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MT. CRESTED BUTTE

# *Prospect at Mt. Crested Butte*

## *PVD III Guide*

*November, 2001*

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PROSPECT AT MT CRESTED BUTTE  
PUD III Guide  
January 15, 2002

I. PURPOSE

This document outlines the zoning associated with Prospect at Mt. Crested Butte Planned Unit Development Plan authorized by the Mt. Crested Butte Town Council on April 13, 2001 by Ordinance No. 3, Series 2001 pursuant to the Mt. Crested Butte Zoning Code (this "PUD III Guide").

CBMR Real Estate, LLC, a Colorado Limited Liability Company ("CBMKRE") hereby makes, declares and establishes the following limitations, restrictions, and uses upon all real property contained within the described land as the Prospect at Mt. Crested Butte Planned Unit Development Plan, running with the land and binding upon all future Owners of any part of the land, so long as these restrictions and this PUD III Guide shall remain in effect.

II. GENERAL PURPOSES

This PUD III Guide is made for the purpose of creating development controls that supersede the provisions of the Zoning Chapter of the Code of Mt. Crested Butte. This PUD III Guide is intended to further the purposes of the Zoning Chapter of the Code of Mt. Crested Butte, specifically the Prospect at Mt. Crested Butte Planned Unit Development Plan, and to create and keep Prospect at Mt. Crested Butte insofar as possible, desirable, beneficial and suitable; and to guard against fires and unnecessary interference with the natural beauty of the subdivision, all for the mutual benefit and protection of the Owners of the parcels in Prospect at Mt. Crested Butte.

III. DEFINITIONS

As used herein, the following words and terms shall have the following meanings:

1. Accessory Structure. Shall mean a detached subordinate building, necessary for an Accessory Use.
2. Accessory Use. Shall mean a use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises. Accessory uses for Prospect at Mt. Crested Butte include: Green houses, storage facilities, garages, playhouses, dog runs, patios, equestrian facilities, Home occupations and studios, subject to issuance of a home occupation permit in accordance with Town Code Chapter 21, recreational facilities customarily

incidental to permitted dwellings. However, outdoor swimming pools are specifically prohibited, except as provided for in Development Area C, under Section X, 7.

3. Association. Shall mean Prospect Property Owners Association formed and incorporated to further the common interests of all Owners of any real property subject to the provisions, covenants, conditions, and restrictions contained in this PUD III Guide.
4. Best Management Practices ("BMP's"). Shall mean erosion control and storm water management features, devices, and practices prescribed by an Erosion Control and Storm Water Management Plan. This Plan addresses erosion control and on-site drainage during and following construction and landscaping on all parcels within Prospect at Mt. Crested Butte and is further described in Section XII of this PUD III Guide.
5. Building Coverage. Shall mean the total area of a lot covered by a building or buildings, measured at the ground surface. Building coverage is measured from the outside of all exterior walls at ground level and shall include stairways, fireplaces, covered parking and walkway areas, porte-cocheres, and all cantilevered building areas. In effect, it is the area that is covered by building(s) but does not include roof overhangs, unenclosed walkways, usable areas under above-grade decks, uncovered decks, porches, patios, terraces and stairways less than 30 inches high.
6. Building Envelope. Shall mean the area designated on the Final Plat recorded in the records of Gunnison County Colorado, within which all improvements shall take place. Utility connections and driveways will be contained within an Improvement Corridor that lies between the Building Envelope frontage and street frontage. These improvements cannot intrude upon Building Envelope side setbacks unless they are approved by the Mt. Crested Butte Planning Commission as a Minor Alteration (see PUD III Guide Section IV).
7. Building Height. Shall mean the vertical distance between the Average Grade of a structure and the highest point of the structure, or to the coping of a flat roof, or to the highest ridge of a sloping roof.
8. Building and Parking Setback. Shall mean the distance from a lot line measured horizontally to a line or location within each parcel, which establishes the permitted location of uses, structures, buildings or parking areas. The Building and Parking Setbacks shall define the Building Envelope as illustrated on the Final Plat.

9. Commercial Space. Shall mean any area, which may be used, rented or leased for the purpose of generating retail business or consumer services with the intent of producing a financial profit.

A. Except as specifically provided below, Commercial Space includes, but is not limited to:

- (1) Business and professional offices
- (2) Retail specialty and gift shops
- (3) Restaurants
- (4) Banks
- (5) Barber and beauty shops
- (6) Laundromat/dry cleaning facilities
- (7) Taverns
- (8) Clothing stores
- (9) Food and beverage stores
- (10) Real estate sales offices
- (11) Resort services including any areas for operations for ski area operations.
- (12) Daycare, ski school, and locker rooms
- (13) Ski rental and sales stores
- (14) Skier cafeterias
- (15) Conference/meeting rooms
- (16) Banquet rooms
- (17) Athletic clubs/leisure spas
- (18) Accessory use facilities for commercial services such as shipping/receiving areas, storage areas, etc.
- (19) Performance theaters
- (20) Nordic Center
- (21) Educational Classrooms
- (22) Indoor tennis facilities

B. The following uses will not be considered Commercial Space:

- (1) All residential and lodging facilities (except for areas used specifically as enumerated under subparagraph A above), including, but not limited to:
  - (a) Employee housing
  - (b) Condominiums
  - (c) Lodges
  - (d) Single family, duplex, or triplex residences
  - (e) Efficiency Units within or attached to a Dwelling, Single-Family

- (1) Space within a lodge, bed and breakfast, etc, which are not a part of the accommodation space such as hallways, elevator shafts, and stairwells
  - (2) Cultural and civic facilities up to 6000 square feet GCPA including, but not limited to:
    - (a) Churches
    - (b) Museums
  - (3) Unenclosed Recreational facilities or athletic facilities including, but not limited to:
    - (a) Swimming pools
    - (b) Unenclosed sports courts
    - (c) Accessory Structures for equestrian facilities and horse operations
10. Declarant. Shall mean CBMR Real Estate, LLC, a Colorado Limited Liability Company ("CBMRRE") and its successors.
11. Declaration. Shall mean the Declaration of Protective Covenants, Conditions, Restrictions and Easements for Prospect at Mt. Crested Butte as adopted and from time to time amended, also referred to as "CC&Rs".
12. Design Guidelines. Shall mean the guidelines for the development of privately owned lots and parcels within Prospect at Mt. Crested Butte adopted by the Design Review Board and approved by the Town of Mt. Crested Butte.
13. Design Review Board (DRB). Shall mean a board of five persons responsible for administering the Design Guidelines. The Design Review Board shall be selected pursuant to the CC&Rs.
14. Development Areas. Shall mean a lot(s) or parcel(s) to which this PUD III Guide's provisions may apply. The names of the Development Areas and lots and parcels that comprise them are contained in Section X Development Area Requirements of this PUD III Guide.
15. Development Area Plan. Shall mean the plan referenced in Section 27-307(7) ("Final development plan") of the Code of the Town of Mt. Crested Butte, Colorado, in its entirety.

16. Dwelling Unit. Please see Residential Unit.
17. First Floor Level. Shall mean the lowest level of that portion of a building included between the upper surface of the floor and the upper surface of the floor next above, provided such floor level is not more than four (4) feet below grade for more than fifty percent (50%) of the perimeter of the building or not more than eight (8) feet below grade at any point.
18. Floor Area, Commercial and Retail (CRFA). Shall mean the total floor area in square feet, measured to the outside surface of the building's enclosing exterior walls, of wholesale and retail stores, offices, drinking and dining establishments, assembly rooms and any other areas intended for use by the general public including habitable attic space, closets, service areas, hallways, interior walls, interior corridors and stairwells, etc., but excluding uncovered exterior courts, exterior balconies, and uninhabitable spaces below the first floor level.
19. Floor Area, Gross Residential (GRFA). Shall mean the total floor area in square feet, measured to the outside surface of the building's enclosing exterior walls, of Residential Units and any other areas intended for use by the general public including garages, habitable attic space, closets, service areas, hallways, interior walls, interior corridors and stairwells, etc., but excluding uncovered exterior courts, exterior balconies, and uninhabitable spaces below the first floor level.
20. Grade or Average Grade. Shall mean the average of the finished ground level at the midpoint of each of the four (4) principal elevations. When the ground level at the midpoint of an elevation is questionable the Design Review Board shall determine ground level.
21. Home site. Shall mean the area within or equivalent to the Building Envelope that further restricts the building location.
22. Impervious Coverage. Shall mean the portion of a lot covered by materials forming any unbroken surface impervious to water, including: buildings, cantilevered portions of the dwelling, bridges, streets, driveways, parking lots, patios, sidewalks and other impervious materials. Impervious coverage does not include decks, awnings, or rock landscaping.
23. Improvement Corridor. Shall mean the area that lies between the Building Envelope frontage and street frontage. Utility connections and driveways may be allowed within the Improvement Corridor and cannot infringe upon Building Envelope side setbacks unless approved by the Mt. Crested Butte Planning Commission as a Minor Alteration (see: PUD II; Guide Section IV).

24. Lodge. Shall mean a building or group of associated buildings which holds itself out to the public for the renting of accommodations to an individual or group of individuals either in Residential Units for private profit or benefit, either directly or indirectly, on any premises within this town, for periods of less than thirty (30) days per rental period. Included within this definition are hotels, boarding houses, condominiums and houses designed for short-term rental.
25. Lot or Residential Lot. Shall mean a parcel or lot as shown on a Final Plat of Prospect at Mt. Crested Butte.
26. Maximum Extent Feasible. Shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account, but shall not be the overriding factor in determining maximum extent feasible.
27. Maximum Residence Size. Shall mean the maximum GRFA permitted on parcels in a Development Area.
28. Minimum Residence Size. Shall mean the minimum GRFA required on parcels in a Development Area.
29. Owner. Shall mean any individual, corporation, partnership, association, trust or other legal entity or combination of legal entities, which is the record owner of an undivided fee simple interest in one or more of the lots or parcels within Prospect at Mt. Crested Butte.
30. Parking Spaces. Shall mean parking spaces designed for the parking of automobiles that use the following size requirements: Each enclosed parking space shall be not less than eight and one-half (8½) feet by eighteen (18) feet. Each unenclosed parking space shall be not less than nine (9) feet by twenty (20) feet.
31. Prospect at Mt. Crested Butte. Shall mean the area of land described by this PUD III Guide and the Prospect at Mt. Crested Butte Planned Unit Development Plan, formerly the East Trade Parcel. Prospect at Mt. Crested Butte is described in attached Exhibit A.
32. Reserve Metropolitan Districts. Reserve Metropolitan Districts Nos. 1 and 2 (the "District(s)") were created as a "Special District" pursuant to the Title 32, Colorado Revised Statutes, as evidenced by Court Orders in Case 00ICV93 and in Case #00CV94 in the District Court of Gunnison County, Colorado, dated August 21, 2001, to be responsible for certain infrastructure construction, road maintenance and other powers spelled out in the Service Plan approved by the Town of Mt. Crested Butte in Resolution #7, Series 2000. The District shall encompass Prospect



at Mt. Crested Butte and certain additional parcels of land within the Town of Mt. Crested Butte.

33. Residential Unit. (Synonymous with Dwelling Unit) Shall mean one or more rooms occupied by one (1) family or group of people living independently from any other family or group of people.

The following terms shall expand and clarify the definition of Residential Unit:

- A. Accommodation Unit. Shall mean any room or group of rooms with or without full kitchen facilities, not intended or designed for permanent occupancy as a housekeeping unit, designed for or adapted to occupancy by guests, available for short-term rental by an individual or group of individuals, and accessible from common corridors, walks or balconies, without passing through another accommodation unit or dwelling unit and which is intended to be rented on a short-term basis, such as a hotel room or boarding room. Each Accommodation unit will count towards the unit total of Prospect at Mt Crested Butte.
- B. Condominium Unit. Shall mean a single (1) Residential Unit consisting of separate fee simple estates to an individual air space unit together with an undivided interest in the common elements in such building, which separate estates are defined as "Condominium Units". If Condominium Units are for a residential purpose, each Condominium Unit shall consist of (1) one Residential Unit and shall be designed for and used as a dwelling exclusively by one (1) family. Within a Condominium Unit, any bedrooms that connect by doorways directly to the living room, dining room, kitchen or entry foyer are considered part of a Residential Unit. A maximum of one (1) room may "lock-off" from the remainder of the Residential Unit with direct access to a corridor or outside entry (see definition of Lock Off Room below in III.33.G).
- C. Duplex Structure, Two-Family. Shall mean a detached building containing two (2) Residential Units, designed for or used as a dwelling exclusively by two (2) families, each living as an independent residential unit.
- D. Dwelling, Chalet. Shall mean a single (1) Residential Unit designed to be a free-standing building constructed in areas so designated in this PUD III Guide with a unified architectural theme. If Chalet sites are re-subdivided or condominiumized, each of the Residential Units can be owned separately as fee simple estates and ownership can be conveyed or transferred independently. Up to three Dwelling, Chalets may be combined with common walls.

- E. Dwelling, Single-Family. Shall mean a single (1) Residential Unit in a detached building designed for or used as a dwelling exclusively by one (1) family as an independent housekeeping unit. Each Dwelling, Single-Family may include one (1) Efficiency Dwelling Unit, attached to the Dwelling, Single-Family and may be located above or below an attached garage.
  - F. Efficiency Dwelling Unit. Shall mean one (1) room consisting of living, sleeping and kitchen facilities without intervening walls with doors, which is designed for occupancy by one (1) or two (2) persons; both facilities are to be separate from the primary room. Efficiency dwelling units shall be a minimum of three hundred twenty (320) square feet of living and bathroom space and a maximum of eight hundred (800) square feet of GRFA. The parking requirements for dwelling units in section 21-273 of the Town Code shall apply to efficiency units. An efficiency unit will count towards the unit total for Prospect at Mt Crested Butte.
  - G. Lock-Off Room. Shall mean any room without full kitchen facilities, but may have a wet-bar, refrigerator, and microwave and/or counter top oven, not intended or designed for permanent occupancy as a housekeeping unit, designed for or adapted to occupancy by guests, available for short-term rental by an individual or group of individuals, and accessible from a common corridor or outside entry without passing through a Residential Unit and which may be, or is intended to be, rented on a short-term basis. Each Lock-Off Room will count towards the unit total of Prospect at Mt Crested Butte.
  - H. Triplex Structure, Three-Family. Shall mean a detached building containing three (3) Residential Units, designed for or used as a dwelling exclusively by three (3) families, each living as an independent housekeeping unit.
34. Subdivision. Shall mean a parcel of land within Prospect at Mt. Crested Butte, shown on a final filed subdivision plat.

**IV. ALTERATIONS**

All alterations to the approved PUD shall be processed in conformance with section 21-510 of the Town Code and as it may be amended, or as contemplated within the stated provision of this PUD III Guide.

Minor Alteration. Shall be as outlined in section 21-510 of the Town Code and shall mean minor changes in locations, siting alignments, bulk of structures, placement or types of plant material, changes in grades, height or character of structures, or other similar alterations and may be authorized by the Planning Department of the Town of Mt. Crested Butte (with the prior

approval of the Design Review Board) if required by circumstances not foreseen at the time the Final Development Plan was approved.

Major Alteration. Shall be as outlined in section 21-510 of the Town Code and shall refer to all other alterations, in use, intent, rearrangement of lots, realignment of major circulation patterns, density levels, provisions governing common or open spaces or the ratio thereof, addition of lift terminals or any other alterations that substantially change this PUD III Guide and must be approved by the Design Review Board and the Town of Mt. Crested Butte.

Notwithstanding anything to the contrary herein, the Town of Mt. Crested Butte shall have the absolute authority to enforce the terms and conditions of the issuance of a Building Permit in accordance with the Town Code. All submittals for a Building Permit in the Town of Mt. Crested Butte will include the documentation submitted to and approved by the Design Review Board.

Minor Alterations (such as modification of Building Envelopes, homesites, BMP locations, utilities, driveways) shall be approved only if the Planning Commission makes the following findings:

"The proposed alteration does not impede wetlands to a greater extent than approved by the PUD, the alteration does not increase slope stability hazards, the alteration does not have an adverse affect upon existing public amenities, does not affect natural drainages or constructed storm drainage structures, does not negatively effect the implementation of Best Management Practices and is not contrary to the standards established by this PUD III Guide and the Design Guidelines as they have been approved for Prospect at Mt. Crested Butte."

#### V. CONFLICT

If there is any conflict between the provisions of this PUD III Guide, and the provisions of the Mt. Crested Butte Zoning Chapter, this PUD III Guide shall prevail unless it is in conflict with any portion of Section 21, Article XI, Planned Unit Development District, in which case the more restrictive standard shall prevail.

#### VI. DEVELOPMENT PHASING/DWELLING UNIT / COMMERCIAL SPACE / PARKING SPACE REPORTING IN CONJUNCTION WITH FINAL PLATS

Prospect at Mt. Crested Butte as a whole, and potential individual Development Areas within Prospect at Mt. Crested Butte, will be constructed in phases, provided that there is compliance with the development standards and requirements applicable to each such phase and any phases previously completed.

Each Final Plat submitted for Town approval shall be accompanied by a running summary of CRPA, number of parking spaces and total number of Residential Units platted and Residential Units remaining for the Development Area being platted and the project as a whole.

## VII. DENSITY STANDARDS

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The number of Residential Units permitted in Development Areas A (Meadow Chalets), B (Gold Link Village), F (Mountain Chalets) and G (Prospector Ridge Lodge) shall apply to the entire Development Area and may be clustered or reconfigured; provided, however, that no requirements contained herein for CRFA, GRFA, height or setbacks shall be violated.

In addition, densities may be increased in Development Areas A (Meadow Chalets), F (Mountain Chalets), and H (Environmental Education and Nordic Center), in accordance with Section X Development Area Requirements, if Residential Units are relocated from other Development Areas as a result of as yet undetermined development constraints (such as geotechnical limitations). Density shall be established at the time of the PUD Final Plan of each phase. Any changes in density after the Final Plan approval shall be considered as a Major Alteration and treated accordingly under Section 21-510 of the Town Code.

## VIII. USES

The total number of Residential Units and total CRFA constructed in a particular Development Area shall not exceed the quantities identified below. Specific uses (or each Development Area shall be established at the time of Town Approval for the Prospect at Mt. Crested Butte PUD III Guide. Specific uses changes requested thereafter shall constitute a Major Alteration at the time of Final Plan for those specific use areas. All lots and parcels within Prospect at Mt. Crested Butte shall fall within the following Development Areas:

| DEVELOPMENT AREA | DEVELOPMENT DESIGNATION                   | MAXIMUM RESIDENTIAL UNITS | MAXIMUM CRFA | MAXIMUM CRFA       |
|------------------|---|---------------------------|--------------|--------------------|
| A                | Meadow Chalets                            | 30 - 60                   |              | 0                  |
| B                | Gold Link Village                         | 38**                      | 116,000 s.f. | 60,000 s.f.        |
| C                | Mountain Estates                          | 33                        |              | 0                  |
| D                | Mountain Estates                          | 21                        |              | 0                  |
| E                | Mountain Estates                          | 44                        |              | 0                  |
| F                | Mountain Chalets                          | 27 - 54                   |              | 0                  |
| G                | The Lodge at Prospect                     | 80                        | 167,000 s.f. | 30,000 s.f.        |
| H                | Environmental Education and Nordic Center | 0**                       |              | 5,000 s.f.         |
| I                | Recreation & Open Space                   | 0                         |              | *                  |
| <b>TOTALS</b>    |   | <b>367**</b>              |              | <b>98,000 s.f.</b> |

\* Accessory Structures related to ski area operations are exempted from this limitation.

\*\* Pursuant to the Annexation Agreement, CBMR intends to rezone Parcel 14 into a neighborhood of approximately 20-30 affordable housing units.

\*\*\* Per the Annexation Agreement maximum density is limited to 300 units on East and West Trade Parcels.

IX. GENERAL REQUIREMENTS FOR ALL DEVELOPMENT AREAS

1. No earth work, building or structure shall be constructed, erected or maintained on any lot, nor shall any addition thereto or alteration or change therein be made until complete plans and specifications have been submitted to and approved in writing by the Design Review Board and then submitted to the Town of Mt. Crested Butte and approved, as evidenced by issuance of an applicable Town of Mt. Crested Butte building permit.
2. The following general restrictions shall govern construction on any lot or parcel:
  - A. Building and Parking Setbacks. Minimum setbacks are identified in the Development Area Requirements (Section X), and shall be sufficient to accommodate utilities, existing easements, drainage, access, and fire code regulations. Additional, more restrictive building and/or parking setbacks may be specified in the Design Guidelines.
  - B. Setbacks from Wetlands. All development in Prospect at Mt. Crested Butte shall be setback from the delineated wetlands in accordance with the approved Wetlands Conservation Easement. The Town has the authority to enforce twenty five (25) foot and fifty (50) foot wetland setback standards.
  - C. Wetland Mitigation. Any program proposing wetland mitigation within Prospect at Mt. Crested Butte shall be subject to approval of the Planning Commission. Wetlands on individual lots will not be impacted in any manner.
  - D. Parking Requirements. Parking spaces shall be provided according to the standards contained in Section X of this PUD III Guide, Development Area Requirements. No temporary certificate of occupancy shall be issued for dwelling units in Prospect at Mt. Crested Butte until such time as parking has been completed sufficient to serve that increment of development under construction and ready for occupancy. No parking shall be allowed on a separate lot or parcel.
  - E. Drainage Structures. Any program proposing alteration of storm drainage structures within Prospect at Mt. Crested Butte shall be subject to approval of the Town of Mt. Crested Butte Zoning Administrator or the Planning Commission at the discretion of the Zoning Administrator.
  - F. Driveways. Access to lots shall be from individual driveways, except as approved by the Town and the Crested Butte Fire Protection District

(CBFPD). All driveways are subject to approval by the Town and CBFPD. Building site plans shall be submitted to the Fire District during the Town's design review process to ensure that each individual driveway provides adequate access and an emergency apparatus staging area. Written Fire District approval of the individual driveway shall be a condition of the final design approval.

G. Fire Sprinklers. All buildings within Prospect at Mt. Crested Butte shall be fire sprinkler protected, and shall comply with current Crested Butte Fire Protection District sprinkler/monitoring/early warnings detection device standards. The Fire District shall review and approve all fire sprinkler plans prior to a building permit being issued. Fire District R-3 OCCUPANCY SPRINKLER SYSTEM fees shall be assessed and collected prior to the issuance of a building permit.

H. Building Height in Residential Development Areas. The maximum height of a building in Development Areas A, C, D, E and F shall be according to the chart below:

| Roof Slope  | Maximum Height         |
|-------------|------------------------|
| 0:12 - 5:12 | Thirty three (33) feet |
| 6:12        | Thirty four (34) feet  |
| ≥7:12       | Thirty five (35) feet  |

Structures or portions of structures with sloping roofs may not exceed the height limit in accordance with this schedule. These exceptions authorize exceeding building height only for the portion of structure to which this section applies. Specific height restrictions for Development Areas B & G are listed under Section X (Development Area Requirements). Cupolas, chimneys, flagpoles and similar architectural features that are not useable as habitable floor area may extend above the height limit a distance of not more than twenty five (25) per cent of the height limit.

I. Landscaping. Owners and their representatives or builders will be required to:

- (1) Submit with all building permit applications a landscape plan to include trees to be removed.
- (2) Use existing or natural drainage paths whenever possible.
- (3) Conserve and protect topsoil, rock formations, trees, significant vegetation areas and unique landscape features.
- (4) Follow prescribed landscaping principles and Best Management Practices in accordance with the Design Guidelines.

- J. Signs. Signs within Prospect at Mt. Crested Butte shall conform to the Town of Mt. Crested Butte sign code as amended and to the Design Guidelines.
- K. Exterior Lighting. Exterior lighting within Prospect at Mt. Crested Butte shall meet all requirements of Article XVI, Exterior Lighting Regulations of the Zoning Chapter of the Code of Mt. Crested Butte and any lighting requirements adopted subsequent to current regulations and applicable throughout the town.
- L. Combining Lots. Lots may be combined in development areas for the purpose of creating one Dwelling, Single Family. In all cases the lot line and Building Envelope modification must be reviewed and approved by the Prospect at Mt. Crested Butte Design Review Board and the Town of Mt. Crested Butte through a "Vacation of a Plan or Record" (Town Code, Section 18-531, as amended from time to time). If two or more lots are combined into one lot, the maximum GRFA shall not exceed the GRFA of the largest lot being combined.
- M. Density Transfers. Density Transfers may be considered for lots within Meadow Chalet A and Mountain Chalet E, but such a transfer is considered to be a Major Alteration. In no case shall the density transfer result in greater than two units per lot. A triplex structure may be allowed in a density transfer if it is considered in association with the combining of two lots. The resulting GRFA applied for any density transfer shall be assigned as part of the Major Alteration and shall be established as a result of a site specific development plan provided in conjunction with the Major Alteration application.
- N. Design Guidelines. No changes to the Design Guidelines shall be established without approval by the Mt. Crested Butte Planning Commission.
- O. Conditional Uses. In order to provide flexibility to achieve the objectives for this PUD III Guide, specified uses with unusual or special characteristics outside the scope and definitions of this PUD III Guide, will be permitted according to the terms and conditions of Section 21, Article VIII, Conditional Use Permits of The Code of the Town of Mt. Crested Butte, Colorado.
- P. Ski Lifts. Installation of lift facilities in any portion of Prospect at Mt. Crested Butte, other than the CB-5 (Prospect) ski lift, shall be a Major

Alteration, as defined in Section 21-510(2) of the Code of the Town of Mt. Crested Butte, Colorado.

- Q. Weed Management Plan. Reserve Metropolitan Districts shall have the responsibility and obligation for developing and implementing a Weed Management Plan for all real property within Prospect at Mt Crested Butte. This plan shall be approved by the Gunnison Basin Weed Commission. An annual report shall be kept by the Metropolitan District that addresses upcoming projects, completed projects, identify where reclamation is required and demonstrate that the Weed Management Plan is being successfully implemented.
- R. Foundation Drains. All foundation drains, where required and as indicated on the construction plans, shall connect to the solid main Underdrain Line at the point nearest to the effected lot. A Registered Engineer in the State of Colorado shall verify this connection before Certificate of Occupancy is permitted.
- S. Affordable Housing. This PUD contemplates Affordable Housing units in certain development areas, which will require Design Guidelines to be crafted specifically for these units in a manner not to compromise the overall character of the development, but to create an attractive option that maintains opportunities for local residents in terms of Affordable Housing.
- T. Fire Code. The Crested Butte Fire Protection District shall have the right to enforce the most recent version of the Uniform Fire Code or International Fire Code as adopted by the Town of Mt Crested Butte and the Crested Butte Fire Protection District.
- U. Erosion Control and Stormwater Management Plan. An Erosion Control and Stormwater Management Plan (ECSWMP) shall be required for all land disturbances for all areas not covered by Section XII of this PUD III Guide unless it meets at least one of the following exclusionary basis:
  - 1) The area of disturbance is less than 10,000 square feet of surface area or 200 cubic yards of earth to be moved;
    - a. Projects within the boundaries of the subdivision developments, under the same ownership, involving less than 10,000 square feet of disturbed area, shall not be considered separate projects if they are contiguous;
    - b. Any series of related projects or connected projects on one site, which together exceed the 10,000 square foot limitation or involve the placement of



removal of more than 200 cubic yards shall be considered a single project;

- 2) Emergency repair of utility lines;
- 3) Establishment and maintenance of a Class IV trail as defined in Town of Mt Crested Butte Ordinance #14, Series 1999;
  - a. Single-track or class IV trails shall be constructed to the standards of the United States Forest Service (Trail Construction and Maintenance Notebook, October 1998);
- 4) Land disturbance with duration of less than 14 days (as defined by Urban Drainage and Flood Control District Vol. 3).

In no way shall the qualification for exclusion reduce or eliminate the performance requirement of "the maximum extent feasible" as established in Section XII of this PUD III Guide. Ski easements and Owner Ski Access easements as proposed in the Final Plan application for each individual phase of proposed development, shall be integrated into the overall Road Construction / Infrastructure ECSWMP. The required ECSWMP shall be submitted to and approved by the Town of Mt Crested Butte, in conjunction with the request for an excavation permit as required by Section 6-35 of The Code of the Town of Mt Crested Butte, Colorado and as it may be amended from time to time.

## X DEVELOPMENT AREA REQUIREMENTS

The following specific requirements shall govern construction in Prospect at Mt. Crested Butte Development Areas:

### 1. Development Area A - Meadow Chalets.

#### A. Uses.

- (1) Single Family, Duplex and Triplex Residential Units.
- (2) Accessory Structures.
- (3) Parking areas accessory use.
- (4) Hiking, Biking and Nordic Trails

#### B. Density.

- (1) Units: Range of 30 - 60 units. A set number of Residential Units will be established at Final Plan
- (2) Density Increase. Increased density is a function of a Major Alteration as contemplated by the Town Code and increased

density can only be approved via the established procedure of the Town Code.

- C. Lot size: Ranges 1/6 - 1/2 acre
- D. Maximum Residence Size Requirements: The maximum size of each Single-Family Residence shall not exceed 4,000 square feet GRFA. The average GRFA of each Duplex and Triplex Residential Units shall not exceed 3,450 square feet.
- E. Building Coverage and Impervious Area: The building coverage and impervious coverage shall be limited to that area within the Building Envelope as illustrated in the Final Plan. The amount of impervious area shall not exceed fifty percent (50%) of the total lot area. Final grade work shall be limited to the area within the designated Building Envelope.
- F. Parking: Single family dwellings require two (2) spaces per unit; multiple family units require 2.0 unenclosed or 2.0 enclosed parking spaces per dwelling unit.
- G. Maximum Building Height: Thirty-five (35) feet. More restrictive provisions may apply. Consult Design Guidelines and Individual Lot Criteria for specific provisions.
- H. Minimum Building Separation: Buildings on the same lot shall be separated by at least twenty five (25) feet unless they share a common wall, while buildings on adjacent lots shall be separated by at least thirty (30) feet.
- I. Minimum Setback Requirements: Setbacks shall be thirty (30) feet from Prospect Drive right of way. Front yard setback shall be fifteen (15) feet from the local street.

2. Development Area B Gold Link Village/Ski Area Development Zone

- A. Uses
  - (1) Residential Condominium Units.
  - (2) Affordable housing.
  - (3) Commercial uses consistent with the needs of a year-round recreation resort, including but not limited to, retail sales, offices, restaurants and lounges/taverns, club facilities etc.

- (4) Outdoor recreation improvements, including but not limited to, ice skating facilities/arenas, ski school staging, ski staging areas, tubing hill, Nordic/hiking and biking center, etc.
- (5) Resort services necessary to support Cold Link Village, including, convention space, meeting rooms, service, receiving and storage space, recreation and administration space, etc.
- (6) Skier services including ski patrol, administration, ski school, adaptive sports center, gondola terminal, food and beverage, ski retail and rental, etc.
- (7) Athletic club and spa.
- (8) Parking lots and structured parking, below and above grade, with or without fees.
- (9) Mass transit stops and/or shelters.
- (10) Outdoor recreation activities, including hiking, picnicking, jogging, bicycling, ski touring, tubing, Nordic trails and Alpine ski trails, etc.
- (11) Day care center.
- (12) Accessory structures.

B. Density.

- (1) Units: maximum of fifty-eight (58) Residential Condominium Units. The CRFA shall not exceed an average of two thousand (2,000) square feet/unit or a total of one hundred, sixteen thousand (116,000) square feet. A set number of residential units will be established at Final Plan.
- (2) Commercial, resort services, skier services and storage: maximum of 60,000 square feet CRFA.

C. Parking.

- (1) Condominium Units: 2.0 enclosed spaces/unit or 1.5 enclosed spaces/unit.
- (2) Affordable housing units: one (1) parking space per bedroom.
- (3) Lock-Off Room: one (1) parking space per room.
- (4) Retail/commercial: one (1) space/300 square feet of CRFA
- (5) Service, maintenance and recreation space: Included in Retail/Commercial allocation above.

D. Maximum Building Height: Forty-five (45) feet.

E. Minimum Distance Between Buildings: The distance between buildings on the same lot shall be 10' and a building on an adjoining lot shall be twenty

(2) feet provided that one additional foot separation between buildings not on the same lot shall be required for each three (3) feet of building height over twenty five (25) feet calculated on the basis of average height of the two (2) buildings. In all cases a space of sufficient shape and size shall be provided to accommodate snow shed from buildings. Additionally, any proposed building separation shall be in conformance with the building code in effect at the time of consideration and subject to approval by the Crested Butte Fire Protection District.

F. Building Mass. The maximum building length shall be two hundred (200) feet and the maximum distance between any two building corners shall be two hundred and fifty (250) feet; five (5) feet of setback per seventy (70) feet of building shall be required on any wall.

G. Minimum Setback Requirements. Setback shall be thirty (30) feet from Prospect Drive right of way. Front yard setback shall be twenty (20) feet from the local street. A Building Envelope and Natural Area delineation has been prepared for each lot within Prospect at Mt. Crested Butte and is illustrated on the Final Plat.

H. Building Coverage and Impervious Area. The building coverage and impervious coverage shall be limited to that area within the Building Envelope as illustrated in the Final Plat. The amount of impervious area shall not exceed fifty percent (50%) of the total lot area. Final grade work shall be limited to the area within the designated Building Envelope.

3. Development Area C: Mountain Estates.

A. Uses.

- (1) Dwelling, Single Family.
- (2) Accessory Structures.
- (3) Hiking, Biking, Nordic and Alpine trails, Open Space.
- (4) Ski lifts.

B. Density.

- (1) Units: Maximum of thirty eight (38) Dwelling, Single-Family units.

C. Lot size: Ranges from 1/2 - 2.2 acres.

D. Maximum Residence Size Requirements. The maximum building size of each residence shall not exceed 5,000 square feet GRFA in the lower bench (Lots C-1 through C-21) and 8,000 square feet GRFA in the upper bench

(Lots C-22 through C-38). If two or more lots are combined into one lot, the maximum GRFA of the residence shall not exceed 5,000 square feet GRFA in the lower bench and 8,000 square feet GRFA in the upper bench.

- E. Minimum Residence Size Requirements. The maximum building size of each residence shall be no less than 2,000 square feet GRFA.
  - F. Building Coverage and Impervious Area. The building coverage and impervious coverage shall be limited to that area within the Building Envelope as illustrated in the Final Plan. Residential Lot grading will be confined to the Horseshoe and driveway or as approved by the Planning Commission.
  - G. Parking. Dwelling, Single-Family: Two (2) enclosed off-street vehicle parking spaces/unit.
  - H. Maximum Building Height. Thirty-five (35) feet. More restrictive provisions may apply consult Design Guidelines and Individual Lot Criteria in the Design Guidelines for specific provisions.
  - I. Minimum Building Separation. Between Buildings on separate lots shall be a minimum of thirty (30) feet.
  - J. Minimum Setback Requirements. Setback shall be thirty (30) feet from the main arterial road right of way. Front yard setback shall be fifteen (15) feet from the local street right of way. A Building Envelope and Natural Area delineation has been prepared for each lot within Prospect at Mt. Crested Butte and is illustrated on the Final Plat.
4. Development Area D - Mountain Estates.
- A. Uses.
    - (1) Dwelling, Single-Family.
    - (2) Accessory Structures.
    - (3) Hiking, Biking, Nordic and Alpine Ski Trails, and Open Space.
    - (4) Ski lifts (CBS / Prospect Ski Lift).
  - B. Density. Units: maximum of twenty three (23) Dwelling, Single-Family units.
  - C. Lot size: Ranges 1/2 to 1.7 acres.

- D. Maximum Residence Size Requirements. The maximum building size of each residence shall not exceed 8,000 square feet GRFA. If two or more lots are combined into one lot, the maximum GRFA of the residence shall not exceed 8,000 square feet.
- E. Minimum Residence Size Requirements. The minimum building size of each residence shall be no less than 2,000 square feet GRFA.
- F. Building Coverage and Impervious Area. The building coverage and impervious coverage shall be limited to that area within the Building Envelope as illustrated in the Final Plan. Residential Lot grading will be confined to the Flatsite and driveway or as approved by the Planning Commission.
- G. Parking. Dwelling Single-Family dwelling: Two (2) enclosed off-street vehicle parking spaces/trail.
- H. Maximum Building Height. Thirty-five (35) feet. More restrictive provisions may apply - consult Design Guidelines and Individual Lot Criteria for specific provisions.
- I. Minimum Building Separation. Between buildings on separate lots shall be a minimum of thirty (30) feet when in tree cover and forty (40) feet in open meadow.
- J. Minimum Setback Requirements. Setback should be thirty (30) feet from the main arterial road right of way. Front yard setback should be fifteen (15) feet from the local street. A Building Envelope and Natural Area delineation has been prepared for each lot within Prospect at Mt. Crested Butte and is illustrated on the Final Plat.

5. Development Area E - Mountain Estates.

- A. Uses.
  - (1) Dwelling, Single-Family.
  - (2) Accessory Structures.
  - (3) Hiking, Biking, Nordic and Alpine Ski Trails and Open Space.
- B. Density. Units: maximum of forty four (44) Dwelling, Single-Family units.
- C. Lot size: Typically 1.2 - 2.2 acres.

- D. Maximum Residence Size Requirements. The maximum building size of each residence shall not exceed 8,000 square feet GRFA with the exception of the following: the maximum GRFA of homes on lots E-10, 14, 19, 20, 32, 33, 35, 36, 41, 42, 45 and 44 shall be 10,000 square feet and the maximum GRFA for homes on lots E-30, 31, 34, 36 and 37 shall be 9,000 square feet. If two or more lots are combined into one lot the maximum GRFA of the residence shall not exceed the GRFA of the larger of the maximum GRFA allowed on a single lot.
- E. Minimum Residence Size Requirements. The minimum building size of each residence shall be no less than 2,000 square feet GRFA.
- F. Building Coverage and Impervious Area. The building coverage and impervious coverage shall be limited to that area within the Building Envelope as illustrated in the Final Plan. Residential lot grading will be confined to the Homesite and driveway or as approved by the Planning Commission.
- G. Parking. Dwelling, Single-Family unit: Two (2) enclosed off-street vehicle parking spaces/unit.
- H. Maximum Building Height Thirty-five (35) feet. More restrictive provisions may apply. Consult Design Guidelines and Individual Lot Criteria for specific provisions.
- I. Minimum Building Separation. Between buildings on separate lots shall be a minimum of thirty (30) feet when in tree cover and fifty (50) feet in open meadow.
- J. Minimum Setback Requirements. Setback shall be thirty (30) feet from the main arterial road right of way. Front yard setback shall be fifteen (15) feet from the local street Right of Way. A Building Envelope and Natural Area delineation has been prepared for each lot within Prospect at Mt. Crested Butte and is illustrated on the Final Plat.
6. Development Area J - Mountain Chalets.
- A. Uses.
- (1) Single Family, Duplex and Triplex Residential Units.
  - (2) Accessory Structures.
  - (3) Parking area accessory use.
  - (4) Pump or well houses or other utility related structures.
  - (5) Hiking, Biking and Nordic trails.

(6) Alpine Ski trails.

B. Density.

- (1) Units: Range of 27 - 54 units. A set number of Residential Units will be established at Final Plan.
- (2) Density Increase. Increased density is a function of a Major Alteration as contemplated by the Town Code and increased density can only be approved via the established procedure of the Town Code.

C. Lot size: Typically 1/4 to 1/2 acre.

D. Maximum Residence Size Requirements. The maximum size of each Dwelling, Single-Family Residence shall not exceed 5,000 square feet GRFA. The average GRFA of Duplex and Triplex Residential Units shall not exceed 1,250 square feet (85% of 5,000 square feet).

E. Building Coverage and Impervious Area. The building coverage and Impervious Coverage shall be limited to that area within the Building Envelope as illustrated in the Final Plan. The amount of impervious area shall not exceed fifty percent (50%) of the total lot area. Final grade work shall be limited to the area within the designated Building Envelope.

F. Parking. Single family dwellings require (2) spaces per unit; multiple family units require (2.6) unenclosed spaces or (2) enclosed parking spaces per dwelling unit.

G. Maximum Building Height. Thirty-five (35) feet. More restrictive provisions may apply - consult Design Guidelines and Individual Lot Criteria for specific provisions.

H. Minimum Building Separation. Buildings on the same lot shall be separated by at least twenty five (25) feet unless they share a common wall, while buildings on adjacent lots shall be separated by at least thirty (30) feet.

I. Minimum Setback Requirements. Setback shall be thirty (30) feet from Prospect Drive right of way. Front yard setback shall be fifteen (15) feet from the local street right of way. A Building Envelope and Natural Area delineation has been prepared for each lot within Prospect at Mt. Crested Butte and is illustrated on the Final Plat.

7. Development Area G - Prospect on Ridge / Ski Area Development Zone.



A. Uses.

- (1) Residential Condominium Units.
- (2) Affordable housing
- (3) Commercial uses consistent with the needs of a year-round recreation resort, including retail sales, offices, restaurants and lounges/laverns, club facilities, etc.
- (4) Outdoor recreation improvements, including, but not limited to ice skating facilities/arenas, outdoor swimming pool, etc.
- (5) Resort services necessary to support Prospector Ridge, including convention space, meeting rooms, service, receiving and storage space, recreation and administration space, etc.
- (6) Skier services including ski patrol, administration, ski school, gondola terminal, food and beverage, ski retail and rental, etc.
- (7) Athletic club and spa.
- (8) Parking lots and structured parking, below and above grade.
- (9) Mass transit stops and/or shelters.
- (10) Outdoor recreation activities including hiking, picnicking, jogging, bicycling, Nordic trails and Alpine ski trails, etc.
- (11) Day care center.
- (12) Accessory Structures.
- (13) Emergency/Tire vehicle garage.

B. Density.

- (1) Units: Maximum of eighty (80) Residential Condominium Units. The CRFA shall not exceed an average of 2,000 square feet/unit or a total of 160,000 square feet.
- (2) Commercial space: maximum of 33,000 square feet CRFA.

C. Parking.

- (1) Residential Condominium Units: 1.5 enclosed spaces/unit.
- (2) Affordable housing units: one (1) parking space per bedroom.
- (3) Lodge/Lock-Off Room: 0.75 per enclosed spaces/room.
- (4) Retail/Commercial: 1 space/500 square feet CRFA
- (5) Service, maintenance and recreation space: included in Retail/Commercial allocation above.

- D. Maximum Building Height. An elevation datum point shall be established and maximum building height generated from that datum point. Additionally, no single wall elevation shall exceed forty five (45) feet from the existing natural grade.

- E. Minimum Distance Between Buildings. The distance between buildings on the same lot shall be ten (10) feet and a building on an adjoining lot shall be twenty (20) feet; provided that one additional foot separation between buildings not on the same lot shall be required for each three (3) feet of building height over twenty five (25) feet calculated on the basis of average height of the two (2) buildings. In all cases a space of sufficient shape and size shall be provided to accommodate snow shed from buildings. Additionally, any proposed building separation shall be in conformance with building code in effect at the time of consideration and subject to approval by the Crested Butte Fire Protection District.
  - F. Setback Requirements. Minimum thirty (30) feet from the main arterial road, with the exception of the Porte-Cochere.
  - G. Building Mass. The maximum building length shall be two hundred (200) feet and the maximum distance between any two building corners shall be two hundred and fifty (250) feet; five (5) feet of setback per seventy (70) feet of building face shall be required on any wall.
  - H. Building Coverage and Impervious Area. The building coverage and Impervious Coverage shall be limited to that area within the Building Envelope as illustrated in the Final Plan. The amount of impervious area shall not exceed fifty percent (50%) of the total parcel area. Final grade work shall be limited to the area within the designated Building Envelope.
8. Development Area H Environmental Education and Nordic Center.
- A. Uses
    - (1) Indoor classrooms, display area, retail bookstore, visitor information center, and small theater.
    - (2) Outdoor improvements such as small informal outdoor amphitheater, outdoor education trails and wetland restoration display.
    - (3) Nordic Center and trailhead.
    - (4) Education-related services, including food, meeting rooms, business services, guide and/or instructional services.
    - (5) Accessory Structures.
    - (6) Parking lot.
    - (7) Mass transit stops and/or shelters.
    - (8) Pump or well houses, or other utility-related structures.
    - (9) Affordable housing.
    - (10) Hiking, biking and Nordic trails.

- (1) Alpine ski trails.
- B. Density. (Site area=3.6 acres / 156,800 square feet)
- (1) Environmental Education, Nordic Center and related services: maximum of 5,000 square feet CRFA in a maximum of one (1) building.
- (2) Maximum of two (2) residential units at 1,000 CRFA each.
- C. Parking.
- (1) Parking lot, (30-34 spaces)
- (2) Affordable housing units: 1.0 space per bedroom
- D. Maximum Building Height. Thirty (30) feet. More restrictive provisions may apply - consult Design Guidelines for specific provisions.
- E. Building Coverage and Impervious Area. The building coverage and Impervious Coverage shall be limited to that area within the Building Envelope as illustrated in the Final Plan. The amount of impervious area shall not exceed fifty percent (50%) of the total lot area. Final grade work shall be limited to the area within the designated Building Envelope.
- F. Minimum Setback Requirements. Setback shall be thirty (30) feet from the main arterial road right of way. Front yard setback should be twenty (20) feet from the local street. A Building Envelope and Natural Area delineation has been prepared for each lot within Prospect at Mt. Crested Butte and is illustrated on the Final Plat.
9. Development Area I - Recreation and Open Space.
- A. Uses.
- (1) Winter and summer recreation, including but not limited to: Alpine and Nordic skiing, hiking, biking (on designated routes), outdoor entertainment and group functions.
- B. Density. Touring warming/overnight hut(s) and other ancillary buildings: provided the Town of Mt. Crested Butte shall approve the location of all structures.

- C. Maximum Building Coverage and Number of Buildings. Maximum building coverage not to exceed 2,000 square feet per building, with a maximum of four (4) buildings in Development Area I.
- D. Parking. No requirements; provided, however, that the parking requirements for the ski area shall be as described in Development Area B (Gold Link Village).
- E. Dedication. All open space is dedicated for use by the general public pursuant with the language on the approved final plat.

## XI. GEOTECHNICAL INVESTIGATION

### MINIMUM STANDARDS FOR GEOTECHNICAL INVESTIGATION

#### 1. General Requirements

A geotechnical investigation shall be conducted, and a report issued by a professional engineer registered in the State of Colorado for all land uses that result in grading, stripping or alteration of natural vegetation. The report shall specify the engineer's credentials, including name, educational background and professional experience.

#### 2. Field Investigation:

The field investigation shall consist of a minimum of two exploratory borings or exploratory test pits. Borings or pits shall extend at least five (5) feet below the lowest foundation element. Borings shall be a minimum of twenty (20) feet deep. If bedrock is encountered, the boring or pit must penetrate at least five (5) feet into the bedrock.

#### 3. Laboratory Investigation:

Laboratory testing of soil and bedrock shall be conducted to verify field classifications and provide indications of soil and bedrock material properties. Tests shall include the following:

- (1) Profile of moisture content and dry density
- (2) Atterburg Limits on samples of each clay or claystone strata.
- (3) Gradation analysis or percent passing the No. 200 sieve from representative samples of each granular soil strata.
- (4) One dimensional swell-consolidation tests and /or soil suction tests on representative samples of each clay or claystone strata. Swell tests may be performed using a surcharge of 500 psf (pounds per square foot), 1000 psf,

or the anticipated overburden pressure after site grading. Swell tests are not required for non-expansive strata provided other laboratory tests are performed to confirm classification.

(5) Required test frequency per type of material sample is set forth in the following table:

| REQUIRED TEST FREQUENCY PER TYPE OF MATERIAL SAMPLED          |                                      |                  |  |  |   |
|---|--------------------------------------|------------------|--|--|---|
| Unified Soil Classification or Equivalent Soil Classification | Moisture Content<br>ASTM<br>D2216-80 | Dry Density      | Atterberg Limits<br>ASTM<br>D424-59, D423-66 | Passing #200 Sieve<br>ASTM<br>D1140-51 | One Dimensional Swell/Consolidation or Soil Section |
| Sand, clean to silty (SM, SW & SP)                            | X                                    |                  |  | X                                      |   |
| Sand, clayey (SC)   | X                                    | X                | X  | X                                      | X   |
| Clay (ML, CL, MH, & CH),<br>Weathered Claystone               | X                                    | X                | X  | X                                      | X   |
| Sandstone, clean to silty (SM, SW & SP)                       | X                                    | (where possible) |  | X                                      |   |
| Sandstone, clayey (SC)  | X                                    | X                | X  | X                                      |   |
| Claystone (ML, CL, MH, & CH)                                  | X                                    | X                | X  | X                                      | X   |

A minimum of one (1) test series per strata sampled for every two (2) borings, is required. In areas of highly expansive clays, additional testing may be required.

4. Geotechnical Investigation Report and Conclusions:

- A. Discussion of the site geology, existing topography and natural drainages, vegetation, proposed development, size and location of building, type of construction, post construction surface and subsurface drainage recommendations, recommended foundations, development consideration that may be problematic, and relevant publications.
  - B. The following shall be presented:
    - (1) Graphical logs of the exploratory borings or pits.
    - (2) Measurements of moisture content, dry density, Atterberg Limits, percent passing the No. 200 sieve, and measured percent swell of relatively undisturbed samples shall be summarized on the graphical logs.
    - (3) Results of laboratory tests shall be presented in graphic or tabular form.
  - C. Discussion of the mitigation procedures or design changes necessary to minimize or abate any geologic and/or geotechnical constraints. Each constraint requires a recommendation. The recommendations should focus upon the long term stability and safety of the proposed project. Clearly state construction recommendations and required inspection necessary to be conducted by the Geotechnical Engineer of Record to insure safe and proper development.
  - D. Description of the proposed site development including potential impacts of all site improvements on slope stability. Clearly state the geotechnical and engineering basis of all conclusions.
5. Slope Stability Analysis:
- A. The report shall make findings that describe site treatments necessary for all improvements to include structural foundation, cut/fill criteria, and drainage facilities that need to be employed to maintain a 1.5 factor of safety. The assumptions and engineering parameters used in the Factor of Safety Determination shall be subject to approval by the Town of Mt. Crested Butte.
6. Other:
- A. The Town of Mt. Crested Butte may require additional information/analysis, and may require that the submitted report shall be reviewed by an independent consultant hired by the Town of Mt. Crested Butte at the expense of the applicant. The Town of Mt. Crested Butte Staff has authority to modify conditions contained herein.

B. A map showing areas that may not require slope stability analysis is available at Mt. Crested Butte Town Hall.

## XII. INDIVIDUAL LOT BEST MANAGEMENT PRACTICES

### 1. General Requirements

Submission of an erosion control and storm water management plan (ECSWMP) is required as a part of the design application. The plan will be reviewed by the Design Review Board and the Mt Crested Butte Planning Commission and must be approved before any land clearing or excavation may occur. The Town of Mt Crested Butte has the right to charge a reasonable applicable fee for the purposes of their assessment and on going monitoring of the ECSWMP, through project completion. This fee may be in addition to any fee schedule imposed by the Design Review Board. A qualified professional from the fields of engineering, landscape architecture and/or hydrology must prepare the plan. The selected professionals must be able to demonstrate suitable qualifications for preparing this part of the plan.

The ECSWMP is to address two distinct phases of individual lot development 1) the initial construction period of the parcel beginning with equipment mobilization and excavation, and 2) continual response to on site drainage after the lot construction is complete, occupied and landscaping/revegetation is established. A two-year storm event will be used as the basis for designing and sizing post-construction BMP's and a 1-year storm event for under-construction BMP's.

### 2. Intent

The intent of the ECSWMP is to assure that the water quality leaving the Building Envelope is equal to or higher than when it entered and that the development causes no negative impact to the water resources downstream from the development.

### 3. General Design

A variety BMP's will be utilized to accomplish the above stated intent. These bmp's would include minimizing the area of disturbance, while maintaining and protecting existing drainage patterns. Additionally, ground water that surfaces during construction excavation will be anticipated and handled in accordance with the ECSWMP. Adequate snow storage and adequate treatment during snowmelt periods will be provided in the BMP'S. Soil erosion will be controlled during and after construction. Further more, any soil particles that are collected

by on site drainage will be intercepted, stored on site and not allowed to discharge from the property. All drainage will be pre-treated and pollutants intercepted before discharge. Drainage discharge will follow natural drainage patterns. Storm water that cannot be directly discharged into a natural drainage will be discharged into a constructed drainage that leads into a natural drainage. New drainage ways constructed in "Nature's Envelope" shall be designed to aesthetically conform to the natural surroundings and appear and function like a natural drainage way.

Pre-construction sediment discharge levels shall be established prior to any land disturbances that result in the stripping or removal of soil or vegetation and prior to Final Plan approval. Other recommended reference sources for guidance on erosion control and storm water management are listed at the end of this section.

The ECSWMP will be required to approach the handling of water runoff with a basic change in drainage design philosophy. Conventional drainage design channels water from impervious surfaces directly to a discharge point along the roadway, natural drainage or to a point at the lot perimeter where the drainage will flow away from the property. The philosophy needs to change to directing runoff from impervious surfaces (roofs, driveways, patios, etc.) to pervious landscaped areas (planting beds, lawns, vegetated swales, etc.) slowing down velocity, infiltrating volume, filtering pollutants and attenuating peak flows before the runoff flows offsite. Stored water may be infiltrated if the soil type permits or detained and released at a controlled rate not exceeding the historic rate.

4. Contents

The ECSWMP plan must be submitted to Design Review Board for review and approval. This data will also be submitted to the Town of Mt Crested Butte Planning Commission for their Design Review process. The plan shall consist of at a minimum, the following:

- A. Consultant name and qualification statement;
- B. Property Owner Name, phone number and mailing address;
- C. General contractor name, phone number and address; if available
- D. List of project consultants: architects, civil engineers, geo-technical engineers
- E. Site Plan with the following information:



- i. Existing topography (max 5' contours);
- ii. Final grading and drainage plan (max 5' contours)
- iii. Homesite location;
- iv. Building Envelope;
- v. Driveway plan view and profile;
- vi. Building footprint;
- vii. BMP facilities identification;
- viii. Sump pump and tile drain locations;
- ix. Anticipated area of disturbance by grading and construction;
- x. All hard surface areas created by the site specific development;
- xi. Calculation of extent area of all hard surfaces(x) presented in square footage (ft<sup>2</sup>);
- xii. Scale of 1 inch equals twenty feet shall be utilized for the site plan.

#### F. Construction Phase Program

- i. Time of year when grading will occur and mitigation necessary to address possible seasonal climatic conditions;
- ii. Proposed BMP's for grading and construction mitigation;
- iii. Short term revegetation plan;
- iv. Top soil storage location and mitigation;
- v. Means to handle ground water and surface water during construction;
- vi. Material storage, parking and staging plan;
- vii. Flagging/fencing program to identify and protect undisturbed areas;

#### G. Post Construction Program

- i. Proposed hard surface area of development
- ii. Permanent BMP's being proposed
- iii. Soil Conditions
- iv. Final landscape and vegetation plan;
- v. Site in relation to project drainage;
- vi. Relative location of other project drainage structures

#### 5. Standards

The Design Review Board and the Town of Mt Crested Butte Planning Commission will review and evaluate the plan based on the following:

A. Any proposed Erosion Control and Stormwater Management Plan must be sufficient to demonstrate that pre-construction sediment discharge levels will be met or the on-site mitigation will be to the maximum extent feasible.

#### 6. Compliance and Enforcement

A. Construction Phase Compliance

The schedule of BMP inspection shall involve the following time frames:

- i. Prior to excavation: A site inspection to verify compliance with temporary measures as related to paragraph F (Construction Phase Program), of prior section.
- ii. Ongoing inspection as needed during construction phase.
- iii. Prior to issuance of Temporary Certificate of Occupancy: A final site inspection to verify compliance with permanent measures as related to Paragraph G (Post Construction Program), of prior section. A Temporary Certificate of Occupancy may be issued by the Mt. Crested Butte building inspector by establishing a specific completion date on the TCO and by retaining 100% of the damage deposit until permanent BMP's are determined to be complete.

B. Long-term Compliance

i. Property owner / assignee

The Property owner or assignee will be responsible for inspecting and reporting any deficiencies and subsequent corrective measures taken. This inspection will take place on a bi-monthly basis, following a significant storm event, or following the seasonal melt period at a time when the property is accessible for such an inspection.

At a minimum, the report shall include:

- a. Date and time of inspection
- b. Property address / name of owner
- c. Name of individual performing inspection / relationship to owner/assignee (i.e. General Contractor, Architect)
- d. General Condition of designated BMP's
- e. Significant Findings
- f. Actions taken to remedy

ii. Town's Right to Inspection

In addition to the routine inspections to be carried out on the part of the owner / assignee, the Town of Mt. Crested Butte may conduct routine inspections of the building site to assure compliance with the approved ESWMP. The Building Inspector reserves the right to request that the owner or contractor amend the ESWMP during construction, if discovered that the plan is not adequately performing to the intent of this exhibit. A representative of the Town has the authority to enter into any said property to inspect BMP structures to insure that the ESWMP is

meeting pre-construction sediment discharge levels. Such entrance shall be subject to a notification (written/verbal) of the property owner twenty-four (24) hours prior to the scheduled inspection. Unscheduled inspection may occur if there is a suspected health, safety or welfare concern that warrants such an inspection. The Mt. Crested Butte Building Official shall have the right to abate any non-compliance of the ECSWMP on the property if any of the provisions of the ECSWMP or pre-construction sediment discharge levels are not being met. Issuance of a Temporary and/or Certificate of Occupancy is subject to the final construction and implementation of a functioning ECSWMP, to include grading and drainage improvements, constructed and functioning pursuant to design review approval. It is the responsibility of the property owner to insure that the ECSWMP is operating satisfactorily.

C. Enforcement / Jurisdiction

The Town of Mt. Crested Butte has the authority to issue a "stop work" order to any owner and contractor that do not comply with their ECSWMP. The "stop work" order will be lifted once the owner/contractor comes into compliance with the ECSWMP. The Town of Mt. Crested Butte may, at their discretion, withhold funds from the owner's clean-up deposit to fund any environmental damage resulting from non-compliance with the ECSWMP that is not repaired by the owner/contractor.

Future ordinances passed by the Town of Mt Crested Butte that regulate erosion control and storm water management will apply to individual lots being developed after the date of enactment of such ordinances.

D. Penalties

Penalties pursuant to those provisions of Section 1-14 (General Provisions), of the Code of the Town of Mt. Crested Butte shall be enforced in Municipal Court for all projects that are not in compliance with the ECSWMP or the pre-construction sediment discharge levels.

7. Recommended Resources and References

- A. Mountain Driveway Best Management Practices prepared for the Colorado Non-point Source Council by Wright Water Engineers, inc. and the Denver Regional Council of Governments
- B. Northwest Colorado Council of Governments
- C. Colorado Department of Public Health and Environment, Division of Water Quality web site - [www.cdphs.state.co.us/wq/tyghorn.asp](http://www.cdphs.state.co.us/wq/tyghorn.asp)
- D. Environmental Protection Agency, Office of Water web site -

[www.era.gov/OW](http://www.era.gov/OW)

E. Natural Resources Conservation Service web site -

[www.nrcs.usda.gov](http://www.nrcs.usda.gov)

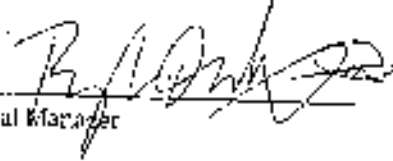
### XIII. ENFORCEMENT

The Association, the Declarant, the Design Review Board and the Town of Mt. Crested Butte shall have the right (but without obligation) to enforce, by any proceeding at law or in equity, the terms of this PUD III Guide. The Town of Mt. Crested Butte will have the authority to enforce this PUD III Design Guidelines in their entirety. Further the Town of Mt. Crested Butte shall have the right to enforce the Best Management Practices as set forth in Section XII of this PUD Guide.

### XIV. SEVERABILITY

Invalidation of any one of the provisions of this instrument by court order or decree shall in no way affect any of the other provisions, which shall remain in full force and effect.

CBMR Real Estate, L.L.C. a Colorado limited liability company

By:   
General Manager

Attest:

By:   
Town Clerk

Town of Mt. Crested Butte, Colorado, a Home Rule Municipality

By:   
Mayor



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 37 of 37 R 185.00 D 0.00 N 0.00 Gunnison County

**EXHIBIT A**

**LEGAL DESCRIPTION OF ANNEXATION PROPERTY -  
 EAST TRACT PARCEL (PROSPECT AT MT CRESTED BUTTE)**

Lot 14, Section 13, Township 13 South, Range 86 West, of the Sixth Principal Meridian;

Lot 7, Lot 8 and Lot 11, Section 19, Township 13 South, Range 85 West, of the Sixth Principal Meridian;

The following areas of Section 24, Township 13 South, Range 86 West, of the Sixth Principal Meridian;

- NE $\frac{1}{4}$  NW $\frac{1}{4}$ ,
- W $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ,
- NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ,
- S $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ,
- S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ,
- N $\frac{1}{2}$  N $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ,
- SW $\frac{1}{4}$  NE $\frac{1}{4}$ ,
- W $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ,
- W $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ,
- SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ,
- SE $\frac{1}{4}$

County of Gunnison  
 State of Colorado