



## 2.0 LAND USE AND DENSITY

may sell excess density to Owner/Developer or a third party developer building within the Property unless the said unit(s) of density is to be removed by mutual consent between the property owner and the County.

- C. To encourage redevelopment, any multi-family or Mixed-Use Building that is completely redeveloped (via project demolition and reconstruction) may be granted a percentage increase in Equivalent Unit, Cafeteria, or Commercial density in the following amounts, based on the density of the building(s) that exist at the time of the redevelopment project application. Any proposal to allow for the redevelopment density increase shall be requested by the applicant and reviewed by the County as a part of the Development Review process for the building in question.

| Number of Previously Approved Units in the Building(s) | Density Bonus |
|--|---------------|
| 1 to 50 units  | 20%           |
| 51 to 100 units  | 10%           |
| Over 100 units   | 5%            |

- D. Concurrent with a density bonus as granted in Subsection 2.4.C, the density limitations set forth in Table 1 and Subsection 2.1.A shall be deemed increased accordingly, with approved density increases allowed per this Section 2.4 made to Table 1 and to Subsection 2.1.A during any subsequent PUD Amendment. An increase in Equivalent Unit, Commercial or Cafeteria density pursuant to this Section 2.4 shall not be deemed a transfer of density to or from any Development Parcel or any Neighborhood as permitted under Section 2.4.
- E. Redevelopment projects shall comply with the development standards as listed in the PUD designation and the Code where a specific development standard is not addressed in the PUD Designation.
- F. Density bonuses shall become effective and Table 1 adjusted accordingly upon issuance of a Certificate of Occupancy for the redevelopment project(s).

### 2.5 ACTUAL BOUNDARIES OF DEVELOPMENT PARCELS

The boundaries of the Development Parcels are generally shown on Exhibit B-1. Development within these parcels shall be in accordance with the general boundaries shown on Exhibit B-1.

### 2.6 EMPLOYEE HOUSING

#### A. Employee Housing Unit

An "Employee Housing Unit" shall mean any type of dwelling unit that is:

- (i) encumbered by a lease provision, recorded covenant, deed restriction, recorded condo declaration and/or map or other restriction approved by the Planning Department (an "Employee Use Restriction") restricting the use of such unit to Employee Housing for persons employed by a business operating within either the Property or the Resort;
- (ii) encumbered by an Employee Use Restriction that:



- (a) restricts the use of such unit, to Employee housing for persons employed by a business operating within either the Property or the Resort, and
- (b) is within a project constructed by the Owner/Developer in the Property using funds substantially provided or guaranteed/insured by or through any Federal, State or local governmental or quasi-governmental agency or authority and that is encumbered by an Employee Use Restriction restricting the use of such unit to Employee housing for persons employed by a business operating within the County.

### B. Employee Housing Bed Credits (“bed credits”)

Employee Housing bed credits are calculated as follows:

- (i) Two (2.0) bed credits for each bedroom contained in an Integrated Employee Housing Unit <sup>(1)</sup> but only to the extent such unit contains at least 500 square feet of Living Space for a one bedroom or studio unit, and 400 square feet per bedroom for all other Integrated Unit types;
- (ii) Two (2.0) bed credits for each unit contained in the Affordable Housing enclave at East Lake but only to the extent such unit contains at least 600 square feet of Living Space for a studio; at least 750 square feet for a one bedroom unit; at least 1,000 square feet of Living Space for a two bedroom unit; and 1,250 square feet of Living Space for a three bedroom unit.
- (iii) Two (2.0) bed credits for each off-site Employee Housing Unit to the extent such unit meets the spatial requirements of the Code (300 square feet per person).
- (iv) Bed Credits for the EDGE are as defined in Tables 3 and 4 below.

Footnote:

- (1) The following six units are exemptions to the minimum size requirements for Integrated Employee Housing Units: Passage Point 323 and 423; Tucker Mountain Lodge 114, 115, 116 and 117.

### C. Employee Housing Requirement

The Owner/Developer shall arrange for 926 bed credits, as set forth below, to accommodate CMR’s seasonal and year round Employees. This requirement is comprised of four elements and is summarized below:

- (i) a minimum of 542 bed credits in the EDGE building in perpetuity;
- (ii) a minimum of 274 bed credits in the Integrated Employee Housing Units in perpetuity;
- (iii) The East Lake Lodge development consisting of 30 Affordable, Employee Housing Units (60 bed credits) to be built within 42 months of the 2008 PUD Effective Date (refer to section 2.7 below).
- (iv) 50 bed credits to be built within 10 years of the Effective Date in one of or a combination of the following ways:
  - (a) Build or purchase a stand-alone facility off-site, within the County;



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- (b) Build units within the Property on one of the sites identified for Employee Housing;
- (c) Build additional bed credits at East Lake Lodge;

Prior to submittal and review of the site plan for the last of the five multi-family development sites in the PUD (Development Parcels B, H, N, R or S, Village Center Neighborhood) or within 10 years of the Effective Date, whichever may come first, the Owner/Developer shall deliver the 50 additional bed credits as described above.

For the 50 bed credits to be built within 10 years as identified above, prior to Development Review and in conjunction with SCHA and the County, the Owner/Developer shall conduct a Copper housing needs assessment to help determine the various potential housing types and potential locations for these additional bed credits. The County shall review the Copper housing needs assessment recommendations and alternatives in conjunction with the SCHA and any other local agency or jurisdiction that could potentially be involved.

If the County accepts the recommendation of the assessment or one of the alternatives proposed in the housing needs assessment, then the Owner/Developer shall submit a Development Review application for the County-accepted proposed alternative that provides for the additional bed credits facility to the County for review for conformance to the development standards of the PUD and the Code.

The Owner/Developer shall be deemed to have satisfied the bed credit requirements listed under Subsections 2.6.C (iii), 2.6.C (iv)(b) and 2.6.C (iv)(c) above upon issuance of a Certificate of Occupancy for the individual elements within those subsections. Any conversion of existing offices, storage rooms, resort support area or short-term/transient lodging rooms within The EDGE building will not count towards fulfilling the additional 50 bed credits within 10 years requirement.

### **D. Annual Survey**

On or before May 1 of each year, CMI and/or POLA shall prepare and conduct an annual survey and the Owner/Developer shall submit to the Planning Department a report containing the following information to the extent related to this PUD Designation (a "Survey"):

- (i) An inventory of the employment status of all occupants in the Integrated Employee Housing Units and within the East Lake Housing enclave;
- (ii) A status report of the Employee Housing Requirement listed in Section 2.6.C of the PUD Designation;
- (iii) A status report of the 10% exemption for the Integrated Employee Housing Units described in Subsection 2.6.E. (ii) of the PUD Designation.



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### E. Existing Inventory of Employee Housing Units

The County and the Owner/Developer acknowledge and agree that 296 rooms in the EDGE and the 110 Integrated Units are Employee Housing Units as of the PUD Effective Date, as set forth on Table 3 below.

**Table 3. Existing Employee Housing Inventory**

| Location           | Rooms      | Credits    |
|--------------------|------------|------------|
| EDGE               | 296        | 542        |
| Integrated Housing | 110        | 274        |
| <b>TOTAL</b>       | <b>406</b> | <b>816</b> |

(i) The EDGE

The County and the Owner/Developer acknowledge and agree that the EDGE unit breakdown is as shown below.

**Table 4. Existing Employee Housing Inventory in the EDGE**

| Room Type                               | Rooms      | Credits    |
|---|------------|------------|
| <b>Total Single Rooms</b>               | <b>50</b>  | <b>50</b>  |
| Double Rooms                            |            |            |
| Double Rooms                            | 215        | 430        |
| Total RA Rooms                          | 10         | 20         |
| Couple Rooms                            | 20         | 40         |
| Apartments                              | 1          | 2          |
| <b>Total Double Rooms/Credits</b>       | <b>246</b> | <b>492</b> |
| <b>SUBTOTAL</b>                         | <b>296</b> | <b>542</b> |
| Non Employee Housing Rooms              |            |            |
| Total Office & Storage Rooms            | 13         |            |
| Short-term/Transient Lodging Rooms      | 10         |            |
| <b>Total Non Employee Housing Rooms</b> | <b>23</b>  |            |
| <b>GRAND TOTAL</b>                      | <b>319</b> |            |

- (a) During each Peak Season, a maximum of ten (10) units within the EDGE shall be reserved for Short-term/Transient Lodging.
- (b) The EDGE building's Dormitory Style Seasonal Housing units are exempt from the minimum size requirements stated in Section 2.6.B.
- (c) The Owner/Developer at all times shall maintain 52,687 square feet of common space within the EDGE for uses including but not limited to lobby, dining and Employee laundry facilities.
- (d) Non-Peak Season – Permitted Uses
 

During the Non-Peak Season the following uses may be permitted within EDGE facility:

  - i. Short-Term/Transient Lodging. A number of units shall be maintained in the EDGE to meet the Non-Peak Employee Housing needs. The remaining units may be used for short-term/transient lodging. Rental of such units shall be permitted, provided such rentals are only to provide low Average Daily Room (ADR) lodging alternative to market rate units, for use by non-profit or other special interest groups such as churches, bands,



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camps, teams or Special Olympics, friends and family of Employees, or for other similar uses subject to the approval of the Planning Department.

- ii. Conference Facilities
- iii. Resort Support Uses

### (ii) Integrated Employee Housing Units

**Table 5. Integrated Employee Housing Unit Inventory**

| Room Type    | Rooms      | Credits    |
|--------------|------------|------------|
| Double Units | 27         | 108        |
| Single Units | 83         | 166        |
| <b>TOTAL</b> | <b>110</b> | <b>274</b> |

- (a) Up to 10% of the Integrated Employee Housing Units may qualify for an exemption from the Employee Housing Use Restrictions. Exemptions will be determined by POLA and the County annually on a case-by-case basis. An Employee unit may qualify for an exemption if the occupant meets one of the following criteria:
- i. The occupant is an Employee that works a minimum of 30 hours per week for a business in the County;
  - ii. The occupant is a retired Employee 55 years or older with 10 years of service at a Resort business that uses the unit as their primary residence;
  - iii. The occupant is an Employee disabled while working for a Resort business that uses the unit as their primary residence.
- (b) If any of the recognized Integrated Employee Housing Units listed in Appendix 47 cease to be occupied by an Employee as defined in the PUD Designation (unless granted an exemption as described in Subsection 2.6.E (ii)(a) above), then the Owner/Developer shall replace the lost unit with a comparable Integrated Employee Housing Unit that provides an equal number of bed credits and is restricted in a manner acceptable to the County, within 12 months.

### **F. Copper Mountain Property Owners and Lessees Association.**

All Employee Housing Units within the Property, with the exception of the EDGE building and the East Lake Lodge development, shall be made subject to the rules and regulations of the Copper Mountain Property Owners and Lessees Association, commonly referred to as "POLA," provided that the County is designated as a party in interest to such bylaws/regulations and is properly delegated with enforcement authority in regards to the same, as ascribed in Appendix 41.

## 2.7 AFFORDABLE HOUSING

- A. "Affordable Housing" shall mean any dwelling unit located within the PUD that is restricted in perpetuity to occupancy by individuals meeting the eligibility requirements as