

**APPLICATIONS FOR
SOCIETY TURN PRELIMINARY
PUD/SUBDIVISION
PLAN REVIEW

AND

RELATED MATTERS**

<https://societyturn.info/>

October 25, 2022

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Applicant Project Team

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INTRODUCTION

Summary of Society Turn Property.

Genesee Properties, Inc., a Wyoming corporation (“**Applicant**”) is the current fee simple owner of a certain tract of land located in the unincorporated portions of San Miguel County, Colorado, commonly referred to as the “**Society Turn Property**” (Tract 19A, per the Deed on May 26, 2005 at Reception No. 375058). The legal description for the Society Turn Property is as indicated on attached Exhibit “B”. As background, the Society Turn Property consists of approximately 19.7 acres. The parcel is located along Highway 145 between the Town of Telluride and Telluride Mountain Village, generally west of the Society Turn Roundabout, east of Keystone Hill, north of the Telluride Regional Sewage Treatment Facility. Notable natural features include the San Miguel River in the southeast quadrant of the property and Remine Creek on the western portion.

Through its Application, the Applicant is proposing that the Society Turn Property be used and developed as a Mixed-Use project (“**Project**”), consisting of certain office/retail/commercial/accommodation uses, as well as related employee housing and the like as described in this Application and the supporting plans. The Project also includes the provision of land for public uses and for a sewer plant expansion. The Project will also be developed to accommodate a regional medical center and other various public uses and activities. The development would occur under the name of the Society Turn PUD/Subdivision, although the applicant reserves the right to change the name of the Project as part of the Final Platting stage of the County review process.

The Applicant notes that throughout the course of the Sketch Plan review, there was input from the community and referral agencies on many issues ranging from uses, density, mass/scale, traffic, employee housing, and public benefits, which resulted in changes to the Plan which are incorporated into this Application.

Description of the Society Turn Development Plan.

The Society Turn Property is currently classified in the Planned Unit Development Reserve zone (“**PUDR**”) as established in the San Miguel County Land Use Code (“**LUC**”), which classification continues through today. The purpose of the PUDR is to place a “hold” on property classified as PUDR, pending its re-zoning to an appropriate zone that allows for land uses and densities contemplated by the PUDR, with development ultimately being reviewed and approved utilizing the Planned Unit Development processes established in the LUC.

According to the PUD Reserve map referenced in Section 5-317-F of the LUC, the PUDR zoning assigned to the Society Turn Property was “Utility/Light Industrial”.

The Telluride Regional Area Master Plan (“**TRAMP**”) was adopted in 1989 and has been incorporated into San Miguel County’s adopted Comprehensive Plan. The LUC states that “it is the policy of the County to ensure that the use and development of land within San Miguel County and any actions committing such land to development or a change in use are consistent with San Miguel County’s adopted Comprehensive Plan.” In 2019, the Applicant submitted an application with San Miguel County (“**County**”) to amend the TRAMP (“**Society Turn Master Plan Amendment**”) for the purpose of identifying other appropriate uses for the Society Turn Property beyond the Utility/Light Industrial indicated in the PUD Reserve map, which was approved by the County. The Society Turn Master Plan Amendment recommended that the Society Turn Property be developed for uses, activities and densities beyond those uses, activities and densities originally contemplated in the TRAMP. In furtherance of this action, the Applicant has initiated and continues to pursue the requisite land use approvals to achieve development contemplated by the Society Turn Master Plan Amendment.

In analyzing the Society Turn Property with its consultants, reviewing the LUC, meeting with County staff and elected officials (during public worksession), the Applicant generated a development plan for the Society Turn Property (“**Society Turn Development Plan**”), seeking to implement uses and activities envisioned by the recent Amendment to the TRAMP for Society Turn, resulting in an economically viable development plan. The Society Turn Development Plan has allocated a meaningful portion of the developable land that will be usable for serving community needs in a region known for its scarcity of developable land. The Society Turn Development Plan is being designed as a pedestrian friendly, transit-oriented mixed-use neighborhood designed for locals and guests with a wide range of uses including residential employee housing, commercial, medical, lodging, utility, open space, trails and transportation. Placing a high value on quality of life, Society Turn provides integrated access to regional transit and commuter trail connections, while incorporating a high standard of energy efficiency and renewable energy production. The plan is designed and intended to create a dynamic neighborhood. The south-facing site has optimal solar exposure offering great opportunities for both active and passive solar. With 100% of residential use dedicated to employee housing, there is a unique opportunity to create a regional showpiece of sustainable living.

As a good neighbor to Lawson Hill, the Society Turn Development Plan provides for strong pedestrian connections to and from Lawson Hill, including recreational hiker/biker trail connections to regional trails such as the Gorge, Galloping Goose, Deep Creek, and the Valley Floor Open Space. These regional mixed-use (non-motorized) trails will link to trails over the valley floor. A linkage is also envisioned for the Last Dollar subdivision, which in turn connects to other adjoining subdivisions.

The Society Turn Development Plan presents the following public benefits: (i) no cost conveyance of land to the Telluride Hospital District for the development of the Regional Medical Center, (ii) no cost conveyance of land to the Town of Telluride to accommodate necessary expansions/renovations of the Regional Wastewater Treatment Plant (co-owned and operated by the Towns of Telluride and Mountain Village), (iii) no cost transfer of land to the County for open space and public use purposes and (iv) development of trails.

A majority of the Property is proposed to be designated for hospital, regional sewer plant and other public use/open space purposes (50%) and roads and infrastructure purposes (12%), which leaves 38% of land allocated for free-market uses. The overall allocation of land strikes a very reasonable balance between the needs of the community and the minimal needs of the Applicant to be able to realize an economically viable project.

In summary, Society Turn provides the rare opportunity to provide for the development of important community needs and services as well as enabling opportunities for private development for local businesses that serve important needs for the community and the workforce an option to remain in the greater Telluride area rather than sprawling down-valley or out of the region entirely.

OVERVIEW OF PROCESS

Intent of PUD. As noted in Section 5-1401 of the LUC, the stated purpose and intent of the Planned Unit Development is a subdivision procedure permitting variation of dimensional, permitted uses and parking standards to promote compliance with the County’s Land Use Policies. Specific purposes are as follows:

- Promoting flexibility in the type, design and siting of structures to preserve and take advantage of a site’s unique natural resources and scenic features and to avoid or mitigate any hazards;
- Encouraging efficient use of land and public streets, utilities and governmental services;
- Preserving open space;

- Achieving a compatible land use relationship with surrounding areas; and
- Promoting multiple land uses and greater variety in the type, design and siting of buildings.

In this instance, the PUD/Subdivision review process is required by the new Mixed Use Development Zone (MXD) that was approved by the County in July, 2021 and will be used as a means of establishing dimensional limitations and restrictions, allowable uses, parking standards, housing mitigation standards, phasing, infrastructure requirements, vesting and other matters for the development of the Society Turn Development Plan to promote compliance with the County's Land Use Policies.

It is important to note that the PUD is not being used as a means of obtaining waivers and variations from the County Land Use Code, as is often the case when PUD are utilized in jurisdictions such as the Town of Telluride or Mountain Village, where a land owner may be seeking greater height, densities, etc. In this instance, the PUD process is intended to be used as a mechanism to allow the County to evaluate a development plan, which review is premised on various plans, studies and reports relating to the property and project. With respect to the plan for the Project, the Applicant is not proposing waivers and variations for mass/scale, uses, etc. As noted below, the Application is seeking waivers and variations for a reduction in the overall parking requirements and for the scenic view corridor. In addition, the Application proposes the allowance for a fourth floor on Lots 2A, 2B, and 5 to accommodate an additional floor of employee housing, which would require the granting of a waiver.

PUD/Subdivision Review Process. Consistent with the provisions of the LUC, Applicant is pursuing an approval of the Society Turn Development Plan on the Society Turn Property by San Miguel County, Colorado (“County”) utilizing the PUD and Subdivision processes prescribed by the MXD Zone and the LUC, which involves the following review steps:

1. **Step One.** San Miguel County Planning Commission (“**Planning Commission**”) Review and Recommendation of the Sketch PUD and Subdivision Plan for the Society Turn Development Plan (“**Sketch PUD/Subdivision Plan Application**”). The Sketch PUD/Subdivision Plan is intended to be a plan drawn and submitted in accordance with the minimum submission requirements of the LUC intended to enable an evaluation of the feasibility and design characteristics of the project at an early stage in the planning of the development.
2. **Step Two.** San Miguel County Board of County Commissioners (“**BOCC**”) review and action on the Sketch PUD/Subdivision Plan Application. Step two in the process consists of a review and action by the BOCC of the Sketch PUD/Subdivision Plan Application and the LUC amendment to create the MXD Zone. This review will also involve a conceptual, informational review of Scenic Foreground Review, 1041 Environmental Hazard Review and/or Floodplain hazards and wetland/100' wetland buffer impacts that may exist in and about the area of the Society Turn Property and associated infrastructure work, which information is being presented to provide context to the Society Turn Development Plan and how it relates to the site conditions.
3. **Step Three.** Planning Commission Review and Recommendation of the Preliminary PUD and Subdivision Plan for the Society Turn Development Plan (“**Preliminary PUD/Subdivision Plan Application**”), which is the subject of this pending application. The Preliminary PUD/Subdivision Plan Application is intended to be a plan drawn and submitted in accordance with the submission requirements of the LUC intended to enable the County to evaluate and determine if the proposed development complies with the applicable PUD review and other applicable standards of the LUC.
4. **Step Four.** BOCC Action on Preliminary PUD/Subdivision Plan Application, which is also the subject of this pending application.

5. **Step Five.** BOCC Action on Final PUD and Subdivision Plan for the Society Turn Development Plan (“**Final PUD/Subdivision Plan Application**”). Following the BOCC approval of the Preliminary PUD/Subdivision Plan and the fulfillment of the conditions of approval of the Preliminary PUD/Subdivision Plan for the Society Turn Development Plan, Applicant will submit its application for the review and approval of the Final PUD/Subdivision Plan/Record Plat for the Society Turn Development Plan. The Final PUD and Subdivision review will also include the review and approval of certain documents associated with the Society Turn Development Plan, including, but not limited to the Development Agreement (inclusive of the land use matrix), the Subdivision Improvement Agreement, the Declaration for the Society Turn Development,

These reviews will involve the submission of certain separate applications which will be submitted to the County for its review, consistent with the LUC.

Other Land Use Review Applications. In addition to its consideration of the Sketch PUD/Subdivision Plan, Preliminary PUD/Subdivision Plan and Final PUD/Subdivision Plan applications for the Society Turn Development Plan, Applicant will also be seeking County review and approval of certain other actions prescribed by the LUC, including the following:

- **LUC Amendment and Re-zoning.** The Society Turn Property is currently zoned PUDR. Under the LUC, property zoned PUDR would be rezoned to a new zone contemporaneously with the review of the PUD application for the property.
 - **LUC Amendment.** The PUDR contemplates the property would be rezoned to a new zone. Last year, the County approved the adoption of the Mixed-Use Development Zone (MXD), which could apply to the Society Turn Property and other property that meets the criteria of the zone. The adoption of the MXD zone is reflected in BOCC Resolution 2021-23 in Reception No. 471814.
 - **Rezoning.** As part of its consideration of the Preliminary PUD/Subdivision Plan for the Society Turn Development Plan, the Applicant is seeking County action to rezone the Society Turn Property from the PUDR zone to the MXD zone. A rezoning is a two-step review by the Planning Commission and the BOCC. The rezone would be considered by the County simultaneously with the County’s review of the Preliminary PUD/Subdivision Plan for the Society Turn Development Plan.
- **Scenic Foreground Review, 1041 Environmental Hazard Review, Reviews of Floodplain hazards and wetland/100’ wetland buffer impacts and Request for Extended Vested Rights.** The Applicant is including information in its Preliminary PUD/Subdivision Plan Application for the review of Scenic Foreground Review, 1041 Environmental Hazard Review, Floodplain hazards review and wetland/100’ wetland buffer impact reviews attributable to the development of the Society Turn Development Plan and associated infrastructure work. The Applicant requests that these matters be reviewed and acted upon by the County as part of its consideration of the Preliminary PUD/Subdivision Plan Application.

When considered together, the overall review will occur in five steps, which are summarized as follows:

Step One: Planning Commission Review and Recommendation on Sketch PUD/Subdivision Review; LUC Amendment; and Conceptual Review of Scenic Foreground, 1041 Environmental Hazard and Floodplain hazards and wetland/100’ wetland buffer impacts. The Planning Commission, at duly noticed public hearings held on February 11, 2021, which was continued to March 11, 2021, made a recommendation to the BOCC to approve the Sketch PUD/Subdivision Plan Application, subject to certain conditions. The Planning Commission action is reflected in Planning Commission Resolution No. 2021-02, which is recorded in Reception No. 471550.

Step Two: BOCC Action of Sketch PUD/Subdivision Review; LUC Amendment; and Conceptual Review of Scenic Foreground, 1041 Environmental Hazard and Floodplain hazards and wetland/100' wetland buffer impacts. The BOCC at a duly noticed public hearing held on July 21, 2021, conditionally approved the Sketch PUD/Subdivision Plan Application. The BOCC action is reflected in BOCC Resolution No. 2021-22, which is recorded in Reception No. 471813.

Applicant Comments on Sketch PUD/Subdivision Review and Related Actions. In connection with Step One and Step Two, in November, 2020, the Applicant submitted its Sketch PUD/Subdivision Plan Application with the County, which was approved by the both the County Planning Commission and the County Board of County Commissioners last year. Step One and Step Two also involved the County approval of an amendment to the LUC establishing the MXD Zone Step One and Step Two also involved a conceptual, informational review of Scenic Foreground Review, 1041 Environmental Hazard Review and/or Floodplain hazards and wetland/100' wetland buffer impacts that may exist in and about the area of the Society Turn Property and associated infrastructure work, which information is being presented to provide context to the Society Turn Development Plan and how it relates to the site conditions.

Although the Sketch Plan review by the County was intended to enable an evaluation of the feasibility and design characteristics of the project at an early stage in the planning of the development, the Sketch PUD/Subdivision Plan Application that was in fact submitted by the Applicant provided a much more detailed set of plans, studies and reports to the County to aid its review and consideration of the Sketch PUD/Subdivision Plan, which materials were very much in excess of the materials that the LUC requires to be submitted for such applications and were at a level close to the County's review of a Preliminary PUD/Subdivision plan. Many of the materials presented by the Applicant as part of the Sketch PUD/Subdivision Plan Application have been updated and are included in the within Preliminary PUD/Subdivision Plan Application.

The record of the County review and action on the Sketch PUD/Subdivision Plan Application, including all materials and testimony submitted or provided on behalf of the Applicant are incorporated in the within Application.

Step Three: Planning Commission Review and Recommendation of Preliminary PUD/Subdivision Plan Review Application; Rezoning to the MXD Zone District; and Final Review of Scenic Foreground, 1041 Environmental Hazard and Floodplain hazards and wetland/100' wetland buffer impacts and Request for Extended Vested Rights. Step three in the process will consist of a Planning Commission review and recommendation to the BOCC of the within Preliminary PUD/Subdivision Plan Application submitted by the Applicant. This step will also include a Planning Commission review and recommendation to the BOCC of Applicant's formal Scenic Foreground Review, 1041 Environmental Hazard Review and/or Floodplain hazards as well as a formal review of impacts to wetland buffers that may exist in and about the area of the Society Turn Property and associated infrastructure work then being reviewed. In addition, this step will include the Planning Commission review and recommendation to rezone the Society Turn Property into the MXD Zone District.

Step Four: BOCC Action on Preliminary PUD/Subdivision Plan Review Application; Rezoning to the MXD Zone District; and Final Review of Scenic Foreground, 1041 Environmental Hazard and Floodplain hazards and wetland/100' wetland buffer impacts and Request for Extended Vested Rights. Step four in the process will consist of the BOCC review and action on the within Preliminary PUD/Subdivision Plan Application. This step will also include BOCC action on Applicant's formal Scenic Foreground Review, 1041 Environmental Hazard Review and/or Floodplain hazards as well as a formal review of impacts to wetlands and wetland buffers that may exist in and about the area of the Society Turn Property and associated infrastructure work then being reviewed. In addition, this step will include the BOCC action to rezone the Society Turn Property into the MXD Zone District. It will also include a request for the BOCC to approve Applicant's request for Extended Vested Rights.

Step Five: BOCC Action on Final PUD Plan; Final Plat and Final Documents. Step five in the process consists of a BOCC review and action on the Final PUD Subdivision Plan/Record Plat for the Society Turn Development Plan. In addition, the BOCC will review and act upon any related development agreement(s), subdivision improvement agreement(s) and other documents required to be executed with the Final PUD Plan/Record Plat and requests to establish the timing for when improvements will be implemented.

I. SUMMARY OF APPLICATIONS

1. **TYPE/NATURE OF APPLICATION.** The “**Application**” collectively consists of each of the following components, which are being jointly submitted to San Miguel County, Colorado (“**County**”) for simultaneous review, consistent with the San Miguel County Land Use Code (“**LUC**”):

1.1. **Review and Approval of the Society Turn Preliminary Plan PUD and Preliminary Subdivision Plat.** Applicant is submitting its Applications with the County seeking review and approval of the Society Turn Preliminary PUD Plan and the Preliminary Subdivision for the Society Turn Property (“**Society Turn Preliminary PUD/Subdivision Plan Application**”), which is being reviewed by the County pursuant to the provisions of Sections 4-9 and 5-14 of the LUC and the BOCC Sketch Plan Approval Resolutions. Applicant requests that the County consolidate its review of the Society Turn Preliminary PUD/Subdivision Plan Application and the other Related Applications submitted with these plans to enable a more efficient review process. The Society Turn Preliminary PUD/Subdivision Plan Application consists of various plans, studies, reports and other materials and information described herein and/or appended to this Application. The components of the Society Turn Preliminary PUD/Subdivision Application for which County review and approval is sought by Applicant include, without limitation, the following elements:

1.1.1. Consideration and action on the division of the Society Turn Property into separate Lots, Parcels and Tracts, which coincide with the Lots indicated on the Land Use Plan/Matrix.

1.1.2. Review, approval and authorization to plat as part of the Final PUD Plan/Record Plat certain lots (“**Lots**”) which would be owned, developed, operated, managed and maintained by the Applicant or by third-parties who acquired the Lot. Note, that some of the Exhibits refer to Planning Areas, which correspond to the size, location, orientation and designation of each Lot referred to herein. The term “**Planning Area**” as indicated in some of the Exhibits shall each mean and refer to corresponding “**Lot**”. Each Lot is expected to accommodate one or more buildings and in the event of multiple buildings, the Lot shall be further subdivided into one or more smaller Lots or created as separate units under a condominium or land condominium regime.

1.1.3. Review, approval and authorization to plat as part of the Final PUD Plan/Record Plat certain Parcels for open space, recreational and infrastructure purposes (each an “**Association Parcels**”) to be owned, operated, managed and maintained by the Society Turn PUD/Subdivision Homeowners Association, Inc., a Colorado nonprofit corporation (“**Association**”) to be formed for the Society Turn development. More particularly, the Association Parcels may be used and developed in connection with infrastructure work (including, but not limited to the following: roads, driveways, utilities, drainage/SWM facilities, irrigation, landscaping, Berming, augmentation ponds, water system facilities), landscaping, irrigation, berming, ditches, ponds, trails, picnic areas, and such other uses, activities and elements shown on the Society Turn Development Plan. The size, location and orientation of the Association Parcels are as configured, depicted and described on the Society Turn Development Plan. The Association Parcels will be subjected to covenants and restrictions that restrict its use to Restricted Open Space Uses and Activities for the owners of the Parcels.

1.1.4. Review, approval and authorization to plat as part of the Final PUD Plan/Record Plat certain separately platted tracts (each a “**County Tract**”) to be owned, operated, Society Turn Preliminary PUD/Subdivision Application

managed and maintained by the County and used for public purposes. The size, location and orientation of the County Tracts are as configured, depicted and described on the Society Turn Development Plan and shall consist of Tract 1 and Tract 2. The County Tracts would be conveyed to the County as part of its requirement for parkland dedication and school land dedication.

1.1.5. Review, approval and authorization to plat as part of the Final PUD Plan/Record Plat certain separately platted tract (“**Sewer Plant Tract**”) to be owned, operated, managed and maintained by the Town. The size, location and orientation of the Sewer Plant Tract is as configured, depicted and described on the draft final plat and the maps and drawings comprising the Society Turn Development Plan and shall consist of Tract 3.

1.1.6. Consideration and action concerning the required employee housing mitigation based upon the land uses and densities contemplated in the Land Use Matrix. No waivers or variations are being sought by the Applicant to the amount of employee housing mitigation currently required by the LUC.

1.1.7. Consideration and action concerning the maximum land uses and densities that can be developed on the respective Lots being platted on the Society Turn Property. As discussed below, the land uses and densities would be expressed both in terms of an overall maximum density for all of the allowable uses and maximum densities for each individual allowable use, which would be noted in the Land Use Matrix that would be attached to and documented as part of Society Turn Development Agreement to be recorded with the Final Society Turn PUD/Subdivision Plat. The Applicant will be able to allocate the particular land uses and densities on the individually platted lots from time to time, provided that the overall maximum density for all land uses and maximum densities for each individual land uses, as reflected in the Land Use Matrix is not exceeded.

1.1.8. Consideration and action concerning the maximum building heights (tied to maximum elevations tied to sea level) and required setbacks for improvements that may be developed on each Lot. This review would involve establishing building envelopes for each Lot. The review will also involve the consideration of a reduction of the Scenic Setback corridor. These restrictions relating to FAR, mass/scale, height and building envelop/setback designations would be designated and/or depicted in the Land Use Plan/Matrix for the Project which would be attached to and documented as part of Society Turn Development Agreement to be recorded with the Final Society Turn PUD/Subdivision Plat.

1.1.9. Consideration and action concerning the required parking for the land uses, which includes a requested reduction in the required parking, which is reflected in a Parking Plan for the Project.

1.1.10. Consideration and action concerning transit options to be developed by the Association in connection with the Project.

1.1.11. Consideration and action concerning the Geologic Hazard and other environmental matters and conditions affecting the Society Turn Property.

1.1.12. Consideration and action concerning the design guidelines for the architectural review of buildings being developed on the Society Turn Property, which would be administered by the Association’s Design Review Board (“**DRB**”) formed in connection with the governing owner’s association documents to be formed for the Society Turn development. Further reviews of the building materials, colors, landscaping and lighting would be reviewed by the County as a pre-condition to the issuance of a building permit for construction of a building on a Lot or Parcel.

1.1.13. Review and approval the engineering plans for the location and design of subdivision roads, utilities, driveways, drainage/stormwater management and other infrastructure for the

Parcels (“**Subdivision Infrastructure**”), as shown on the Society Turn Preliminary PUD Plan and supporting materials.

1.2. **Final Review and Approval of Applicant’s 1041 Environmental Hazard Review.** Applicant is submitting reports, plans and related materials which indicate the locations of geologic hazard area, wetland and floodplain areas and wildlife sites on the Society Turn Property. The reports address how these conditions relate to the proposed development as the Parcels and associated infrastructure and how Applicant intends to mitigate any impacts consistent with the requirements of the LUC relative to 1041 Environmental Hazard Review. This is a two-step process, beginning with a review and recommendation by the Planning Commission and a decision/action by the BOCC.

1.3. **Final Review and Approval of Applicant’s Scenic Foreground Review.** Because the Scenic Foreground overlays a portion of the Society Turn Property, including the imposition of the 200’ setback/buffer area on the property extending from State Hwy#145, Applicant is submitting certain reports, plans and related materials which address how these conditions relate to the proposed development of the Parcels and associated infrastructure and how Applicant intends to mitigate any impacts consistent with the requirements of the LUC relative to Scenic Foreground Review.

1.4. **Final Review and Approval of Applicant’s Proposed Development within a Wetland Buffer.** Applicant is submitting reports, plans and related materials which indicate the locations of the wetlands and the 100’ wetland setback buffer sites on the Society Turn Property, how these conditions relate to the proposed development of Residences and other improvements on certain Parcels and the development of certain infrastructure improvements on Association Parcels and how Applicant intends to mitigate any impacts consistent with the requirements of the LUC. This is a two-step process, beginning with a review and recommendation by the Planning Commission and a decision/action by the BOCC.

1.5. **Final Review and Approval of Applicant’s Proposed Development within a Floodplain.** Applicant is submitting reports, plans and related materials which indicate the locations of floodplains zones on the Society Turn Property, how these conditions relate to the proposed development as the Parcels and associated infrastructure and how Applicant intends to mitigate any impacts consistent with the requirements of the LUC relative to floodplains. This is a two-step process, beginning with a review and recommendation by the Planning Commission and a decision/action by the BOCC.

1.6. **Extended Vesting.** This portion of the Application seeks San Miguel County approval for a period of extended vested rights pursuant to LUC Section 3-14 and consistent with the provisions of CRS Article 68 of Title 24. This is a one-step review with a decision/action by the BOCC.

1.7. **Rezoning.** This portion of the Application seeks San Miguel County approval to rezone the Society Turn into the MXD Zone. This is a two-step process, beginning with a review and recommendation by the Planning Commission, with a decision/action by the BOCC.

1.8. **Other.** Any matters relating to the contents of the Application, if any, which arise in the course of the review of these Application for which a permit or an approval at this stage of the process is required.

I. REQUIRED INFORMATION AND SUBMISSIONS

1.1. **Information Concerning the Applicant, Property Owner and Authorized Agents.** The name, address, phone and email addresses of Applicant’s contact persons and Authorized Agents are as follows:

<u>Applicant/Property Owner:</u> Genesee Properties, Inc.	<u>Authorized Agent:</u> Thomas G. Kennedy, Esquire
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C/O Nicole Champine 7800 E. Dorado Place, Ste. 250 Englewood, CO 80111-2306 Phone: (303)779-8811 Email: nicole.champine@cordilleracorp.com	P.O. Box 3081 Telluride, CO 81435 Phone: (970)728-2424 Email: tom@tklaw.net
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1.2. **Required Background Information - Society Turn Property.**

1.2.1. **Agency Authorization.** A copy of the agency authorization is attached as **Exhibit “A”**.

1.2.2. **Property Legal Descriptions.** The description of the Society Turn Property is noted on **Exhibit “B”**.

1.2.3. **Ownership; Title Commitment.** Applicant is the current, fee simple owner of the Society Turn Property, evidenced by the attached Title Commitments is appended as **Exhibit “C”**.

1.2.4. **Legal Access.** The primary access point to the Society Turn Property will be accessed directly off of Colorado Highway #145 in the northwesterly portion of the parcel; emergency access will occur on the existing easterly access point to Highway #145.

1.2.5. **Vicinity Map.** A copy of the Vicinity Map, including Location, Ownership, Zone Districts Map the Society Turn Property is attached as **Exhibit “D”**).

1.2.6. **Existing Conditions Map.** A copy of the Existing Conditions Map, inclusive of Natural Features and Man-Made Features the Society Turn Property is attached as **Exhibit “E”**.

1.3. **Preliminary PUD/Land Use Plan/Matrix and Preliminary Subdivision Plat.**

1.3.1. A copy of the Preliminary Subdivision Plat for the Society Turn Property in support of the Society Turn Development Plan is attached as **Exhibit “F”**)

1.3.2. A copy of the PUD Development Plan for the Society Turn Property in support of the Society Turn Development Plan is attached as **Exhibit “G”**, which consists of and includes the Site Constraints Map, the Illustrative Plan, the Site Plan, the Scenic View Corridor Map, the Land Use Map, the Phasing Maps, the Fourth Story Map, the Parking Plan, Site Sections and view simulations, the Landscaping Plan, and the Irrigation Plan. are attached and show among other things:

- Legal access to the property,
- The siting, layout and boundaries of the Lots, Parcels and Tracts, including building envelopes, parking, roads, sidewalks, trails, berming, landscaping, utilities and other features.
- The siting of roads, sidewalks, trails, berming, landscaping, utilities, drainage and other similar infrastructure features.
- School and public transit bus stops

- Landscaping for the project
- Lighting for the project

1.3.3. A copy of certain tables and charts for the Society Turn Development Plan is attached as **Exhibit “H-1”** through **“H-4”** and indicates the breakdown of the various land uses included in the Society Turn Development Plan and how such uses relate to the overall size of the Society Turn Property.

1.3.4. A Land Use Matrix and individual Lot maps for the Society Turn Property in support of the Society Turn Development Plan is attached as **Exhibit “I”** and shows development allowances for each lot, including lot size, FAR, density, allowable uses, building envelopes, building heights. The Land Use Matrix will be appended to and recorded with the Development Agreement as part of the Final PUD.

1.4. **Engineering Plans.** Civil Engineering Plans for the Society Turn Development Plan (roads, utilities and other infrastructure) prepared by Buckhorn Engineering is attached as **Exhibit “J”**.

1.5. **Engineer Report.** A copy of the Engineer Report for the Society Turn Development Plan prepared by Buckhorn Engineering is attached as **Exhibit “K”**.

1.6. **Drainage Study.** A copy of the Drainage Study for the Society Turn Development Plan prepared by Buckhorn Engineering is attached as **Exhibit “L”**.

1.7. **Water and Sewer Supply Plan.** A copy of the Water and Sewer Supply Plan for the Society Turn Development Plan prepared by SGM Consulting Engineers is attached as **Exhibit “M”**.

1.8. **Traffic Report.** A copy of the updated Traffic Report for the for the Society Turn Development Plan and memo updating the study prepared by the Applicant’s Traffic/Transportations Consultant Dan Cokley of SGM Consulting Engineers, is attached as **Exhibit “N”**.

1.9. **CDOT Access Permit Application.** A copy of the CDOT Access Permit Application which has been submitted to CDOT and certain amendments and supplements are attached as **Exhibit “O”**

1.10. **Transit Plan.** A copy of the Transit Plan for the Society Turn Development Plan and memo updating the study prepared by Dan Cokley of SGM Consulting Engineers, is attached as **Exhibit “P”**

1.11. **Parking Study.** A copy of the Transit Plan for the Society Turn Development Plan and memo updating the study prepared by Dan Cokley of SGM Consulting Engineers, is attached as **Exhibit “Q”**

1.12. **Wetland Report.** A copy of the updated Wetland Report for the Society Turn Development Plan prepared by the Applicant’s Wetland Consultant Alex Nees of SGM Consulting Engineers is attached as **Exhibit “R”**.

1.13. **Wetland Compliance Memo.** A copy of the Wetland Compliance Memo outlining the nature and extent of proposed wetland and wetland buffer encroachments prepared by the Applicant’s Wetland Consultant (SGM Consulting Engineers) is attached as **Exhibit “S”**.

1.14. **Wildlife Report.** A copy of the Vegetation and Wildlife Assessment for the for the Society Turn Development Plan and memo updating the study prepared by the Applicant’s Wildlife Consultant Alex Nees of SGM Consulting Engineers, is attached as **Exhibit “T”**. Mr. Nees also

prepared a Wildlife Movement Memo studying wildlife crossings of adjacent highways, which is attached as **Exhibit “U”**.

1.15. **Geologic Hazard Report**. A copy of the Geologic Hazard Report for the Society Turn Development Plan and a letter confirming status of the study prepared by Laurie Brandt of Buckhorn Engineering is attached as **Exhibit “V”**.

1.16. **Geotechnical Report**. A copy of the Feasibility Geotechnical Report for the Society Turn Development Plan and a letter confirming status of the study prepared by Laurie Brandt of Buckhorn Engineering is attached as **Exhibit “W”**.

1.17. **Employee Housing Mitigation Plan**. An updated copy of the Employee Housing Mitigation Plan for the Society Turn Development Plan is attached as **Exhibit “X”**.

1.18. **Historical Resource Survey Report**. A copy of the Historical Resource Survey Report prepared by 8150 Architecture, LLC is attached as **Exhibit “Y”**.

1.19. **Hotel Community Needs Analysis**. A copy of the Hotel Community Needs Analysis for the Society Turn Property is attached as **Exhibit “Z”**.

1.20. **Design Guidelines**. An updated copy of the draft Design Guidelines for the Society Turn Development Plan is attached as **Exhibit “AA”**.

1.21. **Land Dedication Memo**. An updated copy of the memo indicating the Park/Open Space and School Dedication calculations is attached as **Exhibit “BB”**.

II. SOCIETY TURN DEVELOPMENT PLAN.

2.1. Overview of the Society Turn Development Plan.

2.1.1. The Society Turn Development Plan consists of the platting of certain Parcels/Lots that would accommodate the development of various separate buildings and other improvements, which would be used for those uses and activities approved by the County as part of the review of the Society Turn Preliminary PUD/Subdivision Plan Application.

2.1.2. The Society Turn Development Plan will also include certain Common Area/Association Open Space.

2.1.3. Access to the Parcels will be through a simple local road system with a primary access point off of Colorado Highway #145 towards the westerly end of the Society Turn Property as shown on the Land Use Plan/Matrix. An emergency access is also being pursued with CDOT on the easterly portion of the property generally within the area of the existing access to the Regional Sewage Treatment Plant. Access Permits applications for these connection points are pending with CDOT.

2.1.4. The infrastructure for the Project is being designed to comply with applicable standards.

2.1.5. As part of the within Society Turn Preliminary PUD/Subdivision Plan Application, the Applicant seeks to establish certain basic elements of the Society Turn Development Plan (ie. Uses, densities, building heights, building setbacks, required parking), which would be documented in a Development Agreement for the Society Turn Property and the Land Use Plan/Matrix.

2.1.6. It should be noted that the Applicant intends to secure the land use entitlements to enable it to subdivide the Society Turn Property into individual lots/parcels, establish allowable land Society Turn Preliminary PUD/Subdivision Application

uses and activities and then to install the infrastructure required to serve the uses and development contemplated in the overall Society Turn Development Plan. The Applicant does not currently contemplate that it will be the party that will ultimately construct buildings and improvements on the lots/parcels; rather, the Applicant envisions selling lots to such third parties, who would then build out the lots/parcels.

2.2. **Lots/Parcels/Tracts.**

2.2.1. **Lots.** As indicated on the Land Use Plan/Matrix, the Society Turn Development Plan initially contemplates the platting of a series of five separate large Lots. As initially platted, each lot could contemplate multiple buildings and related improvements. The Applicant or subsequent owner of a Lots would have the right and ability to further divide the Lots into one or more smaller Lots or land condominium units to further facilitate subsequent land conveyance and development, which would be reviewed by the County as an insubstantial plat amendment. In determining the portions of the Society Turn Property which are suitable and appropriate for development, the Applicant has taken into consideration those portions of the Society Turn Property which reflect areas of riparian areas, wetland areas, wildlife corridors, geologic hazard areas and other constraints for which mitigation is appropriate and development is suitable. The Lots may be used and developed for certain Allowed Uses (defined and discussed below) and “structures” (as defined by the LUC) that comply with the dimensional limitations and standards (as established by the PUD).

2.2.2. **Association Parcels.** The Society Turn Development Plan contemplate the establishment of certain Association Parcels, ultimately to be owned by the Association formed for the Project, which would be available for the mutual use and benefit of each owner, tenant, guest or occupant of development occurring on Lots in the Project. The Association Parcels would consist of the following designated areas:

- (a) Parcel 1 (2.177 ac) will be designated for Active Open Space. This Parcel would principally be devoted to open space and recreational purposes, but will likewise be available to accommodate utilities and infrastructure and facilities for water augmentation.
- (b) Parcel 2 (0.490 ac) and Parcel 3 (1.172 ac) will be used for infrastructure purposes, including but not limited to roads, sidewalks, parking, utilities and other similar uses and activities necessary to facilitate and support the development of the Community

The Association Parcels will be conveyed to the Association in phases, as development occurs, consistent with the Declaration of Covenants, Conditions and Restrictions which would be drafted for the Project and recorded with the final record plat. The final plat and PUD Agreement will provide for the uses on those portions of the Association Parcels designated Infrastructure, Active Open Space or Passive Open Space, in addition to the uses allowed by the Mixed-Use Development Zone.

2.2.3. **Medical Center Parcel.** Applicant, as part of its public benefit package proposed as part of the PUD review process, has agreed to transfer and convey Lot One (“**Medical Center Parcel**”), which contains 2.6 acres of land to the Telluride Hospital District, for no consideration. Applicant has been working carefully with District and both parties believe that this site will provide an eminently developable site suitable to accommodate the badly needed new, modernized and expanded regional hospital facility. As indicated in the Sketch Plan review process, the Telluride Hospital District will be developing a new medical center on the Medical Center Parcel.¹ Initially, the District

¹ According to the Hospital District, the Medical Center currently functions as a Community Clinic with Emergency Services, but in the new facility will become a General Acute Care Hospital licensed by the Colorado Department of Health and Environment and Certified by the United States of America Center for Medicaid and Medicare Services (CMS) as a Critical Access Hospital. Hospital District anticipates that the clinic services will become certified by CMS as a Rural Health Clinic.

contemplated that the building would accommodate 40,000-sf, which was assigned to the site in the Sketch Plan application. Since the Sketch Plan review, the Hospital District has been advancing their design in anticipation of submitting for building permit at the conclusion of the County Land Use review process. This effort has resulted in a more detailed design work and programming leading the District to advise of its need for additional space needs increasing their facility's gross area from 40,000 square feet to 45,171 square feet. Effectively, the building size would remain at 40,000 sf. In addition, the Hospital District is proposing to construct and use three employee housing units on the Medical Center Parcel for use by its employees and result in an increase in the density for the Medical Center Parcel by an additional 3,000 square feet. The Applicant is accommodating these changes in the application, which would result in an overall increase in density for the Medical Center Parcel from 40,000 to 48,171 gross square feet. As part of the initial work on the Society Turn Property Development Plan, the Applicant will construct highway access improvements, internal roads (some final, some to a preliminary condition until later phases of development occur) and utilities, which would available to serve development occurring on the Medical Center Parcel. The site will be delivered with water, sewer, gas, power, phone, fiber optic to the property line. Following the platting of the property and conveyance of the lot to Hospital District, the Hospital District will submit and pursue approval of the DRB Review Process and the County Architectural Review Process. At the request of Hospital District, the Applicant is requesting that the Approved Uses for the Medical Center Parcel include the ability to install and operate a helipad. As part of that review, the Hospital District will present details of the design and operation of the helipad for review by the County. Hospital District will be responsible for working with the County for any required employee housing which the County wants Hospital District to provide for its uses.

2.2.4. County Tracts.

- a. The Society Turn Development Plan contemplates the establishment of certain “**County Tracts**” (designated as Tract 1 and Tract 2), containing approximately 3.8 acres, which will be conveyed to the County for no consideration. The County Tracts would be developable and usable for uses and activities determined by the County consistent with applicable law and regulations. It is anticipated that the County Tracts, given their proximity to the San Miguel River corridor would make a good park/recreational area. A portion of the parcel, located off of Society Drive, is relatively flat and could be developed for community facilities, such as a community meeting room (that could also accommodate school activities), warming hut for users of the valley floor cross country ski trails, bathroom, drinking water fountain, etc.
- b. The County Tracts would be conveyed to the County in phases, as satisfaction of its parkland and school land dedication and as an additional public benefit.
- c. Applicant is not seeking any local, county, state or federal permits, plan approvals or development entitlements for the County Tracts, rather, the parcels are included in the plan to allow it to be properly subdivided so it can be conveyed to the County. No densities, land uses or other entitlements or restrictions are being established for the County Tracts. No utilities or similar services are being extended to the property, the County will be responsible for obtaining and extending utilities to the site to serve its uses.
- d. The County Tracts would not be subject to the Society Turn CCR's (defined below).
- e. The Applicant retained Copper Engineering to conduct a preliminary inspection of the site for tailings, particularly in the area along the San Miguel River on the easterly portion

Licensed as an acute care hospital, the Medical Center will be able to provide overnight and short-stay inpatient accommodations, avoiding many of the patient transfers to hospitals that currently occurs because inpatient services are not available. This new facility will offer many services to the community that are not available locally. These include surgical services, the bulk of

of the Society Turn Property. Copper has identified the presence of tailings in this area which coincide with a portion of the County Tracts that would be conveyed to the County. The Applicant will work with the County to develop a remediation plan for these parcels.

f. The Applicant is reserving certain easements over the County Tracts as shown on the Subdivision Plat. The reserved easements include a well field easement which would allow Applicant to relocate an existing well that is part of the potable water system operated by Aldasoro HOC, which provides water for Aldasoro Subdivision and the Deep Creek Mesa Subdivision. There is also a reserved easement for grading and site drainage. There are existing easements over the County Tracts to accommodate the trails that were previously constructed on the property.

2.2.5. **Sewer Plant Tract.** Contingent upon the Town providing water and sewer service to the Society Turn Property to serve the Society Turn Development Plan as approved by the County, the Applicant is creating a 1.5-acre parcel designated as Tract 3 (“**Sewer Plant Tract**”). The Sewer Plant Tract will be conveyed to the Town of Telluride and Town of Mountain Village for no monetary consideration to facilitate its ability to expand/renovate the Regional Sewer Plant. The no cost conveyance is intended by the Applicant to constitute a further public benefit supporting the Society Turn PUD Plan. In conveying the Sewer Plant Tract to the Town, the Applicant is reserving an access easement to benefit and be used for access in connection with development occurring on Lot 2B. The Applicant’s agreement to convey the Sewer Plant Tract to the Town is expressly conditioned upon the Town and Applicant executing an agreement wherein the Town has bound itself to provide water and sewer service to accommodate the development of the Project for the uses and densities indicated in the Society Turn Development Plan as approved by the County, without qualifications or limitations on such uses and densities by the Town. The provision of the water and sewer services would be contingent upon the payment of customary tap fees, which would be paid to the Town at the time of building permit applications by the party seeking to develop a site. The tap fees would be based upon the proposed usage and calculated at the uniformly established and applied extraterritorial tap fee rate to the Town, so the water and sewer services and connections being extended by the Town to the Project are not “free”. Applicant is not seeking any local, county, state or federal permits, plan approvals or development entitlements for the Sewer Plant Tract, rather, the parcel is included in the plan to allow it to be properly subdivided so it can be conveyed to the Town. No densities, land uses or other entitlements are being established for the Sewer Plant Tract. Access to the Regional Sewer Plat onto Hwy #145 would be limited to and accommodated from the east over an existing driveway serving the Regional Sewer Plant. No utilities or similar services are being extended to the Sewer Plant Tract, the Town will be responsible for obtaining and extending utilities to the site to serve its uses. The Sewer Plant Tract would not be subject to the Society Turn CCR’s.

2.3. **Allowable Uses and Densities.** Pursuant to the recent amendment to the TRAMP, the County Master Plan recognizes the potential for certain uses that could occur on the Society Turn Property. As part of the review of the Sketch Preliminary PUD/Subdivision Plan review, the Applicant seeks to establish the various uses (“**Allowable Uses**”) that can occur on the developable Lots.

2.3.1. **Lot 1/Medical Center Parcel.** The Allowable Uses that can occur on Lot 1 as designated on the preliminary plat and site plan (eg, the Medical Center Parcel)(“**Lot 1 Allowable Uses**”) include the following uses contained in the TRAMP and the MXD zone as follows:

- A. Active Open Space
- B. Passive Open Space;
- C. Employee Housing;
- D. Regional Medical Center in a building not to exceed 40,000 net sq.ft;
- E. Uses related to the Regional Medical Center, including, but not limited to, pharmacy, optician, dental, physical therapy, and mental health/counseling that are contained in the main medical center building

- F. Helipad related to the Medical Center;
- G. Accessory Uses and Structures, including customary utility services;
- H. Infrastructure serving the development.

2.3.2. **Lots 2-5.** In preparing the Society Turn Development Plan and determining the Allowable Uses that could occur in Lots 2-5 as so called “private development/free market uses”, the Applicant does not intend to determine and identify the precise use(s) and densities that would occur on each lot as part of the PUD/Subdivision Review process; rather, the Applicant is seeking flexibility and permission to allow the Applicant to determine and allocate the type and amount of the Allowable Uses that may occur on a lot by lot basis as the Project develops out over the course of time. The Allowable Uses that can occur on the Lots designated respectively as Lot 2, Lot 3, Lot 4 and Lot 5 (“**Lots 2-5 Allowable Uses**”) include the following uses contained in the TRAMP and the MXD zone as follows:

- A. Active Open Space;
- B. Passive Open Space;
- C. Visitor Center;
- D. Day Care;
- E. Community Meeting Space;
- F. Employee Housing;
- G. Medical Offices;
- H. Retail and Eating/Drinking which primarily cater to residents living or working onsite and in nearby subdivisions as well as visitors stopping on the property on their way into Telluride and Mountain Village. Commercial uses should be similar in size to other uses in Lawson Hill and the Town of Telluride. Individual commercial uses generally should not exceed approximately 8,000 square feet in area;
- I. Offices;
- J. Flex space of varying sizes, configurations and orientations that can be configured in ways that serve different uses and activities compatible with the Project and property. The types of uses that could occur in Flex Space are fairly broad, with a mix of uses that could be similar in scale and operation to those occurring in the Lawson Hill Business Center. It is important that the nature and extent of the Flex Space is complementary in nature to the overall development. Uses could include food/beverage processing (such as a brewery, distillery, coffee roaster, bakery, caterer, etc.); local services (such as laundry, dry cleaning, etc.); arts and crafts (art studios, media, maker spaces for jewelry/clothing, furniture, crafts, etc.); construction trades (such as carpenters, plumbers, welders, etc.) as well as compatible accessory/ancillary retail uses. Flex Space could include uses and activities typically associated with light industrial uses, provided those uses and activities would be contained within the building and not require exterior storage yards and similar supporting areas outside of the building. Care should be given to avoid uses that could be expected to generate exceptionally high levels of noise, odor or light where impacts cannot be suitably mitigated. The overall size and configuration of the individual uses devoted to Flex Space could vary depending on the particular nature of the use, such as a facility for a brewery, which could be greater than 8,000 sf and would be determined on a case-by case basis;
- K. Hotel/Motel Lodging, including conference facilities. In evaluating this use, consideration shall be given to whether there is a community need for lodging outside of the towns, growth effects on the region, preservation of community, and transportation impacts. Development of lodging should include a transportation management plan addressing the proposed methods to reduce guest trips in personal vehicles to the Town of Telluride and Town of Mountain Village while still encouraging visitors to patronize local businesses and participate in activities. Examples include the use of van shuttle services and local transit opportunities.
- L. Accessory Uses and Structures, including customary utility services;
- M. Infrastructure serving the development.

2.3.3. **Association Parcels.** The Allowable Uses that can occur on the Association Parcels include the following uses contained in the TRAMP and the MXD zone as follows:

- A. Active Open Space
- B. Passive Open Space;
- C. Infrastructure serving the development.

2.4. **Maximum Total Allowable Uses.** The overall amount of density occurring on Lots 2-5 for the free market portion of the project has not changed from the approved Sketch Plan. As noted, the density for the Medical Center did increase, resulting in an increase maximum density to 342,843 square feet. The cumulative overall density occurring within Lots 1-5 shall not exceed 342,843 sf (“**Maximum Total Allowable Uses**”)². The Maximum Total Allowable Uses reflects the total overall density which can be developed on Lots 1-5 within the Society Turn Property which was derived as a result of modelling used by the Applicant and development team taking into account water and sewer service allocated by the Town of Telluride, traffic capacity based upon the Traffic Study and pending CDOT Access Permit applications and mass/scale evaluations for proposed development in the Society Turn Development Plan. The overall development that could occur on the Society Turn Property in connection with the implementation of the Society Turn Development Plan will not exceed the Maximum Total Allowable Uses. Individual land uses contemplated by the Society Turn Development Plan will likewise be restricted and not exceed the Maximum Development for Each Allowable Use as indicated in Section 4.5. The Applicant, on a case-by-case basis, will establish the type and amount of the Lot 2-5 Allowable Uses that can occur on Lots 2-5, provided that the overall amount of private development must comply with both the Maximum Total Allowable Uses and the Maximum Development for Each Allowable Use (discussed below), which usage restriction will be monitored by the Applicant and the County as future development occurs.

2.5. **Baseline Model and Maximum Development for Each Allowable Use.** As noted above, Section 4.4 set that overall Maximum Total Allowable Uses that can occur on the Society Turn Property. The Table below shows the Baseline Modelling used by the Applicant to determine the overall Maximum Total Allowable Uses. The Applicant recognizes that as the Society Turn Development Plan on Lots 2-5 is being implemented over the course of time, some of the uses may fall below the assumptions made relative to the amount of the particular use noted for the Baseline Modelling indicated below. In such event, the Applicant would reassign the unused/underutilized density for another of the Lot 2-5 Allowable Uses on development occurring on Lots 2-5, provided that the overall amount of development for a particular use would likewise be capped and not exceed a certain cumulative amount of development indicated in the below table as the “**Maximum Development for Each Allowable Use.**” Any unused density on Lot 1 for the Medical Center would remain with Lot 1 for potential future development/expansion, unless transferred to another site by agreement of the Hospital District, the Applicant and the County.

Allowable Use	Baseline Model	Maximum Development for Each Allowable Use
Employee Housing	64,821 sf	No maximum area (but not more than 121 Units)
Medical Center	44,995 sf	40,000 (net) sf and 3 housing units (area included in Employee Housing above)
Retail and Eating/Drinking	19,595 sf	28,600 sf
Offices (General + Medical)	65,745 sf	85,000 sf
Flex space	55,355 sf	74,000 sf
Hotel/Motel Lodging	92,332 sf	116,000 sf (but not more than 125 Rooms)

² Note the square footage cited does not include the potential of adding fourth floor residential units, which could increase the overall density by 21,746 sf. or Sub-Grade / Garage Space.

2.6. **Distribution of Land and Allowed Uses.**

2.6.1. The overall the breakdown of the land use allocations provided for in the Society Turn Development Plan is as follows:

Land Use	Acreage	Percentage of Total Property
Private Open Space	2.1	11%
Land Dedicated to County	3.8	19%
Land Conveyed to THD for Medical Center	2.6	13%
Land Conveyed to Town for Regional Sewer Plant Expansion	1.5	7%
Infrastructure ROW	2.3	12%
Private Development	7.6	38%

2.6.2. Generally, the breakdown of the Allowed Uses by land use category is as follows:

Use	Percentage of Space	With 4 th Floor Option
Medical Center	13%	12%
Private Development	68%	64%
Employee Housing Mitigation	19%	24%

2.6.3. From the perspective of the Applicant, the determination of suitable and appropriate land uses for the Society Turn Property must involve a balancing of the public’s interest for the site to accommodate public uses noted to be important for the region and the Applicant’s right to use and develop the property for free market purposes. The Applicant believes that the Society Turn Development Plan includes an appropriate mix of public and private development/free market uses. It is important to note that the Society Turn Property should not be viewed as an exclusively public use parcel and that any development occurring on the site, must be viable to Applicant and make economic sense for the owner to pursue a development plan for the property. It will be important to keep this in mind when considering the Society Turn Sketch PUD/Subdivision Plan and future development applications for the property.

2.7. **Hotel/Lodge Uses.** Applicant seeks the ability to construct a hotel/motel accommodating up to 125 rooms. The ability to have a hotel on the Society Turn Property continues to be of great importance to the Applicant and critical to the Society Turn Development Plan. In evaluating this use, consideration shall be given to whether there is a community need for lodging outside of the towns, growth effects on the region, preservation of community, and transportation impacts. In support of the Hotel/Lodge usage, Applicant has provided the following supporting information, which was reviewed and discussed in great detail in the evaluation of the Sketch Plan review and is further endorsed and reiterated in this Application:

2.7.1. **Community Need Analysis.** The TRAMP amendment indicated that the Applicant would provide information to the County to further substantiate the suitability of allowing lodging to occur outside of the Town of Telluride and Mountain Village and whether there is a community need for such facilities. In support of this, the Applicant is providing a report from EPS, who prepared the needs assessment for the County that was used when reviewing and acting on the amendment to the TRAMP. The EPS report notes that while there is a strong supply of accommodation rooms available in the region in existing higher end hotels and/or by VRBO or AIRBNB rental units, EPS makes clear that the region does not have an adequate supply of more family oriented, budget friendly hotel/motels rooms and the region could easily support 250 rooms. In the Preliminary PUD/Subdivision

Plan Application is proposing up to 125 rooms, which is a reduction from the 150 rooms proposed in the Sketch Plan PUD/Subdivision Application and considerably less than the 250 rooms that the market would support. In addition to serving this niche in the market, the provision of this facility would offer more affordable accommodations for visiting sport teams who often bypass Telluride hotels/motels and travel to/from Montrose or Cortez for more affordable options.

2.7.2. In response to questions raised in the course of the Sketch PUD/Subdivision about the need for the hotel usage, the Applicant consulted with Stephen Hennis, Hotelogy, a well-established consultant in the hotel operation industry. A copy of his memo is attached as **Exhibit "Z"**. Based upon the discussions with Mr. Hennis, Genesee learned the following key points about a hotel on Society Turn:

- There is a definitive need in the Telluride region for a value-priced, family-oriented lodging facility. Accommodations units serving the upscale, luxury full-service segment of the hotel marketplace is well served in the Telluride region.
- The type of hotel that would be well suited for the Society Turn Property would have some amenities that would be desirable to guest, but also could be used by the community (meeting/event rooms, breakfast lounge). The hotel could incorporate a restaurant as well.
- Per industry standards, the range of rooms for this type of facility falls between 123 to 137 units situated in one building, which could vary further based upon room configurations and size.
- The lodging rooms contemplated for Society Turn would not only serve tourists, but would also be expected to serve other users, such as business travelers, emergency responders, staff and patients in the hospital, members and family or visiting sport teams, etc. Because of the cost of the higher end hotels in the region, many of these guests do not stay in Telluride, rather they travel to and from Montrose, Ridgway and/or Cortez.
- The hotel would accommodate guests travelling through Telluride who elect to spend the night. This will enhance shopping in regional stores and restaurants.
- This hotel is not envisioned to be a destination resort, designed and anticipated to attract tourists such as the high end, resort projects in the Telluride region.
- There is flexibility in utilizing design themes and guidelines for hotels, that deviate from uniform design styles and layouts that may be used by the hotel operator, which would be important for a hotel at Society Turn.
- Financing for hotels of this size, scale and services are financeable; more so than is the case with higher end resort hotel projects.

To reiterate, the inclusion of this hotel in the Project remains a critical element of the Society Turn Development Plan and its elimination from the Project will threaten the viability of the plan and the willingness of Genesee to move forward with the development. That said, as a practical matter, if the market changes in the future and the need for a hotel is less compelling, market forces would inform the Applicant and a developer of a Lot in the Project that a hotel use would not make sense and other Allowable Uses would be pursued.

In accordance with a condition of the BOCC approval of the Sketch PUD/Subdivision Application, the Applicant has included a plat note precluding the creation of a condo-hotel for the hotel. The accommodation rooms would be included as a combined unit and not separately mapped as individual units.

2.7.3. **Transit Plan.** Applicant has updated its Transit Plan outlining transit opportunities serving the proposed development on the Society Turn Property, including how the hotel uses would implement certain components of the transit plan design to offset its hotel users impacts in the Towns of Telluride and Mountain Village, including relying on transit vans operated by the hotel in lieu of hotel guests driving their cars to the towns and use scarce parking resources.

2.8. **Dimensional Limitations and Standards.** As indicated in its Sketch PUD/Subdivision Plan Application, the Applicant indicated that in lieu of presenting site-specific design plans for each Lot and potential buildings/structures thereon as part of the PUD review process, the Applicant would establish maximum development parameters for buildings/structures in terms of height, setbacks and mass/scale. The intention was that the Applicant and the County would establish a three-dimensional building box within which buildings/structures on the Lots could be developed. These requirements and restrictions will be established in the Land Use Matrix that will be included in the Development Agreement for the Project. The Land Use Matrix at a minimum would establish maximum development parameters for buildings/structures in terms of height, building envelope, and mass/scale as well as uses and densities.

2.8.1. **Setbacks/Building Envelopes.** The Applicant is proposing that the placement of buildings and related improvements will be confined to a designated “**Building Envelope**”, except for locating access driveways, utilities, parking, trails, sidewalks, landscaping/hardscaping, lighting, and signage as well as other facilities serving the improvements on the Lots, which are expected and allowed to occur outside the Building Envelope. The Land Use Plan/Matrix shows the areas on each Lot where a Building Envelope is being established. The Building Envelopes are shown on the Preliminary Subdivision Plan submitted with this Application and would be depicted on the final plat for the Project. The Building Envelopes as depicted and described establish and constitute the pertinent setbacks occurring on the Lots. The locations of the Building Envelopes on the Lots may shift after final platting as final details of planning and engineering have been completed, easements revised, and similar circumstances, but such Building Envelopes are not anticipated to result in any greater impacts to environmentally sensitive areas and such shifts would need to be reviewed and approved by the County. It is noted that portions of the Building Envelopes on Lot 4 and Lot 5 have been adjusted to respect an easement with Town of Telluride for the Regional Sewer Plant. The revised Building Envelope boundaries presume vertical development will be allowed up to the easement line, with development within the easement area limited to development such as parking, trails, plazas, landscaping, etc. In addition, the Building Area to the immediate west of Highway #145 on Lot has been shifted west to accommodate the drainage swale shown in the grading plans. Applicant requests that the County, as part of its consideration of this Application, determine that the siting of the improvements within the established Building Envelope are in line with any applicable scenic view corridor review standards and any similar visual impact rules and regulations.

2.8.2. **Building Height.** Since the Sketch Plan review, the Applicant has worked to further develop and define its plans, including its engineering plans, which have been further developed to include detailed coordination with the Building Areas shown for Lots 1-5. In general, the site has been lowered by +/-18” relative to the Sketch Plan application. As a baseline matter to address the Highway 145 scenic corridor, the height of a building may not exceed 35’ above finished grade on the northern and western edges of the property as established by the Engineered grading plans and measured from certain locations shown on the Land Use Map. The locations shown on the Land Use Map for Lots 1, 3, and 4 create a height envelope across the site extending south to Lots 2A, 2B, and 5. As requested through the Sketch Plan review process, the Preliminary Plan submittal contains an option to allow for up to 27 additional Employee Housing beyond the mitigation requirements on the fourth story of Building Envelope on Lots 2A, 2B, and 5, south of Road B. The Fourth Story Map and Site Section illustrate this option. If approved, the Four-Story Option would add approximately 21,476 gross square feet to the project resulting in an increase to the maximum density for the overall project from 342,843 to 364,319 square feet. Likewise, maximum height (above sea level) for the subject Building Areas would be increased by

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12 feet to accommodate the fourth floor. The Land Use Plan/Matrix further establishes certain specified “Maximum Heights” for a building at the designated point corresponding with certain points along the edge of the Building Envelopes for Lots 1, 3 and 4, which are adjacent to Highway #145. These points, establishing the Maximum Height of a building, are tied to USGS feet above sea level, meaning that irrespective of how the site might be graded, a building cannot exceed the Maximum Height. In addition to the foregoing limitations, the plan is establishing a more restrictive Maximum Height of a building occurring on the eastern portion of Lot 4, such that building heights in this area shall not exceed 24’ feet above the adjacent Highway 145 grades. Building heights in this location will be allowed to step back up to allow for 3-stories on the interior of the Lot 4 building envelope 28’ from the eastern edge of the building envelope fronting Highway #145.

2.8.3. **Floor Area Ratio (FAR).** The floor area ratio is the relationship between the total amount of usable floor area that a building has, or has been permitted to have, and the total area of the lot on which the building stands. FAR is expressed as a decimal number, and is derived by dividing the total area of the building by the total area of the parcel (building area ÷ lot area). The Land Use Plan/Matrix further establishes certain floor area ratios for each of the Lots and shall be used to regulate mass and scale occurring on each Lot. The Applicant can reallocate the FAR among the smaller lots or condominium units that may be created on each Lot.

2.9. **Parking.** As part of its PUD/Subdivision Review application, the applicant is proposing to reduce the number of overall parking spaces required under the LUC for the Project as provided for in LUC Section 5-1404C. Applicant is submitting a Parking Study showing the basis for a reduction in the overall and the adjusted parking space requirement generated for each of the uses within the Society Turn Development Plan. The Applicant is proposing to construct a shared common surface parking lot (**Shared Parking Lot**) within the scenic foreground, which would be made available for development occurring on Lots 2-5. The Applicant will allocate a certain number of parking spaces in the Shared Parking Lot among the lots that are platted within Lots 2-5, which can be used by the party developing the lot. The allocated parking spaces shall be noted on the Land Use Matrix. To the extent that a proposed use generates parking needs that exceed the number of spaces allocated in the Shared Parking Lot, the development must accommodate the remaining parking needs onsite, either as surface parking, structured parking or a combination of both. The Applicant reserves the right to allocate and re-allocate parking in the shared parking facilities among lots, provided that the Applicant updates the Land Use Matrix to show these modifications. As discussed in the Parking Study, the mixed-use nature of the Project (residential and non-commercial) allows for a sharing of parking needs which would occur in the Shared Parking Lot. In addition, the alternative transit opportunities on the Society Turn Property also support the requested parking waiver. The Applicant is allocating certain EV spaces for electric vehicle charging, which would be installed with the development of the buildings on Lots 2-5. Utility loads and infrastructure service for EV Charging Stations have been anticipated by the engineer’s utility plans. EV Charging stations will be installed on a phased basis concurrent with development phasing. Given the rapidly changing technology of this project component, quantities and locations of charging stations will be proposed concurrent with individual building permit applications based on code and best practice at the time of submittal. For the purposes of the Preliminary Plan submittal, the engineer has assumed 60 charging stations (or 10% of the overall parking stall count) for the Society Turn Parcel based upon their current experience with municipalities in the Mountain West, provided if the LUC increases the number of EV spaces when buildings are being constructed on a Lot, the building shall accommodate the increased number of EV spaces

2.10. **Development Covenants and Restrictions.** The Applicant will develop and establish the Lots and Parcels as part of a planned community (“**Community**”) in accordance with the Colorado Common Interest Ownership Act (“**CIOA**”). The Applicant will also establish a customary homeowners association for the Community (“**Association**” or “**HOA**”). The Applicant will prepare certain Declaration of Covenants, Conditions and Restrictions (collectively, “**Society Turn CCR’s**”) and Community Plat, which is the final plat contemplated hereunder, together with such other typical governing community documents, including Articles of Incorporation, Bylaws, Rules and Regulations, Society Turn Preliminary PUD/Subdivision Application

Design Guidelines, and policies (“**Society Turn Governing Documents**”). The Association will be established and will manage and control affairs of the Community. The Association will enforce the Society Turn CCR’s and, in instances noted in this Application, the County will also have authority to monitor and enforce compliance with certain specific provisions of the Society Turn CCR’s (“**County Enforceable Restriction**”). Applicant agrees that the County may review those provisions of the Society Turn CCR’s which relate to the County Enforceable Restrictions prior to recordation of the Society Turn CCR’s. The Society Turn CCR’s will provide that the provisions of the documents which relate to the County Enforceable Restrictions may be modified, amended or terminated with the consent of the County.

2.11. **Design Guidelines.** As part of the County review of this Preliminary PUD/Subdivision Plan, the Applicant is submitting an updated draft of its proposed Design Guidelines for the Society Turn Development Plan (**Exhibit “AA”**). The Design Guidelines will be used by the Association’s DRB to guide and direct the design of improvements occurring on the Lots. The general goals/objectives and philosophies of the design guidelines are intended to provide clear direction and images for design and site planning within Society Turn, by furnishing information for architects and planners to consider and adopt in order to enhance and support the local-serving character for which Society Turn has been envisioned. Several complementary architectural themes have been proposed for the project and described in the Design Guidelines as follows:

- **Durable and Rugged- Telluride Qualities:** Given the high altitude setting and harsh climatic environment, exterior materials for buildings at Society Turn should perform well under these conditions and require minimal maintenance. Examples include non-reflective metals, composite products, or thermally modified woods.
- **Affordable and Compelling:** Society Turn is not a high-end or resort community; it’s a local serving mixed-use neighborhood. This market position requires designers to deliver design that is smart and sophisticated while creatively managing construction costs.
- **Flex Space- Industrial Vibe with Street Level Interest:** As an important programming element of the Society Turn project, buildings purpose-built for Flex Space are encouraged to have storefronts that open internal activities to the sidewalk and encourage pedestrian interaction. Glass garage doors, repetitive details, and a straightforward massing strategy highlights this approach to architectural typology.
- **Permanence- Brick and Stone Masonry:** There is historic and contemporary precedent in the Telluride Region for utilizing masonry to make an architectural statement on the permanence of structures. Masonry is a timeless material utilized throughout the West that performs well in harsh climatic conditions at reasonable cost and appropriate for creating a sense of place at Society Turn.
- **Hospitality- Responsible to Place and Community:** Any hotel property at Society Turn will need to address the individualistic character of the Telluride Region. “Cookie-cutter” or prototypically branded designs will not be approved by the DRB. Hotels shall be visually integrated into the project and not viewed as an off-the-shelf product.

The Design Guidelines would be presented for final County review and approval as part of the Preliminary PUD/Subdivision Plan certain design guidelines, which will be used by the Design Review Board (“**DRB**”) formed for the community, which the DRB shall apply to guide and direct the design of improvements occurring on the Lots. Any substantive changes to the Design Guidelines would require County approval.

2.12. **Energy Conservation/Green Building.** The Design Guidelines for the development occurring as part of the Society Turn Development Plan will encourage features to conserve energy resources and minimize the consumption of energy. Development would be required to comply with applicable “green building codes” at the time of construction. The Design Guidelines will allow for the use of on-site renewable energy to offset energy usage within the Project. Further, all affordable housing / residential construction at Society Turn shall be required to be “electrified” or net-zero ready rather than

depend on fossil fuel sources. Another condition of BOCC Sketch Plan approval called for the Applicant to investigate the potential use of a water catchment and other water savings measures. The Design Guidelines requires the use of water saving plumbing fixtures, smart metering, and remote leak detection devices. The Applicant has confirmed that the use of a water catchment is not allowed in multi-family or commercial applications without a water right and augmentation plan, which the Applicant does not possess. Similarly, the Applicant explored the re-use of Graywater and was advised that this would not be an option for the Project and is generally not allowed in Colorado for the contemplated uses. Should water law change to allow for catchment and graywater use in Colorado, the Applicant supports these practical methods of water conservation.

2.13. **DRB - Architectural Review.** The DRB will review individual site-specific development review applications for proposed improvements occurring on each Lot (“**DRB Review Process**”). Following the completion of the Final PUD Plan and Final Subdivision Plat review process and the recordation of all related plats, agreements and other instruments and prior to initiating development on a particular Lot, the owner of the lot developing the property shall submit an application with the DRB seeking approval of its architectural design review plan, which will be reviewed by the DRB for compliance with the Design Guidelines and the requirements and limitations established in the County land use approvals and the Land Use Matrix, which established things like allocated uses, building mass, scale, height, setbacks, allocated parking, lighting, landscaping, berming and other related design issues such as building siting, color/materials, architectural styles/themes and the like.

2.14. **County Architectural Review.** Following the completion of the DRB’s review of design plans and prior to the issuance of a building permit for construction of improvements on the lot, the party seeking approval of the design applications shall submit an application with the County, which would be reviewed by the County as provided for in the LUC and the MXD Zone. The County review would be limited to the review and evaluation of building materials, colors, lighting and landscaping, but not land uses, densities, mass/scale and the like. The County Planning Department staff will confirm that the building, as proposed, complies with allocated uses, building mass, scale, height, setbacks, required parking as provided for in the Land Use Matrix and required by the LUC and County approvals of the Society Turn Development Plan.

2.15. **Scenic Quality.** The Society Turn Development Plan have been designed to address Scenic Quality and Scenic Foreground standards, which generally calls for 200’, setbacks from Highway #145, but allows for a relaxation of the of the setback standard under certain circumstances, which the Applicant believes is present on the Society Turn Property as part of the Society Turn Development Plan. The Applicant is proposing to install a dense vegetation strip along the northern edge of the Society Turn Property from the east side of Road A to the Roundabout and from the Roundabout to the Wastewater Treatment Plant access road along the northeastern edge of the Society Turn Property. The vegetation strip would obscure views of buildings developed on the Society Turn Property from Highway #145. To the south of the vegetative strip, a Shared Parking Lot would be developed on Lots 3 and 4, which would be setback 20’ from the northerly property line. The Society Turn Development Plan will establish building envelopes for the Lots, which would control the placement of buildings occurring as part of the development. With exception of Hospital District Medical Center, this would establish buildings setbacks that are not closer than 72’ from the northerly property line along Hwy #145. Along the northeastern edge of the property, building setbacks are setback not closer than 30’ from the property line. The Society Turn Development Plan would establish maximum building heights for each Lot. The architectural, site design, and landscape design guidelines adopted for the Society Turn Development Plan will require the use of colors and textures found naturally in the landscape, and prohibit highly reflective materials and will require the shielding of exterior lighting to prevent the direct visibility of exterior light bulbs from off-site, directing all exterior lighting toward the ground or the surface of a building and prohibiting high intensity sodium vapor and similar lighting. Native or similar plant materials will be required to be utilized for revegetation, and the disturbed areas will be required to be revegetated during the first planting season following construction completion. Plans will be prepared to remove and save topsoil during site disturbance for re-use during revegetation. Roads and associated structures have been

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designed to bear a logical relationship to existing topography, thereby minimizing the area for cuts and fills. The location and installation of utilities will be such as to cause the least damage to the natural environment. The foregoing elements would balance goals and objectives of the Scenic Quality and Scenic Foreground standards and not impede important view corridors noted in the LUC, including the important view corridor looking over the valley floor into the box canyon east of the Town of Telluride. The application presents information showing that the proposed Society Turn Development Plan would not impede views of the box canyon when viewed from Highway #145. The LUC does not identify an important view corridor looking south from Highway #145, which is currently dominated by the Regional Wastewater Treatment Plant and the industrial core of Lawson Hill. The implementation of the Society Turn Development Plan and the landscaping noted above would have a very positive effect on mitigating views of the sewer plant and Lawson Hill from the highway.

2.16. **Lighting.** The Applicant as reflected in the application, endorses the concept of carefully regulating light impacts. The Design Guidelines and County LUC establish standards that regulate lighting with the objective being that development of the Project will comply with the County's lighting code and dark sky ordinances, which would apply to all elements of the Project, including the hotel and the Medical Center. Compliance would be monitored and reviewed by the HOA and County as part of the design review process for all development occurring on the Lots, not just the hotel. Fortunately, the Lots proposed for development on the Society Turn Property do not sit above the valley on cliff bands that are visible from miles away. The Applicant has included a Lighting Plan prepared by a qualified lighting consultant, which demonstrates the focused effort to manage lighting in a sensitive, responsible manner. The Lighting Plan for this Project is significantly distinct and much less impactful when compared to the light impacts experienced on the Roundabout or in the Lawson Hill Park and Ride Lot. In general, site lighting will be designed to the lowest levels required for safety and code considerations such as building egress. Likewise, lamping will be on the warmer end of the color / temperature spectrum to give an impression of soft glowing rather harsh illumination. Individual building design applications will be required to include lighting plans will include the number, style, and intensity of lights, which must conform to the Project Lighting Plan and Design Guidelines. Lighting criteria in the Design Guidelines addresses the specific needs on site, which varies in areas of the access roads, parking lots, sidewalks and buildings. Special design guidelines will be established for the Medical Center and in particular the helipad, which will effectively largely remain dark, unless and until the helipad is required for an emergency response call.

2.17. **Landscaping.** The Applicant has prepared and submitted a Landscape Plans for the development which would be implemented and applied in the course of the development of the Project, both initially as part of the site development and installation of infrastructure and then on a lot-by-lot basis as development of building improvements would occur. The landscape plan calls for the use of plant materials that are suitable for the local climate and site conditions, are low water using species, and meet County Weed Control requirements. The applicant intends to install landscaping along the northerly and northeasterly edge of the Society Turn Parcel at the early stages of the project, during the installation of infrastructure. Described as Phase One on the landscape plan, a combination of coniferous and deciduous trees will be layered along the Highway 145 edge to provide visual and seasonal interest. This will allow this vegetation to grow and mature with the passage of time to offer a greater degree of visual screening from the highway to the development occurring on Lots 2-5 in the future as such development is contemplated in the phasing plan. At the time of the edge/buffer landscape installation, the Applicant will also install an irrigation system using well water for this landscaping. Subsequent landscape designs on Lots 2-5 will likely evolve specific to the individual building designs for those lots; that said, the landscape plan submitted provides “proof of concept” for the available irrigation water upon these areas in later phases of the project.

2.18. **Required Employee Housing Mitigation.**

2.18.1. As noted, the Applicant is subdividing Society Turn Property into Lots, which will be sold and conveyed to third parties for ultimate development of the sites. In connection with such Society Turn Preliminary PUD/Subdivision Application

development, each lot developer will be required to submit an employee housing mitigation plan to offset its development impacts in accordance with the applicable provisions of the LUC for calculating such required housing mitigation that were in effect as of the submission of the Sketch PUD Application. Each individual lot developer will be obligated to implement the required employee housing mitigation generated by its proposed development, which would be integrated into the development occurring on the lot proposed for development as deed restricted housing. The employee housing would typically be located on the top floor of the building(s), which are generally contemplated to be three story (above ground) structures and would enjoy some of the best views and site lines in the Telluride region. In some instances, the placement of the deed restricted housing may occur onsite in a separate building. If there is excess employee housing created on a Lot, it can be transferred/assigned to another Lot in the Society Turn Development Plan. Applicant is submitting a copy of the Employee Housing Mitigation Plan, which is attached as **Exhibit "X"**. The Employee Housing Mitigation Plan shows the amount of employee housing, including the number and mix of employee units, that would be expected to be included in the Project as required housing mitigation, which may vary depending on the ultimate uses and densities being developed. The ultimate number of required housing mitigation units would be calculated by determining the type and amount of a land use and then applying the current employee housing mitigation standards set forth in the LUC provisions in effect when the Sketch PUD/Subdivision Plan was submitted, which would be reflected in the Society Turn Development Agreement. The employee housing units would be developed by the party ultimately acquiring a Lot and developing the site for free market uses and it would be designed and finished in conformance with applicable code and guidelines.

2.18.2. As indicated in the Employee Housing Mitigation Plan, the number of employee housing units is expected to be 91 units³ with the Baseline Model and will likely vary depending on the nature and extent of the free market uses that is actually occurring. As further indicated in the Employee Housing Mitigation Plan, there would be a range in type and size of employee housing units, consisting of Employee Housing Studios (25%), one-bedroom units (50%), and two-bedroom units (25%) configured as flats. Minimum sizes of Employee Housing units are proposed by the Applicant to match the median size required by the Town of Telluride's Affordable Housing program in order to create parity with marketplace comparables. Specifically, the Applicant proposes the following Employee Housing minimum unit sizes: Studios (375 sf), 1-BRs (525 sf), and 2BRs (850sf).

2.18.3. The Applicant is further proposing that the County action on the Preliminary PUD/Subdivision Plan Application allow for an option to the ultimate developer of a site to include a fourth floor to accommodate additional deed restricted employee housing over and above required housing mitigation. This option would only be available in buildings that sit on the southerly portions of the Society Turn Property, such as buildings being developed on Lot 2A/B and Lot 5, given their distance from Highway #145 and lower elevation as the land falls off to the south in these areas. This could yield up to an additional 27 employee housing units. The Society Turn Development Plan could accommodate this increase in density in terms of traffic, parking and water/sewer requirements.

2.18.4. The Applicant is allocating the Hospital District the opportunity to allocate three employee housing units in the Medical Center Parcel.

2.18.5. **Public Park Dedication Requirement.** According to the LUC, a project is required to dedicate land or pay a fee in lieu to the County to offset impacts to public parks and open space or to public schools resulting from development. The Applicant is meeting its obligation by conveying .and to the County as follows:

³The maximum number of employee housing units could increase to 121 units if development on fourth floors is allowed on Lots 2A, 2B and 5, as discussed in Section 2.18.3 and 2.18.4 below. The additional units are the maximum number of additional units supported by the traffic study.

- **Park Dedication.** As indicated on attached **Exhibit “BB”**, the required parkland dedication for the Project is 2.548 acres.
- **School Dedication.** As indicated on attached **Exhibit “BB”**, the required land dedication for schools for the Project is 0.468 acres. The land dedicated for schools is conveyed to the County.
- **Total Dedication.** The combined amount of land dedication for parks and schools is 3.016 acres. The Applicant is proposing to convey the County Tracts, which contains approximately 3.8 acres to the County in satisfaction of the required land dedication for parks and schools and as an additional public benefit. The County can coordinate the usage of this land with the School District.

2.19. **Transportation Impact Mitigation.** The Applicant will comply with the Transportation Impact Mitigation called for in Section 5-20 of the LUC by establishing a real estate transfer assessment equal to .75% of the consideration paid for each Lot and collecting the RETA from the purchasers of each Lot. In addition, the Society Turn Development Plan is proposing extensions of the regional paved pedestrian and bike trail to and from Telluride as well as trail connections to Lawson Hill. Bus stops for public transit are also located in the Project. These measures will be paid to the County in full satisfaction of the Transportation Impact Mitigation requirements.

2.20. **Telluride Regional Airport.** The proposed development of the Project on the Society Turn Property does not appear to be subject to the regulations concerning Telluride Regional Airport Impact Area as noted in LUC Section 5-418. That said, in connection with the use and development of the hospital on the Medical Center Parcel, the Hospital District will need to coordinate its plans to use and operate a medical helicopter on its premises with the FAA and the Telluride Regional Airport.

2.21. **Sequencing of Development/Phasing.** Upon securing Final PUD/Subdivision approval for the Society Turn Development, the Applicant intends to execute and record the plat, development agreement, SIA, Land Use Plan/Matrix and other required documents. Thereupon, the Applicant would proceed generally along the following steps:

2.21.1. **Implementation of Project Infrastructure Work.** The Applicant would commence the installation of the infrastructure required by the SIA, with the intention of commencing the next building season following the recordation of the plat. The buildout may take a portion of the following building season to complete.

2.21.2. **Conveyance of the Medical Center Parcel.** Following the recordation of the final plat and the completion of some or all of the required infrastructure for the Project that would be located on the Medical Center Parcel, Applicant would convey the Medical Center Parcel to the Hospital District for no cost. The Applicant will cooperate and work with the Medical Center to explore opportunities to accommodate the timing for site work by the Hospital District on the Medical Center Parcel. Following the conveyance, the Hospital District would be able to complete its architectural review processes with the HOA and County. The conveyance would be made subject to covenants and restrictions, including, a limitation on the use of the property for a hospital to be developed in a reasonable timeframe and requirements for the hospital to comply with the Society Turn Governing Documents, including the provisions relating to architectural/design review, and the County Approvals. In accordance with the agreements with the Town of Telluride, water and sewer service would be made available to the Medical Center following the recordation of the Final Plat.

2.21.3. **Conveyance of the Sewer Plant Tract.** Following the recordation of the Town Water and Sewer Agreement and final plat for the Project and the completion of any infrastructure for the

Project, if any, that would be occurring on the Sewer Plant Tract, the Applicant would convey the Sewer Plant Tract to the Town.

2.21.4. **Conveyance of the County Tracts.**

A. At or soon after the recordation of the final plat, the Applicant would convey title to Tract 2, which is the portion of the County Tracts lying south of the San Miguel River to the County (“**Southerly County Tract**”).

B. At or soon after the development is completed on Lots 4 and 5, the Applicant would convey title to Tract 1, which is the portion of the County Tracts lying north of the San Miguel River to the County (“**Northerly County Tract**”). In addition, at or soon after the recordation of the final plat, the Applicant would grant easements to the County to allow for public use and access to portions of the Northerly County Tract for recreational uses on portions, provided that access to this easement area located on the Northerly County Tract would be accessible only from the Southerly County Tract in light of the delay in the timing for developing Lots 2-5.

2.21.5. **Development of Lots 2A.** In accordance with the agreements with the Town of Telluride, water and sewer service would be made available to Lot 2A for development following the recordation of the Final Plat.

2.21.6. **Development of Lots 2B-5.** Development occurring on Lots 2B-5 would need to be phased to commence no sooner than when sewer service would be made available by the Town of Telluride (see below discussion relating to the requirements and limitations established by the Town in connection with the timing for the availability of sewer service noted above as the Phased Sewer Service). The actual timeframe for when development on Lots 2B-5 would commence is not known at this time. The Applicant envisions that Lots 2B-5 would remain undeveloped and used for cattle grazing for the foreseeable future. No set time will be established for when the development on Lot 2B-5 would actually occur; the approvals granted by the County for the PUD/Subdivision would not expire.

2.22. **Vesting.** Because the Applicant is providing most of the public benefits upfront, namely, the conveyance of the Medical Center Parcel to Hospital District, the Sewer Plant Tract to the Town, a portion of the County Tracts to the County, construction of the regional valley trail connection to the Medical Center Parcel, enhancing trail connections with Lawson Hill and installing the majority of the infrastructure improvements at great cost and expense, the Applicant requests that the County grants the Applicant and the related land use approvals stated in this Application, as may be amended, extended vesting rights for 25 years from recordation of the final plat. Given that the Applicant is unable to undertake development on Lot 2B-5 for upwards of 7 to 10 years in light of the Phased Sewer Service and providing the upfront benefits noted above, the request for the extended vesting is reasonable and appropriate. The extended vesting provides an opportunity for Applicant to evaluate market and community needs down the road and allow development of these Lots to meet needs then becoming apparent, while agreeing to convey title to the Hospital District, Town and County for critical public projects. The alternative for the Applicant would be to wait to convey these public parcels until water and sewer service is available and the Applicant is ready to market and sell the Lots for development.

III. STANDARDS REPORT.

Applicant has submitted various technical reports, studies, plans and specifications in support of the Application. The following information in this Section as well as the succeeding Sections constitute the Applicant’s Standards Report, which discuss various findings and determinations made by the Applicant’s consultants and how these materials relate to the Sketch PUD/Subdivision Plan and comply with applicable provisions of the LUC which the County must review and consider when evaluating the Application.

3.1. Road Access to Society Turn Property.

3.1.1. Primary Access. The principal access for the planned development on the Society Turn Property that would occur for Lots 1-5 will be located along the northerly boundary of the Society Turn Property where proposed new Road A (internal to the subdivision) connects to State Highway #145 (**Road A/Hwy #145 Intersection**). The Road A/Hwy #145 Intersection will be designed as full movement intersection and is being designed by the Applicant to comply with applicable road and intersection standards that are administered by the Colorado Department of Transportation (CDOT). Last fall, the Applicant submitted an application with CDOT seeking an Access Permit for the development proposed in the Project. Applicant understands that CDOT has been delayed in processing the permit application because of staffing shortages. The Applicant and CDOT staff have had correspondence back and forth and Applicant does expect the permit to issue, but recognizes that it must be obtained prior to the recordation of the Final Plat.

3.1.2. Emergency Access. A secondary emergency access is associated with an existing access point located on the easterly boundary of the Society Turn Property, which aligns with the location of the existing access to the Regional Sewer Plant located on the Society Turn Property. Consistent with the direction of CDOT, this access would be available to the Project only for emergency access purposes. The plan shows removable bollards that would be installed and kept in place to preclude routine cut-through traffic from Lots 1-5 and only allow for emergency access. The Applicant will continue to work with SMART and CDOT to seek approval to enable regional public bus service to be able to use the secondary access when Lots 2B-5 are built out. No improvements to this secondary access are proposed by this Application.

3.1.3. Lawson Hill Access. The County Tracts would be accessed off of Society Drive, pursuant to certain mutual access easement agreements that would allow for this access. No improvements to this access are proposed by this Application.

3.1.4. SMPA and Tri-State Access. The San Miguel Power Association (SMPA) and Tri State use an existing driveway over the Society Turn Property to access facilities located on its adjacent property, south of the Society Turn Property. Previously, predecessors of Genesee had granted an access easement to SMPA/Tri State for the substation facilities ("**Substation Driveway**") located on the SMPA/Tri State parcel. The grant of the access easement was conditioned on certain terms and conditions and reservation of rights, including a right to relocate the access easement. Some years after the development of the Substation, SMPA/Tri State developed an office and laydown yard, which appears was to be accessed from the east over the Town Regional Waste Water Treatment plant property. More recently, SMPA/Tri State has started using the Substation Driveway to gain access to serve its office and laydown yard, but such usage was not provided for under the existing access easement. The Applicant has been and will continue to be a good neighbor with SMPA/Tri State and have taken this need for SMPA/Tri State to have access to its regional facilities into account when developing the Society Turn Development Plan. The Applicant has agreed to provide SMPA/Tri State with an access easement on mutually agreeable terms and conditions. As part of the Society Turn Development Plan, Applicant is showing a driveway that would cross the Medical Center Parcel (over the portion of the property programmed for a parking lot), that would connect to the driveway to the SMPA/Tri State parcel and would be designed to accommodate typical employee vehicles and service vehicles for the existing uses and facilities. Last summer, the Applicant prepared and presented a new easement to SMPA/Tri State that would allow SMPA/Tri State to continue to have access to the Substation and would grant new usage rights for access to the office and laydown yard. The Applicant and SMPA/Tri State are continuing to work through the terms and conditions of the new easement, but should this easement not be signed by the parties, the Applicant will relocate the Substation Driveway as provided for in the original access easement and the parties could address the expanded use of the access easement without impacting the review and action on the Society Turn Development Plan.

3.1.5. **Source Gas Access.** Source Gas has installed a fairly sizable regional gas facility that is located on an easement over a portion of the Society Turn Property. Source Gas has used the same access that SMPA has been using for access to the SMPA Parcel, which was occurring without an easement. The Applicant has accommodated access to the important regional gas facility over a portion of the same corridor contemplated for SMPA access. An easement for this use has already been established.

3.2. **Traffic Impacts.** The traffic impacts for the Sketch PUD/Subdivision Plan and background traffic are summarized in the Traffic Report and update memos. The purpose of the Traffic Report is to document the existing traffic conditions in the vicinity of the site, provide the trip generation and trip distribution of the proposed development, Project traffic volumes to the 20-year planning horizon, and to analyze the proposed access and nearby intersections for operational impacts to SH 145. Access to the site will be provided from the permitted and historical access location for the Genesee property on the south side of SH 145, near the existing access used by the Applicant for ranch access and also used by SMPA and Source Gas. The major findings are:

3.2.1. Summary of Conclusions:

- A. The existing roadway network and adjacent intersections operate at an acceptable LOS in the total traffic scenario.
- B. The proposed access operates at an acceptable LOS in the total traffic scenario.
- C. A new access permit for Road A is required, which has been applied for with CDOT as noted above.

3.2.2. Proposed Mitigation Measures

- A. The proposed Road A intersection with Hwy#145 (**Road A/Hwy #145 Intersection**) requires the following auxiliary turn lanes
 - West bound left turn deceleration lane with storage length
 - East bound right turn deceleration lane
 - East bound right turn acceleration lane
- B. The Road A/Hwy #145 Intersection can provide acceptable sight distance, design sight triangles must be developed and maintained as clear zone with the development of this access to accommodate passenger vehicles, single-unit and multi-unit trucks.
- C. The Road A/Hwy #145 Intersection shall provide a two-lane egress (minimum 100 ft) to avoid internal blocking of the north bound right turn egress lane by potential north bound left turn queuing
- D. The Road A/Hwy #145 Intersection shall provide north bound right turn channelization to maximize efficient operation of the north bound right turn lane and the east bound acceleration lane.

3.3. **CDOT Highway Access Permit.** The Applicant has submitted an application with CDOT for approval of the Road A/Hwy #145 Intersection. A copy of the “**CDOT Access Permit**” application is attached as **Exhibit “O”**. The CDOT Access Permit proposes undertaking certain highway, that are being designed in accordance with applicable CDOT review standards, based upon the contemplated level of development proposed in the Society Turn Development Plan. No waivers or

variations to the CDOT road design standards are being requested by Applicant. The review process involving CDOT is ongoing. Applicant anticipates the process would be completed as part of the process for the consideration of the Preliminary PUD/Subdivision Plan Application. Applicant understands that it will not be able to pursue the Society Turn Final PUD/Subdivision Plan Application until CDOT has issued the requisite access permit for the Project. The SIA (discussed below) will provide for the full and timely completion of the required highway/intersection improvements.

3.4. **Law Enforcement.** Law enforcement services will be provided by the County Sheriff, similar to surrounding and adjoining subdivisions.

IV. 1041 ENVIRONMENTAL HAZARD REVIEW

4.1. **General.** The purpose of 1041 Environmental Hazard Review is to demonstrate compliance with the County standards generally found in Section 5-4 of the LUC for areas in the Lots in which development is contemplated which may potentially be subject to (a) geologic hazard conditions (areas which may encounter avalanche, rock fall and debris flow and areas with slopes greater than 30%); (b) floodplain hazards; and (c) historic and archeological resources. The 1041 review requires a two-step review that includes a Planning Commission review and recommendation and action by the BOCC pursuant to the development standards applicable to specific environmental hazard areas set forth in the LUC. Applicant is seeking County review and approval of the 1041 Review as part of its Application for the Preliminary PUD Plan. The general rule with respect to the evaluation of the 1041 Review and its application to a development proposal is to restrict development to a hazard-free area if such an area exists on a site and if no adequate hazard-free area exists on a site, the diversity of permitted uses in a zone district and permitted residential land use densities may be limited to minimize potential dangers to persons or wildlife.

4.2. Geologic Hazard Review.

4.2.1. Buckhorn Geotech was retained by the Applicant to study and prepare a report for the Society Turn Parcel and the regional setting, geology, soils, and conditions relating to the property (“**Geologic Hazards Analysis Report**”). Buckhorn Geotech was directed to prepare a Geologic Hazards Analysis Reports for the project, consistent with the requirements and provisions of LUC Section 5-4. Consistent with this engagement, Buckhorn Geotech studied the Society Turn Parcel to ascertain the presence, nature and extent of the following geologic hazards conditions on the property, including avalanche areas, landslide areas, potentially unstable slopes, rockfall areas, slopes greater than 30%, alluvial fans, talus slopes, Mancos Shale, faults, and ground subsidence. In addition, Buckhorn Geotech analyzed conditions relating to expansive soil and rock, debris flows/flooding (associated with alluvial fans), shallow groundwater/seasonally wet. A copy of the Geologic Hazards Analysis Report, inclusive of the Geologic Hazards Mapping, along with an update letter are attached as **Exhibit “V”**.

4.2.2. The Geologic Hazards Analysis Reports focuses on the portions of the Society Turn Parcel that are proposed for the use and development of the Lots. A study of the geologic conditions for the Association Parcels was included in the report included as part of the Sketch PUD Plan review.

4.2.3. Buckhorn Engineering determined that the areas proposed for development were neither unique nor different than conditions existing in the region where other development has routinely been accommodated. Buckhorn also determined in its report that “the primary geologic hazards that were identified and mapped and affected certain limited portions of this Society Turn Property are flooding, wetlands, potentially unstable slopes and slopes >30%. Most of the Society Turn Property, including where most of the proposed development is concentrated, was identified as “stable slopes,” indicating that these areas are considered stable, with minimal potential for the presence of geologic hazards. These are the areas consisting of gently-sloping terrain of the Remine Creek alluvial fan and river alluvium in the valley floor.” Buckhorn concluded that “Most of the Society Turn Property is mapped as “stable” with low risk of geologic hazards, while the small areas with moderate to high risk can be either completely

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avoided or can be reduced to low risk by implementing mitigation measures recommended herein during the PUD design process.” The specific findings relative to areas of Society Turn Property which are potentially impacted by geologic hazards, the level of risk assessment (low, medium, high) and the indicated mitigation is set forth in the Geologic Hazards Analysis. Based upon the information contained in the Geologic Hazards Analysis, the portions of the Society Turn Property upon which development is being proposed can safely occur when evaluated from the perspective of geologic hazard conditions. The recommendations contained in the Geologic Hazards Analysis are acceptable to the Applicant and will be incorporated in the Society Turn CCR’s.

4.3. **Geotechnical Engineering Report.** Buckhorn Engineering was retained to provide a preliminary analysis of the geotechnical conditions present on the Society Turn Property (“**Geotechnical Report**”). A copy of the Geotechnical Report along with an update letter are attached as **Exhibit “W”**. In its report, Buckhorn indicated that “Based upon our feasibility level geotechnical evaluation and the results of our subsurface and laboratory testing, it appears that all sites evaluated are suitable for the typical intended construction of structures associated with mixed commercial and residential/commercial development with special attention to foundation subgrade preparation, foundation design, general site preparation and drainage design. The soils evaluated on the Society Turn Property are granular alluvial and colluvial deposits with variable density, ranging from loose to very dense, but they are generally well-drained sands and gravels that have low potential for swelling or shrinking. However, due to the variable density of these materials laterally and vertically, there is some potential for consolidation. For most types of small to moderate sized commercial and commercial/residential structures anticipated for this site, the native soils are suitable for conventional spread footings with soil preparation needed to ensure uniformly dense conditions. Buckhorn concluded that the development proposed in the Society Turn Development Plan was feasible, provided that certain preliminary recommendations noted by Buckhorn in the Geotechnical Report are followed. The recommendations contained in the Geotechnical Report are acceptable to the Applicant and will be followed when installing infrastructure. The information will be shared with individual lot developers for inclusion in their design plan.

4.4. **Wildlife.** A Vegetation and Wildlife Assessment and updated memo has been prepared by Alexander Nees, Senior Ecologist with SGM Engineering a copy is attached as **Exhibit “T”**. The study recognizes the potential impacts of the development contemplated for the Society Turn Property on certain wildlife and offers certain design criteria and considerations that have been incorporated into these plans to address these recommendations. In undertaking his analysis, Mr. Nees notes as follows:

A. The Society Turn Property is dominated by heavily-altered pastureland, seasonally irrigated by a lateral ditch from Remine Creek. There is minimal shrub or tree cover on the property outside of the riparian corridors. Habitat value on the Society Turn Property is limited due to the lack of vegetation diversity and native species, the structurally-homogenous herbaceous vegetation cover, and the proximity to extensive areas of adjacent disturbance.

B. Development of the Society Turn Property would have no impact on any USFWS-listed threatened or endangered species, and only minimal impacts to other species of concern such as deer and elk.

C. General wildlife habitat values on the Society Turn Property are minimal, and primarily associated with ungulate movement patterns between summer and winter habitats on Deep Creek Mesa to the north, and severe winter range and water resources along the San Miguel River immediately south of the Society Turn Property. Nesting, denning, breeding, and production habitat for species of concern is entirely absent from the Society Turn Property, but there is evidence of occasional transit across the Society Turn Property by large mammals. However, the majority of local ungulate movement occurs immediately to the east of the Parcel, in the large areas of open space preserved by the Town of Telluride as the Valley Floor Property. The extensive existing disturbance on and immediately adjacent to the Parcel would discourage ungulate movement on the Society Turn Property when nearby attractive alternative movement corridors are available. Based on personal observations and interviews

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with the property manager, elk currently traverse the Parcel at dispersed locations throughout the pasture areas. There are no clearly identified corridors on the Parcel that host significant ungulate movement. Although the Remine Creek corridor provides a sheltered transit path between Deep Creek Mesa and the San Miguel River, the Creek gradient is extremely steep and narrow on the Parcel, and has been significantly altered by the construction of Highway 145, where the Creek has been steepened and culverted to pass under the roadway and embankments. Some few animals currently cross the open terrain of the Parcel's pasture areas to reach the river, but this movement is constrained by the need to cross State Highway 145, and the need to pass through significant anthropogenic disturbances.

D. Mr. Nees noted that the siting of the Society Turn Property adjacent to the sewer plant and industrial/commercial development in Lawson Hill, has already impacted the area to a degree that would deter wildlife from accessing the property. He notes that the Project will likewise impact wildlife, but given existing impacts, the fact that development is concentrated in those areas of the property indicated in the Society Turn Development Plan, these impacts will not materially cause further impacts to wildlife. Mr. Nees also notes that the plan leaves movement corridors along Remine Creek and the San Miguel River open and usable by wildlife.

E. Mr. Nees has recommended the implementation of the following mitigation measures, which the Applicant is incorporating into the Society Turn Development Plan to the satisfaction of Mr. Nees:

- Cluster development in the impacted/agricultural portions of the Society Turn Property, which is achieved by the proposed Society Turn Development Plan.
- Constrain all existing and proposed trails to non-motorized uses, to limit disturbance to wildlife from vehicle noise and excessive speeds.
- Remove woven-wire fences wherever they occur on the Parcel, and replace with wildlife-friendly fences per CPW standards that are appropriate for the cattle grazing that currently occurs on the Parcel. As individual Lots are removed from grazing and converted to development, replace the remaining boundary fences with wildlife-friendly fence designs where necessary, or remove fencing altogether where practical.
- Limit night-time anthropogenic disturbance from lighting by installing low-intensity shielded exterior safety and utility lights.
- Prohibit contractor's dogs on the Parcel during construction. After construction is complete, establish mandatory dog-control policies to prevent barking, free-roaming, and wildlife chasing or harassment by resident or visiting dogs.
- The potential medical center includes a proposal for a helicopter landing pad. Consider establishing minimally-impactful helicopter overflight paths to minimize wildlife flushing risk, as feasible within operational requirements and aviation regulations.
- Standard bear-safety measures for facility design and operation should be applied, due to location within a Black Bear Human Conflict Area.

The prescribed mitigation measures will be further addressed in the Society Turn CCR's and Design Guidelines.

F. As requested by the County in the Sketch PUD plan review, Mr. Nees further studied the impact of highway vehicle traffic to wildlife crossing the highway near the Society Turn Property (see Memo attached as **Exhibit "U"**), and determined the following:

1. CDOT/CSP road accident data were reviewed and indicate that the ungulate accident rate in the specific vicinity of Society Turn is on the order of one vehicle strike per year. This is slightly elevated compared to

nearby areas but is not at a level that indicates the Society Turn Property is within a ungulate movement or migration corridor that would be disrupted by the proposed development.

2. An existing regional analysis of wildlife – traffic conflicts has not identified the Society Turn Property, or the surrounding vicinity, as a high-risk area. HWY 145 throughout eastern San Miguel County has been classified in the 50th-60th risk percentile for highways in CDOT Regions 3 and 5. In summary, CDOT and CPW have already evaluated this road section and determined that wildlife movement patterns and accident rates are average for the western slope, and are not nearly sufficient to justify the installation of wildlife mitigation measures.

3. The traffic volume and road density in the vicinity of the Society Turn Property is such that ungulates are already avoiding the area and are deterred from crossing the road. These road impacts have already reached saturation level in the immediate vicinity, and it is unlikely that the proposed development would lead to further significant increases in avoidance.

4. It is unlikely that a wildlife underpass structure would be effective, given the level of anthropogenic disturbance outside of and in addition to HWY 145. Ungulate avoidance of the general area would be sufficient to overcome the attraction of a specific crossing location. In summary, while the Society Turn Property lies at the western edge of a CPW-mapped Elk Migration Corridor, the presence of surrounding road densities, development, and lack of effective elk habitats in and around the parcel has already reduced the effectiveness of this area as an ungulate movement

In summary, while the Society Turn Property lies at the western edge of a CPW-mapped Elk Migration Corridor, the presence of surrounding road densities, development, and lack of effective elk habitats in and around the parcel has already reduced the effectiveness of this area as an ungulate movement corridor, or as a desirable area for ungulate foraging or loafing. The existing 7,500 VPD in this area has already created an effective movement barrier, or at least has resulted in wildlife heavily modifying their crossing of the highway to the nighttime hours, when traffic levels are at their lowest. The increase in traffic generated by Society Turn is not expected to result in a level of traffic different or more impactful than existing conditions. The existing CDOT and CSP data further support that ungulates are avoiding or have modified their movements through this area, given the very low vehicle strike rates in this area. The Society Turn Property development is not expected to meaningfully or measurably create additional wildlife crossing hazards in this area, beyond current conditions. Wildlife mortality rates in this area are currently low, likely due to the low level of wildlife crossings resulting from the poor habitat effectiveness of habitats in and around the parcel, and the high level of traffic on HWY 145. Development of the parcel would not likely result in impacts to wildlife beyond existing levels, and mitigation through an underpass (or overpass) would not likely result in meaningful benefit to ungulate use patterns in the Society Turn area, given the low level of ungulate movement or migration across HWY 145 in this area.

G. In the course of the Sketch PUD plan review, the County suggested that the Applicant participate in a “wildlife crossing bridge” of some sort over Hwy#145, presumably somewhere adjacent to the Society Turn Property, which was suggested might assist in the movement of wildlife in this area. It is the position of the Applicant that its Project will not cause any greater impact on wildlife crossing this area. According to the Wildlife Biologist for the Project:

Wildlife underpasses have been used with success in some locations to mitigate the effect of road barriers by allowing wildlife safe passage across busy travel corridors while providing some level of visual shielding from traffic. Underpasses also have the benefit of reducing wildlife-vehicle collisions when they are utilized by animals. However, wildlife underpasses are only recommended for installation in areas of low overall human activity, generally where multi-lane high-speed highways bisect otherwise intact areas of habitat. In areas where the road is only one component of an overall high level of anthropogenic activity, underpasses are poorly utilized since wildlife continue to avoid the region regardless of the availability of a crossing (Gagnon J. W., 2011). Further, deer and elk generally do not enter underpasses unless they are forced to (through extensive fencing), when their migration patterns through the area are well established, and when the underpass is large and has room for these large animals. The Society Turn Property certainly qualifies as a site where the road and traffic volume constitute only one component of an overall level of human presence, and deer and elk use patterns would not be conducive to the effective utilization of an underpass.

If anything, if the County wishes to pursue such a crossing, it would appear that it would be more effective along the Spur, near Eider Creek where the new housing project is being built. It appears that any such bridge would have a substantial visual impact for motorists driving into the Telluride region from the west. In any event, the Project would generate a very small percentage of the vehicle trips along the highway; so if the county wants to develop a plan for the crossing and establish a funding mechanism involving all traffic that would or could be impacting wildlife, warranting the bridge, then the Applicant would pay its equitable, prorata share of such costs that would be paid by private funding sources and not funds derived from public sources.

4.5. **Historic and Archeological Features.** There are no designated historic or archeological structures or features on the Society Turn Property, although there is an old remnant of a trestle support that would be left in place and not disturbed by the implementation of the Society Turn Development Plan. See attached Memo discussing findings on historic structures (**Exhibit “Y”**).

4.6. **Floodplain Hazard Areas.** Channelized floodplains exist on the property, along the area adjacent to the San Miguel River. Development of the Project is not proposed to occur within the area of floodplains associated with the free-market components of the Society Turn Property.

V. **WETLANDS AND WETLAND BUFFER.**

5.1. Wetlands are an ecological feature that provides important environmental functions for stormwater management, flood attenuation, water quality, and wildlife, as well as aesthetic values. The site was studied for wetlands by SGM Engineering for wetlands to identify and delineate waters and wetlands that may be subject to the jurisdiction of the US Army Corps of Engineers under Section 404 of the Clean Water Act and applicable provisions of the LUC. A copy of the Wetland Report is attached as **Exhibit “R”**. The County Wetland Delineation Report was prepared in compliance with the requirements set forth in LUC Section 5-22.

5.2. SGM concluded that the Society Turn Property is relatively dry under natural conditions, although normal ranching irrigation activities have historically occurred on the Society Turn Property and continue to occur. Naturally-occurring wetlands and hydrologic features on the Society Turn Property are limited to the immediate vicinity of the San Miguel River and Remine Creek, where these features traverse the Society Turn Property.

5.3. SGM also evaluated the Society Turn Property under applicable LUC regulations (Section 5-22 of the LUC), which vary to some degree to wetland reviews under Section 404 of the Clean Water Act. A copy of the Memo prepared by SGM is attached as **Exhibit “S”**. SGM reached the conclusion that there are some areas of Baltic rush on the Society Turn Property, which under the County regulations are indicators of potential wetlands. These areas are isolated on the south side of the San Miguel River.

5.4. SGM noted that the areas proposed for development were sited outside of the areas of wetlands as defined under both Federal and County laws. Except for a small area of the Commuter Trail sought by the County, SGM concluded that the development on the Society Turn Property would have no direct impact to any wetland areas. The impacted area of wetlands associated with the Commuter Trail for which a wetland permit will be pursued is 0.007 acres (mol).

5.5. SGM did advise that portions of the Hwy#145 ROW where CDOT required access improvements are to be constructed would impact wetlands and require appropriate permitting. The impacted area of wetlands associated with the required Hwy#145 improvements for which a wetland permit will be pursued is 0.190 acres (mol).

5.6. The Applicant is pursuing a wetland permit from the Army Corp for these modest impacts, which is further described on the Memorandum prepared by SGM is attached as **Exhibit “S”**.

5.7. SGM noted that certain components of the improvements for the Project (consisting of a trail, augmentation pond, utilities and pipeline and the access road and related improvements in the CDOT ROW) will occur within the 100’ Wetland Setback and that will need to be permitted and/or mitigated through the appropriate Corp and San Miguel County processes. The total area impacting the wetland buffer areas is 0.247 acres (mol).

5.8. Because of these minor wetland and wetland buffer impacts, Applicant is seeking as part of its Application review and approval of a Wetland and Wetland Buffer Special Use Permit pursuant to LUC Section 5-2203, which is analyzed in detail in the County Wetland Delineation Report. These impacts are unavoidable and will be mitigated as indicated in the County Wetland Delineation Report. In addition, measures to be followed during construction as required by the LUC and outlined in the County Wetland Delineation Report will be followed to protect the wetland resources where development is proposed within the 100’ Wetland Buffer. In accordance with the Wetland Report, the Applicant will incorporate best management practices (BMPs) to minimize impacts in wetland buffer areas during and after construction. This will include implementation of BMPs for stormwater and erosion control as part of the Stormwater Management Plan that will be prepared for the sites. All disturbed areas will be revegetated for long-term stabilization.

VI. INFRASTRUCTURE.

6.1. **Internal Subdivision Road Improvements.** The two internal subdivision roads (Road A and Road B) will be designed, engineered and constructed by Applicant in accordance with County standards Section 5-5 of the LUC, with an overall design achieving the goal of creating a safe and efficient two-lane road, designed to a Collector Road standard. Details of the Roads are described in the Engineering Report prepared by Buckhorn Engineering and depicted on the Civil Plans. A copy of the roadway plans is included as part of the Engineer Plans attached as **Exhibit “J”**. Road A extends from the Road A/Hwy #145 Intersection in a north/south direction to its terminus in a hammer-head at the entry of the Medical Center Parcel and intersection with Road B. Road A will be fully graded and paved with the commencement of the Project. Road B will be rough graded from its intersection with Road A to the easterly terminus. A gate will be installed and maintained at both ends of Road B, which will block off usage until such time as Lots 2-5 are developed. Removable barriers will be installed at the easterly terminus of Road B where it meets the access driveway to the Regional Treatment Plant, which barriers are removable to allow emergency access to the highway, but which will remain in place all other times to prevent free and open access to Hwy 145, which is consistent with CDOT requirements. The requirement for Applicant to complete this roadwork will be documented in the SIA and collateral would be posted with the recordation of the SIA. Road A and Road B will be privately owned and maintained by the Association along with SMPA and Tri State given their usage rights over Road A. Applicant will grant the County a public usage easement for Road A and Road B when each is completed and open for usage. As indicated above, Road B will be closed to public use until development on Lots 2-5 is occurring. The internal subdivision roads will be privately owned and maintained by the Association, with appropriate easements granted to the County to enable access for emergency vehicles and similar purposes as required by the County, which will be granted and conveyed when the roads are constructed. Areas of snow storage removed from the Internal Subdivision Roads are identified on the Association Parcels (see Engineer Plans).

6.2. **Driveways.** Individual driveways will be designed and constructed for each of the Lots and provide access to the Lots. The Driveways will interconnect in the rear of the Lots in connection with the Shared Parking Lot. Each driveway will be designed in accordance with applicable County design regulations for driveways and will be required to comply with standards established by the Telluride Fire District.

6.3. **Water Supply.** The domestic water needs of the Society Turn Property Development, including fire suppression systems are noted and discussed in the Water Supply and Wastewater Plan for the Project (“**Water and Sewer Supply Plan**”), a copy is appended as **Exhibit “M”**. The domestic water supply needs of the Project, as outlined in the Water and Sewer Supply Plan, will be served by the Town of Telluride Water System. Applicant shall connect to the Town water system adhering to the regulations for such connections established by the Town of Telluride (Town). Applicant and the Town will enter into a water and sewer service agreement provided for the requested water service, which would be signed and recorded at the time of the recordation of the Final Plat for the Society Turn Development Plan. Applicant is designing an irrigation system that would serve landscaping that would occur in connection with development on Lots 2-5. The irrigation system will utilize an onsite well to be drilled by Applicant, with water stored in an underground storage tank that will be located in Lot 3. Irrigation water for the Medical Center on Lot 1 would not be served by the Town. The Design Guidelines will allow for the use of on-water catchments and other water savings method to help conserve water consumption. to offset energy usage within the Project.

6.4. **Sewer Service.** The sewage needs of the Society Turn Property Development are as outlined in the Water and Sewer Supply Plan and will be served by the Regional Waste Water Treatment Plant (“**Sewer Plant**”). Applicant shall connect to the Sewer Plant adhering to the regulations for such connections established by the Town. As noted, the Applicant and the Town will enter into a water and sewer service agreement provided for the requested sewer service, which would be signed and recorded at the time of the recordation of the Final Plat for the Society Turn Development Plan. The Town has advised that it will provide the required sewer service to accommodate the Society Turn Development Plan, but because of contemplated upgrades to the Sewer Plant, the Town has advised that it will need to provide the sewer service in phases (“**Phased Sewer Service**”), generally as follows:

Phase 1. Sewer service would be provided to Lot 1 (Medical Center parcel) and Lot 2A, as shown on the site plan and draft subdivision plat. The Town is able to and would provide sewer service to all development occurring in Phase 1 upon the platting of the Project.

Phase 2. Sewer service would be provided to Lot 2B and Lot 3, but such sewer service would need to be phased in and would be provided by the Town following the earlier to occur of either: (1) completion of the certain improvements to the Sewer Plant to address stated nutrient and capacity levels, plus the added supply from Phase 2B, as determined by the Town’s independent engineer on the Sewer Plant expansion project, or (2) December 31, 2030.

Phase 3. Sewer service would be provided to Lot 4 and Lot 5, but such sewer service would need to be phased in and would be provided by the Town following the earlier to occur of either: (1) completion of the certain improvements providing for the full expansion of the Sewer Plant, as determined by the Town’s independent engineer on the Sewer Plant expansion project, or (2) December 31, 2033.

As a result of the Phased Sewer Service, the buildout of the Society Turn Development Plan will need to occur in phases, which is discussed below.

6.5. **Shallow (Underground) Utilities.** The Project will be served by power, telephone lines, fiber and possibly natural gas, which would be extended to the frontage of each Parcel, including the Medical Center Parcel and would be placed underground. The detailed design plans for the utilities is as indicated in the Civil Engineering Drawings attached as **Exhibit “J”**. Note that the Applicant granted an easement to the company installing fiber in the Telluride Region, which benefits development in the area.

6.6. **Solid Waste Disposal and Recycling.** The Association will coordinate with a local service provider to establish solid waste disposal and recycling services for the proposed development.

6.7. **Stormwater Management/Drainage Study/Erosion Control.** Buckhorn Engineering was retained to provide a Stormwater Management/Drainage Study for the Society Turn Property (“**Drainage Study**”). A copy of the Drainage Study is attached as **Exhibit “L”**. In general, Applicant will ensure proper management of sediment and erosion control methods will be utilized to protect the nearby watersheds as well as the onsite wetlands from impacts of development of the Society Turn Development Plan. The integrity of the existing and natural drainage patterns of the property will be preserved and enhanced as noted in the Drainage Study. In general, drainage and storm water management will be handled by a system of roadside swales, culverts, and small detention basins consistent with County standards. Flows released from the site will be maintained at historic rates, through the use of small localized detention ponds. Erosion will be prevented by maintaining vegetative cover to minimize soil disturbance, and utilizing best management practices to prevent erosion during construction. Best management practices (**BMP’s**) will be used to control erosion and to eliminate sediment transport from the Project both at final build out and during construction. The proposed development of the Society Turn Property has been designed in consideration of retaining storm flows on site as required by San Miguel County Land Use Code, Section 4-302G and Section 5-502AA. Drainage will be conveyed by both subsurface storm drains and surface means across the roadways, parking areas and impervious areas to subsurface detention structures or detention basins. There are no unusual conditions present on or otherwise associated with the Society Turn Property and the implementation of the Society Turn Development Plan are readily capable of complying with all applicable State and County standards that cover drainage, erosion, and stormwater management. Any permits required for the drainage and storm water management activities will be obtained by Applicant at the time of development.

6.8. **Pedestrian Paths/Trails.** The Society Turn Development Plan incorporates important pedestrian connections that will serve the Telluride Region in a very important manner.

6.8.1. **Valley Floor Commuter Trail.** The existing paved pedestrian/bike trail starts in the Town of Telluride and extends along the Spur along the valley floor and crossed under Hwy #145 along the San Miguel River and ends on the Society Turn Property. The Applicant plans to pick up where the trail currently ends and extend it along the perimeter of the Society Turn Property partially on the property and a portion on CDOT ROW (if permitted by CDOT) and extend the trail to the Medical Center Parcel. This extension will be paved, with snow removal occurring as necessary so that the trail is accessible year-round.

6.8.2. **Society Turn/Remine Creek Trail.** Previously, the Applicant granted a hiker/biker trail easement over the Society Turn Property and over its Deep Creek Mesa Parcel, which Applicant paid to be designed and installed. The trail which is known in the community as the Remine Creek Trail has become a popular recreational trail to the Telluride Regional community. Should the Final PUD/Subdivision Plan be approved and recorded, the applicant will work with the Last Dollar Subdivision to grant them an easement enabling them to install a trail, at their cost and expense, to connect to the Remine Creek Trail at a location and according to design plans determined by Applicant. The Valley Floor Commuter Trail will connect to the Remine Creek Trail. The applicant has agreed to participate in the development of an underground connection under Hwy#145 should the County pursue and secure approval of such improvements, including from CDOT. The share from the Applicant would be determined in an equitable, prorata manner based upon all potential users of the underpass and in such instance, the Applicant would pay its equitable, prorata share of such costs.

6.8.3. **Lawson Hill Pedestrian Connections.** The Applicant is working with Lawson Hill to enhance existing pedestrian connections between Lawson Hill and the uses contemplated by the Society Turn Development Plan.

6.9. **Revegetation and Landscaping Plan/Weed Management.** A Revegetation and Landscaping Plan has been prepared and is being submitted with this Application. The plan has developed

criteria to address impacts from disturbances resulting from site development and infrastructure work. The Revegetation and Landscaping Plan will be consistent with the County Weed Control requirements.

6.10. **Fire Protection.** The Water Supply Plan provides for and the Civil Engineering Drawings incorporate requirements for Fire Protection as required by Section 5-608. Fire hydrants will be sized, spaced and installed in connection with the required standards of the County as well as the Uniform Fire Code and in National Fire Protection Association Standards.

6.11. **Subdivision Improvement Agreement.**

6.11.1. Applicant and the County will execute a Subdivision Improvement Agreement (“SIA”) for Society Turn Development Plan insuring completion of the construction of the infrastructure improvements required to serve the Society Turn Development Plan. The SIA will be executed and recorded at the time of the recordation of the Final Plat for the Society Turn Development Plan and shall provide for suitably security for the infrastructure to be fully and timely completed.

6.11.2. The SIA shall: (1) identify each of the required infrastructure improvements that Applicant will be required to initiate and complete for the Society Turn Development Plan, and (2) the timing for the initiation and completion of the required infrastructure improvements and the posting of collateral to insure the timely completion of the required infrastructure improvements.

6.11.3. Most of the infrastructure work will occur as part of an initial infrastructure installation phase that would occur following the recordation of the Final Plat for the Society Turn Development Plan. Some elements of the infrastructure work, including the final paving of Road B, shall be completed at the time development is occurring on Parcel/Lots located in Lots 2-5.

6.12. **Aldasoro Water System.** The Aldasoro Water System, which provides potable water for the Aldasoro Subdivision and the Deep Creek Mesa Subdivision has two wells located on the Society Turn Parcel, which are available to draw water to serve the water system. The well has not been connected to the water system as yet and water lines will be installed by Aldasoro when it elects to connect to the wells. The wells are located on the property pursuant to agreements made with the Applicant and the Aldasoro HOC. The Society Turn Development Plan accommodates the wells and the water lines. Pursuant to the agreements, the Applicant may relocate the wells under certain conditions. The Applicant is reserving the right to move the well located on the easterly portion of the Society Turn Parcel to an area of the County Tract north of the San Miguel River. The well would be an underground well and would have minimal impact on the property. An easement was reserved for this purpose. The well located on the westerly portion of the Society Turn Parcel may be relocated depending on how site-specific development plans evolve when building designs, layouts and configurations are developed and refined.

VII. SOCIETY TURN CCR’S AND DESIGN GUIDELINES.

7.1. **Development Covenants and Restrictions.** As noted above, the Applicant will develop the Lots and Parcels as a planned community under the name of the Society Turn PUD/Subdivision in accordance with CIOA. The Applicant will submit a draft of the Society Turn CCR’s for County review and approval as part of the Final PUD Plan.

7.2. **Design Guidelines.** A copy of the Design Guidelines has been submitted to the County for review as part of the within application for the SMVC Preliminary PUD Plan. In general, the Design Guidelines focus on promoting design themes, as well as landscaping standards and quality, goals and objectives that balance the development objectives of owners of Lots with overall compatibility objectives, protection of environmental and wildlife resources, preventing the development of unsightly or obnoxious structures and providing for appropriate landscaping.

VIII. SUMMARY OF FINDINGS AND COMPLIANCE WITH LAND USE CODE

Based upon the foregoing information, combined with all exhibits, supports a finding and determination that the Application complies with all applicable terms and conditions contained in the LUC, which are applicable to the review and consideration of the Application. In reaching this determination, the Applicant states as follows:

8.1. **Compliance with Section 5-14, PUD Standards.** See Sections I-VII above

8.2. **Compliance with Applicable San Miguel County Land Use Policies.**

A. **Conformance with Adopted Comprehensive Plan.** The development contemplated in the Society Turn Development Plan is consistent with San Miguel County's adopted Comprehensive Plan. Applicant has carefully studied the Society Turn Property, and has taken into account existing environmental conditions and the Comprehensive Plan, resulting in a PUD plan that meets or exceeds County standards.

B. **Compatibility with Existing Adjacent Neighborhoods.** The development contemplated in the Society Turn Development Plan is compatible with the existing adjacent neighborhoods. The mixed-use development proposed in the plan compares favorably with other surrounding development, including the Regional Sewer Plant, the SMPA substation/office/laydown yards, in terms of lot sizes, layouts, density and uses. These factors, combined with the proposed setbacks and landscape buffers, further ensure compatibility.

C. **Natural and Man-Made Hazard and Resource Areas.** The development contemplated in the Society Turn Development Plan will not result in the development of land that will unreasonably subject any person to natural or man-made hazards or unduly destructive to the natural resources of the County. The potential environmental hazards of the land within the PUD have been subject to a thorough environmental analysis (see Geologic Hazards Report).

D. **Soil Surficial Geologic Characteristics and Radiation.** The development contemplated in the Society Turn Development Plan properly takes into account soils conditions and characteristics when laying out the Parcels and infrastructure. Further, the development has been designed to mitigate geohazard conditions consistent with the recommendations of the Applicant's geologic hazards consultant (see Geologic Hazards Report).

E. **Drainage.** The integrity of the existing and natural drainage patterns of the Society Turn Property will be preserved and enhanced in connection with the Society Turn Development Plan. The drainage facilities will be designed and implemented consistent with the recommendations of the civil engineer, whose plans are based upon applicable state and county standards.

F. **Erosion.** Erosion associated with the development contemplated in the Society Turn Development Plan will be prevented by maintaining vegetative cover to minimize soil disturbance, and utilizing best management practices to prevent erosion during construction. These measures will be designed and implemented consistent with the recommendations of the civil engineer, whose plans are based upon applicable State and County standards and identified building envelopes for buildings will assist in controlling potential erosion.

G. **Scenic Quality.** The Applicant took great care in designing and laying out the Lots, parking areas, landscaping, open space and infrastructure, as evidenced by the development contemplated in the Society Turn Development Plan, in a way that is designed to preserve the natural appearance of the mountain slopes.

H. **Air Quality.** The use and development of the Lots will adhere to County regulations regarding air quality protection, and will not contribute significantly to degradation of air quality within the County.

I. **Water Resources and Wetlands.** The development contemplated in the Society Turn Development Plan, including the use of a well to provide non-treated water to service landscaping Lots 2-5, has been designed in a manner to preserve and protect water resources, wetland areas, and riparian areas.

J. **Noise.** The Society Turn Development Plan will adhere to County regulations regarding noise, it being noted that the proposed land uses proposed are not expected to generate any noise that will adversely impact existing neighboring land uses.

K. **Wildlife Protection.** The Society Turn Property has been closely examined by the Projects wildlife consultant, who has provided a series of mitigation measures that will be implemented as part of the Society Turn Development Plan.

L. **Adequate Provision of Water.** Domestic water for the proposed development occurring as part of the Society Turn Development Plan will be provided by the Town of Telluride through the Water and Sewer Agreement.

M. **Sewage Treatment and Collection.** Sewer service for the proposed development occurring as part of the Society Turn Development Plan will be provided by the Regional Sewage Facility and documented through the Water and Sewer Agreement.

N. **Off Site Road System Impacts.** A Traffic Impact Study has been completed for the Society Turn Development Plan to determine impacts upon adjacent roadways and to evaluate and identify required highway and intersection improvements resulting from the Project, which is laying the basis for the CDOT Access Permit. The recommended measures and improvements within these analyses will be implemented to ensure that the traffic generated by the Project does not cause the adjacent roadways and intersections (including the Roundabout) to operate at unacceptable levels of service, as measured by CDOT.

O. **Internal Subdivision Road Design and Construction.** The local streets have been designed and engineered to accommodate uses and development of the development contemplated in the Society Turn Development Plan. The roadways will be constructed in compliance with County standards.

P. **Extension of Utilities.** The extension of utilities to serve the proposed development contemplated in the Society Turn Development Plan and noted in the Civil Engineering materials are designed to be consistent with County policies as the areas to be served are adjacent to existing development, and will not require unusual construction or burden the County with additional costs.

Q. **Impacts on Taxes and Management of Necessary Services and Facilities.** As noted in this Application, the infrastructure needs that will be required to serve the development contemplated in the Society Turn Development Plan are being designed and constructed by the Applicant at its cost and expense. Certainly, the County will provide important public services to the Project, but it is anticipated that the additional property tax revenue generated by the development should be sufficient to offset demands to public infrastructure.

R. **Transportation.** The highway and intersection improvements address traffic impacts from the Society Turn Development Plan. The alternative transit means outlines in the Transit

Plan and help reduce automobiles and resulting congestion. The street design promotes traffic safety. Trail connections to nearby existing trails will be provided to facilitate walking and access to bus stops.

S. **Compatibility with Agricultural Lands.** The development contemplated in the Society Turn Development Plan will not negatively impact agricultural land in the vicinity of the development. Portions of the property will continue to be grazed by cattle for the foreseeable future.

T. **Compatibility with Historical or Archaeological Resources.** The Society Turn Development Plan does not contain known sites of archaeological significance that have been classified as such on the County Historic Plan. There appear to be a remnant of a trestle used in connection with mining activities on the Society Turn Property, which will be left undisturbed and is proposed to be located on a County Public Use/Open Space Parcel that would be conveyed to the County.

U. **Employee Housing.** The site-specific developer of each Lot in the Society Turn Development Plan will be required to comply with the provisions of LUC governing the provision of Employee Housing Mitigation.

V. **Energy Conservation.** As discussed above, the Design Guidelines will include requirements which will encourage features to conserve energy resources and minimize the consumption of energy. Development would be required to comply with applicable “green building codes” at the time of construction.

W. **Compatibility with Adjacent or Nearby Public Lands.** A small portion of the Society Turn Property is adjacent to USFS lands to the west. The area of this adjacency is not proposed for development and is programed for open space.

X. **Access to Public Lands.** The Applicant has previously built trails over the Society Turn Property and its adjacent Deep Creek Mesa property that provide good access to regional public recreational trails.

Y. **Revegetation with Native Species.** The Design Guidelines for the Society Turn Development Plan will specify that all surface disturbances, with the exception of yard areas, be revegetated with native species. All road construction areas and utility line disturbances will be revegetated with native species.

8.3. **Compliance with the Telluride Regional Area Master Plan (TRAMP).** The Future Land Use Element section of the TRAMP was modified with the Society Turn Master Plan Amendment approved in advance of the Applicant’s submission and the County review and approval of the Sketch PUD/Subdivision Plan Application. As previously discussed in this Application, the number, location and layout of the Lots and the associated as development proposed in the Society Turn Development Plan is compatible with the surrounding neighborhoods, have available urban services, and will be served by adequate road capacity. The following demonstrates the consistency with the adopted goals and policies of the TRAMP and the Society Turn Master Plan Amendment, which are intended to serve as general guides for land use planning in the Telluride Regional Area.

8.4. **Future Land Use Pattern.** The Application achieves many of the goals and objectives of this section of the TRAMP.

8.4.1. The Society Turn Development Plan balances the protection of scenic quality, while allowing for the use and development of the Society Turn Property for important uses and activities. The plan reduces adverse environmental impacts associated with development by providing adequate setbacks, avoiding environmentally-sensitive areas, and locating development where public facilities and services are available.

8.4.2. The plans are being processed according to the PUD procedures.

8.4.3. The Society Turn Development Plan reflects a logical, comprehensive plan for the entire Society Turn Property.

8.4.4. The Society Turn Development Plan promotes a clustered development pattern.

8.4.5. Development contemplated by the Society Turn Development Plan has been carefully sited to avoid or mitigate impacts to wetlands, riparian and floodplain areas.

8.4.6. Development contemplated by the Society Turn Development Plan has been sited in areas that will allow the buildings and improvements to occur in a manner that will not be exposed to rockfall, avalanche and debris flow conditions not capable of mitigation.

8.4.7. Development contemplated by the Society Turn Development Plan will comply with the County Employee housing mitigation requirements.

8.5. **Environmental Quality.** The Application meets the goals and objectives of this section of the TRAMP. Environmentally-sensitive areas, including wetlands, floodplains, steep slopes, riparian areas, wildlife habitat, and geologic hazard areas have been identified on the Society Turn Property and development has been planned to avoid such areas or where avoidance is not feasible, potential impacts have been minimized or mitigated through best management practices and through the design of the Project.

8.6. **Scenic Quality.** The layout and location for the Lots and Building improvements (within designated Building Envelopes), open space and provisions concerning landscaping as indicated in the Society Turn Development Plan achieve the goals and objectives of preserving scenic quality. The scenic quality along State Highway 145 is preserved and enhanced by the creation of building setbacks, landscape buffers and enhancements, and design elements that provide a compatible aesthetic appearance. The Building Envelopes established on each Lot will reduce site disturbance and minimize development impacts. This balances goals and objectives of the scenic foreground standards with overall clustering objectives and preservation of open space. The Society Turn CCR's and Design Guidelines will establish design guidelines to regulate materials, lighting, landscaping and the like, which will promote scenic quality.

8.7. **Preservation of Community.** The density and layout of the Lots as proposed in the Society Turn Development Plan will be consistent with the existing scale and character of adjoining development in the Lawson Hill business area and the Regional Sewer Plant and will comply with the County's requirements for employee housing.

8.8. **Employee Housing.** The requirements of the LUC relative to employee housing mitigation will be met with the development of each Lot.

8.9. **Public and Institutional Uses.** The provision of the Medical Center Parcel to the Hospital District will be used for the development of the regional hospital and the provision of the Sewer Plant Tract will accommodate the expansion of the Regional Sewer Plant.

8.10. **Transportation.** The proposed development provides for adequate, safe access points and does not create traffic volumes that create traffic hazards or significant service level reductions.

8.11. **Utilities.** The utilities for the proposed development will be designed to meet the needs of the development and will comply with applicable standards and specifications and will be placed underground.

8.12. **Recreational Facilities and Amenities.** The proposed development will comply with the County's requirements for parks.

8.13. **Trails.** Trail connections will continue to exist on the Society Turn Property

8.14. **Parks and School Dedication.** The Applicant will plat and convey the County Tracts, which will exceed the land dedication requirements generated by the Society Turn Development Plan.

IX. REQUEST FOR REZONING

9.1. In connection with this Application, the Applicant, as the owner of the Society Turn Property is seeking to rezone the entirety of the Society Turn Parcel from the PUDR zone to the MXD zone, which request is being made pursuant to Section 1803 of the LUC. The Applicant intends that the rezoning from the PUDR also includes the County Tracts and Sewer Plant Tract, but recognizes that these tracts could be further rezoned by the County and Town in the future. A rezoning is a two-step review by the Planning Commission and the BOCC.

9.2. The Society Turn Property is currently zoned PUDR, which as noted above is a holding zone, which the LUC contemplated would be changes at such time that the property zoned PUDR is being proposed for development in the course of a PUD application, which is being accomplished with this combined Application.

9.3. As part of the submission, review and approval of the Sketch PUD/Subdivision Plan, the County approved an amendment to the LUC forming the Mixed-Use Development Zone (MXD). The Applicant is requesting that the County approve an amendment to the zoning of the Society Turn Property to the MXD zone.

9.4. The standards for the review and approval of a rezoning application are stated under Section 5-1803 of the LUC and notes as follows:

5-1803 A. The Planning Commission and the Board of County Commissioners shall approve or disapprove rezoning on the basis of whether the proposed rezoning:

- I. Meets any applicable Sections of the Land Use Code;
- II. Is consistent with the San Miguel County Comprehensive Development Plan;
- III. Is compatible with surrounding Zone Districts and land uses, considering existing land, neighborhood characteristics, and community character, with the understanding that different densities and intensity of uses are not in and of themselves incompatible;
- IV. Would not result in unsupportable demands on public facilities, and would not exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, school and emergency medical facilities;
- V. Would not result in significant adverse impacts on the natural environment;
- VI. Would not be in conflict with the public interest; and
- VII. Would help achieve the Land Use Policies, as set forth in Article 2 of this Land Use Code.

5-1803 B. The Planning Commission and the Board of County Commissioners shall also consider whether conditions affecting the subject parcel have changed or whether the surrounding neighborhood supports the proposed amendment.

5-1803 C. The Planning Commission and the Board of County Commissioners shall also consider the effect of the proposed amendment on traffic generation and road safety.

9.5. The Applicant states that Application to rezone the Society Turn Property to the MXD zone complies with Section 5-1803A and is supported by substantial evidence as evidenced by this Application. In support of this determination, the Applicant notes the following determinations stated below, which are studies and expanded upon by extensive information, findings and determinations reflected in the many and varying consultants' plans, reports and studies submitted herewith describing the property and development plan:

9.6. The nature of the Applicant and the information provided herein substantiates that Applicant's determination that the rezoning of the Society Turn Property meets the provisions of Section 5-1803. In addition, as otherwise addressed in this Application, the Society Turn Development Plan development meets the applicable provisions of the LUC

9.7. The Applicant further notes that the development proposed for the Society Turn Property was contemplated by and is consistent with the TRAMP and the Society Turn Mater Plan Amendment

9.8. The location of the development of the Society Turn Development Plan together with the proposed uses, densities and mass/scale are compatible with the surrounding land uses, which is largely defined as light industrial and commercial uses to the immediate south (Sewer Treatment Plan and Society Turn business center) and residential uses further away to the north and south.

9.9. As discussed in this Application, the infrastructure needs of the Project can and will be adequately served by necessary infrastructure and other similar facilities and services.

9.10. As reflected in the Wildlife Report, the Geologic Hazard, Wetlands and other informative plans and studies, the Society Turn Development Plan will not cause significant, adverse impacts on the natural environment.

9.11. The Society Turn Development plan will allow for the provision development for various underserved businesses and services for the community, while also allocating land for the regional medical center and land to enable the expansion of the Regional Sewer Plant.

9.12. In connection with the County's election to adopt the Society Turn Master Plan Amendment and to approve the Sketch PUD/Subdivision Plan, the County did not identify instances where the Society Turn Development Plan was averse to the public interest and given the balance of free market uses and development measured against the substantial public benefits being provided by the Applicant through this Applicant, the Applicant states that the Application does not conflict with the public interest.

9.13. As discussed below, the Applicant has summarized how the Society Turn Development Plan complies with the Land Use Policies.

CONCLUSIONS

Based upon the foregoing, the Applicant respectfully requests that the County review and approve the Applications, finding that the Application meets all applicable requirements of the LUC.

Respectfully Submitted,

Genesee Properties, Inc.,
a Wyoming corporation

By: Thomas G. Kennedy
Thomas G. Kennedy, Authorized Agent