

City of Creede, a Colorado Town

*Sub-Area Plan for the
Creede Resources, Inc.
Properties.*

*An amendment to the
City of Creede
Comprehensive Plan*

January 5, 2010

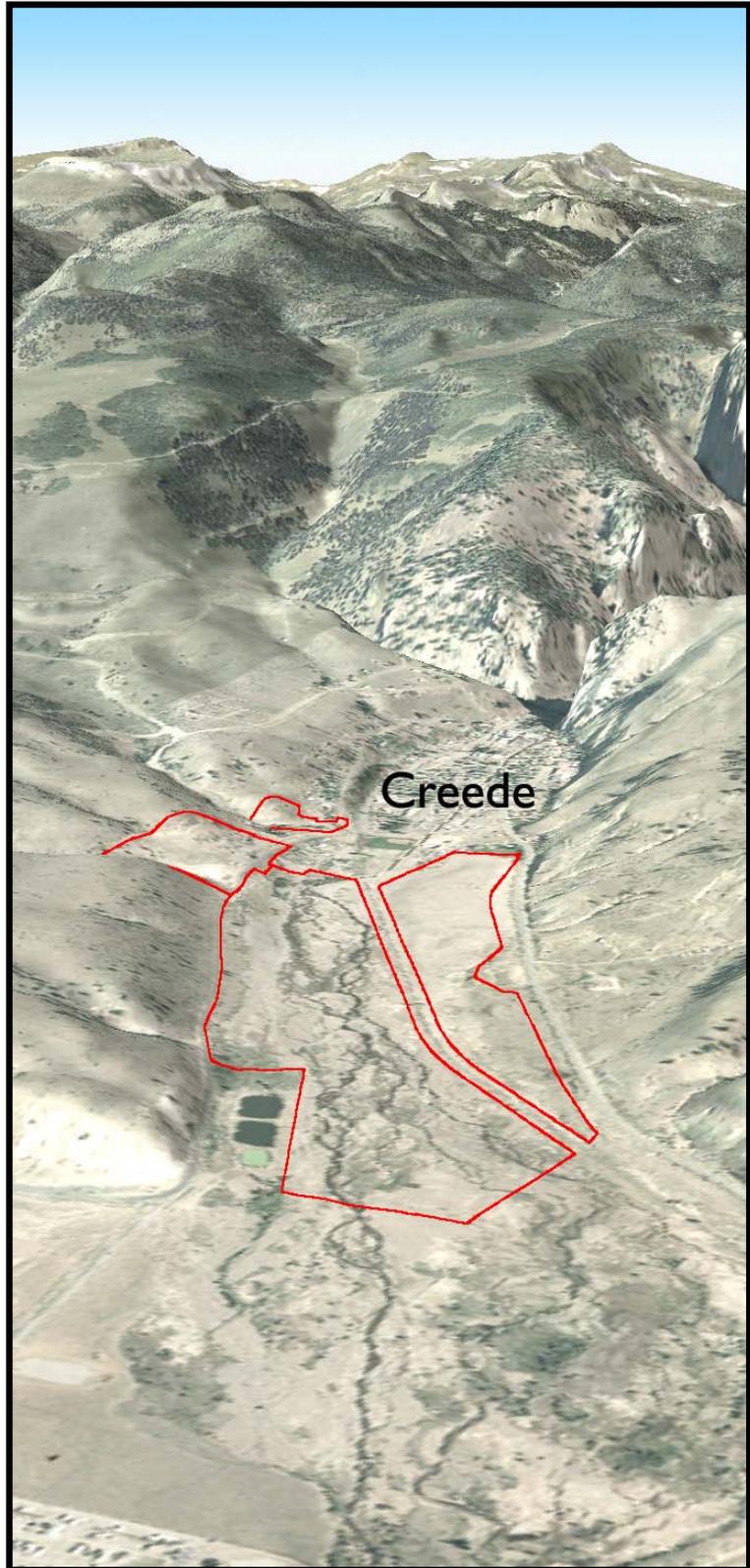


Table of Contents

I.	Overview.....	3
II.	Planning Process.....	4
III.	Existing Planning Documents.....	5
IV.	Land Planning Analysis.....	6
V.	Development Scenarios.....	18
VI.	Approval and Entitlement Process.....	22
VII.	Legal Funding Mechanisms.....	25
VIII.	Acquisition and Disposition of Property.....	26
IX.	Additional Required Information.....	27

Appendix A: Creede Resources, Inc. Community Questionnaire Results

Board of Trustees

Rex M. Shepperd, Mayor
Dana Brink, Mayor Pro-Tem
Debra Wylesky, Trustee
Mary (Joe) Keller, Trustee
Evelyn Gant, Trustee
Larry Lewis, Trustee
John Mattingly, Trustee

Planning Commission

J.B. Alexander, Chairperson
John Bruce, Vice-Chairperson
Jeff Scott, Commissioner
Martha Owens, Commissioner
Rex M. Shepperd, Ex-Officio Commissioner
Larry Lewis, Ex-Officio Commissioner

Town Manager

Clyde Dooley

Planning Consultant

Eric J. Heil, Esq., A.I.C.P.
Heil Law & Planning, LLC.

Adopted by the Planning Commission of the City of Creede, Colorado, as an Amendment to the Creede Comprehensive Plan by Resolution No. PC-01-2010

By: _____
J. B. Alexander,
Planning Commission Chairperson

Attest: _____
Pamela J. Wilson,
Planning Commission Secretary

I. Overview

Creede Resources, Inc. has sought to collaborate with the City of Creede regarding the use and remediation of approximately 160 acres of land situated immediately south of Creede's municipal boundary. The property ("CRI Property") presents both significant opportunities and complex challenges for the Creede community. This Sub-Area Plan for the Creede Resources, Inc. properties ("Plan") is intended to supplement Creede's Comprehensive Plan by providing specific policy guidance on desired land uses and strategies for implementation.

The City of Creede and Creede Resources, Inc. have sought to cooperate on the reuse of the CRI Property for over ten years. Discussions have included the potential transfer of title to the City of Creede, assignment of remediation responsibilities and costs, annexation, and evaluation of potential and preferred land uses. In 2008, the City of Creede adopted Resolution 08-04 which stated that the City of Creede would commit resources from the City Manager to continue to evaluate the feasibility of taking title to the CRI Property and that the City of Creede would engage a planning consultant and seek public input to assist with the evaluation and development of the CRI Property.

The Plan was created pursuant to a cooperative effort involving Creede Resources, Inc., the Colorado Department of Public Health and Environment, the Department of Local Affairs, the Creede Community, the Willow Creek Reclamation Committee, and Mineral County. The Colorado Department of Public Health and Environment provided grant funding in the amount of \$10,000.00, the Department of Local Affairs provided \$20,000.00, and Creede Resources, Inc., provided in-kind contributions of surveying information and engineering consultation to support the preparation of this Plan.

The Plan is adopted as an amendment to the 2000 City of Creede Comprehensive Plan pursuant to Colorado Revised Statutes §31-23-208 and shall supersede the 2000 Comprehensive Plan, including Map 8: Future Land Use Map to the extent of the CRI Property. The Plan shall also serve as the plan for the 3-mile planning area, to the extent of the CRI Property, that meets the requirements of Colorado Revised Statutes §31-12105(1)(e)(I) to have an adopted plan prior to annexation.

The Plan is advisory only and intended for use as a guide and a basis for assessing proposed land uses for the CRI Property and providing comments to other government jurisdictions. The Plan does not create any legal obligation or requirement of the City of Creede. Actual implementation of the Plan would involve further studies, analysis, and information which may reveal new issues or lead to further amendments to the stated preferences in this Plan.

[End of Page]

II. Planning Process

The planning process for the preparation of the Plan included review of existing community planning documents, land use regulations and financial documents; interviews with the City Manager and city staff; physical inspection of the CRI Property and areas adjacent to the CRI Property; numerous discussions with representatives for Creede Resources, Inc., review of assessor's records; and discussions with representatives of the Colorado Department of Public Health and Environment.

The Planning Consultant met with the Creede Planning Commission on September 2, 2008; delivered a presentation of initial findings on September 11, 2008, to the general public; and delivered a presentation of the draft Plan to the Creede Planning Commission and City Council on March 3, 2009. A Community Questionnaire was submitted to all the registered voters in the City of Creede and made available to any other interested parties in October, 2008. The results of the Community Questionnaire are included in **Addendum A: Community Questionnaire Results** in this Plan. The Creede Planning Commission conducted public hearings on May 5, 2009 and July 7, 2009. The Creede Board of Trustees approved and adopted the Plan on July 13, 2009.

Determining planning goals and a strategy for implementation is complicated by the interrelated aspects of this planning project. The required cost for remediation is related to the potential end use of the property. The planned reuses of the CRI Property differ in potential value, which relates to the potential revenues to assist with remediation costs. Potential land uses depend upon extension of road access and infrastructure. Some desired community uses are considered to be long range and would not be pursued until sufficient demand existed and financial resources were realized. However, as a gateway property to the City of Creede, planning for the CRI Property has the potential to preserve and influence the character of Creede for many generations into the future.



III. Existing Planning Documents

Existing planning documents used in the preparation of this Plan include:

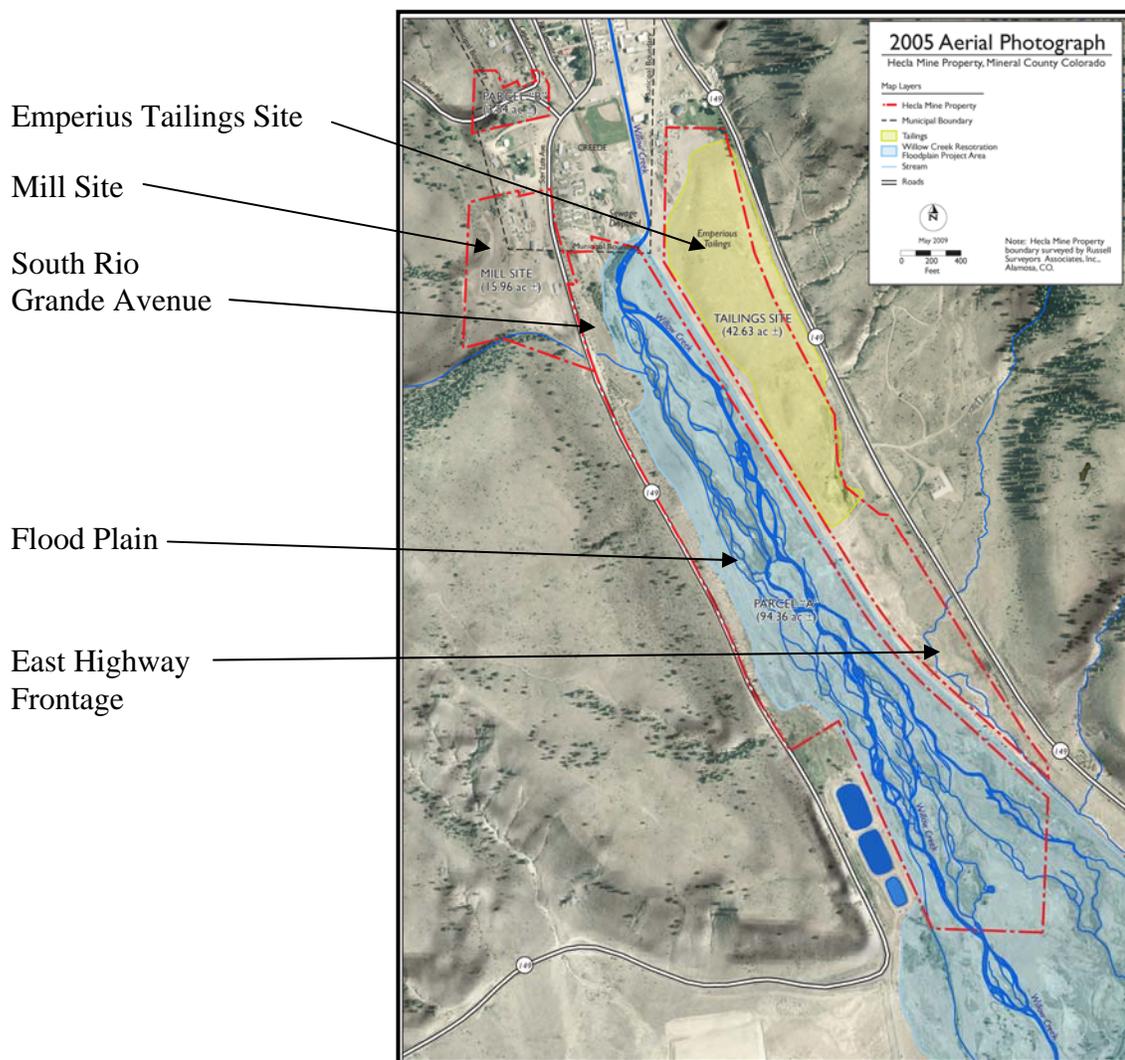
1. Comprehensive Plan adopted by the City of Creede, dated 2000
2. City of Creede Land Use Code
3. *Progress Report #1 Analysis of Public Workshop 1* dated June 2000, prepared by Four Corners Planning and Design Group
4. The Annual Budget for the City of Creede for 2008 and 2009
5. *Willow Creek Stream Restoration: Summary of Conditions* dated March 23, 2007, prepared by the Natural Resources Conservation Service (U.S. Department of Agriculture)
6. *Willow Creek Stream Restoration: Planning Study* dated April 2007, prepared by the Natural Resources Conservation Service (U.S. Department of Agriculture)
7. *Analysis of Brownfields Cleanup Alternatives, Mineral County Fairgrounds Creede, Colorado*, dated June 1, 2006, prepared by the Willow Creek Reclamation Committee and Kelley Thompson, P.E.
8. *Regional Bankful Characteristics for the Lower Willow Creek Stream Restoration* dated October 31, 2003, prepared by the Natural Resources Conservation Service (U.S. Department of Agriculture)

[End of Page]

IV. Land Use Analysis

This article describes the CRI Property as separate planning areas based on physical conditions, access to roads and utilities, and potential land uses. The separate planning areas include: The Emperius Tailings Site, the Mill Site, the Flood Plain, the East Highway Frontage, and South Rio Grande Avenue.

The CRI Property is approximately 160 acres and is situated south of the City of Creede. Most of the property lies between Highway 149 as the highway winds into and out of the Willow Creek valley lying north of the confluence of Willow Creek with the Rio Grande River.



1. **Emperius Tailings Site**

- A. **Location.** The Emperius Tailings Site is located adjacent to Highway 149 on east and north side of the CRI Property immediately south of Creede's southern boundary.



View of the Emperius Tailings Site looking east from Highway 149 on the west side of the CRI Property

- B. **Physical Description.** The Emperius Tailing Site consists of approximately 40 acres which includes the Emperius tailings impoundment ("Impoundment"). The Impoundment consists of four cells that received flotation mill tailings from the processing or precious ores at the former Emperius Mill. The Impoundment has been graded and capped such that the site now is an elongated pile approximately 30' feet in height, sloped on the edges and relatively flat on the surface. The physical stability and suitability of the existing soil conditions for the purpose of construction is uncertain. Substantial structures may require the use of pilings driven down to suitable soil conditions or bedrock as well as additional engineering for foundations.
- C. **Road Access.** Highway 149 lies adjacent to the Emperius Tailings Site on the east side and is generally at the same grade as the top of the tailings pile. Highway access to this site is good. There is no established right of way access to the west side of the Emperius Tailings Site on the east side of Willow Creek.
- D. **Utility Access.** Water, sewer and other public utilities currently extend to the southeast boundary of Creede which is within a couple hundred feet of the north end of the Emperius Tailings Site. Utilities could likely be run along the west side of Highway 149 to serve potential development on the tailings pile.

Approval and authorization from CDOT would be required for the extension of any utilities in the Highway 149 right-of-way.

- E. Environmental Considerations.** The Emperius Tailings Site has been covered with rock armor; however, additional work to re-contour the rock cap and to take other actions to manage run-on and run-off water may be desired. The NRCS Planning Report indicates lowered pH levels for ground water in the Willow Creek flood plain along the toe of the Emperius Tailings Site but does not indicate if the source is the Emperius tailings or upstream sources. Any development of the Emperius Tailings Site may require institutional controls to maintain or replace an appropriate soils cap or hard cap.
- F. Community Planning Considerations.** The Emperius Tailing Site is adjacent to Creede, has good access to Highway 149, and has good access to public utilities. This site offers the potential for planned and orderly development. The Emperius Tailings Site is also very visible. Any development on the Emperius Tailings Site would create the first impression of Creede for most visitors. The use of screening through fencing and limited planting of evergreens could mitigate any negative visual impacts associated with light industrial or public works facilities. The current Comprehensive Plan for the City of Creede designates the desired future land use of the Emperius Tailings Site as open space. The use of the Emperius Tailings Site for a future light industrial/public works facility area creates the opportunity to relocate public works and light industrial uses within Creede to a nearby and convenient location, which would in turn allow redevelopment of such sites within Creede for other, and potentially more valuable, uses.

*Emperius
Tailings Site*



The Emperius Tailings Site lies immediately south of the City of Creede and adjacent to Highway 149. The Emperius Tailings Site is a large, relatively flat property that presents opportunities for some light industrial uses but also has limitations due to the tailings deposit materials and need for potential water infiltration management.

G. Potential Land Uses. The tailings deposits at the Emperius Tailing Site have unique soil stability characteristics which must be understood prior to any significant investment in building construction. Due to the goal of reducing water infiltration and run-on, uses such as play fields that require irrigating vegetation are considered inappropriate. Uses that result in impervious surfaces are considered appropriate and practical for achieving the remediation goal to minimize water infiltration. For these reasons, land uses such as buildings and impervious parking lots or outdoor storage areas are more compatible with the remediation needs of the Emperius Tailings Site. Principle uses in the Industrial Zone District would generally be appropriate for the Emperius Tailings Site. Specific uses could include:

- public works facilities (for the City, County, and/or CDOT)
- Workshops and custom small industry uses
- outdoor markets
- mini-storage facilities
- RV Park
- Motor vehicle service and repair
- Plumbing, electrical and carpenter shops

[End of Page]

2. **Mill Site**

- A. **Location.** The Mill Site is located on the southwestern corner of the City of Creede, on the west side of the Willow Creek Valley and immediately west of the western leg of Highway 149. A portion of the Mill Site is located within the municipal boundaries of Creede and a portion is situated adjacent to the municipal boundaries of Creede but within the Mineral County jurisdiction.



The Mill Site is located on moderately sloped property rising to the west above Highway 149.

- B. **Physical Description.** The Mill Site is a 16 acre parcel with moderate to steep slopes and several acres of relatively flat areas adjacent to Highway 149. Although no soils testing for stability is available for review, the site is generally considered to be suitable for construction. The Mill Site enjoys outstanding views to the north (City of Creede), east (the Willow Creek flood plain and Emperius Tailings Site) and south (Willow Creek flood plain and Rio Grande valley).
- C. **Road Access.** Access to Highway 149 is generally good along the lower, eastern portion of the Mill Site. A slight rise in Highway 149 at the current entrance hinders line of sight. Development of a suitable highway access may require mitigation such as signage and speed reduction, construction of acceleration /deceleration lanes and/or alteration of the highway to extend the line of sight.
- D. **Utility Access.** Utility access is good because Creede's water line runs along the west side of Highway 149 adjacent to the Mill Site and Creede's sewer line runs below (east) of Highway 149 and west of Willow Creek. Other public utilities are within a couple hundred feet of the boundary of the Mill Site.
- E. **Environmental Considerations.** Creede Resources, Inc, is undertaking a voluntary clean-up project at the Mill Site. On completion the majority of the

land area will have been capped with soil. Development or redevelopment of the Mill Site would require institutional controls to maintain or replace an appropriate soils cap.

- F. Community Planning Considerations.** The Mill Site is partially within and adjacent to Creede; therefore, the Mill Site offers the opportunity for planned and orderly expansion of Creede. The City of Creede’s Comprehensive Plan currently designates the desired future land use of the Mill Site as industrial. The Town’s Industrial Zone District designates a wide range of industrial uses as “permitted uses” and designates a number of other commercial uses as “conditional uses”. The Mill Site is highly visible due to its hillside location, particularly from the southeast approach to Creede on Highway 149. Since the City of Creede is generally constricted by both topography and U.S. Forest Service ownership of nearby lands, the Mill Site offers one of the few opportunities to extend the Town’s residential area with the use of small lots and modified street grid adapted to the sloped hillside.



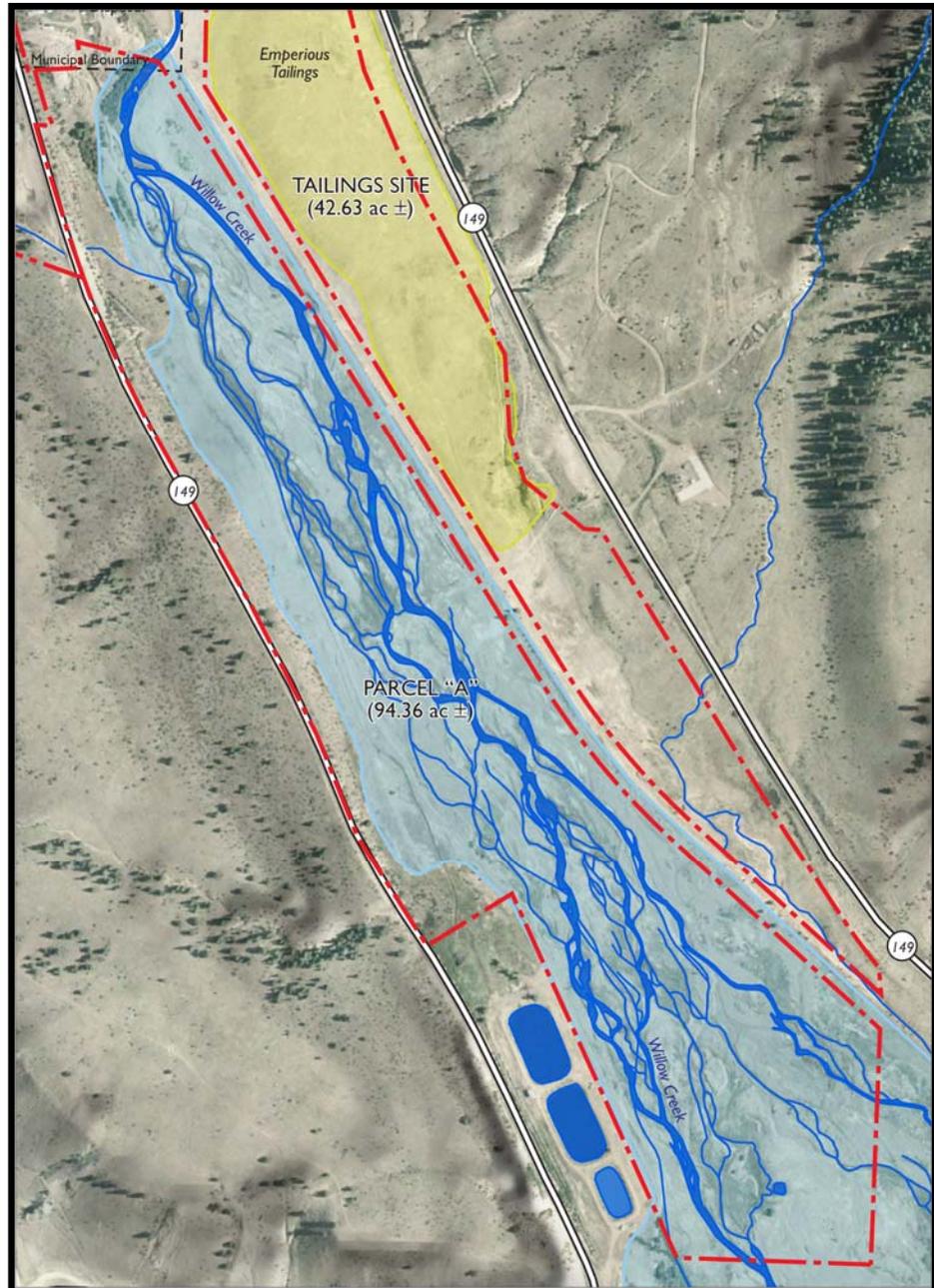
The lower portion of the Mill Site along Highway 149 is relatively flat. The Mill Site rises up a moderate slope to the west. The elevated location of the Mill Site enjoys outstanding views of the Willow Creek and Rio Grande River valleys.

- G. Potential Land Uses.** The majority of the Mill Site is sloped, which increases development costs. Uses which require flat areas in excess of three acres would either not be practical or would require expensive retaining wall systems to create. Potential land uses on the Mill Site include industrial, public facilities, commercial and residential. Residential use would require modification of the current Voluntary Clean-up Plan for the Mill Site.

3. **Flood Plain**

- A. **Location.** The Flood Plain area is comprised of almost [100] acres of low lying lands along Willow Creek which are considered land subject to flooding of a depth of one foot every 100 years. The Flood Plain area lies to the west of the rail road grade and to the east of the western leg of Highway 149.

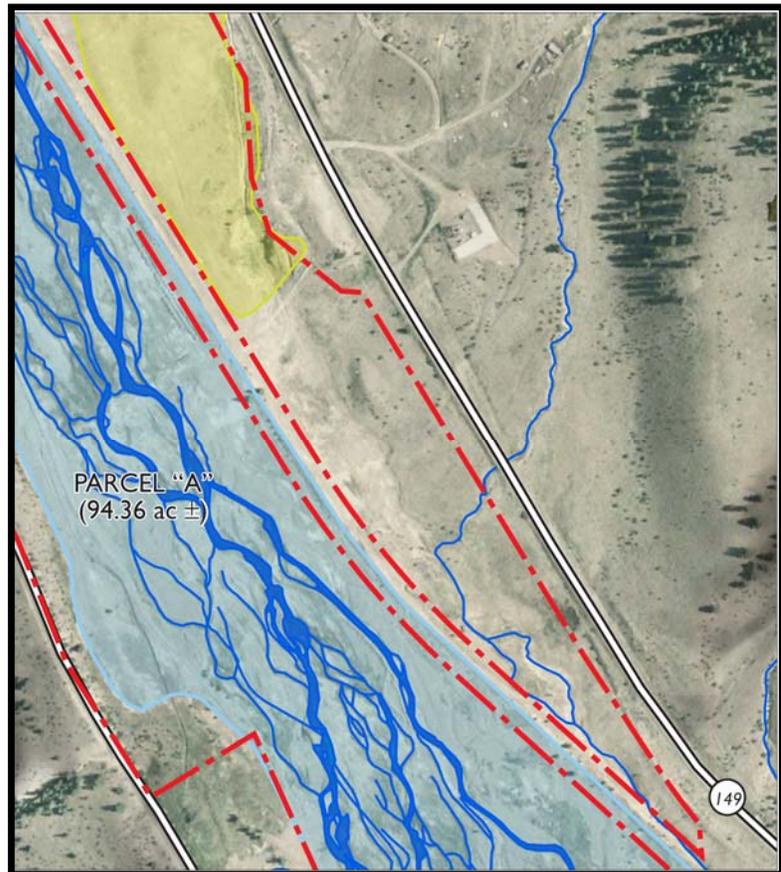
The Flood Plain area comprises the majority of the CRI Property.



- B. Physical Description.** The Flood Plain area includes a highly braided section of Willow Creek. Very little vegetation is present and there are virtually no trees. Historic mining activity (potentially from mines above Creede) has left deposits of materials with elevated levels of heavy metals. Overall, the Flood Plain area is barren and there is little evidence of restoration to a functioning riparian zone and healthy stream occurring naturally.
- C. Road Access.** Road access is possible from extension of Rio Grande Ave on the north side of the Flood Plain and from the waste water treatment lagoons on the south side of the Flood Plain area.
- D. Utility Access.** Utility access is generally good because Creede's sewer line runs on the west side of the Flood Plain and Creede's water line runs along Highway 149 located immediately west of the Flood Plain area. Other public utilities are generally available near the south boundary of the City of Creede.
- E. Environmental Considerations.** The Flood Plain area has been significantly impacted by historic mining activities. Restoration work is required to return Willow Creek to a more natural and functional serpentine channel with supporting riparian areas. The Colorado Department of Public Health and Environment is conducting a site assessment which may reveal other environmental considerations.
- F. Community Planning Considerations.** The greater Creede community has identified and supported efforts to preserve the Willow Creek flood plain area as open space and implement stream restoration projects. The Flood Plain area offers the opportunity for convenient open space recreational opportunities. Preservation of the Flood Plain area would preserve a large viewshed at the entrance to Creede which would have a direct positive effect on preserving the current layout of Creede as a compact historic mining community with defined boundaries.
- G. Potential Land Uses.** Potential land uses in the Flood Plain area include open space, parks and recreation. It may be possible that the Flood Plain boundaries could be narrowed through the Federal letter of map revision process ("LOMR") to expand potentially developable upland areas. To the extent such developable upland areas could be created and approved through the federal process, such lands could support residential, commercial, public facility and industrial uses.

4. **East Highway Frontage**

- A. **Location.** The East Highway Frontage is located adjacent to the east leg of Highway 149 and to the south of the Emperius Tailing Site.



- B. **Physical Description.** The East Highway Frontage planning area is approximately 20 acres and relatively level with gentle slopes. The area appears to be natural meadows. The East Highway Frontage planning area is elevated above the Willow Creek flood plain and is an elongated parcel with approximately 400' of depth from Highway 149. A small creek enters this planning area from the east side of Highway 149 and exits the planning area near the southeast corner.
- C. **Road Access.** The East Highway Frontage has over ½ mile of frontage along Highway 149. This planning area lies below the adjacent highway grade, but the slope and terrain allow for good access to Highway 149.
- D. **Utility Access.** The East Highway Frontage is located further south and on the east side of Willow Creek. Water, Sewer and other utilities are not nearby and

would require extensions between 1,000 to 2,000 feet with potential stream crossing.

- E. Environmental Considerations.** This planning area does not present mining remediation environmental considerations; however, this planning area has been identified as a wildlife corridor and winter elk range.
- F. Community Planning Considerations.** The current Comprehensive Plan identifies the desired future use of this planning area as open space. Due to the location along Highway 149 and distance from the established Creede town site, development of this planning area would constitute sprawl and would create a significant change to the viewshed when approaching Creede.

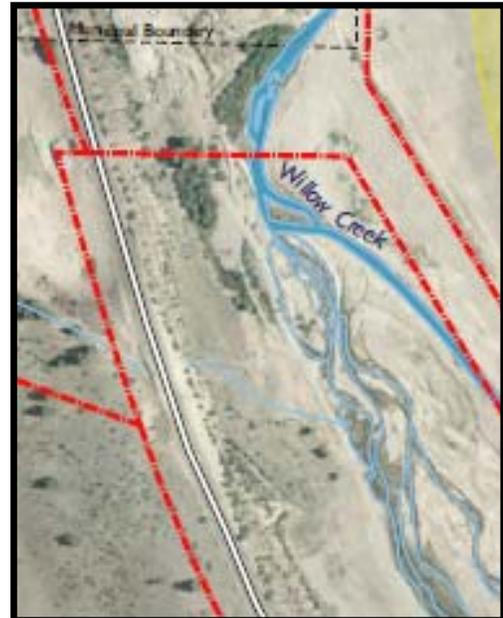


The East Highway Frontage is a long upland parcel along Highway 149 that is elevated above the Willow Creek flood plain.

- G. Potential Land Uses.** The potential land uses on the East Highway Frontage planning area include residential, commercial, public facilities and industrial. Due to the amount of highway frontage, most desirable land uses would likely be accommodations and commercial as experienced in many other communities on their periphery.

5. **South Rio Grande Avenue**

- A. **Location.** The South Rio Grande Avenue planning area is the area immediately south of the City of Creede's municipal boundary, west of the Willow Creek flood plain and east of the west leg of Highway 149.



- B. **Physical Description.** This planning area is comprised of a small alluvial fan from the drainage basin on the south side of the Mill Site to the west and above Highway 149. The area appears to have been disturbed many times during the last century. Some vegetation exists although most of this planning area is barren. Portions of this planning area constitute upland areas and it appears possible that additional upland areas could be created between Creede's sewer line and the west leg of Highway 149 through the federal map revision process.
- C. **Road Access.** Direct access to Highway 149 appears impractical due to grade separation. Road access can be established by extending Rio Grande Southern Avenue to the south. Another access route is possible from the waste water treatment lagoons to the south.
- D. **Utility Access.** Utility access is good in this area because both the water and sewer lines run along this planning area. Other public utilities have been extended to the neighborhood lying near the south boundary of the City of Creede along Rio Grande Avenue.
- E. **Environmental Considerations.** Development in this planning area may require fill and revision to the flood plain maps in accordance with the federal process.

The Colorado Department of Public Health and Environment is conducting a site assessment which may reveal other environmental considerations.

- F. Community Planning Considerations.** The current Comprehensive Plan for the City of Creede designates the desired land use for this area as open space. The Comprehensive Plan also indicates a strong concern and desire for affordable housing opportunities. This planning area could include a limited amount of community oriented residential development (i.e. affordable housing for community workforce and senior housing). This planning area is also adjacent to lands owned by the City of Creede. The northern area of the South Rio Grande Avenue planning area may be suitable for a future school site if planned in conjunction and cooperation with the existing park area and the former sewer treatment area owned by the City of Creede. This planning area is adjacent to the Flood Plain area, therefore compatibility with envisioned open spaces should be considered. Residential and public schools would be uses that are compatible and complimentary to large community open space areas.



The South Rio Grand Avenue planning area includes potentially developable sites that are not highly visible and that are adjacent to the Flood Plain area.

- G. Potential Land Uses.** Potential land uses could include residential, commercial, public facilities, and industrial.

V. Development Scenarios

This article describes four potential development scenarios along with an estimate of the implementation costs, expected outcomes, and other considerations. The four scenarios include **1. No Action**, **2. Open Space/Light Industrial**, **3. Limited Development**, and **4. Maximum Development**. For all scenarios it is assumed that the City would desire restoration of the section of Willow Creek that crosses the CRI Property. Current cost estimates for restoration of Willow Creek include \$570,000.00 to create a single channel, \$160,000.00 to add constructed wetlands, and \$260,000.00 to restore upland terraces adjacent to the stream channel, for a total estimated cost of \$990,000.00.¹

In the past, CRI has indicated that they are willing to convey the entire CRI Property to the City if the City, or other entity, commits to the cost and implementation of reclamation of the CRI Property (if any remediation is required). Specific remediation plans have not been presented to CDPHE and cost estimates are not available at the time of preparing this Sub-Area Plan document.

- 1. No Action.** Under this scenario, the City of Creede would take no action to acquire any of the CRI Property, would not annex any additional CRI Property and would not allocate any funding towards the restoration, preservation and/or redevelopment of the CRI Property. Scenario 1 presents \$0 cost to the City of Creede. The portion of the CRI Property that is currently within the City of Creede municipal boundaries includes the northeast portion of the Mill Site and is zoned light industrial. This area could be developed according the City of Creede's regulations. The remaining portion of the Mill Site and the CRI Property is in Mineral County's jurisdiction. Under Scenario 1 the City of Creede would have very little influence on the development and future use of the CRI Property. A municipality may exert extraterritorial jurisdiction for protection of a water source area for drinking water and may require compliance with an adopted three mile streets plan. However, the CRI Property is not located in an area that effects the City of Creede's source water area for drinking water and the CRI Property has direct access to Highway 149; therefore, it is unlikely that the City of Creede could apply its extraterritorial powers to the CRI Property.

The City of Creede has adopted a future land use that designates the planned future land use for the Mill Site Area as Industrial and the planned future land use for the remainder of the CRI Property as Open Space. A county jurisdiction may consider a future land use plan adopted by a municipality for lands within three miles of the municipal boundary; however, such plans are only advisory and are not binding on the county. The current zoning of the CRI Property in the Mineral County jurisdiction is Rural. The current zoning of the portion of the Mill Site that is within

¹ *Willow Creek Stream Restoration: Planning Study* dated April 2007, prepared by the Natural Resources Conservation Service (U.S. Department of Agriculture)

the City of Creede's boundary is Industrial, which allows industrial and public facility uses as permitted uses and other commercial and accessory dwelling uses as conditional uses.

2. **Open Space/Light Industrial.** Scenario 2 depicts the Mill Site area as Industrial and the remaining portion of the CRI Property between Highway 149 as Open Space. In order to directly implement the desired land uses in this Scenario, the Open Space portion of the CRI Property (all CRI Property between Highway 149) would have to be acquired, or at a minimum, the development rights would have to be purchased. The potential for revenues would be limited to sale of the Mill Site area as a light industrial property. Creede Resources, Inc. has indicated that the potential value of the Mill Site area as property zoned Industrial does not generate enough value to justify conveyance or commitment of the Flood Plain and other portions of the CRI Property for community use purposes.

Scenario 2 potentially requires the City to bear significant costs for remediation and provides only limited opportunity to recoup costs for sale or development of the Mill Site as an industrial area. Scenario 2 would implement the City's Future Land Use Plan.

3. **Limited Development.** Scenario 3 contemplates a mixture of land uses to meet the goals of providing a maximum amount of Open Space, provide designated land areas for future public and community oriented uses, and provide valuable zoning and development entitlements to the Mill Site area. Under this Scenario, CRI would retain the Mill Site area, the remainder of the CRI Property would be conveyed to the City or other designated entity, CRI would remain financially liable for remediation costs of the CRI Property, and the City and CRI would cooperate to obtain grant funding available to public entities for remediation, restoration and redevelopment. Although open space and public recreation opportunities could be implemented quickly, public and community uses such as public works facilities, school facilities, and housing are anticipated to be long range projects that would occur when demand warranted and sufficient resources were available.

Specific land uses under Scenario 3 include:

Emperius Tailings: Light Industrial uses (including staging for mineral deposit exploration activities) with appropriate screening from Highway 149, the City of Creede, and the Flood Plain area. Extensive landscaped vegetation which requires watering is not appropriate due to the goal to minimize and prevent water infiltration through the tailings deposits. Other uses may be appropriate with additional soils stability studies and if such uses are compatible with the City of Creede. If the Emperius Tailings Impoundment is ever removed, reworked or re-milled, then this area could be a potential for a future school facility.

Mill Site: A mixture of accommodations, accessory restaurant, and office along the Highway 149 frontage and residential on the uphill portion of the Mill Site. Residential development would mimic the historic street pattern of Creede to the extent possible considering the topography of the site. Smaller lots would be required to create a compact home layout with modest sized homes that are compatible with the existing homes in the City of Creede. Industrial, construction staging and office uses for mineral deposit extraction and exploration are appropriate prior to development of accommodations and residential use.

Flood Plain Area: Open Space and community agriculture.

East Highway Frontage: Open Space and community agriculture.

South Rio Grande Avenue: Community parks, trailheads and parking for the Flood Plain open space area, and community oriented housing. A stretch of upland areas lies to the south of the City's south boundary between Willow Creek and Highway 149 to the West. This area is estimated to provide approximately 4 to 6 acres of lands for community oriented housing. "Community oriented housing" is not defined other than to include affordable housing for workers and senior citizens to meet the housing needs of the community.

Scenario 3 would involve a specific zoning approval and development agreement for the Mill Site area. Such a development agreement could include funding mechanisms so that future development of the Mill Site would generate funds to assist with implementation of the Plan. Such mechanisms could include a fee at the time of subdivision or building permit, a real estate transfer assessment (*note that real estate transfer taxes are not allowed but a property can agree to fees through a covenant*), a sales fee on retail sales, or an additional mill levy imposed as part of a general improvement district.

Scenario 3 allows the City to minimize the financial risk and obligation of the City while achieving community goals for open space and housing opportunities. Scenario 3 would require amendment to the City's Future Land Use plan and 3 mile plan.

- 4. Maximum Development.** Under Scenario 4 the maximum potential development and "highest and best use" (as determined by market value) would be permitted on the CRI Properties. This Scenario would include land uses similar to Scenario 3 except that East Highway Frontage would be zoned commercial and multifamily development and the South Rio Grande Avenue area would be zoned for single family and multifamily development rather than community oriented housing. Under Scenario 4 it is assumed that the CRI Property would be conveyed to the City and the City would seek to recoup all costs for remediation and seek to ultimately realize surplus revenues through the sale and development of development areas. Surplus

revenues could be applied towards Willow Creek restoration costs, parks and open space development, relocated public works facilities, community housing projects.

Scenario 4 requires the City to bear potential remediation costs; however, the City may be able to recoup all costs as well as realize surplus revenues to implement other community projects.

The following table compares the four Scenarios:

	Remediation Costs Paid by City	Potential Costs to City to Improve, Develop and Sell Land	Potential Revenues from Land Development	Amendment to Future Land Use Plan Required	Administrative Burden to Implement
Scenario 1	No	None	No	Not Applicable	None
Scenario 2	Yes	Very Minimal	Very Limited	No	Moderate (VCUP, financing)
Scenario 3	No	Significant, but future cost and not required for project finances	No	Yes (Limited)	Minimal (Development Agreement, Non-Profit Participation)
Scenario 4	Yes	Significant and required to realize potential revenues	Yes	Yes (Significant)	Most (VCUP, marketing, financing, development)

PREFERRED DEVELOPMENT SCENARIO: Scenario 3 is the preferred Development Scenario which best meets the community’s planning goals in relationship with the goals and property rights of Creede Resources, Inc. Scenario 3 is adopted as the preferred land uses for the designated planning areas and shall be used a guide for future development applications and/or annexation applications. Passive recreation is preferred on the open space areas. Any built structures or indoor facilities adjacent to the Willow Creek Flood Plain area are planned to be consolidated and coordinated with the Mineral County Fairground Property south of the City of Creede. Further recreational planning would be appropriate for the Flood Plain area and adjacent planned open space areas.

VI. Approval and Entitlement Process

This article discusses the approval and entitlement process for local governments as related to the various scenarios for the purpose of describing the legal authority, application requirements and anticipated timeframes for required approvals.

Scenario 1 requires no approval or entitlement process. Annexation of the entire CRI Property is proposed for Scenarios 2 through 4. Under Scenario 2 the City would zone the CRI Property as Open Space and Industrial. Under Scenarios 3 and 4 the City would need to approve a more detailed zoning and development plan for the property. Zoning, development plans and development agreements would have to be more detailed for any areas proposed for private development or sale.

Generally, zoning and development agreements are approved by ordinance. Municipalities cannot approve zoning or development agreements for properties unless they are within the municipal boundaries and jurisdiction; however, municipalities may approve zoning and development agreements concurrently with annexations.

- 1. Comprehensive Plan Update.** Municipalities are authorized to adopt comprehensive plans (i.e. master plans) which establish a physical planning guide for the development of the municipality and for lands within three miles of the municipal boundary, Colorado Revised Statutes §31-23-206. The Planning Commission is responsible for adopting and amending the Comprehensive Plan and must conduct public hearings prior to adopting any amendments to a Comprehensive Plan. The Comprehensive Plan is only advisory unless also adopted by the City Council and incorporated into the City's land use regulatory documents.

State statutes require municipalities with populations over 2,000 to adopt a master plan which includes certain elements, such as location of streets, public facilities, water supplies, right-of-ways and open space, housing, extraction of commercial mineral deposits, geologic hazards, and tourism planning. Municipalities under 2,000 in population are not required to adopt a master plan.

An amendment to the City of Creede's Comprehensive plan would be required as the first step to implement Development Scenarios 3 or 4, or any other development scenario that plans for land use other than industrial on the Mill Site and open space for the remainder of the CRI Property. The purpose of adopting an amendment to Creede's Comprehensive Plan is to establish the Plan as an official policy document of the City of Creede which can then be used as a guide for working with Creede Resources, Inc., various funding agencies, and the general public. Many elements of the Plan are based on long term planning and meeting demand driven community needs; therefore, the entire Plan may take years, if not decades, to implement and realize. For this reason, the adoption of a specific plan will promote consistency and efficiency in decision making of the City Council and other participating entities.

2. **Annexation.** All development scenarios anticipate annexation of the CRI Property except for the “no action” scenario. Annexation is the process of including property within a municipality’s boundary and jurisdiction. The process and authority for annexation is governed by the Municipal Annexation Act of 1965, Colorado Revised Statutes §31-12-101*et.seq.*

The annexation process begins with the property owner signing a petition for annexation. Upon receipt of a petition for annexation, the municipality adopts a resolution setting a public hearing to determine if the property is eligible for annexation. The public hearing can only be held after publishing notice for four consecutive weeks in the local newspaper. An annexation impact report must be prepared for properties over 10 acres, which report describes the impact of the proposed annexation on public services and utilities. A copy of the annexation impact report must be provided to the county and school district at least twenty five days prior to annexation.

After conducting the public hearing, the municipality determines if the property is eligible for annexation based on findings of a “community of interest”. By statute, a community of interest can be found automatically and conclusively if 1/6th of the perimeter of a property is contiguous with the municipal boundary. The annexation statutes allow for describing a property in separate parcels and annexing the parcels simultaneously. Annexation plats can creatively describe any property that touches a municipal boundary to meet the 1/6th contiguity requirement. A finding of eligibility for annexation is adopted by resolution. Actual annexation occurs by passage of an ordinance.

The annual adoption of a three mile plan is required for annexation. Such adoption can occur through formal adoption of the Plan or could be adopted by resolution when an annexation petition is submitted.

Annexation of property is a legislative act, therefore, there is considerably more flexibility in negotiating the terms of an annexation on such matters as infrastructure improvements, land dedications and exactions, payments and fees, and approved land uses.

3. **Development Agreement.** Development agreements are often used with annexations and larger, multi-use projects. Development agreements, particularly with annexation or Planned Unit Development projects, provide a valuable tool to state the terms of annexation, required improvements and payments, timing and phasing of development, and the approved land uses. Implementing any of the development scenarios that involve annexation should incorporate a development agreement due to the complexity of land uses, voluntary clean-up, allocation of infrastructure costs, and financial questions. Annexations and development agreements can incorporate terms

for deferred payments at the time of building or other future date so that a project can generate funds for public purpose as the property develops in the future.

Development agreements usually incorporate the approval of vested property rights, which can range from the statutory minimum of three years to several decades. Vested property rights restrict the local government's right to change the zoning on a property without the property owner's permission during the term of the vested property right.

4. **Zoning Approval.** A municipality is required to approve zoning for a property within ninety days of annexation. Development Scenarios 3 and 4 contemplate a mixture of uses that is more involved than industrial and open space as envisioned in the future land use plan. Specific zone districts can be applied to the various use areas as appropriate (such as Industrial, Residential, Commercial and Open District).

Creede may also consider Planned Unit Development zoning as authorized by the Planned Unit Development Act of 1972, Colorado Revised Statute §24-67-101 *et seq.* Planned Unit Developments allow for flexible and detailed zoning approvals for larger mixed-use projects. For the CRI Property, this zoning approach would allow Creede to approve specific uses that are more defined to meet community goals such as provision of housing, adoption of architectural and design requirements, and limitation on businesses that compete with main street.

5. **Subdivision Approval.** Subdivision is the process whereby the local government approves changing property lines. This process is most common for the division of larger lots into smaller lots for sale and development. In order to implement Development Scenarios 3 and 4, some subdivision approval would be necessary. However, subdivision would not be required until actual development or construction of public facilities is sought on the CRI Property. Subdivision would not be required at the time of annexation and zoning approval. Approval of subdivisions usually includes a subdivision improvements agreement whereby the subdivider agrees to complete certain infrastructure and/or amenity improvements to serve the property. Subdivision improvements agreement usually include requirements to post collateral as financial security to complete the improvements.

PREFERRED PROCESS: The preferred process includes an annexation petition submitted by Creede Resources, Inc., along with a proposed development plan, zoning and development agreement. The proposed development plan and zoning should match the preferred land uses as described in Scenario 3, in Article VI above. A development agreement should commit to conveyance of the Flood Plain, East Highway Frontage and South Rio Grande Avenue planning areas to the City of Creede or a separate community based legal entity, depending upon environmental liability issues. Transfer of ownership of the Emperius Tailings to a community based non-profit organization may be appropriate to facilitate and enable potential grant funding to assist with remediation activities.

VII. Legal Funding Mechanisms

This article discusses local government funding mechanisms which could be used to assist with implementation of the Plan. The Plan anticipates voluntary clean-up of portions of the CRI Property, restoration of the stretch of Willow Creek that crosses the property, and other improvements as deemed necessary and appropriate for the desired uses on the CRI Property. Additional funding through private participation and public grant sources is anticipated.

- 1. General Budget Authority.** Municipalities have general authority to appropriate available financial resources for projects and improvements that are deemed to have a public purpose and which promote the health, safety and general welfare of the community. Such appropriations are limited by State Budget Law to available financial resources (i.e. carry over reserves from previous years and projected revenues). The annual budget must be adopted by December 15 for the next calendar year and may be amended after adoption to reflect changes in revenue projects and appropriations.
- 2. Bonding Authority.** Municipalities have authority to issue debt and bonds. Colorado Constitution, Article X, Section 20, requires voter approval for authorization to increase debt. Debt and bonds are a means to amortize the cost of a project over a 10 to 40 year period. Debt and bonds repayment can be secured exclusively through revenue sources which are generated by a project rather than as a general obligation of the municipality. It is difficult to issue debt that is secured exclusively by project revenues for small municipalities without an established record of economic activity.
- 3. General Improvement District.** Municipalities can approve a general improvement district in accordance with the Improvement Districts in Municipalities (1949 Act), Colorado Revised Statutes §31-25-601 *et.seq.* General Improvement Districts (“GIDs”) can be formed upon petition by the property owner. GIDs have the authority to impose an additional mill levy on property within the district and to issue debt for improvements to the district. The governing body of a municipality acts as the board of directors for a GID and has the authority to approve the budget and all contracts for work within the GID area.
- 4. Urban Renewal Authority.** Municipalities can establish an Urban Renewal Authority and designate an area within the municipality that is the Urban Renewal Area and is eligible for Urban Renewal Projects. The most important financial tool for Urban Renewal Authorities is that once established, the Urban Renewal Authority can capture all increased property tax and sales tax with the Urban Renewal Area for 25 years. This tax capture ability allows a form of “tax increment financing” where the increased property tax and sales tax revenues realized from new development can

be used to pay back debt authorized for improvements and costs to enable or stimulate the project.

PREFERRED FUNDING MECHANISMS: Due to the limited economic activity and financial resources of the City of Creede, financial contributions by the City of Creede are expected to be limited and should be used as matching funds for grant applications or to solicit financial partnerships whenever possible.

VIII. Acquisition of CRI Property

This Plan was created in response to conceptual proposals by Creede Resources, Inc. to transfer the CRI Property to the City of Creede. This Article discusses specific issues related to real property transactions; conveyance of the CRI Property, or portions thereof; and, acceptance by the City of Creede or other appropriate entity.

- 1. Standard Review of Real Property Conveyances.** Real property conveyances usually begin with either a contract for purchase and sale of the property or with a development agreement that specifies lands for dedication or conveyance as a condition to the development approval. Due diligence is the process to review the characteristics of real property prior to conveyance. Due diligence typically involves conduct of a survey, appraisal, physical inspection and review of title. CRI has recently completed a survey for the CRI Property. Physical inspection is more involved for the CRI Property due to environmental issues (*see environmental review discussion below*). Title review is important to determine that good title is being conveyed and to identify other matters that may affect title or create limitations for the property, such as easements, encroachments or encumbrances.
- 2. Environmental Review.** Acquisition of any property with potential environmental liability risks raises unique considerations. Any party that takes title to property is deemed to be in the chain of title and potentially may be held responsible for required environmental clean-up costs. One of the methods to minimize, or manage, this risk is to conduct due diligence (also known as making “all appropriate inquiries”) prior to acquisition and seek to qualify as a “bonafide prospective purchaser” under EPA guidelines. Currently, there are no ‘good Samaritan’ laws that provide protection to public entities that acquire properties with environmental issues, even when community based remediation and restoration activities are planned.
- 3. Use of Non-Profit Corporation.** The use of a non-profit corporation should be considered as an alternative to the City of Creede accepting title directly to properties with environmental remediation issues. To the extent that the future use of the CRI Property, or portions of the CRI Property, is community oriented, the use of non-profit corporation can establish an organization that directly involves other stakeholders, such as Willow Creek Reclamation Committee or Creede Resources, Inc.

IX. Additional Required Information and Subsequent Tasks.

This article identifies additional information that is required to move forward with implementation of the Plan and provides rough cost estimates for such work.

- 1. Voluntary Clean-Up Plan.** [Flood Plain Area and Emperius Tailings Impoundment] \$100,000.00
- 2. Stream Restoration Designs.** \$50,000.00
- 3. Recreational Trails/Facility Planning and Conceptual Designs.** \$10,000.00
- 4. Analysis of Highway Access Feasibility.** \$10,000.00
- 5. Analysis of Infrastructure Improvements to Support Desired Uses.** \$10,000.00
- 6. Review of Property Conveyance.** \$10,000.00
- 7. Annexation/Development Agreement/Zoning.** \$20,000.00
- 8. Formation of Non-Profit Corporation.** \$8,000.00

***[END OF SUB-AREA PLAN FOR
THE CREEDE RESOURCES PROPERTIES]***

Appendix A: Results of the Creede Resources Property Community Questionnaire

This Appendix A includes a reprint of the language sent in the Creede Resources Property Community Questionnaire with a summary of the results incorporates as well as a compilation of the comments received. A total of 42 questionnaires were returned to the City of Creede.

THE CREEDE RESOURCES PROPERTY COMMUNITY QUESTIONNAIRE

This Creede Resources Property Community Questionnaire has been sent to all registered voters in the City of Creede and made available to other interested stakeholders at the Town Hall. This summer, the City of Creede received grant funding from the Department of Local Affairs and the Colorado Department of Public Health and Environment to conduct a community planning project for the Creede Resources, Inc., property.

PLEASE READ THROUGH THIS ENTIRE QUESTIONNAIRE FIRST BEFORE ANSWERING QUESTIONS. Concise comments are appreciated because all comments will be reprinted in the tabulation of the results. Many questions are worded as statements with which you may agree or not agree. This questionnaire should take approximately 20 to 40 minutes to complete.

If you would like a copy of the results please send a self-addressed stamped envelope to the City of Creede, P.O. Box 457, Creede, CO 81130, attn: Questionnaire. The results of this survey will be used to determine community preferences for potential land uses of the Creede Resources, Inc., property and implementation strategies.

QUESTIONNAIRES MUST BE RETURNED BY MONDAY, NOVEMBER 3, 2008. Questionnaires can be delivered to the City of Creede Town Hall at 2223 Main Street, Creede, CO or mailed to City of Creede, P.O. Box 457, Creede, CO 81130, attn: Questionnaire.

HISTORY AND BACKGROUND

Creede Resources, Inc., owns approximately 141.7 acres of land to the south of Creede that includes portions of the Willow Creek flood plain, the Emperius tailings pile, and a mill site situated above Highway 149 (“Creede Resources Property”, or “CRI Property”). Creede Resources, Inc., has expressed interest in conveying the CRI Property to the City of Creede to facilitate voluntary remediation of the CRI Property as well as create opportunities for Creede to control the land at its entrance. Creede Resources, Inc., and the City of Creede have discussed this opportunity for several years. The CRI Property presents many challenges, including potential environmental liability, the cost of stream corridor restoration, and planning for potential uses of the property. Creede Resources, Inc., desires to understand desired community land uses for the CRI Property to determine an appropriate remediation plan. The City of Creede adopted Resolution 08-04 on March 11, 2008, which stated, “the City of Creede will engage a planning consultant and seek public input to assist with the evaluation and development of the [CRI Property].”

Previously, the City of Creede adopted a Community Plan in 2000 that addressed many community planning issues. Four Alternative Growth Scenarios were presented, including (1) Continuation of Existing Growth Patterns, (2) Open Space Vistas, (3) Economic Development, and (4) Railroad Tourist Center. The preferred growth scenario incorporated (2) Open Space Vistas and (3) Economic Development, which seeks to balance a strong preference for preserving Creede’s unique natural setting with the practical need for appropriate economic development. Policy 2 under the Community Services and Facilities Chapter states that it is the policy of Mineral County and the City of Creede to develop a

Appendix A: Results of the Creede Resources Property Community Questionnaire

park and greenway along Willow Creek and to participate in the Willow Creek Reclamation Project to ensure that reclamation plans and park/greenway design are consistent with County and City interests.

Past planning efforts identified a clear and strong preference for the future use of the Willow Creek stream channel and flood plain area as a park and greenbelt. This questionnaire seeks to further refine past planning efforts to determine community preferences and attitudes for partial development of the CRI Property that promote other comprehensive plan goals and have the potential to generate revenues to support the Willow Creek restoration, park and greenbelt goals.

The following questions seek input on general community preferences for the entire CRI Property:

1. In general, which potential land use do you believe is appropriate for the CRI Property (please check all that apply)?

Open Space (including stream restoration and passive recreation).....	25
Active Parks and Playfields.....	16
Public Facilities: Public Works Shop.....	13
Public Facilities: School.....	13
Private Commercial Development	6
Private Industrial Development.....	4
Mining.....	4
Affordable Public Housing Development.....	12
Senior Assisted Living Development.....	12
Private Housing Development	1
A Combination of Open Space, Parks and Public Facilities.....	17
A Combination of Open Space, Parks, Public Facilities and Private Development.....	8
Other: <i>Train.</i>	

2. The most appropriate use of the CRI Property is open space to preserve vistas of undeveloped land and the visual entrance to the City of Creede, prevent development sprawl, and preserve opportunities for stream restoration and greenbelt opportunities.

Strongly Agree 12 Agree 11 No Opinion 2 Disagree 8 Strongly Disagree 2

3. Utilizing the CRI Property for public recreational activities is appropriate.

Strongly Agree 9 Agree 20 No Opinion 2 Disagree 4 Strongly Disagree 0

4. The CRI Property should be used and developed *primarily* to promote economic development through private commercial development, housing development, and expanded recreational opportunities.

Strongly Agree 4 Agree 6 No Opinion 2 Disagree 11 Strongly Disagree 10

Appendix A: Results of the Creede Resources Property Community Questionnaire

5. **The CRI property should be preserved mostly as open space; however, limited development for school expansion, light industrial, housing and commercial uses is acceptable where such uses promote the goals in Creede's Comprehensive Plan.**

Strongly Agree 4 Agree 12 No Opinion 1 Disagree 9 Strongly Disagree 6

6. **Partial development of the CRI property is acceptable to the extent necessary to generate revenues to match grant funds for stream restoration and environmental remediation activities.**

Strongly Agree 6 Agree 13 No Opinion 6 Disagree 3 Strongly Disagree 7

The following questions address recreational preferences-----

7. **Recreational opportunities on the CRI Property should be limited to passive, non-motorized activities.**

Strongly Agree 17 Agree 11 No Opinion 3 Disagree 6 Strongly Disagree 2

8. **Recreational opportunities on the CRI Property should include motorized recreation.**

Strongly Agree 3 Agree 9 No Opinion 4 Disagree 5 Strongly Disagree 17

9. **Which, if any, of the following developed recreational facilities would be desirable and appropriate for the CRI Property?**

- a. Indoor Recreation Center.....17
- b. Fishing access and/or fishing ponds..... 22
- c. Tennis Courts..... 9
- d. Soccer Field.....14
- e. Picnic Area.....29
- f. BMX Bike Park..... 11
- g. Outdoor Rock Climbing..... 8
- h. Nordic Center.....13
- i. Equestrian Center..... 5
- j. Other: *mini golf/golf course. * Bicycle and Nordic trail access to future trail development through Mineral County. * Driving range and miniature golf compound. * Golf course, City owned/operated. * Gym, free weights.*

10. **Passive winter recreation activities, such as groomed Nordic trails, should be encouraged.**

Strongly Agree 13 Agree 17 No Opinion 3 Disagree 3 Strongly Disagree 2

11. **Winter recreation activities on the CRI Property should include snowmobiling.**

Strongly Agree 3 Agree 4 No Opinion 4 Disagree 10 Strongly Disagree 18

12. **Recreation activities and opportunities should be structured to attract more visitors and promote tourism based economic development.**

Strongly Agree 10 Agree 21 No Opinion 3 Disagree 5 Strongly Disagree 2

13. **Other comments or suggestions on recreation:** *Creede needs more kids recreation, miniature golf, movie theatre, bowling alley, indoor pool. * Obviously Creede does not*

Appendix A: Results of the Creede Resources Property Community Questionnaire

want more business with all the money they spent keeping the train out. * Should help promote the train to Creede, help STOP destruction of historical areas of Creede, eg. train tracks! * Available to all. * Indoor swimming pool. * This could be a corridor to get dirt bikes out of town, snow mobiles have out of town access. * Develop tourism and recreation as the primary industry in Mineral, CO. Keep motorized vehicles off CRI property. * Something for people of all ages, eliminate any noise, nothing motorized (irritating). * It would be folly to allow snow mobiles, motorcycles, four wheelers on a walking, Nordic path. * A solid parks & recreation department is a huge bonus in childhood development. * I would like to see much of parcel A in open space with bike trails and walking trails. I think Nordic Trails would be better farther from town. Also, snowmobiles, BMX bikes, etc., would be better out of town. * Try incorporating golf course with greens and parks and public trails, provides work, income and attracts people.

The following questions address public facilities-----

14. A future site for a public works facility for the City of Creede and Mineral County should be planned on the CRI Property.

Strongly Agree 4 Agree 17 No Opinion 7 Disagree 0 Strongly Disagree 12

15. Any future public works facility should be visually screened with landscaping and fencing.

Strongly Agree 13 Agree 16 No Opinion 6 Disagree 3 Strongly Disagree 1

16. Constructing a future public works facility on the CRI Property is not appropriate.

Strongly Agree 9 Agree 1 No Opinion 5 Disagree 19 Strongly Disagree 6

17. A site for future expansion of school facilities should be considered and studied for the CRI Property.

Strongly Agree 8 Agree 13 No Opinion 5 Disagree 6 Strongly Disagree 9

18. Other comments or suggestions on public facilities: *Keep for public, not theatre! * Public works could be down by sewer lagoons & landscaped, school facility could be at mill site. * Several restrooms, covered shelters from rain & snow. * If you allow too much commercial and housing there will only be little left for recreation and will not enhance the visual aspect. * If the City of School needs this property or a portion of this property, we should give it to them. * At the moment, I don't see a need for a new school as we are losing students. But a possibility for the future should be considered (and hopefully will be needed). If the County moved its barns to the CRI property it would free up that property south of the clinic to have assisted living, nursing homes facilities there. * Incorporate the school with parks and the golf course, track, soccer fields, make it inviting.*

Appendix A: Results of the Creede Resources Property Community Questionnaire

The following questions address economic development-----

- 19. Any private commercial development of the CRI Property should be restricted so that new businesses do not compete with existing businesses in the historic downtown core.**
Strongly Agree 13 Agree 4 No Opinion 5 Disagree 8 Strongly Disagree 8
- 20. Development of a hotel or other accommodation business would support local retail businesses and would be an appropriate use for a portion of the CRI Property.**
Strongly Agree 4 Agree 10 No Opinion 5 Disagree 8 Strongly Disagree 11
- 21. Developing affordable, or attainable, housing is an important aspect of economic development and should be encouraged where appropriate on the CRI Property.**
Strongly Agree 6 Agree 15 No Opinion 3 Disagree 6 Strongly Disagree 10
- 22. Housing should be included with any commercial development on the CRI Property to provide a jobs-housing link and avoid increasing affordable housing challenges.**
Strongly Agree 4 Agree 14 No Opinion 6 Disagree 7 Strongly Disagree 8

The following questions address specific potential land uses for various portions of the CRI Property, including the Flood Plain parcel (Parcel A on the map), the Emperius Tailings parcel (Tailings Site on the map), and the Mill Site parcel which are described on the map on page 2 of this questionnaire---

Flood Plain Parcel:

- 23. The Flood Plain parcel should used *primarily* for the restoration of Willow Creek, construction of supporting wetlands, and overall restoration of natural riparian area and other uses should only be allowed to the extent they do not conflict with such restoration activities.**
Strongly Agree 13 Agree 14 No Opinion 1 Disagree 8 Strongly Disagree 3
- 24. Recreational uses should be integrated with restoration of the Willow Creek floodplain area to balance recreational opportunities with protection of the stream corridor.**
Strongly Agree 13 Agree 24 No Opinion 2 Disagree 1 Strongly Disagree 0
- 25. Limited commercial and/or housing uses should be considered on the Flood Plain parcel if such development can mitigate flood damage risks and if such uses do not conflict with park/greenbelt uses.**
Strongly Agree 4 Agree 11 No Opinion 6 Disagree 8 Strongly Disagree 11

Emperius Tailings Parcel:

- 26. Reuse of the Emperius Tailings pile for future public works shops or other light industrial use is appropriate with adequate screening and landscaping.**
Strongly Agree 1 Agree 15 No Opinion 4 Disagree 9 Strongly Disagree 9

Appendix A: Results of the Creede Resources Property Community Questionnaire

- 27. The portion of the Emperius Tailings parcel south of the tailings pile is very visible along the Highway 149 entrance to Creede from South Fork; therefore, this parcel should remain undeveloped.**
Strongly Agree 8 Agree 6 No Opinion 5 Disagree 13 Strongly Disagree 5
- 28. Limited commercial development on the portion of the Emperius Tailings parcel south of the tailings pile could be acceptable with appropriate screening and landscaping.**
Strongly Agree 4 Agree 11 No Opinion 4 Disagree 10 Strongly Disagree 9
- 29. Any development on the portion of the Emperius Tailings parcel south of the tailings pile should be limited to public uses, such as schools or recreation.**
Strongly Agree 7 Agree 9 No Opinion 7 Disagree 13 Strongly Disagree 3
- 30. A small parking area and interpretative site is an appropriate use on the Emperius Tailings parcel.**
Strongly Agree 3 Agree 16 No Opinion 10 Disagree 5 Strongly Disagree 5
- 31. Any development on the portion of the Emperius Tailings parcel south of the tailings pile should be subject to architectural design regulations to insure that such development is compatible with the historic character of Creede.**
Strongly Agree 14 Agree 13 No Opinion 4 Disagree 5 Strongly Disagree 2
- 32. The Emperius Tailings pile may be useful for future mining activities and mineral recovery and therefore should be reserved for future mining uses.**
Strongly Agree 5 Agree 5 No Opinion 9 Disagree 11 Strongly Disagree 9

The Mill Site Parcel:

- 33. The Mill Site is a very visible hillside area and development would result in unsightly development sprawl that should be avoided.**
Strongly Agree 9 Agree 3 No Opinion 1 Disagree 17 Strongly Disagree 8
- 34. The Mill Site offers a convenient location for a public works facility which would be an appropriate use on a site with past industrial impacts.**
Strongly Agree 5 Agree 18 No Opinion 3 Disagree 9 Strongly Disagree 3
- 35. If a public works facility is located on the Mill Site, then screening with fences, landscaping and trees should be utilized to minimize the visual impact from Highway 149.**
Strongly Agree 13 Agree 16 No Opinion 4 Disagree 5 Strongly Disagree 1
- 36. The Mill Site offers outstanding views of the valley and valuable development potential adjacent to Creede and therefore should be developed to generate revenues for identified public projects.**
Strongly Agree 2 Agree 16 No Opinion 4 Disagree 10 Strongly Disagree 6

Appendix A: Results of the Creede Resources Property Community Questionnaire

37. Development of the Mill Site should be limited to a hotel, accommodations, or other uses that support existing businesses in the historic downtown area.

Strongly Agree 2 Agree 5 No Opinion 7 Disagree 14 Strongly Disagree 11

38. Development of the Mill Site should include residential development that meets the needs of residents and employees of Creede.

Strongly Agree 4 Agree 10 No Opinion 6 Disagree 9 Strongly Disagree 9

39. Development of the Mill Site should allow commercial and/or residential development that can generate the most revenue for public projects.

Strongly Agree 2 Agree 10 No Opinion 7 Disagree 9 Strongly Disagree 12

40. Any development of the Mill Site parcel should be subject to architectural design regulations to insure that such development is compatible with the historic character of Creede.

Strongly Agree 12 Agree 13 No Opinion 2 Disagree 5 Strongly Disagree 6

41. Other comments or suggestions on uses of the CRI Property: *If your definition of architectural design with historic character of Creede looks like what's at the cemetery then NO! * Retirement rest home. * CRI can use and develop their own, not push problems onto the City. * Possibly a place for retired people. * Would not like to see any development except at the mill site, no private development at all. * No commercial development. * Architectural design regulation is tricky business. I would like to see a questionnaire like this one to help with the wide range of opinions about architecture. * Still believe mill site to be good for school. * Do not crowd together, structures to be of same mode of design. Clean lines. * The mill site is a good location for the City and County shops, making the site in Creede proper for commercial development. * Housing in Creede is definitely an issue but not the City's issue, the City should be promoting itself and its children. * I think a public works shop is ideal, the area is separated by highway.*

The following questions address financial preferences-----

42. Financing should be primarily through voluntary fund raising efforts and not with public funds.

Strongly Agree 8 Agree 13 No Opinion 2 Disagree 12 Strongly Disagree 3

43. The City of Creede should financially support on-going efforts to acquire the CRI Properties, including conducting studies and investigations, writing grants, and planning potential land uses.

Strongly Agree 16 Agree 13 No Opinion 4 Disagree 4 Strongly Disagree 2

44. The City of Creede should consider a modest property tax increase (i.e less than \$50 per household annual increase) to support the restoration of Willow Creek and environmental remediation on the CRI Properties (any new tax is subject to voter approval).

Strongly Agree 7 Agree 9 No Opinion 2 Disagree 11 Strongly Disagree 11

Appendix A: Results of the Creede Resources Property Community Questionnaire

- 45. A regional recreation district with a property tax should be considered to support restoration of Willow Creek and preservation of the CRI Property as open space (any new tax is subject to voter approval).**

Strongly Agree 4 Agree 11 No Opinion 2 Disagree 13 Strongly Disagree 8

- 46. The City of Creede should explore tax increment financing through an urban renewal authority so that taxes derived from new development on the CRI Property contribute financially to public expenditures related to the CRI Property.**

Strongly Agree 5 Agree 13 No Opinion 5 Disagree 6 Strongly Disagree 6

- 47. This Creede Resources Property Community Questionnaire was balanced and fairly worded.**

Strongly Agree 6 Agree 14 No Opinion 6 Disagree 8 Strongly Disagree 1

Open Comments: *Very slanted to commercial and housing, also Willow Creek Reclamation. - EPA standards would bankrupt the City after the first phase. * This "gift" could very well become an expensive problem for the City of Creede and should be very well thought out before being pursued. * Why embrace more when we seem to be having trouble taking care of our existing city issues. * As much as I would like to see this acreage added to the City, I believe the City should leave it alone. They can't take good care of what they have now. * How about committing to a reasonable obligation to law enforcement. * If the City does not have money to replace our sewer system, water pipes and paving, also the flume repairment. We should go into another project we can't afford. Also, we need to work with the railroad to come within the foundations rights. * Let Mineral County develop the property and have the control of the property. The City of Creede doesn't have the money to take on this project. * The City cannot afford the liability of and maintaining any more play places. Does Willow Creek Restoration have the money in hand to do the EPA clean-up and do the continued flood control? Or just a promise? Who knows how much Federal Funding will continue our way? * The City of Creede should avoid taking on any responsibility or liability for any of the Creede Resources Property due to pollution of said property from mining and milling operations. The citizens of Creede do not deserve to have the City assume any responsibility for the pollution on this property in their name. Ever wonder why Creede Resources is trying to give away the property? * Train, including tracks, etc. are an important part of Creede. City seems to think that shouldn't be. For us Natives it is an important part of what Creede is about, the real mining town. Lots of us say shame on you for pushing to get the train out of here. * Several questions seemed to assume development is desirable or would be undertaken. If you disagree with #28 then #29 and #31 have no good answer. Question #1 lumped the whole area together. The question of ownership of the strip of land next to Hwy 149 (Southfork Direction) and ownership of RR ROW SE of Section 36 cause uncertainty as to access to tailings area. I don't desire to see roads all over the flood plain just to access area east of creek. * Why do you assume we want to develop this property, developers, i.e. "Creede America" are not an asset. * Thanks for all your efforts & time. * Without a number of key businesses in the City of Creede and surrounding areas Creede would have ceased to exist years ago. It is the tourists which organizations like the Quiller Gallery, Mountain Views RV Resort and Creede Repertory Theatre bring to Creede which have provided the tax revenue for the City budget. It is the business which provides jobs for area*

Appendix A: Results of the Creede Resources Property Community Questionnaire

*citizens which in turn supports the real estate, schools and health clinic which makes our town and our community. In short, the business community is the backbone of Creede's revenue structure. Even this questionnaire acknowledges the potential impact of future business. Why then is all the input sought from residents rather than businesses? I am not suggesting residents should be excluded but in essence you have excluded businesses. Wouldn't they be best suited to make recommendations on new business which could complement the existing businesses? Wouldn't they best understand the current tourism or mining industry? Wouldn't they best understand the dynamics of our area and operating a business with the challenges it brings? - A good option for the mill site would be to relocate all mobile homes to the very westerly boundary of the mill site in a modern mobile home park. The front part of the site could then be used for commercial or further residential use such as multi-housing units. Lease Parcel A for Willow Creek Reclamation and stream restoration and public park areas. * Their land should be acquired by the City if remediation can be completed without a tax increase. It should remain as open space and be used for pedestrians, horses, bicycle riding. Cross country skiing should be in the winter. The most productive use of this land in terms of a [?] for the City would be to use part of it as an "alternative" energy farm. The whole town could be taken off the grid = energy self sufficiency. Creede could be a model for the rest of the world. The "farm" would be an inspiration to many visitors. * Form a county-wide recreation district to finance fair grounds and recreation department. * In all things care should be taken to ensure that the elderly and young will be able to use all areas. Everyone should be comfortable accessing each area that is public. * Willow Creek Restoration is funded by Government EPA. Need public meeting. Only people in City should make decision on use of land. Extend Main Street. * I believe residents in the County, not just the City, would approve an increase in property tax to help clean up the parcel, if a larger percentage of the area is to be used as green space and recreation activities. * The tailings pond(s), once reclamation is complete, is a good location for a school campus. The existing school campus would then be available for residential development. * I believe the City should use this project to benefit the community and to upgrade its in-house facilities. The City needs a new shop (without a doubt). I think the City could own a miniature golf course and driving range and batting cages, or compound so to speak and generate income that would benefit the City and our community. * It was rather difficult to answer many of these questions because of not knowing the specifics involved. I hope there will be public meetings where discussions and questioning can take place at each stage of the development of plans for this land. Thank you for seeking public opinion before you start on this. * I think a public golf course in the bottom interspersed with public walkways, parks, ponds would generate jobs, revenue, and draw attraction. A school with lots of green including a full [?] with soccer/football adjacent to the course/park would be aesthetically pleasing as well as functional. * No franchises. * Define "affordable housing". * Just leave it alone, it will just cost you friends and money.*

[End of Community Questionnaire Results]