

## To ABOR Membership:

**Bill Stirling and I were among the 26 members selected by the Pitkin County Board of County Commissioners (BOCC) to serve on the Community Growth Advisory Committee (CGAC).**

Other members included ranchers, Aspen-born locals, land planners, architects, appraisers, Holy Cross CEO, climate action advocates, contractors/builders, property managers, property owners and more. It was a diverse, well-intentioned group, and not one member dropped out over the 10 month and (21) meetings lasting 2 ½ - 3hrs ea.

**The purpose of this email is to keep you informed for the next year or so on Pitkin County Land Use changes under discussion.** We think there's a benefit to having all this 'under one roof' and we'll do our best to communicate on a regular, as needed basis.

Included in this email below are: **A) Resources – One stop shop; B) Notes for Property Owners – How best to anticipate changes - Realtor Q & A to CGAC staff; C) CGAC - Growth Committee Final Report Outline**

The Committee officially started meeting July 2022 and wrapped up their unanimously approved final report recommendations on May 17<sup>th</sup>, 23. On Tues 6/6/23, the report was presented to the Board of County Commissioners (BOCC). At the end of the presentation, **BOCC commissioner Steve Child said, "This is a Seminal moment for Pitkin County". On Tues June 13<sup>th</sup>, after a morning BOCC "retreat" to discuss the report, they directed their Pitkin County staff to move forward with all of the Growth Committee's recommendations.**

This is a significant milestone.

### **In brief, what's this all about?**

We all have an interest in keeping Aspen "the best place in the world to live" as I heard architect Fritz Benedict say many times with genuine glee and a twinkle in his eyes.

This is about keeping this place wonderful and special.

Yet already, a misinformed columnist wrote recently in an all-to-obvious retort:

*"And now we have our first glimpse of a massive rewrite of Pitkin County's land use code that's set to reduce the maximum square footage of new homes, as well as dramatically change the transferable development right program. The changes are meant to reduce excessive energy use and our collective carbon footprint, but are aimed primarily at the wealthy who can afford to build larger homes. Overlooked are generational farmers, ranchers and owners of historical mining claims who rely on the sale of TDRS for their retirement. No matter where each of us might stand on any of these contentious issues and recent decisions, the questions I find myself asking are these: Why can't we get the hell out of our own way? What is it we are actually trying to accomplish? And why does it all have to be so divisive?"*

Words matter. Context matters. We can all go deeper and be more mutually respectful than

that. Yes, there are sure to be objections to these proposals but what we are trying to accomplish starts here.

This is a moment for all of us collectively – as members of a community we cherish, love and want to protect – to reach for the stars, to imagine and to execute a plan for the best path forward for our Pitkin County community that has undergone huge changes in the past three years.

No one or individual group is being singled out and targeted. We are all in this together.

## **What Next?**

There are still many questions to work through, with much more work and specificity to add, but all (5) five BOCC members were in support of moving the entire Growth Committee's package of recommendations forward and requested their staff to come back with an implementation plan for consideration.

Over the next couple of weeks, the Pitkin County Community Development staff will be developing a proposed implementation and action plan of how to move the Growth recommendations from policy-level concepts to code amendment changes.

Then, code amendment changes will be reviewed by the Pitkin County Planning and Zoning Commission before ultimately returning to commissioners. It is likely to be a lengthy process.

The staff is also looking at how the new statewide legislation (HB23-1255) may influence the committee's recommendations.

In closing, while we are likely not to agree on everything, we genuinely believe we all have similar Aspen interests at heart, otherwise why would we be here? This was the spirit of the Committee.

Many CGAC members expressed the sentiment that serving on the committee was akin to getting a Masters in Land Planning. Some of this subject matter is very complicated. It's not easy stuff. Please feel free to reach out to us to discuss, ask questions and more.

We'll do our best to answer directly or learn more from staff and get back to you. And as we learn more, we will continue to communicate with you.

Best wishes, Tim and Bill

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## Resources – One Stop Shop:

- [Video: Jun 6, 23 CGAC/BOCC meeting](#): (Jump to 4:04 to meeting start).
- [Slide deck of the 6/6/23 CGAC presentation to BOCC](#) is attached. Good visual summary.
- [Final CGAC report](#) (70 pg report with appendix for related background readings. See below).

### Important Reference materials:

- [White Paper on House Size](#): *Existing Conditions, Trends and Impacts of House Size in Unincorporated Pitkin County, Compiled for the Community Growth Advisory Committee By: Staff and Planning Team November 2022. Compiled for the Community Growth Advisory Committee By: Staff and Planning Team November 2022. Very important resource.*
- [Pitkin County Buildout Study and Core Infrastructure - DRAFT Analysis, RPI Consulting LLC, July 2018](#)
- [Pitkin County Caucus Areas – House Size Limits](#)

### Growth Committee (CGAC) Website:

- [Pitkin County Community Growth Advisory Committee URL](#) - public meetings, information packets and reading materials

**Recent news articles** - concise readable pieces on a complex subject. Not all topics are covered, but they serve as good primers.

- 6/8/23 AT: <https://www.aspentimes.com/news/small-is-beautiful-citizens-coalition-tells-pitkin-county-in-advisory-on-growth/>
- 6/9/23 AND: [https://www.aspendailynews.com/news/new-chapter-dawns-in-pitkin-county-growth-control/article\\_28d25cec-05da-11ee-aa85-9b786466606d.html](https://www.aspendailynews.com/news/new-chapter-dawns-in-pitkin-county-growth-control/article_28d25cec-05da-11ee-aa85-9b786466606d.html)

## Notes for Property Owners – How best to anticipate changes.

### Realtor Q & A to CGAC staff (Pitkin County CommDev and their Growth Committee consultants)

Q: Timing of Community Growth Advisory Committee (CGAC) recommendations...When would they take effect?

A: On Tue Jun 6<sup>th</sup> CGAC presented its final report to the BOCC. After discussion and questions, the BOCC's response by Steve Childs, Commissioner, "This is a seminal moment for Pitkin County".

- On Tues June 13<sup>th</sup>, after a morning BOCC "retreat" to discuss the report, the BOCC directed Pitkin County staff to move forward with all of the Growth Committee's recommendations.

Q: Are property owner's grandfathered or not? If not, does this create a 'rush to the gates', similar to the downtown penthouse application rush when the downtown construction moratorium was presented...? Or do property Owner's lose the ability to do what they thought they could do (develop, expand, teardown, rebuild, add large subgrade space)? That's it; too bad.

A: Anyone with an existing application will be under the current code (land use or building). Permits are active for typically one year as long as the applicant is demonstrating progress on the permit. Once the new code is adopted, anyone without an existing application will be subject to the new code. As far as timing, we anticipate final code adoption is likely 9 months out so still a bit of time and really depends on BOCC adoption of the recommendations.

Q: Example: Someone who had been, or was planning, had the ability, to add an extra 2-3,000 sq ft subgrade, now only 1000?

A: If they have an application before the new code adoption, they can build to current exemption. If they don't have a pending application, will be subject to new requirements...once code is adopted.

Q: Example: Someone who bought an older property at essentially land value with the intention to eventually, not immediately, scrape and replace...Where do our proposals leave that new owner now?

A: Must have an active application to be subject to current code.

Q: TDRs: If *the new proposed* TDR will allow 2000 sf (*vs existing 2,500 sf*) , or 4 x 500 sf tranches, won't this slow, impede, limit a sending sites ability to cash out on their TDR holdings expeditiously? And therefore discourage prospective sending sites from entering into the TDR Program? Yes, we are increasing the TDR demand side, but is it enough? Aren't we in fact and execution, actually extending the amount of time it will take a sending site owner to cash out, de-incentivizing the effectiveness of the program?

A: These are great questions and many that the Committee has wrestled with. Ultimately, the TDR market is an open market and subject to supply/demand economic factors. We have no way of anticipating, but is also why the recommendation includes that any changes to TDR program must be closely monitored and if it is no longer achieving the goals, should be halted and evaluated to ensure #1 that the TDR market remains for Rural preservation.

Q: Would you address the new residential TDRS – what is the proposed plan?

A: Older homeowners, (ex: 20+ years, longtime homeowners) will have the opportunity to sell off TDR rights of their undeveloped sq footage floor area that is below 5,750 sq ft (or the max allowable floor area for that lot if less than 5,750).. For example, if the homeowner's home is 3,000 sq ft, with a maximum allowable floor area of 5,750 sq ft, he/she would have the right to sell up to two (2) 500 sq ft TDRS (may not exceed more than two) of the undeveloped ~~sq footage floor area~~ or a portion thereof. In

this example, the property would then be limited to 4,750 maximum floor area in perpetuity. Under the new TDR proposal, if a TDR now counts as 500 sq ft, the homeowner will be able to sell off their development right of that extra square footage and monetize this excess by selling up to (2)-TDR's. The property would be deed restricted so as not to exceed the voluntarily reduced floor area. Upon closing, the homeowner must commit that up to 10% of the proceeds of the sale of TDRS would be required or go towards energy upgrades or retrofitting of their home towards GHG conversion.

Note: Under the new program, if homeowner meets the criteria, up to two (2) 500 sq ft TDRs, depending on the allowable floor area would be granted.

Q: What's going to happen with owner's of existing TDRs (2500 sf). How will this play out?

A: As envisioned by the Growth Committee, TDRs certificates would be broken into the five (5) denominations of 500 sq ft. However, that does remain subject to final BOCC approval in the code amendment process.

Q: Please comment on how is this anticipated to effect TDR supply /demand?

A: This is yet to be known. With requiring a 2:1 ratio to land TDRs, there will likely be more demand for TDRs and this creates a new opportunity to increase supply. That being said, all of this program will be closely monitored to ensure it does not limited or undermine the Rural / Remote TDR program.

Q: Explain the sub-grade bonus that replaces sub-grade exemption:

A: The CGAC recommended a subgrade (basement) bonus of up to 1,000 sq ft above Allowable Floor Area (not to exceed house size cap or caucus limits) in the Urban Growth Boundary (UGB) only and requires TDR with special review. (This removes the basement subgrade exemption. However, one can build more subgrade than the 1,000 sq ft bonus, but it will count as FAR).

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## **CGAC - Growth Committee Final Report Outline Presented to BOCC on 6/6/23**

### **Mission: "Keep This Place Special"**

At the first meeting, the Committee all agreed that the Roaring Fork Valley remains an extraordinary place to live. We also agreed there's a problem that needs fixing.

### **Doing nothing is not an option**

- We want to maintain the rural character and open lands that define our community.
- We want less reliance on fossil fuels and more energy efficiency for climate action.
- We want to reduce the sense of "overwhelm" that so many residents and visitors are feeling.
- Growth is no longer defined as just density, but also intensity and activity.

### **Defining Quality Of Life**

As the Committee deliberated on how to define the desired outcomes we wish to achieve, the following topics served as short descriptions of our collective goals and core values and were instrumental in guiding and developing the Committee's recommendations.

- Pacing of Development
- Rural/Wild Preservation

- Rural Traffic and Highway Congestion
- Sustainable Economy
- Workforce and Housing Imbalance

### Big Questions Identified

- Should house size be limited?
- Should the TDR and GMQS systems be overhauled?
- Should we focus on future development and/or what already exists?
- Should the county’s short-term rental (STR) policies be overhauled?
- Should the county’s affordable housing policies be overhauled?
- Should urban growth boundaries be revised?
- Should growth be limited to areas deemed appropriate for increased density

### Overview of Recommendations

The recommendations incorporate several changes and additions to county policies, land use code, and building code. The Committee’s recommendations would cut potential emissions three-fold from the maximum buildout of the residential sector under the current code , while also balancing the quality of life values of our community.

### Land Use, Building Code and Administrative levers at our disposal (Green checks indicate the degree to which CGAC report recommendations accomplish those goals.)

Model Scenario Components	Quality of Life Outcomes (Goals & Values)					
	Climate		Balanced Economy		Community Character	
	Reduction of GHG emissions by 90% by 2050	Residential net zero by 2030	Workforce/housing imbalance	Pacing of development	Rural/wild preservation	Rural traffic & highway congestion
Floor Area Ratio	✓✓		✓		✓	✓
Square Footage Cap (8,000 - 10,000)	✓✓		✓		✓	✓
Tiering System	✓	✓	✓	✓	✓	✓
Performance Standards	✓✓	✓✓✓				
Development Standards	✓✓	✓✓			✓	
GMQS	✓		✓	✓✓	✓✓	✓
Square Footage Quota System	✓✓			✓✓	✓✓	✓✓
TDRs	✓			✓	✓✓	✓
Zoning Overlay/Rural Area	✓		✓	✓	✓✓✓	✓✓✓
Administrative Policies	✓✓	✓✓	✓	✓✓✓	✓	✓
Affordable Housing Solutions	✓	✓	✓✓	✓	✓	✓✓
Mitigation/Impact Fees	✓	✓	✓			✓
Redevelopment	✓	✓✓	✓✓	✓	✓	✓✓