Planning Commission
Wednesday, January 22, 2025
4:00 PM
Town Council Chambers
Snowmass Village, CO 81615

You can watch the meeting live online on our website at tosv.com.
To join the meeting remotely please use the Teams Meeting information below:

Microsoft Teams meeting: https://teams.microsoft.com
Meeting ID: 240 118 256 801
Passcode: tVvbuE
Agenda

1. **ROLL CALL**

2. **APPROVAL OF MEETING MINUTES**

   2.a. APPROVAL OF DECEMBER 18, 2024 MEETING MINUTES
   12.18.24 Meeting Minutes.docx

   2.b. APPROVAL OF JANUARY 8, 2025 MEETING MINUTES
   1.8.25 Meeting Minutes.docx

3. **ITEMS FOR DISCUSSION**

   3.a. DIVIDE WORKFORCE HOUSING "SHOP" SKETCH PLAN
   7 a Attachment F - SHOP_Transportation Impact Analysis + Addendum
   1ASTAF~1.DOC
   2AATTA~1.DOC
   3 a Attachment B - SHOP Workforce Housing Sketch Plan Application.pdf
   4 a Attachment C -SHOP Site Plan exhibits_revised.pdf
   5 a Attachment D - Referral Comments, SHOP Workforce Housing.pdf
   6 a Attachment E - Public Comments, SHOP Workforce Housing.pdf

   3.b. COMMUNITY DEVELOPMENT DIRECTOR UPDATES

4. **ADJOURNMENT**

TOWN OF SNOWMASS VILLAGE

PLANNING COMMISSION MEETING MINUTES

December 18, 2024

Members Present:	Staff Present:
Brian Marshack, Chair	Dave Shinneman
Jim Gustafson	Brian McNellis
Stan Clauson	Ashleigh Huff
David Seglin	Jim Wahlstrom
Matt Dube	

Members Absent:
Elise Denis
Doug Faurer

Others Present: Mak Keeling, Eric Neumeyer, Bill Boineau, Deidre Boineau, Paul Taddune, JR Sprung, Chris Kiley, Eric Mengalsen, Giddeon Kauffman, Bill Kyriagis, John Nolan, Mike Jones, Heather Henry, Rob Wilberger

Call to order: The meeting was called to order at 4:04 pm and roll was called. Commissioner Denis and Commissioner Faurer were absent.

Item 1: Approval of December 4,2024 Meeting Minutes:
The Minutes from the December 4, 2024, meeting were brought for approval, Commissioner Dube and Commissioner Gustafson requested edits that were made. Commissioner Clauson motioned to approve, seconded by Commissioner Dube, and were unanimously approved.

Item 2: Long Love Snowmass Temporary Signs:
Jim Wahlstrom, Senior Planner, opened the meeting with an explanation of the application, explaining that planning staff had received a request for temporary banner-style signs to be installed at the top of the ski mountain, specifically along Sneaky's Ski Run and at the top of Maroon Vista at Elk Camp. Initially, staff had considered whether the request should undergo a variance process due to the municipal code standards for temporary banners. However, it was decided that following the PUD guide provisions, which include allowances for temporary structures, would be more appropriate. The application was submitted to ensure compliance with both the PUD guide and municipal code standards.

Mak Keeling and Eric Neumeyer, representing Aspen Skiing Company, presented the proposal. They clarified that the proposed structures were not traditional banners but rather plastic composite signs forming letters, and would be part of the Aspen Skiing Company's "Long Love Skiing" campaign. The campaign highlights a love for skiing and its associated lifestyle, along with an emphasis on environmental and community values. The signs would be placed at strategic locations on the mountain to communicate this message. The proposed signs would be 14 feet 9 inches by 18 feet 6 inches in size and would be moved between the two locations: the top of Maroon Vista and Sneaky's Run. The signs will remain in place for up to three years; the Forest Service has granted approval for their installation on Forest Service lands, as presented.

Once removed, the areas would be restored. The presentation concluded with a final overview of the locations and planned installations.

Chair Marshack expressed appreciation to the applicant for their proposal. Commissioner Clauson requested clarification on the elevations, and the applicant provided several photos for reference. Commissioner Dube voiced his support for the proposal but raised concerns about the Maroon Vista location, citing its remote and pristine nature. He believed that installing a large sign in such a setting could diminish the area's natural beauty. Additionally, Commissioner Dube expressed discomfort with a sign made of plastic, feeling it conflicted with the environmental message. He suggested the signs be made from biodegradable materials instead. Commissioner Gustafson expressed understanding of Dube's concerns but felt that the proposal, with careful placement at key locations, could be acceptable. He mentioned that it could become a popular photo opportunity, noting that the Aspen version, where the words were stacked, was visually appealing. Commissioner Gustafson also expressed trust that the Aspen Skiing Company marketing team would handle the design thoughtfully and emphasized that the sign should not proliferate across the area. Commissioner Clauson raised concerns about the potential for the sign to disrupt the natural environment, suggesting that it would be more of an advertising venture than a necessary addition to the area. Commissioner Clauson argued that placing a large plastic sign in a natural setting would degrade the environment, saying that people already take photos without signage. He expressed his opposition to the proposal. Commissioner Gustafson acknowledged Stan's comments and expressed appreciation for them. However, Commissioner Gustafson indicated he was still comfortable with the current proposal. Commissioner Dube expressed opposition to the Maroon Vista location and the materials proposed for the project. Commissioner Clauson questioned whether the project's timeline could be adjusted. Mr. Keeling from Aspen Skiing Company responded that they were open to changes but were eager to get the project approved.

The commissioners proceeded to discuss other suitable locations for the sign which were the Elk Camp base area (near the Breathtaker alpine coaster) and the Wine Cabin at the base of Sneaky's run. Town staff and the commissioners agreed on a language modification to the draft resolution, clarifying where the "Long Love Snowmass" letter installation would be placed. Commissioner Gustafson motioned to approve the resolution as amended, seconded by Commissioner Marshack. The motion passed with 4 votes in favor and 1 against, with Commissioner Clauson voting against.

Item 2: Divide "SHOP" Workforce Housing Sketch Plan

Brian McNellis, Senior Planner, opened the discussion by explaining the sketch plan process. He emphasized that the meeting was part of a public process, with public input to be invited following the presentations. Mr. McNellis introduced the project, which is located on Lot 44 of the Divide Subdivision near the existing vehicle maintenance facility and proposes a 30-unit workforce housing building in the place of an approved (but unbuilt) snowcat maintenance and storage facility with 3 employee housing units within. This is classified as a major PUD amendment due to the increase in residential units, which requires a full review process including sketch plan, preliminary review, and final approval. Although the site is not included in the 2021 Workforce Master Plan, Aspen Skiing Company is proposing this private development, which is tied to employee generation from the expansion of the Lynn Britt Cabin and the redevelopment of the Ullrhof restaurant. Mr. McNellis introduces the applicant for their presentation.

Heather Henry, Vice President of Housing and Childcare at Aspen One, opened the meeting by expressing her gratitude and introducing key members of the project team, including architects, land planners, and engineers. She explained that the project aims to address the valley's workforce housing shortage, focusing on creating homes for full-time, year-round employees. The chosen location, close to operations and existing infrastructure, aligns with Snowmass' comprehensive plan to house 60% of its workforce and helps recruit and retain skilled workers. Heather emphasized that the project is a community-driven effort, with affordable housing becoming increasingly critical due to the growing gap in the valley's housing market. She stressed the importance of providing high-quality, livable units for employees who not only contribute to the workforce but also engage in local community functions, such as volunteering for boards.

The applicant's presentation further highlighted their collaboration with Public Works and Roaring Fork Fire, outlining their efforts to ensure a well-integrated project. The proposed architecture was shared, along with a shortened construction timeline made possible by prefabricated units. Additionally, Heather confirmed that Town of Snowmass Housing Director Betsy Crum had been consulted to ensure the units meet livability standards. The applicant also addressed their parking plan and efforts to mitigate "overparking," while sharing a View Study that compared views from nearby homes to the proposed site. Commissioner Gustafson thanked the applicant for their presentation, expressed eagerness to hear public comments, and left the meeting at 6:04 p.m.

After the presentation, the commissioners began their discussion. Chair Marshack confirmed with staff that the meeting would need to be continued, with Mr. McNellis suggesting that the meeting be continued to a site visit during the proposed January 8th meeting. Commissioner Dube thanked the applicant for their presentation, acknowledged the challenges associated with developing the site, and expressed support for a site visit. Commissioner Seglin commented that he would have preferred to see a green roof, raised concerns about potential noise at the site, and requested further clarification on who would occupy the units. Chair Marshack clarified the parking code and the applicant's goal of reducing parking spaces. Chair Marshack also agreed that a green roof component would be beneficial, noting that the design appeared too urban. Chair Marshack thanked the applicant and then opened the meeting to public comment.

Giddeon Kauffman, speaking on behalf of a Divide homeowner, raised concerns about preserving the dark sky initiative, emphasizing that lighting is a concern for both affordable and free-market housing. He requested a lighting study and suggestions for appropriate lighting mitigation. Mr. Kauffman also expressed his client’s concerns regarding congestion along Divide Road and requested the use of story polls for better visualizing the project.

Eric Mangelsen, representing the Snowmass Homeowners Association, read a letter expressing deep concern that the proposed project could disrupt the balance of the residential subdivisions, which are key to the PUD, and echoed concerns shared by the Divide homeowners regarding increased traffic, parking, density, and changes to the town’s character.

Bill Kyriagis, from Otten Johnson Robinson Neff & Ragonetti, speaking on behalf of the Divide HOA, highlighted the site’s remoteness, lack of adequate parking, and absence of transit services, all of which could pose safety hazards. He further stated that the development would exacerbate traffic on Divide Road, a steep and winding route without pedestrian or bike infrastructure, and may negatively impact steep slopes and nearby open space, potentially violating land use regulations and endangering community amenities like the Ditch Trail.

John Nolan, a homeowner with a property closest to the proposed development, expressed concerns about the number of units proposed, suggesting the plan is inconsistent with the Snowmass Comprehensive Plan. He argued that the proposal undermines the town's objective of concentrating growth and that expanding the project into a natural area, along with the potential noise, warrants a more measured approach that aligns with the town’s long-term planning goals.

Commissioners thanked the public for their comments. Commissioner Clauson made a motion to continue the discussion, with the plan to hold a site visit during the January 8th meeting. Commissioner Dube seconded the motion. The motion passed unanimously, with 5 commissioners in favor and 0 opposed.

Motion to adjourn by Commissioner Dube, seconded by Chair Marshack. All in favor. None opposed.

The meeting was adjourned at 6:22 p.m.

TOWN OF SNOWMASS VILLAGE

PLANNING COMMISSION MEETING MINUTES

January 8, 2025

Members Present:
Brian Marshack
Jim Gustafson
Stan Clauson
David Seglin
Matt Dube
Doug Fauer

Staff Present:
Dave Shinneman
Brian McNellis
Ashleigh Huff

Members Absent:
Jami McMannes

Others Present: Aviel Rappoport, Bill Boineau, Chris Kiley, Deidre Boineau, Darren Duroux, Gene Burris, Giddeon Kauffman, Heather Henry, Jeff, J.R. Spung, John Nolan, Rob Wilberger, and Gyles Thornely.

Call to order: The meeting at the Divide (SHOP) housing site was called to order at 4:00 pm and roll was called Commissioner Clauson was not present for the site meeting. The meeting reconvened at Town Hall and roll was called, Commissioner McMannes was absent.

Commissioners reviewed the site and asked questions of staff. Upon returning to the Council chambers and prior to moving on to the agenda item, several updates and housekeeping matters were addressed. Dave Shinneman, Community Development Director, noted a site meeting had occurred before coming to Town Council chambers to continue the meeting and attendees were reminded that their comments would be heard during the public hearing. A new planning commissioner, Jami McMannes, was also introduced, although she could not attend this meeting. Mr. Shinneman also stated the Commission needed to elect a new chairperson as Chair Marschack could not retain the position after serving for 2 consecutive terms. After a brief discussion, Commissioner Gustafson nominated Commissioner Dube as Chair and Commissioner Marshack as Vice Chair. The motion was seconded by Commissioner Fauer and unanimously approved.

Item 1: Approval of December 4,2024 Meeting Minutes:

The minutes from the December 18, 2024 meeting were presented for approval. Commissioner Gustafson raised a concern about a discrepancy, noting that a proposal was described as a three-year agreement when it had been discussed as a one-year temporary use permit. The group recalled the discussion, but the specifics were unclear. Chair Dube requested that staff research and provide clarification at the next meeting. Approval of the minutes was deferred until the following meeting.

<u>Item 2: Divide “SHOP” Workforce Housing Sketch Plan</u>

Brian McNellis, Senior Planner, opened the discussion by explaining although the Commission had previously reviewed this item in 2024, the resolution in their packet had been updated to reflect the year 2025 due to the new calendar year. Mr. McNellis then introduced Heather Henry, Vice President of Housing and Childcare at Aspen One, for the applicant presentation.

The presentation discussed the alignment of the proposal with the Town's comprehensive plan, emphasizing workforce housing as an evolving priority for the Town of Snowmass Village. Ms. Henry presented the project as supporting the town's goals for employee housing and sustainability, highlighting key points such as reducing commute times, using 100% electric buildings and enhancing the community. The applicant asserted that the current proposal fits within the zoning criteria and is consistent with the goals of Snowmass Village’s housing master plan.

Ms. Henry addressed concerns about the site being "remote" by comparing it to the Public Works site, which was ranked among the top five sites for workforce housing development. She presented a time-lapse video showing the site's current activity, highlighting its infill nature and suitability for housing. Ms. Henry also discussed noise concerns, assuring the proposed housing would be quieter than the existing operations, and emphasized their commitment to addressing any noise issues. In conclusion, Ms. Henry framed the proposal as a thoughtful response to the Town's housing needs and emphasized their commitment to being a good neighbor.

Chair Dube opened the meeting to Commissioner comments. Commissioner Gustafson asked about the future of the Krabloonik site, and it was noted that no decisions have been made yet. Commissioner Marshack then sought clarification on the current use of the building, specifically regarding vehicle maintenance and deliveries. The applicant explained the space is primarily used for Snowmass Resort operations and serves as a multi-use commercial area. Commissioner Marshack also inquired about the number of tenants at the site and whether additional housing would be suitable. The applicant responded the site is not ideal for family housing but confirmed families would not be placed in the proposed housing. Commissioner Clauson raised a concern about the Sleigh Ride trail, asking how it will be used and protected. He referenced the trail shown on the diagram and questioned whether it would be shielded from potentially more impactful uses, such as increased snowmobile or ATV activity during the winter and summer months. Commissioner Gustafson expressed approval of the site's westward-facing adjustment, recognizing it as a positive change. He empathized with the need for housing to support Snowmass Resort employees and was interested in hearing feedback from nearby residents and the public. He mentioned his site visit before the meeting gave him a better perspective on the project and raised the possibility of having two buildings instead of one. Commissioner Marshack asked about the number of complaints filed with the Divide HOA regarding the current residents of the proposed site. Both the applicant and the HOA clarified no complaints had been made, with the applicant emphasizing that, as an owner-operator, they maintain control over quiet hours and take pride in being good neighbors. Commissioner Dube thanked the applicant and fellow commissioners for their discussion and then opened the meeting to public comment.

Bill Kyriagis, representing the Divide HOA and speaking on behalf of the law firm Otten Johnson Robinson Neff & Ragonetti, raised several concerns regarding a proposed development project. He emphasized the site's remote location and the absence of transit services, which could lead to safety risks for residents and visitors. Kyriagis also pointed out his opinion the development would exacerbate traffic issues on Divide Road, a narrow and winding route lacks pedestrian and bike infrastructure. He noted commissioners likely witnessed the dangers of the road, referencing a car in the ditch seen during their return from the site visit. Additionally, he made the connection between the development and the expansion of the Aspen Skiing Company, asserting the project represents an increase in area density on a constrained site. Kyriagis highlighted noise as a primary concern for the surrounding community considering the proposed changes.

Giddeon Kauffman, speaking on behalf of a Divide homeowner, raised concerns about preserving the dark sky initiative, emphasizing that lighting is a concern for both affordable and free-market housing.

John Nolan, a nearby homeowner, expressed concerns about the proposed number of units and potential noise from the new development. While acknowledging past noise from Krabloonik's dogs was minimal and current noise stopped by 3 p.m., he worried about after-hours noise from the amenity space. Nolan also requested clarification on who the applicant plans to house.

Commissioners thanked the public for their comments. Chair Dube recognized the proposed resolution, and conditions would still need to be discussed and reviewed.

Chair Dube made a motion to continue the discussion and Commissioner Seglin seconded the motion. The motion passed unanimously, with 6 commissioners in favor and 0 opposed.

Motion to adjourn by Commissioner Marshack, seconded by Commissioner Gustafson. All in favor. None opposed.

The meeting was adjourned at 6:18 p.m.

Town of Snowmass Village

Planning Commission
Meeting

Date:	January 22, 2025
Agenda Item:	Divide (SHOP) Workforce Housing – Major Sketch Plan PUD Amendment
Presented By:	Brian McNellis, Senior Planner AICP/MLA David Shinneman, Community Development Director
Location:	Council Chambers, Snowmass Village Town Hall

Applicant Team:

- Applicant: Aspen Skiing Company
- Representatives – Heather Henry, Philip Jeffreys, Chris Kiley

Legal Description:

Lot 44 – Divide Subdivision (vicinity map below)

I. Background:

The Aspen Skiing Company (hereafter Applicant) wishes to build **30** workforce housing units on Lot 44 of the Divide PUD - approved pursuant to Ordinance No.16, Series of 1989. The property currently houses a Vehicle Maintenance Facility which contains several employee units approved in accordance with Ordinance No.16 of 2001 (Phase I – built out). The original PUD approval also allows for the consideration of another “operations building” on Lot 44 (located on the south side of Divide Way) that may also contain 3 employee units (Phase II – subject development area). The current proposal would not pursue the previously approved operations facility and would prioritize the area for the expansion of deed restricted housing instead.

II. Project Description

The project is being reviewed as a Major PUD Amendment due to the substantial increase in residential units proposed.

The property is located at the top of Divide Way and is located more than 1.5 miles from the Snowmass Town Center. The application proposes a single building (27,186 square feet) which will contain a total of 30 employee housing units (10 two-bedroom and 20 single-bedroom rental apartments) within a 3-story structure (35-foot maximum height). The building will be comprised entirely of prefabricated units built elsewhere and transported on-site. Each unit will be afforded 50 square feet of secured storage space in the basement level of the finished building. Per the sketch plan proposed the applicant is requesting a reduction in the parking required from 40 spaces to 29 which would be less than one parking space per unit not including the 2 handicap accessible spaces. The final product, if approved, will be 100% electric.

The property is zoned Mixed-Use (MU-2). The new proposal does not mandate an Amendment to the Official Zone District Map but may require an amendment to the Build-Out chart of the Comprehensive Plan to accommodate the new residential units contemplated (3 + 27 units).

Note: The site plan was modified from the original application submittal presented in the Joint Meeting on October 21st. The orientation of the façade has since been rotated 90 degrees and is now facing westerly (as opposed to northerly). In general, TOSV staff and referral agencies are in favor of the amended application as presented herein.

III. History:

The Town recently adopted an updated PUD Mountain Guide for Snowmass ski area pursuant to Ordinance No. 7 of 2024. As approved, this document reinforces the requirement that Aspen Skiing Company mitigate for additional on-mountain employees generated by new projects within the ski area boundary. Recent projects that mandate employee mitigation prior to issuance of a Certificate of Occupancy include the Lynn Britt ('Cabin') expansion and the Ullrhof restaurant redevelopment. The Applicant wishes to utilize the 30 units proposed in this application to mitigate for the generation of employees associated with those two respective projects.

IV. Municipal Code Provisions:

According to Section 16A-5-20, Sketch Plan, it states the following:

(a) ***Purpose***. *The sketch plan review is an opportunity for the Town and the applicant to engage in an exploratory discussion of a development proposal, to raise issues and concerns and to examine alternative approaches to development of the property. The applicant is encouraged to provide a written or graphic description of any alternative ideas that were considered as the sketch plan was being prepared. It should be expected that the development proposal may evolve during the course of sketch plan review.*

(b) ***Sketch Plan Review Intent and Issues***. *To encourage the consideration of alternatives and to allow the sketch plan to evolve, overly detailed preliminary plan level sketch plans will not be considered. The questions the Planning Commission and Town Council should consider in a conceptual manner during review of the sketch plan (depending upon the size and complexity of the proposal) include the following:*

(1) ***Use.*** *Is the use proposed for the property generally appropriate in this location? Is it consistent with the intent of the underlying zone district and the character of surrounding uses?*

Staff Response: The underlying zoning is MU-2 and is specific to the PUD overlay associated with Ordinance No. 16 of 2001 which allows for limited residential development in the location of the proposed housing development (3 units). There are existing residential units associated with the existing Vehicle Maintenance Facility (6 units). As a Mixed-Use project, residential type development has been deemed appropriate by the previously approved PUD, albeit a substantial increase in unit count.

(2) ***Comprehensive Plan.*** *Is the proposed development generally consistent with the Town's Comprehensive Plan? Is the proposed buildout within the range anticipated for the property? If the applicant proposes a buildout in excess of sixty-five percent (65%) of that identified in the Comprehensive*

Plan, then are the community purposes the applicant proposes to achieve the appropriate ones for this development to accomplish?

Staff Response: Located adjacent to subject parcel, Krabloonik and the Divide Trail parking lots are highlighted as location for future employee housing in the Workforce Housing Master Plan. Lot 44 is privately owned, and therefore likely not identified for that reason. Nonetheless, the parcel meets the criteria for Employee Housing as identified in the Comprehensive Plan.

(3) ***Architecture and landscaping.*** *Are the buildings proposed to be developed in appropriate locations? Is the mass, scale, and density of the buildings generally compatible with the character of the community and that of surrounding buildings? How much of the site is proposed to be common or dedicated open space? Is this an adequate amount of open space and does it appear to be in the appropriate locations?*

Staff Response: The newly proposed building does not exceed the mass and scale of the adjacent Vehicle Maintenance facility. The new site plan situates the footprint of the newly proposed residential building further away from the Ditch Trail than initially proposed. This offers a greater possibility of screening the development with appropriate native vegetation. There is a dedicated area adjacent to the housing project that designated for outdoor "amenity space" for the benefit of residents. The property is immediately adjacent to an abundance of open space.

(4) ***Natural resource and hazard areas.*** *What are the natural resource and hazard areas on the property? Is mitigation appropriate?*

Staff Response: As previously mentioned, the project is immediately adjacent to abundant open space and wildlife habitat. Appropriate wildfire mitigation will need to be implemented by way of providing vegetational buffers around the proposed building. The site is situated at a high elevation and is shaded from the south. This condition may result in saturated soils which may pose problems during construction and cause foundation/retaining wall deterioration over time. A Civil Engineering report and analysis of this site condition should be included with any subsequent Preliminary Plan application.

(5) ***Access and circulation.*** *Is the conceptual location, alignment, and type of entry roads and the primary on-site roads acceptable? Should the applicant provide transportation options for residents, visitors, guests and employees and, if so, what type of options may be most appropriate?*

Staff Response: Divide Way will need to be widened (with a dedicated easement) to no less than 24 feet from the intersection of Divide Road and the parking area for the Vehicle Maintenance Facility for the purpose and benefit of emergency access/turnaround. The project is a considerable distance from local services and entertainment. As such, the applicant must consider alternative transportation methods which may include trail improvements, bike share, care share, shared parking, and daily shuttles for residents and workers. The applicant has provided a Transportation Impact Analysis which is included as part of the packet (see Attachment F).

(6) ***Parking.*** *Should the applicant provide on-site parking for the development in compliance with the standards of this Code, or should the applicant reduce parking below these standards, as provided in, Off-Street Parking Standards?*

Staff Response: The applicant's plan shows a total of 30 parking spaces for the housing project (including 2 handicap spaces) this would be less than one space per unit. The code standard requires 40 spaces (one per bedroom), staff is in support of reduction to one space per unit (30) spaces plus 2 handicap spaces for a total of 32 spaces if alternative transportation methods suggested above are implemented. This recommendation differs from what is represented in the current sketch plan. Residents must strictly be prohibited from parking at the Divide (Rim Trail) trailhead lot. The applicant has also suggested current parking associated with the Vehicle Maintenance Facility could be used as flex parking for overflow from the proposed housing project.

(7) ***Timetable.*** *What is the proposed timetable for the development? Is it most appropriate for the development to occur all at once or in phases? If phasing is appropriate, then which portions of the project should proceed first?*

Staff Response: The applicant wishes to break ground for the project in the Spring of 2025 and complete the project within 12-18 months. This expeditious timeframe is likely due to the pre-fabricated nature of the housing units that will be shipped and assembled on-site.

(8) ***Community welfare.*** *Do the concepts contained in the proposed development promote public health, safety, and welfare?*

During the subsequent and separate Planning Commission and Town Council reviews, the Code's PUD section and its General Restrictions & Review Standards need to be considered as a part of a Major PUD Amendment.

V. Planning Commission Options:

For the initial Planning Commission evaluation review, the Planning Commission should hear an introduction by Staff, followed by a more detailed follow-up presentation of the proposal by the Applicant. Although the Planning Commission review does not require a public hearing, public comments may be taken or considered, and if so, the Applicant should be given the opportunity to respond.

Following the completion of the review and evaluation of the proposed application, the Planning Commission should consider the draft resolution and conditions of approval.

VI. Staff Recommendation:

Planning Commission should open the meeting and discuss the project within context of the review standards identified in Section IV of this memorandum and review the draft PC Resolution No. 1 of 2025 (see Attachment A). The Planning Commission should open the meeting to public comment prior to taking any action on the proposal. Staff recommends approval of the Resolution as written.

Attachments:

A. Draft PC Resolution No. 1 of 2025
B. Sketch Plan Application
C. Site Plan documents
D. Referral Comments
E. Public Comment
F. Traffic Impact Analysis

TOWN OF SNOWMASS VILLAGE
PLANNING COMMISSION

RESOLUTION NO. 10
SERIES OF 2024

A RESOLUTION RECOMMENDING APPROVAL OF A SKETCH PLAN – MAJOR AMENDMENT TO A FINAL PLANNED UNIT DEVELOPMENT (PUD) APPLICATION FOR DIVIDE LOT 44 (PARCEL C - PHASE II), WORKFORCE HOUSING DEVELOPMENT AND AUTHORIZING THE APPLICANT TO PROCEED TO PRELIMINARY PLAN

WHEREAS, the Aspen Skiing Company, ("Applicant") submitted a Major Amendment to a Final PUD on September 11, 2024 as a requested modification to the land use approval on Lot 44 of the Divide Subdivision pursuant to Ordinance No. 16, Series of 1989 which allows for the development of a Snowcat Maintenance & Repair Facility combined with 3 Employee Housing Units as part of Phase II of the PUD approval; and

WHEREAS, said application wishes to eliminate the Maintenance Facility component of Phase II and instead construct a partially pre-fabricated residential development of 30 employee housing units comprising 27,186 square feet of new building space in lieu of the previously approved 14,000 square feet; and

WHEREAS, a joint meeting between the Town Council and the Planning Commission was held on October 21, 2024 to hear a description of the proposed project by the Applicant; and

WHEREAS, public meetings were held before the Planning Commission on December 18, 2024 and January 8, 2025 to review the application; and

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

<u>Section One</u>: General Findings. The Planning Commission hereby generally finds that:

1) The Applicant submitted the application for a Major Amendment to a final PUD in accordance with the provisions of the Municipal Code. The application provided the Minimum Contents required pursuant to Section 16A-5-390 and included written and graphic materials in sufficient detail to deem the application complete for review.

2) The Major Amendment identifies land uses proposed for the subject parcel which are generally consistent with the intent of the 2021 Workforce

Housing Master Plan and the Town of Snowmass Village 2018 Comprehensive Plan (the “Comprehensive Plan”).

3) To the extent necessary for and pertinent to a Sketch Plan level of evaluation and review, the application is also consistent with the provisions of Section 16A-5-300(c), General Restrictions, of the Development Code, subject to satisfying the applicable conditions contained within Section Three of this resolution.

4) To the extent necessary for and pertinent to a Sketch Plan level of evaluation and review, the application is also consistent with the provisions of Section 16A-5-310, Review Standards, of the Development Code, subject to satisfying the applicable conditions contained within Section Three of this resolution.

5) The Planning Commission recommends the authorization of this Sketch Plan to proceed to the Preliminary Plan review phase. However, the Applicant should be aware new information required and provided at the Preliminary Development Plan review, may also require changes to the overall development plan.

Section Two: Action. The Planning Commission hereby authorizes the applicant to submit a Preliminary PUD plan for the Divide Workforce Housing project subject to the conditions stated in Section Three below. The Town Council shall then hold a public hearing and prepare their own resolution accepting the Planning Commission’s formal recommendation.

Section Three: Conditions. The approval granted in Section Two above shall be subject to satisfying the following conditions:

1. Divide Way shall be widened to no less than 24 feet (with a dedicated access easement) from the intersection with Divide Road, westwardly to the access area of the existing Vehicle Maintenance Facility on Lot 44 to ensure emergency access and adequate turnaround for the Fire District and maintenance vehicles.

2. A detailed landscape plan shall be submitted with any subsequent Preliminary Plan application to ensure screening of the proposed building (with appropriate and native plantings) as seen from Ditch Trail.

3. The residents of the proposed building shall not be eligible to obtain resident parking permits for the Town public parking lots pursuant to Section 8 Article II of the Municipal Code.

4. To support constrained parking and access to the site the applicant should consider alternative modes of travel. These may include bikeshare, carshare,

employee shuttles, off-site vehicle storage, and any other transportation demand management measures that may be appropriate.

5. The reduction in Code parking standards is appropriate if substantial alternative modes of travel (mentioned in the previous condition) are implemented and no less than one space per unit is provided. This does not include handicap spaces.

6. The applicant shall consider safe pedestrian and bicycle connections to Brush Creek Road and Carriage Way which may include a direct connection between Sleigh Ride and Ditch Trails for pedestrians and cyclists could be established and shall reasonably support its establishment.

7. The proposed development shall implement no less than 2 parking spaces equipped for electric vehicle charging, which may occur within the existing Vehicle Maintenance Facility area.

8. Retaining walls on the backside of the building (and construction thereof) shall be contained entirely within the subject property but shall offer as much distance as possible from building to offer the ample afternoon solar exposure for westerly facing residential units.

9. Any subsequent Preliminary Plan application shall include detailed traffic reports and analysis to provide information about the impacts of additional traffic and increased wear-and-tear on Divide Road.

10. The floorplan(s) of adjacent units shall be “mirrored” to ensure optimum noise and nuisance control amongst neighbors residing in the building (see Dunlop Consulting referral comments attached) or demonstrate alternative adequate noise control measures.

11. Any subsequent Preliminary Plan application shall include Civil Plans and analysis that address seasonal drainage from the subject parcel during and after construction. This shall include any potential impact on natural water resources including drainage ways and/or established wetland areas.

12. Any subsequent Preliminary Plan application shall include a Construction Management Plan that shall address (among other requirements) fugitive dust suppression during construction.

13. Any subsequent Preliminary Plan application shall explore the possibility of solar generation on the proposed building.

14. Any subsequent Preliminary Plan shall include a study that demonstrates visibility of the proposed building (and associated lighting) as seen from the Snowmass Creek valley and the greater Divide subdivision.

15. The Preliminary Plan application shall be subject to the applicable provisions of the Municipal Code in effect at the time said application is determined to be complete and accepted for review.

INTRODUCED, READ, AND ADOPTED by the Planning Commission of the Town of Snowmass Village, Colorado on this 22th day of January 2025, with a motion made by Commission member______and a second by Commission member________, by a vote of___in favor and___opposed.

TOWN OF SNOWMASS VILLAGE
PLANNING COMMISSION

____
Brian Marshack, Chairperson

ATTEST:

____
Ashleigh Huff, Secretary

<u>Exhibits:</u>
A. Site Plan
B. Architectural Renderings

Attachment B

SKETCH PLAN APPLICATION:

Application for a Major Planned Unit Development Amendment to the
Aspen Skiing Company's Vehicle Maintenance Facility on Lot 44 of the Divide Subdivision

The SHOP – Snowmass Housing for Ops Personnel Major PUD Amendment

Snowmass Village, Colorado

PIDs #: 273303401014

27 August 2024 (Revised 22 November 2024)

Submitted by:

ASPEN ONE

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To: Town of Snowmass Village

CC: Brian McNellis

From: Heather Henry

Date: 08.05.2024

Re: Application for a Major Planned Unit Development Amendment to the Aspen Skiing Company's Vehicle Maintenance Facility on Lot 44 of the Divide Subdivision

Town of Snowmass Village Staff and the Community,

The Aspen Skiing Company, LLC (known as "Aspen One" and referred to herein as the "Applicant") is submitting this Sketch Plan application for a Major Planned Unit Development Amendment to the Aspen Skiing Company's Vehicle Maintenance Facility on Lot 44 of the Divide Subdivision to create workforce housing for critical Aspen Skiing Company Snowmass Mountain resort operations personnel. After studying multiple sites, the applicant identified the Vehicle Maintenance Facility as one of the best locations to develop additional housing. The most recent approval for the facility, in 2001, specifically calls out a future phase of employee housing and there are already six existing units on site, four (4) one-bedroom units, and two (2) two-bedroom units.

Given that we have a long waitlist for these units, the proposed development, the "SHOP" (Snowmass Housing for Ops Personnel), would expand the availability of housing for Snowmass Mountain operations personnel in this convenient location adjacent to where employees work by adding 30 units, (10) two-bedroom units, and (20) one-bedroom units. Aligned with Aspen One and the Town of Snowmass' values, we envision a project that is environmentally responsible and designed to respect the site and model forward-oriented building practices.

Day after day, we read an article or a news report that chronicles the existential threat that the lack of affordable housing poses to the viability of our mountain communities. A once anecdotal problem has now been described clearly with data. We now know that without SIGNIFICANT and IMMEDIATE progress made on housing, our valley cannot sustain itself. We must all be a part of the solution. This privately funded, 100% workforce housing project focused on employees who help keep our resort safe and operational is part of the solution.

The Town of Snowmass Village 2018 Comprehensive Plan, acknowledges that Snowmass is and always will be a resort community: "Community and resort are not, and do not need to be mutually exclusive. We are proud of our community and the resort in our community."

Aspen One, including its operational divisions, is aligned with the Town of Snowmass goals and interests. We share the vision to be "be the leading multi-season, family-oriented inclusive resort community…" We are proud of our Snowmass Mountain operations and feel a keen responsibility to the community. Aspen One has always been a part of the resort community and our employees have been proud citizens of the Town for decades. As times have changed and housing has become more inaccessible, we have struggled to retain critical resort operations personnel.

Without the retention of the highly-skilled team members, our ability to operate the resort at the level we have all become accustomed to is under threat. We have learned that staff retention is directly connected with staff housing satisfaction. This project is an investment in our mountain resort and community by housing Snowmass Mountain's workforce adjacent to where they work and thereby fostering a more welcoming, dynamic, convenient, and successful resort.

Building 30 dedicated employee housing units, adjacent to a major resort operations portal, on a site with an existing approval for employee housing, is good for the resort and good for the overall community. Additionally, this project will hopefully become a blueprint for how off-site modular construction can be used in Snowmass and throughout the Roaring Fork Valley to minimize the impacts of building housing. The intention is for a 100% electric, highly efficient in design and construction, easily maintainable, and largely built off-site project. A repeatable model. This project is a continuation of our demonstrated commitment to building environmentally responsible and community-oriented workforce housing.

While many factors can and will affect the schedule for design and construction of this housing project, we anticipate the following approximate timeline.

- Feasibility and concept development - 2024
- Final Sketch Plan application submittal - September 2024
- Project approvals and permitting: 4 months
- Break ground: Spring 2025
- Project completion: March 2025

We look forward to working with you on this important project.

Kind regards,

Heather Henry

VP Housing and Childcare

REVIEW STANDARDS (16A-5-310) RESPONSE:

(1) Compliance with the 2018 Comprehensive Plan (16A-5-310):

In 2018, the Comprehensive Plan put forth an aspirational vision that TOSV would "be the leading multi-season, family-oriented inclusive resort community..." and wanted to be "welcoming, dynamic, convenient, and successful" and that successful meant assuring "the quality of life and economic vitality that will assure our future as a sustainable resort community." This vision was supported by an all-important acknowledgment that Snowmass is and always will be a resort community. "Community and resort are not, and do not need to be mutually exclusive. We are proud of our community and the resort in our community."

The Aspen Skiing Company has always been a proud part of the TOSV resort community. One can easily define the role the company plays in the resort part of Snowmass, providing the ability to recreate on the mountain all winter and summer. Employees of the company have been proud citizens of the Town for decades, serving on boards, councils, volunteer organizations, and dedicating themselves to the lifeblood of the community. They, along with their neighbors, ARE community.

Day after day, we read an article or a news report that chronicles the existential threat that the lack of affordable housing poses to the viability of our mountain communities. A once anecdotal problem has now been described clearly with data. We now know that without SIGNIFICANT and IMMEDIATE progress made on housing, our valley cannot sustain itself. We must all be a part of the solution.

"From the 2010 Comprehensive Plan, the Town of Snowmass Village has a lofty goal of providing housing for 60% of all employees working within the community. In order to help the Town achieve this goal and bridge the gap or deficit in the amount of employee housing provided, partnerships between the private and public sectors should be developed... it will be extremely difficult for the Town to meet this goal on its own."

Aspen One takes very seriously its role in being a part of the solution. To sustain the resort, we sustain the community, and thus the community sustains the resort. The 2024 Mission Statement of the Aspen One Housing department states: At Aspen One, we strive to provide stable, sustainable, and financially accessible housing that attracts the best talent in the world and allows them to stay and grow, with us and in our communities.

The Town should be exceedingly proud of the progress it has made to house its workforce. We look forward to contributing to that with The SHOP project.

Guiding Principles - 2018 Comprehensive Plan:

Stewardship.
A foundational premise of The SHOP project is that it provides the ability for our employees to live where they work. This project can take as many as 40 people and 40 vehicles off the road. This project isn't intended to house new employees, but rather existing employees that are struggling to find housing elsewhere, who live downvalley and commute to work on Snowmass Mountain, or who are cost-burdened by their current housing. The SHOP also provides infill housing on an already developed site with existing infrastructure thereby stewarding the resources we hold dear.

Vibrant.
Nothing says vibrant like employees that live, work, and play in their community. The health of a business is only as good as its employees and we strive to ensure that ours can live sustainably and affordably.

Genuine.
Nothing says disingenuous like workers who pack up into their cars at the end of the day to commute hours and hours at the sacrifice of their own families. There are some who support the notion that those that work every day to service the 'resort' need not be a part of the 'community' and are better housed away and unseen. We disagree. Away where? Unseen by who? The SHOP provides the perfect opportunity to live, work, and play together with all walks of life – visitors, residents, part-time owners, long-time 'locals'. All of whom make up a GENUINE community.

Active & Healthy.
Housing the workforce is synonymous with an active and healthy lifestyle. The SHOP housing project will focus all of its units on housing year-round staff critical to mountain operations. Those that work on Snowmass can now live directly adjacent to the mountain they cherish, and gain the hours once spent commuting.

Balanced (Resilient).
The single greatest need in the community right now is housing. Ensuring that the next generation of residents can live and work in this community is the only way to maintain the balance.

Sustainable / Replicable.
The SHOP will incorporate leading edge design. As owner operators, Aspen One is committed to high quality, 100% electric, high-efficiency building technology. Aspen One has assembled a team of off-site construction specialists to explore and hopefully implement a modular project. We will share learnings from this experience with those working on housing in the region.

Connected.
This housing is designed to support Snowmass Mountain operations. As such, the majority of employees living here will walk to work . The Vehicle Maintenance Facility (VMF) is a critical employment hub and strategic operations access portal to the mountain. Employees living at this facility need only to walk to the VMF to access a wide range of transportation options to support mountain and resort operations. It will also connect to the Town's multi-modal infrastructure via bike share and vehicle share.

Inclusive.
The Aspen One housing team is continually exploring ways to expand access to the housing continuum for its employees and in the community. The SHOP will fit a crucial need to house long-term key operational personnel who need to be close to the mountain and want a stable and financially accessible place to call home. These folks CANNOT access housing in the up valley right now and are no longer a part of the community. To provide this housing is the model for inclusive community building.

<u>Strategic Initiatives - 2018 Comprehensive Plan:</u>

The SHOP will help TOSV achieve its goal of being a leading family oriented resort community by supporting the individuals needed to operate critical mountain and resort infrastructure.

The SHOP project will preserve and protect open spaces and our environment by placing housing on an infill site with direct access to existing utilities and infrastructure.

The SHOP project will promote environmental and economic sustainability and resiliency by ensuring the stability of the workforce to sustain critical mountain operations. The project plans to be 100% electric, aligning with the goals for a more sustainable building.

The SHOP project will manage parking with operational limits on access to parking and by providing multi-modal connectivity options.

The SHOP project demonstrates our commitment to workforce housing and the community by adding privately funded workforce housing to the pool of units available within the Town. By housing more of our employees we open up opportunities for others in the community to find housing.

The SHOP project will add resilience to the Town's economy and increase vibrancy by providing housing for residents who cannot otherwise live and work in the Town.

(2) Preservation of community character. The development proposed for the PUD shall be consistent with the standards of Section 16A-4-340, Building Design Guidelines to Preserve Community Character, shall be compatible with, or an enhancement of, the character of existing land uses in the area and shall not adversely affect the future development of the surrounding area. (16A-5-310):

The development is consistent with the standards of Section 16A-4-340, by situating the building into the existing hillside, minimizing the height as viewed from neighboring parcels. The mass and scale of the building is consistent with the existing Vehicle Maintenance Facility, however the appearance is less massive due to the placement of the building into the hillside and on the flat area that already exists. A perception of less scale is also aided by the preservation of the mature landscape that surrounds the site. The building façade is articulated by 4 ft in various areas. Maintaining the lowest overall building height possible has been a central focus of the design. A flat roof was chosen to minimize the overall height of the building and allow as much to be seen of the grove behind the building. Pedestrian entrances are scaled down with an overhang to both protect those entering the building from the weather and bring the scale down at the entrances. There are moderate grade changes between the parking and the building and the design provides direct, ADA paths of travel that are safe and easy to maintain in winter and summer. The building materials are proposed to be high quality, low maintenance providing a connection to the indigenous textures and colors of the area. While there is little solar access for active solar on the building roof, the units will have juliet balconies to allow for a significant amount of light and air into each unit. The orientation allows for east facing units to gain morning sun and west facing units to enjoy evening sun. The development was planned as a second phase of the original PUD, and will remain consistent with the original intent and will not adversely affect future developments.

(3) Creative approach. The development proposed for the PUD represents a creative approach to the development and use of land and related physical facilities to produce better developments and to provide amenities for residents of the PUD and the public in general. (16A-5-310):

The proposed building is located generally at the location of the proposed Phase II of the approved PUD from 2001. The SHOP is effectively a live/work project allowing those that may currently commute to the VMF for their job to now live here. The development provides an outdoor amenity space for the residents and allows for ample surface parking. The means and method for delivering this project are also creative and hopefully a model for other housing projects in Snowmass and throughout the valley. The project is 100% electric, highly efficient in design and construction, easily maintainable, and largely built off-site project.

(4) Landscaping. Proposed landscaping for the PUD shall provide sufficient buffering of uses from one another (both within the PUD and between the PUD and surrounding lands) to minimize noise, glare and other adverse impacts, shall create attractive streetscapes and parking areas and shall be consistent with the character of the Town. (16A-5-310):

The existing site is surrounded by mature landscaping which allows for the building to blend into the existing hillside. The site plan includes a small landscape buffer outside the road facing units for small trees and shrubs to both screen the building façade and screen headlight trespass into the units. This landscaping will be balanced with snow storage and adequate operations of the VMF and adjacent public road. Smaller shrub and revegetation plantings will blend into the existing hillside vegetation and add to the surrounding flora. There will be no site lighting eliminating outdoor glare. With the building nestled into the hillside noise will be abated by the landform and allow limited to no impact to the neighbors uphill.

(5) Comply with development evaluation standards. The PUD shall comply with all applicable provisions of Article IV of this Development Code, Development Evaluation Standards. (16A-5-310):

This area identified within Lot 44 for The SHOP is not in a sensitive wildlife area. We do not have any identified wetlands, although we do have a small drainage that flows through the site and will need to be accomodated. We do have a combination of manmade and naturally occurring steep slopes. Retaining walls, adequate drainage, and slope stabilization methods will mitigate the steep slopes. As the design moves into completion it will ensures compliance withe the The development will comply with the Improvement and Site Design Standards of Article IV of the Development Code. The unit sizes meet the standards of the restricted housing requirements. There will be one building mounted sign that meets fire department requirements for address and placemaking identifying this as The SHOP housing.

(6) Suitability for development. The property proposed for the PUD shall be suitable for development, considering its topography, environmental features and any natural or man-made hazards that affect its development potential. (16A-5-310):

The development and site is suitable for development and was planned for and contemplated in the original PUD. The current design addresses the greater need for more affordable housing than originally contemplated in the PUD while having a SMALLER footprint than what was originally drawn.

7) Spatial pattern shall be efficient. The PUD shall be located to avoid creating spatial patterns that cause inefficiencies in the delivery of public services, or that require duplication or premature extension of public facilities. (16A-5-310):

a. Roads. Any new road developed to serve the PUD shall be continuous and in alignment with existing platted streets to which the street is to be connected. Where appropriate, new streets shall be planned so that they can create an interconnected Town road network, with provision for adequate road and utility easements. Where cul-de-sacs are used in the development, the applicant is encouraged to provide a trail or similar pedestrian link between them.

The development is utilizing existing roadways, and is proposing to relocate and widen a portion of the access within the property limits. This widening will serve to increase safety and access for vehicles, pedestrians, and service providers accessing the VMF. Easements will have to be updated as this project progresses during the land use process.

b. Water and sewer lines. Any water or sewer line extension necessary to serve the PUD shall be consistent with the Snowmass Water and Sanitation District's service plan and the Town's Comprehensive Plan.

The project engineering team will work with district engineers between sketch and preliminary plans to confirm that the additional capacity required by the proposed project can be either handled by changes to the existing infrastructure, or an alternative delivery method.

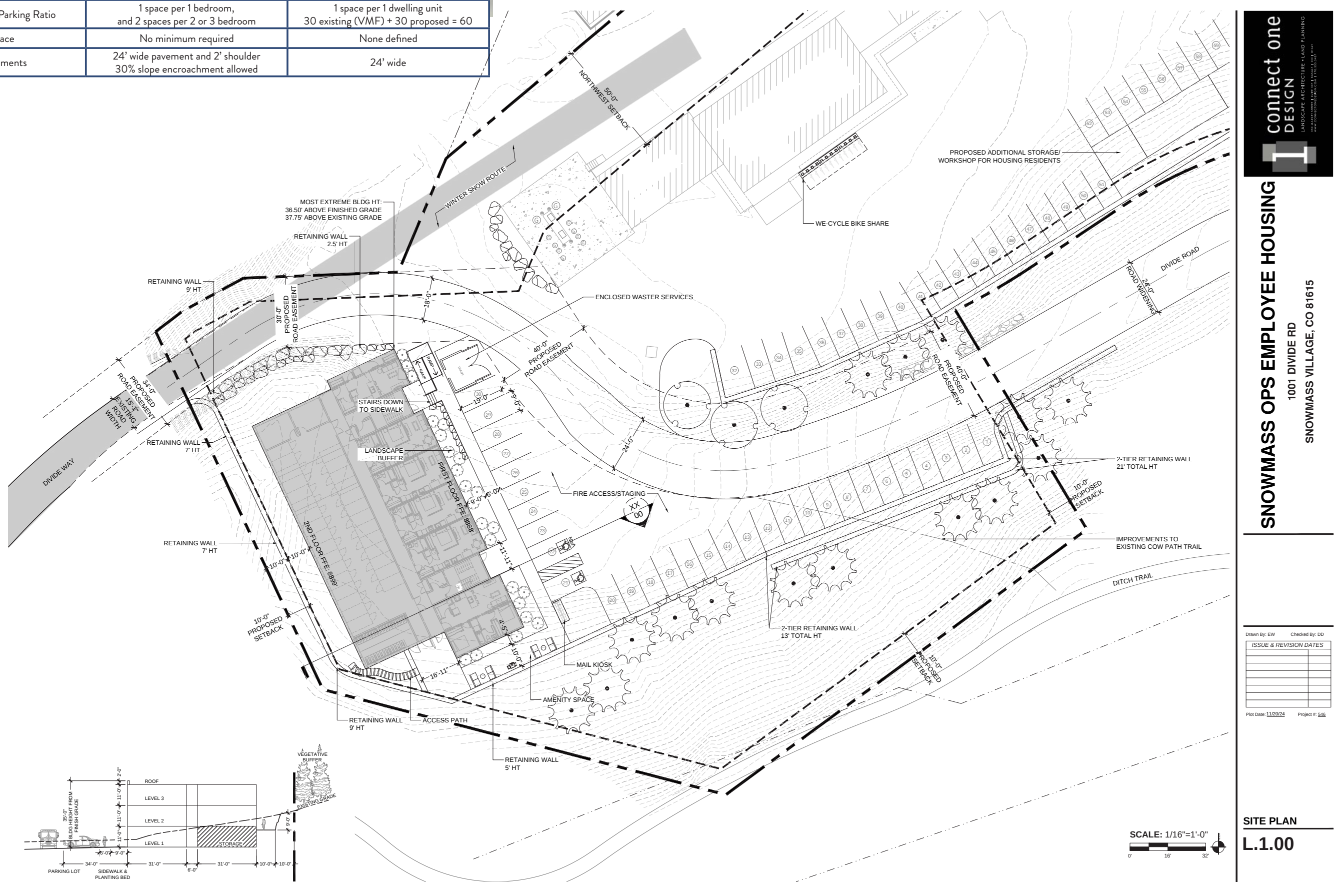
(8) Phasing. If the PUD is to be developed in phases, then each phase shall contain the required streets, utilities, landscaping and other public facilities or improvements that are necessary and desirable for residents of the project. If the PUD incorporates any amenities for the benefit of the Town, such as trail connections, these shall be constructed within the first phase of the project, or, if this is not possible, then as early in the project as is reasonable. The pace and phasing shall be evaluated with regard to construction impacts along with possible interruption of construction as it would affect the community as a whole. (16A-5-310):

The development is not planned to be developed in phases. Given the urgency of providing the housing needed to maintain resort and mountain operations, the completion of this project has been identified as the highest priority Employee Housing project for the entire company. After project approvals have been secured, it is anticipated that this project will be completed in a single phase taking between 12-18 months. To speed delivery of the completed project, and minimize construction impacts on neighbors and the broader community, this project is designed to be built off-site in a modular factory. The ability to construct a larger percentage of the structure off-site will reduce the amount of noise, construction traffic, waste, and other construction related activities. The modularization of the construction will also allow for a faster installation with less impact to the surrounding areas.

(9) Construction interruptions. The development application shall provide a reasonable restoration and/or remediation contingency plan to mitigate impacts resulting from any potential extended interruption of construction affecting the community as a whole. Surety or security may be necessary to ensure implementation of the plan. (16A-5-310):

The applicant understands that any interruptions of construction could affect the community as a whole and is open to work with the Town to ensure implementation of the plan.

	Allowable per 1989 original PUD w/ 2001 PUD amendments	Proposed
Lot Area (sq ft)	2.85 acres	2.85 acres
Zoning	MU-PUD	MU-PUD
Building Setbacks	50' from the Northwest property line No other dimensions or definitions provided	50' from the Northwest property lines 10' front yard setback 10' side yard setback 10' back yard setback
Floor Area Ratio	25%	Existing VMF: 12% Phase 2 Ops Housing: 20.3% Phase 2 Storage: 0.02% TOTAL: 32.32%
	-	84,210 sf
Square Footage of Exempted Areas	-	None
Housing Units	Existing VMF: 9	Existing: 9 Phase 2 proposed: 30 TOTAL: 39
Building Square Footage (sq ft)	Existing: 14,810 sf Existing Phase 2: 14,000 sf • 1,600 sf for housing • 7,600 sf for storage	Existing: 14,810 sf New Phase 2: 27,186 sf • 21,758 sf for housing • 3,508 sf for internal storage • 1,920 sf for external storage
Building Height	Max 43'-5" from existing grade Max 37'-5" from finished grade*	Max 39' from existing grade Max 41' from finished grade*
Parking Spaces / Parking Ratio	1 space per 1 bedroom, and 2 spaces per 2 or 3 bedroom	1 space per 1 dwelling unit 30 existing (VMF) + 30 proposed = 60
Percent Open Space	No minimum required	None defined
Divide Rd requirements	24' wide pavement and 2' shoulder 30% slope encroachment allowed	24' wide



PROPOSED SITE PLAN

DETAILS OF PROPOSED SHOP WORKFORCE HOUSING:

Project Site:

- Parcel number 273303401014
- 2.85 acres (124,146 sf)
- Phase II of amended PUD from 2001 allowed for an additional 14,000 sf building with storage, multipurpose use, and employee housing.
- Current uses: Employee Housing, VMF, shipping and receiving for entire mountain operation.

Type Of Dwelling Units And Other Buildings Or Structures:

- Existing: 14,810 sf vehicle maintenance and employee housing building.
  (6 units - (2) 2-bedroom, (4) 1-bedroom)
- Proposed:
  - 30 unit multifamily residential building, with a mixture of one, and two bedroom units, with a partial basement for storage and mechanical space.
  - 1,920 sf storage/workshop space

Total Square Footage of Buildings Or Structures:

- Existing 14,810 sf vehicle maintenance and housing building
- Proposed Total SF
  - 25,266 workforce housing
  - 1,920 sf storage/workshop space

Floor Area Ratio:

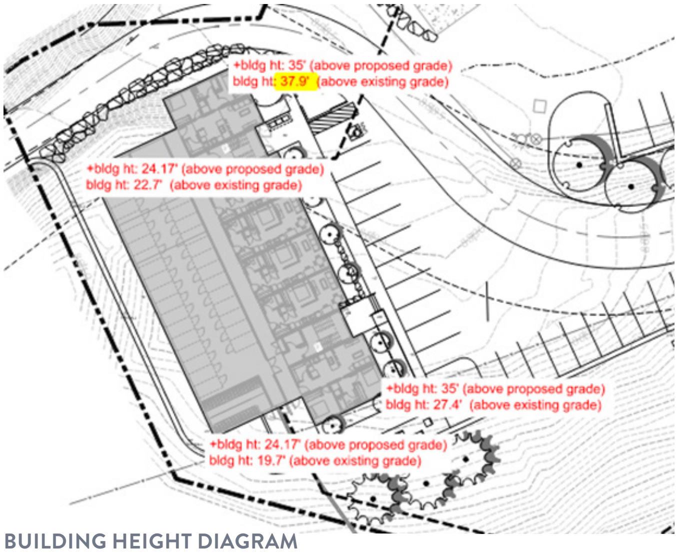
- 32.32%

Building Height:

- Max 35' from finished grade and 37.9' from existing grade which is the more restrictive (as measured by Town Code Sec. 16A-3-210). This is as compared to the following in the approved 2001 Amended PUD.

Land Use Parameters		
- Maximum building square footage	28,850 sf	28,810
- Maximum builidng height	36 ft	37'-5" FROM FINISHED GRADE 43'-5" FROM EXISTING GRADE
- Average building height	34 ft	n.a.
- Maximum number of dwelling units/acre	na	na
- Allowable F.A.R.	0.25	
- Minimum amount of parking spaces	29 spaces	30 spaces
- Minimum amount of open space	0 acres	
- Minimum number and minimum square footage of Restricted housing units	up to 3 BR	up to9 BR

ALLOWABLE BUILDING HEIGHT EXCERPT
FROM 2001 PUD AMENDMENT



BUILDING HEIGHT DIAGRAM

Requested Amendments To The PUD:

- Increase the allowable Floor Area Ratio (FAR) from 25% to 32.32%
- Increase the total building square footage and use breakdown from 14,000 sf to 25,266 sf with an allocation of 21,758 sf for housing, 3,508 sf for internal storage and mechanical space, and 1,920 sf for external storage/ workshop space.
- Change the parking ratio from 1 space per 1 bedroom, and 2 spaces per 2 and 3 bedrooms, to a 1 space per 1 unit ratio, pursuant to Section 16A-4-310(c), Reduction of Required Parking.

SKETCH PLAN REVIEW STANDARDS RESPONSE:

Sketch Plan (16A-5-320):

(Section 16A-5-40 (b))

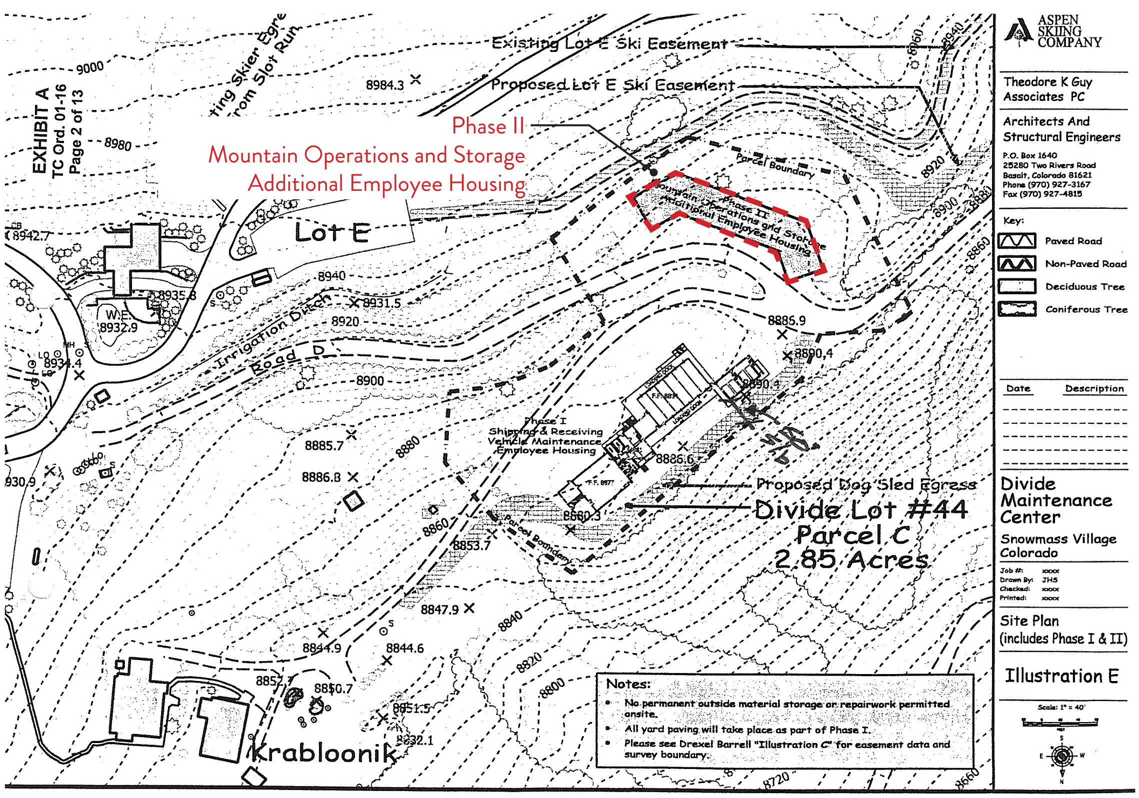
(a)Purpose. The sketch plan review is an opportunity for the Town and the applicant to engage in an exploratory discussion of a development proposal, to raise issues and concerns and to examine alternative approaches to development of the property. The applicant is encouraged to provide a written or graphic description of any alternative ideas that were considered as the sketch plan was being prepared. It should be expected that the development proposal may evolve during the course of sketch plan review.

The applicant looks forward to an open and thorough review process of the proposed development. The applicant has provided in this application written responses to criteria of review and graphic descriptions of the proposed operations employee housing development. The applicant understands that via the sketch plan process, the proposed development may evolve and be informed by comments and critiques.

(b)Sketch Plan Review Intent and Issues. To encourage the consideration of alternatives and to allow the sketch plan to evolve, overly detailed preliminary plan level sketch plans will not be considered. The questions the Planning Commission and Town Council should consider in a conceptual manner during review of the sketch plan (depending upon the size and complexity of the proposal) include the following:

(1)Use. Is the use proposed for the property generally appropriate in this location? Is it consistent with the intent of the underlying zone district and the character of surrounding uses?

The PUD approved in 2001, always contemplated additional housing at this location within the VMF. (see plan below)



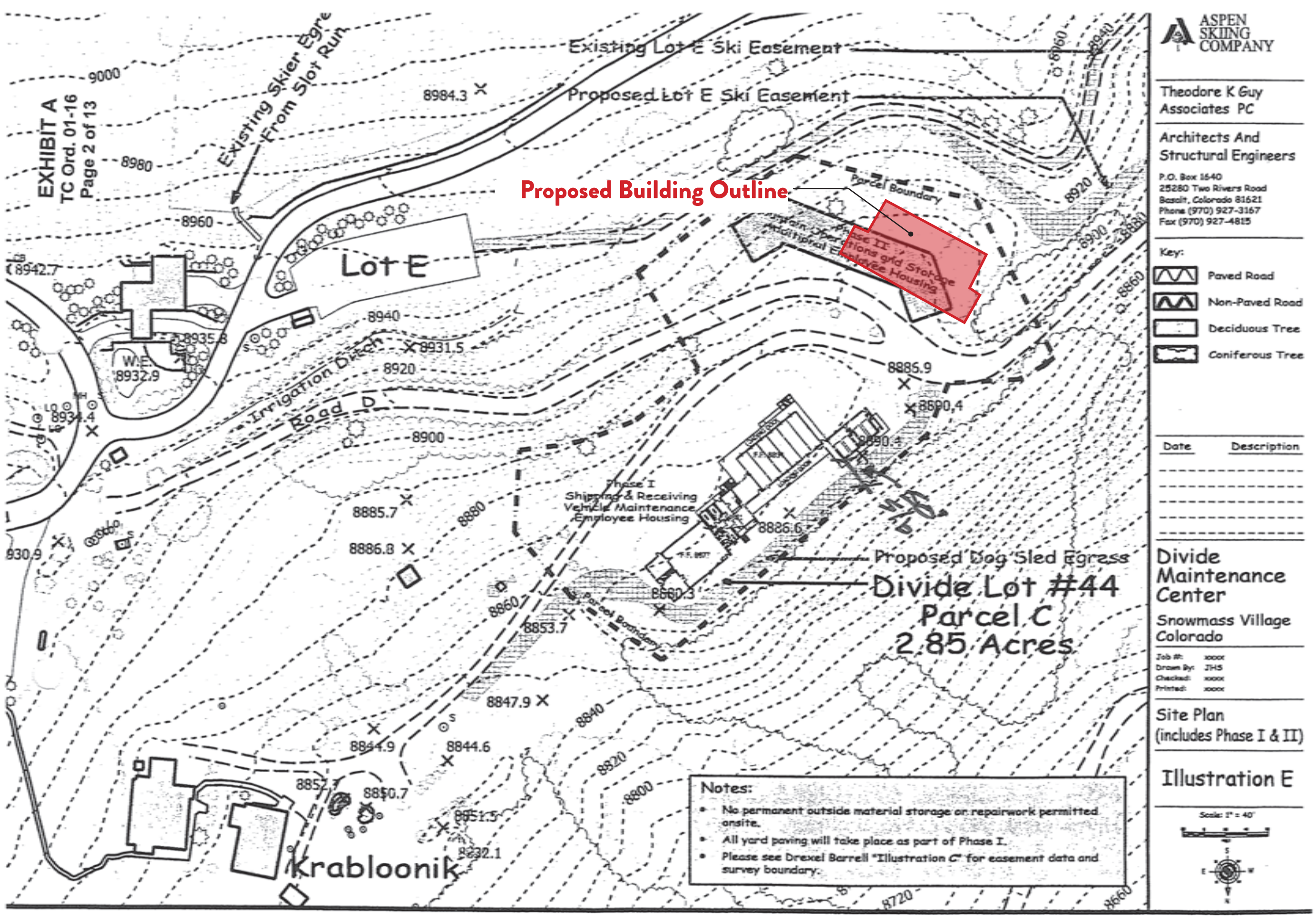
LOCATION OF APPROVED EMPLOYEE HOUSING EXPANSION - 2001 PUD

(2)Comprehensive Plan. Is the proposed development generally consistent with the Town's Comprehensive Plan? Is the proposed buildout within the range anticipated for the property? If the applicant proposes a buildout in excess of sixty-five percent (65%) of that identified in the Comprehensive Plan, then are the community purposes the applicant proposes to achieve the appropriate ones for this development to accomplish?

The proposed buildout only accounts for single-family buildout for this property, the applicant looks forward to working with staff on how to best identify this chart modification. The development is consistent with the Town's Comprehensive plan by providing a stated goal to bring workforce housing to Snowmass Village.

(3)Architecture and landscaping. Are the buildings proposed to be developed in appropriate locations? Is the mass, scale and density of the buildings generally compatible with the character of the community and that of surrounding buildings? How much of the site is proposed to be common or dedicated open space? Is this an adequate amount of open space and does it appear to be in the appropriate locations?

The proposed building is located on the footprint of the proposed Phase II of the approved PUD from 2001. The site, architecture and landscaping will allow the building to blend into the existing hillside and mature vegetation. The design of the building allows for it to be set into the existing hillside minimizing the height as viewed from neighboring parcels. The development provides an amenity space for the residents and allows for surface parking. See graphic below for a comparative overlay of the proposed building footprint and the approved Phase II building footprint.



COMPARATIVE BUILDING OVERLAY

(4)Natural resource and hazard areas. What are the natural resource and hazard areas on the property? Is mitigation appropriate?

Per discussions with Roaring Fork Fire, the applicant will perform brush clearing, and removal of dead vegetation within the property limits. No other hazards have been identified.

Sketch Plan Summary (16A-5-320(f)):

Type. A description of the type of dwelling units, buildings or structures.

Snowmass Ops Housing building phase II will consist of 30 units; 23 one-bedroom and 7 two-bedroom configurations. Each unit features both ample in-unit storage, and dedicated in-building storage for equipment & bicycles on the first floor. This will alleviate the need to house personal equipment within the dwelling spaces and improved overall livability.

Storage / multipurpose structure(s): 1,920 sf external storage/workspace

PROPOSED ELEVATIONS

Size. The average square footage of all dwelling units, buildings and other structures proposed by type of unit, the total square footage of all structures by type, the approximate number of bedrooms and the gross residential density in units per acre.

The one-bedroom units are each approximately 505 gross sqft in size. The two-bedrooms are each approximately 763 gross sqft. The building will have a combined total of 37 bedrooms. Each of the floors (1-3) are each ~8,422 gross sqft, and the first floor calculation includes ~3,508 sqft of enclosed storage and mechanical space. The total building gross sqft is ~25,266, adding 10.5 units per acre to the site.

Units will meet the TOSV affordable housing guidelines for size due to inclusion of significant ground floor storage which is dedicated to each unit. The 50 sf of dedicated ground floor storage will increase total unit size as measured by TOSV affordable housing guidelines to 555 sf for the 1 bedroom, and 813 sf for the 2 bedroom.

LEVEL 1 - PLAN W/ STORAGE

Floor area. The ratio of the total floor area of all proposed structures, by type, to the area of land within the development.

FAR for the site includes the 12% from the Phase I ops building. The new proposed building will have an FAR of 20.3% added to the total for the site, and external storage/workspace of .02% Therefore, the new total proposed FAR for the site is 32.32%.

Population. The anticipated population to be generated by the development (permanent residents, employees and tourists)

This project is designed to support the long-term resilience of Aspen One's Snowmass operations. The project would house employees who are critical to keeping our operations safe, open, and providing the level of service our community has grown to expect. This housing is urgently needed for 24-hour, on-site property protection; round-the-clock public safety; and/or intermittent emergency services. Tenants to be housed are likely to include mountain operations personnel working on ski patrol, snow safety and avalanche mitigation, plowing and grooming, maintenance, mechanics, lift operations, security, property management, IT, power, fire preparedness and response (including snowmaking equipment), and the employees who manage or support these departments.

Market. A general statement of the target market and form of ownership for the dwelling units.

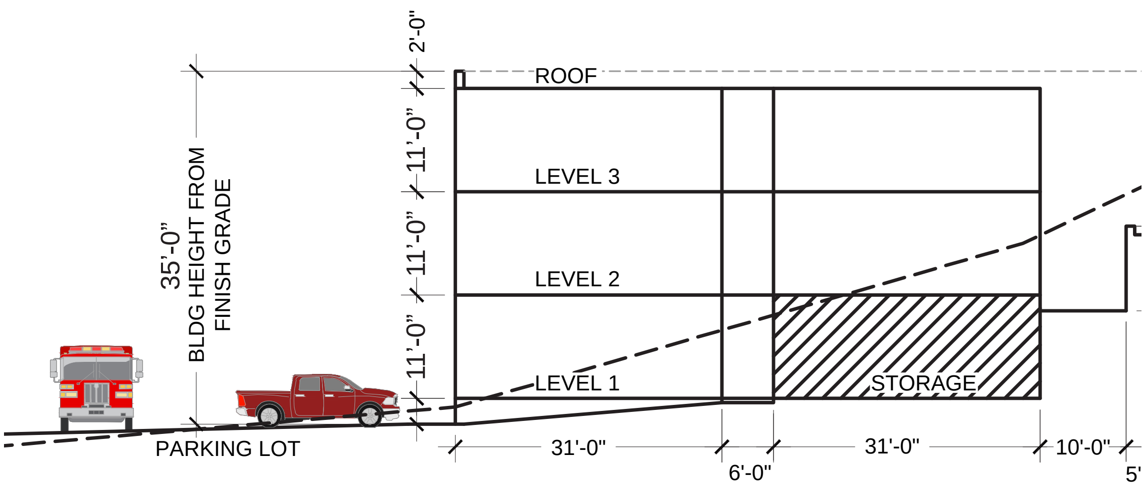
100% of the 30 units being proposed are being built as workforce housing. To ensure these units will continue to support operations in the future, all units will remain as rentals and be owned and operated by Aspen One. There is no free-market ownership component to this project. As with all Aspen One workforce housing units, we attempt to set rents at less than 30% of gross income.

Open space. The amount of common and/or public dedicated open space.

Per the approved amended PUD lot 44 is not required to provide common or public dedicated open space. The design of the project includes a common space for residents of the multifamily building. As the design evolves with improved information about the site, the team will better define the common areas of the project.

Height. The maximum and average height of all buildings and structures, by type.

The amended PUD from 2001 allows up to 43'-5" from existing grade and 37'-5" from finished grade. The proposed building height from existing grade will be 37.9' and a maximum height from proposed grade will be 35'-0". See graphic on next page.



CONCEPTUAL SECTION

Employees. The number of employees required to operate the proposed development, together with a calculation of employee housing requirements and conceptual proposal for how required employee housing will be provided.

No new employees are needed to operate this facility. Aspen One currently manages over 300 hundred units (over 1000 beds). As a 100% employee housing project, targeting year-round long-term employees, it is anticipated that the limited operational requirements of this project will be handled by our existing Housing Operations Team. The units will meet TOSV housing guidelines for the provision of housing as mitigation.

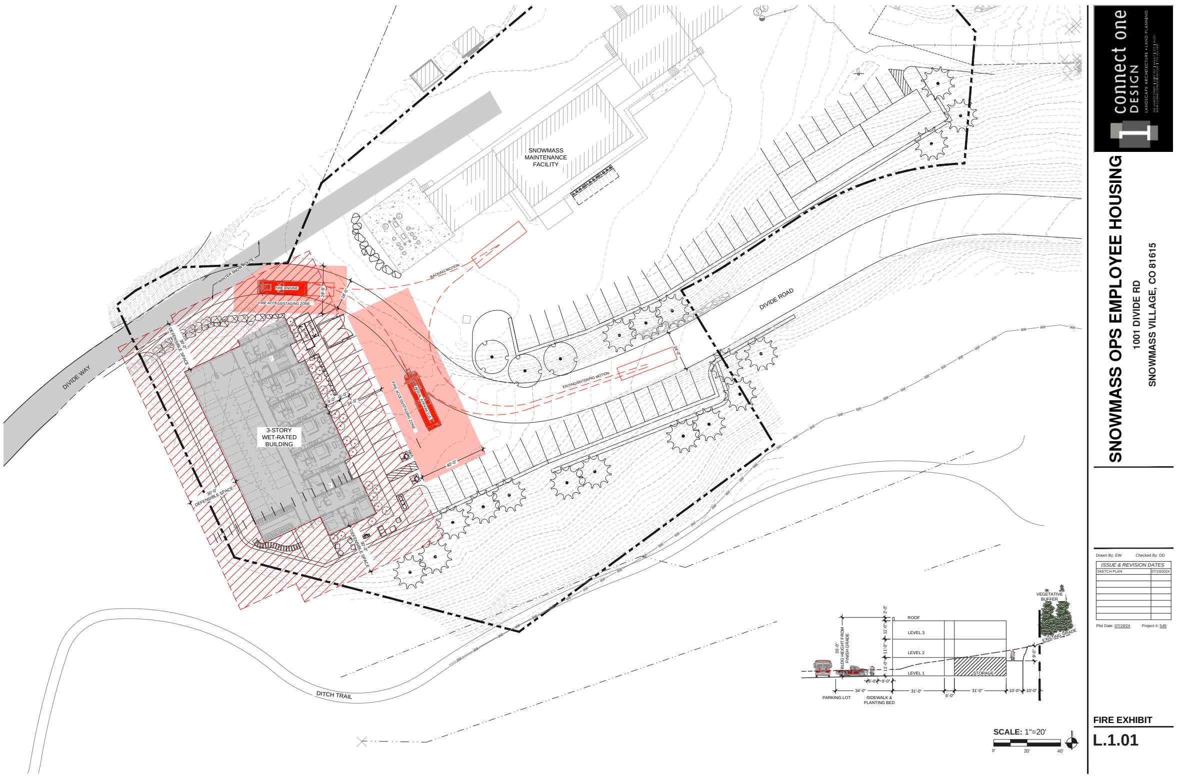
Water supply and sewage disposal. Source of domestic water supply and general means of sewage disposal.

The proposed building site and the large existing Vehicle Maintenance Facility are currently served by the Snowmass Water & Sanitation District.

Water supply - The proposed building will be served by the Snowmass Water & Sanitation District. The district has confirmed it has sufficient water supply and infrastructure to serve the project as currently sized.

Sewage disposal - The project engineering team will work with district engineers between sketch and preliminary plans to confirm that the additional capacity required by the proposed project can be either handled by changes to the existing lift station, or an alternative delivery method.

Fire protection – Per Roaring Fork Fire (Snowmass Fire) a minimum of 100 psi needs to be provided at the top floor of the proposed building with a stand pipe without the use of the fire pumper truck. If this pressure cannot be achieved by using the pressure in the existing domestic system, then a fire pump should be added to the building. Two new fire hydrants and an automatic wet sprinkler system will be required by the fire department. The fire department will required access to the site and a turnaround area with a minimum 30' radius. The entry into the maintenance building is a large enough to provide a fire truck turnaround. The fire department will also require a staging area adjacent to the building. The project team is also working closely with RFF to confirm that the building incorporates the best practices for the storing of e-bikes and other lithium battery charging devices. See graphic below.



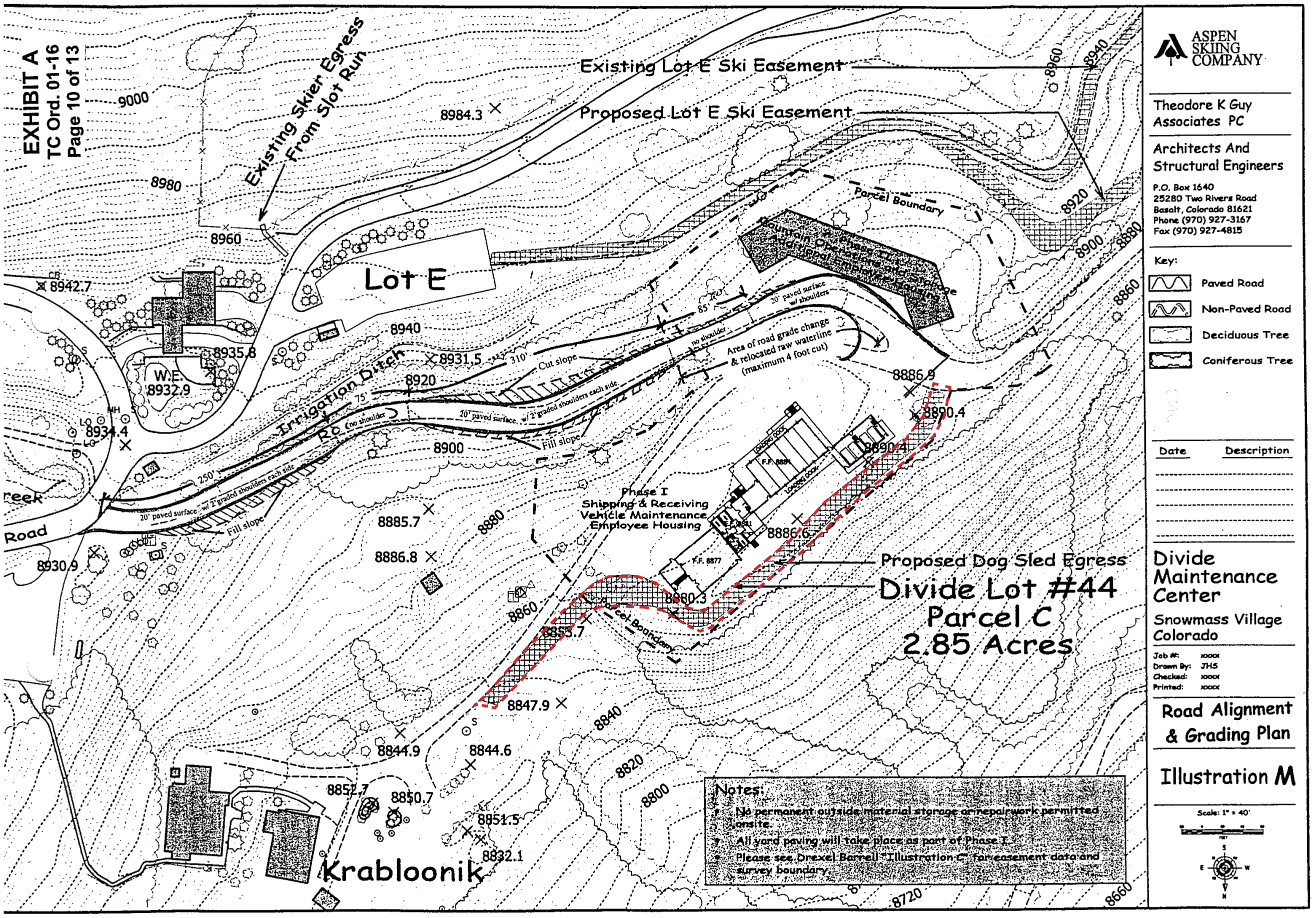
FIRE ACCESS/STAGING DIAGRAM

Drainage facilities - Snowmass Village requires that "new development shall provide for structures and/or detention facilities necessary to ensure that run-off characteristics of a site after development are no more disruptive to natural streams, land uses or drainage systems than are the run-off characteristics calculated for the site's natural state."(16A-4-250) There are not adjacent streams, developments or drainage systems to the site. The site generally slopes from south to north and the schematic drainage plan is to sheet flow all drainage across the parking lot towards the naturally forested area to the north. Sheet flowing over the adjacent natural area will provide enough infiltration to have no adverse impacts on downstream areas.

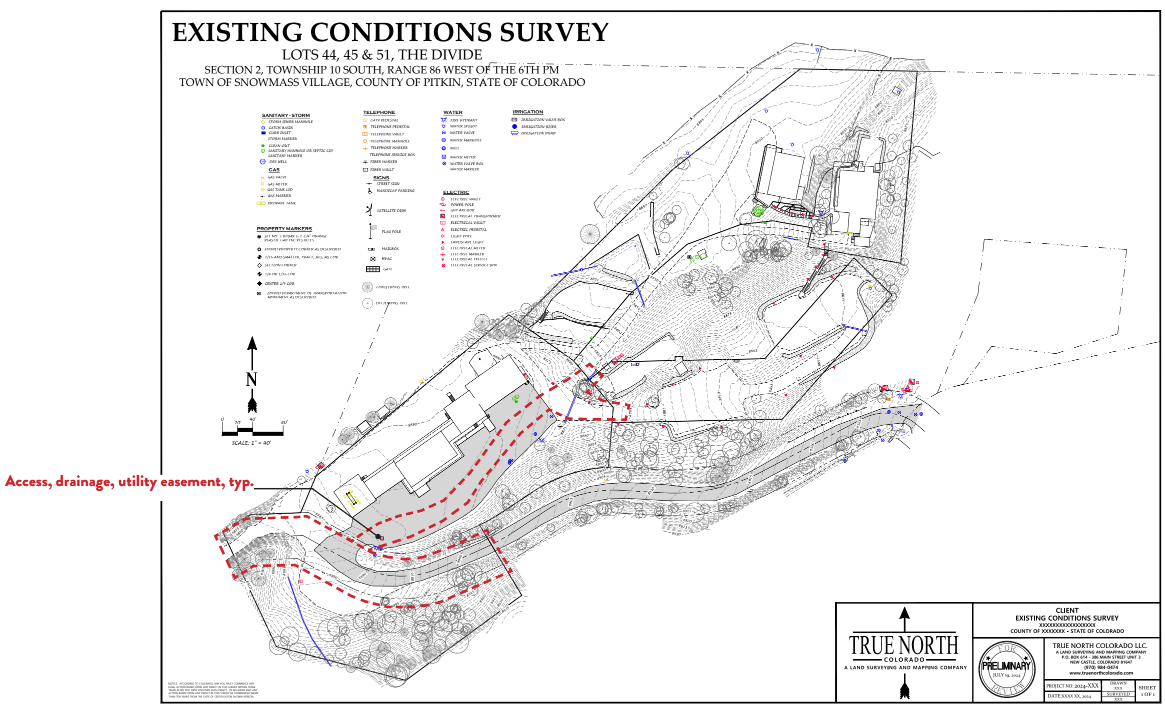
Electricity – The building is planned to be all electric. Holy Cross Energy is the electric provider for Snowmass Village and the new service and transformer, if required, will be coordinated with them.

Access and easements. Evidence of the existence of legal access to the property, together with a description of any existing easements and covenants affecting any land within the subject property.

Lot 44 has three easements that are recorded, the first is a 60 foot Public Access Easement And Utility Easement, Book 88 Page 65, secondly, a 20' Electric Easement, Book 88 Page 65 and lastly, Drainage Easement for the benefit of Lot 51, Book 88 Page 65. A dog sled access agreement has been recorded per the amended PUD in 2001, which runs along the north side of Lot 44. See graphic on next page.



EXISTING EASEMENTS FROM 2001 PUD



EXISTING EASEMENTS FROM 2024 SURVEY

Parking. Circulation and transit. The anticipated number of parking spaces, the proposed locations of these spaces and a statement of whether the project will comply with the underlying zone district standards or is requesting a reduction from those standards. Additionally, a conceptual plan setting forth on-and off-site circulation patterns and any transit facilities associated with the project.

Parking for the development will be surface parking with 30 parking spaces, which includes two accessible parking spaces. A great many parking scenarios were examined, including podium parking under the building. Surface parking provides the following benefits:

1. Reduced overall building height
2. Reduces required excavation on site
3. Helps focus investment on housing people not cars

The project will request a reduction from the TOSV Municipal Code standards. Refer to the sketch plan for the design and circulation patterns. Transit is not planned for this project. The team is looking forward to working with staff to come up with creative and obtainable solutions to resolve this reduction.

The Applicant believes that a 1/1 parking ratio is appropriate for the following reasons:

- Live /work nature of the project. The project is less than 100 yards from a critical employment hub and strategic operations access portal to the mountain. This housing is designed to support Snowmass Mountain operations. As such, the majority of employees living here will walk to work .
- Adjacency to Vehicle Maintenance Facility (VMF): A large number of parking and work vehicles (pick-ups, snow-cats, snow machines, ATVs etc.) are stored at the facility. Employees living at this facility need only to walk to the VMF to access a wide range of transportation options to support mountain and resort operations.
- Limiting Vehicle Presence:

  Lease Provisions: ASC will work actively and permanently to limit the presence of motor vehicles owned or controlled by residents. No more than 30 vehicle permits will be issued at any time. Parking is decoupled from unit leases.

  Parking will be priced to reflect its true cost and desensitize vehicles on site. Aspen One leases parking for cars separately. This allows us to free up parking capacity (and reward) those employees who don't have cars. Ownership and presence of a motor vehicle for which the lessee does not have a permit would represent a violation of the terms of the lease, with attendant consequences.

  Parking Permits. Residents whose leases include a vehicle permit will be given a window sticker for their approved vehicle and will have a monthly parking fee included in their lease payment. Stiff penalties for un-permitted vehicles will be set forth in the lease and enforced.
- Ensuring good mobility for residents:

  Solving the high cost of living in the Roaring Fork Valley requires addressing not only the cost of housing but also the cost of mobility and access. Aspen One employees should be able to get to work, to other parts of Snowmass, and other places throughout the Valley, without needing to drive.

  On-Site Bicycle Parking. Project will include free covered, protected parking for residents' personal bicycles, including charging stations for e-bikes. The team has reviewed the design and location of the charging station with the Fire District to determine the latest code requirements and deigning parameters to provide safe and accessible charging.

- Bike Share: Planned bike share facility: Over 14 years ago, the Aspen Skiing Company became a founding partner in WE-cycle the valley's bike share solution. Aspen One will work with WE-cycle on the purchase and placement of a dedicated bike station for the project. In addition to purchasing the station, ASC would contribute annual funds to operate the station. The free 30-minute rides on electric WE-cycles will be more than adequate to cover the distances between the project and the TOSV transit hub, the grocery store and other local destinations.
- Ride Sharing. ASC will work with residents to coordinate ride-sharing to work, a practice already well-implemented within the ASC culture. For example, a 15-passenger van already shuttles employees to the Vehicle Maintenance Facility each day. This same shuttle could be leveraged to take employees living on site to other work destinations.

  Restricting Parking at the jobsite. ASC limits parking for employees at any of its hotels, restaurants, or mountains. Coupled with discounted bus passes, surveys show this is the most effective way to reduce the need for a personal vehicle.

- Discounted Passes. Each employee of Aspen One and resident of the building receives discounted bus passes. The passes will enable employees to ride VelociRFTA and other RFTA routes free at any time throughout their lease

Timetable. The proposed timetable and phasing of the development, identifying the number of anticipated PUD filings.

Given the urgency of providing the housing needed to maintain resort and mountain operations, the completion of this project has been identified as the highest priority Employee Housing project for the entire company. After project approvals have been secured, it is anticipated that this project will be completed in a single phase taking between 12-18 months. To speed delivery of the completed project, and minimize construction impacts on neighbors and the broader community, this project is designed to be built off-site in a modular factory. The ability to construct a larger percentage of the structure off-site will reduce the amount of noise, construction traffic, waste, and other construction related activities. The modularization of the construction will also allow for a faster installation with less impact to the surrounding areas.

LAND USE CODE RESPONSE:

(Section 16A-5-300 -C-(4)(B)-(5) & (8))

(4) Maximum buildout. The Comprehensive Plan contains an analysis of future buildout of single-family subdivisions and other developments within the Town limits. It identifies the maximum number of future lots/units and commercial/other space that may be developed within each subdivision, parcel or other development. The Unit Equivalency Chart, found in Table 5-4, defines what constitutes a unit by distinguishing between the various dwelling types and sizes and specifying an equivalency factor to be utilized to establish the number of existing units within a currently developed parcel and/or the future buildout units that will be generated by the proposed new development. The buildout analysis, for the purpose of determining maximum buildout, shall be conducted as follows:

b. Partially developed parcels. For partially developed parcels, each existing dwelling unit or residential lot shall first be counted as one (1) unit. The total number shall then be subtracted from the future buildout number specified within the Comprehensive Plan buildout chart to establish the available buildout unit amount. The Unit Equivalency Chart shall then be used to evaluate the existing development and to establish the existing buildout unit amount. The total of the available and existing unit/lot amounts shall then be considered as the future buildout unit amount used for determining maximum buildout, and the Unit Equivalency Chart shall be used to determine the number of future buildout units that are being proposed by the new development.

The comprehensive plan has identified the need to provide support of all viable workforce housing projects, the proposed development will provide 30 units which represents a meaningful increase in the availability of workforce housing. The project plans on amending the build-out plan as necessary though the land use process.

(5) Dimensional limitations. Certain dimensional limitations applicable to the property may be varied within a PUD. The limitations that may be varied are those of the underlying zone district; or, for properties for which a PUD or other development plan has previously been approved, the limitations set by that approval. For any property designated PUD or SPA without an underlying zone district, the applicant shall submit an application for an amendment to the Official Zone District Map to designate the underlying zone district for the property. This application shall be submitted in conjunction with the preliminary PUD application and shall be used to rezone the property at the time of final PUD approval to a zone district containing dimensional limitations in order to establish the applicable dimensional limitations for the property. Only the following dimensional limitations may be varied:

a. Maximum allowable height of any structure within the PUD;

The proposed maximum height is in compliance with the existing PUD requirements. The applicant is requesting an interpretation on the PUD language and measuring to ensure compliance.

b. Minimum open space requirement for the PUD;

The existing PUD from 2001 was approved with no open space required.

2001 PUD LAND USE AMENDMENTS

Land Use Parameters		
- Maximum building square footage	28,850 sf	28,810
- Maximum builidng height	36 ft	37'-5" FROM FINISHED GRADE 43'-5" FROM EXISTING GRADE
- Average building height	34 ft	n.a.
- Maximum number of dwelling units/acre	na	na
- Allowable F.A.R.	0.25	
- Minimum amount of parking spaces	29 spaces	30 spaces
- Minimum amount of open space	0 acres	
- Minimum number and minimum square footage of Restricted housing units	up to 3 BR	up to9 BR

c. Maximum allowable floor area of the PUD;

Existing PUD allows 25%, the project is requesting an amendment to 32.32% to allow for the necessary number of units to house critical mountain operations staff.

d. Minimum area of lots within the PUD; and

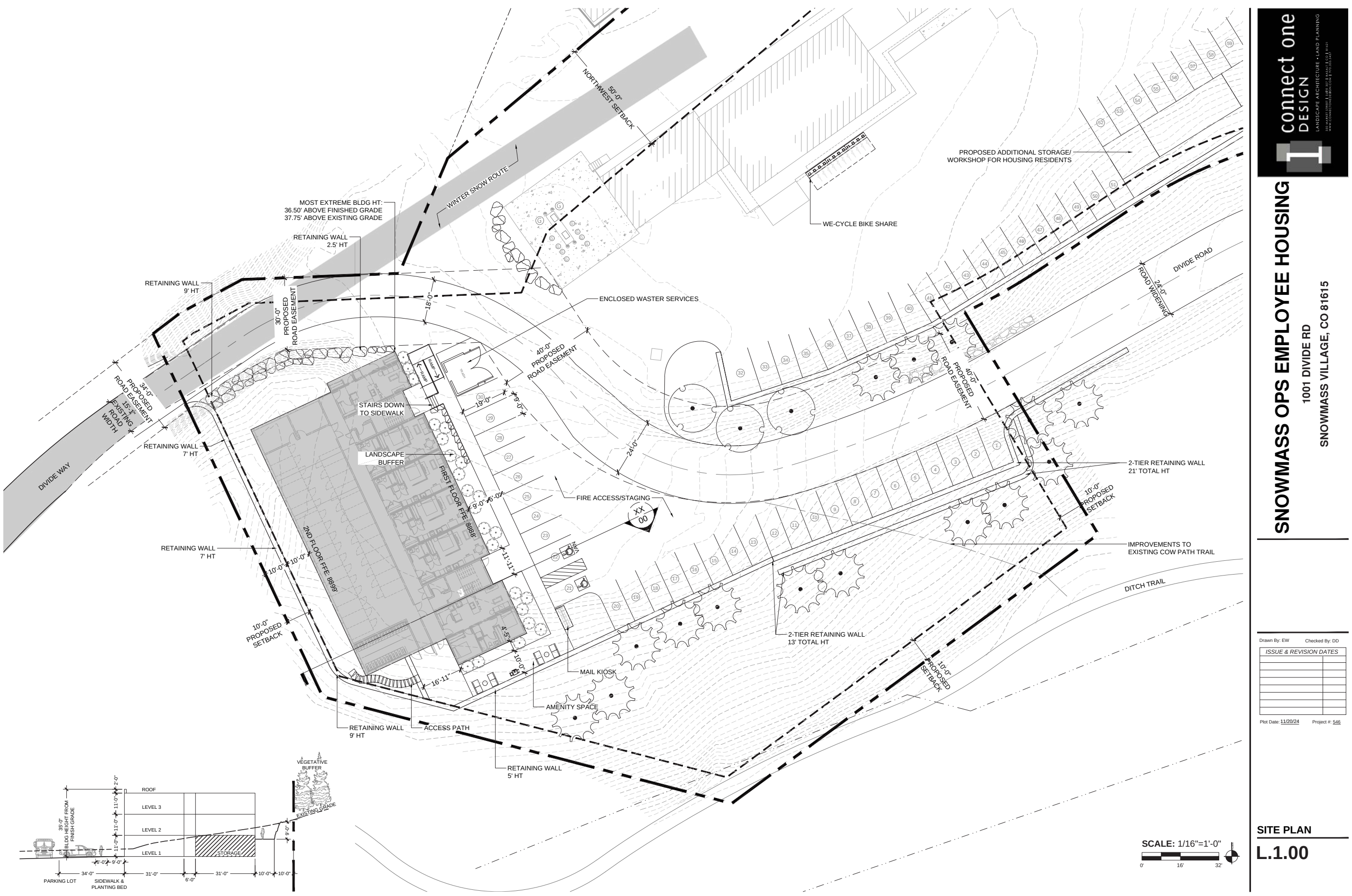
Not applicable

e. Minimum setbacks for buildings within the PUD.

Existing PUD describes a 50’ building setback at the northwest corner of the parcel, all other proposed setbacks are 10’-0”.

(8) Parking. The number of parking spaces in the PUD shall be that required for the underlying zone district, unless a reduction in that requirement is granted, pursuant to Section 16A-4-310(c), Reduction of Required Parking.

The applicant is requesting a reduction in the parking required. The requested reduction is to alter the parking ratio from 1 space per 1 bedroom, and 2 spaces per 2 and 3 bedrooms, to a 1 space per 1 unit ratio.



PROPOSED SITE PLAN - SURFACE PARKING

SKETCH PLAN APPLICATION APPENDIX:

Application for a Major Planned Unit Development Amendment to the Aspen Skiing Company's Vehicle Maintenance Facility on Lot 44 of the Divide Subdivision

The SHOP – Snowmass Housing for Ops Personnel Major PUD Amendment

Snowmass Village, Colorado

PIDs #: 273303401014

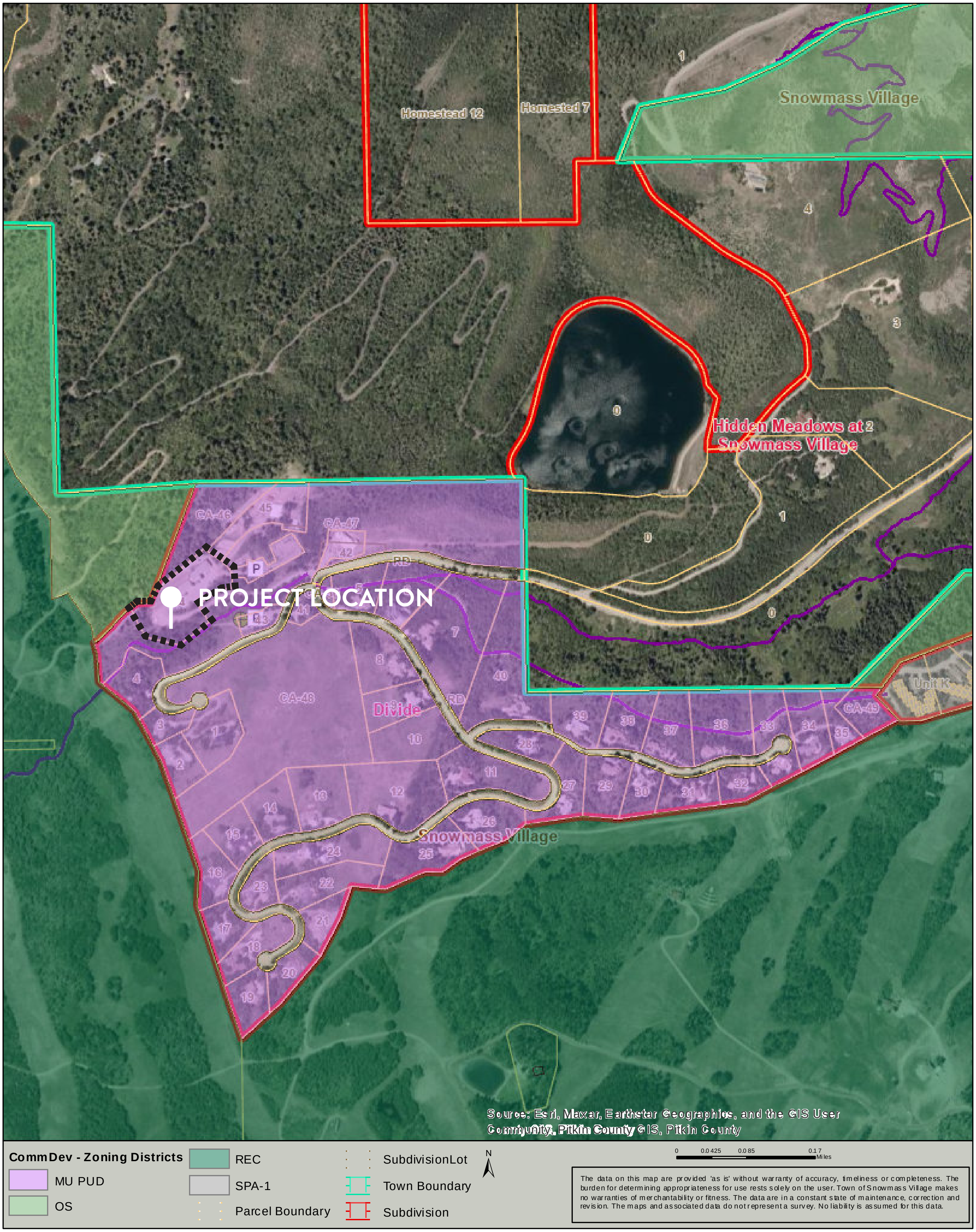
27 August 2024 (No November Revisions to Appendix)

Submitted by:

ASPEN ONE

VICINITY/ZONING MAP

July 24, 2024



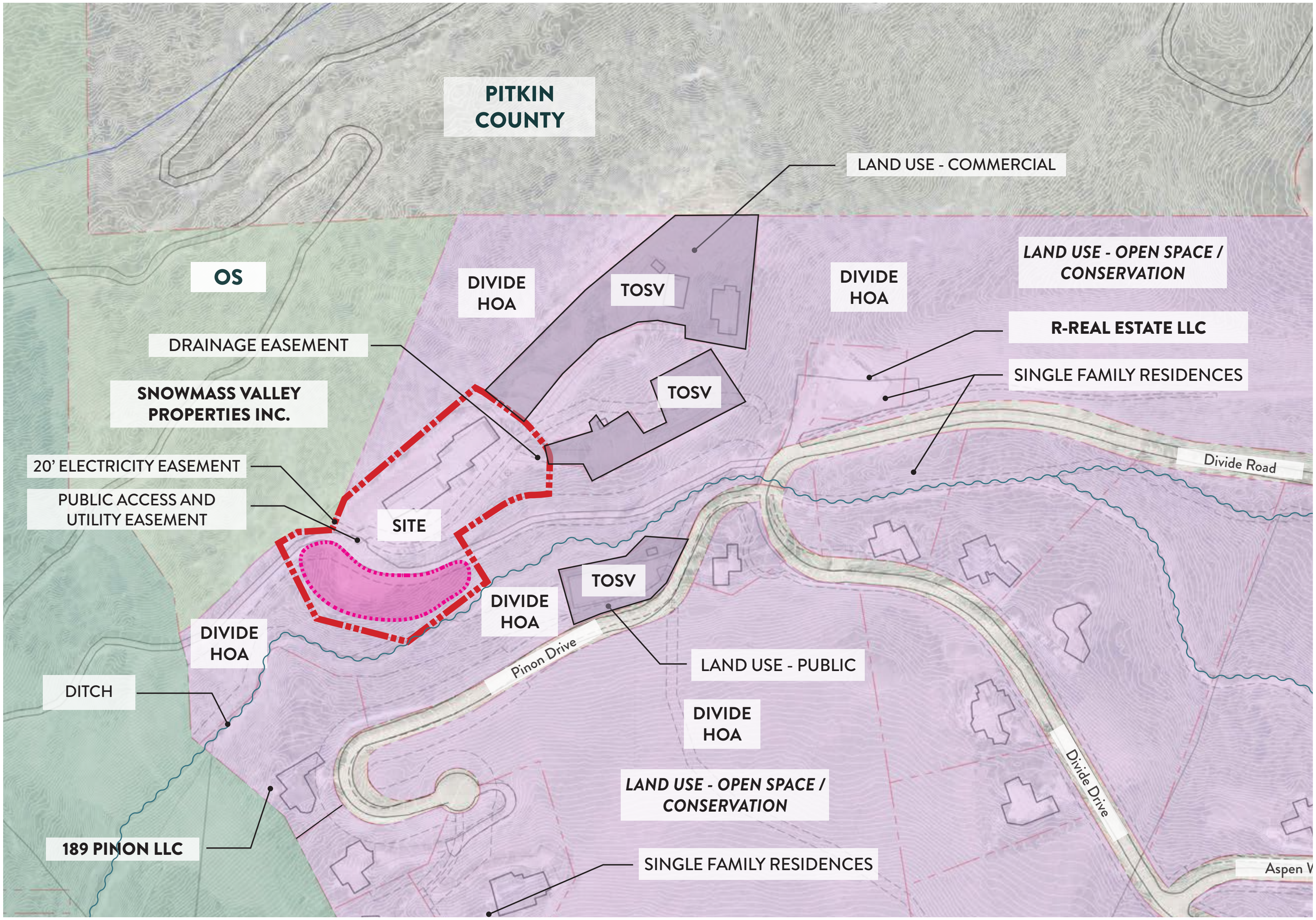
LEGEND

ZONING DISTRICTS

- MU PUD
- OS
- REC

LINES AND HATCHES

- SITE LIMIT
- DEVELOPABLE AREA 38 867.3 SF
- PROPERTY IDENTIFIED IN THE TOSV HOUSING MASTER PLAN



SITE ZONING MAP

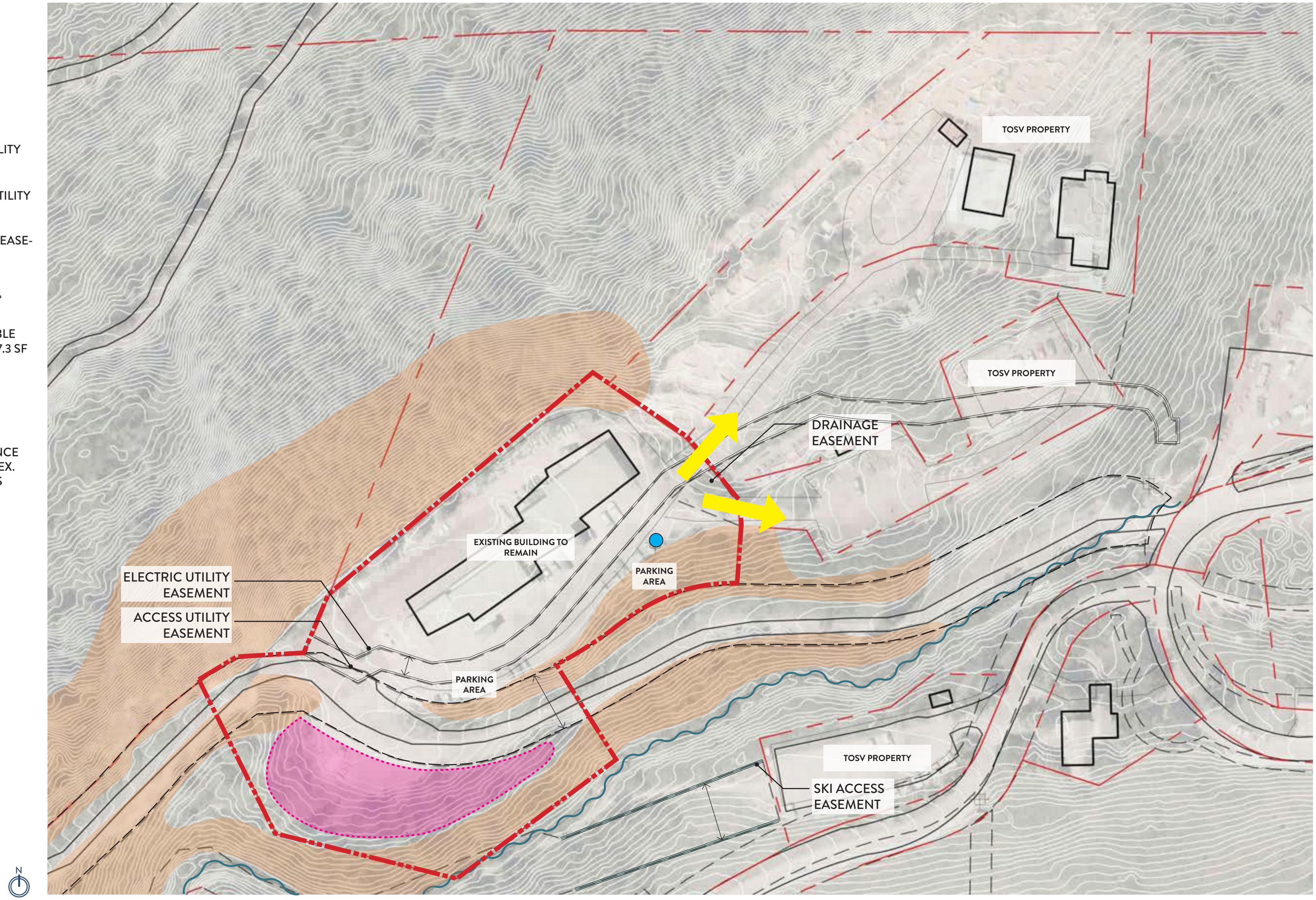
LEGEND

LINES AND HATCHES

- SITE LIMIT
- DITCH
- ACCESS UTILITY EASEMENT
- ELECTRIC UTILITY EASEMENT
- SKI ACCESS EASE-MENT
- SLOPE > 20%
- DEVELOPABLE AREA 38,867.3 SF

SYMBOLS

- HYDRANT
- MAINTENANCE ACCESS TO EX. PROPERTIES



SITE ANALYSIS MAP

BIRDS EYE VIEW OF SITE CONTEXT

M E M O R A N D U M

June 21, 2024

TO: Aspen Skiing Company (Heather Henry, Philip Jeffreys, David Clark)

FROM: Thomas J. Todd

RE: Lot 44 of The Divide—Aspen Skiing Company Maintenance Facility; Land Use Approval/Utility Easement Summaries

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I. Introduction

The Divide Subdivision Plat was recorded August 28, 1989 under Reception No. 314584 at Plat Book 23 Page 27. The plat created a total of 50 lots, with Lots 1-41 being designated for single family uses, Lots 42 and 43 being designated as for public parking purposes and Lots 46, 47, 48, 49 and 50 being designated as Common Open Space parcels. Lot 44 was designated for Aspen Skiing Company uses and Lot 45 was designated for Krabloonik kennel/restaurant operations. In addition, the declarant, Snowmass Land Company, dedicated to the Town of Snowmass Village a sixty foot (60') wide "public access easement" to Divide Road.

ASC acquired title to 2.854-acre Lot 44 of The Divide from Snowmass Land Company on August 31, 1989 by deed recorded in Book 600 Page 882. The 60' wide Divide Road public access easement/right of way bisects Lot 44.

As previously noted, the Covenants, Conditions & Restrictions for The Divide (the "Divide CC&Rs)") recorded in Book 600 at Page 610 do not apply to Lot 44. The Divide Homeowners Association (Articles of Incorporation recorded in Book 600 at Page 645; Bylaws recorded in Book 600 at Page 650), created in accordance with and pursuant to The Divide CC&Rs, does not have jurisdiction over Lot 44. Lot 44 is not a member of The Divide Homeowners Association, and therefore does not pay assessments or participate in meetings nor does it have the right to vote on matters coming before The Divide Homeowners Association. Notwithstanding this "independence" applicable to Lot 44, ASC, as the record owner of Lot 44, has participated from time to time in amendments to The Divide subdivision plat and underlying Town of Snowmass land use approvals relating to The Divide, including the adoption of a First Amended Final Plat of Lots 42, 45, and 47 of the Divide recorded September 25, 2006 in Plat Book 81 and Page 45 at Reception No. 528952 (the "First Amended Plat"). The First Amended Plat reconfigured the original boundaries of Lots 42, 45 and 47, and created a new Lot 51 from a former portion of Lot 47. It should be noted that Lots 45 and 51 of The Divide are also not subject to The Divide CC&Rs.

Location
600 East Main Street, Suite 104
Aspen, CO 81611-1991

Contact
p: 970.925.3476 | f: 970.925.9367
www.hollandhart.com

Holland & Hart LLP Anchorage Aspen Billings Boise Boulder Cheyenne Denver Jackson Hole Las Vegas Reno Salt Lake City Santa Fe Washington, D.C.

II. Summary of Land Use Actions/Agreements

Exception No. 19: The Divide Subdivision Plat. Shows all lots and easements, including the dedicated public access easement/right of way for Divide Road where it passes through the subdivision.

The Divide Land Use Plan Map (Originally recorded August 28, 1989 at Reception No. 314585). Approved pursuant to TOSV Ordinance No. 16, Series of 1989. Depicts approximate boundaries and summarizes allowed uses for the original Lots 1-50 of The Divide. Contains a Land Use Plan Summary which includes a list of Permitted Uses, Major Structures, and Land Use Parameters for Parcel C (aka Lot 44); see attached excerpt.

Exception No. 20: The Divide Subdivision Improvements Agreement. Covers dedication and use of Divide Road, parking lot paving obligations, water and sanitation line installation obligations, and public trail easement over existing water line.

Exception No. 26: TOSV Ordinance No. 16, Series of 2001. Approves a Minor Amendment to Lot 44 with multiple commitments to re-align access to Lot 45 which was needed due to separate, pending MacEachen/Krabloonik application involving Lot 45.

Exception No. 27 & Exception No. 28 (re-recorded):
Easement Grant for 24' wide access easement over Lot 44 to serve Lot 45 for deliveries and for dog sledding passage; prohibits restaurant customers or public from using the access. Granted pursuant to Ordinance No. 16, Series of 2001.

Exception No. 29: TOSV Administrative Modification to Ordinance No. 16, Series of 2001. Approves various building construction/finish modifications. Notes condition no. 4 of Ordinance 16, Series of 2001 to allow for reservation of easement area for access to a future town parking lot.

Exception No. 32: TOSV Resolution No. 28, Series of 2004. Follows a Land Exchange Agreement between MacEachen/Krabloonik and The Divide Homeowners Association approved pursuant to Resolution No. 49, Series of 2002. Contains a reference to access through Lot 44; includes a reference to relocating irrigation ditch easement. Calls for dedication of an Open Space Easement of over 0.8 acres on Lot 47.

Exception No. 33: Ordinance No. 13, Series of 2004. Approves a Minor Amendment to The Divide; details ASC's efforts to amend the PUD.

Exception No. 34: Record of Decision: Administrative Modification to Krabloonik at The Divide PUD and Subdivision Plat. Includes at Exhibit D ASC's consent to shared use of dumpster; also includes at Exhibit G ASC's letter regarding access to Lots 45, 47 and 51.

Exception No. 35: First Amended Plat of The Divide (Concerning Lots 42, 45 and 47). ASC creates a water drainage easement for the benefit of Lot 51. Plat includes additional easement grants from The Divide Homeowners Association and ASC. Note use restrictions in Plat Notes which allow for utilities to serve Lot 45 as well as driveways; use of Lot 45 restricted to kennel/restaurant, single-family residence, or open space. Lot 51 use restricted to a parking lot serving lot 45, or a public parking lot or access to Lot 45 if Lot 45 becomes a single-family residence. Shows location of irrigation ditch and a pipeline easement for the ditch after it crosses under Divide Road and heads downstream to the north and east (toward its confluence with Brush Creek).

Exception No. 36: Record of Decision Town of Snowmass Village Administrative amendment to The Divide Lot 44—ASC Vehicle Maintenance Facility. Allows for eight (8) parking spaces to be used for dumpsters with eight (8) temporary graveled parking spaces located along southwest edge of access road. Temporary for 2008-209 winter season only; to be evaluated. Also shows sled dog egress along north side (rear) of the vehicle maintenance facility.

III. Summary of Snowmass Water & Sanitation District Easement Grants

Exception No. 13: Easement to Snowmass Water & Sanitation District. This is a "blanket" easement over lands which currently comprise The Divide.

Exception No. 15: Access Easement to Snowmass Water & Sanitation District for water treatment facilities site; includes a relocation right reserved to Snowmass Water & Sanitation District.

Exception No. 19: The Divide Subdivision Plat. Dedicates to the Town of Snowmass Village and all utility suppliers non-exclusive easement areas as shown on the Plat for the installation and maintenance of all utility lines.

Exception No. 23: Grant of Water and Sanitation Line Easements from Snowmass Land Company to Snowmass Water & Sanitation District, with reserved right to Snowmass Water & Sanitation District to relocate facilities.

IV. Summary of Electric Lines and Facilities Easement Grants

Exceptions Nos. 16, 19, 24, 25, 30 and 31: Easement grants to Holy Cross Electric (now known as Holy Cross Energy) for electric transmission lines, vaults, and related electrical facilities.

32279322_v1

Land Title GUARANTEE COMPANY Since 1967

Customer Distribution

Prevent fraud - Please call a member of our closing team for wire transfer instructions or to initiate a wire transfer. Note that our wiring instructions will never change.

Order Number: **Q62017164** Date: **04/16/2024**

Property Address: **1001 DIVIDE RD, ASPEN, CO 81611**

For Closing Assistance

For Title Assistance
Land Title Roaring Fork Valley
Title Team
533 E HOPKINS #102
ASPEN, CO 81611
(970) 927-0405 (Work)
(970) 925-0610 (Work Fax)
valleyresponse@ltgc.com

Seller/Owner
ASPEN SKIING COMPANY LLC
Delivered via: No Commitment Delivery

Attorney for Seller
HOLLAND & HART LLP
Attention: THOMAS TODD
600 E MAIN
SUITE 104
ASPEN, CO 81611
(970) 925-3476 (Work)
(970) 925-9367 (Work Fax)
ttodd@hollandhart.com
Delivered via: Electronic Mail

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: Q62017164

Property Address:

1001 DIVIDE RD, ASPEN, CO 81611

1. **Effective Date:**

   03/29/2024 at 5:00 P.M.

2. **Policy to be Issued and Proposed Insured:**

   "TBD" Commitment $0.00
   Proposed Insured:
   TO BE DETERMINED

3. **The estate or interest in the land described or referred to in this Commitment and covered herein is:**

   FEE SIMPLE

4. **Title to the estate or interest covered herein is at the effective date hereof vested in:**

   ASPEN SKIING COMPANY, A COLORADO GENERAL PARTNERSHIP

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

   LOT 44,
   THE DIVIDE SUBDIVISION,
   ACCORDING TO THE PLAT RECORDED AUGUST 28, 1989 IN PLAT BOOK 23 AT PAGE 27.

   COUNTY OF PITKIN
   STATE OF COLORADO

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: Q62017164

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

THIS COMMITMENT IS FOR INFORMATION ONLY, AND NO POLICY WILL BE ISSUED PURSUANT HERETO.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: Q62017164

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. **Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.**
2. **Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.**
3. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.**
4. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
5. **Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.**
6. **(a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.**
7. **(a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.**
8. EXISTING LEASES AND TENANCIES.
9. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 05, 1908, IN BOOK 55 AT PAGE **165** AND RECORDED JULY 2, 1917 IN BOOK 55 AT PAGE **543**.
10. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 05, 1908, IN BOOK 55 AT PAGE **165** AND RECORDED JULY 2, 1917 IN BOOK 55 AT PAGE **543**.
11. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 05, 1908, IN BOOK 55 AT PAGE **525**.
12. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED FEBRUARY 05, 1908, IN BOOK 55 AT PAGE **525**.
13. TERMS, CONDITIONS AND PROVISIONS OF EASEMENT AGREEMENT RECORDED APRIL 22, 1971 IN BOOK 254 AT PAGE **837**.
14. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS SET FORTH IN EASEMENT GRANT RECORDED NOVEMBER 24, 1972 IN BOOK 269 AT PAGE **162** AND REVISION TO EASEMENT GRANT RECORDED SEPTEMBER 20, 1978 IN BOOK 355 AT PAGE **142** AND AMENDMENT TO EASEMENT AGREEMENT RECORDED MARCH 29, 1985 IN BOOK 483 AT PAGE **642**.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: Q62017164

15. EASEMENT AND RIGHT OF WAY FOR A ROAD AS GRANTED TO SNOWMASS WATER AND SANITATION DISTRICT BY SNOWMASS AMERICAN CORPORATION IN THE INSTRUMENT RECORDED SEPTEMBER 28, 1971 IN BOOK 258 AT PAGE **197**.
16. EASEMENTS AND RIGHTS OF WAY FOR ELECTRIC LINE PURPOSES AS GRANTED TO HOLY CROSS ELECTRIC ASSOCIATION, INC. IN INSTRUMENTS RECORDED AUGUST 19, 1981 IN BOOK 412 AT PAGE **733**, RECORDED JANUARY 8, 1991 IN BOOK 637 AT PAGE 300 AND RECORDED FEBRUARY 11, 1991 IN BOOK 639 AT PAGE **362**.
17. TERMS, CONDITIONS AND PROVISIONS OF EASEMENT RECORDED NOVEMBER 20, 1985 IN BOOK 499 AT PAGE **445**. PARTIAL RELEASE RECORDED AUGUST 27, 1989 IN BOOK 600 AT PAGE **604**.
18. EASEMENT AND RIGHT OF WAY FOR DIVIDE ROAD AND RECIPROCAL EASEMENT AGREEMENT RECORDED MARCH 14, 1989 IN BOOK 587 AT PAGE **657**.
19. EASEMENTS, RIGHTS OF WAY AND OTHER MATTERS AS SET FORTH ON THE PLAT OF SUBJECT PROPERTY RECORDED AUGUST 28, 1989 IN PLAT BOOK 23 AT PAGE **27**, AND AS SET FORTH ON LAND USE PLAN MAP RECORDED AUGUST 28, 1989 IN PLAT BOOK 23 AT PAGE **30**.
20. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS SET FORTH IN SUBDIVISION IMPROVEMENTS AGREEMENT RECORDED AUGUST 28, 1989 IN BOOK 600 AT PAGE **633**.
21. TERMS, CONDITIONS, PROVISIONS, OBLIGATIONS, EASEMENTS AND RESTRICTIONS AS SET FORTH IN DEED RECORDED AUGUST 31, 1989 IN BOOK 600 AT PAGE **882** AND ASSIGNMENT AND QUIT CLAIM AGREEMENT RECRODED MAY 12, 1999 AS RECEPTION NO. **431020** AND RELEASE AND ASSIGNMENT RECORDED DECEMBER 29, 1999 AS RECEPTION NO. **439042**.
22. TERMS, CONDITIONS, PROVISIONS AND EASEMENTS AS SET FORTH IN GRANT OF PRIVATE SKI EASEMENTS RECORDED AUGUST 28, 1989 IN BOOK 600 AT PAGE **694**.
23. EASEMENT AND RIGHT OF WAY AS GRANTED TO SNOWMASS WATER AND SANITATION DISTRICT IN INSTRUMENT RECORDED NOVEMBER 19, 1990 IN BOOK 634 AT PAGE **96**.
24. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS SET FORTH IN HOLY CROSS ELECTRIC ASSOCIATION, INC. UNDERGROUND RIGHT OF WAY EASEMENT RECORDED JANUARY 8, 1991 IN BOOK 637 AT PAGE **300**.
25. EASEMENT AND RIGHT OF WAY GRANTED BY SNOWMASS LAND COMPANY IN INSTRUMENT RECORDED FEBRUARY 11, 1991 IN BOOK 639 AT PAGE **362** AND INSTRUMENT RECORDED OCTOBER 15, 1999 AT RECEPTION NO. **436656**.
26. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS SET FORTH IN ORDINANCE NO. 16, SERIES OF 2001 OF THE SNOWMASS VILLAGE TOWN COUNCIL RECORDED DECEMBER 5, 2001 AS RECEPTION NO. **461480**.
27. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS SET FORTH IN ACCESS AGREEMENT RECORDED SEPTEMBER 9, 2002 AS RECEPTION NO. **472071**.
28. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS SET FORTH IN ACCESS AGREEMENT RECORDED OCTOBER 25, 2002 AS RECEPTION NO. **473982**.
29. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS SET FORTH IN ADMINISTRATIVE MODIFICATION NOTICE OF DECISION RECORDED NOVEMBER 6, 2002 AS RECEPTION NO. **474405**.
30. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS SET FORTH IN TRENCH, CONDUIT AND VAULT AGREEMENT RECORDED OCTOBER 21, 2003 AS RECEPTION NO. **490057**.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: Q62017164

31. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS SET FORTH IN HOLY CROSS ENERGY UNDERGROUND RIGHT OF WAY EASEMENT RECORDED OCTOBER 21, 2003 AS RECEPTION NO. **490058**.
32. TERMS, CONDITIONS AND PROVISIONS OF RESOLUTION NO 28, SERIES OF 2004 RECORDED MARCH 30, 2005 UNDER RECEPTION NO. **508426**.
33. TERMS, CONDITIONS AND PROVISIONS OF ORDINANCE NO. 13, SERIES OF 2004 RECORDED APRIL 14, 2006 UNDER RECEPTION NO. **522985**.
34. TERMS, CONDITIONS AND PROVISIONS OF RECORD OF DECISION RECORDED SEPTEMBER 25, 2006 UNDER RECEPTION NO. **528965**.
35. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF AMENDED PLAT LOTS 42, 45 AND 47 RECORDED SEPTEMBER 25, 2006 UNDER RECEPTION NO. **528952**.
36. TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS SET FORTH IN RECORD OF DECISION ADMINISTRATIVE MODIFICATION RECORDED DECEMBER 9, 2008 AS RECEPTION NO. **554900** AND RECORD OF DECISION ADMINISTRATIVE MODIFICATION RECORDED DECEMBER 22, 2009 AS RECEPTION NO. **565558**.

Land Title Guarantee Company

Disclosure Statements

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

(A) The Subject real property may be located in a special taxing district.

(B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).

(C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

(A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.

(B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.

(C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.

(D) The Company must receive payment of the appropriate premium.

(E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

(A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and

(B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

Note: Pursuant to CRS 24-21-514.5, Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.

Joint Notice of Privacy Policy of
Land Title Guarantee Company
Land Title Insurance Corporation and
Old Republic National Title Insurancy Company

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
- your transactions with, or from the services being performed by us, our affiliates, or others;
- a consumer reporting agency, if such information is provided to us in connection with your transaction;

  and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration

Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

Commitment For Title Insurance
Issued by Old Republic National Title Insurance Company

NOTICE

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

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

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

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS
   (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
   (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
   (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
   (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
   (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
   (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
   (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
   (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
   (a) the Notice;
   (b) the Commitment to Issue Policy;
   (c) the Commitment Conditions;
   (d) Schedule A;
   (e) Schedule B, Part I—Requirements; and
   (f) Schedule B, Part II—Exceptions; and
   (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. **COMPANY'S RIGHT TO AMEND**

   The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.
5. **LIMITATIONS OF LIABILITY**
   (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
      i. comply with the Schedule B, Part I—Requirements;
      ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
      iii. acquire the Title or create the Mortgage covered by this Commitment.
   (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
   (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
   (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
   (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
   (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
   (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. **LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**
   (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
   (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
   (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

(d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
(e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
(f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. **IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

   The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. **PRO-FORMA POLICY**

   The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. **ARBITRATION**

   The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is $2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at http://www.alta.org/arbitration.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880

Craig B. Rants, Senior Vice President

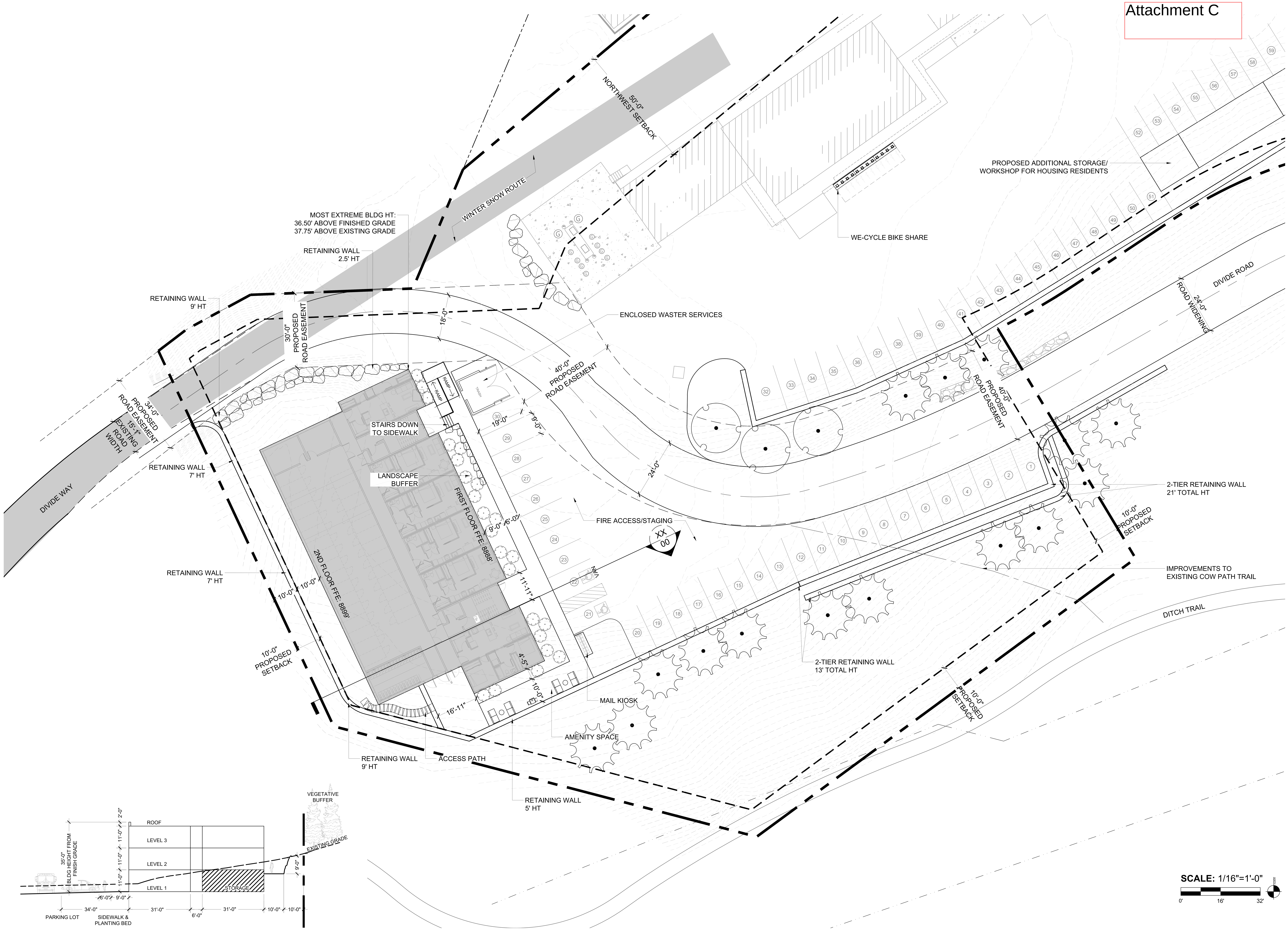
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By _______________ President

Attest _______________ Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Attachment C



connect one DESIGN

LANDSCAPE ARCHITECTURE • LAND PLANNING

SNOWMASS OPS EMPLOYEE HOUSING

1001 DIVIDE RD

SNOWMASS VILLAGE, CO 81615

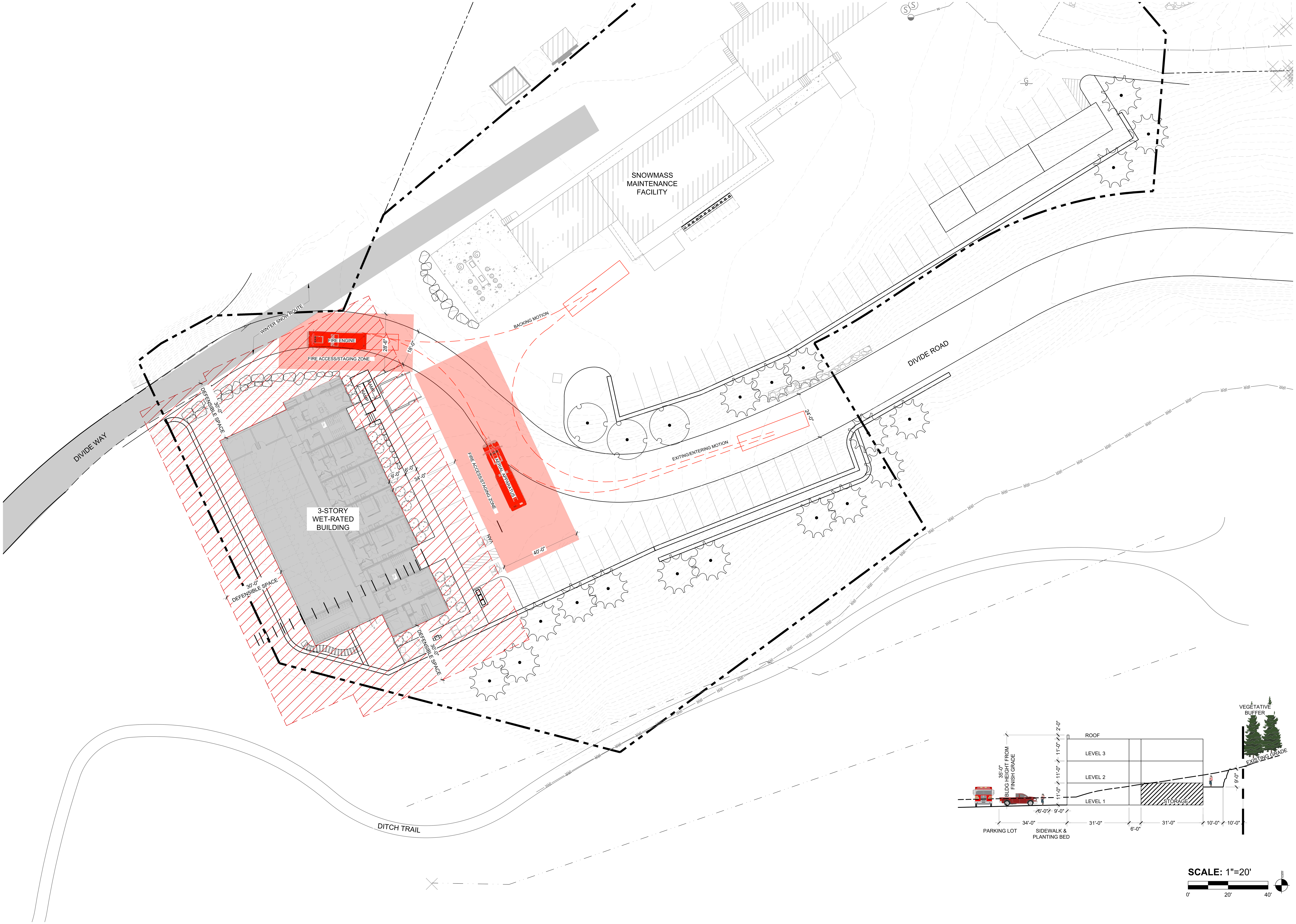
Drawn By: EW Checked By: DD

ISSUE & REVISION DATES	

Plot Date: 11/20/24 Project #: 546

SITE PLAN

L.1.00



SCALE: 1"=20'
0' 20' 40'

connect one DESIGN
LANDSCAPE ARCHITECTURE • LAND PLANNING
350 MARKET STREET | SUITE 307 | BASALT | CO | 81621
WWW.CONNECTONEDESIGN.COM | 970.355.5457

SNOWMASS OPS EMPLOYEE HOUSING

1001 DIVIDE RD
SNOWMASS VILLAGE, CO 81615

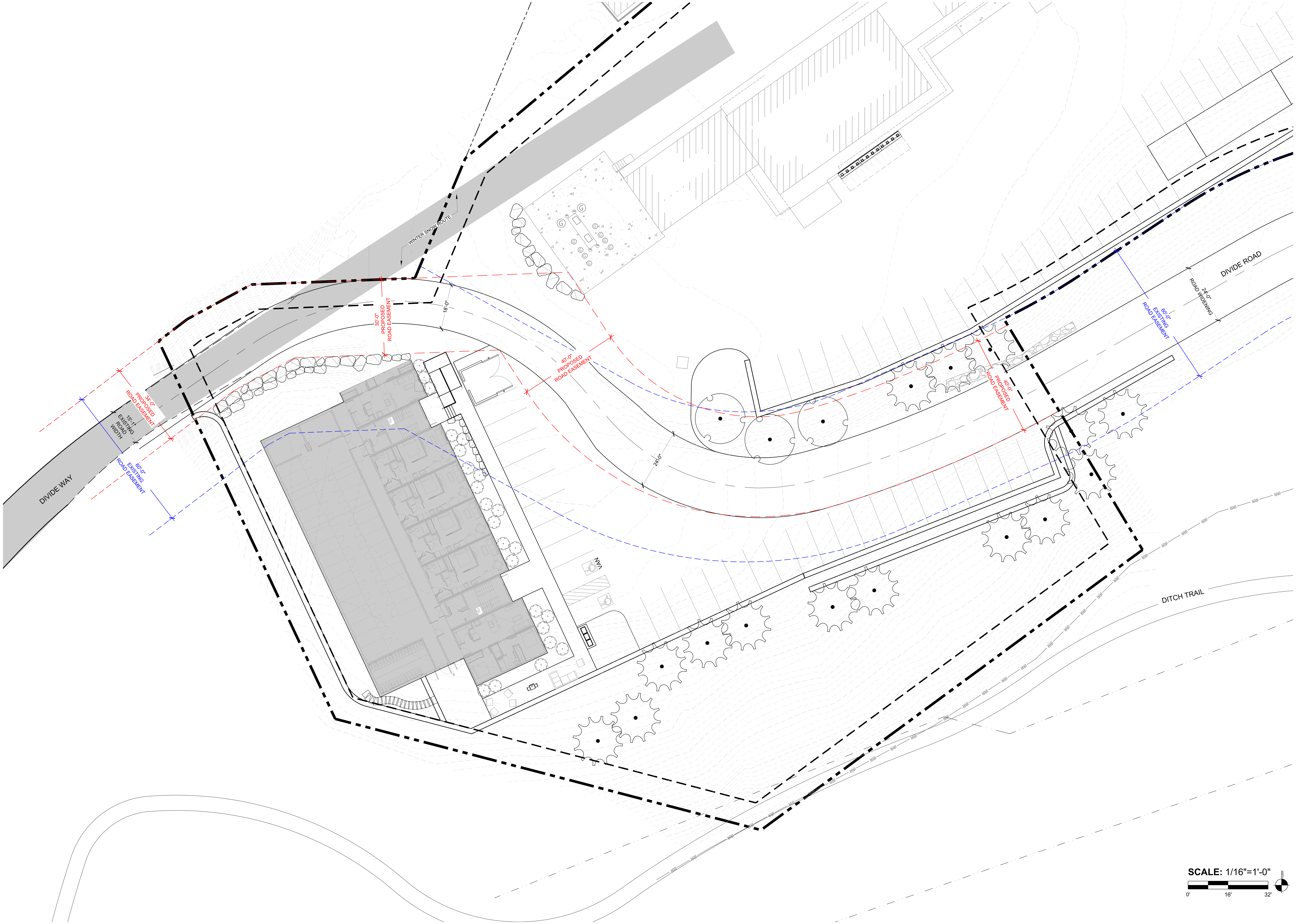
Drawn By: EW   Checked By: DD

ISSUE & REVISION DATES	
SKETCH PLAN	07/19/2024

Plot Date: 07/19/24   Project #: 546

FIRE EXHIBIT

L.1.01



connect one DESIGN
LANDSCAPE ARCHITECTURE • LAND PLANNING

SNOWMASS OPS EMPLOYEE HOUSING

1001 DIVIDE RD
SNOWMASS VILLAGE, CO 81615

Drawn By: EW
Checked By: DD

Project #: 546

ROAD EASEMENT EXHIBIT

SCALE: 1/16"=1'-0"
0' 16' 32'

L.0.02

INTEROFFICE MEMORANDUM

TO: BRIAN MCNELLIS, SENIOR PLANNER
FROM: BETSY CRUM, HOUSING DIRECTOR
SUBJECT: DIVIDE ROAD – SHOP HOUSING SKETCH PLAN
DATE: OCTOBER 31, 2024

I am writing to comment on the Aspen Ski Company's application for a Workforce Housing project located at the Divide, known as SHOP. This application will go before the Planning Commission for sketch plan consideration.

I would like to state my strong support for SkiCo's plan to move forward on this site with a workforce housing development. It has been some time since a local employer has considered building their own new workforce housing units here in the Village, and I applaud SkiCo's vision and commitment to being part of the affordable housing landscape. The Housing Departments rents to more SkiCo employees than any other employer, and the greatest number of people on our waiting list for them. This plan will certainly make a dent in their housing needs.

I also support the location of the proposed SHOP development. It is a beautiful and peaceful location for people to live and is in close proximity to SkiCo's maintenance facility. There are abundant trails and natural amenities in the area, and I believe it will be a very desirable location for their employees. The proposed reduction in parking spaces to one per unit should be sufficient, based on our experience in our own rental developments, and can be enhanced by a car share and/or bicycles. It is likely that, over time, these apartments will serve more than just maintenance facility employees, so consideration should be given to some type of SkiCo-provided transportation that can bring people to work and services.

At 505 sf and 708 sf respectively, the one- and two-bedroom apartments are appropriately sized for year-round living, and each will have ample storage space (50 sf) in a separate basement storage area. I would note that, due to the lack of windows, the one-bedroom apartments are not "true" one-bedrooms but have been designed to make the best use of space, offer a closet and provide privacy for sleeping. My only comment is that the design for these units allows for only a window and sliding door on one side. This should be sufficient with proper air exchange but may not allow in much light on the end that backs up to the hill.

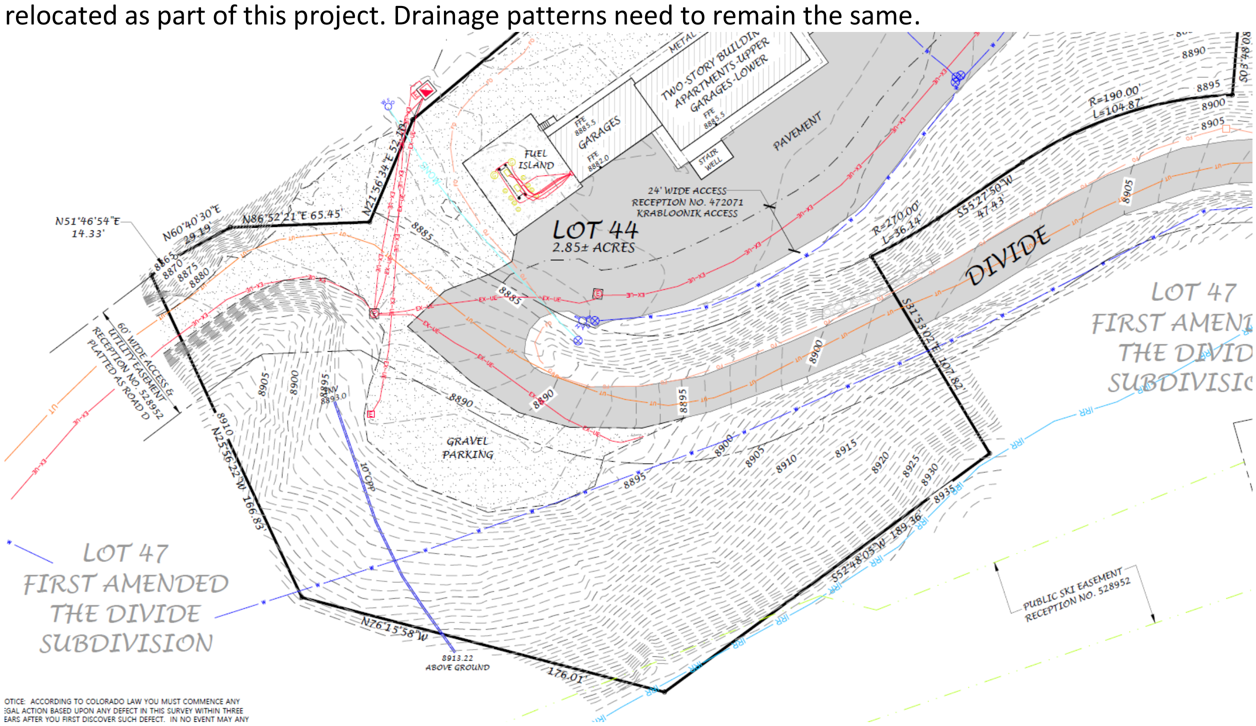
In short, I fully support the proposed project and look forward to working with SkiCo on this and other workforce housing developments.

INTEROFFICE MEMORANDUM

TO: BRIAN MCNELLIS, SENIOR PLANNER
FROM: MIKE HORVATH, TOWN ENGINEER
ANNE MARTENS, PUBLIC WORKS DIRECTOR
SUBJECT: SPECIAL REVIEW – DIVIDE HOUSING COMMENTS
DATE: OCTOBER 7, 2024

These comments are in response to the proposed Aspen Skiing Company's application (dated August 5, 2024) for a Special Review for the redevelopment of the Divide Housing.

1. Per the survey below, there are existing utilities within the building envelop that will need to be relocated as part of this project. Drainage patterns need to remain the same.



2. Divide Way needs to be widened to 24' for its entirety, not only within Lot 44, to Divide Rd.
3. The current application has the Divide Way easement listed as an access easement across Lot 44. This easement needs to be a right-of-way easement to accommodate both access and utilities.
4. With road widening and utility work, easements for new infrastructure located outside existing easement on Lot 47 will need to be implemented.
5. Intent to Serve Letters are required from all utility providers. Please provide as part of application.
6. Realigned roadway appears to extend onto neighboring property to the north. An easement will be required for this encroachment or realignment needs to be redesigned to prevent encroachment.

7. Retaining walls are proposed on the southern property line. Construction easements will be necessary to accomplish this work. Depending on wall type, the wall, if soil nail wall for example, would require a permanent wall easement on Lot 47 as well.

Thank you for the opportunity to comment. Please let me know if you have any questions.

Roaring Fork Fire Rescue Authority
1089 JW Drive
Carbondale, CO 81623
970.340.7040
roaringforkfire.org

ROARING FORK FIRE RESCUE

SCOTT THOMPSON
FIRE CHIEF

December 11, 2024

Brian McNellis, Senior planner
Town of Snowmass Village

Re: Divide (SHOP) Workforce Housing Application
100 Divide Road
Snowmass Village, Co.

Brian,

The Roaring Fork Fire Rescue Authority has been working with the Applicant land planner, Connect One, on fire department emergency access and the new orientation of the workforce housing building.

We have received positive feedback and verbal resolve on several of our initial concerns as below:

1. Fire suppression systems for the new housing building.
2. Lithium Ion battery storage areas for electric bikes and mobility devices.
3. Fire hydrant placement will be made by the Roaring Fork Fire Rescue Authority.
4. Maintained Emergency Access within parking areas and widened Divide Way road width to 24' for the entire length.

We would like to add that a "dedicated" emergency access easement be added to Tract 44 of the Snowmass Maintenance Facility parking area so that any future development would not interfere with our apparatus movement. This should include that an all-weather driving surface to be maintained for imposed weight loads of fire apparatus.

Thank you for the opportunity to make comment at this planning stage of the development.

John Mele
Fire Marshal

Serving NEIGHBORS Solving PROBLEMS Saving LIVES

October 3, 2024

Town of Snowmass Village
Community Development Department
Brian McNellis, Senior Planner AICP/MLA
130 Kearns Road
Snowmass Village, CO 81615-5010

Re: Major PUD Amendment Aspen Skiing Company Vehicle Maintenance Facility Parcel C, Lot 44, Divide Subdivision – The SHOP Snowmass Housing for Ops Personnel Major PUD Amendment

Dear Mr. McNellis,

As per your request, Dunlop Environmental Consulting has reviewed the above referenced application for compliance with appropriate Town of Snowmass Village (TOSV) Codes. The focus of this review will be on water quality, air quality, noise management and the Construction Management Plan (CMP). There is general discussion in the application regarding project location and function, but with minimal detail regarding statements around environmental impacts.

To summarize the application, the Aspen Skiing Company (ASC) is proposing to add 30 living units to 2.85 acres of land near the existing Snowmass Mtn. Vehicle Maintenance Facility. There will be 20 one-bedroom units and 10 two-bedroom units available year-round for fulltime employees. These will be rental units owned by the ASC. The residences will be 100% electric, prefabricated modular construction made off-site and assembled on parcel C, Lot 44 of the Divide Subdivision. The project is proposed to be completed within 12-18 months after the start date.

WATER QUALITY:

More detail is requested regarding ground and surface water management during construction and post-construction. For example, determine if a Brush Creek Impact statement is applicable, if a construction site de-watering permit will be necessary, and what influences groundwater might have during construction and post-construction? It is requested to provide more detail to a statement in the application that storm water from paved areas will "sheet flow over natural areas" and provide adequate filtration of the water to not be of further concern and provide a statement regarding the presence or absence of wetlands in the area.

Snow removal and storage from the parking area, roofs and sidewalks is not addressed in the application. Further, what impact will snow storage areas have on drainage patterns and capacity when the snow melts, is a water detention plan necessary? Will any of the paved areas be snow melted? These are questions for the applicant to address as either being relative or not applicable to this project.

Wastewater treatment will be provided by the Snowmass Water and Sanitation District. The applicant has identified the need to replace and upgrade an existing sewage lift station to properly manage this residential byproduct.

AIR QUALITY:

The residential units will be 100% electric. Therefore, there is no concern with emissions from natural gas or wood burning devices.

It is requested the applicant provide a statement regarding increased vehicular traffic as the result of more vehicles congregating in this area. Since there is an existing abundance of vehicles in the immediate area from the vehicle maintenance garage, it is not anticipated that this project will significantly contribute to degrading air quality, but a statement from the applicant to this point, with subject matter expert support, is requested.

Thirty parking spaces are proposed. Will any of these be identified for electric vehicles?

This project will be required to provide a fugitive dust control permit application to the TOSV. Included in the plan will be strategies identified in Ordinance 12, Series of 2007 of the TOSV Construction Management Plan.

NOISE:

This project is not in a heavily populated area that could be impacted; however, the applicant will be required to comply with TOSV Municipal Building Code Section 18-3. This section covers workdays, hours, and noise levels at a construction site.

In reviewing the design of the residential units in the application, concerns were identified that will affect occupants of the spaces. Some units share one common wall, others share two common walls. The location of the bed in one unit will share a wall with a kitchen (garbage grinder, dishwasher, sink) in the adjoining unit. The kitchen also tends to be a social gathering area. Experience I have with this type of multi-unit design and quality of life issues of occupants raises this concern. It will be critical that sound proofing materials be specified in walls, ceilings, and floors of this project. Common hallways can also be problematic unless sound dampening flooring is installed. These concerns are made with emphasis in this type of housing. Not everyone will be on the same work shift, some may work nights while others work days. Sleep patterns and personal entertainment choices can present conflicts. The TOSV may become engaged settling these conflicts.

CONSTRUCTION MANAGEMENT PLAN:

Construction management plans are required by TOSV Ordinance 12, Series of 2007. The CMP is required prior to excavation and building permit issuance. It is important for the applicant to be aware of this Ordinance well in advance of a construction start date.

This concludes findings of this review.

Sincerely,

Thomas S Dunlop

Thomas S. Dunlop, MPH, REHS
President

Dunlop Environmental Consulting, Inc.

Environmental Public Health Planning for the Future

November 29, 2024

Town of Snowmass Village
Community Development Department
Brian McNellis, Senior Planner, AICP/MLA
130 Kearns Road
PO Box 5010
Snowmass Village, CO 81615

Re: Major PUD Amendment Aspen Skiing Company Vehicle Maintenance Facility Parcel C, Lot 44, Divide Subdivision – The SHOP Snowmass Housing for Ops Personnel Major PUD Amendment – November 22, 2024 Sketch Plan Amendments

Dear Mr. McNellis,

As per your request, Dunlop Environmental Consulting (DEC) has reviewed the above referenced application for compliance with appropriate Town of Snowmass Village (TOSV) Codes.

DEC reviewed the initial sketch plan submittal and presented findings to you dated October 3, 2024. The significant change noted between the October 3rd application review and the November 22nd amendment is the significant shift in structure and vehicle parking orientation. A statement is made on p.9 (5) in the amendment that there are no identified wetlands on this property. It is understood that more detail will emerge following the sketch plan review process.

After reviewing the recent submittal and comparing it to the original application, there are no significant additional findings to submit. This conclusion was supported after the TOSV Design Review Team meeting discussion held on November 27, 2024. Findings in DEC's October 3rd report remain as submitted.

Sincerely,

Thomas S Dunlop

Thomas S Dunlop, MPH, REHS
President

245 Woodruff Road Glenwood Springs, CO 81601
(970) 945-4820 Office (970) 379-4028 Cell

Town of SNOWMASS Village

TRANSPORTATION DEPARTMENT MEMO

To: Brian McNellis

From: Sam Guarino

CC: Dave Shinneman

Date: 12/13/2024

Re: Aspen SkiCo SHOP Sketch Plan

Find below Transportation Department comments as it relates to the Aspen Skiing company's sketch plan for the SHOP project:

- **To support constrained parking and access to the site the applicant should consider alternative modes of travel to the single occupant vehicle. These could include bikeshare, carshare, employee shuttles, off-site vehicle storage, and any other transportation demand management measures that may be appropriate.**
- **Efforts should be made to ensure that residents of this development do not use the Divide "Lot E" parking adjacent to the site that is primarily used for Ditch Trail access.**
- **Connectivity to trail networks is currently non-existent from the site. The applicant should consider safe connections to Brush Creek Rd. and Carriage Way. In particular direct connections Sleigh Ride and Ditch Trails for pedestrians and cyclists should be established.**
- **The use of the numbered lots is often at capacity during the Winter. In an effort to protect these lots from overuse and as a means to store vehicles due to limited parking availability on site, recent developments have been prohibited from purchasing Resident Parking Passes for the Numbered Lots. It is the Transportation Department's opinion that this restriction should apply to this development.**

Attachment E

Town of Snowmass Village
Planning Commission

Commissioners

The Snowmass Homeowners Association is proud of the fact that all of the residential PUDs subject to the Association's architectural authority were elegantly planned in a manner whereby all components harmonize with the natural surroundings and with each other.

While, the Association is supportive of the Town's employee housing initiatives, it is also deeply concerned over proposed amendments that will create an imbalance at the expense of the residential subdivisions that are the anchors of these PUDs, upon which Snowmass has gained a prestigious international reputation.

The Association is highly sensitive to and shares the concerns of The Divide home owners over the potential extremely disharmonious impacts from a proposed amendment that would add parking, increased density and traffic, and a change in character not contemplated when The Divide PUD was originally conceived and approved.

We understand that the proposed project will be used to mitigate employee generation caused by expansions previously approved in other parts of Snowmass, without contemporaneous thoughtful planning for the mitigation of those impacts. The proposed project does not mitigate those particular impacts in any real sense and, to the extent that it would result in some general employee housing impact mitigation, it would do so at the expense of the values articulated in the Comprehensive Plan and land use code of the Town.

Gene Burrus

Gene Burrus
President
Snowmass Homeowners Association
December 18, 2024

OTTEN JOHNSON
ROBINSON NEFF + RAGONETTI PC

December 12, 2024

BILL E. KYRIAGIS
303 575 7506
BKYRIAGIS@OTTENJOHNSON.COM

VIA E-MAIL - DSHINNEMAN@TOSV.COM

Town of Snowmass Village Planning Commission
130 Kearns Road
Box 5010
Snowmass Village, CO 81615
Attn: Dave Shinneman, Community Development Director

Re: Application for a Major Planned Unit Development Amendment to the Aspen Skiing Company's Vehicle Maintenance Facility on Lot 44 of the Divide Subdivision – Public Comment

To Whom it May Concern:

This firm represents the Divide Homeowners Association (the "**Divide HOA**"). I am writing to submit public comment to the Town of Snowmass Village ("**Town**") Planning Commission, for the Planning Commission's December 18, 2024 meeting, at which it will be considering the application by the Aspen Skiing Company LLC ("**SkiCO**") for a Major Planned Unit Development Amendment to the Aspen Skiing Company's Vehicle Maintenance Facility on Lot 44 ("**Lot 44**") of the Divide Subdivision (the "**Application**"). The Application seeks approval to develop an additional 30 housing units, along with parking spaces and storage on Lot 44 (the "**Project**"). Please include this letter in the materials provided to the Planning Commission and in the Town's record for the Application.

The Application seeks drastic changes to the existing allowable uses for Lot 44, which would have impacts on residents in the Divide HOA. It will also impact the Divide HOA-owned property that is directly adjacent to Lot 44 on almost all sides. We understand that the Town's evaluation of the Application is still in its early stages, and that the Application has already been significantly revised since it was initially filed. However, based on the information available thus far, the Divide HOA has the following significant concerns relating to the Application:

- <u>Changes from Existing PUD</u>. The Application proposes significant changes to the existing Divide PUD, which was carefully planned. The uses surrounding Lot 44 have remained static throughout that time period. The proposed Application seeks to fundamentally alter the cohesive uses contemplated by the PUD by inserting in its midst a fundamentally inconsistent and highly impactful use.

- <u>Density/Maximum Buildout</u>. Increasing the number of housing units on the site from 6 to 36 (and bedrooms from 8 currently, to 45 proposed) constitutes a drastic change from the existing PUD, shoehorning an essentially urban-scale development into one of the most remote parts of the Town on a very physically constricted lot. This level of development does not appear to be authorized under the Comprehensive Plan and the existing build-out limitations. Additionally, the Comprehensive Plan designates Lot 44 as "Privately-Owned Recreation / Open Space Areas," which are designated as being "suitable only for supplemental minor development that enhances these [resort] amenities, and should not be considered developable land."

- Inadequate Parking Without Access to Transit. The Application proposes a significant reduction in the parking requirements specified in the Town of Snowmass Village Land Use Code ("**LUC**"). That is not appropriate given that Lot 44 is remote from transit, and the Application expressly states that "[t]ransit is not planned for this project." A significant increase in pedestrian and/or bicycle traffic using Divide Road to get to the nearest transit stop, particularly in the winter, would create a significant safety hazard. There is also a concern that residents and guests would use the Ditch Trailhead or Divide HOA property as illegal overflow parking.

- Traffic. The addition of 40 bedrooms and at least that many residents will significantly add to the traffic on Divide Road, which is the only point of entrance for the Divide HOA residents. As you know, that road is steep, winding, and lacking any pedestrian or bicycle features.

- Slopes and Open Space Impacts. It appears that the Project would necessarily involve development in areas involving steep slopes, some of which may exceed 30%. For good reason, the LUC prohibits development on slopes greater than 30%. LUC Section 16A-4-50. Even if slopes are less than 30%, many of the slopes are significant, and the Project would likely have impacts on Divide Road and on the Divide HOA's adjacent open space parcels. This level of development would also have an impact on the Ditch Trail, which is heavily used and an important amenity for the entire community.

Given that the purpose of the Application is to provide additional employee housing for SkiCo employees, it is important to emphasize that the Divide HOA recognizes that the provision of affordable employee housing is a critically important goal for the community. The Divide HOA strongly encourages the Town to pursue opportunities to support the development of additional affordable housing units at suitable locations within the Town. A number of such locations are identified in the Town's 2021 Housing Master Plan. The Housing Master plan sets forth a rigorous analysis of potential sites, and at least an equivalent level of scrutiny is appropriate here given the departure from the established zoning.

To be clear, the Divide HOA has no objection to the currently permitted uses of the PUD, which were considered as part of the initial planning for this area. Those uses include limited housing on this lot. That limited housing is an *accessory* use to the *primary* use of Lot 44 as a vehicle maintenance facility. In contrast, the Application would completely change the primary use of the site.

As the initial list of issues outlined above demonstrates, the Application simply seeks to attempt to squeeze too many units into such a physically constrained and remote site. This will inevitably create problems that cannot be mitigated.

Given that the Application seeks a major amendment to the existing Divide PUD, it is required to go through the full PUD process. LUC Section 16A-5-390(1). Accordingly, the Divide HOA expects that the Town will closely scrutinize the Application for compliance with the requirements of the LUC and the Comprehensive Plan. The Divide HOA intends to be actively engaged in that process.

Sincerely,

Bill E. Kyriagis
For the Firm

BEK/mf

cc: Brian McNellis (By Email Bmcnellis@tosv.com)
Brad Schacht (By Email brad@ottenjohnson.com)
Deidre Boineau (By email divide@sopris.net)