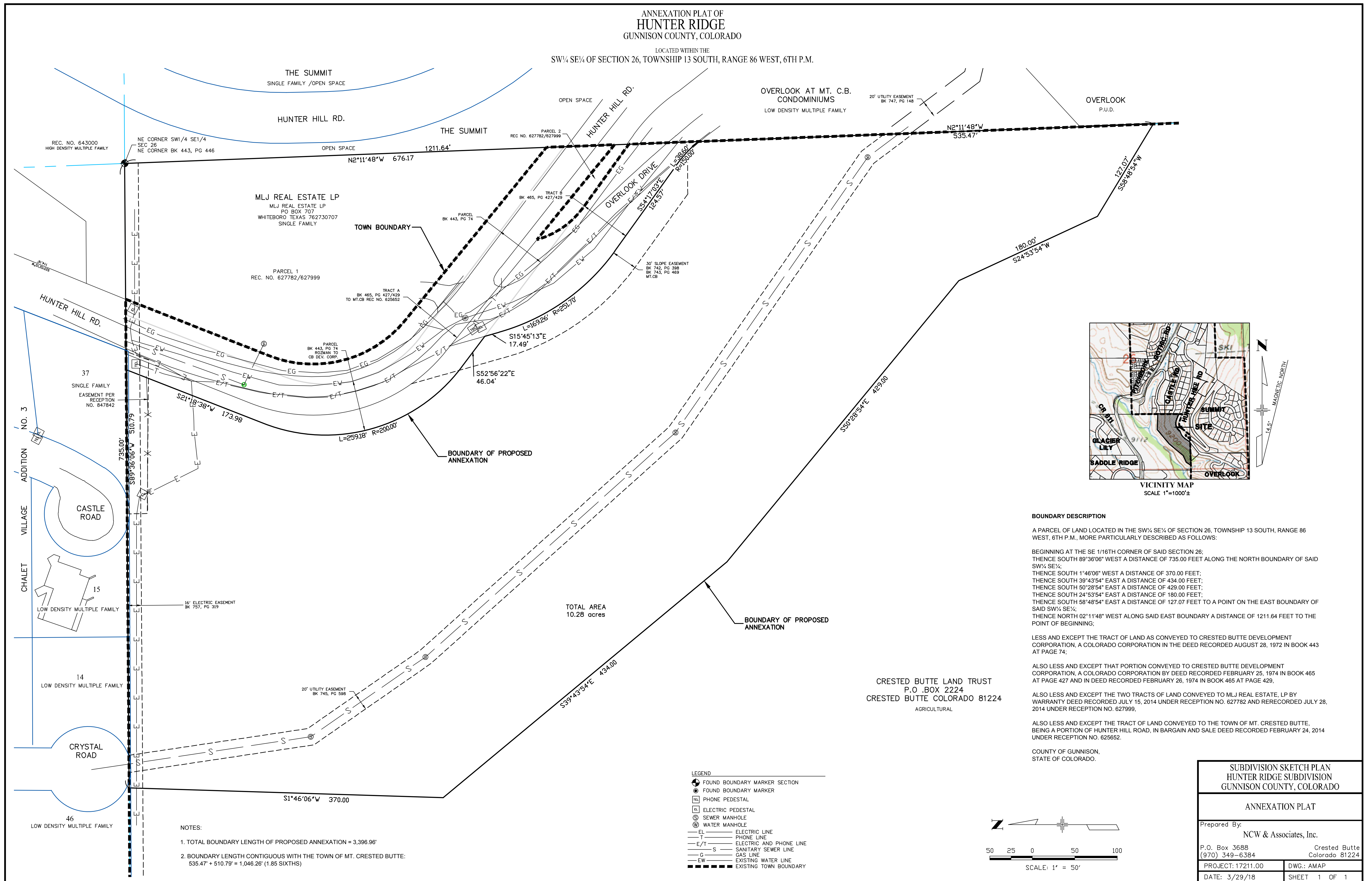


VICINITY MAP

SCALE 1"=400'±

ANNEXATION PLAT OF  
HUNTER RIDGE  
GUNNISON COUNTY, COLORADO

LOCATED WITHIN THE  
SW 1/4 SE 1/4 OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 86 WEST, 6TH P.M.



**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;

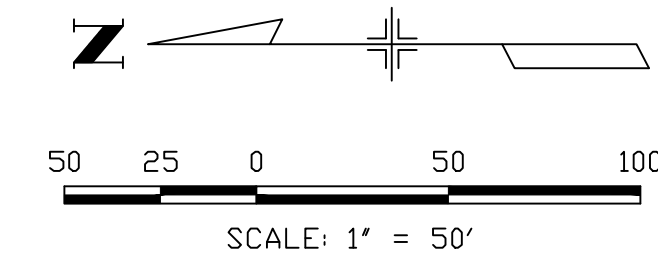
ALSO LESS AND EXCEPT THE TRACT OF LAND CONVEYED TO THE TOWN OF MT. CRESTED BUTTE, BEING A PORTION OF HUNTER HILL ROAD, IN BARGAIN AND SALE DEED RECORDED FEBRUARY 24, 2014 UNDER RECEPTION NO. 625652.

COUNTY OF GUNNISON,  
STATE OF COLORADO.

CRESTED BUTTE LAND TRUST  
P.O. BOX 2224  
CRESTED BUTTE COLORADO 81224  
AGRICULTURAL

TOTAL AREA  
10.28 acres

- 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



**NOTES:**

1. TOTAL BOUNDARY LENGTH OF PROPOSED ANNEXATION = 3,396.96'
2. BOUNDARY LENGTH CONTIGUOUS WITH THE TOWN OF MT. CRESTED BUTTE:  
535.47' + 510.79' = 1,046.26' (1.85 SIXTHS)

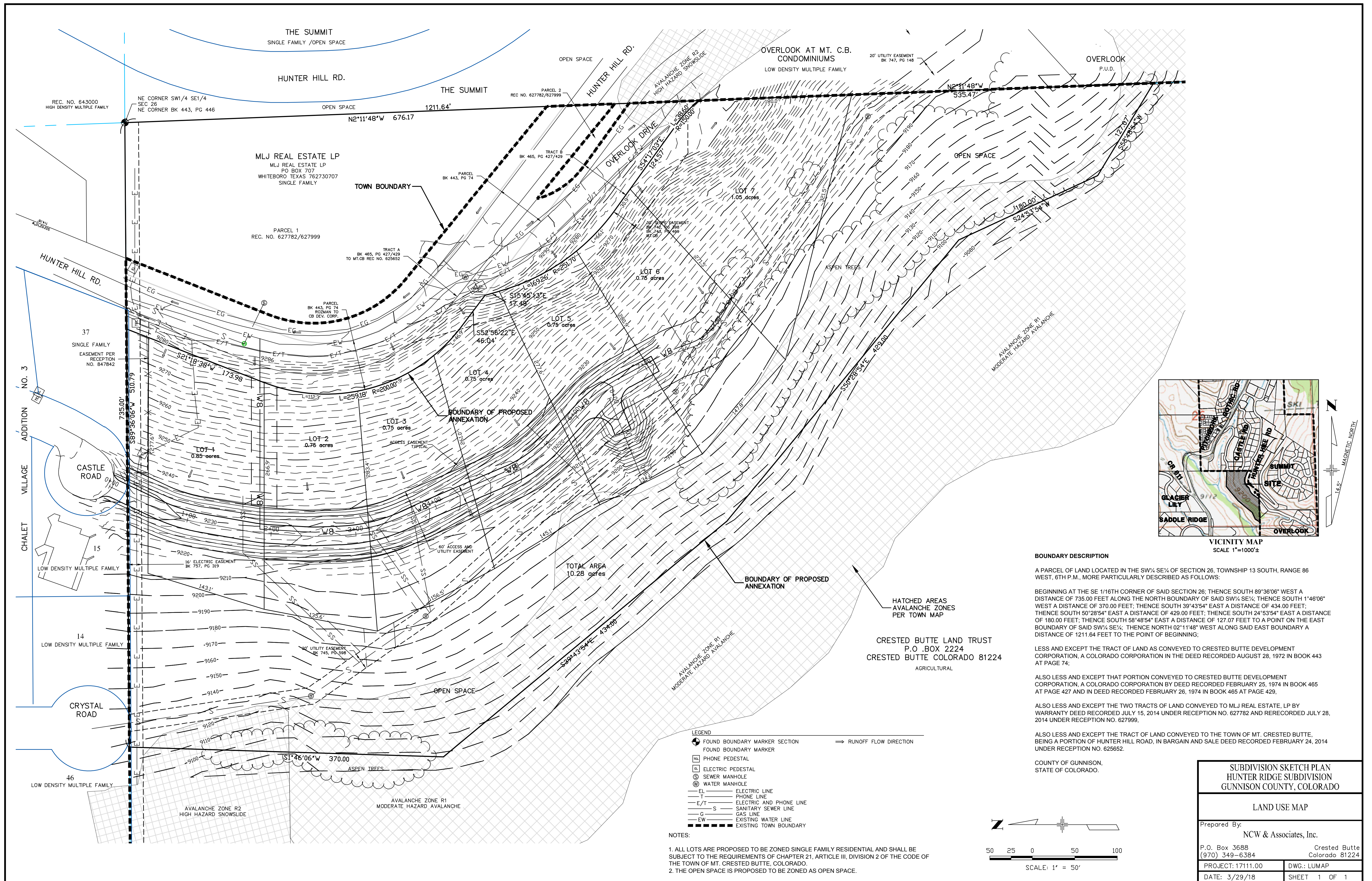
SUBDIVISION SKETCH PLAN  
HUNTER RIDGE SUBDIVISION  
GUNNISON COUNTY, COLORADO

ANNEXATION PLAT

Prepared By:  
NCW & Associates, Inc.

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

PROJECT: 17211.00 DWG.: AMAP  
DATE: 3/29/18 SHEET 1 OF 1



**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;

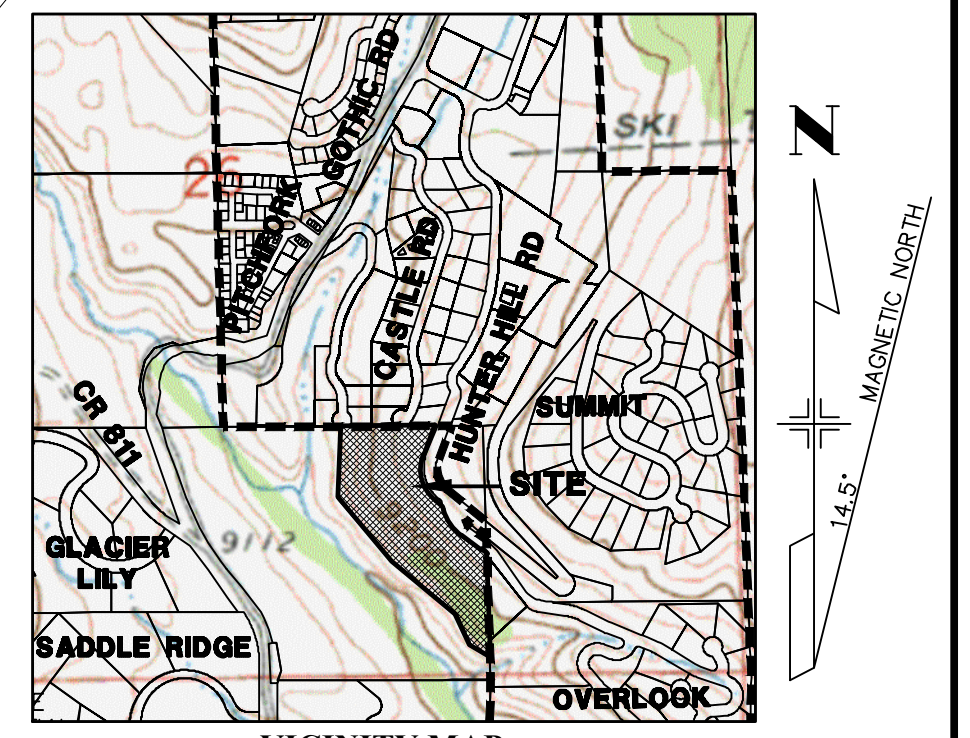
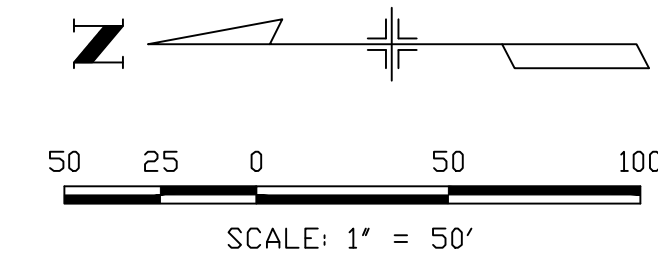
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ALSO LESS AND EXCEPT THE TRACT OF LAND CONVEYED TO THE TOWN OF MT. CRESTED BUTTE, BEING A PORTION OF HUNTER HILL ROAD, IN BARGAIN AND SALE DEED RECORDED FEBRUARY 24, 2014 UNDER RECEPTION NO. 625652.

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**

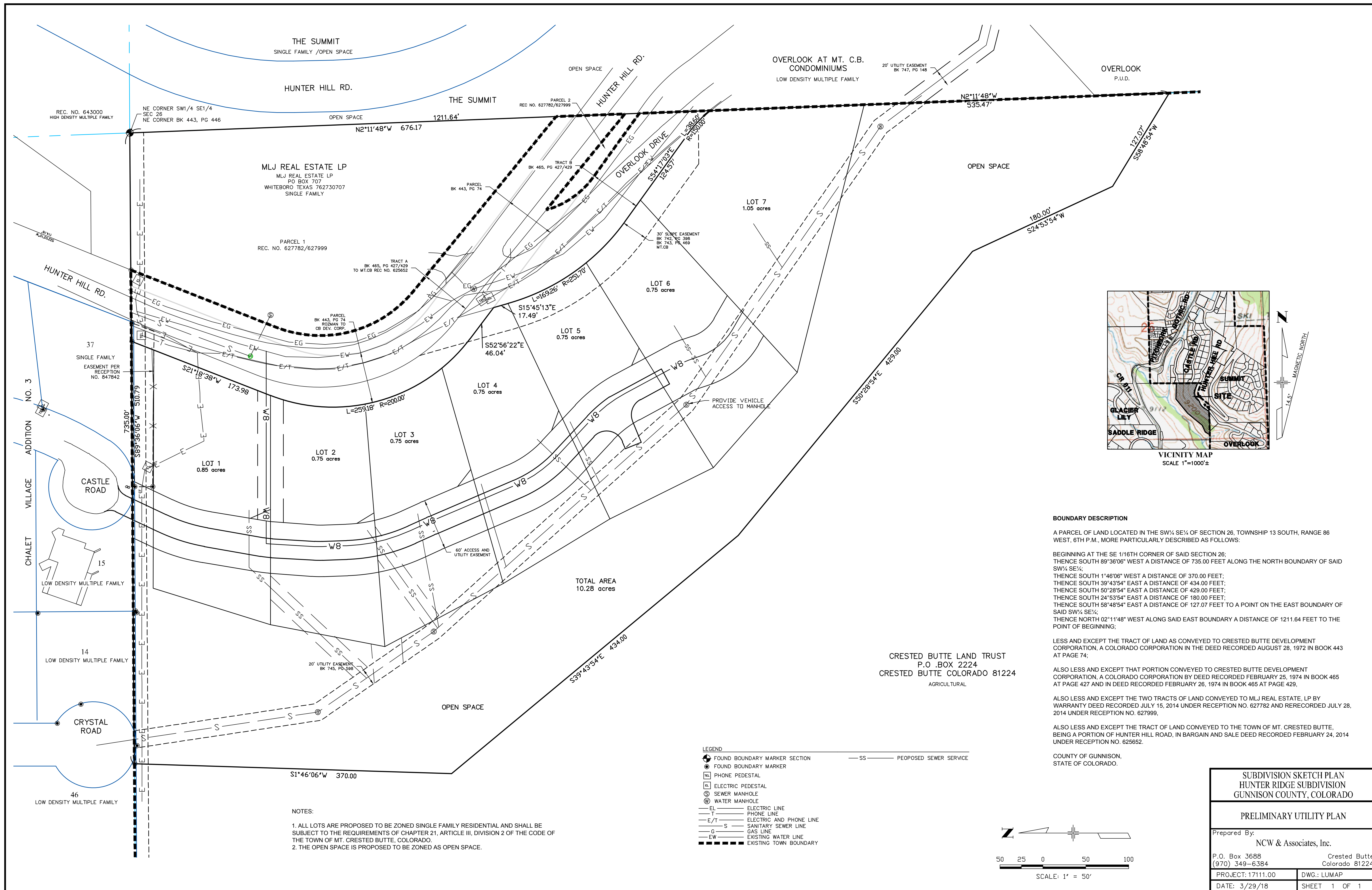
**LAND USE MAP**

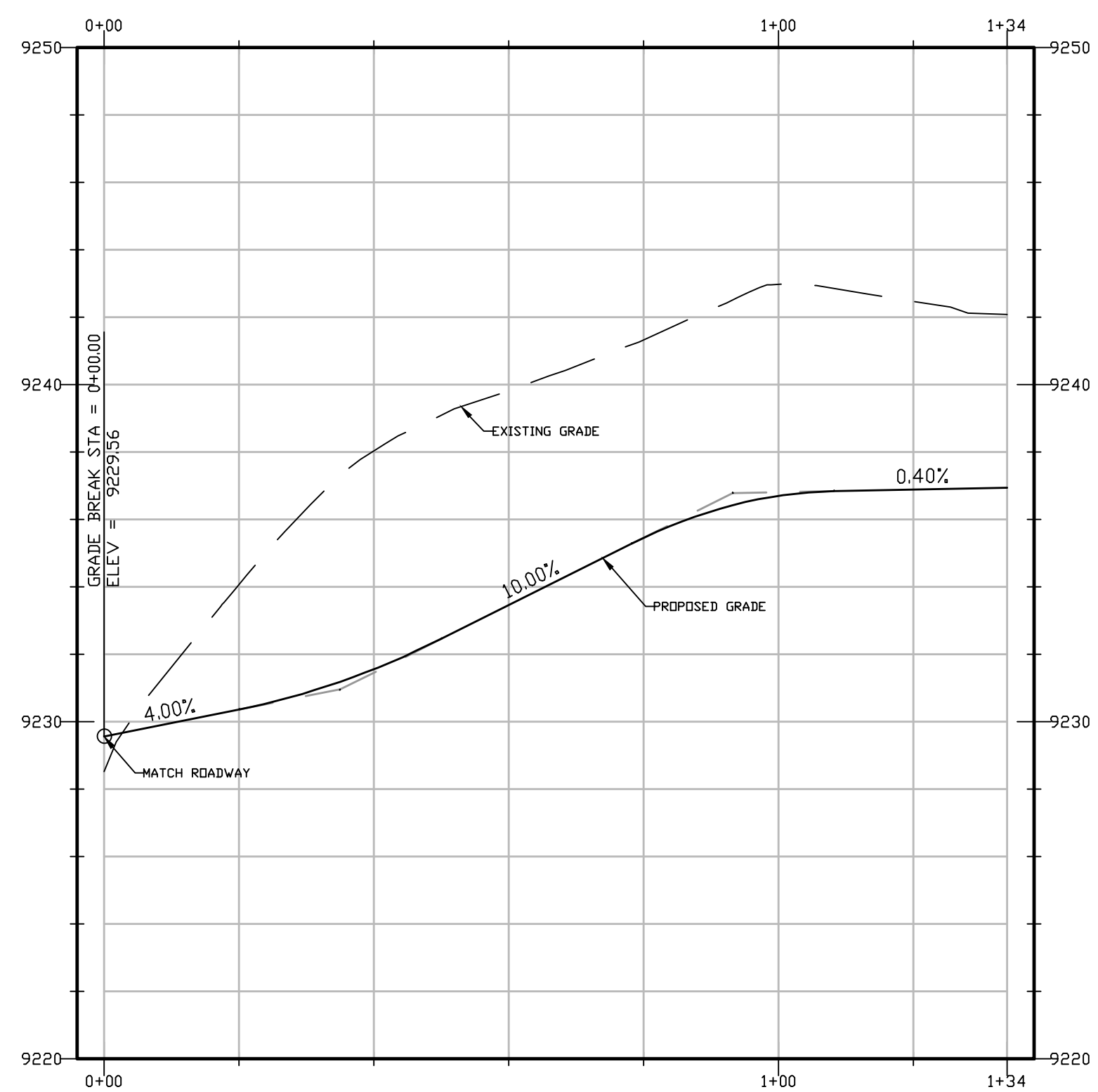
Prepared By:  
**NCW & Associates, Inc.**

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

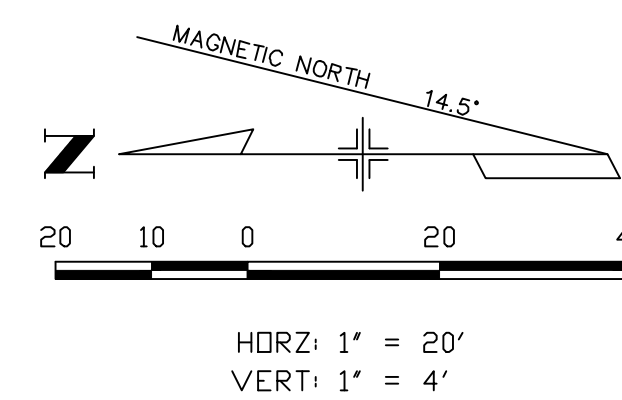
PROJECT: 17111.00	DWG.: LUMAP
DATE: 3/29/18	SHEET 1 OF 1







NOTES:  
1. CONTOUR INTERVAL = 2'



SUBDIVISION SKETCH PLAN HUNTER RIDGE SUBDIVISION GUNNISON COUNTY, COLORADO	
SAMPLE LOT GRADING PLAN	
Prepared By: NCW & Associates, Inc.	
P.O. Box 3688 (970) 349-6384	Crested Butte Colorado 81224
PROJECT: 17111.00	DWG.: DRVX
DATE: 5/9/18	SHEET 1 OF 1



October 16, 2017

Town of Mt. Crested Butte  
911 Gothic Road  
PO Box 5800  
Mt. Crested Butte, CO 81225

To Whom it May Concern:

The Gunnison Watershed School District believes that the potential annexation of a 10+ acre parcel to Mt. Crested Butte for the purpose adding no more than nine single family lots may generate an additional five students attending the Crested Butte Community School, and have a very minimal capital construction requirement to educate such students.

Please let me know if you have any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephanie Juneau".

Stephanie Juneau  
Business Manager

# Hunter Hill Development

Ron Copenhaver <rcopenhaver@gcea.coop>

Mon 7/24/2017 9:38 AM

To: alpinewatt@hotmail.com <alpinewatt@hotmail.com>;

Cc: Roger Grogg <rgrogg@gcea.coop>;

Gunnison County Electric Association has existing facilities to serve the electric needs of Parcel #317726400053 located in Mt Crested Butte on the west side of Hunter Hill Road and directly south of Castle Road cul de sac. Single phase high voltage underground power line is available in the right of way along Hunter Hill road and three phase junctions are available on the north border of the parcel. Sincerely,

Ron Copenhaver  
Engineering Technician



**Gunnison County Electric Association**

A Touchstone Energy® Cooperative 

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## **CRESTED BUTTE FIRE PROTECTION DISTRICT**

P.O. Box 1009 • 306 MAROON AVENUE

CRESTED BUTTE, CO 81224

(970) 349-5333

FIRE FAX: (970) 349-3420 • EMS FAX: (970) 349-0438

WEBSITE: [WWW.CBFDP.ORG](http://WWW.CBFDP.ORG)

---

Town of Mt. Crested Butte  
Community Development Department  
Mt. Crested Butte, CO 81225

Re: Proposed Hunter Ridge Annexation  
45 Hunter Hill Road

The property known as Hunter Ridge proposed for annexation to the Town of Mt. Crested Butte is located within the Crested Butte Fire Protection District. As such, the Fire District would provide emergency services to the property and would review all elements of the development plans according to our Standards and Guidelines policies.

Sincerely,

Michael M. Miller  
District Manager

Cc: Jamie Watt

## Gas Availability

Dobie, Charles A <Cal.Dobie@atmosenergy.com>

Tue 8/1/2017 8:53 AM

To: alpinewatt@hotmail.com <alpinewatt@hotmail.com>;

Jamie Watt,

There is gas along hunter hill road the entire distance of your property. There is also the possibility of a main extension from castle road (around 500'). The gas along hunter hill is just on the other side of the road and much closer depending on your housing arrangement.

Thank You,  
Cal Dobie  
Distribution Operator  
Atmos Energy  
970-596-0106  
Charles.dobie@atmosenergy.com



---

**MEMORANDUM**

---

**From: Michael Fabbre**

**To: Jaime Watt**

**Subject: Availability of Service**

**Date: 07-28-2017**

---

The Mt. Crested Butte Water and Sanitation District is capable of supplying water and sewer services to the Hunter Hill Road property, parcel number: 3177-264-00-053, if it is annexed into the Town of Mt. Crested Butte, as well as the Mt. Crested Butte Water and Sanitation District.

Please refer to the Rules and Regulations listed on our website for further information, or feel free call with any other questions.

*Application  
for inclusion into  
district submitted 1/8/18*

## Memorandum

Date: February 15, 2018  
To: Mt Crested Butte Town Council  
From: Carlos Velado, Community Development Director  
Subject: Hunter Ridge Economic Impact Report

---

I have done my best to prepare an economic impact report for the proposed Hunter Ridge Annexation. My estimations are as follows:

### **Development Fees**

Development fees could also be considered building permit fees. For this exercised I assumed 7 homes at 5,000 sf/home with a building valuation of \$1,250,500 (\$250/square foot) with a materials valuation of 50% of the total valuation for determination of use tax. Development fees are to be considered fees that are paid only once in order to construct the homes and are paid prior to construction of each individual home. Based on these assumptions the total development fees collected for 7 single family homes breaks down as follows:

Permit Fees: \$45,648.75  
Plan Check Fees: \$29,671.67  
Use Tax: \$131,250.00  
Town Impact Fees: \$10,094.00  
CBFPD: \$2,721.53 (paid to CBFPD)  
Total: \$219,385.95

### **Mt Crested Butte Water and Sanitation District Fees**

The Mt Crested Butte Water and Sanitation District would collect tap fees as part of any new construction project. Tap fees are based on the square footage of the floor area, plus any additional toilet, tub/shower, kitchen, hot tub, etc. Tap fees are used by the District to fund capital projects required by the District. Tap fees shall be considered a fee that is only collected once, prior to construction, unless an addition or remodel that has additional fixtures is added to the existing home. For the purpose of this exercise I used the tap fee cost of a home currently under construction in Prospect. The Project is located at 18 Kokanee Dr. and is a 5 bedroom and 4.5 bath home this is 4,263 sf.



The tap fee for 7 new homes based on 2017 calculations would break down as follows:

Per house: \$62,355.24

Total \$436,486.68 total

### **Ad Valorum Taxes**

Gunnison County annually collects property taxes on privately held land (developed and undeveloped). Their calculations are based on the County's assessed value of the land. The Town collects 10.378% of the taxes collected by the County. Taxes collected vary from year to year. For the purposes of this exercise I used the 2017 tax rate for 2 similar properties in vicinity of the proposed annexation, one developed one undeveloped. The undeveloped property is a .78 acres parcel in the adjacent Overlook Subdivision (lot 15). The developed lot is a 6,354 sf home that sits on a .73 acre parcel in the Summit Subdivision (lot 2). The collected property taxes break down as follows:

Developed Lot:

Assessed Valuation: \$148,700 Taxes Collected County: \$12,051.53 Taxes Collected Town: \$1,250.70/yr.

Undeveloped Lot:

Assessed Valuation: \$52,930 Taxes Collect County \$4,289.76 Taxes Collect Town: \$445.19

Total Collected By Town: Undeveloped \$3,116.33/yr. for 7 Units

Developed \$8,754.90/yr. for 7 Units

### **Community Housing**

If annexed and subdivided the development of the subdivision would require satisfaction of the Town's Community Housing requirements for both Employee Housing Mitigation and Inclusionary Zoning. The applicant would have the option to build the required affordable housing, or make a payment in lieu of building the housing, or a combination of the two. The fees required for affordable housing are adjusted annually. Construction of any community housing units would need to be negotiated as part of the Annexation Agreement. Employee Housing Mitigation payment in lieu is typically paid at building permit application prior to construction. I will assume that Inclusionary Zoning will be paid by the developer up front as part of the annexation agreement. Community Housing payments shall be considered a one-time payment that is paid prior to construction. The development of 7 single family residences at 5,000 sf would trigger the requirement for .64 units under Employee Housing Mitigation and 1.05 units under inclusionary zoning. For the purposes of this exercise I used the Town's 2017 Community Housing Calculations. The collected fees in lieu for 7 single family homes collected breaks down as follows:

Employee Housing Mitigation: \$69,121.92 (9,874.56/unit developed)

Inclusionary Zoning: \$137,212.95

Total: \$206,334.87

## **Sales and Lodging Tax**

Development of the land would create a sales tax increase. People staying or living in the homes would presumably purchase goods and service within the Town limits. Lodging and Sales taxes could also be generated depending on if the properties were rented as short-term rentals. The actual monies generated under these scenarios is difficult to quantify.

## **Town Impacts**

The conceptual land use plan does not impose any additional costs to the Town for maintenance or infrastructure. There would be additional impacts from increased traffic. The Town feels that the traffic impacts of 7 additional single family lots would be minimal. Hunter Hill and Castle Rds. are both on bus routes and are thus high priority roads in terms of maintenance. The town inspects and evaluates the conditions of all our roads annually.

# Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

9 October 2017

Alpine Construction

Attention: Mr. Jamie Watt

PN: M17026GE

Subject: Preliminary Site Characterization Review  
Proposed Six Lot Development  
Crested Butte, Colorado

Mr. Watt:

Lambert and Associates is pleased to present this report for the subject site.

## INTRODUCTION

This report presents the preliminary Site Characterization study conducted for the proposed six lot development, near Crested Butte, Colorado. The study was conducted at the request of Mr. Jamie Watt, Alpine Construction in accordance with our proposal.

The comments presented in this report are based on the data gathered during our site and laboratory studies and on our experience with similar soil conditions. Factual data gathered during the field and laboratory work are summarized in the Appendices.

It is our understanding that the site is proposed to be developed into six (6) residential lot site areas.

Our services for this preliminary Site Characterization comments included the following:

- a literature search and review of existing available information,
- A field study which included observing, logging and sampling six (6) excavated test holes,
- laboratory test of a remolded sample,

- preparation and submittal of this report, and
- This report presents our comments regarding the observed geologic characteristics at the site.
- Our study did not address site and structure specific soil design parameters.
- The site characteristics include are those outlined in the Geologic Hazard Colorado Geologic Survey Special Publication Number 6 which discusses H.B. 1041 and include:
  - . Avalanche
  - . Landslide
  - . Rockfall
  - . Mudflow
  - . Debris Fan
  - . Unstable Slopes
  - . Potentially Unstable Slopes
  - . Seismic Effect
  - . Radioactivity
  - . Ground Subsidence, and
  - . Expansive Soil and Rock.

The site was visited on August 31, 2017, by Mr. Jerry Jones, Geologist, to conduct field observations for cursory review of geologic site characteristics and potential geologic hazards. Jamie Watt, Alpine Construction, was met on site. Mr. Watt asked to have an observation test hole excavated at six (6) potential building sites at his pre-marked locations. Lacy Construction provided a CAT 305C to excavate the test holes.

The test pits were dug to the maximum limit of the backhoe given the size of the equipment and slope conditions. Soil samples were collected for appropriate laboratory tests. Log descriptions and photos of the pits are attached. All holes were backfilled.

#### GENERAL BACKGROUND DISCUSSION OF GEOLOGIC HAZARDS

This section of the report is intended to briefly describe various geologic hazards which are

not necessarily site specific which may be encountered when developing any parcel of land. The explanations are brief and are only intended to familiarize the reader with the definition of the basic generally formed hazards and the context in which they are discussed. The information is not intended to be site specific to the proposed subdivision.

In 1974 the Colorado Legislature passed House Bill 1041. The purpose of the bill, in brief, was to designate potential geologic hazards which, if present, may pose a threat to the loss of life and property. This section of the report provides a definition of these and other geologic hazards which were considered as part of this study. The definitions presented below are a paraphrased version of more lengthy discussion presented in Colorado Geological Survey Special Publication 6, "Guidelines and Criteria for Identification and Land-Use Control of Geologic Hazard and Mineral Resource Areas".

## SITE CHARACTERISTICS

The building sites are on a sloping bench below the fill slopes of Hunter Hill Road and Overlook Road. The slopes were well vegetated with grasses, sage and wildflowers. In the vicinity of sites #5 and #6 the sage phased out and aspen were present. Slopes on the bench were approximately 20-30% to the south and southwest. At the slope break into Washington Gulch the slopes steepened to 60% and greater. Cobble and boulder sized float up to 2½ feet in diameter were observed at the surface.

It is difficult to predict if unexpected subsurface conditions will be encountered during construction. Since such conditions may be found, we suggest that the owner and the contractor make provisions in their budget and construction schedule to accommodate unexpected subsurface conditions.

## GENERAL GEOLOGY

The region's geologic history is complex and the current expression of the area reflects the geologic events. The reader is referred to The Geology of the Gunnison Country (Thomas Prather, B&B Printers, 1982) for a discussion of the regional geology.

Crested Butte is located in the northeastern portion of the San Juan Volcanic field. The Elk

Mountains and West Elk Mountains of Gunnison County are Paleozoic and Cenozoic sedimentary rocks that were thrust westward over the top of one another during the formation of the Rocky Mountains. These rocks were crumpled, metamorphosed and intruded. Laccoliths are observed in many of the hills and mountains in the area. Laccoliths are intrusions into and between sedimentary rocks that have domed up the overlying rocks and also have a floor that is generally horizontal. Notable examples are Mount Crested Butte, Carbon Mountain and Tomichi Dome. Laccoliths are so prevalent that the Gunnison country has the nickname "laccolith capital of the world".

Due to the extensive faulting and folding that occurred in conjunction with mountain building, numerous sedimentary rock formations of various ages occur in the area. The town of Crested Butte is primarily built on sand and gravel deposits that are glacial outwash and alluvial debris fans. The large meadow south of town is probably underlain by glacial lake sediments formed behind a glacial moraine. The development at Mount Crested Butte lies on the Cretaceous Mancos Shale and Quaternary deposits on the flanks of the Crested Butte Laccolith.

Soils with expansive clays and materials with high swell potential are encountered throughout western Colorado. In addition, many areas can be prone to landslides, slumping, soil creep and accelerated erosion. These areas can usually be developed using prudent and proper geotechnical engineering techniques that are incorporated throughout the planning, design and construction phases.

## SITE GEOLOGY

The general area has been mapped and digitized by the Colorado Geological Survey as landslides.

(<https://cologeosurvey.maps.arcgis.com/apps/webappviewer/index.html?id=9dd73db7bc34139abe51599396e2648>)

More specific mapping in Geologic Hazards in the Crested Butte – Gunnison Area, Gunnison County, Colorado (Soule, J.M.; Colorado Geological Survey Information Series IS-5, 1976) shows the area as landslides and unstable slopes.

The U.S. Geological Survey shows the area as undifferentiated Quaternary surficial deposits of colluvial material that locally includes talus and glacial deposits. The geologic unit is characterized by solifluction and by mass creep, slumps, small landslides and earthflows on relatively unstable slopes overlying shaly bedrock. (Geologic Map of the Gothic Quadrangle, Colorado (GQ-1689)

[https://ngmdb.usgs.gov/ngm-bin/pdp/zui\\_viewer.pl?id=1027](https://ngmdb.usgs.gov/ngm-bin/pdp/zui_viewer.pl?id=1027) Google KMZ view accessed August 28, 2017)

The building sites are on a sloping bench below the fill slopes of Hunter Hill Road and Overlook Road. The slopes were well vegetated with grasses, sage and wildflowers. In the vicinity of sites #5 and #6 the sage phased out and aspen were present. Slopes on the bench were approximately 20-30% to the south and southwest. At the slope break into Washington Gulch the slopes steepened to 60% and greater. Cobble and boulder sized float up to 2½ feet in diameter were observed at the surface.

## AVALANCHES

Avalanches are a common process in the Rocky Mountains and adjacent areas in the high country of Colorado.

There are three primary zones within an avalanche path. The zone of accumulation and failure exists at the highest elevation in an avalanche path (usually 20 degrees to 45 degrees slope gradient). This is the area where the avalanche begins. As the snow moves downslope it travels through the track which can be a relatively narrow chute which may be easily identified in the field, on topographic maps, and on areal photographs. The snow loses velocity and subsequently stops in the runout zone (usually less than 20 degrees slope gradient). The runout zone may also be easily identified in the field, on maps or photographs. Avalanches commonly occur at elevations in excess of 8,000 feet above sea level.

The Mt. Crested Butte Avalanche Map (February 12, 2007)

[http://www.mtcrestedbuttecolorado.us/vertical/sites/%7B36467D9E-CDA6-4739-95F2-EF9DEBC7DA37%7D/uploads/Mt\\_CB\\_Avalanche\\_Map\\_CLV.pdf](http://www.mtcrestedbuttecolorado.us/vertical/sites/%7B36467D9E-CDA6-4739-95F2-EF9DEBC7DA37%7D/uploads/Mt_CB_Avalanche_Map_CLV.pdf)

shows a high hazard avalanche zone that basically coincides with the steep Mancos Shale slopes below the parcel. An area between Overlook Road and Hunter Hill Road is mapped as a high hazard snowslide zone. (Snowslides are small avalanches.) Risk increases where deep snow accumulates (e.g.; lee side of prevailing winds). Snowslides would probably not cause damaging impacts on structures, but could be harmful to persons caught in a slide.

## LANDSLIDES, UNSTABLE AND POTENTIALLY UNSTABLE SLOPES

"Landslide" is a term that is used in an extremely broad scope. Generally speaking, a landslide is the mass movement of a unit of material as a somewhat singular body. Commonly a landslide will move, or fail, on a semi-circular arc or plane. Features that are common to most landslides are; the main scarp, which is where the upper portion of the failure plane intersects the ground surface; transverse or extension fractures, this is the area of the slide that is usually in the lower third of the mass where bending of the materials occur; and the toe, this is the bottom of the slide which is often a lobate bulge in the ground surface. Landslides can encompass very large masses of soil, some covering several acres in size while others only encompass a few hundred square feet. Smaller movements are often referred to as slumps.

### Slopes

An unstable slope may be considered as a slope that, due to natural factors, exhibits deterioration or movement of the materials within the slope. The movement of a slope is distinguished from a landslide in that a landslide will have a distinct failure plane which may or may not be evident in slope movement. Generally speaking, slope movement is a slow, continual movement whereas a landslide will be relatively rapid and occurs in intervals as the stresses required to cause failure become large. The natural factors often concerned with the destabilization of a slope are; slope angle, surface and subsurface water, seismic effects, and the nature of the material involved. Slope stability may be further influenced by construction and engineering. Careful planning, engineering, and construction may promote a more stable condition within a slope while unplanned development may decrease the stability of the slope.

References cited in the SITE GEOLOGY section show the area as landslides and unstable slopes. The sloping bench where the building locations are proposed was traversed back



and forth during the site visit. Signs of soil creep were evident. No small, recent scarps from small slumps were observed, but the lush vegetation obscured anything that wasn't 'under foot'. One potential small slump bench was seen below the fill slope of Hunter Hill Road and Overlook Road and could be the result of road construction. Generally conditions were consistent with descriptions in the geologic mapping.

The roads above the parcel were driven. There were no signs of arcuate cracking or differential settling in the road surfaces. The scope of services did not include evaluation of design parameters or integrity of existing roads or retaining wall systems in the vicinity.

The parcel was also observed from across the valley. Small landslides exist below the parcel in the Mancos Shale at the base of the slope. It appears these were caused by the creek in Washington Gulch undercutting the toe of the slopes. It doesn't appear that they extend up into the parcel. Construction on or adjacent to these slopes may impact the stability of the bench above.

The slope should be considered potentially unstable. Because of the site characteristics, there is at least some potential risk. Other structures have been built on similar slopes in the area. Many have performed well and some have experienced negative impacts due to slope movement and soil and groundwater conditions. In addition to environmental conditions (i.e.; intense weather, earthquakes), construction and development activities on and off site can negatively affect slope stability. Geotechnical and structural engineering design and construction practices can be very effective in reducing the risk of negative impacts due to slope movements.

In the vicinity of the areas of sites #5 and #6, the buildable area becomes increasingly narrow. It is bounded by the fill slope from road construction above the sites and a sewer line just below the sites. The sewer line is just above the slope break where slopes become very steep exposing the Mancos Shale down into Washington Gulch. The toe of the roads' fill slope appears to have been buttressed in some areas with large boulder rip rap.

At site #5 it is approximately 75' to the toe of the fill slope and approximately 20-25% slope. It is approximately 35' on a 25-30% slope to the sewer line.

## ROCKFALL

Rockfall is a hazard that may occur in areas where a rock becomes detached from a larger rock body or slope and moves downslope by the force of gravity. The movement of a singular rock may trigger the movement of other rocks downslope. Hazards from falling rocks generally occurs in areas beneath steep slopes or cliffs.

Rockfall hazards exist in areas below talus slopes, loose boulder or more commonly below fractured cliff exposures of formational material. Formational material talus slopes are not exposed above the site. Boulders up to 2½ feet were observed as float on the site. Construction and development activities above the sites could dislodge boulders. Standard construction practices usually mitigate the risk.

## SEISMICITY

Hazards from diastrophic (earth movement) activity are any effects that may be directly or indirectly related to earthquakes. The effects of a formidable earthquake may be ground displacement, ground shaking, ground failure, abnormal water wave action and a host of other less prominent effects. Most of the State of Colorado is classified as a Zone 1 seismic risk on maps in the Uniform Building Code and other references. Zone 1 seismic risk areas are considered as low risk areas for hazards for seismic effects. A small part of Colorado, in the vicinity of Pagosa Springs, is Zone 2B, most likely because of a recent event centered in Dulce, New Mexico.

In general, Colorado has had various sequences of seismic activity in the past. Initial seismic activity was associated with the relief of stresses during the uplift of the ancestral Rockies, during Paleozoic times. During the Cenozoic period little seismic activity occurred. Many of the fault trends associated with the uplift of the ancestral Rockies were fractured during the Neogene in association with the Laramide orogeny. An orogeny is a mountain building episode. The Laramide orogeny occurred about 68 to 75 million years ago and is credited with the formation of our current Rocky Mountains.

A seismic event referred to as the 1986 Crested Butte earthquake swarm occurred from mid August to early September of 1986. Sixteen of the quakes were reportedly felt in the Crested Butte area and caused intensity V effects such as broken glassware or dishes. The swarm was centered near Treasure Mountain northwest of Crested Butte. Movement along the Treasure Mountain Fault was likely responsible for the earthquakes (Colorado Earthquake Information 1867-1996, Kirkham and Rogers, Colorado Geological Survey Bulletin 52, 2000).

The area has been classified as having moderate seismic potential. A maximum historical earthquake intensity of Modified Mercalli Intensity V has been documented. Seismic design criteria exist to mitigate this risk.

## RADIOACTIVITY

The Environmental Protection Agency (EPA) shows the area to have a predicted average indoor radon screening level greater than 4pCi/l (<https://www.epa.gov/radon/find-information-about-local-radon-zones-and-state-contact-information>).

The Geologic Radon Potential of EPA Region 8; Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming (USGS Open-File Report 93-292-H <https://pubs.er.usgs.gov/publication/ofr93292H>) shows the area to have a high radon potential with a high or moderate confidence index.

Radon gas may collect in closed, poorly ventilated structures. Measures are available to mitigate this risk.

Several locations in western Colorado have been mined for radioactive elements and by-products such as, Uranium, Thorium, and Vanadium. Tailings from these mines are one of the chief sources of hazards due to radioactivity. Other sources of radioactive hazards are natural surficial deposits of ore laden with radioactive elements and the sun. The emission of radiation may consist of the release of Alpha or Beta particles or Gamma rays. The radiation is released as part of the decay of a radiometrically unstable isotope. As this decay occurs, by products are produced. Gaseous radioactive substances, such as radon, are common radioactive hazards.

Information presented in "Radon Reduction in New Construction, An Interim Guide" OPA-87-009 by the Environmental Protection Agency dated August 1987 indicates that currently there are no standard soil tests or specific standards for correlating the results of soils tests at a building site with subsequent indoor radon levels. Soil radon tests are only indicators of the potential for site soils to produce radon gas. Actual indoor levels can be affected by construction techniques and may vary greatly from soil radon test results. Therefore it is recommended that radon tests be conducted in the home after construction is complete to verify the actual radon levels in the home.

## FLOODING, MUDFLOW AND DEBRIS FANS

No drainages of significance cross the site. No evidence of mudflow or debris fans was observed on or above the site. No significant erosional features were observed. Surface

runoff from heavy rainfalls and snow melt would drain to the west and south west. Proper surface drainage should be considered during the design phase and construction.

#### Ground Subsidence

Ground subsidence may be caused by man or natural processes. Subsidence of the ground surface may be attributed to collapsible soils, failure of subsurface voids, removal of subsurface fluids, or mining activities or placing of uncompacted fill material. Collapsible soils may cause settlement of structure, however, geotechnical analysis and foundation design have advanced considerably and engineering procedures for dealing with collapsible soils is available. Subsurface voids may be caused by hydrothermal or mining activity. The presence of subsurface voids may be recognized through subsurface exploratory drilling and often surficial topographic evidence of such voids may be observed.

#### EXPANSIVE SOIL AND ROCK

Expansive materials are soils or rock that will experience volume changes as conditions such as moisture content and load are varied in or on them. Materials with clay are usually the most likely to exhibit expansive characteristics, however, a soil that is predominately sand, which is typically non-expansive, may exhibit expansive characteristics. A small amount of clay within the material matrix can expand and exert expansion forces throughout the sand. There are several design and construction techniques that may be used to reduce the effect of expansive soil materials.

The site soil samples tested had measured swell pressures of approximately 300 to 600 pounds per square foot and associated magnitudes of 0.7 to 1.9 percent of the wetted soil volume at a surcharge load of 100 pounds per square foot and the actual swell pressure could be greater.

#### Foundation Planning and Considerations

Two criteria for foundation design which must be satisfied for satisfactory performance are:

- 1) contact stresses must be low enough to preclude shear failure of the foundation soils which would result in lateral movement of the soils from beneath the foundation, and
- 2) settlement or heave of the foundation must be within amounts tolerable to the superstructure.

The soil materials encountered have varying engineering characteristics that may influence the design and construction considerations of foundations.

This report presents preliminary review of site characteristics. The information presented in this report is not intended to be used as design level recommendations.

A site and structure specific geotechnical engineering study should be performed for each proposed building site to provide geotechnical engineering suggestions and recommendations for design and construction of foundations for structures on the proposed development site.

This report should be used ONLY for the planned development for which this report was tailored and prepared, and ONLY to meet information needs of the owner and the owner's representatives.

We represent that our services were performed within the limits prescribed by you and with the usual thoroughness and competence of the current accepted practice of the geotechnical engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or our contract. We are available to discuss our findings with you. If you have any questions please contact us. The supporting data for this report is included in the accompanying figures and appendices.

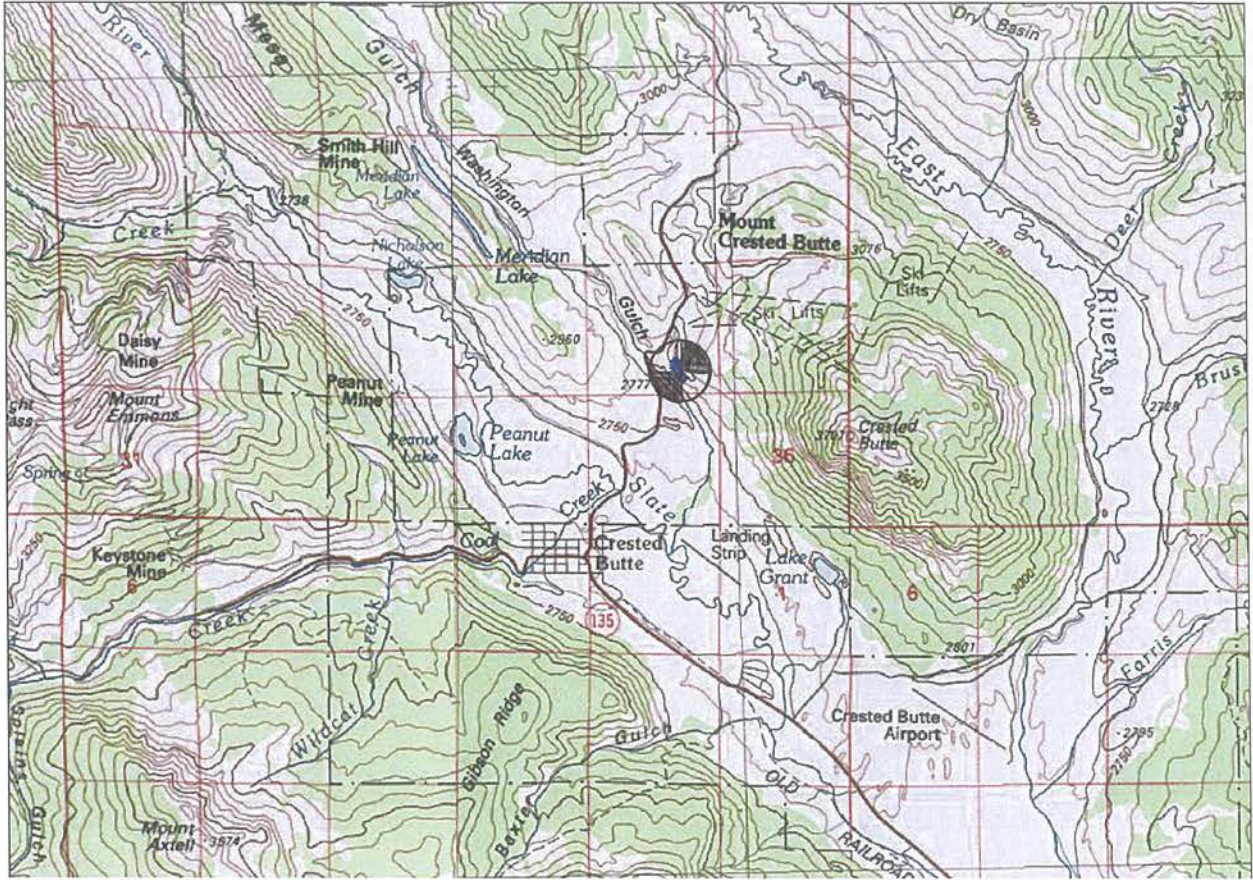
This report is a product of Lambert and Associates. Excerpts from this report used in other documents may not convey the intent or proper concepts when taken out of context or they may be misinterpreted or used incorrectly. Reproduction, in part or whole, of this document without prior written consent of Lambert and Associates is prohibited.

If you have any questions concerning this report or if we may be of further assistance, please contact us. Thank you for the opportunity to perform this study for you.

Respectfully submitted;

LAMBERT AND ASSOCIATES

Dennis Lambert, P.E.



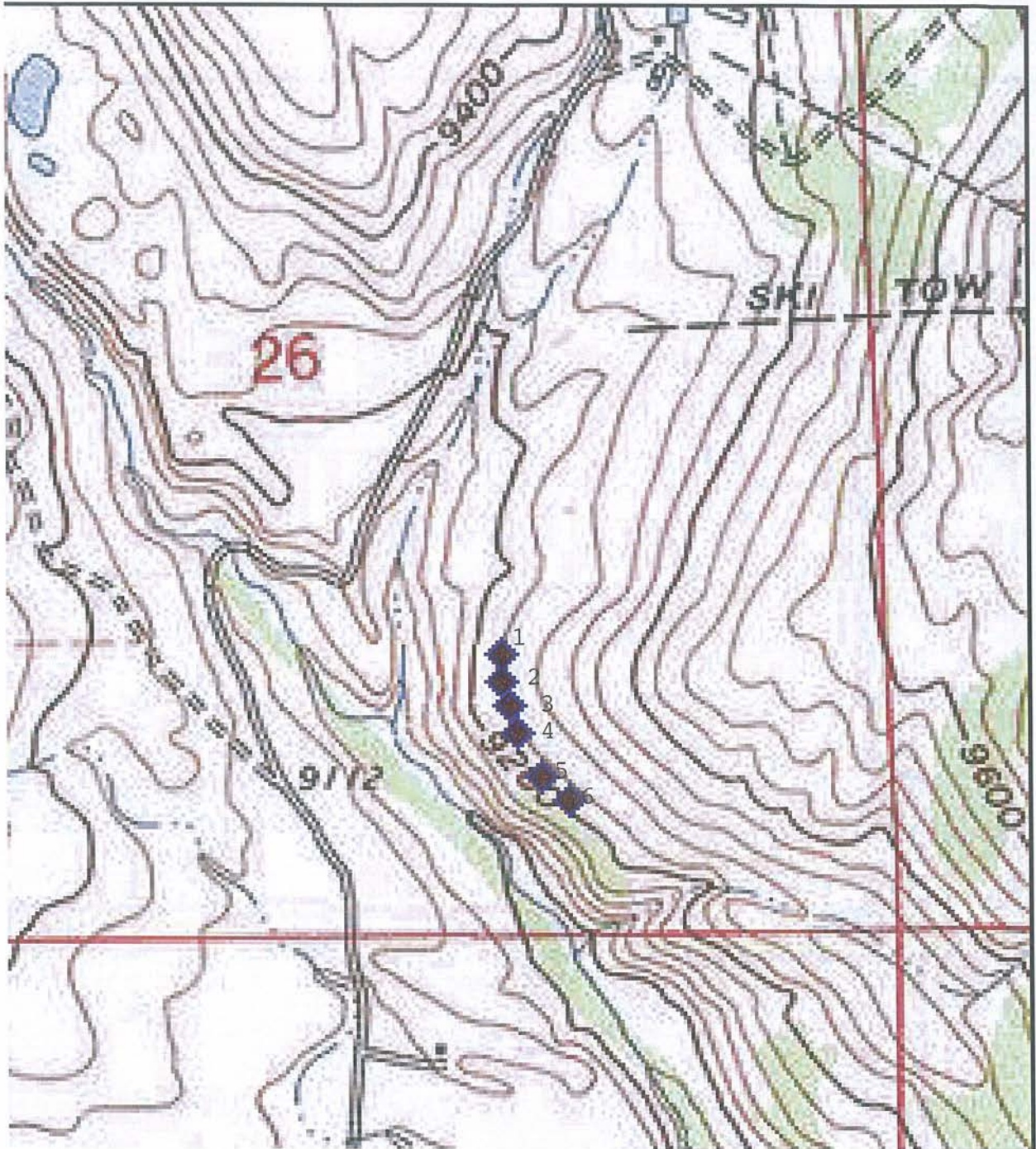
Indicates approximate project location

This map is intended to present geotechnical engineering data only



NO SCALE

PROJECT VICINITY MAP



◆ Indicates approximate test excavation locations

This sketch was reproduced by information provided by others and is intended to present geotechnical engineering data only

NO SCALE

TEST EXCAVATION LOCATION SKETCH

## APPENDIX A

The field study was performed on 31 August 2017. The field study consisted of logging and sampling the soils encountered in six excavated test holes. The log of the soils encountered in the test borings are presented on Figures A2 through A7.

The test holes were logged and bulk samples of significant soil types were obtained.

The field description and major soil classification are based on our interpretation of the materials encountered. The description and classification which appear on the test excavation log is intended to be that which most accurately describes a given interval of the test excavation (frequently an interval of several feet). Occasionally discrepancies occur in the Unified Soil Classification nomenclature between an interval of the soil log and a particular sample in the interval.



## KEY TO LOG OF TEST EXCAVATION

Date Drilled:

Field Engineer:

Boring Number:

Location:

Elevation:

Diameter:

Total Depth:

Depth to Water at Time of Drilling:

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
C	0	X		Sand, silty, medium dense, moist, tan (SM)	Notes in this column indicate tests performed and test results if not plotted.  DD: Indicates dry density in pounds per cubic foot  MC: Indicates moisture content as percent of dry unit weight  LL: Indicates Liquid Limit  PL: Indicates Plastic Limit  PI: Indicates Plasticity Index
	5			Unified Soil Classification  Indicates Bulk Bag Sample  Indicates Drive Sample  Indicates Sampler Type:  C - Modified California SS - Standard Split Spoon H - Hand Sampler	
	7/12			Indicates seven blows required to drive the sampler twelve inches with a hammer that weighs one hundred forty pounds and is dropped thirty inches.  BOUNCE: Indicates no further penetration occurred with additional blows with the hammer  NR: Indicates no sample recovered  CAVED: Indicates depth the test boring caved after drilling  ▼ Indicates the location of free subsurface water when measured	
	10				
	15				
	20			CLAY Note: Symbols are often used only to help visually identify the described information presented on the log.  SILT  SAND  GRAVEL  FORMATION  SANDSTONE	
	25				

Project Name: Alpine Construction - 6 Lot

Figure: A1

### Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

## LOG OF TEST EXCAVATION

**Date Drilled:** Aug 31, 2017      **Field Engineer:** DRL      **Excavation No.** 1  
**Location:** 38° 53' 28.7" 106° 58' 07.7"      **Elevation:** 9253' (GPS)  
**Diameter:**      **Total Depth:** 9 feet      **Depth to Water:** None Encountered

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Organic Topsoil	
	5	bulk		Yellowish brown silts, sands, gravels and cobbles  Moisture content gradually increases with depth	
	10	bulk		Increase in larger fraction of gravel and cobbles with boulders up to 12"	
	10			Bottom of Test Excavation at 9 feet	
	15				
	20				
	25				

**Project Name:** Alpine Construction - 6 Lot

**Project Number:** M17026GE

**Figure:** A2

**Lambert and Associates**

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

## LOG OF TEST EXCAVATION

**Date Drilled:** Aug 31, 2017      **Field Engineer:** DRL      **Excavation No.** 2  
**Location:** 38° 53' 27.4" 106° 58' 07.7"      **Elevation:** 9255' (GPS)  
**Diameter:**      **Total Depth:** 9 feet      **Depth to Water:** None Encountered

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Organic Topsoil	
	5	bulk		Yellowish brown silts, sands, gravels and cobbles  Moisture content gradually increases with depth  Increase in larger fraction of gravel and cobbles with boulders up to 12"	
	10	bulk		Bottom of Test Excavation at 9 feet	
	15				
	20				
	25				

**Project Name:** Alpine Construction - 6 Lot

**Project Number:** M17026GE

**Figure:** A3

**Lambert and Associates**

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

## LOG OF TEST EXCAVATION

**Date Drilled:** Aug 31, 2017      **Field Engineer:** DRL      **Excavation No.** 3  
**Location:** 38° 53' 26.3" 106° 58' 07.3"      **Elevation:** 9255' (GPS)  
**Diameter:**      **Total Depth:** 8-1/2 feet      **Depth to Water:** None Encountered

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
-----					
	0			Organic Topsoil	
	5	bulk		Light yellow brown silts to cobbles w/ some boulders.  Moisture content gradually increases with depth	
	10			Bottom of Test Excavation at 8-1/2 feet	
	15				
	20				
	25				

**Project Name:** Alpine Construction - 6 Lot      **Project Number:** M17026GE      **Figure:** A4

**Lambert and Associates**

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

## LOG OF TEST EXCAVATION

**Date Drilled:** Aug 31, 2017      **Field Engineer:** DRL      **Excavation No.** 4  
**Location:** 38° 53' 25.1" 106° 58' 06.8"      **Elevation:** 9244' (GPS)  
**Diameter:**      **Total Depth:** 8-1/2 feet      **Depth to Water:** None Encountered

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
<div style="border-top: 2px solid black; height: 10px; width: 100%;"></div>					
	<div style="display: flex; align-items: center;"> <div style="margin-right: 5px;">0</div> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100%; position: relative;"> <div style="position: absolute; top: 0; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 20%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 40%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 60%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 80%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 100%; left: 0; right: 0; height: 10px;"></div> </div> </div>	<div style="border-left: 1px solid black; border-right: 1px solid black; width: 20px; height: 20px; margin: auto;"></div> bulk		Organic Topsoil  Light yellow brown silts to cobbles w/ some boulders.  Moisture content gradually increases with depth	
	<div style="display: flex; align-items: center;"> <div style="margin-right: 5px;">10</div> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100%; position: relative;"> <div style="position: absolute; top: 0; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 20%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 40%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 60%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 80%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 100%; left: 0; right: 0; height: 10px;"></div> </div> </div>			Bottom of Test Excavation at 8-1/2 feet	
	<div style="display: flex; align-items: center;"> <div style="margin-right: 5px;">15</div> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100%; position: relative;"> <div style="position: absolute; top: 0; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 20%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 40%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 60%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 80%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 100%; left: 0; right: 0; height: 10px;"></div> </div> </div>				
	<div style="display: flex; align-items: center;"> <div style="margin-right: 5px;">20</div> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100%; position: relative;"> <div style="position: absolute; top: 0; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 20%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 40%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 60%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 80%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 100%; left: 0; right: 0; height: 10px;"></div> </div> </div>				
	<div style="display: flex; align-items: center;"> <div style="margin-right: 5px;">25</div> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100%; position: relative;"> <div style="position: absolute; top: 0; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 20%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 40%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 60%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 80%; left: 0; right: 0; height: 10px;"></div> <div style="position: absolute; top: 100%; left: 0; right: 0; height: 10px;"></div> </div> </div>				

**Project Name:** Alpine Construction - 6 Lot      **Project Number:** M17026GE      **Figure:** A5

## LOG OF TEST EXCAVATION

**Date Drilled:** Aug 31, 2017      **Field Engineer:** DRL      **Excavation No.** 5  
**Location:** 38° 53' 23.1" 106° 58' 05.4"      **Elevation:** 9237' (GPS)  
**Diameter:**      **Total Depth:** 8 feet      **Depth to Water:** None Encountered

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Organic Topsoil	
	5	bulk		Greyish brown silts to gravels  Moisture content gradually increases with depth	
	10	bulk		Fragments Weathered Shale	
	15			Bottom of Test Excavation at 8 feet	
	20				
	25				

**Project Name:** Alpine Construction - 6 Lot

**Project Number:** M17026GE

**Figure:** A6

**Lambert and Associates**

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

## LOG OF TEST EXCAVATION

**Date Drilled:** Aug 31, 2017      **Field Engineer:** DRL      **Excavation No.** 6  
**Location:** 38° 53' 22.2" 106° 58' 03.8"      **Elevation:** 9232' (GPS)  
**Diameter:**      **Total Depth:** 8 feet      **Depth to Water:** None Encountered

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
-----					
	0 1 5 10 15 20 25	bulk bulk		Organic Topsoil  Varigated yellow brown to dark grey brown silts and sands with gravel and cobbles.  Moisture content gradually increases with depth  Fragments Weathered Shale  Bottom of Test Excavation at 8 feet	

**Project Name:** Alpine Construction - 6 Lot      **Project Number:** M17026GE      **Figure:** A7

## APPENDIX B

The laboratory study consisted of performing:

- . Moisture content and dry density tests, and
- . Swell-consolidation tests

### TESTING

#### Moisture Content and Dry Density

Moisture content and dry density were determined for each sample tested of the samples obtained. The moisture content was determined according to ASTM Test Method D2216.

#### Swell Tests

Loaded swell tests were performed on remolded samples obtained during the field study. These tests are performed in general accordance with ASTM Test Method D2435 to the extent that the same equipment and sample dimensions used for consolidation testing are used for the determination of expansion. A sample is subjected to static surcharge, water is introduced to produce saturation, and volume change is measured as in ASTM Test Method D2435. Results are reported as percent change in sample height.

#### Consolidation Tests

One dimensional consolidation properties of remolded samples were evaluated according to the provisions of ASTM Test Method D2435. Water was added in all cases during the test. Exclusive of special readings during consolidation rate tests, readings during an increment of load were taken regularly until the change in sample height was less than 0.001 inch over a two hour period. The results of the swell-consolidation load test are summarized on Figures B1 and B2, swell-consolidation tests.

It should be noted that the graphic presentation of consolidation data is a presentation of volume change with change in axial load. As a result, both expansion and consolidation can be illustrated.



PRESSURE (POUNDS PER SQUARE FOOT)

1010

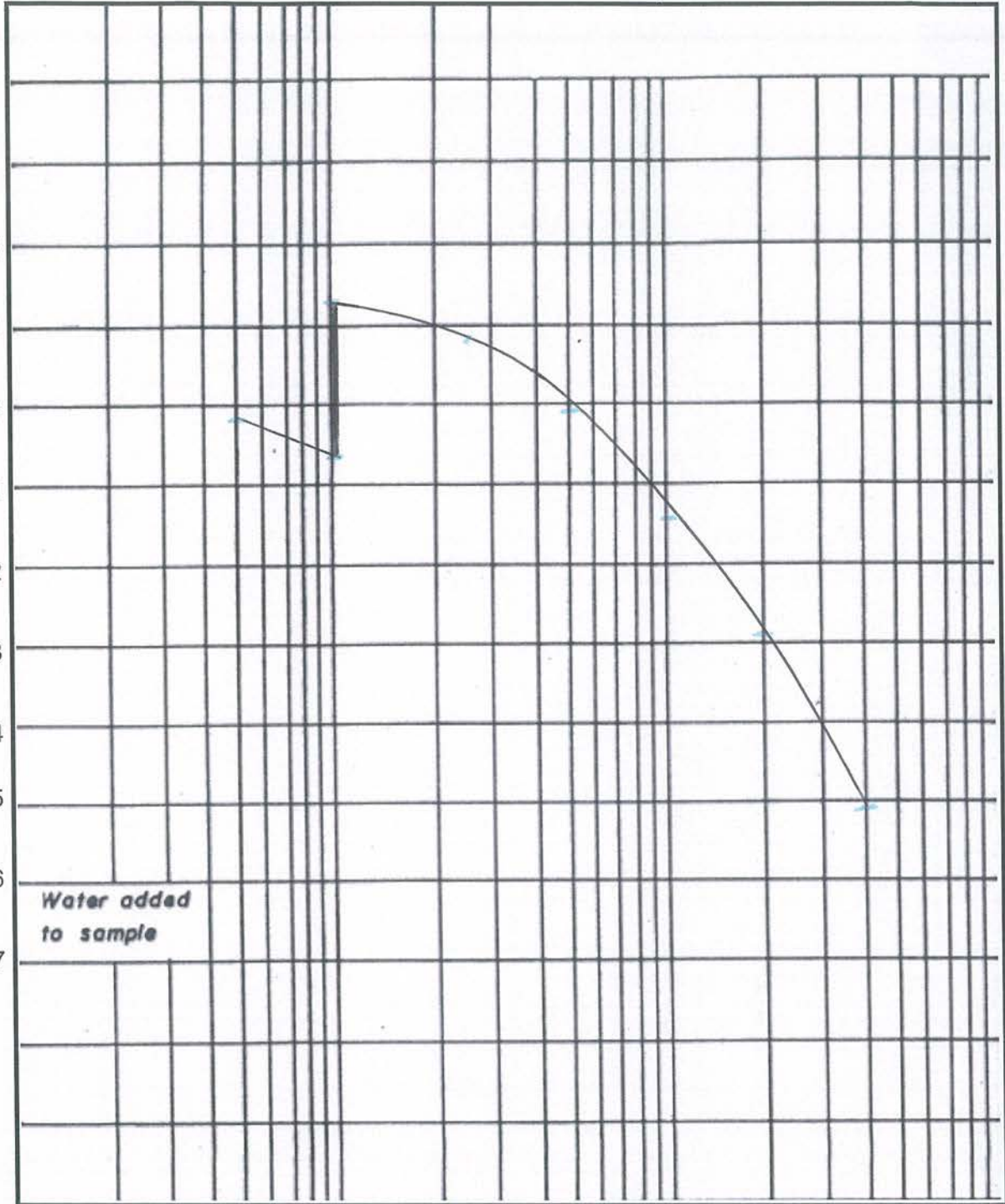
100

1,000

10,000

Consolidation % Swell

3  
2  
1  
0  
1  
2  
3  
4  
5  
6  
7



Water added to sample

SUMMARY OF TEST RESULTS

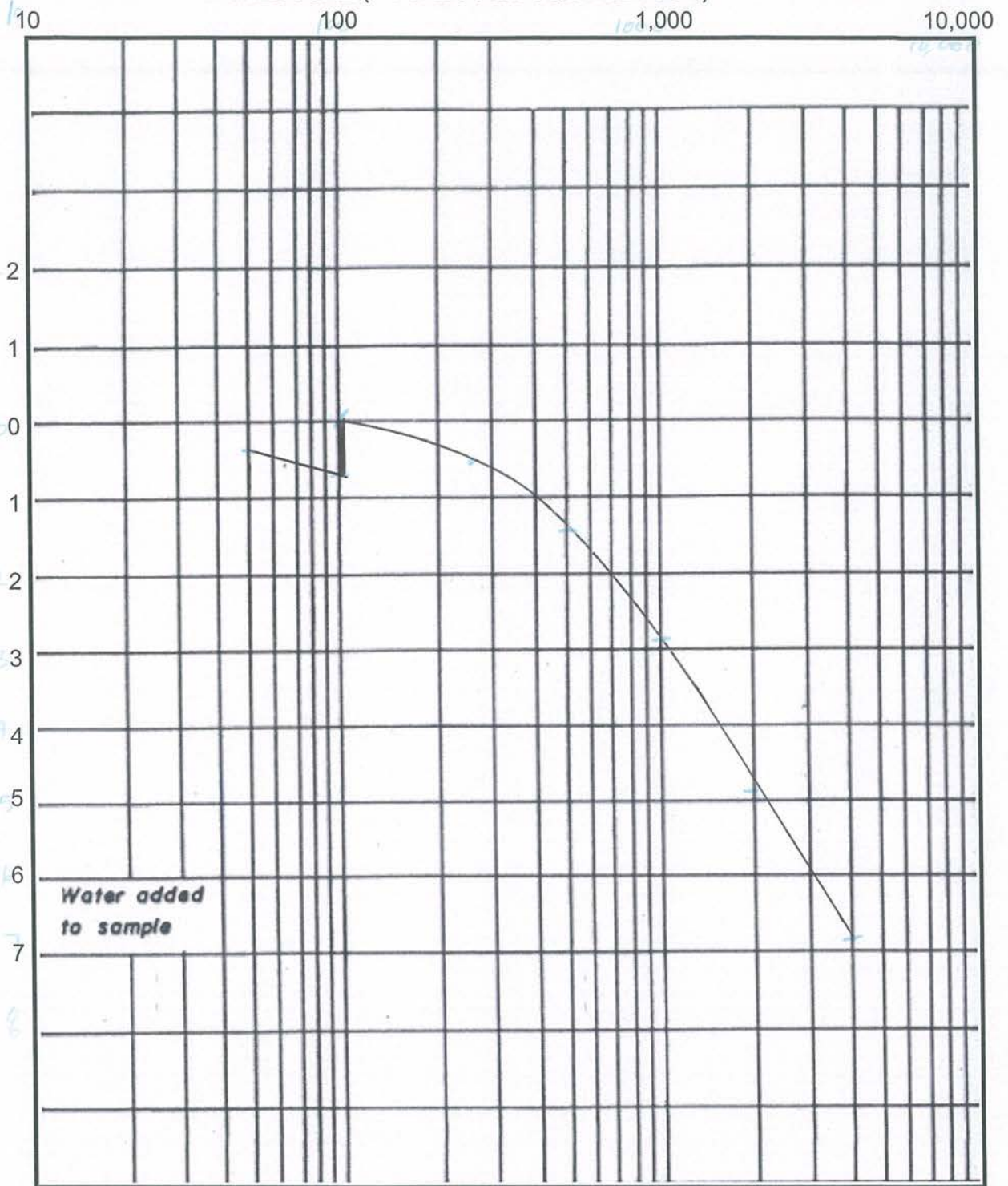
Sample No.	Moisture Content %	Dry Density PCF	Height in	Diameter in	Swell Pressure PSF
5-2	11.6	111	1.00	1.94	± 600
	26.6	107	0.95	1.94	
Soil Description	Clay, silty, sandy, brown				

SWELL-CONSOLIDATION TEST

Lambert and Associates

Project No. M17026GE  
 Date: October 2, 2017  
 Figure: B1 97 of 223

PRESSURE (POUNDS PER SQUARE FOOT)



SUMMARY OF TEST RESULTS

Sample No.	Moisture Content %	Dry Density PCF	Height in	Diameter in	Swell Pressure PSF
5-2	18.3	103	1.00	1.94	± 300
	23.1	113	0.93	1.94	
Soil Description	Clay, silty, sandy, brown				

SWELL-CONSOLIDATION TEST

# Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

THEORETICAL SLOPE STABILITY ANALYSIS  
PROPOSED HUNTER RIDGE SUBDIVISION  
CRESTED BUTTE, COLORADO

Prepared for:  
HUNTER RIDGE, LLC

PROJECT NUMBER: M18026GE

DECEMBER 27, 2018

# Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

December 27, 2018

Hunter Ridge, LLC  
P.O. Box 1935  
Crested Butte, Colorado

Attention: Mr. Jamie Watt

PN: M18026GE

Subject: Theoretical Slope Stability Analysis for the  
Proposed Hunter Ridge Subdivision  
Crested Butte, Colorado

Mr. Watt:

Lambert and Associates is pleased to present our theoretical slope stability for the subject project. The field study was completed on August 6, 2018. The laboratory study was completed on September 5, 2018. The analysis was performed and the report prepared from September 5 through December 27, 2018. Our geotechnical engineering report is attached.

We are available to provide material testing services for soil and concrete and provide foundation excavation observations during construction. We recommend that Lambert and Associates, the geotechnical engineer, for the project provide material testing services to maintain continuity between design and construction phases.

If you have any questions concerning the geotechnical engineering aspects of your project please contact us. Thank you for the opportunity to perform this study for you.

Respectfully submitted,

LAMBERT AND ASSOCIATES



Daniel R. Lambert, P.E.

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LABORATORY STUDY	Appendix B
DIRECT SHEAR STRENGTH TESTS	Figures B1 and B2

## 1.0 INTRODUCTION

This report presents the results of the geotechnical engineering study we conducted for the proposed Hunter Ridge Subdivision, Crested Butte, Colorado. The study was conducted at the request of Mr. Jamie Watt, Alpine Construction, in general accordance with our proposal for geotechnical engineering services dated July 31, 2018.

The conclusions, suggestions and recommendations presented in this report are based on the data gathered during our site and laboratory study and on our experience with similar soil conditions. Factual data gathered during the field and laboratory work are summarized in Appendices A and B.

### 1.1 Proposed Construction

It is our understanding the proposed development is to include approximately seven single family and multi-family use residential lots.

### 1.2 Scope of Services

Our services included geotechnical engineering field and laboratory studies, analysis of the acquired data and report preparation for the proposed site. The scope of our services is outlined below.

- The field study consisted of describing and sampling the soil materials encountered in seven (7) small diameter continuous flight auger advanced test borings in the general vicinity of proposed building envelopes.
- The materials encountered in the test borings were described and samples retrieved for the subsequent laboratory study.
- The laboratory study included tests of select soil samples obtained during the field study to help assess the soil strength potential (internal friction angle and cohesion) of samples tested.
- This report presents the findings of our theoretical slope stability analysis of the slopes located on the subject site.
- Our comments, suggestions and recommendations are based on the subsurface soil and ground water conditions encountered during our site and laboratory studies.

- Our study did not include any environmental hazard issues.

## 2.0 SITE CHARACTERISTICS

Site characteristics include observed existing and pre-existing site conditions that may influence the geotechnical engineering aspects of the proposed site development.

### 2.1 Site Location

The site is located west of Hunter Hill Road and Overlook Road and south of Castle Road in Mt. Crested Butte, Colorado.

### 2.2 Site Conditions

The proposed lots are on a sloping bench below the fill slopes of Hunter Hill Road and Overlook Road. The slopes are well vegetated with grasses, sage and wildflowers. On the southern portion of the site, the sage phased out and aspen were present. The site presents positive surface drainage toward Washington Gulch to the west.

### 2.3 Subsurface Conditions

The subsurface exploration consisted of observing, describing and sampling the soil materials encountered in seven (7) small diameter auger advanced test borings. The approximate locations of the test borings are shown on Figure 2. The logs describing the soil materials encountered in the test borings are presented in Appendix A.

The soil materials encountered within the test borings generally consisted of silty, sandy clay with cobbles and intermittent clayey sand lenses underlain by formational shale materials.

At the time of our field study the proposed development site was not irrigated. It has been our experience that after the site is developed and once landscape irrigation begins the free subsurface water level may tend to rise. In some cases the free subsurface water level rise, as a result of landscape irrigation and other development influences, can be fairly dramatic and the water level may become very shallow.

It is difficult to predict if unexpected subsurface conditions will be encountered during construction. Since such conditions may be found, we suggest that the owner and the contractor make provisions in their budget and construction schedule to accommodate unexpected subsurface conditions.

### 3.0 PLANNING AND DESIGN CONSIDERATIONS

All of the suggestions and design parameters presented in this report are based on high quality craftsmanship, care during construction and post construction cognizance of the potential for swell or settlement of the site support materials and appropriate post construction maintenance.

#### 3.1 Slope Stability

Visual observations of the slope contiguous to the proposed building location did not disclose information that may indicate that there is a large scale slope instability condition at the site. We anticipate that the slopes within and adjacent to the proposed site improvements are stable at their present condition and may become unstable with changes in slope inclination or moisture regime, either man made or natural. Excavation cuts or fill placement which change the grade substantially could greatly increase the probability of slope instability problems.

The stability of any slope is dependent on many factors. Typically the stability of a slope is analyzed by calculating the anticipated gravitational forces that tend to drive the mass of soil downhill and the anticipated internal strength of the soil along the expected plane of failure that will resist the downhill movements. If the driving forces are equal to or greater than the resisting forces then failure is imminent. A theoretical calculated factor of safety of 1.5 is considered by the geotechnical engineering industry as a minimum factor of safety for a slope to be considered as stable. A calculated factor of safety of 1.0 or less indicates that slope movement is imminent or in process. Failure can occur as slow deformation, creep, or as a somewhat spontaneous failure.

Factors that have an adverse influence on slope stability can generally be classified as those that increase the stress (driving force) on the system or decrease the strength (resisting forces) of the soil.

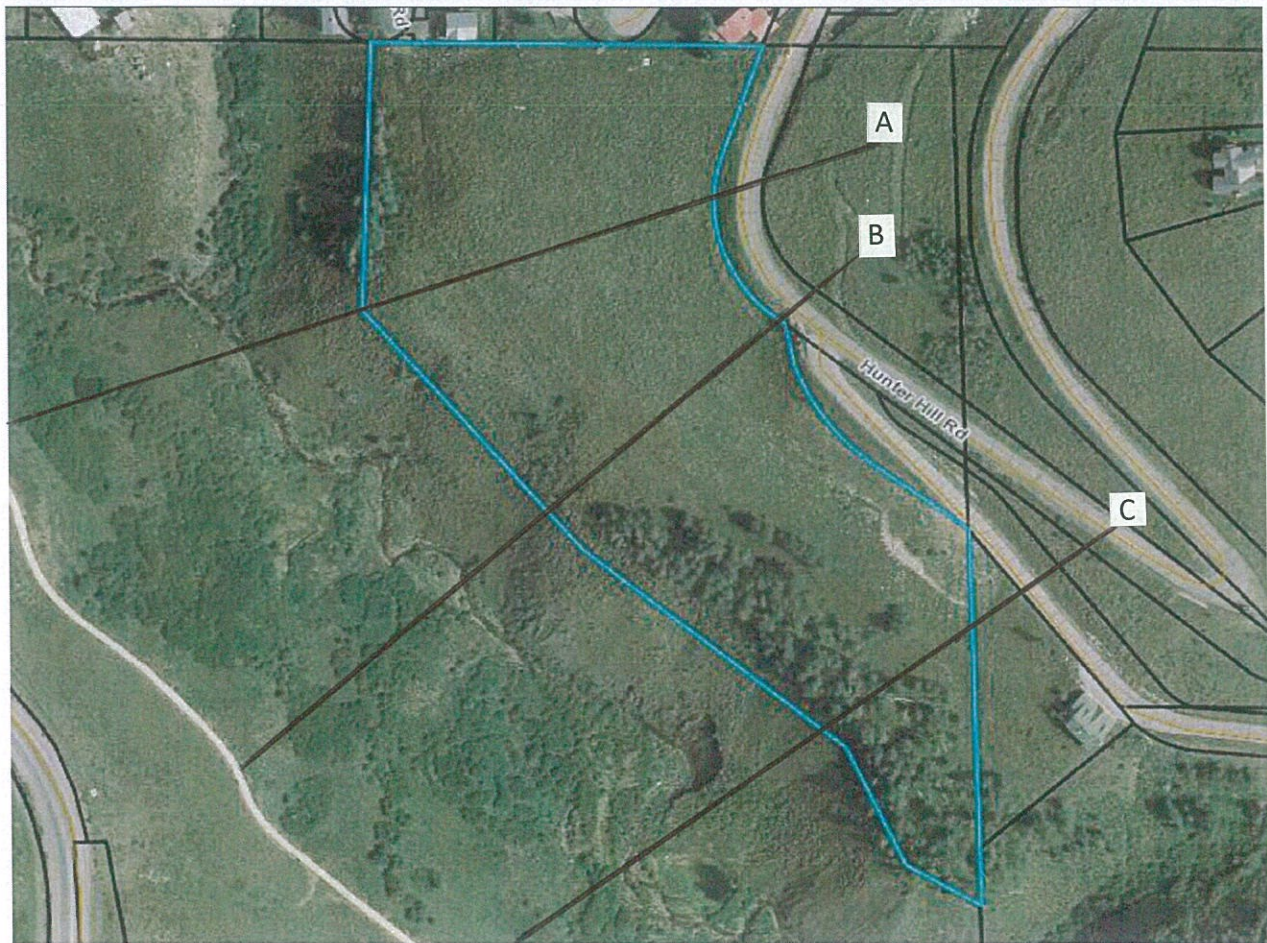
Our stability analyses of the site slope soil material were based on the Bishops Method of Slices. This method is based on the assumption that the slope soil mass will fail in a rotation mode on a circular arc plane. In this method of analysis the mass of soil is divided into vertical slices. The forces acting on each slice are evaluated from the equilibrium of the slices; that is, the forces that tend to drive the slice downhill and the forces that tend to resist the movement of the slice. The equilibrium of the entire mass is determined by summing the driving and summing the resisting forces acting on all slices and comparing these forces.



Our slope stability analysis was performed using "XSTABL 5.2" by Interactive Software Designs, Inc. Our slope stability analysis considered the generalized cross section profile of the after failure configuration. Our assessment so far has included about 1,350 separate possible failure surface iterations to help identify the potential theoretical slope stabilities.

The topography used for the analysis was provided by Mr. Jamie Watt, prepared by NCW & Associates, Inc and USGS Topo map for the area. Our analysis was limited to the site and open area toward Washington Gulch.

Three specific cross sections of the existing topography were analyzed. The locations of the specific cross sections are shown below.



Cross Section	Theoretical Calculated Minimum Factor of Safety
A	1.530
B	1.517
C	1.722

Our discussions and data presentation is based only on the calculated critical circle which presented the lowest factor of safety against failure. Our presentation does not include the results of all of the iterations which resulted in a theoretical factor of safety greater than the lowest factor of safety and therefore were not critical.

Our analyses included introducing mitigation techniques to assess the potential each would contribute to the system. Typical slope stability mitigation includes techniques to reduce the driving forces, increase the resistance to failure and occasionally removing and replacing the slide mass. Our analyses were based on our laboratory soil strength characteristics.

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. Lambert and Associates is available to provide additional services on a site and structure specific basis.

#### 4.0 POST DESIGN CONSIDERATIONS

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. Lambert and Associates is available to provide additional services on a site and structure specific basis.

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.

This subsurface soil and foundation condition study is based on limited sampling; therefore, it is necessary to assume that the subsurface conditions do not vary greatly from those encountered in the field study. 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.

The cost of the geotechnical engineering observations and material testing during construction or additional engineering consultation is not included in the fee for this report. We recommend that your construction budget include site visits early during construction schedule for the project geotechnical engineer to observe foundation excavations and for additional site visits to test compacted soil.

## 5.0 LIMITATIONS

It is the owner's and the owner's representatives' responsibility to read this report and become familiar with the recommendations and suggestions presented. We should be contacted if any questions arise concerning the geotechnical engineering aspects of this project as a result of the information presented in this report.

The scope of services for this study does not include either specifically or by implication any environmental or biological (such as mold, fungi, bacteria, etc.) Assessment of the site or identification or prevention of pollutants, hazardous materials or conditions. If the owner is concerned about the potential for such contamination or pollution, other studies should be performed.

The recommendations outlined above are based on our understanding of the currently proposed construction. We are available to discuss the details of our recommendations with you and revise them where necessary. This geotechnical engineering report is based on the proposed site development and scope of services as provided to us by Mr. Jamie Watt, Alpine Construction, on the type of construction planned, existing site conditions at the time of the field study, and on our findings. Should the planned, proposed use of the site be altered, Lambert and Associates must be contacted, since any such changes may make our suggestions and recommendations inappropriate. This report should be used ONLY for the planned development for which this report was tailored and prepared, and ONLY to meet information needs of the owner and the owner's representatives. In the event that any changes in the future design or location of the building are planned, the conclusions and recommendations contained in this report shall not be considered valid unless the changes are reviewed and conclusions of this report are modified or verified in writing. It is recommended that the geotechnical engineer be provided the opportunity for a general review of the final project design and specifications in order that the earthwork and foundation recommendations may be properly interpreted and implemented in the design and specifications.

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. Lambert and Associates is available to provide additional services on a site and structure specific basis.

This report does not provide earthwork specifications. We can provide guidelines for your use in preparing project specific earthwork specifications. Please contact us if you need these for

your project.

This report presents both suggestions and recommendations. The suggestions are presented so that the owner and the owner's representatives may compare the cost to the potential risk or benefit for the suggested procedures.

This report contains suggestions and recommendations which are intended to work in concert with recommendations provided by the other design team members to provide somewhat predictable foundation performance. If any of the recommendations are not included in the design and construction of the project it may result in unpredictable foundation performance or performance different than anticipated. We recommend that we be requested to provide geotechnical engineering observation and materials testing during the construction phase of the project as discussed in this report. The purpose for on site observation and testing by us during construction is to help provide continuity of service from the planning of the project through the construction of the project. This service will also allow us to revise our recommendations if conditions occur or are discovered during construction that were not evidenced during the initial study. We suggest that the owner and the contractor make provisions in their construction budget and construction schedule to accommodate unexpected subsurface conditions.

We represent that our services were performed within the limits prescribed by you and with the usual thoroughness and competence of the current accepted practice of the geotechnical engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or our contract. We are available to discuss our findings with you. If you have any questions please contact us. The supporting data for this report is included in the accompanying figures and appendices.

This report is a product of Lambert and Associates. Excerpts from this report used in other documents may not convey the intent or proper concepts when taken out of context, or they may be misinterpreted or used incorrectly. Reproduction, in part or whole, of this document without prior written consent of Lambert and Associates is prohibited.

This report and information presented can be used only for this site, for this proposed development, and only for the client for whom our work was performed. Any other circumstances are not appropriate applications of this information. Other development plans will require project specific review by us.

Please call when further consultation or observations and tests are required.

If you have any questions concerning this report or if we may be of further assistance, please contact us.

Respectfully submitted;

LAMBERT AND ASSOCIATES

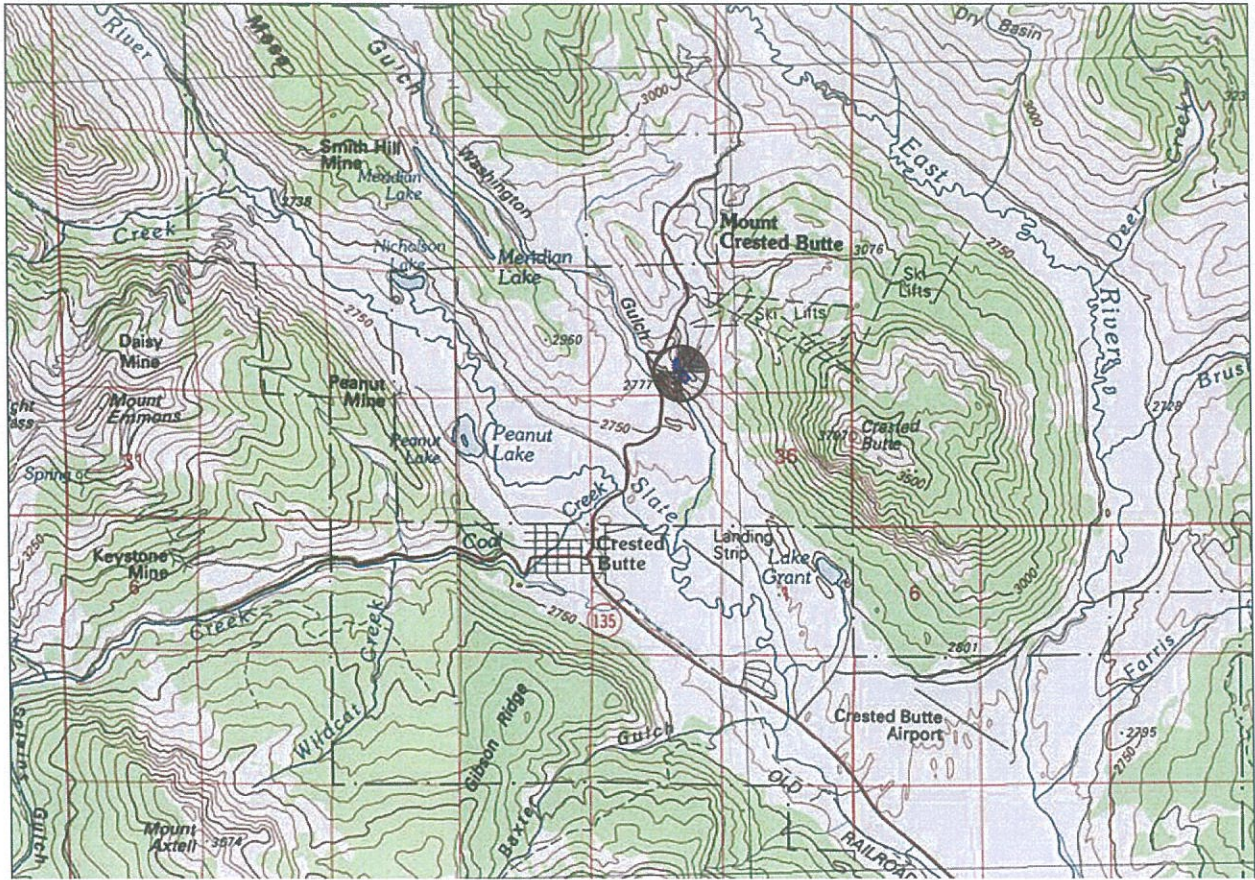


Daniel R. Lambert, P.E.  
Geotechnical Engineer

Reviewed by:



Dennis D. Lambert, P.E.  
Geotechnical Engineer



Indicates approximate project location

This map is intended to present geotechnical engineering data only

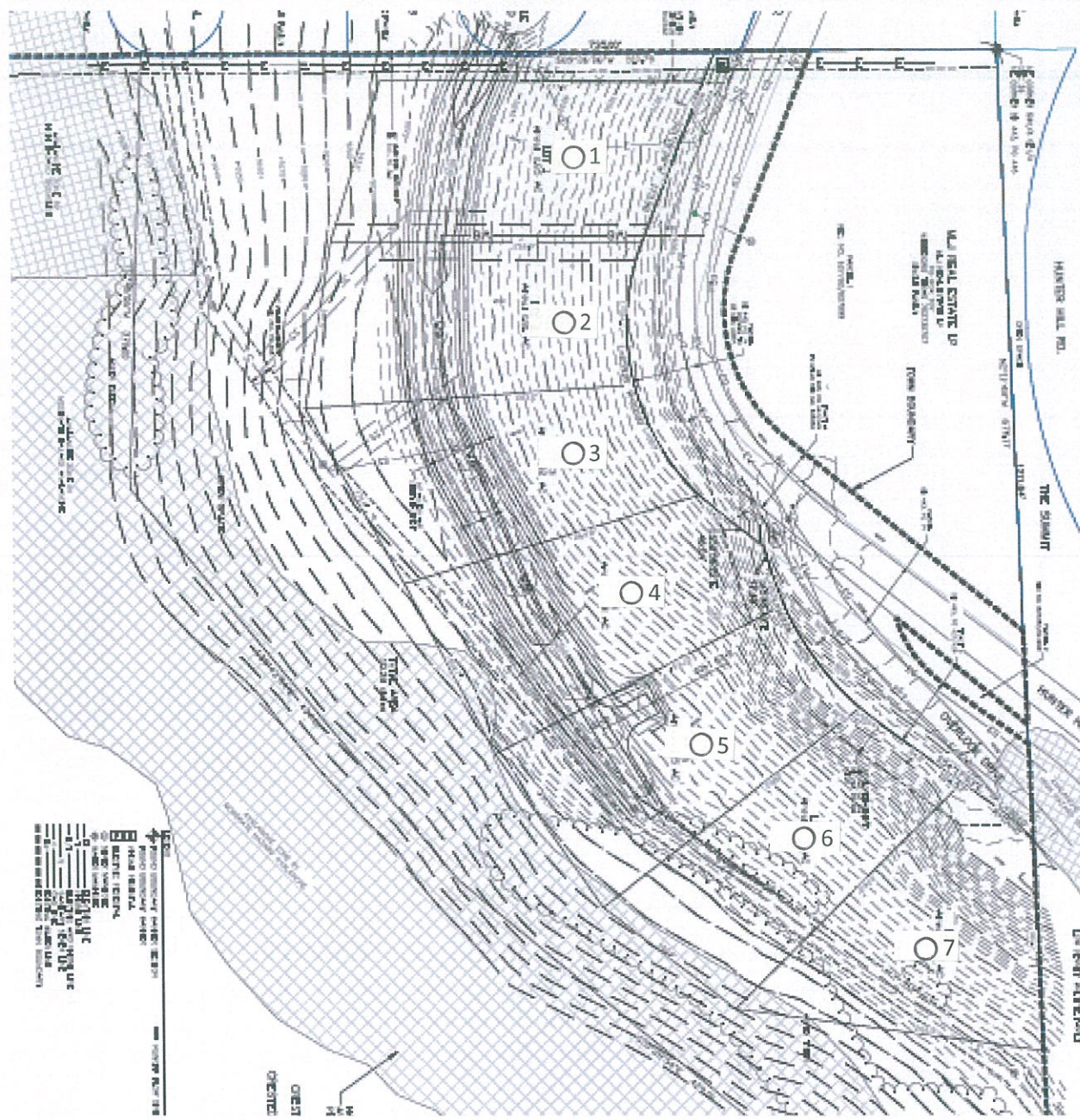


NO SCALE

PROJECT VICINITY MAP

Lambert and Associates

Project No.	M18026GE
Date:	December 27, 2018
Figure:	1



○ Indicates approximate test excavation locations

This sketch was reproduced by information provided by others and is intended to present geotechnical engineering data only

NO SCALE

TEST BORING LOCATION SKETCH

## APPENDIX A

The field study was performed on August 6, 2018. The field study consisted of logging and sampling the soils encountered in seven (7) small diameter test borings in the general vicinity of the proposed building envelopes. The logs of the soils encountered in the test borings and profile boring are presented on Figures A2 through A10.

The test borings were logged by Lambert and Associates and samples of significant soil types were obtained. The samples were obtained from the test borings using a Modified California Barrel sampler and bulk disturbed samples were obtained. Penetration blow counts were determined using a 140 pound hammer free falling 30 inches. The blow counts are presented on the logs of the test borings such as 7/6 where 7 blows with the hammer were required to drive the sampler 6 inches.

The engineering field description and major soil classification are based on our interpretation of the materials encountered and are prepared according to the Unified Soil Classification System, ASTM D2488. The description and classification which appear on the test boring log is intended to be that which most accurately describes a given interval of the test boring (frequently an interval of several feet). Occasionally discrepancies occur in the Unified Soil Classification System nomenclature between an interval of the soil log and a particular sample in the interval. For example, an interval on the test boring log may be identified as a silty sand (SM) while one sample taken within the interval may have individually been identified as a sandy silt (ML). This discrepancy is frequently allowed to remain to emphasize the occurrence of local textural variations in the interval.

The stratification lines presented on the logs are intended to present our interpretation of the subsurface conditions encountered in the test boring. The stratification lines represent the approximate boundary between soil types and the transition may be gradual.



# KEY TO LOG OF TEST BORING

Date Drilled:

Field Engineer:

Boring Number:

Location:

Elevation:

Diameter:

Total Depth:

Depth to Water at Time of Drilling:

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
Notes in this column indicate tests performed and test results if not plotted.					
	0			Sand, silty, medium dense, moist, tan (SM)  Unified Soil Classification  Indicates Bulk Bag Sample  Indicates Drive Sample  Indicates Sampler Type:  C - Modified California SS - Standard Split Spoon H - Hand Sampler	DD: Indicates dry density in pounds per cubic foot  MC: Indicates moisture content as percent of dry unit weight  LL: Indicates Liquid Limit  PL: Indicates Plastic Limit  PI: Indicates Plasticity Index
	5	C		7/12 Indicates seven blows required to drive the sampler twelve inches with a hammer that weighs one hundred forty pounds and is dropped thirty inches.  BOUNCE: Indicates no further penetration occurred with additional blows with the hammer  NR: Indicates no sample recovered  CAVED: Indicates depth the test boring caved after drilling  ▼ Indicates the location of free subsurface water when measured	
	10			CLAY  SILT  SAND  GRAVEL  FORMATION  SANDSTONE	
	15				
	20				
	25				

Project Name: Hunter Ridge Subdivision

Project Number: M18026GE

Figure: A1

## Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

# LOG OF TEST BORING

**Date Drilled:** August 6, 2018     **Field Engineer:** DRL     **Boring Number:** 1  
**Location:** See test boring location diagram     **Elevation:** \_\_\_\_\_  
**Diameter:** 4 inches     **Total Depth:** 31 feet     **Depth to Water at Time of Drilling:** 16 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, silty, sandy, stiff, moist to wet, brown, tan	
	5	C	7/6 9/6	* Cobbles Encountered	
	10				
	15			* Intermittent Clayey Sand Lenses	
	20	C	9/6 12/6	▼	
	25				
				Continued Next Page	

**Project Name:** Hunter Ridge Subdivision

**Project Number:** M18026GE

**Figure:** A2

**Lambert and Associates**

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

## CONTINUED LOG OF TEST BORING

**Date Drilled:** August 6, 2018     **Field Engineer:** DRL     **Boring Number:** 1 cont  
**Location:** See test boring location diagram     **Elevation:**  
**Diameter:** 4 inches     **Total Depth:** 31 feet     **Depth to Water at Time of Drilling:** 16 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
<div style="border: 1px solid black; width: 100%; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px);"></div>					
[Hatched Pattern]	25			Clay, silty, sandy, stiff, wet, brown, tan	
[Horizontal Lines]	30	C	9/6 12/6	Weathered Formational Shale Matl.	Direct Shear Test DD: 119 pcf     MC: 14.3%
	35			Bottom of Test Boring	
	40				
	45				
	50				

**Project Name:** Hunter Ridge Subdivision

**Project Number:** M18026GE

**Figure:** A3

### Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

# LOG OF TEST BORING

**Date Drilled:** August 6, 2018     **Field Engineer:** DRL     **Boring Number:** 2  
**Location:** See test boring location diagram     **Elevation:**  
**Diameter:** 4 inches     **Total Depth:** 18 feet     **Depth to Water at Time of Drilling:** 15 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, silty, sandy, stiff, moist to wet, brown, tan	
	5			* Cobbles Encountered	
	10			* Intermittent Clayey Sand Lenses	
	15			▼	
	20			Auger Refusal	
	25				

**Project Name:** Hunter Ridge Subdivision

**Project Number:** M18026GE

**Figure:** A4

**Lambert and Associates**

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

# LOG OF TEST BORING

**Date Drilled:** August 6, 2018     **Field Engineer:** DRL     **Boring Number:** 3  
**Location:** See test boring location diagram     **Elevation:**  
**Diameter:** 4 inches     **Total Depth:** 45-1/2 feet     **Depth to Water at Time of Drilling:** 15 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, silty, sandy, stiff, moist to wet, brown, tan	
	5			* Cobbles Encountered	
	10				
	15	C	6/6 10/6	▼	
	20				
	25				
				Continued Next Page	

**Project Name:** Hunter Ridge Subdivision

**Project Number:** M18026GE

**Figure:** A5

**Lambert and Associates**

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

## CONTINUED LOG OF TEST BORING

**Date Drilled:** August 6, 2018     **Field Engineer:** DRL     **Boring Number:** 3 cont  
**Location:** See test boring location diagram     **Elevation:**  
**Diameter:** 4 inches     **Total Depth:** 45-1/2 feet     **Depth to Water at Time of Drilling:** 15 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	25			Clay, silty, sandy, stiff, wet, brown, tan	
	30				
	35			Weathered Formational Shale Matl.	
	40				
	45	C Bulk C X	50/1		* Increased Competency
	50			Bottom of Test Boring	

**Project Name:** Hunter Ridge Subdivision

**Project Number:** M18026GE

**Figure:** A6

**Lambert and Associates**

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

## LOG OF TEST BORING


**Date Drilled:** August 6, 2018      **Field Engineer:** DRL      **Boring Number:** 4  
**Location:** See test boring location diagram      **Elevation:**  
**Diameter:** 4 inches      **Total Depth:** 15 feet      **Depth to Water at Time of Drilling:** None Encountered

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0				
	1				
	2				
	3				
	4				
	5				
	6				
	7				
	8				
	9				
	10				
	11				
	12				
	13				
	14				
	15				
	16			Auger Refusal	
	17				
	18				
	19				
	20				
	21				
	22				
	23				
	24				
	25				

**Project Name:** Hunter Ridge Subdivision      **Project Number:** M18026GE      **Figure:** A7

# LOG OF TEST BORING

**Date Drilled:** August 6, 2018     **Field Engineer:** DRL     **Boring Number:** 5  
**Location:** See test boring location diagram     **Elevation:**  
**Diameter:** 4 inches     **Total Depth:** 20 feet     **Depth to Water at Time of Drilling:** None Encountered

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, silty, sandy, stiff, moist, brown, tan  * Cobbles Encountered    * Intermittent Clayey Sand Lenses	
	5				
	10				
	15	C	 25/6 40/6		
	20			Bottom of Test Boring	
	25				

**Project Name:** Hunter Ridge Subdivision

**Project Number:** M18026GE

**Figure:** A8

## Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING



## LOG OF TEST BORING

**Date Drilled:** August 6, 2018     **Field Engineer:** DRL     **Boring Number:** 6  
**Location:** See test boring location diagram     **Elevation:**  
**Diameter:** 4 inches     **Total Depth:** 10 feet     **Depth to Water at Time of Drilling:** None Encountered

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0				
	1				
	2				
	3				
	4				
	5				
	6				
	7				
	8				
	9				
	10				
	11			Auger Refusal	
	12				
	13				
	14				
	15				
	16				
	17				
	18				
	19				
	20				
	21				
	22				
	23				
	24				
	25				

**Project Name:** Hunter Ridge Subdivision     **Project Number:** M18026GE     **Figure:** A9

# LOG OF TEST BORING

**Date Drilled:** August 6, 2018     **Field Engineer:** DRL     **Boring Number:** 7  
**Location:** See test boring location diagram     **Elevation:**  
**Diameter:** 4 inches     **Total Depth:** 19-1/2 feet     **Depth to Water at Time of Drilling:** 15-1/2 feet

Symbol	Depth	Sample		Soil Description	Laboratory Test Results
		Type	N		
	0			Clay, silty, sandy, stiff, moist to wet, brown, tan	
	5			* Cobbles Encountered	
	10				
	15	C	50/7	* Intermittent Clayey Sand Lenses	
	20			Auger Refusal	
	25				

**Project Name:** Hunter Ridge Subdivision

**Project Number:** M18026GE

**Figure:** A10

**Lambert and Associates**

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

## APPENDIX B

The laboratory study consisted of performing:

- . Moisture content and dry density tests,
- . Swell-consolidation tests, and
- . Direct Shear Strength tests.

It should be noted that samples obtained using a drive type sleeve sampler may experience some disturbance during the sampling operations. The test results obtained using these samples are used only as indicators of the in situ soil characteristics.

### TESTING

#### Moisture Content and Dry Density

Moisture content and dry density were determined for each sample tested of the samples obtained. The moisture content was determined according to ASTM Test Method D2216 by obtaining the moisture sample from the drive sleeve. The dry density of the sample was determined by using the wet weight of the entire sample tested. The results of the moisture and dry density determinations are presented on the logs of borings, Figures A2 through A10.

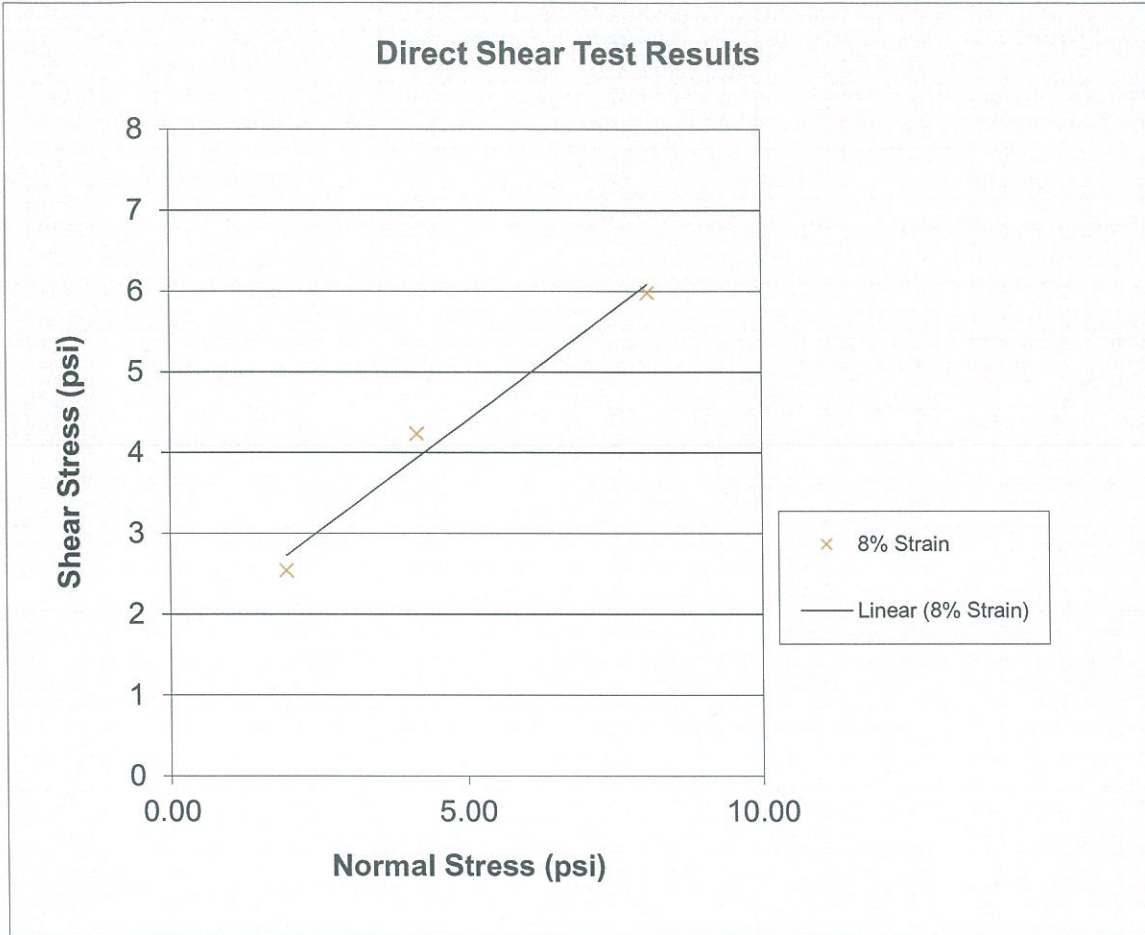
#### Direct Shear Strength Test

Direct shear strength properties of sleeve samples were evaluated in general accordance with testing procedures defined by ASTM Test Method D3080. The results of the direct shear tests are summarized on Figures B1 and B23, direct shear tests.

# Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

Project:	Hunter Ridge	Project Number:	M18026GE	Date Sampled:	8/6/2018
Location:	Crested Butte, CO	Sample Source:	TB 1 @ 30-31 ft	Lab Sample #:	3660
Sample Description:	Clay, sandy, brown	Date Tested:	8/30/2018	Tested By:	AC



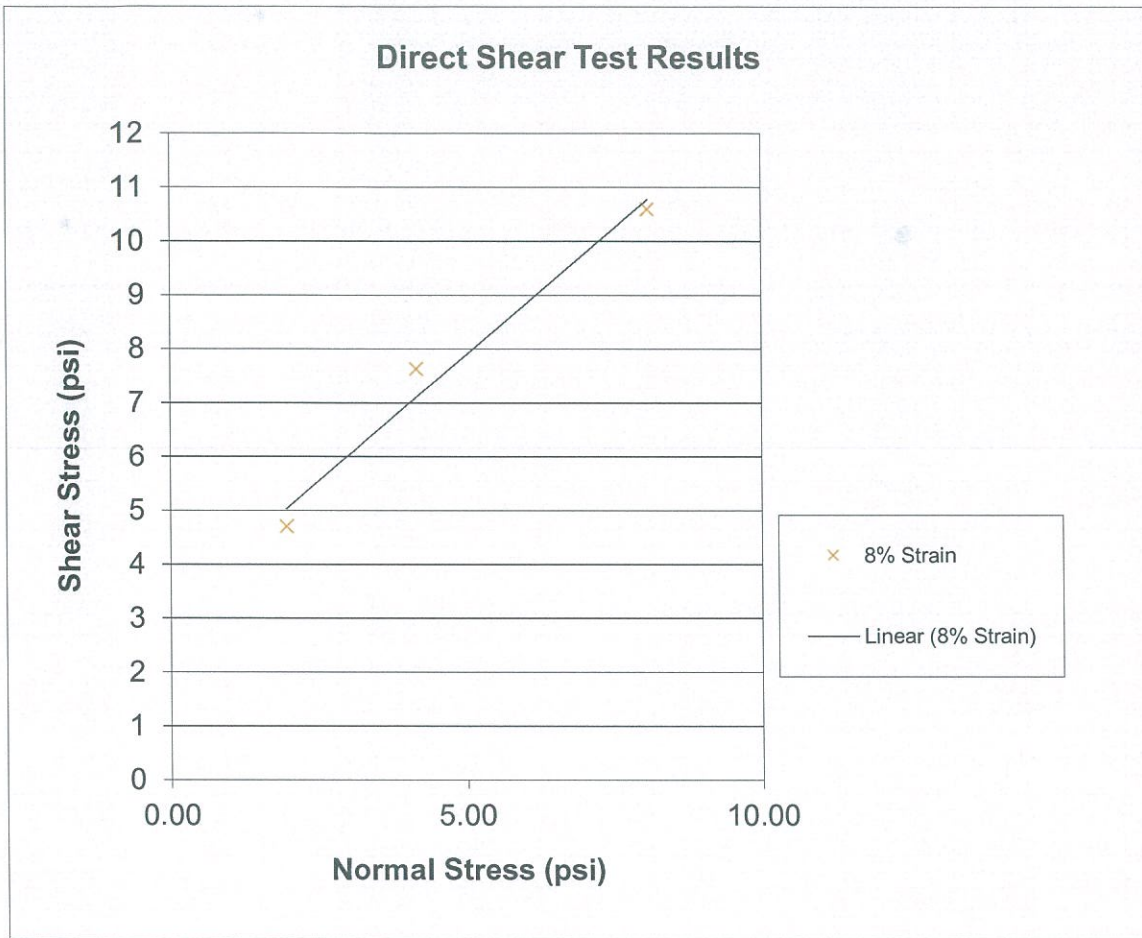
% Strain	Cohesion (psf)	Friction Angle (deg)
8	238	29

Project No.:	M18026GE
Date:	December 27, 2018
Figure:	B1

# Lambert and Associates

CONSULTING GEOTECHNICAL ENGINEERS AND MATERIAL TESTING

Project:	Hunter Ridge	Project Number:	M18026GE	Date Sampled:	8/6/2018
Location:	Crested Butte, CO	Sample Source:	TB 3 @ 45-46 ft	Lab Sample #:	3660
Sample Description:	Shale Formation	Date Tested:	8/28/2018	Tested By:	AC



% Strain	Cohesion (psf)	Friction Angle (deg)
8	460	43

Project No.:	M18026GE
Date:	December 27, 2018
Figure:	B2

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF GOOD STANDING**

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Hunter Ridge, LLC

is a

Limited Liability Company

formed or registered on 07/20/2017 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20171544934 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 04/03/2020 that have been posted, and by documents delivered to this office electronically through 04/06/2020 @ 13:37:46 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 04/06/2020 @ 13:37:46 in accordance with applicable law. This certificate is assigned Confirmation Number 12203371 .



*Jena Griswold*

Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*

*Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."*

Mt. Crested Butte Water & Sanitation District  
Petition for Inclusion Cost Reimbursement Agreement

This Cost Reimbursement Agreement (this "Agreement") is entered into as of this 19<sup>th</sup> day of MAY, 2020, by and between Mt. Crested Butte Water & Sanitation District (the "District"), on the one hand, and Hunter Ridge, LLC, a Colorado limited liability company (the "Petitioner"), on the other hand. Each of the foregoing parties is sometimes referred to as a "Party" and collectively as the "Parties."

**Recitals**

- A. Petitioner has submitted a Petition for Inclusion to the District;
- B. Pursuant to section 6.12.2 of the District's Rules and Regulations, Petitioner has agreed to pay all costs, fees, and expenses incurred by the District in reviewing the Petition for Inclusion and pertaining to the inclusion proceedings;
- C. Pursuant to section 6.12.2 of the District's Rules and Regulations, Petitioner is required to deposit funds with the District for the payment of costs, fees, and expenses for engineering, hydrology, legal, and administrative expenses incurred by the District in the inclusion proceedings;
- D. Within ten (10) days of the date of this Agreement, the District shall provide to Petitioner a budget or cost estimate for the inclusion proceedings for Petitioner's review and approval, and shall provide updates if these estimated numbers change for Petitioner's review and approval. However, Petitioner understands and acknowledges that the estimate to be provided pursuant to this Recital D is not a guarantee of the maximum amount Petitioner may be obligated to reimburse the District pursuant to the terms and conditions of this Agreement. Accordingly, notwithstanding such estimate, Petitioner shall be responsible for reimbursing the District for all costs the District incurs with respect to the inclusion process.
- E. This Agreement provides for the deposit of funds by the Petitioner in a manner that allows the District to diligently pursue inclusion proceedings without interruption due to lack of funds;

**Agreement**

NOW THEREFORE, in consideration of the foregoing recitals, the mutual promises, covenants and agreements set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Initial Deposit. Concurrent with the submission of a fully executed petition for inclusion, the Petitioner shall remit to the Manager an Initial Deposit in the amount of \$10,000.00, to pay for all costs associated with the processing of the inclusion. The Initial Deposit shall be nonrefundable under all circumstances. All costs, specifically including, but not limited to, engineering, hydrology, legal, and administrative costs and fees shall be applied to the Initial Deposit.

2. Incremental Refundable Deposits. When the amount of the Initial Deposit falls below \$2,000.00, the Manager shall notify the Petitioner in writing and request that an Incremental Refundable Deposit in the amount of \$5,000.00 be remitted to the District. All work on the inclusion shall continue until the Initial Deposit is exhausted. In the event an Incremental Refundable Deposit is not received by the Manager by the time the Initial Deposit is exhausted, the District's consultants, including legal, hydrological, administrative, and engineering, shall cease all work until an Incremental Refundable Deposit is remitted to the Manager, at which time work shall resume. When the amount of any Incremental Refundable Deposit falls below \$2,000.00, the Manager shall proceed in the same manner as set forth above for obtaining additional Incremental Refundable Deposits.

3. Unused Funds. Upon completion of the inclusion process any unused portions of the Incremental Refundable Deposit shall be refunded to the Petitioner.

4. Miscellaneous.

(a) This Agreement shall be binding upon and shall inure to the benefit of the Parties and the Parties' respective heirs, agents, successors, and assigns;

(b) If any Party is required to take any action to enforce this Agreement, the prevailing Party shall be entitled to recover all reasonable attorneys' fees and costs from the non-prevailing Party or Parties;

(c) The paragraph headings used in this Agreement are for purposes of identification only and shall not be considered in construing this Agreement. Furthermore, this Agreement

*JW*



shall be deemed to have been prepared with the full and equal participation of each Party, and shall not be construed by any Party against any other Party;

(d) This Agreement shall be construed and enforced in accordance with the laws of the State of Colorado, and the Parties agree that the state courts located in Gunnison, Colorado shall have exclusive jurisdiction over, and shall be the exclusive venue for, any action arising out of, or related to, this Agreement.

(e) This Agreement may be executed in multiple counterparts, each of which shall constitute an original, and all of which together shall constitute one and the same document. The parties will accept facsimile signatures or electronic signatures as original signatures.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

Mt. Crested Butte Water & Sanitation District

Applicant: Hunter Ridge, LLC

By:   
Mike Fabbre, District Manager

By:   
Jamie Watt, Managing Partner



RECEIVED  
MAY 26 2020  
Per \_\_\_\_\_

Irrevocable Letter of Credit No. 4748

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

May 5, 2020

Ladies and Gentlemen:

We hereby establish in your favor, for the account of MLJ Real Estate, L.P., our irrevocable Letter of Credit No. 4748 in the aggregate amount of Twenty three thousand six hundred and forty seven and 50/100 U.S. Dollars (U.S. \$23,647.50) effective immediately and expiring at the close of business at the office of Trinity Bank, N.A. (the "Nominated Person") at 3500 W. Vickery Boulevard, Fort Worth, Texas 76107 (the Nominated Person's "Local Office") on January 1, 2022.

Funds under this Letter of Credit are available to you from time to time against one or more of your sight drafts, each in the form of Exhibit A hereto, drawn on the Nominated Person, referring thereon to this Letter of Credit No. 4748, accompanied by your signed certificate in substantially the form of Exhibit B hereto.

Each payment under this Letter of Credit will be made by wire transfer of immediately available funds in U.S. Dollars to:

Mt. Crested Butte Water & Sanitation District  
100 Gothic Road/P.O. Box 5740  
Mt. Crested Butte, CO 81225  
ABA #102102013

for credit to:

Mt. Crested Butte Water & Sanitation District  
100 Gothic Road/P.O. Box 5740  
Mt. Crested Butte, CO 81225  
Account #013111075

or to any other bank account in Colorado specified by you to us in writing at least seven (7) days before the date of such payment; provided that any such written direction changing the bank account must be accompanied by a duly adopted resolution of Mt. Crested Butte Water & Sanitation District approving such change in account. The Chairperson and Treasurer of Mt.

Crested Butte Water & Sanitation District are authorized to sign such written direction changing the bank account or transferring this Letter of Credit.

We nominate, as the nominated person, the Nominated Person referred to above at its Local Office, which is hereby authorized to pay drafts drawn under this Letter of Credit.

This Letter of Credit is transferable and may be successively transferred. The manner of transfer of this Letter of Credit shall be by the presentation to us of an Instruction to Transfer signed by you in substantially the form of Exhibit C hereto accompanied by a duly adopted resolution of Mt. Crested Butte Water & Sanitation District authorizing such transfer. Upon presentation to us of such an Instruction to Transfer, (i) the transferee named in such Instruction to Transfer will thereupon become the beneficiary of this Letter of Credit in the place of the prior beneficiary hereof and will be entitled to draw hereunder as though such transferee were the beneficiary originally named in this Letter of Credit and (ii) if such Instruction to Transfer sets forth new wire transfer instructions for payments hereunder, we shall thereafter make payment under this Letter of Credit in accordance with such instructions.

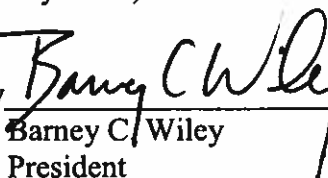
This Letter of Credit sets forth in full our undertaking, and such undertaking shall not in any way be modified, amended, amplified or limited by reference to any document, instrument or agreement referred to herein or in which this Letter of Credit is referred to or to which this Letter of Credit relates; and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement.

We hereby engage with you that a sight draft drawn under and in compliance with the terms of this Letter of Credit will be duly honored upon presentation of such draft, accompanied by the appropriate certificate specified above, appropriately completed, to the Nominated Person as above specified. If such draft and certificate are presented to the Nominated Person at or prior to 11:30 a.m. (Central Standard Time) on a business day, payment of the amount specified in such draft shall be made on the next succeeding business day. If such draft and certificate are presented to the Nominated Person after 11:30 a.m. (Central Standard Time) on a business day, payment of the amount specified in such draft shall be made on the second succeeding business day. As used herein, "business day" means any day other than Saturday, Sunday or a legal holiday in Texas.

Please address all communications regarding this Letter of Credit to us at our Office at Trinity Bank, N.A., 3500 Vickery Boulevard, Fort Worth, Texas 767107, Attention: Barney C. Wiley, mentioning specifically our Letter of Credit No. 4748.

Very truly yours,

Trinity Bank, NA

By   
Barney C. Wiley  
President

**EXHIBIT A**

[Form of Sight Draft]

U.S. \$ \_\_\_\_\_, 20\_\_

AT SIGHT, Pay to the order of Mt. Crested Butte Water & Sanitation District \_\_\_\_\_  
United States Dollars (U.S. \$ \_\_\_\_\_).

For value received and charge to the  
account of Trinity Bank, N.A.  
Letter of Credit No. 4748.

To: Trinity Bank, N.A.  
3500 Vickery Boulevard  
Fort Worth, Texas 767107

Mt. Crested Butte Water & Sanitation District

By: \_\_\_\_\_  
Name:  
Title:

**EXHIBIT B**

**CERTIFICATE FOR DRAWING UNDER  
TRINITY BANK, N.A. IRREVOCABLE LETTER OF CREDIT NO. 4748.**

The undersigned, Mt. Crested Butte Water & Sanitation District, the beneficiary of the above Irrevocable letter of Credit, hereby certifies to Trinity Bank, N.A. that the Applicant of the above Irrevocable Letter of Credit has failed to pay an amount of money required to be paid under the terms of the acceptance of its infrastructure under the Mt. Crested Butte Water & Sanitation District Rules and Regulations, as amended, including costs of maintaining and repair such infrastructure, and that the amount of money required to be paid to maintain and repair such infrastructure is at least equal to the amount of the sight draft accompanying this Certificate.

IN WITNESS WHEREOF, the undersigned has executed and delivered this Certificate as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Mt. Crested Butte Water & Sanitation District

By: \_\_\_\_\_  
Name:  
Title:

**EXHIBIT C**

**INSTRUCTION TO TRANSFER**

\_\_\_\_\_, 20\_

Trinity Bank, N.A.  
3500 Vickery Boulevard  
Fort Worth, Texas 767107  
Attention: Barney C. Wiley

Irrevocable Letter of Credit No. \_\_\_\_\_,  
dated \_\_\_\_\_, 2020

Gentlemen:

For value received, the undersigned beneficiary hereby irrevocably transfers to:

[Name and address of Transferee]

all rights of the undersigned beneficiary to draw under the above-captioned Letter of Credit (the "Letter of Credit") in its entirety.

By this transfer, all rights of the undersigned beneficiary in the Letter of Credit are transferred to the transferee and the transferee shall hereafter have the sole rights as beneficiary thereof as though such transferee were the beneficiary originally named in the Letter of Credit. All amendments are to be advised directly to the transferee without the necessity of any consent of or notice to the undersigned beneficiary.

[Please make each payment under the Letter of Credit by wire transfer in immediately available funds in U.S. Dollars to:

[Name and address of bank in  
Colorado]  
ABA # \_\_\_\_\_

for credit to:

[Name and address of Beneficiary]  
Account # \_\_\_\_\_]

Please acknowledge receipt of this Instruction to Transfer by signing in the space provided below and returning such signed copy to the transferee named above.

Very truly yours,

Mt. Crested Butte Water & Sanitation District

By: \_\_\_\_\_

Name:

Title:

Receipt of Instruction to  
Transfer acknowledged as  
of \_\_\_\_\_, 20\_\_

Trinity Bank, N.A.

By: \_\_\_\_\_

Name:

Title:



www.jvajva.com

Boulder

1319 Spruce Street  
Boulder, CO 80302  
303.444.1951

Fort Collins

213 Linden Street  
Suite 200  
Fort Collins, CO 80524  
970.225.9099

Winter Park

PO Box 1860  
47 Cooper Creek Way  
Suite 328  
Winter Park, CO 80482  
970.722.7677

Glenwood Springs

817 Colorado Avenue  
Suite 301  
Glenwood Springs, CO  
81601  
970.404.3100

Denver

1512 Larimer Street  
Suite 710  
Denver, CO 80202  
303.444.1951

## M E M O

TO:	<u>Michael Fabbre, District Manager</u>	DATE:	<u>November 13, 2020</u>
FIRM:	<u>Mt. Crested Butte Water &amp; Sanitation District</u>	JOB NO.:	<u>1028.2e</u>
ADDRESS:	<u>100 Gothic Road</u>	PROJECT:	<u>Hunter Ridge Development - Sanitary Sewer Analysis</u>
	<u>Mt. Crested Butte, CO 81225</u>	SUBJECT:	<u>Capacity Analysis &amp; Results</u>

JVA has completed its preliminary analysis of Hunter Ridge Development’s sanitary sewer proposed gravity sewer alignment for Mt. Crested Butte Water & Sanitation District (MCBWS or District). The analysis included modeling the existing sewer system and the proposed Hunter Ridge development alignment. Hunter Ridge development is located on the south side of Hunter Hill Road and the existing sewer system the runs through the proposed development. The sewer system main traverses a steep hillside and runs adjacent to the Avalanche Zone mapped by the Town of Mt. Crested Butte. The existing manholes are difficult for the District to access or completely inaccessible year-round and portions of the sewer main are very close to the Avalanche Zone.

### BACKGROUND AND RESEARCH

The District provided JVA with their Geographic Information System (GIS) sanitary sewer database and the Hunter Ridge Development plans. There was no elevation data available from MCBWS and the elevation data on the Hunter Ridge plans did not encompass the entirety of the sewer system that is required to be analyzed. JVA acquired State of Colorado LiDAR data that was used to create a contour surface of the project area. The District was able to provide depth elevations for the existing system and the Hunter Ridge plans included profiles with manhole depths that were used to create the model. Confirmation of the ground surface and invert depths were required as there are flat spots in the system using the provided data and the LiDAR surface. There were two manholes MH4.12 and MH4.5 whose depth measurements provided by the District resulted in negative slopes using the LiDAR surface data. The pipe inverts for these manholes were instead calculated assuming a straight pipe between the upstream and downstream inverts. The profile data provided by the Hunter Ridge development was also used to determine the pipe invert elevations as the collected data from the District only provided invert and rim of the manholes.

### SANITARY SEWER ANALYSIS

JVA used the EPA Stormwater Management Model (SWMM) to create sewer models of the existing and proposed development sewer systems. While SWMM was created for stormwater modeling, it is a dynamic hydraulic routing simulation model that can be used for sanitary system modeling through the use of external inflows into the pipe and junction network. The existing system model includes the sanitary system upstream and downstream of the Hunter Ridge Development property. MCBWS completed flow monitoring of portions of their system as part of a recent inflow and infiltration study and the Hunter Ridge development was within one of the flow meter sewersheds. The measured flows were inputted into the existing system model at manhole MH4.15 to evaluate current capacity of the system. Figure 1 shows the existing system that was included into the model and the location of the flow meter that collected the data used in the model. Figure 2 is the profile of the existing sanitary system modeled. Attached are summary tables of the existing model manhole and pipe inputs.



Buildout flows for the vacant single family lots were estimated using the June water use acquired from the District for lots of similar size. The flow for a single lot was identified to be 0.833 gpm. While normally a portion of the water use would be assumed to not reach the sewer system, the entire water use amount was utilized to be conservative. There are currently 12 lots not developed upstream of the modeled system equating to approximately 10.0 gpm. The buildout flow was added to the starting node in the model, manhole MH4.15, to account for buildout conditions. The buildout lots are shown in Figure 1.

The District provided a preliminary alignment for the sewer system that was designed by NCW Associates, Inc. that would move the sewer main further east outside of the Avalanche Zone and within the proposed roadway and access road. The sewer will remain an 8-inch pipe. The development has 8 lots that will be connected to the system, 4 single family lots and 4 multiunit 3-plex lots. The single family lots were estimated to have a loading value of 0.833 gpm while the multiunit lots were estimated to have a loading of 0.972 gpm based on water use of similar units within the area. Figure 3 shows the location of the proposed sewer main and assumed location of the lot connections. Figure 4 is the profile of the Hunter Ridge sanitary system modeled. Attached are summary tables of the Hunter Ridge model manhole and pipe inputs.

The sewer system analysis included the current condition and full buildout condition for both the existing system and the Hunter Ridge development. The results were evaluated using the proportional depth of flow, a measure of the maximum depth of flow divided by the diameter of the pipe (d/D). Table 1 provides the model d/D results.


**Table 1. Model Scenario Maximum d/D Results**

Link	Upstream Manhole	Downstream Manhole	Existing d/D	Existing Buildout d/D	Hunter Ridge d/D	Hunter Ridge Buildout d/D
P369	MH4.2	MH4.1	0.30	0.31	0.30	0.31
P370	MH4.3	MH4.2	0.27	0.28	0.27	0.28
P371	MH4.4	MH4.3	0.43	0.45	0.44	0.46
P372	MH4.5	MH4.4	0.59	0.61	0.6	0.62
P373	MH4.6	MH4.5	0.55	0.58	0.56	0.58
P374	MH4.7	MH4.6	0.49	0.51	0.49	0.51
P375	MH4.8	MH4.7	0.39	0.41		
P376	MH4.9	MH4.8	0.3	0.31		
P377	MH4.10	MH4.9	0.31	0.32		
P378	MH4.11	MH4.10	0.34	0.35		
P379	MH4.12	MH4.11	0.53	0.56	0.53	0.55
P380	MH4.13	MH4.12	0.65	0.68	0.66	0.68
P413	MH4.14	MH4.13	0.44	0.45	0.43	0.46
P677	MH4.15	MH4.14	0.25	0.26	0.25	0.26
MH410A1_DEFLEC-MH4.7	MH4.10A1_DEFLEC	MH4.7			0.28	0.29
MH4.10A1-MH4.10A1_DEFLEC	MH4.10A1	MH4.10A1_DEFLEC			0.38	0.4
MH4.11-MH4.10A1	MH4.11	MH4.10A1			0.35	0.36

The results of the model indicate that the addition of the Hunter Ridge Development as proposed will not adversely affect the sanitary sewer system for both existing and buildout conditions. The results are based upon the previously outlined information and assumptions. The maximum d/D values show little change between the existing, existing buildout, Hunter Ridge and Hunter Ridge buildout scenarios. Generally, the maximum d/D value for sanitary sewer mains is 0.6. There are three pipe sections showing a d/D values greater than 0.60, P372 and P380. The slope of pipe P380 is shallower than the upstream pipe which results in a larger depth of flow through the pipe. The same is occurring for pipe P372. A d/D greater than 0.60 is usually an indicator that the pipe should be reviewed for upsizing.

However, the d/D for the buildout conditions is not much higher than 0.60. Also, no other flows are anticipated to be added to the sewer system in this area therefore there is no reason to require upsizing the diameter of these pipes. Furthermore, both pipe sections have a manhole whose invert was calculated rather than a measured depth. It is important to obtain field data on the two manholes to ensure the assumptions in the sewer model are accurate. Confirmation of the ground surface and invert elevations of the manholes within the system will be needed to confirm the assumptions and results. The measured flow data shows there is a significant amount of inflow and infiltration (I/I) within the system especially during the spring snow melt. Therefore, if I/I is reduced in the system the maximum d/D values within the system will also be reduced.

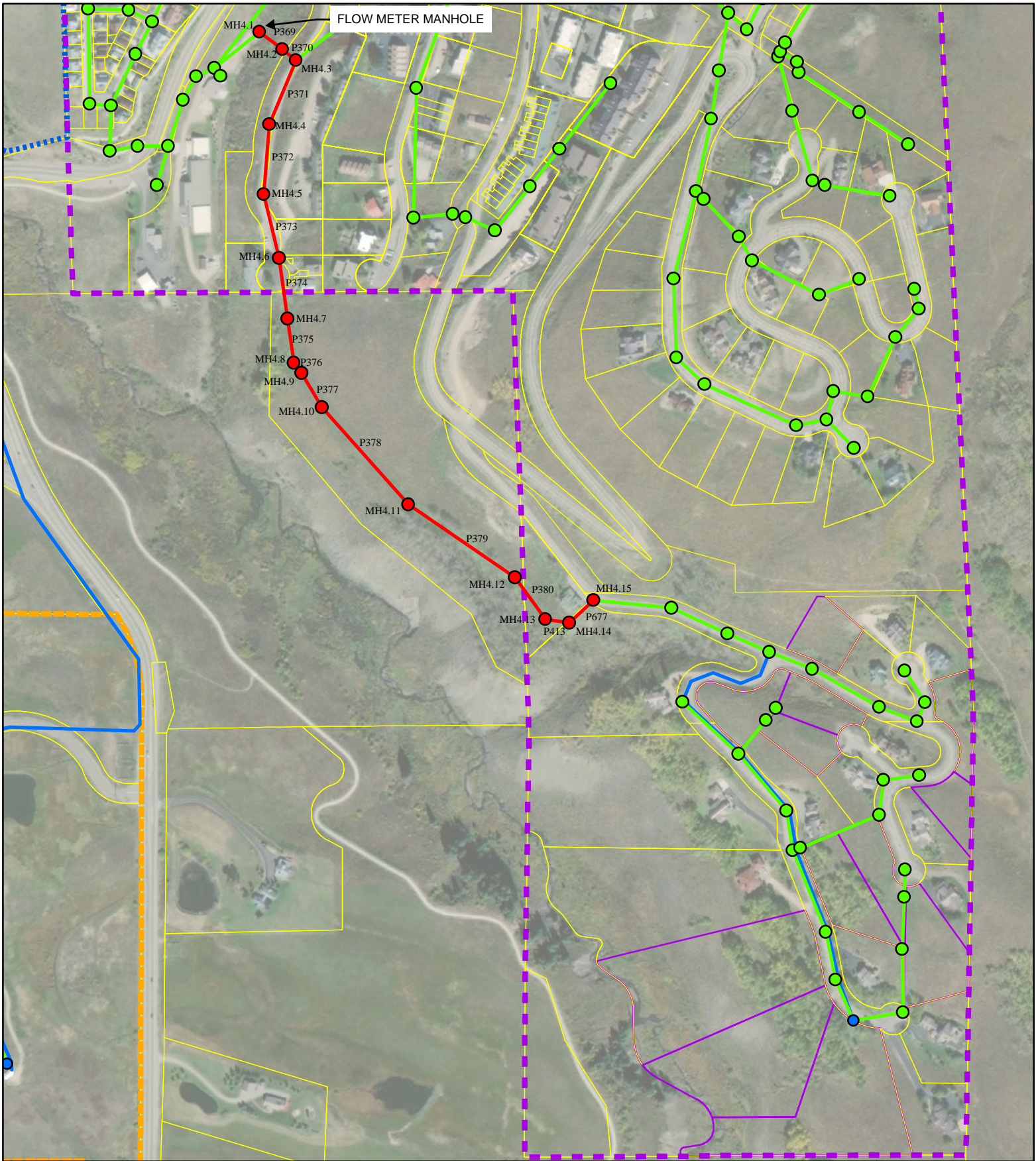
JVA looks forward to discussing the results of this capacity analysis for the proposed Hunter Ridge Development.

Signed:   
Cooper D. Best, P.E.  
Regional Project Manager

Copies to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attachments:

- Figure 1 - Existing System and Buildout Map
- Figure 2 - Existing System Profile
- Figure 3 - Hunter Ridge System Map
- Figure 4 - Hunter Ridge System Profile
- Model Tables



FLOW METER MANHOLE

MH4.1 P369  
 MH4.2 P370  
 MH4.3  
 MH4.4 P371  
 P372  
 MH4.5 P373  
 MH4.6 P374  
 MH4.7 P375  
 MH4.8 P376  
 MH4.9 P377  
 MH4.10 P378  
 MH4.11 P379  
 MH4.12 P380  
 MH4.13 P413  
 MH4.14 P677  
 MH4.15

- MANHOLE
- MODEL MANHOLE
- LIFT STATION
- GRAVITY MODEL
- GRAVITY
- FORCEMAIN
- WATER AND SEWER
- SEWER ONLY
- WATER ONLY
- PARCEL
- BUILDOUT PARCEL

0 250 500 1,000 FEET

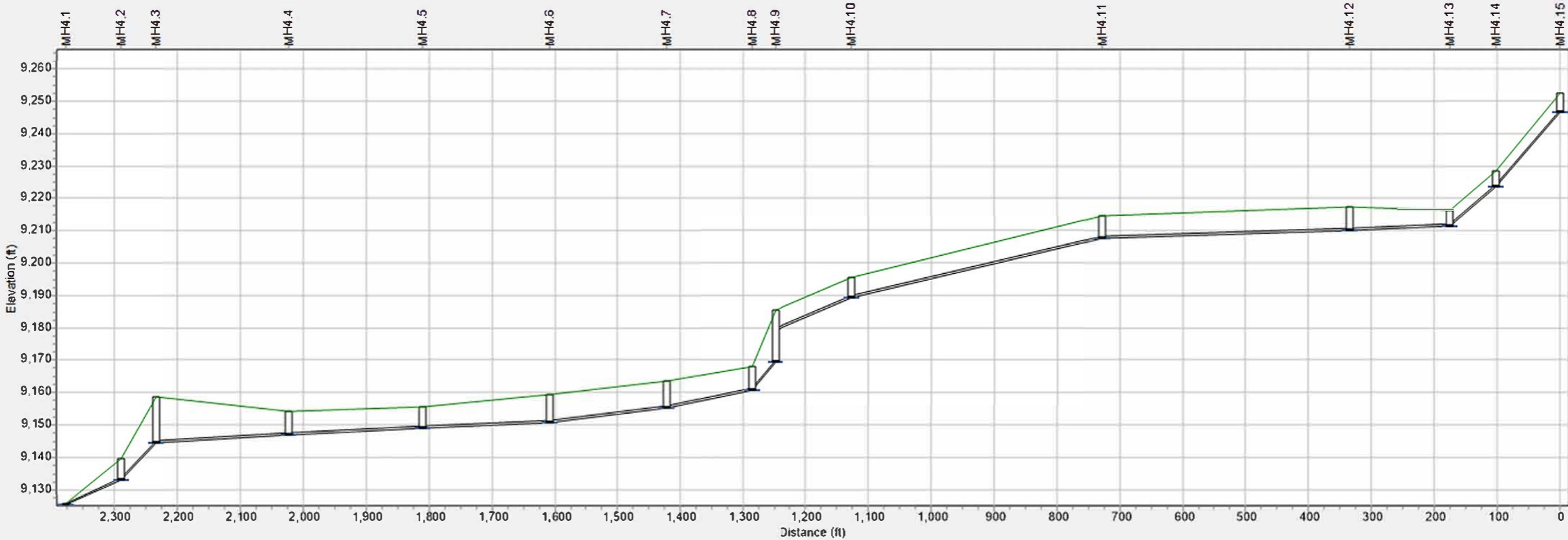
1 INCH = 500 FEET

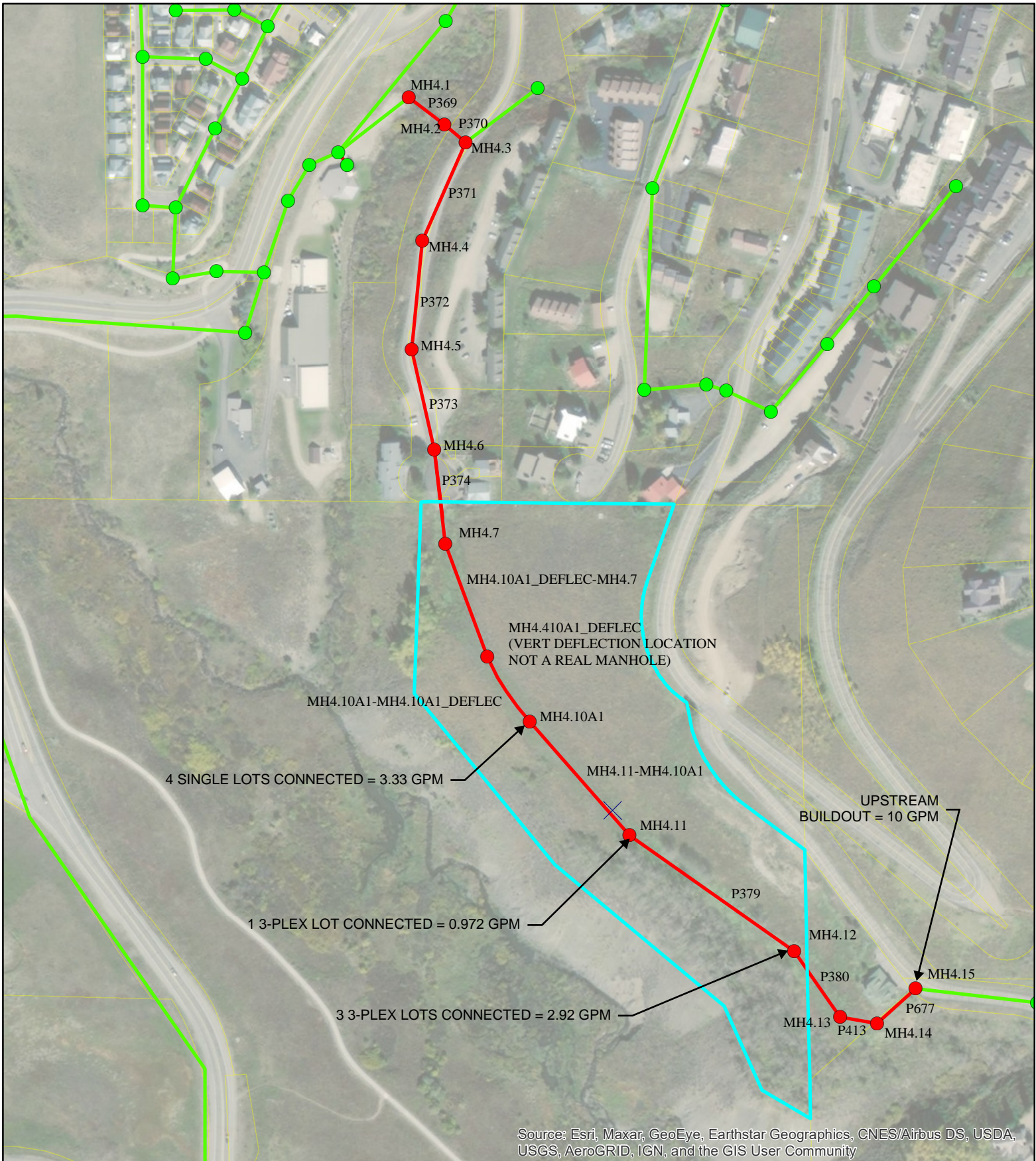
**FIGURE 1 - EXISTING SYSTEM MODEL**  
 MCBWSD HUNTER RIDGE SANITARY SEWER ANALYSIS  
 MT CRESTED BUTTE, COLORADO  
 JOB 1028.2e  
 JULY 2020

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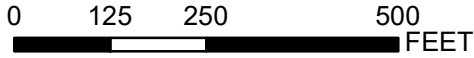


### Water Elevation Profile: Node MH4.15 - MH4.1





Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



1 INCH = 250 FEET

### FIGURE 3 - HUNTER RIDGE SYSTEM MODEL

MCBWS D SAHUNTER RIDGE SANITARY SEWER ANALYSIS  
 MT CRESTED BUTTE, COLORADO  
 JOB 1028.2e

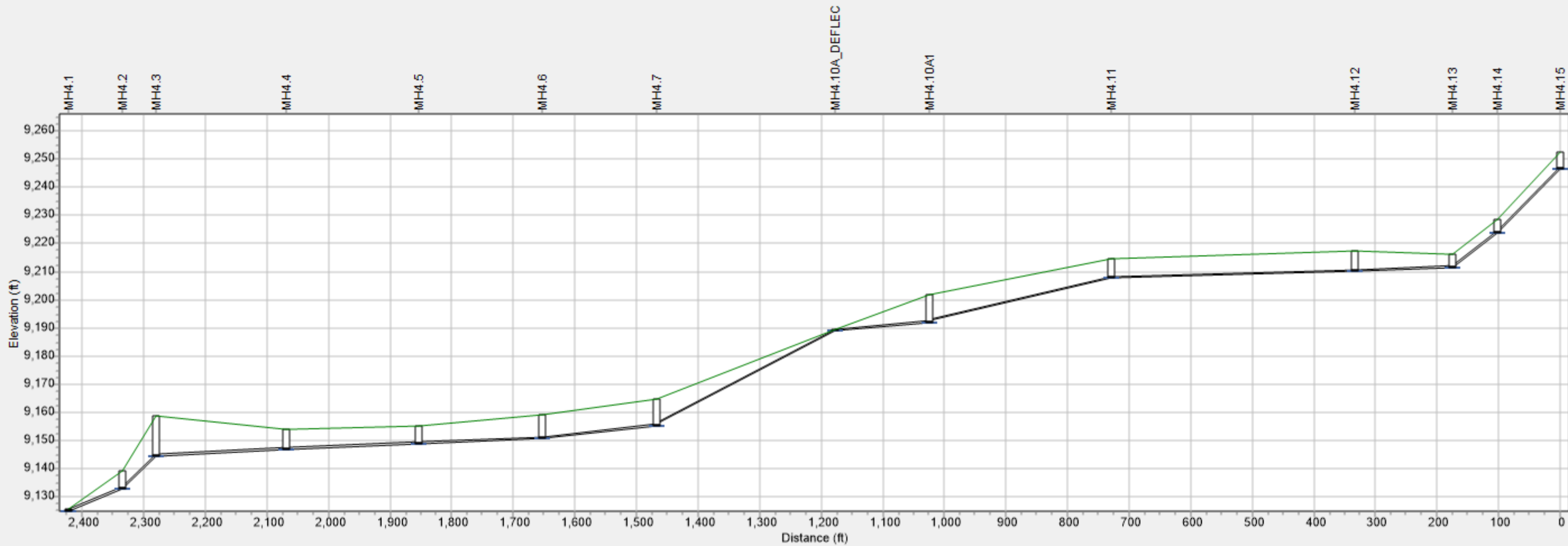
NOVEMBER 2020

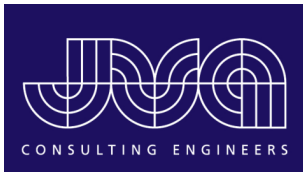
- MANHOLE
- MODEL MANHOLE
- GRAVITY
- GRAVITY MODEL
- HUNTER RIDGE

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 Glenwood Springs • Denver



### Water Elevation Profile: Node MH4.15 - MH4.1





**EXISTING SYSTEM MODEL DATA**

MHID	Est. Ground Elevation of Existing System LiDAR(ft)	Measured Depth to Invert (ft)	Invert Elevation (ft)	X	Y	Inlet pipe offset	Influent Flow	Additional Buildout Influent Flow
MH4.1	9134.44	9.25	9125.19	2581621.044	1389565.34			
MH4.2	9139.49	6.50	9132.99	2581691.065	1389511.454			
MH4.3	9158.71	14.17	9144.54	2581732.562	1389476.949			
MH4.4	9154.17	7.33	9146.84	2581647.608	1389283.061			
MH4.5	9157.46	6.58	9148.88 <sup>a</sup>	2581626.75	1389070.178			
MH4.6	9159.22	8.42	9150.80	2581670.805	1388874.553			
MH4.7	9163.54	8.25	9155.29	2581692.801	1388689.156			
MH4.8	9168.21	7.58	9160.63 <sup>b</sup>	2581710.962	1388555.218			
MH4.9	9185.32	15.75	9169.57 <sup>b</sup>	2581733.093	1388522.951	9.55 ft		
MH4.10	9195.46	6.33	9189.13 <sup>b</sup>	2581793.586	1388417.806			
MH4.11	9214.48	6.83	9207.65 <sup>b</sup>	2582054.418	1388117.165			
MH4.12	9217.23	7.08	9210.15 <sup>a</sup>	2582377.257	1387889.628			
MH4.13	9216.37	4.92	9211.45	2582467.926	1387759.793			
MH4.14	9228.47	4.67	9223.80	2582540.376	1387747.902			
MH4.15	9252.48	5.83	9246.65	2582616.358	1387815.729		Flow Meter Data	10.0 gpm

a. Measured depth causes bust in system, Assumed straight pipe between up and down manhole.

b. Invert elevations adjusted based on Hunter Ridge exist system data. Measured depth from District held except MH4.9, rim elevation adjustec

PIPE ID	Length	Slope	Upstream MH	Downstream MH	Entry Loss	Exit Loss
P369	88.36	8.83%	MH4.2	MH4.1	0.15	0
P370	53.97	21.41%	MH4.3	MH4.2	1	0.15
P371	211.68	1.08%	MH4.4	MH4.3	0.5	1
P372	213.9	1.48%	MH4.5	MH4.4	0.5	0.5
P373	200.52	0.96%	MH4.6	MH4.5	0.15	0.5
P374	186.7	2.41%	MH4.7	MH4.6	0.15	0.15
P375	135.16	3.95%	MH4.8	MH4.7	0.5	0.15
P376	39.13	22.84%	MH4.9	MH4.8	0.15	0.5
P377	121.3	8.25%	MH4.10	MH4.9	0.15	0.15
P378	398.02	4.65%	MH4.11	MH4.10	0.15	0.15
P379	394.97	0.63%	MH4.12	MH4.11	0.5	0.15
P380	158.36	0.82%	MH4.13	MH4.12	0.9	0.5
P413	73.42	16.82%	MH4.14	MH4.13	0.9	0.9
P677	101.85	22.43%	MH4.15	MH4.14	0	0.9



**HUNTER RIDGE SYSTEM MODEL DATA**

MHID	Est. Ground Elevation of Existing System LiDAR(ft)	Measured Depth to Invert (ft)	Invert Elevation (ft)	X	Y	Inlet pipe offset	Influent Flow	Additional Buildout Influent Flow	Note
MH4.1	9134.44	9.25	9125.19	2581621.044	1389565.34				
MH4.2	9139.49	6.50	9132.99	2581691.065	1389511.454				
MH4.3	9158.71	14.17	9144.54	2581732.562	1389476.949				
MH4.4	9154.17	7.33	9146.84	2581647.608	1389283.061				
MH4.5	9157.46	6.58	9148.88 <sup>a</sup>	2581626.75	1389070.178				
MH4.6	9159.22	8.42	9150.80	2581670.805	1388874.553				
MH4.7	9163.54	8.25	9155.29	2581686.943	1388739.292	0.7 ft			
MH4.10A1_DEFLEC	-	0.67	9188.94	2581784.322	1388737.927				not real manhole
MH4.10A	9202.07	10.00	9192.07 <sup>b</sup>	2581789.598	1388508.397	0.5 ft	3.33 gpm		
MH4.11	9213.74	6.83	9207.65 <sup>b</sup>	2582054.418	1388117.165		0.972 gpm		
MH4.12	9219.09	7.08	9210.15 <sup>a</sup>	2582377.257	1387889.628		2.92 gpm		
MH4.13	9216.37	4.92	9211.45	2582467.926	1387759.793				
MH4.14	9228.47	4.67	9223.80	2582540.376	1387747.902				
MH4.15	9252.48	5.83	9246.65	2582616.358	1387815.729		Flow Meter Data	10.0 gpm	

a. Measured depth causes bust in system, Assumed straight pipe between up and down manhole.

b. Invert elevations adjusted based on Hunter Ridge exist system data. Measured depth from District held, rim elevation adjustec

PIPE ID	Length	Slope	Upstream MH	Downstream MH	Entry Loss	Exit Loss
P369	88.36	8.83%	MH4.2	MH4.1	0.15	0
P370	53.97	21.41%	MH4.3	MH4.2	1	0.15
P371	211.68	1.08%	MH4.4	MH4.3	0.5	1
P372	213.9	1.48%	MH4.5	MH4.4	0.5	0.5
P373	200.52	0.96%	MH4.6	MH4.5	0.15	0.5
P374	136.22	2.41%	MH4.7	MH4.6	1	0.15
MH410A1_DEFLEC-MH4.7	289.32	11.38%	MH4.10A1_DEFLEC	MH4.7	1	1
MH4.10A1-MH4.10A1_DEFLEC	152.82	2.05%	MH4.10A1	MH4.10A1_DEFLEC	0.9	1
MH4.11-MH4.10A1	296.59	5.08%	MH4.11	MH4.10A1	0.5	0.9
P379	394.97	0.63%	MH4.12	MH4.11	0.5	0.5
P380	158.36	0.82%	MH4.13	MH4.12	0.9	0.5
P413	73.42	16.82%	MH4.14	MH4.13	0.9	0.9
P677	101.85	22.43%	MH4.15	MH4.14	0	0.9





## Hunter Hill Road Inclusion Public Comments

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1. [Town of Mt. Crested Butte](#)
2. [Harold Duble](#)
3. [Delrena Sides](#)
4. [Craig Caukin](#)
5. [Patricia Mullin](#)
6. [Abbott, Abbott, Hart, Hart, Oettel, Bronars and Hart](#)
7. [Kathy Hooge](#)
8. [Paul E. Hooge, PhD](#)
9. [Linda and Bob Colvey](#)
10. [Robert Valentine and Robert Bolton](#)
11. [Carole and Jim Williamson](#)
12. [Nancy Grindlay](#)

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](mailto:hduble@aol.com)>  
**Sent:** Tuesday, November 24, 2020 10:05 AM  
**To:** [info@mcbwsd.com](mailto: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:

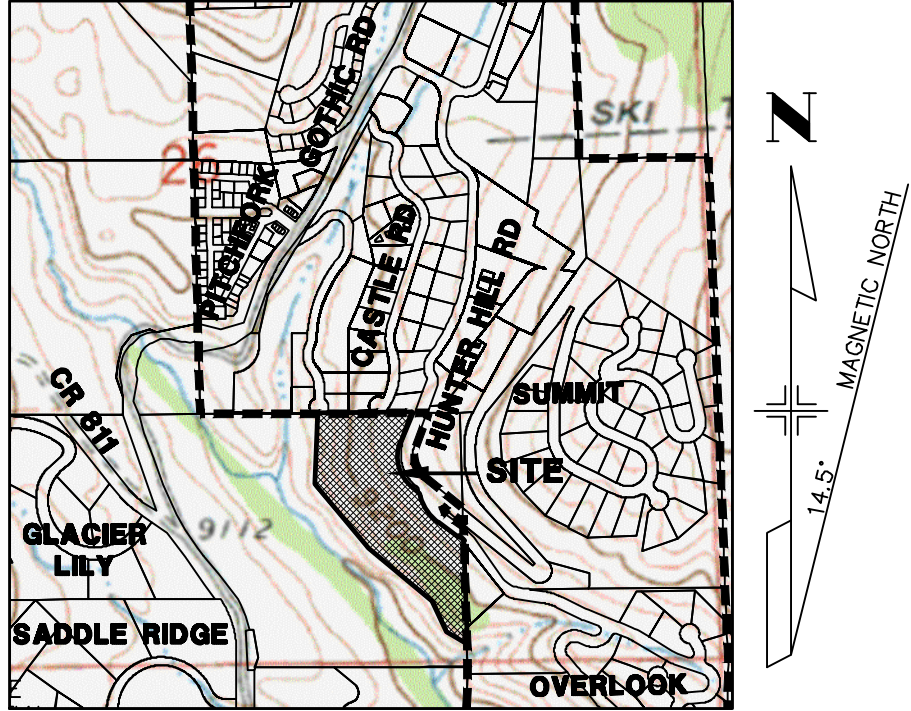
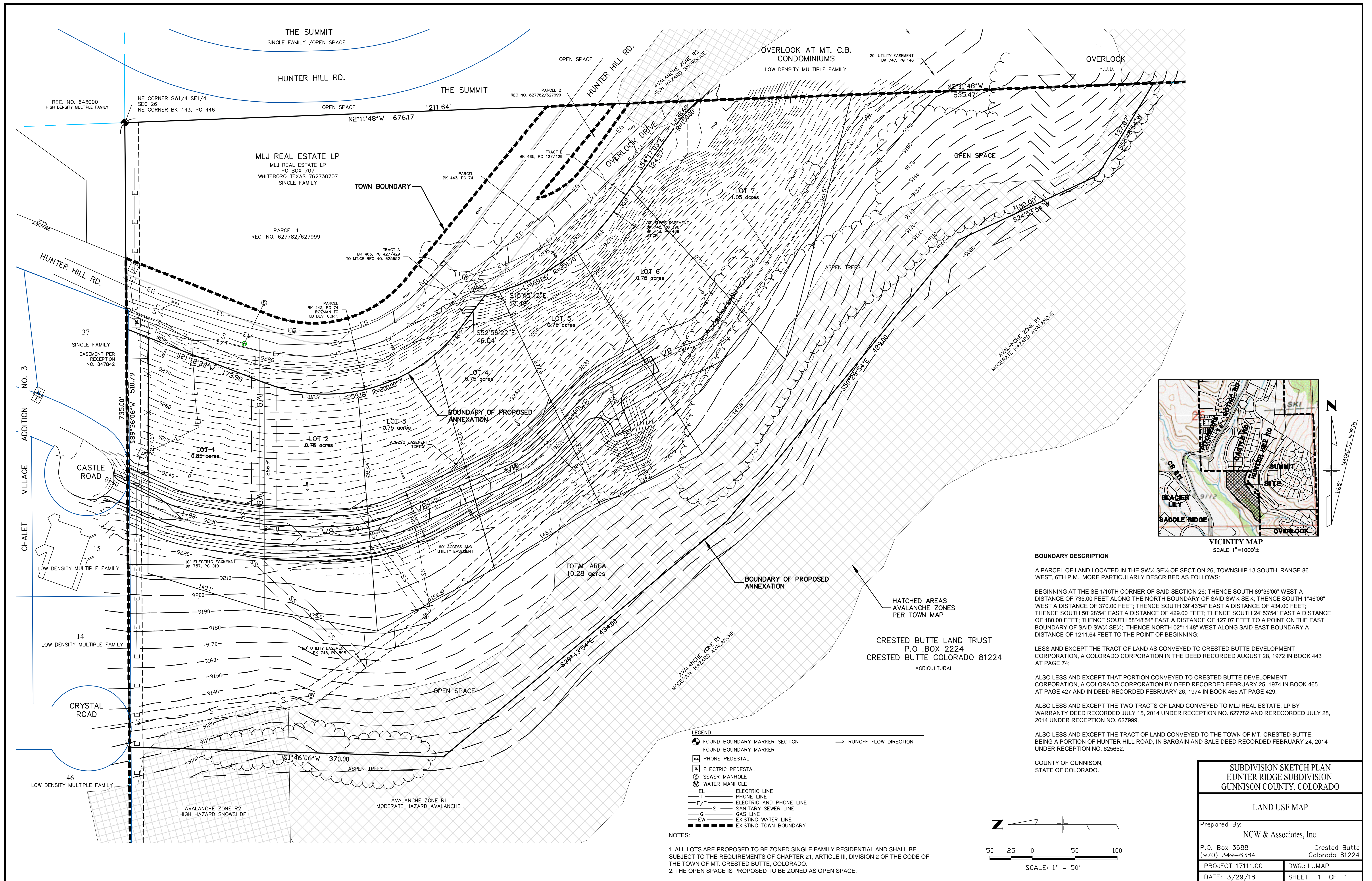
*The Mt. Crested Butte Town Council requests that the Hunter Ridge Major Impact Land Use Sketch Plan Application Located at 45 Hunter Hill Road Submitted by Hunter Ridge, LLC to be denied by the County for the following reasons:*

- *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.

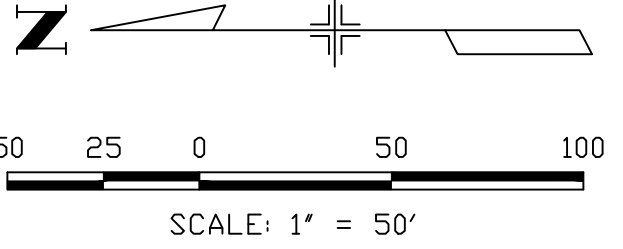
ALSO LESS AND EXCEPT THE TRACT OF LAND CONVEYED TO THE TOWN OF MT. CRESTED BUTTE, BEING A PORTION OF HUNTER HILL ROAD, IN BARGAIN AND SALE DEED RECORDED FEBRUARY 24, 2014 UNDER RECEPTION NO. 625652.

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      DWG.: LUMAP  
 DATE: 3/29/18      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](mailto: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 MTCBWS D 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

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William Abbott, MD



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F. Michael Hart, 1801 Rio Grande Blvd. NW, Albuquerque, NM 87106  
505-343-1776; [mikeh@osolawfirm.com](mailto:mikeh@osolawfirm.com)



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Alisa A. Hart,

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John Oettel,

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Cyndee Bronars,




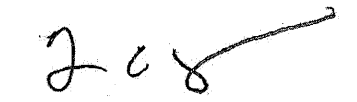
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Frederick Michael Hart

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.

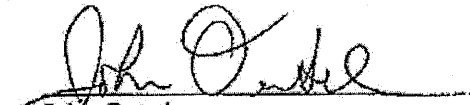
Sincerely yours,

  
Antoinette Abbott

  
William Abbott, MD

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

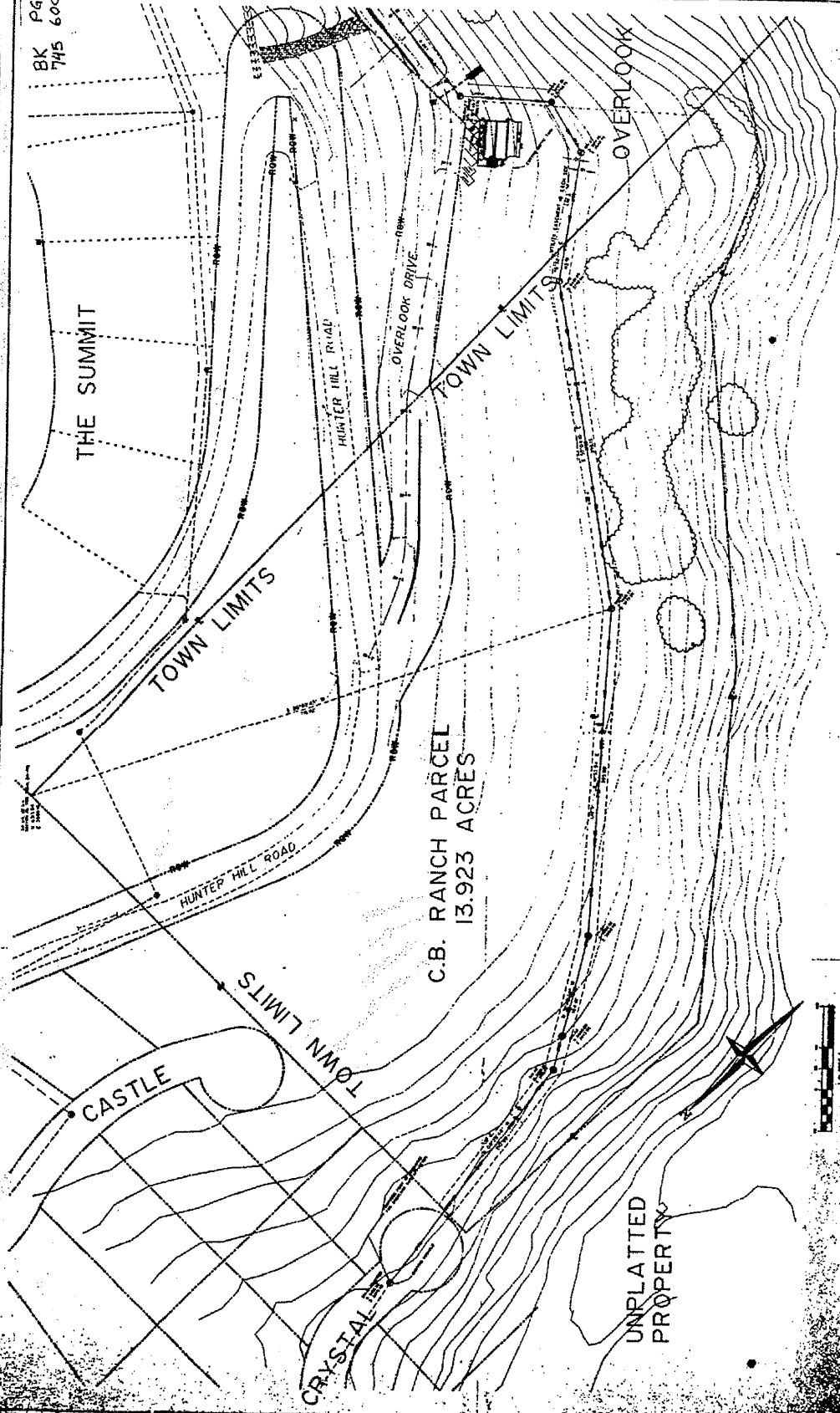
Witness my hand and official seal.

My commission expires: 5-28-95

Patricia E. Hobbs  
Notary Public



BK PG  
745 600



WASHINGTON GULCH

C.B. RANCH PARCEL  
13.923 ACRES

THE SUMMIT

TOWN LIMITS

TOWN LIMITS

OVERLOOK

CASTLE

TOWN LIMITS

CRYSTAL MOUNTAIN

UNPLATTED PROPERTY

HUNTER HILL ROAD

OVERLOOK DRIVE

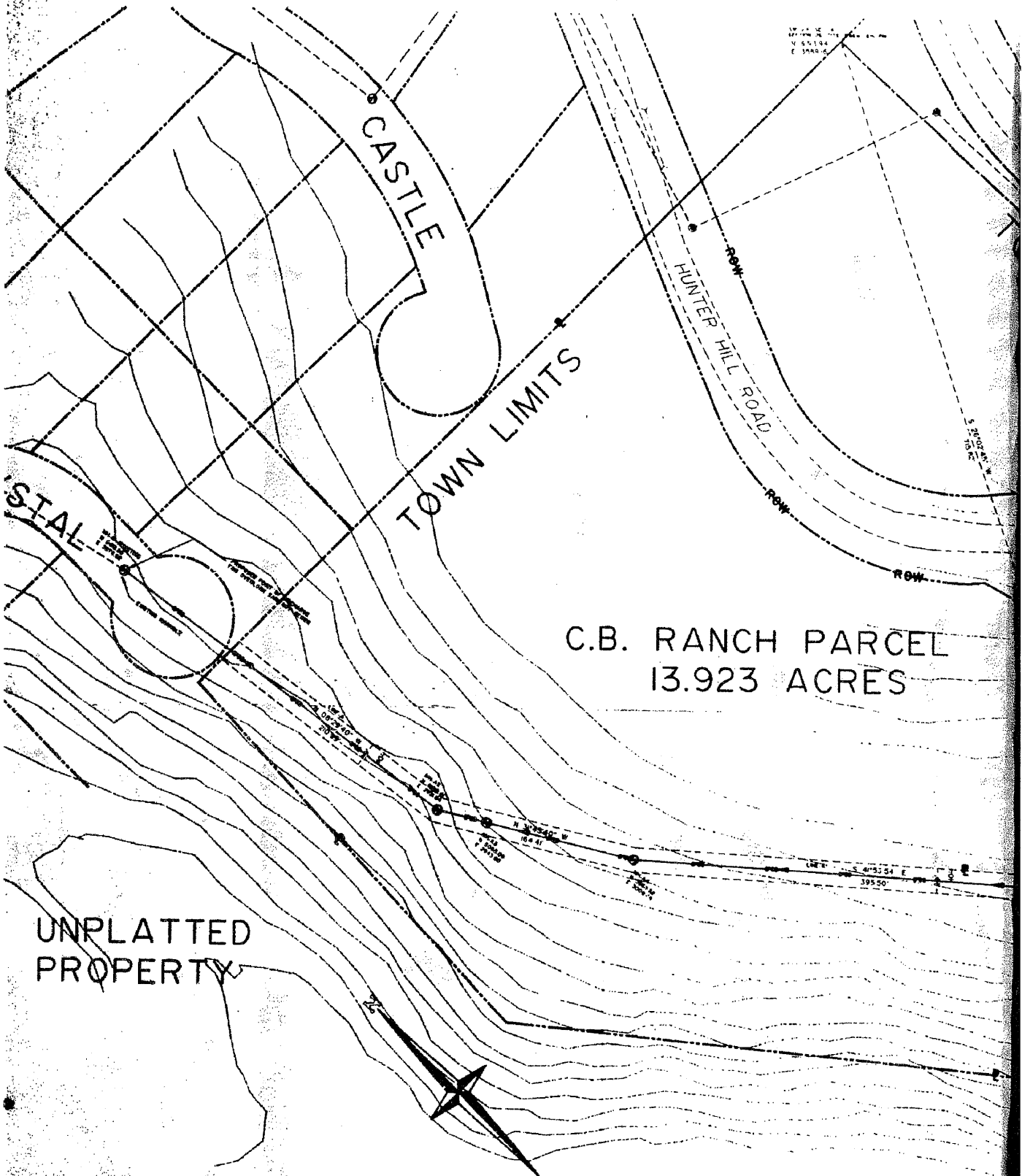
DEPT. OF STATE

BLANTON GRAVITY SEWER



THOMPSON-LANGFORD CORP.  
 657 1/2 E. 1/2. SUTHERLAND  
 GRAND JUNCTION, COLORADO  
 TEL. (907) 243-6047

NO.	DATE	BY	FOR



N 74° 14' W  
 17.100  
 S 74° 14' E  
 17.100

CASTLE

TOWN LIMITS

HUNTER HILL ROAD

ROW

ROW

ROW

C.B. RANCH PARCEL  
13.923 ACRES

STAL

UNPLATTED  
PROPERTY



( IN FEET )  
 1 inch = 50 ft.

WASH



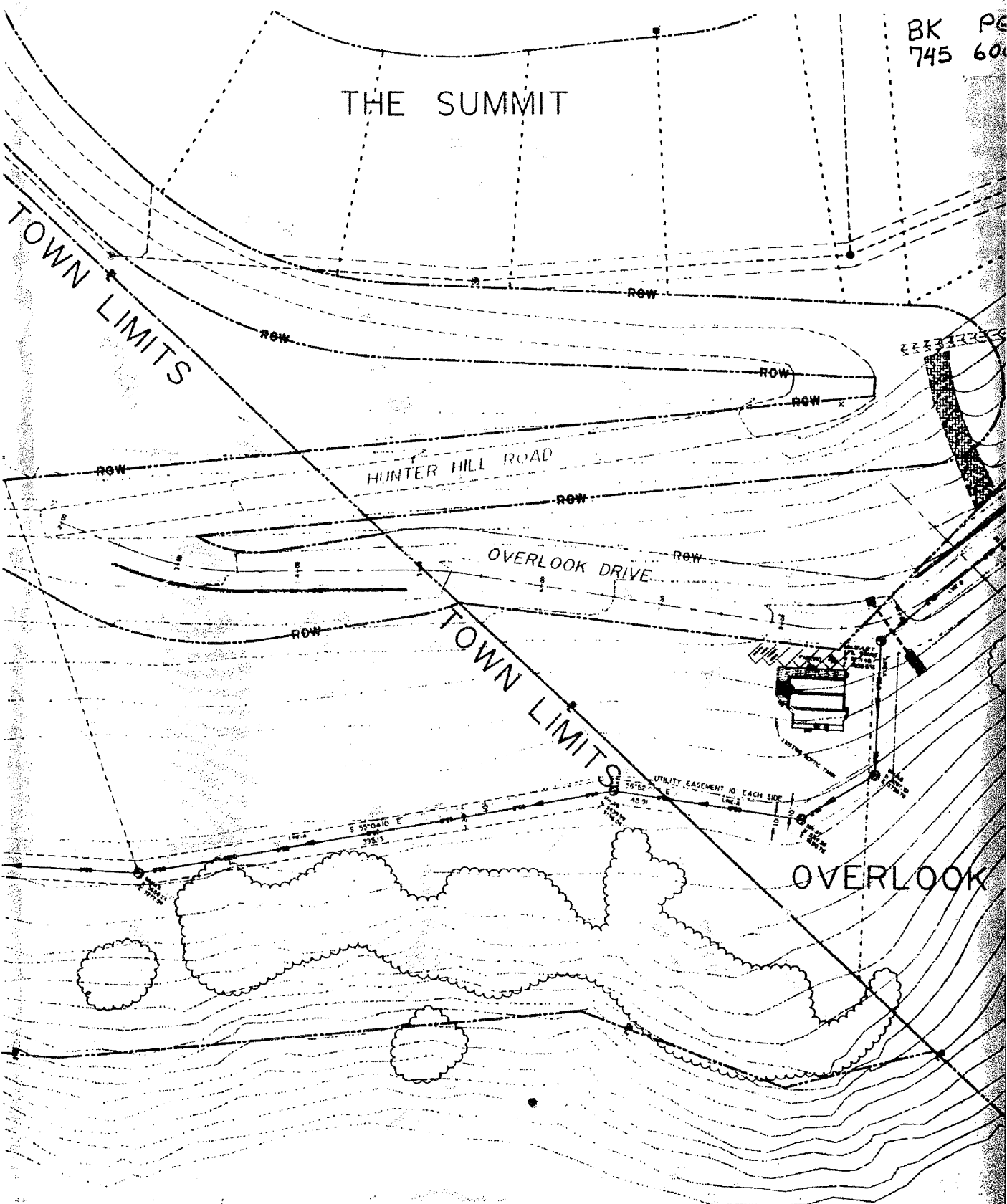
American Consulting  
 Engineers Council  
 Member

**THOMPSON-LANGFORD CORP.**  
 529 26 1/2 RD., SUITE B210  
 GRAND JUNCTION, COLORADO  
 PH. (303) 249-6067

REVISION	DATE	DESCRIPTION

# THE SUMMIT

TOWN LIMITS



HINGTON GULCH

GRANT OF UTILITIES EASEMENT.  
EXHIBIT A

*JAB*

BY	DATE	THE OVERLOOK	MT. CRESTED BUTTE	SCALE	DATE	BY
BLANTON GRAVITY SEWER ROUTE			1 of 1			
			164 of 164			

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



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 1<sup>st</sup> 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](mailto: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.

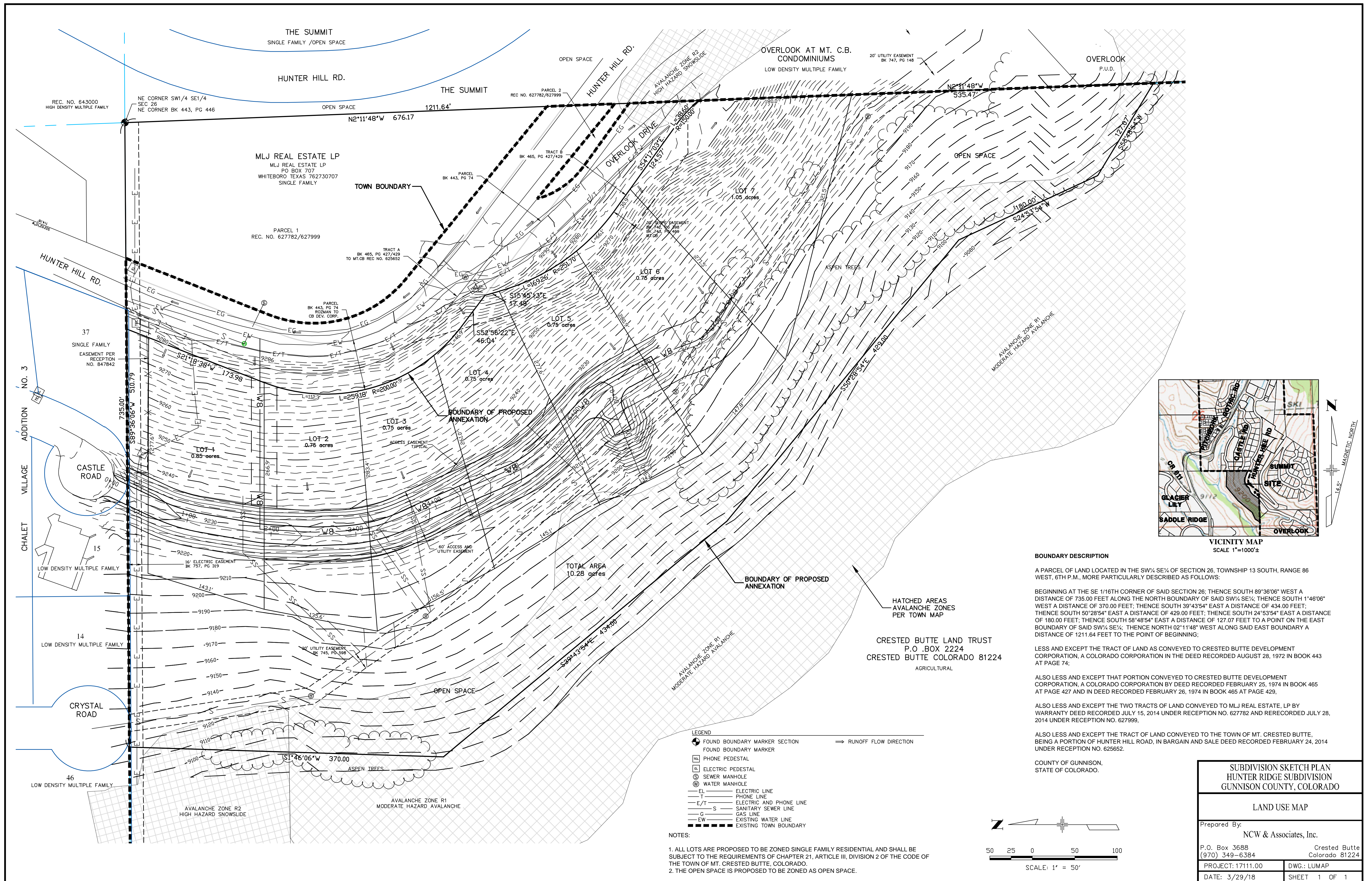
The plan submitted to the County is also materially different than the one that was denied by the Town. The new application has more than double the density than was proposed to the Town. The new plan has 16 units which is comprised of 4 multi-family (triplexes) and 4 single family units. The plan submitted 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 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.

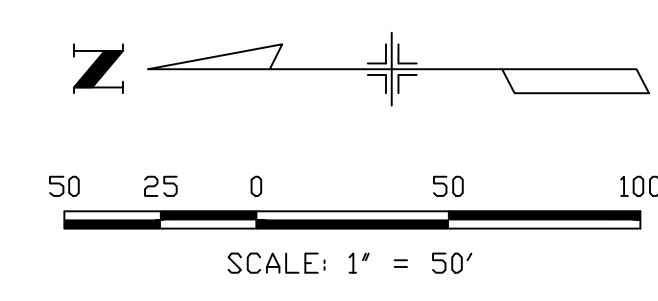
**LEGEND**

- 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



---

**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.

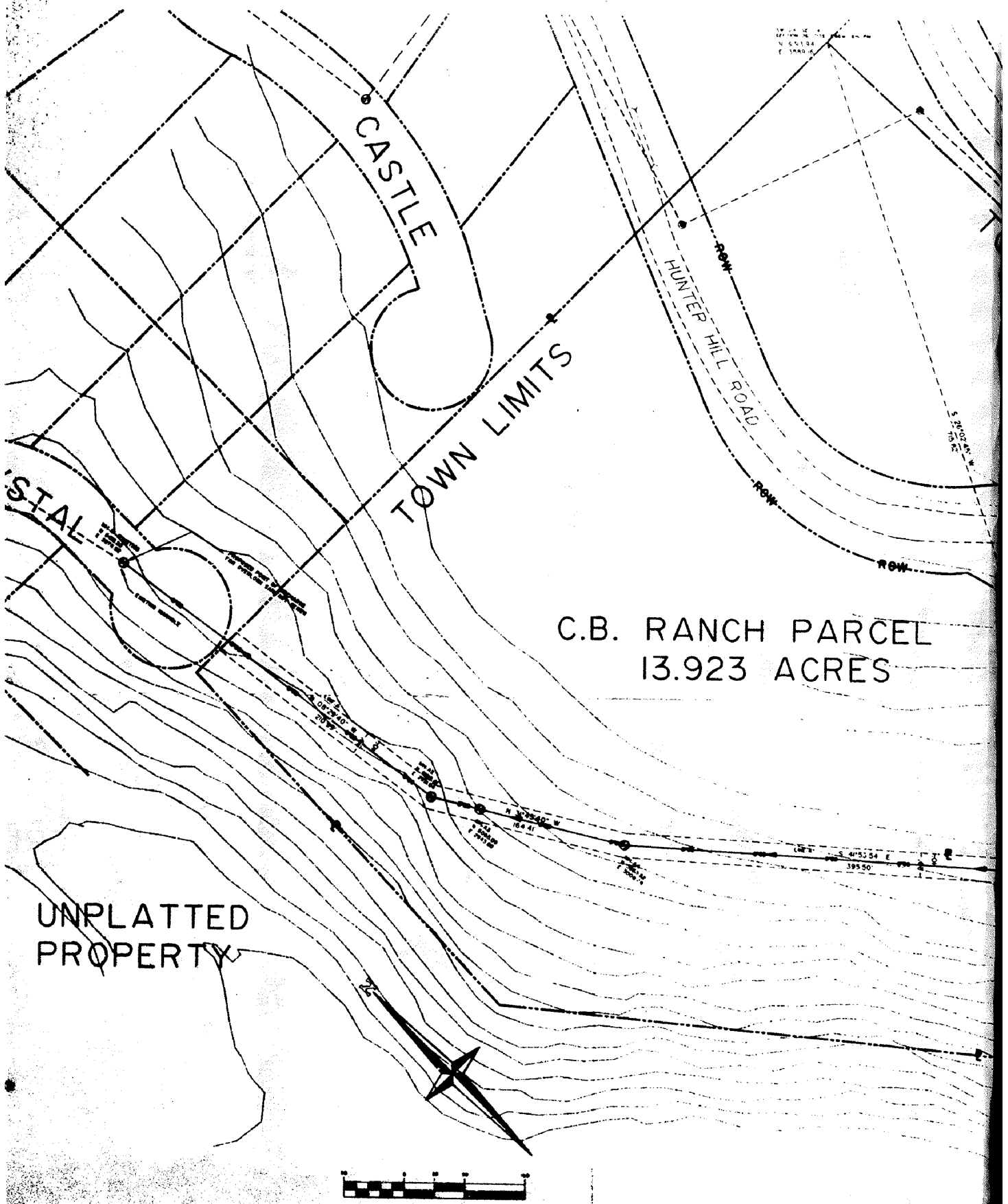
2. Grantee shall not disturb, destroy or remove any improvements that the Grantor may now or in the future have on the Servient Estate without Grantor's approval.

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.

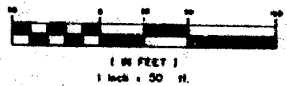






C.B. RANCH PARCEL  
13.923 ACRES

UNPLATTED  
PROPERTY



WASH



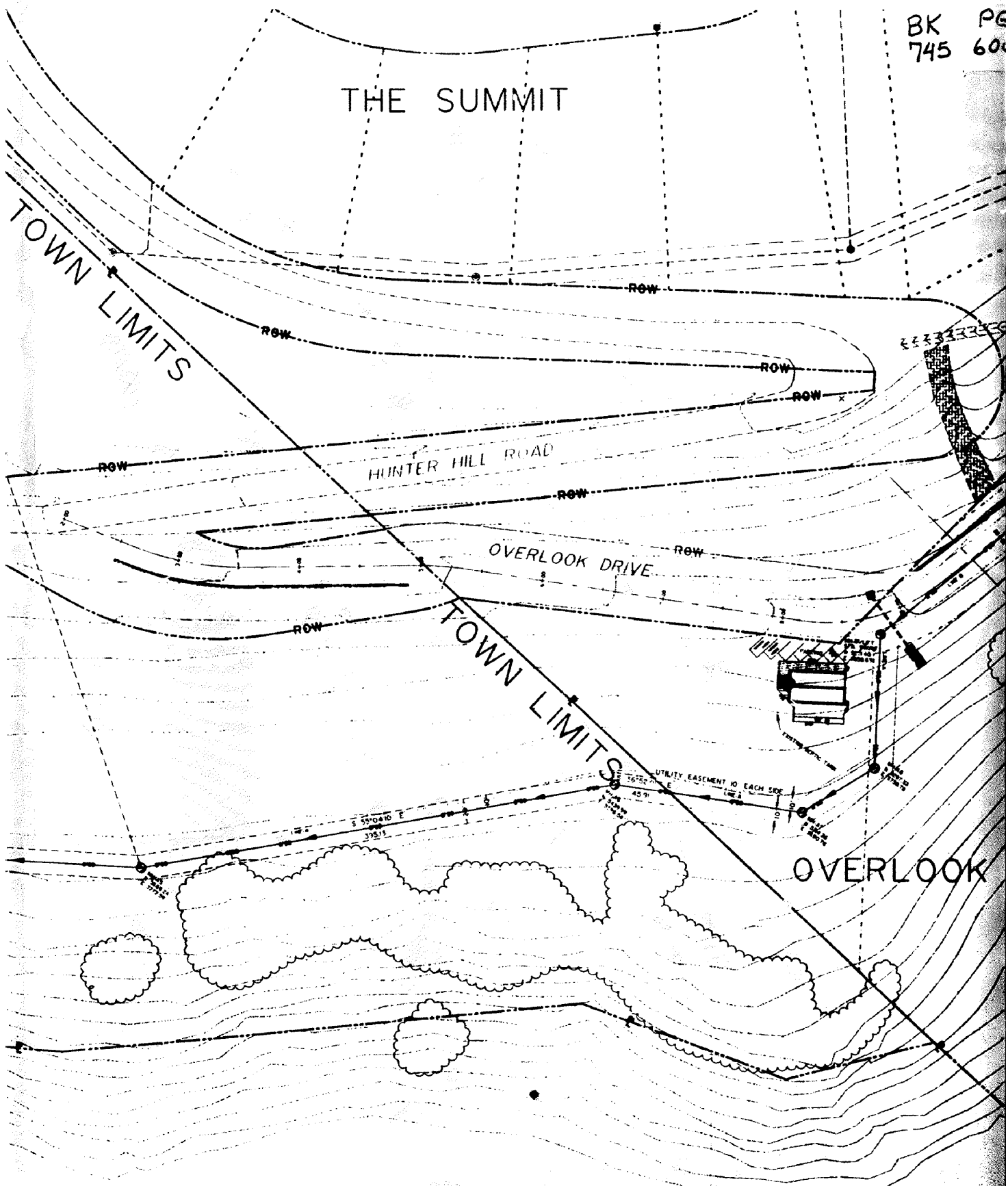
American Consulting  
Engineers Council  
Member

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

REVISION	DATE	DESCRIPTION

THE SUMMIT

TOWN LIMITS



HINGTON GULCH

GRANT OF UTILITIES EASEMENT

EXHIBIT A

*JAD*

BY	C/D	THE OVERLOOK	MY. CRESTED BUTTE	SCALE	SUB. NO.	DATE
				1" = 30'	000-000	
BLANTON GRAVITY SEWER ROUTE			183 of 226			

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;  
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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](mailto:bobcat2me@aol.com)) & Robert Bolton ([stevebolton@me.com](mailto: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

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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:

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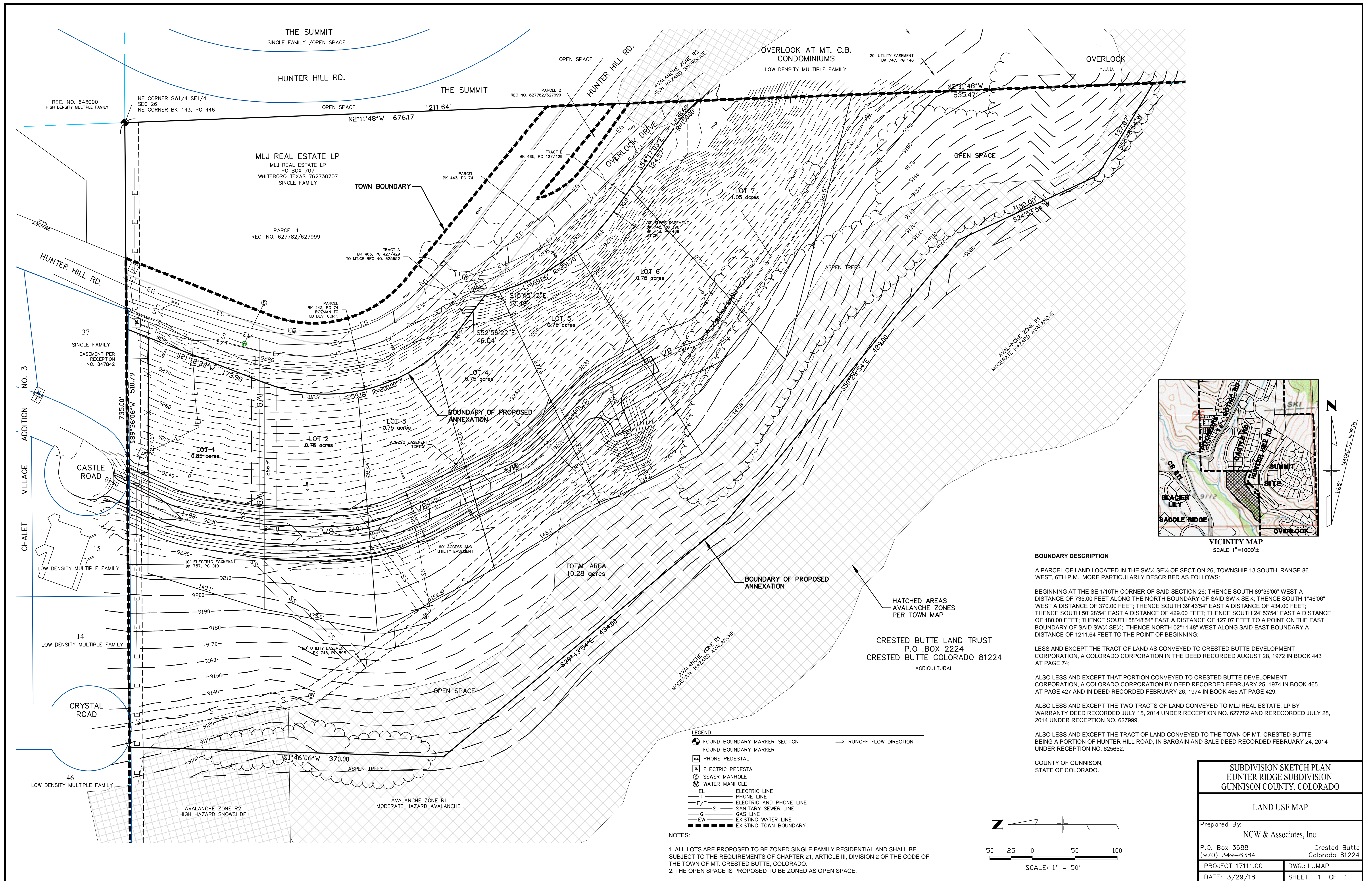
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ALSO LESS AND EXCEPT THAT PORTION CONVEYED TO CRESTED BUTTE DEVELOPMENT CORPORATION, A COLORADO CORPORATION BY DEED RECORDED FEBRUARY 25, 1974 IN BOOK 465 AT PAGE 427 AND IN DEED RECORDED FEBRUARY 26, 1974 IN BOOK 465 AT PAGE 429.

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.

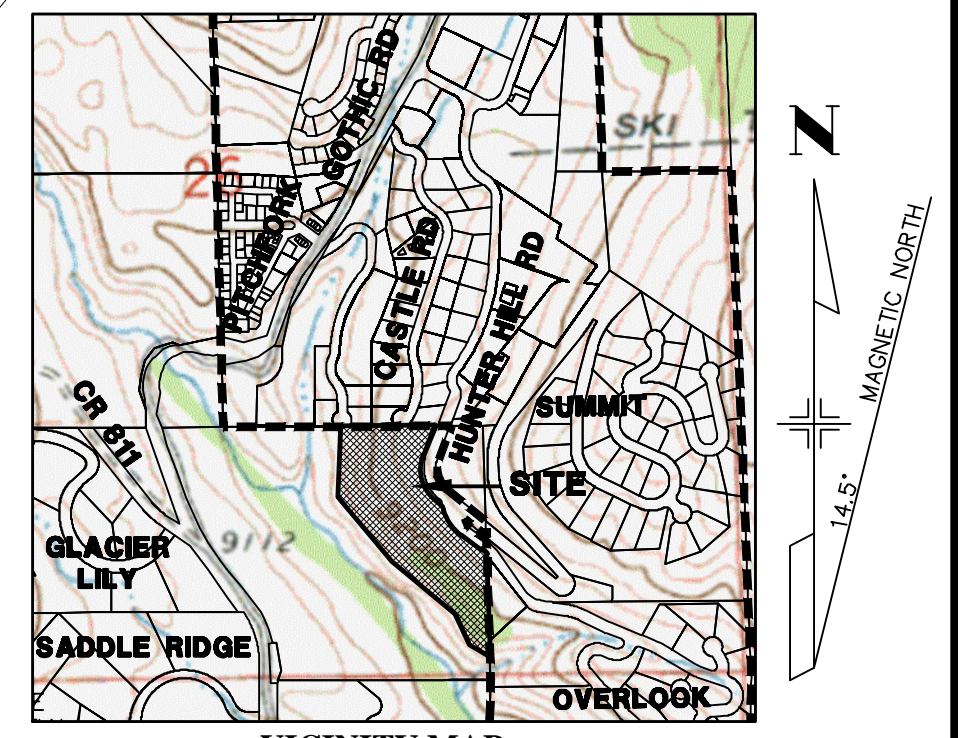
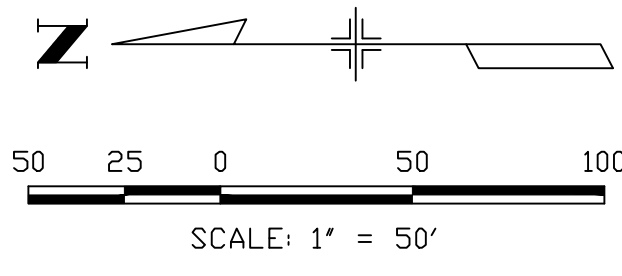
COUNTY OF GUNNISON,  
STATE OF COLORADO.

**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

**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.

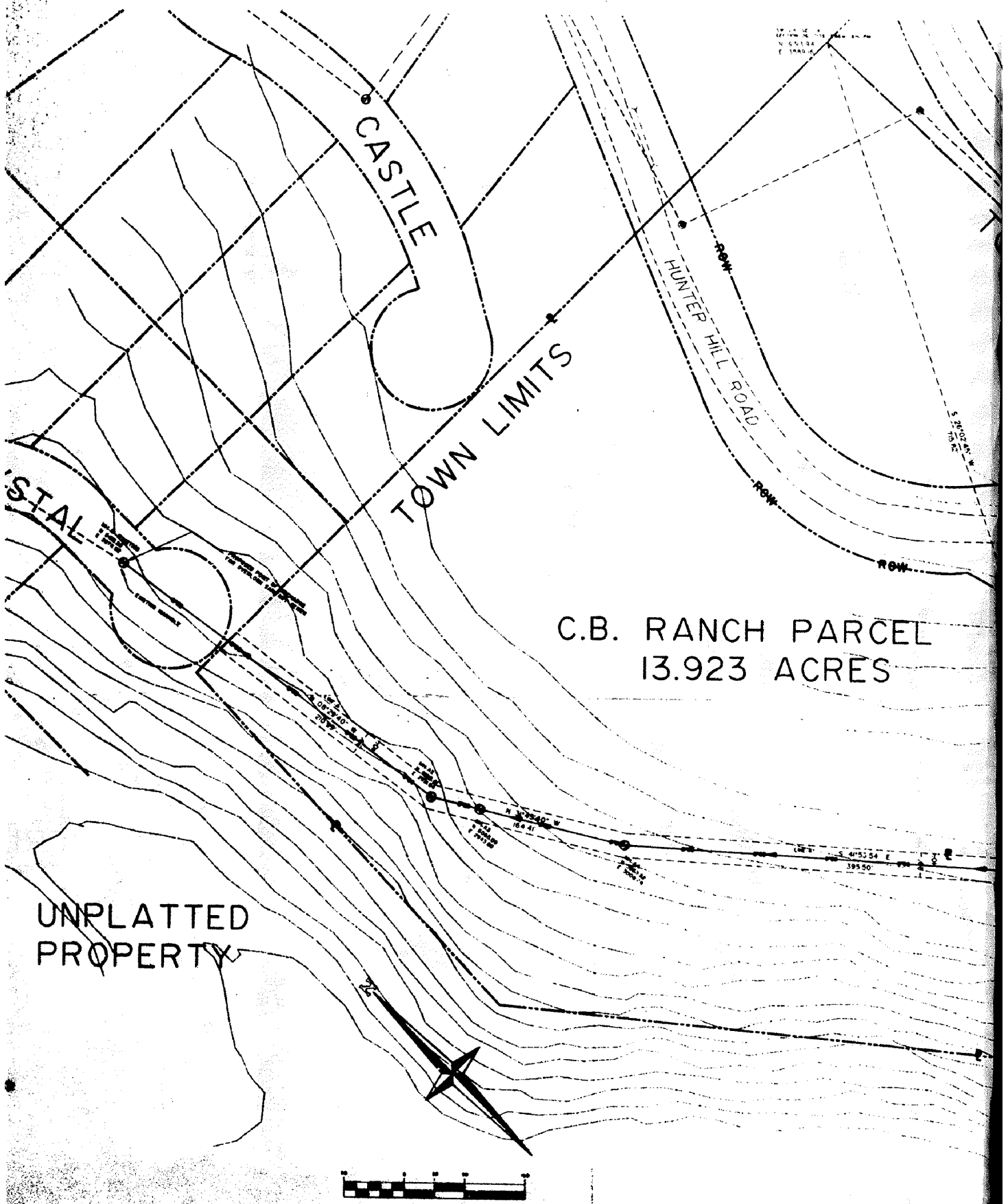
2. Grantee shall not disturb, destroy or remove any improvements that the Grantor may now or in the future have on the Servient Estate without Grantor's approval.

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.

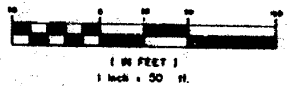






C.B. RANCH PARCEL  
13.923 ACRES

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





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.

---

**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 CRITERIA<sup>1</sup>

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.

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<sup>1</sup> 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



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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:

*Mike Fowler*

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

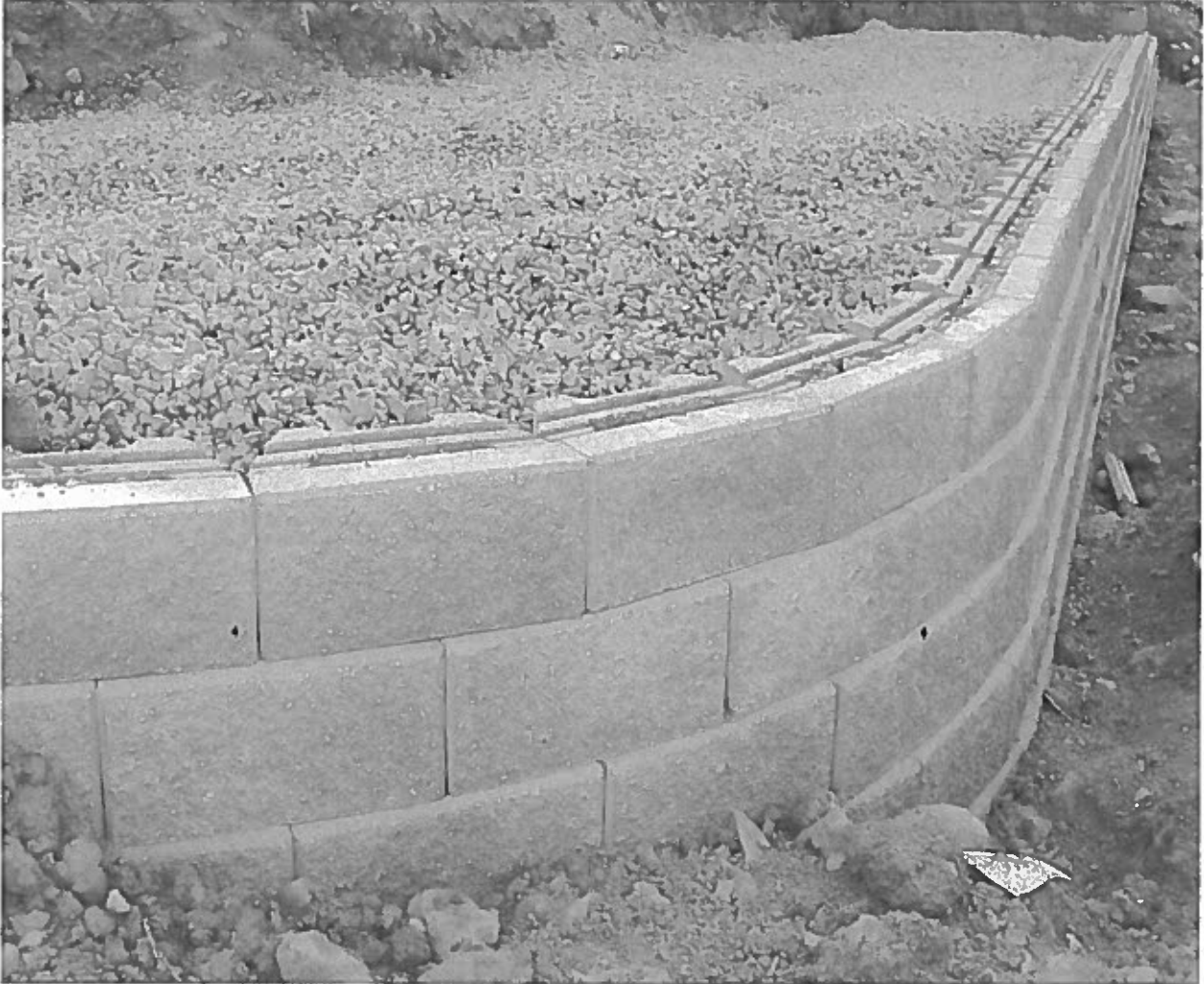
Photo #1

Soldier Pile Retaining Wall



Photo #2

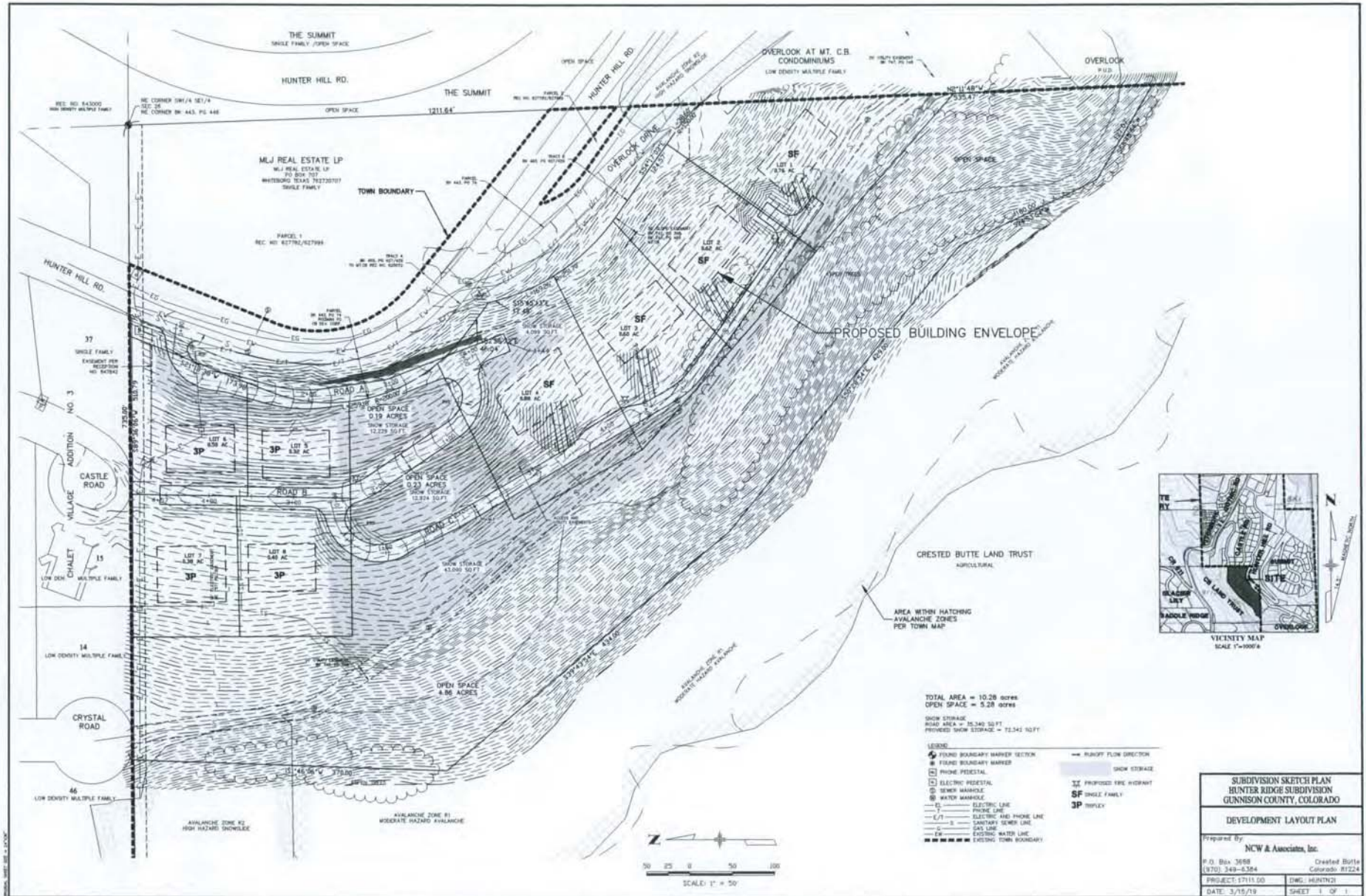
MSE Retaining Wall



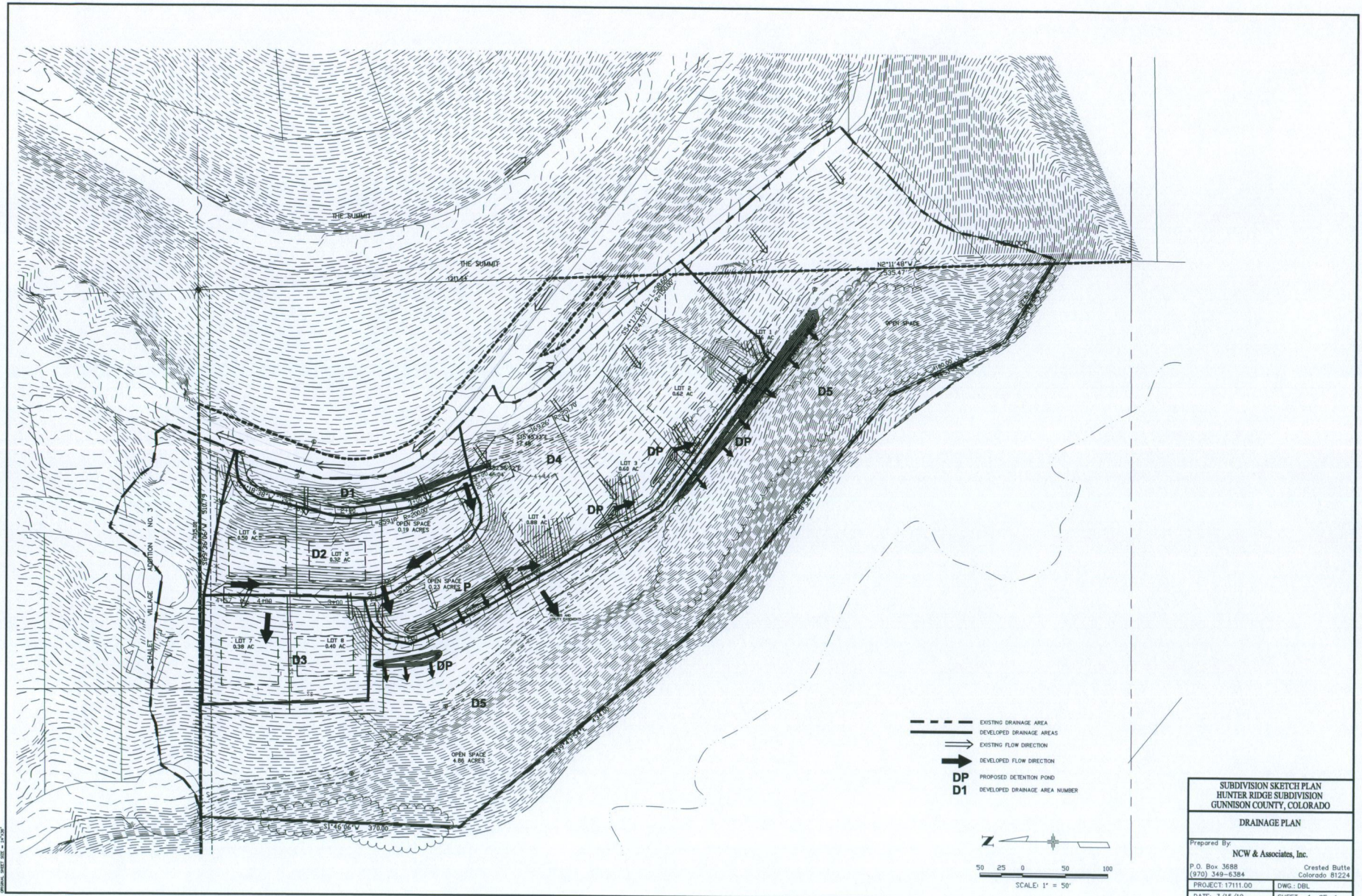




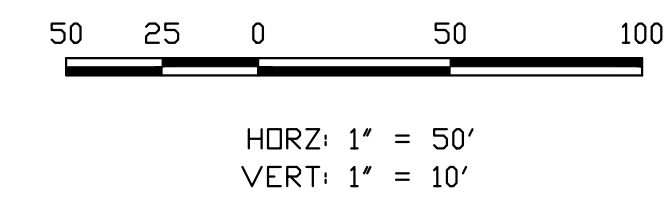
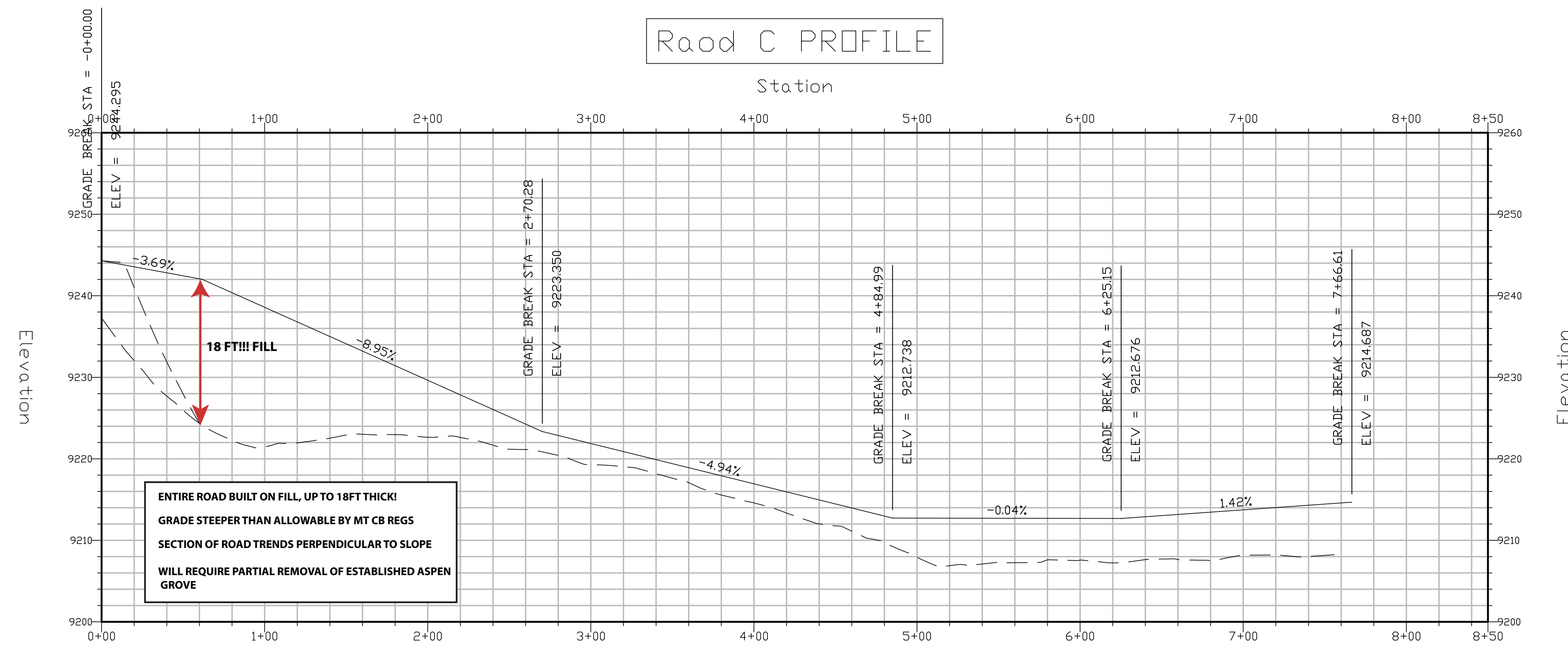
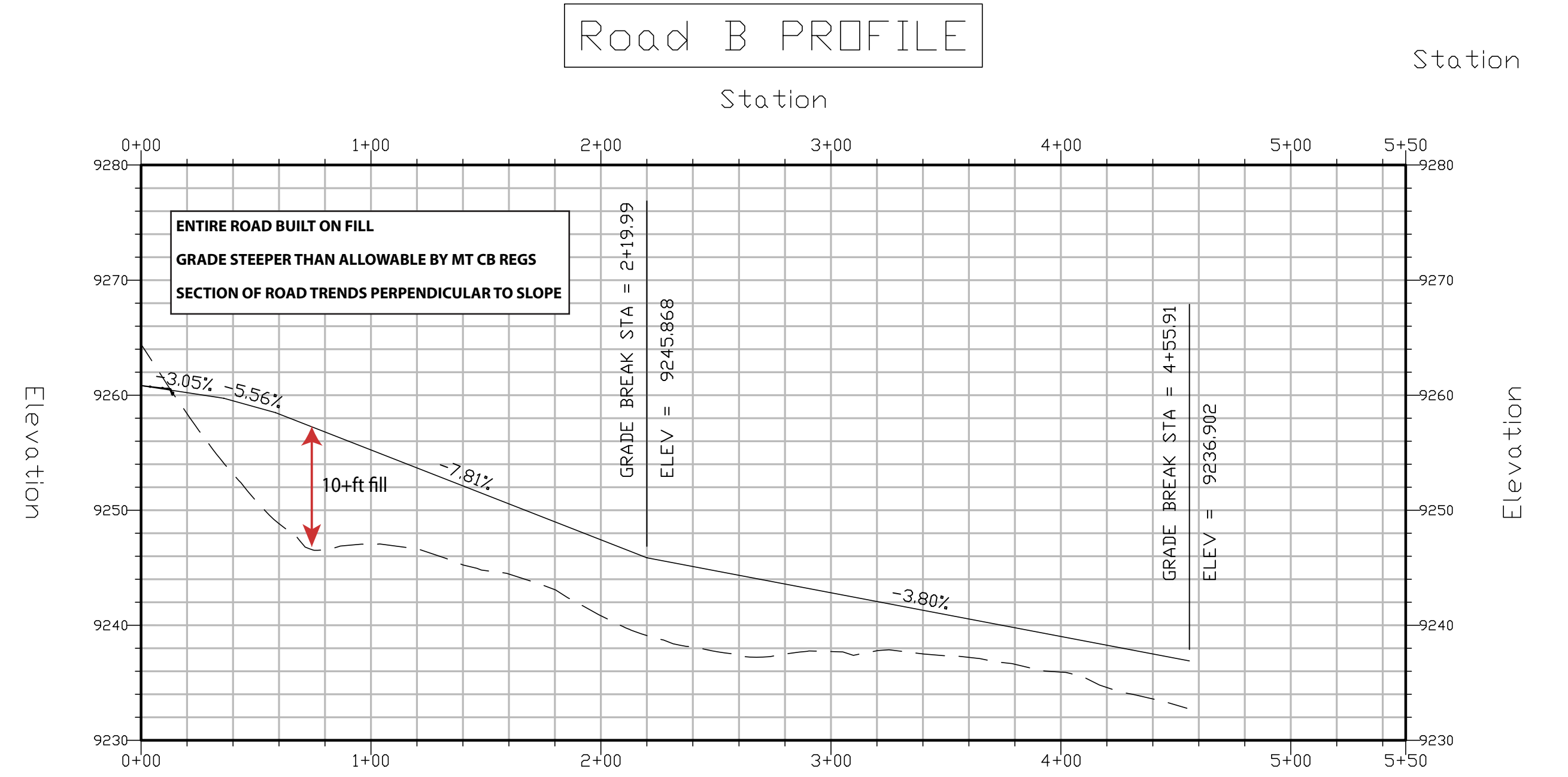
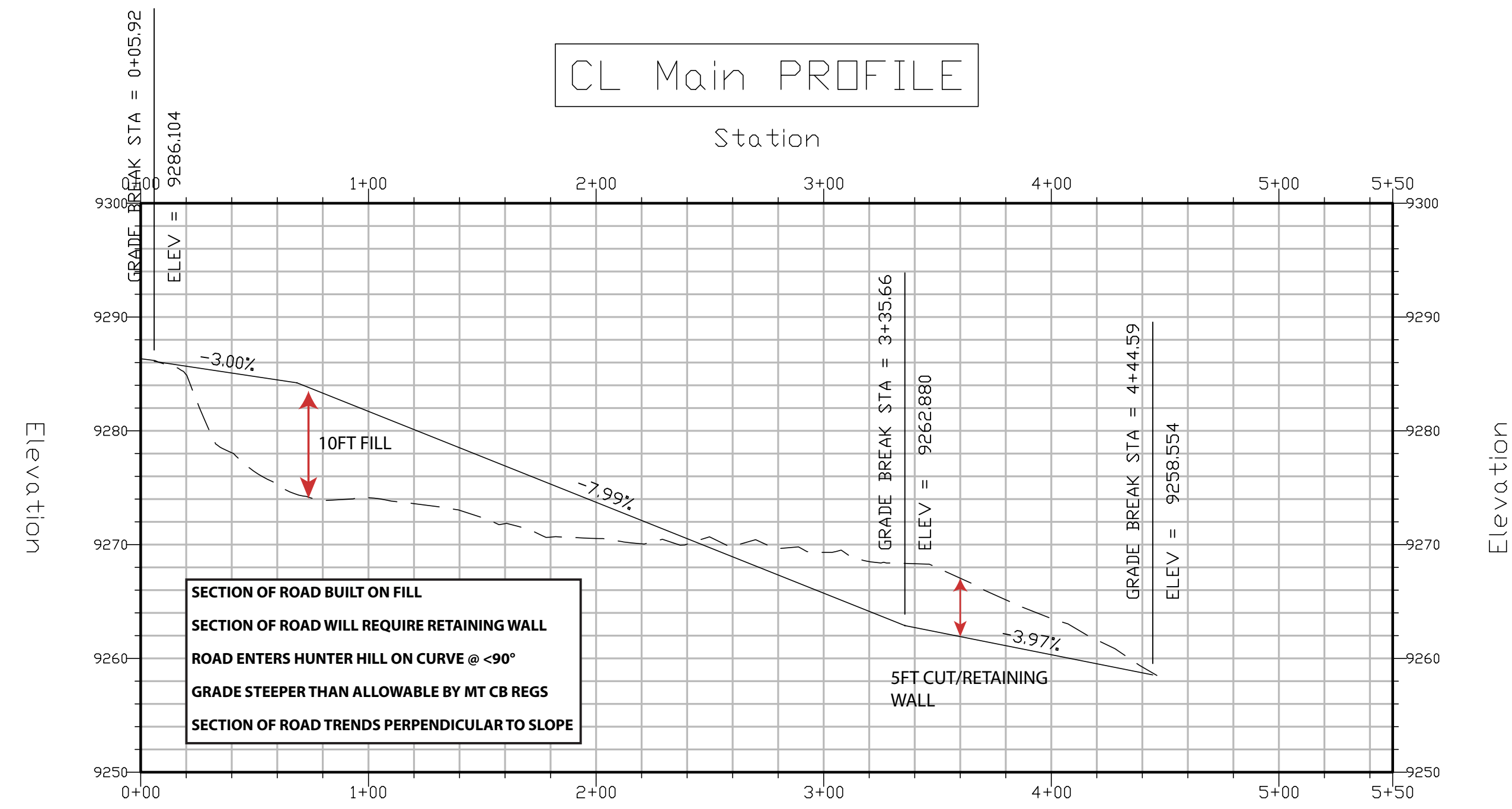
ATTACHMENT D, SNOW STORAGE



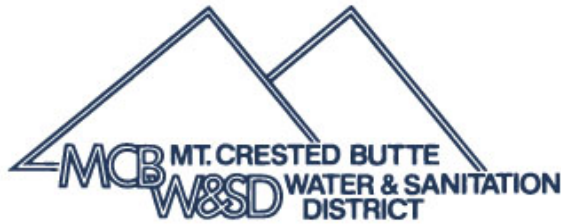
ATTACHMENT E, DRAINAGE PLAN



SURDIVISION 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



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## MEMORANDUM

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**To:** Mt. Crested Butte Water & Sanitation District Board of Directors  
**From:** Mike Fabbre, District Manager  
**Date:** December 10, 2020  
**Subject:** Hunter Ridge, LLC, Inclusion Application

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This memorandum will serve as the staff recommendation to the Mt. Crested Butte Water & Sanitation District (District) Board of Directors (Board) on the inclusion petition submitted by Hunter Ridge, LLC, for the property commonly referred to as 45 Hunter Hill Road (Property). The District will be conducting a public hearing and special Board meeting on December 16, 2020 at 5pm to discuss the petition and potentially grant, grant with conditions, or deny the proposed petition for inclusion into the District.

The District currently owns, operates, and maintains approximately 1,210 linear feet of 8" PVC, SDR 35 pipe and six manholes that exist on the Property. All District infrastructure on the Property has an easement of ten feet on each side from center line of pipe.

### **Wastewater**

The property inclusion would provide the District with the opportunity to alleviate serious and costly hazards that result from the current placement of the sewer lines across the Property.

As background information, the District conducts maintenance on all sanitary sewer system piping by high pressure jetting and camera inspections once every four years and every year on high use sections. This results in every wastewater pipe in the District being jetted and inspected at a minimum of once every four years. When the section of pipe on the Property was installed the District did not own its current jet truck that has an industry standard 400' hose reel for a truck sized appropriately for our topography. The design of the jetting process is to be able to park the jet truck at a single manhole and be able to jet up to 400' of sewer pipe. The truck then drives to the next manhole to continue the process. Access to this critical infrastructure for routine maintenance is another reason why manholes are ideally placed in roadways with the additional benefit of snow removal during winter months.

This Property presents many different logistical problems for maintaining this section of pipe. Currently, the District has an easement but does not have vehicular access to the manholes because of the topography of the Property. Building a road on the current easement would be very costly, difficult and would not solve all of the problems. Two of the manholes exist near a delineated avalanche zone and contain sharp interior bends.

An operator would need to enter the manhole to feed the jet hose and/or camera from one pipe into the other in order to conduct the maintenance on that section of pipe and not damage expensive equipment.

Health and safety of the District operators is of utmost concern when having to enter these potentially dangerous environments. Proper confined space entry dictates atmospheric monitoring and tripod/harness entry in case of asphyxiation among many other precautions. Vehicular access facilitates proper confined space protocols and decreases potential health and safety concerns.

However, even if the District built a road on the existing easement, we do not believe we could remove the two manholes from those precarious locations based on the slope and grade. Re-routing and re-alignment of the sewer line would give the District safe year-round access for maintenance, jetting, inspections, and emergency repairs. Right now, we do not have a safe and reasonable way to get our trucks and equipment to most of the manholes on the Property. An emergency event during the winter months would be extremely difficult to repair and could result in a multitude of dangerous consequences.

The District had JVA Engineers conduct a sanitary sewer capacity analysis evaluating the full build-out of the Overlook subdivision area and all potential future growth that would flow through the pipe on the Property. The report concluded that the pipe capacity could support full build-out of the existing community in that area as well as support full build-out of the Property as proposed in the inclusion petition.

## **Water**

The District has sufficient water rights to supply the inclusion of the Property. JVA Engineering conducted a project needs assessment report for the District in 2019 and concluded that the District has adequate absolute water rights for at least the next 20 years and beyond. Resource Engineering has conducted studies for the District that have determined that acquiring the 300-acre feet in Long Lake as part of the Upper Gunnison River Water Conservancy District (UGRWCD) agreement would more than satisfy the entire District at full build out. The District also owns 700-acre feet of conditional water rights for the North Village Reservoir. The District has discretion to accept a monetary payment in lieu of water rights as a condition of inclusion.

## **Geotechnical**

There may be unique geotechnical issues existing on this Property but the District deals with unique geotechnical issues throughout its boundaries. Two studies have been conducted on the Property.

The District's potential infrastructure for the Property would consist of water and wastewater mainline piping, sewer manholes, water valves and fire hydrants. The District's rules and regulations require proper bedding material and other preventive measures to offset any geotechnical issues or subsurface conditions. Pipe placed in a trench with proper bedding material and burial depth in macros shale soils is common practice for the District. District infrastructure necessary to serve the Property would of

course be installed at the sole cost of the Developer, with adequate security provided to the District in advance.

**Financial**

The District would potentially receive a \$49,000 (per UGRWCD) one-time payment in lieu of water rights that could be used to help pay for the Long Lake project or any other future water rights acquisition. The District would also receive tap fees, usage fees, and availability of service fees, and increased property tax revenue as a result of the development of the Property. The numbers listed in the table below are based on the 2021 budget and will increase over time as the Property is being developed over multiple years.

<b>Financial Impact of 45 Hunter Hill Road Inclusion</b>					
<b>One Time Cash Inflows</b>		<b><u>Initial</u></b>	<b><u>@ Full Build-Out</u></b>		
Cash in Lieu of Water Rights	\$	49,000		UGRWCD	
Tap Fees			\$ 408,020	20 SFE Units	1,2
	\$	<u>49,000</u>	\$ <u>408,020</u>		
<b>Ongoing Cash Inflows (annual)</b>		<b><u>Initial</u></b>	<b><u>@ Full Build Out</u></b>		
Use Fees			\$ 19,734	16 mtrs/12 mos	3,4
Availability of Service Fees	\$	3,655		8 lots for 4 qtrs	5
Property Tax	\$	<u>2,500</u>	\$ <u>15,000</u>	estimated	
	\$	<u>6,155</u>	\$ <u>34,734</u>		

1 12 Triplex units @ 1 each, 4 Homes @ 2 each = 20 SFE Units  
2 2021 MCBWSD Approved Budget SFE Tap Fee Rate is \$20,401  
3 12 triplex units + 4 homes = 16 meters  
4 \$102.78 is the 2021 min. monthly User Fee  
5 \$114.23 is the 2021 quarterly Availability of Service Rate

The nature of the existing sewer line is such that if the District does not include the Property and re-align the existing pipe, there will be significant future capital costs to build vehicular access to the manholes and re-engineer the existing public infrastructure within the existing easement (see Wastewater section above). If the Property is included into the District, the developer will be responsible for granting new easements, re-aligning the pipeline and paying for all the new infrastructure.

**Recommendation**

The staff recommendation is based off a pragmatic look at the infrastructure and operations required for the District to fulfill its mission, as well as the advantages vs. disadvantages to the District as a whole. The mission of the Mt. Crested Butte Water & Sanitation District is to provide reliable and quality water along with environmentally responsible wastewater services to our community in a cost-effective manner, with a commitment to public health and safety for our customers and staff.

This recommendation does not consider any other political implications or outside decisions that are not appropriate for the staff to consider in making a recommendation.

The District is tasked with providing safe drinking water and wastewater services at a reasonable cost to its customers. It is beyond staff objectives to judge aspects of property inclusion that fall outside our areas of responsibility. The recommendation is based on the benefits to the entire District and all its constituents in view of the foregoing considerations. The staff recommendation is as follows:

- Approve the Hunter Ridge, LLC, inclusion application with a condition that all of the JVA Engineering requirements be met and all District rules and regulations are met. This includes but is not limited to easements, warranty bonds, maintenance bonds, survey work, as-built drawings, etc., as well as a cash in lieu of water rights payment in the amount of \$49,000.00, to be paid in advance. All costs of the public infrastructure built to serve the Property would be the sole expense of the developer.
- The Board require any and all additional conditions on inclusion as they see fit.
- Require a surety bond or other form of security acceptable to the District in an amount adequate to secure the public infrastructure necessary to serve the Property. This includes but is not limited to all water and wastewater mainlines, service lines, pre-taps, curb stops, and all associated appurtenances.

Recommendation of inclusion provides many benefits to the District with minimal disadvantages. These include health and safety to our employees, advantageous operations and maintenance, positive financial impacts, and lessening of future capital projects and costs.

Respectfully submitted to the District Board as well to all concerned citizens in our community.