



**Town Council
Monday, June 5, 2023
4:00 PM**

**130 Kearns Road
Town Council Chambers
Snowmass Village, CO 81615**

You can watch the meeting live online on our website at tosv.com.

Agenda

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PROCLAMATIONS AND PRESENTATIONS**
- 4. PUBLIC COMMENT**

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

5. CONSENT AGENDA

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

5.A. 2023 Town Council Agenda Overview

[Pages 3-5 2023 Agenda Overview](#)

5.B. Minutes for Approval

[Pages 6-12 05-15-23 TC Minutes - Draft](#)

5.C. Ordinance No. 05, 2023 RE Revised Budget - 2nd Reading

[Pages 13-14 Agenda Item Summary RE Ord 5, 2023 Revised Budget](#)

[Pages 15-16 Ordinance 05 Series 2023 Revised Budget --2nd reading-Town Park](#)

[Pages 17-19 2023 Budget Revisions- #2 Town Park 06-05-23](#)

6. PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS

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

7. POLICY/LEGISLATIVE PUBLIC HEARINGS

8. ADMINISTRATIVE REPORTS

8.A. Employee Housing Regulations Discussion

[Pages 20-26 Agenda Item Summary - Housing Regulations Discussion](#)

[Pages 27-39 Attachment A - Permanent Moderate Housing Regulations](#)

9. TOWN COUNCIL REPORTS AND ACTIONS

Reports and Updates

9.A. 2023 Agenda Overview - discussion RE July 3rd vs 5th meeting date.

[Pages 40-41 Agenda Item Summary RE Agenda Overview and July TC dates](#)

[Pages 42-44 2023 Agenda Overview](#)

[Pages 45 23-16 A RESOLUTION CHANGING A TOWN COUNCIL REGULAR MEETING FROM JULY 3, 2023 TO JULY 5, 2023 DUE TO SCHEDULING CONFLICTS](#)

10. EXECUTIVE SESSION

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

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

- 1. For a conference for discussion of a personnel matter under C.R.S. § 24-6-402(4) (f), more specifically: performance review for Town Manager and Town Attorney.*

10.A.Executive Session

[Pages 46 Agenda Item Summary for Exec Session - Personnel Matters](#)

11. ADJOURNMENT

DRAFT 2023 Agenda Items

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

Topic to incorporate:

- Dog Park, Leash laws & E-bikes -POSTR needs to meet 1st.

Mon. Jun. 5th – Regular Meeting (Conklin Out)

- Meeting Date: July 3rd or July 5th
- Employee Housing Regulations Discussion
- 2nd Reading of Ordinance appropriating funds for Town Park
- Exec Session, performance reviews

Mon. Jun. 12th – Work Session (Shenk virtual)

- Review Mall Transit Project Ideas
- Draw Site Owners Review

Tues. Jun. 20th – Regular Meeting (Marolt out)

- EOTC Prep for Meeting on 6/29/23 in SMV
- Reso approving transit Title 6 and EEO Plan
-

Thur. June 29th – EOTC Meeting – Snowmass Village Hosts

Mon. Jul 3rd – Regular Meeting (Shenk Virtual) (Move to July 5th???)

- Transportation Title VI Plan?
- Executive session, performance reviews

Mon. Jul. 10th – Work Session (Shenk Virtual)

Mon. Jul. 17th – Regular Meeting (Shenk Virtual)

- Ord removing Board of Appeals
- Geoff Buchheister, SkiCo CEO
- Deerbrook Preliminary Plan joint meeting with Planning Commission

Mon. Aug. 7th – Regular Meeting

Mon. Aug. 14th – Work Session

Mon. Aug. 21st – Regular Meeting

As Of: Thursday, June 1, 2023

DRAFT 2023 Agenda Items

Thur. Aug. 31st - EOTC Meeting – Pitkin County Hosts

Tue. Sep. 5th – Regular Meeting

Mon. Sep. 11th – Work Session

Mon. Sep 18th – Regular Meeting

Mon Oct. 2nd – Regular Meeting (**Kinney virtual**)

Mon. Oct. 9th – Work Session

Mon. Oct. 16th – Regular Meeting

- POST Grant – 1st reading?

Thurs. Oct. 26th – EOTC – City of Aspen Hosts

Mon. Nov. 6th – Regular Meeting

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

Mon. Nov. 13th – Work Session

Mon. Nov. 20th – Regular Meeting

- B & C Interviews
- POST Grant – 2nd reading

Mon. Dec 4th – Regular Meeting

- B & C Interviews

Mon. Dec. 11th – Special Meeting

- GID Meeting – set Mill Levy

Mon. Dec. 18th – Regular Meeting

- B & C Resolution appointing new Members
- Reso RE 2024 Meeting Dates

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

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

DRAFT 2023 Agenda Items



Town Council
Town Council Meeting Minutes
Monday, May 15, 2023
4:00 PM
130 Kearns Road
Town Council Chambers
Snowmass Village, CO, 81615

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

1) CALL TO ORDER

4pm

2) ROLL CALL

Council Members Present: Bill Madsen, Alyssa Shenk, Susan Marolt, Britta Gustafson & Tom Fridstein.

Council Members Absent: none

Staff Present: Clint Kinney, Town Manager; Jeff Conklin, Town Attorney; Greg LeBlanc, Assistant Town Manager; Dave Shinneman, Community Development Director; Brian McNellis, Planner; Andy Worline, Parks & Recreation Director; Riley Bonilla, Assistant Parks & Recreation Director; and Megan Boucher, Town Clerk.

Public Present: Adam Alexander, Ellen McCready, David Daniel, Diane Oshin, Malin Howard, Ben Kallechey, Katie Ertl, Mak Keeling, Erik Neumeyer, Anne White and Lois Upper.

3) PROCLAMATIONS AND PRESENTATIONS

32 **4) PUBLIC COMMENT**

33
34 Linn Brooks, Holy Cross Energy Board Candidate, introduced herself to the Council and
35 spoke for a few minutes regarding her views and asked for their vote.
36

37 **5) CONSENT AGENDA**

38 5.A) 2023 Agenda Overview

39 Pages 4-6 2023 Agenda Overview 

40 5.B) Minutes for Approval

41
42 Pages 7-13 04-17-23 TC Minutes - DRAFT 

43 Pages 14-16 05-01-23 TC Minutes - DRAFT 

44 5.C) Correction to Resolution No. 11, Series 2023 RE Expenditure of Funds of Grants

45
46 Pages 17 Agenda Item Summary - Corrected Resolution No. 11, Series 2023 

47 Pages 18-19 Resolution No. 11, Series 2023 - CORRECTED 

48
49 Councilmember Shenk would like a discussion to be added to an upcoming agenda
50 regarding housing and extending TOSV housing to other government entities. Kinney
51 confirmed that it is on the June 5th agenda.
52

53 Councilmember Fridstein would like a discussion to be added to an upcoming work
54 session regarding Transit Center and next steps. He has an option to discuss. Kinney
55 confirmed that it will be added to the June 12th work session agenda.
56

57 Councilmember Fridstein confirmed that he did further research on the new rate
58 structure from Holy Cross. Fridstein is not as concerned and does not feel like a
59 presentation is needed at this time.
60

61 Mayor Madsen and Councilmember Shenk noted a missing name in the minutes which
62 Boucher will get corrected.
63

64 Councilmember Shenk motioned to approve. Councilmember Marolt seconded. All in
65 favor.
66
67

68 **6) PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS**

 6.A) Snowmass Mountain PUD Amendment - Coney Glade Lift Replacement and Extension

[Pages 20-21 Agenda Item Summary - Snowmass Mtn PUD Amendment](#)
[Pages 22-26 Reso 14 of 2023 Snowmass Mtn PUD Amendment - DRAFT](#)
[Pages 27-30 PC Reso 3 of 2023 Snowmass Mtn PUD Amendment](#)
[Pages 31-58 Snowmass Mtn PUD Amendment application](#)
[Pages 59-68 Snowmass Mtn PUD Guidelines 2017](#)
[Pages 69-70 Public Comment](#)

Brian McNellis introduced Aspen Skiing Company employees Katie Ertl, Mak Keeling and Erik Neumeyer and summarized the agenda item.

Mak Keeling presented materials from the packet regarding the "Coney Game" High Speed Quad. It will be 7300 feet in length, move 1000 feet a minute and move 1800 people from base to top of Coney Glade saddle.

Council asked some clarifying questions regarding easements and construction schedule. Other discussion items included reasons that a mid-lift on/off would be nice but challenging; concerns regarding height of lift and the speed of skiers at the park/slope cross overs; impacts to residents along the lift lines; process of Forest Service approvals; tree removal in specific locations; and plans for the artwork which currently sits at the bottom of Coney Glad Lift which will need to stay on private property.

Public Comment:
none

Councilmember Shenk motioned to approved Resolution 14, Series 2023. Seconded by Councilmember Marolt. All in favor.

6.B) [Final Architectural Plan Review for Buildings 10AB, Phase 3, Base Village Site Specific Development Plan \(SSDP\)](#)

[Pages 71-78 Agenda Item Summary - SSDP Bldg 10 AB BV Arch](#)
[Pages 79-83 Attachment 1 TC Reso No. 13, Series 2023- Buildings 10 AB Final Architecture Plans - DRAFT](#)
[Pages 84-93 Attachment 1 A SBV 10A Architectural Model and Design Principles](#)
[Pages 94 Attachment 1 B Building 10AB and 11 Design Guidelines](#)
[Pages 95-126 Attachment 1 C Referral Agency comments & Applicant responses](#)
[Pages 127-189 Attachment 2 SBV Buildings 10AB SSDP Application 2022.12.01](#)
[Pages 190-195 Attachment 2 01 Exhibit 1 Bldgs 10AB SSDP Statistics](#)
[Pages 196-254 Attachment 2 02 Exhibits 2 - 4 SBV 10AB SSDP Plans Package 221201](#)
[Pages 255-310 Attachment 2 Appendices A-L](#)
[Pages 311 TC 5-15-23 republished PH Notice, newspaper affidavit](#)

Dave Shinneman summarized the agenda item and introduced applicants Ellen McCreedy from East West Partners and David Daniel from Davis Partnership Architects. McCreedy and Daniel presented materials from the packet regarding Base Village Building 10AB, named Stratos.

Council asked some clarifying questions regarding different design elements and construction schedule. Other discussion items included: the vision for the “Linear Park” and opportunities for art and community engagement in the space; small pool and lounge amenity area; trash collection/pick up location and truck access to location; clarification that the building will have responsibility of snow removal around the building; PUD ratios for parking and garage regulations as well as rules and regulations which will be established by HOA declarations addressing parking; employee housing and how previous buildings mitigated requirements allowing this building to have no additional requirements; goal for building is to be 100% renewable power source with offsite clear energy through Holy Cross’s Pure Power Plan; trail alignment between buildings; staircase details regarding length, width and snowmelt; description of the Sky Cabins and the Townhouses; the 40 foot distance between buildings, and the name and branding of the building – Stratos..

Council, Staff and Applicant discussed architectural material and color choices to further break up the project and not make it feel less massive. Council asked for the Applicant to rework the front face which is mostly white or very light material to break up the facade more. The applicant agreed to look at this element and find some alternative solutions.

Council reminded all that the first floor was originally designed to be commercial space and they were convinced that would not work. The Linear Park was suggested as an alternative and as a way to connect and engage the community since there would not be commercial space on the first floor. Council would like an update on the Linear Park as more details come together. McCreedy agreed to an update at a future Town Council Meeting.

Public Comment - None.

Alyssa Shenk motioned to approve the revised Resolution 13, Series 2023 with the condition of future update on the plans for the Linear Park and the warming/softening of the white rock east face of the building. Tom Fridstein seconded. All in favor.

5-minute break.

6.C) [Easement Agreement with SV Building 8 Development, LLC](#)

[Pages 311A Agenda Item Summary - Easement Agreement - Access Improvements](#)

[Pages 311B-C Reso 15 Series 2023 - Easement Agreement - Access Improvements - SV Building 8 Development](#)

[Pages 311D-Q Easement Agreement - Access Improvements \(with exhibits\)](#) 

Jeff Conklin summarized this agenda item. Easement agreement which will protect future direct access from Carriage Way to Base Village. Protects the Town's option to develop this location in the future as an access point.

Public Comment:

None

Alyssa Shenk motioned to approve Resolution 15, Series 2023. Britta Gustafson seconded. All in favor.

7) POLICY/LEGISLATIVE PUBLIC HEARINGS

8) ADMINISTRATIVE REPORTS

8.A) [Request from the SAAB to create a new Snowmass Art Scholarship](#)

[Pages 312-315 Agenda Item Summary RE SAAB Snowmass Art Scholarship](#) 

Dave Shinneman introduced SAAB Chair Diane Oshin. Diane thanked the Town Council for opportunity to address the Council and introduced Lois Upper and Anne White to present. SAAB proposed that Town of Snowmass Village fund a \$2500 arts scholarship for a graduating senior from Aspen High School with strong connection to Snowmass Village for next year's budget.

Council would like language that clarifies the scholarship is to be used for continuing arts education.

Councilmember Fridstein motions to approve with the addition of "continuance of arts education." Councilmember Marolt seconded the motion. All in favor.

8.B) [Town Park Owner's Review regarding Final Approval of Enclosed Maintenance Facility Structure design and first reading of Ordinance No. 05, Series 2023 regarding amending budget for General Fund](#)

[Pages 316-318 Agenda Item Summary - Town Park Owner's Update for TC 5-15-23](#) 

[Pages 319 Town Park Master Plan](#) 

[Pages 320 Overall Phase 1 Site Plan](#) 

[Pages 321-328 Maintenance Facility](#) 

[Pages 329-333 Ordinance No. 05, Series 2023 - Revised Budget - First Reading](#) 

Andy Woreline summarized the agenda item, introduced Riley Bonilla, Adam Alexander, and Sarah Tie. Staff asked the council for two actions: to decide color of the structure,

196 deep rust red or silver and for approval of additional revenue for the project via approval
197 of Ordinance No. 5, Series 2023 revising the budget.

198
199 After some discussion, Councilmember Shenk motion to approve red for the color of the
200 maintenance building and that the Planning Director can make all other approvals
201 administratively moving forward. Councilmember Marolt seconded the motion. All in
202 favor.

203
204 Councilmember Fridstein motion to approve Ordinance No. 05, Series 2023 on first
205 reading regarding the revised budget. Councilmember Shenk seconded the motion.
206 Further discussion included Mayor Madsen asked for update and status on the Cell
207 Tower in the space and location options.
208 Roll call vote. All in favor. None opposed.

209
210 9) **TOWN COUNCIL REPORTS AND ACTIONS**

211 Councilmember Fridstein had a CORE meeting and RWAPA conference. Both were
212 very good and interesting.

213
214 Councilmember Shenk had a RFTA meeting. They talked about next month's retreat,
215 succession planning, and RFTA housing plans. Shenk also attended Sister Cities.
216 Exchanges were successful and all were happy to have back. TOSV was thanked in a
217 letter to editor. In addition, NWCCOG meeting is coming up. Shenk reminded all that
218 Town Cleanup Day is coming up on 5/19/23 and asked all to register to help plan for
219 lunch.

220
221 Council congratulated Clint Kinney on receiving the 2022 manager of the year award!

222
223 Councilmember Marolt attended the Board of Health retreat & training regarding
224 governance, equity training, BOH action plan - focusing on access to health care,
225 mental health care, and climate change and how that relates to health care.

226
227 10) **EXECUTIVE SESSION**

10.A) Executive Session

The Town Council has reason to convene in Executive Session. To convene in executive session, the Colorado Open Meetings Law requires that the Town announce the topics for discussion with specific statutory citation and to the identify the particular matter(s) to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized. A motion to enter executive session for the announced purposes must be passed by 2/3 of the quorum voting in the affirmative for said motion. Town Council move to enter Executive Session pursuant to C.R.S. 24-6-402(4)

and Snowmass Village Municipal Code Section 2-45(c), for the following purposes:

1. For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and Snowmass Village Municipal Code Section 2-45(c)(2), more specifically related to: TOSV v. Krabloonik (2022CV030110).
2. For determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators pursuant to C.R.S. 24-6-402(4)(e) and Snowmass Village Municipal Code Section 2-45(c)(5), more specifically related to: Faraway Apartments.

[Pages 334 Agenda Item Summary - Executive Session](#)

Madsen read the legal language for the Executive Session. At 7:53 pm Councilmember Shenk motioned to go into Executive Session. Councilmember Fridstein seconded. All in favor.

At 8:30 pm, Councilmember Fridstein moved to adjourn the Executive Session and reconvene the Regular Meeting, Councilmember Shenk seconded. All in favor. Councilmember Marolt absent.

Immediately following, Councilmember Shenk moved to adjourn the Regular Meeting, Councilmember Fridstein seconded. All in favor. Councilmember Marolt absent.

11) ADJOURNMENT

8:31pm

The Snowmass Village Town Council approved this set of meeting minutes at their Regular Meeting on Monday, June 5, 2023.

Submitted By,

Megan Harris Boucher, Town Clerk

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

June 5, 2023

AGENDA ITEM:

Consideration of second reading of Ordinance NO. 5 Series of 2023 Amending the 2023 budget for the General Fund and the Real Estate Transfer Tax Fund for the Town of Snowmass Village adding \$1.1 million in revenues to the project budget.

PRESENTED BY:

Marianne Rakowski, Finance Director
Andy Woreline, Parks & Recreation Director
Clint Kinney, Town Manager

BACKGROUND:

On May 15, the Town Council directed staff to move forward with the Town Park Special Review Application, including the Enclosed Maintenance Facility (Color – Red) and allowed all remaining planning approvals to be administrative. The project is preparing to break ground in September.

At that meeting, the Town Council also unanimously approved Ordinance No. 5, Series 2023 on First Reading. This ordinance added \$1.1 million to the project budget.

A second reading of the ordinance is now needed for final adoption to occur.

FINANCIAL IMPACT:

The total projected cost of this project is currently \$6.4 million. This includes the Parking Lot, Rodeo update, flex fields, and Parks & Trails maintenance facility.

The HCE Community Enhancement Fund is created by an annual contribution from Holy Cross Energy to the Town each year. The contribution is called for in the Franchise Agreement with Holy Cross. The Council keeps these revenues set aside and attempts to utilize the funds for capital projects. The most recent use of the funds was for Town solar project installation.

This budget amendment will be funding the \$1.1M needed for the project, with \$500K coming from the Holy Cross Enhancements funds (which reside in the General Fund) and \$600K coming from the Real Estate Transfer Tax Fund.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

Implement the approved enhancements to Town Park.

COUNCIL OPTIONS:

- 1) Approve, modify then approve or deny the second reading of Ordinance No 05, Series 2023; the additional appropriation for the project.

STAFF RECOMMENDATION:

It is the recommendation of Town Staff that, the Council make a motion to:

- 1) Approve ordinance NO. 5 Series of 2023 on second reading Amending the 2023 budget for the General Fund and the Real Estate Transfer Tax Fund for the Town of Snowmass Village adding \$1.1 million in revenues to the budget.

ATTACHMENTS:

Ordinance No. 05, Series 2023
2023 Budget Revisions

**Town of Snowmass Village
Budget Changes - 2023 Revised
Budget**

	<u>2023 Revenues</u>	<u>2023 Expenditures</u>
General Fund	\$ - 0-	\$ 500,000
RETT Fund	\$ - 0-	\$ 600,000

Section Three: Effective Date

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

INTRODUCED, READ AND ADOPTED on first reading by the Town Council of Snowmass Village, Colorado on the 15th day of May, 2023 with a motion made by Councilmember Fridstein and seconded by Councilmember Shenk and by a roll call vote of 5 in favor to 0 opposed.

INTRODUCED, READ AND ADOPTED on second reading by the Town Council of Snowmass Village, Colorado on the 5th day of June, 2023 with a motion made by _____ and seconded by _____, and by a vote of ___ in favor to ___ opposed. A roll call was taken, those in favor were _____, those opposed were _____.

TOWN OF SNOWMASS VILLAGE

Bill Madsen, Mayor

ATTEST:

Megan Harris Boucher, Town Clerk

TOWN OF SNOWMASS VILLAGE
GENERAL FUND - BUDGET SUMMARY

Note: Minus variance figures are unfavorable

BUDGET SUMMARY		2021	2022		2022	2022	2023		2023	2023
		Actual	BUDGET	Actual	Variance		BUDGET	Revised	Variance	
BEGINNING FUND BALANCE	\$	20,395,209.41	\$ 25,938,794.18	\$ 25,938,794.18	\$ -		\$ 23,784,503.18	\$ 27,364,977.43	\$ 3,580,474.25	
OPERATING REVENUES	\$	21,497,601.22	\$ 21,968,405.00	\$ 24,617,640.10	\$ 2,649,235.10		\$ 24,834,386.00	\$ 24,859,011.00	\$ 24,625.00	
--Cougar Canyon-payments	\$	-	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	
OPERATING EXPENDITURES	\$	(17,027,334.11)	\$ (19,816,701.00)	\$ (18,262,560.73)	\$ 1,554,140.27		\$ (22,642,294.00)	\$ (22,678,794.00)	\$ (36,500.00)	
Transfer Out-CERF	\$	(330,000.00)	\$ (330,000.00)	\$ (330,000.00)	\$ -		\$ (330,000.00)	\$ (330,000.00)	\$ -	
Capital Outlay	\$	(94,626.77)	\$ (144,450.00)	\$ (117,203.14)	\$ 27,246.86		\$ (194,450.00)	\$ (194,450.00)	\$ -	
TOTAL REVENUES	\$	21,497,601.22	\$ 21,968,405.00	\$ 24,617,640.10	\$ 2,649,235.10		\$ 24,834,386.00	\$ 24,859,011.00	\$ 24,625.00	
TOTAL EXPENDITURES	\$	(17,451,960.88)	\$ (20,291,151.00)	\$ (18,709,763.87)	\$ 1,581,387.13		\$ (23,166,744.00)	\$ (23,203,244.00)	\$ (36,500.00)	
Net Operating Rev's/Exp	\$	4,045,640.34	\$ 1,677,254.00	\$ 5,907,876.23	\$ 4,230,622.23		\$ 1,667,642.00	\$ 1,655,767.00	\$ (11,875.00)	
OTHER REVENUES/EXPENDITURES										
OTHER:	\$	375,130.93	\$ (956,552.00)	\$ 664,243.38	\$ 1,620,795.38		\$ (16,525.00)	\$ (927,970.00)	\$ (911,445.00)	
--Droste - Property Tax Revenue	\$	-	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	
--Droste - Pitkin County	\$	-	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	
--Aspen School District - Property Tax Revenue	\$	523,721.26	\$ 510,000.00	\$ 516,114.86	\$ 6,114.86		\$ 510,000.00	\$ 510,000.00	\$ -	
--Aspen School District - Property Tax Payment & Collctn Fees	\$	(500,000.00)	\$ (510,000.00)	\$ (500,000.00)	\$ 10,000.00		\$ (510,000.00)	\$ (510,000.00)	\$ -	
--Marijuana/Cigarette Tax Revenues	\$	183,930.42	\$ 145,230.00	\$ 207,114.05	\$ 61,884.05		\$ 205,840.00	\$ 205,840.00	\$ -	
--Marijuana/Cigarette Tax Exp-One-times-Mental Health Svc's	\$	-	\$ -	\$ -	\$ -		\$ (80,000.00)	\$ (80,000.00)	\$ -	
--Marijuana/Cigarette Tax Exp-One-times-Response/Homeless	\$	-	\$ -	\$ -	\$ -		\$ -	\$ (50,000.00)	\$ (50,000.00)	
--CARES Grant Revenue-Pitco Health	\$	167,660.00	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	
--CARES Grant Expenditures-Pitco Health	\$	(167,660.00)	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	
--CARES Grant-Transp	\$	2,128,552.00	\$ 218,920.00	\$ 216,544.00	\$ (2,376.00)		\$ -	\$ -	\$ -	
--CARES Grant-Reimbursements	\$	346,334.74	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	
--ARP Grant Funds	\$	-	\$ 343,344.00	\$ 686,687.53	\$ 343,343.53		\$ -	\$ -	\$ -	
--Ice Age Expenditures	\$	-	\$ (50,000.00)	\$ -	\$ 50,000.00		\$ -	\$ -	\$ -	
Lease Proceeds (GASB 87)	\$	-	\$ -	\$ 168,142.13	\$ 168,142.13		\$ -	\$ -	\$ -	
Lease Expense (GASB 87)	\$	-	\$ -	\$ (168,142.13)	\$ (168,142.13)		\$ -	\$ -	\$ -	
TRANSFER OUT-CIP	\$	(1,059,263.00)	\$ (5,762,000.00)	\$ (5,762,000.00)	\$ -		\$ (2,002,000.00)	\$ (2,502,000.00)	\$ (500,000.00)	
Transfer Out-Housing							\$ (14,150.00)	\$ (14,150.00)	\$ -	
Crossings Home purchase			\$ (605,000.00)	\$ (605,614.60)	\$ (614.60)		\$ -	\$ -	\$ -	
Crossings Home sale	\$	-	\$ 597,000.00	\$ -	\$ (597,000.00)		\$ -	\$ 603,807.00	\$ 603,807.00	
Creekside Home sale							\$ 207,100.00	\$ 207,100.00	\$ 207,100.00	
ONE-TIME REVENUES	\$	-	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	
ONE-TIME EXPENDITURES	\$	(410,461.92)	\$ (1,790,051.00)	\$ (832,396.89)	\$ 957,654.11		\$ (1,583,069.00)	\$ (2,279,199.00)	\$ (696,130.00)	
Base Village-One time Revenues	\$	-	\$ 404,500.00	\$ 1,017,614.69	\$ 613,114.69		\$ 917,000.00	\$ 917,000.00	\$ -	
Base Village-One time Expenditures	\$	-	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	
COP-Portion paid by reserve from Cougar Canyon	\$	(90,000.00)	\$ (90,000.00)	\$ (90,000.00)	\$ -		\$ (90,000.00)	\$ (90,000.00)	\$ -	
NET--OTHER REVENUE/EXPENDITURES	\$	1,497,944.43	\$ (7,544,609.00)	\$ (4,481,692.98)	\$ 3,062,916.02		\$ (2,662,904.00)	\$ (4,009,572.00)	\$ (1,346,668.00)	
ENDING FUND BALANCE	\$	25,938,794.18	\$ 20,071,439.18	\$ 27,364,977.43	\$ 7,293,538.25		\$ 22,789,241.18	\$ 25,011,172.43	\$ 2,221,931.25	
FUND BALANCE-DESIGNATIONS/RESERVES	2021		2022	2022	2022		2023	2023	2023	
	Actual		BUDGET	Actual	Variance		BUDGET	Revised	Variance	
DESIGNATIONS/RESERVES:										

BUDGET SUMMARY		2021	2022	2022	2022	2023	2023	2023
		<u>Actual</u>	<u>BUDGET</u>	<u>Actual</u>	<u>Variance</u>	<u>BUDGET</u>	<u>Revised</u>	<u>Variance</u>
INVENTORY	\$	164,171.09	\$ 160,000.00	\$ 189,297.42	\$ 29,297.42	\$ 160,000.00	\$ 160,000.00	\$ -
PREPAID EXPENSES	\$	105,907.94	\$ 100,000.00	\$ 115,697.85	\$ 15,697.85	\$ 100,000.00	\$ 100,000.00	\$ -
TABOR - RESERVE	\$	551,301.57	\$ 443,279.76	\$ 669,239.18	\$ 225,959.42	\$ 551,301.57	\$ 669,239.18	\$ 117,937.61
TOWN HALL COP-COUGAR CANYON	\$	810,000.00	\$ 720,000.00	\$ 720,000.00	\$ -	\$ 630,000.00	\$ 630,000.00	\$ -
HOLY CROSS ENHANCEMENT FUNDS	\$	385,028.12	\$ 505,921.64	\$ 500,764.45	\$ (5,157.19)	\$ 588,597.12	\$ 103,556.45	\$ (485,040.67)
BUILDING/EQUIPMENT RESERVE FUNDS	\$	1,126,311.29	\$ 299,759.19	\$ 1,227,729.06	\$ 927,969.87	\$ 413,234.00	\$ 429,759.19	\$ 16,525.19
RESERVE FOR INSURANCE LIABILITY	\$	747,886.00	\$ 770,323.00	\$ 770,323.00	\$ -	\$ 793,432.00	\$ 793,432.00	\$ -
RESERVE FOR 2022 EXPENDITURES IN 2023	\$	-	\$ -	\$ 614,330.00	\$ 614,330.00	\$ -	\$ -	\$ -
COMCAST-PEG FEE RESERVE	\$	13,385.17	\$ 22,432.78	\$ 19,969.51	\$ (2,463.27)	\$ 27,585.17	\$ 27,069.51	\$ (515.66)
MARIJUANA/CIGARETTE TAX RESERVE	\$	318,848.06	\$ 464,078.06	\$ 525,962.11	\$ 61,884.05	\$ 644,532.21	\$ 601,802.11	\$ (42,730.10)
BASE VILLAGE-COMMUNITY PURPOSE	\$	161,570.00	\$ 111,570.00	\$ 161,570.00	\$ 50,000.00	\$ 111,570.00	\$ 161,570.00	\$ 50,000.00
GRANT FUND	\$	-	\$ 3,547,448.00	\$ 3,378,118.27	\$ (169,329.73)	\$ 3,542,609.27	\$ 3,378,118.27	\$ (164,491.00)
ROAD FUND-EMERGENCY RESERVE	\$	109,630.53	\$ 91,858.72	\$ 89,878.67	\$ (1,980.05)	\$ 80,656.00	\$ 80,656.00	\$ -
EMERGENCY RESERVE-30%	\$	6,449,280.37	\$ 6,590,521.50	\$ 7,385,292.03	\$ 794,770.53	\$ 7,450,315.80	\$ 7,457,703.30	\$ 7,387.50
TOTAL APPROPRIATIONS:	\$	10,943,320.14	\$ 13,827,192.65	\$ 16,368,171.55	\$ 2,540,978.90	\$ 15,093,833.14	\$ 14,592,906.01	\$ (500,927.13)
FUNDS AVAILABLE:	\$	14,995,474.04	\$ 6,244,246.53	\$ 10,996,805.88	\$ 4,752,559.35	\$ 7,695,408.04	\$ 10,418,266.42	\$ 2,722,858.38
TOTAL FUND BALANCE	\$	25,938,794.18	\$ 20,071,439.18	\$ 27,364,977.43	\$ 7,293,538.25	\$ 22,789,241.18	\$ 25,011,172.43	\$ 2,221,931.25

TOWN OF SNOWMASS VILLAGE
REAL ESTATE TRANSFER TAX
BUDGET SUMMARY

Note: Minus variance figures are unfavorable

DESCRIPTION	2021 Actual	2022 Budget	2022 Actual	2022 Variance	2023 Budget	2023 Revised	2023 Variance
BEGINNING FUND BALANCE	\$11,699,367.59	\$16,564,227.23	\$16,564,227.23	\$0.00	\$14,007,401.23	\$14,753,053.33	\$745,652.10
Revenues	\$ 8,321,986.75	\$ 3,732,881.00	\$ 5,525,868.23	\$1,792,987.23	\$ 6,625,252.00	\$ 6,625,252.00	\$0.00
Transfer Out-CERF	\$ (740,000.00)	\$ (740,000.00)	\$ (740,000.00)	\$ -	\$ (740,000.00)	\$ (740,000.00)	\$0.00
Expenditures	\$ (1,533,227.56)	\$ (1,795,151.00)	\$ (1,558,014.39)	\$ 237,136.61	\$ (2,481,138.00)	\$ (2,481,138.00)	\$0.00
TOTAL REVENUES	\$ 8,321,986.75	\$ 3,732,881.00	\$ 5,525,868.23	\$1,792,987.23	\$ 6,625,252.00	\$ 6,625,252.00	\$0.00
TOTAL EXPENDITURES	\$ (2,273,227.56)	\$ (2,535,151.00)	\$ (2,298,014.39)	\$ 237,136.61	\$ (3,221,138.00)	\$ (3,221,138.00)	\$0.00
Net Operating Rev's/Exp	\$ 6,048,759.19	\$ 1,197,730.00	\$ 3,227,853.84	\$ 2,030,123.84	\$ 3,404,114.00	\$ 3,404,114.00	\$ -
Capital Bldg/Equip Reserve Used	\$ (141,051.55)	\$ (415,214.00)	\$ (138,135.74)	\$ 277,078.26	\$ (27,875.00)	\$ (285,317.00)	(\$257,442.00)
TRANSFER OUT-CIP	\$ (1,042,848.00)	\$ (4,900,892.00)	\$ (4,900,892.00)	\$ -	\$ (6,570,000.00)	\$ (7,170,000.00)	(\$600,000.00)
ENDING FUND BALANCE	\$16,564,227.23	\$12,445,851.23	\$14,753,053.33	\$2,307,202.10	\$10,813,640.23	\$10,701,850.33	(\$111,789.90)
FUND BALANCE-DESIGNATIONS/RESERVES	2021 Actual	2022 Budget	2022 Actual	2022 Variance	2023 Budget	2023 Revised	2023 Variance
Capital Equipment Reserve	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Capital Bldg/Equipment Reserve	\$453,268.28	\$179,105.83	\$565,132.54	\$386,026.71	\$510,179.28	\$529,815.54	\$19,636.26
Emergency Reserve	\$4,000,000.00	\$4,000,000.00	\$4,000,000.00	\$0.00	\$4,000,000.00	\$4,000,000.00	\$0.00
Funds Available	\$12,110,958.95	\$8,266,745.40	\$10,187,920.79	\$1,921,175.39	\$6,303,460.95	\$6,172,034.79	(\$131,426.16)
TOTAL FUND BALANCE	\$16,564,227.23	\$12,445,851.23	\$14,753,053.33	\$2,307,202.10	\$10,813,640.23	\$10,701,850.33	(\$111,789.90)

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

June 5, 2023

AGENDA ITEM:

Permanent Moderate Housing Regulations Discussion

PRESENTED BY:

Betsy Crum, Housing Director

BACKGROUND:

The Town Council has requested an opportunity to discuss various requirements of the Permanent Moderate Housing Regulations. The existing Regulations were last revised and updated in 2018 and reflect decades of evolution and refinement. There have also been annual changes made to the Income and Asset Limits section to reflect the changes in the Consumer Price Index (CPI). They enforce Chapter 17 of the Municipal Code and are incorporated by reference in that Code, which reads:

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

Snowmass Village Housing Program:

The Town of Snowmass Village created a Housing Authority in 1979 with the purpose of creating, owning, and managing housing for the employees of businesses in the Village. Soon after formation, the Authority became a full-time municipal department under the Town Council and Town Manager, as it remains today. From the start, our focus was on providing homes to serve people who work full-time for local businesses and who live here year-round, which we define as working a minimum of 1400 hours annually and living in their home at least 8 months out of the year. These requirements were established to reflect the seasonal nature of our work, and to accommodate the shut-down during the “shoulder” seasons.

In the nearly 45 years since we started our program, we have grown to offer approximately 300 rental housing units and 200 deed-restricted for-sale condominiums and single-family homes. The Housing Department also monitors and consults with partners who own and manage other restricted housing units, such as Club Commons, Water & Sanitation housing, and the employee units managed by West Village and Base Village businesses. Taken together, we estimate that close to half of the year-round residents of Snowmass Village live in homes that we oversee.

Housing Requirements – All TOSV Housing Units:

While our rental and ownership programs are somewhat different from one another in certain particulars, there are over-arching policies and requirements that apply to all TOSV Housing. These have evolved over time to better serve the business community, the tenants and owners, and the community at-large. We also periodically review and discuss the limitations and the impacts of our requirements, but always within the context of our core goal: to support a viable workforce and continue a commitment to workforce housing opportunities that best balance the character and resources of the Town.

First and foremost, residents in our rental and deed-restricted housing are required to be full-time, year-round employees at the time they enter their housing. Priority is always given to employees of Snowmass Village businesses. Because we also know that many of our locals have multiple jobs in the region, we require that 80% of their annual income be earned from Snowmass Village businesses. In the case of rental housing, we maintain a waiting list, which is presently restricted to only Snowmass Village employees. For our deed-restricted homes, we take applications at the time the home is available and the highest tiers in the lottery are reserved for Snowmass Village employees. In the past five (5) years, all our units have gone to people who worked at least 80% in the Village at the time of move-in. Once they live in their homes, we do permit them to change employment, provided they continue to work in Pitkin County. In addition, residents may not own or rent another residential unit in the Roaring Fork drainage. If they purchase or rent another unit, they have 6 months to vacate their housing.

Employment is verified at the time the housing unit is available, typically by check stub (for rental) and employer verifications and tax documentation (for deed-restricted homes). Employment is self-verified annually (for renters) and bi-annually (for owners), and we retain the right to ask for employer verifications and audit other requirements. While we do permit self-employment, we require proof that their work primarily benefits the Village, as demonstrated through a client list. Similarly, if someone works remotely for a company, that company must primarily benefit the Village. Compliance has historically been driven by complaints that we receive. We hired an Operations and Compliance Manager in 2023 to provide greater systemization and regularity to our compliance program.

Housing Requirements – Rental Units:

Our rental housing waiting list is kept and ordered by the total number of months the applicant has worked for a Snowmass Village business, and they must currently work in the Village at the time they are offered a lease. We offer a “priority” position for municipal employees, employees of Water & Sanitation and Snowmass Village-based firefighters, on a case-by-case basis. We require all tenants to “fill the bedrooms,” defined as a minimum of one person for a studio or one bedroom apartment, two for a two-bedroom apartment, and at least three for a three-bedroom apartment. We do not have income or asset requirements for our rental program, for two reasons: the purpose is to provide housing near employment for our businesses, and (in my informed opinion) no one who works a local job could ever afford to buy or rent anything on the free market in our town.

Once in their apartment, the tenant must remain employed full-time within Pitkin County. While we permit transfers, we limit them to people who have had life changes such as getting married or divorced or having a baby. To be eligible for a transfer, the tenant must currently meet all the criteria for initial tenancy, including working in Snowmass Village, filling the bedrooms and being in good standing with the Housing Department.

We verify employment with each tenant at annual lease renewal. Rents have typically increased each year, except during the Great Recession and the first year of COVID. We only carry debt on Carriage Way and the Snowmass Inn, and our rental income covers our annual operating costs entirely with additional cash flow that we put in reserve for renovations and capital replacement. In other words, our rental portfolio is entirely self-supporting from a financial perspective and generates sufficient income to undertake needed renovations. Our skilled housing staff performs all property management functions, from rental collections to evictions, compliance matters, all repairs, snow removal and grounds maintenance.

We currently own and manage eight (8) rental complexes ranging in size from 12 to 92 units. Much of the rental stock consists of studios and two-bedroom apartments, although we do have some one-bedroom and 5 three-bedroom units. Our last new construction project was Mountain View Phase II, which was completed 25 years ago. In recent years, we purchased 250 Carriage Way and the former Snowmass Inn, which brought 51 rental units into the affordable rental pool. Those two complexes are pet-friendly, which had not been an option prior to acquisition.

Housing Requirements – Ownership Units:

Our deed-restricted portfolio is governed by Chapter 17 of the Municipal Code and implemented by the current Permanent Moderate Housing Regulations (Attachment A). Homes are made available by lottery, and the lottery is organized by several factors affecting eligibility and priority.

- As with the rental, bedrooms must be filled to be eligible. The only exception is that a single person may apply for a two-bedroom condominium.
- The highest tier is for in-complex transfers, followed by people who are downsizing from a larger unit to a smaller number of bedrooms. The third tier – which is typically the highest tier in practice – is for people who have worked in Snowmass Village at least three (3) years. That tier is weighted, with more chances given to people who have worked here longer. The following tiers are for Snowmass Village employees who have worked a lower amount of time or who do not fill the bedrooms completely. The final (7th) tier is for Pitkin County employees with three (3) or more years.
- We also have a “super” priority for our few accessible units for a purchaser who needs an ADA-adapted unit.

We have income and asset requirements for our deed-restricted units that are adjusted to fit the sales price. Unlike APCHA, we do not have “categories” but instead require that income and/or assets do not exceed our annually adjusted limits. We do not include retirement funds or 529 college savings plans in the asset equation. Everything must be independently verified, including all income and Snowmass Village employment.

In general, maximum appreciation is limited to the *lesser* of the monthly Consumer Price Index (CPI) or 3% annually. Until recently, the CPI was almost always used, but recent inflation has caused many to appreciate at 3% annually, which is slightly higher. In some complexes, we have allowed buyers to do certain upgrades and include them in the valuation. For example, the Crossings at Horse Ranch homes were built without decks or finished basements to keep sales prices down, but we have allowed those improvements to be counted, provided they do not exceed 10% of the price. We permit energy efficiency improvements in all our homes, again not-to-exceed 10% of the total value. For purposes of resale, these improvements are depreciated from the date of installation.

The Building Official inspects every for-sale unit when it is listed. We require that all the major systems of the building be in functioning working condition, and that they be in good shape cosmetically. If it is not, we either require that the seller make the repair, or deduct the value of those improvements from the maximum sale price.

People may remain in their homes if they continue to work full-time in Pitkin County. The only exception is for people who have lived in their home for at least 10 years and are at least 62 years old. In this case, they may retire and keep their housing. The only person who can inherit the home when an owner dies is their surviving spouse; they may not leave it to their children. They must continue to live in their home a minimum of eight (8) months each calendar year. If they wish to rent a bedroom, they may do so provided it is rented to a qualified Snowmass Village employee and the rent cannot

exceed that for a comparable workforce housing studio. Under certain conditions, they may also rent their entire home for up to four (4) months.

We manage all compliance and deed-restricted sales for nine (9) complexes. The most recent development was Coffey Place, which was completed in 2021 and included 15 duplexes and single-family homes. Prior to Coffey Place, the newest deed-restricted development was Phase II of Rodeo Place, completed in 2012.

Ideas for Discussion:

In its 2023 Goal setting, the Council recognized the importance of workforce housing to our economic and long-term community health by committing to provide more options within the Village. The Goal also referenced the importance of working with local government organizations that serve our residents to create a framework that could include their employees in our housing program. The Housing Department has also identified a few other topics worthy of policy discussion.

- Local Government Organizations: We have always focused our housing on Snowmass Village employees and have required verified employment in the Village upon entry. At the same time, there are some regional businesses without whom our community could not function. School District employees, Fire District staff, Hospital District staff, Pitkin County employees, and RFTA all help make our community “go” and are, by their very nature, regional. To date we have not prioritized housing for these employees unless they can demonstrate that 80% of their work time is spent in the Village. Many of these employers have expressed interest in financially participating in future development in exchange for their employees being offered the opportunity to live in the units.
- Pitkin County employment: As stated in multiple places, while tenants and buyers must work in the Village when they get their housing, we do allow them to work in other Pitkin County communities. The underlying reason is that there are opportunities for career advancement throughout Pitkin County that do not exist here in Town, and we want to encourage people to stay and build a career and a home here. Having options leads to economic stability which, in turn, leads to commitment to our community. However, the recent economic conditions have made affordable housing scarcer than at any other time, and many business owners have expressed frustration that we permit residents to work in Aspen or elsewhere in the County.
- Weighted Rental Wait List: Our rental waiting list is maintained in order of how many total months the applicant has worked in Snowmass Village. The more months they have worked here, the higher they are on the list. Currently, we are renting to people who have worked 5-7 years, depending on bedroom size. Our

process allows someone walking in the door today to be placed above people who have been on the list for a long time, provided they can demonstrate their length of employment here in Town. This sometimes leads to frustration from people who are 'jumped over', especially if it means their number on the list doesn't move much or they even fall lower on the list. We have mitigated some of this impact by requiring that people who leave our existing rental housing and then return need to wait a year before getting back on our list.

- Retirement: We allow owners of deed-restricted homes to retire and remain in place but have never provided this opportunity to renters. Rental housing is in the highest demand for new people coming into town for jobs, so we want to be sure it is available. People who own their home have built equity and put down roots in a traditional sense, and we wanted to give them the opportunity to make Snowmass Village their permanent home. In the first 40 years of the program, people could rent our apartments, save money and purchase a deed-restricted home, or even consider eventually buying a free-market house. That free-market home is no longer affordable to our workforce, which has caused the system to slow considerably. Many of our full-time workforce will not ever be able to buy a home and may never win a deed-restricted lottery. We have recently needed to evict a few 40+ year residents who rented their housing but were no longer physically able to work full-time.
- Self-certification of Employment: Historically we have required annual self-certification of employment for our tenants and bi-annual affidavits from our owners. This has worked well over past years, when everyone was employed physically in the Village, and we knew all our tenants and where they worked. That is not as true as it once was, and the desperation for housing has resulted in some abuses. We hired an Operations and Compliance Officer this year who gives us greater capacity to focus on people who may be abusing our program.
- Remote Work: We all know how the world has changed in how we report to work every day. While our lift operators and waitstaff will always need to physically report to a place here in the Village, many people are able to work remotely. They may serve the Town, the County, the Region or even the world with their work. We probably spend more time on this one qualifying factor than any other in our program, trying diligently to verify the type of service they provide, whether it primarily serves our residents, whether most of the income is derived for those local clients, and how many hours are worked.
- Adding Improvements to Deed Restricted Sales: One of the most common complaints expressed by deed-restricted owners is that we do not allow most improvements to be added to the sales price calculation. There are a few exceptions; however, our program has always been heavily subsidized by the

Town to make it affordable to purchasers, and our goal is to preserve that affordability. Owners argue that there is no incentive to keep their home up to par. However, if it is sub-par at the time of sale, we will require it to be brought up to standard as part of the sale. This program provides excellent local housing with a small, guaranteed return; it is not intended to be a real estate investment that appreciates the market.

FINANCIAL IMPACT:

Not applicable

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

In 2023 the Town Council established the following housing goals:

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

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

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

COUNCIL OPTIONS:

Not applicable – this is for discussion only.

STAFF RECOMMENDATION:

Not applicable – this is for discussion only.

ATTACHMENTS:

8.1A Permanent Moderate Housing Regulations



Permanent Moderate Housing Regulations

- 17.1 Purpose
- 17.2 Definitions
- 17.3 Application
- 17.4 Resale Procedure
- 17.5 Mandatory Resale
- 17.6 Rental
- 17.7 Exempt Transactions
- 17.8 Release of Restrictions
- 17.9 Remedies of the Town
- 17.10 No Guaranty or Warranty Disclosure

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

17.2 Definitions

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

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

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

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

Adopted 11/2019

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

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

Employer is business licensed:

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

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

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

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

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

Owner means the fee simple owner of a housing unit.

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

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

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

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

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

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

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

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

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

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

17.3.4 Qualified Applicant.

17.3.4.1 Employment Qualifications. To apply for a housing unit an adult employee must have been actively employed by an employer licensed pursuant to Section 4.2 of the Snowmass Village Municipal Code with a principal place of business in the Snowmass Village as defined in Section 17.3 for the minimum of one (1) year, OR in Pitkin County for a minimum

of three (3) years. A minimum of one thousand four hundred (1400) hours during a minimum period of eight (8) months per calendar year constitutes a year of active employment.

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

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

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

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

Assets and liabilities shall be defined as generally accepted accounting standards for individuals, including all business equity for self-employed persons and business owners. Tax deferred retirement funds, college savings funds and contingent liabilities are not included in the net worth calculation. In the case of persons who wish to downsize from one Permanent Moderate Housing unit to another unit, the value of the primary home will not be included in the net worth calculation, provided the unit downsizing to has fewer bedrooms. Income is calculated by averaging the adjusted gross income shown on the last three (3) filed Federal Income Tax returns. Eighty percent (80%) of the applicant's income must be income earned within Snowmass Village and verifiable by tax return or W-2 form. Income and Net Worth levels for joint applicants will be combined.

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

First Priority Occupancy Table #1

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

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

Second Priority Occupancy Table #2

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

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

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

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

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

the housing unit, then employment prioritization within the Lottery Tiers in 17.2.4.1 shall be utilized to determine the first priority qualified purchaser.

17.3.5.2 In Complex Priority. A qualified applicant (meets all employment, income, assets and occupancy requirements) who has owned a housing unit in the project where a housing unit is offered for sale for longer than one (1) year shall be deemed the first priority qualified purchaser for the purchase of the housing unit without regard to other prioritization criteria. In the event that two or more such qualified applicant employee owners desire to purchase the housing unit, then employment prioritization within the Lottery Tiers in 17.2.4.1 shall be utilized to determine the first priority qualified purchaser. If more than one applicant is in the same employment tier, then a lottery will be held to select the qualified in complex purchaser.

17.4 Resale Procedure.

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

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

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

17.4.2 Notice to sell. After receipt of the approved inspection report and the notice of intent to sell, the Housing Manager shall calculate the maximum resale price. The Housing Manager shall then collect a resale fee equal to one percent (1%) of the maximum resale price of a condominium housing unit to a maximum of One Thousand Dollars (\$1,000.00), and one-half of one percent (.5%) of the maximum resale price of a house to a maximum of One Thousand Five Hundred Dollars (\$1,500.00). Upon good cause shown, the Housing Manager may authorize alternate arrangements for the payment of the resale fee.

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

17.4.3.1 Energy Efficiency & Water Conservation Capital Improvements. An energy efficiency and water conservation capital improvements allowance of up to 10% of the current resale price will be established for each new owner of a single-family home or a condominium unit. Only improvements that clearly demonstrate energy efficiency and water conservation will be considered for this allowance. The utilization of sustainable green building materials may

also be included in the 10% improvement allowance. All capital improvements will be depreciated on the depreciation schedule from the Marshall Swift Residential Handbook. This improvement allowance does not include the replacement or maintenance of existing fixtures, appliances, decorative items, or improvements necessary to maintain existing fixtures from the original construction. Only new replacement items which are recognized to provide a substantial amount of energy or water conservation greater than the original construction will be considered. An owner shall submit a complete improvement cost proposal listing the improvement items and documentation identifying the energy savings or water conservation benefits to the Housing Director prior to beginning the improvement work. The director will then decide if the requested improvements may be added to the resale price.

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

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

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

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

- plus, the depreciated cost of improvements to the condominium unit which have been paid for by the owner and approved by the Town Council.
- plus, the depreciated value of TOSV approved energy efficient or water conservation capital improvements installed and paid by the owner not to exceed 10% of the current resale price,
- plus, the actual cost of capital improvements performed by the condominium association of the project in which the housing unit is located, paid for by the owner from the time of installation of the capital improvement to the date of resale approved by the Town, not to exceed ten percent (10%) of the current resale price.

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

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

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

- a) the base price as maintained in the records of the Housing Manager, plus the cost of the finishing of the basement from the date of completion in accordance with the

description of the basement option not to exceed the cost of a standard basement option, plus a three-percent annual increase, or

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

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

- To five (5) years, five percent (5%) of the house base price;
 - To six (6) years, six percent (6%) of the house base price;
 - To seven (7) years, seven percent (7%) of the house base price;
 - To eight (8) years, eight percent (8%) of the house base price;
 - To nine (9) years, nine percent (9%) of the house base price; and
 - To ten (10) years, ten percent (10%) of the house base price.
- plus, the depreciated value of TOSV approved energy efficient or water conservation capital improvements installed and paid for by the owner not to exceed 10% of the current resale price

To substantiate such amounts, an owner shall provide the Housing Manager an affidavit of owner setting forth the amounts expended for improvements with receipts attached thereto, and the certificate of completion issued by the Building Official for the

improvements, if required, or if no certificate of completion is required, then a statement from the Building Official that the improvements installed did not require a certificate of completion. If such amount has not previously been substantiated to the satisfaction of the Housing Manager, it shall be provided with the notice of intent to sell.

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

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

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

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

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

OR

- b) the purchase price as maintained in the records of the Housing Manager,

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

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

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

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

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

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

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

that the owner shall notify all prospective purchasers that they must be confirmed to be a qualified purchaser by the Housing Manager.

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

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

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

17.5 Mandatory Resale.

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

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

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

- a) The owner has been in physical residence in the housing unit for a minimum of eight (8) months each calendar year, is or is eligible to be a registered voter in the Town, possesses or is eligible to possess a valid Colorado driver's license; and files a Colorado income tax return; and
- b) The owner has been actively employed by an employer whose principal place of business is in Pitkin County for minimum of one thousand four hundred (1400) hours during a minimum period of eight (8) months per calendar; or have attained the age of sixty-two (62) after having been the owner of the housing unit for not less than ten (10) years.

- c) The owner has not acquired a residential dwelling unit within the Roaring Fork River drainage situated in Eagle, Pitkin or Garfield Counties, or within the Colorado River Drainage from and including the unincorporated No Name area to and including the City of Rifle, after the closing of the acquisition of a housing unit.

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

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

17.6 Housing Unit Rental.

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

17.6.2 With written notice to the Housing Manager, the owner of a housing unit of not less than two (2) bedrooms may rent one (1) bedroom to a maximum of two (2) people, at least one (1) of whom is an employee. Provided, however, the owner must maintain residency in the housing unit, must occupy a bedroom in the housing unit and must receive prior approval for any such rental from the association in which the housing unit exists.

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

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

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

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

June 5, 2023

AGENDA ITEM:

Town Council July 3rd vs 5th Regular Meeting Date

PRESENTED BY:

Megan Harris Boucher, Town Clerk

BACKGROUND:

Town Council approved Resolution 28, Series 2022 establishing meeting dates for the 2023 calendar year to help Town Council Members with scheduling vacations and time off. Resolution 28, Series 2022 determined that Town Council would meet on July 3, 2023. The 4th of July holiday falls on Tuesday in 2023. The possibility of some schedule conflict for Monday July 3rd was brought to the staff's attention and it was determined that a brief discussion was needed to confirm Town Council's decision to continue with Monday July 3rd or reschedule to Wednesday July 5th.

FINANCIAL IMPACT:

NA

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

The provisions of Section 4.1 Regular Meetings of the Home Rule Charter states in part as follows:

The Council shall meet regularly at least twice each month at a day and hour to be fixed by resolution. Notice of all regular meetings shall be posted permanently in at least two locations in the Town ordinarily used for public notices. The agenda of each regular meeting shall be posted in a public place within the Town at least forty-eight (48) hours in advance of such meetings.

Ordinance 26, Series 2001 was adopted and codified to amend and restate in part as follows:

2-46 Town Council Meetings. Regular Meetings of the Town Council will occur on the first, second and third Monday of each month. In the event that the date of a regular meeting occurs on a legal holiday as defined in Section 1-21, then the

meeting shall occur on the Tuesday immediately following the Monday that is the legal holiday. The Town Council may by Resolution change the date for a regular meeting or designate additional meetings.

COUNCIL OPTIONS:

1. Approve
2. Modify
3. Deny

STAFF RECOMMENDATION:

ATTACHMENTS:

2023 Agenda Overview
Resolution 16, Series 2023

DRAFT 2023 Agenda Items

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

Topic to incorporate:

- Dog Park, Leash laws & E-bikes -POSTR needs to meet 1st.

Mon. Jun. 5th – Regular Meeting (Conklin Out)

- Meeting Date: July 3rd or July 5th
- Employee Housing Regulations Discussion
- 2nd Reading of Ordinance appropriating funds for Town Park
- Exec Session, performance reviews

Mon. Jun. 12th – Work Session (Shenk virtual)

- Review Mall Transit Project Ideas
- Draw Site Owners Review

Tues. Jun. 20th – Regular Meeting (Marolt out)

- EOTC Prep for Meeting on 6/29/23 in SMV
- Reso approving transit Title 6 and EEO Plan
-

Thur. June 29th – EOTC Meeting – Snowmass Village Hosts

Mon. Jul 3rd – Regular Meeting (Shenk Virtual) (Move to July 5th???)

- Transportation Title VI Plan?
- Executive session, performance reviews

Mon. Jul. 10th – Work Session (Shenk Virtual)

Mon. Jul. 17th – Regular Meeting (Shenk Virtual)

- Ord removing Board of Appeals
- Geoff Buchheister, SkiCo CEO
- Deerbrook Preliminary Plan joint meeting with Planning Commission

Mon. Aug. 7th – Regular Meeting

Mon. Aug. 14th – Work Session

Mon. Aug. 21st – Regular Meeting

As Of: Thursday, June 1, 2023

DRAFT 2023 Agenda Items

Thur. Aug. 31st - EOTC Meeting – Pitkin County Hosts

Tue. Sep. 5th – Regular Meeting

Mon. Sep. 11th – Work Session

Mon. Sep 18th – Regular Meeting

Mon Oct. 2nd – Regular Meeting (**Kinney virtual**)

Mon. Oct. 9th – Work Session

Mon. Oct. 16th – Regular Meeting

- POST Grant – 1st reading?

Thurs. Oct. 26th – EOTC – City of Aspen Hosts

Mon. Nov. 6th – Regular Meeting

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

Mon. Nov. 13th – Work Session

Mon. Nov. 20th – Regular Meeting

- B & C Interviews
- POST Grant – 2nd reading

Mon. Dec 4th – Regular Meeting

- B & C Interviews

Mon. Dec. 11th – Special Meeting

- GID Meeting – set Mill Levy

Mon. Dec. 18th – Regular Meeting

- B & C Resolution appointing new Members
- Reso RE 2024 Meeting Dates

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

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

DRAFT 2023 Agenda Items

**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL
RESOLUTION NO. 16
SERIES OF 2023**

A RESOLUTION CHANGING A TOWN COUNCIL REGULAR MEETING FROM JULY 3, 2023 TO JULY 5, 2023 2022 DUE TO SCHEDULE CONFLICTS

WHEREAS, Section 2-46 of the Municipal Code provides that Regular Meetings of the Town Council will occur the first, second and third Monday of each month; and

WHEREAS, Section 2-46 provides in the event that the date of a regular meeting occurs on a legal holiday as defined in Section 1-21, then the meeting shall occur on the Tuesday immediately following the Monday that is the legal holiday; and

WHEREAS, The Town Council may by resolution change the date for a regular meeting or designate additional meetings; and

WHEREAS, the Snowmass Village Town Council has determined two Regular Meeting dates for each month of 2023 is appropriate; and

WHEREAS, The 4th of July holiday has created some schedule conflicts for members; and

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

Snowmass Village Town Council Regular Meeting on July 3, 2023 be changed to July 5, 2023.

INTRODUCED, READ AND ADOPTED, by the Town Council of the Town of Snowmass Village, Colorado on the 5th day of June 2023 upon a motion made by Councilmember _____ seconded by Councilmember _____, and by a vote of ____ in favor and ____ opposed.

TOWN OF SNOWMASS VILLAGE

Bill Madsen, Mayor

ATTEST:

Megan Harris Boucher, Town Clerk

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

June 5, 2023

AGENDA ITEM:

Executive Session

PRESENTED BY:

Clint Kinney, Town Manager

BACKGROUND:

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

FINANCIAL IMPACT:

N/A

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

COUNCIL OPTIONS:

- Convene in Executive Session
- Choose not to convene in Executive Session

STAFF RECOMMENDATION:

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

1. For a conference for discussion of a personnel matter under C.R.S. § 24-6-402(4)(f), more specifically: performance review for Town Manager and Town Attorney.

ATTACHMENTS:

N/A