Town Council
Monday, May 6, 2024
4:00 PM
130 Kearns Road
Town Council Chambers
Snowmass Village, CO 81615
You can watch the meeting live online on our website at tosv.com.
Agenda

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PROCLAMATIONS AND PRESENTATIONS**

4. **PUBLIC COMMENT**
This section is set aside for the Town Council to LISTEN to comments by the public regarding items that do not otherwise appear on this agenda. Generally, the Town Council will not discuss the issue and will not take an official action under this section of the agenda. (Five Minute Time Limit)

5. **CONSENT AGENDA**
These are items where all conditions or requirements have been agreed to or met prior to the time they come before the Council for final action. A Single Public Hearing will be opened for all items on the Consent Agenda. These items will be approved by a single motion of the Council. The Mayor will ask if there is anyone present who has objection to such procedure as to certain items. Members of the Council may also ask that an item be removed from the consent section and fully discussed. All items not removed from the consent section will then be approved. A member of the Council may vote no on specific items without asking that they be removed from the consent section for full discussion. Any item that is removed from the consent agenda will be placed on the regular agenda.

5.A. 2024 Agenda Overview
2024 Agenda Overview.pdf

5.B. Minutes for Approval
04-08-24 TC Minutes - Draft.pdf

5.C. Ordinance No. 08, 2024 - Amending 2024 Budget - Second Reading
Agenda Item Summary - ORD 8 Amending 2024 Budget.pdf
Attachment 1: Ordinance 08, 2024 -Budget Revisions 2024 -CPW & Furniture - Second Reading.pdf

6. **PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS**

Public Hearings are the formal opportunity for the Town Council to LISTEN to the public regarding the issue at hand. For land use hearings the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial must limit its consideration to matters which are placed into evidence and are part of the public record. The Council must base their decision on the law and the evidence presented at the hearing.

7. **POLICY/LEGISLATIVE PUBLIC HEARINGS**

7.A. Ordinance No. 06, 2024 - RE Housing Regulations at the Crossings - Second Reading

Agenda Item Summary - Housing Regulations Review and ordinance 6 of 2024.pdf
Attachment 1: Ordinance No. 06, Series 2024 RE Crossings provision.pdf

7.B. Ordinance No. 04, 2024 RE Housing Regulations - Second Reading

Agenda Item Summary - Housing Regulations Review and Ordinance 4 of 2024.pdf
Attachment 1: Compilation of email comments received on Proposed Changes to the Housing Regulations.pdf
Attachment 2: Ordinance 04 2024 - Permanent Moderate Housing Regulations- Second Reading.pdf
Attachment 3: Exhibit A (changes) - Permanent Moderate Housing Regulations - consolidated changes.pdf
Attachment 4: Exhibit B (clean) - Permanent Moderate Housing Regulations - consolidated clean.pdf

8. **ADMINISTRATIVE REPORTS**

8.A. Little Red Schoolhouse Update

Agenda Item Summary - Little Red Schoolhouse Update.pdf
Attachment 1: Little Red Schoolhouse Revised Schematic Design Overview.pdf
Attachment 2: Little Red Schoolhouse Project Cost Estimate.pdf
Attachment 3: Brodsky Research - TOSV Little Red Schoolhouse Demand Study Summary.pdf

8.B. Snowmass Center Workforce Housing Conceptual Review

Agenda Item Summary - Snowmass Center Purchase Concpet Plan.pdf
Attachment 1: Concept Redevelopment Plans.pdf

9. **TOWN COUNCIL REPORTS AND ACTIONS**

Reports and Updates

10. **EXECUTIVE SESSION**

10.AExecutive Session

Agenda Item Summary - Exec Session.pdf

11. **ADJOURNMENT**

DRAFT 2024 Agenda Items

- Regular Meetings begin at 4:00 p.m. unless otherwise noted
- Work Sessions begin at 4:00 p.m. and aim to end at 6:00 p.m.
- The dates on which agenda items are listed are only a best approximation. Agenda items are added to this list as they arise. Agenda items may well be moved to different meeting dates. Agendas are generally not finalized until the Thursday prior to the meeting.
- In addition to agenda items, this document also lists expected absences of Town Council members. In compliance with section 2-49 of the municipal code, once the consent agenda is approved, the absences noted will be considered to have received the prior approval necessary of the majority of the Council for members to be absent from meetings.

Topic to incorporate:

- MJ signage regs / tax rate should they be revised?
- Lighting Code Discussion – May or June?
-

Monday April 15 – Regular Meeting (Marolt Out)

- Snowmass Mountain PUD – Ord 7– Second Reading
- SAAB Program review and consideration
- Draw site Owner Review
- Resolution RE Dispatch Center IGA
- Amend 2024 Budget - Ord 8 – First Reading

Monday May 6 – Regular Meeting (Madsen virtual)

- ORD - Housing Regulation – 2nd Reading
- ORD – Crossings – 2nd Reading
- Little Red School House Update
- Snowmass Center Workforce Housing Conceptual Review (?)

Monday May 13 – Work Session

- Owl / Brush Roundabout Update
- Discussion to coordination draw and center housing sites
- Little Red Schoolhouse Site Visit (?)
-

Monday May 20 – Regular Meeting

- Sen. Will visit?
- ORD - Bs and Cs Update - Ord – First Reading?
- Owners Review of the Draw Site
-

Monday June 3 – Regular Meeting

- Sen. Will Visit?
- Wildlife/ Hwy 82 safety Presentation (Cecily Runge)?
- ADU unit ordinance
- Owl / Brush Roundabout Update
-

EOTC – Thursday June 6 – Town of Snowmass Village

As Of: Thursday, May 2, 2024

DRAFT 2024 Agenda Items

<u>Monday June 10 – Work Session</u>

<u>Monday June 17 – Regular Meeting</u>

- Mall Transit station design review

<u>Monday July 1 – Regular Meeting</u>

- Election Reso auth to participate & IGA with Pitkin (or July 15th – has to be delivered to Cty 100 days prior to Election on 7/28/24)
-

<u>Monday July 8 – Work Session</u>

- B & C application & appointment procedure update
- **Rep. Velasco visit**

<u>Monday July 15 – Regular Meeting</u>

<u>Monday Aug 5 – Regular Meeting</u>

- Election – Reso Re Ballot Language or 8/19/24 (Ballot Language has to be to Cty by 9/6/24
-

<u>Monday Aug 12 – Work Session</u>

<u>Monday Aug 19 – Regular Meeting</u>

<u>EOTC – Thursday August 22 – Pitkin County</u>

<u>Tuesday Sept 3 – Regular Meeting</u>

- Review Leash Laws
-

<u>Monday Sept 9 – Work Session</u>

<u>Monday Sept 16 – Regular Meeting</u>

<u>Monday Oct 7 – Regular Meeting</u>

- Budget
-

<u>Monday Oct 14 – Work Session</u>

- Budget

<u>Monday Oct 21 – Regular Meeting</u>

- POST Grant – 1st reading?
- Budget

<u>EOTC – Thursday October 24 – City of Aspen</u>

As Of: Thursday, May 2, 2024

DRAFT 2024 Agenda Items

Wednesday Nov 6 – Regular Meeting

- GID Meeting - Adopting the GID Budget
- Budget Adoption
- B & C Applications

Tuesday Nov 12 – Work Session

Monday Nov 18 – Regular Meeting

- B & C Interviews
- POST Grant – 2nd reading
- New Council Members Oath of Office

Monday Dec 2 – Regular Meeting

- Reso RE 2024 Meeting Dates
- Reso on Delinquent Solid Waste / Trash
-

Monday Dec 9 – Special Meeting

- **GID Meeting – set Mill Levy**

Monday Dec 16 – Regular Meeting

- B & C Resolution appointing new Members

In 2025 - Town Attorney and Town Clerk provide an Ordinance to Review Town Ordinances – Required every five years since 1994 Re-codification Adoption per the Town Charter. See Ord 19, Series 2020 as example.

Topics for Work Sessions or Other Meetings Requested by Town Council Members

- Schedule Updates will all of the Town Boards to review priorities and current initiatives.
    - EAB
    - FAB
    - PTRAB
    - POSTR
    - Marketing
    - Grants – Recent Awards; Review of Criteria; Purpose, etc.
    - SAAB
    - Planning

As Of: Thursday, May 2, 2024

Town Council
Regular Meeting Minutes
Monday, April 8, 2024
4:00 PM
130 Kearns Road
Town Council Chambers
Snowmass Village, CO, 81615

Councilmember Shenk called to order the Regular Meeting of the Snowmass Village Town Council on Monday April 8, 2024, at 4:00 pm.

A complete live recording of this meeting can be found at www.tosv.com under Town Council Meetings. This meeting will be archived indefinitely, allowing you to view it at anytime.

1) CALL TO ORDER

2) ROLL CALL

Council Members Present: Susan Marolt, Alyssa Shenk, Tom Fridstein, and Britta Gustafson. Bill Madsen arrived at 4:21pm.

Council Members Absent: None.

Staff Present: Clint Kinney, Town Manager; Greg LeBlanc, Assistant Town Manager; Julia Theisen, Tourism Director; Shane Vetter, Senior Events Producer; Sam Guarino, Transportation Director; Anne Martens, Public Works Director; and Megan Harris Boucher, Town Clerk.

Public Present: Brian Hannegan, Jenna Weatherred, Jay Shumaker, Jim Gustafson, and Brian Marshack.

3) PROCLAMATIONS AND PRESENTATIONS

4) PUBLIC COMMENT

None

5) CONSENT AGENDA

5.A) 2024 Town Council Agenda Overview

Pages 3-6 2024 Agenda Overview.pdf

Councilmember Fridstein asked, and staff confirmed that the Draw site housing will be on the April 15 agenda. Councilmember Gustafson suggested a future discussion on Connectivity with how it relates to some opportunities to make areas more welcoming and safer, especially how it relates to teens and kids.

Councilmember Fridstein motioned to approve the Consent Agenda. Councilmember Marolt seconded. All in favor. Mayor Madson was absent and did not vote.

6) PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS

7) POLICY/LEGISLATIVE PUBLIC HEARINGS

8) ADMINISTRATIVE REPORTS

8.A) Holy Cross Update

Page 7 Agenda Item Summary - Holy Cross Update.pdf

Pages 8-17 Holy Cross Council Presentation.pdf

Holy Cross President and CEO Bryan Hennegan presented to the Town Council materials from the packet including their history since the founding in 1939, journey to100% Clean Energy, the need for flexibility in Clean Power Systems, building decarbonization, and expanding thermal networks. Council had a few questions and thanks Bryan for presenting.

8.B) Summer Events Update

Page 18 Agenda Item Summary - Summer 2024 Events Schedule.pdf

Pages 19-20 SNOWMASS VILLAGE SUMMER EVENTS CALENDAR 2024.pdf

Pages 21-32 Powerpoint - Summer Events 2024.pdf

Tourism Director Julia Theisen and Senior Events Producer Shane Vetter summarized and highlighted some established marque events and then introduced some new events on the summer schedule.

They highlighted some cultural additions, new music events including AMFS students performing MOTM all summer, Pride Month Concert and other small activations. The focus of the community activations is to bringing community members and visitors together to enjoy these events and activities. Vetter showed a visual of the new concert shelter. It will be able to be moved but planned to be stationed at the Summer Stage entrance, in the gravel area across from Skittles load area. Plans for Base Village Lawn games, activities, etc. Town Clean-up Day, Community Picnic and Thanksgiving Potluck are geared toward the community but inclusive to make sure all feel welcome. Plans to add an ice cream truck.

Council thanked Shane and Julia and said how much all are looking forward to the summer.

8.C) Connecting Village Nodes update

Pages 33-34 Agenda Item Summary - Connecting Village Nodes.pdf
Pages 35-40 Attachment A - Scope of Work.pdf
Pages 41-66 Attachment B - Draft Existing Conditions Report.pdf
Pages 67-77 Presentation - Connecting Village Nodes.pdf

Public Works Director Anne Martens summarized the agenda item and introduced Bill Delo, Senior Project Manager & Transportation Planner from DJ&A to present the materials from the packet and lead the discussion on Connecting the Nodes. Materials presented from the packet included multimodal connections between Snowmass Center and Base Village, travel methods, routs, direction, destination, starting point, way finding, schedule for the project, existing conditions, design goals and the plan for frequent, shorter updates.

Council asked about the plans for stakeholder meetings being over zoom and suggested in person would be more meaningful. Staff clarified that the idea is to get a few feasible ideas and then expand available formats to get as much input from stakeholders as possible.

8.D) Mall Transit Center Project

Pages 78-80 Agenda Item Summary - Mall Transit Center.pdf
Pages 81-82 2024 Mall Transit Design Criteria.pdf
Pages 83-85 2024 Incremental Improvements.pdf
Pages 86-89 TOSV Design Concepts - SEH Review.pdf
Pages 90-94 Revised Drawings All plans.pdf

Transportation Director Sam Guarino summarized the agenda item and highlighted the Transit Center designs under consideration. The 5th meeting focused specifically on Design Criteria and Council asked for some cost and feasibility on the designs in consideration. Guarino asked for direction from Council for next steps.

Mayor Madsen started out the discussion and recommended the Incremental Improvements at this point. Madsen continued by emphasizing the need to look at the Shuttle stop as well to help improve it.

Councilmember Fridstein presented an opposing view, recommending combining the RFTA and the Shuttle. Fridstein is worried that if we do Incremental Improvements, we will miss the opportunity to really improve it to a first-class Transit Facility- two levels, use his initial drawings and develop them to work for the space. He believes it is worth spending 15-20K to explore that possibility.

Councilmember Marolt expressed hesitancy and has questions. How much smaller and how much less impact for construction does that design possibly offer? Staff clarified that we do not know some of those answers. Possibly 30% smaller. Possibly a little less impactful construction period with Fridstein preliminary designs.

Councilmember Gustafson stated that the user experience is not working. A problem-solving solution could be putting them together in one Transit Center. Gustafson would like to see these designs taken to the next level, bring in business owners in beginning, and see if the design can work will work and if the business owners can be on board.

Councilmember Shenk expressed again how the user experience needs to be easy and straight forward. Asked how long Incremental changes could take. Staff believe it could be done in one off-season, but it needs a bit more development to get a project schedule. Shenk asked if the Incremental Improvements could feed into the larger project, like a step towards the bigger solution of a new Transit Center.

All expressed concern over disruption during construction and the need to get a better feel from community. Staff confirmed that any large-scale project will take years to get underway so some incremental improvements as well as improved signage and wayfinding could be accomplished in the meantime.

Public Comment –
Brian Marshack, Planning Commission member – He is excited to see the ball moving forward with a multimodal plan. He does not see the past as a waste of money because we learned from it and are pursuing new possibilities. He hopes this can evolve into something that could work. He likes combining RFTA and Shuttle, getting buses off Carriage Way, sees an opportunity to help facilitate a Mall redevelopment. Always do the incremental improvements but it could kick the can down the road and makes it difficult to move forward.

Jim Gustafson, Planning Commission - Likes the idea of looking further at Fridstein’s design. He is in favor of a Transit Center, believes it is the right location but needs to be more carefully done.

Jay Shumaker, retired architect - Team looks a lot tighter and believes it is worth exploring. He expressed concern about timeline.

Direction from Council - Some Incremental improvements to address safety and clarity for user, use some money to look at design, and get Stakeholders input as early as possible.

Councilmember Fridstein motioned to use 15-20K to get the engineering team to look at

the concept design and take them to next steps for feasibility - Option 1 - RFTA and with the Shuttle stop below. Once Council reviews those and decides direction, Council can decide what incremental improvements could be pursued.
Councilmember Gustafson seconded.
All in favor.

9) TOWN COUNCIL REPORTS AND ACTIONS

Councilmember Marolt has an upcoming Board of Health meeting on Thursday.

Councilmember Shenk attended a NWCCOG meeting at end of March and will attend the upcoming to NWCCOG Economic Summit in Silverthorne May 2nd. There are upcoming RFTA and Sister Cities meetings. Students from the Sister Cities Program exchange from Bariloche, Argentina have been visiting. Shenk emphasized the need for an upcoming Lightning Code discussion as one home stands out for not only their color scheme but also that they are seemingly the only one with their lights still on as of April 8th.

Mayor Madsen attended Town Ski Day. Madsen attended the Duke Taylor memorial at the Snowmass Chapel on April 6th. He attended a Nordic Council meeting where they discussed some conversations with the HOA regarding concerns about grooming operations compacting the soil. More to come on this. NASTAR Nationals are happening, encouraged all to check out the events.

Councilmember Fridstein has an upcoming CORE meeting next week.

Councilmember Gustafson will also attend the Sister Cities meeting and is looking at different fundraising opportunities. She has received some great feedback from Dog owners and walking trails off leash. Great to have some off leash areas and it seems to be changing some interactions for the better.

10) ADJOURNMENT

Councilmember Fridstein motioned to adjourn. Councilmember Marolt seconded. All in favor.

Adjourned at 6:59 pm.

The Snowmass Village Town Council approved this set of meeting minutes at their Regular Meeting on Monday, May 6, 2024.
Submitted By,

____
Megan Harris Boucher, Town Clerk

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:
May 6, 2024

AGENDA ITEM:
Consideration of ORDINANCE NO. 8, SERIES OF 2024 - SECOND READING OF **AN ORDINANCE AMENDING THE 2024 BUDGET FOR THE GENERAL FUND FOR THE TOWN OF SNOWMASS VILLAGE.**

PRESENTED BY:
Brian Olson, Chief of Police

BACKGROUND:
In the summer of 2023, the Town of Snowmass Village began replacing Curbside trash cans with the most bear-resistant product on the market. The purchase of the first 70 cans was made possible through a grant from Colorado Parks and Wildlife with some additional funds from TOSV. The second phase of the trash can replacement will involve purchasing 154 cans. Phase II, to be completed this summer, will finish replacement of all 214 curbside cans in the Village with an additional 10 cans for emergency replacement. The full amount for the purchase of 154 cans is through a second grant recently awarded by CPW in the amount of $57,500 in 2024. This results in $57,500 of additional revenues and $57,500 of additional expenditures.

The (new) revenue and (new) expense is not included in the current budget. This ordinance will appropriate the revenue and approve the expense.

The 2024 Public Safety budget includes an administration promotion to Assistant Chief. To physically accommodate this position, the Police Department will be reconfiguring some of its office space. The required funds for this physical reorganization, converting a conference room to an office, was accidently left out of the 2024 budget.

FINANCIAL IMPACT:
Ordinance No. 8, Series of 2024, revises the 2024 adopted budget and appropriates these funds for spending.

General Fund:
Increase expenses by $57,500 in Public Safety One-time Purchases for Curbside trash can replacement. This expense will be offset in full by revenues from the CPW grant in the same amount.

Increase expenses by $18,000 in Public Safety One-Time Purchases for office improvements.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

The Town Budget remains one of the keystone policy documents the Town Council adopts. It is the primary tool to pay for and implement Town Council goals. Reviewing 2023 financial numbers and revising the 2024 budget will ensure the Council's goals and objectives can continue to be met.

COUNCIL OPTIONS:

1. Approve, Modify of Deny Ordinance No. 8, Series of 2024

STAFF RECOMMENDATION:

It is the recommendation of the Town Staff that the Council approve the Second Reading of Ordinance No. 8, Series of 2024 revising the 2024 budget.

ATTACHMENTS:

A. Ordinance No. 8, Series of 2024

SNOWMASS VILLAGE
TOWN COUNCIL

ORDINANCE NO. 8
SERIES OF 2024

AN ORDINANCE AMENDING THE 2024 BUDGET FOR THE GENERAL FUND FOR THE TOWN OF SNOWMASS VILLAGE.

WHEREAS, Clint Kinney, Town Manager, has submitted changes to the 2024 Adopted Budget; and

WHEREAS, the 2024 amendments include changes to the General Fund; and

WHEREAS, the General Fund is revised to include an increase in revenues to account for a grant that the Town will be receiving from the Colorado Parks and Wildlife to cover the purchase of bear-proof trash containers and for the related expense of the bear-proof trash containers and to include an expenditure for office furniture as part of accommodating staffing changes within the police department; and

WHEREAS, the Town of Snowmass Village Home Rule Charter requires adjustments to the budget when circumstances change relating to the budget.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Snowmass Village, Colorado:

Section One: Revised Budget
That the Town of Snowmass Village 2024 budget for the General Fund be adjusted to include the below amendments.

Section Two: Appropriation
That the below 2024 revised revenues and expenditures are hereby appropriated for expenditure during the 2024 budget year.

Section Three: Effective Date
This Ordinance shall become effective upon adoption in accordance with Article X, Section 9.11 (e) of the Home Rule Charter.

Town of Snowmass Village
Budget Changes – 2024

	2024 Revenues	2024 Expenditures
General Fund	$ 57,500	$ 75,500
TOTAL	**$ 57,500**	**$ 75,500**

INTRODUCED, READ AND ADOPTED on first reading by the Town Council of Snowmass Village, Colorado on the 15th day of April, 2024 with a motion made by Councilmember Shenk and seconded by Councilmember Fridstein and by a vote of 4 in favor to 0 opposed. Councilmember Marolt was absent and did not vote.

INTRODUCED, READ AND ADOPTED on second reading by the Town Council of Snowmass Village, Colorado on the 6th day of May, 2024 with a motion made by __________ and seconded by ______________, and by a vote of __ in favor to __ opposed. A roll call was taken, those in favor were_________________________, those opposed were _____________________.

TOWN OF SNOWMASS VILLAGE

____
Bill Madsen, Mayor

ATTEST:

____
Megan Harris Boucher, Town Clerk

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:
May 6, 2024

AGENDA ITEM:
Second Reading of Ordinance #6, 2024 Regarding Proposed Changes to the Permanent Moderate Housing Regulations Specifically Regarding the Crossings

PRESENTED BY:
Betsy Crum, Housing Director
Jeff Conklin, Town Attorney

BACKGROUND:

In 2023, the Town Council requested an opportunity to discuss various requirements of the Permanent Moderate Housing Regulations. The existing Regulations were last revised and updated in 2018 and enforce Chapter 17 of the Municipal Code and are incorporated by reference in that Code, which reads:

> Sec. 17-11 **Regulations**. The Housing Manager shall establish rules and regulations to effectuate the provisions of this Article after conducting a public hearing and with the advice and consent of the Town Council. All rules and regulations so established shall be enforceable as if enacted in this Code.

At the June 5, July 17, September 11, November 20, 2023, January 2, 2024, January 16, 2024, March 4, 2024 and April 1, 2024Town Council meetings, we reviewed the current rental and ownership housing programs in detail and discussed many of the provisions and nuances of the current Regulations. **Consensus was reached on the following changes to TOSV Regulations**

<u>17.7 Exempt Transactions</u>
States that owners of homes at the Crossings who purchased prior to August 26, 2002 (the date the regulations changed) may transfer their home to one or more of their surviving children, provided they meet the criteria of a Qualified Applicant.

FINANCIAL IMPACT:

Not applicable.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

In 2023 the Town Council established the following housing goals:

Providing more affordable workforce housing options within the Village enables community members to contribute to the local economy AND helps to build a strong, emotionally connected and engaged community. Town Council remains committed to implementing the 2021 Housing Master Plan.

Understanding that Village residents are served by local governmental organizations that are physically outside of the town, TOSV will work closely with those partner entities to create a more inclusive workforce housing framework that will integrate additional people/positions/organizations into our housing program. TOSV will endeavor to leverage additional financial resources from these partners to help meet our respective housing needs.

The TOSV Housing Program provides the foundation for this goal and has set us apart from most Colorado ski communities since its inception.

RECOMMENDATION

It is the recommendation of Town Staff, that the Council, by motion:

approve Ordinance 6, 2024 on second reading.

ATTACHMENTS:

Attachment 1: Ordinance #6 for just the Crossings provision

Until this latest round, the proposed changes were of general applicability to affordable housing units. Now there is one provision that only affects the Crossings. Per the Town Attorney, the Code provides that if a Councilor has a “personal, financial, or private interest in any legislation pending before Town council” that the Councilor has a conflict and is “disqualified with respect to any official act to which the interest relates.” Councilwoman Marolt has a conflict on this because it would specifically benefit her on this specific property, so separating it out allows her to participate in the other discussion but not vote on the Crossings provision.

TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL

ORDINANCE NO. 6
SERIES OF 2024

AN ORDINANCE AMENDING THE PERMANENT MODERATE HOUSING REGULATIONS RELATED TO THE CROSSINGS AT HORSE RANCH

WHEREAS, The Town of Snowmass Village (“TOSV” or the “Town”) is a home-rule municipality, duly organized and existing under the TOSV's Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, Section 3.3 of the TOSV's Charter confers upon Town Council the power to amend the TOSV Municipal Code; and

WHEREAS, Chapter 17, Article I of the TOSV Municipal Code contains provisions regarding Permanent Moderate Housing, and Section 17-11 thereof authorizes the establishment of rules and regulations to effectuate the provisions of the Code (the “Permanent Moderate Housing Regulations”); and

WHEREAS, the Town Council wishes to amend the Permanent Moderate Housing Regulations to include an exemption from resale in certain circumstances for housing units at the Crossings at Horse Ranch; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best interest of the TOSV.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Snowmass Village, as follows:

1. <u>Recitals</u>. The foregoing recitals are incorporated herein as findings of the Town Council.

2. <u>Permanent Moderate Housing Regulations</u>. The Town Council hereby amends the Permanent Moderate Housing Regulations to add a new Section 17.7.3 as follows:

   An Owner of a housing unit at The Crossings at Horse Ranch who purchased such housing unit prior to August 26, 2002, may transfer such housing unit one time by operation of law, by will, inheritance, or gift to one or more of their surviving children, provided that the person(s) who becomes vested with fee title to the housing unit meets the criteria of a qualified applicant. Such one-time transfer shall be exempt from the procedures set forth in Section 17-4 of the Code and 17.4 of these Regulations, provided written notice shall be given to the Housing Manager providing information to support that an exempt transaction has occurred.

3. Severability. If any provision of this Ordinance or application hereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are severable.

4. Effective Date. This Ordinance shall be effective 14 days after final publication in accordance with the Town of Snowmass Village Home Rule Charter.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on First Reading on ___________, 2024, upon a motion by Council Member ______________, the second of Council Member ____________, and upon a vote of __________ in favor and ___________ against.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on Second Reading on ____________, 2024, upon a motion by Council Member ____________, seconded by Council Member ________________, and upon a vote of ___ in favor and ___ against.

TOWN OF SNOWMASS VILLAGE

____
Bill Madsen, Mayor

ATTEST:

____
Megan Harris Boucher, Town Clerk

APPROVED AS TO FORM:

____
Jeff Conklin, Town Attorney

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:
May 6, 2024

AGENDA ITEM:
Second Reading of Ordinance #4, 2024 Regarding Proposed Changes to the Permanent Moderate Housing Regulations

PRESENTED BY:
Betsy Crum, Housing Director
Jeff Conklin, Town Attorney

BACKGROUND:

In 2023, the Town Council requested an opportunity to discuss various requirements of the Permanent Moderate Housing Regulations. The existing Regulations were last revised and updated in 2018 and enforce Chapter 17 of the Municipal Code and are incorporated by reference in that Code, which reads:

> Sec. 17-11 **Regulations**. The Housing Manager shall establish rules and regulations to effectuate the provisions of this Article after conducting a public hearing and with the advice and consent of the Town Council. All rules and regulations so established shall be enforceable as if enacted in this Code.

At the June 5, July 17, September 11, November 20, 2023, January 2, 2024, January 16, 2024, March 4, 2024 and April 1, 2024 Town Council meetings, we reviewed the current rental and ownership housing programs in detail and discussed many of the provisions and nuances of the current Regulations. **Consensus was reached on the following changes to TOSV Regulations:**

<u>17.3.4.1 Employment Qualifications</u>:
Change the working requirement to <u>either</u> 1400 hours and 80% of income in Snowmass Village <u>or</u> 1600 hours and 70% of income earned in Snowmass Village. This is for initial qualification. We have clarified this option throughout the Regulations to ensure consistency.

<u>17.3.5 Restriction on Ownership of Other Real Property</u>
Change the language to also prohibit ownership of other properties in region by using trusts, LLCs or other mechanisms to disguise ownership. This section has been

amended to incorporate an exception for people who purchase and own property as part of a remodeling or similar business, provided the home is not occupied and it is sold within 6 months of completion.

17.3.4.2 In Complex Priority
Clarify that in-complex priorities are only available to owners who currently work full-time for a Snowmass Village business. This has been our practice but needs to be explicitly stated.

17.3.6 Local Priority
This is a new section that would grant additional benefit to qualified applicants who graduated from the Aspen School District. Provided they lived in Snowmass Village for at least 8 consecutive years prior to high school graduation and had an absence from TOSV following graduation for not more than 6 years. These applicants would be given credit for five years of employment in the lottery.

17.4.1 Housing Unit Inspection
Change the language to state that we will engage a third-party inspector to perform home inspections when listed for sale.

17.4.2 Notice of Intent to Sell
Increase the resale fee from $1,000 to $2,000 to better reflect the actual costs of advertising the sale.

17.4.3.1 Energy Efficiency Improvements
Add improvements that measurably reduce carbon emissions to the list of eligible improvements in this category.

17.5.2 Biennial Requalification
Add the above language prohibiting acquiring interest in a residential property in the Roaring Fork Drainage

17.6.2 Housing Unit Rental
Add the ability to rent to a seasonal employee and require the homeowner to work with the Housing Office on setting a rental rate if they rent a bedroom in their home.

17.7.2. A new section has been added to ensure that a minor child may remain in the home in the event of the death of their parents. The ownership will be transferred to the surviving child, who may remain in the home with a guardian until they reach the age of 22, at which time the home will be sold.

These updates will necessitate updates to both the Permanent Moderate Housing Regulations and to Chapter 17 of the Municipal Code. The latter requires that changes be made by Ordinance.

FINANCIAL IMPACT:

Not applicable.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

In 2023 the Town Council established the following housing goals:

Providing more affordable workforce housing options within the Village enables community members to contribute to the local economy AND helps to build a strong, emotionally connected and engaged community. Town Council remains committed to implementing the 2021 Housing Master Plan.

Understanding that Village residents are served by local governmental organizations that are physically outside of the town, TOSV will work closely with those partner entities to create a more inclusive workforce housing framework that will integrate additional people/positions/organizations into our housing program. TOSV will endeavor to leverage additional financial resources from these partners to help meet our respective housing needs.

The TOSV Housing Program provides the foundation for this goal and has set us apart from most Colorado ski communities since its inception.

RECOMMENDATION

It is the recommendation of Town Staff that the Council, by motion, Approve Ordinance 4, 2024, on second reading.

ATTACHMENTS:

Attachment 1: PDF of all public comments received.

Attachment 2: Ordinance to amend the Code and adopt the Regulations.

Attachment 3: Exhibit A: Regulations – Consolidated changes. This incorporates all of the changes in redline format.

Attachment 4: Exhibit B: Regulations – Consolidated clean. This incorporates all of the changes in final format.

From:	Mitch Osur
To:	Betsy Crum
Subject:	FW: Proposed Changes to the Housing regulations
Date:	Wednesday, May 1, 2024 2:03:18 PM

FYI

Mitchell Osur
Housing Department
Operations and Compliance Manager
mosur@tosv.com
970-456-6885

From: Michelle Wilson <snowmassv@gmail.com>
Sent: Wednesday, May 1, 2024 1:17 PM
To: Mitch Osur <mosur@tosv.com>
Subject: Re: Proposed Changes to the Housing regulations

Mitch-
Thank you!
I might be able to attend the meeting but just in case!

17.3.4.2 In Complex Priority: Clarifies that in-complex priorities are only available to owners who currently work full time for a Snowmass Village business.
This one bothers me a bit as I worked in Snowmass Village for 25 years and right now I am working in Aspen...I think that should count as something if I wanted to do an in complex bid?

17.3.4.1 Employment Qualifications: Change the working requirement to either 1400 hours and 80% of income in Snowmass Village or 1600 hours and 70% of incomeearned in Snowmass Village.
This is for originally qualifying to buy a place correct?

Talk soon,
Michelle Wilson

On Mon, Apr 29, 2024 at 8:44 AM Mitch Osur <mosur@tosv.com> wrote:

> Sorry about that.
> If you send me an email I can make sure it gets to the council.
>
> Mitchell Osur

Housing Department
Operations and Compliance Manager
mosur@tosv.com
970-456-6885

From: Michelle Wilson <snowmassv@gmail.com>
Sent: Sunday, April 28, 2024 9:43 AM
To: Mitch Osur <mosur@tosv.com>
Subject: Re: Proposed Changes to the Housing regulations

Hi-
I was trying to comment on the link and it says it expired? Please advise. I guess I can send an email also.
Thanks,
Michelle

On Wed, Apr 17, 2024 at 4:31 PM Mitch Osur <mosur@tosv.com> wrote:

> At the Council meeting on May 6th the Council will be discussing proposed final changes to the Housing Regulations in the Municipal Code. They are seeking your feedback prior to adoption. See the press release below and the feedback poster along with the 2024 Regulation Changes Overview are attached.
>
> Reach out at 970-923-2360 if you have any additional questions.
>
> Town of SNOWMASS Village
>
> April 16, 2024
> -- FOR IMMEDIATE RELEASE --
> **Snowmass Village, Colorado** – The Snowmass Village Town Council will

adopt changes to its Housing Regulations at a regular meeting on May 6. The public is invited to provide comments on these proposed changes at or before the meeting.

To effectuate the orderly administration of housing units, the Town Council has determined that reasonable regulation is required. It is the intention of the Town Council to ensure that housing units shall be available for purchase and occupancy by qualified individuals at an affordable price. Public funds are utilized to make the original purchase price of a housing unit affordable, and, therefore, restrictions on the escalation of the value of the unit are required to ensure that the purposes of the creation of the housing unit are maintained.

View Housing Regulations in the Municipal Code

As needed, the Town Council may revise the Municipal Code concerning employee housing. In 2023, the Town Council requested an opportunity to discuss various requirements of the Permanent Moderate Housing Regulations. The existing Regulations were last revised and updated in 2018 and enforce Chapter 17 of the Municipal Code and are incorporated by reference in that Code, which reads:

Sec. 17-11 Regulations. The Housing Manager shall establish rules and regulations to effectuate the provisions of this Article after conducting a public hearing and with the advice and consent of the Town Council. All rules and regulations so established shall be enforceable as if enacted in this Code.

At the June 5, July 17, September 11, November 20, 2023, January 2, 2024, January 16, 2024, and March 4, 2024, Town Council meetings, the Town Council reviewed the current rental and ownership housing programs in detail and discussed many of the provisions and nuances of the current Regulations. Ordinances 4 & 6 of 2024 were developed to summarize those changes to the code. Changes can be viewed in each agenda packet provided below:

- Ordinance 4, Series 2024
- Ordinance 6, Series 2024

Making Public Comment

Comments may be made on any Town action by:

1) Complete the Public Comment form online. Staff may be following up with you with more information.
2) Call (970) 923-3777 and leave a voicemail message for Council before the day of the meeting. Please specify that the message is intended for a specific meeting.
3) Providing written comments by emailing the Town Council.

Mitchell Osur

Housing Department

Operations and Compliance Manager

mosur@tosv.com

970-456-6885

From:	Mitch Osur
To:	Betsy Crum
Subject:	FW: Proposed changes to the Housing Regulations
Date:	Wednesday, April 24, 2024 10:09:12 AM

FYI

Mitchell Osur
Housing Department
Operations and Compliance Manager
mosur@tosv.com
970-456-6885

From: Nancy Scheinkman <telosinc@comcast.net>
Sent: Wednesday, April 24, 2024 9:56 AM
To: Mitch Osur <mosur@tosv.com>
Subject: Re: Proposed changes to the Housing Regulations

Hi Mitch! It is so nice to see your name pop up for Snowmass Village! I didn't know you were now working for TOSV! I always enjoyed working with you when you ran parking for the COA and Snowmass is lucky to have you.

I have read through these documents and it doesn't look like they are voting on whether to allow an inheritance clause or not? Is that because it is already spelled out that kids can not inherit and they aren't making any changes to it? That is the only regulation that concerns me because it is very limiting for our daughter not to be able to inherit our townhome someday. We know some parents did attend meetings as we saw articles writing about it in the paper. We weren't aware of the meetings and do have strong opinions about it, but it looks like that ship has sailed at least for now?

I also have a question about the extra lottery options for kids returning after High School and College. Our daughter is on an IEP and even though we are in district for Aspen, she is choosing to start Basalt High School in the fall because it is a better fit for her academically and socially. If she attends Basalt, is that going to disqualify her for the extra lottery entries in the future?

From: Mitch Osur <mosur@tosv.com>
Date: Wednesday, April 17, 2024 at 4:29 PM
To: Mitch Osur <mosur@tosv.com>
Subject: Proposed changes to the Housing Regulations

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Reach out at 970-923-2360 if you have any additional questions.

Town of SNOWMASS Village

April 16, 2024

-- FOR IMMEDIATE RELEASE --

Snowmass Village, Colorado – **The Snowmass Village Town Council will adopt changes to its Housing Regulations at a regular meeting on May 6. The public is invited to provide comments on these proposed changes at or before the meeting.**

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> *Sec. 17-11 Regulations. The Housing Manager shall establish rules and regulations to effectuate the provisions of this Article after conducting a public hearing and with the advice and consent of the Town Council. All rules and regulations so established shall be enforceable as if enacted in this Code.*

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3) Providing written comments by emailing the Town Council.

Mitchell Osur

Housing Department

Operations and Compliance Manager

mosur@tosv.com

970-456-6885

From:	Clint Kinney
To:	Jeff Conklin; Betsy Crum
Cc:	Megan Boucher
Subject:	FW: TOSV Housing regulations, public comment, 4-22-24
Date:	Monday, April 22, 2024 1:29:15 PM

Jeff and Betsy

Fyi.

From: Hartmann, Jason "Tigger" <jhartmann1@aspensnowmass.com>
Sent: Monday, April 22, 2024 10:32 AM
To: Snowmass Town Council <council@tosv.com>
Cc: Libby Hartmann <libbyhartmann3@gmail.com>
Subject: TOSV Housing regulations, public comment, 4-22-24

Hello TOSV council members,

Thank you for the opportunity to comment on possible updates to TOSV housing regulations. Please consider the following comments at the regular meeting on May 6th:

- I support the following change because I want to prioritize Snowmass Village housing for people working in Snowmass Village. In other words, I don't support people living in Snowmass and commuting somewhere else for work.
    - 17.3.4.2 In Complex Priority: Clarifies that in-complex priorities are only available to owners who currently work fulltime for a Snowmass Village business.

- I support the following change because it supports people that grew up in Snowmass Village. If possible, I would increase the credit given for years of employment in the lottery from 5 to 10.
    - 17.3.6 Local Priority: This is a new section that would grant additional benefit to qualified applicants who graduated from the Aspen School District, provided they lived in Snowmass Village for at least 8 consecutive years prior to high school graduation and had an absence from TOSV following graduation for not more than 6 years. These applicants would be given credit for five years of employment in the lottery.

- I support the following change, but suggest removing the final words "at which time the home will be sold." Couldn't the surviving child maintain ownership if they meet the criteria of a Qualified Applicant?
    - 17.7.2. A new section has been added to ensure that a minor child may remain in the home in the event of the death of their parents. The ownership will be transferred to the surviving child, who may remain in the home with a guardian until they reach the age of 22, at which time the home will be sold.

Thank you,

JASON R HARTMANN
SNOWMASS PROGRAMS MANAGER
SKI AND SNOWBOARD SCHOOL
ASPEN SNOWMASS

Aspen Snowmass

O: 970-923-8712 || ext. 4712
ASPENSNOWMASS.COM

From:	Robert Goldstein
To:	Betsy Crum
Subject:	Impending Housing Rule Changes
Date:	Saturday, April 20, 2024 8:32:37 AM

Hi Betsy,
The link provided to submit impute on the upcoming Housing Changes does not work. Can you please forward to Mr. Ourer.

My comments are as follows:

17.4.1: I understand the goal is to turn over units in good working order. Who selects the 3rd party inspector? What are the standards? Who attempts to seek remedies from the seller? TOSV or Buyer. Any buyer should have a home inspection so they understand the condition of the property but any repairs recommended should be solely at the discretion of the seller or an agreement between seller and buyer. My understanding is TOSV role is to ensure the Buyer meets all the qualifications to purchase and sets the price. This condition seems to be an over reach by the government

17.4.2 : Is increasing the fee a seller or TOSV cost? With such high demand for units, I believe you should only advertise on the TOSV website. There is no need to advertise in our overpriced local newspapers

Thank you,

Robert Goldstein

From: Clint Kinney
To: Megan Boucher; Betsy Crum
Cc: Greg LeBlanc; Jeff Conklin
Subject: FW: Weighted Lottery for Locals
Date: Tuesday, January 23, 2024 8:06:43 AM

fyi

From: Alyssa Shenk <AShenk@tosv.com>
Sent: Monday, January 22, 2024 11:50 AM
To: Bill Madsen <BMadsen@tosv.com>; Britta Gustafson <bgustafson@tosv.com>; Susan Marolt <smarolt@tosv.com>; Tom Fridstein <tfridstein@tosv.com>; Clint Kinney <CKinney@tosv.com>
Subject: Fwd: Weighted Lottery for Locals

Hi all, I just wanted to share this email I received from a Village resident. Looks like she may have only sent this to me so I wanted to pass it along.

Alyssa

Sent from my iPhone

Begin forwarded message:

> **From:** Ashley [redacted]
> **Date:** January 18, 2024 at 7:18:55 AM MST
> **To:** Alyssa Shenk <AShenk@tosv.com>
> **Subject: Weighted Lottery for Locals**
>
> Good morning Ms Shenk,
>
> I recently read in the Aspen Times that the Snowmass Town Council is seeking public input about proposed changes to the way locals are favored in housing lotteries. There is no information in the article about the best way to reach the Council to give input, so I selected a Council member to email directly.
>
> I am a resident of the Willows as of this May, and it's an honor to finally be able to stay the night in Snowmass Village after 10 years of commuting here. It is a privilege to own a free-market condo in the village, and I have worked hard and make countless sacrifices to make this happen. I also just got incredibly lucky, randomly meeting the seller through a word-of-mouth connection that started over aprés drinks at The Ranger Station. Of course, anyone who has ever lived in Snowmass is incredibly lucky
>
> That is especially true for kids who grew up here. If you were born to parents who were privileged enough to raise you here, in a way you have already hit the lottery. Locals who grew up here have so many advantages--from connections employers, to having a free place to stay over the holidays while they work a part-time job to start accruing hours toward their employee housing qualifications. Consider an 18-year-old liftie who

arrives in Snowmass Village fresh off the boat from a city in the Midwest; her parents couldn't afford to raise her in a ski town, but she managed to catch the ski bug nonetheless and has finally arrived in her paradise. She had to save her own money just to get here, she has to pay most of what she earns just to keep a roof over her head, and she begins accruing hours toward her employee housing qualification on the same day as some lucky, local kid who's staying with his parents for Christmas break. Why should she be five times less likely to win housing and the ability to stay here forever? This policy would punish hardworking people for only becoming locals after their 18th birthday.

It is amazing to me that the Town Council is considering giving local kids an advantage like this. It is incredibly unfair. It looks an awful lot like these changes are being proposed to serve the needs of Council members and their families. I have not seen a single argument for how this change to a valuable, taxpayer-funded program will benefit the taxpayers or community.

Thank you for your time.

Sincerely,
Ashley Bean

From:	Michelle Sherlock
To:	Snowmass Town Council
Cc:	Betsy Crum; Terri Everest; Tom Sherlock; MESTA LLC; Michelle Sherlock
Subject:	Town Council Monday, March 4, 2024 - 7.A. Ordinance - Revised Housing Regulations - First Reading
Date:	Friday, March 1, 2024 6:00:47 PM

Hello members of the Town of Snowmass Village Council,

First and foremost, thank you for all of your time, effort, and service to our community. It is greatly appreciated.
I think this might be the second time I ever sent a letter to the council over the last 25 years but it is an important one to me and my family.

In regards to the Town Council Monday, March 4, 2024 - 7.A. Ordinance - Revised Housing Regulations - First Reading

I wanted to reach out about the proposed change in the housing regulations about owning in the Roaring Fork Valley specified below:

17.3.5 Restriction on Ownership of Other Real Property. In order to qualify and to remain qualified, an applicant may not own any interest in a residential dwelling unit, as defined above. This includes any such interest held personally, by a member of the household, as a shareholder or member of a corporation, or as a partner, joint venture or a beneficiary of a trust. Successful applicants who currently own a dwelling unit will be required to dispose of the property within six months of closing on the restricted unit. Exceptions for employer-owned workforce housing may be granted upon request and will be subject to a Restricted Housing Agreement.

I think at first glance this wording would significantly affect people who are in the business of buying, renovating and selling homes for their livelihood. Our family has owned a construction business in Snowmass Village for over 20 years. Our company currently employs 17 people in the Roaring Fork Valley with over half of them living in Pitkin County raising their families. We are proud of our small company and feel like we contribute not only to the well being of our employees with a very robust salary / benefit package (health/dental/ski pass/401k) but also to our local economy. Most of our vendors and subcontractors also live up and down the Roaring Fork Valley.

Over the last few years our company has been in a position to leverage the company to acquire property, renovate/remodel it and then sell it as part of our business model.
We believe that going into the development side of our business we can choose projects that are right for our company and set realistic goals and budgets that we are in charge of while also guaranteeing work without relying solely on local clients and second homeowners to contract us. Ultimately, our goal is simple - we work hard, we work honestly and we want to keep everyone employed and able to provide for themselves and their families.

Please consider how the above wording from 17.3.5 above will affect those who are NOT trying to work the system. I know there are many work arounds that people have found over the years. We truly would not want to jepordize our housing nor how we make our living. All three of our kids were born here. We would never have been able to stay and raise our family in Snowmass Village without living in employee housing. We know we are very fortuante and do not take it for granted. We still are raising our crew here… currently our oldest is a junior in college at UNC, our middle daughter is taking a gap year skiing with AVSC competitively, and our son is a sophomore at Aspen High School. Please consider how the above changes would drastically impact our business and family.

We are deeply rooted in Snowmass Village and it is home. Thank you for your time.

Kind regards,

Michelle Sherlock
Snowmass Village, CO

From:	DEBORAH MADSEN
To:	Snowmass Town Council
Cc:	Betsy Crum; Clint Kinney
Subject:	Inheritance Rule
Date:	Monday, March 4, 2024 11:00:54 AM

Dear Snowmass Village Town Council,

I would like to go on record that Snowmass Village should adopt the same inheritance rule as APSHA housing.

Describing my devastation at the council's decision is a vast understatement. For 43 years, I've dedicated myself to working full-time, often juggling two or three jobs in Snowmass Village, all to support my family. Providing for our loved ones is the essence of why we choose to reside here. We aim to ensure our children receive quality education, nourishment, care, and guidance. Therefore, having something as fundamental as my home, which I've tirelessly worked for all my life, stripped away is nothing short of a tragedy. I feel deeply disappointed by the housing authority and council for this outcome. My utmost desire is that, should anything happen to myself or my husband, our family can maintain their home, especially if they meet the criteria and are striving to raise their families in this valley.

Kind Regards,
Deborah Madsen

From: Thomas Kosich
To: Snowmass Town Council
Subject: Employee Housing Regulations DO NOT allow inheritance.
Date: Wednesday, November 22, 2023 9:54:23 PM

Just completed watching Monday's TOSV council meeting, I believe it is incredibly unfair to allow current employee housing residents to pass down their homes to their kids, thus limiting the opportunities for those already waiting in the lottery.

Please keep current policies in place and keep it fair for ALL residence who want the opportunity to live in employee housing, not just those families lucky enough to have won the lottery.

Thomas Kosich

From: MARK STOUT
To: Snowmass Town Council
Subject: Permanent Housing Regulations
Date: Monday, November 27, 2023 12:36:17 PM

In response to the recent discussions on Housing Regulations, we'd like to add some things to consider. We've lived in Snowmass Village for 40+ years, always working in Snowmass. We were blessed to have purchased a Crossings home in the original development, moving our family of four from a Creekside 2-bedroom unit.

Our children were born and raised in Snowmass, going to the Little Red Schoolhouse, Camp Snowmass and continuing through high school in the Aspen School District until going off to college. They participated in Aspen Valley Ski Club, Aspen Skating Club, Outdoor Ed in school, and traveled to Bariloche and Chamonix for the Sister Cities exchange program as student ambassadors.

They worked in the valley as kids, Alpine Bank (shout out to Alpine Bank for hiring local teens), the Isis, Boogies, babysitting and more. Both volunteered at Snowmass Rodeo starting as children every summer, participated in community clean-ups, and sold ducks for Ducky Derby non-profits each year. They have contributed significantly to the success, character and well-being of Snowmass Village throughout their lives.

We've invested in our children and they are the new generation. Shouldn't we do everything in our power to keep them here near family, friends and community? We should focus on the legacy of our community whether it be through inheritance, first right of refusal, or priority status for housing. All of our children, whether they grew up in deed restricted or free market, should be part of the future of Snowmass. It is their home.

Mark & Karlyn Stout

TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL

ORDINANCE NO. 4
SERIES OF 2024

AN ORDINANCE AMENDING CHAPTER 17, ARTICLE I – PERMANENT MODERATE HOUSING - OF THE SNOWMASS VILLAGE MUNICIPAL CODE AND ADOPTING PERMANENT MODERATE HOUSING REGULATIONS

WHEREAS, The Town of Snowmass Village ("TOSV" or the "Town") is a home-rule municipality, duly organized and existing under the TOSV's Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, Section 3.3 of the TOSV's Charter confers upon Town Council the power to amend the TOSV Municipal Code; and

WHEREAS, Chapter 17, Article I of the TOSV Municipal Code contains provisions regarding Permanent Moderate Housing, and Section 17-11 thereof authorizes the establishment of rules and regulations to effectuate the provisions of the Code (the "Permanent Moderate Housing Regulations"); and

WHEREAS, the Town Council wishes to amend the Code and Permanent Moderate Housing Regulations to update eligibility requirements, exemptions from resale procedures, local preference, and other miscellaneous updates; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best interest of the TOSV.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Snowmass Village, as follows:

1. Recitals. The foregoing recitals are incorporated herein as findings of the Town Council.

2. Chapter 17, Article I – Permanent Moderate Housing. Chapter 17, Article I – Permanent Moderate Housing – of the TOSV Municipal Code is hereby amended with the following **bold, underlined** additions and ~~strikethrough~~ deletions:

ARTICLE I Permanent Moderate Housing

Sec. 17-1. Purpose.

To effectuate the orderly administration of housing units, the Town Council has determined that reasonable regulation is required. It is the intention of the Town Council to ensure that housing units shall be available for purchase and occupancy by qualified individuals at an affordable price. Public funds are being utilized to make the original purchase price of a housing unit affordable, and, therefore, restrictions on the escalation of the value of the unit are required to ensure that the purposes of creation of the housing unit are maintained.

Sec. 17-2. Application.

The provisions of this Chapter shall apply to and restrict the use, occupancy and sale of all housing units in the Town, including without limitation those units located in the following projects: **Capital Peak Condominiums, Coffee Place,** Creekside Condominiums, Country Club Townhomes, ~~Country Club Villas,~~ Crossings at Horse Ranch, Daly Permanent Moderate Housing Townhomes**,** ~~and~~ Mountain View Permanent Moderate Housing Condominiums**, and all other Permanent Moderate Housing developments and housing units recognized by the Snowmass Village Town Council.**

Sec. 17-3. Definitions.

As used in this Article and all regulations adopted, the following words shall be construed to have the meanings defined below:

Disabled housing unit means a housing unit that complies with the accessibility provisions of the Americans with Disability Act and Chapter 18 of the Municipal Code.

Employee means an adult who is employed by an employer licensed:

a. Pursuant to Section 4.2 of this Code with a principal place of business in Snowmass Village; or

b. To do business in the City of Aspen or the County, and having a principal place of business within the County.

Housing unit means a dwelling unit that is subject to the provisions of this Chapter. Maximum resale price means the maximum price for which a housing unit may be sold. The maximum resale price for housing units located in the Creekside Condominiums and Country Club Townhomes that have been continuously owned by the same owner on and after July 22, 1991, shall be computed in accordance with resale price procedures established by the Housing Manager referred to as the current resale price.

Owner means the fee simple owner of a housing unit.

Pre-sale inspection means an inspection of the housing unit to confirm that the housing unit has been kept and maintained in a clean and orderly condition, normal wear and tear excepted, in a manner determined by the Housing Manager.

Qualified applicant means all adult applicants who collectively meet the qualifications for purchase of a housing unit as established from time to time by the Housing Manager, taking into consideration employment, income, net worth, unit size, dependents and any other criteria established by the Housing Manager to determine eligibility for purchase.

Resale fee means a fee collected upon the filing of a notice of intent to sell a housing unit as determined by the Housing Manager.

Requalified owner is an owner who, following initial purchase of a housing unit, meets the qualifications for employment, income, net worth and residency established by the Housing Manager.

Residential dwelling unit means any residential property within the Roaring Fork River drainage situated in Eagle, Pitkin or Garfield Counties, or within the Colorado River Drainage from and including the unincorporated No Name area to and including the City of Rifle.

Unit size means a housing unit intended to be occupied by a minimum or maximum number of occupants as established by the Housing Manager.

Sec. 17-4. Resale procedure.

(a) Housing Unit Inspection. As a condition precedent to filing a notice to sell a housing unit, the owner shall obtain an approved pre-sale inspection which shall, among other things, confirm that the number of bedrooms in the housing unit has not decreased since the housing unit was purchased by the owner.

(b) Notice to Sell and Resale Fee Deposit. The owner, after having received an approved inspection report, shall file a written notice of intent to sell with the Housing Manager and shall pay the resale fee.

(c) Town Purchase Option. The Town reserves the right to purchase any housing unit.

(d) Snowmass Village Employee Priority. For thirty (30) days from the date of filing of the notice of intent to sell, the Housing Manager will receive applications for the purchase of the housing unit from qualified applicants. At the end of the thirty-day period, the Housing Manager will proceed to determine if a super priority exists or if lottery chances will be assigned to all qualified applicants.

(e) Super Priorities. If a qualified applicant meets the criteria for a super priority as established by the Housing Manager for disabled employees and in-complex owners, a first priority qualified applicant shall be designated and is authorized to enter into a contract for purchase of the housing unit in accordance with the provisions of Section 17-4 (g) of this Code.

(f) Determination of Employment Priority and Lottery Chances. Lottery chances will be assigned by the Housing Manager to qualified applicants. Following the assignment of lottery chances to qualified applicants, the Housing Manager shall schedule and conduct a lottery to determine the priority of qualified purchasers.

(g) Contract and Sale Procedure. The qualified purchaser, in priority, may negotiate a contract for the purchase of the housing unit from the owner and proceed to close the purchase.

(h) Confirmation of Qualification. At the closing of the sale, the Housing Manager shall confirm the status of the qualified purchaser to purchase the housing unit and that the purchase price does not exceed the maximum resale price.

Sec. 17-5. Mandatory resale.

An owner shall immediately offer the housing unit for sale in accordance with the provisions of Section 17-4 upon the happening of any of the following events:

(1) If a non-qualified purchaser takes title to a housing unit, or

(2) the owner does not maintain residency at the housing unit; or

(3) the owner has not sold a residential dwelling unit within six (6) months of the closing of the acquisition of the housing unit, or such greater period of time as approved by the Town Council upon good cause shown; or

(4) the owner acquires a residential dwelling unit after the closing of the acquisition of a housing unit; and

(5) the owner purchases the housing unit for a purchase price greater than the maximum purchase price; or

(6) the owner fails to be a requalified owner.

Sec. 17-6. Rental.

~~No owner may rent a housing unit without the prior approval of the Town Council by Resolution, upon good cause shown.~~
<u>An owner may rent a housing unit only to the extent permitted by and in accordance with the regulations adopted pursuant to this Article.</u>

Sec. 17-7. Exempt transactions.

A one-time transfer by operation of law, by will or inheritance to a surviving spouse of an owner is exempt from the procedures set forth in Section 17-4, provided written notice shall be provided to the Housing Manager providing information to support that an exempt transaction has occurred.

<u>Additional, limited exempt transactions are set forth in the regulations adopted pursuant to this Article.</u>

Sec. 17-8. Release of restrictions.

To induce lending institutions to finance housing units, the Housing Manager is authorized to enter into agreements with lending institutions which allow for the release of a housing unit from the application of the provisions of this Chapter in the event of a foreclosure of a first priority deed of trust or mortgage securing a loan. Any such agreement shall provide that:

(1) The Town shall have an option to purchase the housing unit for the price which would be paid by the redeeming owner in the foreclosure;

(2) The option to purchase period shall commence upon the end of the last redemption period of the foreclosure and shall continue for a period not less than ten (10) days; and

(3) The release of the housing unit from the applicability of this Chapter shall occur only after the expiration of the option to purchase period.

Sec. 17-9. Remedies of the Town.

The Town expressly reserves all remedies provided by law for breach of these restrictions.

(1) Transfer void. In the event a housing unit is sold and conveyed without compliance herewith, such sale shall be wholly null and void and shall confer no title whatsoever upon the purported purchaser. Each and every conveyance of the property, for all purposes, shall be deemed to include and incorporate by this reference the covenants herein contained, even without reference herein to this agreement.

(2) Failure to cure breach. In the event the owner fails to cure any breach, the Town may resort to legal action, including, but not limited to specific performance of these restrictions or a mandatory injunction requiring sale of the housing unit by the owner.

(3) Housing unit price freeze. In the event of a breach of any of the terms or conditions hereby of the owner or the transfer of a housing unit to a nonqualified transferee, the original purchase price of the housing unit shall upon the date of such breach or transfer automatically cease to increase and shall remain fixed until the date of cure of said breach or disqualification.

(4) Purchase of Housing Unit. The Town reserves the right to purchase a housing unit.

(5) Town Attorney Fees. All costs incurred by the Town in enforcing the terms of this Article and regulations adopted pursuant thereto, including without limitation, costs of suit and reasonable attorneys' fees, even in the event that the Town secures redress without a completed judicial proceeding, shall be repaid upon demand by the person or persons against whom enforcement has been sought.

Sec. 17-10. No guaranty or warranty.

No guaranty or warranty is made by the Town that an owner may be able to:

(1) Resell a housing unit without incurring a monetary loss;

(2) Resell a housing unit at a maximum price;

(3) Rent a housing unit; or

(4) Rent a housing unit without incurring monetary loss.

Sec. 17-11. Regulations.

The Housing Manager shall establish rules and regulations to effectuate the provisions of this Article after conducting a public hearing and with the advice and consent of the Town Council. All rules and regulations so established shall be enforceable as if enacted in this Code. <u>**In the event of a conflict between this Article and the regulations, the more restrictive provision shall control.**</u>

Secs. 17-12—17-30. Reserved.

3. <u>Permanent Moderate Housing Regulations</u>. The Town Council hereby approves the amendments to the Permanent Moderate Housing Regulations as set forth in **Exhibit A.** Further, the Town Council approves and adopts the amended Permanent Moderate Housing Regulations set forth in **Exhibit B** in their entirety.

4. <u>Severability</u>. If any provision of this Ordinance or application hereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are severable.

5. Effective Date. This Ordinance shall be effective 14 days after final publication in accordance with the Town of Snowmass Village Home Rule Charter.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on First Reading on April 1, 2024, upon a motion by Councilmember Fridstein, the second of Councilmember Shenk, and upon a vote of 5 in favor and 0 against.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on Second Reading on May 6, 2024, upon a motion by Councilmember ____________, seconded by Councilmember ________________, and upon a vote of ___ in favor and ___ against.

TOWN OF SNOWMASS VILLAGE

____
Bill Madsen, Mayor

ATTEST:

____
Megan Harris Boucher, Town Clerk

APPROVED AS TO FORM:

____
Jeff Conklin, Town Attorney

Exhibit
A

Permanent Moderate Housing Regulations

17.1 **Purpose**. It is the goal of the Town of Snowmass Village to support a viable workforce and to continue a commitment to workforce housing opportunities that best balance the character and resources of the Town. These ~~rules and r~~Regulations effectuate the provisions of Chapter 17, Article I of the Municipal Code and shall be enforceable as if enacted as a part thereof.

17.2 **Definitions**

As used in these ~~r~~Regulations, the following words shall be construed to have the meanings defined below:

Active employment means a minimum of one thousand four hundred (1400) hours during a minimum period of eight (8) months per calendar year.

Disabled Employee Prioritization is available to a qualified applicant who personally has or who resides~~nts~~ with a dependent who has a physical impairment that substantially limits the ability of the person to walk and/or climb stairs, as documented in writing by a medical doctor licensed in the State of Colorado.

Disabled housing unit means a housing unit that complies with the accessibility provisions of the Americans with Disabilities Act (ADA) and Chapter 18 of the Town of Snowmass Village Municipal Code.

Home occupation means a business that complies with the requirements of Sec. 16A-3-240 of the Town of Snowmass Village ~~Land Use~~Municipal Code.

Employee means an adult who is actively employed by a licensed employer, as defined herein.

Employer is a business licensed:

a. Pursuant to ~~Section 4.2 of~~ the Town of Snowmass Village Municipal Code with a principal place of business in Snowmass Village for a minimum of three (3) years; or
b. To do business within Pitkin County, and having a principal place of business within Pitkin County.

Housing Manager is the individual designated by the Snowmass Village Town Manager to implement these R~~r~~egulations, or his or her designee.

Housing unit means a dwelling unit that is subject to the provisions of these R~~r~~egulations.

Income is calculated by averaging the adjusted gross income shown on the last three (3) filed Federal Income Tax returns. To qualify for purchase, a minimum of eighty percent (80%) of the applicant's income must be income earned within Snowmass Village and be verifiable by tax return or W-2 form. Income and Net Worth levels for joint applicants will be combined.

Maximum resale price means the maximum price for which a housing unit may be sold. The maximum resale price is computed in accordance with the resale price procedures established for each project under section 17.4 of these R~~r~~egulations.

Owner means the fee simple owner of a housing unit.

Pre-sale inspection means an inspection of the housing unit to confirm that the housing unit has been kept and maintained in a clean and orderly condition, normal wear and tear excepted, in a manner determined by the Housing Manager.

Qualified applicant means all adult applicants who collectively meet the qualifications for purchase of a housing unit~~s~~, as established from time to time by the Housing Manager, and taking into consideration employment, income, net worth, unit size, dependents, and any other criteria established by the Housing Manager, as set forth in ~~17.2.4 of~~ these ~~r~~Regulations.

Resale fee means a fee collected upon the filing of a notice of intent to sell a housing unit, as determined by the Housing Manager, as set forth ~~under section 17.4.2. of~~in these R~~r~~egulations.

Requalified owner is an owner who, following the initial purchase of a housing unit, meets the qualifications for employment, income, net worth and residency established by the Housing Manager, as set forth ~~under this section.~~in these Regulations

Residential dwelling unit means any residential property within the Roaring Fork River drainage situated in Eagle, Pitkin, or Garfield Counties, or within the communities along the Colorado River ~~Drainage~~ corridor from and including the unincorporated No Name area to and including the City of Rifle.

Unit size means a housing unit intended to be occupied by a minimum or maximum number of occupants as established by the Housing Manager.

17.3 **Application**. The Permanent Moderate Housing Regulations apply to the use, occupancy and sale of the following developments: Capitol Peak Condominiums, Coffey Place ~~(when completed)~~, Country Club Townhomes, Creekside Condominiums, Crossings at Horse Ranch, Daly Permanent Moderate Housing Townhomes, Mountain View Permanent Moderate Housing Condominiums, all phases of Rodeo Place, Sinclair Meadows, and all other Permanent Moderate Housing developments and housing units recognized by the Snowmass Village Town Council.

Commented [JJC1]: This will be relocated as part of the "consolidation" of the Regs and Code.

17.3.1 **Application Procedure**. On forms specified by the Housing Manager, an applicant shall provide information concerning employment, income, net worth, unit size, dependents and such other information deemed reasonably necessary to determine whether the applicant can be deemed a qualified applicant. All information provided by an applicant shall be considered confidential.

17.3.2 **Procedures**. Applications are available at the Housing Department office. Completed applications must be submitted with an application fee. An application is active for twelve (12) consecutive months. To apply for another housing unit, a Confirmation Affidavit shall be completed, with updated information, and a reapplication fee shall be paid. Incomplete applications will not be considered.

17.3.3 **Verification of Application Information**. The Housing Manager will verify all information contained in an application. If the Housing Manager determines that any information or statements in an application are not true or accurate, then the applicant may be permanently precluded from applying for the purchase of any housing unit or for applying to rent any Town apartment.

17.3.4 **Qualified Applicant**.

17.3.4.1 **Employment Qualifications**. To apply for a housing unit, an adult employee must ~~have been~~meet one of the following qualifications: (a) active employment ~~actively employed~~ for a minimum of one (1) year, and currently employed, by an employer licensed pursuant to ~~Section 4.2 of~~ the Snowmass Village Municipal Code with a principal place of business in the

Snowmass Village as defined in Section 17~~-~~.3 of the Code ~~for the minimum of one (1) year~~, ~~OR~~(b) worked 1600 hours and earned 70% of income ~~earned~~ in Snowmass Village for a~~the~~ minimum of one (1) year, ~~OR~~or (c) active employment in Pitkin County for a minimum of three (3) years and currently employed in Pitkin County. ~~A minimum of one thousand four hundred (1400) hours during a minimum period of eight (8) months per calendar year constitutes a year of active employment.~~

Commented [JJC2]: See definition of "active employment"

Licensed home occupations (as defined in the Town of Snowmass Village Land Use Code Sec. 16A-3-240) are qualified, provided they meet the definition of an employer in and derive a minimum of 80% of income from products, services or other direct benefits to the residents and/or businesses of the Town of Snowmass Village (if Snowmass Village applicant) or Pitkin County (if Pitkin County applicant). Applicants must provide proof of business license, a current Profit and Loss statement, a current list of clients, and any other information deemed necessary to verify eligibility, in addition to the other required application documents.

The following lottery tiers establish the priorities for applicants. All applicants must also meet employment, income, asset and occupancy requirements. After applicants are qualified, they will be entered into a lottery tier using the priorities listed below.

Lottery Tiers	Lottery Priorities
1st	In-Complex
2nd	Downsizing from one ~~Permanent Moderate H~~housing unit to another unit, provided the downsized unit has fewer bedrooms than the current unit. In the case of new construction, no more than 25% of the initial units shall be made available for downsizing unless otherwise established by the Town Council.
3rd	Snowmass Village full-time employment with 3 or more years
4th	Snowmass Village full-time employment with 12-35 months
5th	Snowmass Village full-time employment with 3 or more years; 2 people may apply for a 3-bedroom unit
6th	Snowmass Village full-time employment with 12-35 months; 2 people may apply for a 3-bedroom unit
7th	Pitkin County full-time employment with 3 or more years

17.3.4.2. **Maximum Income and Net Worth**. The purchase price of a housing unit limits the income and net worth of an applicant to a maximum income and net worth. The maximum income and net worth applicable to a specific purchase price shall be established and made public annually by the Housing Manager.

Assets and liabilities shall be defined as generally accepted accounting standards for individuals, including all business equity for self-employed persons and business owners. Tax deferred retirement funds, college savings funds and contingent liabilities are not included in the net worth calculation. In the case of persons who wish to downsize from one ~~Permanent Moderate Housing~~ housing unit to another unit, the value of the primary home will not be included in the net worth calculation, provided the unit downsizing to has fewer bedrooms. Income is calculated by averaging the adjusted gross income shown on the last three (3) filed

Federal Income Tax returns. ~~Eighty percent (80%) of the applicant's income must be income earned within Snowmass Village and~~Applicant's qualifications, including income, must be verifiable by tax return or W-2 form. Income and Net Worth levels for joint applicants will be combined.

17.3.4.3 **Unit Size and Occupancy Requirements**. In addition to the ~~above~~ Lottery Priorities set forth in these Regulations and to maximize the occupancy of housing units, an applicant can only apply to purchase a housing unit to accommodate the number of persons that will be residing with the applicant. The number of persons will include a dependent as defined in the Internal Revenue Code, or a minor child who resides on a part time basis of not less than one hundred twenty-one (121) days per calendar year as a result of an order of a court. A first priority applicant can only apply to purchase a housing unit with the number of bedrooms as follows:

First Priority Occupancy Table #1

Total Persons	1 bedroom	2 bedrooms	3 bedrooms	4 or more bedrooms
1*	X	X		
2	X	X		
3		X	X	
4		X	X	X
4+			X	X

*****One person is not eligible to purchase a detached single-family home.

Second Priority Occupancy Table #2

Total Persons	1 bedroom	2 bedrooms	3 bedrooms	4 or more bedrooms
2	X	X	X	

After the first priority qualified applicants have been selected the Second Priority Occupancy Table will be used if necessary. This table will only be used for qualified Snowmass Village employee applicants in the 5th and 6th lottery tier from the 17.2.4.1 lottery procedures table.

Note: All Pitkin County employees in the 7th lottery tier must meet the requirements listed in the First Priority Occupancy Table #1.

17.3.5 **Restriction on Ownership of Other Real Property**. In order to qualify and to remain qualified, an applicant may not own any interest in a residential dwelling unit, as defined above. This includes any such interest held personally, by a member of the household, as a shareholder or member of a corporation, or as a partner, joint venture or a beneficiary of a trust. Successful applicants who currently own a residential dwelling unit will be required to dispose of ~~the~~such property within six months of closing on the ~~restricted~~ housing unit. Exceptions for employer-owned workforce housing may be granted upon request and will be subject to a Restricted Housing Agreement.

Notwithstanding, a residential dwelling unit in which an applicant has an ownership interest may be exempt from this restriction on the following conditions: (a) applicant is in the business of owning real property for the purpose of remodel, renovation, repair, and resale; (b) the residential dwelling is not occupied at any time while owned by applicant; (c) applicant shall not own the residential dwelling unit for more than six (6) months following receipt of a certificate of occupancy or certificate of completion for such unit, as applicable, unless such time is extended by the Housing Manager; and (d) applicant shall provide information acceptable to the Housing Manager to satisfy these conditions in the Housing Manager's reasonable discretion.

17.3.5 **Applicant Super Priorities**. Upon qualifying to purchase a housing unit, an applicant may qualify for a further, or "super", priority that will rise above all other priorities.

17.3.5.1 **Disabled Employee Prioritization.** A qualified applicant who personally or who resides with a dependent who has a physical impairment that substantially limits the major life activity of walking and substantially limits the ability of the person to climb stairs as documented in writing by a medical doctor licensed in the State of Colorado shall be deemed the first priority qualified purchaser for the purchase of a disabled housing unit without regard to prioritization criteria. In the event that two or more qualified applicants desire to purchase the housing unit, then employment prioritization within the Lottery Tiers in Section 17.~~2~~3.4.1 shall be utilized to determine the first priority qualified purchaser.

17.3.5.2 **In Complex Priority.** A qualified applicant ~~(meets all employment, income, assets and occupancy requirements)~~ who currently works full-time for a Snowmass Village business and who has owned a housing unit in the project where a housing unit is offered for sale for longer than one (1) year shall be deemed the first priority qualified purchaser for the purchase of the housing unit without regard to other prioritization criteria. In the event that two or more such qualified applicant employee owners desire to purchase the housing unit, then employment prioritization within the Lottery Tiers in Section 17.~~2~~3.4.1 shall be utilized to determine the first priority qualified purchaser. If more than one applicant is in the same employment tier, then a lottery will be held to select the qualified in complex purchaser.

17.3.6 **Local Priority.** Qualified applicants who graduate from Aspen High School, resided in TOSV for at least eight (8) consecutive years prior to high school graduation, and had an absence from TOSV following high school graduation for not more than six (6) years, shall be given credit for five (5) years of employment pursuant to Section 17.4.4.

17.4 **Resale Procedure.**

17.4.1 **Housing Unit Inspection**. As a condition precedent to filing a notice to sell a housing unit, ~~the owner shall obtain an approved pre-sale inspection from an inspector approved by the Housing Manager~~the Town shall inspect the property with an inspector approved by the Housing Manager. Upon successful completion of the inspection, an approved inspection report shall be issued~~, and all cost of such report will be paid by the owner~~.

17.4.1.1 **Standards.** The inspection will disclose the physical condition of the housing unit. The housing unit must meet a minimum standard of maintenance and cleanliness. The ~~approved~~ inspector will grade the housing unit on a standard approved by the Housing Manager.

17.4.1.2 **Repairs.** If the pre-sale inspection discloses deficiencies, then the owner shall correct all deficiencies. The housing unit shall be re-inspected to confirm that all such deficiencies have been properly corrected.

17.4.2 **Notice to sell.** After receipt of the approved inspection report and the notice of intent to sell, the Housing Manager shall ~~calculate the maximum resale price. The Housing Manager shall then~~ collect a resale fee equal to ~~one percent (1%) of the maximum resale price of a condominium housing unit to a maximum of One Thousand Dollars ($1,000.00), and one-half of one percent (.5%) of the maximum resale price of a house to a maximum of One~~ Two Thousand ~~Five Hundred~~ Dollars ($2,~~1,5~~000.00), which may be adjusted on annual basis by the Housing Manager to reflect changes in costs. Upon good cause shown, the Housing Manager may authorize alternate arrangements for the payment of the resale fee.

17.4.3 **Maximum resale price calculation.** The Housing Manager shall calculate the maximum resale price based upon the date the owner acquired the housing unit and upon the owner's purchase price, as further outlined below.

17.4.3.1 **Energy Efficiency, Carbon Reduction & Water Conservation Capital Improvements.** An energy efficiency, carbon reduction~~-~~ and water conservation capital improvements allowance of up to 10% in aggregate of the current resale price will be established for each new owner of a single-family home or a condominium unit. Only improvements that clearly demonstrate energy efficiency, carbon reduction and water conservation will be considered for this allowance. The utilization of sustainable green building materials may also be included in the 10% improvement allowance. All capital improvements will be depreciated on the depreciation schedule from the Marshall Swift Residential Handbook. This improvement allowance does not include the replacement or maintenance of existing fixtures, appliances, decorative items, or improvements necessary to maintain existing fixtures from the original construction. Only new replacement items which are recognized to provide a substantial amount of energy or water conservation greater than the original construction will be considered. An owner shall submit a complete improvement cost proposal listing the improvement items and documentation identifying the energy savings or water conservation benefits to the Housing Director prior to beginning the improvement work. The director will then decide if the requested improvements may be added to the resale price.

After receiving Housing Director approval, to substantiate the Energy, Carbon Reduction and Water Conservation Capital Improvement allowance amount, an owner shall provide the Housing Director an affidavit of owner setting forth the amounts expended for improvements with receipts to show actual expenses attached thereto, and the certificate of completion issued by the Building Official for the improvements, if required. If a certificate of completion is not required, then a written statement from the Building Official identifying that the improvements installed did not require a building permit or a certificate of completion. Energy, Carbon Reduction and Water Conservation Capital Improvements that have not received preapproval from the Housing Director will not be considered for inclusion upon resale of the unit.

17.4.3.2 **Improvements.** Improvements may be included in the resale calculation only if approved by the Housing Manager and to the extent specified in these ~~r~~Regulations. Evidence of cost of eligible improvements and corresponding documentation from the Building Official must be submitted within six (6) months of issuance of a certificate of occupancy or other approval to be considered. In the case of existing housing improvements, evidence and documentation shall be submitted within six (6) months of adoption of these Regulations.

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17.4.3.3 **Condominium Housing Units Acquired before July 22, 1991.** For housing units located in the Creekside Condominiums and Country Club Townhomes that have been continuously owned by the same owner on and after July 22, 1991, the maximum resale price is computed as follows:

a) the purchase price paid by the owner, plus an amount equal to:
   1. The purchase price paid by the owner;

      - Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;

      - Divided by the CPI-W last published prior to the time of purchase by owner;

      - plus, the depreciated cost of improvements to the condominium unit which have been paid for by the owner and approved by the Town Council.

      - plus, the depreciated value of TOSV approved energy efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price,

      - plus, the actual cost of capital improvements performed by the condominium association of the project in which the housing unit is located, paid for by the owner from the time of installation of the capital improvement to the date of resale approved by the Town, not to exceed ten percent (10%) of the current resale price.

17.4.3.4 **Condominium Housing Units Acquired after July 22, 1991.** The maximum resale price shall be computed as the lesser of:

a) the original price plus a three-percent annual increase in the purchase price, prorated from the date of the original purchase, or

b) the purchase price paid by the owner, plus an amount equal to:

1. The purchase price of the current owner;
    - Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
    - Divided by the CPI-W last published prior to the time of purchase by owner plus,
    - The depreciated value of TOSV approved energy efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price,
    - plus, the depreciated cost of capital improvements performed by the condominium association of the project in which the housing unit is located, paid for by the owner from the time of installation of the capital improvement to the date of resale approved by the Town, not to exceed ten percent (10%) of the current resale price.

17.4.3.5 **Crossings Housing Units.** The maximum resale price shall be computed as the lesser of:

a) the base price as maintained in the records of the Housing Manager, plus the cost of the finishing of the basement from the date of completion in accordance with the description of the basement option not to exceed the cost of a standard basement option, plus a three-percent annual increase, or

b) the purchase price paid by the owner, minus the cost of any house option which is installed after the issuance of the original certificate of occupancy plus the cost of the deck option, if it was subtracted from the calculation of the house base price, plus an amount equal to:

1. The purchase price of the current owner;

- Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
- Divided by the CPI-W last published prior to the time of purchase by owner;
- plus, the cost of any house option, as approved by the Town Council as an option to the basic house design (as set forth in Exhibit "A" to the Horse Ranch Employee Housing Development Agreement entered into by and between the Town and Foresite Capital Facilities Corporation on April 22, 1994)
- plus, automatic sprinkler system, gutter and downspout, permanent landscaping and heat tapes) which was installed after the issuance of the original certificate of occupancy
- plus the cost of the deck option, if it was subtracted from the calculation of the house base price.

From the issuance of the original certificate of occupancy for the housing unit, the maximum amount shall be limited to ten percent (10%) of the house base price which shall escalate as follows:

- To five (5) years, five percent (5%) of the house base price;
- To six (6) years, six percent (6%) of the house base price;
- To seven (7) years, seven percent (7%) of the house base price;
- To eight (8) years, eight percent (8%) of the house base price;
- To nine (9) years, nine percent (9%) of the house base price; and
- To ten (10) years, ten percent (10%) of the house base price.

- plus, the depreciated value of TOSV approved energy efficient or water conservation capital improvements installed and paid for by the owner not to exceed 10% of the current resale price

To substantiate such amounts, an owner shall provide the Housing Manager an affidavit of owner setting forth the amounts expended for improvements with receipts attached thereto, and the certificate of completion issued by the Building Official for the improvements, if required, or if no certificate of completion is required, then a statement from the Building Official that the improvements installed did not require a certificate of completion. If such amount has not previously been substantiated to the satisfaction of the Housing Manager, it shall be provided with the notice of intent to sell.

17.4.3.6**. Rodeo Place Single Family Housing Units.** The maximum resale price shall be computed as the lesser of:

a) the base price as maintained in the records of the Housing Manager, plus

- the one-time actual cost of finishing the basement subject to a maximum allowance of $70.00 per square foot from the date of completion in accordance with the square feet allocated to each home basement, plus
- The depreciated value of TOSV approved energy-efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price, plus
- The purchase price of the current owner;
- Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
- Divided by the CPI-W last published prior to the time of purchase by owner;

To substantiate the finished basement option amount, an owner shall provide the Housing Manager an affidavit of owner setting forth the amounts expended for improvements with receipts attached thereto, and the certificate of completion issued by the Building Official for the improvements, if required, or if no certificate of completion is required, then a statement from the Building Official that the improvements installed did not require a certificate of completion. The finishing of the basement improvements will be a one-time adjustment to the home base price from the certificate of completion date. If such amount has not previously been substantiated to the satisfaction of the Housing Manager, it shall be provided with the notice of intent to sell.

17.4.3.7. **Coffey Place Single Family and Condominium Housing Units**. The maximum resale price shall be computed as the lesser of:

a) the original price plus
- a three-percent annual increase in the purchase price, prorated from the date of the original purchase, plus
- the depreciated value of TOSV approved energy efficiency or water conservation capital improvements installed and paid by the owner, not to exceed 10% of the current resale price;

OR

b) the purchase price as maintained in the records of the Housing Manager,
- Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
- Divided by the CPI-W last published prior to the time of purchase by owner, plus

- The depreciated value of TOSV approved energy- efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price.

17.4.3.8 **Future Housing.** The regulations governing resale for future developments will be included in these Regulations.

17.4.3.9 **Publication.** The Housing Manager shall cause a notice of the availability of the housing unit purchase shall be published in ~~the Snowmass Village Sun~~a local newspaper once a week for four (4) consecutive weeks.

17.4.4 **Lottery Procedure**. At the end of the thirty (30) day Snowmass village employee priority period, lottery chances will be assigned by the Housing Manager to qualified applicants as follows:

Years Employed	Lottery Chances
1 or greater but less than 3	1
3 or greater but less than 7	2
7 or greater but less than 11	4
11 or greater but less than 15	6
15 or greater	8

Following the assignment of lottery chances to qualified applicants, the Housing Manager shall schedule and conduct a lottery to determine the priority of qualified purchasers. The lottery will be scheduled by the Housing Manager. If a chance of a qualified applicant is chosen more than one (1) time, all subsequent chances will be disregarded.

17.4.5 **Contract and sale procedure.** The first priority qualified purchaser shall have seven (7) days to enter into a contract with the owner for purchase of the housing unit. In the event that a contract is not timely entered into the next priority qualified purchaser shall have seven (7) days to enter into a contract with the owner for purchase of the housing unit, and so on until a sale occurs. The owner may not reject an offer from a qualified purchaser that is for the maximum resale price or the current resale price, as the case may be unless other terms and conditions of the offer are unreasonable. Thereafter, if the housing unit has not been sold, the owner may list it for sale with a real estate broker or negotiate a contract for its sale provided that the owner shall notify all prospective purchasers that they must be confirmed to be a qualified purchaser by the Housing Manager.

17.4.6 **Advertise housing unit for sale.** The owner shall advertise the housing unit for sale by the placement of a "for sale" sign meeting the requirements of Chapter 16A of the Snowmass Village Municipal Code at a conspicuous location.

17.4.7 **Confirmation of qualification.** At the closing of the sale, the Housing– Manager shall confirm:

a) The status of the qualified purchaser to purchase the housing unit;
b) That the purchase price does not exceed the maximum resale price; and
c) All monies owing to the Town have been fully paid.

17.5 **Mandatory Resale.**

17.5.1 An owner shall immediately offer the housing unit for sale in accordance with the provisions of section 17.4 upon the occurrence of any of the following events:

a) If a non-qualified purchaser takes title to the housing unit; or
b) The owner does not maintain residency at the housing unit; or
c) The owner has not sold their residential dwelling unit ~~within the Roaring Fork River drainage~~ within six (6) months of the closing of the acquisition of the housing unit, or such period of time as approved by the Town Council upon good cause shown; or
d) The owner acquires any interest in a residential dwelling unit ~~in the Roaring Fork Drainage.~~ after the closing of the acquisition of a housing unit; or
e) The owner purchases the housing unit for a purchase price greater than the maximum purchase price; or
f) The owner fails to be a requalified owner.

17.5.2 **Biennial Requalification**. All owners must requalify biennially by completing and returning an affidavit within ninety (90) days of receipt. The affidavit will confirm that the following:

a) The owner has been in physical residence in the housing unit for a minimum of eight (8) months each calendar year, is or is eligible to be a registered voter in the Town, possesses or is eligible to possess a valid Colorado driver's license; and files a Colorado income tax return; and

b) The owner has been actively employed by an employer whose principal place of business is in Pitkin County for minimum of one thousand four hundred (1400) hours during a minimum period of eight (8) months per calendar; or have attained the age of sixty-two (62) after having been the owner of the housing unit for not less than ten (10) years. Verification of compliance with this requirement must be provided at the time of requalification.

c) The owner does not own any interest in a residential dwelling unit ~~has not acquired a residential dwelling unit within the Roaring Fork River drainage situated in Eagle, Pitkin or Garfield Counties, or within the Colorado River Drainage from and including the unincorporated No Name area to and including the City of Rifle, after the closing of the acquisition of a housing unit~~. This includes any such interest held personally, by a person's spouse, as a shareholder or member of a corporation, or as a partner, a joint venture or a beneficiary of a trust. Notwithstanding, a residential dwelling unit in which owner has an ownership interest may be exempt from this restriction on the following conditions: (a) owner is in the business of owning real property for the purpose of remodel, renovation, repair, and resale; (b) the residential dwelling is not occupied at any time while owned by owner; (c) owner shall not own the residential dwelling unit for more than six (6) months following receipt of a certificate of occupancy or certificate of completion for such unit, as applicable, unless such time is extended by the Housing Manager; and (d) owner shall provide information acceptable to the Housing Manager to satisfy these conditions in the Housing Manager's reasonable discretion.

The Housing Department may, at its discretion, conduct a directed and random audit of continued compliance with ongoing qualification with the provisions of these Regulations.

17.5.3 **Change in Ownership**. Any proposed or contemplated additions or deletions to the owners listed on the warranty deed must be approved in writing by the Housing Manager. Any such changes will be required to comply with all requirements of these Regulations.

17.6 **Housing Unit Rental.**

17.6.1 For good cause shown and with the approval of the Housing Manager, an owner may rent the entire housing unit for a maximum of four months. The rental rate shall not exceed the rent for a comparable rental apartment owned by the Town as determined by the Housing Manager. No short-term rentals will be allowed.

17.6.2 With written notice to the Housing Manager, the owner of a housing unit of not less than two (2) bedrooms may rent one (1) bedroom to a maximum of two (2) people, at least one (1) of whom is an employee. Full-time seasonal employees (minimum 700 hours per season) may qualify for a rental at the owner's discretion. Provided, however, the owner must maintain residency in the housing unit, must occupy a bedroom in the housing unit and must receive prior approval for any such rental from the association in which the housing unit exists. The rental rate shall not exceed the rent for a comparable rental apartment owned by the Town as determined by the Housing Manager.

17.6.3 Where there exists a conflict between any limitation or requirement in this Code and any limitation or requirement contained in any applicable protective covenant, deed restriction, condominium declaration, homeowners or condominium association bylaws or rules and regulations, as the same may be adopted or amended from time to time, the more restrictive limitation or requirement shall prevail.

17.7 **Exempt Transactions.**

17.7.1 A one-time transfer by operation of law, by will or inheritance to a surviving spouse of an owner is exempt from the procedures set forth in Section 17-4 of the Code and 17.4 of these Regulations, provided written notice shall be given to the Housing Manager providing information to support tha~~n~~t an exempt transaction has occurred.

17.7.2 A one-time transfer by operation of law, by will or inheritance to a dependent minor child as the sole surviving member of owner is exempt from the procedures set forth in Section 17-4 of the Code and 17.4 of these Regulations, provided written notice shall be given to the Housing Manager providing information to support that an exempt transaction has occurred. In such case, the child may reside in the housing unit, with or without a guardian, as their primary residence until the child turns 22 years of age, at which time the housing unit must be sold pursuant to these Regulations.

~~An Owner of a housing units at The Crossings at Horse Ranch who purchased such housing unit prior to August 26, 2002, may transfer such housing unit one time by operation of law, by will, inheritance, or gift to one or more of their surviving children, provided that the person(s) who becomes vested with fee title to the housing unit meets the criteria of a qualified applicant. Such one-time transfer shall be exempt from the procedures set forth in Section 17-4 of the Code and 17.4 of these Regulations, provided written notice shall be given to the Housing Manager providing information to support that an exempt transaction has occurred.~~

17.8 **Interpretations; ~~A~~Appeals.** The Housing Manager shall make all interpretations of these Regulations. Any applicant or owner who feels that the Housing Manager has misinterpreted or improperly applied the provisions of the Chapter 17 of the Municipal Code or these Regulations may inform the Town Manager in writing and request a review. Any such request must be delivered to the Town Manager within fourteen (14) days of the date of such purported misinterpretation or improper application. The Town Manager shall investigate and take such actions as are necessary and proper to alleviate any actual noncompliance.

Exhibit B

Town of SNOWMASS Village

Permanent Moderate Housing Regulations

17.1 **Purpose**. It is the goal of the Town of Snowmass Village to support a viable workforce and to continue a commitment to workforce housing opportunities that best balance the character and resources of the Town. These Regulations effectuate the provisions of Chapter 17, Article I of the Municipal Code and shall be enforceable as if enacted as a part thereof.

17.2 **Definitions**

As used in these Regulations, the following words shall be construed to have the meanings defined below:

Active employment means a minimum of one thousand four hundred (1400) hours during a minimum period of eight (8) months per calendar year.

Disabled Employee Prioritization is available to a qualified applicant who personally has or who resides with a dependent who has a physical impairment that substantially limits the ability of the person to walk and/or climb stairs, as documented in writing by a medical doctor licensed in the State of Colorado.

Disabled housing unit means a housing unit that complies with the accessibility provisions of the Americans with Disabilities Act (ADA) and Chapter 18 of the Town of Snowmass Village Municipal Code.

Home occupation means a business that complies with the requirements of Sec. 16A-3-240 of the Town of Snowmass Village Municipal Code.

Employee means an adult who is actively employed by a licensed employer, as defined herein.

Employer is a business licensed:

a. Pursuant to the Town of Snowmass Village Municipal Code with a principal place of business in Snowmass Village for a minimum of three (3) years; or
b. To do business within Pitkin County, and having a principal place of business within Pitkin County.

Housing Manager is the individual designated by the Snowmass Village Town Manager to implement these Regulations, or his or her designee.

Housing unit means a dwelling unit that is subject to the provisions of these Regulations.

Income is calculated by averaging the adjusted gross income shown on the last three (3) filed Federal Income Tax returns. To qualify for purchase, a minimum of eighty percent (80%) of the applicant's income must be income earned within Snowmass Village and be verifiable by tax return or W-2 form. Income and Net Worth levels for joint applicants will be combined.

Maximum resale price means the maximum price for which a housing unit may be sold. The maximum resale price is computed in accordance with the resale price procedures established for each project under section 17.4 of these Regulations.

Owner means the fee simple owner of a housing unit.

Pre-sale inspection means an inspection of the housing unit to confirm that the housing unit has been kept and maintained in a clean and orderly condition, normal wear and tear excepted, in a manner determined by the Housing Manager.

Qualified applicant means all adult applicants who collectively meet the qualifications for purchase of a housing unit, as established from time to time by the Housing Manager, and taking into consideration employment, income, net worth, unit size, dependents, and any other criteria established by the Housing Manager, as set forth in these Regulations.

Resale fee means a fee collected upon the filing of a notice of intent to sell a housing unit, as determined by the Housing Manager, as set forth in these Regulations.

Requalified owner is an owner who, following the initial purchase of a housing unit, meets the qualifications for employment, income, net worth and residency established by the Housing Manager, as set forth in these Regulations

Residential dwelling unit means any residential property within the Roaring Fork River drainage situated in Eagle, Pitkin, or Garfield Counties, or within the communities along the Colorado River corridor from and including the unincorporated No Name area to and including the City of Rifle.

Unit size means a housing unit intended to be occupied by a minimum or maximum number of occupants as established by the Housing Manager.

17.3 **Application**. The Permanent Moderate Housing Regulations apply to the use, occupancy and sale of the following developments: Capitol Peak Condominiums, Coffey Place, Country Club Townhomes, Creekside Condominiums, Crossings at Horse Ranch, Daly Permanent Moderate Housing Townhomes, Mountain View Permanent Moderate Housing Condominiums, all phases of Rodeo Place, Sinclair Meadows, and all other Permanent Moderate Housing developments and housing units recognized by the Snowmass Village Town Council.

17.3.1 **Application Procedure**. On forms specified by the Housing Manager, an applicant shall provide information concerning employment, income, net worth, unit size, dependents and such other information deemed reasonably necessary to determine whether the applicant can be deemed a qualified applicant. All information provided by an applicant shall be considered confidential.

17.3.2 **Procedures**. Applications are available at the Housing Department office. Completed applications must be submitted with an application fee. An application is active for twelve (12) consecutive months. To apply for another housing unit, a Confirmation Affidavit shall be completed, with updated information, and a reapplication fee shall be paid. Incomplete applications will not be considered.

17.3.3 **Verification of Application Information**. The Housing Manager will verify all information contained in an application. If the Housing Manager determines that any information or statements in an application are not true or accurate, then the applicant may be permanently precluded from applying for the purchase of any housing unit or for applying to rent any Town apartment.

17.3.4 **Qualified Applicant**.

17.3.4.1 **Employment Qualifications**. To apply for a housing unit, an adult employee must meet one of the following qualifications: (a) active employment for a minimum of one (1) year, and currently employed, by an employer licensed pursuant to the Snowmass Village Municipal Code with a principal place of business in the Snowmass Village as defined in Section 17-3 of the Code , (b) worked 1600 hours and earned 70% of income in Snowmass Village for a minimum of one (1) year, or (c) active employment in Pitkin County for a minimum of three (3) years and currently employed in Pitkin County.

Licensed home occupations (as defined in the Town of Snowmass Village Land Use Code Sec. 16A-3-240) are qualified, provided they meet the definition of an employer in and derive a minimum of 80% of income from products, services or other direct benefits to the residents and/or businesses of the Town of Snowmass Village (if Snowmass Village applicant) or Pitkin County (if Pitkin County applicant). Applicants must provide proof of business license, a current Profit and Loss statement, a current list of clients, and any other information deemed necessary to verify eligibility, in addition to the other required application documents.

The following lottery tiers establish the priorities for applicants. All applicants must also meet employment, income, asset and occupancy requirements. After applicants are qualified, they will be entered into a lottery tier using the priorities listed below.

Lottery Tiers	Lottery Priorities
1st	**In-Complex**
2nd	**Downsizing from one housing unit to another unit, provided the downsized unit has fewer bedrooms than the current unit. In the case of new construction, no more than 25% of the initial units shall be made available for downsizing unless otherwise established by the Town Council.**
3rd	**Snowmass Village full-time employment with 3 or more years**
4th	**Snowmass Village full-time employment with 12-35 months**
5th	**Snowmass Village full-time employment with 3 or more years; 2 people may apply for a 3-bedroom unit**
6th	**Snowmass Village full-time employment with 12-35 months; 2 people may apply for a 3-bedroom unit**
7th	**Pitkin County full-time employment with 3 or more years**

17.3.4.2. **Maximum Income and Net Worth**. The purchase price of a housing unit limits the income and net worth of an applicant to a maximum income and net worth. The maximum income and net worth applicable to a specific purchase price shall be established and made public annually by the Housing Manager.

Assets and liabilities shall be defined as generally accepted accounting standards for individuals, including all business equity for self-employed persons and business owners. Tax deferred retirement funds, college savings funds and contingent liabilities are not included in the net worth calculation. In the case of persons who wish to downsize from one housing unit to another unit, the value of the primary home will not be included in the net worth calculation, provided the unit downsizing to has fewer bedrooms. Income is calculated by averaging the adjusted gross income shown on the last three (3) filed Federal Income Tax returns. Applicant's qualifications, including income, must be verifiable by tax return or W-2 form. Income and Net Worth levels for joint applicants will be combined.

17.3.4.3 **Unit Size and Occupancy Requirements**. In addition to the Lottery Priorities set forth in these Regulations and to maximize the occupancy of housing units, an applicant can only apply to purchase a housing unit to accommodate the number of persons that will be residing with the applicant. The number of persons will include a dependent as defined in the Internal Revenue Code, or a minor child who resides on a part time basis of not less than one hundred twenty-one (121) days per calendar year as a result of an order of a court. A first priority applicant can only apply to purchase a housing unit with the number of bedrooms as follows:

First Priority Occupancy Table #1

Total Persons	1 bedroom	2 bedrooms	3 bedrooms	4 or more bedrooms
1*	X	X		
2	X	X		
3		X	X	
4		X	X	X
4+			X	X

*****One person is not eligible to purchase a detached single-family home.

Second Priority Occupancy Table #2

Total Persons	1 bedroom	2 bedrooms	3 bedrooms	4 or more bedrooms
2	X	X	X	

After the first priority qualified applicants have been selected the Second Priority Occupancy Table will be used if necessary. This table will only be used for qualified Snowmass Village employee applicants in the 5th and 6th lottery tier from the 17.2.4.1 lottery procedures table.

Note: All Pitkin County employees in the 7th lottery tier must meet the requirements listed in the First Priority Occupancy Table #1.

17.3.5 **Restriction on Ownership of Other Real Property**. In order to qualify and to remain qualified, an applicant may not own any interest in a residential dwelling unit, as defined above. This includes any such interest held personally, by a member of the household, as a shareholder or member of a corporation, or as a partner, joint venture or a beneficiary of a trust. Successful applicants who currently own a residential dwelling unit will be required to dispose of such property within six months of closing on the housing unit. Exceptions for employer-owned workforce housing may be granted upon request and will be subject to a Restricted Housing Agreement.

Notwithstanding, a residential dwelling unit in which an applicant has an ownership interest may be exempt from this restriction on the following conditions: (a) applicant is in the business of owning real property for the purpose of remodel, renovation, repair, and resale; (b) the residential dwelling is not occupied at any time while owned by applicant; (c) applicant shall not own the residential dwelling unit for more than six (6) months following receipt of a certificate of occupancy or certificate of completion for such unit, as applicable, unless such time is extended by the Housing Manager; and (d) applicant shall provide information acceptable to the Housing Manager to satisfy these conditions in the Housing Manager's reasonable discretion.

17.3.5 **Applicant Super Priorities**. Upon qualifying to purchase a housing unit, an applicant may qualify for a further, or "super", priority that will rise above all other priorities.

17.3.5.1 **Disabled Employee Prioritization.** A qualified applicant who personally or who resides with a dependent who has a physical impairment that substantially limits the major life activity of walking and substantially limits the ability of the person to climb stairs as documented in writing by a medical doctor licensed in the State of Colorado shall be deemed the first priority qualified purchaser for the purchase of a disabled housing unit without regard to prioritization criteria. In the event that two or more qualified applicants desire to purchase the housing unit, then employment prioritization within the Lottery Tiers in Section 17.3.4.1 shall be utilized to determine the first priority qualified purchaser.

17.3.5.2 **In Complex Priority.** A qualified applicant who currently works full-time for a Snowmass Village business and who has owned a housing unit in the project where a housing unit is offered for sale for longer than one (1) year shall be deemed the first priority qualified purchaser for the purchase of the housing unit without regard to other prioritization criteria. In the event that two or more such qualified applicant employee owners desire to purchase the housing unit, then employment prioritization within the Lottery Tiers in Section 17.3.4.1 shall be utilized to determine the first priority qualified purchaser. If more than one applicant is in the same employment tier, then a lottery will be held to select the qualified in complex purchaser.

17.3.6 **Local Priority.** Qualified applicants who graduate from Aspen High School, resided in TOSV for at least eight (8) consecutive years prior to high school graduation, and had an absence from TOSV following high school graduation for not more than six (6) years, shall be given credit for five (5) years of employment pursuant to Section 17.4.4.

17.4 **Resale Procedure.**

17.4.1 **Housing Unit Inspection**. As a condition precedent to filing a notice to sell a housing unit, the Town shall inspect the property with an inspector approved by the Housing Manager. Upon successful completion of the inspection, an approved inspection report shall be issued.

17.4.1.1 **Standards.** The inspection will disclose the physical condition of the housing unit. The housing unit must meet a minimum standard of maintenance and cleanliness. The inspector will grade the housing unit on a standard approved by the Housing Manager.

17.4.1.2 **Repairs.** If the pre-sale inspection discloses deficiencies, then the owner shall correct all deficiencies. The housing unit shall be re-inspected to confirm that all such deficiencies have been properly corrected.

17.4.2 **Notice to sell.** After receipt of the approved inspection report and the notice of intent to sell, the Housing Manager shall collect a resale fee equal to Two Thousand Dollars ($2,000.00), which may be adjusted on annual basis by the Housing Manager to reflect changes in costs. Upon good cause shown, the Housing Manager may authorize alternate arrangements for the payment of the resale fee.

17.4.3 **Maximum resale price calculation.** The Housing Manager shall calculate the maximum resale price based upon the date the owner acquired the housing unit and upon the owner's purchase price, as further outlined below.

17.4.3.1 **Energy Efficiency, Carbon Reduction & Water Conservation Capital Improvements.** An energy efficiency, carbon reduction and water conservation capital improvements allowance of up to 10% in aggregate of the current resale price will be established for each new owner of a single-family home or a condominium unit. Only improvements that clearly demonstrate energy efficiency, carbon reduction and water conservation will be considered for this allowance. The utilization of sustainable green building materials may also be included in the 10% improvement allowance. All capital improvements will be depreciated on the depreciation schedule from the Marshall Swift Residential Handbook. This improvement allowance does not include the replacement or maintenance of existing fixtures, appliances, decorative items, or improvements necessary to maintain existing fixtures from the original construction. Only new replacement items which are recognized to provide a substantial amount of energy or water conservation greater than the original construction will be considered. An owner shall submit a complete improvement cost proposal listing the improvement items and documentation identifying the energy savings or water conservation benefits to the Housing Director prior to beginning the improvement work. The director will then decide if the requested improvements may be added to the resale price.

After receiving Housing Director approval, to substantiate the Energy, Carbon Reduction and Water Conservation Capital Improvement allowance amount, an owner shall provide the Housing Director an affidavit of owner setting forth the amounts expended for improvements with receipts to show actual expenses attached thereto, and the certificate of completion issued by the Building Official for the improvements, if required. If a certificate of completion is not required, then a written statement from the Building Official identifying that the improvements installed did not require a building permit or a certificate of completion. Energy, Carbon Reduction and Water Conservation Capital Improvements that have not received preapproval from the Housing Director will not be considered for inclusion upon resale of the unit.

17.4.3.2 **Improvements.** Improvements may be included in the resale calculation only if approved by the Housing Manager and to the extent specified in these Regulations. Evidence of cost of eligible improvements and corresponding documentation from the Building Official must be submitted within six (6) months of issuance of a certificate of occupancy or other approval to be considered. In the case of existing housing improvements, evidence and documentation shall be submitted within six (6) months of adoption of these Regulations.

17.4.3.3 **Condominium Housing Units Acquired before July 22, 1991.** For housing units located in the Creekside Condominiums and Country Club Townhomes that have been continuously owned by the same owner on and after July 22, 1991, the maximum resale price is computed as follows:

a) the purchase price paid by the owner, plus an amount equal to:
    1. The purchase price paid by the owner;

        - Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;

        - Divided by the CPI-W last published prior to the time of purchase by owner;

        - plus, the depreciated cost of improvements to the condominium unit which have been paid for by the owner and approved by the Town Council.

        - plus, the depreciated value of TOSV approved energy efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price,

        - plus, the actual cost of capital improvements performed by the condominium association of the project in which the housing unit is located, paid for by the owner from the time of installation of the capital improvement to the date of resale approved by the Town, not to exceed ten percent (10%) of the current resale price.

17.4.3.4 **Condominium Housing Units Acquired after July 22, 1991.** The maximum resale price shall be computed as the lesser of:

a) the original price plus a three-percent annual increase in the purchase price, prorated from the date of the original purchase, or

b) the purchase price paid by the owner, plus an amount equal to:

    1. The purchase price of the current owner;

- Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
- Divided by the CPI-W last published prior to the time of purchase by owner plus,

- The depreciated value of TOSV approved energy efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price,

- plus, the depreciated cost of capital improvements performed by the condominium association of the project in which the housing unit is located, paid for by the owner from the time of installation of the capital improvement to the date of resale approved by the Town, not to exceed ten percent (10%) of the current resale price.

17.4.3.5 **Crossings Housing Units.** The maximum resale price shall be computed as the lesser of:

a) the base price as maintained in the records of the Housing Manager, plus the cost of the finishing of the basement from the date of completion in accordance with the description of the basement option not to exceed the cost of a standard basement option, plus a three-percent annual increase, or

b) the purchase price paid by the owner, minus the cost of any house option which is installed after the issuance of the original certificate of occupancy plus the cost of the deck option, if it was subtracted from the calculation of the house base price, plus an amount equal to:

1. The purchase price of the current owner;
    - Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
    - Divided by the CPI-W last published prior to the time of purchase by owner;
    - plus, the cost of any house option, as approved by the Town Council as an option to the basic house design (as set forth in Exhibit "A" to the Horse Ranch Employee Housing Development Agreement entered into by and between the Town and Foresite Capital Facilities Corporation on April 22, 1994)

- plus, automatic sprinkler system, gutter and downspout, permanent landscaping and heat tapes) which was installed after the issuance of the original certificate of occupancy
- plus the cost of the deck option, if it was subtracted from the calculation of the house base price.

From the issuance of the original certificate of occupancy for the housing unit, the maximum amount shall be limited to ten percent (10%) of the house base price which shall escalate as follows:

- To five (5) years, five percent (5%) of the house base price;
- To six (6) years, six percent (6%) of the house base price;
- To seven (7) years, seven percent (7%) of the house base price;
- To eight (8) years, eight percent (8%) of the house base price;
- To nine (9) years, nine percent (9%) of the house base price; and
- To ten (10) years, ten percent (10%) of the house base price.

- plus, the depreciated value of TOSV approved energy efficient or water conservation capital improvements installed and paid for by the owner not to exceed 10% of the current resale price

To substantiate such amounts, an owner shall provide the Housing Manager an affidavit of owner setting forth the amounts expended for improvements with receipts attached thereto, and the certificate of completion issued by the Building Official for the improvements, if required, or if no certificate of completion is required, then a statement from the Building Official that the improvements installed did not require a certificate of completion. If such amount has not previously been substantiated to the satisfaction of the Housing Manager, it shall be provided with the notice of intent to sell.

17.4.3.6**. Rodeo Place Single Family Housing Units.** The maximum resale price shall be computed as the lesser of:

a) the base price as maintained in the records of the Housing Manager, plus
- the one-time actual cost of finishing the basement subject to a maximum allowance of $70.00 per square foot from the date of completion in accordance with the square feet allocated to each home basement, plus
- The depreciated value of TOSV approved energy-efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price, plus
- The purchase price of the current owner;
- Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;

- Divided by the CPI-W last published prior to the time of purchase by owner;

To substantiate the finished basement option amount, an owner shall provide the Housing Manager an affidavit of owner setting forth the amounts expended for improvements with receipts attached thereto, and the certificate of completion issued by the Building Official for the improvements, if required, or if no certificate of completion is required, then a statement from the Building Official that the improvements installed did not require a certificate of completion. The finishing of the basement improvements will be a one-time adjustment to the home base price from the certificate of completion date. If such amount has not previously been substantiated to the satisfaction of the Housing Manager, it shall be provided with the notice of intent to sell.

17.4.3.7. **Coffey Place Single Family and Condominium Housing Units**. The maximum resale price shall be computed as the lesser of:

a) the original price plus
   - a three-percent annual increase in the purchase price, prorated from the date of the original purchase, plus
   - the depreciated value of TOSV approved energy efficiency or water conservation capital improvements installed and paid by the owner, not to exceed 10% of the current resale price;

OR

b) the purchase price as maintained in the records of the Housing Manager,
   - Multiplied by the consumer price index, all items, urban wage earners and clerical workers (revised) published by the United States Department of Labor, Bureau of Labor Statistics, commonly known as the CPI-W, last published prior to the date of notice of intent to sell;
   - Divided by the CPI-W last published prior to the time of purchase by owner, plus
   - The depreciated value of TOSV approved energy- efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price.

17.4.3.8 **Future Housing.** The regulations governing resale for future developments will be included in these Regulations.

17.4.3.9 **Publication.** The Housing Manager shall cause a notice of the availability of the housing unit purchase shall be published in a local newspaper once a week for four (4) consecutive weeks.

17.4.4 **Lottery Procedure**. At the end of the thirty (30) day Snowmass village employee priority period, lottery chances will be assigned by the Housing Manager to qualified applicants as follows:

Years Employed	Lottery Chances
1 or greater but less than 3	1
3 or greater but less than 7	2
7 or greater but less than 11	4
11 or greater but less than 15	6
15 or greater	8

Following the assignment of lottery chances to qualified applicants, the Housing Manager shall schedule and conduct a lottery to determine the priority of qualified purchasers. The lottery will be scheduled by the Housing Manager. If a chance of a qualified applicant is chosen more than one (1) time, all subsequent chances will be disregarded.

17.4.5 **Contract and sale procedure.** The first priority qualified purchaser shall have seven (7) days to enter into a contract with the owner for purchase of the housing unit. In the event that a contract is not timely entered into the next priority qualified purchaser shall have seven (7) days to enter into a contract with the owner for purchase of the housing unit, and so on until a sale occurs. The owner may not reject an offer from a qualified purchaser that is for the maximum resale price or the current resale price, as the case may be unless other terms and conditions of the offer are unreasonable. Thereafter, if the housing unit has not been sold, the owner may list it for sale with a real estate broker or negotiate a contract for its sale provided that the owner shall notify all prospective purchasers that they must be confirmed to be a qualified purchaser by the Housing Manager.

17.4.6 **Advertise housing unit for sale.** The owner shall advertise the housing unit for sale by the placement of a "for sale" sign meeting the requirements of Chapter 16A of the Snowmass Village Municipal Code at a conspicuous location.

17.4.7 **Confirmation of qualification.** At the closing of the sale, the Housing Manager shall confirm:

a) The status of the qualified purchaser to purchase the housing unit;
b) That the purchase price does not exceed the maximum resale price; and
c) All monies owing to the Town have been fully paid.

17.5 **Mandatory Resale.**

17.5.1 An owner shall immediately offer the housing unit for sale in accordance with the provisions of section 17.4 upon the occurrence of any of the following events:

a) If a non-qualified purchaser takes title to the housing unit; or
b) The owner does not maintain residency at the housing unit; or

c) The owner has not sold their residential dwelling unit within six (6) months of the closing of the acquisition of the housing unit, or such period of time as approved by the Town Council upon good cause shown; or
d) The owner acquires any interest in a residential dwelling unit after the closing of the acquisition of a housing unit; or
e) The owner purchases the housing unit for a purchase price greater than the maximum purchase price; or
f) The owner fails to be a requalified owner.

17.5.2 **Biennial Requalification**. All owners must requalify biennially by completing and returning an affidavit within ninety (90) days of receipt. The affidavit will confirm that the following:

a) The owner has been in physical residence in the housing unit for a minimum of eight (8) months each calendar year, is or is eligible to be a registered voter in the Town, possesses or is eligible to possess a valid Colorado driver's license; and files a Colorado income tax return; and

b) The owner has been actively employed by an employer whose principal place of business is in Pitkin County for minimum of one thousand four hundred (1400) hours during a minimum period of eight (8) months per calendar; or have attained the age of sixty-two (62) after having been the owner of the housing unit for not less than ten (10) years. Verification of compliance with this requirement must be provided at the time of requalification.

c) The owner does not own any interest in a residential dwelling unit. This includes any such interest held personally, by a person's spouse, as a shareholder or member of a corporation, or as a partner, a joint venture or a beneficiary of a trust. Notwithstanding, a residential dwelling unit in which owner has an ownership interest may be exempt from this restriction on the following conditions: (a) owner is in the business of owning real property for the purpose of remodel, renovation, repair, and resale; (b) the residential dwelling is not occupied at any time while owned by owner; (c) owner shall not own the residential dwelling unit for more than six (6) months following receipt of a certificate of occupancy or certificate of completion for such unit, as applicable, unless such time is extended by the Housing Manager; and (d) owner shall provide information acceptable to the Housing Manager to satisfy these conditions in the Housing Manager's reasonable discretion.

The Housing Department may, at its discretion, conduct a directed and random audit of continued compliance with ongoing qualification with the provisions of these Regulations.

17.5.3 **Change in Ownership**. Any proposed or contemplated additions or deletions to the owners listed on the warranty deed must be approved in writing by the Housing Manager. Any such changes will be required to comply with all requirements of these Regulations.

17.6 **Housing Unit Rental.**

17.6.1 For good cause shown and with the approval of the Housing Manager, an owner may rent the entire housing unit for a maximum of four months. The rental rate shall not exceed the rent for a comparable rental apartment owned by the Town as determined by the Housing Manager. No short-term rentals will be allowed.

17.6.2 With written notice to the Housing Manager, the owner of a housing unit of not less than two (2) bedrooms may rent one (1) bedroom to a maximum of two (2) people, at least one (1) of whom is an employee. Full-time seasonal employees (minimum 700 hours per season) may qualify for a rental at the owner's discretion. Provided, however, the owner must maintain residency in the housing unit, must occupy a bedroom in the housing unit and must receive prior approval for any such rental from the association in which the housing unit exists. The rental rate shall not exceed the rent for a comparable rental apartment owned by the Town as determined by the Housing Manager.

17.6.3 Where there exists a conflict between any limitation or requirement in this Code and any limitation or requirement contained in any applicable protective covenant, deed restriction, condominium declaration, homeowners or condominium association bylaws or rules and regulations, as the same may be adopted or amended from time to time, the more restrictive limitation or requirement shall prevail.

17.7 **Exempt Transactions.**

17.7.1 A one-time transfer by operation of law, by will or inheritance to a surviving spouse of an owner is exempt from the procedures set forth in Section 17-4 of the Code and 17.4 of these Regulations, provided written notice shall be given to the Housing Manager providing information to support that an exempt transaction has occurred.

17.7.2 A one-time transfer by operation of law, by will or inheritance to a dependent minor child as the sole surviving member of owner is exempt from the procedures set forth in Section 17-4 of the Code and 17.4 of these Regulations, provided written notice shall be given to the Housing Manager providing information to support that an exempt transaction has occurred. In such case, the child may reside in the housing unit, with or without, a guardian as their primary residence until the child turns 22 years of age, at which time the housing unit must be sold pursuant to these Regulations.

17.8 **Interpretations; Appeals.** The Housing Manager shall make all interpretations of these Regulations. Any applicant or owner who feels that the Housing Manager has misinterpreted or improperly applied the provisions of the Chapter 17 of the Municipal Code or these Regulations may inform the Town Manager in writing and request a review. Any such request must be delivered to the Town Manager within fourteen (14) days of the date of such purported misinterpretation or improper application. The Town Manager shall investigate and take such actions as are necessary and proper to alleviate any actual noncompliance.

DATE OF MEETING:
May 6, 2024

AGENDA ITEM:
Little Red Schoolhouse Project Update

PRESENTED BY:
Greg LeBlanc, Assistant Town Manager
Mike Horvath, Town Engineer
Clint Kinney, Town Manager

BACKGROUND:

The Little Red Schoolhouse, previously operated by the not-for-profit Little Red School House Organization, has been operated by Woody Creek Kids since the start of 2022. In 2021, the Town Council adopted a goal to "Explore an enhanced use of the Little Red Schoolhouse to provide an improved and enlarged childcare/early learning facility." Following that direction, staff hired a consultant to conduct an early childhood education needs assessment and financial analysis for the Town with the primary focus on the Little Red School House property. The Town's overarching goal is to ensure that childcare and early childhood education continue to be provided and expanded at the Little Red School House facility.

The needs assessment, site analysis and budget analysis were completed in 2022. The Town has also continued the working relationship with Woody Creek Kids by extending the lease through the end of 2025.

The programming phase started in August of 2023, with the original master plan research included in the RFP and was refined and thoroughly vetted by the design team with Town staff and the provider, Woody Creek Kids staff. The program and early concept options were directed by these stakeholders and the community survey. The conceptual scheme selections were developed, and two options with unique program and massing schemes were presented to Council at the November 2 and 13 2023, meetings. The Town Council issued direction to continue with the "Barn Option" on December 11, 2023.

This design was developed into a package with enough detail to request a cost estimate for the proposed project. This schematic design was presented to Planning Commission at the February 7, 2024 meeting, and the Town Council at the February 12, 2024 meeting for comment and consideration before pricing was received. There were many design comments received from these final schematic presentations, which have now been incorporated into the new schematic.

The estimate for the initial (December) schematic design of a **5 classroom**, 10,500 SF, two story building was $14.43 -14.96 million depending on selected add/alts (despite earlier cost checks being more in line with budget). Site costs were a major contributor to this cost (approximately $3 million more than the original estimate).

Utilizing the feedback from the Planning Commission and Town Council (along with the cost estimate) the design team then continued to modify the proposed project to better meet the community feedback; essentially reduce the size of the building to better tuck it into the site and better complement the existing Little Red Building.

The current schematic design includes a reduction from 5 to 4 classrooms and a deleted second story. Other modifications include a change to slab on grade construction, no basement, all spaces slightly smaller (still meetng childcare regulations), and less entry space, for an overall 5,700 SF (gross) facility. Finally, the green, flat roof was deleted and replaced with conventional wood framing for the walls and roof. Pricing with new parameters was then received at $7.53 million.

The new build facility has design capacity for a maximum of 60 children, which still meets the demand as outlined in the 2022 needs assessment. The minimum recommendation of 24 parking spaces is proposed and has available space for expansion.

The purpose of this update is as an “owner’s review”. This is an opportunity for wide-ranging feedback from the Council. If/when the Council supports the proposal, this project will then proceed to a formal land use application. After receiving and incorporating any further feedback from the Council, staff believe this project is ready to be submitted for a formal Land Use project. This will allow for further community feedback through the formal process. If approved at this “ownership” level, this could allow for the project to start the formal land use review and then (potentially) break ground in 2025, depending on budget approvals, grant applications, etc.

Attached is an overview of the revised schematic design for the Little Red Schoolhouse expansion project, reflecting input from the Town Council, Planning Commission, POSTR and Woody Creek Kids. Also attached is a costing estimate for construction and completing the design. Tangentially, Staff is exploring grant opportunities to assist with anticipated construction costs.

COUNCIL OPTIONS:

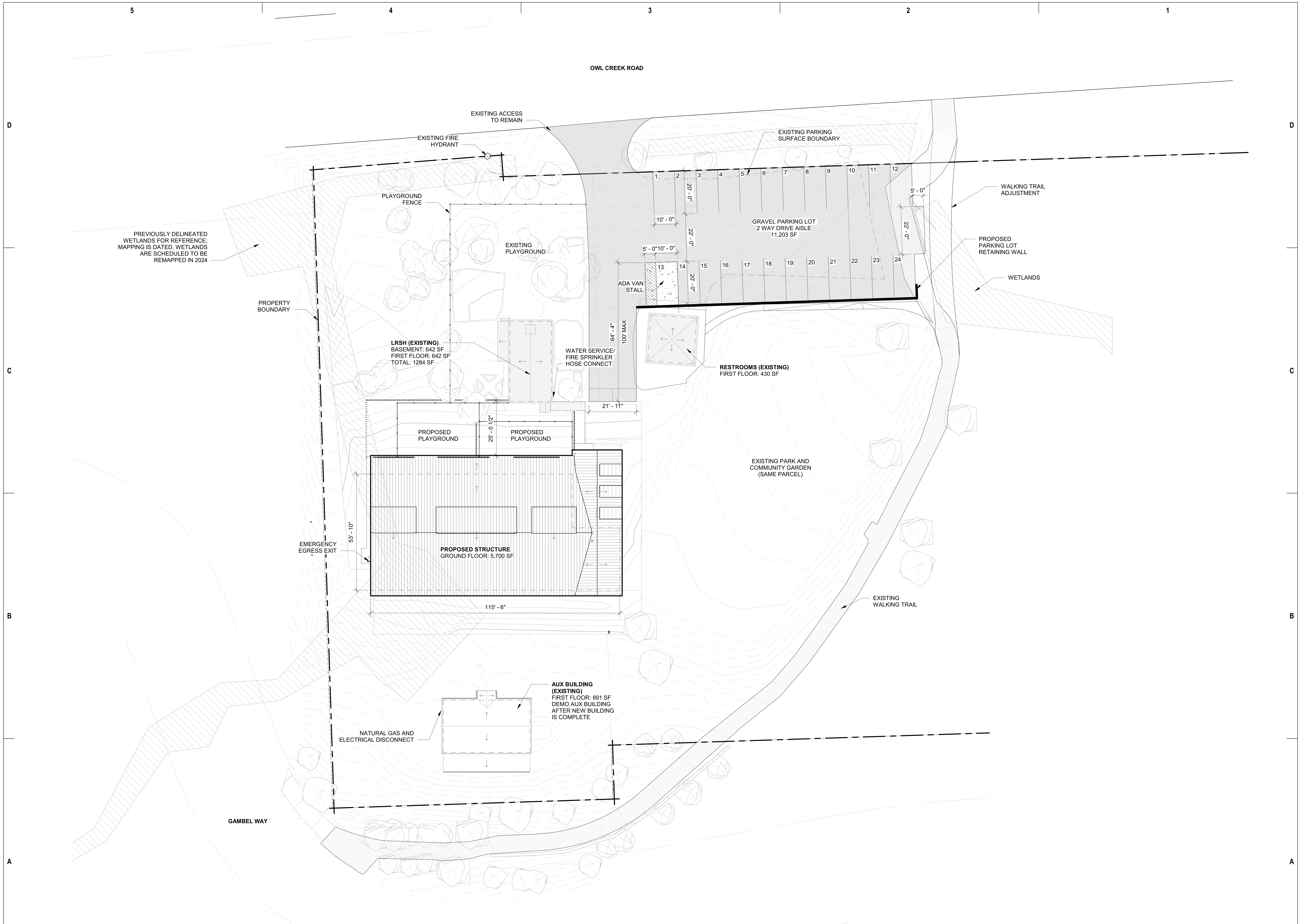
The Council should provide any and all feedback on the proposed project. Depending on the feedback, the Council may direct the project team to submit an application for development or direct the design team to make additional changes to the design and bring it back from continued review.

STAFF RECOMMENDATION:

Staff recommends that the Town Council provide any additional feedback on the project. Depending on the feedback provided, Staff could be directed to submit an application for formal land use review or bring back a refined version of the plan.

ATTACHMENTS:

1) Little Red Schoolhouse Revised Schematic Design Overview
2) Little Red Schoolhouse Project Cost Estimate
3) Brodsky Research - TOSV Little Red Schoolhouse Demand Study Summary



1 SITE PLAN
1" = 20'-0"

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Snowmass Little Red Schoolhouse ECE

4598 Owl Creek Rd, Snowmass Village, CO 81615

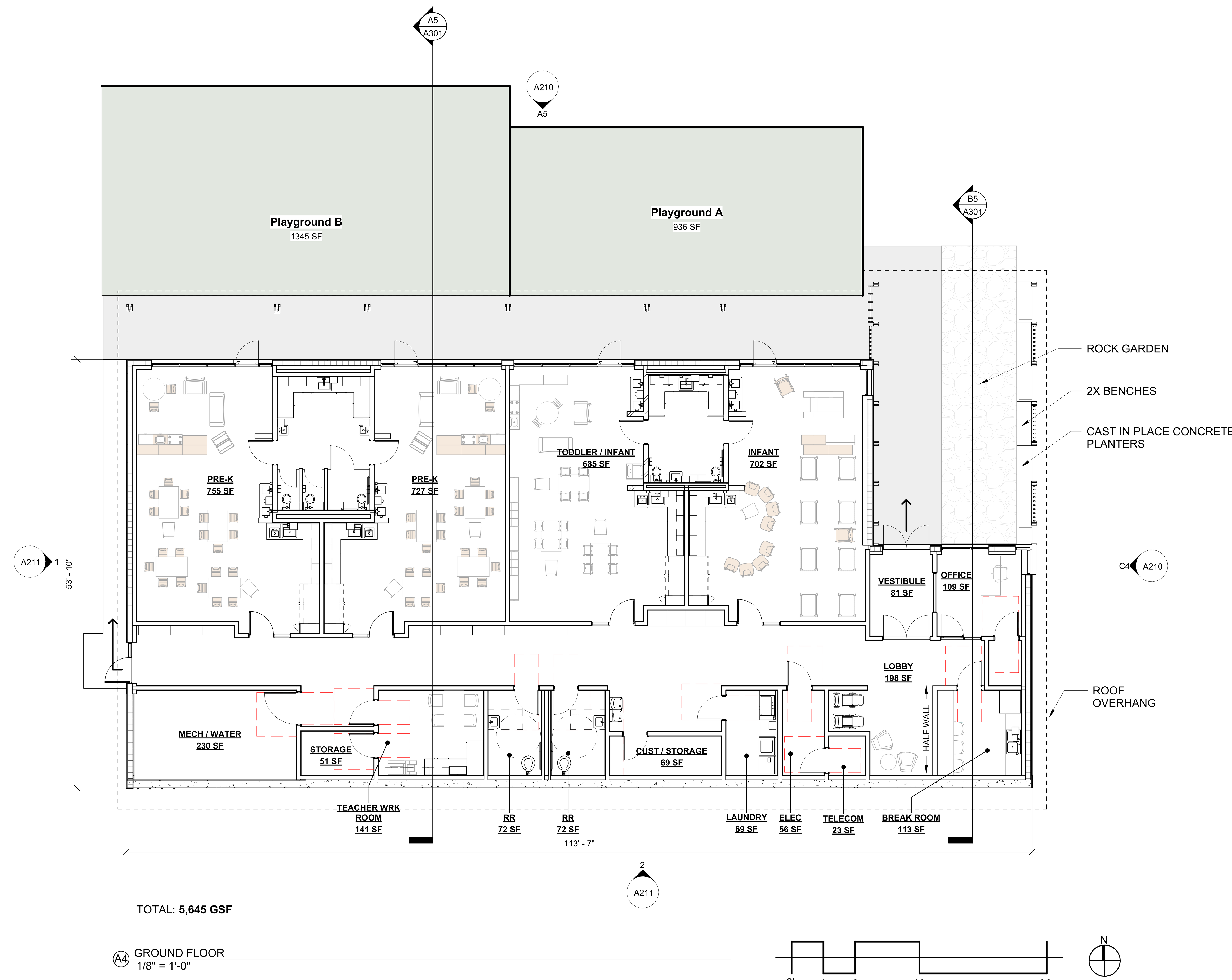
Town of Snowmass Village

PROJECT NUMBER
2023-07
DATE
05/06/24
ISSUED FOR:
VE PACKAGE
REVISIONS

QA/QC APPROVAL: TAM
DRAWN BY: ECM
CHECKED BY: AFA

SHEET TITLE
ARCHITECTURAL SITE PLAN

SHEET NO.
A100



TOTAL: 5,645 GSF

A4 GROUND FLOOR
1/8" = 1'-0"

0' 4 8 16 32

N

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SHEET TITLE
FLOOR PLAN - FIRST FLOOR

SHEET NO.
A111

A5 OVERALL EAST ELEVATION
3/32" = 1'-0"

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Snowmass Little Red Schoolhouse ECE

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Town of Snowmass Village

81

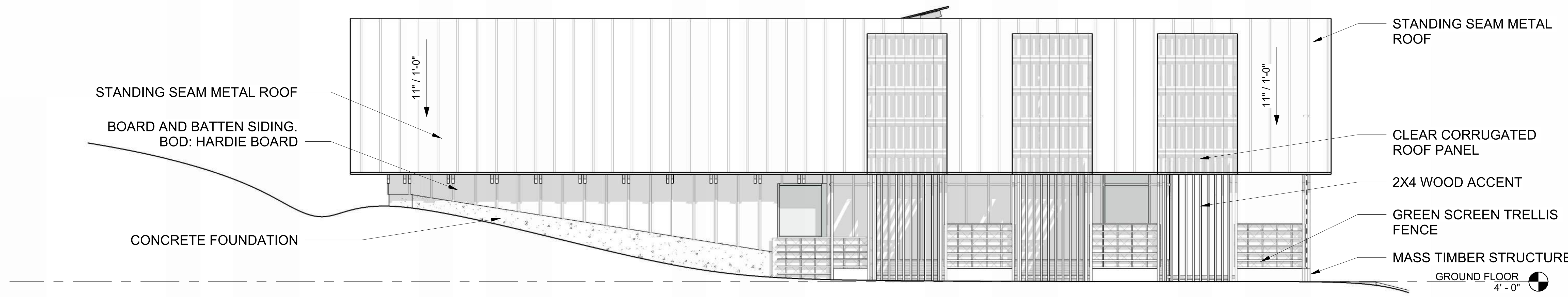
PROJECT NUMBER
2023-07
DATE
05/06/24
ISSUED FOR:
VE PACKAGE

REVISIONS

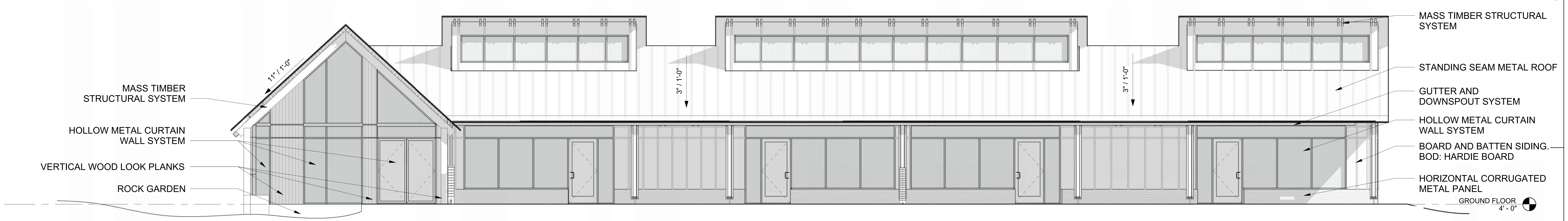
QA/QC APPROVAL: TAM
DRAWN BY: ECM
CHECKED BY: AFA

SHEET TITLE
OVERALL EXTERIOR ELEVATIONS

SHEET NO.
A200



C4 EAST ELEVATION
3/16" = 1'-0"



A5 NORTH ELEVATION
3/16" = 1'-0"

0' 4' 8' 16' 32'

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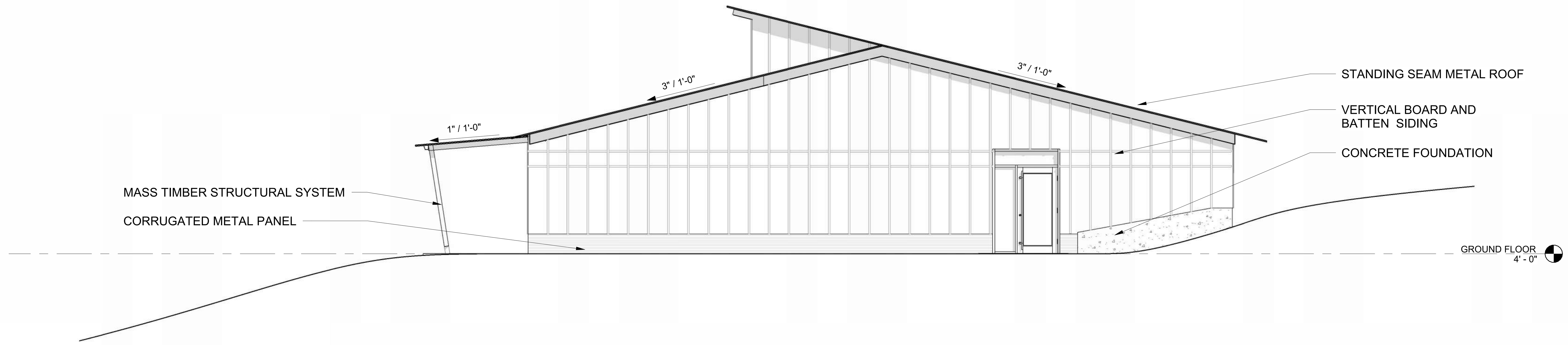
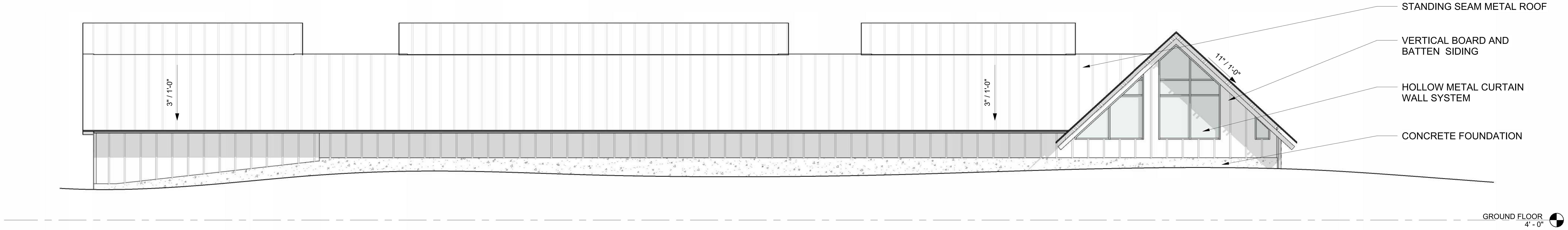
SHEET TITLE
EXTERIOR ELEVATIONS

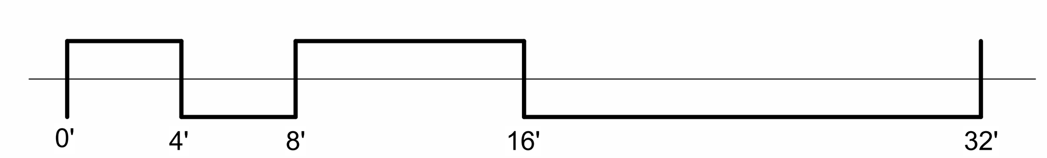
SHEET NO.
A210



B4 WEST ELEVATION
3/16" = 1'-0"



A5 SOUTH ELEVATION
3/16" = 1'-0"



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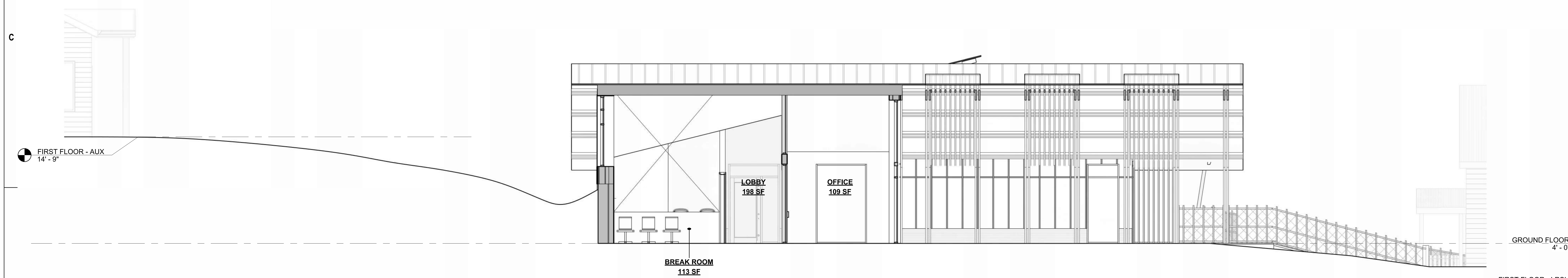
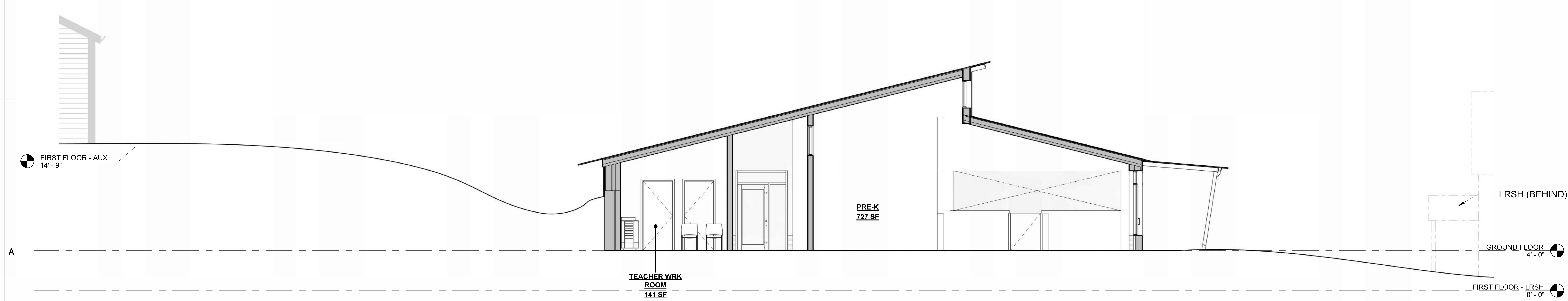
SHEET TITLE
EXTERIOR ELEVATIONS

SHEET NO.
A211



SECTION 2
3/16" = 1'-0"



SECTION 1
3/16" = 1'-0"

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SHEET TITLE
BUILDING SECTIONS

SHEET NO.
A301

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SHEET TITLE
PERSPECTIVES

SHEET NO.
A800

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SHEET TITLE
PERSPECTIVES

SHEET NO.
A801

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SHEET TITLE
PERSPECTIVES

SHEET NO.
A802

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Town of Snowmass Village

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PROJECT NUMBER
2023-07

DATE
05/06/24

ISSUED FOR:
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SHEET TITLE
PERSPECTIVES

SHEET NO.
A804

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REVISIONS

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SHEET TITLE
PERSPECTIVES

SHEET NO.
A805

Example Owner's Project Budget

Project: Little Red School House

Owners Costs (soft cost)	On budget scenario
Owner's Representative?	$0.00
Surveys (sewer, wetlands, final)	$10,000.00
Testing and Inspections	$6,500.00
Tech (Security, Data, Tele, Audio)	$0.00
FFE	$0.00
Permit and Review Fees	$0.00
Construction Administration	$103,582.00
Utility tap fees?	$0.00
Construction budget (hard cost)	**$7,479,918.00**
Subtotal	**$7,600,000.00**
Owners Construction Contingency	$400,000.00
Escalation - 2025 start	
All-in Project Budget	**$8,000,000.00**

Design Services Programming/SD/25%

DD/Land Use Application

Design Development

Land Use Add Services

Design Services 100% CD/Permit

Total Project Cost

FCI Value Engineered Estimate	Value
Square foot cost	$1,102.15
Reduced square footage	5,700
Materials/Labor total	**$6,282,255.00**
GC Contingency	$314,112.75
Builders Risk Insurance	$37,459.00
General Liability Insurance	$188,500.00
Payment/Performance Bonds	$43,000.00
Construction Phase Overhead/Profit/Fee	$358,972.00

Total estimated construction cost	**$7,224,298.75**

-$255,619.25

Current FCI Value Engineering Budget
$0.00
$10,000.00
$6,500.00
$0.00
$0.00
$0.00
$103,582.00
$0.00
$7,224,298.75
$7,344,380.75
$367,219.04
$7,711,599.79
$323,255.00
$119,097.00
$21,680.00
$186,484.00
$8,362,115.79

Comments

Estiamted VE SF cost (still includes radiant floors

VE building plan - 4 classroom, meets minimum (

reduce to 5%, since Town is holding additional 5% (FCI estimate is holding 10%)

5%

FCI VE takeoff exceeds construction budget show

Comments
Allowance, should survey be within all-in budget or outside?
Allowance, by Owner
By Owner?
By provider, not included by Owner
Waived by Town
Prelim estimate based on original proposal, need to finalize
Need estimate for sewer, water, electrical
General contractors estimate, GMP not to exceed
5% Owner contingency allotted (5% GC contingency for total of 10%)
Accounted for in GC number
excludes design service, except for construction administration

Current contract
Change Order 01 - design services for DD scope that was replaced with
Programming + Land Use application under the original contract

Wetlands consultant, Traffic consultant, Sewerline survey and easement
Proposal estimate for CD phase
Total VE Estimate including design fees

; and site costs)
:hildcare regs

Snowmass Village ECE Feasibility Project

Final Slide Package

October 2022

Prepared by:

Andrew Brodsky, Brodsky Research and Consulting

Cody Belzley, Common Good Consulting

Rob McDaniel, MetrixIQ

Table of Contents

I. Needs Assessment

Town Council presentation on February 22, 2022

Needs Assessment

- **Purpose**
  - learn from community stakeholders the key needs for families around child care in TOSV
  - Quantify the need for child care and inform the site evaluation and budget development phases

- **Interviews conducted with key stakeholders representing the following organizations:**
  - Aspen Skiing Company
  - MANAUS Foundation
  - Little Red School House
  - Rocky Mountain Early Childhood Council
  - Aspen Community Foundation
  - Kids First/City of Aspen
  - Child Care Licensing
  - Aspen School District
  - Little Red School House

Needs Assessment: Additional Data Sources

- Community Needs Assessment Survey
- NW Council of Government Child Care Regional Assessment
- U.S. Census data on population
- Child care licensing data from Colorado Department of Human Services
- Capacity data from Kids First survey

Needs Assessment Key Themes and Implications

- **Current lack of access to child care in TOSV**
  - In ***Pitkin County***, there are about 5 children under the age of 5 for each licensed slots (279 slots for 818 children). About 58% of these are higher quality (Colorado Shines level 3, 4, or 5).
  - TOSV has only one childcare provider (Little Red Schoolhouse), which is currently licensed for 30 but typically enrolls 20 to 24 children
  - Lack of licensed care for infants and toddlers → only 3 locations in Pitkin County serve infants, with 39 licensed slots, and none in TOSV

Needs Assessment: Key Themes and Implications

- **Service Population:**
  - Snowmass Village is geographically isolated
  - LRSH likely only to serve residents and employees; not likely to attract families from elsewhere, unless they're working in TOSV
  - Local workforce demand is likely significant, so should not limit to residents only or prioritize them
  - SkiCo employees want child care near work to fit commuting schedules
  - Small population means fluctuations in population and demand → need dynamic spaces and storage to repurpose spaces from Infant to Toddler to Preschool as needed

- **Scheduling:**
  - Year-round and full-day or extended-day schedule is essential
  - Align with local workforce demands (peaks Dec – April; weekends and holidays, especially Saturdays)
  - Consider 6 or 7 days/week programming and holiday hours during peak season
  - Low need for part-day programming

Needs Assessment: Key Themes and Implications (cont.)

- **Programming Considerations:**
  - Infant care desperately needed, but much more expensive to operate.
  - LRSH could take advantage of subsidies for infant care through KidsFirst (City of Aspen)
  - TOSV may also need to consider supplemental subsidy
  - TOSV could require operator offer infant care as condition of lease

- **Quality & Public & Philanthropic Funding:**
  - State quality rating system is imperfect, however important to securing public funding
  - Perception concerns re:-profit vs. non-profit status
  - Look ahead to engaging in community discussion about operating structure, meeting community need, components of quality and quality rating options (Colorado Shines or national standards)
  - There are public & philanthropic funding opportunities that LRSH has not historically maximized, but requires staff work to access

Needs Assessment: Key Themes and Implications (cont.)

- **Other Considerations:**
  - Challenge to attract and retain child care staff. Could consider offering subsidized housing preference for child care workers
  - In addition to providing for physical space improvements, Town may need to consider on-going operations subsidy, particularly to support infant programming, extended programming, or employee benefits
- **Upcoming investments in early childhood capacity in the region**
  - City of Aspen investing in 70-child child care center for infants, toddlers, and preschoolers
  - Town of Basalt building new centers between Carbondale and Basalt

Needs Assessment: Summary of Recommendations

- Expansion of capacity at LRSH is warranted – size / scope of expansion depends in part on what your goal is.
- Seek to serve TOSV residents *and* workers
- Year-round, full-day (8 hr) or extended day (10+ hr) programming priority; Weekend and holiday care during winter peak season would be major benefit – especially important to SkiCo employees
- Explore possibility of infant care
- Build dynamic spaces that can serve children of various ages to enable flexibility as enrollment changes year to year

II. Site Evaluation

Town Manager presentation on July 19, 2022

Site Evaluation

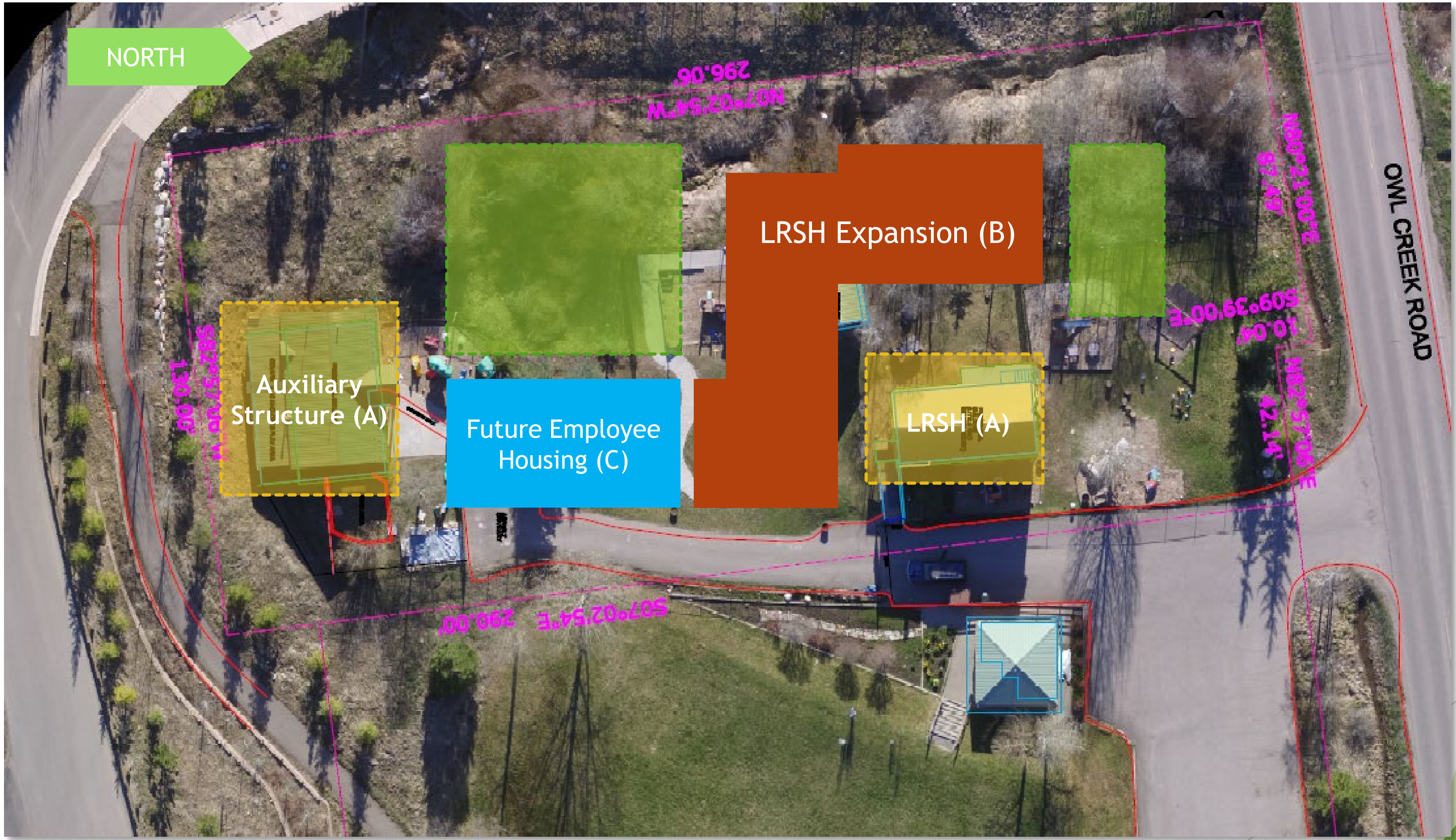
- **Purpose:** Identify and cost out options for expanding child care on the Little Red School House site
- **Key Considerations**
  - Priority for preserving/renovating the current historic structure
  - Other structures replaced?
  - Consider phased expansion approach
    - What could you do short term *and* long term?
    - How much could you build vs how much should you build (now vs tomorrow) future
  - Child care only vs child care + housing, etc.

Site Evaluation Approach

- Contracted with GF Woods Construction
- Coordinated site visit to LRSH for GF Woods to walk the property
- GF Woods to provide high-level estimates based on current market conditions
- Produce 3 scenarios for consideration

Current Site Layout

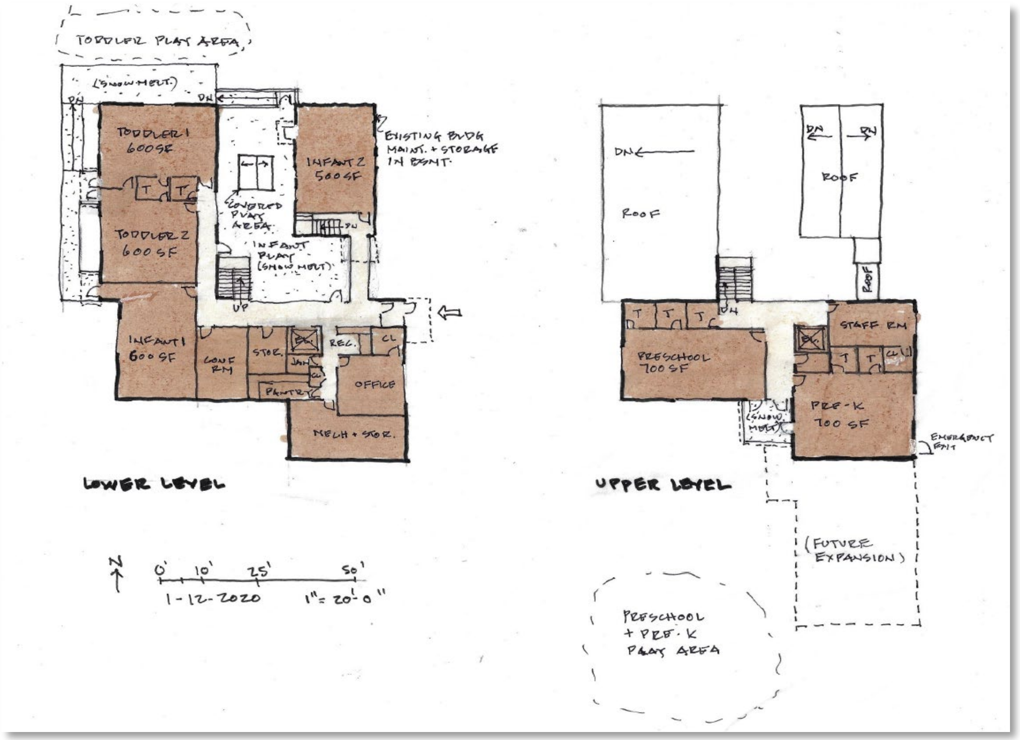
Future Site Plan Alternatives (GF Woods)



Scenario A: *LRSH Refurb + Replacement*

- ✓ Refurbish LRSH
- ✓ Demolish Auxilary Bldg
- ✓ Replace with Similarly Sized Facility
  - ✓ Goal would be to replace current facilities with newer, safer and more functional space, but not to grow capacity
  - ✓ We do not have precise measurements of existing auxiliary facilities, so square footage is estimated
  - ✓ We do not have any conceptual drawings for how similarly sized facility could / should be reconfigured to maximize utility / benefit
- ✓ Could enhance play area and landscaping

Scenario B: *LRSH Refurb + Expansion*

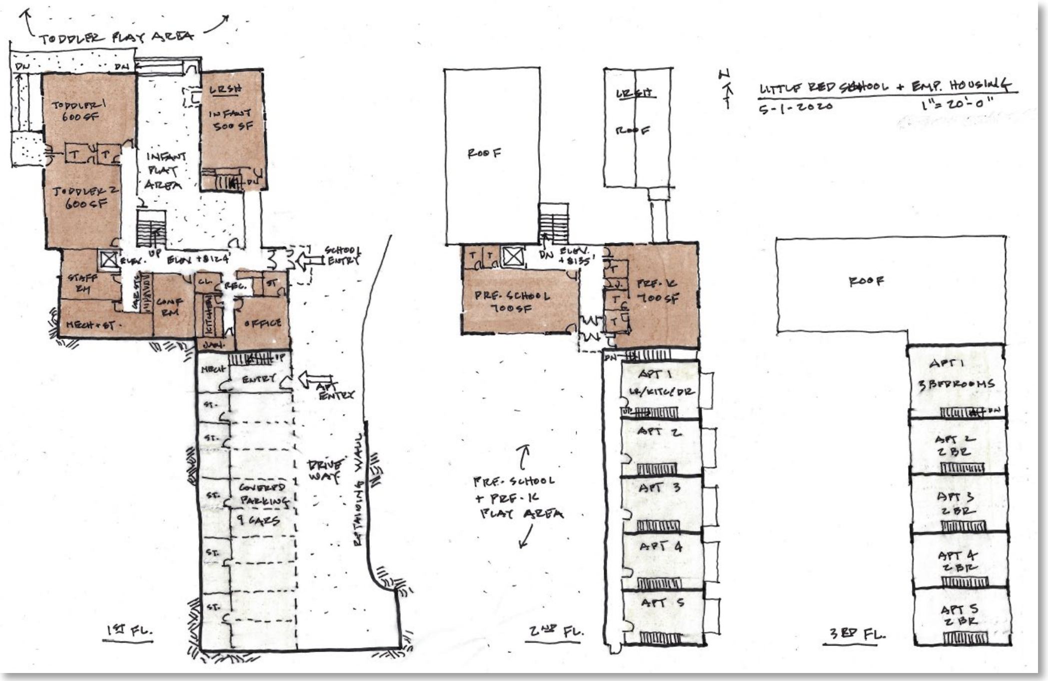


- ✓ Refurbish LRSH
- ✓ Demolish Auxiliary Bldg
- ✓ Replace auxiliary bldg. with expanded child care facility:
  - *6 total classrooms*
  - *Additional office and storage space*
  - *4,400 sq.ft. to 9,100 (110% increase)*
- ✓ Enhanced play area and landscaping *(pricing not included)*

Estimated capital cost:

$4.6 - $6.3 million

Scenario C: *LRSH + Housing Expansion*



- ✓ Refurbish LRSH
- ✓ Demolish Auxiliary Bldg
- ✓ Replace with expanded child care facility:
  - *6 total classrooms*
  - *Additional office and storage space*
  - *4,400 sq.ft. to 9,100 (110% increase)*
- ✓ Enhanced play area and landscaping *(pricing not included)*
- ✓ Construct four (4) 1,000 sq.ft. employee housing units (2br, 1 ba)

Estimated capital cost:

$6.8 - $9.0 million

Important Construction Considerations

- **Addressing the current parking area** does the current asphalt area need to increase? GF Woods estimates do <u>not</u> account for a larger parking surface.
- **Lead times on construction materials** are lengthy, currently 3-4 months prior to breaking ground currently as lead times on structural steel, appliances, windows, hardware, mechanical/electrical items still come with a very lengthy lead time.
- **What will the plan be fore the pre-school while the facility is under construction?** Is there a need for a phased approach to this project to allow the historic structured to be renovated prior to the any other areas to allow that structure to partially house the pre-school while the other facility is being re-developed? Or does the town have a temp facility that could house the entire program while the site is being fully renovated? (second approach will be quicker and more efficient for all parties).
- **Necessary research needs to be accounted for as it relates to the foundation of a new structure on this hillside.** Will a deep foundation or how extensive of deep foundation be necessary? (caissons or micro-piles to mitigate the natural springs on the site)

III. Budget Development

Town Council presentation on August 15, 2022

Budget Plan Development

Overview

- identify a financially sustainable business model for childcare operations at LRSH site
- Take into account start-up costs and ongoing operational costs
- Identify likely revenue sources (public and private)
- Consider costs to deliver care and likely revenue streams
- Incorporate findings from needs assessment and site evaluation phases

Budget Development: *Re-development Alternatives*

Scenario A

- ✓ Refurbish LRSH
- ✓ Replace Auxiliary Bldg with similar structure

Replace existing capacity with newer, safer, more functional space

Scenario B

- ✓ Refurbish LRSH
- ✓ Replace Auxiliary Bldg w/expanded structure

Expand child care capacity

Scenario C

- ✓ Refurbish LRSH
- ✓ Replace Auxiliary Bldg w/expanded structure
- ✓ Add four (4) employee apartments

Expand child care capacity

Expand affordable housing inventory

Capital Budget: *Additional Costs*

	Estimated Budget
Design Services	10% of construction cost
Landscaping	$250,000
Contingency	25% of construction cost
Sub-total: *Known Additional + Contingency*	
Scenario A	$501,500
Scenario B	$1,148,335
Scenario C	$1,704,966
Known, Unknown Costs	
Plan for re-location during construction	??
Foundation - *Structural engineering*	??
Foundation – *Incremental structural construction*	??

Capital Budget: *Cost Summary*

		SF	$ / SF (GF Woods)	$ / SF (25% contingency)	Estimated Cost (GH Woods)	Estimated Cost (incl. contingency)
Scenario A	LRSH	2,400	$375	$450	$900,000	$1,125,000
	Auxiliary Bldg	2,000	$553	$665	$1,106,000	$1,332,500
	SUBTOTAL	**4,400**	**$464**	**$558**	**$2,006,000**	**$2,507,500**
	Additional Costs (excl. contingency) [1]				$450,600	$500,750
	TOTAL				***$2.5M***	***$3.0M***
Scenario B	LRSH	2,400	$375	$450	$900,000	$1,125,000
	Auxiliary Bldg	--	--	--	--	--
	LRSH Expansion	6,705	$553	$665	$3,711,496	$4,634,831
	SUBTOTAL	**9,105**	**$464**	**$558**	**$4,611,496**	**$5,538,825**
	Additional Costs (excl. contingency) [1]				$711,150	$825,983
	TOTAL				***$5.3M***	***$6.6M***
Scenario C	LRSH	2,400	$375	$450	$900,000	$1,125,000
	Auxiliary Bldg	--	--	--	--	--
	LRSH Expansion	6,705	$553	$665	$3,707,865	$4,634,831
	Housing (4 apts) [2]	4,000	$553	$665	$2,212,000	$2,765,000
	SUBTOTAL	**13,105**	**$494**	**$593**	**$6,819,865**	**$8,198,825**
	Additional Costs (excl. contingency) [1]				$931,987	$1,102,483
	TOTAL				***$7.8M***	***$9.6M***

[1] Contingency included in increased cost/SF)

[2] Approx. unit cost = $550,000

Budget Development

- identify a financially sustainable business model for childcare operations at LRSH site
- Take into account start-up costs and ongoing operational costs
- Identify likely revenue sources (public and private)
- Consider costs to deliver care and likely revenue streams
- Incorporate findings from needs assessment and site evaluation phases

Operational Costs: Assumptions

- Operating costs based on actual operating costs for LRSH
  - **Thank you** to Christina Holloway for invaluable time educating research team on local market and her business practices
  - Staffing model drawn from Christina's experience in TOSV
  - Operating costs align national accreditation standards (NAEYC) – also equivalent to a Level 4 on the Colorado Shines quality rating scale
- Salaries based on current pay for LRSH teachers:
  - Lead teachers: $27.50/hour = $47,457/year
  - Assistant teachers: $23.00/hour = $39,691/year
- Operating costs also take into account:
  - Administrative personnel
  - Benefits such as health insurance
  - Non-personnel costs such as materials and utilities
- Operating costs **do not** include:
  - Capital construction costs
  - Transportation

Operational Costs: Scenarios

- Two scenarios created:
  - Scenario 1: Assumes 5 classrooms (1 infant, 1 low toddler, 1 high toddler, 2 preschool)
  - Scenario 2: Assumes 8 classrooms (2 infant, 1 low toddler, 2 high toddler, 3 preschool
  - Note: Scenarios created for **illustrative purposes** only → not a specific recommendation!
- Teacher: child ratios and class size based on actual operating realities for high-quality care at LRSH:
  - Infant room: 2 teachers, 8 children
  - Young toddler room: 3 teachers, 10 children
  - Older toddler room: 3 teachers, 12 children
  - Preschool room: 3 teachers, 19 children

Operational Costs: Results

Classrooms	Age	No. Classrooms	No. Children	Cost Per Child	Total
5	Infant	1	8	$26,602	$212,816
	Toddler	2	22	$21,337	$469,403
	Preschool	2	38	$15,193	$577,315
	TOTALS	**5**	**68**	**$18,523**	**$1,259,534**
8	Infant	2	16	$23,726	$379,616
	Toddler	3	33	$18,542	$611,886
	Preschool	3	57	$12,493	$712,101
	TOTALS	**8**	**106**	**$16,072**	**$1,703,603**

5-year Summary *Pro Forma*

RENT	
SQFT (school only)	6,705
Rent / SQFT	$20.00
Annual Lease Amt	$134,100

LRSH Operations

in thousands	Year 1	Year 2	Year 3	Year 4	Year 5	5-YR TOTAL
Revenue [1]	$1,752	$1,822	$1,895	$1,970	$2,049	**$9,487**
Expenses	$1,704	$1,772	$1,843	$1,916	$1,993	**$9,227**
Income	$48	$50	$52	$54	$56	**$260**
as %	*2.7%*	*2.7%*	*2.7%*	*2.7%*	*2.7%*	***2.7%***

DEBT SERVICE [2]	
Amt borrowed	$6.6M
Interest Rate	5.0%
Contingency	$330,000

TOSV Investment

in thousands	Year 1	Year 2	Year 3	Year 4	Year 5	5-YR TOTAL
Financing	$330	$330	$330	$330	$330	**$1,650**
Rent Relief [3]	$134	$140	$145	$151	$157	**$726**
TOTAL	**$464**	**$470**	**$475**	**$481**	**$487**	**$2,376**

[1] 106 full day students, $85/day, 216 service days, 90% efficiency rate

[2] Assumes 100% debt financing of LRSH capital costs

[3] Assumes 4.0% annual escalator

Administrative Guidance

- **Proposed Content**
  - Licensure considerations
  - Opportunities for state and federal funding
  - Facility considerations including inspection and safety

- **Next steps and timeline**
  - Guidance phase begins in late February, complete at end of March

IV. Next Steps

Town Council presentation on August 15, 2022

Next-Steps

1. Select preferred redevelopment scenario
2. Refine development assumptions and costs
3. Finalize capital financing approach
4. Decide on long-term operations model (private operator, non-profit operator, TOSV managed facility, etc.)
5. Identify potential capital cost off-sets (e.g., CO child care facility grants)

V. Supporting Documentation

GH Woods Construction report

Relevant Legislation

Helpful links

Contact Information

G.F. WOODS CONSTRUCTION

general contracting + construction management

Little Red School House

Snowmass Village, CO 81615

<u>Schematic Pricing Breakout</u>

- <u>Scenario A – Replace & Improve: $1,872,000.00</u>
    - Refurbish historic structure (based on 2,400 SF)
        - Interior renovation (updating bathrooms, all new interior finishes including cabinetry/millwork, flooring, new roof, repainting exterior); $375/SF x 2,400 = $900,000.00
    - Replace auxiliary structure with a new, similar size/capacity:
        - New construction of same size auxiliary structure building (assumes 2,000 SF)
        - 2,000 SF x $553/SF = $1,106,000.00

- <u>Scenario B – Expand & Improve: $4,579,956.00</u>
    - Refurbish historic structure (based on 2,400 SF)
        - Interior renovation (updating bathrooms, all new interior finishes including cabinetry/millwork, flooring, new roof, repainting exterior); $375/SF x 2,400 = $900,000.00
    - Replace the auxiliary structure with a larger childcare facility that has additional capacity for expansion of the program. This is based on the estimate the GF Woods Construction provided in Feb 2020 which was based on 6,705 SF and totaled $2,969,197.00. Since then, we have seen prices increase between 20-30%. With a 25% increased on $2,969,197.00 the total would be $3,711,496.00

- <u>Scenario C – Expand & Improve + (4) Employee Housing Apartments; $6,823,496.00</u>
    - Refurbish historic structure (based on 2,400 SF)
        - Interior renovation (updating bathrooms, all new interior finishes including cabinetry/millwork, flooring, new roof, repainting exterior); $375/SF x 2,400 = $900,000.00
    - Replace the auxiliary structure with a larger childcare facility that has additional capacity for expansion of the program. This is based on the estimate that GF Woods Construction provided in Feb 2020 which was based on 6,705 SF and totaled $2,969,197.00. Since then, we have seen prices increase between 20-30%. With a 25% increased on $2,969,197.00 the total would be $3,711,496.00
    - Add employee housing units on a floor above to new structure
        - Based on adding (4) 1,000 SF 2-bedroom/1-bathroom apartments.
            - 4,000 SF x 553/SF = $2,212,000.00

HB22-1295 Department Early Childhood And Universal Preschool Program (Factsheet)

HB22-1006 Non-Profit Child Care Center Property Tax Exemption (Factsheet)

HB22-1010 Early Childhood Educator Income Tax Credit

SB22-130 State Entity Authority For Public-private Partnerships

HB22-1070 Special Districts Early Childhood Development

HB22-1117 Use Of Local Lodging Tax Revenue

Helpful Links

Colorado Department of Early Childhood (CDEC)
https://cdec.colorado.gov/

Colorado Children’s Campaign
https://www.coloradokids.org/

Colorado Department of Education
https://www.cde.state.co.us/early/p-3education

Early Childhood Leadership Commission (ECLC)
https://www.earlychildhoodcolorado.org/

Executive Partnering to Invest in Children (EPIC)
https://www.coloradoepic.org/

Contact Information

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Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

May 6, 2024

AGENDA ITEM:

A Review of Conceptual Plans for the Potential Redevelopment of the Commercial Property at the Snowmass Center

PRESENTED BY:

Clint Kinney, Town Manager
Jeff Conklin, Town Attorney

BACKGROUND:

In April 2024, the Town entered into a contract with Eastwood Snowmass Investors to purchase approximately 3 acres of undeveloped residential property adjacent to the Snowmass Center commercial center. The eventual purchase of the property is subject to the consideration and approval of a development application to bifurcate the project into separate residential and commercial components.

Prior to Eastwood Snowmass Investors submitting a formal Land Use application, Eastwood was required to provide the Town with a conceptual plan for the redevelopment of the Commercial Property. Several iterations of these plans are attached. Per the purchase contract, this conceptual plan(s) includes information about proposed parking, proposed plat amendments, building footprints, general development plan, and proposed cost sharing for identified infrastructure items to be shared by the Seller and Town.

Jessica Garrow from Design Workshop and Jordan Sarick from Eastwood will review these plans with the Town Council.

Following the presentation, the Council will have the opportunity to adjourn into Executive Session to provide direction to Staff on the continued contract negotiations. We expect the Council will meet again in Executive Session on May 13 to finalize any further direction.

FINANCIAL IMPACT:

The purchase price for this (approximately) 3 acres of land is $12.5 million. In addition to the purchase price, this agreement also details proposed cost sharing for the proposed infrastructure.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

This potential acquisition will help to provide more affordable, community, workforce housing.

COUNCIL OPTIONS:

1. No formal action is necessary

STAFF RECOMMENDATION:

No Action Is Necessary. The Council should listen to the information and ask any clarifying questions they may have.

ATTACHMENTS:

- Eastwood Proposal

SNOWMASS CENTER

CONCEPTUAL PLAN AND COST SHARING PACKAGE

Prepared for Town of Snowmass
April 29, 2024

Prepared by

DESIGNWORKSHOP | CCY ARCHITECTS | SOPRIS ENGINEERING LLC

Design Workshop, Inc.
Landscape Architecture
Planning
Urban Design
Strategic Services
Environmental Graphic Design

22860 Two Rivers Road
Suite #1
Basalt, Colorado 81621
970.925.8354
designworkshop.com

Town of Snowmass Village
C/O City Manager Clint Kinney
130 Kearns Road
P.O. Box 5010
Snowmass Village, CO 81615

April 29, 2024

Dear Mr. Kinney and Town Council,

On behalf of Eastwood Snowmass Investors, LP, our team is pleased to share initial concepts with you pursuant to the Purchase Contract terms signed by Eastwood and the Town for a potential purchase of a portion of the Snowmass Center land and associated entitlements. As required in the Purchase Contract, the Eastwood team has worked to craft an alternative site plan for the commercial portion of the Center for your consideration as part of the Due Diligence period. The enclosed redevelopment ideas are consistent with envisioning the Center as a community commercial hub where locals and visitors connect, work, dine and access essential services. The package includes initial concepts related to site planning, parking arrangements, utility and transportation infrastructure, cost sharing, and commercial net leasable plans. The current plans are designed with the intent of preserving the current platted lot lines without any further adjustments needed. This cover letter provides an overview of the information contained in the attached Concept Plans.

Conceptual Master Plan. The first two sheets illustrate the anticipated conceptual site plan. Improvements to Upper and Lower Kearns Roads, the transit area, and Rim Court remain. Buildings 6A, 6B, and the proposed parking garage, as previously conceptualized in approved entitlements have been omitted. An updated stair connection from Lower Kearns Road to the front of the Center is added to ensure pedestrians have a direct connection to the commercial spaces. Architectural studies demonstrate the feasibility of redevelopment of the Snowmass Center building with Clark's Market remaining in it's current location while accommodating a total of 58,433 sq. ft. of commercial space.

Conceptual Parking Plan. This sheet illustrates an updated parking configuration to support the Snowmass Center's commercial space. A total of 195 surface parking spaces are included in this plan. The plan uses the natural grades of the site, and the overall configuration is similar to what exists today. Fifteen percent of the parking spaces are proposed to be compact, which is consistent with the existing approval. Two pull-off style parking spaces for shuttles are shown on the south-eastern portion of the building, consistent with the existing approvals. Parking behind the Center, accessed by Rim Court is also proposed to remain.

Site Plan Cost Sharing: C-1.0 This plan identifies an initial understanding of potential cost sharing for key infrastructure. Plan C-1.0 shows areas that are to the benefit of the Center and therefore paid for by Eastwood in blue, areas that would be entirely to the benefit of the Town and therefore paid for by the Town in purple, and areas for mutual benefit and cost in green. For areas in green, the following principles are proposed:

- The Transit Center will be used by all commercial visitors and future residents and is proposed to be shared at a rate of 50% each.
- The sidewalk improvements contemplated in Section 2.1 of the development agreement (South Sidewalk) are also to the mutual benefit and proposed to be shared at a rate of 50% each.

- Rim Road runs from the Transit Center up to the residential units. Rim Court provides access to buildings 2A and 2B, as well as the parking located behind the center. This parking is anticipated to be used by office tenants for longer-term parking, as was contemplated in the existing approvals. Based on an initial analysis of usage for the road, Rim Court is proposed to have a cost share of 20% by Eastwood and 80% by the Town.
- Under the Purchase Contract, the Park on Parcel 5 would no longer be an obligation for Eastwood. For this reason, the pathways in this trail are shown as a cost of 100% by the Town.

Utility Infrastructure Cost Sharing: C-2.0 This plan outlines the anticipated utilities for the project. Similar to the Cost Sharing Principles, this plan uses blue to indicate utilities that are required for the commercial portion of the development, and purple for those needed only for the residential portion of the development. The areas that are in green are those that are required by the residential portion of the development only, but due to their location should be completed during construction of the commercial space to limit overall site disturbance, including the need to redo retaining walls and Rim Court should the residential development move forward after the commercial development. These are proposed to be paid for by the Town but constructed simultaneously with Rim Road and Rim Court improvements.

Storm Infrastructure Cost Sharing: C-3.0 The plan outlines the anticipated storm related infrastructure for the overall development. The detention basins above the center and associated infrastructure remain. All infrastructure that is in green is proposed to be shared at a rate of 50%.

Architectural Studies, Plans and Architectural Elevations These plans identify three different opportunities for updated commercial space at the Center. Each is limited to 58,433 sq. ft. of commercial space, with a mix of uses. Each study includes space for the Post Office, Clark's Market, and Sundance Liquor. Office space, additional retail space, and restaurant spaces are also anticipated. Each study seeks to limit the potential construction impacts to Clark's Market by removing any space on top of the store. This created an opportunity to a roof deck amenity space. Each study also has a mix of 1, 2 and 3 story elements to achieve the 58,433 sq. ft. of space. Architectural elevations explore opportunities to create ground floor interest through use mix and varied architectural building elements. The overall architectural character that was approved, including the use of natural materials, is anticipated.

As identified in Section 29.6 of the Purchase Agreement, the ideas incorporated in the Concept Plans are anticipated to require a Minor PUD Amendment and a Minor Plat Amendment. We understand that pursuant to the Purchase Contract that an application no later than October 1, 2024 is required.

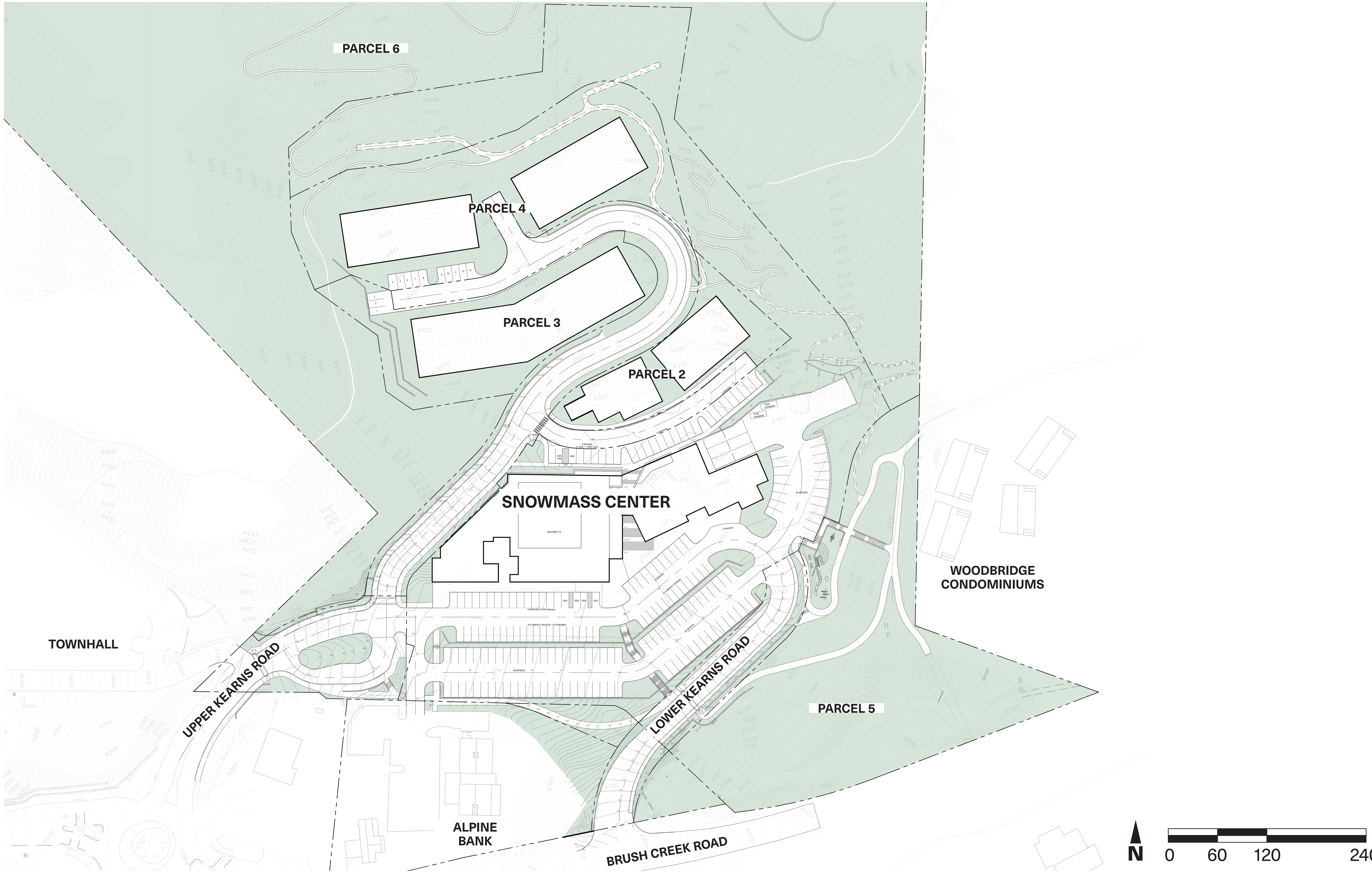
Please reach out with any questions you may have.

Darla Callaway

Jessica Garrow

Darla Callaway, PLA, AICP, LEED BD+C
Design Workshop Principal
dcallaway@designworkshop.com
970-399-1417

Jessica Garrow, FAICP
Design Workshop Principal
jgarrow@designworkshop.com
970-399-1404



SNOWMASS CENTER

CONCEPTUAL MASTER PLAN - OVERALL

TOWN OF SNOWMASS VILLAGE, COLORADO

DESIGNWORKSHOP | CCY ARCHITECTS | SOPRIS ENGINEERING LLC

SNOWMASS CENTER

CONCEPTUAL SITE PLAN

TOWN OF SNOWMASS VILLAGE, COLORADO

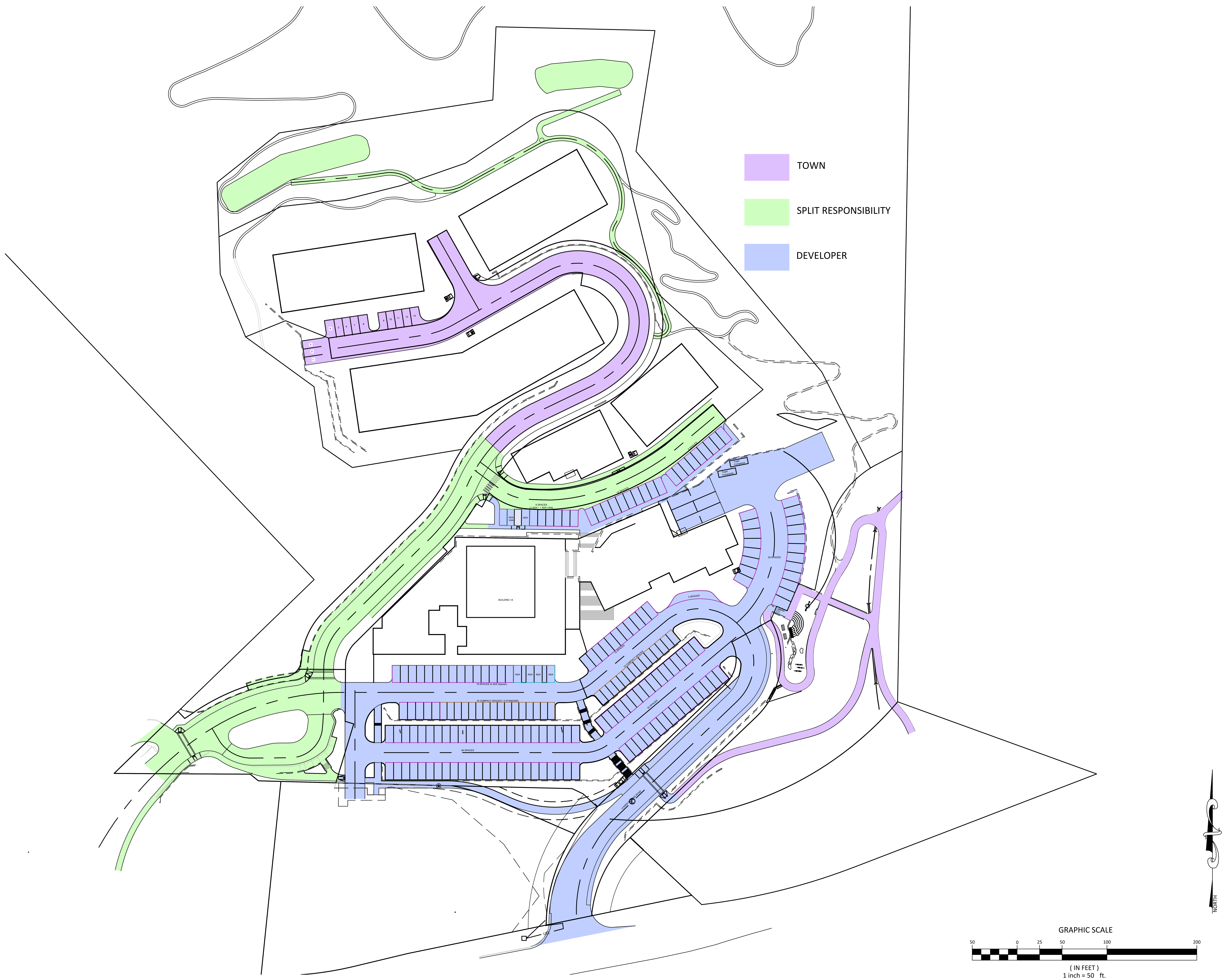
DESIGNWORKSHOP | CCY ARCHITECTS | SOPRIS ENGINEERING LLC

SNOWMASS CENTER

CONCEPTUAL PARKING

TOWN OF SNOWMASS VILLAGE, COLORADO

DESIGNWORKSHOP | CCY ARCHITECTS | SOPRIS ENGINEERING LLC



GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

811
Know what's below.
Call before you dig.
CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES

SOPRIS ENGINEERING LLC
502 MAIN STREET • SUITE A3•CARBONDALE CO 81623
(970) 704 0311 soprisengineering.com

DATE:	04-25-24	
JOB NO.	18127	
DESIGNED BY	XXX	00/00/00
DRAWN BY	XXX	00/00/00
CHECKED BY	XXX	00/00/00

SNOWMASS CENTER
SNOWMASS VILLAGE, CO

EXHIBIT

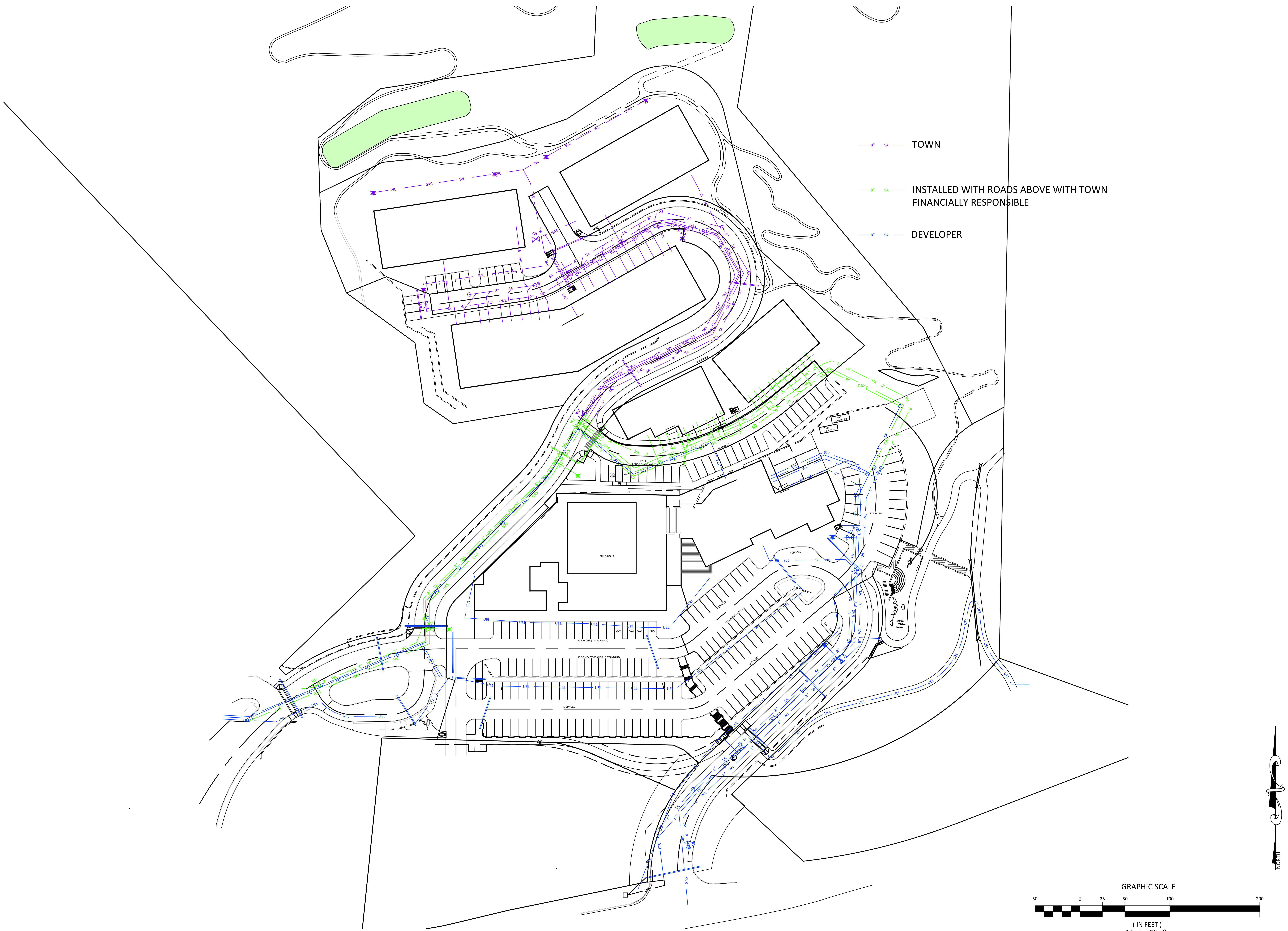
REGIONAL STAMP

DATE	REVISION
00/00/00	XXX

TITLE
SITE PLAN COST SHARING

DRAWING NO.
C-1.0

G:\2018\18127 SNOWMASS CENTER\CIVIL\CIVIL DWGS\DE\2024-DILIGENCE\18127-SITE.DWG - Apr 26, 2024 - 4:24pm



Know what's **below.** **Call** before you dig.

CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES

SOPRIS ENGINEERING LLC
502 MAIN STREET • SUITE A3•CARBONDALE CO 81623
(970) 704 0311 soprisengineering.com

DATE:	04-25-24	
JOB NO.	18127	
DESIGNED BY	XXX	00/00/00
DRAWN BY	XXX	00/00/00
CHECKED BY	XXX	00/00/00

SNOWMASS CENTER
SNOWMASS VILLAGE, CO

EXHIBIT

REGIONAL STAMP

DATE	REVISION
00/00/00	XXX

TITLE
UTILITY INFRASTRUCTURE COST SHARING

DRAWING NO.
C-2.0

G:\2018\18127 SNOWMASS CENTER\CIVIL\CIVIL DWGS\DF\2024-DILIGENCE\18127-SITE.DWG - Apr 26, 2024 - 4:27pm

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

811
Know what's **below.**
Call before you dig.
CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES

SOPRIS ENGINEERING LLC
502 MAIN STREET • SUITE A3 • CARBONDALE CO 81623
(970) 704-0311 • soprisengineering.com

DATE:	04-25-24
JOB NO.	18127

DESIGNED BY	XXX	00/00/00
DRAWN BY	XXX	00/00/00
CHECKED BY	XXX	00/00/00

SNOWMASS CENTER
SNOWMASS VILLAGE, CO

EXHIBIT

REGIONAL STAMP

DATE	REVISION
00/00/00	XXX

TITLE

STORM INFRASTRUCTURE COST SHARING

DRAWING NO.

C-3.0

G:\2018\18127 SNOWMASS CENTER\CIVIL\CIVIL DWGS\DE\2024-DILIGENCE\18127-SITE.DWG - Apr 26, 2024 - 4:28pm

STUDY I

SMC- Option 1: Tenant Mix 4.25.24		
Retail	39,315	67%
Office	11,518	20%
USPS	4,000	7%
F&B	3,600	6%
	58,433	100%

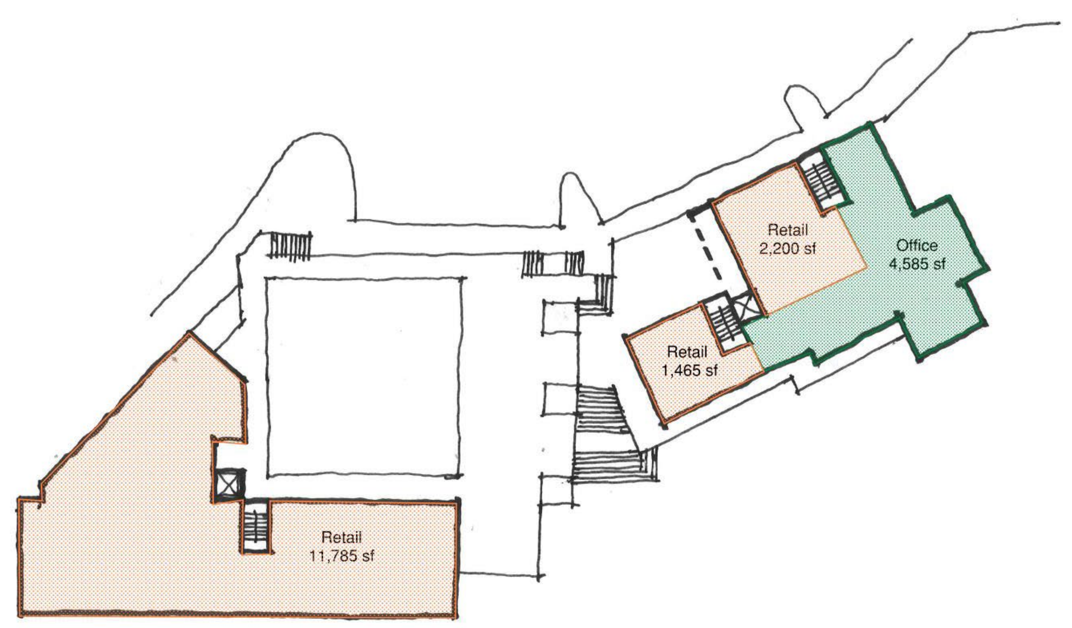
Key Concepts:

Food and Beverage locations activate sidewalk adjacent to Clark's Market Entry and stair to second level plaza

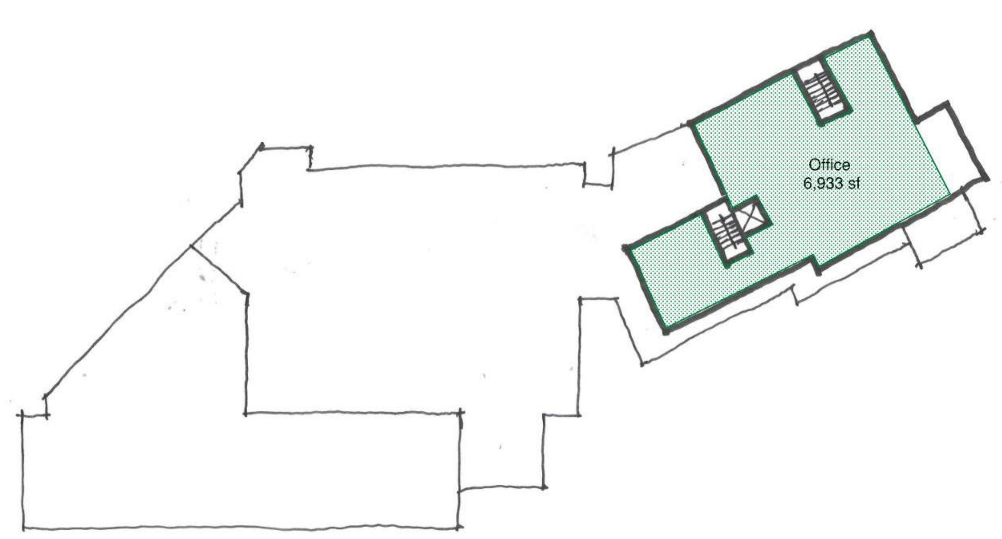
Second level retail spaces address plaza edges

No third floor on West side of building

LEVEL 1



LEVEL 2



LEVEL 3

STUDY II

SMC- Option 2: Summary 4.25.24		
Retail	38,570	66%
Office	13,098	22%
USPS	4,000	7%
F&B	2,765	5%
	58,433	100%

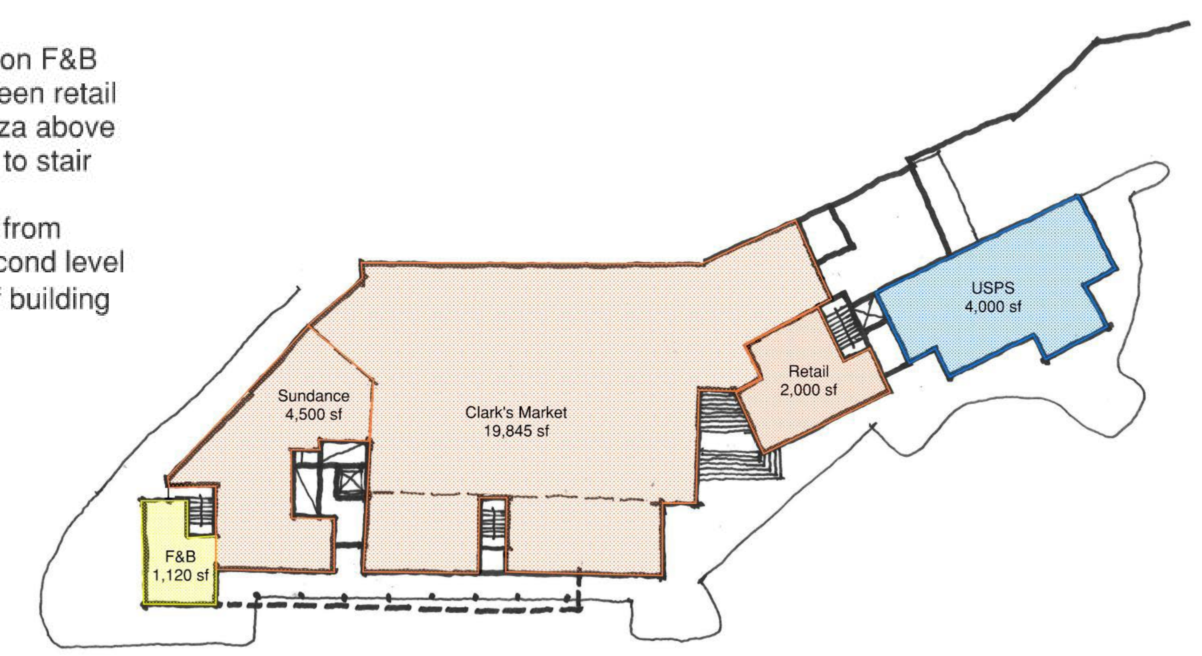
Key Concepts:

Ground Floor F&B proximate to transit center in great sun pocket with Mt. Daly views

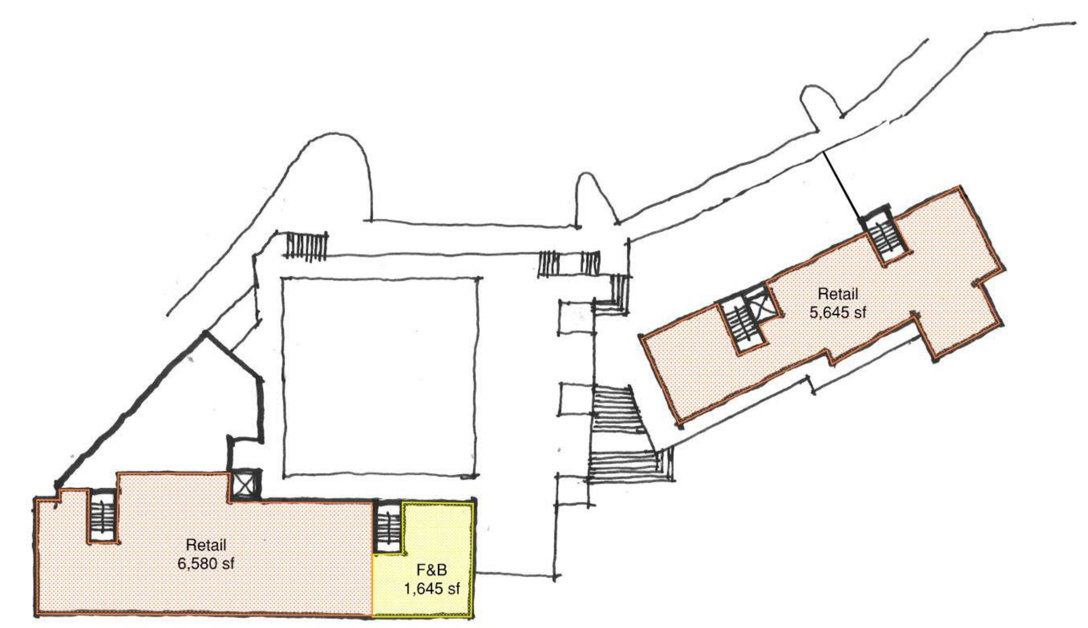
Second level retail spaces address plaza edges

Second level destination F&B centrally located between retail spaces to activate plaza above Clark's entry adjacent to stair

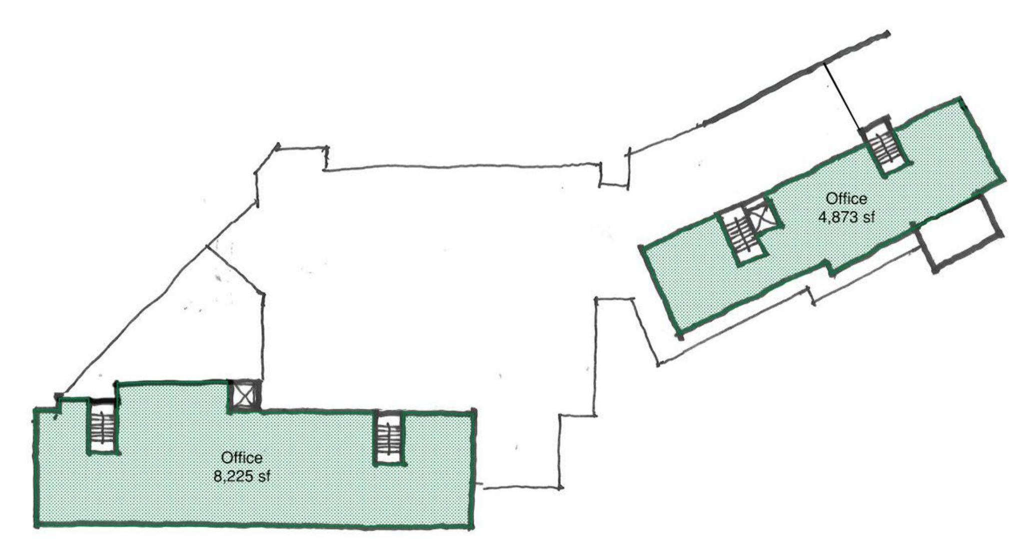
Third floor steps back from northern portion of second level below on West side of building



LEVEL 1



LEVEL 2



LEVEL 3

STUDY III

SMC- Option 3: Tenant Mix 4.25.24		
Retai	39,045	67%
Office	12,268	21%
USPS	4,000	7%
F&B	3,120	5%
	58,433	100%

Key Concepts:

Ground Floor maximizes retail presence on sidewalk

Second level destination F&B spaces centrally located between retail spaces to activate plaza above Clark's entry adjacent to plaza stair

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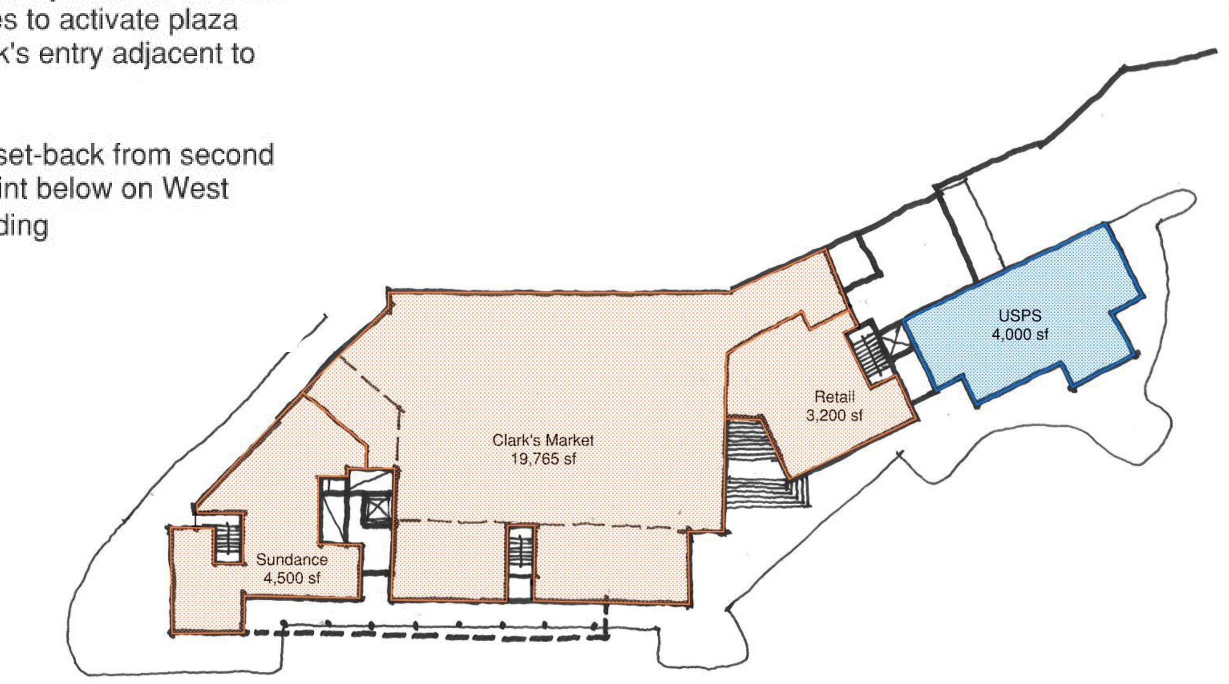

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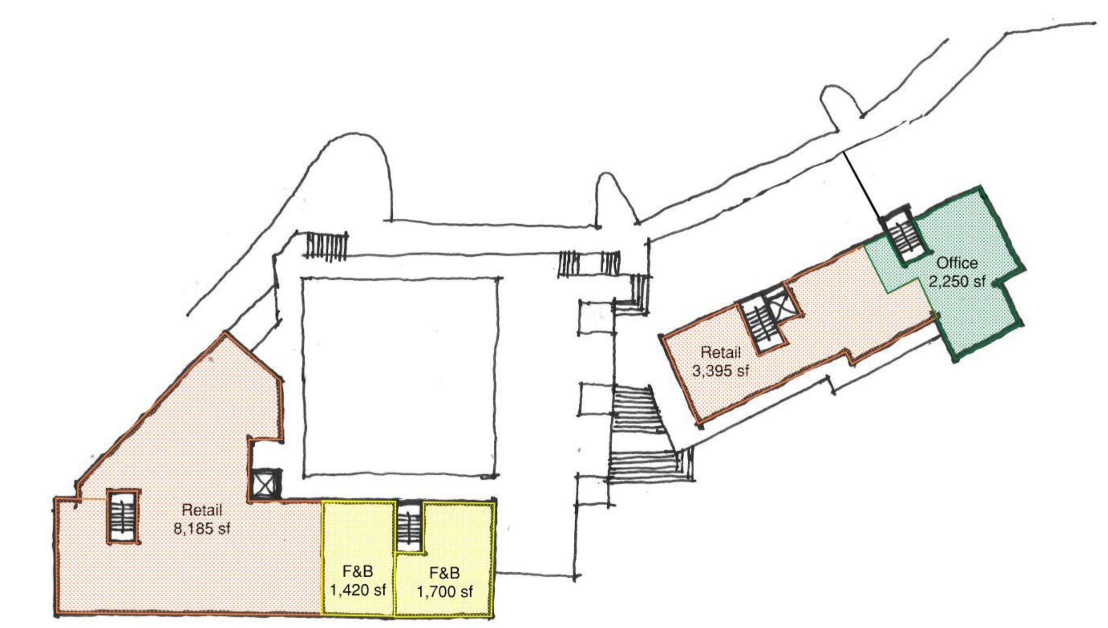
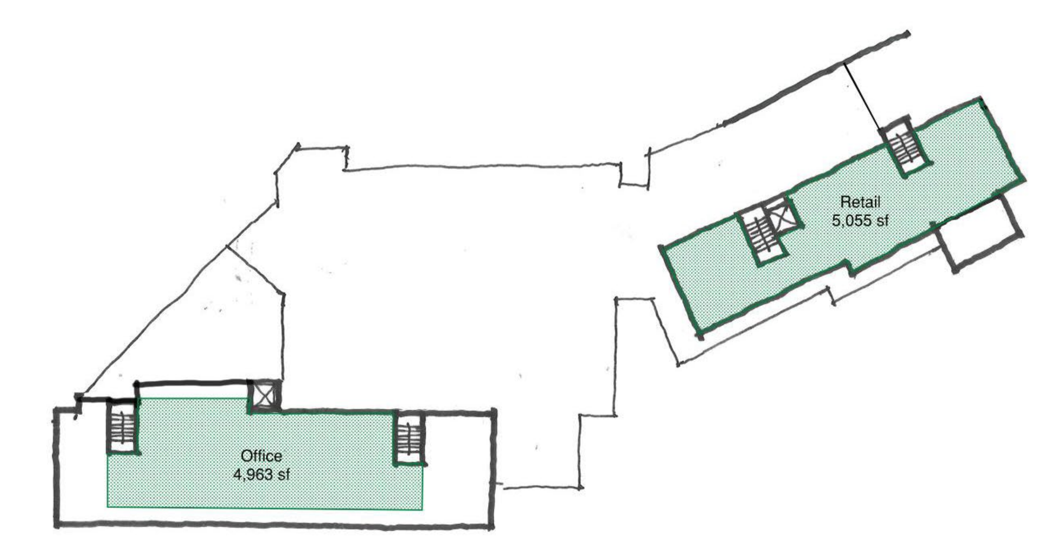


LEVEL 2



LEVEL 3

SNOWMASS CENTER

SNOWMASS CENTER ARCHITECTURAL STUDIES

TOWN OF SNOWMASS VILLAGE, COLORADO

DESIGNWORKSHOP | CCY ARCHITECTS | SOPRIS ENGINEERING LLC

STUDY I - LEVEL ONE

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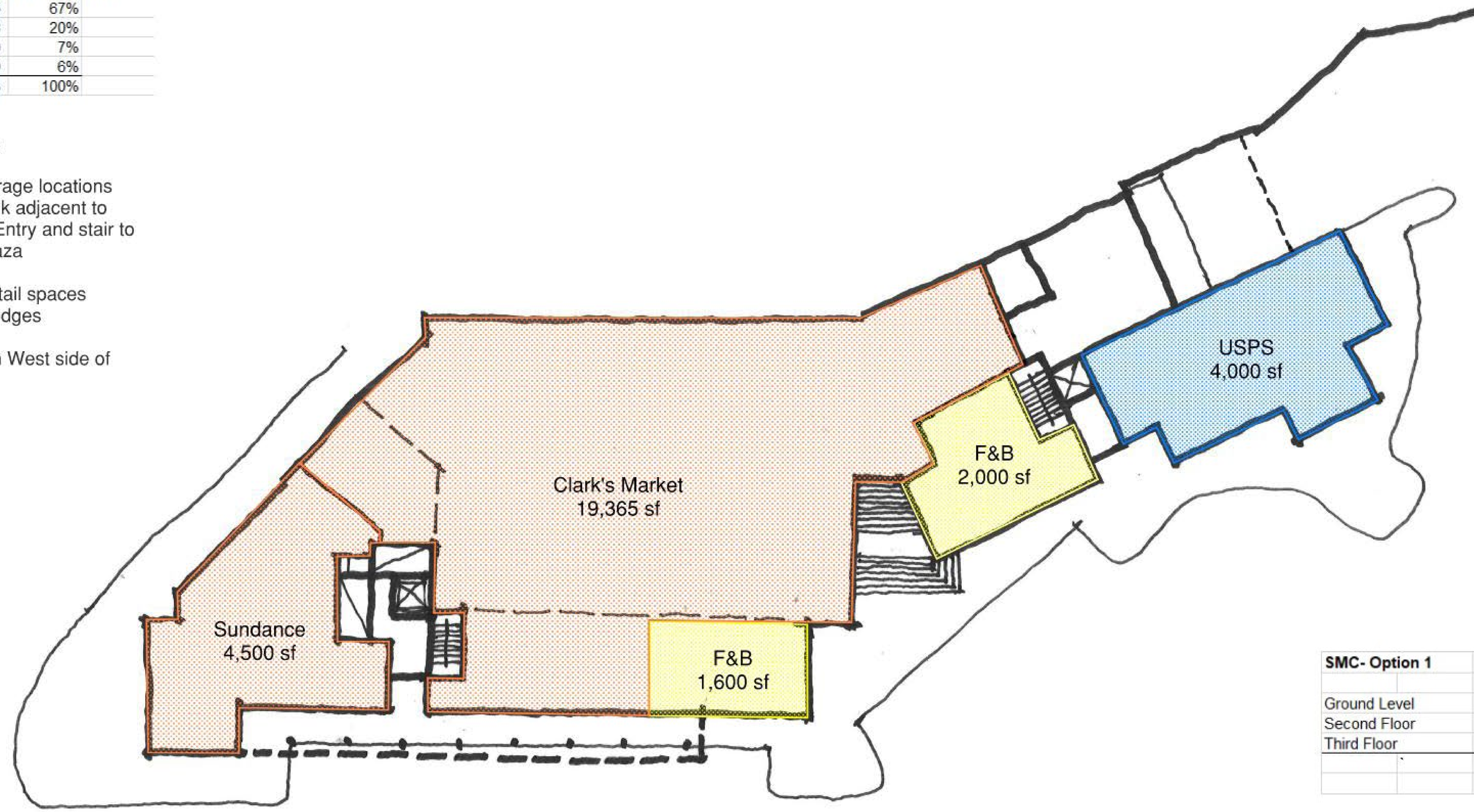
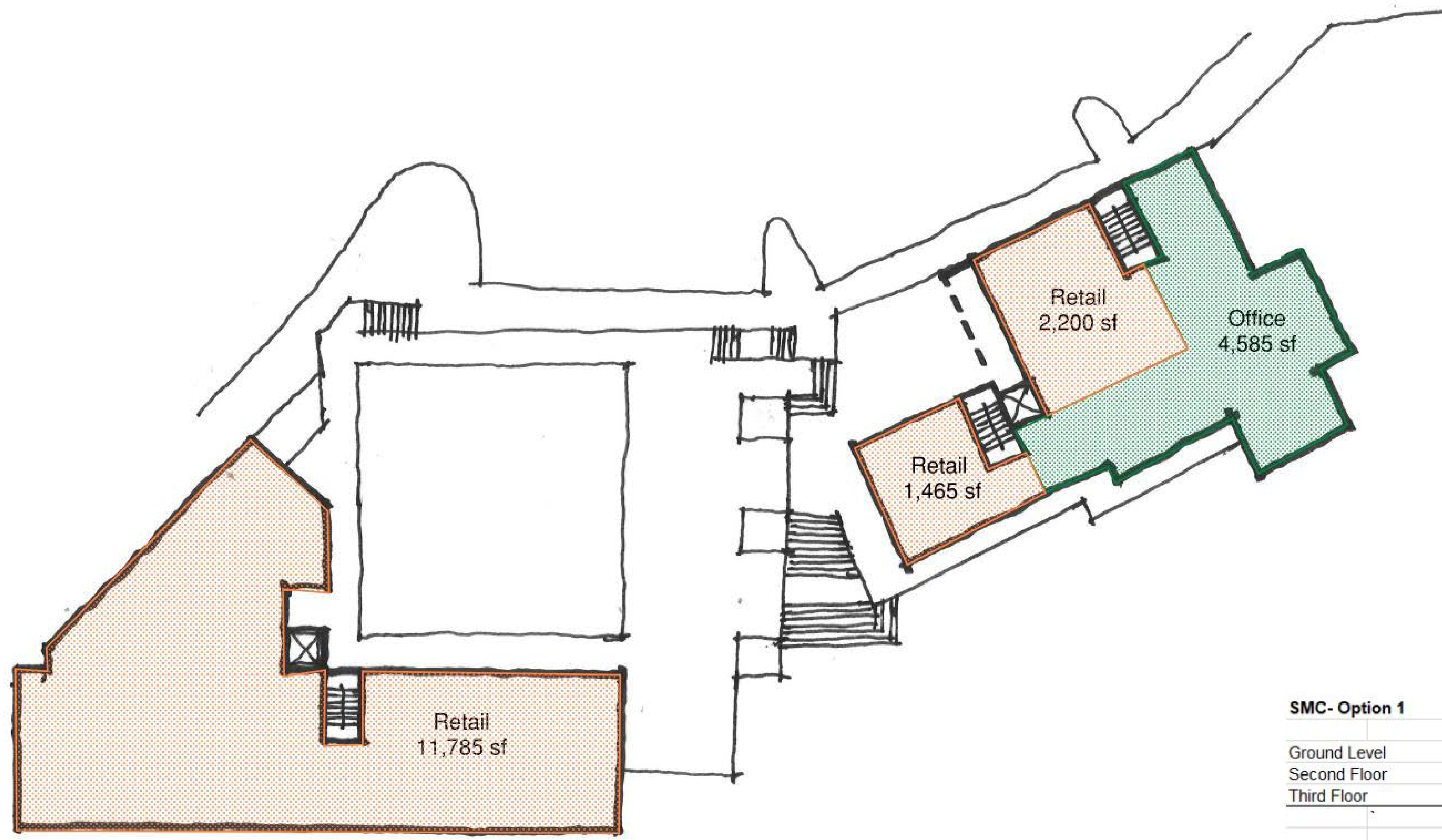


SMC- Option 1	West	East	Total	
Ground Level			31,465	Net SF
Second Floor	11,785	8,250	20,035	Net SF
Third Floor		6,933	6,933	Net SF
			58,433	**Net SF**

STUDY I - LEVEL TWO



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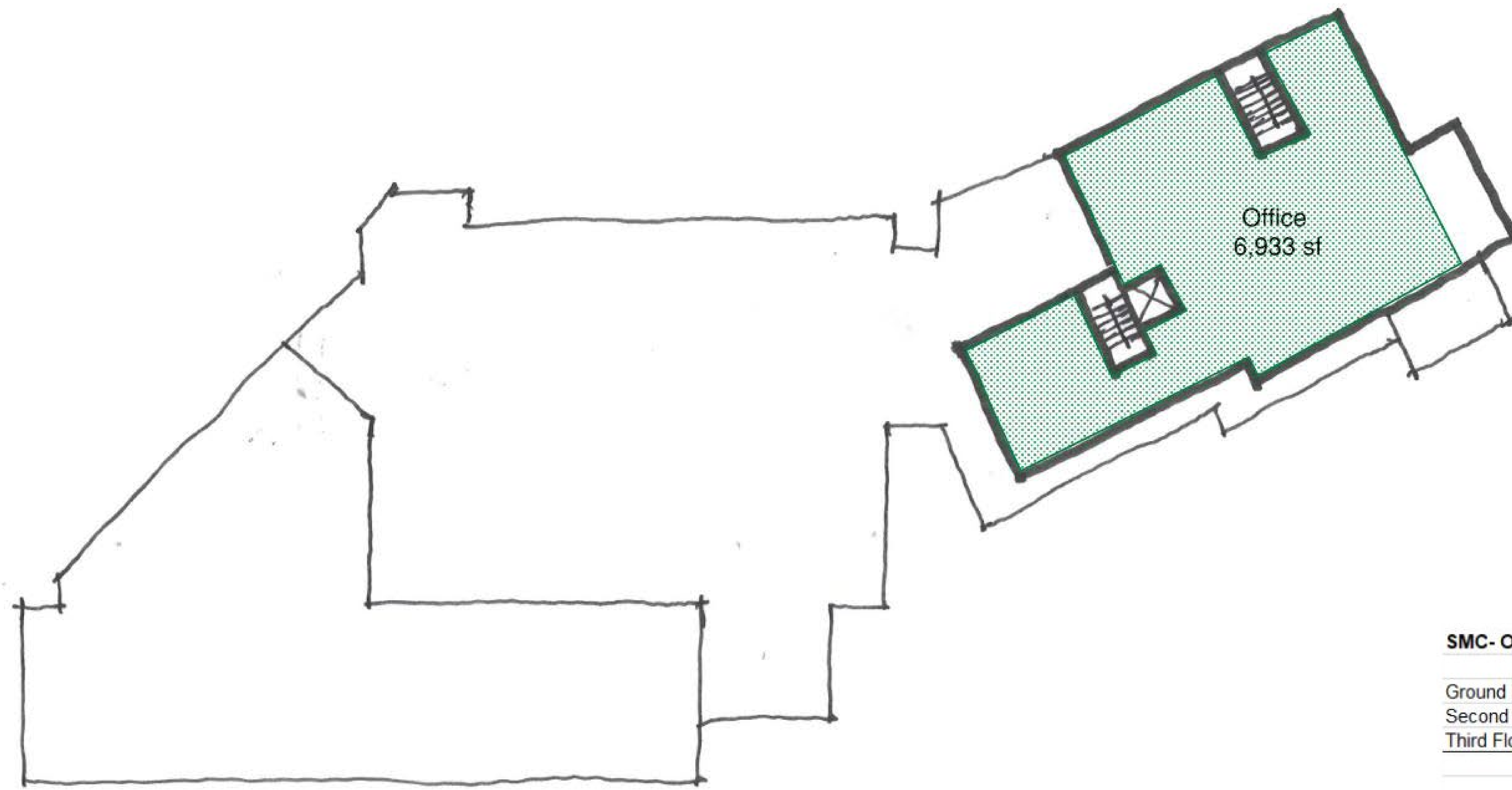
SNOWMASS CENTER

ARCHITECTURAL PLANS

STUDY I - LEVEL THREE



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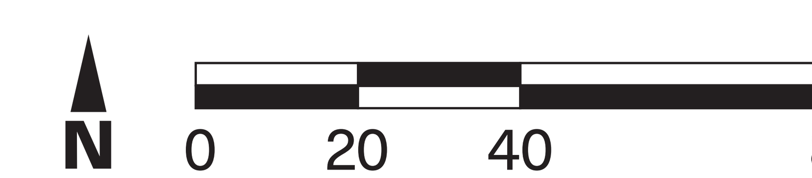

SNOWMASS CENTER

ARCHITECTURAL PLANS

STUDY II - LEVEL ONE

SMC- Option 2: Summary 4.25.24		
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F&B	2,765	5%
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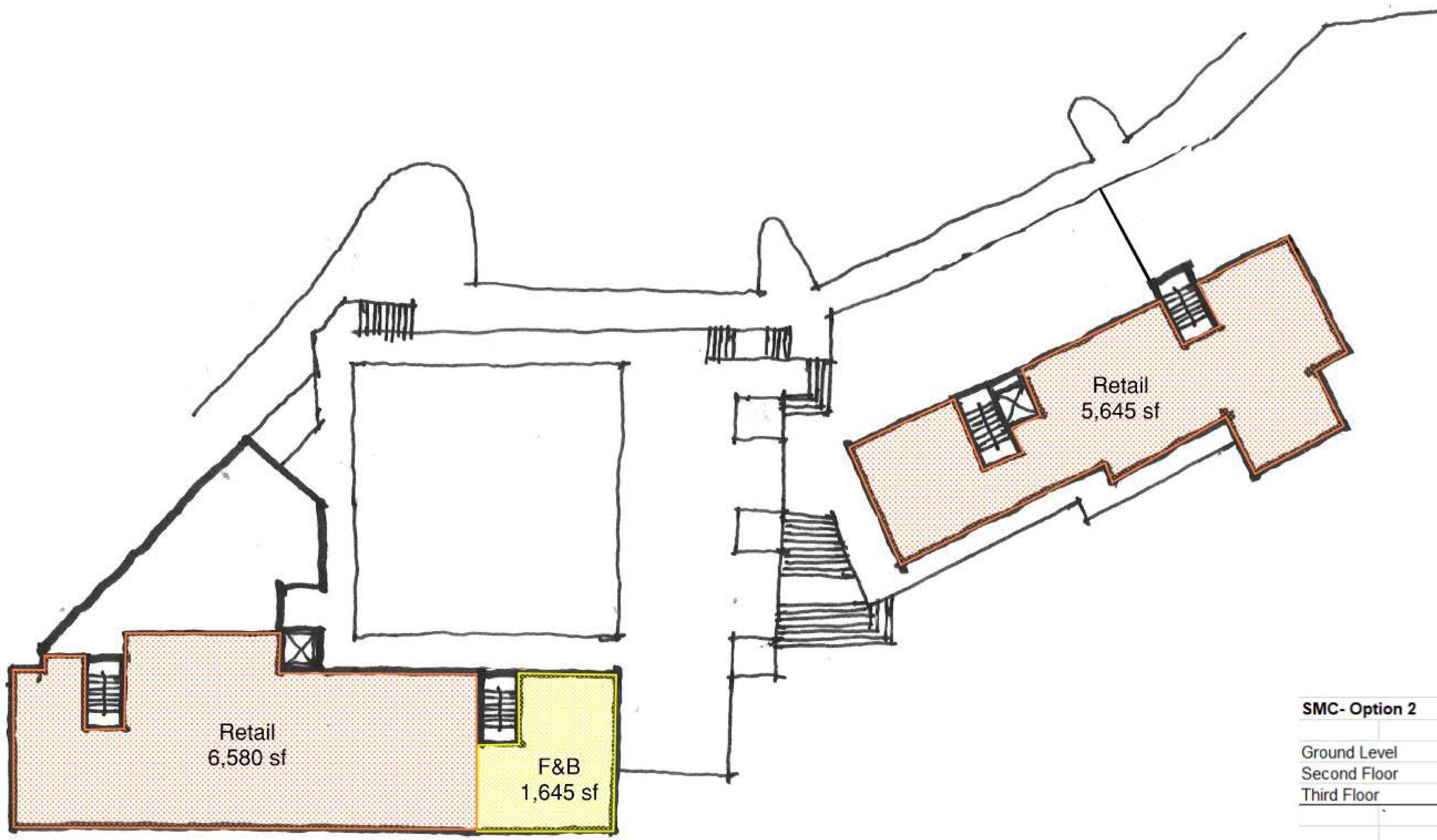
SMC- Option 2		West	East	Total	
Ground Level				31,465	Net SF
Second Floor		8,225	5,645	13,870	Net SF
Third Floor		8,225	4,873	13,098	Net SF
				58,433	**Net SF**

N 0 20 40 80

STUDY II - LEVEL TWO



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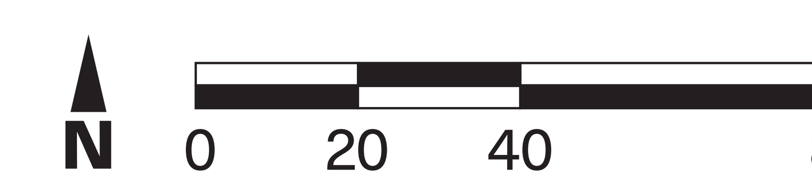
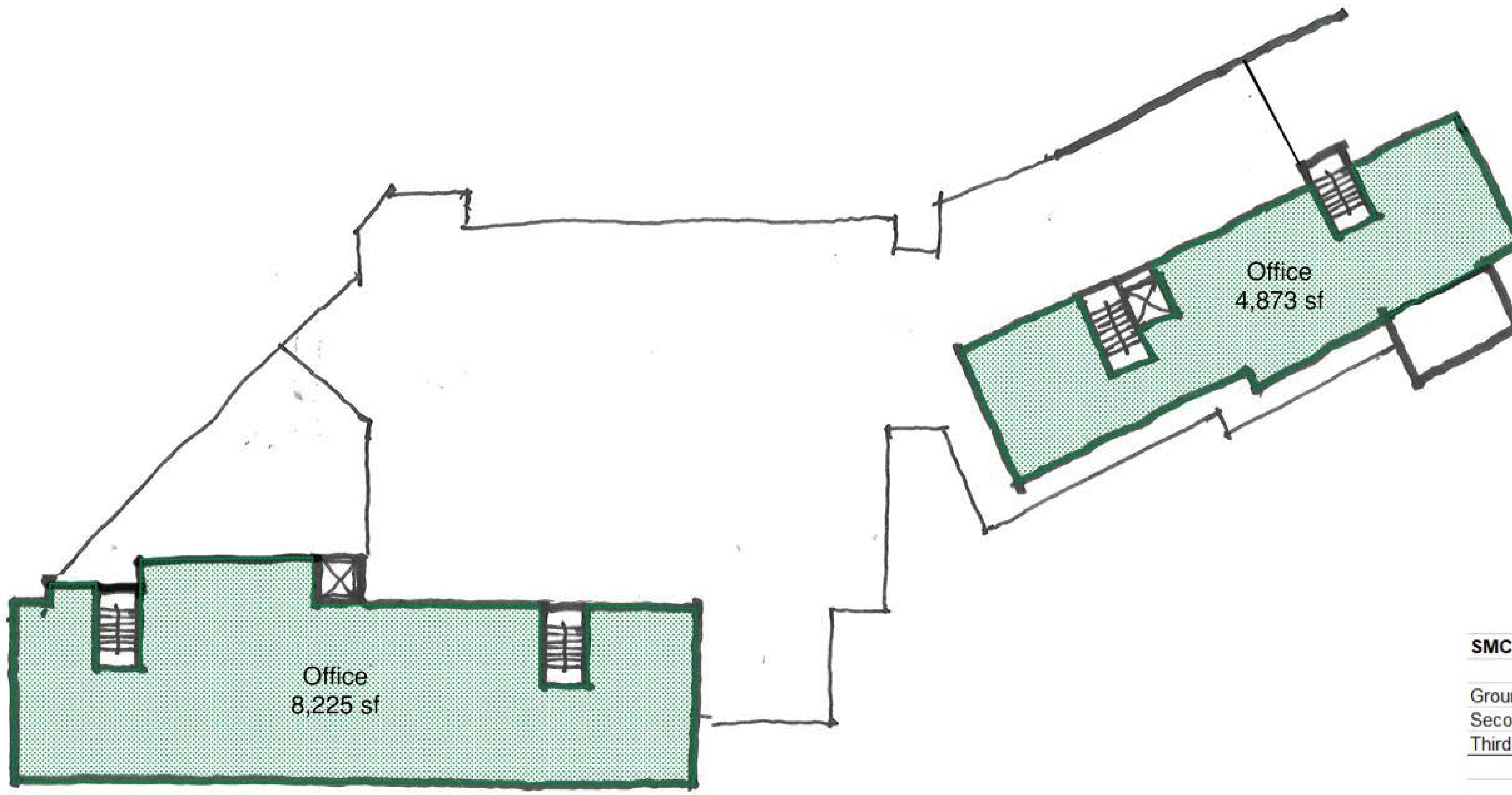


SNOWMASS CENTER

ARCHITECTURAL PLANS

STUDY II - LEVEL THREE



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N 0 20 40 80

SNOWMASS CENTER

ARCHITECTURAL PLANS

STUDY III - LEVEL ONE

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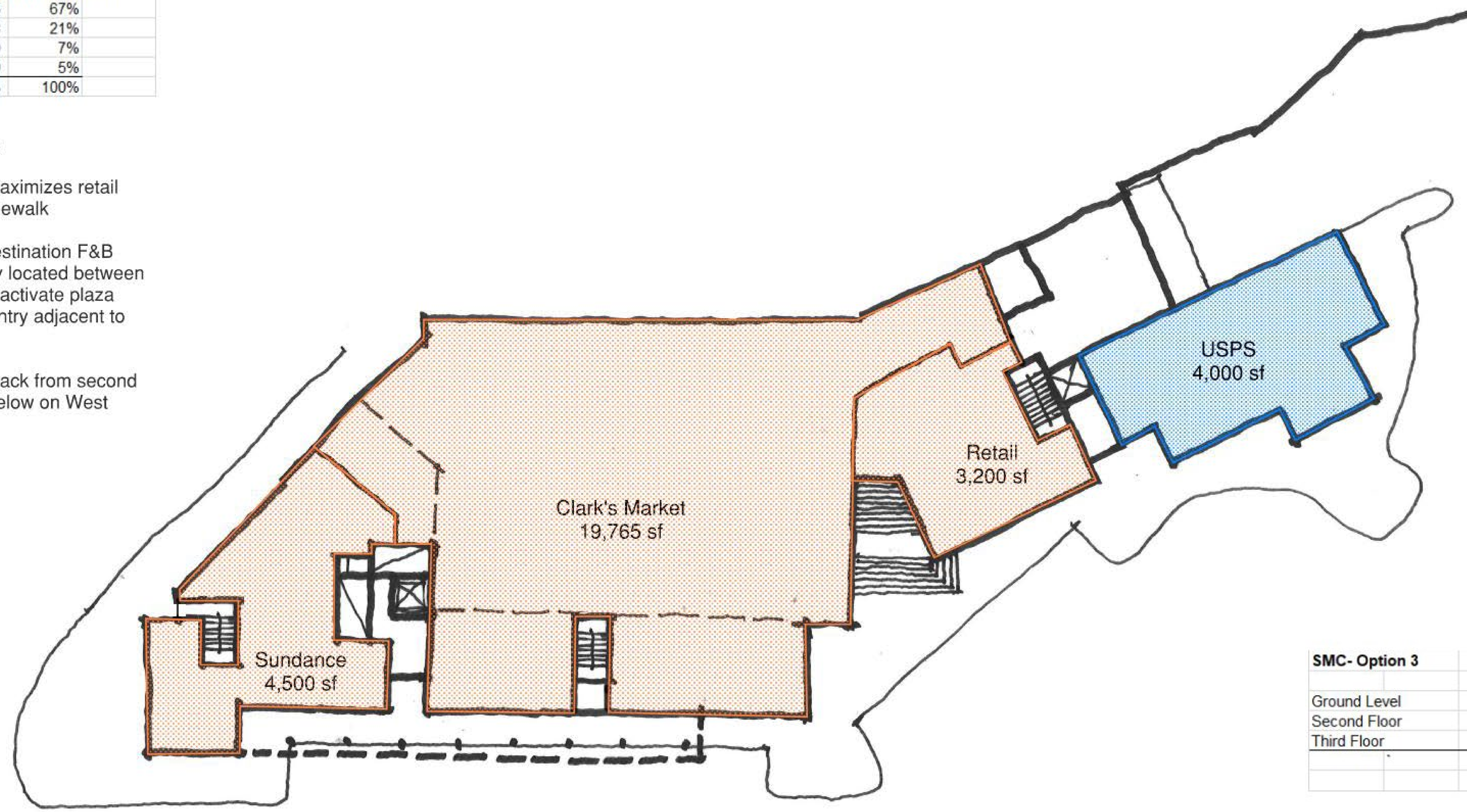
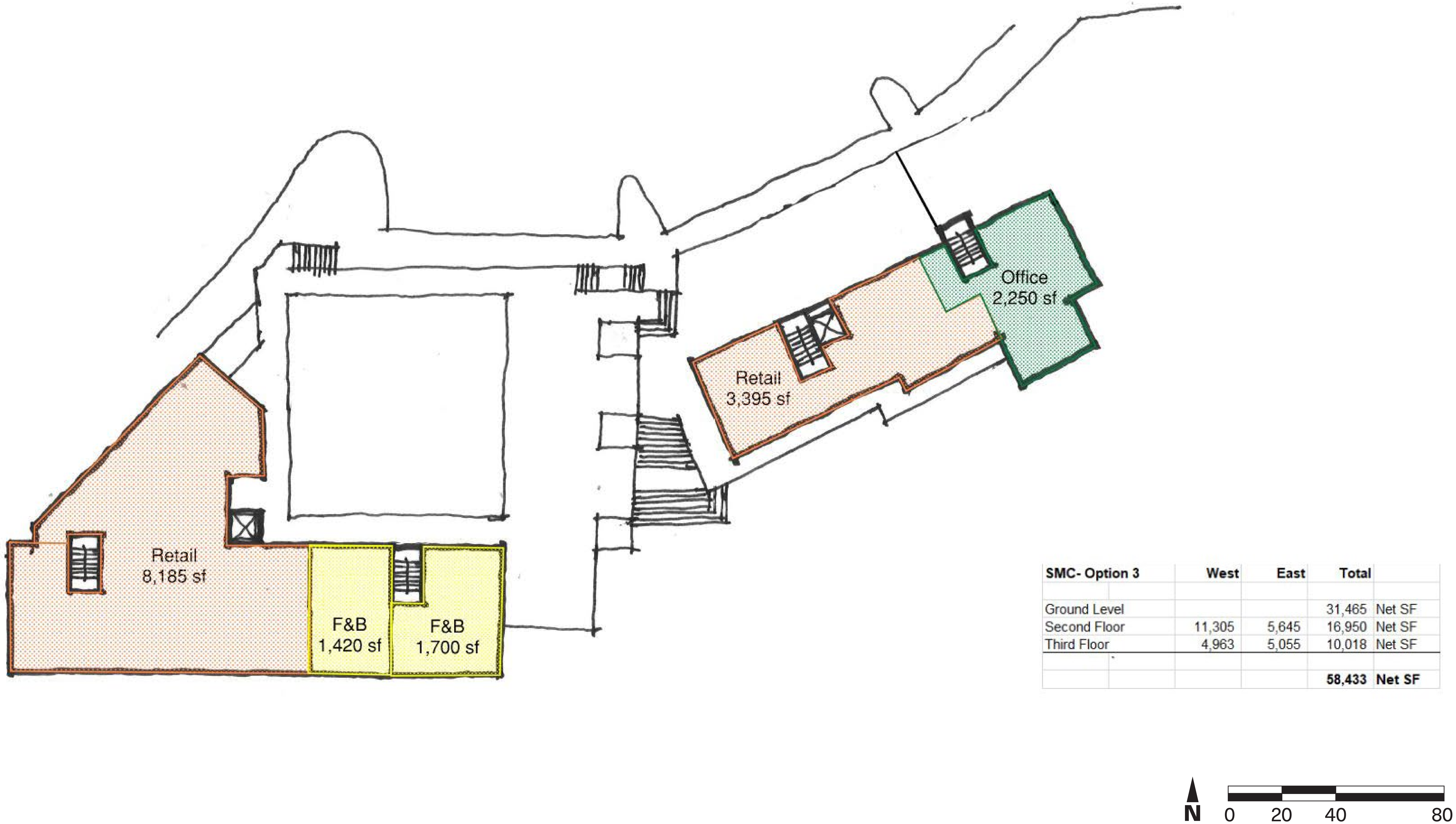


SMC- Option 3	West	East	Total	
Ground Level			31,465	Net SF
Second Floor	11,305	5,645	16,950	Net SF
Third Floor	4,963	5,055	10,018	Net SF
			58,433	**Net SF**

N 0 20 40 80

STUDY III - LEVEL TWO



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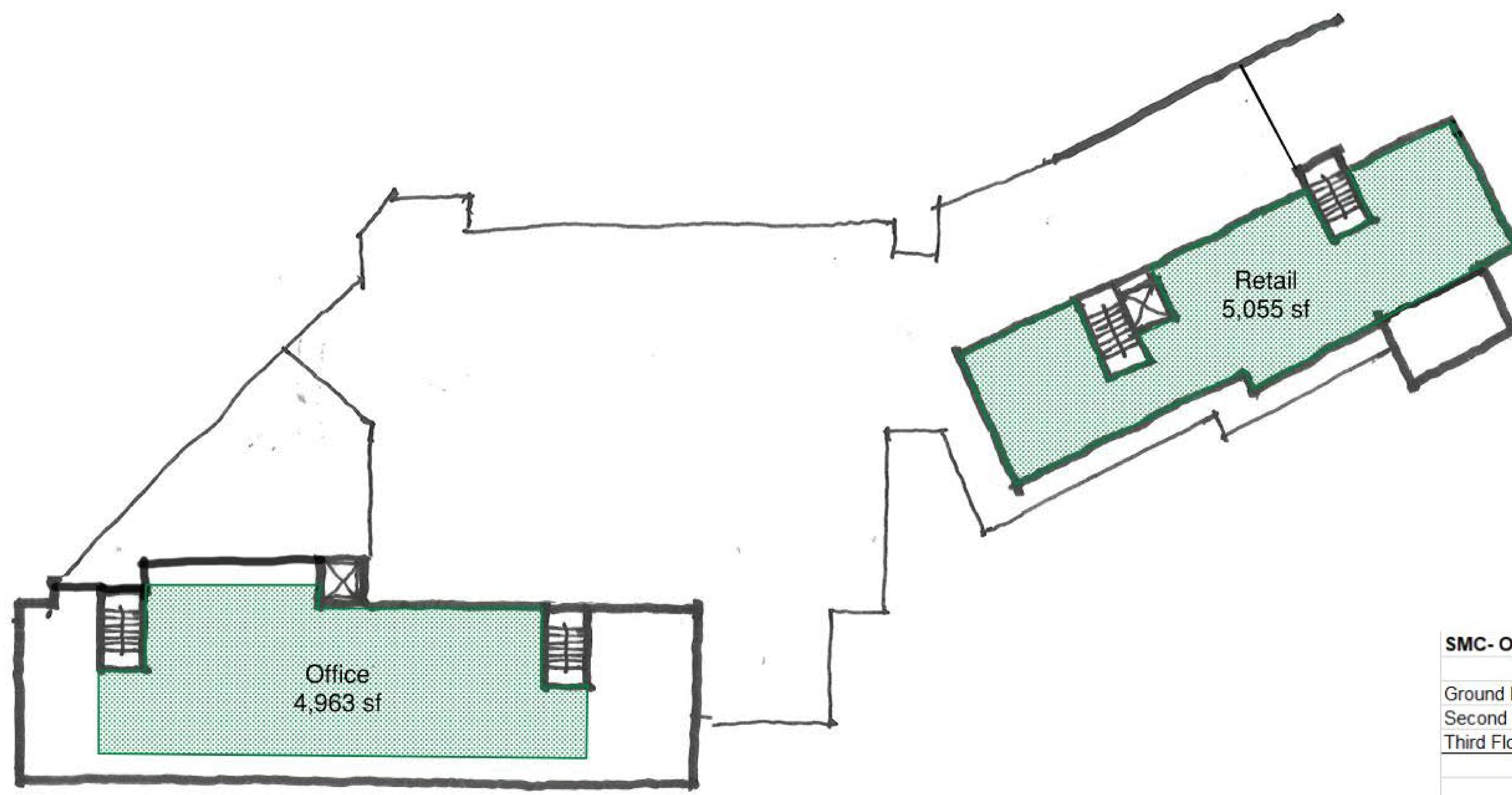
STUDY III - LEVEL THREE



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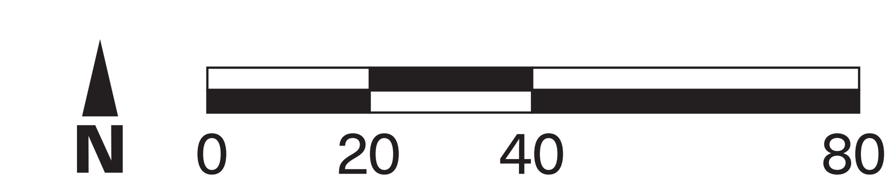


SNOWMASS CENTER

ARCHITECTURAL PLANS

CCY ARCHITECTS

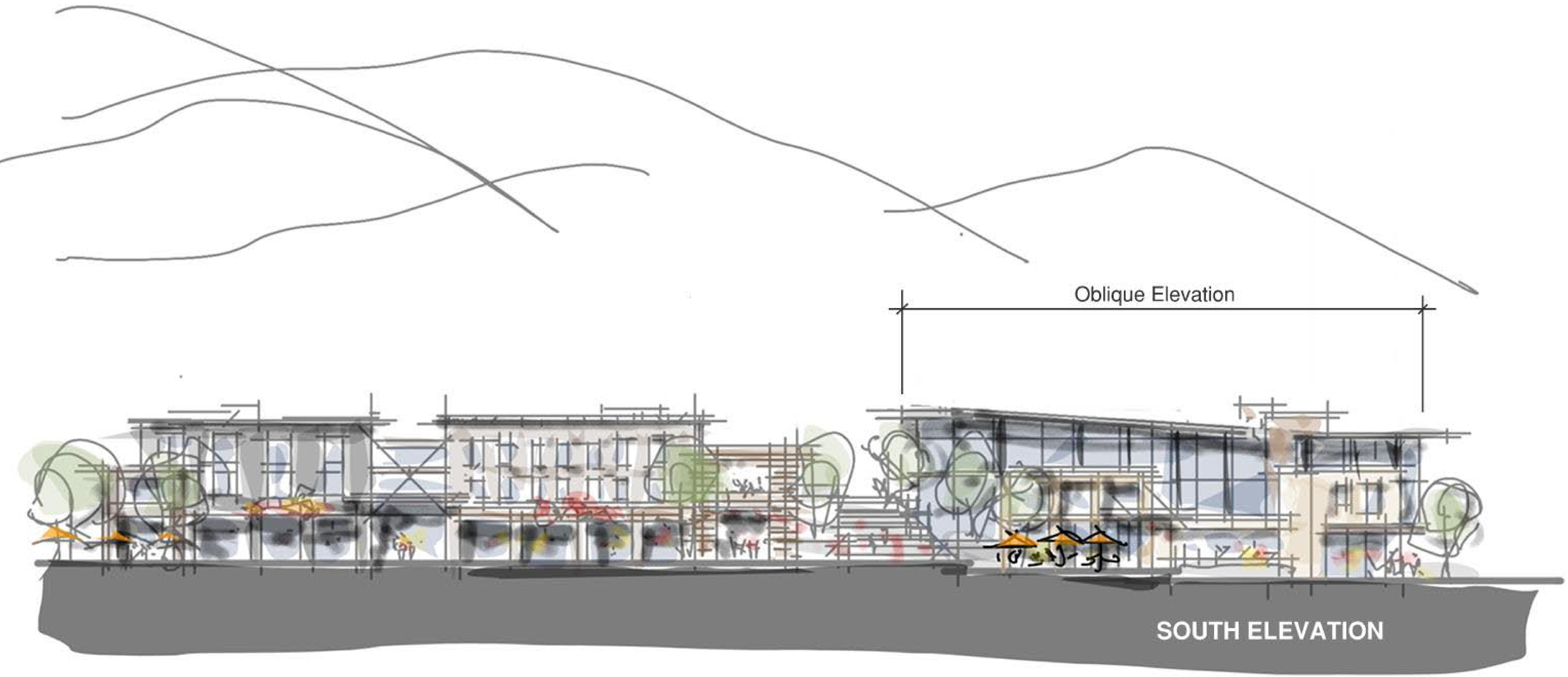
Sketch A- Key Concepts:

Character and Massing similar to Final Plan approval

Mix of 1, 2, and 3-Story architectural elements

Ground level interest with signage, storefront details, and retail canopies

Second level plaza space above Clark's Market entry presents as public destination



Sketch B- Key Concepts:

Character and Massing articulated as a Main Street facade; more urban

Mix of 1, 2, and 3-Story architectural elements

Ground level interest with signage, storefront details, and retail canopies

SNOWMASS CENTER

ARCHITECTURAL ELEVATIONS

Town of Snowmass Village
Agenda Item Summary

DATE OF MEETING:

May 6, 2024

AGENDA ITEM:

Executive Session

PRESENTED BY:

Clint Kinney, Town Manager

BACKGROUND:

The Town Council has reason to convene in Executive Session. To convene in executive session, the Colorado Open Meetings Law requires that the Town announce the topics for discussion with specific statutory citation and to the identify the particular matter(s) to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized. A motion to enter executive session for the announced purposes must be passed by 2/3 of the quorum voting in the affirmative for said motion.

FINANCIAL IMPACT:

N/A

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

COUNCIL OPTIONS:

Convene in Executive Session
Choose not to convene in Executive Session

STAFF RECOMMENDATION:

Town Council will now meet in Executive Session pursuant to C.R.S. 24-6-402(4) and Snowmass Village Municipal Code Section 2-45(c) for the following purpose:

a) For determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators pursuant to C.R.S. 24-6-402(4)(e) and Snowmass Village Municipal Code Section 2-45(c)(5), more specifically related to: Potential property purchase of land adjacent to the Snowmas Center; and

Provided, there is an affirmative vote of two-thirds of the quorum present at this meeting to hold an Executive Session and for the purposes of considering items (a) above. Provided further, that no adoption of any proposed policy, position, resolution, regulation, or formal action shall occur at this Executive Session.

ATTACHMENTS:

N/A