

#### Town of Carbondale 511 Colorado Avenue Carbondale, CO 81623

## AGENDA PLANNING & ZONING COMMISSION THURSDAY, February 10, 2022 7:00 P.M. Virtual Meeting \*

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- 2. ROLL CALL
- 4. 7:05 p.m. 7:10 p.m. Public Comment for Persons not on the agenda (See instructions below)

- 7. 8:30 p.m. 8:35 p.m. Staff Update
- 8. 8:35 p.m. 8:40 p.m. Commissioner Comments
- 9. 8:40 p.m. ADJOURN

#### Upcoming P & Z Meetings:

2-24-22 - Review of Draft Comprehensive Plan Update 3-10-22 - TBD

ATTENTION: Due to the continuing threat of the spread of the COVID-19 Virus, all regular Carbondale P & Z Meetings will be conducted virtually. If you have a comment concerning one or more of the Agenda items please email <a href="mailto:jleybourne@carbondaleco.net">jleybourne@carbondaleco.net</a> by 4:00 pm on February 10, 2022.

If you would like to comment during the meeting please email <a href="mailto:ileybourne@carbondaleco.net">ileybourne@carbondaleco.net</a> with your full name and address by 4:00 pm on February 10, 2022. You will receive instructions on joining the meeting online prior to 7:00 p.m. Also, you may contact <a href="mailto:ileybourne@carbondaleco.net">ileybourne@carbondaleco.net</a> to get a phone number to listen to the meeting, however, you will be unable to make comments.

<sup>\*</sup>Please note all times are approx.

#### Hi there,

You are invited to a Zoom webinar.

When: Feb 10, 2022 07:00 PM Mountain Time (US and Canada)

Topic: Planning and Zoning Commission 2-10-2022

Please click the link below to join the webinar:

https://us06web.zoom.us/j/81497942911?pwd=a2ZacHNXdFB0LzYycGxzU0pDSnBFZz09

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US: +16699006833,,81497942911#,,,,\*776878# or +12532158782,,81497942911#,,,,\*776878#

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8592 or +1 312 626 6799 Webinar ID: 814 9794 2911

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#### **MINUTES**

## CARBONDALE PLANNING AND ZONING COMMISSION Thursday January 27, 2022

#### **Commissioners Present:**

# Jay Engstrom, Chair Jeff Davlyn Nick Miscione Marina Skiles Kim Magee Kade Gianinetti (1st Alternate) Nicholas DiFrank, Vice-Chair Jarrett Mork

#### **Staff Present:**

Janet Buck, Planning Director John Leybourne, Planner Mary Sikes, Planning Assistant

#### **Commissioners Absent:**

Elizabeth Cammack (2<sup>nd</sup> Alternate)

#### **Other Persons Present Virtually**

Keith Walzak/Cushing Terrell
Dave Dixon/Cushing Terrell
Nora Bland/Cushing Terrell
Lauren Gister, Town Manager
Ross Kribbs, 799 Garfield Avenue
Susan Rhea, 901 Wheel Circle
Amy Kimberly, Carbondale Arts Director
Hannah Hunt-Moeller, 785 Merrill Avenue
Heather MacDonald

The meeting was called to order at 7:01 p.m. by Jay Engstrom.

#### December 16, 2021 Minutes:

Jarrett made a motion to approve the December 16, 2021 minutes. Kade seconded the motion, and they were approved unanimously, with Jeff, Nick and Nicholas abstaining.

#### Resolution 1, Series of 2022 - Subdivision Exemption-761 Industry Place

Nicholas made a motion to approve Resolution 1, Series of 2022, approving the Subdivision Exemption at 761 Industry Place. Jarrett seconded the motion, and it was approved unanimously, with Nick abstaining.

## Resolution 2, Series of 2022 – Subdivision Exemption-761 Industry Place/765 Highway 133

Jarrett made a motion to approve Resolution 2, Series of 2022, approving the Subdivision Exemption at 761 Industry Place. Nicholas seconded the motion, and it was approved unanimously, with Nick abstaining.

#### Public Comment - Persons Present Not on the Agenda

Lauren Gister, our new Town Manager, introduced herself and said that she was happy to be here. She said that she is looking forward to meeting everyone in person.

Motion to close the comment portion of the public hearing for those not on the agenda

Nick made the motion to close the comment portion of the public hearing. Nicholas seconded the motion, and it was approved unanimously

## Review Draft of the Comprehensive Plan Update – Consultant Team Cushing Terrell (CT) Meeting #7

Janet said that we are entering the next phase of this Comprehensive Plan Update project. She said that where we left this previously is that you had seen all of the parts and pieces. She said that it was challenging to look at the vision and the goals, recommendations and implementation table separately. She said that we had told Cushing Terrell (CT) that we needed it all to be put together. She said that after the November CT went to work putting it all together in the format that you see now. She said that we are moving into the phase where you review the Comprehensive Plan Update as a whole. She said that we delayed the roll-our slightly as we were reading the Comprehensive Plan and that it talks a lot about equity and we decided to translate this into Spanish, in its entirety. She said that Andrea is doing the translation and that she's almost done. She said that when we do get the Spanish version we'll get it posted on the website, put it in the reading rooms as well as look at different ways to reach out to the Spanish speaking community.

Janet said that in addition, not everyone has computers so we set up ten reading rooms around Town. She said that we've been advertising the locations so people can go and actually read a copy of the Draft Comprehensive Plan Update, fill out a paper survey and put it in the box. She said that we also have a QR code so that people can go with their phone and upload the plan to bring it home and read at leisure. She said that the comment period runs through the end of February.

Janet said that one of your responsibilities as a Planning Commission is to provide recommendations to the Board of Trustees. She said that the Draft Comprehensive Plan Update is in your court to read and edit, it is not set in stone. She said that is what the next series of meeting will be. She said we will follow with adoption hearings, notice it and then the Commission will make recommendations to the Board.

Janet said the decision on how long it takes and when you would be ready for adoption hearings is in the Commission's court now. She said that if you have questions on the process and where we are at now you can ask me that.

Nicholas asked how many drafts are left?

Janet said that we'll track comments and suggestions and that we have one left, which will most likely be the draft that moves on to the Board and it will be the final draft.

Nick asked if we are limited to questions about the process.

Janet said that we can get more specific and CT wasn't planning on doing a formal recommendation. She said that they are here to answer questions if you need some background regarding community outreach or where the recommendations came from. She that they are here to answer technical questions. She said that we have been working on this for a long time and we are curious what the Commission has to say about the plan now that you have seen it as a whole.

Jay said that Janet and I conferred that this meeting would be open comments and suggestions. He said that later in the meeting we'll open it up to public comments and if we still have time, it can come back to us. He said tonight it's mainly discussion and thoughts as well as suggestions.

Nick said throughout this whole process he has felt unprepared, so his New Year's resolution was to educate himself just enough to be dangerous. He said regarding traffic patterns represented as dash lines and some proposed round-abouts. He said that he knows that there's been talk of round-abouts added to Highway 133 for quite a while. He said that he would like to have a better understanding of those round-abouts and why are we making it easier for cars in Carbondale.

Janet explained that some years back the Town did a lot of planning with CDOT and created an Access Control Plan. She said part of that were long-term connections, the map was shown of the screen. She said that this is a long-range plan that has been going on for many years. She said that the one that is down near Thompson Park is to try to limit the number of access driveways along the highway. She said on the map you can see a lot of X's, which is where driveways are going to close as properties redevelop. She said that the Town and CDOT did long range planning to channel vehicles into controlled intersections. She said that the decision was made years ago that the Town was going to do round-abouts. She said that the Access Control Plan was then adopted by the Town, CDOT and by Garfield County. She said that when we are doing plans like Thompson Park, we acquired enough right-of-way from the developer to do that side of the round-about, for adequate radius. She said that the same work has been done near the Third Street Center and Industry Place. She said that when Carbondale Marketplace came in we got land to create that round-about. She said that the dot that you see for Industry Place that is a connection that has been worked on for decades. She said that the concern is that we don't have many east-west connections in the Town and that we needed to get another east-west connection, which seemed to be the most viable route. She said what is new is the green line, for pedestrians because we know that there's going to be a lot of people trying to cross by the area at Thompson Park. She said that we need a pedestrian connection that is safe. She said that during this Comp Plan process that is one thing that we did add in to create some sort of overpass or underpass to get it in the long-range plan to at least show it.

Nick asked how much control do we have over the traffic engineers?

Janet said that Highway 133 is CDOT's road and their right-of-way. She said that they'll listen to the Town and that this is why it is good to have this in the Comprehensive Plan so that when they are planning projects that we can point to this.

Keith said that in the Implementation Strategy section we debated the sequence of those items that address the Highway 133 corridor. He said that we noticed that we were getting into specifics and then we stepped back a little bit and said maybe the community needs to prioritize a Highway 133 corridor study to look at all of the issues in totality and take the 2012 Access Control Plan and revisit assumptions that were placed back then. He said that even though it is a CDOT highway you have a voice at that table.

Dave said that the Comprehensive Plan being a visionary document and as long as we put the lines in the map it is meeting the intent of the vision.

Jay asked if there was a way to incorporate this vision with CDOT and come up with a formal document that would be tackling all of the above.

Keith said that the short answer is absolutely yes. He said that most communities even your size actually have a Transportation Master Plan that is separate from the Comprehensive Plan, including Glenwood Springs. He said that starting with your Comprehensive Plan at a thirty-thousand-foot view and then funnel down what the priorities are and what is the first thing to do from a transportation standpoint. He said that all of these things are linked together. He said that your community should feel strongly trying to collaborate with CDOT to come up with a plan that works for both interests. He said that there was a great article that came out in Denver that CDOT has formally shifted their policy approach to funneling dollars less to roadway widening and more to multi-modal approaches.

Nick said that was great to hear. Why would we make it easier for cars as opposed to making it easier for pedestrians and bicycles? He said why do we spend more dollars, time and energy as a community making it easier for cars.

Keith asked Nick if his thought process was that a round-about is accommodating cars because they don't have to stop?

Nick said yes, as a cyclist that a round-about is not making it easier for bikes. He said that the existing round-about is a case in point.

Keith said that he totally agrees and that from a multi-modal standpoint, for bikes and pedestrians, he doesn't believe round-abouts are working in the favor of pedestrians and bicyclists. He said that the crosswalk situation is not ideal, motorists don't expect that person to be crossing there. He said that Highway 133 should be thought of as a complete street. He said that is the approach that should be taken, that this right-of-way should have a certain amount of square footage to vehicles but that you are going to increase the right-of-way for bikes, pedestrians and landscaping to make it a complete

street. He said that they were just building off of what Janet had said and that is that there have been plans for more round-abouts for a long time.

Jay said that he thinks we do need some sort of transportation study as CT is recommending. He said that we do need to access that but this may not be the time to do so.

Nick asked who would be conducting the traffic study?

Janet said that in the Comprehensive Plan Update that there is an Implementation Strategy for the Town to do a Transportation Plan. She said that she has grown to agree with this, looking at connections and improvements. She said that if the Board approves this Comp Plan Update that one of the strategies is to do, then the Board would make the decision to put money in the budget for a very specific Transportation Plan. She said that would be the Board, the Town and CDOT and possibly the County.

Nicholas said that was an excellent comment about the complete street idea for Highway 133. He said that he would love to see it as one of the strategies.

Marina asked for the definition of a complete street.

Keith said that there is a literature on this and that he could forward it. He said cities and towns are adopting policies called "Complete Street" policies. He said that it is basically doing what we've doing over the last ten decades and accommodating vehicular traffic and building wider and wider roads and that it's rethinking that paradigm and shifting it back toward the pedestrian first design. He said that when you hear about fifteen- or twenty-minute neighborhoods, complete streets, it is really empowering back to the pedestrians and cyclists of various age groups to be able to safely use that public right-of-way and not have to use a car to do that.

Further discussion ensued regarding complete street.

Jeff asked Janet if we have seen an uptick in engagement from the public since the release of the Draft Comprehensive Plan? He thanked Janet for sharing some of the emails from some of the participants of the working groups. He asked if we are still going to be working hard in this last month to get some more voices?

Nora said that we just did our first push in terms of outreach and the main outlet of collection is through an online survey and paper surveys at the Reading Rooms. She said that it hasn't been long enough to see any significant uptick yet and that were are expecting an uptick within the next week.

Marina asked what the uptick is expecting to look like.

Nora explained that PR Studio is doing outreach through many different channels. She said we usually like to give it at least seven days to give people time to see the press

release or hear it on the radio or see the Facebook ad. She said that the online survey is the same as the paper survey.

Janet read a question from the chat on Zoom for the record, what is the advertising budget? She said that the Town set aside budget annually for our communications consultant and that is done through the Town Manager's office, she said that she did not know specifically what that number is. She said that there will be continued effort to get the press releases out. She said that regarding Facebook that our policy is that we only publish on Facebook pages that the Town administers. She said that she did notice on our community Facebook that there had been posts that this phase has started. She said that people are welcome to share the link and repost it if they would like to share it with the community.

Jay said that he is happy that the community is wanting to chat in this meeting but it would be better if they could speak during the public comment portion of the meeting so we can stay on track.

Marina apologized for being late and she thanked everyone for being here.

Nick said that universal access is encompassing all of the goals and that it is "the" issue and that we can't really see it any other way.

Janet asked for clarification that the Commission would like to see the "Complete Street" strategy in the Implementation Strategies and that you would also like to see some sort of strategy that addresses when new streets are constructed that the Town considers making a "Complete Street". She said that is what she is getting from the thirty-thousand-foot level for the Comprehensive Plan.

Jay stated that he doesn't want us to protect the existing as much as he would like to see us improve on the existing. He said that we did hear from some of the community members that they would really like to see some sort of recognition within some of these items that are in the list of the focus areas, that we are improving upon what has already happened.

Janet said that for the record we did get four emails, which were forwarded to the Commission from Fred Porter, Amy Kimberley, Hannah Hunt-Moeller and Sue Zislis. She said that what she loved about the emails received is that they expressed some concerns but that they also provided ideas and thoughts. She said that she really appreciates the public feedback.

Jarrett asked CT what was the best way for the public to give their input on the Comprehensive Plan Update.

Nora said that the most efficient way that we can get feedback is through the survey online. She said that we made it so none of the questions in the survey are mandatory and that they don't have to give feedback on every topic. She said that if we didn't ask

the question or there is additional feedback that is when an email would be a great way to give us feedback to Janet.

Jay asked if the Commission has markups of the draft should we be conveying that in these meetings or should we send along documents with comments.

Janet said that the easiest would be if the Commission has markups that they could be compiled into one markup and then she would pass it on in one document. She said feel free if you are reading it and you have a red pen send it on. She said at this point it will have to be introduced to the Commission as a whole.

Marina asked for clarification on the next iteration and when should the comments be sent to Janet for CT.

Janet explained that we are not going to keep revising the Comp Plan to reflect comments on an ongoing basis. She said that we will be collecting them and then get an understanding from the Commission if you are onboard with the suggestions and then do one revision. She said that it will not be revised every time there is a meeting.

Marina asked what the schedule was for the next steps after this meeting?

Janet said that the next step is for the Commission to review the Comp Plan Update, assess your comfort with it, discussing it on February 10 and February 24. She said that it is what your comfort level is and that you are driving that bicycle.

Nora added that the public comment period is closing on February 25 so as close to that date that the Commission can give their feedback would be great.

Janet explained that the role of the Commission is to give a recommendation to the Board of Trustees. She said that when you feel comfortable then we would set public hearings for the adoption of the Comprehensive Plan Update. She said that the Board would hold a public hearing as well.

Jeff asked if the Board has been encouraged to feedback at this stage.

Janet said that she had gone to the Board to give them a detailed update at the end of November. She said that she did send them a draft of the Plan last week and that she does update them weekly on what is going on with the Comp Plan Update.

Jeff asked if there was any clarity on the timeline once the Commission makes the recommendation

Janet said that she would have to do noticing so that would be at least three weeks and see what the Board's agenda looks like and work with the Town Manager on the scheduling.

Marina asked if it would be before or after the Board elections.

Janet said that the election is at the beginning of April and that she doubts that it would be adopted before the elections. She said with the comment period through the end of February and if the Commission is then comfortable, getting it on the agenda as well as the twenty-one-day noticing to the Sopris Sun to be published, followed by public hearings. She said even if the recommendation is made after one public hearing that she would then have to notice it for the Board. She said that would be sometime in April after the new Board members are seated. She said that if we get a new Board that we would like them to buy into the Comp Plan too.

#### **Public Comment**

Susan Rhea thanked the Commission for doing this work and that this is an arduous process and that she is impressed with everyone's commitment to helping Carbondale.

Ross Kribbs, 799 Garfield Avenue said that he doesn't doubt that a lot of hard work has taken place on the part of a volunteer board. He said that in some ways it is a thankless job and that Susan was probably speaking to that. He said that he has expressed a fair number of concerns, especially with the public outreach component, things that were promised and weren't delivered. He said that was written in the White Paper has been said again in the Comp Plan update, which is that it wasn't that things weren't followed and that it was a deliberate decision to change direction, to not do Facebook ads, to not do Facebook events. He said that if that is a decision that the P&Z made, which is what has been said in the document, then he would like to hear some of that discussion and what went into changing the originally proposed community outreach plan and why those decisions were made. He said that he thinks that it is an issue that there isn't an advertising budget for this. He said that he doesn't know if he is the only one that finds himself on the Aspen Daily News, Glenwood and Aspen Times, much more frequently than he does on the Sopris Sun. He said that those are the areas to reach citizens of Carbondale and that it is great to support our local paper but if we are going to be as active as possible with public outreach, a lot of leaning on public support for this and his comment is that he feels at present that this document does not represent our public. He said that outreach has been insufficient and mis-guided. He said that he is more than happy to have that conversation with anyone and offer a little more there.

Ross said that he would like to go back to square one or square one A and one B. He said that he thinks that those are the two original questions on the survey. He said one of the first questions was regarding development and that the answer to that was that ninety-one percent of Carbondale respondents think that current development is either adequate or too much. He said that the next question was "How should we develop this parcel?" He said that if the available answers to that question do not include "Hey I don't think we really ought to be developing it right now", then that is a compulsory answer. He said that you can't say that is what people say they want to have happen to this property. He said that there was a really great article in the Daily News today column, which talked about the same sort of thing regarding parking and cars in Aspen. He said that when you phrase the survey question so that every answer aligns with a prodevelopment answer and that is the only answer possible, you can't put that out there as a fair question with answers to base policy decisions on. He said that he hopes that

would be revisited. He said that he hoped that the questions for the survey to this document, which is however many pages would be more than three or four questions and that we would address some of the hard questions, that we do need to ask. He said how do we address a desire, on many folks for affordable housing along with a desire to maintain our very small-town character. He said that we haven't discussed those things, they are discussed in this update and that is a real big failure. He said that he would like to see that addressed by you folks in the document.

Nicholas said maybe this parallels your comments Ross, he said that on page twenty-five of the draft recommendations poll. He said that he finds it concerning of the high numbers of neutral or don't know, often time those numbers are higher than they support or don't support. He said that he wonders what we can learn from that, how we are posing the questions or how we are providing information. He said that it doesn't seem believable to him, where we are as a community or a valley right now, with housing. He asked Keith what his thoughts were and if there was a takeaway.

Dave stated that these are very complex things and that it is fairly typical to see people respond that way. He said that he thinks in the public open houses that we did virtually, we have those on there so we can have discussion afterwards. He said that if we get a bunch of don't knows then you have to ask why. He said that we got some good feedback in some of those sessions. He said that in those meetings we ask that question so we can get responses to it.

Nicholas said that we are getting responses. He said that if folks don't know isn't it our job as a Commission and as a larger team to help provide information and help educate so folks can be as dangerous as Nick with urban planning ideas. He said that folks are excited, whether it be it because of COVID or the words out about how epic the Roaring Fork and Carbondale are.

Jay said that he would like to add on to that and recognize where those polls are coming from. He said that if you were attending the virtual meeting it would pop up on your screen between discussions. He asked Keith if these polls at the virtual meetings tend to be a lot more "don't know" more than usual maybe because people watching the meeting don't want to engage and that they just push the "don't know" because they might not be paying attention.

Dave stated that Jay might be getting to something and that it is the easiest answer. He said that you have to have an outlet for it. He said that he doesn't know how much you read into it and that it is a tough thing with surveying. He said that the survey and those answers were just one way that we got feedback.

Keith said that the structure of Comprehensive Plans is so broad, it covers so many topics. He said that people come into the process because they certain things on their minds but that there are other elements that they just don't know about. He said that they gravitate and just say that they don't anything about that. He said that he doesn't think that it's unusual because of the nature of Comprehensive Plans. He said that he is hearing what Ross is saying and that writing survey questions is an art and a science.

Keith said that it is challenging and that you try to do the best you can and that we know that the response that we get from a written survey question, whether virtual or handwritten is that it is only a moment in time. He said as Ross was saying small-town character, how are we going to preserve small-town character. He said that we collected a lot of antidotal information on how to do that, through architectural standards, sidewalks, through events, and those conversations did occur, and we listened very intently to people. He said did we express it well enough in the Draft document that you are looking at, maybe not. He said that this is all good conversation.

Jeff said that he resonates with a lot of what Ross has to say but that he also wants to mention that there is no such thing as a perfect survey. He said that what Keith is saying is true and that Dave's comment that there's a complexity to this that is just a challenge. He said that the follow-up question to how you feel about growth and development in Carbondale is actually about future use of north downtown and not development. He said that one of the highest scoring options was neighborhood park, which tracks with the comfort of the speed of development in Carbondale. He said that he would hate to put the shortcomings on the design of the survey with nearly five hundred responses and that he is not in the camp that we haven't heard from a lot of people. He said that it is a good cross-section of the community and that the outreach team did strong work and were responsive where they needed to be.

Nick said that he would like to reinforce what Jeff said and that they are doing a terrific job on the outreach that is unprecedented. He said that the democratic process is not perfect.

Amy Kimberly said that she really appreciates all of this work and that she finds Comp Planning and planning in general really so interesting, even though it's not what she is trained in and that it is definitely where her passion is. She said that she hopes that everyone has read her comments and that for her that she wants to understand and that maybe she is failing in understanding how Comp Plans go. She said that she took seriously the Comprehensive Plan of 2013 and that she participated in it. She said one of the top priorities in that was Creative District certification. He said that it has helped guide this town and brand this town and bring us all together in a positive fashion. She said that with this update that she felt that a lot of this work would be built upon or even recognized. She said for the fact that the Creative District is not even mentioned once after it was a top priority in the 2013 Comp Plan. She said that she wants understanding on how this all builds and how the work that we are doing and investing in this community, which is over two-hundred-fifty thousand dollars that Carbondale Arts has personally raised to put in and fulfill a lot of these visions and planning. She asked how do all of these projects completed by Carbondale Arts fit into the Comp Plan.

Dave said that we called this current Comp Plan Update a supplement to the 2013 Comprehensive Plan. He said what this means is that we were looking for gaps or new things that emerged since 2013, while still honoring that plans' process and input and what the 2013 Comprehensive Plan says.

Keith said that in the process of the update that it was clear to us by the Town that there was a list that Town Staff wanted the consultant to focus on. He said that is where we put the energy to those elements. He said that he agrees with Amy that if in the Implementation Strategies by not mentioning the Creative District that it probably is an omission and that we should reinforce that. He said to Dave's point we weren't revisiting all of those great things from the 2013 Comprehensive Plan and that we weren't forgetting those things. He said that the Climate Action Plan is an example, we were looking at where there were gaps specifically and what has the Town missed since 2013 and what do we need to address in this update to move the Town forward. He told Amy that her point is well taken and that we are not omitting the Creative District but it was not a directive that we were asked to look at. He said that he was asking Janet today if the Town has Cultural Arts Master Plan and is that something that is warranted going forward.

Janet told Amy that she had not seen a Cultural Arts Master Plan but that it was an interesting thought. She said that if that is something we want to explore we could put it in the Implementation Matrix. She said to build on what Dave and Keith said that this update is not replacing the 2013 Comprehensive Plan and that it is an update. She said that when we are making decisions in the community that we are looking at both plans and that we targeted six areas that the Board and the P&Z decided needed a deeper look. She said that included Downtown, Downtown North (Now called Opportunity Area), Residential High-Density (R/HD), the Sustainability and Climate Action Plan, Multimodal and Aging in Community. She said that a lot of community members and advocacy groups for those targeted areas were very involved. She said if you have good ideas to put in the Implementation Matrix now is the time to tell us.

Marina said that she thinks where the confusion lies is how do you see both of these documents at the same time. She said putting these two documents together is part of the process, correct?

Janet explained that this update will be a separate document and that it is replacing segments of the 2013 Comprehensive Plan. She said that as we move forward and the update gets finalized that she thought that we would strike out sections, doing a red line to take out the sections that no longer apply. She said that she doesn't have it all figured out right now. She said that idea came from the Board and that she thought that it was a good idea.

Amy said that she thought that the Creative District was an actual physical boundary place so it could help inform land use when making decisions and how we are moving forward. She said regarding the brand that is Carbondale that we need to start honoring the brand that we have and acknowledging what that brand is. She said maybe we should put this brand in this document so we can bring it forward. She said the one mile stretch of the Rio Grande Trail is the Rio Grande Artway and that we have created two parks and that we are about to create another amazing youth art park, which will be a big conversation between Downtown North and the Rio Grand Artway. She said that it is going to create some things that are going to inform the "Opportunity Zone" will move forward because we have created some entryways and gateways of connection. She

said how do we show that those connections are important if we don't recognize them and the Creative District. She said that she thinks it could be a minor tweak but a really important one to who we are as a town and our small-town character.

Jay said that he agrees and that it is important to have in this document.

Jarrett said that he thinks this goes with what Ross was trying to say of how we implement our character or our funk. He said that he thinks that this is an important piece that needs to be updated.

Dave said that he thinks that is valid and that it could be conveyed via mapping and narrative to tell anyone who comes next that this is a huge priority in 2022. He said that it is an easy thing to do and that we have places for it.

Jeff said that he wanted to build on what Marina was saying in terms of how these two documents function together and how or when and where the update will be the guiding document. He said that he doesn't want that to be lost and that if there are surviving parts of the 2013 Plan that can be incorporated in front so that we have that we have that clear reference point it may be helpful. He said that it is going to get confusing if we have discrepancies between these two documents when we are deciding as a town as decision-making boards what the guiding document is. He said ideally it will be this update. He said as much as we can stand alone that we will all do better.

Janet said that she agrees and that it would be coming to light. She said that we have been so focused on getting this Comp Plan Update together and out there. She suggested that maybe we should call it a Supplement to the 2013 Comprehensive Plan. She said that she didn't know if the long-range planning if that would make Keith, Dave and Nora nervous. She said there could be language in the update that this partially replaces the 2013 Comprehensive Plan to have some text that links the two documents together. She said that she is knows that she'll have to be using two documents when reviewing land-use applications and that she will think through it more.

Hannah Hunt-Moeller thanked everyone for all the work that has gone into this. She said that they live along Merrill Avenue and adjacent to Downtown North and that her comments are zooming into the "Opportunity Area" and Downtown North. She said a lot of the comments are about the graphic that shows up on page 62 of the Comprehensive Plan that has future conceptual land-use. She asked if this work that is being done now for the Comprehensive Plan Update is our only opportunity to shape this conceptual mapping of what is taking place, or will there be additional opportunities for the development in the heart of Carbondale?

Janet explained that this property is currently zoned Industrial and that there would be public hearings if the property owner wanted to move forward with rezoning the property to do a different type of development. She said that there would be public hearings before the Planning Commission and the Board of Trustees. She said that if they go through a site development plan, they might do it concurrently with the rezoning or they might do it in a separate step. She said that it is really important in the Future Land Use

Map and this Comprehensive Plan Update when the Commission and the Board are looking at how to zone a property this is where they specifically refer back to the Comprehensive Plan. She said that she appreciates you being involved and that if she has specific concerns and changes now is the time to say it. She said that we use this as a basis for rezoning. She said that the Future Land Use Map is a draft if you have concerns about other areas of town, print it, circle it and scan it and get it to us.

Hannah said that this is the first time that she has seen this graphically. She said that along the Rio Grande Trail on the far western side of the site adjacent to the former Little Blue Preschool has the largest and most dense tree canopy on the whole site. She said that her comment would be to use that area and be a gateway into Downtown North and a great opportunity for a park. She said that an existing connection that is already there is connecting to the Civic Center and the Rec Center, in the center where it is called Mixed-Use. She said that acknowledging that as a key corridor already that works well connecting Downtown to Downtown North. She said it would be a great opportunity for a gathering space plaza to connect the southern part of downtown to the northern part of downtown. She said that regarding the residential variety of housing and opportunities and that being specific about that being different scales as well as both for sale units as well as rental. She said that we have seen a lot of rental units that are not affordable and making sure there are guidelines regarding affordability and a mix of residential units. She said that having other avenues for feedback in the future for this area would be very welcome.

Marina thanked Hannah and said that was very clear and helpful.

Jay said that we will have two more meetings discussing the Comp Plan Update and opportunities to discussing this.

Ross thanked Hannah for her questions and stated that they were spot on. He said that your answer to is this your big chance the answer was yes. He said that the follow-up to that was that we use this as a basis for rezoning. He said that if you read the update that it is trying to make a case for the need to develop this property now. He asked what is the rush? He said that to Hannah's questions, it is currently not ready to be redeveloped and that we have a lot of properties downtown that folks want to be developed. He said and a new 1.6 acres that were hush hush transferred to the city in the last couple of days, prime spots for new affordable housing. He said that he would like discussion of why Downtown North is so front and center when we have lots of other areas or priorities. He said that we don't owe anything to Briston Peterson or upzoning to anyone especially when we are down-zoning at the same time a fair chunk of what was Old Town. He said that a lot of folks are going to be surprised that their homes have been slated for rezoning. He said he would like to hear some comments on those comments.

Janet said that Downtown North (Opportunity Area) that we got a strong sense from the community that we didn't want to emulate the Downtown so they wanted it renamed. She said that when we did the 2013 Comprehensive Plan that was always the hole in the donut, we never really wrestled with what to do and what we would like to see in the

future on the Opportunity Area property. She said what we had in the 2013 Comprehensive Plan was basically a toggle, it can either stay Industrial or it can become a development that is compatible with Downtown. She said that we never took a deeper dive into that. She said that is why there was a need to take a closer look at it. She said just because we made it a target area just as we did Downtown doesn't mean that we are increasing the potential for it to develop. She said that we are just making sure that our planning looks at this area and that we try to figure out as a community what we want to see in there instead of waiting for the developer to come in with a plan and a proposal and then we are in a reactive mode. She said that just because we are looking at this area closely doesn't mean we are advancing it ahead of any other property. She said that this is a ten-year look into the future and that this is long-range planning.

Dave added that this Plan is amendable and the maps in it. He said so if someone comes in with a different idea it would have to come in as an amendment to the Comp Plan, which is a case-by-case basis.

Janet said that when CT had delivered this update earlier in January that they did have the 2013 Comprehensive Plan in there and we asked them to take out the 2013 Plan and now in hindsight she is wondering if we should carry it forward and put it back in. She said when she was having the test people read it they got really confused between the two plans and two maps.

Keith said to clarify that CT didn't have the entire 2013 Comp Plan in it, we had the Future Land Use Map from the 2013 Comp Plan then we showed the areas of change. He said what Janet is saying is we were asked to take the 2013 Future Land Use Map out because it was confusing.

Marina said that there are a lot of maps and why the changes are slated is the question that gets raised most often. She suggested maybe a blow-up area showing blocks would be helpful for the people trying to read this, especially for those that are being affected.

Dave said that was a good idea as well as explanation as to what and why the areas have changed. He said that he would leave it up to the Commission as to how much should be included, the narrative from the 2013 Future Land Use Map and the proposed version.

Marina clarified that she would think a narrative about the plan that would affect people's growth plans, with changes in development potentials to properties.

Keith said that he loves the idea of a blow-up map so that it is more legible. He said that we could do a table right next to it that shows what the 2013 Plan said, what the designation is, what it means and here is what the amended designation. He said that we could be clearer and that it is buried, and we could bring it up front.

Nick said an appendix, where you are putting all data and then referencing the appendix at the bottom of the sheet the appendix needs to be referenced. He said the more information the better if it's an appendix. He said that this seems to be an example of where this would come in very handy.

Dave said that we could use the areas of change map and put footnotes on it, with references on it that says check the appendix with an explanation.

Marina asked if it would be hyperlinked to an appendix? She said that people going to the Reading Rooms might see that their property is in the red area and wonder what this means. She asked if they would click on that area, which would be linked to a different area of the website, when they are in the Reading Room?

Nick said that district rezoning happens all the time and is necessary. He said that it doesn't necessarily mean that you lose vested rights.

Marina stated that she means just the review of this document, the Future Land Use Map and if you are in the red and how you figure out what that means for you. She said that nothing is codified yet and these are all suggestions.

Dave said that he can work with his team and everyone. He said that it might be as simple as a "cheat sheet" to have next to the maps in the Reading Rooms. He said that it wouldn't be hard to put together, whether it's a table of before and after. He said that we could put it together during this review period and that he will work with everyone and talk about it. He said it seems like a good idea.

Marina said it might help with the "I don't knows" on the surveys.

Jay said that he agrees and that there are a lot of residents in this red zone.

Further discussion ensued regarding the Future Land Use Map.

Janet said that she wouldn't mind if at the next meeting we went through this Future Land Use Map on a neighborhood-by-neighborhood basis, including the 2013 Comp Plan Map, the Zoning Map, and the area of change map and this map. She said the areas that say Residential High Density (R/HD) now match up to what the zoning map says. She asked if this idea sounds good to everyone.

The Commission all agreed.

Dave said once you do this it will show that there are not major changes but that it is more of setting up for the future. He said the next meeting will be very helpful to understand everything.

Jay stated that there are some variables that some are uncomfortable with, and this will be helpful.

Jay said at the next two meetings we will work through the Draft Comprehensive Plan Update and that the Future Land Use Map is a big part of it. He said that we haven't actually hashed through the map.

Nicholas said that he wanted to get opinions on how they think the Draft Comprehensive Plan Update is compiled, as well as the public that is still in the meeting. He said that this is not easy stuff and that this is our last pass at helping CT helping ourselves and getting our community a product that is easily readable, well organized for both the layman and the professional.

Jarrett said that he enjoys this document especially compared to the 2013 document. He said that he thinks it reads well and that it is broken up nicely between graphics and all of the formatting.

Jay said that he agrees with Jarrett and that he is comfortable with how it is laid out. He said that we do have more to work through as a community and get as many people to engage as possible. He said that he is happy with the format.

Kim said that she was able to look at it at one of the Reading Rooms and that she thought it was a beautifully assembled document and that it made such a difference to look at a paper version in an old school way. She said that it read really well, and she loved how it was laid out and that she appreciates the effort by CT.

Jarrett said that he wasn't sure if this was going to be read in a physical or digital format and that it appears as if it were formatted in a book style, but he wasn't sure if that is going to be how it is read.

Nicholas suggested to CT that there is a setting when converting to a pdf to get the spread effect.

Keith said that we hear what Nicholas is saying and that we haven't gotten to this point yet.

Heather MacDonald said that she likes the vacant parcels in Downtown highlighted on the map and she suggested having an addition to the map of all the Town owned parcels to distinguish between what is privately owned and Town owned or potential "Opportunities".

Jay said at this point the donor has requested that the Town minimize publicity of this transaction. He said that the Board of Trustees will be talking about it on February 8 and depending on what they discuss at that meeting then we can address those items within the next two meetings once we know a little more about it.

Keith said that we are going to work hard at explaining what is a Future Land Use Map (FLUM) so that it is not to be confused with a Zoning Map. He said that a FLUM doesn't necessarily affect property values and rights and that is not legally binding. He said we are just trying to set the land use and the character and that we are not setting zoning,

heights, massing and dimensions. He said that there a lot of steps along the way where the community will be involved as properties evolve over time. He told the Commission to go to the FLUM and look at the descriptions and ask yourselves if that statement makes sense and do you understand it. He said that if we break it down and we are simplistic about it that it is going to be a more friendly document in the long run.

Ross added that if this document is designed to be read as paper and if it is our goal to have as many people as possible read it could we print fifty to a hundred copies to be available at each of the Reading Rooms, so people can bring it home and read it as it is intended to be read. He said to be able to circle stuff and really dig into it. He said that there needs to be a lot of clarity regarding the FLUM and that Janet said tonight that we use this as a basis for rezoning. He said that this is the first domino regardless if you think one way or the other. He said in fair disclosure that his property is in the red and that he doesn't know what those potential changes will be. He said that there was no neighborhood discussion of it and know one here knows about it. He said that he appreciates all of your work and that he had a great conversation with Janet earlier today as well.

Nicholas thanked all of the public for their comments on Zoom.

Jay said that we will continue this conversation on February 10 and February 24. He said that he is excited about what we get back from the community. He thanked CT for all of their work.

#### **Staff Update**

Janet said that the Administrative Report was included in the packet, which included things that we have been working on. She said that the Board has been talking about Short Term Rentals (STR's) and responding to the public about putting some regulations in place. She said that there is a group called Community First that was trying to put STR regulations on the ballot. She said that the Board said that they would take a look at this, so they started discussing it in December and through a number of meetings. She said that the Board wants to put some regulations and licensing in place, dividing it up starting with a Phase One. She said that the Town would start to license STR's, not necessarily regulating but to try to understand what we have out there. She said that we don't have a lot of data and what is the breakdown of whether they are rooms, ADU's, single-family homes etc. She said that they will be looking to P&Z and to start looking at our zoning in creating some sort of regulations. She said that the Commission had reviewed STR's in 2016 and asked the question what the problem is we are trying to solve. She said that she told the Board that they needed to provide the Planning Commission good direction on what they would like to see, as far as regulations. She said that it is complicated trying to regulate STR's in the code because we have about thirty PUD's. She said we can regulate straight zone districts and when you have PUD's it gets very complex. She said that everyone agrees it's time to have regulations.

Janet said that there was a donation of land to the Town and that it is new and that nothing has been decided. She said that the Board will start talking about the property beginning in their first meeting in February. She said that it will be a long process and that it is an exciting thing to have happen.

John said that there have been many inquiries about vacant parcels as well as parcels that have structures on them, mainly in the Commercial/Transitional Zone Districts.

Mary said that we are getting ready to issue the permit for the Self-Storage Facility on Colorado Avenue.

Janet added that we have the Story Map on our website for larger land-use applications and it also shows projects under construction.

Nicholas asked about the status on the lumber yard, Builders FirstSource.

Janet said that they submitted for building permit and the Building Official returned a correction letter.

John said that they are still in a holding pattern based on cost of materials and design features.

Further discussion ensued about the Story Map.

Marina said that we had talked about the fencing around Thompson Park being reviewed by P&Z. She said that the fencing has already been built.

Janet said that they applied for a building permit for the fence and it was reviewed and approved and it was constructed according to the code.

Marina said that we had a conversation about the Commission reviewing the materials, trying to remedy the fact that what was built wasn't what we approved. She said that it is in the record asking the guestion do we get to review the fence before it gets put up?

Janet said that we can go back to the record and take a look to see if wires were crossed.

Marina said that those fences are giant.

Janet said that the fences are in compliance with the code. She said that she isn't sure how we got an eight-foot-high fence allowed in the code. She said that we should look at that when we are doing the code amendments for the UDC.

Marina said that we need to look back at the minutes and talk about why they were built without us.

John said that all the people that live there love the fences.

Marina said that there was supposed to be some oversight here and we missed it.

Nick said that we talked about reviewing it as a group and we felt it wasn't in the interest in the Town of Carbondale to have fences, but the owners get what they want. He said that it is a short-term solution that hurts all of us in the long-term.

Nicholas said that he remembers it as being the inconsistencies of the actual structures that went up, in comparison to the drawings. He said that there was a trust issue that developed from that with the developer. He said that all of that landed on the idea of the fence and that the fence became a symbol for that.

Marina said that we were told as a Commission that we would be given the chance to review the fences. She said that there is a credibility issue here that needs to be addressed.

Janet said that we will go back in the minutes and try to unspool that to see what happened.

Marina said that with everything discussed tonight to have eight-foot fences along Highway 133, which is new to me word, complete street. She said that she doesn't think that is the definition of complete street.

Jay said we would circle back to the fence on another day.

Jeff asked if the Commission should initiate some sort of code amendment that the P&Z would be able to review if an eight foot fence is.....

Janet said that the Commission could initiate a zone text amendment to change the code to prohibit an eight-foot fence and bring it down to six-foot. She said that would be a better route to take if you would like to revisit the fences.

Nicholas might have made a motion, but it was not audible to understand.

Jeff said that it is a torture development in his opinion and now there are three tones of wood including the new fence color and the raw pillars. He said that he drives by it every day and that he thinks about it often and that he feels Marina's pain.

Marina said that when we talked about this, extensively, it was about reviewing all of the materials and seeing everything before it got built on the second phase. She said that has not happened. She said that she doesn't know who that is on, is that on us Commissioner's to make that happen.

John asked if we have switched from the fence to all the building materials now.

Jeff said that is what originally started the conversation. He said he thinks the fault lies in the code. He said that we didn't go through the process of adding that step formally even if it's in the minutes, Marina. He said that he didn't think we acted quickly enough.

Janet asked if the Commission would like to look at all the fence permits?

Marina said that there were action items in the minutes.

Janet said that you would be very busy and that we get a lot of fence permits.

Jeff said no that isn't what we are saying.

Janet said that if you want to look at fence permits that your agenda will be full.

Nicholas said that we have a lot of big things coming that are going to hit Highway 133. He said with things not shaking out with Thompson Park as we hoped and we saw in the permit process, what insurance do we have when things start going vertical along 133 that we are very organized and diligent in those processes. He said that it would behoove us to have all of our ducks in a row.

Janet said that after the Thompson Park discussion that we did change our review process and that she worked with the Building Department. She said that we compare plans side by side before building permits are issued and that we also added a new condition that requires that when the developer starts putting materials on the building that we require a board on site that shows those actual materials. She said that when 1201 Main Street went up, that was the first one we started it on and then carried over to Main Street Marketplace. She said that we are asking for a physical board so that she can go out with her material sheet to look to make sure they are matching up.

Marina asked if the P&Z could be part of those review boards.

Janet said that they are out on site and that you are welcome to go to the construction site.

John said that once you are at construction that your approvals are in place.

Further discussion ensued about material boards.

Janet thanked the Commission for their feedback.

Marina said that if we approve the material pallet, we should be there to approve the actual material pallet. She said that she is happy to walk there on site. She said that we said we wanted to see a material pallet, just like a board for the materials that are going to be put on the next phase of Thompson Park. She said that we were going to go there and see that to make sure the next phase of Thompson Park would match what we had seen in the renderings that we approved.

Jeff said that he wasn't sure exactly. He said that he just remembers being dissatisfied.

Nicholas asked if this is an over-reach and could we put something in place.

Janet said that it is a little over-reach to be honest. She said that when you are doing the development review is when you are looking at the materials. She said that when they are going through development review that the building has not been designed. She said that is why you will see changes when building come in for permitting. She said that when the architect is moving it from the conceptual stage then they are looking at building codes. She said that windows have to change because there might be bathrooms, or they didn't take into account the closets. She said that if you want to change the development process then you would have to look at our submittal requirements and the process.

Nick told Marina that she is setting herself up for a tough act to follow, as a building professional.

Marina said that she wasn't trying to set anything new she said that is what we decided to do with the new development for Thompson Park, which she really thought was a thing. She said as an architect that she gets the process.

Nick told Marina that she is making the process more difficult in asking them to be as specific at that phase. He said that he is hearing Janet and that you are submitting at DD. He said that he was one of the most vocal people at that meeting and that he was really upset with them.

Further discussion ensued about the Thompson Park meeting.

John explained that when there is a significant change to what was approved during the planning process that it gets kicked back to P&Z. He said that we have had this conversation with many developers. He gave an example regarding the senior housing and that he said that they would need to go back through the process. He said that there is Staff responsibility with site inspections counting trees, making sure the landscaping is good and the parking spots are there etc.

Nicholas told Marina if she is asking for a more stringent process, which he is not against with things that are coming.

Marina said that she is just talking about Thompson Park.

Janet said that with Thompson Park, they are people's homes and that they are spending a lot of money, that they have saved to invest in these homes. She said that they are happy about their fences and that the fences met the code.

Marina said that the issue is we were supposed to review...

Janet said what was so nice is we got a Christmas card from one of the new homeowners saying that they had bought a deed-restricted unit and that they were thrilled about it. She said that they thanked us for providing this housing and providing a deed-restricted unit and that you have really made a difference in our lives.

John said that was the second thank you received as one was also sent to the housing authority.

Mary noted that when FirstBank changed their design that we did bring it back to the P&Z.

#### **Commissioner Comments**

There were no further Commissioner comments.

#### **Motion to Adjourn**

A motion was made by Jarrett to adjourn, Marina seconded the motion, and the meeting was adjourned at 9:41 p.m.



#### TOWN OF CARBONDALE 511 COLORADO AVENUE CARBONDALE, CO 81623

#### Planning and Zoning Commission Agenda Memorandum

Meeting Date: 2-10-22

**TITLE:** Lot One, Main Street Marketplace Condominium Subdivision Plat

**SUBMITTING DEPARTMENT:** Planning Department

**ATTACHMENTS:** Site Plan For Lot One Approved in 2018

Land Use Application

Revised Park Rendering 1-19-2022

Parks and Recreation Commission Notes 12/2021

Fire District Comments

#### **BACKGROUND**

This is an application for a Condominium Subdivision for the 5.37 acre mixed-use project currently under construction on Lot 1 of the Carbondale Marketplace Subdivision (property located between City Market and Main Street).

The Carbondale Marketplace Subdivision was approved by the Board in 2016. It included five lots. This parcel, Lot 1, was rezoned to the Mixed-Use Zone District in 2017. A Site Plan was approved by the Town in 2018. The approval allowed 115 rental units in eleven buildings and over 10,000 sq. ft. of commercial square footage.

No changes are proposed for the approved 2018 Site Plan as part of this Condominium Subdivision application.

The applicant/owner is Briston Peterson of Crystal River Marketplace, LLC.

The Commission is required to hold a public hearing and recommend approval, recommend denial or continue the public hearing. The Board of Trustees is the approving authority on this application.

#### DISCUSSION

This proposal is to subdivide the 5.37 acre property into seven condominium parcels (Land Units) with the remainder common parcel serving as the General Common Element. Each Land Unit would contain either one or two of the eleven buildings. The Land Unit would be as follows:

Unit 1	.537 acres
Unit 2	.373 acres
Unit 3	.236 acres
Unit 4	.335 acres
Unit 5	.498 acres
Unit 6	.162 acres
Unit 7	.138 acres
General Common Element	3.091 acres

These Land Units are shown on Sheet 2 of 4 of the Lot One at Main Street Marketplace Land Condominium Map set (Sopris Engineering). A land condominium works like a condominium of a building; there are three dimensions of boundaries that contain the Land Unit and everything within that Land Unit is one unit. The land underneath the building(s) is not subdivided. Lot 1 remains one parcel.

The Town has not processed a Land Condominium Plat in the past. Staff and the Town Attorney met with the applicant several times, and after reviewing the code, determined that the process could move forward.

A Condominium Association would be created to oversee and manage the seven Land Units and General Common Element. The application includes the Condominium Declaration for the Lot One at Main St. Marketplace Condominium Association. The Association would distribute parking to the appropriate buildings and provide for management of the common elements.

The applicant indicates that the purpose of the condominiumization is to allow the developer to pursue incremental construction financing. Approval of the application would strictly change the ownership structure of the land. It would allow the property owner to sell one or more of the Land Units. The Development Improvements Agreement and Ordinance from Approval from 2018 are recorded and would run with the land. Any future owner would need to comply with those documents.

The application includes engineering drawings for utilities, grading, and drainage. It also includes the landscaping and irrigation plans. These plans were reviewed and approved when the Site Plan Review was approved in 2018. They were included because they are submittal requirements for a Condominium Subdivision and the applicant wanted to ensure the application was deemed complete. No action is necessary on those.

#### Process

This application would require approval of a Preliminary and Final Condominium Subdivision Plat.

The Planning Commission is the approving authority for a Preliminary Condominium Subdivision Plat. The criteria for approval for a Preliminary Plat are in Section 2.6.4.C.2.b. The criteria are as follows:

- 1. The proposed subdivision complies with all applicable use, density, development, and design standards set forth in this Code that have not otherwise been modified or waived pursuant to this chapter and that would affect or influence the layout of lots, blocks, and streets. Applicants shall avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.
- 2. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this Code.
- 3. The applicant has provided evidence that provision has been made to connect to the Town's public water supply system.
- 4. The applicant has provided evidence that provision has been made for a public sewage disposal system or, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations.
- 5. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed use of these areas are compatible with such conditions.
- 6. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve other natural hazards including flood and wildfire have been identified and mitigated to the maximum extent practicable.
- 7. The application provides a clear assumption of responsibility for maintaining all roads, open spaces, and other public and common facilities in the subdivision.
- 8. As applicable, the proposed phasing for development of the subdivision is rational in terms of available infrastructure capacity and financing.

- 9. The subdivision is consistent with the approved subdivision conceptual plan, if applicable, unless detailed engineering studies require specific changes based on site conditions (in which case the applicant shall not be required to pursue another conceptual plan approval);
- 10. The subdivision is consistent with Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan.

The Board of Trustees is the approving authority for a Final Condominium Subdivision Plat. The criteria for that action are in Section 2.6.5.C.2.b.

#### 2013 Comprehensive Plan

The property is designated as "New Urban" on the Future Land Use Plan in the 2013 Comprehensive Plan. This designation allows for a flexible mix of retail, restaurants, service commercial, lodging, offices, and multiple story mixed-use buildings which may include residential upstairs. Uses should be transitioned appropriately to adjoining uses.

Development should be urban with buildings close to the sidewalks/streets. Parking should be in landscaped lots behind the buildings or in courtyards. Site design should provide safe connections to the buildings for pedestrians and cyclists.

Building facades and rooflines should be broken-up to avoid monotony and box-like structures. There should be architectural elements facing the streets.

#### Purpose Section of the Mixed-Use Zone District:

The purpose of the Mixed-Use District is intended to foster compact, mixed-use development patterns that provide people with the opportunity to live, work, recreate, and shop in a pedestrian-friendly environment. The Mixed-Use District is intended to provide multimodal access to and from Downtown and the Rio Grande Trail, encourage both a vertical and horizontal mix of land uses, and provide for an interesting and walkable environment through tailored building design and streetscape standards that address features such as building mass and placement, building entries, and windows/transparency.

#### Public Park Dedication Requirement

The Unified Development Code (UDC) requires that when a property undergoes Condominiumization that 15% of the land be dedicated for public open space. Instead of a dedication of land, the applicant proposes to place an easement on the 34,676 sq. ft. central common area to allow public access to the future futsal court and adjoining open space.

The Parks and Recreation Commission reviewed the proposal for the dedication of an easement for the park in December of 2021. Attached are the notes from that meeting. The Parks and Recreation Commission reviewed the proposed design for the park and suggested some changes to the plan (revised rendering dated January 19, 2022 is attached). The Parks and Recreation Commission also discussed the merits of accepting a dedication of land vs. accepting dedication of an easement.

Since that time, the applicant prepared a draft Park Management Plan for review by the Parks and Recreation Department.

No formal recommendation has been issued by the Parks and Recreation Commission or Staff. However, there is interest by the Parks and Recreation Director to continue working on this proposal. This is scheduled to go back before the Parks and Recreation Commission in March of 2022.

One of the main points of discussion for this Condominium Subdivision application is the issue of *dedication of land* for Public Open Space vs. *dedication of an easement* to allow public access to the Public Open Space.

Because of the complexity of the issue, here is the section from the Unified Development Code (UDC) which addresses the Public Open Space Dedication for residential developments:

#### 5.3.1. Purpose (of Open Space Section)

- A. This section addresses the character of those portions of development that are not occupied by platted lots or streets and that are reserved for formal and informal open space, parks, and greenways.
- B. Open space serves numerous purposes, including preservation and protection of natural areas and features, providing opportunities for passive and active recreation, enhancing management of stormwater runoff to protect water quality and reduce flooding, and mitigating the heat island effect of developed areas.
- C. The purpose of this section is to ensure that portions of most development sites are set aside as either publically dedicated open space or private common open space. It is not the intent of this section to require both public open space and private common open space.

#### 5.3.2. Public Open Space Dedication (Residential)

#### A. Purpose

The purpose of this section is to ensure that new residential subdivisions include or contribute to the provision of public recreation areas sufficient to meet the passive and active recreation needs of residents of the subdivision, as well of the surrounding neighborhood.

#### B. Applicability

This section shall apply to any development that contains 10 or more residential dwelling units and is subject to preliminary plat, final plat, or condominium plat approval pursuant to Section 2.6, *Procedures and Approval Criteria:* Subdivisions.

#### C. Land Dedication or Payment of Fee In-lieu Required

1. As part of the submission of preliminary plat, the developer of a subdivision subject to this section shall submit a proposal that provides for one of the following options:

#### a. Dedication

A dedication or conveyance by the subdivider to the Town of a minimum of 15 percent of the land within the residential subdivision for public open space. "Public open space" shall mean property that is dedicated for use by the general public for recreational purposes and shall include land designated for use as a park. All parks shall be developed by the subdivider according to the standards set forth in the park master plan for the Town of Carbondale as it may be amended from time to time. If the Town elects to accept a dedication of undeveloped park land, a park development fee, in addition to the dedication of land, shall be paid by the developer at the time of final plat approval based on the number of dwelling units created by any final subdivision plat or subdivision exemption plat.

#### b. Payment of Fee In-Lieu

In lieu of land dedication, or if the Town determines the proposed land dedication for park land does not meet the needs of the Town, the developer shall propose a payment to the Town in cash in an amount equal to the fair market value of the land at the time of final plat plus the amount of the park development fee as established by the Board of Trustees. In the event both parties cannot agree on a fair market value, the value shall be determined by a licensed appraiser, who shall be selected by the Town and whose fee shall be charged to and paid by the developer.

#### c. Alternative Parcel

The developer may offer another parcel of land equal in size and owned by him that is acceptable to the Town and pay the amount of the park development fee as established by the Board of Trustees.

2. Consideration may be given to the developer for reduction of land dedication and park development fee requirements if the developer provides a commercial

recreation facility for general public use within the subdivision. The decision of whether or not to accept a payment in lieu of land dedication of public open space or to accept dedication of land outside the subdivision shall be made by the Board of Trustees in its sole discretion.

#### D. Town Review and Consideration

- 1. The developer's proposal shall be submitted to the Parks and Recreation Commission for review and recommendation to the Board of Trustees. The Parks and Recreation Commission and Planning and Zoning Commission shall consider the necessity for parks and public open space uses in connection with each plat and shall make recommendations based upon:
- Concurrence with the Town and parks and recreation master plans and Town mission statement;
- b. Comments from other agencies and Town staff;
- Consideration of whether the size of the development justifies the dedication and development of public open space;
- d. Consideration of whether the proposed dedication is consistent with the needs and requirements of the citizens of the Town and the letter and intent of the Carbondale Municipal Code provisions dealing with such dedications;
- e. The location, geography, slope, usability by Town, and other factors will be considered.
- All lands dedicated for public open space shall be free of all liens and encumbrances as evidenced by a current title insurance policy to be provided by the developer and shall be dedicated to the Town solely as public open space on the final subdivision plat.
- 3. The Board of Trustees shall make a determination of whether or not the proposal for dedication of public open space or a fee in lieu is acceptable. If not acceptable, the Board of Trustees may impose additional conditions or requirements in connection with the dedication of public open space lands or a fee in lieu thereof consistent with the provisions of this Code.

The application states that the Town has previously accepted a public easement in lieu of dedication of land, specifically, parks in River Valley Ranch and the Common Open Space in Keator Grove. It goes on to state that the maintenance and capital replacement costs for the park improvements would be the responsibility of the Condominium Association. This has been included in the Covenants. A joint management agreement would be needed to address the operations of management for the public and the residents of the development.

Planning Staff and the Town Attorney have reviewed the language in the UDC and agree that the intent of the code is that <u>land</u> be conveyed for public open space. However, Section 5.3.2.D.3. states that the Board of Trustees has the final authority in determining whether or not to accept the proposal.

#### **FISCAL ANAYLSIS**

Development of this property to a mixed-use development on the corner of Highway 133 and Main Street will add to the commercial and residential activity on this corner of Town.

#### RECOMMENDATION

Staff generally is in favor of the application. However, the three items which need resolution are 1) whether or not to accept the dedication of an easement rather than dedication of land, 2) whether the proposed park improvements are acceptable to the Parks and Recreation Department and Town Board; and 3) development of a Parks Maintenance and Management Plan.

While the Planning Commission can provide a recommendation on the proposed park dedication to the Board of Trustees, the majority of the outstanding items need to be addressed by the Parks and Recreation Department with final resolution by the Board of Trustees. One avenue may be that the Planning Commission recommend approval of the Condominium Subdivision with conditions that those items be addressed by Parks and Recreation and the Board. Another option is to continue the public hearing until the March 24, 2022 meeting to allow time for the Parks and Recreation Commission to pick up discussion on this proposal at their March 2022.

Staff's recommendation is that the Planning Commission move this forward to the next level review by the Board of Trustees with conditions of approval.

Staff recommends that the following motion be approved: Move to approve the Preliminary Condominium Subdivision with the following conditions and findings of approval:

#### Conditions:

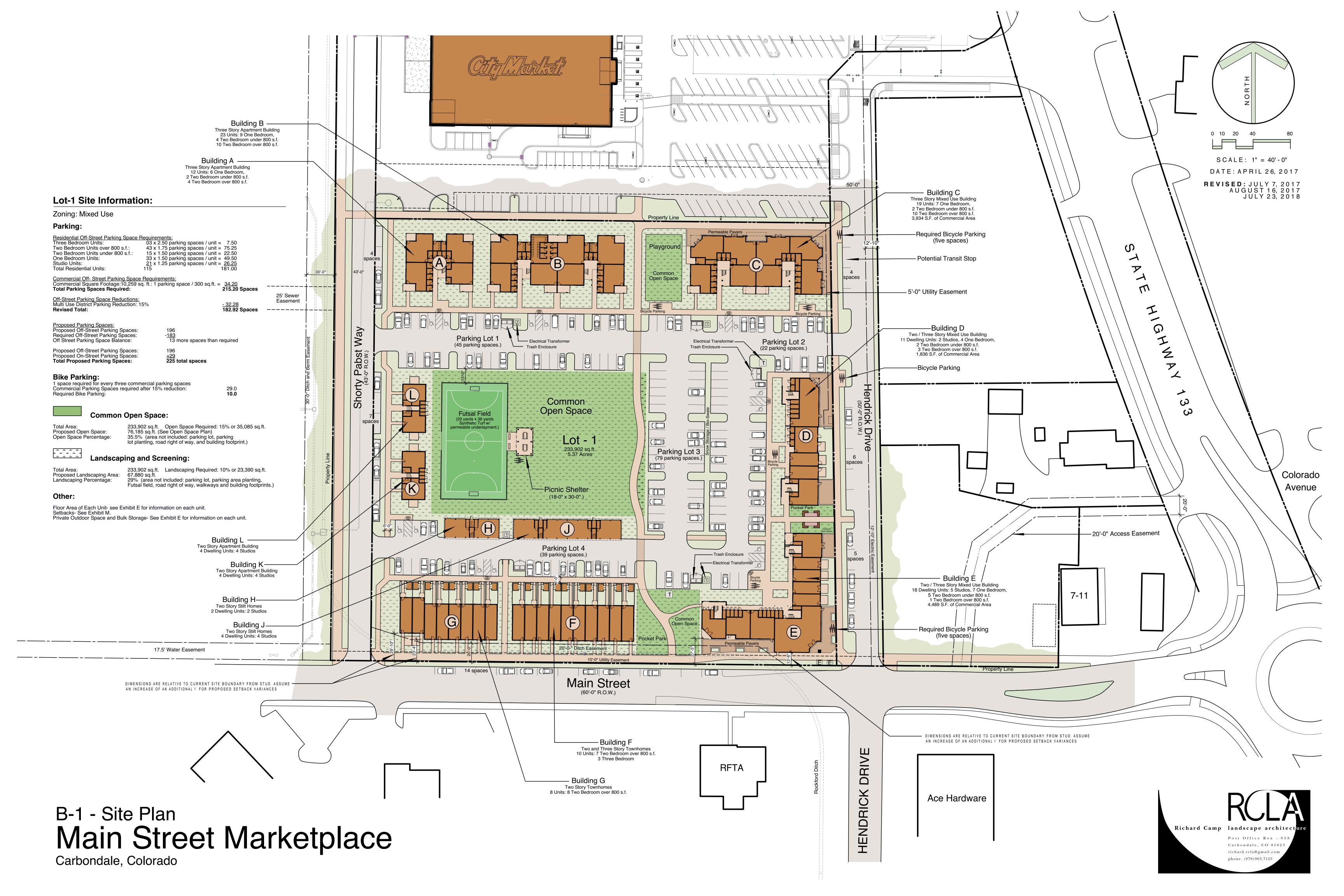
- 1. The final Condominium Subdivision Plat shall be subject to review and approval by the Town Attorney prior to recordation of the plat.
- 2. The Condominium Declaration for the Lot One at Main St. Marketplace Condominium Association shall be subject to review and approval by the Town Attorney prior to recordation of the plat.

- 3. The developer shall be required to submit a current title commitment for the park dedication for review and approval by the Town Attorney. This commitment shall be prepared at the expense of the developer. A final title policy must then be submitted to the Town insuring title to the park in the amount of at least \$250,000.
- 4. All representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.
- 5. The Applicant shall pay and reimburse the town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.

## <u>Findings of Approval for a Preliminary Condominium Subdivision Plat (UDC Section 2.6.4.C.4.a.)</u>

- 1. The proposed subdivision complies with all applicable use, density, development, and design standards set forth in this Code. No lots or patterns of lots in the subdivision have been created that will make compliance with such development and design standards difficult or infeasible.
- 2. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision are designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this Code.
- 3. The applicant has provided evidence that provision has been made to connect to the Town's public water supply system.
- 4. The applicant has provided evidence that provision has been made for a public sewage disposal system or, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations.
- 5. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed use of these areas are compatible with such conditions.
- 6. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve other natural hazards including flood and wildfire have been identified and mitigated to the maximum extent practicable.
- 7. The application provides a clear assumption of responsibility for maintaining all roads, open spaces, and other public and common facilities in the subdivision.

- 8. The proposed phasing for development of the subdivision is rational in terms of available infrastructure capacity and financing.
- 9. The subdivision is consistent with the approved Carbondale Marketplace Subdivision Plat. No additional detailed engineering studies are required.
- 10. The subdivision is consistent with Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan.





#### **Town of Carbondale** 511 Colorado Ave Carbondale, CO 81623

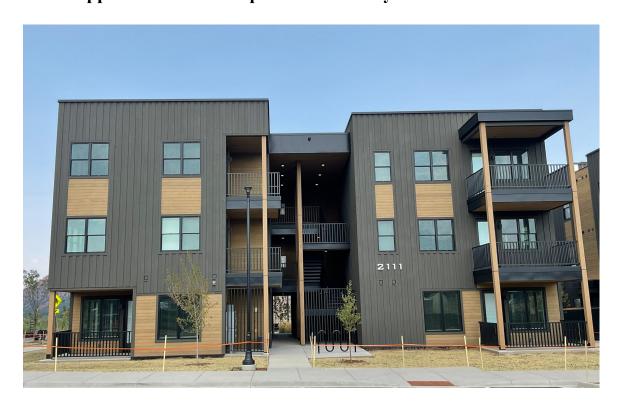
(970)963-2733

Pre-Application	n Meeting Date	
Fees	Date Pd	

#### Land Use Application

PART 1 – APPLICANT INFORMATION		
Applicant Name: Crystal River Marketplace, LLC	_ Phone:	970-923-3088
Applicant Address: 20 Sunset Dr, Unit 1 Basalt, CO 81621		
E-mail: briston@brikor.com		
Owner Name: Same	Phone:	1
Address:		
E-mail:	g .	
Location of Property: provide street address and either 1) subdivision lot	t and block; o	r 2) metes and bound
Lot 1, Carbondale Marketplace Subdivision		
PART 2 - PROJECT DESCRIPTION		
General project description:		
Condominium Subdiction		
Condominium Subdivision of parcel into lar	nd condo ι	ınits.
Size of Parcel: <u>5.37 Acres</u> # Dwelling Units: <u>115</u>	Sq Ftg Comn	n: <b>10,259</b>
Type of Application(s): Condominium subdivisio		
Existing Zoning:MU Proposed Zoning: _	MU	
I declare that I have read the excerpt from the Town of Carbondale Mun Fees. I acknowledge that it is my responsibility to reimburse the Town for this application.  I declare that the above information is true and correct to the best of my Date  Applicant Signature  Signature of all owners of the property must appear before the application of the property of the property must appear before the application of the property must appear before the application of the property of the property must appear before the application of the property of the property must appear before the application of the property must app	knowledge.  Willication is ac	urred as a result of
The above and foregoing document was acknowledged before me to the state of the sta	this 20	34h day of
	V	
Nitness my hand and official My commission expires: ムール・コロフリ		
MARY KRISTINE SMITH Notary Public State of Colorado Natary ID # 20034013881 My Commission Expires 04-14-202	viel _	

# Main St. Marketplace Lot One Housing Project Application for Conceptual/Preliminary Condominium Plat



Submitted to: Town of Carbondale 511 Colorado Ave. Carbondale, CO 86123

Prepared for: Crystal River Marketplace, LLC

## Prepared by:

Robert Schultz Consulting•354 Fawn Dr. Carbondale, CO 81623•970-963-3670
Poss Architecture•311 Main St. Carbondale, CO 81623•970-925-4755
Sopris Engineerings•502 Main St. Carbondale, CO 81623•970-704-0311
Rich Camp Landscape Architecture•PO Box 958 Carbondale, CO 81623•970-963-7123
Eric Gross Attorney•320 Main St. #200 Carbondale, CO 81623•970-963-6363

## **Background**

Lot One at the Crystal River Marketplace property is a 5.37-acre mixed-use project currently under construction with an ultimate buildout of 115 rental units and over 10,000 sf of commercial space. A total of 11 buildings are approved and they are labeled alphabetically in the drawing below. The buildings fronting City Market are open (Building A) or under construction (Building B and C) and building permits are next anticipated for the buildings that surround the common open space at the center of the property (Buildings H, J, K, and L). Since the Site Review has already been approved and is under construction, the site plan and development standards are considered to be resolved. Required subdivision submittals will reference the previously-approved and recorded drawings.

In 2017, the Town approved mixed-use zoning for the property and in 2018 the Site Review was approved. The approved plan exceeded landscape and private common area requirements.

At the time of approval, it was anticipated that at some point the property could be subdivided to meet construction financing requirements. The owner planned on a land condominium. Changes to the UDC in 2019, made the 15% public open space dedication applicable to condominium projects rather than a 15% private common open space in place when the development was approved. That created a complication to achieving the goal of retaining land ownership while providing security for financing individual phases of the project.

This application seeks to subdivide the property into 7 land condo units and one general common area that would contain the approved development in order to allow incremental construction financing and to dedicate the park area for public use via an easement.



## **Subdivision Summary**

The Lot One site is approved to house 11 buildings with commercial and residential uses fronting the main roadways. The site plan includes a diverse variety of architectural features, scale, and massing in conjunction with internal parking and a central green space to meet the intentions of the UDC.

Pedestrian and bicycle access were integral to creation of the site plan. The pedestrian zone along Hendrick Dr. will present an appropriate-scaled commercial frontage and architectural interest. An 8' wide sidewalk/trail through the center of the site will offer the public convenient and safe access to City Market. A bike trail along Shorty Pabst Way provides connection between the trail along SH 133 from the RFTA park-and-ride and the west edge of the property along Main St. as well as City Market and commercial spaces. The sidewalk along Main St. and the central trail will transition from soft-surface to hard surface as the adjacent buildings are completed.

The easiest way to conceptualize this is that, if approved, there will be 1 condo association, 7 land condo units, and 115 individual residential dwelling units and 10,000 plus square feet of commercial space within those 7 land condo units.

Ground floor commercial spaces are distributed over the three buildings that are adjacent to the Hendrick Dr. extension, with pedestrian amenities and parking fronting those uses to create an attractive commercial environment. There is a total of 10,259 + square feet of commercial space to complement the adjacent 60,000 square foot City Market and 9,600 square feet of other retail space included in the City Market approvals. It is anticipated that Buildings D and E will be constructed based on demand, after the spaces next to City Market are filled and demand exists.

The 115 housing units are distributed across the 11 buildings and include a variety of types, styles, and sizes. The housing ranges from studios to three-bedroom. Two-bedroom units of less than 800 sq. ft. were also included to create further

diversity within the housing stock.

The smaller scale of units allows the site to have adequate play and recreation areas for families while still accommodating parking, commercial uses, and residential uses. The site does not seem crowded. Variety in the architecture is intended to complement the diversity and create visual interest in order to avoid monolithic facades. Community housing is distributed around the site rather than clustered to emphasize inclusion.

Land Condo Unit	Residential Units	<b>Commercial Space</b>	Land Size (s.f.)
Unit One (Buildings A	36	NA	23,384
& B)			
Unit Two (Building C)	18	4,536	16,230
<b>Unit Three (Building D)</b>	11	+/- 1,836	10,263
Unit Four (Building E)	18	+/- 4,489	14,607
Unit Five (Buildings F	18	NA	21,672
& G)			
Unit Six (Buildings K &	8	NA	7,077
L)			
Unit Seven (Buildings H	6	NA	6,029
& J)			

Note: adjustments may be made to individual buildings as they are designed, consistent with approvals

This Subdivision application is to subdivide the property into seven condominium parcels with the remainder common parcel serving as the common elements of the condominium. That will allow construction financing to proceed for each phase of the project without encumbering the entire property. There will be seven condominium units that will be titled "Land Units" to be distinct from dwelling units. The Land Units contain either one or two buildings. The easiest way to conceptualize this is that, if approved, there will be 1 condo association, 7 land condo units, and 115 individual residential dwelling units and 10,000 plus square feet of commercial space.

The Condominium Association for the overall project will distribute parking to the appropriate buildings and provide management of the common elements. An easement would be placed on the central common area and easements from public rights-of-way to that green space would ensure public access. A joint management agreement with the Town Parks Department would address operations of management of that space for the public and residents of the condominium.

## **Key Issues**

## **Land Condominium**

While land condominiums are allowed by State Law and the Town's UDC, staff cannot remember one being enacted in Carbondale. Given that this is a different type of application, more work with staff was advised prior to submittal of an application to create clarity about the proposal. The application includes a more refined set of Condo Association Declarations than would normally be submitted at this point to increase transparency about how the condominium association would work.

A land condominium works like a condominium of a building, there are three dimensions of boundaries that contain the land unit and everything within that land unit is one unit. Each land unit has individual and collective rights and responsibilities that are prescribed by the Condo Land Declarations, similar to any other condominium.

#### Park Dedication

As previously noted, the UDC condominium requirement was changed after Lot One was approved to require 15% dedication of park space rather than the previous requirement for 15% common open space. The Town has previously accepted an easement dedication rather than transfer of ownership and that is requested in this instance. The Town benefits as the maintenance and capital replacement costs would continue to be the responsibility of the Condo Association and public access would be ensured through an easement and agreement with the Town. The owner benefits from this agreement by being able to maintain the property to its standard and maintains the ability to perform any future work required on the stormwater equipment under a portion of the park.

An initial meeting was held with the Town's Park and Recreation Commission on October 13 and work continues with Recreation staff to advance an agreement that will be reviewed by the Town Trustees at the Final Plat review.

## The UDC in section 5.3.2.C.1.A states:

A dedication or conveyance by the subdivider to the Town of a minimum of 15 percent of the land within the residential subdivision for public open space. "Public open space" shall mean property that is dedicated for use by the general public for recreational purposes and shall include land designated for use as a park.

## The UDC defines dedication as:

A transfer, by the owner, of a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance by the Board.

#### The UDC defines an easement as:

A conveyance or reservation of the use of land for a specialized purpose.

## **Comprehensive Plan Conformance**

The previous approvals have found the plan in conformance with the Comprehensive Plan. The condominium does not change the relationship to the Plan.

## **Submittal Requirements**

The previously approved Site Review and Development Improvement Agreement required much of the same documentation required for Subdivision. The Ordinance approving Site Review and DIA are recorded as #930572. Those approved documents are referenced and linked to this application.

Preliminary Plat See Exhibit A

Concept/Preliminary Plat	See Exhibit A
Street Layout	See Exhibit A, public streets are already
	built and in use
Lot and Block	See Exhibit A
Easements	See Exhibit A
Solar Access Plan	Not Applicable
Name of Proposed Subdivision	See Exhibit A- Lot One at Main St.
	Marketplace
Name of Surveyor	See Exhibit A- Sopris Engineering
Draft Covenants	See Exhibit C
Adjoining Property Owners	See Exhibit D (below)
Solar Access	N/A See 5.12.5.C not adjacent to
	residential zone
Ownership	See Exhibit E
Consistent with Concept	N/A Site Review approved, combined
	application
Utility Plan	See Exhibit F
Street Profile	N/A streets are built and in use,
	previously reviewed. Internal drives will
	be the responsibility of the Applicant.
Drainage Plan	See Exhibit G
Irrigation Plan	See Exhibit H
Land Dedication	See Exhibit B
Soils Report	See Exhibit I

## **List of Exhibits**

Exhibit A Preliminary Plat

Exhibit B Park Plan

Exhibit C Draft Condo Declarations

Exhibit D Adjoining Property Owners (below)

Exhibit E Title Commitment

Exhibit F Approved Utility Plan

Exhibit G Approved Drainage Plan including topography

Exhibit H Approved Irrigation Plan

Exhibit I Soils Report

## **Exhibit D Adjoining Property Owners**

Colorado Rocky Mountain School 1493 County Road 106 Carbondale, CO 81623

Dillon Real Estate Co Inc 1014 Vine St, 7<sup>th</sup> Floor Cincinnati, OH 45202

ANB Bank 3033 E 1<sup>st</sup> Ave # 305 Denver, CO 80206

Luttrell Propertys 975 Highway 133 Carbondale, CO 81623

Alpine Bank 600 E Hopkins Ave. Suite 100 Aspen, CO 81611

Lines Plaza Condo Association 679 Kings Row St. Carbondale, CO 81623

Lines III Condo HOA 0326 Highway 133 Suite 120 Carbondale, CO 81623

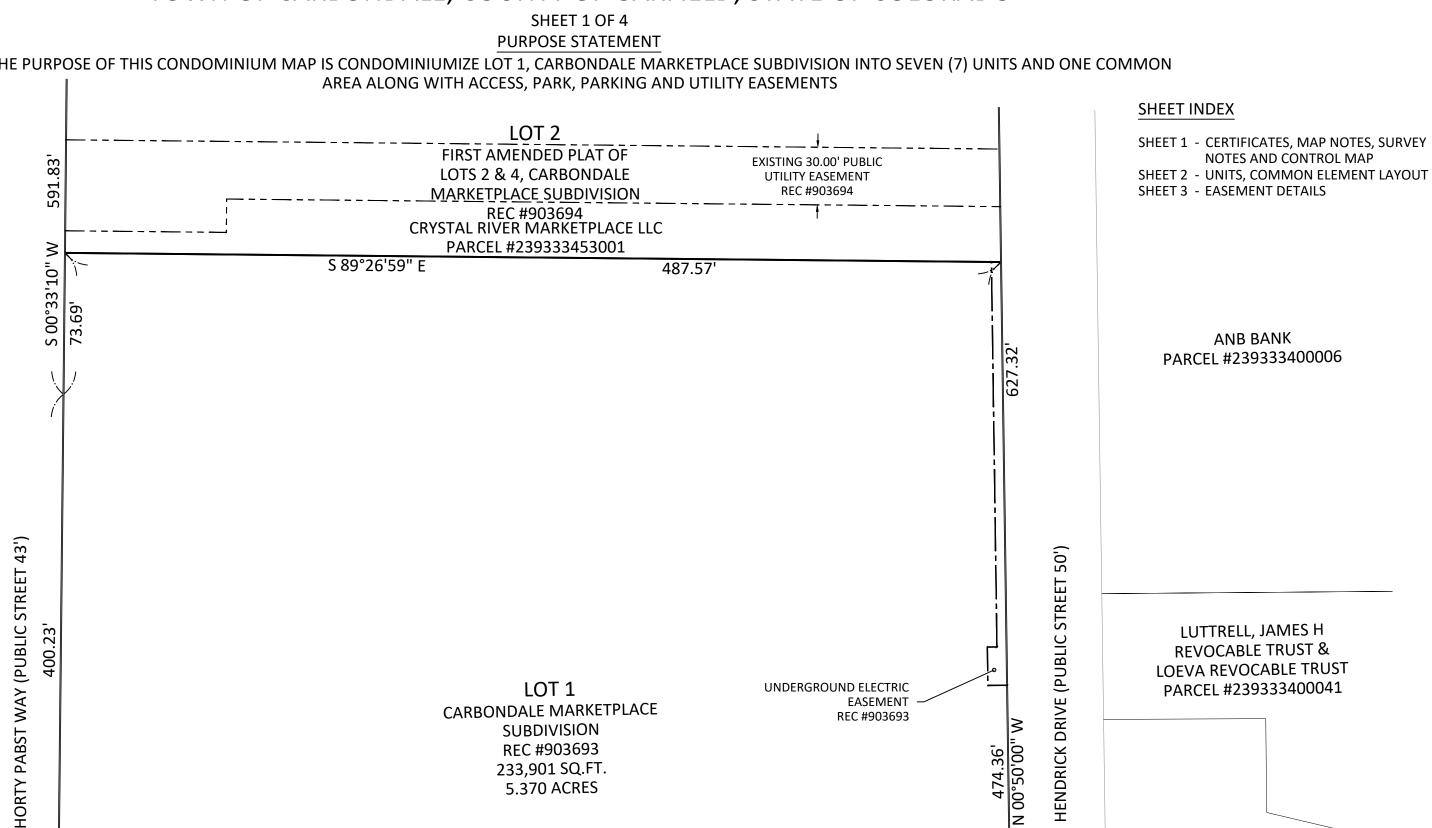
TKG St Peters Shopping Center LLC 215 N Stadium Blvd Columbia, MO 65203 LAND CONDOMINIUM MAP OF:

## LOT ONE AT MAIN STREET MARKETPLACE

## LOT 1, CARBONDALE MARKETPLACE SUBDIVISION

SITUATED IN SECTION 33, TOWNSHIP 7 SOUTH, RANGE 88 WEST OF THE 6th P.M. TOWN OF CARBONDALE, COUNTY OF GARFIELD, STATE OF COLORADO

THE PURPOSE OF THIS CONDOMINIUM MAP IS CONDOMINIUMIZE LOT 1, CARBONDALE MARKETPLACE SUBDIVISION INTO SEVEN (7) UNITS AND ONE COMMON



STATE OF COLORADO COUNTY OF PITKIN

(THE "DECLARATION").

PARCEL #239333441007

(IN U.S. SURVEY FEET)

1 inch = 50 ft.

KNOW ALL MEN BY THESE PRESENTS, THAT CRYSTAL RIVER MARKETPLACE LLC (HEREINAFTER "DECLARANT"), BEING THE

LOT 1, MARKETPLACE SUBDIVISION ACCORDING TO THE FINAL PLAT THEREOF RECORDED FEBRUARY 28, 2018 AS RECEPTION

NO. 903693 IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO (THE "PROPERTY"); AND DOES

ALL PORTIONS OF THE REAL PROPERTY IDENTIFIED AND DEPICTED ON THE WITHIN PLAT AS INGRESS, EGRESS AND EMERGENCY

ACCESS EASEMENTS ARE HEREBY RESERVED, DEDICATED TO AND SET APART AS PERPETUAL, NON-EXCLUSIVE EASEMENTS FOR

ADJOINING PUBLIC RIGHTS-OF-WAY TO THE LANDS WITHIN THIS CONDOMINIUM TO PROVIDE SAID EMERGENCY SERVICES;

ALL PORTIONS OF THE REAL PROPERTY IDENTIFIED AND DEPICTED ON THE WITHIN PLAT AS UTILITY EASEMENTS ARE HEREBY

INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT OF UTILITY LINES AND FACILITIES, TOGETHER WITH

RESERVED, DEDICATED TO AND SET APART AS PERPETUAL, NON-EXCLUSIVE UTILITY EASEMENTS FOR THE USE AND BENEFIT OF

THE PERPETUAL RIGHT OF INGRESS AND EGRESS THERETO FOR THE AFORESAID PURPOSES, UPON THE CONDITION THAT SUCH

ALL PORTIONS OF THE REAL PROPERTY IDENTIFIED AND DEPICTED ON THE WITHIN PLAT AS PUBLIC PEDESTRIAN EASEMENTS ARE HEREBY RESERVED, DEDICATED TO AND SET APART AS PERPETUAL, NON-EXCLUSIVE PEDESTRIAN EASEMENTS FOR THE USE AND BENEFIT OF THE TOWN OF CARBONDALE FOR PUBLIC USE. FOR THE PURPOSE OF NON- VEHICULAR ACCESS ACROSS

THE LANDS OF THIS CONDOMINIUM TO THE PUBLIC PARK EASEMENT DEDICATED BELOW, UPON THE CONDITION THAT SUCH

ALL PORTIONS OF THE REAL PROPERTY IDENTIFIED AND DEPICTED ON THE WITHIN PLAT ASA PUBLIC PARK EASEMENT IS HEREBY RESERVED. DEDICATED TO AND SET APART AS PERPETUAL. NON-EXCLUSIVE PARK EASEMENT FOR THE USE AND BENEFIT OF THE TOWN OF CARBONDALE FOR PUBLIC USE, FOR THE PURPOSE SO DESIGNATE, UPON THE CONDITION THAT

THE USE AND BENEFIT OF EMERGENCY SERVICE PROVIDERS, FOR THE PURPOSE OF INGRESS AND EGRESS FROM THE

THE TOWN OF CARBONDALE OR OTHER APPROPRIATE UTILITY COMPANIES FOR PUBLIC USE, FOR THE PURPOSE OF

EASEMENTS AND RIGHTS BE UTILIZED BY THE BENEFICIARIES IN A REASONABLE AND PRUDENT MANNER;

EASEMENTS AND RIGHTS BE UTILIZED BY THE BENEFICIARIES IN A REASONABLE AND PRUDENT MANNER:

EASEMENTS AND RIGHTS BE UTILIZED BY THE BENEFICIARIES IN A REASONABLE AND PRUDENT MANNER;

, 2021 AS RECEPTION NO.

CRYSTAL RIVER MARKETPLACE LLO

SUCH EASEMENTS AND RIGHTS BE UTILIZED BY THE BENEFICIARIES IN A REASONABLE AND PRUDENT MANNER;

OWNER OF CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF GARFIELD, STATE OF COLORADO, TO WIT

HEREBY MAKE THE FOLLOWING DEDICATIONS, RESERVATIONS AND CERTIFICATIONS:

MY COMMISSION EXPIRES:

THE FOREGOING DECLARANT'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS  $\_\_$  Day of  $\_$ 

WITNESS MY HAND AND OFFICIAL SEAL

**DECLARANT'S CERTIFICATE** 

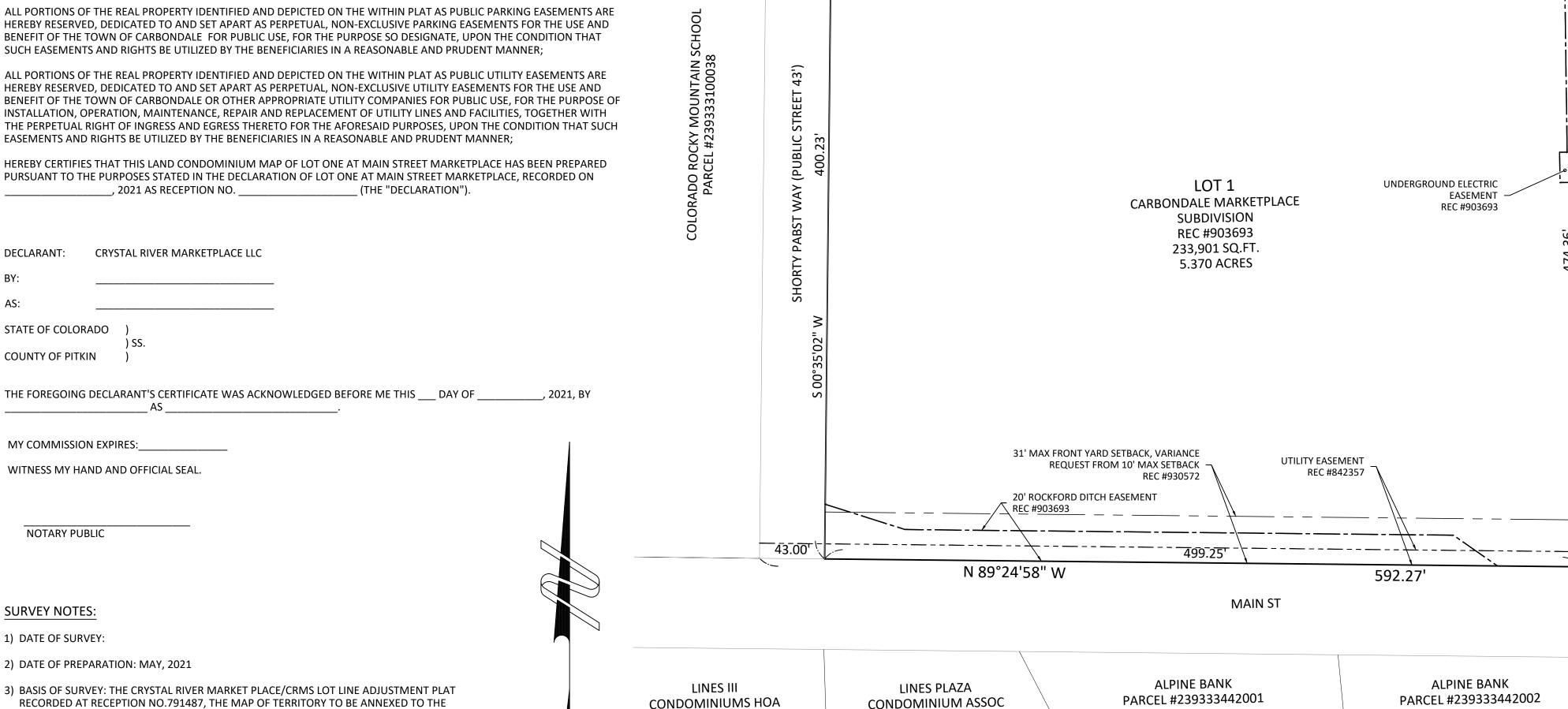
**NOTARY PUBLIC** 

1) DATE OF SURVEY:

**SURVEY NOTES:** 

2) DATE OF PREPARATION: MAY, 2021

- 3) BASIS OF SURVEY: THE CRYSTAL RIVER MARKET PLACE/CRMS LOT LINE ADJUSTMENT PLAT RECORDED AT RECEPTION NO.791487, THE MAP OF TERRITORY TO BE ANNEXED TO THE TOWN OF CARBONDALE, PREPARED BY LINES IN SPACE DATED MAY 16, 1979, THE COLORADO ROCKY MOUNTAIN SCHOOL SUBDIVISION EXEMPTION PLAT RECORDED MARCH 13, 1998 AT RECEPTION NO. 521824, THE SUBDIVISION EXEMPTION PLAT OF THE RESUBDIVISION OF THE VELASQUEZ PROPERTY RECORDED MARCH 28, 1988 AT RECEPTION NO. 390757, THE COLORADO DEPARTMENT OF HIGHWAYS RIGHT-OF-WAY MAPS FOR STATE HIGHWAY NO. 133 FEDERAL AID PROJECT NO. S 0163 (1), THE PLAT OF CARBONDALE MARKETPLACE SUBDIVISION RECORDED FEBRUARY 28, 2018 AT RECEPTION NO. 903693, THE FIRST AMENDED PLAT OF LOTS 2 & 4 CARBONDALE MARKETPLACE SUBDIVISION RECORDED FEBRUARY 28, 2017 AT RECEPTION NO. 903693, VARIOUS DOCUMENTS OF RECORD AND THE FOUND SURVEY MONUMENTS, AS SHOWN.
- 4) BASIS OF BEARING: A BEARING OF S 89°57'00" E BETWEEN THE TOWN OF CARBONDALE STREET MONUMENTS AT THE INTERSECTIONS OF EIGHTH & MAIN AND SECOND & MAIN, BOTH BEING FOUND NO. 4 REBARS IN PLACE, WHICH ESTABLISHED A PROJECT BEARING OF N.00°33′52″E. ALONG THE WEST BOUNDARY OF THE COLORADO ROCKY MOUNTAIN SCHOOL SUBDIVISION EXEMPTION PLAT BETWEEN THE FOUND REBAR AND CAP L.S. 14111 MONUMENTING THE SOUTHWEST CORNER AND THE FOUND #5 REBAR MONUMENTING THE NORTHWEST CORNER OF SAID PLAT.
- 5) THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SOPRIS ENGINEERING, LLC (SE) TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS OF WAY AND/OR TITLE OF RECORD, SE RELIED UPON THE ABOVE SAID PLATS DESCRIBED IN NOTE 4 AND THE TITLE COMMITMENT PREPARED BY TITLE COMPANY OF THE ROCKIES COMMITMENT NO. 0603548-C, EFFECTIVE DATE OF SEPTEMBER 07, 2021.
- 6) THE LINEAR UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.



PARCEL #239333435013

MAP NOTE

RECEPTION NO. 903693.

**BOARD OF TRUSTEES CERTIFICATE** 

THIS LAND CONDOMINIUM MAP OF LOT ONE AT MAIN STREET MARKETPLACE APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, GARFIELD COUNTY, STATE OF COLORADO, THIS DAY OF A.D., 2021, FOR FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY, STATE OF COLORADO, AND FOR THE CONVEYANCE TO THE TOWN OF THE PUBLIC DEDICATIONS SHOWN HEREON, SUBJECT TO THE PROVISION THAT THE APPROVAL IN NO WAY OBLIGATES THE TOWN OF CARBONDALE FOR FINANCING OR CONSTRUCTING IMPROVEMENTS ON LAND, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE TOWN.

CRYSTAL RIVER

MARKETPLACE LLC

PARCEL #239333400042

TKG ST PETERS

SHOPPING CENTER LLC

PARCEL #239333400029

MAYOR, TOWN OF CARBONDALE

PLANNING COMMISSION CERTIFICATE

THIS LAND CONDOMINIUM MAP OF LOT ONE AT MAIN STREET MARKETPLACE APPROVED BY THE TOWN OF

**SOPRIS ENGINEERING - LLC** CIVIL CONSULTANTS 502 MAIN STREET, SUITE A3 CARBONDALE, COLORADO 81623

(970) 704-0311 SOPRISENG@SOPRISENG.COM

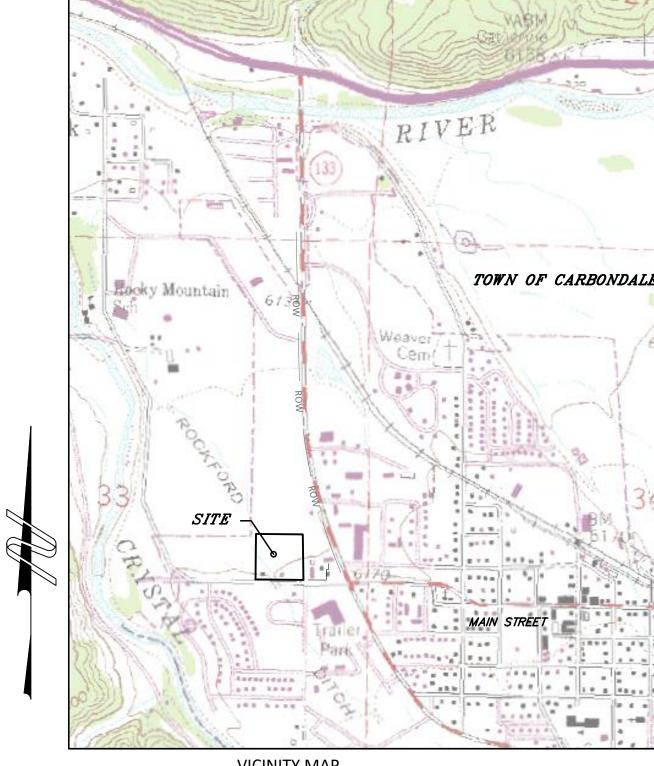
1) MAIN STREET MARKETPLACE IS SUBJECT TO THE EASEMENTS, RIGHTS OF

WAY AND OTHER MATTERS SET FORTH ON THE FINAL PLAT OF

MARKETPLACE SUBDIVISION RECORDED FEBRUARY 28, 2018 AS

CHAIRPERSON

CARBONDALE PLANNING AND ZONING COMMISSION THIS \_\_\_\_\_ DAY OF \_



VICINITY MAP SCALE 1"=1000'

## TITLE CERTIFICATE

THE UNDERSIGNED. A DULY-AUTHORIZED REPRESENTATIVE OF TITLE COMPANY OF THE ROCKIES A TITLE COMPANY REGISTERED TO DO BUSINESS IN GARFIELD COUNTY, COLORADO, HEREBY CERTIFIES THAT CRYSTAL RIVER MARKETPLACE LLC HOLDS FEE SIMPLE TITLE TO THE PROPERTY, FREE AND CLEAR OF ALL MONETARY LIENS AND ENCUMBRANCES EXCEPT THOSE IDENTIFIED IN THE TITLE COMMITMENT ISSUED BY TITLE COMPANY OF THE ROCKIES UNDER COMMITMENT NO. 0603548-C. EFFECTIVE DATE OF

ALTHOUGH WE BELIEVE THE FACTS STATED ON THIS MAP ARE TRUE, THIS CERTIFICATE IS NOT TO BE CONSTRUED AS AN ABSTRACT OF TITLE, NOR AN OPINION OF TITLE, NOR A GUARANTY OF TITLE, AND IT IS UNDERSTOOD AND AGREED THAT TITLE COMPANY OF THE ROCKIES NEITHER ASSUMES NOR WILL BE CHARGED WITH ANY FINANCIAL OBLIGATION OR LIABILITY WHATSOEVER ON ANY STATEMENT CONTAINED

TITLE COMPANY OF THE ROCKIES

BY:	

ADDRESS:

STATE OF COLORADO COUNTY OF PITKIN

THE FOREGOING CERTIFICATE WAS SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_ DAY OF OF TITLE COMPANY OF THE ROCKIES.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES:

NOTARY PUBLIC

## SURVEYOR'S CERTIFICATE

I, MARK S. BECKLER, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE PREPARED THIS LAND CONDOMINIUM MAP OF LOT ONE AT MAIN STREET MARKETPLACE; THAT THE LOCATION AND DIMENSIONS OF EACH UNIT AND THAT UNIT'S IDENTIFYING NUMBER, THE LOCATION (WITH REFERENCE TO ESTABLISHED DATUM) OF THE HORIZONTAL BOUNDARIES OF EACH UNIT, AND THE APPROXIMATE LOCATION AND DIMENSIONS OF THE COMMON ELEMENT, ARE ACCURATELY AND CORRECTLY SHOWN HEREON; THAT THE SAME IS BASED ON FIELD SURVEYS PERFORMED UNDER MY SUPERVISION IN , 2021; THAT THIS CONDOMINIUM MAP MEETS THE REQUIREMENTS OF A LAND SURVEY

PLAT AS SET FORTH IN CRS SECTION 38-51-106; AND THAT THIS CONDOMINIUM MAP CONTAINS ALL OF THE INFORMATION REQUIRED BY CRS SECTION 38-33.3-209 OF THE COLORADO COMMON INTEREST OWNERSHIP ACT. PURSUANT TO CRS SECTION 38-33.3-201(2), I FURTHER CERTIFY THAT ALL STRUCTURAL COMPONENTS OF ALL BUILDINGS CONTAINING OR COMPRISING ANY UNITS DESCRIBED ON THIS MAP ARE SUBSTANTIALLY COMPLETED. THE CONTROL PRECISION IS GREATER THAN 1 IN 10,000. RECORDED EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS SHOWN HEREON ARE THE SAME AS THOSE SET FORTH IN SECTION 2 OF SCHEDULE B OF THE TITLE COMMITMENT ISSUED BY TITLE COMPANY OF THE ROCKIES COMMITMENT NO. 0603548-C, EFFECTIVE DATE OF SEPTEMBER 07, 2021

## MARK S. BECKLER, P.L.S. # 28643

## ACCEPTANCE FOR RECORDING

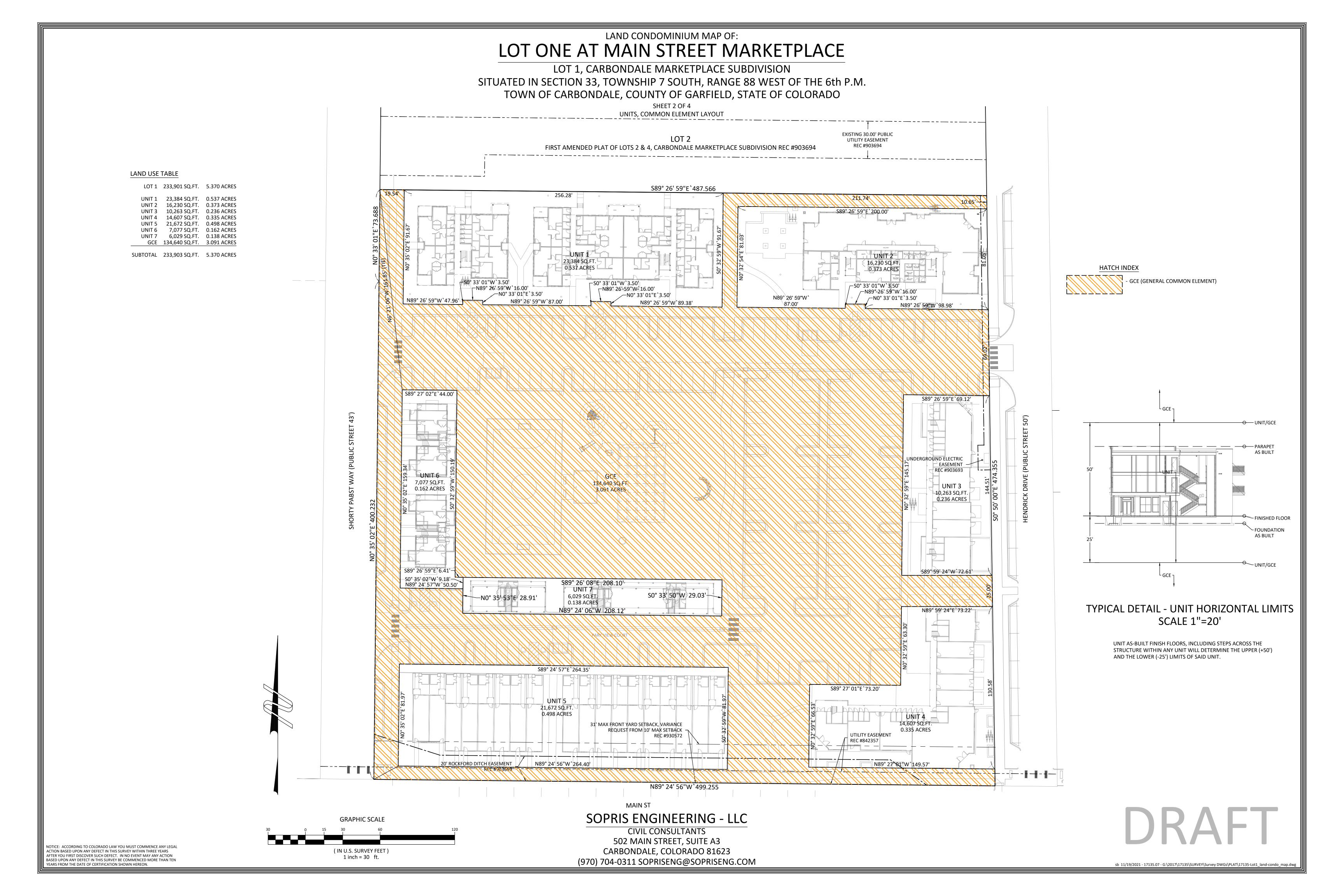
THIS LAND CONDOMINIUM MAP OF LOT ONE AT MAIN STREET MARKETPLACE IS ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECOR ER FOR "ARFI D. CC NTY, CC L. "ADO, T IS DAY C \_, 2021, IN PLAT BOOK \_\_\_ AT PAG \_\_\_ S RE( PTION O.

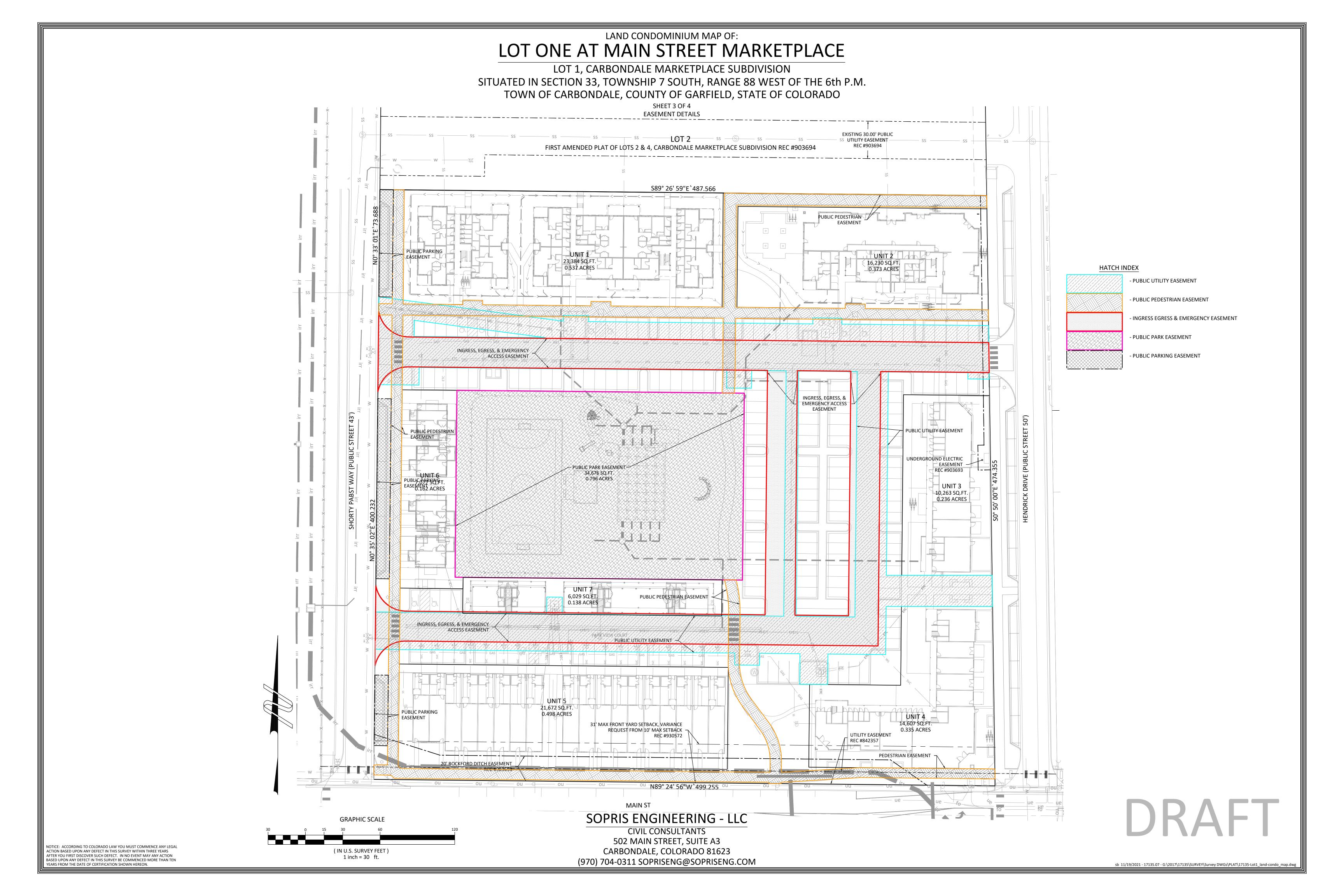
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A.D., 2021.

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IOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.



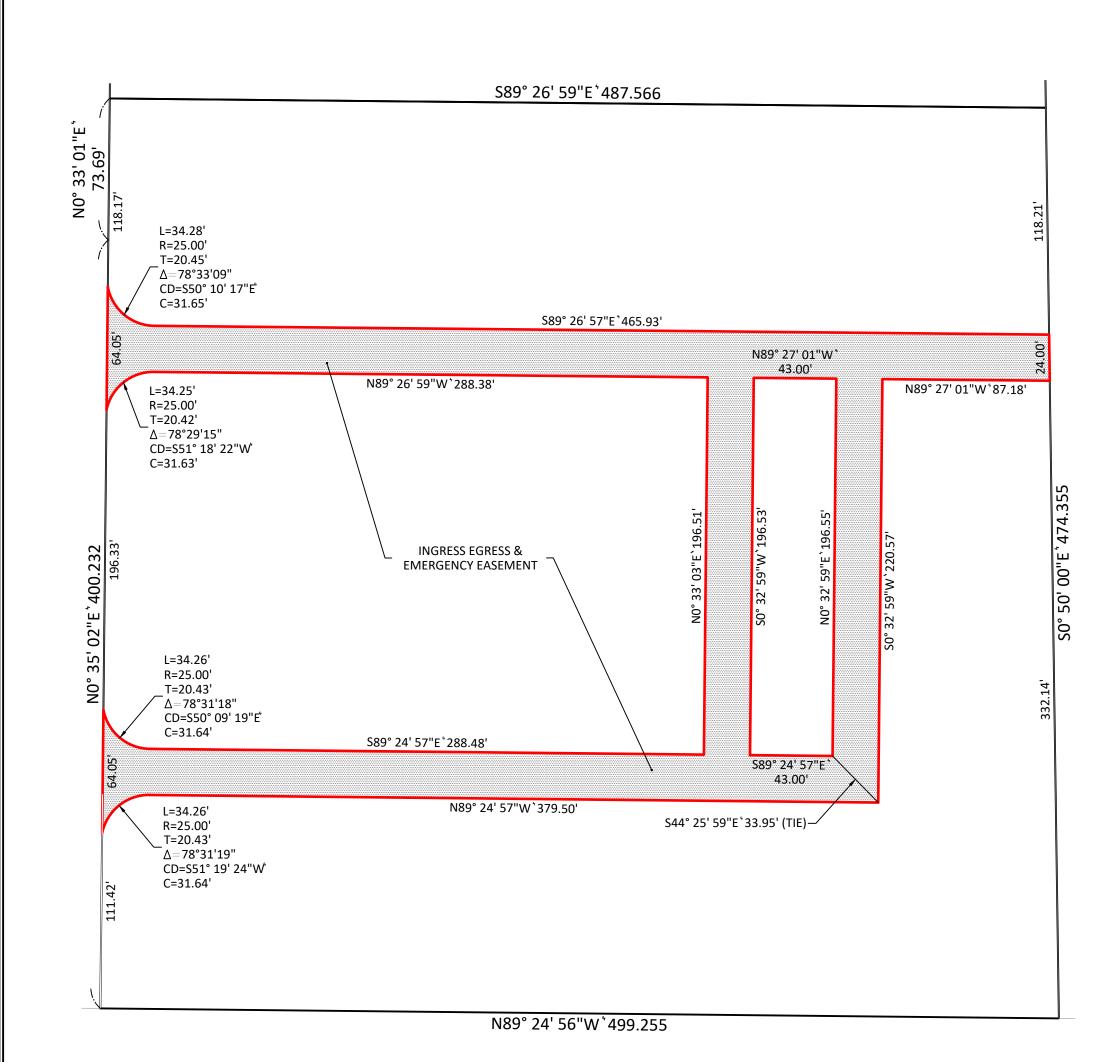


LAND CONDOMINIUM MAP OF:

# LOT ONE AT MAIN STREET MARKETPLACE

LOT 1, CARBONDALE MARKETPLACE SUBDIVISION
SITUATED IN SECTION 33, TOWNSHIP 7 SOUTH, RANGE 88 WEST OF THE 6th P.M.
TOWN OF CARBONDALE, COUNTY OF GARFIELD, STATE OF COLORADO

SHEET 4 OF 4
EASEMENT DETAILS



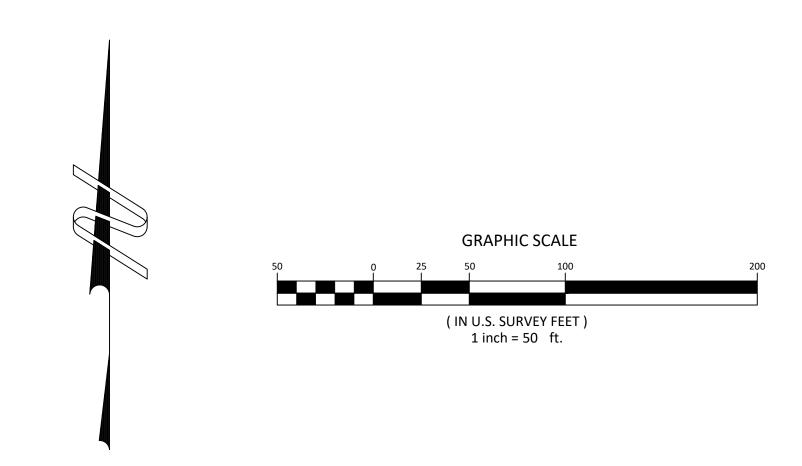
INGRESS EGRESS & EMERGENCY EASEMENT DETAIL SCALE 1"=50'

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL

BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN

ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS

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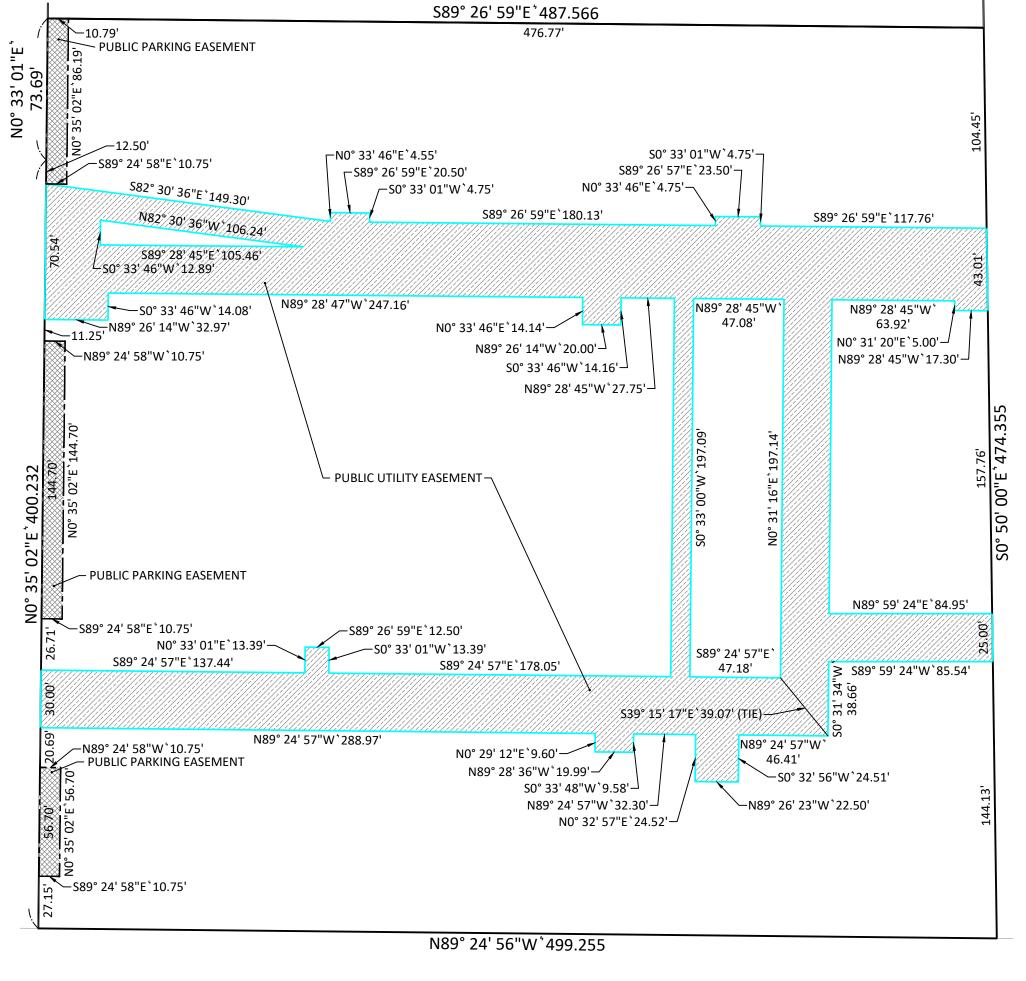
PUBLIC PARK EASEMENT AND PUBLIC PEDESTRIAN EASEMENT DETAIL SCALE 1"=50'

Curve Table

Curve #	Radius	Length	Chord Direction	Tangent	Chord	Line #
C1	201.669	12.508	S2° 18' 34"W <sup>*</sup>	6.26'	12.51'	L1
C2	191.007	12.508	N2° 23' 18"E '	6.26'	12.51'	L2
C3	41.856	27.205	N18° 02' 09"W	14.10'	26.73'	L3
C4	58.144	37.757	N18° 03' 12"W	19.57'	37.10'	L4
C5	92.290	27.663	N7° 12' 03"W <sup>*</sup>	13.94'	27.56'	L5
C6	101.411	27.608	S6° 28' 50"E'	13.89'	27.52'	L6
C7	49.000	31.819	S18° 03' 12"E	16.49'	31.26'	L7
C8	51.000	33.148	S18° 02' 09"E <sup>°</sup>	17.18'	32.57'	L8
						L9
						L10
						L11
						L12
						L13
						L14
						L15

<b>SOPRIS ENGINEERING - LLC</b>
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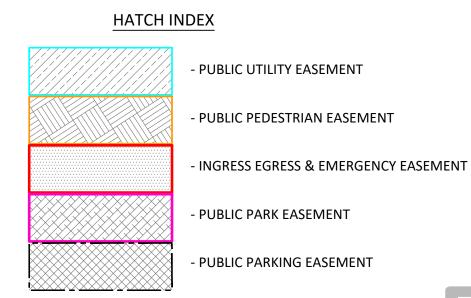
CIVIL CONSULTANTS
502 MAIN STREET, SUITE A3
CARBONDALE, COLORADO 81623
(970) 704-0311 SOPRISENG@SOPRISENG.COM



PUBLIC UTILITY EASEMENT AND PUBLIC PARKING EASEMENT DETAIL SCALE 1"=50'

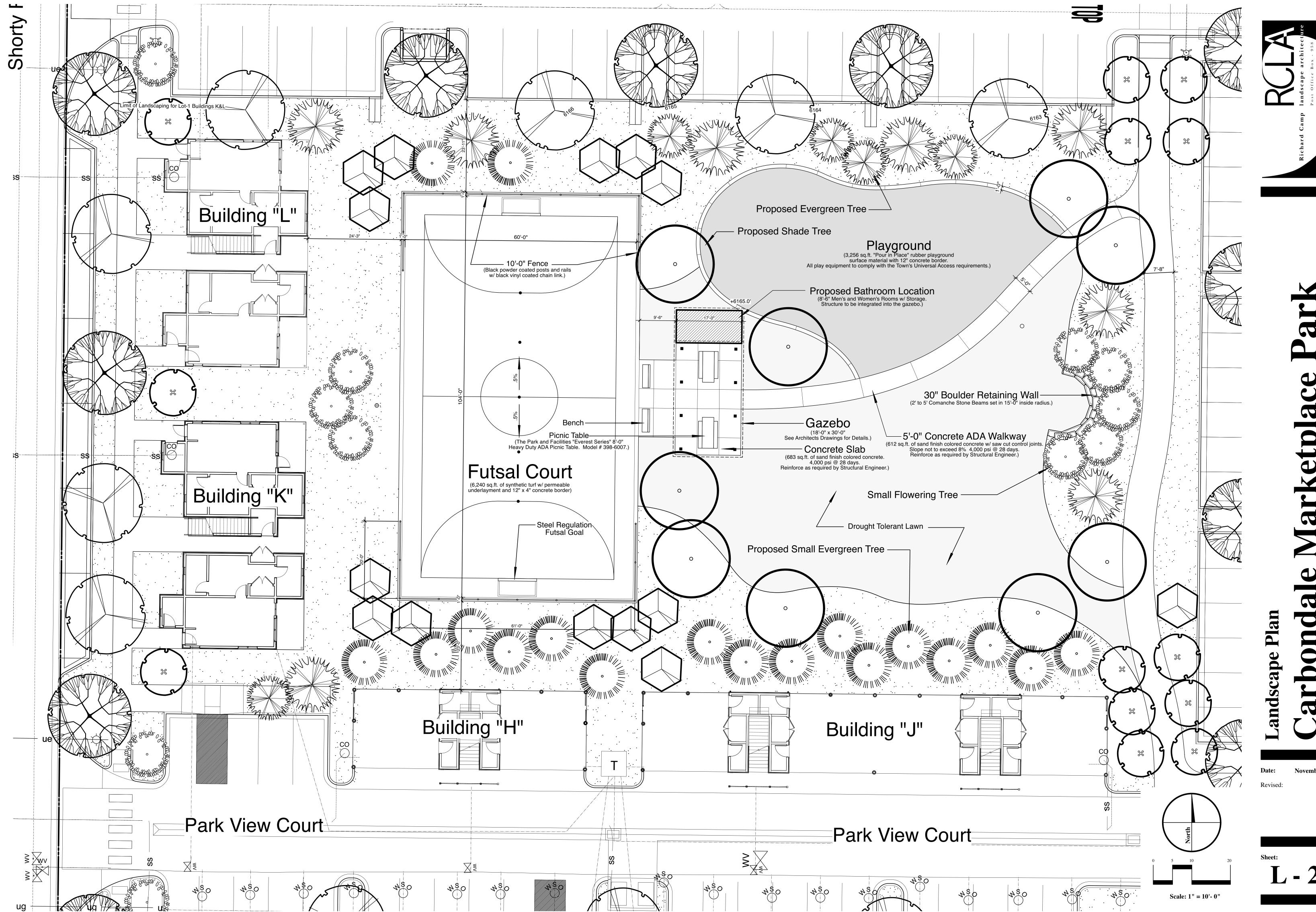
	Line Table		Line Table		
Line #	Direction	Length	Line #	Direction	Len
L1	N89° 27' 01"W	200.98'	L21	N86° 32' 50"E	63.
L2	S0° 32' 54"W '	82.03'	L22	S89° 24' 56"E <i>°</i>	107
L3	S89° 26' 59"E <sup>°</sup>	88.00'	L23	N89° 24' 56"W '	107
L4	N0° 33' 01"E <i>*</i>	3.50'	L24	S86° 32' 50"W	64.
L5	S89° 26′ 59″E′	16.00'	L25	S0° 35' 04"W	1.0
L6	S0° 33' 01"W '	3.50'	L26	N0° 35' 04"E <sup>°</sup>	1.0
L7	S89° 26′ 59″E <sup>°</sup>	98.96'	L27	N89° 24' 56"W	300
L8	N89° 26' 59"W	203.17'	L28	N48° 42' 50"W	3.9
L9	S0° 32' 54"W <sup>*</sup>	47.50'	L29	N89° 24' 58"W '	13.
L10	N0° 32' 58"E <i>*</i>	47.50'	L30	S89° 24' 58"E <sup>*</sup>	10.
L11	N89° 26' 59"W	257.34'	L31	N0° 35' 02"E	361
L12	S0° 35' 02"W <sup>*</sup>	362.54'	L32	N89° 26' 59"W '	10.
L13	S48° 42' 50"E <sup>°</sup>	2.64'	L33	S89° 26' 59"E <sup>*</sup>	10.
L14	S89° 24′ 56″E <sup>°</sup>	296.75'	L34	N0° 35' 02"E <sup>°</sup>	91.
L15	N0° 35' 04"E '	8.91'	L35	S0° 35' 02"W	91.
L16	N36° 39' 22"W	23.39'	L36	S89° 26' 59"E <i>*</i>	47.
L17	N0° 32' 59"E <i>*</i>	38.90'	L37	N0° 33' 01"E	3.5
L18	S0° 32' 59"W <sup>*</sup>	38.90'	L38	S89° 26' 59"E <sup>*</sup>	16.
L19	S36° 39' 22"E <sup>°</sup>	23.39'	L39	S0° 33' 01"W	3.5
L20	S0° 35' 04"W <sup>*</sup>	8.84'	L40	S89° 26' 59"E <i>*</i>	87.

Line #	Direction	Length
L41	N0° 33' 01"E <i>°</i>	3.50'
L42	S89° 26′ 59″E <sup>*</sup>	16.00'
L43	S0° 33' 01"W '	3.50'
L44	S89° 26' 59"E <sup>°</sup>	90.38'
L45	N0° 32' 58"E <sup>°</sup>	91.67'



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# CONDOMINIUM DECLARATION FOR THE LOT ONE at MAIN ST. MARKETPLACE CONDOMINIUM ASSOCIATION

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#### **CONDOMINIUM DECLARATION**

#### **FOR THE**

#### LOT ONE at MAIN ST. MARKETPLACE CONDOMINIUMS

THIS CONDOMINIUM DECLARATION IS FOR THE LOT ONE at MAIN ST. MARKETPLACE CONDOMINIUMS (the "<u>Declaration</u>") dated \_\_\_\_\_, 2022, shall be effective upon recordation and is made by CRYSTAL RIVER MARKETPLACE, LLC, a Colorado Limited Liability Company, ("<u>Declarant</u>"). Declarant is the owner of certain real property in Garfield County, Colorado, more particularly described as:

The real property located in the County of Garfield; State of Colorado defined and described as: Lot 1, CARBONDALE MARKETPLACE SUBDIVISION, according to the Plat thereof filed February 28, 2018 at Reception No. 903693.

(the "Property"). Declarant hereby makes the following grants, submissions, and declarations:

## **ARTICLE 1 IMPOSITION OF COVENANTS**

- Section 1.1. <u>Purpose</u>. The purpose of this Declaration is to create a condominium project known as LOT ONE at MAIN ST. MARKETPLACE CONDOMINIUMS (the "<u>Project</u>") by submitting the Property to the condominium form of ownership and use pursuant to the Colorado Common Interest Ownership Act, Article 33.3, Title 38, Colorado Revised Statutes, as amended and supplemented from time to time (the "<u>Act</u>"), to elect to have the Property treated as a common interest command Unity and thereby subject the Project to the provisions of the Act and not to the general common law of tenancy-in-common, and to establish a uniform plan for the development, sale and ownership of Land Units.
- Section 1.2. <u>Intention of Declarant</u>. Declarant desires to protect the value and desirability of the Project, to further a plan for the improvement, sale and ownership of the Land Units in the Project, to create a harmonious and attractive development and to promote and safeguard the health, comfort, safety, convenience, and welfare of the Owners.
- Section 1.3. <u>Condominium Declaration</u>. To accomplish the purposes and intentions recited above, Declarant hereby submits the Property, together with all improvements, appurtenances, and facilities relating to or located on the Property now and in the future, to condominium ownership under the Act, and hereby imposes upon all of the Property the covenants, conditions, restrictions, easements, reservations, rights-of-way, common areas and other provisions of this Declaration, and Declarant hereby declares that all of the Property shall be owned, held, sold, conveyed, encumbered, leased, rented, occupied, maintained, and improved subject to the provisions of this Declaration.
- Section 1.4. <u>Covenants Running with the Land</u>. All provisions of this Declaration shall be deemed to be covenants running with the land, or as equitable servitudes, as the case may be. The benefits, burdens, and other provisions contained in this Declaration shall be binding upon and shall inure to the benefit of Declarant, all Owners and their respective heirs, executors, administrators, personal representatives, successors, and assigns.

#### **ARTICLE 2 DEFINITIONS**

The following words, when used in this Declaration, shall have the meanings designated below unless the context expressly requires otherwise:

- Section 2.1. "Act" means the Colorado Common Interest Ownership Act as defined in ARTICLE 1 hereof. In the event the Act is repealed, the Act, on the effective date of this Declaration, shall remain applicable to this Declaration.
- Section 2.2. "Additional Improvements" Means any improvements made to the Property by the Association.
  - Section 2.3. "Additional Reserved Rights" has the meaning set forth in Section 14.2.
- Section 2.4. "Agency" means any agency or corporation such as Housing and Urban Development (HUD), Department of Veteran's Affairs ("VA"), Federal National Mortgage Association ("FNMA") or Federal Home Loan Mortgage Corporation ("FHLMC") that purchases, insures or guarantees residential mortgages.
- Section 2.5. "Allocated Interests" means the undivided interest in the Common Elements, the Common Expense Liability, and the votes in the Association allocated to each of the Land Units in the Project. The formulae used to establish the Allocated Interests are described in ARTICLE 4.
  - Section 2.6. "Applicable Laws" means federal, state and local laws affecting the Property.
- Section 2.7. "Articles of Incorporation" means the Articles of Incorporation of the LOT ONE at MAIN ST. MARKETPLACE Condominium Association, Inc. filed with the Colorado Secretary of State, as amended from time to time.
- Section 2.8. "Assessments" means the annual, special and Default Assessments levied Pursuant to this Declaration.
- Section 2.9. "Association" means the LOT ONE at MAIN ST. MARKETPLACE Condominium Association, Inc., a Colorado nonprofit corporation, and its successors and assigns.
- Section 2.10. "Board of Directors" or "Board" means the governing body of the Association, as provided in this Declaration and in the Articles of Incorporation and Bylaws of the Association, and defined as the "executive board" in the Act.
- Section 2.11. "<u>Budget</u>" means the annual budget of the projected revenues, expenditures (both ordinary and capital) and reserves for the Association.
- Section 2.12. "Bylaws" means the bylaws adopted by the Association, as amended from time to time.
- Section 2.13. "Common Elements" means all portions of the Project excluding the Land Units, and consisting of General Common Elements. The General Common Elements shall be owned by the Owners, each Land Unit being allocated an undivided interest in the Common Elements as allocated pursuant to ARTICLE 4.

- Section 2.14. "Common Expenses" means expenditures made or liabilities incurred by or on behalf of the Association and consisting of General Common Expenses.
- Section 2.15. "Common Expense Liability" means the liability for Common Expenses allocated to each Land Unit pursuant to this Declaration.
- Section 2.16. "Condominium Documents" means the basic documents creating and governing the Project, including, but not limited to, this Declaration, the Articles of Incorporation and Bylaws, the Map, and any Rules and Regulations, and any other Documents or provisions adopted under such documents by the Association or the Board of Directors.
- Section 2.17. "Costs of Enforcement" means all monetary fees, late charges, interest, expenses, costs, including receiver's and appraiser's fees, collection agency fees, and reasonable attorneys' fees and disbursements, including legal assistants' fees, incurred by the Association in connection with the collection of Assessments or in connection with the enforcement of the terms, conditions and obligations of the Condominium Documents.
  - Section 2.18. "County" means the County of Garfield, Colorado.
- Section 2.19. "Declarant" means CRYSTAL RIVER MARKETPLACE, LLC, successors and assigns as the same may be specified in a recorded instrument specifically describing those rights of Declarant transferred to a successor or assignee.
- Section 2.20. "Declaration" means this Declaration, together with any supplement or amendment to this Declaration, and any other recorded instrument however denominated that is executed by Declarant and recorded in the Records. The term Declaration includes the Map, any certificate of completion (as defined in the Act) that is separate from the Map, and all amendments and supplements to this Declaration, the Map, and any separate certificate of completion without specific reference thereto.
- Section 2.21. "<u>Deed</u>" means each initial deed recorded after the date hereof by which Declarant conveys a Land Unit and, after the initial sale by Declarant, any deed or other instrument by which an Owner transfers title to a Land Unit (expressly excluding an instrument creating a Security Interest).
- Section 2.22. "<u>Default Assessment</u>" means an Assessment levied pursuant to this Declaration in connection with an unpaid amount for which an Owner is responsible including, without limitation, for Costs of Enforcement, overdue amounts charged by the Association to an Owner, liability for negligence and indemnification obligations.
- Section 2.23. "Eligible First Mortgagee" means a First Mortgagee that has notified the Association in writing of its name and address and status as a First Mortgagee and has requested that it receive the notices provided for in ARTICLE 19 entitled "Mortgagee Protections."
- Section 2.24. "Fine" means a monetary penalty imposed by the Association against an Owner for violating terms, conditions, or provisions of the Condominium Documents. Interest on overdue amounts, late charges, other Costs of Enforcement and Default Assessments (other than any portion thereof which is designated as a Fine) are expressly excluded from the definition of, and shall not be deemed to be, Fines.

- Section 2.25. "<u>First Mortgagee</u>" means a holder of a Security Interest in a Land Unit which has priority over all other Security Interests in the Land Unit.
- Section 2.26. "General Common Elements" means those portions of the Project, other than the Land Units including, without limiting the generality of the foregoing, the following components:
- (a) all portions of the Project excluding the Land Units, but including which include General Common Elements: parks, walkways, driving surfaces, parking areas, landscaping, picnic area, playground, and other improvements as depicted on the Map and any amenities and related facilities located upon the Property that are not Land Units or within Land Units;
- (b) in general, all other parts of the Project designated by Declarant as General Common Elements and existing for the use of one or more of the Owners as shown on the Map, including, without limitation, access to public streets; and

The General Common Elements shall be owned by the Owners, each Land Unit being allocated an undivided interest in the General Common Elements as allocated pursuant to ARTICLE 4.

- Section 2.27. "General Common Expenses" means expenditures made or liabilities incurred by or on behalf of the Association pertaining to the General Common Elements, together with any allocations to reserves for the General Common Elements, including, without limiting the generality of the foregoing, the following items:
- (a) expenses of administration, insurance, operation, and management, repair or replacement of the General Common Elements except to the extent such repairs and replacements are responsibilities of an Owner as provided in this Declaration;
- (b) expenses identified as General Common Expenses by the provisions of this Declaration or the Bylaws;
- (c) expenses agreed upon as General Common Expenses by the members of the Association; and
- Section 2.28. "Improvement(s)" means the building(s) (including all fixtures and improvements contained within it located on the Property in which Land Units or Common Elements are located, together with landscaping and hardscaping located on the Property.
- Section 2.29. "Majority of Owners" means a majority of the Total Voting Power (rather than a majority of those present or voting by proxy at a meeting or the majority of a quorum).
- Section 2.30. "Management Agreement" means any contract or arrangement entered into for purposes of discharging the responsibilities of the Board of Directors of the Association relative to the operation, maintenance, and management of the Project.
- Section 2.31. "Managing Agent" means a person, firm, corporation or other entity employed or engaged as an independent contractor pursuant to a Management Agreement to perform management services for the Association.

- Section 2.32. "Map" or otherwise known as a "plat," means that part of this Declaration that depicts all or any portion of the Project in three dimensions, is executed by Declarant and is recorded in the Records.
- Section 2.33. "Nonprofit Act" means the Colorado Revised Nonprofit Corporation Act, Articles 121-137, Title 7, Colorado Revise Statutes, as may be amended and supplemented from time to time.
- Section 2.34. "Occupant" means any member of an Owner's family or an Owner's guests, invitees, servants, tenants, employees, or licensees who occupy a Land Unit or are on the Common Elements for any period of time.
- Section 2.35. "Owner" means Declarant or any other Person who owns record title to a Land Unit (including a contract seller but excluding a contract purchaser) but excluding any Person having a Security Interest in a Land Unit unless such Person has acquired record title to the Land Unit pursuant to foreclosure or other proceedings or by conveyance in lieu of foreclosure.
- Section 2.36. "Period of Declarant Control" means the maximum period of time defined and limited by the Act and Section 7.5 of this Declaration during which Declarant may, at its option, control the Association.
- Section 2.37. "Person" means an individual, association, partnership, limited liability company, corporation, trust, governmental agency, political subdivision or other legal entity or any combination thereof.
  - Section 2.38. "Project" has the meaning set forth in Section 1.1 hereof.
  - Section 2.39. "Property" means the real property described as:

The real property located in the County of Garfield; State of Colorado defined and described as: Lot 1, CARBONDALE MARKETPLACE SUBDIVISION, according to the Plat thereof filed February 28, 2018 at Reception No. 903693.

- Section 2.40. "Real Estate" means any leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests that, by custom, usage or law, pass with the conveyance of land though not described in the contract of sale or instrument of conveyance. Real Estate includes parcels with or without Horizontal Boundaries and spaces that may be filled with air or water.
- Section 2.41. "Records" means the Office of the Clerk and Recorder in every county in which any portion of the Project is located.
- Section 2.42. "Reserved Declarant Rights" means all rights reserved by Declarant in this Declaration, including, without limiting the generality of the foregoing, those rights reserved to Declarant in ARTICLE 14 and ARTICLE 15 hereof.

Section 2.43. "Rules and Regulations" means the rules and regulations promulgated by the Association for the management, preservation, safety, control, and orderly operation of the Project in order to effectuate the intent and to enforce the obligations set forth in the Condominium Documents, as amended and supplemented from time to time. Without limiting the generality of the foregoing, the phrase Rules and Regulations as used in the Condominium Documents shall not be limited to the provisions of the document(s) entitled Rules and Regulations but instead shall include all policies, procedures, rules, regulations, and/or guidelines as the same may be adopted or amended from time to time by the Board of Directors and shall expressly include, without limitation, any corporate governance policies, and/or any architectural control guidelines.

Section 2.44. "Security Interest" means an interest in Real Estate or personal property created by contract or conveyance which secures payment or performance of an obligation. The term includes a lien created by a mortgage, deed of trust, trust deed, security deed, contract for deed, land sales contract, lease intended as security, assignment of lease or rents intended as security, pledge of an ownership interest in an Association, and any other consensual lien or title retention contract intended as security for an obligation. The holder of a Security Interest includes any insurer or guarantor of the obligation secured by a Security Interest. '

Section 2.45. "Special Declarant Rights" has the meaning set forth in Section 14.1 hereof.

Section 2.46. "Total Voting Power" means the aggregate number of votes of the members of the Association that are eligible and entitled to vote on or consent to or reject the decision or action in question.

Section 2.47. "Land Unit" means a physical portion of the Project which is designated for separate ownership or occupancy and the boundaries of which are described in or determined by this Declaration and depicted on the Map. A Land Unit shall include the real property as shown on the Map and any building, or other improvements upon the Land Unit grounds, and the and the airspace above a Land Unit up to 50 feet in height and the subgrade area up to 25 feet below the surface as measured from the finished floor as depicted on the Map. Each Land Unit shall be designated by a separate number, letter, address or other symbol or combination thereof that identifies only one Land Unit in the Project as more specifically set forth on **Exhibit A.** 

Section 2.48. "Town" means the Town of Carbondale Colorado.

Section 2.49. "Subdivision Approval Documents" shall mean the following documents as may be later amended and recorded in the Garfield County Records:

Ordinance No. 20 Series of 2004, recorded August 17, 2004 in Book 1614 at Page 227 as Reception No. 658027.

Ordinance No. 20, Series of 2016 recorded December 6, 2016 at Reception No. 886166.

Easements, rights of way and all other matters as shown on the Plat of Carbondale Marketplace Subdivision,

filed February 28, 2018 at Reception No. 903693.

Subdivision Improvements Agreement recorded February 28, 2018 at Reception No. 903695.

Ordinance No. 3, Series of 2019 recorded January 14, 2020 at Reception No. 930572.

Development Improvements Agreement dated January 14, 2020 at Reception 930572

Deed Restriction recorded February 8, 2021 at Reception No. 949903.

Ordinance No. Series of 2022 Approval of Condominium Application of Lot One at Main Street

Marketplace Condominiums recorded \_\_\_\_\_\_, 2022 at Reception No. \_\_\_\_\_

## ARTICLE 3. DIVISION OF PROJECT INTO CONDOMINIUM OWNERSHIP

- Section 3.1. <u>Division Into Land Units</u>. The Property is hereby and hereafter divided into those Land Units identified on **Exhibit A.** The undivided interests in the Common Elements, including the Common Elements, as allocated in **Exhibit B**, are hereby declared to be appurtenant to the respective Land Units.
- Section 3.2. <u>Delineation of Land Unit Boundaries</u>. The boundaries of each Land Unit are delineated and designated by an identifying number on the Map, and those numbers are set forth in **Exhibit A.**
- Section 3.3. <u>Inseparability of Land Unit</u>. No part of a Land Unit or of the legal rights comprising ownership of a Land Unit may be partitioned or separated from any other part thereof during the period of condominium ownership prescribed in this Declaration; (b) each Land Unit and its appurtenances shall always be conveyed, transferred, devised, bequeathed, encumbered, and otherwise affected only as a complete Land Unit; and (c) every conveyance, transfer, gift, devise, bequest, encumbrance, or other disposition of a Land Unit or any part thereof shall be presumed to be a disposition of the entire Land Unit, together with the undivided interests in the Common Elements, and all appurtenant rights and interests created by Applicable Law or by this Declaration, including the Owner's membership in the Association. Notwithstanding the foregoing provisions of this Section, nothing herein shall prevent or limit Declarant's exercise of, enjoyment of, or ability to exercise any Reserved Declarant Rights.
- Section 3.4. Non-Partitionability of Common Elements. The Common Elements shall be owned in common by all of the Owners and shall remain physically undivided, and no Owner shall bring any action for partition or division of the Common Elements. By acceptance of a Deed or other instrument of conveyance or assignment to a Land Unit, each Owner shall be deemed to have specifically waived such Owner's right, if any, to institute or maintain a partition action or any other cause of action designed to cause a division of the Common Elements, and this Section may be pleaded as a bar to the maintenance of such an action. In addition to all other remedies of the Association, any Owner who shall institute or maintain any such action shall be liable to the Association and hereby agrees to reimburse the Association for the Costs of Enforcement in defending any such action. Notwithstanding anything to the contrary set forth herein, nothing in this Section shall limit Declarant's exercise of, enjoyment of, or ability to exercise any Reserved Declarant Rights.

Section 3.5. <u>Subdivision of Land Units; Relocation of Boundaries Between Adjoining Land Units.</u> No Land Unit may be subdivided and the boundaries between Land Units may not be altered at any time unless the subdivision or altered boundaries have been approved by the Owners through the Declaration amendment process outlined in Article 20. Any building constructed upon a single Land Unit may be submitted to further condominium processes through the Town land use process and a sub association shall be formed subject to the rights and obligations set forth herein and such further condominiumization shall not require an amendment to this Declaration, approval by the Association or approval by the Land Unit Owners.

#### **ARTICLE 4 ALLOCATED INTERESTS**

- Section 4.1. <u>Allocation of interests</u>. The Allocated Interests assigned to each Land Unit are set forth on **Exhibit B.**
- Section 4.2. <u>Formulae for the Allocation of interests</u>. The interests allocated to each Land Unit have been calculated by the following formulae and are shown on **Exhibit B**.
  - (a) Undivided Interest in the General Common Elements. The percentage of the undivided interest in the General Common Elements shall be allocated among all Land Units as shown on **Exhibit B.**
  - (b) General Common Expense Liability. The General Common Expense Liability shall be allocated among all Land Units as shown on **Exhibit B.**
  - (c) Votes. Each Land Unit shall be allocated a vote the same matter as allocations of undivided interests in the General Common Elements.
- Section 4.3. Rounding Convention. The total of all Allocated Interests shall be deemed to equal to one hundred percent (100%) for purposes of this Declaration.

#### **ARTICLE 5 CONDOMINIUM MAP**

The Map shall be filed in the Records of Garfield County Colorado. Any Map filed subsequent to the initial Map shall be termed a supplement to the initial Map, and the numerical sequence of such supplements shall be shown thereon. The Map shall be filed prior to the conveyance of any Land Unit depicted on the Map to a purchaser. The Map shall satisfy the provisions of Section 38-33.3-209 of the Act and of Section 38-51-106, Colorado Revised Statues.

## ARTICLE 6 LEGAL DESCRIPTION AND TAXATION OF LAND UNITS

Section 6.1. Contracts to Convey and Conveyances Subsequent to Recording of Declaration and Map.

Subsequent to the recording of this Declaration and the Map, contracts to convey, instruments of conveyance of Land Units, and every other instrument affecting title to a Land Unit shall be in substantially the following form with such omissions, insertions, recitals of fact, or other provisions as may be required by the circumstances or appropriate to confirm the requirements of any governmental authority, practice or usage or requirement of law with respect thereto:

The Land referred to herein is located in the County of **Garfield**, State of **Colorado**, and described as follows:

Land Unit\_\_\_\_\_, according to the Condominium Declaration for LOT ONE at MAIN ST.

MARKETPLACE Condominiums, recorded \_\_\_\_\_\_, 2022, at (Reception No. \_\_\_\_\_ and the Condominium Map recorded \_\_\_\_\_\_, 2022, at

Garfield County, Colorado.

Section 6.2. <u>Conveyance Deemed to Include an Undivided Interest in Common Elements</u>. Every instrument of conveyance, Security Interest, or other instrument affecting the title to a Land Unit which legally describes the Land Unit substantially in the manner set forth above shall be construed to include the Land Unit, together with the undivided interest in the Common Elements appurtenant to such Land Unit.

Reception No. \_\_\_\_\_\_ in the office of the Clerk and Recorder of

Section 6.3. <u>Separate Tax Assessments</u>. Upon the filing for record of this Declaration and the Map in the Records, Declarant shall deliver a copy of this Declaration to the assessor of each county specified in the Records as provided by law. The lien for taxes assessed shall be confined to the Land Unit(s). No forfeiture or sale of any Land Unit for delinquent taxes, assessments, or other governmental charge shall divest or in any way affect the title to any other Land Unit, including, without limitation, the Common Elements appurtenant to any other Land Unit.

## ARTICLE 7 MEMBERSHIP AND VOTING RIGHTS IN ASSOCIATION

Section 7.1. <u>Association Membership</u>. The Articles of Incorporation shall be filed no later than the date Declarant records the Map. The Association shall adopt Bylaws at the time of the filing of the Articles of Incorporation. Every Owner shall be a member of the Association and shall remain a member for the period of the Owner's ownership of a Land Unit. No Owner, whether one or more Persons, shall have more than one membership per Land Unit owned, but all the Persons owning a Land Unit shall be entitled to rights of membership and of use and enjoyment appurtenant to ownership of a Land Unit. Membership in the Association shall be appurtenant to, and may not be separated from, ownership of a Land Unit. If title to a Land Unit is held by more than one Person, such Persons shall appoint and authorize one Person or alternate Persons to represent the Owners of the Land Unit pursuant to the Bylaws, and there shall be a single registered address for each Land Unit, as applicable, for notice and delivery purposes.

Section 7.2. <u>Voting Rights and Meetings</u>. Each Land Unit in the Project shall have the votes allocated in accordance with Section 4.2; provided, however, no vote allocated to a Land Unit owned by the Association may be cast. Cumulative voting shall not be allowed in the election of the Board of Directors or for any other purpose. The voting power required for any action or determination shall be calculated in accordance with the Bylaws. A meeting of the Association shall be held at least once each year, and special meetings of the Association may be called in accordance with the Bylaws.

Section 7.3. Meeting to Approve Annual Budget. Prior to the first annual meeting of the Association, and thereafter at the annual meeting of the Association or at a special meeting of the Association called for such purpose, the Owners shall be afforded the opportunity to review the Budget proposed by the Board of Directors. Only the members of the Board of Directors will be entitled to vote to approve the Budgets. If for any reason the Owners are unable to elect the members of the Board of Directors, then the remaining members of the Board of Directors will be authorized to approve the Budget. A summary of the proposed Budgets approved by the Board of Directors shall be delivered to the Owners within ninety (90) days after approval by the Board of Directors along with a notice of a meeting of the Association to be held not fewer than ten (10) nor more than fifty (50) days after delivery of the summary to the Owners. Unless at the meeting at least seventy-five percent (75%) of the Total Voting Power reject the proposed Budgets, as applicable, such Budget shall be deemed ratified whether or not a quorum is present at the meeting. In the event a proposed Budget is rejected, the then existing Budget shall continue in effect until such time as a subsequent Budget is proposed by the Board of Directors and is not rejected in accordance with the above procedures.

Section 7.4. <u>Transfer Information</u>. All Persons who acquire Land Unit(s) other than from Declarant shall provide written notice of the transfer, together with all information required under the Bylaws and/or the Rules and Regulations, to the Association within ten (10) days after the date of transfer. Such Person shall also provide a true and correct copy of the recorded instrument conveying or transferring the Land Unit or such other evidence of the conveyance or transfer as is reasonably acceptable to the Association. The Association or Managing Agent shall have the right to charge the Person a reasonable administrative fee for processing the transfer in the records of the Association.

Section 7.5. <u>Declarant Control of the Association</u>. There shall be a Period of Declarant Control of the Association, during which Declarant, or Persons designated by Declarant, may appoint and remove the officers of the Association and the members of the Board of Directors. The Period of Declarant Control shall commence upon filing of the Articles of Incorporation and shall terminate sixty (60) days after Declarant's conveyance of seventy-five percent (75%) the Land Units to Land Unit Owners other than Declarant.

Declarant may voluntarily surrender the right to appoint and remove officers and members of the Board of Directors before the termination of the Period of Declarant Control, but in that event, Declarant may require, for the duration of the Period of Declarant Control, that specified actions of the Association or Board of Directors, as described in a recorded instrument executed by Declarant, be approved by Declarant before they become effective.

Section 7.6. Required Election of Owners. Not later than sixty (60) days after conveyance of twenty-five percent (25%) of the Land Units that may be created by Declarant to Owners other than Declarant, at least one (1) member and not fewer than twenty-five percent (25%) of the members of the Board of Directors shall be elected by Owners other than Declarant. Not later than sixty (60) days after conveyance of fifty percent (50%) of the Land Units that may be created by Declarant to Owners other than Declarant, not fewer than fifty percent (50%) of the members of the Board of Directors must be elected by Owners other than Declarant.

For the avoidance of doubt, the foregoing restrictions on Declarant are not intended to restrict the Declarant, to the extent it then owns one or more Land Units, from voting or from running for the Board of Directors as a Land Unit Owner. Not later than the termination of the Period of Declarant Control, the Owners shall elect all members of the Board of Directors, at least a majority of whom shall be Owners other than Declarant or Designated Representatives of Owners other than Declarant.

The Board of Directors shall elect the officers. The members of the Board of Directors and officers shall take office upon election. Each member of the Board of Directors shall serve for the term specified in the Bylaws and may be removed only in accordance with the Bylaws.

Section 7.7. Requirements for Turnover of Declarant Control. Within sixty (60) days after the Owners other than Declarant elect a majority of the members of the Board of Directors, Declarant shall deliver to the Association (a) all property of the Owners and of the Association held by or controlled by Declarant, and (b) the documents, information, funds and other items required by Section 38-33.3-303(9) of the Act, as further specified in the Bylaws (to the extent they are in Declarant's possession or control).

#### **ARTICLE 8 ASSOCIATION POWERS AND DUTIES**

Section 8.1. Association Management Duties. Subject to the rights and obligations of Declarant and other Owners as set forth in this Declaration, the Association shall be responsible for the administration and operation of the Project and for the exclusive management, control, maintenance, repair, replacement, and improvement of the Common Elements. The Association shall keep the same in good, clean, attractive, and sanitary condition, order, and repair. The expenses, costs, and fees of such management, operation, maintenance, and repair by the Association shall be paid from the Assessments, and prior approval of the Owners shall not be required for the Association to pay any such expenses, costs, and fees. The Association shall establish and maintain, out of the installments of the annual Assessments, an adequate reserve account for maintenance, repair, or replacement of those Common Elements that must be maintained, repaired and/or replaced on a periodic basis. The Association shall adopt and amend, annually and in accordance with the provisions hereof, a Budget which will be the basis for collection of Assessments from Owners. The Association shall keep financial records sufficiently detailed to enable the Association to comply with the requirement to provide statements of status of Assessments, as described in Section 9.12. All financial and other records of the Association shall be made reasonably available for examination by any Owner and such Owner's authorized agents and requesting First Mortgagees, all in accordance with the Condominium Documents.

Section 8.2. Association Powers. The Association shall have, subject to the limitations contained in this Declaration, the Bylaws, and the Act, all powers necessary or appropriate for the administration of the affairs of the Association and the upkeep of the Project, which shall include, but not be limited to, the following:

- (a) Adopt and amend the Bylaws and the Rules and Regulations;
- (b) Adopt and amend the Budgets;
- (c) Collect Assessments from Owners;

- (d) Suspend the voting interests allocated to a Land Unit, and the right of an Owner to cast such votes, or by proxy the votes of another, during any period in which such Owner is in default in the payment of any Assessment, or during any time in which an Owner is in violation of any other provision of the Condominium Documents;
- (f) Institute, defend or intervene in litigation or administrative proceedings or seek injunctive relief for violations of the Condominium Documents in the Association's name, on behalf of the Association or on behalf of two or more Owners in matters affecting the Project;
  - (g) Adjust and settle insurance claims;
- (h) Receive notices, join in any litigation or administrative proceeding, and execute any and all documents in the Association's name, on behalf of the Association, or on behalf of the two or more Owners, in connection with any change in zoning, annexation, subdivision approval, building permit, or other type of governmental approval required to accomplish or maintain the purposes of the Association;
  - (i) Make contracts and incur liabilities;
- (j) Regulate the use, maintenance, repair, replacement, and modification of all Common Elements, all Association property within the Project or any property which serves the Project but which is outside its boundaries;
- (k) Establish policies and procedures for entry into Land Units under authority granted to the Association in the Condominium Documents for the purpose of cleaning, maintenance and repair (including emergency repair) and for the purpose of abating a nuisance, or a known or suspected dangerous or unlawful activity;
  - (I) Cause additional improvements to be made as a part of the Common Elements;
  - (m) Acquire, hold, encumber and convey, in the Association's name, any right, title or interest to real estate or personal property (provided that Common Elements may be conveyed or subjected to a Security Interest only pursuant to Section 38-33.3-312 of the Act);
- (n) Grant easements, including permanent easements, and grant leases, licenses and concessions, through or over the Common Elements;
- (o) Impose and receive a payment, fee, or charge for (i) services provided to Owners, and (ii) for the use, rental or operation of the Common Elements.
- (p) Establish from time to time, and thereafter impose, charges for late payment of Assessments or any other sums due and, after notice and hearing, levy a Fine for a violation of the Condominium Documents;
- (q) Impose a reasonable charge for the preparation and recording of amendments to the Declaration or statements of unpaid Assessments and for services provided to Owners;
- (r) Recover Costs of Enforcement for collection of Assessments and other actions to enforce the powers of the Association, regardless of whether or not suit was initiated;

- (s) Exercise any other power necessary or proper for the governance and operation of the Association.
- Section 8.3. <u>Board of Directors Meetings</u>. All meetings of the Board of Directors at which action is to be taken by vote, will be open to the Owners, and agendas for meetings of the Board of Directors shall be made reasonably available for examination by all members of the Association or their representatives except as set forth in the Bylaws.

Section 8.4. Right to Notice and Hearing. Whenever the Condominium Documents require that an action be taken after "notice and hearing," the following procedure shall be observed: The party proposing to take the action (e.g., the Board of Directors, a committee, an officer, a Managing Agent, etc.) shall give notice of the proposed action to all Owners whose interests the proposing party reasonably determines would be significantly affected by the proposed action. The notice shall be given not less than three (3) days before the proposed action is to be taken. The notice shall include a general statement of the proposed action and the date, time and place of the hearing. At the hearing, the affected Person shall have the right, personally or by a representative, to give testimony orally and/or in writing, subject to reasonable rules of procedure established by the party conducting the hearing to assure a prompt and orderly resolution of the issues. Such evidence shall be considered in making the decision but shall not bind the decision makers. The affected Person shall be notified of the decision in the same manner in which notice of the hearing was given. Any Owner having a right to notice and hearing shall have the right to appeal to the Board of Directors from a decision of a proposing party other than the Board of Directors by filing a written notice of appeal with the Board of Directors within ten (10) days after being notified of the decision. The Board of Directors shall conduct a hearing within forty-five (45) days, giving the same notice and observing the same procedures as were required for the original hearing.

#### **ARTICLE 9 ASSESSMENTS**

- Section 9.1. <u>Commencement of Annual Assessments</u>. Until the Association makes an Assessment for Common Expenses, Declarant shall pay all Common Expenses. Once the Association makes an Assessment for a portion of the Common Expenses, the Owners and Land Units to which the applicable Common Elements are appurtenant shall be responsible for Assessments of such Common Expenses and the Declarant shall continue to pay any remaining Common Expenses until the Association makes an Assessment for such remaining Common Expenses. After any Assessment has been made by the Association, Assessments shall be made no less frequently than annually and shall be based on the Budget.
- Section 9.2. <u>Annual Assessments</u>. The Association shall levy annual Assessments to pay for the Common Expense Liability allocated to each Land Unit pursuant to this Declaration. The total annual Assessments shall be based upon the Budget. Any surplus funds of the Association remaining after payment of or provision for Common Expenses and after any prepayment of or provision for reserves, as determined by the Board of Directors, shall be refunded to the Owners in proportion to their Common Expense Liability or credited to them to reduce their future Assessments for Common Expenses, as determined by the Board of Directors in its discretion.

Section 9.3. Apportionment of Annual Assessments. The total annual Assessments for any fiscal year of the Association shall be assessed to the Land Units in proportion to their percentage of Common Expense Liability as allocated pursuant to Section 4.2, subject to: (a) Common Expenses which are separately metered or assessed to the Land Units by third parties or pursuant to service agreements with third parties; (b) General Common Expenses shall be assessed against each Land Unit as set forth on Exhibit B; (c) Common Expenses or portions thereof benefiting fewer than all of the Land Units which shall be assessed exclusively against the Land Units benefited, and Common Expenses or portions thereof which benefit certain Land Units more than others which shall be allocated in proportion to such benefit; (d) any increased cost of insurance based upon risk which shall be assessed to Land Units in proportion to the risk; (e) any Common Expense caused by the misconduct of any Owner(s) or their Occupants, which may be assessed exclusively or on such other equitable basis as the Board of Directors shall determine against such Owner(s); and (f) any expenses which are otherwise charged equally to the Land Units. All such allocations of Common Expense Liability to the Land Units on a basis other than the Land Units' percentage of Common Expense liability shall be determined by the Board of Directors.

Section 9.4. <u>Special Assessments</u>. In addition to the annual Assessments authorized above, the Board of Directors may at any time and from time to time determine, levy, and assess in any fiscal year a special Assessment applicable to that particular fiscal year (and for any such longer period as the Board of Directors may determine) for the purpose of defraying, in whole or in part, the unbudgeted costs, fees, and expenses of any construction, reconstruction, repair, demolishing, replacement, renovation or maintenance of the Project, specifically including any fixtures and personal property related to it and any other unbudgeted or unanticipated costs of the Association. Any amounts determined, levied, and assessed pursuant to this Declaration shall be assessed to the Land Units pursuant to the provisions in Section 7.3, Section 9.2 and Section 9.3 above.

Section 9.5. Due Dates for Assessment Payments. Unless otherwise determined by the Board of Directors, the Assessments which are to be paid in installments shall be paid quarterly in advance and shall be due and payable to the Association at its office or as the Board of Directors may otherwise direct in any Management Agreement, without notice (except for the initial notice of any special Assessment), on the date and in the installments determined by the Board of Directors, as set forth in the Rules and Regulations. The Board of Directors may establish different installments for different types of Land Units or for Owners of multiple Land Units of any type. If any such installment shall not be paid when due and payable, then the Board of Directors may assess a late charge, default interest charge (not to exceed the rate from time to time allowed by Section 38-33.3-315 of the Act or other Applicable Law), fee, or such other charge as the Board of Directors may fix by rule from time to time to cover the extra expenses involved in handling such delinquent Assessment installment. An Owner's Assessment shall be prorated if the ownership of a Land Unit commences or terminates on a day other than the first day or last day, respectively, of the applicable payment period. However, if the Common Expense Liability is re-allocated in accordance with this Declaration, any installment(s) of an Assessment not yet due shall be recalculated to reflect the re-allocated Common Expense Liability.

Section 9.6. <u>Default Assessments</u>. All Costs of Enforcement assessed against an Owner pursuant to the Condominium Documents, any Fines, and any expense of the Association which is the obligation of an Owner pursuant to the Condominium Documents and is not paid when due shall become a Default Assessment assessed against the Owner's Land Unit.

Section 9.7. Covenant of Personal Obligation for Assessments. Declarant, by creating the Land Units pursuant to this Declaration, and all other Owners, by acceptance of the Deed or other instrument of transfer of such Owner's Land Unit (whether or not it shall be so expressed in such Deed or other instrument of transfer), are deemed to personally covenant and agree with all other Owners and with the Association, and hereby do so covenant and agree to pay to the Association the (a) annual Assessments, (b) special Assessments, and (c) Default Assessments applicable to the Owner's Land Unit. No Owner may waive or otherwise escape personal liability for the payment of the Assessments provided for in this Declaration by not using the Common Elements or the facilities located on or in the Common Elements or by abandoning or leasi.ng such Owner's Land Unit.

Section 9.8. Lien for Assessments; Assignment of Rents. All Assessments (including installments of the Assessments) arising under the provisions of the Condominium Documents shall be burdens running with, and a perpetual lien in favor of the Association upon, the specific Land Unit to which such Assessments apply. To further evidence such lien upon a specific Land Unit, the Association may prepare a written lien notice setting forth the description of the Land Unit, the amount of Assessments on the Land Unit unpaid as of the date of such lien notice, the rate of default interest as set by the Rules and Regulations, the name of the Owner or Owners, and any and all other information that the Association may deem proper. The lien notice shall be signed by a member of the Board of Directors, an officer of the Association, or the Managing Agent and shall be recorded in the Records. Any such lien notice shall not constitute a condition precedent or delay the attachment of the lien, but such lien is a perpetual lien upon the Land Unit and attaches without notice at the beginning of the first day of any period for which any Assessment is levied. Upon any default in the payment of any Assessments, the Association shall also have the right to appoint a receiver to collect all rents, profits, or other income from the Land Unit payable to the Owner and to apply all such rents, profits, and income to the payment of delinquent Assessments. Each Owner, by ownership of a Land Unit, agrees to the assignment of such rents, profits and income to the Association effective immediately upon any default in the payment of annual, special, or Default Assessments.

Section 9.9. Remedies for Nonpayment of Assessments. If any Assessment (or any installment of the Assessment) is not fully paid when due, then as often as the same may happen, default interest, late charges, and Costs of Enforcement will accrue as set forth in the Rules and Regulations. In addition, if any Assessment (or any installment of the Assessment) is not fully paid within thirty (30) days after the same becomes due and payable, then as often as the same may happen, (a) the Association may declare due and payable all unpaid installments of the annual Assessment or any special Assessment otherwise due during the fiscal year during which such default occurred, (b) the Association may thereafter bring an action at law or in equity, or both, against any Owner personally obligated to pay the same, (c) the Association may proceed to foreclose its lien pursuant to the power of sale granted to the Association by this Declaration or in the manner and form provided by Colorado law for foreclosure of real estate mortgages, (d) the Association may suspend the Owner's right to vote in Association matters until the Assessment is paid, and (e) the Association may pursue any other remedies available pursuant to the Condominium Documents or Applicable Law. An action at law or in equity by the Association (or counterclaims or cross-claims for such relief in any action) against an Owner to recover a money judgment for unpaid Assessments (or any installment thereof) may be commenced and pursued by the Association without foreclosing or in any way waiving the Association's lien for the Assessments.

Foreclosure or attempted foreclosure by the Association of its lien shall not be deemed to estop or otherwise preclude the Association from again foreclosing or attempting to foreclose its lien for any subsequent Assessments (or installments thereof) which are not fully paid when due or for any subsequent Default Assessments. The Association shall have the power and right to bid in or purchase any Land Unit at foreclosure or other legal sale and to acquire and hold, lease, mortgage, and to convey, or otherwise deal with the Land Unit acquired in such proceedings.

Section 9.10. Purchaser's Liability for Assessments. Notwithstanding the personal obligation of each Owner to pay all Assessments on a Land Unit, and notwithstanding the Association's perpetual lien upon a Land Unit for such Assessments, all purchasers of a Land Unit shall be liable with the prior Owner(s) of such Land Unit for any and all unpaid Assessments against such Land Unit, without prejudice to any such purchaser's right to recover from any prior Owner any amounts paid thereon by such purchaser. A purchaser's obligation to pay Assessments shall commence upon the date the purchaser becomes the Owner. For Assessment purposes, the date a purchaser becomes the Owner shall be determined as follows: (a) in the event of a conveyance or transfer by foreclosure, the date a purchaser becomes the Owner shall be deemed to be upon the expiration of all applicable redemption periods; (b) in the event of a conveyance or transfer by deed in lieu of foreclosure a purchaser shall be deemed to become the Owner of the Land Unit upon the execution and delivery of the deed or other instruments conveying or transferring title to the Land Unit, irrespective of the date the deed is recorded; and (c) in the event of conveyance or transfer by Deed, a purchaser shall be deemed to become the Owner upon the execution and delivery of the Deed or other instruments conveying or transferring title of the Land Unit, irrespective of the date the Deed is recorded. However, such purchaser shall be entitled to rely upon the existence and status of unpaid Assessments as shown upon any ce11ificate issued by or on behalf of the Association to such named purchaser pursuant to the provisions of this Declaration.

Section 9.11. <u>Waiver of Homestead Exemption; Subordination of Association's Lien for Assessments</u>. By acceptance of the Deed or other instrument of transfer of a Land Unit, each Owner irrevocably waives the homestead exemption provided by Part 2, Article 41, Title 38, Colorado Revised Statutes, as amended. The Association's perpetual lien on a Land Unit for Assessments shall be superior to all other liens and encumbrances except the following:

- (a) real property ad valorem taxes and special assessment liens duly imposed by a Colorado governmental or political subdivision or special taxing district, or any other liens made superior by statute;
- (b) the lien of any First Mortgagee except to the extent the Act grants priority for Assessments to the Association.

Any First Mortgagee who acquires title to a Land Unit by virtue of foreclosing a First Mortgagee or by virtue of a Deed or assignment in lieu of such a foreclosure, or any purchaser at a foreclosure sale of the First Mortgage, will take the Land Unit free of any claims for unpaid Assessments and Costs of Enforcement against the Land Unit which accrue prior to the time such First Mortgagee acquires title to the Land Unit except to the extent the amount of the extinguished lien may be reallocated and assessed to all Land Units as a Common Expense and except to the extent the Act grants lien priority for Assessments to the Association.

All other Persons not holding liens described in this Section and obtaining a lien or encumbrance on any Land Unit after the recording of this Declaration shall be deemed to consent that any such lien or encumbrance shall be subordinate and inferior to the Association's lien for Assessments and Costs of Enforcement as provided in this Article, whether or not such consent is specifically set forth in the instrument creating any such lien or encumbrance.

The sale or other transfer of any Land Unit shall not affect the Association's lien on such Land Unit for Assessments due and owing prior to the time such purchaser acquired title and shall not affect the personal liability of each Owner who shall have been responsible for the payment thereof except (a) as provided above with respect to First Mortgagees, (b) in the case of foreclosure of any lien enumerated in this Section, and (c) as provided in the next Section. Further, no such sale or transfer shall relieve the purchaser of a Land Unit from liability for, or the Land Unit from the lien of, any Assessments made after the sale or transfer.

Section 9.12. <u>Statement of Status of Assessments</u>. Within fourteen (14) calendar days after receipt of written notice to the Managing Agent or, in the absence of a Managing Agent, to the Board of Directors and payment of a reasonable fee set from time to time by the Board of Directors as set forth in the Rules and Regulations, any Owner, holder of a Security Interest, prospective purchaser of a Land Unit or their designees shall be furnished a statement of the Owner's account setting forth:

- (a) the amount of any unpaid Assessments then existing against a pm1icular Land Unit;
- (b) the amount of the current installments of the annual Assessment and the date that the next installment is due and payable;
- (c) the date(s) for payment of any installments of any special Assessments outstanding against the Land Unit; and
- (d) any other information, deemed proper by the Association, including the amount of any delinquent Assessments created or imposed under the terms of this Declaration.

Upon the issuance of such a certificate signed by a member of the Board of Directors, by an officer of the Association, or by a Managing Agent, the information contained therein shall be conclusive upon the Association as to the Person or Persons to whom such certificate is addressed and who rely on the certificate in good faith.

Section 9.13. <u>Liens</u>. Except for Assessment liens as provided in this Declaration, mechanics' liens (except as prohibited by this Declaration), tax liens, judgment liens and other liens validly arising by operation of law, and liens arising under Security Interests, there shall be no other liens obtainable against the Common Elements or against the interest of any Owner in the Common Elements (except a Security Interest in the Common Elements that may be granted by the Association pursuant to the requirements of the Act).

Section 9.14. Annual Capital Reserve Assessments for the Playground and Futsal Field. The Association shall create and maintain a Capital Reserve Fund for the maintenance and or replacement of the playground and futsal field as shown on the Map. The futsal field surface has an expected service life of 15 years and expected replacement cost of \$50,000, requiring an annual replacement reserve of \$3,500. The playground equipment budget is \$75,000 has an expected life of 50 years, however the replacement fund will be based on 25 years with an annual replacement reserve of \$3,500. The Association shall levy assessments annually in the amount of \$6500.00 for this purpose. The capital replacement obligation is ongoing.

#### **ARTICLE 10 MAINTENANCE RESPONSIBILITY**

# Section 10.1. Rights and Duties of Owners.

- (a) Except as may be provided in the purchase and sale agreement or other conveyancing documents executed by Declarant in connection with sales to initial purchasers of the Land Units, each Owner shall have the exclusive right to develop their Land Unit pursuant to the conditions of the Subdivision Approval Documents and to further condominiumize units.
- (b) The Owner of any Land Unit shall, at the Owner's expense, maintain and keep in repair all fixtures, equipment, and utilities installed and included within in a Land Unit area and in addition maintain and repair them to the point where the fixtures, equipment, utility lines and other utilities are publicly owned or owned by the utility company. An Owner shall not allow any action or work that will impair the Common Elements or the integrity of the Improvement(s), or impair any easement or hereditament. Without limiting the generality of the foregoing, with respect to any utility line, cable, conduit, pipe or similar improvement serving a Land Unit, the Owner of that Land Unit shall be responsible for its maintenance and where such improvements run on or under the Common Elements and serve only that Owner's Land Unit. These clarifying provisions are not intended to and shall not be deemed to expand or alter the obligations of Owners or the Association, as applicable, with respect to utility providers or other service providers, or the rights of the Association with respect to the Common Elements. Each Owner shall be responsible for routine maintenance and care of the Owner's Land Unit, and for keeping the same in a good, clean, sanitary, and attractive condition

Section 10.2. Owner's Negligence. Except as expressly provided in ARTICLE 16, regarding insurance, in the event that the need for maintenance, repair, or replacement of all or any portion of the Project is caused through or by the negligent or willful act or omission of an Owner or Occupant, then the expenses incurred by the Association for such maintenance, repair, or replacement shall be a personal obligation of such Owner; and, if the Owner fails to repay the expenses incurred by the Association within seven days after notice to the Owner of the amount owed, then the failure to so repay shall be a default by the Owner, and such expenses shall automatically become a Default Assessment determined and levied against such Land Unit, enforceable by the Association in accordance with this Declaration.

Section 10.3. <u>Association's Duty to Maintain Common Elements</u>. The Association shall maintain and repair the General Common Elements in a fashion that the use of the improvements is safe and functional and the improvements are in a good, clean and sanitary condition.

#### **ARTICLE 11 MECHANICS' LIENS**

Section 11.1. Mechanics' Liens. Subsequent to recording of this Declaration and the filing of the Map in the Records, no labor performed or materials furnished for use and incorporated in any Land Unit with the consent of or at the request of the Owner or the Owner's agent, contractor or subcontractor, shall be the basis for the filing of a lien against a Land Unit of any other Owner not expressly consenting to or requesting the same, or against any interest in the Common Elements except as to the undivided interest therein attendant to the Land Unit of the Owner for whom such labor shall have been performed or such materials shall have been furnished. Each Owner shall indemnify and hold harmless each of the other Owners and the Association from and against any liability or loss arising from the claim of any mechanics' lien or for labor performed or for materials furnished in work on such Owner's Land Unit, against the Land Unit of another Owner or against the Common Elements, or any part thereof.

Section 11.2. Enforcement by the Association. At its own initiative or upon the written request of any Owner, if the Association determines that further action by the Association is proper, the Association shall enforce the indemnity provided by the provisions of this ARTICLE 11 by collecting from the Owner of the Land Unit on which the labor was performed or materials furnished the amount necessary to discharge by bond or otherwise any such mechanics' lien, to pay all costs and reasonable attorneys' fees incidental to the lien, and to obtain a release of such lien. If the Owner of the Land Unit on which the labor was performed or materials furnished refuses or fails to indemnify within five (5) days after the Association shall have given notice to such Owner of the total amount of the claim, then the failure to so indemnify shall be a default by such Owner under the provisions of this ARTICLE 11, and such amount to be indemnified shall automatically become a Default Assessment determined and levied against such Land Unit, and enforceable by the Association pursuant to this Declaration.

#### **ARTICLE 12 USE RESTRICTIONS**

Section 12.1. <u>Use and Occupancy of Land Units</u>. Except for uses reserved to Declarant in ARTICLE 14 entitled "Special Declarant Rights and Additional Reserved Rights," all Land Units shall be used based on the Uses contained as conditions in the Subdivision Approval Documents. Each Owner shall be entitled to the exclusive ownership and possession of his or her Land Unit, subject to the rights of the Declarant and the Association provided in this Declaration. Each Land Unit shall be used and occupied only as designated residential and commercial purposes and for home operated businesses, so long as such business is (i) allowed by zoning resolutions; (ii) is not apparent or detectable by sight, sound, or smell from the exterior of the Land Unit, (iii) does not increase traffic within the Project; and (iv) does not increase the insurance obligation or premium of the Association. The Project is a mixed-use Project and as such Owners, lessees, residents and users of the Common Elements and Land Units will experience the types of activity, noise, and fumes, that are common in mixed use settings including outdoor events.

Section 12.2. <u>Leasing and Occupancy of Land Units</u>. Except as otherwise restricted herein or in the Rules and Regulations, an Owner may rent or lease such Land Unit(s) to others and may otherwise use its Land Unit(s) for any purpose that does not cause unreasonable disturbance to other Owners and which are permitted by the Condominium Documents and Applicable Law.

Section 12.3. <u>Compliance with Laws, Ordinances, and Association Documents</u>. No Land Unit shall be used for any purpose not permitted by the zoning ordinances of the Town of Carbondale, this Declaration, or not in compliance with any local, state or federal law, statue or other ordinance, regulation or rule or conditions contained within the Subdivision Approval Documents as defined in Section 2.52.

Section 12.4. <u>Use of Common Elements.</u> There shall be no obstruction of the Common Elements, nor shall anything be kept or stored on any part of the Common Elements by any Owner without the prior written approval of the Board of Directors. Nothing shall be altered on, constructed in, or removed from the Common Elements by any Owner without the prior written approval of the Board of Directors. Owners and Occupants shall not disturb, damage, or have access to, certain restricted access areas in the Common Elements such as those specified in Section 13.1 and any other areas so designated on the Map or in the Rules and Regulations. The general public shall have the use of the Public Park Easement Area described in Section 13.12 below and as shown on the Map.

Section 12.5. Prohibition of Increases in Insurable Risks and Certain Activities. Nothing shall be done or kept in any Land Unit or in or on the Common Elements, or any part thereof, which would result in the cancellation of the insurance on all or any part of the Project or in an increase in the rate of the insurance on all or any part of the Project over what the Association, but for such activity, would pay, without the prior written approval of the Board of Directors. Nothing shall be done or kept in any Land Unit or in or on the Common Elements which would be in violation of any Applicable Law. No damage to or waste of the Common Elements shall be committed by any Owner or Occupant, and each Owner shall indemnify and hold the Association and the other Owners harmless against all loss resulting from any such damage or waste caused by such Owner or an Occupant of such Owner's Land Unit (including all Costs of Enforcement incurred in the defense of claims arising by reason of this Section or incurred in establishing the right to indemnification). Failure to so indemnify shall be a default by such Owner under this Section and shall give rise to a Default Assessment against such Owner's Land Unit. At its own initiative or upon the written request of any Owner, if the Association determines that further action by the Association is proper, the Association shall enforce the foregoing indemnity as a Default Assessment levied against such Land Unit.

Section 12.6. <u>Structural Alterations.</u> No structural alterations shall be to any Common Element and, except if and to the extent expressly required to be permitted under the Act, shall be made or caused to be made by any Land Unit Owner without the prior written approval of Declarant during the Period of Declarant Control and, thereafter, the Board of Directors. The Association may promulgate Rules and Regulations establishing procedures for the approvals required by this Section 12.6 consistent with the Subdivision Approval Documents.

Section 12.7. Restriction on Signs. No signs, billboards, posterboards, or advertising structure of any kind shall be displayed, erected, or maintained for any purpose whatsoever except such signs as have been approved by Declarant during the Period of Declarant Control and, thereafter, the Board of Directors, except those expressly required to be permitted under the Act (such as certain flags and political signs), if any. Such approval shall be given only if such signs are of attractive design and as small a size as reasonably possible and shall be placed or located as directed or approved by the Board of Directors. Any signs which are permitted under the foregoing restrictions shall be erected or maintained only if and to the extent they are in compliance with all Applicable Laws.

Section 12.8. Restrictions on Use of Parking. Unless written permission is granted by the Board of Directors, (a) no parking shall be permitted at any location on the Common Elements unless specifically designated for parking by the Association. Without limiting the generality of the powers of the Association with respect to parking, the Association may promulgate Rules and Regulations governing parking that are consistent with the Town of Carbondale's Subdivision Land Use Approval Conditions, and the Association is specifically authorized, but not obligated, to (i) remove any abandoned or inoperable vehicle, any vehicle parked in any area not designated for parking, any prohibited type of vehicle, any vehicle parked in any space that is assigned to another Person or reserved for a specific use, or any vehicle parked in an obstructing or hazardous manner, except if and to the extent such parking of such vehicle is expressly required to be permitted under the Act, and (ii) remove any improperly stored or hazardous materials, in all cases at the expense of the Owner or Occupant that owns such vehicle or materials. Expenses incurred by the Association in connection with such removal (and storage, if necessary) shall be a personal obligation of such Owner and, if the Owner fails to pay such amount within seven (7) days after notice to the Owner of the amount owed, then the failure to pay shall be a default by the Owner and such expenses shall automatically become a Default Assessment determined and levied against such Land Unit enforceable by the Association as provided in this Declaration. Notwithstanding the foregoing provisions of this Section, Declarant reserves for itself and its agents and designees an easement to go across and to use, and nothing herein shall be construed to prevent Declarant's and its agents' and designees' use of, parking spaces or Common Elements to park vehicles and equipment necessary or desirable for the development and construction of improvements within the Property and/or to park vehicles in parking spaces for other purposes during the period of Declarant's reserved Development Rights.

Section 12.9. <u>No Limitation on Reserved Declarant Rights</u>. Nothing set forth in this Section 12.10 shall interfere with the Reserved Declarant Rights or with Declarant's right or ability to exercise its rights reserved hereunder, including the Reserved Declarant Rights.

# **ARTICLE 13 EASEMENTS**

Section 13.1. <u>Easement of Enjoyment; Common Elements</u>. Every Owner shall have a perpetual non-exclusive right and easement for the use and enjoyment of, and for access over, across, and upon, any portion of the Common Elements designated for common use, which includes the benefit of a non-exclusive easement of access over, across and upon the Common Elements for the purpose of access to and from the Land Unit from public ways for both pedestrian and, where appropriate, vehicular travel, which right and easement shall be appurtenant to and pass with the transfer of title to such Land Unit; provided, however, that such right and easement shall be subject to the following:

- (a) the covenants, conditions, restrictions, easements, reservations, rights-of-way, and other provisions contained in this Declaration, and the Map;
- (b) the right of the Association from time to time to assign on an equitable basis portion of the Common Elements such as parking spaces or storage for the exclusive use of the Owner of a particular Land Unit by a resolution of the Board or other appropriate written instrument;
- (c) the right of the Association to adopt, from time to time, Rules and Regulations concerning vehicular traffic and travel upon, in, under, and across the Project;

- (d) the right of the Association to adopt, from time to time, such Rules and Regulations concerning the Project as the Association may determine are necessary or prudent for the management, preservation, safety, control, orderly operation, or use of the Project for the benefit of all Owners; and
- (e) the agreement of all Owners, pursuant to this Declaration, to use reasonable and good faith efforts not to interfere with the use and enjoyment of other Owners of the Common Elements and such other Owners' respective Land Units.
- Section 13.2. Recorded Easements. The Property shall be subject to any easements as shown on any recorded Map affecting the Property, as shown on the recorded Map, or as reserved or granted under this Declaration including the Plat of the Subdivision.
- Section 13.3. <u>Easements for Encroachments</u>. The Project, and all portions of it, is subject to easements hereby created for encroachments between Land Units and the Common Elements as follows:
  - (a) in favor of all Owners, so that they shall have no legal liability when any part of the Common Elements encroaches upon a Land Unit;
  - (b) in favor of each Owner, so that the Owner shall have no legal liability when any part of such Owner's Land Unit encroaches upon the Common Elements or upon another Land Unit; and
  - (c) in favor of all Owners, the Association, and the Owner of any encroaching Land Unit for the maintenance and repair of such encroachments.

Encroachments referred to in this Section 13.4 include, but are not limited to, encroachments caused by error or variance from the original plans in the construction of the Improvements or any Land Unit constructed on the Property, by error in the Map, by settling, rising, or shifting of the earth, or by changes in position caused by repair or reconstruction of any part of the Project. Such encroachments shall not be considered to be encumbrances upon any part of the Project; provided, however, that encroachments created by the intentional act of an Owner shall not be deemed to create an easement on the Property and shall be considered an encroachment upon the Project. Such encroachment shall be removed at Owner's expense immediately upon notice from the Association. In the event such encroachment is not timely removed, the Association may remove the encroachment and the expense thereof shall be a Default Assessment to the Owner.

Section 13.4. <u>Utility Easements</u>. There is hereby created a general non-exclusive easement upon, across, over, in, and under all of the Land Units and Common Elements for the purpose of installation, replacement, repair, and maintenance of all utilities and services for the Owners, including but not limited to water, sewer, gas, telephone, electricity, security systems, cable television, cable, and other communication systems, and for ingress and egress in connection therewith. By virtue of this easement, it shall be expressly permissible and proper for the companies providing such utilities to erect and maintain the necessary equipment on the Common Elements and to affix and maintain electrical, communications, and telephone wires, circuits, and conduits under the Property.

Any utility or service company using this general easement shall (i) use its best efforts to install and maintain the utilities provided without disturbing the uses of other utilities, the Owners, the Association, or Declarant; (ii) complete its installation and maintenance activities as promptly as reasonably possible; and (iii) restore the surface to its original condition as soon as possible after completion of its work. Should any utility or service company furnishing a service covered by this general easement request a specific easement by separate recordable document, Declarant and the Association (subject to Declarant's approval during the Period of Declarant Control), shall each have the right and authority, but not the obligation, to grant such easement upon, across, over, or under any part or all of the Property without conflicting with the terms hereof. The easements provided for in this Section 13.5 shall in no way void, extinguish, or modify any other recorded easement on the Property.

Section 13.5. <u>Emergency Access Easement</u>. A general easement is hereby granted to all police, sheriff, fire protection, ambulance, and all other similar emergency agencies or Persons to enter upon the Property in the proper performance of their duties.

Section 13.6. <u>Maintenance Easement</u>. An easement is hereby granted to the Association and any Managing Agent and their respective officers, agents, employees and assigns upon, across, over, in, and under the Common Elements and a right to make such use of the Common Elements as may be necessary or appropriate to perform the duties and functions which they are obligated or permitted to perform pursuant to this Declaration.

Section 13.7. Easements of Access for Repair, Maintenance, and Emergencies. Some of the Common Elements are or may be located within the Land Units or may be conveniently accessible only through the Land Units. The Owners and the Association shall have the irrevocable right, to be exercised by the Association as the Owners' agent, to have access to each Land Unit and to all Common Elements from time to time during such reasonable hours as may be necessary for the maintenance, repair, removal, or replacement of any of the Common Elements therein or accessible therefrom or for making emergency repairs therein necessary to prevent damage to the Common Elements or to any Land Unit. Unless caused by the negligent or willful act or omission of an Owner or Occupant, damage to the interior of any part of a Land Unit resulting from the maintenance, repair, emergency repair, removal, or replacement of any of the Common Elements or as a result of emergency repair within another Land Unit at the instance of the Association or of the Owners shall be a Common Expense. In order to effectuate this right, the Association shall retain a pass key or other access device to each Land Unit and an Owner shall not change the exterior lock or other access system on its Land Unit without the Board's prior written consent and providing the Association with a replacement key or access device to accommodate the new lock or other access system.

Section 13.8. <u>Easements Deemed Created</u>. All conveyances of Land Units hereafter made, whether by Declarant or otherwise, shall be construed to grant and reserve the easements contained in this ARTICLE 13, even though no specific reference to such easements or to this ARTICLE 13 appears in the instrument for such conveyance.

- Section 13.9. <u>Easement for Warranty Work</u>. To the extent that and for as long as any Person remains liable under any warranty, whether statutory, express or implied, for any act or omission in the development or construction of any portion of the Project, then such Person and its contractors, agents and designees shall have the right, from time to time, to enter the Land Units (after reasonable notice to the affected Owner) and/or the Common Elements for the purpose of making any necessary inspections, tests, repairs, improvements and/or replacements required for such Person to fulfill any of its warranty obligations. Failure of the Association or any Owner to grant such access may result in the applicable warranty being nullified and of no further force or effect.
- Section 13.10. <u>Additional Easements</u>. In the event an additional easement is reasonably requested by an Owner or the Association for purposes consistent with the intent of this Declaration, each Owner and the Association, as applicable, will act reasonably and in good faith in evaluating the request and will not unreasonably withhold its consent to the granting of any such easement.
- Section 13.11. <u>Reciprocal Easements.</u> The Property is subject to the terms, agreements, provisions, conditions and obligations as contained in Reciprocal Easement Agreement recorded February 28, 2018 at Reception No. 903701 in the Records and costs associated with the agreement shall be paid by the Association and deemed a Common Expense.

Section 13.12 Public Park E	Easement. The Property is subject to the te	rms, agreements		
provisions, conditions and obligation	ons of a Public Park Easement Agreement v	with the Town of		
Carbondale recorded	, 2022, at Reception No	in the Records and		
costs associated with the Agreement shall be paid by the Association and deemed a common expense.				
The general public shall have acces	ss to and the use of the Public Park Easeme	ent Area as depicted on the		
Map.				

# ARTICLE 14 SPECIAL DECLARANT RIGHTS AND ADDITIONAL RESERVED RIGHTS

- Section 14.1. Special Declarant Rights. Declarant hereby reserves the right, from time to time, to perform the acts and exercise the rights hereinafter specified (the "Special Declarant Rights"). Declarant's Special Declarant Rights include the following:
  - (a) Completion of improvements. The right to complete Improvements indicated on the Map(s) filed with this Declaration.
  - (b) Exercise of Development Rights. The right to exercise any Development Right reserved in ARTICLE 15 of this Declaration.
  - (d) Easements. The right to create and grant easements through the Common Elements to any party for any purpose including, without limitation, for purposes of (i) making Improvements within the Project, and/or (ii) exercising any Reserved Declarant Rights.
  - (e) Control of Association and Board of Directors. During the Period of Declarant Control, the right to appoint or remove any officer of the Association or any member of the Board of Directors appointed by Declarant.
  - (f) Amendment of Declaration. The right to amend this Declaration in connection with the exercise of any Development Rights.

- (g) Amendment of Map. The right to amend the Map in connection with the exercise of any Development Rights.
- (h) Signs. The right to maintain signs on the Common Elements advertising the Project.
- (i) Parking/Storage. The right to use and to allow others to use all parking and storage areas in connection with its marketing efforts, and the right to park vehicles for other purposes in accordance with Section 12.9.
- Section 14.2. <u>Additional Reserved Rights</u>. In addition to the Special Declarant Rights set forth in Section 14.1 above, Declarant also reserves the following additional rights (the "Additional Reserved Rights"):
- (a) Easement Rights. The right to grant easements in, on, over or through the Common Elements to any third party for the development or improvement of the Property or other Real Estate, as determined by Declarant.
- (b) Other Rights. The right to exercise any Additional Reserved Right created by any other provision of this Declaration or the Act.
- Section 14.3. <u>Limitations on Special Declarant Rights and Additional Reserved Rights</u>. Special Declarant Rights and Additional Reserved Rights may be exercised at any time during the period described below in this Section unless sooner terminated (i) by an amendment to this Declaration executed by Declarant; (ii) pursuant to a specific provision for earlier termination set forth above; or (iii) if and to the extent otherwise required under the Act. Any Special Declarant Right or Additional Reserved Rights may be exercised by Declarant so long as Declarant (a) is obligated under any warranty or obligation; (b) holds a Development Right; (c) owns any Land Unit or any interest therein; or (d) holds a Security Interest in any Land Unit(s); provided, however, all Special Declarant Rights and Additional Reserved Rights shall terminate thirty (30) years after the date of recording this Declaration.
- Section 14.4. Interference with Special Declarant Rights or Additional Reserved Rights. Neither the Association nor any Owner may take any action or adopt any rule and/or regulation that will interfere with or diminish any Special Declarant Rights or Additional Reserved Rights without the prior written consent of Declarant.
- Section 14.5. Rights Transferable. Any Special Declarant Rights or Additional Reserved Right created or reserved under this ARTICLE 14 for the benefit of Declarant may be transferred, in whole or in part, to any Person by an instrument expressly describing the rights transferred and recorded in the Records. Such instrument shall be executed by the transferor Declarant and the transferee.

#### ARTICLE 15 RESERVATION OF DEVELOPMENT RIGHTS

Section 15.1. Amendment of Declaration. If Declarant elects to submit Additional Improvements to this Declaration, or to subdivide or to convey Land Units or Common Elements consistent with Town land use approvals, then at such time as a certificate of completion executed by an independent licensed or registered engineer, surveyor, or architect stating that all structural components of the Additional Improvements are substantially completed is obtained, Declarant shall record an amendment to this Declaration reallocating the Allocated Interests so that the Allocated Interests appurtenant to each Land Unit will be apportioned according to the total number of Land Units submitted to this Declaration. The amendment to this Declaration shall contain, at a minimum, the legal description of the Real Estate on which the Additional Improvements being submitted to this Declaration are located and a revised schedule of the Allocated Interests appurtenant to the Land Units in the Project.

Section 15.2. <u>Supplement to the Map</u>. Declarant shall, contemporaneously with the amendment of this Declaration, file a supplement to the Map showing the construction, combination, subdivision, conversion or allocation of Land Units or Common Elements allowed by this Article 15. The supplement to the Map shall substantially conform to the requirements contained in this Declaration.

Section 15.3. <u>Interpretation</u>. Recording of amendments to this Declaration and supplements to the Map in the Records shall automatically:

- (a) vest in each existing Land Unit the reallocated Allocated Interests appurtenant to such Land Unit; and
- (b) vest in each existing holder of a Security Interest a perfected Security Interest in the reallocated Allocated Interests appurtenant to the encumbered Land Unit.

Upon the recording of an amendment to this Declaration, the definitions used in this Declaration shall automatically be extended to encompass and to refer to the Property as expanded. The Additional Improvements constructed on the Property as expanded shall be added to and become a part of the Project for all purposes. All conveyances of Land Units after such expansion shall be effective to transfer rights in all Common Elements as expanded, whether or not reference is made to any amendment to this Declaration or supplement to the Map. Reference to this Declaration and Map in any instrument shall be deemed to include all amendments to this Declaration and supplements to the Map without specific reference thereto.

Section 15.4. <u>Construction Easement</u>. Declarant reserves an easement through, over and across the Common Elements and Land Units as may be reasonably necessary for the purpose of discharging Declarant's obligations and exercising Declarant's reserved rights in this Declaration without consent of any party. Such easement includes the right to construct underground utility lines, pipes, wires, ducts, conduits, and other facilities across the Property not designated as reserved for future development in this Declaration or on the Map for the purpose of furnishing utility and other services to buildings and Improvements to be constructed on any of the Property reserved for future development.

Declarant's reserved construction easement includes the right to grant easements to public utility companies and to convey improvements within those easements anywhere in the Common Elements not occupied by an Improvement containing Land Units. If Declarant grants any such easements, Exhibit C to this Declaration will be amended to include reference to the recorded easement.

Section 15.5. <u>Termination of Development Rights</u>. The Development Rights reserved to Declarant, for itself, its successors and assigns, shall expire thirty (30) years after the date of recording this Declaration in the Records, unless the Development Rights are reinstated or extended by the Association as provided in the Act, subject to whatever terms, conditions, and limitations the Board of Directors may impose on the subsequent exercise of Development Rights by Declarant. Declarant may at any time release and relinquish some or all of the Development Rights with respect to all or any part of the Real Estate subject to such rights by instrument executed by Declarant and effective when recorded in the Records. Upon the expiration or other termination of the Development Rights, any Real Estate then subject to such rights shall become Common Elements or Land Units, as applicable.

Section 15.6. <u>Interference With Development Rights</u>. Neither the Association nor any Owner may take any action or adopt any rule or regulation that will interfere with or diminish any Development Rights reserved by this ARTICLE 15 without the prior written consent of Declarant. In the event an Owner or the Association takes any such action, or is the losing party in any proceeding related to such action, then (in addition to all other remedies of Declarant) such Owner or the Association shall be responsible for Declarant's costs, including reasonable attorneys' fees, and shall also be responsible for any and all consequential damages, including damages as the result of any delay, related to such action. In the event an Owner or the Association takes any such action, or is the losing party in any proceeding related to such action, then (in addition to all other remedies of Declarant) such Owner or the Association shall be responsible for Declarant's costs, including reasonable attorneys' fees, and shall also be responsible for any and all consequential damages, including damages as the result of any delay, related to such action.

Section 15.7. <u>Transfer of Development Rights</u>. Any Development Rights created or reserved under this ARTICLE 15 for the benefit of Declarant may be transferred, in whole or in part to any Person by an instrument expressly describing the rights transferred and recorded in the Records. Such instrument shall be executed by the transferor Declarant and the transferee.

### **ARTICLE 16 INSURANCE**

Section 16.1. <u>Coverage</u>. Commencing not later than the first conveyance of a Land Unit to a purchaser and to the extent reasonably available, the Association shall obtain and maintain insurance coverage as set forth in this Article. The Association shall have the power and authority to obtain additional policies or coverages not specified herein in the Board's discretion. If such insurance is not reasonably available, or if any policy of such insurance is canceled or not renewed without a replacement policy, or if the Board of Directors determines that any insurance described herein will not be maintained, the Board of Directors shall promptly cause notice of that fact to be delivered to all Owners and Eligible First Mortgagees at their respective last known addresses.

- (a) <u>Property Insurance</u>. The Association shall maintain property insurance on the Project for special covered causes of loss (or such equivalent coverage as may hereafter be customarily offered in the insurance industry) in an amount not less than the full insurable replacement cost of the insured property (as determined by the Board of Directors) less applicable deductibles at the time insurance is purchased and at each renewal date, exclusive of land and other items normally excluded from property insurance policies. Co-insurance shall not be permitted.
- (b) <u>Liability Insurance</u>. The Association shall maintain commercial general liability insurance against claims and liabilities arising in connection with the ownership, existence, use, or management of the Project, insuring the Board of Directors, the Association, the Managing Agent, and their respective employees, agents and all Persons acting as agents therefor. The Declarant shall be included as an additional named insured in Declarant's capacity as an Owner and member of the Board of Directors. Owners shall be included as additional insureds but only for claims and liabilities arising in connection with the ownership interest in, existence, use or management of the Common Elements or membership in the Association. The insurance shall cover claims of one or more insured parties against the other insured parties.
- (c) Other Insurance. The Board of Directors may also procure insurance against such additional risks of a type normally carried with respect to properties of comparable character and use that the Board of Directors deems reasonable and necessary in order to protect the Project, the Association and the Owners.
- (d) Owners' Policies. Each Owner of a Land Unit is encouraged to obtain additional insurance at such Owner's own cost for such Owner's own benefit covering all personal property within such Owner's Land Unit and all Improvements within the interior finished boundaries of such Owner's Land Unit. All such policies shall contain waivers of subrogation and provide further that the liability of the carriers issuing insurance to the Association hereunder shall not be affected or diminished by reason of any such insurance carried by any Owner. Each Owner waives and releases all claims against the Association to the extent such claim is covered by applicable insurance policies, regardless of whether damage loss or injury arose from the negligence or breach of any agreement by the Association. Each Owner acknowledges that insurance obtained by the Association does not obviate the need for an Owner to obtain separate insurance for such Owner's benefit. Each Owner may also obtain general liability insurance at such Owner's own cost for such Owner's own benefit covering operations and activities within such Owner's Land Unit. Such coverage may also extend to cover any legal liability imposed on an Owner due to such Owner's interest in the Common Elements.
- Section 16.2. <u>Required Provisions</u>. All insurance policies carried by the Association pursuant to the requirements of this ARTICLE 16 must provide that:
  - (a) each Owner and each Eligible First Mortgagee is an insured Person under the policy with respect to liability arising out of such Owner's interest in the Common Elements or membership in the Association;
  - (b) the insurer waives its rights to subrogation under the policy against any Owner or member of an Owner's household;

- (c) no act or omission by any Owner or Eligible First Mortgagee, unless acting within the scope of such Owner's authority on behalf of the Association, if any, will void the policy or be a condition to recovery under the policy;
- (d) if, at the time of a loss under the policy, there is other insurance in the name of an Owner covering the risks covered by the policy (other than an Owner's policy covering such Owner's personal property), the Association's policy provides primary insurance;
  - (e) any loss covered by the policies must be adjusted with the Association;
- (f) the insurance proceeds for any loss shall be payable to an insurance trustee designated for that purpose, or otherwise to the Association and not to any holder of a Security Interest;
- (g) the insurer shall issue certificates or memoranda of insurance to the Association and, upon request, to any Owner or holder of a Security Interest; and
- (h) the insurer issuing the policy may not cancel or refuse to renew the policy until thirty (30) days after notice of the proposed cancellation or non-renewal has been delivered to the Association and any Owner(s) and holder(s) of Security Interests to whom a certificate or memorandum of insurance has been issued at their respective last known addresses.
- Section 16.3. <u>Claims by Owner</u>. An Owner may file a claim against the policy of the Association to the same extent, and with the same effect, as if the Owner were a named insured if the following conditions are met: (a) the Owner has contacted the Board of Directors or Managing Agent in writing, and in accordance with any applicable association policies or procedures for owner-initiated insurance claims, regarding the subject matter of the claim, (b) the Owner has given the Association at least fifteen (15) days to respond in writing, and, if so requested, has given the Association's agent a reasonable opportunity to inspect the damage; and (c) the subject matter of the claim falls within the Association's insurance responsibilities. The Association's insurer, when determining premiums to be charged to the Association, shall not take into account any request by an Owner for a clarification of coverage.

# **ARTICLE 17 RESTORATION UPON DAMAGE OR DESTRUCTION**

- Section 17.1. <u>Duty to Restore</u>. Any portion of the Project, for which the Association is required to carry insurance under the Act, or for which insurance carried by the Association is in effect, that is damaged or destroyed must be repaired or replaced promptly by the Association unless:
  - (a) the Project is terminated;
  - (b) repair or replacement would be illegal under Applicable Law or prohibited under the Condominium Documents;
  - (c) sixty-seven percent (67%) of the actual Total Voting Power of the Owners vote not to rebuild (unless a lesser percentage is required by Applicable Law and cannot be varied by Agreement, in which case such lesser percentage shall apply but such lesser percentage shall be required to include the vote not to rebuild of every Owner of a Land Unit that will not be rebuilt; or

In the event the Project is not repaired or replaced as allowed by Subsections (a), (b) and (c) above, then the Real Estate in the Project shall be sold and the proceeds distributed pursuant to the procedures provided for in the Act for termination of condominium projects.

- Section 17.2. <u>Cost</u>. The cost of repair or replacement in excess of insurance proceeds and reserves is a Common Expense.
- Section 17.3. <u>Plans</u>. The Property must be repaired and restored in accordance with either the original plans and specifications or other plans and specifications which have been approved by the Board of Directors and any percentage of Owners required to approve the same under the Act.
- Section 17.4. Replacement of Less Than Entire Property. If only a portion of the Project (rather than the entire Project) is repaired or replaced, the insurance proceeds attributable to the damaged Common Elements shall be used to restore the damaged area to a condition compatible with the remainder of the Project and any remaining proceeds (after any other distribution required by Applicable Law) shall be distributed or credited as follows:
  - (a) the insurance proceeds attributable to a Land Unit that is not rebuilt must first be distributed or credited to the Owner(s) of the Land Unit or to holders of Security Interests, as their interests may appear;
  - (b) the remainder of the proceeds must be distributed or credited to each Owner or holder of a Security Interest, as their interests may appear, in proportion to the Allocated Interests in the Common Elements of all the Land Units; and
  - (c) if the Owners vote not to rebuild a Land Unit, the Allocated Interests of the Land Unit shall be reallocated as if the Land Unit had been condemned, and the Association promptly shall prepare, execute and record an amendment to this Declaration reflecting the reallocation.
- Section 17.5. <u>Insurance Proceeds</u>. The insurance trustee, or if there is no insurance trustee, then the Board of Directors, acting by the President, shall hold any insurance proceeds in trust for the Association, Owners and holders of Security Interests as their interest may appear. Subject to the provisions of the Sections above, the proceeds shall be disbursed first for the repair or restoration of the damaged Property, and the Association, Owners and holders of Security Interests are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the Property has been completely repaired or restored, or the Project is terminated, in which event the surplus proceeds will be distributed as provided in this Declaration and the Act. Except to the extent otherwise required by the Act, no provision of the Condominium Documents shall be construed to grant to any Owner, any priority over any rights of any First Mortgagees pursuant to the terms of their Security Interests in the case of the distribution to Owners of insurance proceeds for losses to Land Units and/or the Common Elements or any portions thereof.
- Section 17.6. <u>Certificates by the Board of Directors</u>. The insurance trustee, if any, may rely on the following certifications in writing made by the Board of Directors:
  - (a) whether or not damaged or destroyed Property is to be repaired or restored; and

(b) the amount or amounts to be paid for repairs or restoration and the names and addresses of the parties to whom such amounts are to be paid.

#### **ARTICLE 18 CONDEMNATION**

If all or part of the Project is taken by any power having the authority of eminent domain, all compensation and damages for and on account of the taking shall be payable in accordance with the provisions on eminent domain in the Act.

#### **ARTICLE 19 DISPUTE RESOLUTION**

# Section 19.1. <u>Mediation of Disputes between Owners and Association</u>.

- (a) Prior to pursuing any of the enforcement proceedings set forth below, any disputes between the Association and one or more Owners shall be submitted to non-binding mediation to be held within the limits of the Town of Carbondale by a mediator selected by the parties, who, in good faith will work together to select a mediator.
- (b) If the mediation provided for in Section 19.1(a) does not result in a settlement of such dispute between the Association and one or more Owners, the following enforcement provisions shall apply:
  - (i) Enforcement of the terms and conditions of this Declaration with respect to the Association or the Common Elements shall be enforceable by any Owner by a proceeding for injunctive relief.
  - (ii) Enforcement of the terms and conditions of this Declaration with respect to an Owner or a Land Unit shall be enforceable by Declarant or by the Association by:
    - (A) a proceeding for injunctive relief;
    - (B) a suit or action to recover damages; and/or
    - (C) in the discretion of the Association, for so long as any Owner fails to comply with any such provisions, exclusion of such Owner and its Occupants from the use of any Common Elements and from participation in any Association affairs.
- (c) By acceptance of a deed to a Land Unit, an Owner agrees to be bound by the terms and conditions of this Declaration. In addition to all other remedies provided to the Association in this Declaration, if an Owner fails to perform or observe any covenant or condition to be performed or observed by such Owner under this Declaration or any other Association Document, the Association shall have the following special rights and remedies:
- (d) The Association may, but is not obligated to, cure such failure to comply at the Owner's sole cost and expense. If the Association cures any such failure to comply, the Owner shall pay to the Association the amount of all costs incurred by the Association in connection therewith within thirty (30) days after the Owner receives a written notice of a Default Assessment therefor from the Association.

- (e) The Association may, after notice and opportunity to be heard, fine the Owner, as a Default Assessment, an amount not to exceed \$100 per day that such violation remains uncured for each violation. The Owner shall pay any such fine to the Association within 30 days after the Owner receives written notice of a Default Assessment therefor from the Association.
- (f) With respect to an Owner's failure to pay an installment of any Assessment, the Association may accelerate the due date for the payment of the full amount of the Assessment.
- (g) The Association shall have all other rights and remedies available to it under this Declaration, at law or in equity.
- (h) Notwithstanding anything to the contrary contained in this Declaration, any sums paid to the Association by an Owner shall be applied in the following order: first, to costs incurred by the Association to collect outstanding unpaid sums due to the Association; second, to satisfy any outstanding Default Assessments or other fines; third, to satisfy any outstanding interest accrued on any assessed but unpaid Assessments; and forth, to satisfy any assessed but unpaid Assessments other than Default Assessments.
- (i) All rights and remedies of the Association shall be cumulative and the exercise of one right or remedy shall not preclude the exercise of any other right or remedy.
- (j) The Association may adopt such Rules and Regulations as the Board of Directors deems necessary or appropriate to administer and enforce the terms and conditions of this Declaration and the other Condominium Documents.
- Section 19.2. <u>Attorneys' Fees</u>. In the event of any dispute under or with respect to this Declaration or any other Condominium Document, the prevailing party shall be entitled to recover from the non-prevailing party all of its costs and expenses in connection therewith, including the fees and disbursements of any attorneys, accountants, engineers, appraisers or other professionals engaged by the prevailing party.
- Section 19.3. <u>Interest</u>. If an Owner fails to pay to the Association any Assessment or other amount due to the Association as and when the same becomes due, the Owner shall pay to the Association interest on such unpaid amount at the rate of 18% per annum, or such other rate as the Board of Directors may establish from time to time, from the due date of such unpaid amount until the date paid.
- Section 19.4. <u>Nonwaiver</u>. Failure by the Association or any Owner to enforce any covenant, condition, restriction, reservation, easement, assessment, charge, lien or other provision of this Declaration or any other Condominium Document shall in no way be deemed to be a waiver of the right to do so thereafter.

#### ARTICLE 20 DURATION OF COVENANTS; AMENDMENT AND TERMINATION

Section 20.1. <u>Term.</u> The covenants, conditions, restrictions, reservations, easements, assessments, charges and liens set forth in this Declaration shall run with and bind the Property until this Declaration is terminated pursuant to the terms hereof.

- Section 20.2. <u>Amendment of Declaration</u>. This Declaration may be amended as follows:
- (a) <u>General Amendments</u>. Except as otherwise expressly permitted or restricted by this Section 20.2 and as provided for in ARTICLE 21, this Declaration may be amended by a vote or agreement of a vote of a majority of the Voting Power eligible to vote according to the voting percentages allocated on **Exhibit B.** Notwithstanding the foregoing provision, the percentage of the Total Voting Power necessary to amend a specific clause or provision of this Declaration shall not be less than the percentage of affirmative voting power prescribed for action to be taken under that clause or provision. The Association and the Owners may not, while any Reserved Declarant Right exists, amend this Declaration in any matter that restricts or reduces Declarant's rights or increases or expands Declarant's obligations or liabilities hereunder without Declarant's written consent.
- (b) <u>Permitted Use Amendments</u>. Except to the extent otherwise expressly permitted or required in this Declaration, this Declaration may be amended to change the uses to which any Land Unit is restricted only by a unanimous vote or agreement of Owners.
- (c) Reserved Amendment Rights. To the extent that this Declaration and the Act expressly permit or require amendments that may be executed by Declarant or by the Association, this Declaration may be amended by amendments executed solely by Declarant or solely by the Association.
- Section 20.3. Amendment of Other Condominium Documents. The Articles of Incorporation and Bylaws may be amended in accordance with the terms of such documents and the Nonprofit Act. The Rules and Regulations may be amended as determined by the Board of Directors. While any Reserved Declarant Right exists, the Condominium Documents may not be amended in any matter that restricts or reduces Declarant's rights or increases Declarant's obligations or liabilities thereunder without Declarant's written consent.
- Section 20.4. Execution of Amendments; Expenses. Any amendment shall be prepared, executed and recorded either by Declarant or by an officer of the Association designated for that purpose or, in the absence of a designation, by the President of the Association. All expenses associated with preparing and recording an amendment to this Declaration shall be the sole responsibility of: (a) any Owners desiring an amendment as provided for in this Declaration or the Act; (b) Declarant, to the extent the right to amend this Declaration is reserved to Declarant and exercised by Declarant; or (c) in all other cases by the Association as a Common Expense.
- Section 20.5. <u>When Modifications Permitted</u>. Notwithstanding the provisions of Section 20.2 above, no amendment or termination of this Declaration shall be effective in any event during the Period of Declarant Control, unless the written approval of Declarant is first obtained.

Section 20.6. Recording of Amendments. Any amendment to this Declaration made in accordance with this ARTICLE 20 shall be immediately effective upon the recording of the executed amendment in the Records together with a duly authenticated certificate of Declarant or the Secretary of the Association, as applicable, stating that the required vote of Owners, if any, and required consents of First Mortgagees (and/or Eligible First Mortgagee, as applicable), if any, were obtained and are on file in the office of the Association or were not required to be obtained pursuant to this Declaration or the Act. The amendment must be indexed in the grantee's index in the name of the Project and the Association and in the grantor's index in the name of each Person or entity executing the Amendment.

Section 20.7. <u>Rights of Declarant</u>. Notwithstanding anything to the contrary contained herein, and to the extent permitted by the Act, no amendment or modification to, or impairment of any of the rights contained in, any of Section 12.10, ARTICLE 14, ARTICLE 15, Section 21.5, this Section nor any provision of this Declaration reserving or creating any Reserved Declarant Right shall be effective or enforceable without the prior consent of Declarant during the longer of the Period of Declarant Control or the period in which Declarant continues to hold Reserved Declarant Rights.

# **ARTICLE 21 MISCELLANEOUS**

- Section 21.1. <u>Enforcement</u>. The provisions of the Act and the provisions of the Condominium Documents may be enforced by any Person subject to this Declaration through proceedings at law or in equity against any Person subject to this Declaration who has violated or is violating or attempting to violate such provisions, all as more specifically set forth in the Act.
- Section 21.2. <u>Notices</u>. All notices, demands, or other communications required or permitted to be given hereunder shall be in writing, and any and all such items shall be deemed to have been duly delivered upon personal delivery; upon actual receipt, in the case of notices forwarded by certified mail, return receipt requested, postage prepaid; as of 12:00 Noon on the immediately following business day after deposit with Federal Express or a similar overnight courier service; or as of the third business hour (a business hour being one of the hours from 8:00a.m. to 5:00p.m. on business days) after transmitting by telecopier, facsimile, or electronic mail.
- Section 21.3. <u>Nonwaiver</u>. Failure by Declarant, the Association, or any Owner or Eligible First Mortgagee to enforce any covenant, condition, restriction, easement, reservation, right-of-way, or other provision contained in the Condominium Documents shall in no way or event be deemed to be a waiver of the right to do so thereafter.
- Section 21.4. <u>Severability</u>. The provisions of this Declaration shall be deemed to be independent and severable, and the invalidity of any one or more of the provisions of this Declaration by judgment or court order or decree shall in no way affect the validity or enforceability of any of the other provisions, which provisions shall remain in full force and effect. Any provision which would violate the rule against perpetuities and the rule prohibiting unlawful restraints on alienation shall be construed in a manner as to make this Declaration valid and enforceable.
- Section 21.5. <u>Number and Gender</u>. Unless the context provides or requires to the contrary, the use of the singular herein shall include the plural, the use of the plural shall include the singular, and the use of any gender shall include all genders.

Section 21.6. <u>Captions</u>. The captions to the Articles and Sections and the Table of Contents at the beginning of this Declaration are inserted only as a matter of convenience and for reference and are in no way to be construed to define, limit, or otherwise describe the scope of this Declaration or the intent of any provision of this Declaration.

Section 21.7. <u>Conflicts in Legal Documents</u>. In case of conflicts between the provisions in this Declaration and the Articles of Incorporation or the Bylaws, this Declaration shall control. In case of conflicts in the provisions in the Articles of Incorporation and the Bylaws, the Articles of Incorporation shall control.

Section 21.8. <u>Exhibits</u>. All the Exhibits attached to and described in this Declaration are incorporated in this Declaration by this reference.

Section 21.9. <u>Choice of Law.</u> This Declaration shall be construed and interpreted in accordance with the laws of the State of Colorado, and specifically, the provisions of the Act and not the general common law (including remedies) of tenancy-in-common.

Section 21.10. <u>Third Party Beneficiary</u>. This Declaration is submitted, imposed, and declared solely for the benefit of Declarant, Owners, First Mortgagees, and their respective successors, assigns, heirs, executors, administrators, and personal representatives. No party shall be deemed a third-party beneficiary of this Declaration.

The Declaration is hereby submitted, imposed and declared by:

DECLARANT: CRYSTAL RIVER MARKETPLACE, LLC a Colorado limited liability company

Executed as of the	_day of, 2022	
Manager's Name (Prin	nted)	
Signature:Colorado limited liabili	, as Manager ty company, Declarant	of the Crystal River Marketplace LLC, a
STATE OF COLORADO	) ) ss.	
COUNTY OF	)	
		e thisday of2022 rketplace, LLC. a Colorado limited liability
Witness my hand and o My Commission Expire	official seal es:	
		Notary Public

# **Exhibit A to Declaration**

# LOT ONE at MAIN ST. MARKETPLACE CONDOMINIUM ASSOCIATION

# **Land Units Legal Descriptions**

Land Units One. Two. Three, Four, Five, Six and Seven according to the Condominium					
Declaration for LOT ONE at MAIN ST. MARKETPLACE Condominiums, recorded					
	, 2022, at (Reception No.	and	the Condominium		
Map recorded	, 2022, at Reception No		in the		
office of the Clerk and Recorder of Garfield County, Colorado.					

EXHIBIT B

LAND UNIT SIZES, USES AND ALLOCATIONS

	Land Unit Square Footage	Allocated Interests in Voting, Ownership and Expenses
Unit 1	23384	23.6%
Unit 2	16230	16.4%
Unit 3	10263	10.3%
Unit 4	14607	14.7%
Unit 5	21672	21.8%
Unit 6	7077	7.1%
Unit 7	6029	6.1%
	99262	100.00%

# **Exhibit D Adjoining Property Owners**

Colorado Rocky Mountain School 1493 County Road 106 Carbondale, CO 81623

Dillon Real Estate Co Inc 1014 Vine St, 7<sup>th</sup> Floor Cincinnati, OH 45202

ANB Bank 3033 E 1<sup>st</sup> Ave # 305 Denver, CO 80206

Luttrell Propertys 975 Highway 133 Carbondale, CO 81623

Alpine Bank 600 E Hopkins Ave. Suite 100 Aspen, CO 81611

Lines Plaza Condo Association 679 Kings Row St. Carbondale, CO 81623

Lines III Condo HOA 0326 Highway 133 Suite 120 Carbondale, CO 81623

TKG St Peters Shopping Center LLC 215 N Stadium Blvd Columbia, MO 65203



1620 Grand Avenue Bldg Main Floor 1 Glenwood Springs, CO 81601 Phone: 970-945-1169 Fax: 844-269-2759

www.titlecorockies.com

**Commitment Ordered By:** 

Mark Beckler Sopris Engineering LLC 502 Main St Ste A-3 Carbondale, CO 81623 Phone: (970) 704-0311 Fax:

email: mbeckler@sopriseng.com

Inquiries should be directed to:

Nevada Hunter
Title Company of the Rockies
1620 Grand Avenue
Bldg Main Floor 1
Glenwood Springs, CO 81601

Phone: 970-945-1169 Fax: 844-269-2759 email: NHunter@titlecorockies.com

Commitment Number: 0603548-C

**Buyer's Name(s):** Purchaser with contractual rights under a purchaser agreement with the vested owner identified

at item 4 below

Seller's Name(s): Crystal River Marketplace LLC, a Colorado limited liability company

**Property:** Lot 1, Carbondale Marketplace, Carbondale, CO 81623

Lot 1, Carbondale Marketplace Subdivision, Garfield County, Colorado

# **TITLE CHARGES**

These charges are based on issuance of the policy or policies described in the attached Commitment for Title Insurance, and includes premiums for the proposed coverage amount(s) and endorsement(s) referred to therein, and may also include additional work and/or third party charges related thereto.

If applicable, the designation of "Buyer" and "Seller" shown below may be based on traditional settlement practices in Garfield County, Colorado, and/or certain terms of any contract, or other information provided with the Application for Title Insurance.

Owner's Policy Premium: \$0.00 Loan Policy Premium: \$0.00

Additional Lender Charge(s): Additional Other Charge(s):

Tax Certificate: \$25.00

Total Endorsement Charge(s):

TBD Charge(s): \$250.00

TOTAL CHARGES: \$275.00



# ALTA Commitment For Title Insurance (Adopted 06-17-06) (Revised 08-01-2016)

# COMMITMENT FOR TITLE INSURANCE ISSUED BY WESTCOR LAND TITLE INSURANCE COMPANY

#### NOTICE

**IMPORTANT-READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

### **COMMITMENT TO ISSUE POLICY**

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, WESTCOR LAND TITLE INSURANCE COMPANY, a South Carolina Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within six (6) months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

IN WITNESS WHEREOF, **WESTCOR LAND TITLE INSURANCE COMPANY** has caused its corporate name and seal to be hereunto affixed and by these presents to be signed in facsimile under authority of its by-laws, effective as of the date of Commitment shown in Schedule A.

Issued By:



**Title Company of the Rockies, LLC**10 W Beaver Creek Blvd., Suite 221, PO Box
980

Avon, CO 81620-0980 Phone: (970) 949-9497

# WESTCOR LAND TITLE INSURANCE COMPANY

TE MSO

By:

Attest:

V

Secretary

#### CONDITIONS

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

(Reverse side of Cover)

# **Joint Notice of Privacy Policy**

of

#### **Westcor Land Title Insurance Company**

and

# Title Company of the Rockies, LLC

Westcor Land Title Insurance Company ("WLTIC") and **Title Company of the Rockies, LLC** value their customers and are committed to protecting the privacy of personal information. In keeping with that philosophy, we each have developed a Privacy Policy, set out below, that will endure the continued protection of your nonpublic personal information and inform you about the measures WLTIC and **Title Company of the Rockies, LLC** take to safeguard that information. This notice is issued jointly as a means of paperwork reduction and is not intended to create a joint privacy policy. Each company's privacy policy is separately instituted, executed, and maintained.

#### Who is Covered

We provide our Privacy Policy to each customer when they purchase a WLTIC title insurance policy. Generally, this means that the Privacy Policy is provided to the customer at the closing of the real estate transaction.

#### Information Collected

In the normal course of business and to provide the necessary services to our customers, we may obtain nonpublic personal information directly from the customer, from customer-related transactions, or from third parties such as our title insurance agent, lenders, appraisers, surveyors and other similar entities.

#### **Access to Information**

Access to all nonpublic personal information is limited to those employees who have a need to know in order to perform their jobs. These employees include, but are not limited to, those in departments such as closing, legal, underwriting, claims and administration and accounting.

#### Information Sharing

Generally, neither WLTIC nor **Title Company of the Rockies**, **LLC** shares nonpublic personal information that it collects with anyone other than those individuals necessary needed to complete the real estate settlement services and issue its title insurance policy as requested by the consumer. WLTIC or **Title Company of the Rockies**, **LLC** may share nonpublic personal information as permitted by law with entities with whom WLTIC or **Title Company of the Rockies**, **LLC** has a joint marketing agreement. Entities with whom WLTIC or **Title Company of the Rockies**, **LLC** have a joint marketing agreement have agreed to protect the privacy of our customer's nonpublic personal information by utilizing similar precautions and security measures as WLTIC and **Title Company of the Rockies**, **LLC** use to protect this information and to use the information for lawful purposes. WLTIC or **Title Company of the Rockies**, **LLC**, however, may share information as required by law in response to a subpoena, to a government regulatory agency or to prevent fraud.

#### Information Security

WLTIC and **Title Company of the Rockies, LLC**, at all times, strive to maintain the confidentiality and integrity of the personal information in its possession and has instituted measures to guard against its unauthorized access. We maintain physical, electronic and procedural safeguards in compliance with federal standards to protect that information.

The WLTIC Privacy Policy can be found on WLTIC's website at www.wltic.com

# COMMITMENT FOR TITLE INSURANCE

Issued by



as agent for

# Westcor Land Title Insurance Company

# **SCHEDULE A**

Reference: Commitment Number: 0603548-C

1. Effective Date: September 07, 2021, 7:00 am Issue Date: September 27, 2021

2. Policy (or Policies) to be issued:

ALTA Owner's Policy (6-17-06)

Policy Amount:

Amount to be Determined

Amount to be Determined

Proposed Insured: Purchaser with contractual rights under a purchaser agreement with the vested

owner identified at item 4 below

3. The estate or interest in the land described or referred to in this Commitment is **Fee Simple**.

4. The Title is, at the Commitment Date, vested in:

Crystal River Marketplace LLC, a Colorado limited liability company

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

FOR LEGAL DESCRIPTION SEE SCHEDULE A CONTINUED ON NEXT PAGE

For Informational Purposes Only - APN: R084075

Countersigned
Title Company of the Rockies, LLC

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Westcor Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions.

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By: 14to Wally

Mike Mulligan

# **SCHEDULE A (continued)**

# LEGAL DESCRIPTION

The Land referred to herein is located in the County of Garfield, State of Colorado, and described as follows:

Lot 1,

CARBONDALE MARKETPLACE SUBDIVISION, according to the Plat thereof filed February 28, 2018 at Reception No. 903693.

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#### COMMITMENT FOR TITLE INSURANCE

Issued by

Westcor Land Title Insurance Company

## SCHEDULE B, PART I Requirements

The following are the requirements to be complied with prior to the issuance of said policy or policies. Any other instrument recorded subsequent to the effective date hereof may appear as an exception under Schedule B of the policy to be issued. Unless otherwise noted, all documents must be recorded in the office of the clerk and recorded of the county in which said property is located.

All of the following Requirements must be met:

- 1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
- 2. Pay the agreed amount for the estate or interest to be insured.
- 3. Pay the premiums, fees, and charges for the Policy to the Company.
- 4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
- 5. Evidence satisfactory to the Company or its duly authorized agent that all dues and/or assessments levied by the Homeowners Association have been paid through the date of closing.
- 6. Partial Release by the Public Trustee of Garfield County releasing subject property from the lien of the Deed of Trust from Crystal River Marketplace LLC, a Colorado limited liability company for the use of ANB Bank, to secure \$11,385,000.00, dated November 25, 2020, and recorded December 2, 2020 at Reception No. 846361.

NOTE: Assignment of Rents recorded December 2, 2020 at Reception No. 846362, given in connection with the above Deed of Trust.

NOTE: Disburser's Notice by ANB Bank, recorded December 3, 2020 at Reception No. 846438.

NOTE: The above Deed of Trust secures a revolving line of credit, as such it must be released in its entirety and the account closed.

7. Termination Statement for Financing Statement from Crystal River Marketplace LLC, a Colorado limited liability company, debtor(s), to ANB Bank, secured party, recorded December 7, 2020 at Reception No.

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846631, giving notice of a security interest under the Uniform Commercial Code.

8. Partial Release by the Public Trustee of Garfield County releasing subject property from the lien of the Deed of Trust from Crystal River Marketplace LLC, a Colorado limited liability company for the use of ANB Bank, to secure \$6,540,000.00, dated July 1, 2021, and recorded July 12, 2021 at Reception No. 959654.

NOTE: Assignment of Rents recorded July 12, 2021 at Reception No. 959655, given in connection with the above Deed of Trust.

NOTE: Disburser's Notice by ANB Bank, recorded July 12, 2021 at Reception No. 959656.

NOTE: The above Deed of Trust secures a revolving line of credit, as such it must be released in its entirety and the account closed.

- 9. Termination Statement for Financing Statement from Crystal River Marketplace LLC, a Colorado limited liability company, debtor(s), to ANB Bank, secured party, recorded July 12, 2021 at Reception No. 959657, giving notice of a security interest under the Uniform Commercial Code.
- 10. Deed from Crystal River Marketplace LLC, a Colorado limited liability company to Purchaser with contractual rights under a purchaser agreement with the vested owner identified at item 4 below.

NOTE: Duly executed real property transfer declaration, executed by either the Grantor or Grantee, to accompany the Deed mentioned above, pursuant to Article 14 of House Bill No. 1288-CRA 39-14-102.

THE COMPANY RESERVES THE RIGHT TO CONDUCT AN ADDITIONAL SEARCH OF THE RECORDS IN THE OFFICE OF THE CLERK AND RECORDER FOR GARFIELD COUNTY, COLORADO FOR JUDGMENT LIENS, TAX LIENS OR OTHER SIMILAR OR DISSIMILAR INVOLUNTARY MATTERS AFFECTING THE GRANTEE OR GRANTEES, AND TO MAKE SUCH ADDITIONAL REQUIREMENTS AS IT DEEMS NECESSARY, AFTER THE IDENTITY OF THE GRANTEE OR GRANTEES HAS BEEN DISCLOSED TO THE COMPANY.

NOTE: THIS COMMITMENT IS ISSUED UPON THE EXPRESS AGREEMENT AND UNDERSTANDING THAT THE APPLICABLE PREMIUMS, CHARGES AND FEES SHALL BE PAID BY THE APPLICANT IF THE APPLICANT AND/OR ITS DESIGNEE OR NOMINEE CLOSES THE TRANSACTION CONTEMPLATED BY OR OTHERWISE RELIES UPON THE COMMITMENT, ALL IN ACCORDANCE WITH THE RULES AND SCHEDULES OF RATES ON FILE WITH THE COLORADO DEPARTMENT OF INSURANCE.

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# SCHEDULE B, PART II Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

Any loss or damage, including attorney fees, by reason of the matters shown below:

- 1. Any facts, right, interests, or claims which are not shown by the Public Records but which could be ascertained by an inspection of said Land or by making inquiry of persons in possession thereof.
- 2. Easements or claims of easements, not shown by the Public Records.
- 3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
- 4. Any lien, or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- 5. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the Public Records or attaching subsequent to the effective date hereof, but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
- 6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- 7. Right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as reserved in United States Patent recorded March 30, 1896 in Book 12 at Page 413 as Reception No. 19207.
- 8. Rights and reservations in Deed recorded June 13, 1972 in Book 432 at Page 49 as Reception No. 254117, and any and all assignments thereof, or interests therein.
- 9. Matters related to the mineral estate as disclosed in Deed recorded January 26, 1965 in Book 363 at Page 295 as Reception No. 228474, and any and all assignments thereof, or interests therein.

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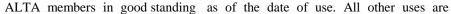


- 10. Annexation Agreement recorded November 19, 1976, in Book 466 at Page 445 as Reception No. 265481 and Amendment thereto, recorded February 19, 1976 in Book 483 at Page 73 as Reception No. 271394.
- 11. Memorandum of Agreement recorded December 5, 1974, in Book 467 at Page 179 as Reception No. 265653.
- 12. Declaration of Protective Covenants for Crystal Village Planned Unit Development recorded September 29, 1976 in Book 488 at Page 952 as Reception No. 274629, and any and all Amendments thereto.
- 13. All matters shown on the Final Plat of Crystal Village Planned Unit Development, Single Family Area, Filing No. 1, recorded September 29, 1976 as Reception No. 274630.
- 14. Subdivision Agreement recorded September 29, 1976 in Book 488 at Page 960 as Reception No. 274631.
- 15. Agreement recorded September 29, 1976 in Book 488 at Page 965 as Reception No. 274632.
- 16. Master Plan of Crystal Village, a Planned Unit Development, recorded September 10, 1976 in Book 488 at Page 461 as Reception No. 274377.
- 17. All matters shown on the Map of Crystal Village, a Planned Unit Development recorded September 10, 1976 as Reception No. 274378.
- 18. Easements, rights of way and all other matters shown on the Plat of Crystal Village Planned Unit Development recorded January 17, 1979 as Reception No. 291560; on the Re-subdivision Plat of Crystal Village Planned Unit Development Filing No. 3, Lots 2-7, recorded June 26, 1991 as Reception No. 424761, and on the Resubdivision of Lots 2 & 4, Crystal Village PUD Filing No. 3, recorded August 17, 2004 as Reception No. 658026.
- 19. Subdivision Improvement Agreement recorded June 26, 1991 in Book 807 at Page 57 as Reception No. 424762; Assumption/Extension/Modification Agreement recorded June 26, 1991 in Book 807 at Page 69 as Reception No. 424763.
- 20. Ordinance No. 23, Series of 1990, recorded June 26, 1991 in Book 807 at Page 73 as Reception No. 424764.
- 21. Matters disclosed in the Quitclaim Deed recorded June 22, 2004 in Book 1598 at Page 517 as Reception No. 654569 and the Quitclaim Deed recorded June 22, 2004 in Book 1598 at Page 519 as Reception No. 654570.
- 22. Deed of Easement concerning the New Rockford Ditch Easement, recorded June 22, 2004 in Book 1598 at Page 521 as Reception No. 654571.
- 23. Declaration of Protective Covenants recorded June 26, 1991 in Book 807 at Page 76 as Reception No. 424765; Declaration of Protective Covenants recorded July 9, 1991 in Book 808 at Page 153 as Reception No. 425188 and Declaration of Protective Covenants recorded August 17, 2004, at Reception No. 658028.

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- Ordinance No. 20 Series of 2004, recorded August 17, 2004 in Book 1614 at Page 227 as Reception No. 658027.
- 25. Access Easement and Maintenance Agreement recorded August 17, 2004 in Book 1614 at Page 254 as Reception No. 658029.
- 26. Any and all rights of the owner of the property adjoining subject property arising from the existence of a party wall partly located on subject property, as evidenced by the Plat recorded August 17, 2004 as Reception No. 658026.
- 27. Terms, agreements, provisions, conditions and obligations as contained in Ordinance No. 20, Series of 2016 recorded December 6, 2016 at Reception No. 886166.
- 28. Easements, rights of way and all other matters as shown on the Plat of Carbondale Marketplace Subdivision, filed February 28, 2018 at Reception No. 903693.
- 29. Terms, agreements, provisions, conditions and obligations as contained in Subdivision Improvements Agreement recorded February 28, 2018 at Reception No. 903695.
- 30. Terms, agreements, provisions, conditions and obligations as contained in Reciprocal Easement Agreement recorded February 28, 2018 at Reception No. 903701.
- 31. Restrictions, which do not contain a forfeiture or reverter clause, as contained in instrument recorded December 21, 2018 at Reception No. 915593.
- 32. Terms, agreements, provisions, conditions and obligations as contained in Ordinance No. 3, Series of 2019 recorded January 14, 2020 at Reception No. 930572.
- 33. Terms, agreements, provisions, conditions and obligations as contained in Deed Restriction recorded February 8, 2021 at Reception No. 949903.

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#### DISCLOSURE STATEMENTS

**Note 1:** Colorado Division of Insurance Regulations 3-5-1, Paragraph C of Article VII, requires that "Every Title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the Title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed." (Gap Protection)

**Note 2:** Exception No. 4 of Schedule B, Section 2 of this Commitment may be deleted from the Owner's Policy to be issued hereunder upon compliance with the following conditions:

- 1. The Land described in Schedule A of this commitment must be a single-family residence, which includes a condominium or townhouse unit.
- 2. No labor or materials may have been furnished by mechanics or materialmen for purpose of construction on the Land described in Schedule A of this Commitment within the past 13 months.
- 3. The Company must receive an appropriate affidavit indemnifying the Company against unfiled mechanic's and materialmen's liens.
- 4. Any deviation from conditions A though C above is subject to such additional requirements or Information as the Company may deem necessary, or, at its option, the Company may refuse to delete the exception.
- 5. Payment of the premium for said coverage.

Note 3: The following disclosures are hereby made pursuant to §10-11-122, C.R.S.:

- (i) The subject real property may be located in a special taxing district;
- (ii) A certificate of taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent; and
- (iii) Information regarding special districts and the boundaries of such districts may be obtained from the County Commissioners, the County Clerk and Recorder, or the County Assessor.

**Note 4:** If the sales price of the subject property exceeds \$100,000.00, the seller shall be required to comply with the disclosure or withholding provisions of C.R.S. §39-22-604.5 (Non-resident withholding).

# **Note 5:** Pursuant to C.R.S. §10-11-123 Notice is hereby given:

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

**Note 6:** Effective September 1, 1997, C.R.S. §30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half inch the clerk and recorder may refuse to record or file any document that does not conform.

# **Note 7:** Our Privacy Policy:

We will not reveal nonpublic personal customer information to any external non-affiliated organization unless we have been authorized by the customer, or are required by law.

## Note 8: Records:

Regulation 3-5-1 Section 7 (N) provides that each title entity shall maintain adequate documentation and records sufficient to show compliance with this regulation and Title 10 of the Colorado Revised Statutes for a period of not less than seven (7) years, except as otherwise permitted by law.

**Note 9:** Pursuant Regulation 3-5-1 Section 9 (F) notice is hereby given that "A title entity shall not earn interest on fiduciary funds unless disclosure is made to all necessary parties to a transaction that interest is or has been earned. Said disclosure must offer the opportunity to receive payment of any interest earned on such funds beyond any administrative fees as may be on file with the division. Said disclosure must be clear and conspicuous, and may be made at any time up to and including closing."

Be advised that the closing agent will or could charge an Administrative Fee for processing such an additional

services request and any resulting payee will also be subjected to a W-9 or other required tax documentation for such purpose(s).

Be further advised that, for many transactions, the imposed Administrative Fee associated with such an additional service may exceed any such interest earned.

Therefore, you may have the right to some of the interest earned over and above the Administrative Fee, if applicable (e.g., any money over any administrative fees involved in figuring the amounts earned).

**Note 10:** Pursuant to Regulation 3-5-1 Section 9 (G) notice is hereby given that "Until a title entity receives written instructions pertaining to the holding of fiduciary funds, in a form agreeable to the title entity, it shall comply with the following:

- 1. The title entity shall deposit funds into an escrow, trust, or other fiduciary account and hold them in a fiduciary capacity.
- 2. The title entity shall use any funds designated as "earnest money" for the consummation of the transaction as evidenced by the contract to buy and sell real estate applicable to said transaction, except as otherwise provided in this section. If the transaction does not close, the title entity shall:
  - (a) Release the earnest money funds as directed by written instructions signed by both the buyer and seller;
     or
  - (b) If acceptable written instructions are not received, uncontested funds shall be held by the title entity for 180 days from the scheduled date of closing, after which the title entity shall return said funds to the payor.
- 3. In the event of any controversy regarding the funds held by the title entity (notwithstanding any termination of the contract), the title entity shall not be required to take any action unless and until such controversy is resolved. At its option and discretion, the title entity may:
  - (a) Await any proceeding; or
  - (b) Interplead all parties and deposit such funds into a court of competent jurisdiction, and recover court costs and reasonable attorney and legal fees; or
  - (c) Deliver written notice to the buyer and seller that unless the title entity receives a copy of a summons and complaint or claim (between buyer and seller), containing the case number of the lawsuit or lawsuits, within 120 days of the title entity's written notice delivered to the parties, title entity shall return the funds to the depositing party."

Commitment No: 0603548-C

#### **Title Company of the Rockies**

#### Disclosures

All documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section. Pursuant to C.R.S. 30-10-406(3)(a).

The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent: or until the Proposed Insured has notified or instructed the company in writing to the contrary. Pursuant to C.R.S. 10-11-122.

No person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawals as a matter of right. Pursuant to C.R.S. 38-35-125(2).

The Company hereby notifies the proposed buyer in the current transaction that there may be recorded evidence that the mineral estate, or portion thereof, has been severed, leased, or otherwise conveyed from the surface estate. If so, there is a substantial likelihood that a third party holds some or all interest in the oil, gas, other minerals, or geothermal energy in the subject property. Such mineral estate may include the right to enter and use the property without the surface owner's permission. Pursuant to C.R.S. 10-11-123.

If this transaction includes a sale of property and the sales price exceeds \$100,000.00, the seller must comply with the disclosure/withholding requirements of said section. (Nonresident withholding) Pursuant to C.R.S. 39-22-604.5.

Notice is hereby given that: The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor. Pursuant to C.R.S. 10-11-122.

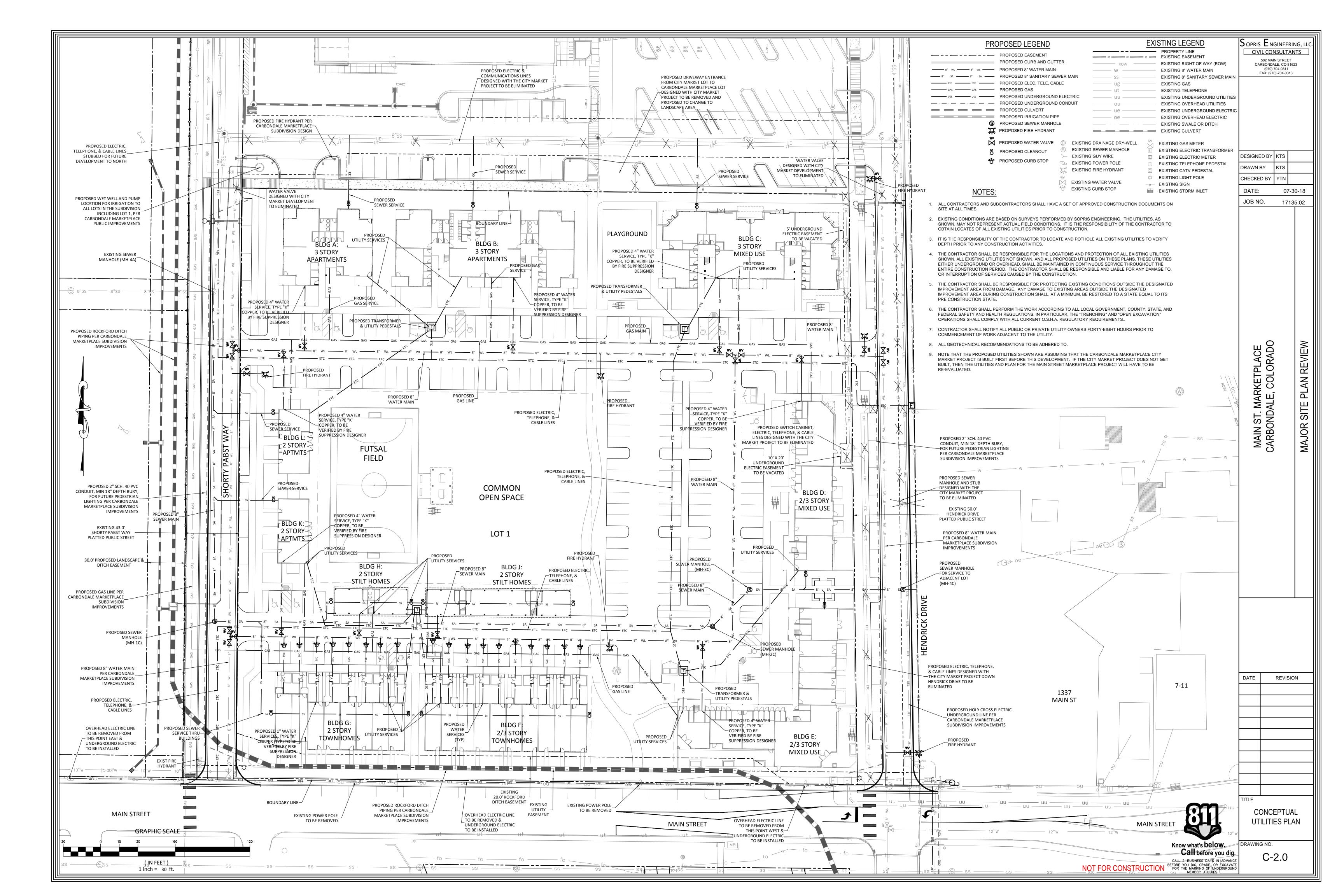
Notice is hereby given that: Pursuant to Colorado Division of Insurance Regulation 8-1-2;

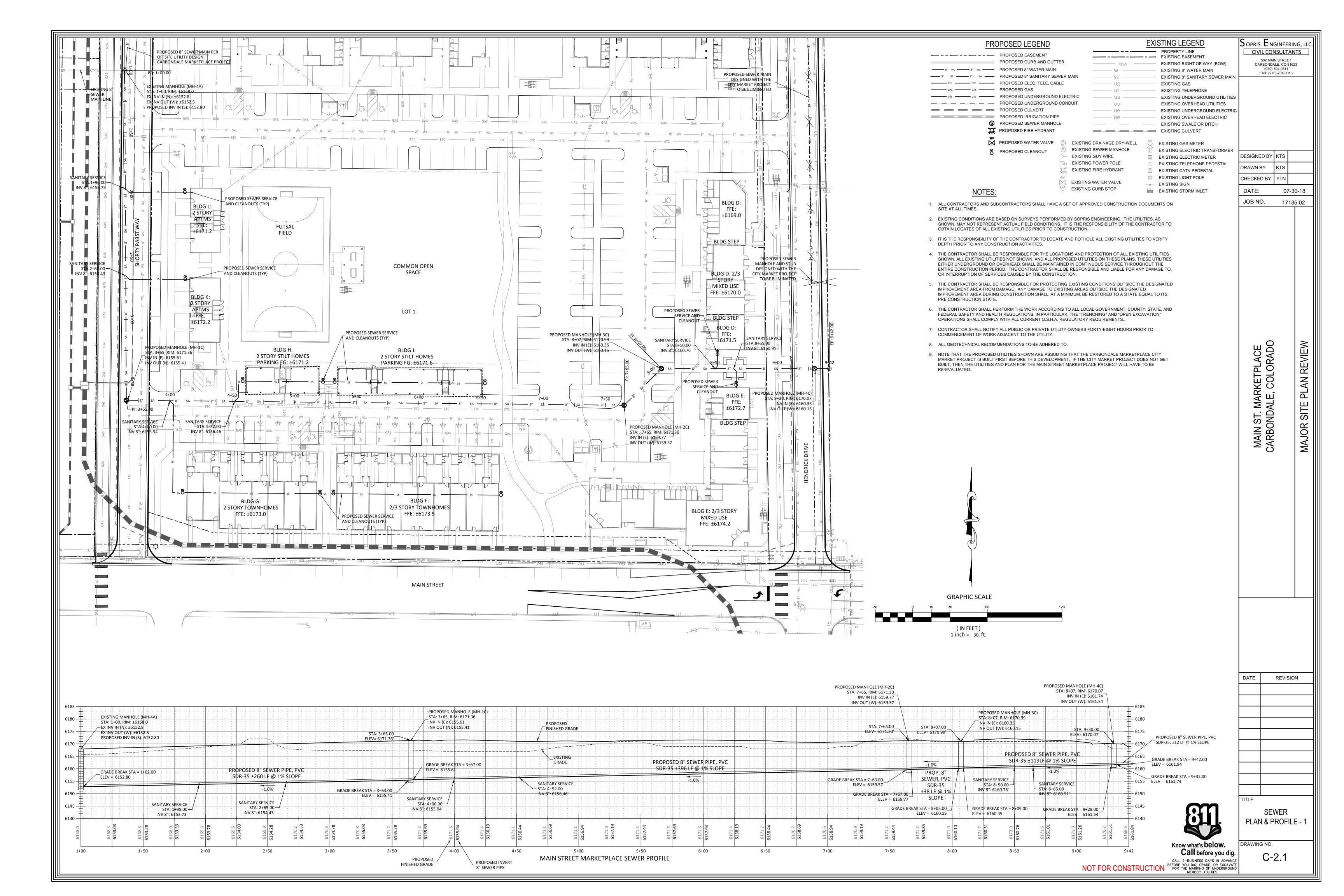
"Gap Protection" -When this Company conducts the closing and is responsible for recording or filing the legal documents resulting from the transaction, the Company shall be responsible for all matters which appear on the record prior to such time or recording or filing; and

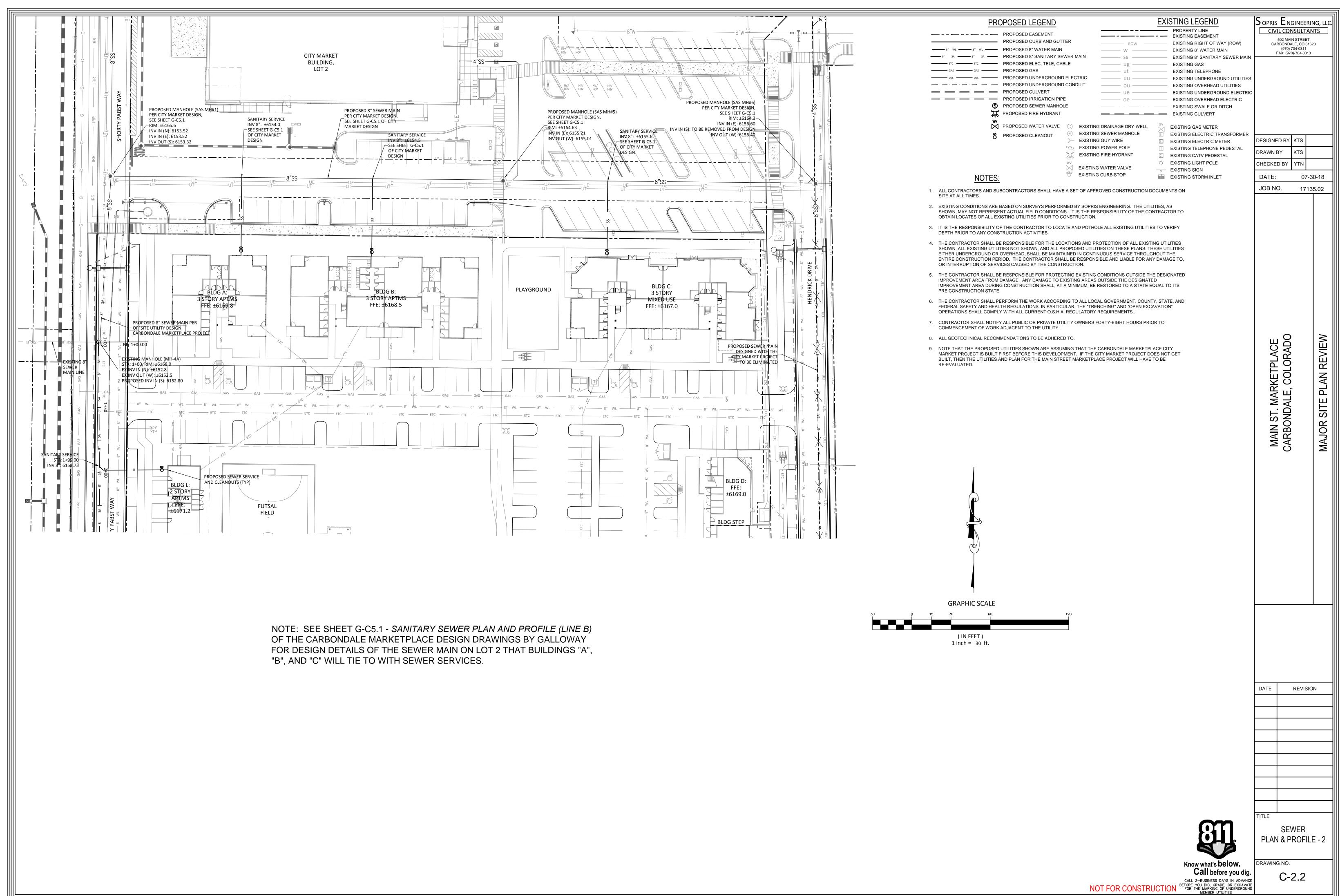
"Mechanic's Lien Protection" - If you are the buyer of a single family residence, you may request mechanic's lien coverage to be issued on your policy of Insurance. If the property being purchased has not been the subject of construction, improvements or repairs in the last six months prior to the date of this commitment, the requirements will be payment of the appropriate premium and the completion of an Affidavit and Indemnity by the seller. If the property being purchased was constructed, improved or repaired within six months prior to the date of this commitment the requirements may involve disclosure of certain financial information, payment of premiums, and indemnity, among others. The general requirements stated above are subject to revision and approval by the Company. Pursuant to C.R.S. 10-11-122.

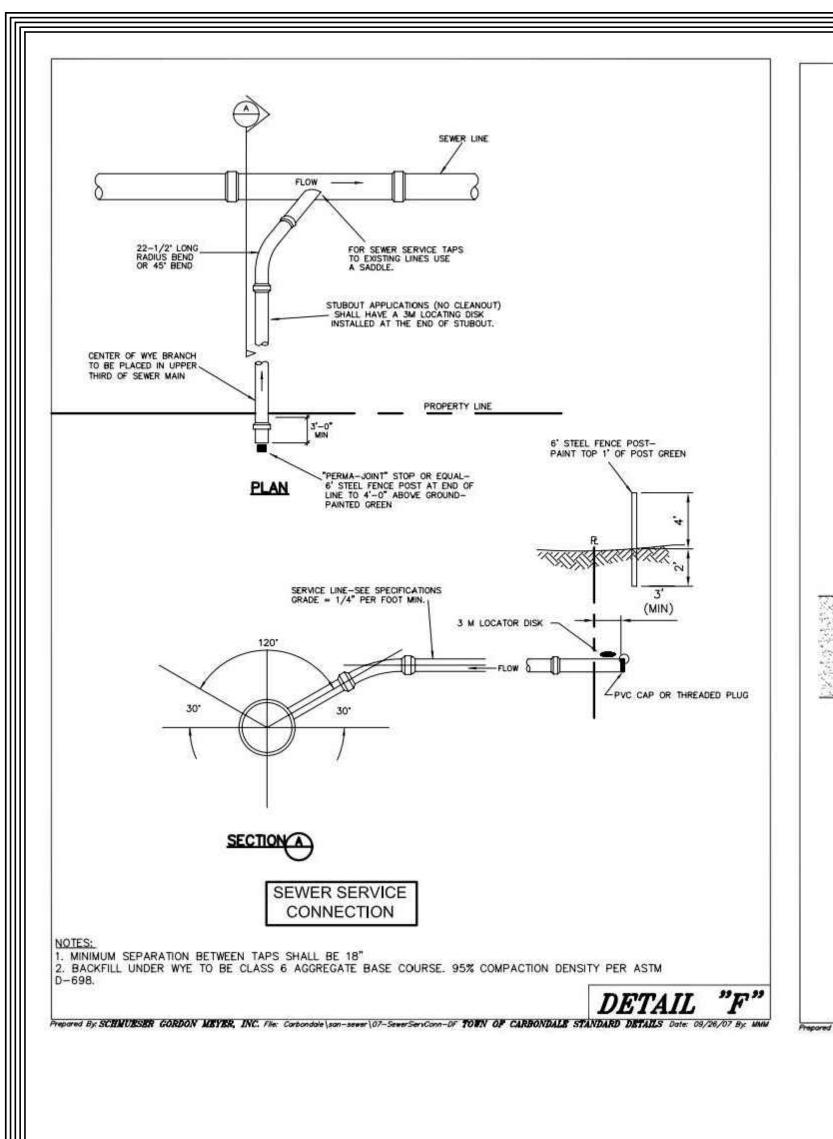
Notice is hereby given that an ALTA Closing Protection Letter is available, upon request, to certain parties to the transaction as noted in the title commitment. Pursuant to Colorado Division of Insurance Regulation 8-1.

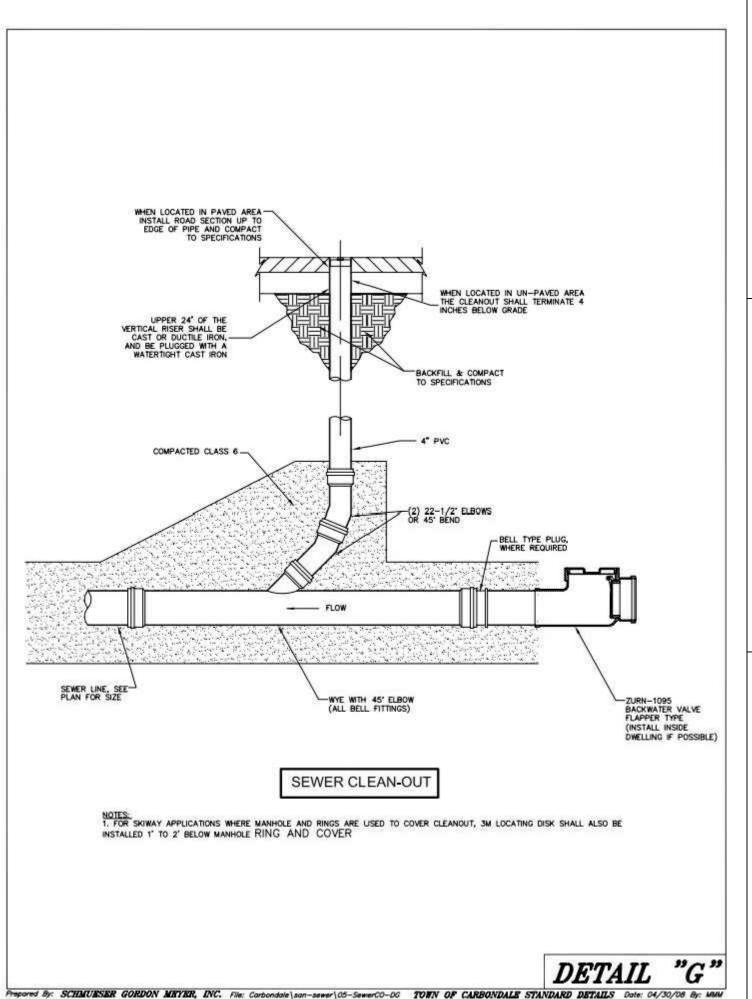
Nothing herein contained will be deemed to obligate the Company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.

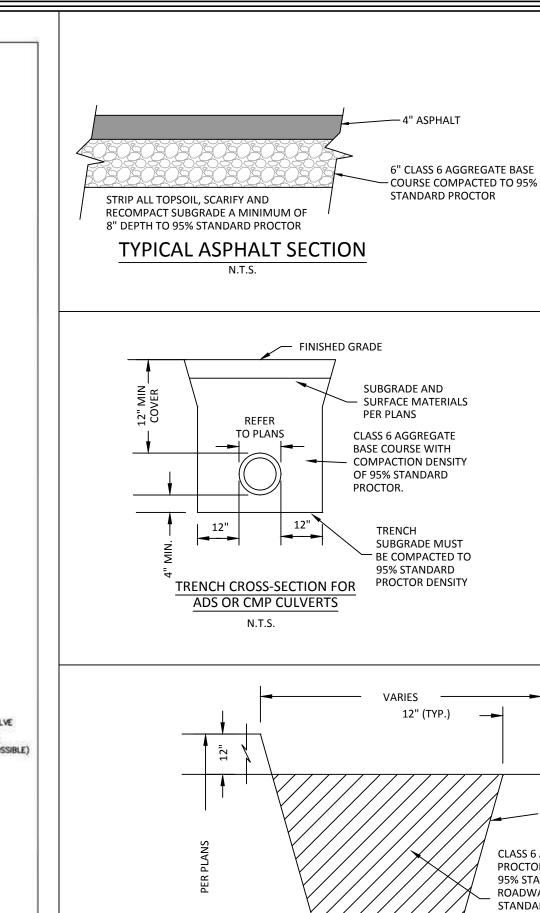


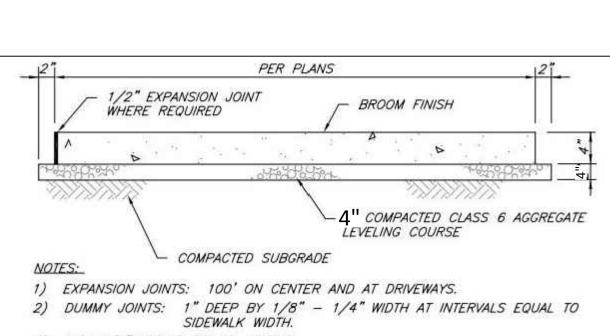










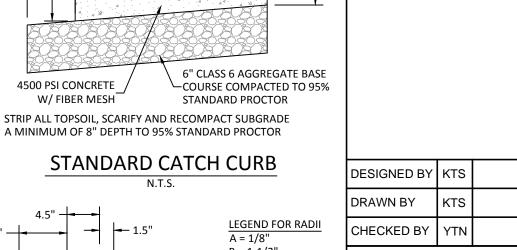


3) USE 1/4" RADIUS ON ALL EDGES.

4) USE 6" DEPTH OF CONCRETE ON ALL DRIVEWAYS. 5) CURE FOR 72 HOURS USING CURING COMPOUND, PLASTIC COVERING OR

6) USE 3750 PSI CONCRETE WITH FIBERMESH ADDITIVE AT 1-1/2 LBS./C.Y. MAXIMUM SLUMP 4".

CONCRETE SIDEWALK



DATE:

JOB NO.

B = 1-1/2"

C = 1-1/2" - 2'

OPRIS ENGINEERING, LLC. CIVIL CONSULTANTS

> 502 MAIN STREET CARBONDALE, CO 81623

(970) 704-0311 FAX: (970)-704-0313

07-3018

17135.02

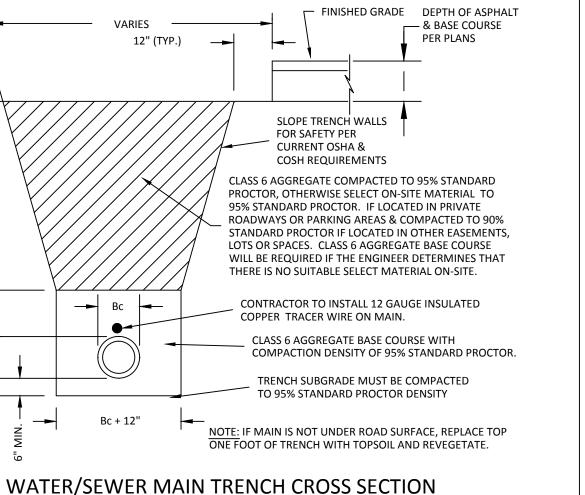
SITE

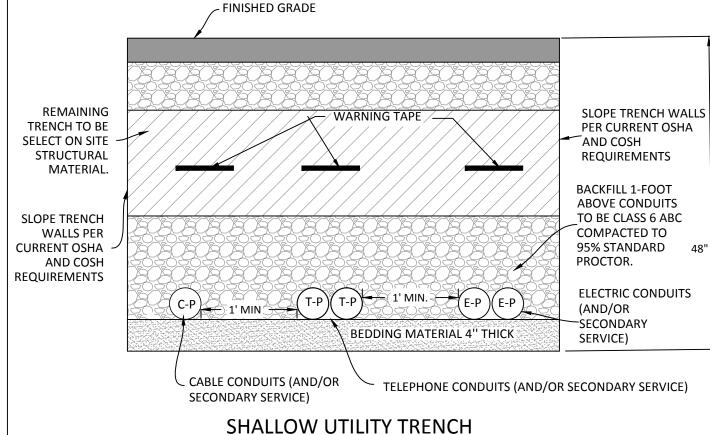
C-5.0

B = 1-1/2" C = 1-1/2" - 2" 4500 PSI CONCRETE 6" CLASS 6 AGGREGATE BASE COURSE COMPACTED TO 95% W/ FIBER MESH STANDARD PROCTOR

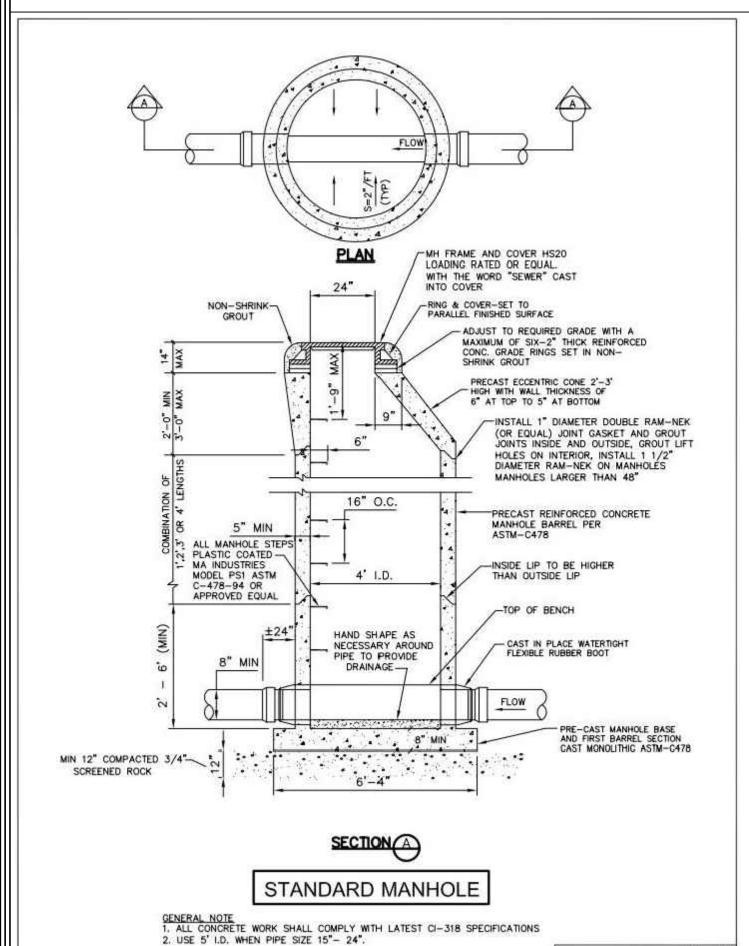
STRIP ALL TOPSOIL, SCARIFY AND RECOMPACT SUBGRADE

A MINIMUM OF 8" DEPTH TO 95% STANDARD PROCTOR STANDARD SPILL CURB

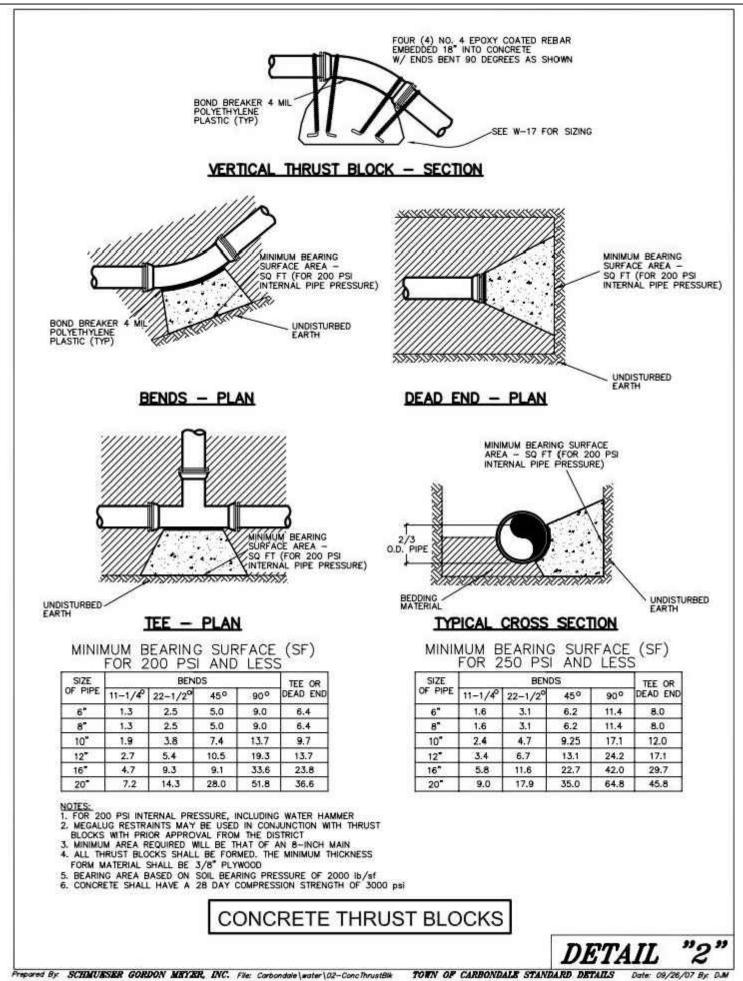


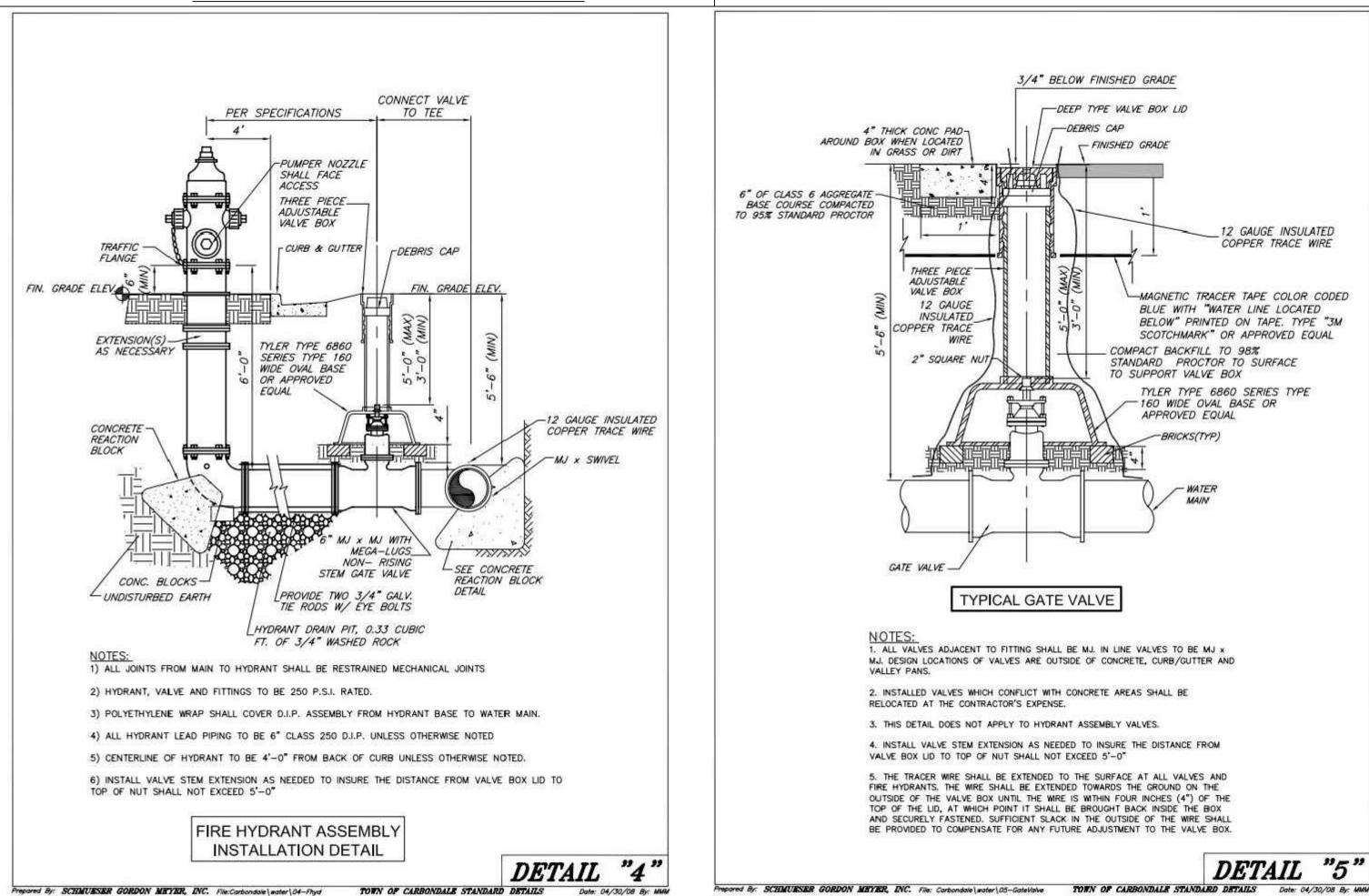


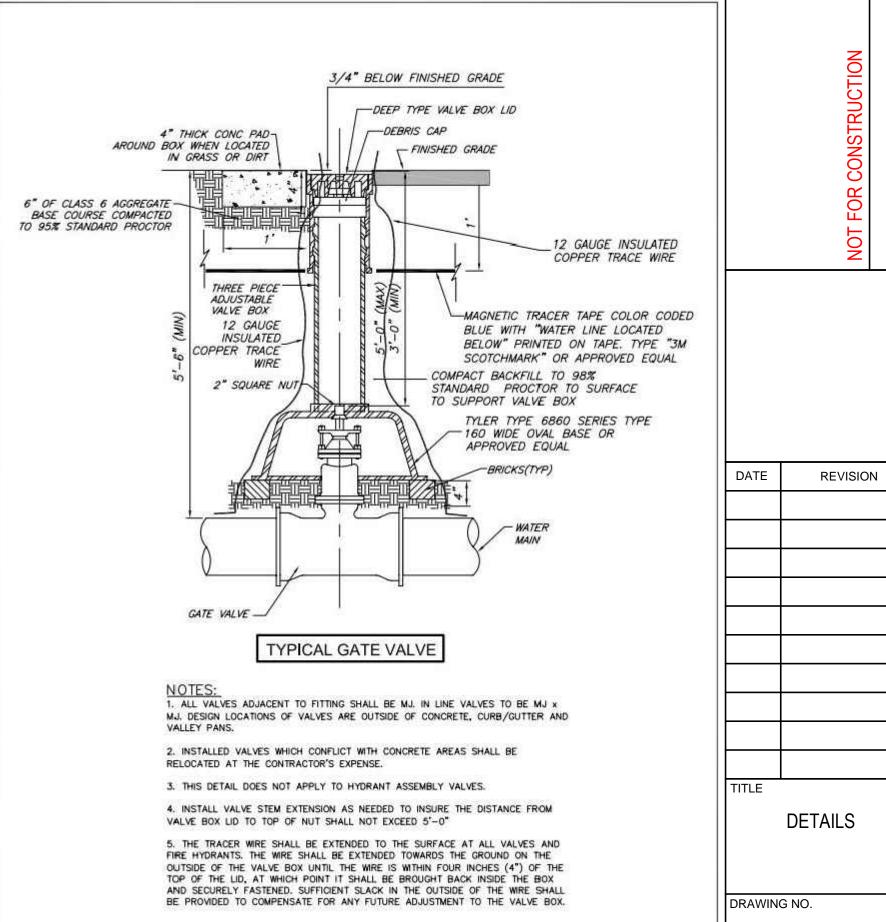


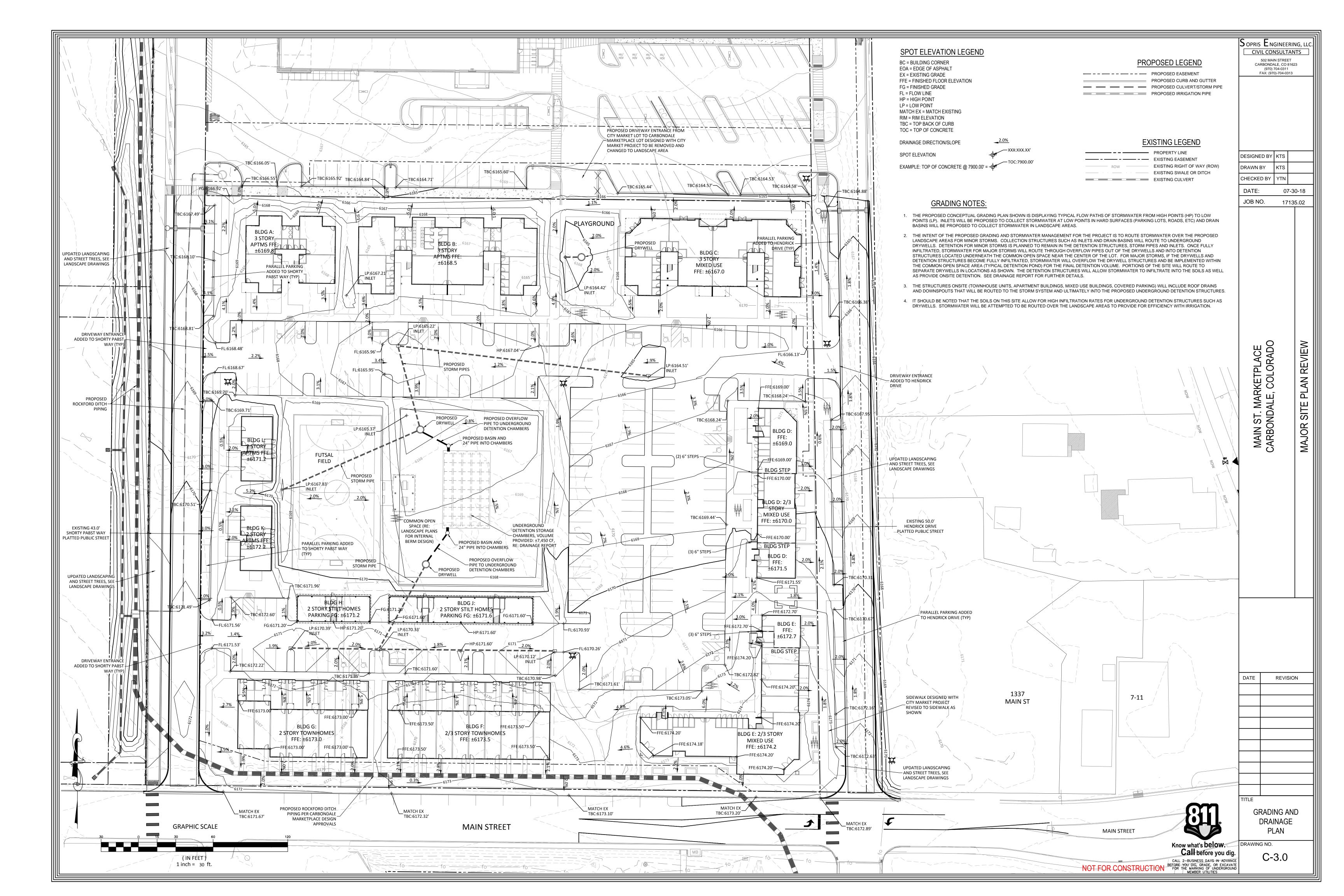


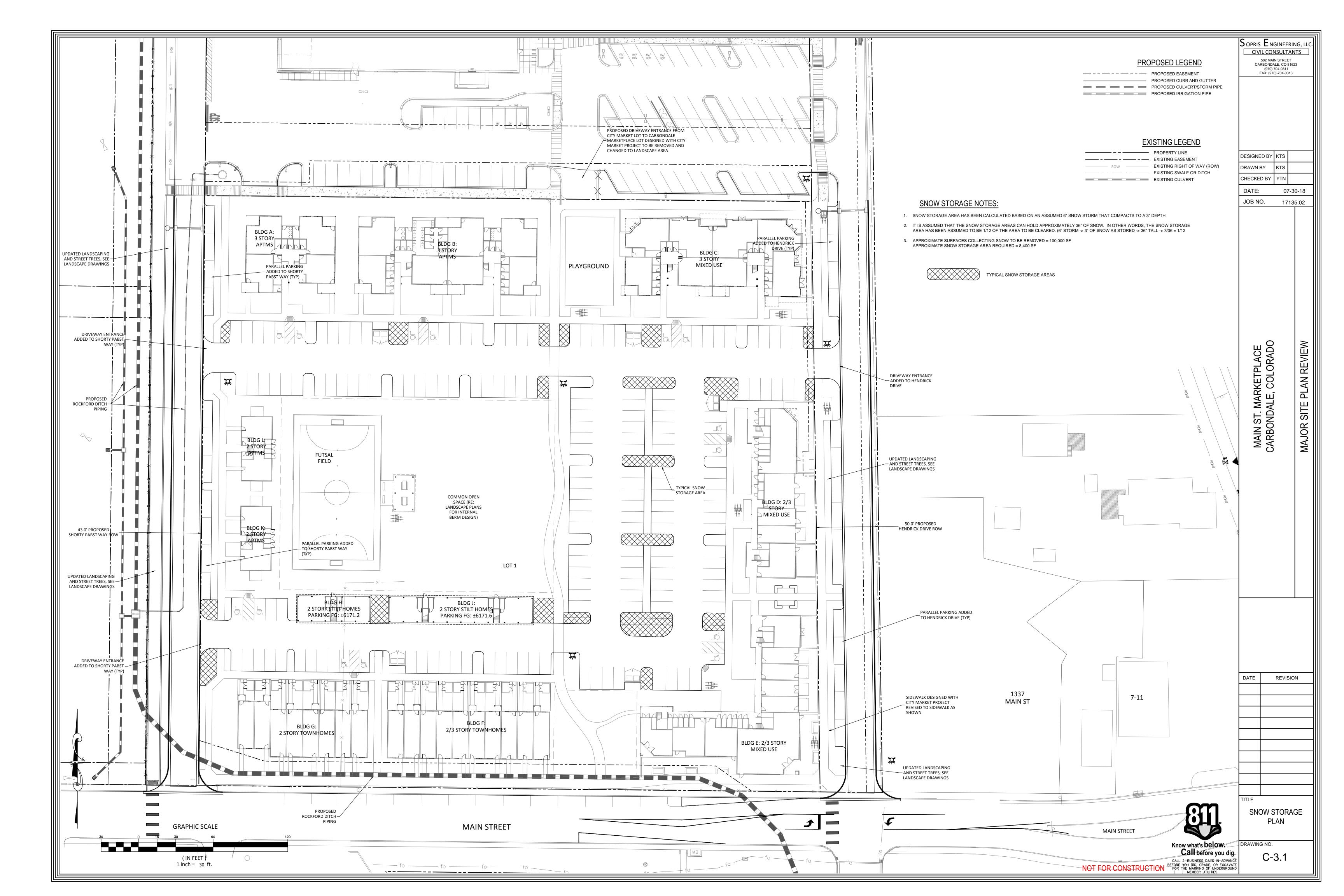
Prepared By: SCHMUESER GORDON MEYER, INC. File: Carbondole\son-sever\01-Stand-DA TOWN OF CARBONDALE STANDARD DETAILS Date: 09/26/07 By: MINN

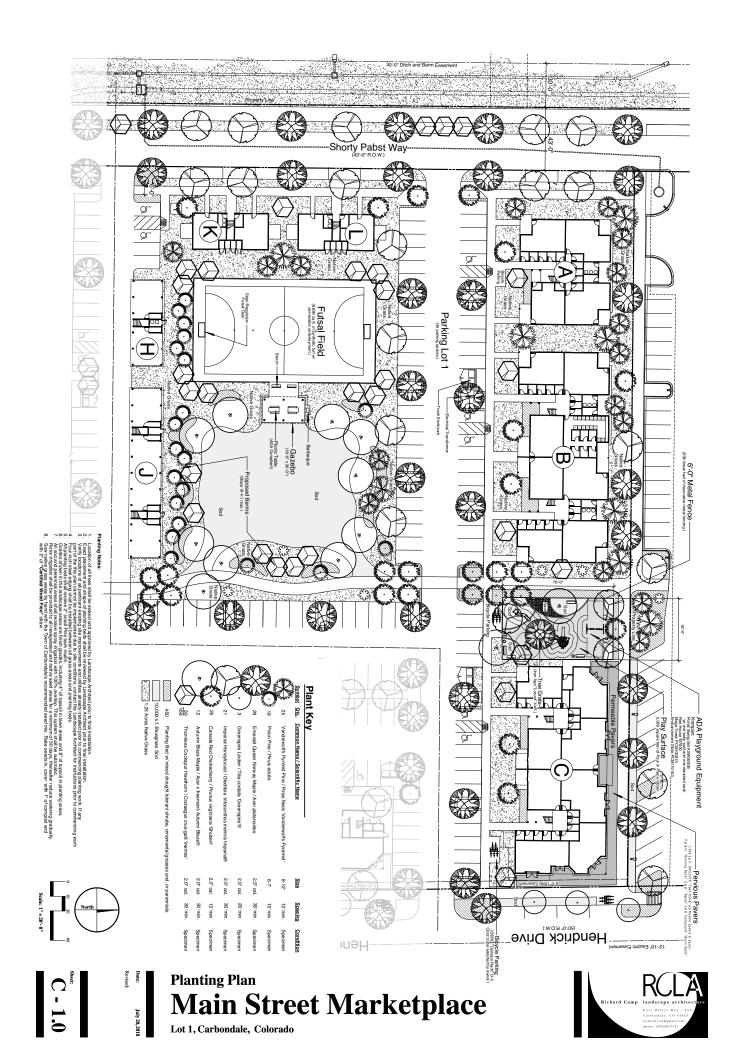


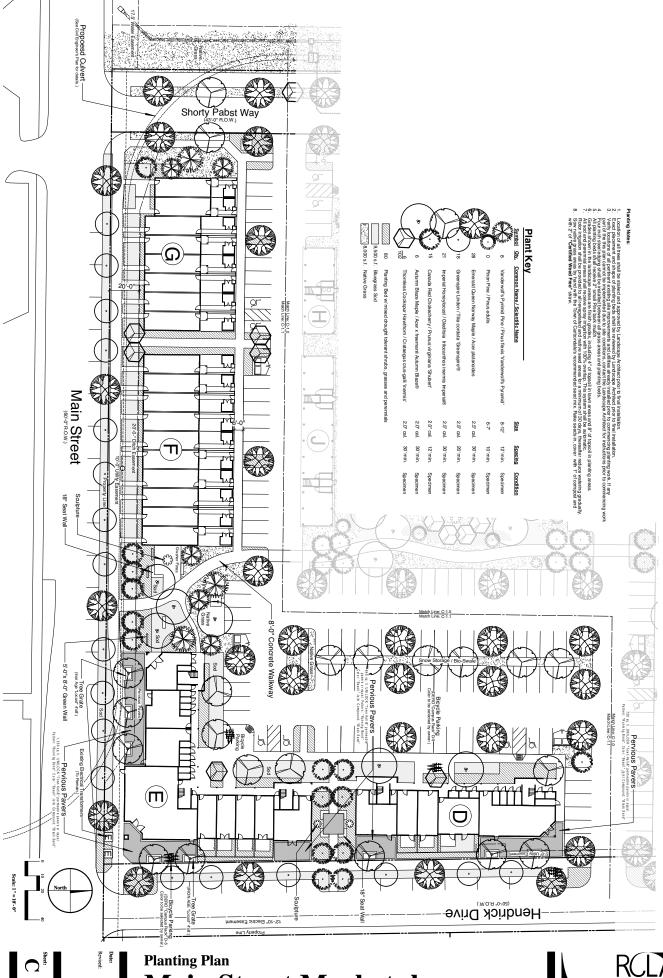








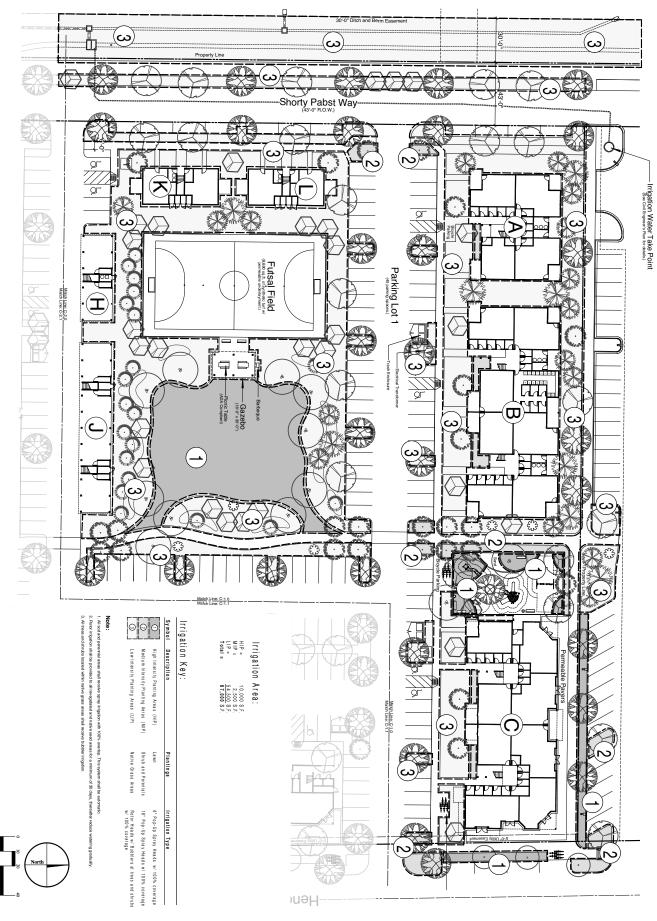




**Main Street Marketplace** 

Carbondale, Colorado





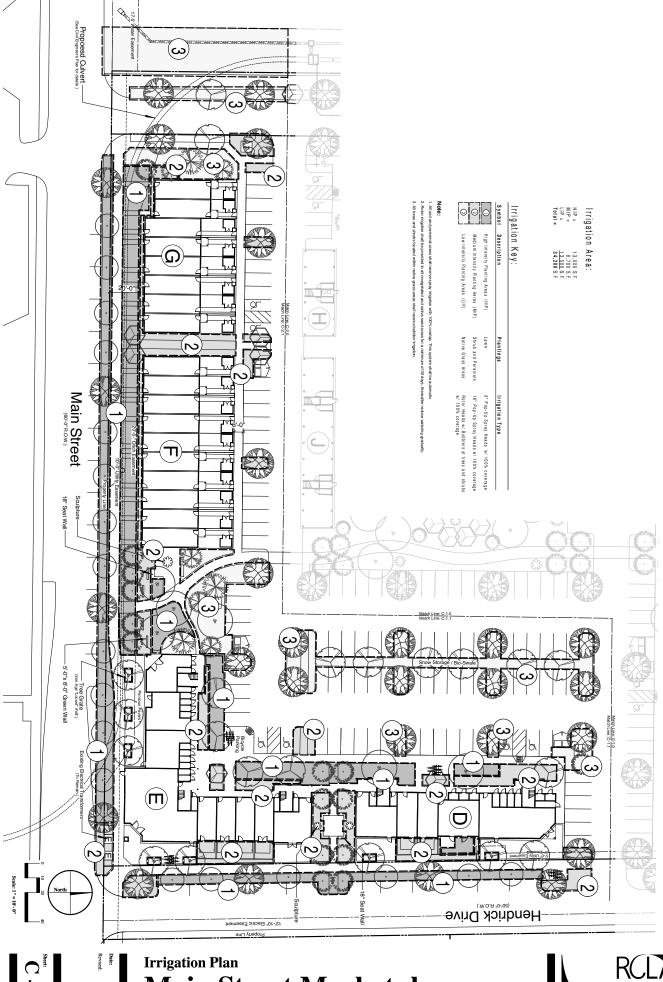


**Irrigation Plan** 

# Main Street Marketplace

Lot 1, Carbondale, Colorado

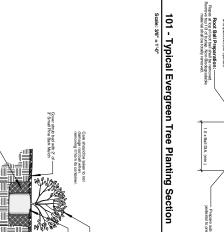




**Main Street Marketplace** 

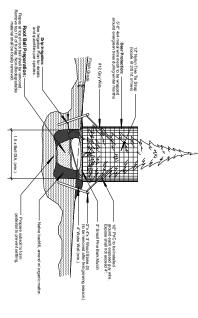
Carbondale, Colorado





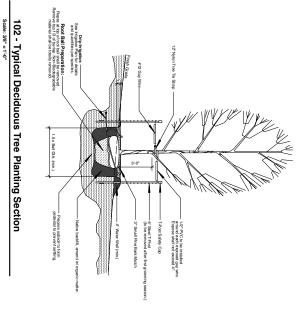
Prune dead or damaged wood prior to planting.

Set top of shrub roof ball 1" above finish bed grade



Correst Sheet Mar:

They sale of Correst Correct Corre





104 - Lawn Area Profile scale: 1/2"=11:0"

103 - Typical Shrub Planting Section

Sheet: C - 3.0

Date: July 20, 201
Revised:

Construction Details

Main Street Marketplace
Carbondale, Colorado





Hepworth-Pawlak Geotechnical, Inc. 5020 County Road 154 Glenwood Springs, Colorado 81601 Phone: 970-945-7988

Fax: 970-945-8454 hpgeo@hpgeotech.com

January 11, 2002

Sopris Engineering, LLC Attn: Yancy Nichol 502 Main Street Suite A3 Carbondale, Colorado 81623

Job No. 198 650

Subject:

Review of Subsoil Study, Proposed Commercial Development,

Northwest of Highway 133 and Main Street, Carbondale, Colorado

# Dear Yancy:

As requested, we have reviewed our subsoil study for design of foundations at the site dated October 17, 2000, Job No. 198 650 with respect to the proposed site plan provided to us on December 26, 2001.

The proposed development consists of two large anchor stores of 75,000 to 100,000 square feet located at the southwest and northwest corners of the property. Three smaller retail buildings on the order of 15,000 to 20,000 square feet will be attached to the northwest store. The buildings will be tall one story steel frame/masonry structures with slab-on-grade floors. A gas station is proposed in the northeast corner of the site. The rest of the site will be paved parking and access drives.

Our previous report should be suitable for design of the proposed development. The area of the southwest anchor store is low relative to Main Street and will require up to 6 feet of structural fill below slabs-on-grade to raise the area to near street level. The on-site gravel soils are suitable for use as structural fill under buildings. Screening or crushing of the natural gravel soils will probably be needed due to the oversize rock. The design parameters provided in our previous report should be suitable for design of foundations for the proposed structures.

If there are any questions or if we may be of further assistance, please let us know.

Sincerely,

HEPWORTH - PAWLAK GEOTECHNICAL, INC.

William Harman

Daniel E. Hardin, P. B. Rev. by: SLP

DEH/ksw

20015,01



Hepworth-Pawlak Geotechnical, Inc. 5020 County Road 154 Glenwood Springs, Colorado 81601 Phone: 970-945-7988

Fax: 970-945-8454 hpgeo@hpgeotech.com

# SUBSOIL STUDY FOR FOUNDATION DESIGN PROPOSED CRYSTAL RIVER MARKETPLACE NORTHWEST OF HIGHWAY 133 AND MAIN STREET CARBONDALE, COLORADO

JOB NO. 198 650

**OCTOBER 17, 2000** 

## PREPARED FOR:

SOPRIS ENGINEERING ATTN: YANCY NICHOL 520 MAIN STREET, SUITE A3 CARBONDALE, COLORADO 81623

# HEPWORTH - PAWLAK GEOTECHNICAL, INC.

October 17, 2000

Sopris Engineering Attn: Yancy Nichol 520 Main Street, Suite A3 Carbondale, Colorado 81623

Job No. 198 650

Subject:

Report Transmittal, Subsoil Study for Foundation Design, Proposed

Crystal River Marketplace, Northwest of Highway 133 and Main Street.

Carbondale, Colorado

Dear Yancy:

As requested, we have conducted a subsoil study for the proposed development at the subject site.

Subsurface conditions encountered in the exploratory borings drilled in the proposed development area consist of ½ foot to 1 foot of topsoil and up to 2½ feet of sandy silty clay overlying relatively dense sandy gravel with cobbles. Groundwater was not encountered in the borings at the time of drilling.

The proposed development can be founded on spread footings placed on the natural granular subsoils and designed for an allowable bearing pressure of 4,000 psf.

The report which follows describes our exploration, summarizes our findings, and presents our recommendations. It is important that we provide consultation during design, and field services during construction to review and monitor the implementation of the geotechnical recommendations.

If you have any questions regarding this report, please contact us.

Sincerely,

HEPWORTH - PAWLAK GEOTECHNICAL, INC.

Daniel E. Hardin, P.E.

Rev. by: JZA DEH/ksw

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# PURPOSE AND SCOPE OF STUDY

This report presents the results of a subsoil study for a proposed commercial development to be located northwest of Highway 133 and Main Street, Carbondale, Colorado. The project site is shown on Fig. 1. The purpose of the study was to develop recommendations for foundation design. The study was conducted in accordance with our agreement for geotechnical engineering study to Sopris Engineering dated September 17, 1998.

A field exploration program consisting of exploratory borings was conducted to obtain information on subsurface conditions. Samples of the subsoils obtained during the field exploration were tested in the laboratory to determine their classification, compressibility and other engineering characteristics. The results of the field exploration and laboratory testing were analyzed to develop recommendations for foundation types, depths and allowable pressures for the proposed building foundation. This report summarizes the data obtained during this study and presents our conclusions, design recommendations and other geotechnical engineering considerations based on the proposed construction and the subsoil conditions encountered.

### PROPOSED CONSTRUCTION

The proposed commercial development will be primarily tall one story structures with some 3 story structures in the "Village" area. The structures will be tilt up concrete walls. Ground floors will be slab-on-grade. Grading for the structures is assumed to be relatively minor with cut depths between about 2 to 6 feet. We assume relatively light to moderate foundation loadings, typical of the proposed type of construction.

If building loadings, location or grading plans change significantly from those described above, we should be notified to re-evaluate the recommendations contained in this report.

#### SITE CONDITIONS

The site consists of gently rolling irrigated pastureland with some commercial development along Highway 133 and residential development along Main Street. The irrigation ditches were flowing at the time of our field work. Vegetation at the site consists mostly of grass and weeds with willows and other brush bordering the Rockford irrigation ditch. There are deciduous trees and tall brush in the existing residential area in the southern part of the site.

#### SUBSIDENCE POTENTIAL

Bedrock of the Pennsylvanian age Eagle Valley Evaporite underlies the Crystal River Market place development. These rocks are a sequence of gypsiferous shale, fine-grained sandstone/siltstone and limestone with some massive beds of gypsum. There is a possibility that massive gypsum deposits associated with the Eagle Valley Evaporite underlie portions of the site. Dissolution of the gypsum under certain conditions can cause sinkholes to develop and can produce areas of localized subsidence. During previous work in the area, several sinkholes were observed scattered throughout the Carbondale area. These sinkholes appear similar to others associated with the Eagle Valley Evaporite in areas of the Roaring Fork Valley.

Sinkholes were not observed in the immediate area of the subject lot. Long linear depressions were observed in the area of Borings 4, 5 and 6 and Borings 21 to 24. These depressions could be associated with long term down warping of the underlying Eagle Valley Evaporite or could be erosional features in the overlying alluvial gravel. Borings drilled in the area of the linear features indicate soil conditions similar to other parts of the site. Further evaluation of these features could be performed during construction. No evidence of cavities was encountered in the subsurface materials; however, the exploratory borings were relatively shallow, for foundation design only. Based on our present knowledge of the subsurface conditions at the site, it cannot be said for certain that sinkholes will not develop. The risk of

future ground subsidence at this site throughout the service life of the proposed development, in our opinion, is low; however, the owner should be made aware of the potential for sinkhole development. If further investigation of possible cavities in the bedrock below the site is desired, we should be contacted.

# FIELD EXPLORATION

The field exploration for the project was conducted on September 7, 8 and 14, 1998. Twenty-six exploratory borings were drilled at the locations shown on Fig. 1 to evaluate the subsurface conditions. The borings were advanced with 4 inch diameter continuous flight augers powered by a truck-mounted Longyear BK-51HD drill rig. The borings were logged by a representative of Hepworth-Pawlak Geotechnical, Inc.

Samples of the subsoils were taken with 1% inch and 2 inch I.D. spoon samplers. The samplers were driven into the subsoils at various depths with blows from a 140 pound hammer falling 30 inches. This test is similar to the standard penetration test described by ASTM Method D-1586. The penetration resistance values are an indication of the relative density or consistency of the subsoils. Depths at which the samples were taken and the penetration resistance values are shown on the Logs of Exploratory Borings, Figs. 2 to 4. The samples were returned to our laboratory for review by the project engineer and testing.

# SUBSURFACE CONDITIONS

Graphic logs of the subsurface conditions encountered at the site are shown on Figs. 2 to 4. The subsoils consist of about ½ to 1 foot of topsoil and up to 2½ feet of medium stiff to stiff sandy silty clay overlying relatively dense, slightly silty sandy gravel containing cobbles and boulders. Drilling in the dense gravel with auger equipment was difficult due to the cobbles and boulders and drilling refusal was encountered in the deposit.

Laboratory testing performed on samples obtained from the borings included natural moisture content, density, Atterberg limits and gradation analyses. Results of consolidation testing performed on relatively undisturbed drive samples of the sandy clay soils, presented on Figs. 6 and 7 indicate low to moderate compressibility under conditions of loading and wetting. Results of gradation analyses performed on small diameter drive samples (minus 1½ inch fraction) of the natural coarse granular soils are shown on Figs. 8 to 10. Atterberg limits testing indicates the clay soils have low to medium plasticity. The laboratory testing is summarized in Table I.

No free water was encountered in the borings at the time of drilling and the subsoils were slightly moist to moist.

# FOUNDATION BEARING CONDITIONS

The dense gravel soils at the site are suitable for light to moderately loaded spread footing construction. All topsoil, old fill and the natural clay soils should be removed from below footing areas and the footing level extended down to the dense gravel. As an alternative, footing grade could be re-established with compacted structural fill. Lightly loaded slabs could be placed on the natural clay or gravel soils.

#### DESIGN RECOMMENDATIONS

#### FOUNDATIONS

Considering the subsoil conditions encountered in the exploratory borings and the nature of the proposed construction, we recommend the buildings be founded with spread footings bearing on the natural granular soils.

The design and construction criteria presented below should be observed for a spread footing foundation system.

1) Footings placed on the undisturbed natural granular soils should be designed for an allowable soil bearing pressure of 4,000 psf. Based on

- -

- experience, we expect settlement of footings designed and constructed as discussed in this section will be about 1 inch or less.
- 2) The footings should have a minimum width of 16 inches for continuous walls and 2 feet for isolated pads.
- Exterior footings and footings beneath unheated areas should be provided with adequate soil cover above their bearing elevation for frost protection. Placement of foundations at least 36 inches below exterior grade is typically used in this area.
- 4) Continuous foundation walls should be reinforced top and bottom to span local anomalies such as by assuming an unsupported length of at least 10 feet. Foundation walls acting as retaining structures should also be designed to resist lateral earth pressures as discussed in the "Foundation and Retaining Walls" section of this report.
- All existing fill, topsoil, sandy clay and any loose or disturbed soils should be removed and the footing bearing level extended down to relatively dense natural granular soils. As an alternative, design footing grade could be re-established with structural fill compacted to at least 100% of the maximum standard Proctor density at a moisture content near optimum. The fill should extend out from the edge of the footing a distance equal to the depth of fill below the footing. Structural fill should consist of the on-site gravels or a suitable imported sandy gravel devoid of topsoil, vegetation and oversized rock.
- 6) A representative of the geotechnical engineer should observe all footing excavations prior to concrete placement to evaluate bearing conditions.

# FOUNDATION AND RETAINING WALLS

Foundation walls and retaining structures which are laterally supported and can be expected to undergo only a slight amount of deflection should be designed for a lateral earth pressure computed on the basis of an equivalent fluid unit weight of 45 pcf for backfill consisting of the on-site granular soils. Cantilevered retaining structures

which are separate from the buildings and can be expected to deflect sufficiently to mobilize the full active earth pressure condition should be designed for a lateral earth pressure computed on the basis of an equivalent fluid unit weight of 35 pcf for backfill consisting of the on-site granular soils. Backfill should not contain vegetation, topsoil, clay soils or rock larger than about 6 inches.

All foundation and retaining structures should be designed for appropriate hydrostatic and surcharge pressures such as adjacent footings, traffic, construction materials and equipment. The pressures recommended above assume drained conditions behind the walls and a horizontal backfill surface. The buildup of water behind a wall or an upward sloping backfill surface will increase the lateral pressure imposed on a foundation wall or retaining structure. An underdrain should be provided to prevent hydrostatic pressure buildup behind walls.

Backfill should be placed in uniform lifts and compacted to at least 90% of the maximum standard Proctor density at a moisture content near optimum. Backfill in pavement and walkway areas should be compacted to at least 95% of the maximum standard Proctor density. Care should be taken not to overcompact the backfill or use large equipment near the wall, since this could cause excessive lateral pressure on the wall. Some settlement of deep foundation wall backfill should be expected, even if the material is placed correctly, and could result in distress to facilities constructed on the backfill.

The lateral resistance of foundation or retaining wall footings will be a combination of the sliding resistance of the footing on the foundation materials and passive earth pressure against the side of the footing. Resistance to sliding at the bottoms of the footings can be calculated based on a coefficient of friction of 0.50. Passive pressure of compacted backfill against the sides of the footings can be calculated using an equivalent fluid unit weight of 400 pcf. The coefficient of friction and passive pressure values recommended above assume ultimate soil strength. Suitable factors of safety should be included in the design to limit the strain which will occur at the ultimate strength, particularly in the case of passive resistance. Fill placed against the

sides of the footings to resist lateral loads should be compacted to at least 95% of the maximum standard Proctor density at a moisture content near optimum.

#### FLOOR SLABS

The natural on-site soils, exclusive of topsoil, are suitable to support lightly loaded slab-on-grade construction. To reduce the effects of some differential movement, floor slabs should be separated from all bearing walls and columns with expansion joints which allow unrestrained vertical movement. Floor slab control joints should be used to reduce damage due to shrinkage cracking. The requirements for joint spacing and slab reinforcement should be established by the designer based on experience and the intended slab use. A minimum 4 inch layer of free-draining gravel should be placed beneath slabs-on-grade to act as a leveling course. This material should consist of minus 2 inch aggregate with at least 50% retained on the No. 4 sieve and less than 2% passing the No. 200 sieve.

All fill materials for support of floor slabs should be compacted to at least 95% of maximum standard Proctor density at a moisture content near optimum. Required fill can consist of the on-site gravels or a suitable imported sandy gravel devoid of vegetation, topsoil and oversized rock.

#### UNDERDRAIN SYSTEM

Although free water was not encountered during our exploration, it has been our experience that local perched groundwater may develop during times of heavy precipitation or seasonal runoff. Frozen ground during spring runoff can create a perched condition. We recommend below-grade construction, such as retaining walls, crawlspace and basement areas, be protected from wetting and hydrostatic pressure buildup by an underdrain system.

The drains should consist of drainpipe placed in the bottom of the wall backfill surrounded above the invert level with free-draining granular material. The drain should be placed at each level of excavation and at least 1 foot below lowest adjacent finish grade and sloped at a minimum 1% to a suitable gravity outlet. Free-draining

granular material used in the underdrain system should contain less than 2% passing the No. 200 sieve, less than 50% passing the No. 4 sieve and have a maximum size of 2 inches. The drain gravel backfill should be at least 1½ feet deep.

#### SURFACE DRAINAGE

The following drainage precautions should be observed during construction and maintained at all times after the development has been completed:

- Inundation of the foundation excavations and underslab areas should be avoided during construction.
- Exterior backfill should be adjusted to near optimum moisture and compacted to at least 95% of the maximum standard Proctor density in pavement and slab areas and to at least 90% of the maximum standard Proctor density in landscape areas.
- 3) The ground surface surrounding the exterior of the buildings should be sloped to drain away from the foundation in all directions. We recommend a minimum slope of 6 inches in the first 10 feet in unpaved areas and a minimum slope of 3 inches in the first 10 feet in paved areas. Free-draining wall backfill should be capped with about 2 feet of the on-site finer graded soils to reduce surface water infiltration.
- 4) Roof downspouts and drains should discharge well beyond the limits of all backfill.

# PAVEMENT DESIGN RECOMMENDATIONS

A pavement section is designed to distribute concentrated traffic loads to the subgrade. Pavement design procedures are based on strength properties of the subgrade and pavement materials assuming stable, uniform subgrade conditions. Certain soils such as the upper, fine-grained soils encountered on this site, are frost susceptible and could impact pavement performance. Frost susceptible soils are problematic when there is a free water source. If those soils are wetted, the resulting frost heave movements

can be large and erratic. Therefore, pavement design procedures assume dry subgrade conditions by providing proper surface and subsurface drainage.

Subgrade Materials: The fine-grained soils encountered at the site are mainly low to medium plasticity sandy silty clays which are considered a poor support for pavement materials. For design purposes, the soil support value of the subgrade was selected based on an Hveem 'R' value of 20 for flexible (asphalt) pavements and a modulus of subgrade reaction of 130 pci was selected for rigid (portland cement) pavements. The clay soils are considered moderately to highly susceptible to frost action.

Pavement Section: Since anticipated traffic loading information was not available at the time of report preparation, an 18 kip equivalent daily load application (EDLA) of 15 was assumed for combined automobile and truck traffic areas. This loading should be checked by the project civil engineer. A Regional Factor of 2.0 was assumed for this area of Garfield County based on the site terrain, drainage and climatic conditions.

Based on the assumed parameters, the pavement section in areas of combined automobile and truck traffic should consist of 8 inches of high quality base course and 3 inches of asphalt surface. An alternate full-depth asphalt section of 5½ inches can be used.

As an alternative to asphalt pavement and in areas where truck turning movements are concentrated, the pavement section can consist of 5 inches of portland cement concrete.

The above pavement section thickness recommendations are based on the assumption that the subgrade consists of the on-site fine-grained soils. In areas where the subgrade consists of the natural gravel soils, the pavement section can consist of 3 inches of asphalt and 4 inches of aggregate base course or 5 inches of portland cement concrete.

The section thicknesses assume structural coefficients of 0.14 for aggregate base course, 0.44 for asphalt surface and design strength of 4,000 psi for portland cement

concrete. The material properties and compaction should be in accordance with the project specifications.

Subgrade Preparation: Prior to placing the pavement section, the entire subgrade area should be scarified to a depth of 8 inches, adjusted to a moisture content near optimum and compacted to at least 95% of the maximum standard Proctor density. The pavement subgrade should be proofrolled with a heavily loaded pneumatic-tired vehicle. Pavement design procedures assume a stable subgrade. Areas which deform excessively under heavy wheel loads are not stable and should be removed and replaced to achieve a stable subgrade prior to paving.

**Drainage**: The collection and diversion of surface drainage away from paved areas is extremely important to the satisfactory performance of pavement. Drainage design should provide for the removal of water from paved areas and prevent wetting of the subgrade soils. Uphill roadside ditches should have an invert level at least 1 foot below the road base.

#### LIMITATIONS

This study has been conducted in accordance with generally accepted geotechnical engineering principles and practices in this area at this time. We make no warranty either expressed or implied. The conclusions and recommendations submitted in this report are based upon the data obtained from the exploratory borings drilled at the locations indicated on Fig. 1, the proposed type of construction and our experience in the area. Our findings include interpolation and extrapolation of the subsurface conditions identified at the exploratory borings and variations in the subsurface conditions may not become evident until excavation is performed. If conditions encountered during construction appear different from those described in this report, we should be notified so that re-evaluation of the recommendations may be made.

This report has been prepared for the exclusive use by our client for design purposes. We are not responsible for technical interpretations by others of our information. As the project evolves, we should provide continued consultation and field services during construction to review and monitor the implementation of our recommendations, and to verify that the recommendations have been appropriately interpreted. Significant design changes may require additional analysis or modifications to the recommendations presented herein. We recommend on-site observation of excavations and foundation bearing strata and testing of structural fill by a representative of the geotechnical engineer.

Sincerely,

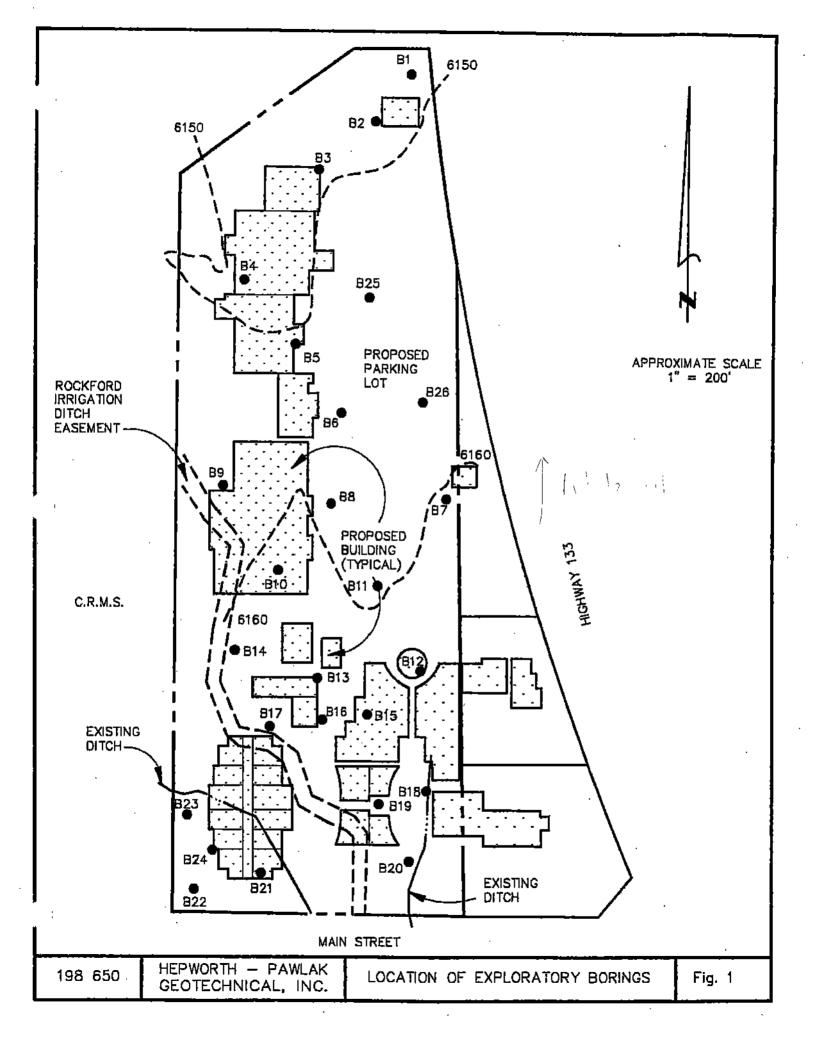
HEPWORTH - PAWLAK GEOTECHNICAL, INC.

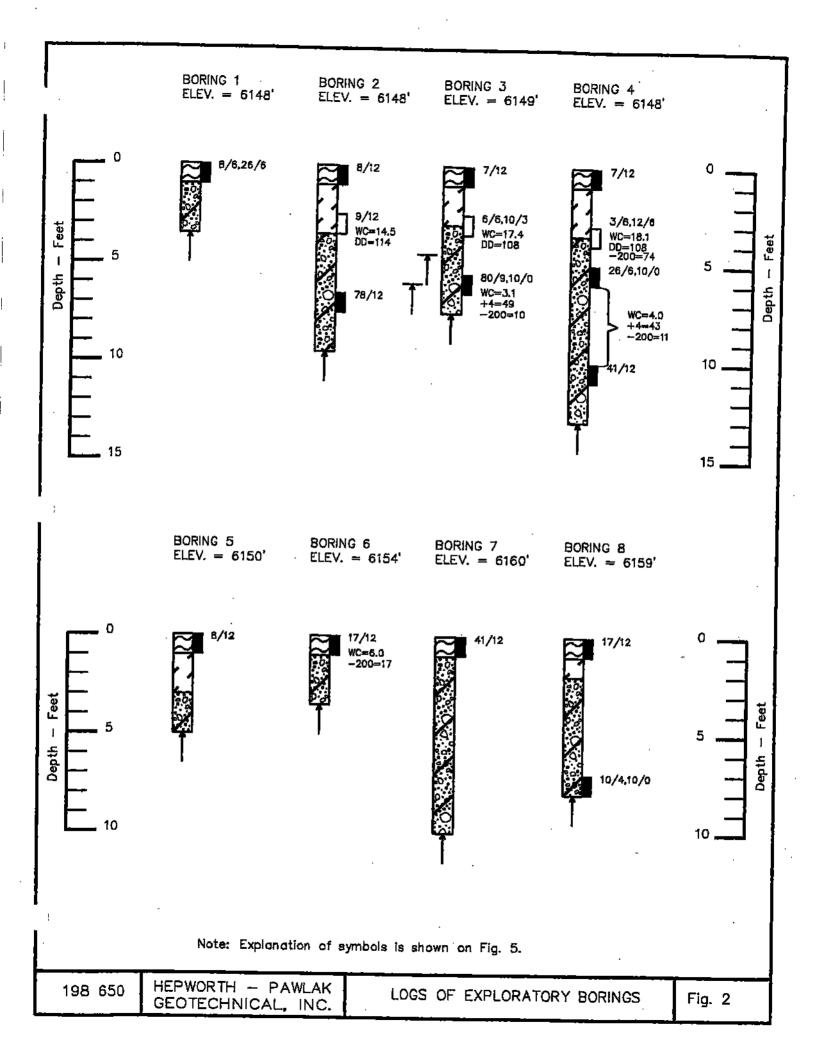
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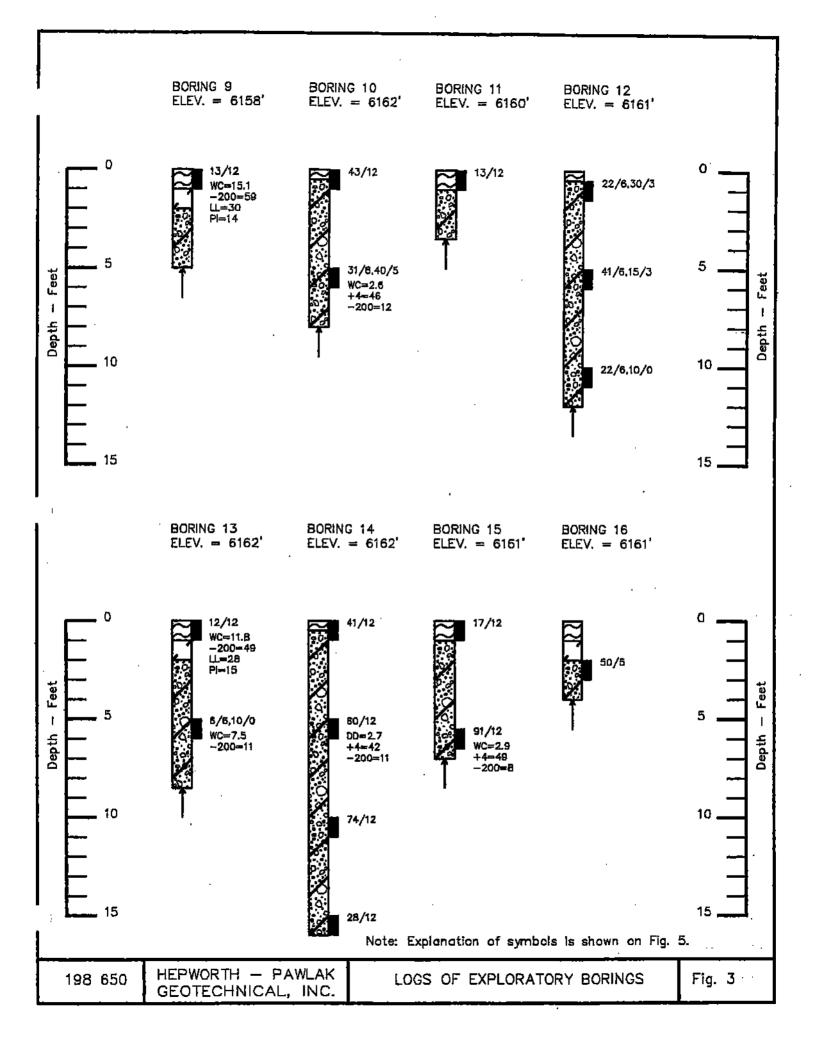
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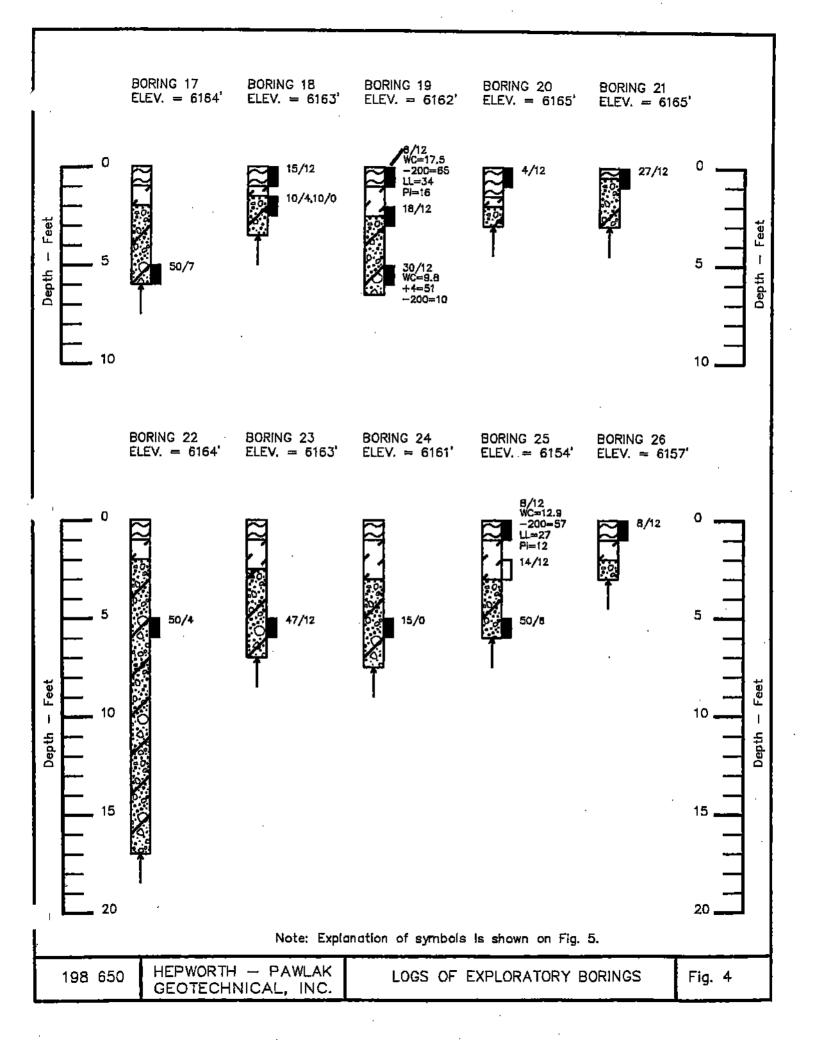
Jordy Z. Adamson, Jr., P.E

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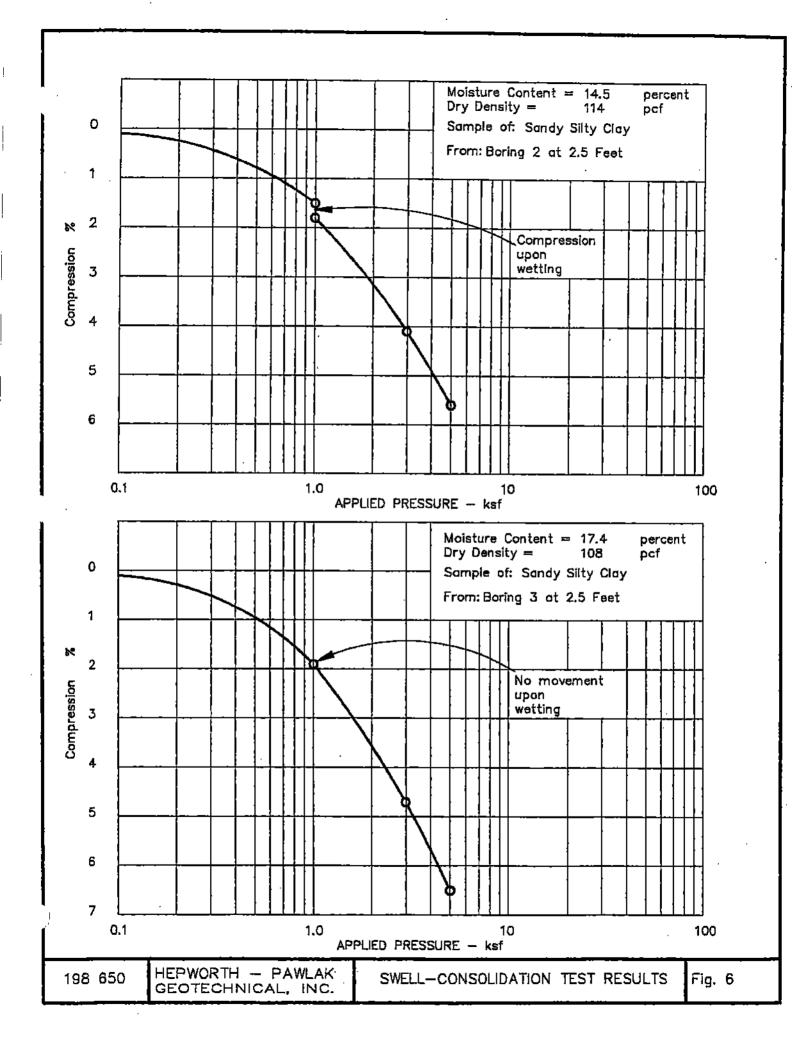


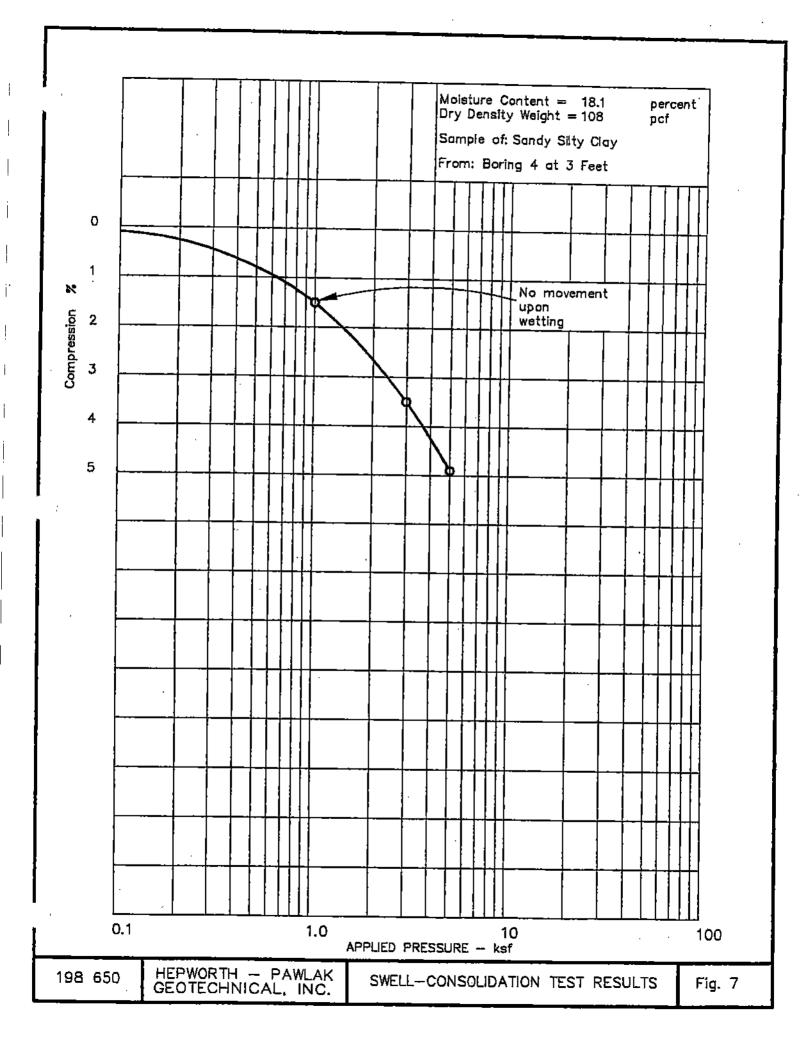


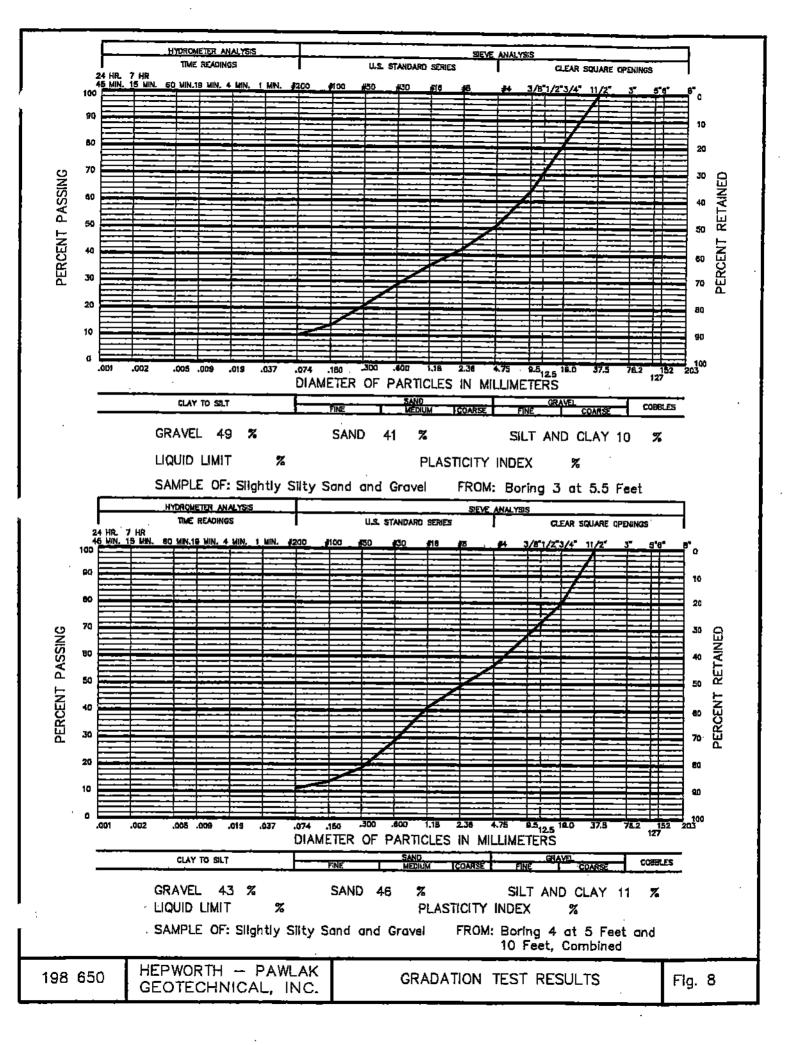


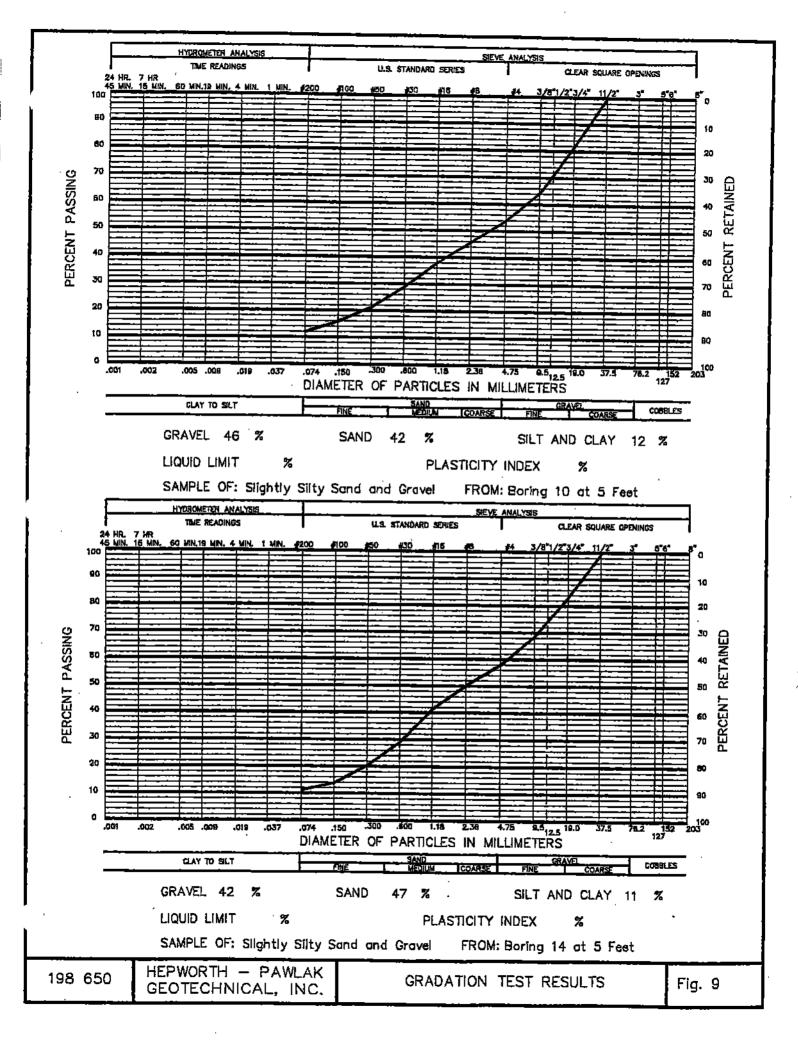


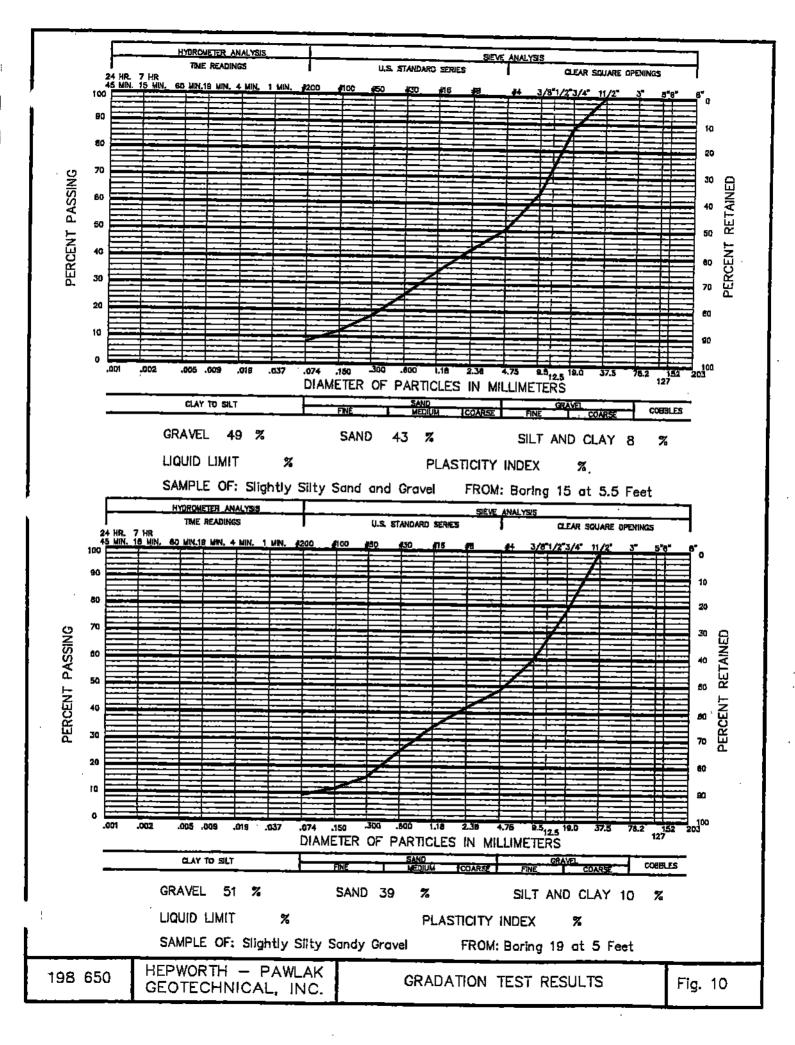
# LEGEND: TOPSOIL; organic sandy silty clay to organic silty sand and gravel with scattered cobbles. medium stiff to medium dense, moist, dark brown. CLAY (CL): silty, sandy, medium stiff to stiff, slightly moist to moist, brown. GRAVEL AND COBBLES (GM-GP); sandy, slightly silty, with boulders, medium dense to dense, slightly moist to moist, brown. Relatively undisturbed drive sample; 2-inch I.D. California liner sample. Drive sample; standard penetration test ( SPT ), 1 3/8-inch I.D. split spoon sample, ASTM D - 1586. Drive sample blow count; indicates that 14 blows of a 140-pound hommer falling 30 inches were 14/12 required to drive the California or SPT sampler 12 inches. Practical rig refusal. Where shown above bottom of log, indicates multiple attempts were made to advance the boring. NOTES: . Exploratory borings were drilled on September 7, 8, and 14, 1998 with a 4-inch diameter continuous flight power auger. 2. Locations of exploratory borings were surveyed by Sopris Engineering. 3. Elevations of exploratory borings were surveyed by Sopris Engineering. 4. The exploratory boring locations and elevations should be considered accurate only to the degree implied by the method used. 5. The lines between materials shown on the exploratory boring logs represent the approximate boundaries between material types and transitions may be gradual. 6. No free water was encountered in the borings at the time of drilling. Fluctuation in water level may occur with time. 7. Laboratory Testing Results: WC = Water Content (%) DD = Dry Density ( pcf ) +4 = Percent retained on No. 4 sieve. -200 = Percent possing No. 200 sieve. LL = Liquid Limit ( % ) PI = Pigsticity Index (%)











HEPWORTH-PAWLAK GEOTECHNICAL, INC.
TABLE I
SUMMARY OF LABORATORY TEST RESULTS

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HEPWORTH-PAWLAK GEOTECHNICAL, INC. TABLE I SUMMARY OF LABORATORY TEST RESULTS

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JOB NO. 198 650 Page 2 of 2



# ondale Marketplace Park

Sheet:
L - 2.0

Revised:

January 06, 2022

Scale: 1" = 10'- 0"

### **Janet Buck**

From:

Janet Buck

Sent:

Friday, February 4, 2022 2:59 PM

To:

Janet Buck

Subject:

Lot One Park

The only discussion the Parks & Recreation Commissioners have had to this point is detailed in the following minutes from our December meeting. I will highlight the portion that talks about the easement. They are not scheduled to present at our next meeting next week so if that is needed for a more formal P & R response it would have to come from the March meeting. I will come chat about it also.

### LOT 1, CARBONDALE LOFTS PUBLIC PARKLAND DEDICATION & PARK MAINTENANCE AGREEMENT

Eric explained that the revised parkland easement details are included in the packet and Briston Peterson, Richard Camp and Bob Schulz were present to answer any further question commission members might have.

Bob noted that the playground equipment will follow universal design standards as requested at the last meeting. He also noted that they figured out how to get utilities to the park area so restroom facilities will be available, albeit they will be closed in the winter.

Eric noted that in other parks where the bathrooms are closed for the winter, the Town of Carbondale supplements with port-a-potties.

Rose asked whether dogs will be allowed in the park area and, if so, whether dog pots would be provided.

Eric noted that TOC park spaces generally don't allow dogs, but dog owners will be able to utilize the pathways.

Briston noted that tenants will pay a fee to keep a dog.

Hollis asked if there would be a specific space for owners to take their dogs.

Briston replied that a passive park within the development will be available for dogs.

Bob added that the goal is to identify key issues and have the draft agreement available when the preliminary plat is presented to the Planning and Zoning Commission in January or February. He noted that the final step will be to convert the agreement into enforceable language.

Susan asked when the development would be built out.

Bob replied that there was no set schedule, but the next building in Lot C should be completed in late summer 2022 with the next set of buildings along Shorty Pabst and the paralleling the park area to be completed by late 2022. He went on to note that after that the buildings along Hendrick Drive and the 13' townhomes would be constructed based upon demand. He estimated the park would be available for use in October 2022.

Briston added that they are reaching out to local businesses to fill the commercial space.

Hollis asked for clarification on the difference between an easement and a park dedication as well as the advantages and disadvantages.

Eric replied that the request doesn't fit into the Unified Development Code very well and the next step will be to figure out the language with the Planning and Zoning Commission, the attorneys, and the Board of Trustees.

Bob explained that the project was approved in 2018 and the UDC was then updated in 2019, leaving the development between two different standards. He reiterated that the goal is to come to an agreement that works for everyone.

Susan asked about enforcement and noted that there wasn't any specific language in the document addressing that topic. She also asked where the funding would come for enforcement.

Eric responded that specific language addressing that topic would be developed later. He pointed out that the specific task for the commission members was to ensure that the document meets the needs of the community in the same way as other parks in town. He noted that the request to add dog pots (as well as the cost and maintenance) was a good point and necessary to the document, so it matches the River Valley Ranch agreements.

Ashley asked if the three other common spaces included in the previous meeting packet were for private use and not part of the agreement under discussion.

Bob replied in the affirmative.

Hollis asked where the fees for the futsal and gazebo rental would be assigned.

Eric replied that, like the River Valley Ranch agreement, the fees would be paid to the Town of Carbondale.

Hollis followed up by asking what the lifespan of a futsal court was and whether there would be provisions in the agreement if there was a desire to convert that space to something else.

Richard commented that the developers would be able to change the use of that space if needed.

Bob added that the lifespan of a futsal court is approximately 15 years, and it would require a mutual agreement by both parties to change it. He added that they are working on the funding for maintenance.

Eric asked if they noted anything egregious in the requests.

Bob replied that so far there wasn't anything egregious. He suggested comparing the RVR agreements with the current one. Bob added that they have designated all the parking along Shorty Pabst as public access.

John asked for confirmation that the playground is located over the water retention area.

Bob answered in the affirmative and explained that no features of the underground stormwater collection area will be visible on the ground surface. He noted that if the stormwater collection area needs work it is written into the agreement that everything on the ground surface will be put back as it is.

Eric requested that with the addition of the bathrooms an ADA drinking fountain would be a nice amenity.

Ashley requested that the commission members be provided the opportunity to review the draft agreement side-by-side with the RVR agreements for comparison.

Eric Brendlinger
Town of Carbondale Parks & Recreation Director
<a href="mailto:ebrendlinger@carbondaleco.net">ebrendlinger@carbondaleco.net</a>
970-510-1277 (office)
970-319-2494 (cell)

### **TOWN OF CARBONDALE**

## PLANNING DEPARTMENT REVIEWING AGENCY FORM

PLANNING ITEM #:	LU21-26
DATE SENT: 1-7	7-2022
COMMENTS DUE: 1-2	26-2022
TO:	
requested. Please not	its review of this project, your review and written comments are ify the Planning Department if you will not be able to respond by Questions regarding this project should be directed to the 963-2733.
APPLICANT: <u>Crysta</u>	al River Marketplace LLC
OWNERS: Crystal Rive	er Marketplace LLC
LOCATION: Lot 1 Carb	ondale Marketplace Subdivision
ZONE: <u>Mixed-Use</u>	
seven land condo units	ON: _Preliminary Condo Plat to subdivide the property into and one general common area. Proposal includes dedication of via an easement. The development as approved in 2018 will
PLANNING STAFF CO	NTACT: Janet Buck
The following are con separate sheet if neces	ditions or comments I would offer regarding this item: (Attach sary)
1. No issues with the pr	oposal.
Date: January 26, 2022	

Bill Gavette, Deputy Chief Carbondale & Rural Fire Protection District 970-963-2491

Please return comments to both: <a href="mailto:jbuck@carbondaleco.net">jbuck@carbondaleco.net</a>

msikes@carbondaleco.net

Planning Department Town of Carbondale 511 Colorado Avenue Carbondale, CO 81623



### TOWN OF CARBONDALE 511 COLORADO AVENUE CARBONDALE, CO 81623

### Memorandum

**TO:** Planning and Zoning Commission

**FROM**: Janet Buck, Planning Director

**DATE:** February 10, 2022

**RE:** Review of Draft Comprehensive Plan Update Report

**ATTACHMENTS**: Draft Carbondale Comprehensive Plan Update 2-6-22

2013 Future Land Use Map 2021 Future Land Use Map

Areas of Change 2013-2021 (page 34 of the Comp Plan Update) Kaleidoscope (Chart Carbondale) Project Report 1-6-22 to 2-7-22 Preliminary Survey Results - Open Ended Questions 2-7-22

### <u>Background</u>

This is a continued review of the Draft Comprehensive Plan Update report (Update) prepared by Cushing Terrell. No changes to the document have been made since the document was emailed to you on January 10, 2022 and provided on February 10, 2022, with the exception of the inclusion of the correct draft Future Land Use Map. An older version had originally been included.

At the January 27, 2022 meeting, the Commission agreed they wanted to take a closer look at the Future Land Use Map in the 2021 Update (page 33). To help with those discussions, attached please find:

- 1. Future Land Use Map in the 2021 Comprehensive Plan Update
- 2. Future Land Use Map in the 2013 Comprehensive Plan
- 3. Areas of Change Map 2013-2021 (excerpt from 2021 Comp Plan document)
- 4. Link to Current Zoning District Map:

https://www.carbondalegov.org/Zoning%20Map%202021-06-14.pdf

### What is a Future Land Use Map and How Is It Used?

The primary function of a Future Land Use Map is to provide physical planning guidance for future zoning code updates. It can also be used as advisory guidance in reviewing specific development projects as directed by the Unified Development Code (UDC), i.e., rezoning, annexations, subdivisions, special use permits, etc.

The Future Land Use map is advisory in intent, laying the foundation for making changes to zoning in the future, but it is not zoning or a zoning map. It does not restrict existing or vested uses.

The Future Land Use Map does not rezone properties. In order to rezone properties, public hearings would be required before the Planning and Zoning Commission and the Board of Trustees. This includes a public notice in the newspaper, public notice signs posted on the property, and a mailing of the public notice to property owners within 300 ft. of the property to be rezoned.

Adoption of a Future Land Use Map is a proactive way for the Town to encourage developers to design projects that align with the community's values rather than waiting for a developer to propose a certain type of use for a property and then react to the proposal.

One of the targeted areas in the 2021 Comprehensive Plan Update was the area north of the Rio Grande Trail between 4<sup>th</sup> and 8<sup>th</sup> Street, now designated as the Opportunity Zone. The current zoning is Industrial. The Future Land Use Map in the 2013 Comprehensive Plan designated that area Downtown North and included the following language:

"These large parcels with industrial/warehouse uses north of downtown that have two possible futures: 1) they may remain a light industrial center for decades to come, 2) it is an ideal location for mixed use redevelopment complementary to downtown..."

Since this didn't provide clear direction, in 2020, the Planning Commission and the Board decided that this area should be targeted during the Comprehensive Plan Update process. The current designation on the 2021 Future Land Use Map reflects the public input collected from last summer and fall.

The designations in the Future Land Use Map are not detailed neighborhood area plans. The designations are general descriptions and any connections or layouts are conceptual. The designations list possible uses, direction on building mass and scale, parking, connectivity, and landscaping. However, the descriptions are not prescriptive. They are conceptual in nature.

The draft 2021 Future Land Use Map shows future roundabouts along Highway 133. The roundabouts reflect the transportation planning related to the Highway 133 Access Control Plan adopted by the Town, CDOT and Garfield County,

The road connection along Merrill shown on the 2021 Land Use Map relates to long-term transportation planning by the Town to establish a new east/west connection between the center of Town and Highway 133 along Industry Place.

These planned transportation improvements did not originate with the 2021 Comprehensive Plan Update but were included on the 2021 Future Land Use Map to help make decisions. They are not required to be on the Future Land Use Map and can be removed from the Map so the Future Land Use Map only reflects Land Use Designations.

The pedestrian connection near Keator Road did originate with the 2021 Comprehensive Plan Update work. This can be removed as well.

### What is the Function of a Comprehensive Plan?

The Town is required by the State of Colorado to officially adopt a Comprehensive Plan. A Comprehensive Plan is a document that establishes the town's goals for the future and provides direction for decisions. It is not only about land use. It provides direction for the preservation of open space, transportation, sustainability/resiliency, partnerships with other organizations, economic growth, expansion of public facilities, and the relationship between land use patterns and fiscal policy. A Comprehensive Plan considers a long range time horizon, extending into the future

In addition to the Planning Commission, Town Staff and other Town Boards and Commissions have been involved in the development of the Draft Comprehensive Plan Update.

The Comprehensive Plan is used for the following:

- Applying for Grants and Funding
- Updating the Unified Development Code
- Land Use Decisions
- Amending and/or Adopting Building Codes
- Applying for designations such as the Creative District
- Demographic and Growth Trend Analysis
- Utility Planning
- Transportation Planning
- Updating the Town's Natural Hazard Mitigation Plan
- Sustainability Planning

What is the relationship between the adopted 2013 Comprehensive Plan and the Draft 2021 Comprehensive Plan Update?

The 2021 Comprehensive Plan Update is an update to the 2013 Comprehensive Plan. Both would be used in tandem with the 2021 document functioning as a supplement to the 2013 document. Both the Planning Commission and the Board have expressed concern about how those two documents would function together, ease of use and the possibility of conflict. Staff shares that concern.

After the January Planning Commission meeting, Staff checked with Cushing Terrell to see how much it would cost to blend the two documents together if Town Staff does the initial redlining. It would be approximately \$6,500. Staff recommends that the Commission discuss this and decide if it may be worthwhile to recommend to the Board that funding be appropriated for this work.

This will also affect the costs of the translation of the Comprehensive Plan Update, but it may be well worth the effort. Not all of the work will need to be redone.

### <u>Update on Public Outreach</u>

The Spanish version of the Draft Comprehensive Plan has been posted on the Chart Carbondale website. Copies have been delivered to the Reading Rooms. Online survey and paper copies of the surveys are available online and on the Chart Carbondale website at <a href="mailto:chartcarbondale.com">chartcarbondale.com</a>.

The Draft Comprehensive Plan Update was sent to Town Boards and Commissions in mid-January since their meetings are monthly to allow adequate time for them to review the document and submit formal comments from the Board or Commission.

The formal rollout and public comment period will run from January 20, 2022 to February 24, 2022.

Here are some of the ways people can provide feedback:

- 1. Online Opportunities
- Go to the Chartcarbondale.com website\*
- ➤ Read the Draft Comprehensive Plan (English and Spanish)
- > Take the Online Survey (English and Spanish)
- Leave Online Comments

Survey is open from January 20, 2022 through February 25, 2022.

2. Town-wide Reading Rooms Opportunities

Each Reading Room has:

- ➤ A color copy of the Draft Comprehensive Plan Update (English and Spanish)
- Paper copies of Survey with drop box (English and Spanish)
- Comment cards
- Sign with instructions on how to download the Draft Comp Plan Update and survey

Reading Rooms will be open from January 24th through February 25th

3. Planning and Zoning Commission Meetings

The Draft Comprehensive Plan Update was discussed at the January 27, 2022 meeting, and public comment was taken. This will continue at the February 10, 2022 and February 24, 2022 Planning Commission meetings.

On February 7, 2022, Cushing Terrell provided a Project Report from the Chart Carbondale website and some initial survey results from the open ended questions. Cushing Terrell will continue collect the survey information through the end of the month.

### RECOMMENDATION

Section 2.8.3.B.3.a. of the Unified Development Code states that one of the Planning Commission's responsibilities is to provide recommendations to the Town Board regarding the Comprehensive Plan.

After the January/February 2022 review period, if the Planning Commission feels that the Update is ready, public hearings would be scheduled before the Planning Commission to consider adoption of the Comprehensive Plan Update. The Planning Commission would make a recommendation to the Board of Trustees. The Board would then hold public hearings to consider adoption of the Comprehensive Plan Update. These meetings will provide additional opportunities for public comment.

Staff's recommendation is that the Planning Commission should:

- Continue review of the draft Update, specifically the draft Future Land Use Map.
- Provide any comments on the Future Land Use Map or Comprehensive Plan Update.
- Consider recommending funding to blend the 2013 and 2021 document.
- Accept public comment
- Determine whether to direct Staff to begin setting adoption hearings.



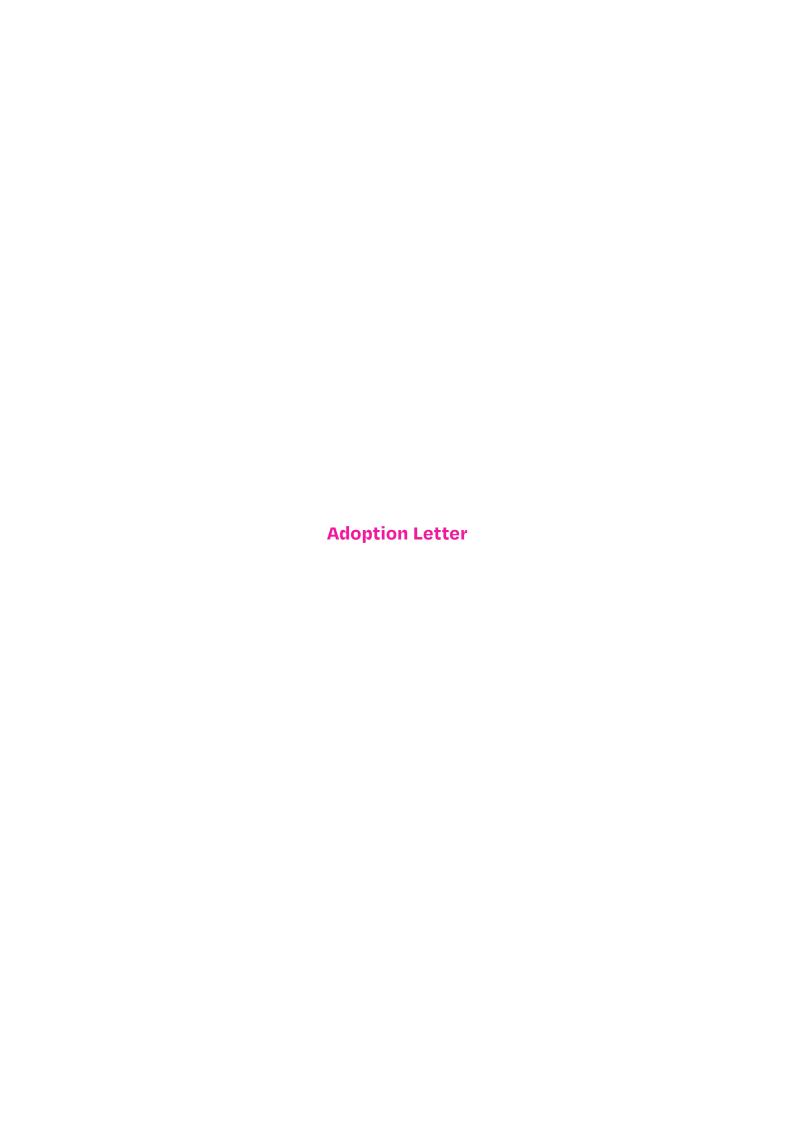
# DRAFT Carbondale Comprehensive Plan Update

02 • 2022



**FOR REVIEW** 







### Acknowledgments

Project Steering Committee (Planning + Zoning Commission, 2021):

Jay Engstom, Chair
Nicholas DiFrank, Vice-Chair
Jeff Davlyn
Marina Skiles
Nick Miscione
Kim Magee
Jarrett Mork
Kade Gianinetti
Elizabeth Cammack

### **Board of Trustees:**

Dan Richardson, Mayor Heather Henry Ben Bohmfalk Luis Yllanes Marty Silverstein Erica Sparhawk Lani Kitching

### **Town Planning Staff:**

Janet Buck, Planning Director Jon Leybourne, Planner Mary Sikes, Planning Assistant

The 2022 Comprehensive Plan Update is informed by the voices of hundreds of participants representing the people of Carbondale. The team would like to provide special thanks to those participants who contributed their time and thoughts through the outreach process.

### 2022 Carbondale Comprehensive Plan Update Prepared by:

### Cushing Terrell.

**Cushing Terrell** cushing terrell.com 303 E. 17th Ave, Suite 105 | Denver, CO 80203

### **Consultant Partners:**

Fehr and Peers Leland Consulting Group PR Studio

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### Introduction

Statements on the Plan Update Purpose, Background and Engagement Process

### Future Land Use Plan

Future Land Use Map Designations

# Executive Summary

A quick glance of what the Plan Update focuses on and a summary of outcomes.

### **Vision + Goals**

Overarching statements that guide more detailed implementation strategies and actions.

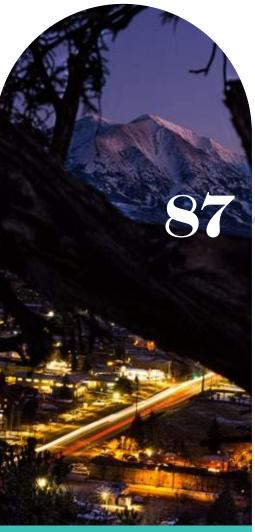


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CATEGORY		STRATEGY / ACTION
	6.1	Embrace Carbondale as a welcoming ar economic circumstances or appearanc
Inclusivity	6.1.1	Encourage the design of parks, playgrous pace, art features or any gathering spawelcoming and comfortable to those of and heritages.
	6.1.2	Leverage older adults' skills, connection willingness to stay active.
	6.2	Support community arts and culture ar volunteerism, and unity.
Inclusivity	6.2.1	Foster relationships with non-profit vol organizations like AmeriCorps, Peace Co for Humanity, UpRoot or others to supp needs and implement local heritage, divand food systems actions and goals.
	6.3	Maintain Carbondale as a viable and aff
	6.3.1	Establish programs to include childcare or other youth facilities/programming in development projects.
Inclusivity	6.3.2	Promote opportunities for the youth of have fun in town during all seasons through and celebrations. A wide variety of year and outdoor activities for young people hang-out in town will make Carbondale healthy place to grow up.
	6.3.3	Recognize the benefit of great schools centers by promoting them as places the supported and help bring us together and family-oriented community.
	6.4	Address universal and equitable transp
	6.4.1	Develop a sidewalk maintenance progra addresses regular snow and debris rem upgrading deficient sidewalks to allow f and accessible travel for all ages and ab
Mobility	6.4.2	Research peer company ity programs an property owners they responsibilities maintained network for deward and callows for more results ravel wheel stroller.
Equity	6.4.3	Work with RFTA to determine opportunithe current paratransit program to allow

### Implementation Strategy

Actionable items to move the Plan Update forward and to measure success.



### Appendix

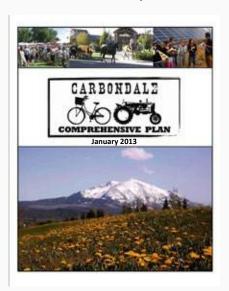
Definitions Existing Conditions Summary Future Cross Section Concepts Future Crossing Concepts

# 1.0 Executive Summary

### 1.1 Purpose

The 2022 Carbondale Comprehensive Plan Update, referred to thereafter as the Plan Update, serves as a supplement to the 2013 Carbondale Comprehensive Plan. The 2013 Comprehensive plan is still a relevant and valid document that will be used for guidance by the community. The Update will be used for further guidance based on the specific focus areas identified by the Town of Carbondale. In addition, the Update includes a range of broader town-wide topics that were identified as a part of the community engagement process.

### | 2013 Comprehensive Plan |

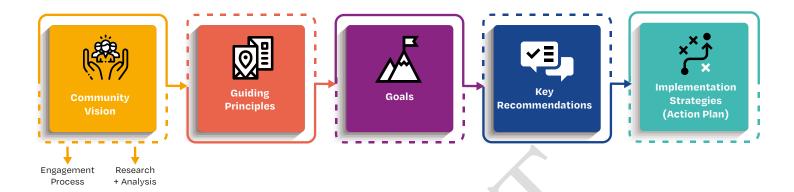


# 1.2 | Refreshing the Town's Vision

Carbondale's core philosophies have created a community where residents, workers and visitors thrive in an environmentally-responsible community that provides access to housing, jobs and recreational opportunities. However, emerging challenges and a new decade require a revised vision statement. A fresh vision provides a new frame for goals, strategies and actions.

Town of
Carbondale is a
creative and connected
community that actively
celebrates its small-town
character, diversity, and
shared identity. The people of
Carbondale reflect the values
of the past with an eye toward
welcoming future generations
in an inclusive, respectful and
equitable manner."

### Comprehensive Plan Update Framework



### 1.3 | Summary of Goals

The planning process included a review of the goals from the 2013 Plan for their relevance in 2021. Some goals were modified and carried through into this plan and several new goals were added.

The following eight goal topics were agreed upon by the Project Steering Committee and community:



### **#1: COMMUNITY CHARACTER**

Actively preserve and protect Carbondale's small town character.



### #2: ECONOMIC GROWTH

Embrace economic diversification and self-sufficiency.



### **#3: HOUSING**

Solve the housing affordability challenge in Carbondale.



### **#4 SUSTAINABLE DEVELOPMENT**

Meet or exceed long-term sustainability objectives and celebrate the natural resources and ecological values of the region.



### **#5 UNIVERSAL ACCESS**

Deliver universal access and multimodal improvements throughout the community.



### **#6: INCLUSIVITY + EQUITY**

Prioritize social equity, health, and wellbeing.



### **#7: FINANCIAL SOLVENCY**

Ensure the long-term fiscal health of the community.



### **#8: GOOD GOVERNANCE**

Guarantee high quality and responsive governance.

### 1.4 | Focus Areas

### **Downtown**

Downtown and Main Street — Carbondale's heart and soul — is at a pivot point in 2021. Despite increased online ordering and retail shopping, the Town's core maintained vibrancy through uncertain times. Yet unforeseen challenges threatened the economic vitality of Carbondale's pedestrian-oriented commercial and cultural core. The engagement process unveiled a desire for more flexible development policies to boost Downtown energy.

- Balance new growth with protecting Downtown Carbondale's historic character and scale.
- Focus energy back to underutilized Downtown areas to support public gatherings and redevelopment.
- Streamline and adjust parking Downtown and revisit requirements for new development.
- Implement design standards to protect the existing pedestrian-oriented scale.

| Figure 1: Opportunity Areas were charretted with stakeholders and community members to illustrate concepts |

### The Opportunity Area

Should Carbondale develop in a manner consistent with community ideals and years of community planning, growth should occur within its boundaries rather than outward into the adjacent river valley's open lands. Few possibilities exist to accommodate this policy known as infill development. The Opportunity Area, formerly recognized as Downtown North, offers a chance to implement this goal. The guidelines below demonstrate the community's vision while still encouraging development to occur in a manner that creates a new neighborhood of jobs and housing.

- Create a place with a mix of homes and businesses that keeps or adds jobs (artisan shops, industrial) and housing that make Carbondale what it is.
- Include community gathering spaces (gardens, grassy areas).
- Strengthen connections to open space / recreation areas while improving networks to serve each mode of mobility.
- Allow all stakeholders to determine the specific opportunities when redevelopment occurs.



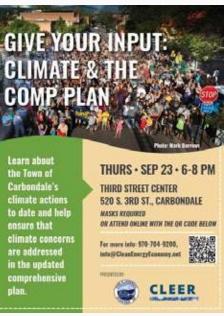
### **Residential Focus Areas**

Select Residential Focus Areas are prioritized neighborhood areas that present the opportunity to assemble multiple properties into a larger cohesive project under the High Density Residential zoning district. The community aims to ensure the form, scale and mass of new development is compatible when adjacent to historic or lower density uses.

- Keep existing apartment units while creating new infill housing opportunities.
- Ensure compatibility between old and new by balancing much needed new housing with Carbondale's older, distinct neighborhoods.

### **Climate Action**

Climate action runs through Carbondale's veins and has for generations. The Plan Update stays on this course while expanding the definition of "sustainable development" to intersect with social equity. Another outcome includes providing measurable benchmarks for the aspirational goals of the Climate Energy And Action Plan (CEAP).



A climate action input event dedicated to comprehensive planning, hosted by CLEER was another "first" in community engagement | -Flyer source: CLEER

- Align affordable housing developments with sustainable building practices for low to moderate income households.
- Green building standards and mobility networks should be universally accessible across all socio-economic groups.
- Provide programs for those starting sustainable businesses and adding jobs.

- Evaluate methods / technologies to advance carbon reductions - use timelines, measurable benchmarks, and enforcement.
- Implement Vulnerability Consequences and Adaptation Planning Scenarios (VCAPS) Report
- Develop resilience strategies at Building, Community, Regional, Ecosystem scales.
- Build capacity to enforce Codes, Plans, related to climate protection, resilience, equity.

### **Multi-Modal Access**

Conducting a long-range transportation master planning effort to bring the mobility and accessibility pieces together is the leading implementation strategy coming out of the Plan Update.

- Expand transit service with routes that reach neighborhoods.
- Get input on locating the best places for bike paths, sidewalks and vehicle corridors to make traveling through town safer and easier.
- Connect town to existing and new recreation areas like Red Hill with better walking and biking paths.
- Implement sidewalks and upgrade deficient sidewalks.

Plan/design enhanced bike / pedestrian crossings of Highway 133.

Improve school / Town connectivity by emphasizing safe routes from residential neighborhoods to schools.



### **Social Equity**

Through community engagement with the Spanishspeaking community, the Plan Update gained critical input on the needs of underrepresented cohorts. Oftentimes these perspectives on issues like beautification and displacement strengthened the plan's core values of promoting a welcoming, accessible and safe community for all.

- Advance social equity that reflects values and social identities.
- Equitably distribute community gathering spaces to ensure equal access.
- Ensure all people can live and work in Carbondale.

### **Aging in Community**

Building off recent successful projects projects that improved mobility, housing and services for people of all ages (including kids and/or people with mobility challenges), Plan Update outcomes will help those who wish to stay and age in place, as well as those who seek a place that makes it easy to live, work, move or play no matter one's stage of life or ability.

- Increase community sports fields options for youth and adults.
- Include childcare into new development
- Develop sidewalk maintenance program and upgrade deficient sidewalks.
- Encourage age-friendly concepts to be elevated as a part of design.

### **Housing + Jobs**

Establishing a clear long-range housing policy that includes all regional partners, as well as expanding housing supply tools emerged as critical efforts.

- Allow small scale lodging in mixed use developments.
- Launch a program that helps small businesses and business start-ups.
- Hold community workshops with experts on how and where to add affordable housing.
- Work to eliminate barriers and help educate people on how to apply and move into available housing units.

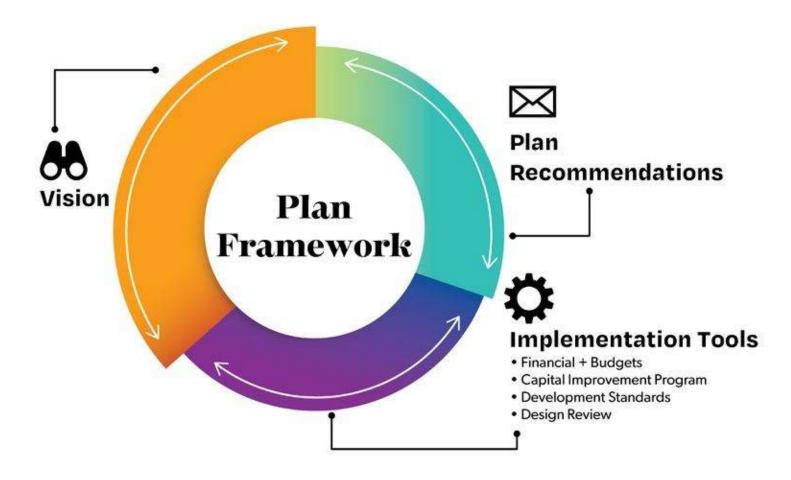
### **Historic Preservation**

Preserving historic places and contributing resources, buildings and character was in alignment with strategies for the Downtown focus area, however the preservation efforts did not stop at the edges of the Historic Commercial Core zone district.

- Formalize ways to better balance efforts that reinvigorate Main Street and core area businesses with policy that protects what so many love about Carbondale's historic Downtown.
- Expand historic design guidelines to residential areas to keep historic neighborhood character and ensure compatibility when new development occurs.

"If it's going to happen anywhere, it can happen in Carbondale."

-Stakeholder comment on the community's support for nextgeneration, out-of-the-box thinking



# 1.5 | Installing a Realistic Implementation Strategy

Town leaders, planners, staff, businesses, non-profits and others had considerable success in implementing the 2013 version of the Comprehensive Plan. Nearly 100 implementation actions from that year were marked as "completed". Based on the revised vision and values resulting from the engagement, this update offers a new implementation strategy with a focus on simplicity, efficacy and impact. The Implementation Strategies and Matrix in Section 6.0 compiles all actionable items into a streamlined to-do list arranged by goals and priorities.

# 2.0 Introduction

### 2.1 | Purpose

The purpose of the Town of Carbondale Comprehensive Plan Update is to provide an opportunity for the community to re-assess the current 2013 Comprehensive Plan and to update it as needed in key areas identified by the Town of Carbondale. At the center of this Update is the opportunity for community members to re-evaluate the overall long-term community vision and policy direction for managing the built and natural environment in Carbondale.

The Comprehensive Plan Update (Plan Update) addresses community needs and values, changing conditions, and priorities in the community. The Plan Update elements include land use, mobility, economic development, housing, environment, natural resources, recreation, and infrastructure

capacity and services. This Update serves as a 'Supplement' to the 2013 Carbondale Comprehensive Plan. The Update is not intended as a wholesale rewrite of the 2013 Comprehensive Plan, but rather focuses on an analysis of key Plan Elements as defined by the Town of Carbondale. In addition, the Update includes a range of broader town-wide topics that were identified as a part of the community engagement process.

The Update is organized in two Parts; Part 1; Townwide planning needs and recommendations, and Part 2; Key Focus Areas identified by the Town as high priority areas for the Comprehensive Plan Update process. As the community outreach process continued to advance, several other topics were identified by community members.

At the center of this Update is the opportunity for community members to reevaluate the long-term community vision and policy direction for managing the built and natural environment in Carbondale.

### **Comprehensive Plan Update Process**



### 2.2 | Background

In 2020, the Town of Carbondale Board of Trustees and Planning + Zoning Commission determined that, due to changes in key areas, an update to the 2013 Comprehensive Plan was warranted. Key focus areas were identified by the Board and Commission as areas that require specific attention as part of the current Comp Plan Update. The focus areas include:

- Review and update of communitywide Vision + Goals
- Revisions to the Future Land Use Map (FLUM)
- Assessment and updates to the Climate Action Plan
- Considerations for Multi-Modal Access + Circulation and Aging in the Community
- Review of the Downtown Historic Commercial Core zone, the area north of Downtown and select areas currently zoned High Density Residential.

### **Community Engagement Plan**

The Community Engagement Plan (CEP) was developed in collaboration with Town staff and the Project Steering Committee. The purpose of the CEP is to thoughtfully plan key touchpoints with the community to ensure broad community support for the ultimate adoption of the Comprehensive Plan Update. The CEP evolved over time as meetings were added and new outreach strategies were tested to respond to Carbondale's unique community needs and direction given by the Steering Committee.

### **Existing Conditions Summary**

The Plan Update process included data collection and assessment and an Existing Conditions Summary Memorandum. The Existing Conditions Summary was provided to the Town on September 3, 2021 and provides an overview of existing conditions, current plans and programs and policies that may inform how the Town makes decisions with respect to the built and non-built environment in the Town. The Existing Conditions Memorandum is available on the project website: <a href="https://chartcarbondale.com">https://chartcarbondale.com</a>.

### ¿ESTÁ NUESTRO FUTURO ENFOCADO?

IEL PUEBLO DE CARBONDALE ESTÁ ACTUALIZANDO SU PLAN INTEGRAL Y NECESITA TU VOZ!

UN PLAN INTEGRAL ES UN MAPA PARA LA COMUNIDAD QUE NOS AYUDA A LOGRAR NUESTRA VISIÓN Y METAS COLECTIVAS.



[CARBONDALEKALEIDOSCOPE.ORG/CHART-CARBONDALE]

ILA ENCUESTA SE CIERRA EL 6 DE AGOSTO!





| Figure 2: Postcard in Spanish advertising the online survey |

| Figure 3: Community Engagement Plan |

Date(s)	Event/Task	Purpose	Target Audience(s)	Outreach Strategies
Jul 1 - Aug 16	Online + paper survey	Ask general questions about public concerns, recent successes and vision for the future	General public	Press release, social media posts, email blasts, postcards with QR codes
Jul - Aug	Stakeholder focus group interviews	Group interviews with representatives from stakeholder organizations to understand opportunities/constraints in topic areas	Stakeholders were identified by Town staff in consultation with leadership	N/A
Jul 2	First Fridays Kick- off Event	Kick off the Comp Plan Update - generate awareness for the effort and promote the online survey	General public	Social media event + direct advertisements, email blasts
Aug 16	Spanish-speaking Community Meeting	Hold a community meeting in Spanish to hear from the Latino community	LatinX community	Personal engagement - Latino community leaders went to predominantly Spanish- speaking neighborhoods to personally invite community members
Aug 17	Community Meeting (in English)	Present initial analyses on growth, housing, mobility and have small-group conversations to gather input on Comp Plan focus areas	General public	Press release, social media posts, newspaper ads, email blasts, flyers
Aug 17	Downtown/ Opportunity Area Design Charrettes	Get key stakeholders together to discuss potential future uses and design of infill development Downtown and Opportunity Area	General public, Downtown/ Opportunity Area stakeholders	Personal emails, website
Oct 27	Spanish-speaking Virtual Open House	Present draft plan items for public comment, get input on prioritization of projects/policy	LatinX community	Press release, email blasts, newspaper ads, radio ads, flyers around town
Oct 28	English Virtual Open House	Present draft plan items for public comment, get input on prioritization of projects/policy	General public	Press release, email blasts, newspaper ads, radio ads, social media post
Nov 3 - Nov 28	Draft Recommendations Poll	Get feedback on the Draft Recommendations presented at Virtual Public Meetings	General public	Press release, email blasts, newspaper ads, social media posts
Jan 3 - Jan 23	Draft Plan Poll	Get feedback on the Draft Future Land Use Map, Implementation Plan	General public	Press release, email blasts, social media posts

### 2.3 | Engagement Process

A robust public engagement effort guided the seven month planning process, intended to solicit input on community values and aspirations. Concurrently, the consultant team engaged in a series of community events, focus group interviews, surveys and design charrettes with stakeholders, volunteer boards and commissions and the Project Steering Committee (P&Z) to gain a shared understanding of existing conditions, market realities, and opportunities and challenges. This outreach informed the vision for the Comprehensive Plan Update, consisting of a community framework, goals, guiding principles and implementation strategies. The vision and guiding principles are the shared values around which concepts were developed for the Comprehensive Plan Update.

### **Project Steering Committee**

The Town of Carbondale Planning and Zoning Commission acted as a Project Steering Committee (PSC) to offer guidance throughout the Plan Update process. Six PSC meetings were held throughout the planning process at which the project team presented findings on the following topics:

- 2013 Comp Plan Vision + Goals, Community Engagement Plan
- Economics, demographics, population projections, Downtown and the Opportunity Area
- Aging in Place, Climate Action Plan, Multimodal Mobility
- Draft Vision + Goals
- Draft Recommendations
- Draft Implementation Plan

Meetings were held virtually and the public was invited and encouraged to participate in the discussion.

### **Stakeholder Focus Group Sessions**

Six stakeholder focus group sessions were held to do a deep-dive on topics that were identified as important to focus on in the Plan Update. The list of participants for the focus groups was developed by Town staff in collaboration with Valley Settlement, Carbondale Arts, Carbondale Chamber, Wilderness Workshop and Manaus. The list included representatives from the following entities:

- Roaring Fork Transportation Authority (RFTA)
- Carbondale Age Friendly Community Initiative (CAFCI)
- Senior Matters
- RE-1 School District
- Valley Settlement
- La Clinica del Pueblo
- Carbondale Arts
- KDNK Community Radio
- Clay Center
- Stepping Stones
- Family Resource Center
- Andy Zanca Youth Empowerment Program
- Youth Entity
- Voices
- Artists
- Clean Energy Economy for the Region (CLEER)
- Aspen Valley Land Trust (AVLT)
- Roaring Fork Soccer Club
- · Wilderness Workshop
- Downtown Property and Business Owners
- Property and Business Owners in the area north of Downtown

### Session topics included:

- Affordable housing
- Local businesses and economy
- Mobility and aging in community
- Sustainability, agriculture and recreation
- Arts, culture and community services
- Development, infrastructure, Downtown and the Opportunity Area



| Figure 4: Chart Carbondale web page |

### **Online + Print Survey**

The initial survey was available online and at Town Hall on paper from July 2nd to August 6th, 2021. The purpose of this survey was to ask general questions about public concerns, recent successes and the community's vision for the future of Carbondale. It received 483 responses online and 41 paper surveys, totaling 524 responses. Below are some highlights from the survey and the full survey results can be found in the Existing Conditions Summary Memo in the Appendix.

### **Demographics**

- Survey responders generally reflected
   Carbondale's aging population, with 33% over
   the age of 65, 20% between 55 and 64, 17%
   between 45 and 54, and 17% between 35 and
   44
- When asked what their relationship to Carbondale is, 36% of survey responders live there full-time, 23% shop/eat/drink there, 22% recreate in the area, and 10% work full-time in Carbondale.



| Figure 5: Carbondale Identity Word Cloud |

### Community/Character

- When asked how they would describe the identity of Carbondale, responders had diverse answers (see Figure 5 word cloud). Words and phrases like "small town", "communal", "friendly", "mountain", "funky" were common.
- Survey responders were most concerned about how rapid growth/development (19%), housing affordability (15%), population growth (9%), gentrification (8%), high cost of living (8%) and too much traffic (7%) are threatening their quality of life.

### **Online + Print Survey Snapshot**

"I would love to have a garden or gathering place where the community could come together and sell food." -Arts + Culture Focus Group

"The only thing zoning downtown is producing is overpriced residential development."

-Development + Infrastructure Focus Group

"The Circulator should go to more stops. It only reaches Main Street and you have to walk a lot."

–Spanish-speaking Community Meeting

"Carbondale has a lack of sidewalks, poorly designed sidewalks, and a lack of proper crosswalks." -CAFCI

### What future uses would you like to see in the Opportunity Area?



| Figure 6: Opportunity Area future uses |

### How do you feel about *residential* growth in Carbondale?



| Figure 7: Residential growth survey results |

### How do you feel about *commercial* growth in Carbondale?



| Figure 8: Commercial growth survey results |

### My most important goal for Carbondale's transportation system is:



| Figure 9: Transportation system priorities |

# Top Priorities from the Survey:

- 1. More locally-attainable housing for Carbondale's workforce
- Preserve Carbondale's small-town funky character
  - 3. Recent growth is overwhelming- desire to grow slowly andintentionally
  - 4. Traffic congestion needs to be addressed
    - 5. Focus on sustainability and Climate Action Plan
  - 6. Protect natural resources and preserve open space



### **August Community Meetings**

### **Spanish-speaking Community Meeting**

The Carbondale community held the Town's first-ever comprehensive plan open house entirely in Spanish to capture the thoughts, dreams and visions of the often missed cohort of Spanish-speaking residents, workers and visitors. Prior challenges to this engagement format included the language gap and a missing communication link between the Town and Latino community. Representatives from Valley Settlement did personal outreach to invite community members to participate by doorknocking, going to parks and doing outreach in restaurants. An estimated 30 participants attended the meeting.

The meeting's format included a brief presentation about what the Comprehensive Plan is and why it's important that people get involved. The attendees visited several stations with information on growth and housing, mobility, and Downtown/the Opportunity Area. Participants then broke into small groups where trained Spanish-speaking facilitators led discussions on key issues specific to the Latino community. At the end, the facilitators presented top themes to the larger group.

### **Community Meeting in English**

A similar meeting in English was conducted in the same format as the Spanish-speaking open house with an estimated 68 participants.

Discussion highlights from both meetings can be found in the Existing Conditions Memo in the Appendix.







| Community Meetings in Spanish and English |



# Downtown / Opportunity Area Design Charrettes

Design charrettes, or small think tanks organized to explore the physical environment by putting pen-to-paper with various stakeholders, became a valuable engagement tool for these two critical areas. The Town, with partners at the Third Street Center, hosted two charrettes which were well-attended with about 20 people each (broken up into two tables of ten). Welcomed participants included landowners, developers, architects, planners, elected/appointed officials, Town staff, and members of the general public.

The Existing Conditions Memo in the Appendix highlights charrette outcomes.

#### **Boards and Commissions Engaged**

Additional meetings were held with advisory boards, committees, and other advocacy groups to include their vision and goals into the Plan Update process including:

- Environmental Board (E-Board)
- Clean Energy Economy for the Region (CLEER)
- Carbondale Age Friendly Community Initiative (CAFCI)
- Board of Trustees
- Bike + Pedestrian Commission
- Historic Preservation Commission (HPC)

| Downtown + Opportunity Area Design Charrettes |



Charrette Takeaway
-How do we transition from
current industrial uses to the
inclusion of light industrial/
maker spaces in the future?

#### **Virtual Public Meetings**

When Draft Plan Recommendations were ready for public review, two Virtual Public Meetings were held to get input.

#### Virtual Public Meeting in Spanish

Despite the employment of various outreach strategies, the Spanish meeting was not attended by any Spanish-speaking members of the general public. Outreach strategies included: advertisements on La Nueva Mix, advertisements in the Spanish Sopris Sun, flyers posted around town, emails to contact lists of Spanish-speaking community members, and press releases in the paper. The main difference between the in-person Spanish-speaking Community Meeting in August, which was better attended, and the Virtual Public Meeting in Spanish was the availability of members of the Spanish-speaking community to personally invite individuals. The community leaders we employed to do outreach for the meeting in August were unavailable to help get the word out for the virtual meeting and other community organizations that focus on Spanish outreach were extremely busy and could not take on the task.

#### **Virtual Public Meeting in English**

The virtual meeting in English was held the following night and included the same content as the presentation and discussion from the meeting in Spanish. The agenda included a brief presentation on the draft recommendations for the three geographic focus areas (Downtown, Opportunity Area and Residential Focus Areas) followed by a poll and open discussion. The purpose of the poll was to gauge community support for the draft recommendations. Generally, meeting participants supported the draft recommendations for Downtown, the Opportunity Area, Residential Focus Areas, Aging in Community, Climate Action Plan, Multi-modal Mobility, Housing + Jobs and Social Equity.



| Virtual Public Meeting in English |

Discussion highlights from the VIrtual Public Meetings include:

- Continue to push climate and housing efforts, while remaining selective on resource allocation
- Keeping Carbondale's character is paramount
- Pursue new strategies to supply affordable housing (rather than relying solely on inclusionary zoning)
- Highway 133 has lost the "feel" of a small town
- Consider redevelopment sites for affordable housing

#### **Draft Recommendations Poll**

The same poll that was conducted at the Virtual Public Meetings was made available online for those who could not attend the meeting. The following are

#### **Downtown Recommendations:**





28% neutral/ don't know

#### **Opportunity Area Recommendations:**





26% neutral/ don't know

#### **Residential Focus Area Recommendations:**





46% neutral/ don't know

#### **Aging in Community Recommendations:**



8% do not support

29% neutral/ don't know

#### **Climate Action Plan Recommendations:**



13% do not support

21% neutral/ don't know

#### **Mobility + Access Recommendations:**



10% do not support

24% neutral/ don't know

#### **Housing + Jobs Recommendations:**



13% do not support

28% neutral/ don't know the results from the meeting and online polls:

#### **Draft Plan Poll**

A poll that solicited feedback on the draft plan was available online and in booklet form at various Reading Rooms around Town from January 11th through February 11th.

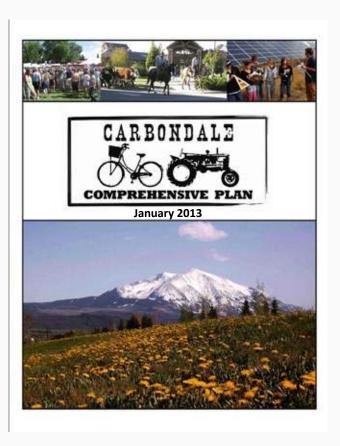
# **2.4** Relevance to Other Plans + Studies

This 2021 Comprehensive Plan Update serves as a supplement to the 2013 Comprehensive Plan. The 2013 Comprehensive plan is still a relevant and valid document that will be used for guidance by the community. The Plan Update will be used for further guidance based on the specific focus areas identified by the Board of Trustees and Planning and Zoning Commission. Strategies from the 2013 Comprehensive Plan were evaluated for 2021 relevance and incorporated into an updated Implementation Matrix.

The 2013 Two-Mile Planning and Town Peripheral Future Land Use Plan maps are still valid with the addition of the annexation of Red Hill as a significant protected parcel and designated as Recreation/Open Space on the Future Land Use Map.

Other plans and studies informed the goals and strategies found in the Plan Update. Notably much work has been completed in planning for climate action and resiliency through the Vulnerability, Consequences, and Adaptation Planning Scenarios (VCAPS) Report from 2019, the Climate and Energy Action Plan of 2017, and through independent efforts and events from the Town's Environmental Board (E-Board) and Clean Energy Economy for the Region (CLEER) among other organizations. Strategies are directly incorporated based on evaluation of these studies and engagement with their authors.

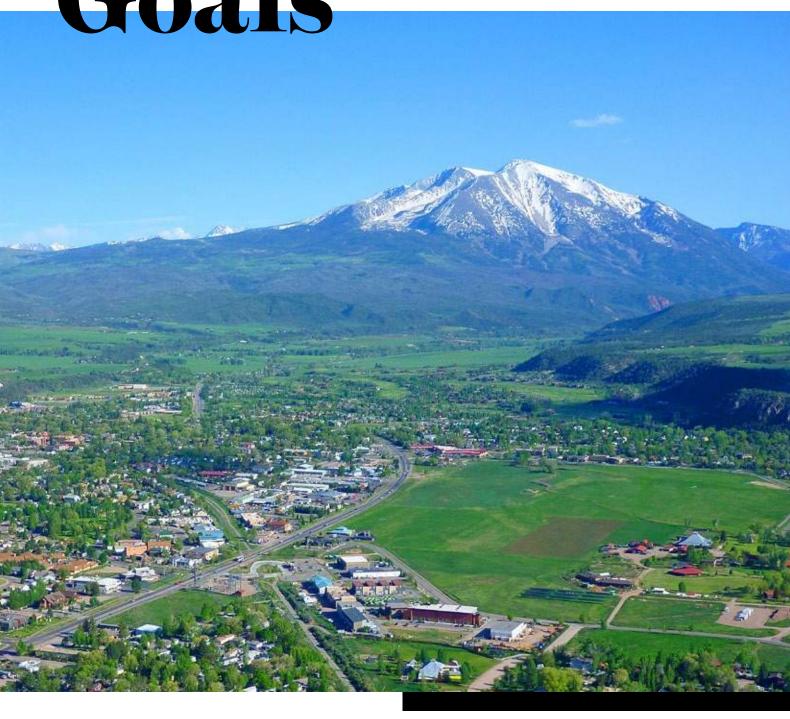
The Unified Development Code (UDC) was evaluated, and areas of recommended changes are referenced as strategies based on public and stakeholder input. An update to the UDC is an implementation strategy for achieving this plan's goals.



2013 Comprehensive

This Plan Update serves as a supplement to the 2013 Comprehensive Plan. The 2013 Plan in still a relevant and valid document that will be used for guidance by the Board of Trustees and Planning + Zoning Commission.

# 3.0 Vision + Goals



# **3.1** | Vision

The Plan Update process evaluated the 2013 Comprehensive Plan Vision and Goals. Working in conjunction with community members and the Planning & Zoning Commission, the previous Vision Statement - "Vision for a Sustainable Future" was recognized as an important overarching theme that should be retained as a part of the Plan Update Supplement.

In addition, the following Vision Statement was further expressed and is derived from the Comprehensive Plan Update process and represents a collective long-term vision for the Town of Carbondale.

"The Town of Carbondale is a creative and connected community that actively celebrates its small-town character, diversity, and shared identity. The people of Carbondale reflect the values of the past with an eye toward welcoming future generations in an inclusive, respectful and equitable manner."





# **3.2** | Community Framework Plan

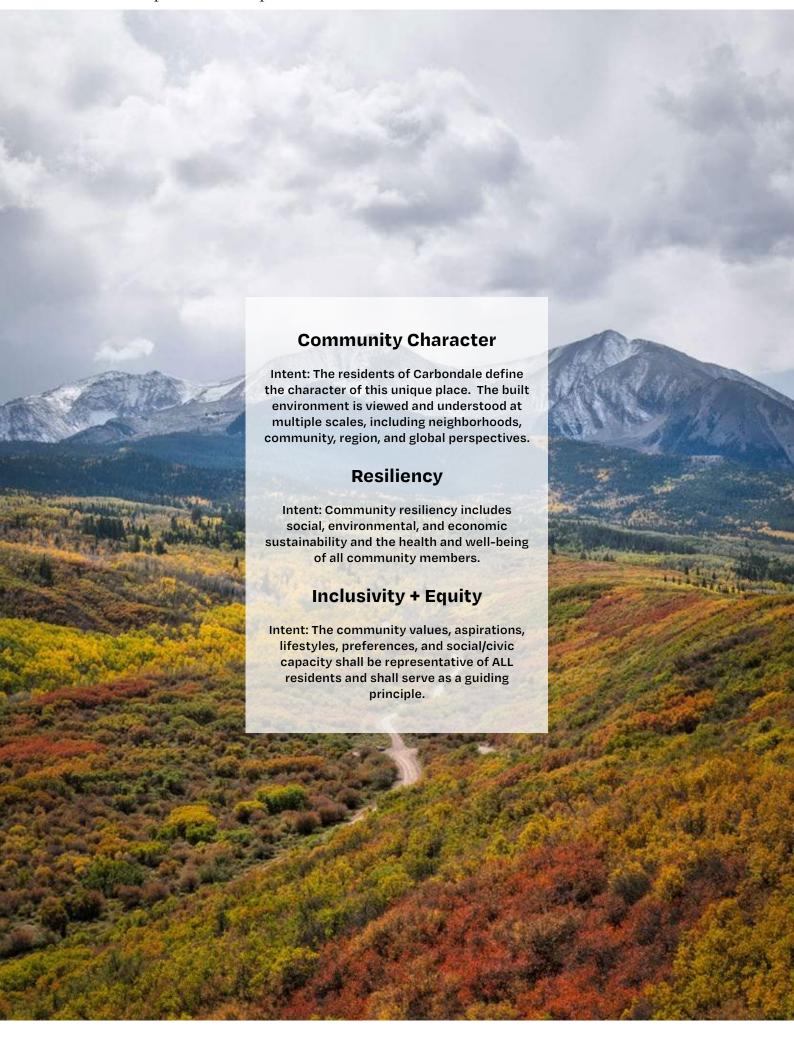
#### **Community Framework**

The Vision Statement is further expressed through the Comprehensive Plan Update Community Framework that emphasizes **Community Character**, **Resiliency**, and **Inclusivity and Equity**. This organizing structure serves as an essential framework in support of the Town of Carbondale's long-term Vision for a Sustainable Future. The Vision for a Sustainable Future\* ensures that future generations will be able to enjoy the same quality of life and benefits that the current community enjoys today.

\*Source: refer to the 2013 Town of Carbondale Comprehensive Plan.

#### **Definitions**

- Community Character is described as having a distinctive trait, quality or attribute that is inclusive of natural, visual, and cultural characteristics, as well as, the people, institutions, and their interrelationships.
- Resilience is defined as the capacity to adapt to changing conditions and to maintain or regain functionality and vitality in the face of stress or disturbance. It is the capacity to bounce back after a disturbance or interruption. Resilient design is the intentional design of buildings, landscapes, communities, and regions in response to vulnerabilities.
- Inclusivity / Equity describes a state when all people have achieved full and equal access to opportunities that enable them to attain their full potential. The determinants of Inclusivity and Equity include the social, economic, cultural, geographic, political, and built environment conditions in which people live and work that lead to the creation of a fair and just society.



# 3.3 | Goals + Guiding Principles

#### **Goal Topics**

Each Goal is followed by an Intent Statement and a series of Guiding Principles to further articulate the purpose and meaning of each Goal.

#### **#1: COMMUNITY CHARACTER**



**Intent:** Actively preserve and protect Carbondale's small-town character.

#### **Guiding Principles:**

- Protect the physical and natural environment.
- Support the existence of an ethnically and culturally diverse community.
- Preserve and enhance access to the local decision-making process.

#### **#2: ECONOMIC GROWTH**



**Intent:** Embrace economic diversification and self-sufficiency.

#### **Guiding Principles:**

- Promote a balanced economic growth strategy for the community.
- Support locally owned businesses in the community.

#### **#3: HOUSING**



**Intent:** Solve the housing affordability challenge in Carbondale.

#### **Guiding Principles:**

Prioritize housing affordability and housing diversity.

#### #4 SUSTAINABLE DEVELOPMENT



**Intent:** Meet or exceed long-term sustainability objectives and celebrate the natural resources and ecological values of the region.

#### **Guiding Principles:**

- Promote Carbondale as a leader in sustainable development.
- Plan for highly effective sustainable infrastructure systems to meet community needs.
- Protect the region's natural resources, agricultural lands, rivers and open spaces.

 Promote an ethic that encourages a balance between community growth and protection of natural resources.

#### **#5 UNIVERSAL ACCESS**



**Intent:** Deliver universal access and multi-modal improvements throughout the community.

#### **Guiding Principles:**

- Promote universal access, active mobility, and multi-modal options in the community.
- Provide for safe and enjoyable access for people of all ages.

#### #6: INCLUSIVITY + EQUITY



Intent: Prioritize social equity, health, and well-being.

#### **Guiding Principles:**

- Inclusivity and equity are core values that influence all decisions for the Town of Carbondale.
- · Leave no person behind.

#### **#7: FINANCIAL SOLVENCY**



**Intent:** Ensure the long-term fiscal health of the community.

#### **Guiding Principles:**

- Growth should not burden the community's capacity to provide infrastructure, health, or other public services.
- Town investments should advance impactful projects that implement housing, climate and mobility and other strategies.

#### **#8: GOOD GOVERNANCE**

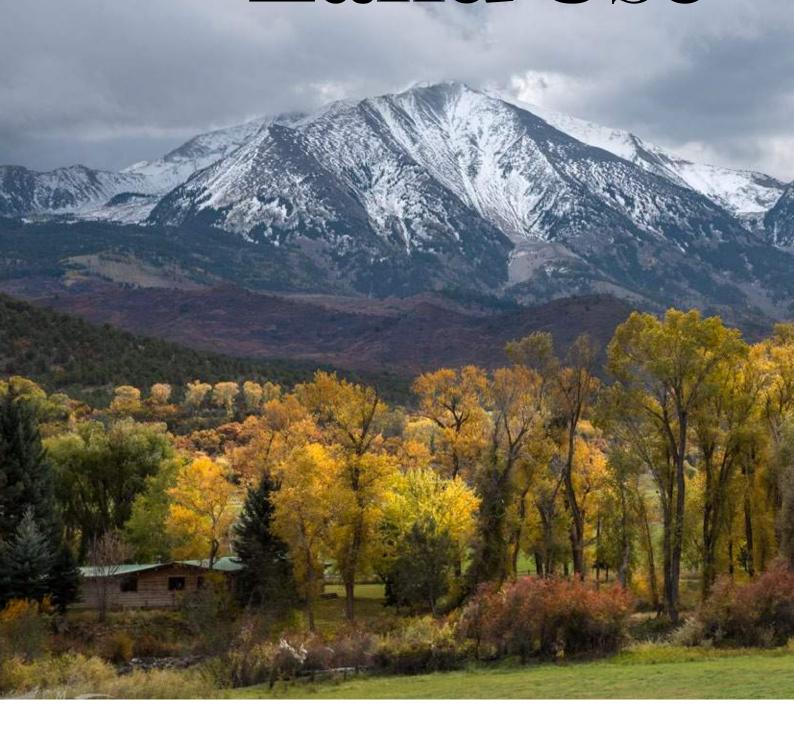


**Intent:** Guarantee responsive and inclusive governance.

#### **Guiding Principles:**

- Allocation of any Town resources is rooted in transparency and inclusivity.
- Communicate with all members of the community
- Encourage citizen participation from all members of the community.

# 4.0 Future LandUse

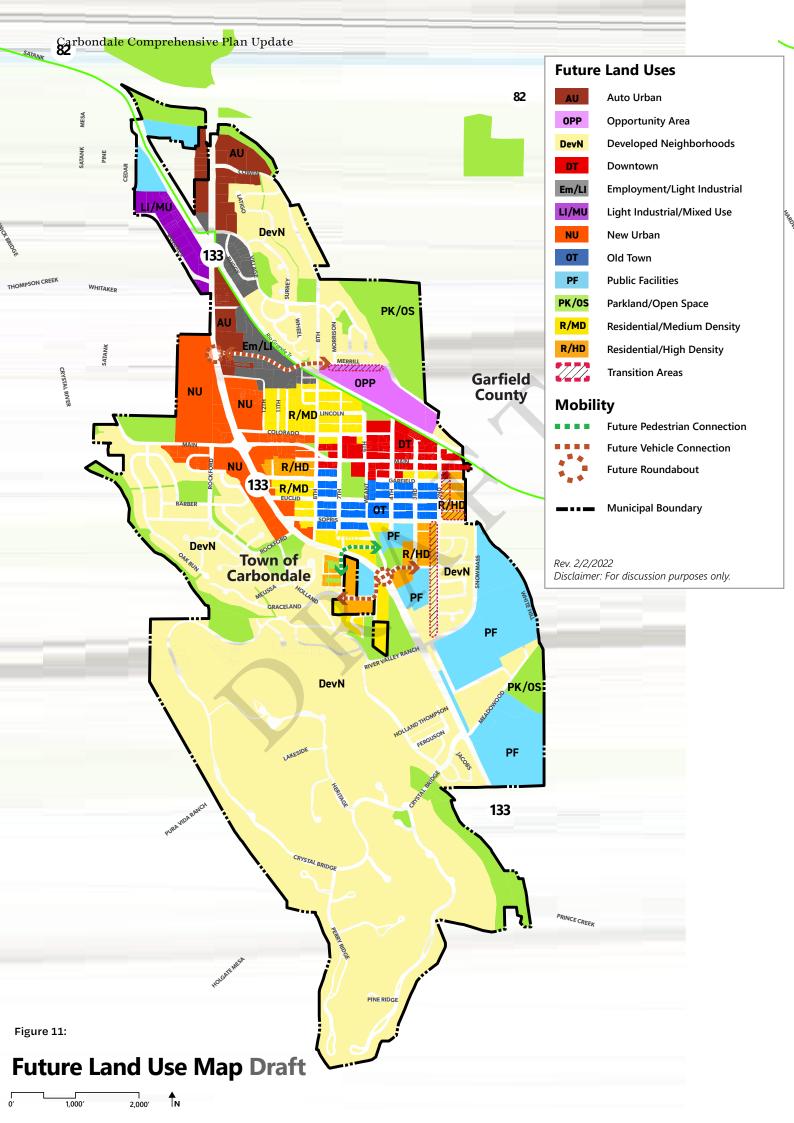


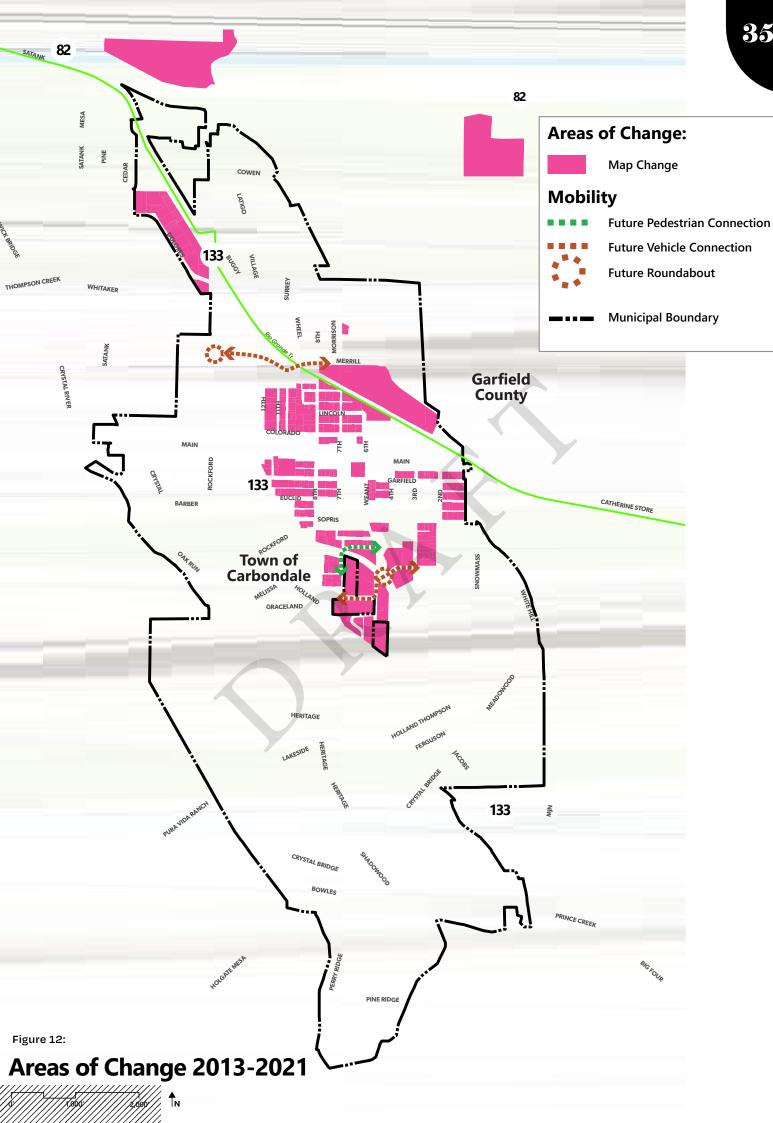


# **4.1** | Future Land Use Map

The 2022 Future Land Use Map (FLUM) provides a roadmap for land uses and character patterns in the community, as seen in Figure 11.

The FLUM is a geographic and thematic representation of the direction for physical planning laid out in the Vision, Goals, and Strategies. It is a physical planning tool to help the community arrive at a future of its own making. It is advisory in nature, laying the foundation for making changes to zoning in the future, but it is neither zoning nor a zoning map. The future land use plan and map do not restrict existing or vested uses.





#### **Summary of Changes**

Figure 12 highlights key Areas of Change from the 2013 Comprehensive Plan's Future Land Use Map. Key modifications include:

- Redefinition of some Future Land Use categories.
- · Clarification of land uses.
- Location of transition areas between unlike land uses.
- · Key multi-modal connections.
- Future Land Uses in Garfield County inholdings to ensure smooth transitions and compatibility if annexed.

# Land Use Classifications / Definitions

Future land use designations with no significant change:

- **Developed Neighborhoods:** Intended to provide for neighborhood stability while allowing remodeling, replacement and new construction in established residential neighborhoods. Top priorities include:
  - Protect existing zoning/approvals/permits.
  - Allow remodeling, replacement and new units on vacant lots.
  - Encourage Accessory Dwelling Units.
  - Improve bike/pedestrian connectivity.
- is primarily oriented towards functionality, accommodating buildings, outdoor work areas and vehicles. Developing and redeveloping properties that front Highway 133 or are near residential neighborhoods and other non-industrial neighborhoods will need to provide generous landscaping to buffer these areas. Buildings will often be set back from the highway/street in order to provide landscape screening. Redevelopment should include connections to the Rio Grande Trail and the Highway 133 Trail.



| Developed neighborhoods like River Valley Ranch - no significant change |

New Urban: This designation balances an urban, pedestrian/bike friendly feel with the need to accommodate automobile access and parking on-site. Buildings should be the focal point of the site by locating them close to the sidewalks or pathways along the street, while parking should be behind the buildings or located in less visible, well screened lots to the side of buildings. Commercial, mixed-use, light industrial, local food production, live/work, and urban residential uses are all allowed in appropriate places.

Auto Urban: This designation emphasizes convenient automobile access and parking. It allows well-screened small-scale parking lots to be loaded in the front as seen from the highway/street while also providing obvious and convenient access for pedestrians and bikes. Avoid monotonous block-like structures by incorporating interesting and varied façades. This designation allows for a flexible mix of retail, restaurants, service commercial, offices and other uses aimed at attracting and accommodating customers on-site. Multiple story mixed-use buildings may include residential upstairs.

Public Facilities: Preserves community institutional uses.

#### Areas with minimal change:

- **Downtown:** Historic center of commerce, culture, civic life, and celebrations; the heart of the community.
  - Changes included:
    - Post Office (647 Main St.)
    - A portion of the Forest Service property (SW corner of Weant Blvd. & Main St.)
    - KDNK station (76 S 2nd St.)
    - The Launchpad (NE Corner of 4th St. & Garfield Ave.)
- **Old Town:** Encompasses the oldest residential neighborhood in the historic town grid.
  - Map changes applied to protect existing historic housing stock: 1.5 blocks extending north from Euclid to the alley before Main Street, and one block extending west from South 4th St. to Sopris Park.
- **Dolores Way Mixed-Use:** Mixed-use neighborhood with close access to transit and the Rio Grande Trail.
  - Label revised to "Light Industrial Mixed-Use" to preserve and increase emphasis on the light industrial economy.
- Recreation: Parks and sports fields. Public open space and trails. River and public land access. Pocket parks/landscaped areas.
  - Label revised to "Parkland/Open Space" to emphasize potential parks and open space uses.



| Downtown |



| Dolores Way Mixed Use |

## **Opportunity Area**



|Existing |



| Existing |



| Opportunity Area |

Formerly labeled Downtown North, this designation acknowledges a light industrial urban character at a neighborhood scale. Two- to three-story buildings with active pedestrian frontages and vehicle access, parking and delivery to the rear may typify this use. (See Opportunity Area focus area for additional information and strategies for Neighborhood Light Industrial Mixed-Use).

#### **Uses include:**

- Focus on form and design of buildings rather than specific uses.
- Encourage distinct mix of activities separate from Downtown.
- Encourage inclusion of more than one use in the same building or different uses adjacent to one another in the same development project.
- Central common/public gathering space or green open space.
- Light storage, industry and warehousing that supports manufacturing jobs.
- Makerspace supporting the creative industry and arts.
- Multifamily and mixed residential forms that diversify the Town's affordable, rental or ownership housing offerings.

#### **Building mass and scale:**

- Harmonize development with the scale and pattern of Downtown and has a level of activity and residents that builds on Downtown vitality.
- Accommodate a transition from the Downtown edge/Rio Grande Trail to the Colorado Meadows single family neighborhood. Limit to three stories.
- Break up building façades and rooflines to avoid monotonous, box-like structures.
- Live-work buildings and spaces large enough to manufacture goods
- Encourage three-dimensional architectural elements such as windows, doors, and dormers
- Connect the inside of the buildings and the sidewalk with architectural elements such as doors, windows, and outdoor activity areas.

#### Relationship of development to mobility network:

- Development orients itself to the Rio Grande Trail by opening frontages or accesses to the path and not turning a back to it.
- Emphasize street trees, sustainable stormwater management, and sidewalks.
   Public connection to Carbondale Nature Park.
- Locate buildings and entrances close to the sidewalk and/or street.
- Encourage outdoor activity areas such as dining, art and public spaces.



| Vision |



| Vision |

#### Parking:

- Combine surface lots, parking shelters, and tuck-under parking garages.
- Site parking on sides and behind buildings in smaller scale lots divided by landscaping.
- Seek opportunities for on-site renewable infrastructure including ground-mounted solar panels.
- Integrate parking structures into the primary building's architecture.
- Utilize alley loaded parking, shared driveways and parking lots to minimize the number of needed curb cuts through sidewalks.

#### Landscaping:

- Usable, landscaped open space and a central public feature should be integrated as an organizing element in the site design.
- Extend Carbondale's urban forest into the Opportunity Area.
- Connect greenways via green stormwater infrastructure (to facilitate movement of pedestrians or vehicles through the site).



| Vision |

#### Connectivity:

- Scale right of way to accommodate automobiles, bicycles, pedestrians and street trees depending on the use of the street.
- Connect streets and sidewalks to the historic town grid to the greatest extent possible and establish a street connection to Highway 133 via Industry Place/Merrill Avenue.
- Facilitate multi-modal connections Downtown to the Rio Grande Trail to establish public trail connections to the Carbondale Nature Park.

### **Residential Medium Density**







|Existing|

Provide a wider range of housing flexibility than single-family areas while maintaining historic scale and density. Designation contributes to compact areas within larger neighborhoods and may be located near centers of commerce or employment to provide walkable access to services and workplaces.

#### **Uses include:**

- Single- and multifamily attached units, townhouses, condominiums, cottages.
- Accessory Dwelling Units (ADUs).

#### **Building mass and scale:**

- Provide a transition between higher density housing, commercial activity nodes and older smaller-scale neighborhoods.
- Site design is compatible with surrounding uses through buffering, smooth density transitions and other site design elements.

#### Relationship of development to mobility network:

- Emphasize pedestrians more than cars and provide pedestrian access on neighborhood streets.
- Provide modest front, rear or side yards where possible.

#### Connectivity:

- Build a mobility network around the original town grid pattern.
- Incorporate connectivity with adjacent uses and nearby pathways, landscaping screening and/or a unique landscape design.







| Vision |



| Vision |



| Vision |

#### Parking:

- Provide on-site parking in infill developments, but not in large parking lots that front the street
- Encourage alley loaded parking/ garages/ carports, shared driveways and shared parking lots
- Where inactive alleys cannot be reclaimed or do not exist, encourage side-loaded or courtyard parking and/ or shared driveways where practical.

- Link parking requirements to the size and/or likely occupancy of ADUs.
- On street parking includes parallel and diagonal parking configurations, depending on the available street right-of-way but should be integrated into a system of multi-modal mobility. Allow the guest parking portion of the off-street parking requirements to be accommodated along streets with enough right-of-way.

# **Residential High Density**







| Existing |

Creates opportunities to incorporate missing middle housing and affordable units with high levels of urban services.

#### **Uses include:**

- Duplexes, apartment buildings, townhouses, and other multifamily attached units, condominiums, and larger multifamily apartments if appropriately scaled.
- Accessory Dwelling Units.

#### **Building mass and scale:**

- Create "Transition Areas" within this designation to ensure neighborhood context and compatible design.
- Ensure site design is compatible with surrounding uses through buffering, smooth density transitions and other site design features.

#### Relationship of development to mobility network:

- Emphasize pedestrians more than cars and bring vehicles to internal site to promote walkable frontages.
- Modest front yards provided where possible.

#### **Connectivity:**

- Build the mobility network around the original town grid pattern and early annexations adjacent to the town grid (excluding Old Town).
- Incorporate design and access to connect adjacent uses and nearby pathways, landscaping screening and a sense of place created through placement of amenity and gathering spaces.
- Pedestrian connectivity is direct to nearby mixed use or commerce nodes.

#### Parking:

- Place parking structures where they can be disguised, screened and/or integrated into the building architecture.
- Use parking to provide a transition between unlike land uses.
- Link parking requirements to the size and/or likely occupancy of ADUs.









| Vision |





# **5.1** Overview

Plan Elements were identified early in the Plan Update process and include a discussion relevant to each Focus Area followed by recommendations:

- Housing + Jobs
- Multi-Modal Access + Circulation
- Climate Action
- Aging in Community
- Historic Preservation
- Downtown
- Opportunity Area

# **5.2** Housing + Jobs

#### **Overview**

Maintaining an identity as a vibrant visitor destination and preserving homes and workplaces is paramount to Carbondale's economic health and social sustainability. The need for a diverse housing supply and workforce/ jobs balance is at the core of this mix. In 2021, many ask: "Is growth applying undue pressure to Carbondale's markets and affecting accessibility to both housing and jobs?" The answer is likely yes for the lower- and middle-income employee or the young family aiming to enjoy Carbondale's quality of life. Despite an active residential development market, homes for those struggling to live in town are not being built.

With sales tax being the fiscal lifeblood for Carbondale, the health of local retail, recreation, and dining establishments erodes as housing affordability makes retaining service employees challenging. Shortfalls in the affordable housing market stress the transportation system as workers commute from further away in search of reasonable rents and mortgages.

Diversifying the housing supply toolkit is necessary as the current method for supplying affordable units currently is inclusionary zoning to deed-restrict units. One strategic approach to expand affordable housing options and diversify the toolkit are Community Land Trusts (CLTs). CLTs differ from ordinary deed restriction programs in that a Trust acquires land and develops housing units that are sold to qualifying households (income limits and residency requirements are up to the CLT organization). These households take ownership of the building only not the land (like in a condominium transaction). Like ordinary deed-restrictions, CLT unit owners are limited in the amount of annual appreciation they can capture in resale, and future purchasers must also be income-qualifying. The long-term retention of the underlying land can be appealing to philanthropic participants, and the CLT structure helps coordinate property acquisitions and marketing.

#### Growth

There are currently 199 units under development, plus the recently completed Sopris Lodge with 78 senior assisted living units. An additional 105 units have been approved but not built for a total of 382 units. This trend is unlikely to continue at this pace.



Based on projection estimates, Carbondale could add about 1,200 people or 450 housing units over the next ten years. This means current development activity alone will accommodate about 75% of the 10-year housing demand.

Land capacity analyses estimate that available vacant or underutilized land and increased density in areas of Downtown and the Opportunity Area can accommodate the residual demand without growing outward or annexing outlying areas.

The community desires to expand and promote "targeted industries". These include but are not limited to:

Sustainability enterprises, light manufacturing/cottage industries, technology development, professional services and management, land development services, arts and entertainment enterprises, local food production, athletics, outdoor industry and production of equipment, and recreation-based industries.

#### **Community Input**

During the Plan Update process, the following questions were posed;

- What innovative or new ideas can we bring in to solve the housing affordability challenge?
- Where are current land use, zoning and housing policies not serving the intended purpose?
- Are the areas designated for high density housing the right areas and are there any design guidance improvements needed to ensure character compatibility?
- Does the community grasp the trade-off of replacing job-generating land uses with housing?

#### Recommendations

The following housing policies are aimed to increase supply of needed unit types and costs. But to help Carbondale further supply housing, more must be done to boost housing policy flexibility (e.g., land use standard relaxations for affordable projects).

- Explore programs and policy tools to prevent displacement (e.g., rent stabilization, commercial linkage fees, impact fees, or rent review boards) for all susceptible communities.
- Ensure that land use regulations governing Planned Unit Development (PUDs) and subdivision covenants facilitate and remove barriers to construction of more affordable housing.
- Allow Accessory Dwelling Units (ADUs) for single-family residential zones, to add housing capacity and increase financial flexibility for owners. Consider adding an educational component to inform homeowners with guidance on ADU construction/conversion. Research best practices from peer communities for enforcement and monitoring.
- 4. Refine and evolve inclusionary zoning regulations to ensure they do not discourage mixed-use developments that would otherwise include needed housing. Explore programs allowing limited sale/transfer of unit requirements in such cases.
- Partner with Garfield County to leverage County efforts to encourage production of affordable housing, including participation in State (CHFA) and federal (HUD/HOME, USDA) programs including Low-Income Housing Tax Credit (LIHTC) subsidies.
- 6. Convene a town-wide and/or regional task force to develop a comprehensive policy to address multi-generational housing, displacement, and social equity issues and considerations including topics of smallbusiness retention, housing affordability, and anti-displacement policies in the community.
- 7. Assist in the formation of non-English-speaking business groups or commerce associations.
- Consider adoption of recent Garfield County modifications to the County's Land Use & Development and Building Codes to allow for "Tiny Homes."

- 9. Support and expand the Carbondale Affordable Creative Space effort to promote and fund arts-oriented space.
- 10. Expand deed-restricted housing through Community Land Trusts (CLTs) either by partnering with an existing CLT (e.g., Elevation CLT, primarily active in the Front Range today) or by helping to organize a similar partnership in the Roaring Fork Valley.
- 11. Evaluate strategies to actively engage with regional housing providers to address affordable housing opportunities.
- 12. Continue to engage with affordable housing providers and agencies to develop actionable strategies and programs to deliver affordable housing in Carbondale.
- 13. Re-assess affordable housing needs, land development opportunities, funding, partnerships, site selection criteria, and design guidelines for possible affordable housing initiatives for the Town of Carbondale.
- 14. Explore creating a facade improvement program and funding source to support local businesses and jobs.

| With good design standards and conversion policies, ADUs will continue to supply viable housing |



# **5.3** | Multi-modal Access + Circulation

#### **Overview**

Access within and to/from Carbondale is a key element of creating a community that is vibrant, safe, and attracts a diverse set of residents and visitors. An effective mobility network includes transportation programs, services, and infrastructure for people walking, biking, taking transit, and driving. The current transportation network in Carbondale has several great assets including RFTA's Highway 82 Bus Rapid Transit (BRT) that provides efficient regional transit; the Rio Grande Trail which provides a direct connection to communities in the Valley for people walking and biking; and a dense downtown street grid that promotes walkability.

Another existing asset in Carbondale is the previous work that has been done by the Town to identify priority Multi-Modal Corridors in the 2019 High Priority Bicycle and Pedestrians Corridors Map. Multi-Modal Corridors (MMCs) are a connected system of streets, pathways, and sidewalks on which the needs of all users (regardless of age, ability, or mode of transportation) are of equal importance and all users have the same rights to safe and comfortable use.

Throughout the community engagement process, and through an assessment of existing conditions, the community identified key challenges for people traveling in Carbondale, including lack of connectivity, high vehicle speeds making walking and biking uncomfortable, missing, or deficient sidewalks, barriers to crossing Highway 133, poor coverage of the RFTA Carbondale Circulator bus, gaps in the low-stress bicycle network, and insufficient parking supply. Poor connectivity comes in the form of a street network that is curvilinear, presents gaps in the bicycle and pedestrian network, and barriers to direct access due to physical impediments as rivers, railroads, and major arterial streets. The community helped to identity key connection points in Town that require further analysis, particularly for those areas along Highway 133 where connections to and from neighborhoods and schools, between the east and west sides of Carbondale, and connections to the Circulator are most difficult. Participants also noted missing connections on the west side of Town due to the nature of the street network and layout in certain areas.



| RFTA Park-n-ride |

In response to these challenges, it is recommended that the Town invest in the expansion of the bicycle and pedestrian networks, further evaluate parking utilization, and consider enhancements to the local transit and paratransit services. These recommendations should build off the work and community input from the 8th Street Multimodal Corridor, the 2019 High Priority Bicycle and Pedestrian Corridors Map, the Parks and Recreation Master Plan, and the current regional bike share and first and last mile study. Additional study should be performed to further refine the recommendations in this section.

#### **Recommendations**

- Develop a town-wide Transportation
   Master Plan (TMP) that develops a long term vision for multi-modal transportation
   based on comprehensive community
   outreach, forecasting of future growth, and
   a comprehensive analysis. The TMP will help
   inform the Town's Capital Improvements
   Program (CIP) for short and near-term
   project identification and potential funding
   opportunities.
- 2. Through outreach and inputs (such as access to key destinations, crash history, and vehicle volumes and speed), identify high priority sections of roadway where sidewalks should be completed or upgraded. Consideration should be made for certain sections of roadway where sidewalks may not be constructed, due to trade-offs such as parking loss or community character.
- 3. Prioritize completing and upgrading bicycle and pedestrian infrastructure on corridors identified in the 2019 High Priority Bicycle and Pedestrian Corridors Map. Understand that the 2019 High Priority Bicycle and Pedestrian Corridors Map will continue to evolve based on changes to land use, key destinations, or desired circulation for people biking. Identify the appropriate facility type and prioritization for each corridor based on the unique context of each corridor (i.e. right of way, adjacent land uses, crash history, vehicle speed and volumes, and community input.) Build off the toolbox developed in the 8th Street Corridor project as a foundation for future active transportation enhancements.

- 4. Identify locations for bicycle/pedestrian cut throughs where roadways do not provide connectivity. Consider changes to development code to require bicycle/pedestrian cut throughs. Pursue properties or easements to provide pedestrian and bicycle connections between existing neighborhoods.
- 5. Additional local transit service within Carbondale is desired and demanded. Conduct a study to determine the best model for providing this service. The study should include an assessment of transit models in other communities in the valley, potential funding models, provider models, service area, and other operational characteristics.
- Work alongside CDOT to plan and design enhanced bicycle/pedestrian crossings of Highway 133. Consider access to key destinations, high demand locations, proximity to nearby crossings, and continuity of priority bicycle/pedestrian routes.



| Sidewalks are an important part of Carbondale's mobility network for people of all ages |

- 7. Invest in programs that enhance transportation including Transportation Demand Management strategies that promote non-single occupancy vehicle modes of travel, wayfinding, bicycle parking, lighting, maintenance of transportation facilities, and Safe Routes to School programs.
- 8. Implement high-quality, low-stress, and interconnected bicycle and pedestrian infrastructure when areas develop or redevelop, and more substantial right-ofway can be allocated for active modes of transportation.
- 9. Conduct a parking study that assesses parking utilization at different times of day, days of the week, and parts of Carbondale including the downtown and higher density residential neighborhoods of Carbondale. Based on parking utilization, determine changes to parking requirements/code or the need for an additional public parking structure.
- 10. Maintain land uses, streetscapes, and the scale of east Main Street as a neighborhood gateway to Downtown.
- 11. Highlight the future intersection and roundabout at Highway 133 and Lewies Lane/ Weant Blvd as the southern entry into the town core by emphasizing the Historical Society park and by framing entryway focal points, landscaping, and open space with new development.



| Bicycling is not only part of Carbondale's mobility network, but also an important part of its culture |



| Figure 13: Future roundabout and intersection highlights at Highway 133 and Lewies Lane / Weant Blvd |

# **5.4** | Climate Action

#### **Overview**

The Town of Carbondale has a strong foundation of environmental commitments supported by plans and policies to achieve their vision of a sustainable future. Since the publication of the 2013 Comprehensive Plan, there have been several notable accomplishments and developments which provide a strong foundation for current Plan Update. For this Update, a primary focus has been to evaluate the current policies and programs in the 2017 Climate and Energy Action Plan (CAP) and the 2018 Final Workshop Report for Vulnerability Consequences and Adaptation Planning Scenarios (VCAPS), and provide recommendations to these three questions:

- Are the goal topics outlined in the 2013
   Comprehensive Plan still relevant?
- Are we missing any new topics or goal statements?
- Are there any updated sustainability goals which should be established in the Comprehensive Plan?

Following an analysis of the CAP and VCAPS Plans, the plan process included discussions with the Town of Carbondale E-Board, members of Clean Energy Economy for the Region (CLEER), and other community stakeholders to gain insight and feedback about environmental priorities, needs, opportunities, and challenges. As a result of this analysis and community engagement, a key recommendation established three pillars of Climate Protection, Resiliency, and Equity as an important foundation for sustainability measures in the community.

**Climate Protection** describes actions to eliminate greenhouse gas emissions and reduce global warming. Targeted strategies identified in the 2017 Climate and Energy Action Plan include:

- Increasing Building Efficiency
- Decarbonizing Transportation
- Renewable Energy and Storage
- Reducing and Recycling Waste
- Local and Sustainable Food
- Water Conservation & Reuse

**Resilience** is defined as the capacity to adapt to changing conditions and to maintain or regain functionality and vitality in the face of stress or disturbance. It is the capacity to bounce back after a disturbance or interruption. Resilient design is the intentional design of buildings, landscapes, communities, and regions in response to vulnerabilities.

**Equity** describes a state that is achieved when all people have full and equal access to opportunities that enable them to attain their full potential. The determinants of Equity include the social, economic, geographic, political, and built environment conditions in which people live and work that lead to the creation of a fair and just society.

On September 23, 2021, CLEER, E-Board, and community experts hosted a community workshop focusing on climate protection and action. The workshop focused on the review of the current information and the accomplishments of the Town to seek a pathway forward for achieving a carbon neutral community by 2050. At this event CLEER gathered additional community input to inform the Comprehensive Plan Update. This session was resulted in 182 comments from roundtables focused on Buildings, Energy, Transportation, Waste, Water, Food/Agriculture and Trees/Vegetation. Results from the workshop have been incorporated into the Implementation Matrix.

| Increasing the use of on-site renewables for both public and private properties is a priority as shown here at a town water treatment plant |

#### Recommendations

#### Climate Protection

To support Carbondale's 2017 Climate and Energy Action Plan commitment to become a net zero community by 2050:

- Establish incremental steps and a methodology for tracking and reporting progress towards carbon neutral goals.
- 2. Every 3-5 years review existing plans and strategies to evaluate implementation methods, emerging technologies, opportunities, and issues facing the community. As needed to advance carbon reductions, update plans and strategies to include new or modified priorities. Updates should include actionable items, timelines, measurable benchmarks, and enforcement mechanisms.
- 3. Build capacity to enforce Codes, Plans, and strategies related to climate protection, resilience, equity.
- 4. Focus on emission reduction targets and decarbonization strategies for existing buildings.
- Develop and implement programs and policies to respond to findings and action items recommended in updated versions of the CAP plan.
- 6. Engage in regional collaboration with surrounding communities to advocate for policies to expand renewable energy resources at the regional and State level.
- Develop and implement programs that respond to the findings of the Three County Solar and Storage, Regional Energy Inventory study conducted by CLEER.
- 8. Pursue a Zero Energy District.
- Develop and implement programs and policies to expand public and private infrastructure for zero emission vehicles.
- 10. Leverage Holy Cross and Xcel service territory for maximizing on-site electric and renewable infrastructure.



| Multifaceted electrification efforts include expanded EV infrastructure as well as implementation of community-wide green building technology | Photo: CLEER

- 11. Consider adopting Low Impact Development (LID) strategies intended to address environmental impacts associated with on-site stormwater management and water quality strategies. LID strategies may include bioretention, pervious surface materials and use of drought tolerant plant materials.
- 12. Establish project performance strategies to define interim sustainable development targets and measures (i.e., energy consumption and carbon reduction, water, construction waste recycling, trip reduction, equity, etc.).
- 13. Define specific measurable targets to account for incremental efforts to achieve overall CO2 emission reduction targets i.e., the Town's long-range goal is 50% reduction in CO2 emission by 2030. This measure is intended to establish how the Town will monitor and be accountable and how the community will work toward this target. There is no quantitative means to do so now.

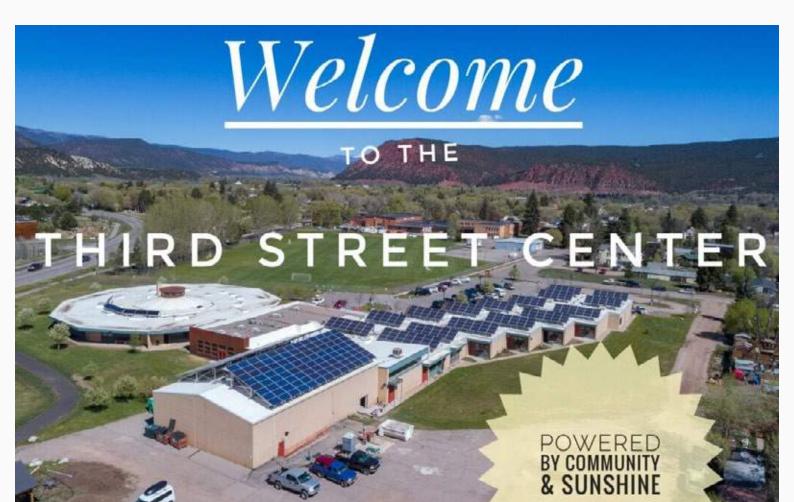
#### Resilience

- Develop outreach, education, and communication to support concepts and strategies that advance Resilience.
- 15. Develop and implement programs and policies to respond to the findings of the 2018 Vulnerability Consequences and Adaptation Planning Scenarios (VCAPS) Report.
- 16. Resilience programs and policies adopted by the Town should include defined goals, performance targets, measurable benchmarks, timelines, and transparent reporting and enforcement mechanisms.
- 17. Develop specific resilience strategies at the following scales: Building, Community, and Regional and Ecosystem scales.
- 18. Engage in regional collaboration with surrounding communities to advance interconnectedness and shared systems (environmental, economic, workforce, supply chain, and utility structures, etc.).

#### Equity

- 19. Develop outreach, education, and communication to support concepts and strategies needed to advance social equity through a discourse that reflects a range of values and social identities.
- 20. Establish and implement structures for inclusion that engage stakeholders and allow for community engagement and input.
- 21. Align affordable housing developments with sustainable building practices and maintenance programs. Focus financial resources and support programs that promote an energy transition around lower to moderate income (LMI) households.
- 22. Focus financial resources and support programs that promote an energy transition around lower to moderate income (LMI) households.

The mission of the Third Street Center is to build community and a sustainable future through a mixed-use facility that models sustainability in design and practice



# **5.5** Aging in Community

#### **Overview**

The population of those aged 60 and older is projected to double in Carbondale in 10 years, while children aged 10 to 19 years is likely to decline. People aged 30 to 34, typical ages of younger families, are projected to increase. Housing types for senior adults generally trend toward downsized units with a variety of support services including assisted living or active senior living complexes. The market has supplied such units in recent years; however, the demand will continue to grow with demographic changes.

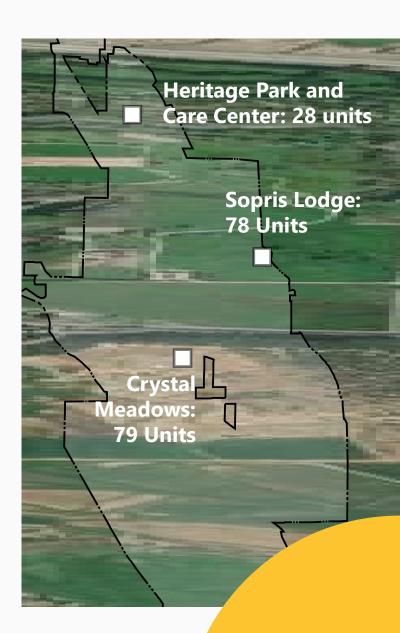
Age Friendly, livable communities include essential features that allow residents of all ages, ability levels, incomes, races, and ethnicities to thrive. People of all ages benefit from the adoption of policies and programs that make neighborhoods walkable, feature transportation options, enable access to services, provide opportunities to participate in community activities, and support housing that's affordable and adaptable. Well-designed, age-friendly communities foster economic growth and make for happier, healthier residents of all ages.

In addition, the ability and desire to own and operate a private automobile will vary across one's lifetime. As residents' age, they may rely more heavily on a mobility device such as a wheelchair or walker. Sidewalks, curb ramps, and crosswalks that are compliant with the Americans with Disabilities Act (ADA) provide a reliable and more comfortable option for those traveling with mobility devices. Frequent and comprehensive transit and paratransit service provide a reliable and convenient alternative to driving for those with limited mobility or for longer travel distances. As the community demographics continue to shift toward an older population, the Town of Carbondale will need to enhance transportation options to facilitate travel for all populations without reliance solely on the automobile to access places locally and regionally.

#### **Community Input**

During the Plan Update process, the following questions were posed;

- Where are the gaps, physical or otherwise, in delivering age-friendly initiatives?
- Is Carbondale doing its part in accommodating, with housing, networks or services, those with mobility or accessibility challenges?



| Figure 14: Existing housing facilities for older adults in Carbondale |

#### Recommendations

#### Transportation

- Develop a sidewalk maintenance program that addresses regular snow and debris removal as well as upgrading deficient sidewalks to allow for comfortable and accessible travel for all ages and abilities.
- Research peer community programs and education for property owners on their responsibilities. A well-maintained network of sidewalks and curb ramps allows for more reliable travel by wheelchair, walker, or stroller.
- Work with RFTA to determine opportunities to enhance the current paratransit program to allow for more reliable and convenient access to trips.
- 4. Integrate electric bikes into the transportation system by educating users, implementing parking for e-bikes, and considering e-bikes in the design of bike facilities (e.g., width of bike facilities).

#### **Housing and Services**

- Incorporate opportunities and services for older adults in all aspects of zoning and economic, land-use, and transportation planning, e.g., leverage older adults' skills, connections, time, and willingness to stay active.
- Consider creating an advisory committee to implement Carbondale Age-Friendly Community Initiative projects and efforts.

- 7. Establish programs to include childcare/ daycare or other youth facilities/programming into new development projects.
- 8. Ensure the Town continues to meet demand for housing that supports the growing demographic shift toward an increase in younger families and older adults.
- Install tools such as form-based codes to help create a built environment that intentionally provides opportunities for older people to easily participate in community life, avoiding aging in isolated enclaves.
- 10. Implement universal design elements into the UDC to increase accessibility and visibility by wheelchairs or other mobility devices.
- 11. Establish a percentage of overall project housing unit target in the UDC for units with universal design features.
- 12. Encourage age-friendly concepts to be elevated as a part of the design and development of capital improvement projects.
- 13. Recognize caregivers, particularly home care workers, in planning, land-use, and economic policy development.

| Sidewalk improvements and bench projects are an ongoing implementation program | Photo: CAFCI



## **5.6** | Historic Preservation

#### Overview

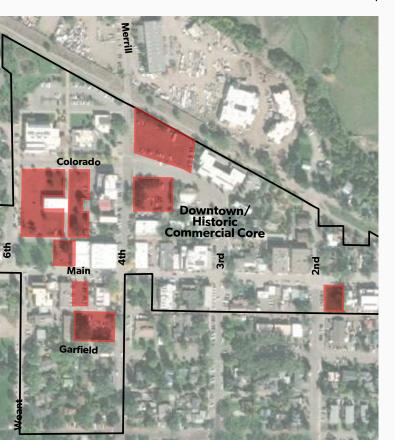
The Plan Update process included opportunities to engage the Carbondale Historic Preservation Commission (CHPC) to discuss their specific vision and priorities, preservation strategies, and ideas for the Downtown, historic commercial core, the Opportunity Area and other areas of historic and cultural resources in the community.

#### **Community Input**

During the Plan Update process, the questions were asked:

- Balance between historic scale and new development is necessary for the Historic Commercial Core's and the community's success, but is the current framework preventing economic development?
- How can we implement or extend the historic design guidelines to residential neighborhoods?
   Does this go beyond Old Town future land use designations?

| Figure 15: Vacant Parcels in the Downtown |



#### Recommendations

- Develop a dedicated funding source such as a revolving loan program to fund preservation efforts and building/interior improvements.
- Update the Downtown historic design guidelines and expand for residential uses, particularly into the Old Town Residential (OTR) neighborhood.
- 3. Work with property owners to ensure historic area boundaries are accurate and clear.
- 4. Create a courtesy review for the CHPC for projects within OTR neighborhoods.
- 5. Consider form-based residential infill development standards to ensure new development, building additions and new elements like ADUs are compatible with adjacent contributing historic resources and neighborhood context.
- Consider ways to direct future development toward key areas of vacant or underutilized parcels Downtown.
- Consider language that promotes pedestrian connectivity between Historic Commercial Core (HCC) and the Opportunity Area, which has possible but uncertain future development potential.
- Consider ways to promote the HCC zone as a mixed-use hub of activity with small, local, and essential businesses, food and beverage establishments, entertainment destinations and a diverse mix of housing.
- Consider adopting language that provides a credit for on-street parking to support retail and residential uses, as well as community events.
- 10. Consider ways to adopt form-based code language that places larger emphasis on character, massing, and scale, building articulation and adjacencies rather than enforcing building use as the basis of requirement.

## **5.7** Downtown

#### **Overview**

Downtown Carbondale was the focus of several meetings and workshops with community members, property owners and stakeholders who have an interest in the Downtown. In addition, two charrettes were held to discuss the current state of development and regulations in the Historic Commercial Core (HCC) zone to understand what factors may be contributing to inhibiting project development and redevelopment.

Downtown Carbondale includes the core historic area along Main Street and several commercial or mixed-use blocks on either side which are zoned as the Historic Commercial Core (HCC). The 2013 Comprehensive Plan and the 2016 Unified Development Code envision the HCC zone as a mixed-use hub of activity with small local businesses, food and beverage establishments, entertainment destinations and a diverse mix of housing.

| Main Street, Downtown | Carbondale |

The 2013 Comprehensive Plan notes that redevelopment in the Downtown should balance the protection of Carbondale's small-town character and preservation of historic resources with new development that offers variety in human-scale architectural design. Creating Main Street mixed-use buildings that can add to diverse housing types is another land use goal.

There are currently an estimated 200 housing units in the HCC zone district. About four acres of HCC-zoned lands are vacant or undeveloped. Economic and mapping analyses found these parcels could accommodate an estimated 17% of the total 10-year projected housing growth (not including projects currently in the pipeline). Despite several proposals in recent years, Downtown has not seen significant development as anticipated. Reasons noted include ownership decisions, market/financing viability, physical property constraints and positioning (parcel size and development standards/requirements). Several redevelopment projects are in various planning and design stages.



#### **Community Input**

During the Plan Update process, the following questions were asked:

- Is the Downtown's vibrancy threatened by commercial/mixed use development elsewhere and if so should changes be made to redirect energy back toward Downtown?
- Why hasn't Downtown seen recent development and what could be done to ensure if/when development occurs it accomplishes goals of maintaining character/scale and adding vitality?
- Are historic preservation mechanisms effective and adequate?

Results of community input relative to Downtown embodied at least two distinct themes:

- Development should be promoted and enabled through flexible standards to further Downtown's vibrancy and sense of place while keeping the existing scale and character
- Developing vacant land Downtown should not just be done for the sake of it and should consider public gathering spaces or additional parks or green spaces.

Community responses ultimately reflected an understanding that redevelopment will eventually occur and moving forward, modifications to the HCC zone may be worth exploring in subsequent UDC updates to ensure projects further community goals.

Community sentiment also suggests that Downtown vitality may be affected if additional, competing retail and commercial uses are developed in peripheral areas beyond the downtown.

Other key issues identified as part of the Plan Update process included building height regulations, ground floor activation and parking standards for residential and lodging uses in the HCC zone.



| True Nature provides public gathering spaces and gardens in Downtown Carbondale |

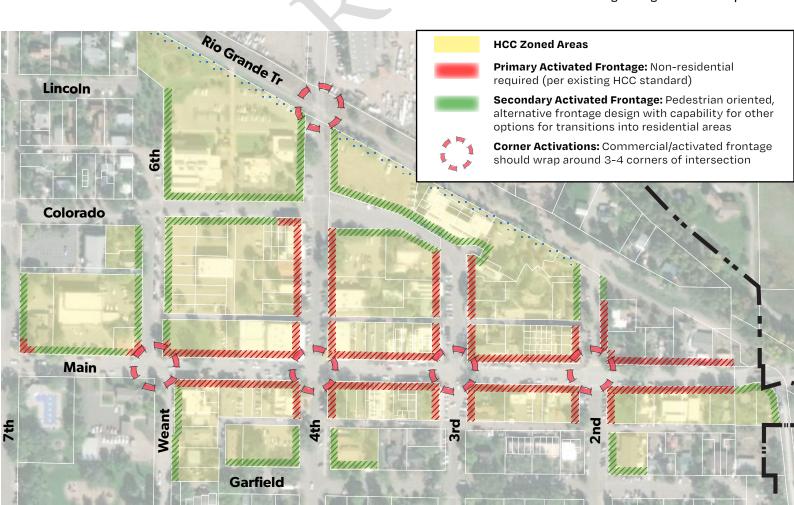
#### Recommendations

- Direct redevelopment to Downtown if it promotes a diverse mix of development typologies including commercial, residential multi-family, market rate and affordable housing.
- Promote residential uses Downtown including rental and ownership units, ground-level and upper-level units intended to support increased density and a variety of multi-generational populations and needs, such as those who are experiencing disabilities and aging in community.
- Create opportunities for public gathering spaces or green spaces throughout the Downtown. Include in updates to Parks and Recreation Master Plans.

#### Unified Development Code Recommendations

- Provide more flexibility with certain development standards -- notably parking requirements and ground floor activation standards.
- Look at creative ways to incentivize development, e.g., provide a parking reduction credit for projects located adjacent to public transit service.
- 6. Provide credit for on-street parking to support project related ground floor retail uses and event parking requirements. On-street parking must be located adjacent to the project site.
- Consider adjusting the total maximum building height requirement through a cost/benefit and development impact study in the Downtown with the intent to allow flexibility for ground level design outcomes.
- 8. Consider a centralized shared parking approach to create efficiency between day-use retail and employment uses and night-time residential uses. This concept will require multiple project partners and landowners to work together to create a shared-parking investment opportunity io the Downtown.
- 9. Establish a flexible standard for ground floor activation in the Downtown that takes into consideration Main Street and secondary street frontages in the HCC zone and corresponding design requirements for both street and frontage typologies. The flexible design standards would include variations for certain ground floor conditions based on primary (Main Street and intersection corners) and secondary street frontage conditions. Ground floor variations may consider active retail, commercial office, live/work and other acceptable ground floor uses and forms to help make adjustment where the HCC zone transitions to non-HCC residential areas.
- 10. Seek travel demand strategies to reduce parking demands to complement the Downtown mixed-use commercial and neighborhood urban form, including enforcement of timed parking, parking maximums, permit programs, or unbundling (requiring the separate pricing of residential parking from the rent or sale price of a home or building).

| Figure 16: Historic Commercial Core Zone Frontage Design Framework |



## **5.8** | Opportunity Area

#### **Overview**

The properties just north of Downtown have been the subject of several discussions over the years and as part of community outreach throughout the Plan Update process. The Plan Update process prompted an open discussion about this important area in the Town of Carbondale. In addition, focus group meetings and workshops the were held with various community experts such as architects, developers (not associated with the property), property owners in and around the Downtown to discuss the future of the Opportunity Area.

Much of the Opportunity Area is currently held in ownership by one property owner as two legally separated parcels. The estimated 12-acre site is primarily occupied by light industrial-commercial oriented businesses. Over the years, several different concept site plans have been developed for this area. However, no formal plan submittal has been provided to the Town for review recently.

As Carbondale evolves, the Opportunity Area will become an increasingly important property. Due in part to its location adjacent to the Downtown HCC zone, and the size and scale of the development footprint, the Opportunity Area could feasibly help address several communitywide goals and objectives, such as promoting a mix of uses near the downtown, housing supply, housing diversification and affordability, sustainable development strategies, walkable small-town character, and redevelopment that is complementary to the Downtown urban form. On the other hand, the current light industrial and commercial uses in the Opportunity Area provide upwards of 100-125 jobs now, and locations for light industrial uses throughout the Town are limited. The current uses and related jobs are difficult to transfer to other areas of Town. As a result, the community will be faced with debating the merits and trade-offs of two very different ideas of what The Opportunity Area may be in the future.

Discussions as a part of the Plan Update process for the Opportunity Area focused heavily on what the future redevelopment of this property may be. Should the area be thought of as an extension of the traditional downtown form, scale, and mixture of uses? This suggestion would add to and support the elements of the downtown and include restaurants, retail, offices, arts, non-profits, conference center/hotel, and a broad mix of residential unit types and workplace facilities. If the Opportunity Area redevelops based on this model, all or portions of the light industrial uses would need to transition elsewhere in the community. The land area intended to accommodate this type of use is clearly in short supply in the community.

#### **Community Input**

During the Plan Update process, the questions were asked:

- What do you envision the future of the Opportunity Area to be?
- What types of uses represent the highest and best use scenario?
- What type of urban form and amenities do you think are appropriate for this site?

Based on this inquiry, the input received included a blend of both concepts: consider a mix of residential and small-scale neighborhood commercial uses to help retain the existing commercial and industrial activities and the on-site jobs that currently exist.

| Figure 17: Opportunity Area Parcels |



Some people felt that the current uses (and jobs, and particularly the diversity in creative-oriented jobs) are important to the Carbondale economy and spirit. Others felt that the area could transition to help address other Town priorities such as housing supply, affordability, and diversity. Comments were made that - if the current uses and jobs were to go away - where in Town could this type of use go? Anecdotal comments stated that the Town's creative maker's industry housed in these places that naturally emerged is beginning to decline due to a lack of affordable housing and artists/makers being priced out of workshop space.

Considering the input, and the overall community priorities of housing diversity, climate, resiliency, and small-town character in Carbondale, the current recommendation is that the future Opportunity Area site should strive to create a balance of housing diversity and job creation as part of a new mixed use redevelopment. The site should support flexible building typologies designed to accommodate small-scale neighborhood uses supportive of retail, creative maker space or incubator live-work spaces, small-scale commercial and low impact commercial uses. The overall character is that of a gritty, light industrial, mix of uses that complements the smallscale nature of Carbondale and the walkability and architectural form of the Town's Main Street with a traditional street grid. Specific uses such as hospitality should be further evaluated to determine market demand and whether this site is the best opportunity for hospitality compared to other locations such as Downtown.

#### Other Observations

- Redevelopment of the Opportunity Area may displace light industrial or creative industry jobs desired by some in the community.
- Added rooftops, activity and traffic to the area may impact the mobility network for both pedestrians and vehicles if not properly planned for.
- Land uses in new non-residential development in the Opportunity Area and nearby neighborhoods should be carefully reviewed to ensure a smooth transition and compatibility between adjacent uses.



| Flexible commercial or residential uses can orient to the Rio Grande Trail |

#### Recommendations

- Consider flexible uses, building forms and typologies as represented along 4th Street in the area facing the Rio Grande Trail.
- 2. Pursue opportunities to add to the community's gathering and green spaces with a central square or open area.
- 3. Urban design should consider circulation to allow vehicles to access the rear of buildings with pedestrians prioritized in the frontages.
- 4. Promote a diverse mix of lot and housing types that includes multi-family attached row houses and townhomes, duplex and 4- to 6-unit corner lots and possible 2nd and 3rd floor flats. Housing units would include a mix of market rate rental and ownership units and affordable housing units. See 4.0 Future Land Use for additional use, form and design elements.
- Acknowledge adjacent land uses while locating uses and massing on-site with less density on the north and more density on the south and east portions of the property.

- Integrate light industrial/commercial and creative makerspace units that include increased floor to ceiling area, flexible floor area and access doorways / roll-up doors.
- 7. Allow non-residential uses to evolve based on new realities of retail and provide for "work from home" units.
- 8. Optimize density to prevent need for annexations and to populate downtown core to the benefit of downtown businesses and pedestrian and transit access.
- Consider allowing the property owners the ability to subdivide for permanent financing mechanics and varying lot sizes and uses.
- 10. Consider redevelopment near the Rio Grande Trail corridor in a way that may accommodate future light rail or other transit facilities.

#### **Future Land Use Recommendations**

- 11. Define the Opportunity Area as the Light Industrial/Mixed Use Neighborhood that provides the framework for a Light Industrial/Mixed Use Neighborhood Zone with a vision for a medium-scale, light manufacturing, or creative space district.
- 12. Consider an increase in density if a proposed design supports the intent of the new neighborhood.
- 13. Create urban design standards to define street and blocks, alleys, parcels and building footprints, building typologies, massing, and scale, building articulation, and fenestration concepts.
- 14. Provide a central gathering space that includes shade trees, benches, and other amenities.



| Figure 18: Opportunity Area Conceptual Uses Diagram |

## **5.9** Residential Focus Areas

#### **Overview**

The Residential Focus Areas are areas within the Town that are currently zoned as a Residential/High Density (R/HD) classification per the UDC. These areas are occupied by a variety of housing types that include multi-family apartments on smaller lots and attached or detached single-family dwellings. Located just outside the Town HCC, these uses exhibit a range of housing unit types from many eras, not all of which are built to the allowable density.

A considerable amount of long-term rental housing stock exists in these areas and is at risk of redevelopment, potentially displacing low- to moderate-income families.

#### **Community Input**

During the Plan Update process, the key questions asked were:

- How does what's on the ground in Residential Focus Areas compare to what's possible to build?
- If these areas develop to allowable standards will the results be acceptable, including potential displacement of at-risk communities?
- What mechanisms can be used to ensure compatibility between areas of different adjacent residential character?

Residential Focus Areas

SARFIELD AVE

133

Several R/HD zone districts are located adjacent to low-density single family zone districts. Community input expressed concern that if properties in R/HD zones are assembled and redeveloped, the result might include incompatible housing types or scales of buildings in these areas. The concerns raised indicated that:

- Assembly of parcels in R/HD zones may create incompatible urban form and scale between
   35' tall structures and low-density residential.
- Redevelopment of R/HD parcels may lead to a loss of an older, diverse housing stock that in some cases provides affordable units in comparison to elsewhere in town.

#### Recommendations

- 15. Consider revisions to the "Transitions between unlike land uses" (UDC 3.7.5) in the Town's Unified Development Code that strengthen design compatibility in areas where R/HD zones abut or are across the street from R/LD zones.
- 16. Consider residential infill design standards / guidelines to address design compatibility, form, scale, and character. The development standards should specifically address adjacencies, roof line forms, solar access, entry and window alignments, setbacks, upper level step-backs, and privacy and other mass and scale standards to ensure compatibility of structures between low and high-density uses and protection of neighborhood character as changes may occur over time.

| Figure 19: Residential Focus Areas are areas within town that are currently zoned Residential/High Density |

6.0 Implements
Strategy



# ation



## **6.1** | Implementation Matrix

Plan implementation means carrying out the Plan Update's scope by creating a process and series of actions that aim to deliver successful outcomes.

Many strategies and actions have been completed since the previous update. Those that are still valid or incomplete are carried forward. Several added actions address issues that emerged in the update process.

Strategies have a number of associated implementation actions, as well as a responsible department/agency and priority level in the Implementation Matrix.

Low priority actions are relatively less complex and may be completed in the near term or immediately after adoption. Medium priority indicates a need for additional resources or time. High priority items may be longer term in nature often requiring additional financial resources, staff time or political support. A higher priority may, however, indicate a timesensitive action or project to be completed with more urgency.

The Implementation Strategies in the matrix below address subjects from the Plan Update Recommendations. It is intended as a guide for future decision making and programming.

- High Priority (0 to 3 Yrs)
- Medium Priority (4 to 6 Yrs)
- Low Priority (7 to 10+ Yrs)

GOAL TOPIC 1: COMMUNITY CHARACTER					
CATEGORY		STRATEGY / ACTION	RESPONSIBILITY	PRIORITY	
	1.1	Ensure the Highway 133 corridor through the length of	town is visually attracti	ve.	
	1.1.1	Prioritize and fund a Highway 133 Corridor Study to evaluate the multi-modal, safety and urban design components of the corridor.	Town, Arts and Culture Organizations		
Highway 133 Character	1.1.2	Highlight the future intersection and roundabout at Highway 133 and Lewies Ln/Weant Blvd as the southern entry into Downtown emphasizing the Historical Society Park, entryway focal points, landscaping and open spaces.	Town, Arts and Culture Organizations		
	1.1.3	Acquire additional right-of-way along the south side of Highway 82 right of way adjacent to town-owned property and enter into an MOU agreement with CDOT for landscape improvements.	Public Works, CDOT		
	1.2	Promote an interconnected, integrated and safe multi-I transit) system.	nodal (bicycle, pedestri	an and	
Access + Mobility	1.2.1	Implement the recommendations associated with multi-modal mobility improvements and policies and the Future Land Use Plan.	Planning and Public Works Departments, Planning Commission, Bicycle & Ped Commission		
	1.2.2	Create a speed zone and establish enforcement tools to reduce motor vehicle driving speeds and promote a pedestrian-first approach throughout the Town.	Bicycle & Ped Commission		
	1.3	Expand historic preservation opportunites and cultural historic scale of Downtown Carbondale.	resources and maintain	ı the	
	1.3.1	Develop a historic preservation program that includes an asset inventory study and strategies to help ongoing historic preservation resource needs backed by a dedicated funding source.	Town, CHPC, Town Board		
Historic +	1.3.2	Update the Downtown historic design guidelines and include residential uses, particularly into the Old Town neighborhood.	CHPC, Plannning Commission		
Cultural Resources	1.3.3	Adopt form-based residential infill development standards to ensure new development, additions and ADUs are compatible with adjacent historic and neighborhood context.	Planning Commission & Planning Department		
	1.3.4	Create a facade renovation improvement program and funding source.	CHPC & Town Board		
	1.3.5	Create opportunities for public spaces and green spaces in the Downtown and include policy and CIP updates to the Town's Parks and Recreation Master Plan.	Town, Parks & Rec Commission		





GOAL TOPIC 1: COMMUNITY CHARACTER								
CATEGORY	#	STRATEGY / ACTION	RESPONSIBILITY	PRIORITY				
	1.4	Amend the Unified Development Code to support comm	Amend the Unified Development Code to support community and Downtown vitality.					
	1.4.1	Evaluate opportunities for flexible development standards associated with parking requirements. Adopt language that provides a credit for on-street parking to support retail and residential uses, as well as community events	Planning Department, Planning Commission, Town Board					
	1.4.2	Evaluate development incentives as parking reduction credits for projects located adjacent to public transit services.	Planning Department, Planning Commission					
	1.4.3	Provide credit for on-street parking to support project related ground floor retail uses and event parking requirements (on-street parking must be located adjacent to the project site).	Planning Department, Planning Commission					
Zoning + Land Use	1.4.4	Amend the ground floor commercial use standards to acknowledge more flexible design solutions intended to address ground level activation in certain areas Downtown. The design standards would include variations for certain ground floor conditions based on primary (Main Street and intersection corners) and secondary street frontage conditions. Ground floor variations may consider active retail, commercial office and other acceptable ground floor uses and forms – to help make adjustment where the HCC zone transitions to non-HCC residential areas.	Planning Department, Planning Commission, Town Board					
	1.4.5	Review current UDC building height requirements and amend as necessary.	Planning Department, Planning Commission					
	1.4.6	Evaluate the feasibility of a joint venture, shared parking investment strategy in the downtown to improve efficiencies between day-use retail, employment uses and night-time residential uses.	Planning Department, Planning Commission					
	1.4.7	Incentivize redevelopment in Downtown (particularly vacant and underutilized parcels) to establish a mixeduse hub of activity with small, local and essential businesses, food and beverage establishments, entertainment destinations and a diverse mix of housing.	Planning Department, Planning Commission, Town Board					
	1.4.8	Encourage incremental development to occur over a long period of time as needed.	Planning Department, Planning Commission					
	1.4.9	Consider ways to adopt form-based code language that places larger emphasis on character, massing and scale, building articulation and adjacencies rather than building use.	Planning Department, Planning Commission					
	1.5	Re-evaluate light industrial use areas in context to adja community as a whole.	cent neighborhoods an	d the				
Zoning + Land Use	1.5.1	Implement the Future Land Use Plan Light Industrial/ Mixed Use designation by updating the land use code and strengthening applicable design standards.	Planning Department, Planning Commission					

GOAL TOPIC 1: COMMUNITY CHARACTER						
CATEGORY		STRATEGY / ACTION	RESPONSIBILITY	PRIORITY		
	1.6	Implement a new Opportunity Area zone classification.				
	1.6.1	Streets and blocks in the Opportunity Area should prioritize pedestrian-focused street frontages with side- and rear-loaded vehicle access.	Planning Department, Planning Commission			
Zoning +	1.6.2	Establish design guidelines and standards to reinforce appropriate massing and scale and architectural compatibility to create suitable transitions to adjacent uses/densities.	Planning Department, Planning Commission			
Land Use	1.6.3	Neighborhood scale retail commercial uses should be concentrated near the 4th Street and Rio Grande Trail intersection.	Planning Department, Planning Commission			
	1.6.4	Integrate light industrial/commercial and creative makerspace units that include increased floor to ceiling area, flexible floor area and access doorways / roll-up doors.	Planning Department, Planning Commission			
	1.6.5	Orient new redevelopment near the Rio Grande Trail corridor to keep the possibility of future transit opportunities.	Planning Department, Planning Commission			



GOAL TO	OPIC 2	2: ECONOMIC DEVELOPMENT					
CATEGORY	#	STRATEGY / ACTION	RESPONSIBILITY	PRIORIT			
	2.1	Promote Carbondale as a destination for arts, perform events.	Promote Carbondale as a destination for arts, performances, festivals, and cultural events.				
	2.1.1	Establish a community brand and marketing program.	Economic Development Organizations				
Arts +	2.1.2	Create attractive, consistent wayfinding and gateways along Highways 82 and 133.	Town, CDOT				
Culture	2.1.3	Support and contribute to public art, especially downtown.	Town, Carbondale Arts, Chamber, Downtown Businesses				
	2.1.4	Support the continued success of the keystone events, such as Carbondale Mountain Fair, Potato Day, Dandelion Day, the Farmers Market, rodeo, street dances and other festivities.	Town, Carbondale Arts, Chamber, Downtown Businesses				
	2.2	Enhance recreational and scenic amenities unique to economic activity.	Carbondale to attract and	sustain			
Recreation,	2.2.1	Build off of RFC's management plans to enhance preservation efforts and access.	Town, Land Conservation Organizations, property owners, Garfield County				
Tourism + Scenic Beauty	2.2.2	Continue land conservation strategies for areas on the town periphery.	Town, Land Conservation Organizations, property owners, Garfield County				
	2.2.3	Increase the capacity of the community sports fields inventory.	Public Works and Recreation Departments, Roaring Fork School District				
	2.4	Continue to cultivate a business climate that fosters I professional services sectors.	ocally owned and growing	5			
Local, Regional Business	2.4.1	Provide leadership and support for business enterprises.	Environmental Board; economic development groups, business / professional organizations				
	2.5	Support local, regional and state government agencie existing businesses and promote new businesses in to	_	nance			
	2.5.1	Promote the Carbondale Revolving Loan Fund and continue to seek funding.	Town, Economic Development Organizations				
Local, Regional Business	2.5.2	Invest in geographically referenced business inventory data /software such as Reference USA that could be available for economic development and business use.	Economic Development Organizations				
	2.5.3	Work with Garfield County Economic Development to seek out state economic development programs through the Dept. of Local Affairs, Office of Economic Development and International Trade or others.	Economic Development Organizations				

GOAL TOPIC 2: ECONOMIC DEVELOPMENT				
CATEGORY		STRATEGY / ACTION	RESPONSIBILITY	PRIORITY
	2.5	Support higher educational and vocational programs a capacity of the workforce.	and facilities aimed at exp	anding the
Higher Education	2.5.1	Work in partnership with CMC to plan for future facilities needs.	Town, CMC	
+ Trade Schools	2.5.2	Support CMC's use of town facilities such as the 3rd Street Center, parks, multi-modal facilities.	Recreation & Public Works Departments, 3rd Street Center	
	2.5.3	Explore opportunities for CMC internship programs with the town.	Town, CMC	
	2.6	Develop a clear, consistent, and cost-effective busine strategy for target industries as defined by the commi		nent
Business Recruitment	2.6.1	Identify existing business clusters and interview owners to document the reasons they located their businesses in Carbondale. Using this information, establish a list of proven business assets and promote them.	Economic development organizations	
+ Retention	2.6.2	Support existing business development centers to provide start-up assistance including location and planning assistance.	Economic development organizations	
	2.6.3	Work with Garfield County Economic Development to promote the local lifestyle and economic assets to targeted industries.	Economic development organizations	
Business	2.7	Promote restaurants, taverns and lodging as economic generators.	c drivers and tax revenue	
Recruitment + Retention	2.7.1	Partner with tech organizations/companies to increase online exposure to small businesses through the town's website or the business community's online venues.	Economic development organizations	
	2.8	Facilitate the coordination of business and economic	development groups.	
Facilitate the coordination of business	2.8.1	Seek funding for a professional local/regional economic development coordinator.	Town, Garfield County, economic development organizations, State of Colorado	
and economic development groups	2.8.2	Continue to partner with non-profits and businesses on specific projects. Assist in the formation of non-English-speaking business groups or commerce associations.	Town, Garfield County, economic development organizations, State of Colorado	
	2.8.3	Develop a requirement check-list for new businesses and post prominently on the town website.	Town Administration & Finance Departments	





GOAL TOPIC 2: ECONOMIC DEVELOPMENT						
CATEGORY	#	STRATEGY / ACTION	RESPONSIBILITY	PRIORIT		
Local Food	2.9	Promote local food sources and distribution methods.				
Sourcing	2.9.1	Secure a long-term lease agreement for a location for the farmers market.	Town, Public Works Department, Downtown business organization			
	2.10	Support local food and agriculture organizations to st growing, processing, marketing, and consumption).	rengthen the local food sy	rstem (i.e.		
Local Food Sourcing	2.10.1	Support efforts of local/regional organizations to develop regional food system inventory of food assets, and promote opportunities to create a diverse and holistic regional food system.	Planning Department, local food and agriculture organizations			

GOAL TOP	PIC 3:	HOUSING + JOBS		
CATEGORY		STRATEGY / ACTION	RESPONSIBILITY	PRIORITY
	3.1	Address housing affordability at the local and regional l	evel concurrently.	
	3.1.2	Establish a task force to develop a comprehensive policy on multi-generational housing, housing affordability, anti-displacement and social equity, small-businesses retention policies in the community.	Housing Organizations	
	3.1.3	Identify land use impediments, gaps, opportunities, design guidelines, new funding sources and opportunity sites for multi-family housing to increase affordable housing opportunities.	Town Board	
Local & Regional Approach	3.1.4	Explore programs and policy tools to prevent displacement (e.g., rent stabilization, commercial linkage fees, impact fees, or rent review boards) for all susceptible communities.	Town Board & Housing Organizations	
	3.1.5	Partner with Garfield County to leverage County efforts to encourage production of affordable housing, including participation in State (CHFA) and federal (HUD/HOME, USDA) programs including Low-Income Housing Tax Credit (LIHTC) subsidies.	Town Board & Housing Organizations	
	3.1.6	Consider allocating Town resources or reducing infrastructure and permitting fees to assist qualifying affordable housing developments.	Town Board	
	3.2	Work with housing entities/providers to expand the inve (senior housing, assisted living, co-housing, affordable		
Housing	3.2.1	Identify funding mechanisms and possible sites for affordable rental housing.	Town Board	
Inventory	3.2.3	Expand deed-restricted housing through Community Land Trusts (CLTs) either by partnering with an existing CLT (e.g., Elevation CLT, primarily active in the Front Range today) or by helping to organize a similar partnership in the Roaring Fork Valley.	Town Board & Housing Organizations	
	3.3	Evaluate performance and outcomes of the Town's inclurequirements and adjust accordingly.	usionary residential	
Ongoing Monitoring	3.3.1	Inventory housing produced via the inclusionary community housing requirements.	Planning Department, non- profit housing organizations	
	3.3.2	Evaluate market disincentives of inclusionary community housing.	Planning Department, non- profit housing organizations	
	3.3.3	Evaluate inclusionary zoning regulations to ensure they do not discourage mixed-use developments that would otherwise include needed housing. Explore programs allowing limited sale/transfer of unit requirements in such cases.	Town Board	





GOAL TOPIC 3: HOUSING + JOBS				
CATEGORY		STRATEGY / ACTION	RESPONSIBILITY	PRIORITY
	3.4	Evaluate the UDC to identify and remove barriers to affo	ordable housing supp	oly.
	3.4.1	Ensure that land-use regulations governing Planned Unit Development (PUD's) and subdivision covenants facilitate and remove barriers to construction of more affordable housing.	Planning Department & Planning Commission	
	3.4.2	Educate homeowners on Accessory Dwelling Units (ADU) regulations and provide guidance on permitting and construction conversion. Research best practices from peer communities for enforcement and monitoring.	Planning Department	
Land Use +	3.4.3	Consider adoption of recent Garfield County modifications to the County's Land Use & Development and Building Codes to allow for "Tiny Homes."	Planning Department & Planning Commission	
Zoning	3.4.4	Consider residential infill design standards / guidelines to address design compatibility, form, scale and character, specifically to address, adjacencies, roof line forms, solar access, entry and window alignments, setbacks, upper level stepbacks and privacy and other mass and scale standards to ensure compatibility of structures between low and high-density uses and protection of neighborhood character as changes occur over time.	Planning Department & Planning Commission	
	3.4.5	Consider revisions to the "Transitions between unlike land uses" (UDC 3.7.5) in the Town's Unified Development Code that strengthen design compatibility in areas where R/HD zones abut or are across the street from R/LD zones.	Planning Department & Planning Commission	
	3.5	Support and expand the Carbondale Affordable Creative fund arts-oriented space.	Space effort to pro	mote and
Land Use + Zoning	3.5.1	Duplicate 2018 pilot survey for that identified preliminary demand potential for 42 live-work artist units, 11 shared creative workspaces, and other arts-oriented space that could be pursued further in plans for redevelopment throughout Carbondale – particularly in conjunction with infill redevelopment of Downtown and the Opportunity Area.	Carbondale Arts, Art & Culture Organizations, Town Board	

GOAL TOP	IC 4:	SUSTAINABLE DEVELOPMENT		
CATEGORY		STRATEGY / ACTION	RESPONSIBILITY	PRIORITY
	4.1	Implement plans and policies related to climate action a Rights.	and the Environmental	Bill of
	4.1.1	Establish incremental steps and a methodology for tracking and reporting progress towards carbon neutral goals.	Sustainability organizations, E-Board, Town Board	
	4.1.2	Every 3-5 years, review existing plans and strategies to evaluate implementation methods, emerging technologies, opportunities, and issues facing the community. As needed to advance carbon reductions, update plans and strategies to include new or modified priorities. Updates should include actionable items, timelines, measurable benchmarks, and enforcement mechanisms.	Sustainability organizations, E-Board, Town Board	
	4.1.3	Build capacity to enforce codes, plans, and strategies related to climate protection, resilience, equity.	Sustainability organizations, E-Board, Town Board	
	4.1.4	Focus on emission reduction targets and decarbonization strategies for existing buildings, not just new construction.	Sustainability organizations, E-Board, Town Board	
	4.1.5	Develop and implement programs and policies to respond to findings and action items recommended in updated versions of the Climate Energy and Action Plan (CEAP).	Sustainability organizations, E-Board, Town Board	
Climate Action Plan	4.1.6	Develop and implement programs that respond to the findings of the Three County Solar and Storage, Regional Energy Inventory study conducted by CLEER.	Sustainability organizations, E-Board, Town Board	
	4.1.7	Pursue a Zero Energy District.	Sustainability organizations, E-Board, Town Board	
	4.1.8	Develop and implement programs and policies to expand public and private infrastructure for zero emission vehicles.	Sustainability organizations, E-Board, Town Board	
	4.1.9	Leverage Holy Cross and Xcel service territory for maximizing on-site electric and renewable infrastructure.	Sustainability organizations, E-Board, Town Board	
	4.1.10	Establish project performance strategies to define interim sustainable development targets and measures (i.e., energy consumption and carbon reduction, water, construction waste recycling, trip reduction, equity, etc.).	Sustainability organizations, E-Board, Town Board	
	4.1.11	Define specific measurable targets to account for incremental efforts to achieve overall Co2 emission reduction targets i.e. the Town's long-range goal is 50% reduction in CO2 emission by 2030. Intended to establish how the Town will monitor and be held accountable and how the community will work toward this target. There is no quantitative means to do so now.	Sustainability organizations, E-Board, Town Board	



GOAL TOPIC 4: SUSTAINABLE DEVELOPMENT							
CATEGORY		STRATEGY / ACTION	RESPONSIBILITY	PRIORITY			
	4.2	4.2 Implement goals and strategies from the Climate & the Carbondale Comp Pla					
	4.2.1	Require irrigation rain sensors for all new buildings.	Building Department				
	4.2.2	Create an investment fund for people to invest in a low-income housing revolving fund.	Town Board				
	4.2.3	Add to building code something that restricts vent pipes from being installed on roof areas suitable for solar, for example no vents allowed on south facing roofs.	Building Department				
	4.2.4	Require existing buildings to electrify and add efficiency on resale, provide financing and assistance.	Building Department				
	4.2.5	Consider deconstruction for reuse, repurposing, recycling, and waste management when designing new buildings.	Building Department				
	4.2.6	Discontinue natural gas systems in all new development.	Building Department				
	4.2.7	Require electric appliances in all renovated or upgraded buildings.	Building Department				
Climate + Comp Plan Event	4.2.8	Establish a renewable micro-grid for energy use in emergencies.	Town Board				
Outcomes (CLEER Sept. 23, 2021)	4.2.9	Explore ways to incorporate agrivoltaics into solar production areas to produce local food and efficiently use space between arrays.	Town Board				
	4.2.10	Incentivize the use of local and reclaimed materials in new developments.	Building Department & E-Board				
	4.2.11	Create an education campaign on residential composting (how it works, how to properly compost, yard composting vs. community composting).	E-Board				
	4.2.12	Incentivize low-water landscaping techniques for new developments and when retrofitting existing grass yards.	Planning & Building Departments				
	4.2.13	Expand the Town's open ditch irrigation system.	Town Board				
	4.2.14	Encourage rain water collection for plants and irrigation.	Planning & Building Departments				
	4.2.15	Incentivize new developments to include space for community gardens and food production.	Planning & Building Departments				
	4.2.16	Require new commercial parking lots to plant trees.	Planning & Building Departments				

GOAL TOPIC 4: SUSTAINABLE DEVELOPMENT				
CATEGORY		STRATEGY / ACTION	RESPONSIBILITY	PRIORITY
	4.3	Focus on community resilience.		
	4.3.1	Develop outreach, education, and communication to support concepts and strategies that advance Resilience.	E-Board, Sustainability Organizations	
	4.3.2	Develop and implement programs and policies to respond to the findings of the 2018 Vulnerability Consequences and Adaptation Planning Scenarios (VCAPS) Report.	E-Board, Sustainability Organizations	
Resiliency	4.3.3	Resiliency programs and policies adopted by the Town should include defined goals, performance targets, measurable benchmarks, timelines, and transparent reporting and enforcement mechanisms.	E-Board, Sustainability Organizations	
	4.3.4	Develop specific resilience strategies at the Building, Community, and Regional and Ecosystem scales.	E-Board, Sustainability Organizations	
	4.3.5	Engage in regional collaboration with surrounding communities to advance interconnectedness and shared systems (environmental, economic, workforce, supply chain, and utility structures, etc.).	E-Board, Sustainability Organizations	
	4.4	Ensure equal access to green and sustainable housing,	infrastructure and se	ervices.
Equitable Green Infrastructure	4.4.1	Align affordable housing developments with sustainable building practices and maintenance programs.	Planning & Building Departments, Town Board	
	4.4.2	Focus financial resources and support programs that promote an energy transition around lower to moderate income (LMI) households.	Town Board	
	4.5	Invest in public parks, open spaces, streetscapes, trails public buildings.	, pathways, landscap	ing, and
	4.5.1	Update the Parks, Open Space and Trails master plan and continue to make improvements as funding allows.	Parks & Rec Department, Bike & Ped Commission	
Green Infrastructure,	4.5.2	Continue to require that new development contributes its fair share to the cost of expanding the town parks, open space, multi-modal network and infrastructure.	Parks & Rec Department, Bike & Ped Commission	
Health + Wellness	4.5.3	Employ naturalized storm water treatment techniques such as naturalized detention, bio-swales, rain gardens, terracing and porous pavements.	Parks & Rec Department, Bike & Ped Commission	
	4.5.4	Consider adopting Low Impact Development (LID) strategies intended to address environmental impacts associated with on-site stormwater management and water quality strategies. LID strategies may include; bio-retention, impervious surface materials and use of drought tolerant plant materials.	Parks & Rec Department, Bike & Ped Commission	





GOAL TOP	GOAL TOPIC 4: SUSTAINABLE DEVELOPMENT					
CATEGORY		STRATEGY / ACTION	RESPONSIBILITY	PRIORITY		
	4.6	Identify key riparian areas for acquisition and conserva	tion.			
Rivers	4.6.1	Support efforts to establish a Garfield County open space tax fund and acquisition/management program.	Town Board, E-Board			
	4.7	Embrace the river corridors.				
	4.7.1	Support watershed health and water quality through reductions in sedimentation and erosion by developing carefully-designed river trails where terrain and access allow.	Parks & Rec Department, Parks & Rec Commission			
Rivers	4.7.2	Develop safe boating and shoreline access points using natural materials.	Parks & Rec Department, Parks & Rec Commission			
	4.7.3	Develop shoreline trail and access construction standards according to best management practices.	Parks & Rec Department, Parks & Rec Commission			

GOAL TOP	GOAL TOPIC 5: MULTI-MODAL MOBILITY + ACCESS				
CATEGORY	#	STRATEGY / ACTION	RESPONSIBILITY	PRIORITY	
	5.1	Develop a comprehensive town-wide Transportation Ma	aster Plan (TMP).		
	5.1.1	Revisit the community long-term vision for multi- modal transportation based on comprehensive community outreach process.	Public Works Department, Bike & Ped Commission		
	5.1.2	Program for short and near-term project identification and potential funding opportunities.	Public Works Department, Bike & Ped Commission		
	5.1.3	Conduct a bicycle and pedestrian facility inventory and identify missing gaps in the Town. Build off the 2019 High Priority Bicycle and Pedestrian Corridors Map and modify with additional high priority corridors.	Public Works Department, Bike & Ped Commission		
Mobility Master Plan	5.1.4	Prioritize completing and upgrading bicycle and pedestrian infrastructure on corridors identified in the 2019 High Priority Bicycle and Pedestrian Corridors Map. Understand that the 2019 High Priority Bicycle and Pedestrian Corridors Map will continue to evolve based on changes to land use, key destinations, or desired circulation for people biking. Identify the appropriate facility type and prioritization for each corridor based on the unique context of each corridor (i.e. right of way, adjacent land uses, crash history, vehicle speed and volumes, and community input.) Build off the toolbox developed in the 8th Street Corridor project as a foundation for future active transportation enhancements.	Public Works Department, Bike & Ped Commission		
	5.1.5	Identify locations for bicycle/pedestrian cut throughs where roadways do not provide connectivity.  Consider changes to development code to require bicycle/pedestrian cut throughs. Pursue properties or easements to provide pedestrian and bicycle connections between existing neighborhoods.	Public Works Department, Bike & Ped Commission		
	5.1.6	Implement sidewalks and upgrade deficient sidewalks. Through outreach and inputs (such as access to key destinations, crash history, and vehicle volumes and speed), identify high priority sections of roadway where sidewalks should be completed or upgraded. Consideration should be made for certain sections of roadway where sidewalks may not be constructed, due to trade-offs such as parking loss or community character.	Public Works Department, Bike & Ped Commission		

### GOAL TOPIC 5: MULTI-MODAL MOBILITY + ACCESS

CATEGORY	#	STRATEGY / ACTION	RESPONSIBILITY	PRIORITY
	5.2	Improve safety and convenience for pedestrians and cyc	clists crossing the high	way.
	5.2.1	Improve pathway along Meadowood Drive connecting to Highway 133.	Public Works Department, Bike & Ped Commission	
	5.2.2	Connect Snowmass Drive and Meadowood Drive through Roaring Fork School District Campus.	Public Works Department, Bike & Ped Commission	
Capital Improvement Plan	5.2.3	Complete pathway and/or sidewalk along Main Street connecting Highway 133 and CRMS.	Public Works Department, Bike & Ped Commission	
Plati	5.2.4	Sidewalks along 8th St. between Village Road and the sidewalks on Cowen Drive.	Public Works Department, Bike & Ped Commission	
	5.2.5	Complete the gap in the sidewalk along Sopris Avenue between 3rd and 4th Streets.	Public Works Department, Bike & Ped Commission	
	5.2.6	Promote pedestrian connectivity between Downtown and the Opportunity Area and improve pedestrian conditions on Merrill Ave that connects to town open space.	Public Works Department, Bike & Ped Commission	
	5.3	Improve safety and convenience for pedestrians and cy	clists crossing the high	way.
Pedestrian Safety	5.3.1	As part of the highway access management plan and project leadership team highway design process, explore the full range of options for pedestrian crossings including but not limited to: traffic calming designs, signalized crossings, visually enhanced crosswalks, and pedestrian islands.	Planning and Public Works Departments, Planning Commission, Bike & Ped Commission	
	5.3.2	Identify safe routes to school and prioritize improvements at key corridors and crossings.	Planning and Public Works Departments, Planning Commission, Bike & Ped Commission	
	5.4	Prioritize safe highway crossings to access bus stops.		
Highway	5.4.1	Work with RFTA and CDOT to evaluate safety and functionality of existing and proposed stops and routes and recommend changes.	Planning and Public Works Departments, RFTA, CDOT	
Crossings	5.4.2	As part of the highway access management plan and project leadership team highway design process, explore the full range of options for pedestrian crossings including but not limited to: traffic calming designs, signalized crossings, visually enhanced crosswalks, and pedestrian islands.	Planning and Public Works Departments, Planning Commission, Bike & Ped Commission	
	5.5	Establish a new multi-modal street connection between north of Main Street.	1 8th Street and Highwa	ay 133
Multi-modal Corridor Improvements	5.5.1	Extend Industry Place to connect with 8th Street and establish multi-modal facilities (sidewalks and/ or pathways).	Planning and Public Works Departments, Planning Commission, Bike & Ped Commission	

GOAL TOP	PIC 5: I	MULTI-MODAL MOBILITY + ACCESS		
CATEGORY	#	STRATEGY / ACTION	RESPONSIBILITY	PRIORITY
	5.6	Improve the safety and functionality of Highway 133 in access to properties with pedestrian and bike enhancer		e vehicle
Multi-modal Corridor Improvements	5.6.1	As part of the highway access management plan and project leadership team highway design process, include vehicle safety and functionality as a desired outcome, to be balanced with pedestrian and bike mobility.	Planning and Public Works Departments, Planning Commission, Bike & Ped Commission	
	5.7	Develop access to bus stops that does not impede the f motorists, cyclists or pedestrians.	low of traffic or endang	er
Multi-modal Corridor	5.7.1	Work with RFTA and CDOT to evaluate safety and functionality of existing and proposed stops and routes and recommend changes.	Planning and Public Works Departments, RFTA, CDOT	
Improvements	5.7.2	Better integrate the Rio Grande Trail and other pedestrian, bike corridors to/from and through the RFTA Park and Ride.	Planning and Public Works Departments, RFTA, CDOT, Bike & Ped Commission	
Multi-modal	5.8	Capitalize on the Rio Grande Trail by connecting to it, pr downtown and connections in future developments and	_	
Corridor Improvements	5.8.1	Encourage future developments and redevelopments along the Rio Grande Trail to provide pathway and/or sidewalk connections to the trail where feasible.	Planning and Public Works Departments, Planning Commission	
	5.9	Improve and expand connections between neighborhoo Crystal Valley Trail.	ods and the Highway 13	3 Trail/
Multi-modal Corridor Improvements	5.9.1	Improve priority multi-modal corridors and highway crossings as depicted in <u>Figure A8</u> in the Appendix.	Planning and Public Works Departments, Planning Commission, Bike & Ped Commission	
	5.10	Continue to plan for and pursue funding for a local trans that reach more of the neighborhoods in town.	sit circulator service wi	th routes
Transit Access	5.10.1	Conduct a study to determine the best model for providing additional local transit service. Include assessment of transit models in other communities in the valley, potential funding models, provider models, service area and other operational characteristics.	Planning and Public Works Departments, Town Board, RFTA	
	5.10.2	Explore funding options for local transit and develop a financial feasibility study.	Town Administration, Planning, RFTA	
	5.11	Continue to work with Roaring Fork Transit Authority ar Transportation to maintain safe and convenient transit		t of
Transit Access	5.11.1	Work with RFTA to evaluate safety and functionality of existing and proposed stops and routes and recommend changes.	Planning and Public Works Departments, RFTA, CDOT	







Commission,

Downtown business

organizations

GOAL TOP	IC 5: I	MULTI-MODAL MOBILITY + ACCESS		
CATEGORY		STRATEGY / ACTION	RESPONSIBILITY	PRIORITY
	5.12	Implement programmatic and infrastructure strategies single occupancy vehicle.	to reduce the need to d	rive a
	5.12.1	Seek travel demand strategies to reduce parking demands to complement the Downtown mixed-use commercial and neighborhood urban form, including enforcement of timed parking, parking maximums, permit programs, or unbundling (requiring the separate pricing of residential parking from the rent or sale price of a home or building).	Planning, Public Works & Police Departments	
Travel Demand Management + Parking	5.12.2	Support local businesses that will provide more opportunities and convenience for those who live in town to shop in Carbondale and help reduce the need to drive.	Town Board	
	5.12.3	Develop and implement a downtown parking plan to address on-site parking, shared parking, collector lots, and replacement of informal parking.	Town, Planning Commission, Downtown business organizations, Historic Preservation Commission	
		Explore potential sites and financing for future parking	Town Board, Planning	

to accommodate the loss of any downtown parking

should private lots that currently serve as informal

parking be developed.

5.12.4

GOAL TO	PIC 6	S: INCLUSIVITY + EQUITY		
CATEGORY		STRATEGY / ACTION	RESPONSIBILITY	PRIORITY
	6.1	Embrace Carbondale as a welcoming and caring place for economic circumstances or appearances.	or everyone regardless (	of
Inclusivity	6.1.1	Encourage the design of parks, playgrounds, open space, art features or any gathering space to feel welcoming and comfortable to those of all cultures and heritages.	Parks & Rec Department, Parks & Rec Commission	
	6.1.2	Leverage older adults' skills, connections, time and willingness to stay active.	Parks & Rec Department, Parks & Rec Commission	
	6.2	Support community arts and culture and special events volunteerism, and unity.	s that inspire civic pride	•
Inclusivity	6.2.1	Foster relationships with non-profit volunteer organizations like AmeriCorps, Peace Corps, Habitat for Humanity, UpRoot or others to support community needs and implement local heritage, diversity, housing and food systems actions and goals.	Arts & Cultural Organizations, Housing Organizations, CHCP, Mt. Sopris Historical Society	
	6.3	Maintain Carbondale as a viable and affordable location lives and their careers.	for young people to bu	ild their
	6.3.1	Establish programs to include childcare/daycare or other youth facilities/programming into new development projects.	Planning Department, Planning Commission	
Inclusivity	6.3.2	Promote opportunities for the youth of Carbondale to have fun in town during all seasons through festivals and celebrations. A wide variety of year-round indoor and outdoor activities for young people to gather and hang-out in town will make Carbondale a fun and healthy place to grow up.	Parks & Rec Department, Parks & Rec Commission	
	6.3.3	Recognize the benefit of great schools and community centers by promoting them as places that are well supported and help bring us together and retain a family-oriented community.	School District, Parks & Rec Department	
	6.4	Address universal and equitable transportation access	for all community mem	bers.
	6.4.1	Develop a sidewalk maintenance program that addresses regular snow and debris removal as well as upgrading deficient sidewalks to allow for comfortable and accessible travel for all ages and abilities.	Public Works Department	
Mobility	6.4.2	Research peer community programs and education property owners on their responsibilities. A well-maintained network of sidewalks and curb ramps allows for more reliable travel by wheelchair, walker, or stroller.	Public Works Department	
Equity	6.4.3	Work with RFTA to determine opportunities to enhance the current paratransit program to allow for more reliable and convenient access to trips.	Town Board, Public Works Department	
	6.4.4	Integrate electric-bikes into the transportation system by educating users, implementing parking for e-bikes, and considering e-bikes in the design of bike facilities (e.g., width of bike facilities).	Bike & Ped Commission, Public Works Department	
	6.4.5	Provide walkable environments including well-maintained sidewalks, no-skid surfaces, good lighting, bus shelters, benches, traffic islands, well-marked crosswalks, and crossing signals with adequate time to cross.	Bike & Ped Commission, Public Works Department	

### GOAL TOPIC 6: INCLUSIVITY + EQUITY

CATEGORY		STRATEGY / ACTION	RESPONSIBILITY	PRIORITY
	6.5	Preserve existing and add new housing and services for	people of all ages and a	bilities.
	6.5.1	Ensure the Town continues to meet demand for housing that meets the growing demographic shift toward an increase in younger families and older adults.	Planning Department, Planning Commission	
Housing	6.5.2	Install tools such as form-based codes to help create a built environment that intentionally provides opportunities for older people to easily participate in community life, avoiding aging in isolated enclaves.	Planning Department, Planning Commission	
Equity	6.5.3	Create housing options along a continuum of size that are affordable, accessible, close to services and located within existing communities (including nursing homes and rehabilitation centers).	Town Board	
	6.5.4	Implement universal design elements into the UDC and capital improvements plans to increase accessibility and visibility by wheelchairs or other mobility devices.	Planning & Building Departments, Planning Commission	
	6.5.5	Establish a percentage of overall project housing unit target in the UDC for units with universal design features.	Planning & Building Departments, Planning Commission, Town Board	
	6.6	Expand the presence of age-friendly initiatives into the	planning and land use fr	amework.
	6.6.1	Recognize caregivers, particularly home care workers, in planning, land-use, and economic policy development.	Planning Commission	
Age Friendly Community	6.6.2	Establish and implement procedures for inclusion that engage stakeholders and allow for community engagement and input.	Town Board	
	6.6.3	Consider creating an advisory committee to implement Carbondale Age-Friendly Community Initiative projects and efforts.	Town Board	

GOAL TO	PIC 7	: FINANCIAL SOLVENCY					
CATEGORY		STRATEGY / ACTION	RESPONSIBILITY	PRIORITY			
	7.1	Balance employment-generating uses and diversity in housing types.					
Land Use / Housing	7.1.1	Ensure the Future Land Use Plan considers the job- generating potential of each land use designation.	Planning Department, Planning Commission				
	7.1.2	Locate residential future land use/zoning designations where parcel orientation and alignment does not prohibit a mix of building or unit types.	Planning Department, Planning Commission				
	7.2	Develop a town asset management plan to define the vaeffective use of these assets.	nlue of Town holdings a	nd the			
	7.2.1	Conduct a comprehensive town asset inventory by department formatted as a promotional document.	Finance, Administration, and Public Works Departments				
Town Assets	7.2.2	Phase improvements and maintenance according to the priorities in the comprehensive plan.	Finance, Administration, and Public Works Departments				
	7.2.3	Conduct a focused revenue and maintenance and improvement needs assessment and develop funding and phasing strategies	Finance, Administration, and Public Works Departments				
	7.3	Diversify town revenues.					
Town Revenues	7.3.1	Identify potential alternative revenue sources including state/federal grants for projects that advance the Comp plan goals.	Finance, Administration, and Public Works Departments				
	7.4	Ensure growth and development pays its share for infrastructure and services.					
Town Revenues	7.4.1	Utilize cost-benefit analyses when considering new development.	Finance, Administration, and Public Works Departments				
	7.4.2	Align fiscal policies and levels of service with future land use strategies.	Finance, Administration, and Public Works Departments				





GOAL TO	PIC 8	: GOOD GOVERNANCE		
CATEGORY		STRATEGY / ACTION	RESPONSIBILITY	PRIORITY
Open +	8.1	Hold conversations between groups, neighbors and loc meetings to openly debate issues to build citizen confic town government.		
Inclusive Governance	8.1.1	Identify stakeholder/community groups to participate in meetings in an open collaborative process.	Town Board	
Open + Inclusive	8.2	Include and respect all community members in land use and respect the applicable provisions of the State of CoConstitutions.		
Governance	8.2.1	Ensure private property owners are at the table for land use or long-range planning discussions and meetings.	Town Board	
Dogional	8.3	Engage in productive partnerships with other organizat informal conversations and events to achieve our goals whole is greater than the sum of the parts.		
Regional Collaboration	8.3.1	Engage in intergovernmental updates to periodically indentify issues and opportunities on policy, and particularly in the Two-Mile area or in palces where public entities own land within Town's jurisdiction.	Town Board	
Review	8.4	Revise or formalize review standards and processes to stakeholders depending on the nature of a project or ef		ties or
Processes	8.4.1	Ensure rules and regulatory process is clear through Town information or development guides on Town website or other outlets.	Planning Department	
	8.5	Ensure timely development project reviews.		
Review Processes	8.5.1	Ensure rules and regulatory process is clear through Town information or development guides on Town website or other outlets.	Planning Department	
	8.5.2	Identify local developers, planners or designers to participate in a review of the development application system to identify areas to enhance the process.	Planning Department	

## **6.2** | Plan Monitoring

#### **Next Steps**

The Town of Carbondale Comprehensive Plan Update will function as a supplement to the 2013 Comprehensive Plan for the next 10 years. Periodic reviews and updates to applicable plans, codes and policies may be required to advance the Plan Update Implementation Strategies. The Plan vision will likely be realized incrementally. Establishing changes to the regulatory process and the adoption of revised development guidelines and standards will be a necessary first step. These changes to the Town's regulatory framework may require minimal financial investments on the part of the Town while realizing significant benefits to community character, design and aesthetic priorities established by the community. Additional analysis will be needed as the vision transitions to policy and investments in the community.

# 7.0 Appendix



#### Included in the Appendix:

- 7.1: Definitions
- 7.2: Existing Conditions Memo
- 7.3: Cross Section Concepts
- 7.4: Crossing Concepts
- 7.5: Publicity Log

## 7.1 Definitions

#### **Aging in the Community**

The ability for all individuals to remain living in their home and/or community safely, independently, and comfortably.

#### **Bioretention**

The process in which contaminants and sedimentation are removed from stormwater runoff, often with planted treatment areas such as bioswales or rain gardens, that filter water before they infiltrate into the soil and enter the stormwater drainage system.

#### **Climate Protection**

Climate Protection describes actions to eliminate greenhouse gas emissions and reduce global warming. Targeted strategies identified in the 2017 Climate and Energy Action Plan include:

> Increasing Building Efficiency Decarbonizing Transportation Renewable Energy and Storage Reducing and Recycling Waste Local and Sustainable Food Water Conservation & Reuse

#### **Comprehensive Plan**

The Town of Carbondale's Comprehensive Plan provides the overall long-term vision and policy direction for managing the built and natural environment in Carbondale, and providing necessary public facilities. It addresses transportation, utilities, land use, recreation, housing, economic development, and town services, and is required by state law to be updated periodically.

#### Equity

The ideal of fair and just treatment of all members of a community, recognizing that some people face greater burdens and disadvantages than others.

#### **Festival street**

A street or public place that can be temporarily closed to vehicle traffic for special events.

#### **Historic Commercial Core**

The area of Town designated in Carbondale's Comprehensive Plan that accommodates a mixed of uses centered around historic resources. The HCC zone is expected to accommodate a degree of future growth and include, or will include, a mixture of employment, housing, and cultural opportunities.

#### **Income-based housing**

Housing that is made available to households with incomes below a certain threshold (e.g. 60% of a metro area's median household income) and priced to cost no higher than 30% of the household's gross income.

#### Low impact development

Systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat; an approach to land development that works with nature to manage stormwater as close to its source as possible.

#### Maker space

A place where people can engage in hands-on, collaborative creation of crafts or innovative designs with low- or high-tech tools and supplies.

#### Mixed-use development

Urban development that combines different types of uses — residential, commercial, retail, office, cultural, institutional, or entertainment — in a building or complex of buildings.

#### Multi-modal

When describing a street or transportation network, multi-modal means it provides options for people to get around on foot, on bicycles, in transit, or in motorized vehicles.

#### **Public realm**

Space that the general public has access to, including streets, sidewalks, parks, and civic plazas.

#### **Right-of-way**

Land that is controlled by the city and reserved for public use such as for streets and sidewalks

#### **Shared parking**

Parking spaces that are shared by more than one user, typically under a shared parking management strategy with the goal of creating greater efficiency. For example, a parking garage can be used by office workers during the day and by residents in the evening.

#### Stormwater management

The effort to reduce and/or improve the quality of runoff of rainwater into streets and watersheds.

#### **Traffic calming**

The use of design features to improve safety for motorists, pedestrians, and cyclists. This can include for example speed humps, curb extensions, or narrowing traffic lanes.

#### Transportation demand management

The application of strategies to reduce travel demand and/ or redistribute demand to allow for more efficient use of transportation infrastructure, such as programs to encourage carpooling and transit usage.

#### **Universal design**

The design of buildings, products or environments to make them useable and accessible to all people, regardless of age, disability, mobility challenges, or other factors.

#### **Workforce housing**

Housing that is affordable to people with incomes near the median for the region, and located in or near employment centers

## **7.2** | Existing Conditions Memo

The following Memo was originally submitted as a progress draft to the Town and Steering Committee on September 9, 2021. It was updated for this document to include more detailed information on the community engagement process, and includes a Publicity Log presentation created for the Town by PR Studio.



## Cushing Terrell.

#### **MEMORANDUM**

Date: September 4, 2021

To: Town of Carbondale

From: Cushing Terrell

RE: Existing Conditions Memorandum – Comprehensive Plan Update

Purpose: The memorandum serves as the report on existing conditions as Task 9 of the Carbondale Comprehensive Plan Update. This Memorandum provides background, data, trends, projections and key observations and findings. The Memorandum provides a basis for key recommendations forthcoming in the next phase of the Comprehensive Plan update process.

## **Existing Conditions**

#### Growth and Economic Profile

This chapter informs Carbondale's comprehensive planning efforts by laying out reasonable growth projections for future population and housing units, under two different growth assumptions, in addition to providing evidence-based context for Carbondale's evolving role in the Roaring Fork Valley regional economy.

#### **Growth Forecasting**

To arrive at reasonable projections for Carbondale residential growth, the team looked at 30 years of historical population and housing units, drawing a distinctions between alternate fundamental assumptions about the shape of municipal growth trajectories – from simple straight-line trends to exponential (annual percentage growth) curves and a special focus on the idea of growth that may be ultimately limited by some natural carrying capacity factors (water, land availability, infrastructure, town self-determination).

After some analysis of past trends zoomed into varying levels (city, county, region) we present two alternate growth scenarios for Carbondale. One scenario relies on official State demographer projections for Garfield County, and assumes that Carbondale's share of growth will continue to hold constant. The resulting shape for that scenario swoops upwards like an exponential/percentage-based curve, then flattens to resemble an

upward-sloping straight line. The other scenario uses a model designed to assume that Carbondale "wants" to grow exponentially but will taper off as it approaches some future carrying capacity.

Over the relatively short 10-year horizon of this plan update, both models arrive at roughly similar growth figures – adding around 1,100 to Carbondale's population. Over the next decade, the two models diverge, with the share-of-county method adding approximately 1,600 but the carrying capacity method adding just 800.

Knowing that resident population is the largest, but not only, driver of local housing unit demand, we again look at past trends to translate that resident growth forecast into likely need for new housing units. Over the next decade we conclude that Carbondale will need to accommodate demand for between 400 and 450 new housing units – a number well within the range of what can be met through infill development (especially in the Downtown and North Downtown areas). Beyond year ten, demand for residential land will become gradually more problematic, necessitating some tough community decisions on annexation policy.

#### **Economic Profile**

The economic context for that Carbondale must plan for is made up of a variety of different factors, calling for a variety of different data topics and sources, as profiled over the following pages.

The two most critical themes emerging from that analysis are:

Carbondale is evolving away from its historical role as a bedroom community dedicated to serving affluent up-valley resort areas. That is still an important part of the local economy, but analysis of commuting patterns, employment mix, and other trends points to a town that is gradually transforming into a more self-sufficient, mature, complete community.

Housing affordability has entered true crisis mode: a trend that is becoming widespread across the West but that is taking on exaggerated form in desirable scenic areas like Carbondale with limited land and infrastructure to take on unlimited housing growth. This growing phenomenon is being felt most in its effect on employers' ability to hire and retail workers – especially at lower wage levels, but increasingly for midlevel skilled occupations. Workers simply cannot afford to live within reasonable commuting distance from Carbondale and many other mountain communities.

The good news is that the Town is proactively already taking important steps to address affordability through inclusionary zoning requirements, deed restrictions, and an ambitious approach to mixed-use infill redevelopment. No place has "solved" the housing affordability problem, but these and other tools --like community land trusts (a condominium-like mechanism for holding down for-sale housing costs) and greater facilitation for development of accessory dwelling units (ADUs) could be considered moving forward.

Carbondale is currently experiencing a nearly unprecedented surge in residential development, as witnessed by a very full and diverse pipeline of housing projects, either under construction or awaiting approval. The town is not alone in that regard. Much of the nation (again, especially in desirable communities across the Mountain West) is experiencing a "perfect storm" for both single-family and multifamily development – driven in part by a post-Covid surge in deferred demand and a general need to satisfy a range of housing

demands of the large Millennial age cohort, who have now largely all formed new households and entered the market for some form of housing.

#### Housing Development Snapshot

Location	Units	Description	Status
1201 Main Mixed Use	27	Rental apartments as part of vertical mixed-use project with ground floor commercial	Under construction
Main Street Marketplace	115	Rental units in mixed-use development adjacent to new City Market, west of 133	Under construction
Sopris Lodge Assisted Living	78	Continuity-of-Care facility with units for partially independent living, assisted living, and memory care	Under construction
Red Hill Lofts	30	2-story rental apartments targeted as 30-80% AMI affordable under multiple LIHTC and HUD programs. All but two are studios.	Under construction
Thompson Park Parcel 2	27	Phased townhome development that may eventually include 40 units with 10 reserved as affordable.	Under construction
Carbondale Center Place	76	Rental units in mixed-use infill redevelopment of Sopris Shopping Center; project also includes 10,000 s.f. of retail and 68,000 s.f. self-storage facility.	Under construction
156 N. 12 <sup>th</sup> St. Townhome Project	7	Infill townhome development in Commercial/Transitional zone	Under review
Thompson Park Parcels 3 & 4	13	Remaining phases of Thompson Park Parcel project already under construction; townhomes	Under construction
1629 Dolores Way	9		Under review

Figure A1: Currently active pipeline: New housing units (under construction or proposed) in Carbondale.

#### Takeaways:

- 199 units underway (plus another 78 Assisted Living units at Sopris Lodge).
- 105 additional units proposed for 382 Total Units.
- Mostly "missing middle housing" units and affordable units.
- Activity alone could accommodate 3/4 of likely demand over the next decade.
- At this pace, this trend likely not to be maintained annually.
- Generally, 20% of residential units (rental and for sale) are deed restricted as affordable housing

#### Short-Term Rentals

Short-term rentals, typically listed on popular sites AirBNB and VRBO, are of growing concern among neighbors who see these units as potentially degrading community character and contributing to unsafe or unregulated rentals and crime. Others in the community see short-term rentals as an opportunity as another source of income.

Scans of VRBO and AirBNB rental listings shows the number of short-term rentals is down dramatically from two years ago. As of this report, about a dozen are listed within town boundaries. Although overall STR listings are a relatively small overall percentage of the housing stock according to available short-term rental analytics websites, anecdotes from community members indicate middle-income residents are continually getting displaced by property owners hoping to increase secondary incomes by renting short term. Displaced residents are burdened by the lack of available rentals created by this effect and either are continually moving throughout a 6- to 24-month period or must completely leave the community altogether.

• 61 rentals available on Airbnb, and 35 rentals available on VRBO on August 10, 2021, totaling 96 short term rental properties in Carbondale.

#### Key Takeaways and Next Steps

- Recent growth has been the result of several years of planning and development and has occurred at a faster rate to accommodate the exacerbated by the growing housing shortage created as more location-neutral employees became able to work out of homes in Carbondale.
- About 75% of future growth in population and housing over the next 10 years is absorbed by existing projects in the pipeline.
- Future projected growth can be accommodated within the current Town limits (considering available vacant land area and increased density in select areas Downtown, Downtown North, High Density Residential Areas).
- Need for housing diversity has been reinforced by community members throughout the planning process.
- Housing/jobs balance is important if the Town wishes to advance a long-term fiscally sustainable approach over the next 10-20 years.

# Land Use and Community Character

### Character, Land Use and Zoning

Town's employment base.

Carbondale's built form and character is a result of a traditional plan that the community has preserved through the land use framework. The Town's compact and intact townsite plan has been conducive to walkability and smart growth. Land use patterns reflect the Town's historical role as a mid-valley hub for commerce and housing with clearly defined neighborhoods and business districts, which have adapted to accommodate the automobile over time. In recent decades, Carbondale's role as a bedroom community to Aspen and other job centers has driven single family housing development in areas further from the core. This trend has shifted back toward denser infill development with recent plans and development code updates catering to infill to avoid additional suburban sprawl into Garfield County open space. Commercial and Industrial: The Historic Commercial Core (HCC) area and zone district is home to a traditional, pedestrian-scaled Main Street with restaurants and storefronts, some of which date to the 19th Century. Located off the major highways has spared Main Street the effects of incoming national franchises and larger projects and has kept the scale of parcels and buildings to a comfortable, walkable size. However the majority of new commercial developed on Highway 133 in auto-centric suburban retail centers (exceptions include Carbondale Center Place, Lot 1, and Carbondale Marketplace). Vacant parcels in the HCC zone are reminders of contemporary struggles for small downtowns to remain vibrant in the era of online shopping and stay-at-home convenience. While many forces contribute to vacancies, Main Street Carbondale fares better than many other community downtowns of comparable size. Pockets of light industrial and manufacturing uses accommodate Carbondale's strong and growing arts and creative character. In these hubs are makerspaces, live-work structures, and light manufacturing shops, bolstering Carbondale's creative industry and locally serving manufacturing businesses that diversifying the

Neighborhoods: Carbondale's small-town charm comes from its funky and diverse neighborhoods. The Old Town residential neighborhood just south of the historic Main Street helps define Carbondale's residential character, with a high concentration of stately older homes. Single family land uses developed from the midcentury until recent years as Carbondale suburbanized to supply demand during growth periods. These neighborhoods exist further from the core both north of the Rio Grande Trail and across Highway 133. Recent trends have seen this pattern reverse, with the community and market favoring smaller housing projects at higher densities. Efforts to increase housing supply included a Unified Development Code update in 2016 which identified locations for the Residential/High Density Zone, which is a focus area of this update.

<u>Civic Uses, Parks and Open Space:</u> The Town's civic uses, schools, public gathering spaces and recreational hubs are interspersed between neighborhoods and businesses areas complementing the community's walkability. Despite some connectivity and pedestrian safety concerns created from Highway 133 crossings, the Town's six schools and the community hub of the Third Street Center – all adjacent to parks or recreation facilities – are within a half mile of the historic core. The UDC's open space requirement ensures that a percentage of every new development will accommodate open space needs. Additionally, neighborhood parks and ball fields or town-owned open space offer a network green spaces connected by trails and sidewalks.

<u>Vacant Land:</u> Generally, there is little vacant land in town, however key parcels in the HCC zone district account for almost four acres of developable land. Approximately 140-145 parcels in the River Valley Ranch subdivision are platted and vacant and continue to be built out.

<u>Physical Constraints to Growth:</u> The Town's existing land use framework includes policies for growth that employ an urban growth boundary and areas of annexation map that promote dense, urban development rather than continued expansion of the Town's boundary and infrastructure. Excluding unincorporated Satank, the Mountain Valley Mobile Home Park and Rock Creek Subdivision, surrounding lands in Garfield County are zoned Rural and are generally occupied by a few large ranch landholdings used for farming or ranching. Some lands are held in agricultural uses by conservation areas further limiting suburban expansion of the Town. With community support groups like the Aspen Valley Land Trust continually purchase open and working lands, including the recent acquisition of the 141-acre Coffman Ranch just east of town.

#### Historic Preservation

Carbondale's many historic areas contribute to town character, both by aesthetic appeal of traditional materials, styles, and forms but also by reinforcing a traditional street grid with easily navigable and compact blocks. Although new development in the HCC zone must comply with design standards that produce buildings with historic architecture and scale, there are barriers in the standards that may be contributing to non-constructible projects and economic decline of the downtown. Other older neighborhoods do not have standards and are also at risk of having incompatible new projects. Specific areas include the Old Town and Downtown/Old Town Peripheral neighborhood future land uses, and the Residential/High Density zone districts.

### Population and Growth Trends

- Carbondale has experienced an average annual population increase of 0.8%. According to the US Census, Carbondale has added 490 new residents, a 7.6% increase since 2010.
- Utilizing U.S. Census data from 2010 through today, an exponential smoothing forecast estimates that Carbondale's population will increase by 12.5% by 2035, reaching 7,888 people based on historic growth trends.
- Pending unforeseen circumstances, Carbondale will add between 700 and 1,280 new residents between 2021 and 2035 who will need adequate housing, services, goods, and recreational activities to maintain the livability that attracts people to this community.

(Source: US Census 2019 ACS Estimates City and Town Population Totals: 2010-2019) Demographic Snapshot

- An estimated 22.3% of the population of Carbondale is under 18, while only 12% is 65 and over, leaving 65.7% of the population between 18 and 64. 51.1% of the population is between the ages of 30 to 64.
- 40.1% of the current population, approximately 2,722 residents, of Carbondale ethnically identifies as "Hispanic or Latino", which is an 11.3% increase over the last decade from 1,812 residents in 2010.
- 81.4% of the 1,559 foreign-born residents of Carbondale are not official US Citizens while 18.6% are naturalized US Citizens.
- 35.2% of Carbondale's population over five years old speaks both English and Spanish.

(Source: US Census 2019 ACS Estimates)

### Capacity for Growth

As stated in the Market and Economics section above the existing pipeline of housing units will likely absorb most of the projected housing growth. However even if that projection is underestimated there is still considerable available vacant or underutilized land in the Comp Plan update's three geographic focus areas.

## Downtown Focus Area

How does what's on-the-ground compare to what's envisioned?

### **Existing Uses and Activities**

- Mix of retail and non-residential storefronts, civic buildings, offices, and urban housing.
- About 204 housing units on 21 acres (9.7 units/acre).
- Active streetscapes, street trees, sidewalks, and public art.





Figure A2: A variety of old and new mixed use with historic, pedestrian-scaled design elements.

### Vision for Future Land Use (2013 Comp Plan)

- "Heart of the Community".
- Preserve historic buildings.
- Allow variety in new buildings.
- Shared parking.
- Walkable form.

Although the outcomes of the design standards for downtown (e.g., design for pedestrian standards, active ground floor non-residential uses) are desirable for most community members, HCC zone standards may be preventing feasible projects. Almost four acres of developable land in a variety of parcel sizes are illustrated in the map below.



Figure A3: Vacant Downtown parcels.

# Downtown North Focus Area

How does what's on-the-ground compare to what's envisioned?

## **Existing Uses and Activities**

- Equipment storage.
- "Double-T" concrete buildings (~18-24').
- Modular/mobile equipment and trailers.
- 40 tenants, +- 200 employees.





Figure A4: Light industrial uses, transportation-related businesses with storage yards sometimes screened by fences and trees.

## Vision for Future Land Use (2013 Comp Plan)

- 1) "May remain a light industrial center for decades to come, or"
- 2) "Ideal location for mixed use redevelopment complementary to downtown."
  - o "Extend the downtown"
  - "Pedestrian oriented"
  - "Limited to three stories"
- Or a combination of 1 and 2.

Downtown North is a major employment center for the Roaring Fork Valley but is also in an opportunistic location primed to supply new housing, jobs, or services. This area is idealized as an extension of downtown and a new neighborhood with strong pedestrian connections to town-owned open space. With redevelopment, Merrill and other avenues may provide better vehicle connectivity to Highway 133, relieving Main Street from growing pressures.

## **Residential Focus Areas**

How does what's on-the-ground compare to what's envisioned?

### **Existing Uses and Activities**

- About 320 housing units on 40 acres (10.6 units/acre).
- Dense multifamily with a mix of housing types/price points.
- Mature neighborhoods, older housing, including single family.
- Partially complete sidewalk/accessibility network.









Figure A5: Some areas zoned R/HD are not all fully built to allowable zoning and create opportunities for transitional design standards to ensure compatibility between larger projects and smaller, older homes (below).

## Vision for Future (UDC)

- "to provide high-density neighborhoods comprised of a well-planned mix of single-family and multi-family dwellings... to provide a high-quality living environment".
- Keep existing apartments.
- Maintain housing unit and price mix.
- Allows 35' buildings with 5' setbacks.
- Some commercial uses by CUP.

One intent of rezoning specific areas R/HD was to provide an outlet for supplying increased demand. Development has occurred since 2016 but further development will require assembling small cottages and old homes on older platted lots. Several R/HD districts are adjacent to low-density residential zones. Key concerns with redevelopment include compatibility with historic scale, lack of appropriate design standards and loss of eclectic and locally affordable housing. Revisions to the land use framework, including the Future

Land Use Plan, UDC or design standards would mitigate these outcomes while still meeting housing demand.

# Housing Capacity in Focus Areas

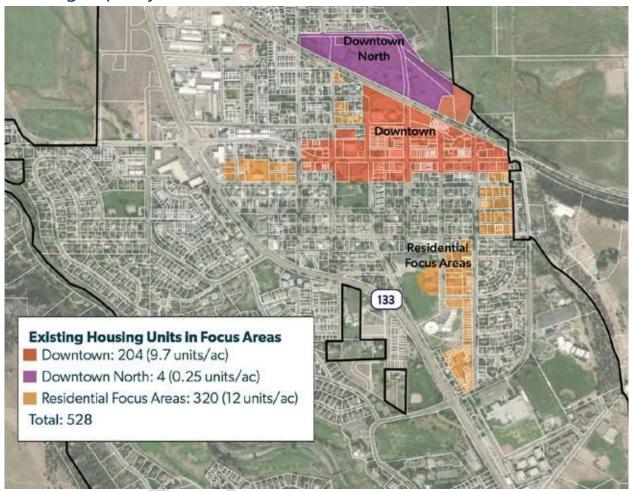


Figure A6: Existing Housing Units in Focus Areas

Focus Area	Existing Units	Potential Additional Unit Capacity (low and high est)
Downtown	204	75 to 145
Downtown North	4	170 to 340
Residential Focus Areas	320	85 to 285
Total	528	330 to 770

# Key Takeaways and Next Steps

- Preservation has successfully protected the Town's community and architectural character, but should additional growth occur beyond projections stronger measures, including incentives, may be needed to continue preservation of walkability and scale between new and old developments.
   Recommendations for the HCC zone should balance historic design while promoting economic vitality.
- Based on projections, capacity exists for new growth that meets community vision, scale and character (e.g., growing up and not out).
- To accomplish goals of ensuring appropriate scale, design, and compatibility UDC may require revisions to code sections or design guidelines.
- Specifically, revisions should address transition areas and consider revised or added design guidance to mitigate land use compatibility issues.
- Moving toward a more form-based code may help address scale and compatibility issues with new development, including ADUs, in historic neighborhoods.
- Parking, impervious surface requirements and building height requirements were noted code areas
  that create potential issues for development in the HCC zone. Those in the development community
  posited having a 35' building height requirement in combination with the required 14' high ceiling
  on the ground floor rather than a three-story requirement as an example, specifically hinder
  development opportunities in the HCC zone.

# Infrastructure and Utilities

### Water System

The current water usage with the peak day demand utilizes 50% of the treated water produced by the water treatment plant. Recently, upgrades were made to the plant to increase the capacity by 500,000 gallons or 17%. Water usage, from an independent source for irrigation, is estimated to be 70% with the irrigation ditches which flowing throughout the town. The Water Department maintains about 28 miles of water pipelines and two water storage tanks.

The Town has made efforts to improve water efficiency and minimize water usage, with the 2015 Municipal Water Efficiency Plan outlining areas of need and ongoing water efficiency activities. These include meter-reading installation, incentivizing higher-efficiency fixtures and revising landscape design standards to include conservation-oriented designs, among many other activities.

### Raw Water Ditch System

The Town irrigation ditch system, comprised of several open ditches, conveys water from the Crystal River to supply the town with water for irrigation purposes. Use of the ditches is generally limited to gardening and landscape irrigation and cannot be used for ornamental landscaping. The condition and capacity of the current ditch system is fair to good. Water efficiency in the ditches is maintained by installing liners and other leak prevention measures in sections prone to leaking. The ditches also play a part in recharging

groundwater in some areas. The water in the ditches is taken from the river under water rights that have been established for the ditches over time. The most senior water rights in the ditches were established prior to the Colorado River Compact.

To the community, the ditch system means more than just a supply of water to the Town's fields and lawns. As the ditches wind through the Town's older neighborhoods the visual appeal of flowing water, the sound of water bubbling through a park, and the verdant green lawns are part of what defines the Carbondale experience. The sights and sounds of the ditches – including scenes of children splashing in them on a hot summer day – illustrate Carbondale's unique character.

### Waste Water and Storm Water Systems

The waste water treatment system is utilized at a rate of 65% of total capacity through the Town's three waste water treatment plants (WWTPs). According to Colorado state law, once the WWTP reaches 80% capacity, the Town of Carbondale must begin to start the design for a new WWTP. The system is all gravity flow and has about 22 miles of pipelines.

The fee structure and increases were established in the Water and Wastewater Master Plan for the Town of Carbondale, prepared by SGM, dated February 2016 and adopted in 2017. The base and usage fees for water and sewer consumption are increased every year resulting in a budget for maintenance and monies allocated for future construction.

#### Power

Holy Cross Energy (HCE) – a non-profit rural electric cooperative – is the main electricity provider to the Carbondale area. With their new Seventy70Thirty initiative, HCE aims for a benchmark of 70% clean energy by 2030 by both providing a higher percentage of renewable service to customers and by reducing greenhouse gas (GHG) emissions. Xcel serves areas south of the Rio Grande Trail, and HCE serves areas north of the Trail.

### Broadband and Technology

Broadband internet service is locally available and local providers are looking to partner to install community-wide broadband fiber infrastructure with the town's cooperation in underserved residential neighborhoods.

# Key Takeaways and Next Steps

Utilities and infrastructure affect Carbondale's capacity for growth by influencing where development occurs and importantly, how many new housing units or square feet of commercial space the systems can serve. With growing community concern over whether infrastructure systems are stretched too thin, the following takeaways summarize illustrate areas of concern and opportunity:

• In general, water and waste water systems have capacity to service the residential and non-residential growth rates experienced in recent years, but any large development will create a need to revisit water and waste water master plans.

- Broadband fiber internet will be expanded community- and Valley-wide and create economic development opportunities as additional residential connections are made in underserved areas.
- The ditch system in Carbondale serves as an aesthetic, historic and unique role in delivering water to lawns and gardens and while efficiency measures for the Crystal River water delivery system are strengthened, the ditches should be celebrated and protected

# **Climate Action**

The Carbondale community has historically taken a strong stance on climate action and environmental responsibility, dating back several decades. The Carbondale Environmental Board was established as an advisory board to the Trustees in 1998. In 2005, the Town joined the Cities for Climate Protection Campaign in the which began a legacy of taking a progressive stance on emissions reductions strategies.

The community's advancements in climate action are led by several community groups, committees and partners including:

- Carbondale Environmental Board (EBOARD).
- Clean Energy Economy for the Region (CLEER).
- Crystal Valley Environmental Protection Association (CVEPA).

### **Existing Successes and Accomplished:**

- 2013: Adopted International Green Commercial Construction Code.
- 2015: Water Efficiency Plan.
- 2015: Source Water Protection Plan.
- 2017: Updated Climate Action Plan: Set a goal of Net Zero Community for energy use by 2050
- 2018: Preparing for Drought Vulnerability, Consequences & Adaptation Planning Scenarios (VCAPS).
- 2018: Environmental Bill of Rights adopted.
- 2019: Released Net Zero for New Construction report and Code roadmap to reach net zero in new constriction by 2030.
- 2019: Single Hauler Trash Program.
- 2020: Revised Residential Efficient Building Program (REBP): Increased energy efficiency and on-site solar requirements.
- 2020: Solar Requirements Amendments (Municipal Code)
- 2021: Idling Policy
- Ongoing: International Green Construction Code (IgCC) 2013
- Ongoing: Building and Energy Codes adoption process IRC

### **Efforts In Progress:**

2021: Adopting 2018 IGCC with amendments and revised renewable energy requirements for new commercial buildings

- 2021: Tracking progress on CAP action items and categorizing strategies as high/medium/low priority.
- 2021: Researching potential to address energy use in existing buildings through code mechanisms.
- 2017 Carbondale Climate & Energy Action Plan.

## Environmental Bill of Rights (EBOR, 2018)

The Town adopted by resolution a bill of rights for future leaders and community members that acts as an overarching guide or filter through which all town policies and decisions are made. With the EBOR, the Town recognized the intrinsic value of environmental stewardship while understanding a desire to maintain fiscal responsibility. The EBOR states town residents and visitors shall have the right to:

- 1. Breathe clean air and enjoy clear vistas.
- 2. A clean, safe and plentiful drinking water supply provided from sustainable sources.
- 3. Protection and rehabilitation of riparian areas and healthy ecosystems which protect native wildlife.
- 4. Clear growth boundaries supporting density and preservation of surrounding open space.
- 5. Solid waste reduction and increased recycling efforts.
- 6. Sustainable car-alternative mobility options.
- 7. A healthy, fertile landscape managed holistically and safely.
- 8. Views of the quintessential Western night sky without the interference of unnecessary artificial lighting.
- 9. Noise levels appropriate to a bustling small community.
- 10. Sustainable usage of our unique natural resources, providing the use of only what you need and the rest left for future generations.

This Comp Plan update shall consider the EBOR in the formation and revision of any Goals, Objectives or other recommendations with the aim to maintain and demonstrate these rights in the build environment.

### Climate Action Plan (2017)

The Town's 2017 Climate Action Plan is the main document outlining goals to seek carbon neutrality and to imagine a community with a thriving economy in which:

- All buildings have net-zero emissions.
- All energy is powered by renewable sources.
- Most trips are made by walking, biking or public transit, and all the vehicles we use run on lowcarbon fuels.
- All waste is recycled or reused.
- An abundance of locally raised foods and products are available.

### **2018 VCAPS**

The VCAPS report, subtitled "Preparing for Drought in Carbondale - Vulnerability, Consequences, and Adaptation Planning Scenarios" established objectives to increase Carbondale's resiliency in the face of increasing drought conditions in the region. The process included:

• Facilitated discussions about building resilience towards weather and climate hazard and impacts.

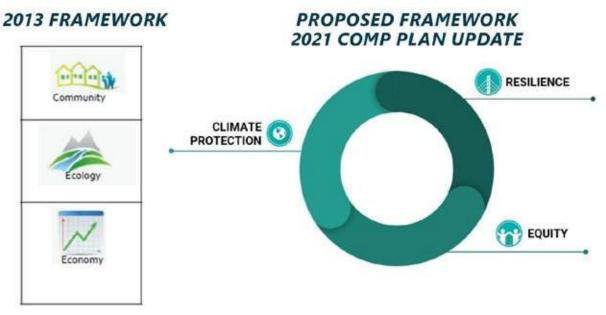
- Carbondale's key concern for the workshop was drought.
- Systematically examined local climate concerns.
- Evaluated the experienced and anticipated impacts of climate hazards.
- Reviewed past, current, and planned efforts to mitigate climate risks.
- Identified potential new solutions to address risks across town operations.

Other water efficiency efforts are underway to increase efficiency to meet the goals of the CAP and the EBOR. Watershed efficiency projects include the Source Water Protection Plan for the Crystal River and Weaver Ditch project which aims to conserve more water supply and decrease waste before usage. These watershed projects are typically funded as joint efforts between Carbondale and neighboring counties and communities.

### A Shifting Framework

# **CLIMATE ACTION PLAN + SUSTAINABILITY**

# COMPARING FRAMEWORK FOR A SUSTAINABLE FUTURE



Town of Carbondale, CO Comp Plan Update

Figure A7: Potential revisions to the 2013 framework for Climate Action.

# Key Takeaways and Next Steps

- The 2013 Comp Plan recommendations for climate action were framed by Ecology and Renewable
   Energy. Changing conditions and new trends, projections and practices for climate policy allows this
   Comp Plan update to reconsider that updated framework.
- A new framework of Community Character, Resilience and Inclusivity + Equity, with an updated set of Goals, Objectives and potential key recommendations or other strategies.
- The 2017 CAP provides ambitious goals, but input has been received that it does not provide
  discrete benchmarks for achieving those goals.
- The Comp Plan update can reinforce the statements of the EBOR through a revised set of Goals,
   Objectives and key recommendations or action-oriented projects.

# **Mobility**

# **Previous Plan Review**

There are number of recently completed planning efforts that address community feedback, recently implemented projects, and recommendations for the multimodal transportation network in Carbondale. The key takeaways of these plans are summarized in this section.

## Comprehensive Plan (2013)

The Multi-Modal Mobility chapter of the 2013 Comprehensive Plan provides strategies for improving multimodal access through the Town. This includes cross-sections, connections across Highway 133, increased access to the Rio Grande Trail and the 3rd Street Center, and paths on both sides of Highway 133 (which have been implemented since 2013). Spatial recommendations are shown in Figure 1.

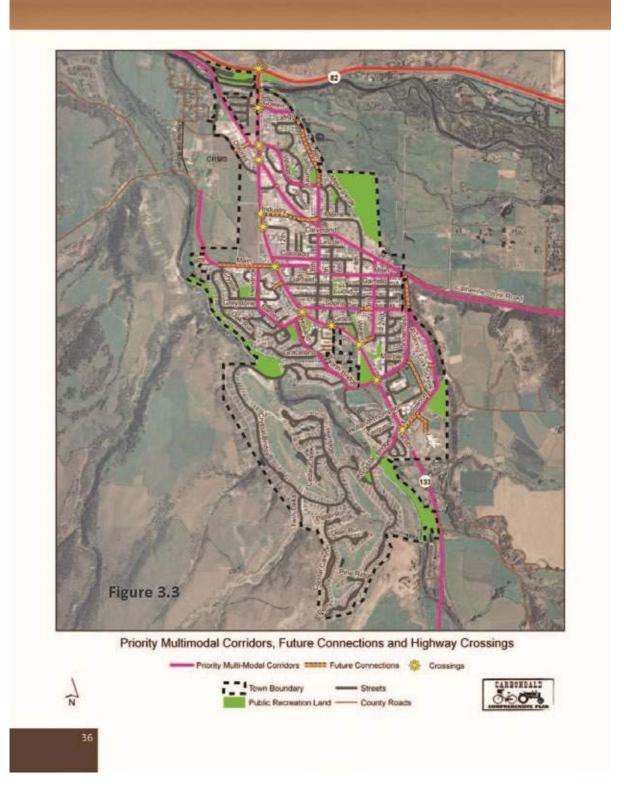


Figure A8: Priority Mobility Corridors.

### Carbondale Bicycle and Pedestrian Corridors (2019)

In 2019, the Town of Carbondale identified the priority bicycle and pedestrian corridors shown in Figure A8. Given the recency of the development of this map, the 2021 Comprehensive Plan will build on this effort. The planning process will seek confirmation from the community on these corridors and carryover recommendations into the Comprehensive Plan. The Comprehensive Plan will also apply the findings from the 8th Street Corridor Study and further define specific treatments on key corridors.

As an outcome of the Bicycle and Pedestrian Corridors described previously, 8th Street was identified as the highest priority corridor. 8th Street is an important corridor for all modes, as it provides a through north-south connection and is the only road that parallels Highway 133, providing an alternative way to travel north-south through town. The plan underwent two rounds of public outreach, recommendations by the Carbondale Bike, Pedestrian, Trails Commission (BPTC), and a final approval by the Carbondale Trustees.

# **Existing Modal Networks**

Carbondale has a comprehensive network for people walking, biking, taking transit and driving. This section provides a high-level overview of the key facilities and gaps in each modal network.

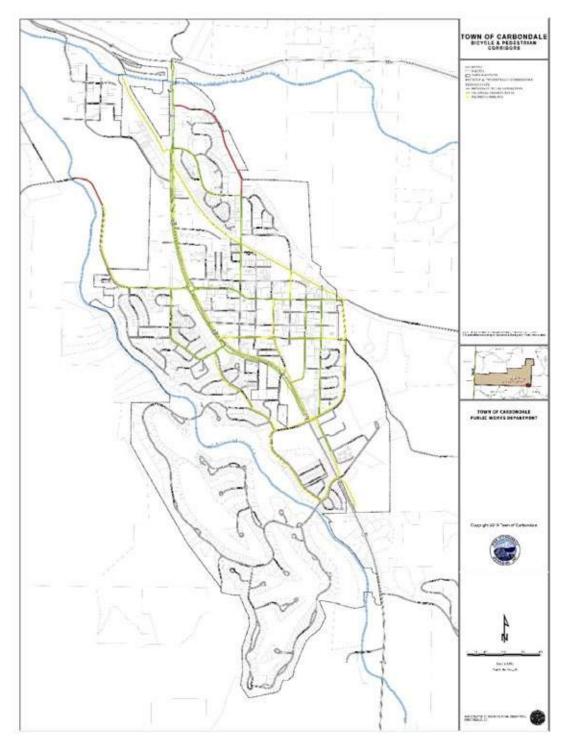


Figure A9: Bicycle and Pedestrian Network

## Bicycle Network

The primary bicycle facility in Carbondale is the Rio Grande Trail. The Rio Grande Trail is a rail to trail that runs the 42 miles between Glenwood Springs and Aspen, and crosses through Carbondale at the northern end of Town as shown in Figure A9. The entire trail is separated from vehicle traffic, except at intersections. The Roaring Fork Transportation Authority (RFTA) manages the greatest portion of the Rio Grande Trail. Since RFTA owns most of the trail, recommendations on wayfinding and trail crossings that come out of the

Comprehensive Plan need to be coordinated with RFTA. There are a number of other trails through Town including along both sides of Highway 133 and Crystal Bridge Drive.

The 8th Street Corridor Study explored the opportunity of implementing an on-street bike lane. The outcome of this effort determined that most right of way widths in the Town cannot accommodate an on-street designated bike facility and retain travel lane widths and on-street parking. Narrowing travel lanes below ten feet and removing on-street parking is not palatable in Carbondale. The recommended bike facilities in the Town of Carbondale are therefore sharrows or sidepaths.

#### Pedestrian Network

There are a number of corridors, such as Euclid Avenue and Garfield Avenue, that are missing sidewalks on one or both sides of the street. These streets generally accommodate on-street parking and do not have curb and gutter. Feedback from the community is necessary to determine where pedestrian demand warrants the tradeoffs necessary to implement sidewalks.

In addition to missing sidewalk gaps, pedestrian crossings are one of the primary challenges for people walking. Crossing Highway 133 is the primary barrier, as controlled crossings are infrequent. For example, the closest controlled pedestrian crossing south of the roundabout is .25 miles south at Sopris Avenue.

#### Transit Network

The VelociRFTA Bus Rapid Transit (BRT), the first rural BRT system in the nation, runs along Highway 82 between Glenwood Springs and Aspen. The BRT is highly successful, with almost 5.5 million riders in 2019. The BRT has a station in Carbondale on Highway 133, north of Delores Way. The BRT runs every 12 minutes in the peak hours and provides a transportation option that is time competitive with the private automobile. Carbondale users can connect to/from the BRT station using the Carbondale Circulator. The circulator is a free service, running every 15 minutes from 5 am to 9 pm. The circulator had approximately 105,000 riders in 2019. A regional bike share in the Roaring Fork Valley, including Carbondale, was being considered at the time of publication.

### Vehicle Network

Highway 133 is the primary access point for vehicles traveling to Carbondale regionally. The east side of Highway 133 has a dense street grid, with high connectivity for all modes. The west side of Highway 133 has a street network with a curvilinear loop pattern. This grid type increase travel distances and reduces walkability and bikeability.

Anecdotally, the challenges related to driving in Carbondale include congestion approaching the roundabout at Main Street and Highway 133, heavy vehicle traffic, and speeding. To address concerns about speeding, the 8th Street Corridor Study explored potential traffic calming opportunities. Despite support shown in surveying for speed humps, the 8th Street Study determined that speed humps are not appropriate in Carbondale due to snow removal, heavy vehicle traffic, and noise. Curb extensions at intersections and chicanes midblock are the most highly supported traffic calming treatments.

# Key Takeaways and Next Steps

In the next phase of the Comp Plan update the following concepts will be explored to determine recommendations:

- As determined through the 8th Street Corridor Study, sharrows or sidepaths are the preferred bike
  facility types. Through discussions with stakeholders there is still community support for sharrows
  considering the alternatives and lack of space for on-street facilities. Sharrow-marked routes must be
  well-thought out in future transportation planning.
- As determined through the 8th Street Corridor Study, curb extensions, chicanes, and raised
  pedestrian crossings are the preferred traffic calming types. Although community support exists for
  these, challenges loom for their installation as an optimal solution between property owners and the
  Town is difficult to determine.
- Speeding is one of the most common transportation-related complaint. Corridors with the highest real or perceived speeding issues should be identified in future transportation planning.
- Safety concerns: Conditions along Highway 133 may threaten pedestrian safety, as children
  frequently cross Highway 133 after school. A safer crossings solution will be needed as more vehicles
  use the road and as more families come to town. Additional outreach and planning should identify
  trouble spots, and which locations may be the best opportunity for an enhanced crossing in the
  future.
- Downtown North is an opportunity to envision streets without barriers of existing infrastructure.
   Should the downtown expand north of the Rio Grande Trail, strong pedestrian connections to townowned open space and to established neighborhoods will be needed. Reinforcing Merrill Ave as a commercial route and reconnecting it to Highway 133 via acquisition and redesign will also relieve Main St traffic.
- This process will identify street cross-sections based on the context of the street. Definitive direction
  on building sidewalks on one or both sides of streets, having attached or detached sidewalks,
  keeping on-street parking, and adjusting travel lane widths will need to be considered in future
  planning.
- Does the map of priority bicycle and pedestrian corridors shown in Figure A8 still resonate? Are there any corridors missing or any identified corridors that are no longer appropriate as multimodal connections?
- Key barriers to aging in community, from a transportation perspective, regard having accessible routes to and from destinations for those using wheelchairs, strollers or other assisted mobility types. Easy sidewalk access versus losing the rural town character is an ongoing trade-off of completing the sidewalk network.
- Does the community feel like there is adequate public parking in Carbondale? If not, what hubs have a higher parking demand than supply?
- Carbondale's last mile problem must be addressed with big solutions, including studying the need for expanded local transit service.

# **Aging in Community**

The Town of Carbondale has established the Carbondale Age Friendly Community Initiative (CAFCI) to further programs that support equity, access, and services for people of all ages, abilities and mobility needs. Data shows the number of people over 60 comprises 18% of the Town's population and their needs will double in the next 10 years.

### Key Observations: Housing

- Carbondale has more housing that accommodates elderly adults per capita than its neighboring communities in Garfield County.
  - 78 new Senior Housing Units (Sopris Lodge, North Downtown: continuity of care, partially independent, assisted living, and memory care).
  - o Assisted Living: Heritage Park + Care Center
  - Affordable Senior: Crystal Meadows (HUD, 62+, 30% AGI)

### Mobility

- Paratranist (on-call) services are available but not widely used.
- Sidewalks and access are limited in some areas but CACFI-initiated audits can help complete the gaps as part of a capital projects planning.

# Summary of Community Engagement

The Community Engagement Plan (CEP) was the touchstone for gathering needed input to update the Comp Plan. The CEP outlined the organizations engaged, stakeholder and advisory groups, and the number of public meetings and workshops, as well as other input platforms including online and paper surveys.

### Community Engagement Plan

Date(s)	Event/Task	Purpose	Target Audience(s)	Outreach Strategies	
Phase 1: Project and Engagement Kick-off					
Jul 2 – Aug 6	Online survey	Ask general questions about public concerns, recent successes and vision for the future	General public	Press release, social media ads, email blasts, postcards with QR codes	
Jul-Aug	Stakeholder focus group sessions	Group interviews with representatives from stakeholder organizations to understand	N/A	N/A	

		opportunities/constraints in topic areas				
Jul 2	First Fridays Kick-off Event	Kick off the Comp Plan Update – generate awareness for the effort and promote the web page and online survey	General public	Social media event + ads, email blasts		
Phase 2: Dra	Phase 2: Draft Comp Plan Update					
Aug 16	Spanish-speaking Community Meeting	Hold a community meeting in Spanish to hear from the Latino community their concerns and vision for the future	Latino community	Personal engagement  – Latino community leaders went to predominantly Spanish-speaking neighborhoods to personally invite community members		
Aug 17	Community Meeting	Present initial analyses on growth, housing, mobility and have small-group conversations to gather input on Comp Plan focus areas	General public	Press release, social media ads, newspaper ads, email blasts, flyers		
Aug 17	Downtown/Downtown North Design Charrettes (2)	Get key stakeholders in the room to discuss potential future uses and design of Downtown infill and Downtown North	Downtown/ Downtown North stakeholders (landowner/ developer, architects, planners, Town staff, elected/ appointed officials)	Personal emails, website		
Phase 3: Final Plan Revision and Adoption						

Oct 19	Spanish-speaking	Present draft plan items	Latino	Personal engagement
	Virtual Open House	for public comment, get	community	(same strategies as
		input on prioritization of		Aug 16 <sup>th</sup> event)
		projects		
Oct 21	Virtual Open House	Present draft plan items	General	Press release, social
		for public comment, get	public	media ads,
		input on prioritization of		newspaper ads, email
		projects		blasts, flyers

### **Project Steering Committee (PSC)**

The Town of Carbondale Planning and Zoning Commission acts as the Project Steering Committee to offer guidance throughout the Comprehensive Plan Update process. There have been three PSC meetings at which the project team has presented findings on the following topics:

- Comp Plan Vision + Goals, Community Engagement Plan.
- Economics, demographics, population projections, Downtown and Downtown North.
- Aging in Place, Climate Action Plan, Mobility.

Three more PSC meetings are scheduled to discuss:

- Key recommendations.
- Implementation strategies.
- Comprehensive Plan Update draft.

### Other Boards and Commissions Engaged

Additional meetings were scheduled with advisory boards, committees and other interest groups to include their vision and goals into the Comp Plan update process including:

- EBOARD: June 28, 2021.
- CLEER: Engaged in multiple touch points in assisting with evaluating the CAP.
- CAFCI: August 17, 2021.
- Board of Trustees: August 24, 2021.
- Bike and Ped Commission: August 30, 2021.
- Historic Commission: September 2, 2021.

### Web Page

The Town contracted PR Studio to enhance overall communications between the Town and community members, and they worked with staff to create an engagement website for all Town communications called Carbondale Kaleidoscope (<a href="https://carbondalekaleidoscope.org/">https://carbondalekaleidoscope.org/</a>). The Comprehensive Plan Update (called Chart Carbondale) was used as a kick-off project for the larger engagement site, which launched on July 2<sup>nd</sup>,

2021 (<a href="https://carbondalekaleidoscope.org/chart-carbondale">https://carbondalekaleidoscope.org/chart-carbondale</a>). The web page hosts information about the project and offers several ways to engage including map pinning, an ideas forum, and a survey. The page can be translated into Spanish so that Latino community members can participate online.

### Stakeholder Focus Group Sessions

Six stakeholder focus group sessions were held to do a deep-dive on topics that were identified as important to focus on in the Comp Plan update. Town staff identified organizations, businesses, and individuals that had knowledge and experience around the topic areas to be invited. The Town also identified someone from the Latino community to participate in each session.

A list of approximately 89 people was developed. It included representatives from the following entities:

- RFTA
- CAFCI
- Senior Matters
- RE-1 School District
- Valley Settlement
- La Clinica del Pueblo
- Carbondale Arts
- KDNK
- Clay Center
- Stepping Stones
- Family Resource Center
- Andy Zanca Youth Empowerment Program
- Youth Entity
- Voices
- Artists
- CLEER
- AVLT
- Roaring Fork Soccer Club
- Wilderness Workshop
- Downtown Property and Business Owners
- Downtown North Property and Business Owners
- 1. Affordable housing representatives from affordable housing providers and developers (Philip Jeffreys), real estate professionals (Cindy Sadlowski, Brian Leasure) and non-profit community organizations (Sydney Schalit). Key discussion topics included:
  - a. Biggest challenges:
    - Residents in deed-restricted units can get "trapped", where they can't afford marketrate homes so they have to stay put which keeps those starter homes off the market for others.

- ii. Supplying housing for undocumented community members who are not eligible for public housing assistance, which leaves a third of the community unsupported, who often become victims to predatory housing situations.
- iii. The conversion of long-term rental properties into short-term vacation rentals (AirBnB, VRBO). Countless stories of Carbondale's workforce getting kicked out of rental homes because the short-term rental market is more profitable.
- iv. More senior housing is needed for the Town's aging population.

### b. Recent successes:

- i. Since 1997, Carbondale's inclusionary housing ordinance has required any new development with more than 4 units to provide deed-restricted units, which has helped with supply.
- c. Potential opportunities:
  - i. Move away from single-family zoning.
  - ii. Initiate a tax on short-term rentals and second homes (vacancy tax) that goes into a fund for the construction affordable housing.
  - iii. The Town waives fees and reduces parking requirements for affordable housing developments.
- 2. Local businesses and economy local business owners Downtown and on Highway 133 (Riley Soderquist, Federico Pena), the Carbondale Chamber of Commerce (Andrea Stewart), representatives from Downtown North landowners/developers (Bob Schultz), Carbondale developers (Jack Schrager) representatives from Leland Consultants (Ted Kamp). Key discussion topics included:
  - d. Biggest challenges:
    - i. Attraction and retention of employees due to the high cost of housing, availability of childcare and public transportation.
    - ii. Businesses must cut hours due to staffing shortages.
    - iii. Lack of parking downtown and enforcement of 2-hour parking.
    - iv. HCC Zone District acts as a barrier to redevelopment Downtown. First-floor commercial/retail requirements, parking requirements and inclusionary zoning make development in HCC challenging.
  - e. Businesses that are missing in Carbondale:
    - i. New apparel and sporting apparel retail.
    - ii. A destination hotel near downtown current hotels cater to transient workers, not as much for tourists staying in town.
  - f. Potential opportunities:
    - i. Maintain the sense of place in Downtown Carbondale avoid separate hub areas along 133, Downtown, Downtown North.
    - ii. Live/work developments to provide makers spaces and housing.
    - iii. Dormitory-style housing for younger workforce (shared living spaces with private bedrooms).
- 3. Access, mobility and aging in community representatives from the Bike + Pedestrian Commission (Matthew Gworek), RFTA (David Johnson), CAFCI (Niki Delson), Senior Matters (Sue Zislis), and Safe Routes to Schools (Jeff Gatlin) and representatives from Fehr and Peers (Carly Sieff). Key discussion topics included:
  - a. Biggest challenges:

- i. Barriers to walking include lack of sidewalks, poorly designed sidewalks, lack of proper crosswalks, signage and seating areas.
- ii. Highway 133 crossings are dangerous for pedestrians of all ages.
- iii. Homeowners do not take responsibility of maintaining the sidewalks in front of their homes (removal of snow, encroaching landscaping, encroaching on Town's right-ofway).
- iv. Lack of a comprehensive Transportation Plan with recommendations on projects and steps to achieve mobility goals.
- v. Lack of bicycle education for both bicyclists and drivers.
- vi. Lack of funding for mobility infrastructure.
- vii. First and last mile connections the Carbondale Circulator is good for regional trips but lacks connections in-town.

### b. Potential opportunities:

- i. Expand transit routes to connect to schools and City Market would require significant investment from the Town.
- 4. Sustainability, agriculture and recreation representatives from CLEER (Maisa Metcalf, Stefan Johnson), Biospace, Full Circle Construction (Amanda Poindexter), Aspen Valley Land Trust (Suzanne Stephens), Confluence Architecture (Angela Loughry), Sustainable Settings, Rock Creative (Kade Gianinetti), Cushing Terrell Sustainability (Ashleigh Powel). Key discussion topics included:
  - a. Biggest challenges:
    - i. Retrofitting existing buildings for energy efficiency and creating incentives.
    - ii. Promoting infill development and preventing sprawl.
    - iii. Ensuring equitable access to recreation opportunities.
    - iv. Ensuring adequate infrastructure for electric vehicles in all new developments.
    - v. Parking requirements in some zone districts that make affordable housing development infeasible.
    - vi. Lack of staff to enforce sustainability development regulations.
    - vii. Supporting local farmers as the industry transitions from large ranching operations to small-scale farming initiatives.
    - viii. Balancing sustainability development regulations with the need for affordable housing.
    - ix. Daycare is not currently allowed in any zone districts without extensive review

### b. Potential opportunities:

- i. The Town leads by example by electrifying their fleet.
- ii. Reduce parking requirements in downtown zone districts to discourage driving and allow for more affordable housing development.
- iii. Hire a staff member that is responsible for enforcing sustainability development regulations.
- iv. Create a vertically-integrated local food distribution operation and medium-sized animal processing facility to support local farming/ranching initiatives.
- v. Limit/regulate short-term rentals and second homes.
- vi. Create a mixed-use industrial park (consider Downtown North) to create jobs and housing so that people can live and work in Carbondale.
- vii. Include a daycare facility as part of the redevelopment of Downtown North.

- 5. Arts, culture and community services representatives from Carbondale Arts (Amy Kimberly), Clay Center (Angela Bruno), youth programs (Kirsten McDaniel), and public service providers (Maria Alvarez). Key discussion topics included:
  - a. Biggest challenges:
    - i. The cost and availability of housing for the creative community. Artists are moving away because they can no longer afford to live in Carbondale.
    - ii. Lack of small "makers spaces" or light industrial spaces for lease for artists.
    - iii. Community disagreement over the closure of a block of Main Street.

### b. Recent successes:

i. New developments have willingly included public art and involved the Creative District.

### c. Potential opportunities:

- i. The Latino community would love a park and garden with trees, seating and vendor spaces to sell food and goods.
- ii. Live/work spaces would greatly benefit the arts community particularly smaller spaces and units.
- iii. A hotel in Downtown Carbondale would provide more jobs for the Latino community that wouldn't require driving to Aspen.
- iv. Consider ranching/agriculture as part of the arts/culture/creative district.
- v. A dedicated event space downtown that can be rented for creative events.
- vi. Vendor space at the RFTA park-n-ride for food/beverage vendors.
- 6. Development, infrastructure, Downtown and Downtown North representatives from Sopris Lodge, Carbondale Center Place (Riley Soderquist), Sopris Engineering, Poss Architecture, Fields Development Group (Gavin Brooke), BLDG Seed Architects (Ramsey Fulton), DHM (Laura Kirk), Downtown North property owners, the Dinkel House (James Ibbotson), other local developers/planners (Bob Schultz, Jack Schrager), and representatives from Leland consultants (Ted Kamp). Key discussion topics included:
  - a. Biggest challenges:
    - i. Carbondale being developed solely for profit by outside interests.
    - ii. Zoning in Downtown is producing overpriced residential development.
    - iii. Understanding how much more commercial development Carbondale can support.
    - iv. Parking requirements Downtown are hindering affordable housing development.
    - v. Creating a balance of residential and commercial space throughout Carbondale.
    - vi. Recent development on Highway 133 doesn't fit the character of Carbondale.
    - vii. Lack of a dedicated revenue source for affordable housing.
    - viii. Proliferation of Planned Unit Developments (PUDs) that are difficult to amend.

### b. Potential opportunities:

- i. Downtown North becomes a net zero village since it's within Holy Cross' territory (moving to all renewables by 2030).
- ii. Downtown North redevelops with a variety of housing types (rental, for-sale, townhomes, apartments, small-lot single family).
- iii. Review Town regulations (particularly HCC Zone District) to assess where changes could be made to incentivize affordable housing and redevelopment Downtown.

- iv. Identify dedicated revenue sources to subsidize affordable housing and provide public parking downtown.
- v. Explore aesthetic design guidelines for Downtown.

### **Survey Results**

The survey was available online and at Town Hall on paper from July 2<sup>nd</sup> to August 6<sup>th</sup>, 2021. We received 483 responses online and 41 paper surveys, totaling 524 responses.

### **Demographics**

- There was good representation from various neighborhoods in Carbondale, 22% live in River Valley Ranch, 16% live in Old Town, 15% live in Downtown, 15% live in Garfield County (outside of Town boundaries) and 10% live in Crystal Village, among others.
- Survey responders generally reflected Carbondale's aging population, with 33% over the age of 65, 20% between 55 and 64, 17% between 45 and 54, and 17% between 35 and 44.
- When asked what their relationship to Carbondale is, 36% of survey responders live there full-time, 23% shop/eat/drink there, 22% recreate in the area, and 10% work full-time in Carbondale.

### Community/character

- Survey responders recognize that there is a lot to love about Carbondale. When asked what's the best, 26% answered the community/people, 26% said the quality of life, 20% responded outdoor recreation, and 20% answered local character/culture/identity.
- When asked how they would describe the identity of Carbondale, responders had diverse answers (see Figure A10 word cloud). Words and phrases like "small town", "communal", "friendly", "mountain", "funky" were common.



Figure A10: Carbondale Identity Word Cloud

• Survey responders were most concerned about how rapid growth/development (19%), housing affordability (15%), population growth (9%), gentrification (8%), high cost of living (8%) and too much traffic (7%) are threatening their quality of life.

- 95% of responders stated that they consider Carbondale their long-term home, and those that did not cited such reasons as the cost of housing/living and too much change (growth, loss of character).
- When asked if they believed having a historic downtown was an economic boost for Carbondale, 85% of responders said yes, while 4% said no and 11% didn't know. Similarly, 84% of responders stated they would like to see incentives to preserve historically significant buildings, while 6% said they would not like to see incentives and 11% didn't know.

### Land Use, Growth + Housing

• The majority (54%) of survey responders felt that there has been too much residential growth in Carbondale, while 37% felt that residential growth has been adequate. When asked about commercial growth, the majority (54%) of responders felt that it had been adequate, while 31% believed there has been too much commercial growth, and 16% said there hadn't been enough.

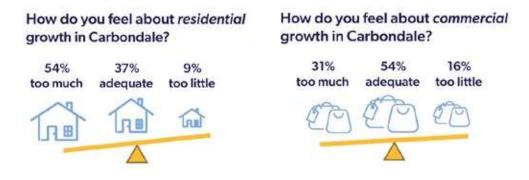


Figure A11: Residential growth

Figure A12: Commercial growth

 When asked what future uses they would like to see in North Downtown (see Figure A13), neighborhood park (23%), mixed-use opportunities for housing and retail/commercial (20%) and civic uses (20%) were most popular.

# What future uses would you like to see in North Downtown?



### Figure A13: North Downtown Future Uses

- Survey responders had differing opinions on what (if anything) was missing in Downtown Carbondale. A few frequent answers were parks/pocket parks (15%), more restaurants/retail (14%), redevelopment of vacant parcels (13%), streetscape improvements (11%), public plazas (11%) and housing (10%).
- Opinions were also divided on what type of housing survey responders want to see more of in Carbondale (see Figure A14). A few frequent answers were single family homes (20%), mixed-use buildings (15%), micro units/tiny homes (14%), accessory dwelling units (14%) and duplexes (11%). A few frequently mentioned "other" answers included affordable housing and no new housing/development.

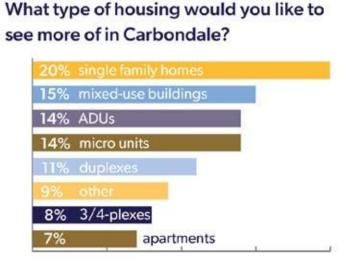


Figure A14: Housing

### Mobility

• When asked what their most important goal for Carbondale's transportation system is, 28% said an equitable transportation system (for people of all ages, abilities, ethnicities and income levels), 27% said a system that minimizes environmental impacts, 18% said a safe transportation system.

# My most important goal for Carbondale's transportation system is:



Figure A15: Transportation Goals

- Common destinations that survey takers use via Carbondale's transportation system include Main Street (24%), Highway 82 (18%), Carbondale businesses outside of Downtown (14%), parks/the recreation center (11%) and trailheads (11%).
- Survey responders identified the lack of sidewalks (22%) and lack of overall connectivity (21%) as the biggest challenges associated with walking in Carbondale. Common "other" answers accounting for 18% of responses included no challenge/fine as-is, speeding/careless drivers and crossing Highway 133.
- When asked what the biggest challenges associated with biking in Carbondale are, the most common response was "other" (22%) - where responders frequently wrote in no challenge/fine as-is, careless cyclists, and speeding/careless drivers. Lack of overall connectivity (18%), streets are uncomfortable or unsafe to bike along (17%), and lack of bike racks (14%) were other common answers.

### **Economics**

- When asked how they felt about the economic health of Carbondale, the majority (57%) said good, 21% said fair, 11% said excellent and only 2% said poor.
- The majority (60%) of survey responders feel that the variety of businesses and service establishments in Carbondale is good, 27% said fair, 9% said excellent and only 4% said poor. Those who answered fair or poor cited affordable restaurants, affordable new clothing, general retail and healthy/sustainable grocery options as lacking in Carbondale.

### **Community Priorities**

• The final survey question which aimed at determining community priorities asked, "if you could make one recommendation regarding the future of Carbondale, what would it be?" (see Figure A16).



Figure A16: Community Priorities

• When amalgamated, the following are the most mentioned themes:



Figure A17: Top Themes

### Spanish-speaking Community Meeting, August 16, 2021

As part of the Comprehensive Plan Update, the project team held the Town's first ever community meeting in Spanish to engage members of the Latino community that have traditionally been difficult to reach due to several barriers including language and the lack of historical communication between the Town and Latino community. Representatives from Valley Settlement did personal outreach to invite community members to participate by door-knocking, going to parks and doing outreach in restaurants.

The meeting's format included a brief presentation about what the Comprehensive Plan is and why it's important that people get involved, and then attendees visited several stations with information on growth and housing, mobility, and Downtown/Downtown North. Participants then broke up into small groups where trained Spanish-speaking facilitators led discussions on key issues faced by the Latino community. At the end, the facilitators presented top themes to the larger group.



Figure A18: Images from the August 2021 Spanish-language Open House.

Below are some of the discussion highlights:

- The desperate need for affordable housing and the barriers to accessing subsidized housing for undocumented community members.
  - o Rents are increasing for houses, apartments and mobile home parking.
  - Maintenance of rental properties and mobile homes is an issue.
- Public transit access needs to be expanded throughout town to connect adults to jobs and children to school and recreation opportunities.
- The need for access to free or discounted extracurricular activities for Latino youth.
- The need for public services (physical and mental health, business education, support services) with Spanish-speaking staff.
- Concern over the number of liquor stores and marijuana businesses and what message this sends/risk this poses to the youth.
- The need for affordable childcare for Latino children.
- The fear of "making Carbondale too pretty" if you beautify the Town, taxes will increase and more people will be displaced.

The facilitators de-briefed after the meeting to discuss key takeaways, what worked and strategies for future engagement of the Latino community:

- Meeting participants and facilitators agreed that they appreciated being included in this process and would like to stay involved. They wanted to know how their input would be incorporated into future decisions that the Town makes.
- It was valuable that the meeting was in Spanish (rather than translated from English), empowering participants to speak more freely and feel more included.

• The best way to reach more Spanish-speaking community members is personal outreach, advertisements (flyers, newspaper ads, etc.) are not as effective at explaining the importance of getting involved.

What type of development would you like to see in Downtown North? ¿Qué tipo de desarrollo le gustaría observar en la zona norte del centro? How to: Place Your 3 Dots Next To Your 3 Most-Preferred Images. Como elegir: Coloque una etiqueta junto a cada imagen de su preferencia. ANY OTHER FUNCTIONS OR IDEAS? PLACE A STICKY NOTE BELOW. ¿ALGUNAS FUNCIONES O IDEAS ADICIONALES? COLOQUE UNA NOTA ADHESIVA CON SUS IDEAS A CONTINUACIÓN.

Figure A19: Visual Preference Survey from Spanish-speaking Community Meeting on future development in Downtown North.

### Community Open House, August 17, 2021





Figure A20: Images from the August Public Open House.

The Open House on August 17<sup>th</sup> had the same format as the Spanish-speaking Community Meeting, with an estimated 68 participants. Members of the project team facilitated the small group discussions, and the following are the top themes that emerged from the meeting:

### Growth:

- o Recent growth has felt rapid and many community members would like to slow growth.
- Fear that slowing growth will further increase the cost of living and displacement will continue.
- o Growth should be focused on infill development rather than sprawl.
- o The need for adequate infrastructure capacity to accommodate growth.
- Look to Downtown North for future growth.

### Housing:

- Extreme need for affordable housing.
- Need for diverse housing types get creative (co-housing, tiny homes, etc).
- Need for regulation of the number of short-term rentals.
  - Look into taxing short-term rentals and second homes to fund the construction of affordable housing.
- Need for homes with Universal Access for aging community members.

### Sustainability:

- How to discourage driving while understanding most people will continue to own cars in the near-term.
- o Focus on electrification of transportation and electric vehicle infrastructure.
- o Green Building codes are moving in the right direction.

### • Transportation/mobility:

- Circulator does not properly connect neighborhoods to jobs/destinations and routes need to be expanded to reduce reliance on driving.
- o Bike and pedestrian infrastructure needs to be improved.
- o Traffic is a concern on Highway 133.
- o Dial-a-ride service should replace Paratransit (which has many barriers).

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- Town character/beautification:
  - Agreement with concern brought up at Spanish-speaking Community Meeting avoid making Carbondale too beautiful.
  - Desire to maintain the "funkiness" of Carbondale.
  - o No big-box stores or chains support local businesses.
- Downtown North:
  - Unsure if new commercial/retail is needed.
  - o Should include a variety of housing types lots of affordable housing.
  - Some want to keep it industrial.
  - o Should include a childcare facility.

What type of development would you like to see in Downtown North? ¿Qué tipo de desarrollo le gustaría observar en la zona norte del centro?

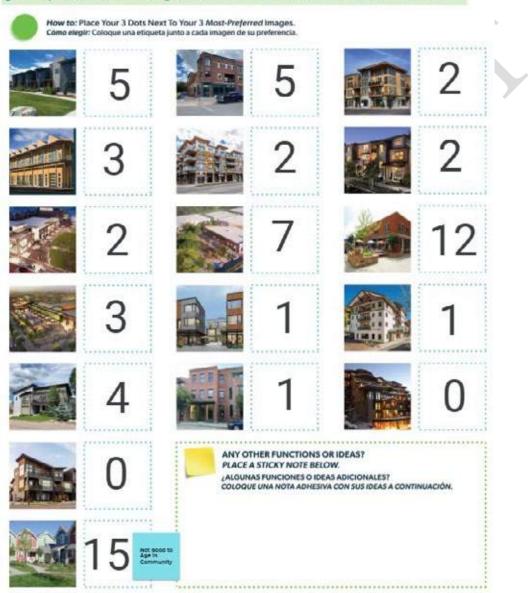


Figure A21: Visual Preference Survey from Open House on future development in Downtown North

### Design Charrettes, August 17, 2021

Two design charrettes were held to explore opportunities and challenges with infill development Downtown and the future of Downtown North. Both sessions were well-attended with about 20 people each (broken up into two tables of ten).



Figure A22: Images from the Downtown/Downtown North Design Charrettes.

The two sessions were held as informal Open House formats so people could come and go. In addition to advertising the Charettes on the Chart Carbondale website, targeted notices of the design charette were sent to the following entities/people/organizations:

## Current/Former Elected or Appointed Officials:

- Former Planning Commissioners (from the last 20 years)
- Former members of the Board of Trustees (again, from the last 20 years)
- Current Planning Commission
- Current Board of Trustees
- All Town Boards and Commissions

### **Business Owners:**

- Phat Thai
- Sopris Lodge Assisted Living
- True Nature
- Lulubelle
- Grana Bread
- High Q
- Mi Casita
- White House Pizza
- Village Smithy
- Alpine Bank

## **Entities**

- Clay Center
- Mount Sopris Historical Society
- Chamber of Commerce

Property owners in the Downtown and Downtown North:

- Historic Bakery Building on 4<sup>th</sup> Street
- Southeast corner of Capitol and 3<sup>rd</sup> Street (historic structure)
- Fante parcel on the SE corner of 4<sup>th</sup> and Colorado
- Overlook Parcel (11 acres north of Town Hall)

Architects/Designers/Planners who have done work in the HCC

- Sopris Engineering
- Mark Chain
- DHM
- Poss Architecture

Some of the key takeaways from these sessions included:

### • Downtown North:

- Future development of Downtown North will require a rezoning, there is debate over whether a new zone district needs to be created or if an existing zone district (Mixed Use or HCC) should be modified to fit the need.
- Debate over how to transition from current industrial uses to the inclusion of light industrial/maker spaces in the future.
- Parking requirements will drive what development looks like how to reduce parking requirements to create an urban neighborhood with affordability.
- The developer is ready to submit an application as early as first quarter of 2022, but intends to understand the community vision for Downtown North through the Comp Plan update process.
- Some participants liked the previous Wolf Lyon plan with a hotel use, others wanted to move away from that plan.
- Located within Holy Cross territory, there is an opportunity to make this a carbon-neutral neighborhood.
- Debate over the need for more commercial/retail in Downtown North don't want to pull energy away from Main Street.
- Debate over the need for parks/open space on this property due to its proximity to existing parks the focus should be on green connections north/south.
- Most agree that the future of this area should not be single family residential.
- Desire for flexibility with commercial/retail spaces to be used as residential based on market conditions.

### • Downtown:

- The HCC Zone District's parking and retail requirements have prevented infill development and need to be re-evaluated.
- Building height restriction is limiting the ability to develop 3-story buildings, consider restricting the number of floor plates rather than building height.

### Local Businesses Survey: Carbondale Chamber

Local commerce was impacted from the global COVID pandemic. The following illustrates those impacts from 2020 and the resulting comeback in 2021:

- There was a 10% decrease in Chamber membership from 2020 (450) to 2021 (405).
- Since Spring of 2020, employee counts for Chamber member businesses have predominantly "Stayed the same" (58%), while 23% "decreased" and 19% "increased."
- 99% of Chamber member businesses are open as of Spring 2021.
- There have been some businesses changes since Spring 2020: 51% of businesses allowed staff to work remotely, 30% adjusted in-person office hours, 26% downsized operations, and 26% made no changes. It is important to note that 10% of businesses closed completely.
- 30% of annual payroll is below \$100,000 while 15% is between \$200,000-\$400,000 or between \$400,000-\$600,000.
- Business concerns related to COVID Relief/Recovery centered around employee stress (65%) and financial impacts on operations (55%).
  - o The most beneficial business support noted was business info tied to COVID (55%).
- 45% of businesses ranked their 2021 business outlook and sustainability as a 4 on a scale from 1-5.
- 65% of businesses noted that they have received Paycheck Protection Programs in terms of COVID relief/recovery business resources received to-date.
- Almost 50% of businesses referenced "Marketing support to drive additional customers" as a helpful COVID relief/recovery business resource moving forward.



**7.3** 

### Carbondale Cross Section Concepts

### Overview

This document identifies potential future cross sections for five roadways to improve bicycle and pedestrian comfort in the Town of Carbondale, Colorado, as shown in **Figure 1** and listed below:

- 1. Hendrick Drive
- 2. Colorado Avenue
- 3. Sopris Avenue
- 4. 2<sup>nd</sup> Street
- 5. Future Roadways in North Downtown

These roadways were selected based on the priority corridors identified in the 2019 Multimodal Corridors Map, community input gathered through the Kaleidoscope community engagement website, and an analysis of gaps in existing bicycle and pedestrian infrastructure. Three of the corridors listed above are priority corridors identified in the 2019 Multimodal Corridors Map; Hendrick Drive, Sopris Avenue, and 2<sup>nd</sup> Street. Colorado Avenue was not identified in the 2019 map as a priority corridor, however the community input collected through the Kaleidoscope identified Colorado Avenue as a corridor where people currently walk and bike, including children, and where community members felt uncomfortable walking and biking or had safety concerns.



Figure 1: Selected Roadways for Improved Cross Sections

### FEHR ↑ PEERS

### Methodology

Proposed cross sections were developed to address gaps in comfortable bicycle and pedestrian facilities and challenges identified by community members. Proposed cross sections were created based on best practices outlined in the National Association of City Transportation Officials' (NACTO) Urban Bikeway Design Guide. The amount of right-of-way available is variable along each roadway. These cross sections reflect where sidewalks or landscape buffers could be expanded for sections to account for additional right-of-way.

### 1. Hendrick Drive

### **Existing Conditions**

Hendrick Drive is a local road on the west side of Carbondale and was identified as a priority multimodal corridor in the 2019 Multimodal Corridors Map. Hendrick Drive connects the neighborhoods on the west side of town with Main Street and CO 133. The corridor is an important north-south pedestrian and bicycle connection on the west side of town and provides access to the crossings of CO 133 to reach the east side of Carbondale.

Currently, Hendrick Drive has a detached sidewalk on the east side of the street that is wide enough for people walking but not wide enough to also accommodate people riding bicycles. The existing curb-to-curb width is 38-feet and includes two 11-foot travel lanes and two eight-foot parking lanes. Hendrick Drive has a posted speed limit of 20 MPH The existing cross section is displayed in **Figure 2**.

*Figure 2: Existing Cross Section of Hendrick Drive (Looking North)* 



Source: Google Street View

Community input from the Master Plan process indicated there is a desire for a continuous sidewalk on the west side of the street. Currently the sidewalk on that side is inconsistent, which forces people walking



to cross the street where the sidewalk ends. It was expressed that this can be challenging, especially at night, and can require out of direction travel.

### **Proposed Cross Section**

The proposed cross section for Hendrick Drive, displayed in **Figure 3**, includes a continuous sidewalk on the west side of the street, on-street parking on one side of the street, two travel lanes, and bike lanes on both sides of the street. This cross section maintains the existing detached sidewalk on the east side of the street which is currently in good condition. In order to accommodate the features in this cross section, travel lanes will need to be narrowed to ten-feet and the parking lane will need to be narrowed to eight-feet. One side of on-street parking was repurposed to create bike lanes on both sides of the street to provide dedicated facilities for people biking on this key corridor. The curb-to-curb width in this cross section was not changed from the existing curb-to-curb width. Existing parcel GIS data was used to estimate that with the existing curb-to-curb width there is about eight to ten-feet of right-of-way remaining on the west side of the street where a comfortable detached sidewalk can be accommodated.

Figure 3: Proposed Cross Section for Hendrick Drive



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### 2. Colorado Avenue

### **Existing Conditions**

Colorado Avenue is a local road on the east side of Carbondale. Although Colorado Avenue was not identified as a priority multimodal corridor in the 2019 Multimodal Corridors Map, public input from the master planning processed indicated that it is a corridor where people, including children, currently walk and bike, and where the community would like to see investments in bicycle and pedestrian infrastructure and safety. Colorado Avenue runs parallel to Main Street, one block north. This makes it a great opportunity for a corridor where active modes of transportation are prioritized, giving people a comfortable parallel alternative to walking and biking down the busy Main Street.

The cross section of Colorado Avenue changes slightly throughout its length, but always includes two travel lanes, one in each direction, and has a posted speed limit of 20 MPH. The corridor has some sidewalks from 8<sup>th</sup> Street to 4<sup>th</sup> Street where angled parking is included between the sidewalk and the travel lanes. It is recommended these sections not be altered as they were more recently developed. Instead, the proposed cross section will suggest improvements to be made to the rest of the corridor to provide adequate facilities along the length of Colorado Avenue where they do not currently exist. The existing cross section is displayed in **Figure 4**.

Figure 4: Existing Cross Section of Colorado Avenue (Looking East)



Source: Google Street View

Community input from the Master Plan process indicated there is a desire for a continuous sidewalk on the northside of the street and a roadway design that promotes pedestrian safety and traffic calming. One comment mentioned that there are many kids living in the apartment buildings on the west side of Colorado Avenue who play near Colorado Avenue.

### **Proposed Cross Section**

The proposed cross section at locations where there is not currently angled parking, displayed in **Figure 5**, includes a continuous sidewalk on both sides of the street, parallel parking on both sides of the street, and two shared travel lanes for people biking and people driving. This cross section aligns with the sections of Colorado Avenue that already include sidewalks and ensure those sidewalks extend the length of the corridor. Parallel parking, rather than angled parking, was chosen for this cross section as it makes it easier for drivers to see oncoming bikes before pulling out into the travel lane. Angled parking can restrict a driver's field of vision for oncoming vehicles and can create greater conflict between people driving pulling out and people biking.



Figure 5: Proposed Cross Section for Colorado Avenue



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### 3. Sopris Avenue

### **Existing Conditions**

Sopris Avenue is a collector roadway on the east side of Carbondale. Sopris Avenue was identified as priority multimodal corridor in the 2019 Multimodal Corridors Map. Sopris Avenue runs east-west through the center of Carbondale. The Carbondale Public Library and Bridges High School are both located on or near Sopris Avenue.

The cross section of Sopris Avenue changes slightly throughout its length, but always includes two travel lanes, one in each direction, and has a posted speed limit of 20 MPH. There is a four to five-foot sidewalk on the south side of the road which is an attached sidewalk for all but one block. There are no sidewalks on the north side of the road except for one block between 3<sup>rd</sup> Street and 2<sup>nd</sup> Street. However, an examination of existing parcel GIS data shows that there is existing right-of-way on the north side of the street, outside of the curb-to-curb width, which could potentially accommodate a comfortable detached sidewalk for the length of the corridor. The corridor has no dedicated bicycle facilities. The existing cross section is displayed in **Figure 6.** 

Figure 6: Existing Cross Section of Sopris Avenue (Looking East)



Source: Google Street View

### **Proposed Cross Section**

The proposed cross section, displayed in **Figure 7**, includes a continuous sidewalk on both sides of the street, parallel parking on the north side of the street, two vehicle travel lanes, and a dedicated bicycle lane in both directions. Parallel parking, rather than angles parking, was chosen for this cross section as it makes it easier for drivers to see oncoming bikes before pulling out into the travel lane. Perpendicular parking can restrict a driver's field of vision for oncoming vehicles and can create greater conflict between vehicles pulling out and people biking. The curb-to-curb width in this proposed cross section would not change from the existing curb-to-curb width. The proposed new continuous sidewalk on the north side of the street can be accommodated within the City's existing right-of-way. For the block between 4<sup>th</sup> Street and 3<sup>rd</sup> Street, next to the library, the existing curb-to-curb width is not wide enough to accommodate bike lanes. Painting sharrows on the travel lanes in this section can be a way to continue to alert drivers to the presence of people biking for this segment where bike lanes cannot be accommodated.

Figure 7: Proposed Cross Section for Sopris Avenue



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### 4. 2<sup>nd</sup> Street

### **Existing Conditions**

2<sup>nd</sup> Street runs north-south and is classified as a local road south of Sopris Avenue and a collector north of Sopris Avenue. 2<sup>nd</sup> Street was identified as a priority multimodal corridor in the 2019 Multimodal Corridors Map. Additionally, public input indicated a desire for bike lanes to be implemented on 2<sup>nd</sup> Street to create a direct north-south multimodal corridor through the east side of town and to connect to the Rio Grande Trail. 2<sup>nd</sup> Street's wide existing right-of-way makes it a good candidate for implementing dedicated bicycle facilities through the most established parts of Carbondale.

The cross section of 2<sup>nd</sup> Street changes slightly throughout its length, but always includes two travel lanes, one in each direction, and has a posted speed limit of 20 MPH. There is an eight-foot sidewalk on the east side of the road which runs almost the length of the corridor. The sidewalk narrows to six-feet between Garfield Avenue and Main Street and does not continue north between Main Street and the Rio Grande



trail. There is no pedestrian facility on the west side of the street and no dedicated bicycle facilities. There are segments of 2<sup>nd</sup> Street, on the south side of the corridor, where there is angled parking located on private property outside of the City's right-of-way. **Figure 8** displays the existing cross section where there is no angled parking and **Figure 9** displays the existing cross section where angled parking is present. New potential cross sections for both of these cross section types are provided in the following section.

*Figure 8: Existing Cross Section of 2<sup>nd</sup> Street - No Perpendicular Parking Present (Looking North)* 



Source: Google Street View

Figure 9: Existing Cross Section of  $2^{nd}$  Street - Perpendicular Parking Present (Looking North)



Source: Google Street View

Community input from the Master Plan process indicated there is a desire for bike lanes on 2<sup>nd</sup> Avenue in order to create a strong biking connection through town as well as give the street greater definition, narrower travel lanes, and more character.

### **Proposed Cross Sections**

The proposed cross sections, displayed in **Figures 10 & 11**, includes the existing sidewalk on the east side of the street, two vehicle travel lanes, and a bike lane on each side of the street. **Figure 10** displays the proposed cross section on sections of roadway where angled parking is not present today. The right-of-way for these sections is about 50-feet and can accommodate parallel parking on one side of the street, a bike lane in either direction, and two travel lanes. **Figure 11** displays the cross section for sections of 2<sup>nd</sup> Street where parallel parking is present adjacent to the City right-of-way. The right-of-way in these areas is about 54-feet and can accommodate a buffered bike lane in either direction, two travel lanes, and an eight-foot parallel parking lane on the east side of the street as well as the existing eight-foot sidewalk.

*Figure 10: Proposed Cross Section for 2<sup>nd</sup> Street (No Angles Parking Present)* 



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Figure 11: Proposed Cross Section for 2<sup>nd</sup> Street (Angled Parking Present)



Made using Streetmix



### 5. Future Roadways

### **Existing Conditions**

North Downtown, the area north of the Rio Grande Trail and between 8<sup>th</sup> Street and 2<sup>nd</sup> Street (see **Figure 12**), and includes industrial land uses. In the past few years, however, there are new residential developments in the southeast corner just west of 2<sup>nd</sup> Street; this land use is likely to continue replacing some of the older industrial uses throughout the rest of the area.

While future development patterns and the street network remain uncertain, the town has an opportunity to ensure the new roadway network in this area supports all modes of transportation and encourages walking, rolling, and biking within the heart of Carbondale. The public has voiced concerns about speeding along Merrill Avenue and poor visibility of people walking and biking.

Figure 12: Aerial of North Downtown between 8<sup>th</sup> Street & 2<sup>nd</sup> Street



Source: Google Earth

*Figure 13: Existing Cross Section of Merrill Avenue (Looking East)* 



Source: Google Street View

### **Proposed Cross Section**

While future roadways in the North Downtown area will vary, there are some principles that can be applied to each new roadway to ensure walking, rolling, and biking are prioritized. New roads should be configured in a grid system to allow for maximum connectivity within the North Downtown area as well as connectivity to the surrounding neighborhoods. Wherever a street will not connect to an adjacent roadway, pedestrian and bicycle cut-thrus should be implemented to ensure continued connectivity for those modes. Additionally, travel lanes should be no more than ten-feet wide where possible to encourage slower vehicle speeds and allow for more right-of-way to be dedicated to active modes of transportation. Where on-street parking is needed, parallel parking should be implemented rather than angled parking. Parallel parking allows for better visibility of oncoming traffic and people biking before parked cars pull out into travel lanes. Parallel parking also allow for more right-of-way to be reserved for people walking and biking. On low volume low speed streets, shared lanes with sharrows are likely comfortable enough bicycle infrastructure as long as 85<sup>th</sup> percentile vehicle speeds are 20 MPH or below and average annual daily traffic is less than 2,000 vehicles. On collector streets, bike lanes or wide multiuse paths should be implemented where possible. **Figure 14** displays one possible cross section for a future roadway which follows these parameters.

Figure 14: Proposed Cross Section for Future Collector in North Downtown



Made using Streetmix





**7.4** 

### Carbondale Crossing Concepts

### Overview

This document identifies bicycle and pedestrian crossing treatments at five key locations in the Town of Carbondale, Colorado, as shown in **Figure 1** and listed below:

- 1. CO 133 & Cowen Drive
- 2. CO 133 & Dolores Way
- 3. Dolores Way & Carbondale Community School Drive
- 4. CO 133 & Weant Boulevard/Lewies Lane
- 5. Future Crossings in North Downtown between 8th Street & 2nd Street

These locations were selected based on public input gathered by the Carbondale Kaleidoscope, a web platform to engage the local community in the update of Carbondale's Comprehensive Plan. Community members and stakeholders commented on the Carbondale Kaleidoscope webmap and highlighted locations with major transportation issues or potential safety concerns. These intersections were noted to be uncomfortable crossings.

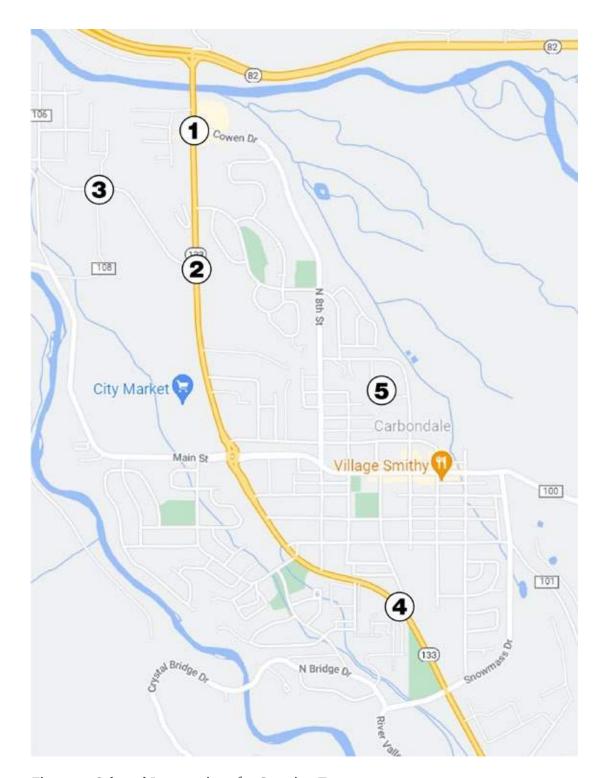


Figure 1: Selected Intersections for Crossing Treatments

The following crosswalk concepts were developed using both <u>Crosswalk+</u>, Fehr & Peers' in-house tool to identify crosswalk countermeasures, and City and County of Denver's <u>Uncontrolled Pedestrian Crossing Guidelines</u>.



### Methodology

For uncontrolled crosswalks, Crosswalk+ follows the Federal Highway Administration (FHWA) guidance provided in the Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations. The guidance in Figure 2 identifies candidate treatments, but leaves it to practitioners to choose countermeasures based on judgement of specific conditions at crossing locations.

Posted Speed Limit and AADT Vehicle AADT < 9,000 Vehicle AADT 9,000-15,000 Vehicle AADT >15,000 Roadway Configuration 35 mph ≥40 mph ≤30 mph 35 mph ≥40 mph | ≤30 mph 35 mph ≥40 mph ≤30 mph 0 2 2 lanes (1 lane in each direction) 0 2 € 3 lanes with raised median (1 lane in each direction) O 3 lanes w/o raised median (1 lane in each direction with a two-way left-turn lane) 0 7 0 O 0 0 4+ lanes with raised median (2 or more lanes in each direction) 8 0 8 0 4+ lanes w/o raised median 5 0 5 0 5 0 5 0 5 0 5 0 5 0 5 0 (2 or more lanes in each direction) 8 0 0 8 0 High-visibility crosswalk markings, parking restrictions on Given the set of conditions in a cell, crosswalk approach, adequate nighttime lighting levels, Signifies that the countermeasure is a candidate and crossing warning signs treatment at a marked uncontrolled crossing location. 2 Raised crosswalk Signifies that the countermeasure should always be Advance Yield Here To (Stop Here For) Pedestrians sign considered, but not mandated or required, based upon and yield (stop) line engineering judgment at a marked uncontrolled In-Street Pedestrian Crossing sign crossing location. 5 Curb extension Signifies that crosswalk visibility enhancements should Pedestrian refuge island always occur in conjunction with other identified Rectangular Rapid-Flashing Beacon (RRFB)\*\* countermeasures. Road Diet The absence of a number signifies that the countermeasure Pedestrian Hybrid Beacon (PHB)\*\* is generally not an appropriate treatment, but exceptions may

Table 1. Application of pedestrian crash countermeasures by roadway feature.

Refer to Chapter 4, "Using Table 1 and Table 2 to Select Countermeasures," for more information about using multiple countermeasures.

"It should be noted that the PHB and RRFB are not both installed at the same crossing location

be considered following engineering judgment.

This table was developed using information from: Zegoer, C.V., J.R. Stewart, H.H. Huong, P.A. Logerwey, J. Foaganes, and B.J. Compbell. (2005). Safety effects of marked versus unmarked accessivality at uncontrolled incontains. Find report and recommended guidelines. FHINA. No. FHINA-HRT-04-LDC, Washington, D.C.: FHINA-Minterial on Uniform Traffic Control Devices, 2009 Fration (revised 2012). Chapter 4F, Pedestrian Hybrid Beacons. FHINA, Washington, D.C.: FHINA. Crash Modification Factors (CMF) Clearinghouse, http://www.cmideaninghouse.org/, FHINA-Pedestrian Safety Guide and Countermoasure Selection System (PEDS/FE). http://www.pedblasafe.org/PEDS/FE). Zegoer, C., R. Sminusan, B. Lan, D. Carter, S. Smith, C. Sundetron, N.J. Thirsts, J. Zegoer, C. Lyon, F. Ferguson, and R. Van Houston (2017). NCHIP Report 841: Development of Crash Modification Enclose for Uncontrolled Pedestrian Crassing Treatments. Transportation Research Bound, Washington, D.C.: Transport. Transportation Research Bound, Washington, D.C.; and personal interviews with selected pedestrian safety practitioners.

Figure 2: Federal Highway Administration (FHWA) Guidance in the Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations.

City and County of Denver's Uncontrolled Pedestrian Crossing Guidelines provide very similar guidance, as shown in **Figure 3**. Level A treatments are standard continental markings and signage (W11-2 or S1-1 in a school zone with W16-7p placards). Level B treatments are Rapid Rectangular Flashing Beacons (RRFBs) in addition to markings and signage. Level C treatments are pedestrian hybrid beacons (PHBs) or traffic signals.

Roadway Type	Vehicle ADT ≤9,000			Vehicle ADT >9,000 to 12,000			Vehicle ADT >12,000 to 15,000			Vehicle ADT ≥15,000		
	≤30 mph	35 mph	40 mph	≤30 mph	35 mph	40 mph	≤30 mph	35 mph	40 mph	≤30 mph	35 mph	40 mph
Two Lanes	Α	Α	В	Α	Α	В	Α	Α	С	Α	В	C
Three lanes	Α	А	В	Α	В	В	В	В	С	В	С	С
Multilane with raised median	А	А	С	А	В	С	В	В	С	С	С	c
Multilane without raised median	А	В	с	В	В	С	С	С	С	С	c	С

Figure 3: Guidance in City and County of Denver's Uncontrolled Pedestrian Crossing Guidelines

Both of these tools for developing crosswalk concepts require information on whether the intersection is controlled or uncontrolled, vehicle average daily traffic (ADT), roadway speed limits, and number of travel lanes. These inputs show how stressful crossings currently are for pedestrians and scale the intervention based on street characteristics. The FHWA Guide and Denver's Guide suggest geometric treatments for calming traffic along the street segment in addition to crosswalk-specific treatments.

Geometric treatments like pedestrian refuge islands, curb extensions, parking prohibitions, road diets, or speed reductions can reduce the scale of crosswalk treatments needed to protect pedestrians and cyclists by making the street itself safer. Crosswalk treatments may be scaled back depending on the geometric treatments implemented.

For each intersection in this section, there is a table that lists current street characteristics used to identify treatments, the range of possible geometric treatments and crossing treatments, and recommended treatments. It is important to note that data availability was limited and often unavailable or not recent. The best available data was used but it is recommended to collect additional travel speeds and volumes to further refine recommendations. These are very high-level recommendations and additional concepts will need to be created to confirm feasibility of implementation.

### 1. CO 133 & Cowen Drive

The first intersection drivers reach when turning off CO-82 onto CO 133 into the Town of Carbondale is CO 133 and Cowen Drive. The speed limit on CO-82 is 65 mph, so it is a rapid deceleration to 35 mph on CO 133, and there are not many visual cues to signal to drivers to slow down. The public made comments about this challenge as it relates to the Cowen Drive intersection, noting the importance of the crossing for people walking and biking and the prevalence of speeding at this location.





Figure 4: Aerial and Google Streetview (Looking North) of CO 133 & Cowen Dr

There is currently a marked crosswalk and RRFB at the east-west crossing of CO 133 south of the intersection. However, given reports of speeding, additional traffic calming measures and crossing treatments are appropriate at this location.

Based on a volume of 15,000 vehicles and a posted speed limit of 35 mph, both guides recommend a PHB (see **Figure 2** and **Figure 3**). However, both guides also recommend geometric treatments to reduce the level of crossing treatment necessary. Therefore, it is recommended to first implement a pedestrian refuge island, curb extension, and yield signage and reevaluate after traffic patterns have stabilized.

Geometric treatments such as a pedestrian refuge island and a curb extension where there is already room on the west shoulder will help to both narrow the crossing distance for pedestrians and provide additional horizontal friction to slow drivers approaching the crosswalk. Additional signage such as an Advance Yield Here To Pedestrians sign and yield line will communicate to drivers that it is their responsibility to yield to pedestrians and bicyclists crossing the roadway.

This geometric treatment should be the first step before considering a more aggressive treatment like a PHB or signal, since creating the pinchpoint will lower the design speed of the segment as a whole and achieve safety goals beyond the intersection.

Table 1: Characteristics of CO 133 & Cowen Drive

Attribute	Description			
Control type	Uncontrolled			
AADT (CDOT Traffic Data Explorer, 2020)	15,000			
Posted speed limit	35 mph			
Number of travel lanes	Multilane without raised median			
On-street parking	No			
Adjacent to school	No			
Public comment(s)	"Need to slow traffic down and keep it from rapidly re-accelerating. After traveling at hwy speeds 40+ feels relatively slow on Hwy 133. This directly threatens ped and cyclists trying to cross at the Cowen Road signalized crossing. Slowing traffic down will ensure we don't have more accidents (and potential fatalities) at this crucial east-west multi-modal crossing!"  "This is an important east-west pedestrian/ cyclist crossing! It is also less safe than it could be and has a history of automobile - pedestrian accidents. This crossing is doubly tough and unsafe for peds because there are multiple northbound lanes and cars in the left lane stopping for the signal or peds in the crosswalk screen cars traveling in the right lane and speeding up to try and catch the 133 and 82 light. To make this important ped crossing far more safe a refuge island needs to be added in the middle of Hwy 133 and traffic needs to be slowed down to provide more			
Possible geometric treatments	Pedestrian refuge island, curb extensions, road diet			
Possible crosswalk treatments	High-visibility crosswalk markings, signage, PHB, signal			
Recommended treatment	Pedestrian refuge island, curb extension on west side of CO 133, Advance Yield Here To Pedestrians sign and yield line			

### 2. CO 133 & Dolores Way

CO 133 at Dolores Way has between 13,000 and 15,000 vehicles per day. This high volume of vehicle traffic, coupled with a wide crossing distance of four lanes and no marked east-west crosswalk, makes this location a dangerous intersection for people crossing the street.

Though there is a signalized crossing to the north at Village Road, the public noted that walking to that intersection and back adds more than a quarter mile to the journey and expressed concerns about drivers speeding along Dolores Way. This intersection's proximity to both Carbondale Community School and Colorado Rocky Mountain High School reinforces the need for an enhanced crossing.





Figure 5: Aerial and Google Streetview (Looking North) of CO 133 & Dolores Way

Based on a volume of about 14,000 vehicles and a posted speed limit of 35 mph, both guides recommend a PHB (see **Figure 2** and **Figure 3**). However, with a geometric treatment like a median, both guides recommend an RRFB. Therefore, it is recommended to first implement a pedestrian refuge island, curb extensions, an RRFB, and crosswalk markings and reevaluate after traffic patterns have stabilized.

Given the traffic volumes, speed, and number of lanes on this corridor, an east-west crosswalk on the south side of the intersection with a combination of geometric and other treatments will help to properly slow traffic and provide a more comfortable crossing. Given the overall width of the street and wide shoulders, curb extensions and a pedestrian refuge island will be viable to implement and narrow the distance pedestrians must travel. These geometric treatments alongside a RRFB will create a much more comfortable crossing for people (especially students) walking and biking. Depending on the results of this new crosswalk, a PHB may be necessary, but the geometric treatments in combination with an RRFB will likely be sufficient for lowering traffic speeds.

Table 2: Characteristics of CO 133 & Dolores Way

Attribute	Description				
Control type	Uncontrolled				
AADT (CDOT Traffic Data Explorer, 2020)	~14,000				
Posted speed limit	35 mph				
Number of travel lanes	Multilane without raised median				
On-street parking	No				
Adjacent to school	Yes				
Public comment(s)	"This intersection is broken. I know that when the Village Way light went in it was "designed" to partially address challenges at this intersection. As traffic load has dramatically increased on Hwy 133 any relief that the Village Way light creates at this intersection is fleeting at best and non-existant at high traffic volume times.  A round-about here might work better than a light, but whatever solution is designed it must include safe ped/ bike crossing (i.e. signalized crossing)"  "This is a bike/ped crossing nightmare. Lots of folks cross here. Walking north to the crosswalk and back adds almost half a mile."  "Delores Way should be a school zone at all times - CRMS and CCS are both located in Satank and drivers fly through this area - including the large delivery trucks."				
Possible geometric treatments	Pedestrian refuge island, curb extensions, road diet				
Crosswalk treatments	High-visibility crosswalk markings, nighttime lighting, crosswalk warning signs, signage AND Without geometric treatment: PHB or signal With geometric treatment: RRFB				
Recommended treatment	Pedestrian refuge island, curb extensions, high-visibility crosswalk markings, RRFB (including nighttime lighting, crosswalk warning signs)				



### 3. Dolores Way & Carbondale Community School Drive

Dolores Way winds to the northwest of CO 133 past a commercial strip and passes in between the campuses of Carbondale Community School (CCS) and Colorado Rocky Mountain High School (CRMS). There is a crosswalk where the driveway to CCS meets Dolores Way. To the south of this crosswalk there is a path students may take to walk to CRMS. This crosswalk is a vital connection to both schools, but the public has expressed concerns about speeding on Dolores Way and drainage issues at the crosswalk.

Based on a volume of under 9,000 vehicles and a posted speed limit of 25 mph, both guides recommend crosswalk markings and signage (see **Figure 2** and **Figure 3**). However, these elements already exist and have proved insufficient. The FHWA guide also suggests a raised crosswalk, in-street pedestrian crossing sign, curb extensions, and pedestrian refuge island. It is recommended that a raised crosswalk be implemented to address the issues of speeding and drainage. Fresh paint, nighttime lighting, and yield signs would draw attention to students crossing here. Further geometric treatments may be reevaluated after examining future traffic patterns.



Figure 6: Aerial and Google Streetview (Looking East) of Dolores Way & the Carbondale Community School Drive

**Table 3: Characteristics of Dolores Way & Carbondale Community School Drive** 

Attribute	Description		
Control type	Uncontrolled		
AADT (CDOT Traffic Data Explorer, 2020)	<9,000		
Posted speed limit	25 mph		
Number of travel lanes	Two lanes		
On-street parking	No		
Adjacent to school	Yes		
Public comment(s)	"Vehicles drive very fast on Dolores way. It is an important multi-modal corridor and a route to both CRMS and CCS. Traffic calming and improved and better signed ped crossings are needed."  "This crossing becomes unusable when it rains or after a thaw and refreeze in the winter. An enhanced and improved dry-well and drainage is needed as 4-6" of water collects on the south end of this crossing - this crossing has had this issue and it has been brought to the attention of the town for many years and needs a more thorough solution to ensure students can safely get to and from their school."		
Possible geometric treatments	Curb extensions		
Crosswalk treatments	High-visibility crosswalk markings, nighttime lighting, crosswalk warning signs, signage, in-street pedestrian crossing sign, raised crosswalk, two-way stop		
Recommended treatment	Repaint high-visibility crosswalk markings, add nighttime lighting, implement raised crosswalk, add Advance Yield Here To Pedestrians sign and yield line		

### 4. CO 133 & Weant Boulevard/Lewies Lane

The intersection of CO 133 and Weant Boulevard/Lewies Lane connects residential neighborhoods to the north with the Ross Montessori School to the south across the state highway. There is also another school directly to the north, Bridges High School. Though the Montessori school was built relatively recently in 2016, there was no crosswalk constructed across CO 133 to provide safe crossings to school for those walking and biking.

The next closest crossing to the north at Sopris Avenue and to the south at Snowmass Drive are both about a quarter mile away (though for someone to walk there and back would be more than a half mile). Posted school zone signs read "35 mph when flashing," yet with adjacent speed limits also 35 mph, the zone doesn't enforce any speed reduction. This is a vital school crossing, and with four lanes of high speed traffic, the current configuration can be improved.





Figure 7: Aerial and Google Streetview (Looking North) of CO 133 & Weant Boulevard/Lewies Lane

Based on a volume of 7,100 vehicles and a posted speed limit of 35 mph, both guides recommend a RRFB (see **Figure 2** and **Figure 3**). However, both guides also recommend geometric treatments in tandem with crossing treatments. Given the nature of the crossing in a school zone, it is recommended to implement a pedestrian refuge island, curb extensions, and school zone speed reduction alongside an RRFB.

The posted school zone and design speed at this location should be reduced to 30 mph, given its close proximity to two schools and a neighborhood. School zone speed limits vary around the state, but CDOT caps speed limits for residential districts at 30 mph. Curb extensions and a pedestrian refuge island on the north side of the intersection, as with the previous two intersections on CO 133, will slow traffic and narrow crossing distances. New high-visibility crosswalk markings, signage, and an RRFB will draw drivers' attention to the crosswalk. If following implementation and the collection of data on driver speeds, field observations, and qualitative input from community members, this intersection is still considered uncomfortable, a PHB may also be considered.

Table 4: Characteristics of CO 133 & Weant Boulevard/Lewies Lane

Attribute	Description			
Control type	Uncontrolled			
AADT (CDOT Traffic Data Explorer, 2020)	7,100			
Posted speed limit	35 mph (35 mph when flashing)			
Number of travel lanes	Multilane without raised median			
On-street parking	No			
Adjacent to school	Yes			
Public comment(s)	"NEED a ped/bike crossing across 133 to connect the residential areas to Montessori  Too far in both directions to get to an adequate crossing of 133 (crossing are too infrequent on 133)"  "Add a roundabout or ped/bike crossing would help make this crossing safer. Without any infrastructure support, people will continue to play the dangerous frogger game across this bend in 133. A connector path past Ross to Keaton and RVR would be ideal."  "This is a major intersection leading from town to a school and park with playground, and the nearest "protected" crossings are a good distance away. It needs a crosswalk with pedestrian activated lights for the safety of the children."  "Safe Routes to Schools are essential - not merely nice-to-have!  The current configuration at this intersection adjacent to Ross Montessori school is unacceptable. CDOT has insisted on a 35 mph speed limit, and the same speed limit for the school zone. The school zone speed limit signs instead of slowing traffic down seem to give drivers permission to drive faster on either side of the school zone (even though the adjacent speed limit is still 35 mph).  A slower speed limit along the whole 133 corridor, and 25 mph school zone is an essential start, as is a signalized crossing to provide a safe			
Possible geometric treatments	Pedestrian refuge island, curb extensions, road diet, speed reduction			
Crosswalk treatments	High-visibility crosswalk markings, nighttime lighting, crosswalk warning signs, signage AND Without geometric treatment: PHB or signal With geometric treatment: RRFB			
Recommended treatment	Speed reduction during school zone time, pedestrian refuge island, curb extensions, high-visibility crosswalk markings, RRFB (including nighttime lighting, crosswalk warning signs)			



### 5. Future Crossings in North Downtown between 8th Street & 2nd Street

North Downtown, the area north of the Rio Grande Trail and between 8<sup>th</sup> Street and 2<sup>nd</sup> Street (see **Figure 8**) is predominantly industrial. In the past few years, however, there are new residential developments in the southeast corner just west of 2<sup>nd</sup> Street; this land use is likely to continue replacing some of the older industrial uses throughout the rest of the area.

While future development patterns and the street network remain uncertain, the town has an opportunity to ensure new crossings provide access to key destinations, continuity of low stress corridors, and connectivity throughout the area. Given assumptions based on existing traffic patterns in Downtown and North Downtown and recommendations made as a part of the Comprehensive Plan, future streets will have relatively low traffic volumes, lower speeds, and two lanes.

The public has voiced concerns about speeding along Merrill Avenue and poor connectivity between Downtown and North Downtown. Current crossings of the Rio Grande Trail at 8<sup>th</sup> Street and 4<sup>th</sup> Street/Merrill Avenue can be improved, and new connections might be established along 7<sup>th</sup> Street and 2<sup>nd</sup> Street.

Based on a volume of under 9,000 vehicles and a posted speed limit of 20 mph, both guides recommend crosswalk markings and signage (see **Figure 2** and **Figure 3**). The FHWA guide also suggests a raised crosswalk, in-street pedestrian crossing sign, curb extensions, and pedestrian refuge island. As this area expands, it is recommended that crossings include high-visibility markings, signage, and nighttime lighting.

Speeds are slow enough that these elements should be sufficient to begin with, but given future street characteristics, it may be appropriate to include additional signage, a raised crosswalk, and/or curb extensions to lower design speeds. These additional elements should be considered based on the unique conditions at each intersection.



Figure 8: Aerial of North Downtown between  $8^{th}$  Street &  $2^{nd}$  Street



Figure 9: Google Streetview (Looking North) of Rio Grande Trail &  $4^{\rm th}$  St/Merrill Ave

Table 5: Characteristics of Future Crossings in North Downtown between  $8^{\text{th}}$  Street &  $2^{\text{nd}}$  Street

Attribute	Description		
Control type	Uncontrolled		
AADT (CDOT Traffic Data Explorer, 2020)	<9,000		
Posted speed limit	20 mph		
Number of travel lanes	Two lanes		
On-street parking	TBD		
Adjacent to school	TBD		
Public comment(s)	"Not enough bike/ped crossing/connection between Downtown and Downtown North"  "Add speed easing features. Current speed limit is 20mph and should remain that way. Lots of additional traffic on this road. Need to encourage drivers to go slow."  [Re: 4 <sup>th</sup> St & Rio Grande Trail] "Add a stop sign here. It is just as busy as 8th, with no stopping required by traffic crossing the Rio Grande."		
Possible geometric treatments	Curb extensions		
Crosswalk treatments	High-visibility crosswalk markings, nighttime lighting, crosswalk warning signs, signage, raised crosswalk, in-street pedestrian crossing sign		
Recommended treatment	High-visibility crosswalk markings, nighttime lighting, signage Optional additions: curb extensions, raised crosswalk, supplemental signage		

Source: Google Maps, CDOT Traffic Data Explorer (2020), Carbondale Kaleidoscope, Fehr & Peers.

### **Glossary of Enhanced Crossing Treatments**



Figure 10: High-Visibility Continental Crosswalk Markings



Figure 11: Nighttime Crosswalk Lighting



Figure 12: Signage Options (Source: Manual of Uniform Traffic Control Devices (MUTCD))

### FEHR PEERS



Figure 13: Curb Extension



Figure 14: Raised Crosswalk



Figure 15: Pedestrian Refuge Island



Figure 16: Rectangular Rapid Flashing Beacon (RRFB)



Figure 17: Pedestrian Hybrid Beacon (PHB)

# 7.5 | Town of Carbondale Chart Carbondale, Comprehensive Plan Update

**Publicity Log** July – November 2021



created by: PRS | Kathleen Wanatowicz

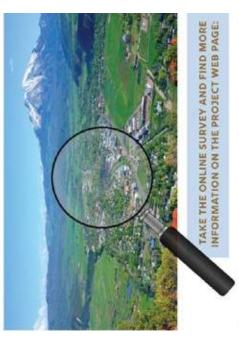
### **Postcards Promoting July Survey**

400 Postcards advertising the July survey and website were handed out at First Friday, July 2<sup>nd</sup> and circulated around town and distributed at the Farmer's Market.

**English and Spanish** 

### IS OUR FUTURE IN FOCUS?

THE COMPREHENSIVE PLAN ACTS AS A ROADMAP FOR OUR COMMUNITY TO HELP US ACHIEVE OUR CARBONDALE IS UPDATING ITS COMPREHENSIVE PLAN AND WE NEED YOUR INPUT! COLLECTIVE VISION AND GOALS.







# Source: Sopris Sun – Inclusion in the Bi-Weekly News Ad (11 Mentions)

6/17/21 - Comprehensive Plan Update

7/1/21- Comprehensive Plan Update, Chart Carbondale event at First Friday

7/15/21 - CHART CARBONDALE

7/29/21 - CHART CARBONDALE

8/12/21 - CHART CARBONDALE

8/26/21 - COMMUNITY INPUT NEEDED

9/9/21 - CHART CARBONDAL E: SAVE THE DATE FOR NEXT TOWN WIDE MEETING

10/7/21 - SAVE THE DATES: Chart Carbondale Comprehensive Plan Virtual Meetings

10/21/21 - SAVE THE DATES: Chart Carbondale Comprehensive Plan Virtual Meetings

11/4/21 - Chart Carbondale, Comprehensive Plan Update

11/18/21 – Chart Carbondale, Online Poll



opportunities, volunteer and board openings, community development, and Carbondale you want to receive, including press releases, special events, water outages, employment information in Spanish. This is a great opportunity to stay informed and up to date on all on www.carbondalegov.org, you can sign up and choose the type of Town information The Town of Carbondale notification system is now live. By visiting the "I Want To" tab things Carbondale

### consumption is NOT permitted in the Fourth Street Plaza Park, or within the street closure Alcohol consumption is permitted within licensed bars and restaurants ONLY. Alcohol KEEP ALCOHOL USE TO PERMITTED BUSINESSES AND SPECIAL EVENTS:

beyond the boundaries of the licensed premises. Thank you for keeping Carbondale safe

Saturday from 9:00 a.m. - 12:00 p.m. until Sept. 18. The drop-off site is located at Fourth waste, and branches no larger than 2-inches in diameter. No plastic bags are allowed in the drap-off. This service is provided to Town of Carbondale residents only. To view the St. and Colorado Ave. Permitted yard waste includes mowed grass clippings, garden The next yard waste drop-off is June 19. Yard waste drop-off is available every other full drop-off schedule, visit the Town's calendar at www.carbondalegov.org

### DOWNTOWN FARMER'S MARKET:

The downtown Farmer's Market is now open for the summer months. Shop local farmers, producers, and artisans every Wednesday from 10:00 a.m. - 3:00 p.m. The Farmer's Market is located on Main and S, Fourth St, and will run until Sept. 29.

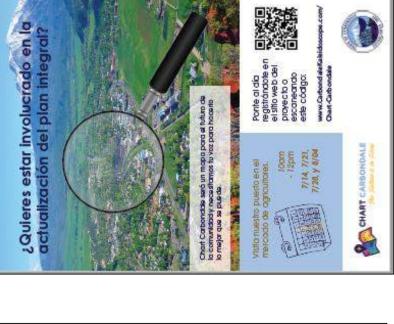
### COMPREHENSIVE PLAN UPDATE

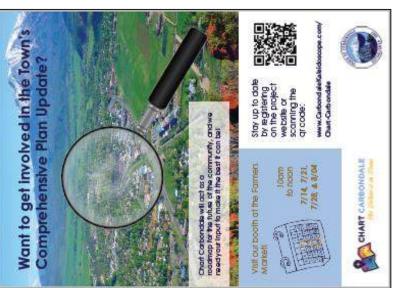
The first community engagement apportunity launching the Town's Comprehensive plan update will kick off July 2 at the next First Friday. This includes a new online website tool to interact and engage with the community and Carbondale projects



## Source: Sopris Sun – Direct Ads / Community Survey

7/22/21 – ½ page ad in English & Spanish







## **August Meetings - Postcards Distribution**

325 postcards (English one side, Spanish one side) + 50 Flyers in English + 50 Flyers in Spanish

# Source: Sopris Sun – Direct Ads | Community Meetings in August

8/5/21 - 1/4 page ad in English & Spanish 8/12/21 - 1/4 page ad in English & Spanish





# Flyers and Sopris Sun Ads for October Community Meetings

10/7/21 - 1/4 page ad in English & Spanish 10/14/21 - 1/4 page ad in English & Spanish 10/21/21 - 1/4 page ad in English & Spanish 10/28/21 - 1/4 page ad in English & Spanish







Flyers and Posters distributed around Town English & Spanish



## How to Chart Carbondale Informational Flyers





### **Radio Ads**

## Radio Underwriting and Direct Radio Spots

### **August Open House Meetings**

- KNDK

Spanish Radio (60 @ 30 seconds)

### **October Virtual Meetings**

KDNK

Spanish Radio (60 @ 30 seconds)



### Direct List Serve Email Outreach

## **Chart Carbondale Email System for Registered Users**

- (9) Emails

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Certamines Comparisone Park Updates A 144 - 250-240 - More uses	21 Ag 7211, 234	25 Ag 2017, Cd 25	0

Farmers Market Outreach Dates: July 7,14,21,28 and Aug 4 10 am - 12 pm

Carbondale Chamber of Commerce Email – October 21





### **Press Release Schedule**

June 30, 2021 / Chart Carbondale, the Town's Comprehensive Plan Update efforts launch Friday, July 2

August 2, 2021 / Chart Carbondale, Town's Comprehensive Plan Update upcoming open house community meetings

September 20, 20201 / Chart Carbondale, Town's Comprehensive Plan Update - Public Meetings

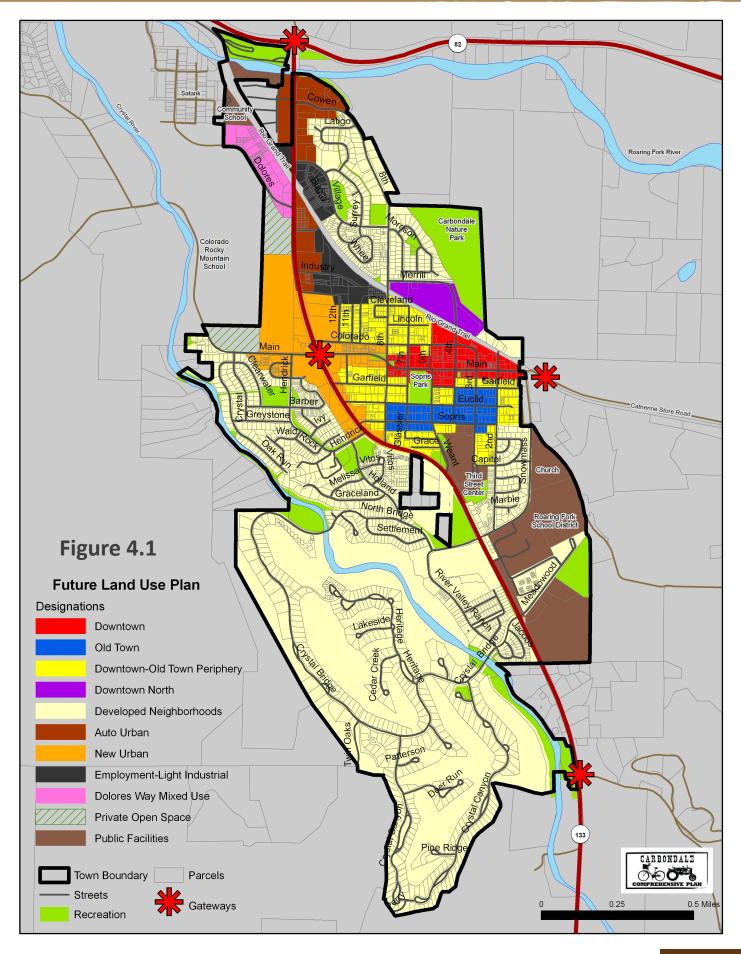
October 27, 2021 / EVENT REMINDER: Chart Carbondale, Comprehensive Plan Update Virtual Meetings November 16, 2021 / Town of Carbondale Comprehensive Plan Update Draft Recommendations

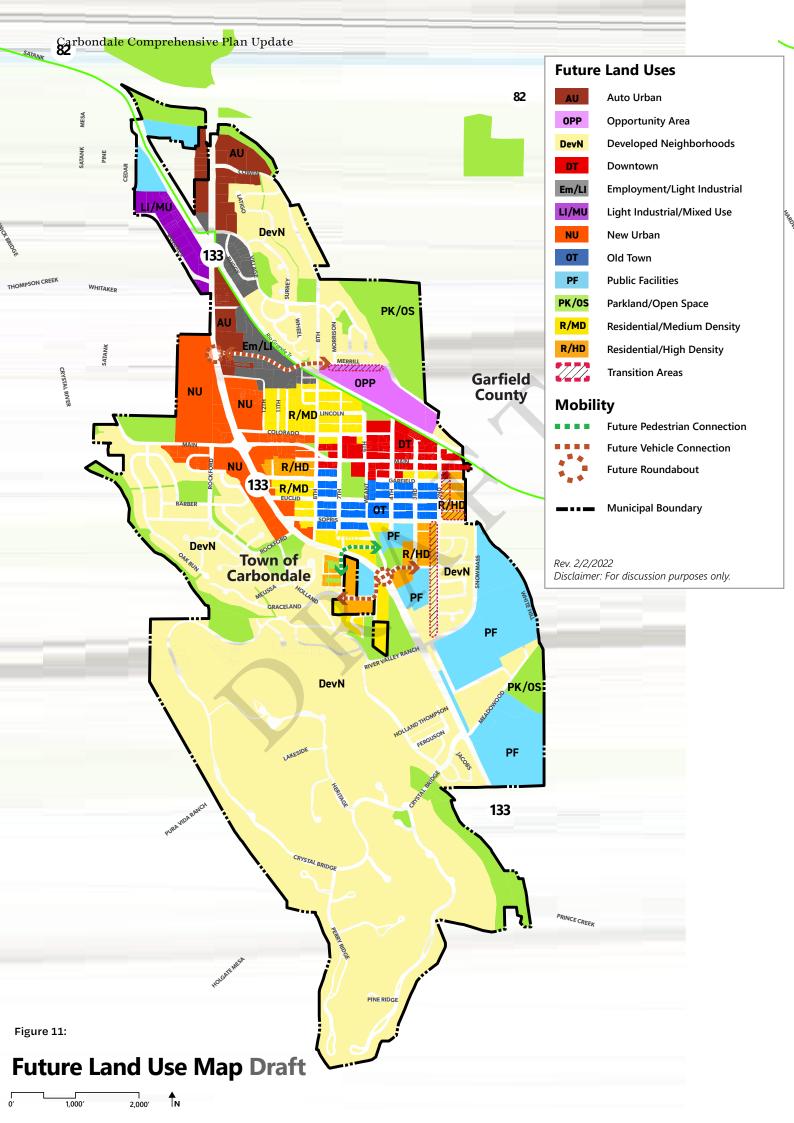


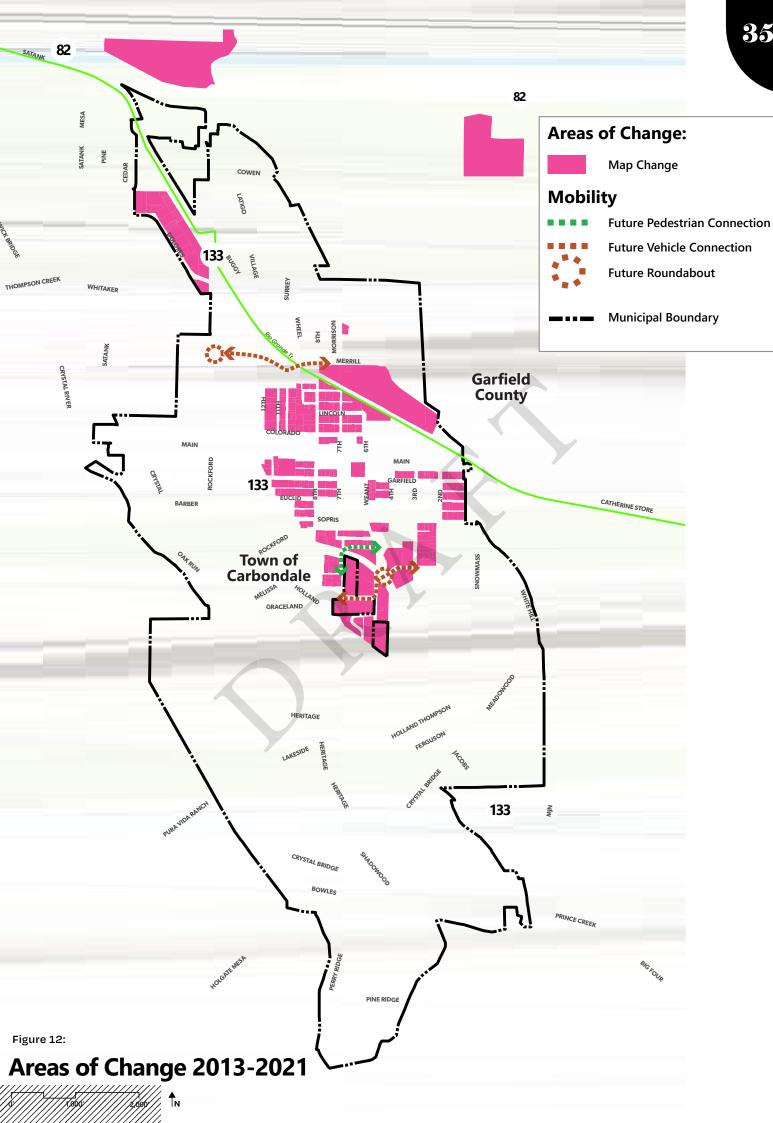


Town of Carbondale 511 Colorado Avenue Carbondale, CO 81623









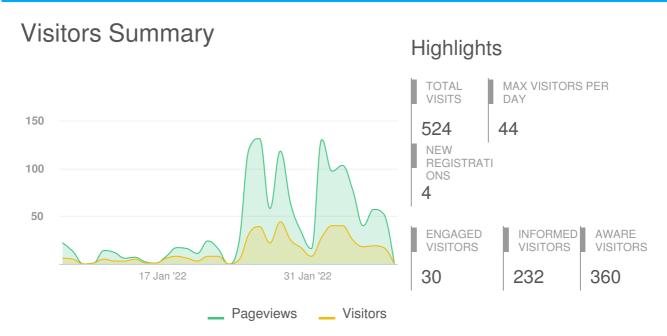
### Project Report

06 January 2022 - 07 February 2022

### Carbondale Kaleidoscope

### **Chart Carbondale Comprehensive Plan Update**





Aware Participants	360	Engaged Participants		30	
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	360				, , , , , , , , , , , , , , , , , , , ,
Informed Participants	232	Contributed on Forums	0	0	0
Informed Actions Performed Participants		Participated in Surveys	2	0	28
		Contributed to Newsfeeds	0	0	0
Viewed a photo	0	Participated in Quick Polls	0	0	0
Downloaded a document	192	Posted on Guestbooks	0	0	0
Visited the Key Dates page	19	Contributed to Stories	0	0	0
Visited an FAQ list Page	0	Asked Questions	0	0	0
Visited Instagram Page	0	Placed Pins on Places	0	0	0
Visited Multiple Project Pages	182	Contributed to Ideas	0	0	0
Contributed to a tool (engaged)	30				

### **ENGAGEMENT TOOLS SUMMARY**



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
	Engagement ToorName	1001 Status	VISILOIS	Registered	Unverified	Anonymous
Forum Topic	Carbondale Vision	Draft	1	0	0	0
Forum Topic	Discussion of Key Recommendations for Housing + Jobs	Draft	0	0	0	0
Forum Topic	Community Forum	Draft	0	0	0	0
Forum Topic	Affordable Housing	Draft	0	0	0	0
Forum Topic	Discussion of Key Recommendations for Downtown North	Draft	0	0	0	0
Forum Topic	Businesses	Draft	0	0	0	0
Forum Topic	Discussion of Key Recommendations for Aging in Community	Draft	0	0	0	0
Forum Topic	Arts/Culture	Draft	0	0	0	0
Forum Topic	Discussion of Key Recommendations for Multi-modal Mobility	Draft	0	0	0	0
Forum Topic	Discussion of Key Recommendations for Social Equity	Draft	0	0	0	0
Forum Topic	Discussion of Key Recommendations for Downtown	Draft	0	0	0	0
Forum Topic	Development	Draft	0	0	0	0
Forum Topic	Discussion of Key Recommendations for Residential Focus A	Draft	0	0	0	0
Forum Topic	Transportation, Mobility + Access	Draft	0	0	0	0
Forum Topic	Discussion of Key Recommendations for Climate Action Plan	Draft	0	0	0	0

### **ENGAGEMENT TOOLS SUMMARY**

Tool Type	Engagement Tool Name	Tool Status	Tool Status Visitors		Contributors		
	Engagement room value	1001 Oldius	VISILOIS	Registered	Unverified	Anonymous	
Forum Topic	Sustainability/Resiliency	Draft	0	0	0	0	
Newsfeed	News Feed	Published	0	0	0	0	
Newsfeed	October Virtual Public Meetings on Draft Plan	Published	0	0	0	0	
Newsfeed	In-Person Survey Opportunity!	Published	0	0	0	0	
Newsfeed	Project Update	Published	0	0	0	0	
Place	Tag our Map!	Draft	0	0	0	0	
Survey Tool	Draft Plan Survey	Published	65	2	0	28	
Survey Tool	Carbondale Comp Plan Update Survey	Archived	7	0	0	0	
Survey Tool	Draft Recommendations Poll / Encuestas	Archived	6	0	0	0	
Quick Poll	What is the most important aspect of long- range planning	Draft	0	0	0	0	
Quick Poll	¿Dónde vive usted?	Draft	0	0	0	0	

### **INFORMATION WIDGET SUMMARY**



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	ENGLISH - DRAFT Carbondale Comprehensive Plan Update_02-03-22_with	80	105
Document	deleted document from	79	97
Document	deleted document from	19	20
Document	deleted document from	6	7
Document	SPANISH - DRAFT Carbondale Comprehensive Plan Update_SPANISH_02-02	5	8
Document	2013 Carbondale Comprehensive Plan.pdf	4	7
Document	Carbondale Existing Conditions Memo DRAFT 9-3-21	3	6
Document	Carbondale Climate Energy Action Plan 2017.pdf	3	6
Document	DRAFT Carbondale Comprehensive Plan Update_Appendix ONLY.pdf	2	3
Document	Comprehensive Plan Update Draft White Paper	2	2
Document	Chart Carbondale Community Survey Results	2	3
Document	Carbondale Key Recommendations DRAFT	2	4
Document	Stakeholder Focus Group List	2	2
Document	deleted document from	1	1
Document	Comp Plan Update Draft Recommendations Poll Results	1	1
Document	Planning Commission Meeting Packet November 18	1	1
Document	10-13-2021_PZWork_Session_Packet.pdf	1	1
Document	TOC_Chart Carbondale Flyer_FINAL.pdf	1	1

### **INFORMATION WIDGET SUMMARY**

Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	TOC_Chart Carbondale Flyer_FINAL.pdf	1	1
Document	August Board of Trustees Meeting Presentation	1	1
Document	Chart Carbondale Survey Printable	1	1
Document	Comprehensive Plan Update Schedule 2021-22	1	1
Document	November FINAL PSC Meeting Presentation.pdf	0	0
Document	October PSC Meeting 10_5 Presentation.pdf	0	0
Document	Comprehensive Plan Update Draft White Paper	0	0
Document	Planning Commission Meeting Packet November 18	0	0
Document	10.28 English Virtual Public Meeting Presentation.pdf	0	0
Document	10.27 Spanish Virtual Public Meeting Presentation	0	0
Document	Carbondale Existing Conditions Memo DRAFT 9-3-21	0	0
Document	CLEER Event Notes_9-23-21.pdf	0	0
Document	September Public Steering Committee Meeting Presentation	0	0
Document	August Public Steering Committee Meeting Presentation	0	0
Document	July Public Steering Committee Meeting Presentation	0	0
Document	Give Your Input: Climate & the Comp Plan	0	0
Document	2015 Adopted Parks + Recreation Master Plan.pdf	0	0
Key Dates	Key Date	19	21
Photo	ToC climate event flyer.jpg	0	0
Photo	Chart Carbondale Engagement Roadmap-01.png	0	0

### **INFORMATION WIDGET SUMMARY**

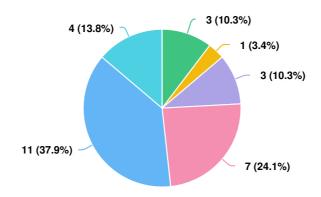
Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Video	Comprehensive Plan Update   Virtual Public Meeting October 28, 2021	0	0

### **ENGAGEMENT TOOL: SURVEY TOOL**

### Draft Plan Survey



On a scale of 1 (do not support) to 5 (fully support), what is your level of support for the updated Vision Statement above?



### **Question options**



Optional question (29 response(s), 1 skipped)

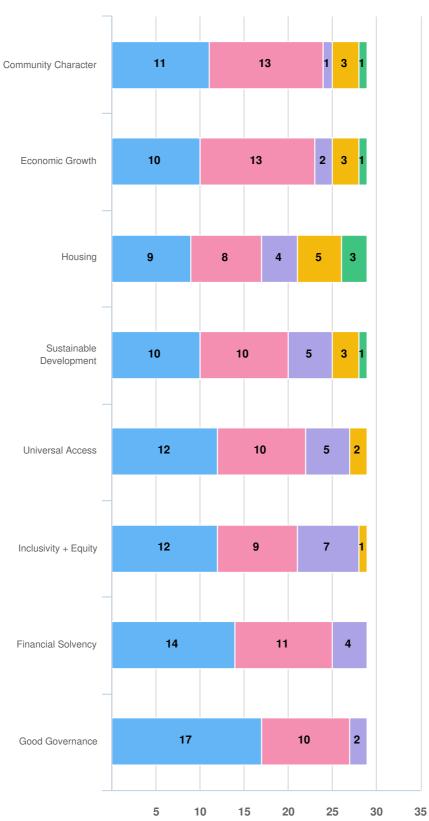
Question type: Radio Button Question

### On a scale of 1 (do not support) to 5 (fully support), what is your level of support for the Goal Statements + associated Guiding Principles in order below?

Question options5 - I fully support them4 - I mostly support them

3 - Neutral / Don't know

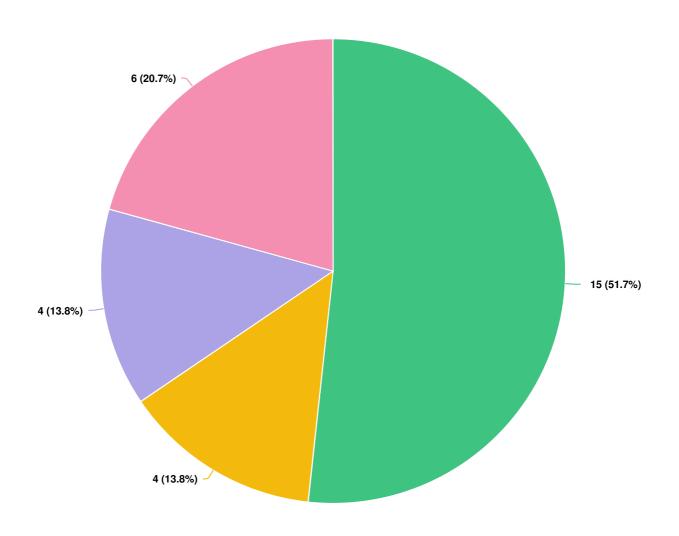
2 - I mostly do not support them
 1 - I do not support them

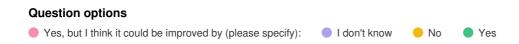


Optional question (29 response(s), 1 skipped)

Question type: Likert Question

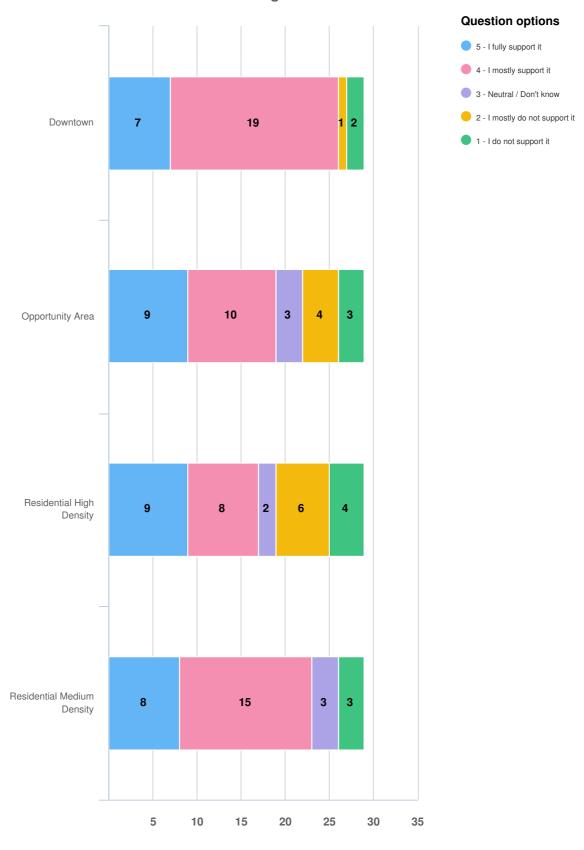
Do you think that the location of designations shown on the Future Land Use Map reflect the community's vision for the future character/growth of Carbondale?





Optional question (29 response(s), 1 skipped)
Question type: Radio Button Question

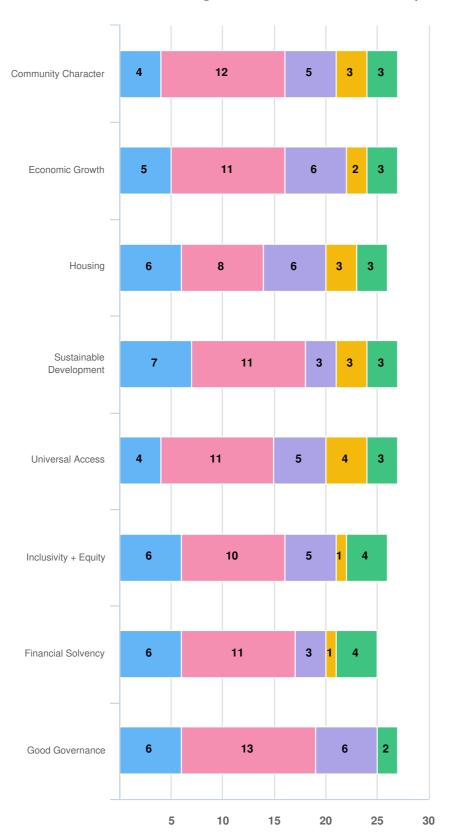
### On a scale of 1 (do not support) to 5 (fully support), what is your level of support for the definitions of the following Future Land Use classifications?



Optional question (29 response(s), 1 skipped)

Question type: Likert Question

### On a scale of 1 (disagree) to 5 (agree), how do you feel about the Implementation Strategies and associated Action Steps?



**Question options** 

5 - I believe that they will help Carbondale achieve its vision

 4 - I mostly believe that they will help Carbondale achieve its Vision

3 - Neutral / Don't know

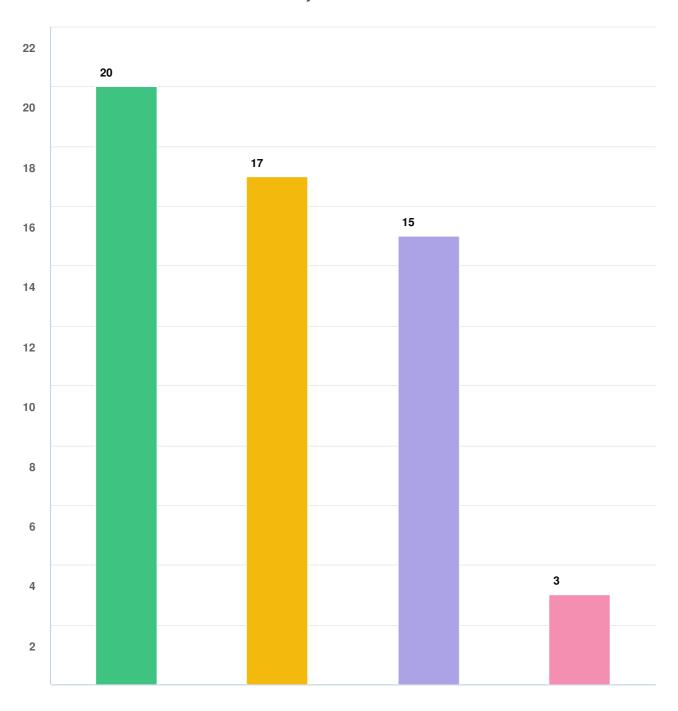
2 - I mostly do not believe that they will help Carbondale achieve its Vision

 1 - I do not believe that they will help Carbondale achieve its Vision

Optional question (27 response(s), 3 skipped)

Question type: Likert Question

At the beginning of this Plan Update process, the Project Steering Committee (PSC) listed several measures of success (listed below). The complete summary of community engagement can be found on page 113 in the Appendix. In your opinion, do you bel...



### **Question options**

- If not, why? (please specify)
- Facilitating cooperation among different stakeholder groups (rather than focusing on a select few)
- Diverse input opportunities (different in-person events and opportunities to participate online)
- Diverse community engagement (hearing from many different voices)

Optional question (24 response(s), 6 skipped)

Question type: Checkbox Question

### Do you have any specific feedback on the Goal Statements + Guiding Principles?

 On Community Character - the statement doesn't place enough emphasis on what it is that creates community character - the nature of new development needs to align with the historic patterns on housing, etc.

On housing - we can't solve the housing problem - we're at the mercy of market conditions. We can place emphasis on building affordable housing to create more options but we cannot turn the clock back. It's also very important that we talk about the quality of housing - slapping up housing that doesn't respond to community character diminishes the overall character of the community. Yes we need housing for singles, for young families, but it needs to be designed within the character of our community

On sustainable development - a mention of locally grown food would be an important addition to our long term sustainability.

- We need to fully embrace free markets and private property rights. Avoid at all costs the models and failed examples of APHA and it failed socialist experiment. Push out any and all deed restrictions revert all current inventory to full free market housing or privately held rentals. The failed manipulation of private property is the root cause of all housing problems in this valley. We need to be fully natural gas supporters as the cleanest and most efficient fuel for our homes and power generation. If you are not fully supporting natural gas you don't care about the poor among us or the environment. Create good jobs locally and support affordable fuels. Get Holy cross to support clean coal and natural gas is the best way for us to address poverty in the area. Forcing poverty through bad energy policy is a real consequence for our citizens.
- Housing was the absolute top issue from the community process. Why is it principle #3? Also,
  "community character" is very vague, and is the #1 thing that is used to shoot down affordable
  housing proposals. The community character statement should be changed to reflect that the
  best way to protect community character is to provide a place where everyday locals and
  workers can afford to live.
- I still feel that Carbondale is growing way too fast the amount of high density housing that is taking place right now is astonishing! And it's not even affordable. As a result, you will have multi-family applicants to pay the high rent, e.g, high density housing will become even more high density. Is anyone screening the number of non-related people per home? The traffic will get much worse; 133 has already become very congested but wait until all the other apartments/condos are built. Are you planning to expand it to four lanes now? And parking? Where will everyone park? The vision of DEI is nice but I feel like that's on the forefront of the growth, not the infrastructure and what is actually sustainable, or liveable. This town of about 7,000 population will likely double in the next few years. Thus maintaining the "small town feel and character" will not be possible (not with cars lining the streets, meters which I'm sure is your next step to help with funding, parking lots, etc.).

- rezoning the parcels to high density housing is a mistake. this side of 133 cannot handle the traffic or parking
- Affordable housing continues to be our primary challenge as many of the people who are here
  already embody the principles of this document are leaving to find more affordable places to
  live. Part of good governance is driving real solutions to problems like this one the market can't
  do it alone. Too many profits to be had by doing it wrong...
- I remember when Carbondale was 400-500 people. Where has Carbondale gone? As sure as I'm standing here, it will go to 12,000 to 15,000 people on my life time; and you say small-town atmosphere? Bull!!!!

Economic equity rather than growth- unlimited growth is not sustainable. Increasing wages and providing job diversity to create a sustainable, self sufficient economy.

Housing should incorporate and promote the larger goals of climate protection (energy efficiency and renewable energy, decarbonization, waste reduction, water conservation, access to multi-modal transportation, etc) resilience, diversity and equity. Thereby eliminating the need to focus on simply affordability by creating an economy that supports its residents.

Sustainable development- Insert equity rather than growth or remove the 4th bullet altogether. We are past the era of balancing growth against the protection of natural resources. Climate action and protecting the natural environment should be considered priority while creating an equitable and sustainable town economy (also incorporating energy efficiency and renewable energy, decarbonization, waste reduction, water conservation, access to multi-modal transportation, etc).

Universal access- add after 'people of all ages, backgrounds, and first spoken language. Financial Solvency- put the second bullet first and include equity (also incorporating energy efficiency and renewable energy, decarbonization, waste reduction, water conservation, access to multi-modal transportation, etc) These should be the basis of growth should be a result of the first bullet and the Town's capacity to provide services and infrastructure should come out of the type of investments in the 2nd bullet.

### Do you think that the location of designations shown on the Future Land Use Map reflect the community's vision for the future character/growth of Carbondale? (Other (please specify))

- The islands of Garfield County shouldn't be R/HD as this density on an already very busy major highway with traffic counts with the school next door will be an accident waiting to happen, since it is currently a problem area.
- No more roundabouts
- It's actually just tough to tell from the map. There wasn't a ton on there I could see as much different than it exists now
- I think the high-density housing areas should be concentrated closer to HWY 82. Carbondale cannot provide that many jobs and the majority of these people will be commuting elsewhere for work. To reduce traffic and congestion closer to downtown Carbondale, consider shifting this designation closer to the highway.
- Incorporate small-scale food cultivation areas

The map could go further to identify and locate the goals of multi-modal corridors- pedestrian
and bikeways specifically. These corridors could incorporate a greenways concept including LID
strategies- storm water diversion, ditches, rain gardens, beautification, artways and wildlife
habitat connections, much like our riparian corridors, for our resident deer and bird populations
and other wildlife as well as people.

### Do you have any specific feedback on the Future Land Use classification Definitions?

- The opportunity area calls for density on the south and east transitioning to the less density on the north to blend in with the character of those neighborhoods. A reminder that there are also residential neighborhoods adjacent to the south of the opportunity area.
  With the opportunity area in particular, it seems important to create an avenue for more discussion about how this area is going to be developed. What are the parameters for community input as the process continues to move forward.
  On residential high density, design of these units matters. The design of the units done by the school district on Third Street feel of Carbondale. The units across 133 by the Montessori are not well designed. We need guidelines to contribute to the character of the community.
  As we talk about housing shortages, we also need to focus on young families. That's a particular gap that gets glossed over in the dialog about affordable housing.
  Lastly, the land use map shows Lincoln Ave and 6th Street connected a note that connection does not exist now and requires removal of a bunch of mature trees and to what end.
- Opportunity area is a grab bag of planning conference ideas for the most part.
   The concerns about RHD are not significant IMO, adding to form prescriptions and complicated roof forms increases costs/reduces affordability in one of the few areas where attainable housing might be created. Having RLD across at 60 to 75' ROW is not a significant impact. The immediately adjacent properties are already addressed in UDC.
- I like the ideas in the opportunity area. The focus on maker spaces is ideal. I however do not think that adding F and B type businesses there is appropriate as operating that type of business in this town is already difficult enough without people being drawn out of downtown areas. It should be used as an adjacent area to facilitate a more vibrant downtown area. I feel the same about suggesting those types of businesses in the adjacent residential areas. Downtown needs to be more pedestrian focused, with the inclusion of the street closures that have been happening which are creating added vitality in that area. High density residential should be focused on. If we want to preserve the rural feel while also growing and ensuring that local residents have affordable housing then making new housing dense and located in the many undeveloped areas that are already located "in town" is the best way to achieve that.
- I'm a planner, but I still find the Land Use Classification Definitions confusing. Will the New Urbanist classification on the map actually be rezoned to promote New Urbanist development? Why is there no write-up in the plan to explain what this classification means? Why are the future zones for medium and high residential density not on the map? Great intentions here, but it's terribly confusing. Needs to be abundantly clear to help drive future code and policy changes.
  - Also, every single land use classification needs incredibly clear guidance on what that area's housing goals are. That's the #1 thing that is needed to justify code changes to actually implement the plan down the line. Without explicit detail on what housing each land use

- classification would like to promote, the plan gives future commissioners and trustees no solid grounds for the policy changes they'll need to enact for implementation.
- We must be strong in the face of development. City market was missed opportunity and I am
  extremely disappointed in the council for allowing it to move forward as it is. Council was bullied
  and intimidated and I deeply regret their inability to stand up and tell Kroger no to design and
  such. Extremely disappointing after the previous years of trying to make that specific
  development be in alignment with the previous town draft. We can't live in the past but we
  must learn from this terrible mistake.
- I think the high-density housing areas should be concentrated closer to HWY 82. Carbondale cannot provide that many jobs and the majority of these people will be commuting elsewhere for work. To reduce traffic and congestion closer to downtown Carbondale, consider shifting this designation closer to the highway.
- Why do we need to fill up all the vacant land??
- Odd phrasing: "what is your level of support for the definitions of the following Future Land Use classifications?" The definitions can be fine. That does not say whether one hopes for more or less of that Land Use.
- Opportunity area should not not not buildings as large as in commercial core (ie Dinkle bldg)
- High Density could have even less focus on individual yards and more emphasis on usable, sustainable community space, open space and shared landscaping, as well as green stormwater infrastructure and minimizing impervious surfaces.
  - How do medium and high density compare to New Urban, Auto Urban and other mixed use, eg residential + commercial/industrial uses? Can we de-emphasize the Auto Urban in favor of a different mixed-use category? Can we simplify the number of categories to encompass our future goals for density by area, rather than the existing hodge-podge that exists? And rather than 'Opportunity Area' can we apply the simplified density/use categories to that zone?

### Do you have any specific feedback on the Implementation Strategies and Action Steps?

• Character- Need to be thoughtful about flexibility in parking requirements downtown as the adjacent Old Town property owners use the ROW for parking and will be impacted when downtown develops. There will be revolt if this is not managed well. I do not know anyone, outside of consultants, pushing for more form-based code. As above, Opportunity Area is a grab bag of planning memes. The roundabout at Weant is not merited by good design standards (volume and mix of turning movements) in the lifetime of this plan.

Economic- Not really anything here in near term and that is probably okay since the town is on solid ground financially. The threats are to businesses in the absence of employees/housing they can afford.

Housing- Mostly good. The assessment of inclusionary should be a high priority as well as Artspace. The near term items are somewhat weak given the urgency around this issue. Sustainable- Another grab bag of items. Many items are in the pipeline and there is no dedicated town staff to work on these issues, CLEER contract can accomplish some but his list needed prioritization.

Multi-Modal- I like the downtown parking plan. The circulator expansion is going to be tough given financial realities, there is some work already going on but the focus on fixed route bus is going to be a challenge. I would have proposed wider scope and needs analysis.

Inclusivity- form-based codes promote inclusivity :-(

Financial Solvency- No near term actions to balance employment and housing :-( Capital Asset plan is a low priority :-(

Good Governance- No near term actions :- (40% of our population is largely unaware of Town choices and decisions prior to them being made.

- I believe an affordable housing board needs to be created that is solely focused on implementing the ideas in this plan.
- Way too many different items to generalize this way. Some are horrible ideas that will be
  opposed in an organized protest and by any means available. some are good ideas that will get
  support.
- Many of the action items for Sustainable Development will limit housing and housing affordability, and the bill for costly sustainability upgrades for new projects are eventually passed on to the end consumer. Allowing more affordable housing in the first place is the #1 thing we can do for the climate, as it take commuters off the road. Every affordable housing project that gets shot down because it doesn't pencil out with "rain sensors" will in turn create more families that have to live down valley and commute up. That creates far more GHG emissions than allowing a more standard building to be built.
  - I'm all for sustainable development. But, I think we need an action item in here for creating a policy that doesn't allow these measures to block an otherwise affordable housing project. Or a tradeoff to allow the sustainability rules to be bent in exchange for deed restrictions.
- It is so hard to trust the draft plan after being part of the process almost 20 years ago and still ending up with the monstrosity that is city market and gas station. So poorly done.
- Items 1.1 and 1.4.7 should be an immediate priority given the current amount of growth. This can't wait.
  - Items 2.4. 2.6 & 2.7 are critical to maintain small town character and connection to the community with all of the new people moving here. We don't want to become a bedroom community and we need to keep the businesses that are already here.
  - Affordable Housing is time critical and should not get bogged down in too many tasks forces and revisions to code. Find an efficient way to make quick progress on this item.
  - Feel very strongly about sustainability and protecting the environment, but this appears to have a higher priority than housing and community development. Sustainability can work against these other stated goals and should be consider a corollary to them, not the priority.
- Stop the "improvements"
- Too many goals, actions, strategies. Choose three everywhere so staff & funds can focus.
- The people will make this vision succeed or fail. If the people can't afford to stay here, then we will have new people who can afford it, but may not embody this vision.
- Sustainable development strategies should include protection of solar access, and visual corridor to Mt Sopris
- Nuts!
- The goals and action items under sustainable development, resiliency, inclusivity + equity are not separate categories, but should identify and influence all the others- community character, economic development, housing + jobs, multi-modal mobility + access, financial solvency and governance. These should all take into account climate protection, investment in sustainable

and equitable solutions, by promoting sustainable development, resiliency and inclusivity + equity in every aspect of the Town.

Highway 133 corridor south of the roundabout- Greater emphasis on the south entry to Town and the gateway at Lewies/Weant, as well as the gateway after the Crystal river bridge. The southern gateway is an important entry for tourists coming and going from the North Fork, staying and recreating in the Crystal Valley, and entering or passing through town from the south

Transition from high water turf species, invasive plants and trees to native and low-water plants, new drought resistant street trees, and incorporate green stormwater diversion and catchment strategies, resulting in less applied water and maintenance by fossil fuel powered machines-lawnmowers, trimmers, etc- a more visually appealing corridor, greater safety for wildlife and buffers between cars and pedestrians and wildlife.

Include planning for parking and multi-modal and transit oriented access and mobility that is safe and beautiful for the southern neighborhoods, the schools and for Meadowood residents. Include bike/pedestrian corridors, greenways and the connection with the Crystal valley trail and the already vibrant downtown core.

Tourism, lodging + hospitality- this is an important aspect of the Town that was not sufficiently addressed in this plan. This includes analysis of current lodging, including vacation rentals, amenities for tourists/why they come here and what they do here and how that is a driver of our vision for our economy and community. If we don't plan for it, we will be blindsided by the impacts.

Local Food Sourcing and distribution- Access and affordability for both farmers and consumers. We have lost farmers due to inequity and a lack of agricultural land and we have favored development of housing and density over preserving agricultural land and promoting a new generation of farmers. Support local producers at grocery and other local outlets, not just food. Year-round access to local products in addition to seasonal farmer's markets.

Housing- Encouraging and perpetuating a low wage economy perpetuates wealth and housing inequity. High density housing should aim to promote community through shared common spaces. Housing diversity should be incorporated into all residential and mixed zones to increase equity and reduce the segregation of low-income residents, older residents and Spanish-speaking residents, if the town is truly interested in being inclusive.

At the beginning of this Plan Update process, the Project Steering Committee (PSC) listed several measures of success (listed below). The complete summary of community engagement can be found on page 113 in the Appendix. In your opinion, do you believe that the Town of Carbondale plan update process has successfully achieved these measures? Select all that apply. (Other (please specify)

- Too much information being approved at one time without sufficient input from the public. I had to hunt for this survey to find it, not well shared and easy to find. Very concerned that this is being approved without people really understanding what is being approved.
- Not sure
- Original on-line survey did not include deadline info, so numerous people missed submitting their responses. Some public gatherings were not well publicized.