

Community Values

Authentic

Connected

Accountable

Bold

Town Council

5-year Goals:

- 🏡 Approach community challenges through active collaboration and public engagement.
- 🏡 Accommodate growth in a way that maintains our rural feel.
- 🏡 Enable people who live and work here to thrive.
- 🏡 Retain the unique character and traditions of Crested Butte.
- 🏡 De-emphasize cars and focus on walking, biking, and transit.
- 🏡 Continue to passionately care for our natural surroundings and forever protect Red Lady.
- 🏡 Act on the urgency of climate change and prepare for the changes we expect from it.

Critical to our success is an engaged community and knowledgeable and experienced staff.

AGENDA
Town of Crested Butte
Regular Town Council Meeting
Town Council Chambers
507 Maroon Ave; Crested Butte, CO
Monday, January 6, 2025

Meeting information to connect remotely:
<https://us02web.zoom.us/j/89078029087>
Join via audio: +1 719 359 4580 U +1 669 444 9171 US +1 253 205 0468 US +1 646 931 3860 US +1 689 278 1000 US +1 305 224 1968 US +1 309 205 3325 US +1 360 209 5623 US +1 386 347 5053 US +1 507 473 4847 US +1 564 217 2000 US
Webinar ID: 890 7802 9087

Public comments may be submitted at any time to the entire Council via email at towncouncil@crestedbutte-co.gov.

The times are approximate. The meeting may move faster or slower than expected.

5:00 WORK SESSION

1) Community Plan Toolbox and Emerging Alternatives Discussion.

Staff Contact: Community Development Director Troy Russ

7:00 REGULAR TOWN COUNCIL MEETING CALLED TO ORDER
BY MAYOR OR MAYOR PRO-TEM

7:02 APPROVAL OF AGENDA

7:03 CONSENT AGENDA

1) December 16, 2024 Regular Town Council Meeting Minutes.

Staff Contact: Town Clerk Lynelle Stanford

2) Resolution No. 1, Series 2025 - A Resolution of the Crested Butte Town Council Designating the Town of Crested Butte’s Three Official Public Places for Posting Town Council Meetings and Other Important Items.

Staff Contact: Town Clerk Lynelle Stanford

3) Resolution No. 2, Series 2025 - A Resolution of the Crested Butte Town Council Adopting the Town Council Rules of Procedure.

Staff Contact: Town Clerk Lynelle Stanford

4) Services Agreement for the Crested Butte/Mt. Crested Butte Chamber of Commerce to Operate the Visitor Center in Crested Butte.

Staff Contact: Town Manager Dara MacDonald

5) Notice of Final Payment to Lacy Construction Company, Ltd. for the Town of Crested Butte Paving Project 2024 (Elk Ave and Eight Street Road Improvements).

Staff Contact: Public Works Director Shea Earley

The listing under Consent Agenda is a group of items to be acted on with a single motion. The Consent Agenda is designed to expedite Council business. Council members may request that an item be removed from Consent Agenda prior to the Council’s vote. Items removed from the Consent Agenda will be considered under New Business.

7:05 PUBLIC COMMENT

The public has the opportunity to comment during the public comment period at the beginning of every regular Council meeting. At this time people may speak for up to five minutes on any topic that is not on the agenda. The Mayor may limit public comments to no more than three minutes if it appears there will be many comments on a similar topic. The public comment period is a time for the Council to listen to the people. Council generally should not engage in a two-way conversation at this time nor should the Council feel compelled to respond to the comments. If Council choses to discuss or take action on a subject brought up during Public Comment that discussion should be held at the end of the Council meeting under “Other Business to Come Before the Council.”

7:10 STAFF UPDATES

7:15 LEGAL MATTERS

7:20 PUBLIC HEARING

1) (Second Reading) Ordinance No. 9, Series 2024 - An Ordinance of the Crested Butte Town Council Repealing and Replacing Chapter 11 of the Crested Butte Municipal Code.

Staff Contact: Public Works Director Shea Earley

7:25 2) (Second Reading) Ordinance No. 10, Series 2024 - An Ordinance of the Crested Butte Town Council Authorizing Signing Stipulation in Case No. 21CW3021 and Storage Water Lease Agreement with Mt. Emmons Mining Company.

Staff Contact: Attorney Scott Miller

7:40 3) Thai Smile LLC Application for a New Hotel/Restaurant Liquor License for the Location of 16 6th Street.

Staff Contact: Town Clerk Lynelle Stanford

7:45 NEW BUSINESS

1) Municipal Refuse and Recycling Collection and Disposal Agreement – Save as you Throw and Curbside Composting Programs.

Staff Contact: Public Works Director Shea Earley and Sustainability Coordinator Dannah Leeman

8:05 2) Review Draft Letter to the United States Postal Service.

Staff Contact: Town Manager Dara MacDonald

8:20 3) (First Reading) Ordinance No. 1, Series 2025 - An Ordinance of the Crested Butte Town Council Amending Chapter 16, Section 16-1-20 and Section 16-5-520 of the Crested Butte Municipal Code to Accommodate the Colorado Natural Medicine Health Act Requirements.

Staff Contact: Community Development Director Troy Russ

8:40 COUNCIL REPORTS AND COMMITTEE UPDATES

8:45 OTHER BUSINESS TO COME BEFORE THE COUNCIL

8:50 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- *Tuesday, January 21, 2025 - 6:00PM Work Session - 7:00PM Regular Council*
- *Monday, February 3, 2025 - 6:00PM Work Session - 7:00PM Regular Council*
- *Tuesday, February 18, 2025 - 6:00PM Work Session - 7:00PM Regular Council*

8:55 ADJOURNMENT



Staff Report

January 6, 2025

To: Mayor Billick and Town Council
From: Mel Yemma, AICP, Long Range Planner
Thru: Troy Russ, Community Development Director
Subject: Community Plan Work Session

Summary

This Town Council Work Session is intended to:

1. Review the purpose and intended outcomes of the Community Plan and reaffirm its goal and success measures.
2. Introduce and discuss the Community Plan Policy Toolbox to frame build-out possibilities within the realities of the Town's zoning regulations

About the Community Plan

Intended Outcomes: The Community Plan's charge is to collaborate with the Crested Butte community and Town Council to develop a physical vision for Crested Butte's future. Guided by the strategic goals of the Community Compass, this vision will:

- Retain the best characteristics of Crested Butte by accommodating growth in a way that maintains our rural feel and retains the unique character and traditions of the town (Compass goals #2 and #4).
- Strengthen the Town's social fabric and economic resiliency, enabling those who live and work here to thrive (Compass goal #5).
- Remaining a pedestrian and townie-first community (Compass goal #5) and
- Act on the urgency of climate change (Compass goal #7).

Through this initiative, the Community Plan will:

- Identify necessary updates to the Town's development regulations, enabling free market investments to play a larger role in achieving the Town's physical, social, and economic aspirations. Outline community-based development opportunities and incentives to encourage private development investments, helping Crested Butte realize its vision for the future.

Why a Community Plan? The Town's development regulations, first adopted in the 1960s, guide public and private investment, shaping Crested Butte's look, feel, and function. Over the last sixty years, these regulations have evolved incrementally with piecemeal modifications to address various challenges. However, there has never been a comprehensive evaluation or update to address the current challenges facing the community.

Since 2012, when a person earning the Town's average monthly income could last afford to buy a home in Crested Butte, the affordability crisis has grown. This issue has been exacerbated by COVID-19 and the subsequent declaration of a Housing Emergency. Crested Butte is now at a pivotal crossroads, facing a

paradox of increasing economic investment contrasted with a deepening affordability crisis for residents and the workforce.

As the Town and its surrounding region continue to grow, high land values and construction costs, combined with outdated development regulations, skew private investments toward luxury uses and amenities. This trend underproduces essential community-serving land uses, leading to a loss of these services within the Town and even pushing some out of Gunnison County. This shift threatens the economic and social character of the community more than its physical character.

Without updating the Town's development regulations, reliance on significant, and ever insufficient, public subsidies for community development will increase, leading to longer commuting patterns for residents and employees to access essential goods and their place of employment, as well as loss of neighborhood vitality. This negative economic spiral continues to erode Crested Butte's livability, functionality, and tight-knit social fabric. The consequences extend beyond affordability, affecting transportation and the environment. Rising living costs are lengthening work commutes, pushing essential goods and services further away, increasing traffic congestion, and elevating environmental pressures and carbon emissions. Additionally, the sense of community is diminishing, with reduced engagement in local issues, volunteering, participation in local events, and the feeling of losing our neighbors impacting Crested Butte's social cohesion.

Addressing these challenges requires a regional approach, but it is crucial to facilitate more affordable housing and essential community-serving goods and services within the Town itself. Bringing housing closer to jobs and services and promoting community investments where infrastructure and amenities already exist are key pieces of the Town's strategic goals.

The Town cannot sustainably subsidize community needs while zoning code enables the free market to favor investing in luxury amenities. A comprehensive review of the Town's development regulations is needed to realign and better balance market forces with the needs of a functional and livable community.

More detailed information about the Town's economic challenges in the [market study report](#) and a [review of the Town's existing development regulations](#) from the discovery phase can be viewed at each respective link.

The Community Plan Goal: Staff modified the project's goal based on feedback heard from the community during and since the design charrette. Town Council is asked to consider and suggest improvements to the goal statement to reflect their expectations.

"To improve the livability, functionality, and sense of community in Crested Butte by leveraging the Town's development regulations and community resources to stimulate free market investment in **affordable housing and spaces for community-serving businesses and non-profits.**" Note, staff added the bold text for Town Council consideration.

An Integrated Approach: The Plan's approach explores different build-out possibilities of the Town with the community to create a new build-out vision that reflects the Town's core values: Authentic, Connected, Accountable, and Bold. The outcome of the Community Plan will guide the update of the Town's development regulations so they can better stimulate free-market investments in affordable housing and spaces for community-serving businesses and non-profits.

The Community Plan process is intentionally sequenced to be informed by the three other Compass Navigation plans: the Transportation Mobility Plan, the Historic Preservation Plan, and the Climate Action Plan. Together, with the Community Plan, these four plans are working to meet several of the Town's strategic goals with an integrated approach to identify opportunities and tradeoffs between these important topics valued by the community.

Council Discussion: During the first part of the work session, staff would like to confirm the Community Plan outcome and affirm the revised its goal with the Council. To do so, Council is asked to discuss how the Community Plan can truly realize the Town’s strategic goals outlined in the Compass, by discussing the following questions:

1. What does a thriving community mean?
- 2.

Process Recap: What have we been up to and where are we in the process?

The Community Plan is using a 4-step process to develop the plan of discovery, desire, design, and discussion. This process is consistent with the decision-making framework outlined in the Community Compass:

- **Phase 1 – Discovery** (*March – May 2024*): The first phase focused on data collection and analysis, including a [policy review](#), an [economic market study](#), and a [review of the housing needs assessment](#). Together, this research culminated in a better understanding the challenge before the community and defining the goal of the project.
- **Phase 2 – Desire and Continued Discovery** (*June – August 2024*): Phase two continued data analysis and added community outreach through the summer’s Compass Navigation events, which included the [Navigation survey](#) (238 respondents) and four town-wide neighborhood [block parties](#) (approximately 300 participants). Town also sponsored a public policy forum related to the role of zoning in community affordability (approximately 250 people attended) Lastly, Town staff conducted targeted stakeholder and focus group interviews, connecting with over 30 individuals. Draft success measures were crafted at the end of this phase with the advisory committee by synthesizing community feedback with the discovery takeaways.
- **(CURRENT PHASE) Phase 3 – Design** (*September – December 2024*): The current design phase refines the success measures and creates an initial build-out vision for community consideration. The design effort included a multi-day charrette to physically evaluate and design initial development scenarios (approximately 200 people attended throughout the week). Post charrette, the Community Plan advisory committee is working through identifying and refining the initial build-out possibilities clarifying the goal and vision for the plan.
- **Phase 4 – Discussion** (*January – March 2025*): In the final phase of the planning effort, community outreach will continue to refine the initial build-out vision and inform a draft plan. The plan will depict a preferred build-out vision for the community through a future land use map with specific recommendations to inform an update to the Town’s zoning code and Design Standards and Guidelines and the creation of a new housing and resilient economy action plan in 2025. The Community Plan will also include development concepts and a long-term plan prioritizing initiatives on Town properties consistent with the goals of the Community Plan and the Community Compass.

Design Charrette Recap

As part of the design phase, the Town hosted a 5-day design charrette with the Town’s consultant Torti Gallas + Partners September 9 -13. A design charrette is an intensive, hands-on workshop that brings people together from different disciplines and backgrounds with members of the community to explore design options for a particular area.

The design charrette engaged the community in sketching ideas for potential changes to the Town's zoning code using hand sketching, computer drafting, 3D modeling, and digital renderings. To accommodate varying schedules, the charrette included opportunities for engagement at all times of the day to allow Town staff, designers, and community members to discuss Crested Butte's context, present background analysis, and collaborate on design alternatives. An estimated 200 plus community members participated in the charrette, including 10-20 daily visitors during the open design studio hours and 25 – 50 attendees at the three evening community meetings.

A recording of the Friday evening presentation summarizing the charrette is available [at this link](#). Additionally, a report of the charrette was published to summarize the work from the week, [which can be viewed here](#).

The Charrette Report includes:

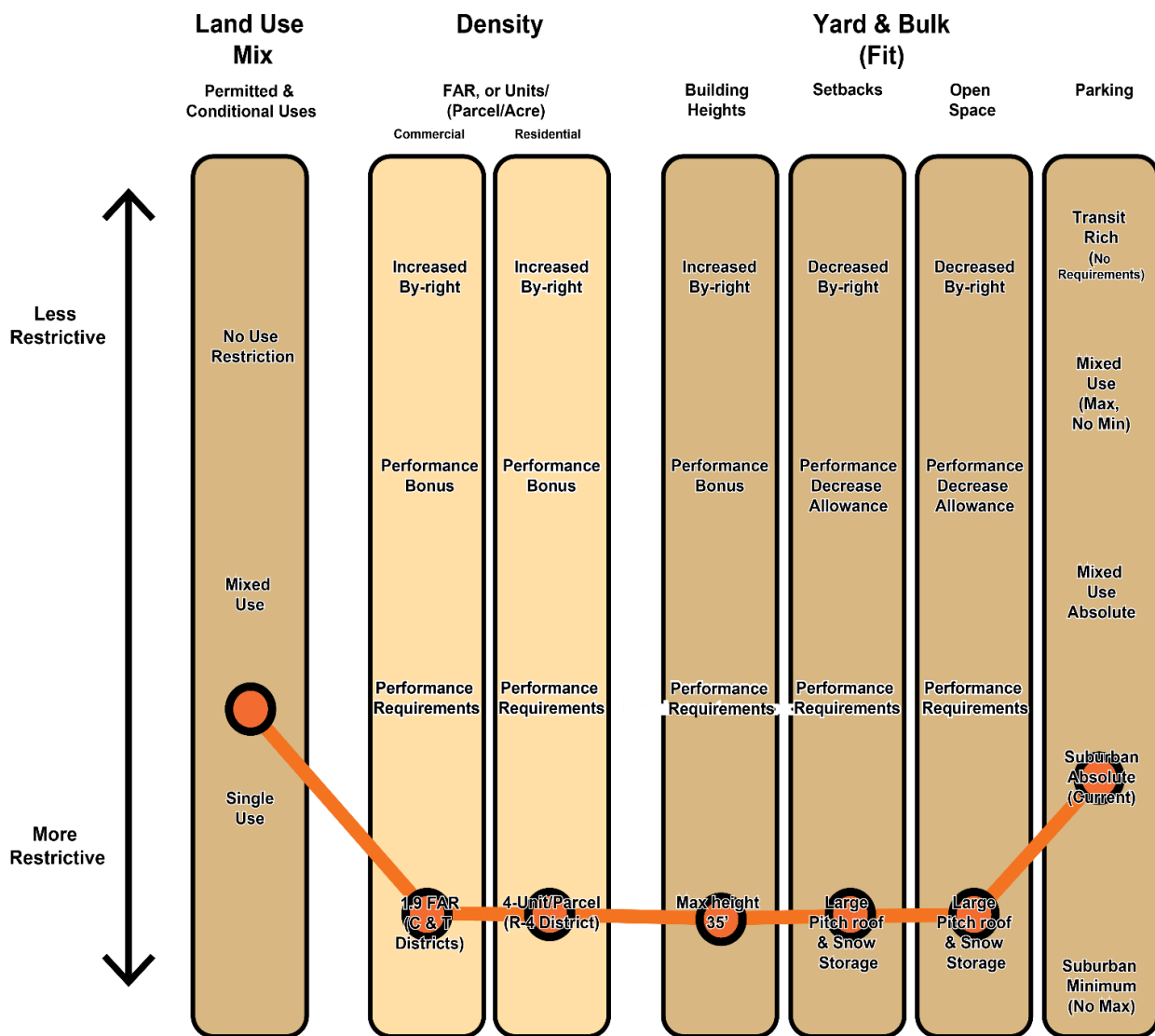
1. An **introduction** about the Community Plan, including charrette format and participation
2. An overview on the **role of zoning** and Crested Butte's zoning yield analysis
3. A description of the Community Plan **challenge** and how the Town's zoning code plays a role in its challenges
4. An overview of Community Plan **opportunities** and how those opportunities were framed for the charrette, including:
 - a. Framing changes within areas of stability and potential change
 - b. Looking through a lens of two tracks of community development: (1) the zoning code and its influence on market development and (2) opportunities to re-envision Town-owned sites
 - c. Using success measures as guardrails to ensure any ideas are aligned with the Compass values
5. A summary of **test concepts** from the charrette, including:
 - a. Zoning Code Test Concepts: Areas of Potential Change
 - i. Bellevue Avenue, using Alpine Lumber as a test site
 - ii. Sixth Street, using Sixth Street Station as a test site
 - b. Zoning Code Test Concepts: Areas of Stability
 - i. Residential Neighborhoods, using an alley as an ADU incentive concept
 - c. Town-Owned Opportunities
 - i. Slate River Annexation
 - ii. Station One
 - iii. The Four-Way Stop

Introducing the Community Plan Policy Toolbox

The Community Plan is using two general tools to achieve the Plan's desired outcomes: (1) the zoning code and its influence on development and (2) community investment opportunities to re-envision Town-owned sites to address today's challenges. The current focus of the effort is identifying build-out scenarios for various areas of the community and identifying needed changes to the zoning code to ensure the scenario could be built.

After affirming the revised CP goal and understanding what a ‘thriving community’ means to each council member desired outcome outcomes, the focus of this Town Council work session is to dive into understanding the zoning tools available to the Town by introducing and discussing the Community Plan Policy Toolbox. Using the initial concepts from the charrette as a foundation, a toolbox was created for the Community Plan to understand the different zoning tools the Town could dial up or down. Town Council members who participated in the Compass Navigation Committee previously worked through similar toolboxes for the Historic Preservation Plan and Climate Action Plan.

At the meeting, staff will introduce the toolbox and connect the concepts tested at the charrette as a visual representation of how these tools can impact potential future development. Then, we’ll discuss opportunities and trade-offs to consider dialling up or down different policies within the context of areas of change and areas of stability.



Zoning is the regulatory framework towns use to guide development. Zoning partitions areas of the Town into different districts. Each district defines the type and amount land uses desired, along with how those land uses fit on a parcel and in a neighborhood. The Town adopted its first zoning ordinance in 1961, which has evolved incrementally into Chapter 16 of the Town's municipal code. The Town currently has 23 zoning districts, each with specific intents governing their look, feel, and function, contributing to the overall structure of the Town.

The zoning tools that will be discussed at this meeting include land use mix, density, and fit. The toolbox includes more restrictive regulations at the bottom to least restrictive at the top, where the top includes entitling changes to developers (such as allowing increased density or height, or decreased parking or setbacks, as a matter of right). In the middle, performance bonuses or requirements provide additional allowances or bonuses in exchange for the development providing a public good. These zoning tools function similarly to how Planned Unit Developments (PUD) work. For example, Performance based zoning could allow new, or different entitlements, or fit waivers, within a certain zone district in exchange for a very specific public benefits, such as deed restricted housing unit etc.. An increased entitlements could include additional FAR and the number of units allowed, while a fit waiver could be a change in the parking requirement, setbacks, or building heights. A development that does not provide a very specific public benefit would not be allowed into the performance benefit process and would move forward with the underlining zone district's lesser entitlements and fit regulations.

The orange bar and red dots on the Toolbox graphic demonstrate the Town's current policy in aggregate (not by individual zone district).

The categories of focus include:

- **Land Use Mix (What types of uses are allowed?)** – The first responsibility of the Town's zoning code is to assign various land use allowances to the various zone districts. There are currently two categories of allowed land uses within each district: permitted and conditional. Permitted land uses means a use of land within any particular zone district which is authorized as a matter of right so long as all other density and lot coverage requirements are met. Conditional use means a use of land within any particular zone district which is authorized only if a conditional use permit is granted through a public hearing. Conditional use permits are granted by BOZAR if certain compatibility criteria are met.

It is important to note that if a land use is not listed in either the permitted or conditional use category of a zone district, it is not allowed. While the Crested Butte zoning code allows a mixture of retail, commercial, and residential in certain zone districts, the Town's allows single family in every residential zone district as a permitted use. This has resulted over 60% of Town being single-family. The Code with market conditions is not providing for a variety of land uses when compared to other cities and towns.

- **Density (How much of that use is allowed?)** – In community planning, "density" refers to the concentration of people, jobs, housing units, or other development activity within a specific area. Density in Crested Butte is measured in two-ways:
 - For commercial land use, Floor Area Ratio (FAR) is the metric. FAR is a measurement that indicates the proportion of a building's total usable floor area compared to the total area of the land plot it occupies.
 - For residential properties, density is measured by the allowed number of units per parcel/acre.

Density should not be confused with development intensity or fit on a property. In Crested Butte's residential districts, FAR measures the size, or intensity of the residential uses, not density. Building height allowances, floorplate, setbacks, parking and open space requirements govern building intensity, or fit, on a parcel and within a neighbourhood for both commercial and residential land uses.

Density in Crested Butte is on the lower end of the planning spectrum, aligned with that of a rural or suburban community. This low density allowance in combination with the rising land and building costs Crested Butte is directly causing more single family units to be built, exacerbating the inequitable development pattern and affordability crisis in Crested Butte..

Density is an important policy tool Crested Butte has available to address the affordability crisis. The supply of housing, governed by density allowance, versus the demand, governed by the free market, influence the price of housing.

Change in density allowances is the most powerful regulatory incentive/disincentive any municipality has in its zoning toolbox. In Crested Butte, Town Council needs to ensure any change in the density produces what the Town has identified as needs. This is because density also directly impacts the character and functioning of the community. To consistent with the Compass, the Town should not increase the allowed market rate density as a matter of right without surety the market will produce the public benefit it needs, workforce housing and commercial affordability.

- **Fit (Yard & Bulk) (How does that use fit on a site?)** – In community planning, "yard" refers to the open space required around a building on a lot, usually specified as a minimum setback distance from property lines, while "bulk" refers to the overall size and mass of a building on a lot, including footprint, fit on the site, and relationship to open spaces and neighbors. In Crested Butte, these are regulated through, building setbacks, open space requirements, snow storage and parking requirements.

An important aspect of fit also includes building heights. Building heights impact the fit of a building on a site in context with its surrounding neighborhood, and how much “intensity” a building may have. Most of the Town today is currently limited to a 35 ft. height limit.

In Crested Butte, the yard and bulk requirements are in some ways very unique, as setbacks and snow storage requirements are larger compared to other communities because of high snow fall. Fortunately, there is some flexibility that could incentivize landowners to invest in more affordable options if the Town modifies allowed architectural roof types, which the Historic Preservation Plan recommends in non-historic locations.

Alternatively, the Town's parking requirements are excessive and despite Crested Butte's walkability, the parking requirements resemble those of suburban, car-dependent areas. The lot coverage requirement of parking reduces a landowner's ability to build on their lots. The Transportation Mobility Plan (TMP) identified real opportunities for the Town to modify its parking requirements and leverage its abundantly available on-street parking (through parking permits) and the Crested Butte's transit oriented and pedestrian-friendly nature to reduce parking requirements to incentivize landowners to build more affordable housing.

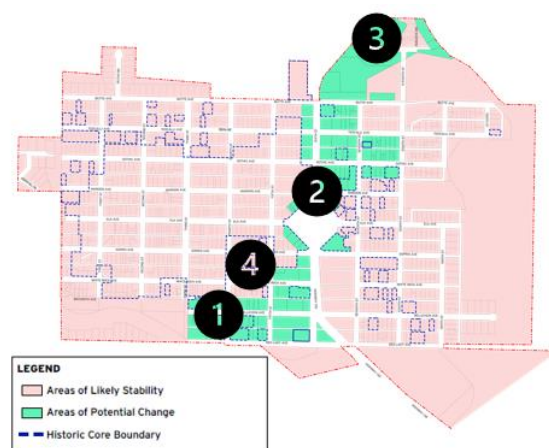
There are additional zoning concepts related to implementation of the Town's development regulations that will be introduced later in the process, including impact fees (the Town's ROAH program) and development review procedures. Please note, discussion regarding the Town's regulation of building architecture, which is a zoning issue, is being guided by the Historic Preservation Plan.

Using the Community Plan Policy Toolbox: Work Session Activity

At the work session, Town Council will work through four areas to consider adjusting the dials on the toolbox, using a concept from the design charrette to demonstrate changes on the toolbox.

The four areas include:

- **Areas of Change**
 - 1. Bellevue Avenue (Alpine Lumber Test Concept)
 - 2. Sixth Street (Sixth Street Station and 4-Way Test Concepts)
 - 3. Slate River Annexation (TP 1 and 2 Test Concept)
- **Areas of Stability**
 - 4. Neighborhoods (ADU Incentive Alley Strategy Test Concept)



To inform the discussion, consider the following tools to support this activity:

1. Community Feedback Takeaways
2. Community Plan Goal and how it translates to desired outcomes
3. Toolbox prompt questions
 - a. Market opportunities and constraints
 - b. Community needs
 - c. Tools to leverage (with compatibility in mind)

1. Community Feedback Takeaways:

The feedback from the charrette was summarized into the following key takeaways for areas of change and stability. Specific, transcribed feedback on each charrette concept can be viewed in the [charrette report](#).

| Areas of Change | Areas of Stability |
|--|--|
| <ul style="list-style-type: none"> • Openness to Change: The community expressed a willingness to embrace changes in specific areas. • Increase Mixed-Use Buildings: There is support for increasing mixed-use buildings and incorporating more residential units into these zones. • Diverse Housing Types: Introducing a wider variety of housing types is a priority. • Height and Density Incentives: Experiment with height and density incentives in certain areas to promote development. | <ul style="list-style-type: none"> • Refine Existing Regulations: Focus on targeted adjustments or tweaks to current zoning. • Incentivize ADUs: Further encourage the development of accessory dwelling units. • Explore Micro-Lots: Consider the feasibility of micro-lot development. • Parking Requirements: Leverage on-street parking and the town's pedestrian-friendly nature to reduce parking requirements. • Re-evaluate Land Uses: Review and update permitted and conditional uses to align with community needs. |

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|--|--|
| <ul style="list-style-type: none"> • Small/Local Serving Business Support: Encourage creative solutions to support small/local serving businesses. • Parking Requirements: Leverage on-street parking and the town's pedestrian-friendly nature to reduce parking requirements. • Public Spaces: Retain and enhance public spaces to foster community connectivity and vitality. | <ul style="list-style-type: none"> • Rethink Community Facilities: Identify opportunities to rethink and improve community facilities. |
|--|--|

2. Community Plan Goal and how it translates to hopeful outcomes

Next, remember the Community Plan goal to guide identifying desired outcome for each area.

The Goal: “To improve the livability, functionality, and sense of community in Crested Butte by leveraging the Town’s development regulations and community resources to stimulate free market investment in **affordable housing and community-serving businesses and non-profits.**”

As each area is thought about, consider breaking the goal down more specifically and how the different areas can support the goal in different ways, such as:

- How can the Town retain or encourage more trades and commercial businesses? Is Belleview the most appropriate place to focus on preserving this?
- How can the Town achieve more affordable restaurants and retail businesses? Is Sixth Street a potential area to focus on?
- Where can affordable housing best be distributed throughout the Town with different building types?
- How can we increase opportunities for community gathering spaces? Can Town facilities and parcels be leveraged to meet this need?
- What else are important outcomes to improve livability, functionality, and sense of community?

3. Toolbox Prompt Questions

Lastly, to work through the toolbox, for each area, Council is asked to discuss the toolbox within the context of understanding different opportunities, constraints, community needs, and compatibility for the different areas. Specifically, we will discuss the following questions for each area and concept:

1. What are the market opportunities and constraints and why?
 - a. Retail/restaurant
 - b. Commercial/employment/non-profits
 - c. Housing
 - d. Other?
2. What are the community's needs and why?
 - a. Retail/restaurant
 - b. Commercial/employment/Non-profits
 - c. Housing

- d. Other?
- 3. **What should be leveraged on the Toolbox to support those needs in ways that are compatible with the area?**
 - a. Land Use Mix
 - b. Density
 - c. Fit

Council Discussion: The attached slides work through these questions for a charrette concept in each of the four areas, resulting in an example adjusted toolbox for each area. At the meeting, to provide context, feedback from the Advisory Committee and BOZAR will be shared on their perspectives of adjusting the toolbox for different areas.

Council is asked to review these concepts ahead of the meeting, identify clarifying questions on the toolbox and its use, and be prepared to work through adjusting the toolbox levers at the work session. Additionally, attached is a worksheet for each area, to support the discussion.

What's coming up next?

Using the combination of feedback on the toolbox from the advisory committee, BOZAR, and Council, a Draft Community Plan document will be drafted and circulated first to the advisory committee, and then to the Navigation committee, with the anticipation of publication for broader community feedback in mid-February. The draft plan will include alternative tools from the toolbox for community feedback, as well introduce a draft prioritization timeline for Town-owned opportunities.

Attachments:

- Use of Community Plan Toolbox with Charrette Concepts Slide Deck
- Community Plan Toolbox Worksheet
- [Design Charrette Report \(available via link\)](#)

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, December 16, 2024

Mayor Billick called the meeting to order at 7:08PM.

Council Members Present: Mayor Ian Billick, Beth Goldstone, Mallika Magner, and Gabi Prochaska

Jason MacMillan, the outgoing Council member, voted on the first two motions: to approve the agenda and Consent Agenda. John O’Neal, the incoming Council member, voted on all the motions thereafter.

Staff Present: Town Manager Dara MacDonald, Town Attorney Karl Hanlon, and Town Clerk Lynelle Stanford

Public Works Director Shea Earley, Sustainability Coordinator Dannah Leeman, Town Planner III Jessie Earley, Town Planner III Mel Yemma, Finance Director Kathy Ridgeway, and Community Development Director Troy Russ (for part of the meeting)

APPROVAL OF AGENDA

Prochaska moved and MacMillan seconded a motion to approve the agenda. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

CONSENT AGENDA

1) December 2, 2024 Regular Town Council Meeting Minutes.

Staff Contact: Town Clerk Lynelle Stanford

2) Fall 2024 Community Grant Recommendations.

Staff Contact: Finance Director Kathy Ridgeway

3) Resolution No. 28, Series 2024 - A Resolution of the Town Council of Town Crested Butte, Colorado, Authorizing a Loan to TWG Crested Butte LLLP for the Completion of the Mineral Point Housing Project and Promissory Note and Leasehold Deed of Trust to Secure the Loan.

Staff Contact: Housing Director Erin Ganser

4) First Amendment to 2022 Town Manager Employment Agreement.

Staff Contact: Town Manager Dara MacDonald and Town Attorney Karl Hanlon

5) (First Reading) Ordinance No. 10, Series 2024 - An Ordinance of the Crested Butte Town Council Authorizing Signing Stipulation in Case No. 21CW3021 and Storage Water Lease Agreement with Mt. Emmons Mining Company.

Staff Contact: Attorney Scott Miller

6) 2025 Memorandum of Agreement (MOA) with the Gunnison Valley Regional Housing Authority for the Crested Butte GreedDeed Program.

Staff Contact: Sustainability Coordinator Dannah Leeman

Prochaska removed item number two, Fall 2024 Community Grant Recommendations, from the Consent Agenda.

MacMillan moved and Goldstone seconded a motion to approve the Consent Agenda absent the grant recommendations. A roll call vote was taken with all voting, “Yes.”

Motion passed unanimously.

SWEARING IN OF NEW COUNCIL MEMBER JOHN O’NEAL

John O’Neal was sworn in as the new Council member, and he signed the oath of office.

PUBLIC COMMENT

Billick acknowledged the written comment sent by Jillian Liebl from The Center for the Arts.

Arvin Ramgoolam, 121 Packer Way, owner/co-owner of Townie Books, commented during the meeting.

STAFF UPDATES

MacDonald updated and answered questions.

LEGAL MATTERS

Hanlon provided an update.

PRESENTATION

**Gunnison County Substance Abuse Prevention Project (GCSAPP)
Community/School Report 2023 Healthy Kids Colorado Survey Data Presented by
Emily Mirza.**

Mirza introduced herself and John Powell, who was on Zoom. Mirza presented.

PUBLIC HEARING

1) Resolution No. 25, Series 2024 - A Resolution of the Crested Butte Town Council Adopting the Budget and Appropriating Sums of Money for the Town of Crested Butte, Colorado for the Fiscal Year Beginning the First Day of January 2025, and

Ending the Last Day of December 2025, Estimating the Amount of Money Necessary to be Derived from Revenue Sources, and Setting Forth the Total Estimated Expenditures for Each Fund.

Staff Contact: Finance Director Kathy Ridgeway

Ridgeway summarized and answered questions. Billick opened the public hearing. No one from the public commented. The public hearing was closed.

Prochaska moved and Magner seconded a motion to approve Resolution No. 25, Series 2024. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

NEW BUSINESS

1) Resolution No. 26, Series 2024 - A Resolution of the Town Council of the Town of Crested Butte, Colorado, Adopting Employee Compensation Plan.

Staff Contact: Finance Director Kathy Ridgeway

Magner moved and Goldstone seconded a motion to approve Resolution No. 26, Series 2024. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

2) Resolution No. 27, Series 2024 - A Resolution of the Crested Butte Town Council Adopting Certain Fees and Charges for the Fiscal Year 2025.

Staff Contact: Finance Director Kathy Ridgeway

Goldstone moved and Prochaska seconded a motion to approve Resolution No. 27, Series 2024. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

3) Historic Preservation Plan Adoption.

Staff Contact: Community Development Director Troy Russ

Jessie Earley presented regarding the Historic Preservation Plan. Council members and Consultant Stan Clauson commented.

Prochaska moved and Magner seconded a motion to adopt the Historic Preservation Plan. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

4) (First Reading) Ordinance No. 9, Series 2024 - An Ordinance of the Crested Butte Town Council Repealing and Replacing Chapter 11 of the Crested Butte Municipal Code.

Staff Contact: Public Works Director Shea Earley

Shea Earley presented and answered questions from Council members.

Magner moved and Goldstone seconded a motion to set Ordinance No. 9, Series 2024 for public hearing on January 6th, 2025. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

5) Chanukah in Crested Butte Special Event Application Closing 4th Street on Sunday, December 29th, 2024.

Staff Contact: Town Clerk Lynelle Stanford

Goldstone moved and O’Neal seconded a motion to approve the special event application for Chanukah in Crested Butte contingent upon approval from Town department heads, Mountain Express, and the Crested Butte Fire Protection District; receipt of certificate of insurance and climate responsible worksheet; and payment of special event fees. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

6) Fall 2024 Community Grant Recommendations.

Staff Contact: Finance Director Kathy Ridgeway

Prochaska explained the reasoning for the item’s removal from the Consent Agenda.

Goldstone moved and Magner seconded a motion to approve the Fall 2024 Community Grant Recommendations, as amended. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

COUNCIL REPORTS AND COMMITTEE UPDATES

None

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Magner recognized The Center for the Arts.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, January 6, 2025 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, January 21, 2025 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, February 3, 2024 - 6:00PM Work Session - 7:00PM Regular Council

A work session for long-range financial planning was scheduled for Monday, February 10th, 2025, at 6:00PM.

ADJOURNMENT

Mayor Billick adjourned the meeting at 8:39PM.

Ian Billick, Mayor

Lynelle Stanford, Town Clerk (SEAL)



Staff Report

January 6th, 2025

To: Mayor and Town Council

Thru: Dara MacDonald, Town Manager

From: Lynelle Stanford, Town Clerk

Subject: Resolution No. 1, Series 2025 - A Resolution of the Crested Butte Town Council Designating the Town of Crested Butte's Three Official Public Places for Posting Town Council Meetings and Other Important Items.

Date: December 16th, 2024

Summary:

Ordinance No. 2, Series 2010 amended the Town Code by striking the list of three designated posting places. Furthermore, the ordinance stated that designated posting places shall be approved by resolution of the Town Council each year. Staff recommends the following three locations: 1) outside the reception office in the Town Offices or when closed to the public due to an unanticipated closure, outside on the front door, located at 507 Maroon Avenue; 2) the Crested Butte Library, located at 504 Maroon Avenue; and 3) the lobby of the Old Town Hall, located at 132 Elk Avenue in Crested Butte, Colorado, as the official public posting places for the purposes of posting notices announcing Town Council meetings and other important items. These three locations have been the three posting places for the Town in recent history.

Per direction received from the Council, staff also post legal notices online on the Town's website. The notices are posted under Government – Legal Notices. The legal notices are organized by the date published in the *CB News*.

Recommendation:

To approve Resolution No. 1, Series 2025 designating the three official public places for posting notices announcing Town Council meetings and other important items as part of the Consent Agenda.

Recommended Motion:

Motion to approve Resolution No. 1, Series 2025 as a part of the Consent Agenda.



Staff Report

January 6th, 2024

To: Mayor and Town Council

Thru: Dara MacDonald, Town Manager

From: Lynelle Stanford, Town Clerk

Subject: Resolution No. 2, Series 2025 - A Resolution of the Crested Butte Town Council Adopting the Town Council Rules of Procedure.

Date: December 16th, 2024

Background:

The purpose of Resolution No. 2, Series 2025 is to adopt the Town Council Rules of Procedure. The rules of procedure are set forth in Section 4.1 of the Town's Home Rule Charter and in Chapter 2 Article 2 of the Town Code. The rules of procedure also comprise Chapter 3, entitled "Town Council Rules of Procedure," of the *Town Council Handbook*, which directs that the "Council shall review these Council Rules of Procedure, at least annually, and shall annually approve a resolution adopting the Council Rules of Procedure."

Summary:

The updates to the Town Council Rules of Procedure are as follows:

Rule 1.I Attendance at Meetings

Council Attendance Requirements

b) ~~Removal for failure to meet attendance requirements. Any Council member, including the Mayor, may be removed from office for failure to meet the attendance requirements set forth in Subsection (a) above (Town Code Sec. 2-2-20).~~ Council may, in consultation with the Town Attorney, take such remedial action against the Mayor or a Council member as is permitted by law including but not limited to private or public censure for failure to meet the Council attendance requirements.

Rule 3. Meeting Procedures

C. Public Comments at Meetings

All meetings of the Council shall be open to the public, except for executive sessions. The public may make comments on items not scheduled on the agenda of regular Council meetings during the Public Comment section of the agenda. Citizens should verbally state their name and address for the record. Those commenting shall limit their comments to five minutes. As appropriate, the Mayor may limit comments to three minutes to facilitate a timely progression of the meeting.

Public comment is taken in person, in writing and virtually, however Council may limit public comments for items not on the agenda to in person and written only.

The public shall have the opportunity to speak on matters on the agenda at the time the matter is being considered. Citizens should verbally state their name and address for the record. Those commenting shall limit their comments to five minutes and to the agenda item being discussed. As appropriate, the Mayor may limit comments to three minutes to facilitate a timely progression of the meeting.

Lastly, Mallika identified a typo that was corrected.

Recommendation:

To approve Resolution No. 2, Series 2025.

Recommended Motion:

Motion to approve Resolution No. 2, Series 2025 as a part of the Consent Agenda.



Staff Report

January 6, 2024

To: Mayor and Town Council

Prepared By: Dara MacDonald, Town Manager

Subject: Services Agreement for the Crested Butte/Mt. Crested Butte Chamber of Commerce to operate the Visitor Center in Crested Butte

Summary: The proposed Services Agreement reflects the Town Council's direction to provide the Crested Butte/Mt. Crested Butte Chamber of Commerce with the funds generated through 2025 business licenses to operate the visitor center in Crested Butte as detailed in the agreement. Included in the assumptions in the business license fee increase from \$100 to \$150 included in the fee schedule adopted by the Council in December.

Discussion: The Town Council directed that they are willing to provide 100% of the estimated 2025 business license fees to the Chamber to support operation of the Crested Butte Visitor Center in 2025. The revenue estimate for 2025 is \$94,500. That funding is subject to the performance expectations set out in Sections 2.1 and 2.2 of the agreement.

Executive Director Heather Leonard has proposed some modifications to the reporting requirements as detailed in the attached letter. The proposed changes are acceptable to Town staff and have been incorporated into the agreement.

Climate Impact: None

Financial Impact: The Town has budgeted \$94,500 for visitor center operations in 2025 based on projected revenue from 2025 business licenses. The revenues from 2025 business licenses shall be provided to the Chamber, in two payments: \$70,875 on or before April 1st, the balance of all 2025 business license payments paid by January 31, 2026.

Legal Review: Allowing for the changes regarding reporting and a few other minor language updates, this is the standard Services Agreement format that has been used for many years. It has been reviewed by the Town Attorney.

Recommendation: That the Town Council enter into the Services Agreement and provide the Crested Butte/Mt. Crested Butte Chambers of Commerce with 100% of the funds collected by the Town for 2025 business licenses under the terms of the Agreement.

Proposed Motion: That the Council, “approve the Services Agreement” as part of the Consent Agenda.



Staff Report

January 6, 2025

To: Mayor and Town Council

Prepared By: Shea D Earley, Public Works Director

Thru: Dara MacDonald, Town Manager

Subject: **Notice of Final Payment to Lacy Construction Company, Ltd for the Town of Crested Butte Paving Project 2024 (Elk Ave and Eight Street Improvements)**

Summary:

The Town of Crested Butte (Town) awarded a contract on July 17th, 2023 to Lacy Construction Company, Ltd (Contractor) to construct the Butte Ave ROW Improvements Project. The Contractor has submitted a request for final payment of the 5% retainage which equals \$66,221.27. As such, Town Staff has approved this request and published notice of final payment in the December 19st and December 26th editions of the CB News. Furthermore, final payment has been scheduled for January 7th, 2025, pending approval by Town Council.

Recommendation:

Staff recommends approving final payment for the Town of Crested Butte Paving Project 2024.

Proposed Motion:

Council Member makes a motion to approve final payment for the Town of Crested Butte Paving Project 2024 as part of the consent agenda.

Attachment:

Notice of Final Settlement: Town of Crested Butte Paving Project 2024 (Elk Ave and Eight Street Improvements)



Memorandum

To: Town Council

From: Dara MacDonald, Town Manager

Subject: Manager's Report

Date: January 6, 2025

Town Manager

- 1) Skier parking permits – Following are some data points we have received from Interstate Parking about the 'skier parking' around bus stops on the 6th Street corridor:
 - As of 12?18 there have been 289 responses to the permit application, 226 of these have provided their verification and have been entered into the Interstate Parking system.
 - When our Park Crested Butte ambassadors find an unregistered vehicle in these zones, we have been including our website so that the violator may visit us online and submit a response for a permit. This has proven quite effective in educating the public about this permit. "Please visit us online at www.parkcrestedbutte.com for information about obtaining required permits"
 - applicants do receive a response upon submission stating that the response they have recorded was submitted. Once responses are entered into our system, they receive a response from us letting them know that they are all set!
 - 21% of applicants have not provided a proof of residency. They have not received accreditation as a result.

Sustainability

- 1) **2024 Residential Compost Drop Off Program Report** – Elements Mountain Compost (EMC) provided a progress report on the residential drop off pilot program. The program currently has 54 active subscriptions, and its first commercial customer is scheduled to begin services in Jan. 2025. 250 residential memberships are needed to eliminate the Town's subsidy to this program. To date, the program has diverted 11,920 lbs. of food waste for composting, which is an average of 40 lbs./household/month, or 10 lbs./household/week. This equates to an approximate reduction of 13 metric tons of CO₂e, or the emissions from 2 passenger vehicles driven for one year since June 2024. The full report is attached to the *"Municipal Refuse and Recycling Collection and Disposal Agreement – Save as You Throw and Curbside Composting Programs"* staff report for the January 6 Council Meeting.

Public Works

- 1) No updates.

Marshals

1. We are pleased to welcome Blake back from his paternity leave to once again have him protecting our community.
2. On December 11th, Chief Reily participated in the Colorado Emergency Preparedness Assessment (CEPA) process with Gunnison County Emergency Management. The state requires emergency management programs to update their CEPA every 3 years to review threats and hazards in the County, and then their capabilities to respond based on a number of metrics. The CEPA process was facilitated by the Colorado Department of Homeland Security and Emergency Management (DHSEM).

Parks, Recreation, Open Space and Trails

- 1) Staff participated in the final community meeting for athletic field planning for the school district and was appreciative of the thoughtful, thorough, and transparent process.
 - a. The district's general contractor, FCI, is heading up a competitive bidding process for a non-PFAS, non-crumb rubber turf field that will have natural infill material for CBCS. There will be one final meeting with CBCS staff to determine preferred striping layouts. The district plans to plow this field and to shift all CBCS field-based athletics to district fields. This will alleviate the strain on Town fields and allow for increased play time for Town and other non-school programs like WESA.
 - b. The scope for Gunnison Community School has changed from one natural and one synthetic field to two natural fields with the addition of a track. The new scope is more affordable and will provide much-needed track space for the entire school district and community. We are not typically able to hold Town Rec programs at CBCS in the spring, due to track athletes using the hallways and gym to run. The addition of a track in Gunnison will hopefully free up space in CB for other regular indoor programming.
- 2) 12/19 STOR Meeting Update:
 - a. Jake Thomas from PACT Outdoors gave a presentation on a pilot program they ran called "Clean 14". The idea behind the program was to offer free opportunity, via kiosk, for recreational users to acquire a pack out system for solid human waste. Their product is called a Pack Out Kit and operates in the same way traditional WAG bags do. They also provided a trash can with the kiosk so folks who utilized the Pack Out Kit on their hike would have a place to dispose of it. The kiosks were strategically placed several hundred feet up the trail in order to prevent folks from disposing other trash in the can and keep the bags out of the restroom in the parking lot. The idea has been floated to test this system in areas around Gunnison County, however the committee did not take action to implement during this meeting.
 - b. Recipients of the 2024 Gunnison County Stewardship Fund highlighted funded projects. Recipients were Gunnison Trails, Crested Butte Mountain Bike Association, Crested Butte Land Trust, and the USFS. Projects included trail building and maintenance, campsite

maintenance and cleanup, shoring up the Gunsight Bridge abutment, and a cleaning contract for pit toilets on the Gunnison National Forest.

Community Development

1. At a previous Town Council meeting, there were question regarding specific construction techniques during the winter months. Concerns were related to both the Paradise Park and Mineral Point affordable housing initiatives. Wintertime construction, though uncomfortable for the workers, is a common occurrence in Crested Butte and throughout the world. There are several specific concerns that require a different level of attention when compared to warmer months, freezing concrete/soils and water damage to wood. Wintertime best practices are outlined below:
 - a. **Freezing Concrete/Soils** - To prevent freezing of concrete, additives are added at the batch plant to reduce the risk of freezing. Specifically, hydration accelerators of non-chloride type and concrete ready-mix materials are heated at the concrete batch plant to prevent concrete from freezing during cold conditions. Additionally, before and after the concrete is poured for foundations (footings, walls and slabs), hydronic ground thaw heaters are utilized for thawing/protecting the concrete subgrade as well as after the concrete is placed. Once placed, concrete is finished and covered with insulation blankets and ground thaw heating as required. Typically, seven (7) days of non-freezing curing time is sufficient to meet design strength and cure properly. As an additional measurement of concrete quality, if required by the Soils Engineer or project specifications, concrete batches for commercial foundations are typically required to have slump tests and compressive break strength tests performed by the soils engineer, or a third-party testing agency approved by the Building Official.
 - b. **Water Damage to Wood** – Framing and floor/roof sheathing exposed to snow are maintained by removing the snow. The snow is shoveled, or swept, daily to minimize the risk of water damage. Note snow is far easier to manage than rainfall. As an additional measure, almost all sheathing (roof, walls, floors, etc) are structural panels rated for Exposure “1”, which are manufactured to include typical moisture encountered during the construction process.

Lastly, please note the Town’s Building Division is onsite regularly and can verify all of the contractors working in the valley follow best cold weather construction practices. At the Mineral Point project concrete slump tests were conducted and the reports were submitted to the Town Building Department. The compressive break strength tests were also submitted and reviewed by the Building Department for each pour and found to exceed every design specification by a significant amount.

Town Clerk

- 1) There will be a public hearing on the January 21, 2025, agenda for the change of location for Sherpa Cafe’s liquor license to 309 6th Street.
- 2) The Alley Loop special event application will be on the Consent Agenda on January 21, 2025, for consideration by the Council.
- 3) The Fat Bike Worlds event is upcoming on January 24-26, 2025. Aspects of the event will be located at Town Ranch and within the Gravel Pit.

Finance/HR/IT

1) November Preliminary Revenue Report

| Business Category | Total Amount 2024 | Total Amount 2023 | \$ Diff | % Diff | YTD 2024 | YTD 2023 | \$ Diff | % Diff |
|-----------------------------------|----------------------|----------------------|--------------|-------------|------------------|------------------|----------------|-------------|
| BARS/REST | 47,127 | 42,758 | 4,370 | 10.22% | 1,822,197 | 1,644,636 | 177,561 | 10.80% |
| ECOMMERCE | 19,960 | 31,051 | (11,091) | -35.72% | 253,224 | 226,207 | 27,017 | 11.94% |
| GROCERY | 37,983 | 16,694 | 21,289 | 127.53% | 780,751 | 584,662 | 196,089 | 33.54% |
| RETAIL | 43,451 | 54,999 | (11,548) | -21.00% | 1,186,237 | 1,269,965 | (83,727) | -6.59% |
| RETAIL:MMJ | 5,996 | 6,118 | (122) | -1.99% | 112,276 | 121,963 | (9,688) | -7.94% |
| LODGING | 21,285 | 20,454 | 831 | 4.06% | 690,745 | 722,970 | (32,224) | -4.46% |
| CONST/HRDWR/AUTO | 39,572 | 44,565 | (4,993) | -11.20% | 539,206 | 533,542 | 5,664 | 1.06% |
| SERVICE | 27,335 | 23,503 | 3,833 | 16.31% | 361,635 | 336,200 | 25,435 | 7.57% |
| | | | | | | | | |
| | | | | | | | | |
| Grand Total | 242,709 | 240,141 | 2,569 | 1.1% | 5,746,272 | 5,440,145 | 306,127 | 5.6% |
| | | | | | | | | |
| OTHER REVENUE SOURCES | | | | | | | | |
| Vacation Rental Excise Tax | 30,529 | 32,525 | (1,995) | -6.1% | 740,691 | 836,635 | (95,944) | -11.5% |
| Tobacco & Nicotine Tax | 11,054 | 11,175 | (121) | -1.1% | 173,684 | 175,173 | (1,489) | -0.9% |
| RETT | 463,350 | 536,918 | (73,568) | -13.7% | 2,346,799 | 2,712,814 | (366,015) | -13.5% |
| Carry Out Bag Fee | 221 | 25 | 196 | 778.9% | 5,449 | 3,620 | 1,829 | 50.5% |

(Please note that Clark's grocery store was closed October – late December 2023 and that several restaurants have opened or reopened in 2024.)

Upcoming Meetings or Events Council may choose to attend

January 27, 6:00-8:00, Joint dinner with Mt CB Town Council, Matchstick Lounge at Jose'

Upcoming Agenda Items

See attached **draft** list of upcoming Council agenda topics

* As always, please let me know if you have any questions or concerns. You may also directly contact department directors with questions as well.



Staff Report

January 6, 2025

To: Mayor and Town Council

Prepared By: Shea D Earley, Public Works Director

Thru: Dara MacDonald, Town Manager

Subject: **Ordinance No 9, Series 2024, Repeal and Replace of Chapter 11: Streets, Sidewalks, and Public Property**

Summary:

The Town of Crested Butte (Town) owns and maintains approximately 21 lane miles of roadway, as well as alley ways, Right of Ways (ROW) adjacent to streets, public parking areas, public parks, trails, and a cemetery. Chapter 11 of the Town Code regulates approved uses, maintenance obligations, including snow removal, and the required permitting necessary to operate within those areas. Ordinance No 9, Series 2024 will repeal and replace Chapter 11 of the Town Code.

Discussion:

The Town is proposing several amendments to Chapter 11 of the Town Code. Due to the extent of the changes, it has been determined to repeal and replace Chapter 11 in its entirety. The proposed changes can be found on **Exhibit A**. In addition, some of the larger changes are explained in more detail below and include:

- Shift code sections that reference specifications from Town Code to the Public Works Criteria for Design and Construction. Examples of this include:
 - Requirements to provide plans, specifications, and as built drawings for projects.
 - Construction standards, such as curb and gutter requirements and roadway designs.
 - Inspection requirements during construction
 - Construction Zone safety requirements.
- Surety and Bonding requirements
 - Projects valued up to \$50,000
 - Introduces the option to pursue a bond for work performed within the public ROW in lieu of a cash bond at 20% of the valuation of the project.
 - Project valued greater than \$50,000
 - Requires that a performance bond equal to the valuation of the project be provided.
- Snow Management

- Permit requirements for hauling, dumping, transportation, or storage of snow within the public ROW
- Identifying the prohibition of snow removal operations during school drop off and pick up times.
- Public Parks
 - Multiple sections were redundant and included elsewhere in Town code. These redundancies were removed.
 - There was specific language in the old code speaking to the Big Mine Skatepark, Green Lake Trail, and language to be included in parks and recreation facility permit applications. These sections were removed and will be addressed via policy and signage.

Financial Impact:

Staff is proposing to revise language within the surety requirements that would allow for bonding in lieu of a cash deposit (at 20% of the valuation of the project). As the costs of bonding is substantially less than the typical 20% valuation of a project, the property owner/contractor will see a reduction in costs associated with bonding for a project.

Legal Review:

The Town Attorney has assisted staff with drafting and reviewing the proposed Ordinance.

Recommendation:

Staff recommends that Town Council approve Ordinance No 9, Series 2024 repealing and replacing Chapter 11: Streets, Sidewalks, and Public Property

Proposed Motion:

A council member could make a motion, “to approve Ordinance No 9, Series 2024 on January 6, 2025,” followed by a second and roll call vote

Attachments:

Ordinance No 9, Series 2024

Exhibit A – Ordinance No 9, Series 2024 Repeal and Replace of Chapter 11: Streets, Sidewalks, and Public Property Proposed Revisions



WATERLAW®

PATRICK | MILLER | NOTO

MEMO

Scott C. Miller*
shareholder
miller@waterlaw.com

reply to Aspen office
*licensed in CO

TO: Mayor Ian Billick and Crested Butte Town Council
CC: Karl Hanlon, Esq.; Dara MacDonald; Shea Early
FROM: Scott Miller, Esq.
DATE: December 16, 2024
RE: Settlement of MEMC diligence case; Case No. 21CW3021

Background:

ASPEN:

197 Prospector Dr.
Suite 2104 A
Aspen, CO 81611
T. 970.920.1030
F. 970.925.6847

BASALT:

Waterlaw Riverwalk
229 Midland Avenue
Basalt, CO 81621
T. 970.920.1030
F. 970.927.1030

DENVER:

999 18th St.
30th Floor
Denver, CO 80202
T. 303.893.9700
F. 303.893.7900

TULSA:

7633 E. 63rd Pl.
Suite 300-18
Tulsa, OK 74133
T. 800.282.5458
F. 970.927.1030

SCOTTSDALE:

16427 N. Scottsdale Rd.
Suite 410
Scottsdale, AZ 85254
T. 800.282.5458
F. 970.927.1030

Mount Emmons Mining Company (MEMC) filed a water court application for “Findings for Reasonable Diligence” on April 30, 2021 in order to preserve and continue for another 6 years a large amount of conditional water rights associated with the MEMC Keystone mine site three miles west of the Town.¹ The conditional water rights include 30 c.f.s. in the Slate River, 10 c.f.s. in Carbon Creek, 1000 acre feet of storage on Carbon Creek, 1000 acre feet of storage on Elk Creek, and 1000 acre feet of storage on Mill Creek as identified on **Exhibit E**. US Energy (USE) transferred the conditional rights to MEMC along with lands comprising the Mt Emmons Mine Site (a.k.a. Keystone Mine Site). These conditional water rights were originally decreed in Case No. 96CW311, and then continued in full force and effect in a previous 6 year diligence filing in Case No. 08CW81. The Town, Gunnison County, High Country Conservation Advocates, Western Resource Advocates, Coal Creek Watershed Coalition and the United States of America all filed a “statements of opposition” to this latest MEMC Case No. 21CW3021 (“Opposers”). These water rights were appropriated with the purpose of supporting active mining and milling at the Keystone Mine site. The Town’s goal in opposing this application was part of a larger effort of insuring there would be no actual mining and milling at the Keyston Mine (the water rights would be an essential component of such mining operation), while at the same time supporting MEMC’s reclamation, site remediation and water treatment activities at the Keystone Mine. The Town and County entered into a MOU (**Exhibit C**) to this effect on July 20, 2021.

¹ A conditional water right is "a right to perfect a water right with a certain priority upon the completion with reasonable diligence of the appropriation upon which such water right is based." Colorado law requires an applicant who is seeking to preserve conditional water rights to show they are diligently pursuing development of such rights. This showing must be made to Water Court every six years. MEMC filed for the required diligence showing in April 2021.



The Town and Opposers requested from MEMC full engineering analysis on current and prospective realistic water supply demands and depletions associated with the MEMC site. In response, MEMC commissioned an engineering report from Wheeler & Wheeler Associates. The engineering showed that MEMC had minimal water demands for reclamation and remediation at the Keystone site.

Thus, MEMC was willing, as part of settlement, to significantly reduce their water right claims by: (1) cancelling and abandoning all of their water rights *except* the Elk Creek Reservoir; and (2) reducing the Elk Creek Reservoir claim down to 100 acre feet (i.e., abandon 900 acre feet).

While abandonment of the vast majority of MEMC's water rights is a positive outcome in the Town's opinion, the Town still has concerns with any possible construction of a dam and reservoir in the pristine Elk Creek drainage, located above the Town's municipal water supply intake on Coal Creek. MEMC's only remaining purpose for building such a reservoir is to use it for replacement and augmentation water to cover demand associated with their remediation operation at the site. Wheeler & Wheeler engineering estimates MEMC's maximum projected demand depletions are 14 acre feet per year.

In exchange for MEMC agreeing to not build the Elk Creek Reservoir, the Town has agreed as part of settlement to lease to MEMC a portion (up to 14 acre feet per year) of its 367 acre feet Lake Irwin storage right. A copy of the proposed "Storage Water Lease Agreement" is attached as **(Exhibit B)**. This agreement was drafted by Town water counsel in consultation with Town Staff. The leased portion of the Town's Lake Irwin water right would need to be included in a Plan for Augmentation filed by MEMC at a later date at no expense to the Town. The Town would settle its overall opposition to the MEMC case based on a Stipulation and Agreement (of which the Storage Water Lease would be a part); and a "consent" Decree. Final settlement drafts of the Stipulation and Decree are attached as **Exhibit A**.

Highlights of the Storage Water Lease include:

1. 80 year lease term; renewable for successive 80 year terms.
2. MEMC pays to Town \$1000 annual fee; and \$600 per acre foot of water released for MEMC benefit, with a CPI increase each year. These prices are in line with average augmentation water prices on the West Slope.
3. Water released for MEMC benefit through the Coal Creek outlet. Provides "use benefit" of Lake Irwin water since the water will stay in Coal Creek as "augmentation" and will help enhance Coal Creek instream flows.
4. Most importantly, so long as the Town's Lake Irwin water is available, MEMC is not allowed to build the Elk Creek Reservoir.
5. MEMC can only use the water for augmentation of Coal Creek and downstream calls; no diversion or direct use at the Keystone Mine site is allowed.
6. Town allowed to file "statement of opposition" to MEMC augmentation plan in order to monitor and protect use of Lake Irwin water.



7. Town can terminate the Lease at any time for “utility related reasons” or if it determines there is no excess water available for MEMC above and beyond Town resident demands.
8. Town not liable or responsible for inability to deliver water for reasons beyond Town’s control, such as mother nature (i.e. *force majeure* clause).
9. Governmental immunity retained.

All parties (opposers and MEMC) have agreed to the attached version of the Water Storage Lease, with the caveat that it still requires Town Council consideration and approval.

Recommendation:

Town Staff recommends that Town Council take the necessary steps to formally adopt Ordinance No. 10 (Series 2024) as presented by the Town Attorney in order to complete execution of the attached Water Storage Lease, Stipulation and proposed Decree; and authorize final settlement of Case No. 21CW3021

Proposed Motion:

A council member could make a motion, “to approve Ordinance No 10, Series 2024 on January 6, 2025,” followed by a second and roll call vote.

Attachments:

Ordinance No 10, Series 2024

Exhibit A - 21CW3021 Draft Proposed Decree 11072024

Exhibit B - Storage Water Lease Agreement

Exhibit C - MOU July 2021 – MEMC, Town, Gunnison County

Exhibit D - Stipulation and Agreement Applicant Opposer 21CW3021 final

Exhibit E - MEMC Water Rights Map



Staff Report

January 6th, 2025

To: Mayor and Town Council
Thru: Dara MacDonald, Town Manager
From: Lynelle Stanford, Town Clerk
Subject: Thai Smile LLC Application for a New Hotel/Restaurant Liquor License for the Location of 16 6th Street.
Date: December 16th, 2024

Summary:

Thai Smile LLC applied for a new Hotel and Restaurant liquor license at 16 6th Street. Staff submits the following findings regarding the application:

1. Notice of public hearing on the application was posted on the premises at least 10 days prior to the public hearing, and the notice was published in the *Crested Butte News* on December 20th, 2024.
2. A complete application has been submitted and all application fees have been paid.
3. It appears from evidence submitted that the applicant is entitled to possession of the premises for which the application for a new liquor license has been applied.
4. It will be confirmed, upon issuance of the certificate of occupancy (CO) or temporary certificate of occupancy (TCO), that the sale of liquor on the premises is not a violation of zoning, building, health and fire laws or regulations.
5. There was previously an existing Hotel and Restaurant liquor license at the location, held by Iron Horse Tap LLC DBA Off Elk, and in the two years prior to the application, there has not been a denial of an application by the Local Liquor Licensing Authority (Crested Butte Town Council) at the location.
6. The Crested Butte Marshal's Department has conducted a background investigation concerning the principal of Thai Smile LLC: Naiyana Pedersen. Pedersen's fingerprints have been submitted to CBI/FBI.

Recommendation:

The building, located at 16 6th Street, will not meet the requirements of the Town's Building Inspector to issue a certificate of occupancy (CO) (nor a temporary certificate of occupancy (TCO)) in time for the January 6th, 2025, public hearing. Staff recommends the Council approve the application contingent upon the issuance of the CO or TCO.

Recommended Motion:

Motion to approve the new Hotel/Restaurant liquor license for Thai Smile LLC contingent upon the issuance of the certificate of occupancy (CO) or temporary certificate of occupancy (TCO).



Staff Report

January 6, 2025

To: Mayor and Town Council

Prepared By: Shea Earley, Public Works Director
Dannah Leeman, Sustainability Coordinator

Thru: Dara MacDonald, Town Manager

Subject: **Municipal Refuse and Recycling Collection and Disposal Agreement - Save As You Throw and Curbside Composting Programs**

Purpose:

Staff are exploring the development of two new waste programs through the Town's 5-year contract with Waste Management (WM) to manage residential refuse and recycling collection and management:

1. A Save as You Throw (SAYT) program (option of 36, 64, or 96 gallon) in lieu of a single standard rate for a 64 or 96-gallon container.
2. A curbside pickup composting program

The purpose of this discussion is for Town Council to provide guidance on interest in implementing these two programs and whether staff should include development of these two programs into contract language with WM.

Background:

In October 2024, the Town of Crested Butte (Town) solicited proposals for Municipal Refuse and Recycling Collection and Disposal Services for residential accounts in Crested Butte. The Request for Proposals (RFP) was sent directly to six (6) regional waste management companies, included in the October 24th and 31st editions of the Crested Butte News, and posted on the Town of Crested Butte website and social media channels. Proposals were received by the Town until 04:00 p.m. on Friday, December 9th. There was only one (1) qualified proposal, and it was reviewed by the Town Manager, Public Works, Sustainability, and the Finance Department. The Waste Management proposal is provided along with this Staff Report. In addition to the existing refuse services, Town requested that submitted proposals should respond with potential solutions for developing two new waste programs:

3. Save as You Throw (SAYT) program (option of 36, 64, or 96 gallon) in lieu of a single standard rate for a 64 or 96-gallon container.
4. Curbside pickup composting program

WM has responded with a proposed SAYT waste program structure and a potential private partnership with Elements Mountain Compost (EMC), who currently services the residential compost drop off program, for either 1) the continuation of a residential drop off program or a 2) curbside pickup composting program.

Request for solutions to these programs stem from the 2019 Climate Action Plan (CAP) directive to “explore options with Waste Management (WM) for increased waste diversion from landfills” and the developing 2030 CAP’s strategy to “increase diversion from landfill and encourage sustainable consumption”.

Save as You Throw (SAYT)

In a SAYT program, commonly referred to as “Pay as You Throw”, customers save money by opting to use smaller trash bins and throw away less to the landfill. SAYT is often paired with free or reduced-cost recycling or composting programs. These types of waste programs are becoming more commonplace throughout the United States; More than 7,500 communities have adopted SAYT (High Country Conservation Center).

When a new resident signs up for a WM account in Crested Butte, they are automatically provided with a 96-gallon trash bin. In a SAYT program, a customer would be asked to select between a 32-, 64- or 96-gallon bin size at their home during a limited time. The 32 gallon bin would cost the least, and the 96 gallon bin would cost the most. Bin change frequency would be restricted to avoid administrative burden. According to a 2023 WM audit, 74% of bins in the Town of Crested Butte are the 96-gallon size, so staff feels there is ample opportunity for folks to downsize their trash bin in this program.

WM provided cost estimates for SAYT bin sizes in their proposal, however, staff do not feel that the bin costs are incentive enough to encourage community members to convert to a smaller bin size. See Figure 3 for the proposed trash bin pricing. Staff are interested in exploring bin cost structures that could incentivize households to opt in to a smaller bin size or buy down the cost of the composting services within the Town contract.

Voluntary Curbside Pickup Composting Service:

A curbside pickup composting program provides curbside pickup of organic waste at the customer’s household. WM has proposed partnering with EMC to continue delivering either the Town’s joint residential compost drop-off program or, should there be enough interest and participation, a curbside pickup program. EMC estimates needing 80 households to initiate a viable curbside pickup program. The proposed pricing for a voluntary curbside composting program is as follows:

- Curbside program of 80 participants or more: \$45/month/household and not to exceed \$65/month through 2029

Customers would pay the membership fee with their monthly utility bill through the Town if they opted in to this program.

Town-wide Curbside Composting Service:

Alternatively, EMC has communicated that they have the capacity to service all residences associated with the refuse contract. If Council has interest, staff could explore implementing a town-wide composting program in similar fashion to the implementation of the town-wide recycling program. In this program structure, residential units associated with the refuse contract would be provided with a composting bin automatically. Note that this would be like the Town’s recycling program in that composting would be a routine part of the service, whether the household chose to use their bin, or not. At this scale, EMC has estimated cost to the Town to be approximately \$39/month/household and includes the provision of new or replacement bins and liners. This cost could be incorporated into the total contract cost for the Town. Staff would like to pair the SAYT program with town-wide recycling and composting programs to further facilitate households utilizing a smaller trash bin size. Staff are considering how to further incentivize households to convert to smaller bin sizes from a 64- or 96-gallon trash bin; one consideration would be to develop rates for larger bins that could fund incentives for households that convert to the smallest bin size and lower the cost of the contract for the Town.

Timing:

Staff estimates rollout for either or both programs to be no earlier than September 2025. EMC has indicated that they anticipate a four-to-six-month preparation period to roll out either a voluntary or town-wide curbside composting program, and staff would like time to perform meaningful community outreach, education, and develop internal processes for program management. Until this time, WM operations would continue as normal and the EMC pilot residential drop off compost program would be assessed for renewal in late Spring.

Climate Impact:

Staff utilized the [EPA's Waste Reduction Model \(WARM\) V.16 calculator](#) to estimate greenhouse gas (GHG) emissions savings with a curbside composting program based on household participant minimums and maximums. Based on the Town's 2022 Emissions Inventory, emissions from solid waste in 2022 were 330 MT CO₂e. Figure 1 and Table 1 provide a GHG emissions savings estimate for total solid waste emissions between a voluntary curbside pickup compost program and a town-wide curbside pickup compost program. These emissions reductions are based upon an estimated food waste volume of 10 lbs/household/week (EMC). Negative total solid waste emissions values in Figure 1 indicate that the composting program prevents more carbon emissions from entering the atmosphere than are produced with solid waste management, also known as "carbon sequestration". Transportation emissions are included.

Figure 1 – Total estimated solid-waste related emissions levels with curbside pickup composting

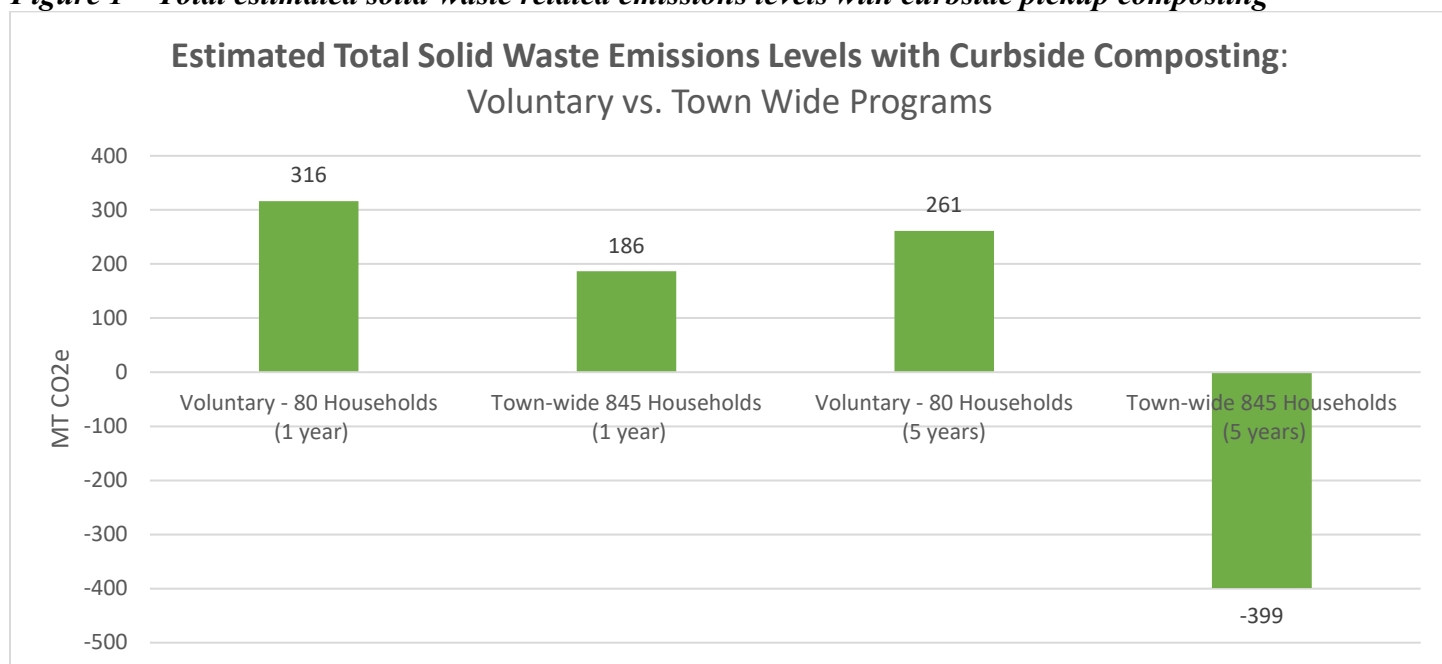


Table 1 – Percent change in solid waste-related emissions with curbside pickup composting from 2022 levels

| Composting Program Type | Total Emissions with Composting Program (MT CO ₂ e) | Total Percent Change from 2022 Emissions Levels |
|-------------------------------------|--|---|
| Voluntary - 80 Households (1 year) | 316 | -4% |
| Town-wide 845 Households (1 year) | 186 | -44% |
| Voluntary - 80 Households (5 years) | 261 | -21% |
| Town-wide 845 Households (5 years) | -399 | -221% |

Example Communities:

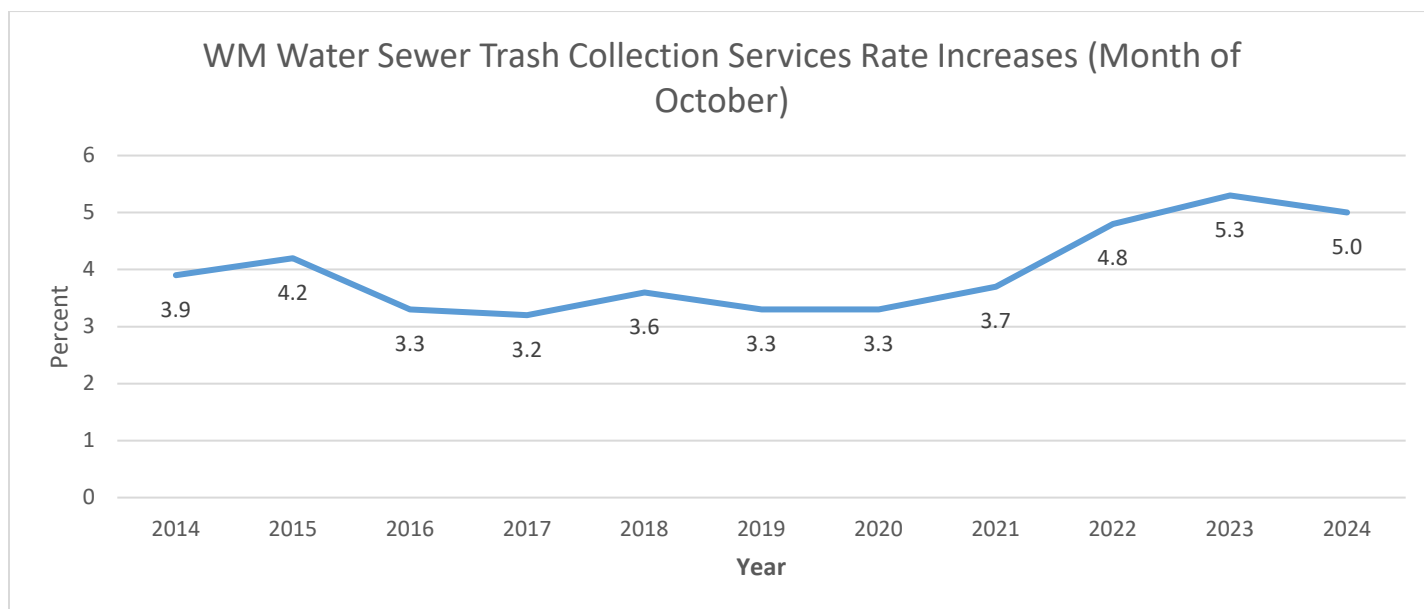
Staff have provided a handful of neighboring community examples that have launched either SAYT or curbside composting programs:

- *Breckenridge, Frisco, and unincorporated Summit County:*
 - Breckenridge and Frisco began rolling out SAYT programs in 2023 and will continue to incorporate households in unincorporated Summit County in 2025. Recycling is provided for free, and residents may drop off food waste at several community sites free of charge. Summit County’s composting program is made possible by their county landfill compost operations.
- *City of Aspen:*
 - Aspen adopted an ordinance in 2023 prohibiting organic materials from disposal as landfill trash for any entity with a retail food license. By 2028 “every owner or occupant of a premises within the city limits will comply”. Recycling is included in trash service fees. The City of Aspen had existing private compost programs made possible by their county landfill compost operations.
- *Town of Telluride:*
 - The Town of Telluride just launched a curbside composting program for HOAs, businesses, and schools in the Town in late 2024. Organic waste from this program is sent to 3XM Grinding & Compost in Olathe, CO.

Financial Impact:

Residents currently pay \$30.31 per month for a 96-gallon trash bin and recycling container. Historical WM rate increases are shown in Figure 2 through 2024. Staff will need to perform further investigation with partnering organizations on potential bin pricing or price bundling scenarios. Staff intend to have additional pricing scenarios for the Council’s consideration at the January 6 meeting.

Figure 2. Waste Management water sewer trash rate increases since 2014.



A copy of the proposed 2025 rate table from Waste Management in their RFP is included in Figure 3. Alternative costs for composting programs are proposed as follows:

- **Residential drop-off program:** \$17/month per household (current pilot program pricing).
- **Voluntary curbside pickup compost program:** \$45/month, not to exceed \$69/month within the contract period. This would be assessed to participating households.

- **Town-wide curbside pickup compost program:** \$39/month. This fee would be absorbed into the overall Town contract and rates developed to incentivize households that generate less trash and use smaller bin sizes.

Figure 3. Waste Management proposed contract pricing

| Service | Rate |
|--|------------------------------------|
| 96g (Weekly Trash & EOW Recycle) | \$ 28.13 |
| 64g Trash/96g Recycle (Weekly Trash & EOW Recycle) | \$ 24.13 |
| 32g Trash/96g Recycle (Weekly Trash & EOW Recycle) | \$ 23.52 |
| Residential Food Waste Collection | See Food Waste Section in Proposal |
| Extra Bags (per bag) | \$ 6.00 |
| Additional Trash 96G Cart | \$ 21.38 |
| Additional Recycle 96G Cart | \$ 9.00 |
| Bulky Pick-Up | \$ 50.00 |
| | |
| Additional Services | Rate |
| Town Clean-up (1 30yd Roll-Off Free) | \$350/Roll-off |
| Yard Waste Event (2 30yd Roll-offs) | \$ 1,800.00 |
| eWaste Disposal (Container provided free during event) | Cost/lb |
| | |
| Ancillary Fees | Rate |
| Overage Fee | \$ 30.05 |
| Contamination Fee | \$ 5.96 |
| Lost/Stolen/Damaged Cart Replacement | \$ 250.00 |
| Container Exchange Fee | \$ 25.00 |

Legal Review:

The Town Attorney has reviewed the RFP and assisted in drafting the associated agreement.

Recommendation:

Council should utilize the work session to ask clarifying questions about the proposed waste programs and provide guidance to staff on whether to continue exploring a SAYT or a curbside composting program with Waste Management and Elements Mountain Compost per the Town's Waste Management Municipal Refuse and Recycling Collection and Disposal Services contract.

Attachments:

- Waste Management – “Town of Crested Butte Municipal Refuse and Recyclables Collection and Disposal” Proposal
- Elements Mountain Compost “Crested Butte Area Composting Report – 2024”



Memorandum

To: Town Council
From: Dara MacDonald, Town Manager
Subject: Draft letter to the United States Postal Service
Date: January 6, 2025

Attached is a draft letter to the USPS expressing increasing concerns over the lack of plans to replace the current post office in Crested Butte. The USPS previously informed us that their current landlord has expressed his intention to not renew the lease when it ends in February 2026.

As the Town Council will remember, the Town has previously worked with the USPS over almost 3 years to identify possible locations in the community for a replacement facility. We have explored site designs and high-level cost estimates for a facility at the Town-owned parcel at the southeast corner of Gothic and 6th. Mt Crested Butte has also attempted to engage the USPS in conversation about an annex facility on the mountain with no success.

USPS staff and their consultants have repeatedly put off serious discussions. Since June of 2024, staff have received 5 noncommittal emails from the USPS team saying essentially that they are continuing to evaluate their requirements to see if the Town's site will work while also looking for other site opportunities. In December we received an email with site information for a lot on Saddle Ridge Rd asking if that would be an acceptable location. Staff are very concerned about the lack of progress on obtaining or constructing a new facility prior to February 2026.

Staff is seeking Council direction about the draft letter regarding tone, content, who should be copied, etc. We are also interested in whether the Council would like to pursue a joint letter with Mt Crested Butte and the Board of County Commissioners, or possibly request they also send letters expressing similar concerns?



Staff Report

January 6, 2025

To: Mayor and Town Council

From: Troy Russ, Community Development Director

Thru: Dara MacDonald, Town Manager

Subject: An Ordinance of the Crested Butte Town Council Amending Chapter 16, Section 16-1-20 and Section 16-5-520 of the Crested Butte municipal Code to accommodate the Colorado Natural Medicine Health Act Requirements.

Summary

The Crested Butte Town Council is being asked to review and approve necessary changes to Chapter 16 of the Municipal Code (the Code) to accommodate the requirements of Colorado's Natural Medicine Health Act, a statewide regulatory framework allowing the use of natural psychedelic substances in a controlled environment.

Sections 12-170-107 (1)(2)(3)(4) and (5) of the Colorado Revised Statutes (C.R.S.) § 12-170 outline how local municipalities are required to accommodate State licensed health-care facilities and individuals permitted to provide psychedelic natural medicine services by December 31, 2024. Note, the Colorado Department of Regulatory Agencies (DORA) is responsible for licensing providers.

Each subsection of the State Statute that pertains to the Town Crested Butte's activities are listed below:

- 1) A locality may regulate the time, place, and manner of the operation of healing centers licensed pursuant to this article 170 within its boundaries.
- 2) A locality may not ban or completely prohibit the establishment or operation of healing centers licensed pursuant to this article 170 within its boundaries.
- 3) A locality may not ban or completely prohibit a licensed health-care facility or individual within its boundaries from providing natural medicine services if the licensed health-care facility or individual is permitted to provide natural medicine services by the department pursuant to this article 170.
- 4) A locality may not prohibit the transportation of natural medicine through its jurisdiction on public roads by a licensee or as otherwise allowed by this article 170.
- 5) A locality may not adopt ordinances or regulations that are unreasonable or in conflict with this article 170, but may enact laws imposing lesser criminal or civil penalties than provided by this article 170

The Board of Zoning and Architectural Review (BOZAR) is recommending Town Council add the State's definition of "Healing Centers" to the Code and permit the use to occur in the Commercial District (C-Zone). Additionally, the Board recommends the Town Council add the State's definition of "facilitator" and "natural medicine services" to the Code by modifying the current definition of "Personal Services Establishment". This would allow those activities to occur in the C-Zone and all the Business Districts (B1, B2, B3, and B4) as a permitted land use and as a conditional land use within the mixed-use zone district R3C.

Background

In 2022, Colorado voters approved Proposition 122: Access to Natural Psychedelic Substances. Subsequently, the Colorado Legislature approved CRS § 12-170 to outline a statewide regulatory framework allowing the use of natural psychedelic substances in a controlled environment. The law requires local jurisdictions to accommodate the

controlled distribution of natural psychedelic substances through State licensed health-care facilities and individuals permitted to provide natural medicine services no later than December 31, 2024.

Article 23 of the Town of Crested Butte's zoning ordinance outlines the process for the Town, citizens and property owners requesting an Amendment the Zoning Chapter. Any amendment to the existing ordinance is required to be first reviewed by BOZAR for a recommendation to the Town Council. The Board voted unanimously on December 17, 2024, to recommend the Town Council approve the changes to Chapter 16 of the Code as outlined in this staff report.

Amendments to the Municipal Code

BOZAR recommends the Town Council approve the following changes to the Town's zoning regulations contained in Chapter 16 of the Code.

Section 16-1-20 (Definitions)

- Add the State of Colorado's definition of "Healing Center"
 - **"Healing Center"** – means an entity licensed by the Colorado Department of Regulatory Agencies that is organized and operated as a permitted organization:
 - a. that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, dispenses natural medicine and related supplies; or provides natural medicine for natural medicine services at locations permitted by the department; or engages in two or more of these activities;
 - b. where administration sessions are held; or
 - c. where natural medicine services are provided by a facilitator.
- Add the State of Colorado's definition of "facilitator"
 - **"Facilitator"** means a person licensed by the Colorado Department of Regulatory Agencies who:
 - a. is twenty-one years of age or older.
 - b. has agreed to provide natural medicine services to a participant.
 - c. has met the requirements established by the Colorado Department of Regulatory Agencies.
- Add the State of Colorado's definition of "Natural Medicine Services"
 - **"Natural medicine services"** means a preparation session, administration session, and integration session provided pursuant to Colorado Revised Statutes (CRS) § 12-170.
 - d. is twenty-one years of age or older.
 - e. has agreed to provide natural medicine services to a participant.
 - f. has met the requirements established by the Colorado Department of Regulatory Agencies.
- Modify Crested Butte's current definition of current "Personal Services Establishment"
 - **"Personal services establishments"** means businesses offering personal services, including but not limited to travel agents, booking agents, recreation services providers or planners, outfitting companies, massage, yoga, healing arts, **facilitators providing natural medicine services**, chiropractic offices, acupuncture, martial arts and other similar disciplines, dance, alternative health services, spas, salons, barber and beauty shops, stationery and graphics shops, Laundromats (not commercial), shoe repair, sewing and tailoring, nonproduction copying and printing, studios for instruction in the arts, art studios, radio and television broadcasting and catering services.

BOZAR further recommends Town Council approve the State's defined "Healing Center" land use be added to the list of permitted land uses in the C-Zone in Section, 16-5-520 of the Code. This recommendation was made only for the C-Zone because the State definition of a "Healing Center" includes "cultivation" and manufacturing".

Finally, the Board believes the land use of providing the supervised use of natural medicines by a state licensed facilitator is functions differently than a "Healing Center", very similar in function to the "Healing Arts" and "Alternative Health Services", which are included in the Town's current definition of "Personal Service Establishments". While the current definition includes the phrase "including, but not limited to", staff and the Town

Attorney felt it necessary to include the State's very specific definitions to ensure it was clear the voter approved land use would be allowed in Crested Butte.

Analysis

I. Staff Review:

The Town Council is required to consider the following criteria for zoning changes as outlined in Section 16-23-90 of the Town Code. No application for initial zoning or rezoning shall be approved unless it is demonstrated to the Town Council that:

- (1) The proposed zoning classification promotes the health, safety and welfare of the inhabitants of the Town and promotes the purposes of this Code.

The proposed amendments to Chapter 16 allows a voter approved State Constitutional Amendment and State Legislature mandated allowance of the controlled use Natural Psychedelic Substances in local municipalities to promote *“well-being, life satisfaction, and overall health”* to residents of Colorado to occur in the C-Zone of Crested Butte. **Staff believe this criterion is met.**

- (2) At least one (1) of the following factors exists:

- a. The proposed zoning classification is consistent with the goals and policies of the Town's Land Use Plan;

The State's definition of “Healing Center” is consistent with the currently permitted land uses in the C-Zone and the introduction “**facilitators providing natural medicine services**” to the definitions of “**Personal Services Establishments**” allows an activity that is consistent with “Healing Arts” and “Alternative Health Services” which are currently allowed in this land use category in the C, B1, B2, B3, and B4 Districts as a permitted land use and the R3C District as a conditional. **Staff believe this criterion is met.**

- b. There has been a substantial and material change in the character of the neighborhood or in the Town generally such that the proposed rezoning would be in the public interest and would be consistent with the change in character; or

In 2022, Colorado voters approved Proposition 122: Access to Natural Psychedelic Substances. Subsequently, the State Legislature required local jurisdictions to accommodate the use, based on the voter approved constitutional amendment. **Staff believe this criterion is met.**

- c. The property to be rezoned was previously zoned in error. **N/A**

- (3) Each of the following criteria is satisfied:

- a. The proposed use of the rezoned or zoned property is compatible with the surrounding uses;

The State's definition of “Healing Center” is consistent with the currently permitted land uses in the C-Zone and the introduction “**facilitators providing natural medicine services**” to the definitions of “**Personal Services Establishments**” allows an activity that is consistent with “Healing Arts” and “Alternative Health Services” which are currently allowed in this land use category in the C, B1, B2, B3, and B4 Districts as a permitted land use and the R3C District as a conditional. **Staff believe this criterion is met.**

- b. In the case of proposed redevelopment of property, the proposal for the use of the rezoned or zoned property is an improvement to the neighborhood and to the Town.

N/A

- (b) The requirements of Subparagraph (a) (2) b. above shall not apply to any initial zoning of property that is either within or annexed to the Town. **N/A**

- (c) The Town Council may impose reasonable conditions upon the future use of the rezoned or zoned property to ensure conformance with the standards of this Article.”

Staff believe this criterion is met.

Recommendation

On December 17, 2025, BOZAR recommended a Town Council member, followed by a second make a motion approving Ordinance 1, Series 2025, on first reading, and set a public hearing for January 21, 2025.

Attachments:

- Ordinance 1, Series 2025 and Exhibit A
- CRS § 12-170