



**Town Council
Monday, September 16, 2024
4:00 PM
Regular Meeting
130 Kearns Road**

Snowmass Village, CO 81615

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

Agenda

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

4. PUBLIC COMMENT

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

5. CONSENT AGENDA

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

5.A. 2024 Draft Agendas

[5A 2024 Agenda Overview.pdf](#)

6. PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS

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

law and the evidence presented at the hearing.

7. POLICY/LEGISLATIVE PUBLIC HEARINGS

7.A. Ordinance regarding AEU - Second Reading - cont from 8/9/24

[7A Agenda Item Summary - AEU LUDC changes.pdf](#)

[7A 1_TC Ord 10, 2024 AEU Code Amdts.pdf](#)

[7A 2_EXHIBIT 'A' Ord 10 PROPOSED CODE CHANGES, 2024, MASTER as amended 8-5-24, REDLINE.pdf](#)

[7A 3_EXHIBIT 'A' Ord 10 PROPOSED CODE CHANGES, 2024, MASTER as amended 8-5-24, FINAL, CLEAN.pdf](#)

[7A 4_Town Atty comments re plat declarations, 7-25-24.pdf](#)

[7A 5_Prior SHOA letters dated 7.19.24, 6.28.24 and 5.31.24.pdf](#)

[7A 6_SUMMARY NET RESULTS CAMPARISON TABLE.pdf](#)

8. ADMINISTRATIVE REPORTS

8.A. Discussion regarding the Pitkin County Landfill

[8A Agenda Item Summary - Landfill Update.pdf](#)

[8A bocc.res.077.2024.docx.pdf](#)

8.B. Roaring Fork Safe Passage - Request for funding for the Wildlife Corridor Study

[8B Agenda Item Summary - Wild Life Crossing.pdf](#)

[8B 1 Mitigation Budget Memo.pdf](#)

[8B 2 SMV- RFSP Updated Presentation & Stage 2 request 2024-09-03.pdf](#)

[8B 3 RFSP Prioritization Methods & Results Report - Final.pdf](#)

[8B 4 RFSP Prioritization Study Summary Reprt - FINAL-2.pdf](#)

[8B 5 Mitigation Plan - Airport to Woody Creek - Budget 02-20-24-2.pdf](#)

8.C. Personnel Request form EAB

[8C 0 Agenda Item Summary - Personnel Request from EAB.pdf](#)

[8C 1 Letter to Town Council Regarding Sustainability Coordinator.pdf](#)

9. TOWN COUNCIL REPORTS AND ACTIONS

Reports and Updates

10. ADJOURNMENT

DRAFT 2024 Agenda Items

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

Topic to incorporate:

- MJ signage regs / tax rate should they be revised?
- Food Pantry update after summer
- Winter Parking (?)

Tuesday Sept 3 – Regular Meeting (Madsen Virtual)

- Review Leash Laws
- *Election – Reso Re Ballot Language for 8/19/24 – 2nd reading (Ballot Language has to be to Cty by 9/6/24)
- Reso in support of ballot question
- ORD – Adopt/Grant new Black Hills Energy Franchise Agreement – First Reading
- SAAB mural review/approval

Tuesday Sept 10 – Work Session

- Initial review of proposed/ updated lighting code
- B & C application & appointment procedure update
- Construction Mitigation Opportunities
-

Monday Sept 16 – Regular Meeting.

- ORD – AEU Ordinance – Second Reading (cont from 8/5 and 8/19)
- Roaring Fork Safe Passages follow up request for funding for Wildlife Corridor study- Cecily DeAngelo
- Owl creek Round about update
- Pitkin County Landfill Update (or Nov 12th)

Monday Oct 7 – Regular Meeting

- Budget
- Gas Franchise ordinance 2nd reading

Monday Oct 14 – Work Session

- Budget
- HOA ADU discussion

Monday Oct 21 – Regular Meeting

- POST Grant – 1st reading?
- Budget
- Winter Parking Plan
- Joint Meeting with Planning Commission RE Ski Housing Project

DRAFT 2024 Agenda Items

EOTC – Thursday October 24 – City of Aspen

Wednesday Nov 6 – Regular Meeting

- GID Meeting - Adopting the GID Budget
- Budget Adoption

Tuesday Nov 12 – Work Session

Monday Nov 18 – Regular Meeting

- New Council Members Oath of Office
- Final owners review of Draw Site
- B & C Applications
- POST Grant – 2nd reading
- Council outside Boards

Monday Dec 2 – Regular Meeting

- Reso RE 2024 Meeting Dates
- Reso on Delinquent Solid Waste / Trash
- B & C Interviews

Monday Dec 9 – Special Meeting

- GID Meeting – set Mill Levy
- B & C Discussion

Monday Dec 16 – Regular Meeting

- B & C Resolution appointing new Members

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

Summer 2025 – Water Plant tour with Darrell Smith and Kit Hamby.

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
 - Tourism – quarterly updates
 - Grants – Recent Awards; Review of Criteria; Purpose, etc.
 - SAAB
 - Planning

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

September 16, 2024

AGENDA ITEM:

CONTINUATION OF PUBLIC HEARING AND SECOND READING: Ordinance No. 10, Series of 2024, an ordinance regarding certain Snowmass Village Municipal Code amendments involving revisions creating new Accessory Employee Unit (AEU) replacement standards in the Land Use and Development Code (LUDC).

PRESENTED BY:

Jim Wahlstrom, Senior Planner, AICP, Community Development Department; and David Shinneman, Director, AICP, Community Development Department

BACKGROUND:

On August 19, 2024, the Town Council again continued the second reading of Ordinance 10, 2024 to September 16 to allow additional time for public comments. At the meeting on the 19th the Snowmass Design Review Committee and the Snowmass Homeowners' Association (SHOA) board representatives expressed concerns regarding the proposed Ordinance. Since the meeting on August 19th staff have not received any additional comments.

Previously, the Town Council provided direction to reduce the maximum square footage amount an AEU can exceed a lot's floor area limit from 1,000 to 750 square feet. The current Code bonus allows up to 10 percent of the floor area limit. There were also concerns about the allowance for detached, stand-alone accessory units.

For informational purposes, Staff has provided an attached a '*Summary Comparison Results Table*' of the net differences between the existing codes and the proposed standards for new AEUs.

For reference, below are the adopted Strategic Initiatives in the 2018 Comprehensive Plan and during the Periodic Review and Comprehensive Plan Amendments in 2021/22 as to what might be acceptable or not to incentivize accessory units following the policies, goals, and next steps outlined below, with emphasis added:

Comprehensive Plan's Goal E, "**Expand Housing Choice, Affordability and Redevelopment**," and its policy and next step state:

Policy E.3, 'Incentivize Accessory Dwelling Units,'(page 41 of Comp Plan).

"Modifying the current Accessory Caretaker and Accessory Employee Unit programs into a single Accessory Dwelling Unit (ADU) program to allow maximum flexibility while creating units that are more likely to be rented, could increase the private sector contributions toward meeting our employee housing demand as well as providing some much needed senior housing. Stand-alone units or units above, below or beside a garage would reduce the mass and scale of a residence (by breaking up the floor area), and may also be more easily rented out."

Next Step 7: *"Modify the Land Use & Development Code to combine the Accessory Employee Unit (AEU) and Accessory Caretaker Unit (ACU) programs into one Accessory Dwelling Unit (ADU) program that would give owners more incentive to create these units."*

FINANCIAL IMPACT:

With the proposed bonus floor area up to **750** square feet for an Accessory Employee Unit beyond the maximum floor area limit of a lot without Floor Area Excise Tax, there could be a loss in that tax revenue with every affected building permit application requesting the bonus floor area beyond the current 10 percent bonus beyond the maximum floor area of a single-family property. Typical FAET applications range between 450 to 550 square feet. With a reassessment of added floor area there would be future increases in property tax revenue. Added accessory employee units with the opportunity to house additional qualified employees and/or occupants would add to the sustainability and economic viability of the community.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

These have been addressed as Findings in the attached Ordinance 10.

APPLICABLE REGULATIONS:

The code's review standards were addressed as Findings in the attached Ordinance 10.

COUNCIL OPTIONS:

Open the continued public hearing to hear and consider additional comments from the public. Approve, approve with modifications, or deny the second reading of the ordinance. If approved, the ordinance would take effect within 15 days.

STAFF RECOMMENDATION:

Town Staff recommends the Council, by motion
approve Ordinance 10-2024 on second reading.

ATTACHMENTS:

1. Ordinance No. 10, Series of 2024;
2. Exhibit 'A' to ordinance of the updated edited language regarding the new Accessory Employee Unit replacement code standards, as amended by Town Council July 1, 2024 at first reading and as further amended at the continued public hearing and previously scheduled second reading on August 5, 2024 – **REDLINED VERSION**;
3. Exhibit 'A' to ordinance of the updated modified language regarding the new Accessory Employee Unit replacement code standards – **FINAL VERSION**
4. Town Attorney's correspondence dated July 25, 2024 regarding the Master declarations as well as found individual plat declaration provisions (Provided again for reference).
5. Prior letters from the Snowmass Homeowners' Association (SHOA), dated July 19, 2024, June 28, 2024, and May 31, 2024. (Provided again for reference).
6. '*Summary Comparative Results Table*' describing the net differences between the existing codes and the proposed AEU standards to assist with discussions among the public.

TOWN OF SNOWMASS
VILLAGE
TOWN COUNCIL
ORDINANCE NO. 10,
SERIES OF 2024

AN ORDINANCE REGARDING CODE TEXT AMENDMENTS TO CHAPTER 1, ARTICLE II DEFINITIONS, AND CHAPTER 16A, ARTICLE II DEFINITIONS, ARTICLE III ZONE DISTRICTS, MEASUREMENT OF DIMENSIONAL LIMITATIONS, AND ACCESSORY UNITS, INVOLVING THE COMBINATION AND CREATION OF NEW ACCESSORY EMPLOYEE UNIT REPLACEMENT STANDARDS.

WHEREAS, the Town Council approved Ordinance No. 9, Series of 2018 on December 17, 2018, thereby adopting the 2018 Town of Snowmass Village Comprehensive Plan (the "Comprehensive Plan"); and

WHEREAS, Town Council Ordinance No. 1, Series of 2022, adopted Amendments to the Comprehensive Plan pursuant to the Code mandated Periodic Review's 'State of the Comprehensive Plan' processed in 2021; and

WHEREAS, the 2018 Comprehensive Plan and the 2022 Amendment incorporated Goals, Policies, and Next Steps relative to Accessory Units; and

WHEREAS, the Comprehensive Plan's Goal E, "**Expand Housing Choice, Affordability and Redevelopment**," and its policy and next step state:

Policy E.3, 'Incentivize Accessory Dwelling Units,' (page 41 of Comp Plan).

"Modifying the current Accessory Caretaker and Accessory Employee Unit programs into a single Accessory Dwelling Unit (ADU) program to allow maximum flexibility while creating units that are more likely to be rented, could increase the private sector contributions toward meeting our employee housing demand as well as providing some much needed senior housing. Stand-alone units or units above, below or beside a garage would reduce the mass and scale of a residence (by breaking up the floor area), and may also be more easily rented out."

Next Step 7: *"Modify the Land Use & Development Code to combine the Accessory Employee Unit (AEU) and Accessory Caretaker Unit (ACU) programs into one Accessory Dwelling Unit (ADU) program that would give owners more incentive to create these units."*

WHEREAS, the Appendix section of the Comprehensive Plan under "Accessory Dwelling Units (ADUs)" include as stated:

a. *"Prior to WWII, most single-family homes in urban areas had separate 'in-law'*

units where young families got their start or where elderly parents could live.”

b. “Multi-generational housing is becoming more of the norm again as families accommodate aging parents.”

c. “As mentioned above, they (ADUs) present a great opportunity to provide lower cost housing for in-town employees and seniors alike, as well as a potential source of revenue for homeowners.”

d. “ADUs for seniors can be built on their home property or that of their adult children. This is an excellent way to provide senior housing that is personalized, gives them security and privacy, and is accessible for future needs.”

e. “Flexibility is the key to a successful ADU program.”

WHEREAS, amendments to Chapter 1 and Chapter 16A of the Snowmass Village Municipal Code ("Municipal Code") are necessary to implement certain action steps identified within the Comprehensive Plan; and

WHEREAS, The Code provides the authority for the Planning Commission or Town Council to initiate an amendment to the text of the development code pursuant to Section 16A-5-210 of the Land Use and Development Code; and

WHEREAS, on April 19 and November 15, 2023 and on February 21 and April 3, 2024, the Planning Commission reviewed and heard the findings and recommendations of town staff, considered public comments, made its findings and recommendations, and directed the draft code amendments be referred for review by Town departments, referral agencies, districts and affected homeowners' associations which occurred on March 7, 2024, and approved Resolution No. 3, Series of 2024, on April 3, 2024; and

WHEREAS, a public hearing notice was published in the Aspen Times Snowmass Sun edition on May 15, 2024 for the initial Town Council meeting on June 3, 2024. Following the review and meeting, the public hearing and first reading of this ordinance was continued to July 1, 2024, acted upon as amended, and the second reading was scheduled with the public hearing continuance to August 5, 2024 followed by another continuance of the public hearing with directed amendments for reconsideration of the second reading of the ordinance on August 19, 2024, which was further continued to September 16, 2024 to allow for ongoing discussions and a work session with the public; and

WHEREAS, the draft code amendments contained in this Ordinance are being processed under the provisions of Section 16A-5-210, ‘Amendments to text of Development Code’ of the Municipal Code; and

WHEREAS, the Town Council has determined that the revisions to the Municipal Code, as hereinafter set forth, are necessary for the public health, safety, and welfare.

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

Section One: Findings. Based upon the information provided and the staff reports, analyses and testimony given during the meetings and public hearing, the Town Council finds as follows:

1. The procedural requirements set forth in Section 16A-5-210, '*Amendments to the Text of the of the Development Code*' of the Municipal Code have been satisfied.
2. The proposed amendments comply with the applicable review standards specified within Section 16A-5-210(e) of the Municipal Code, specifically:
 - a. Consistency with the Comprehensive Plan Strategic Initiatives, goals, policies, and next steps;
 - b. Protects and enhance the quality of life to promote the general health, safety, and welfare of the present and future residents of, and visitors to, the Town;
 - c. Provides for orderly development of the Town, so that the range of uses provided is necessary to sustain residents of the community and to maintain a healthy resort economy accommodated in a compatible manner; and
 - d. Implements the principles and policies of the Town's Comprehensive Plan.

Section Two: Action. The Town Council hereby adopts the amendments to Chapters 1 and 16A of the Municipal Code updating Chapter 1, Article II, Section 1-21, "Definitions," and Chapter 16A, Land Use and Development Code, Article II & Section 16A-2-20, "Definitions," Article III, Section 16A-3-50, "Zone district use schedule," (Footnote 1 therein), Section 16A 3-210, "Measurement of dimensional limitations," and Section 16A-3-230, "Accessory Units," of the Snowmass Village municipal code to address proposed modifications to create and combine new replacement Accessory Employee Unit standards, as further described in Exhibit 'A' attached hereto and incorporated herein.

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

INTRODUCED, READ, AND APPROVED, as amended, on first reading, by the Town Council of the Town of Snowmass Village on July 1, 2024, upon a motion by Council Member Marolt, the second of Council Member Gustafson, and upon a vote of 4 in favor and 1 against. (Council Member Fridstein no).

READ, APPROVED, AND ADOPTED, on second reading, by the Town Council of the Town of Snowmass Village on September 16, 2024, upon a motion by Council Member _____, the second of Council Member _____, and upon a vote of ___ in favor and ___ against.

TOWN OF SNOWMASS VILLAGE

Bill Madsen, Mayor

ATTEST:

Megan Boucher, Town Clerk

APPROVED AS TO FORM:

Jeff Conklin, Town Attorney

Attachments:

Exhibit "A" – Town Council's Edited and Final Versions of code text amendments to Chapter 1, Article II Definitions, and Chapter 16A, Article II Definitions, Article III Zone Districts, Measurement of dimensional limitations, and Accessory units, involving the combination and creation of new, replacement accessory employee unit standards.

EXHIBIT "A"
Ordinance No. 10, Series of 2024
Page 1 of 13
REDLINED VERSION

CHAPTER 1 – General Provisions.

ARTICLE II - Definitions and Usage

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Sec. 1-21. - Definitions.

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The following words and phrases, whenever used in the ordinances of the Town of Snowmass Village, and/or any codification of the same, shall be construed as defined in this Section, unless a different meaning is intended from the context or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

Accessory building means a subordinate building, the use of which is customarily incidental to that of the principal building or to the principal use of the land and which is located on the same lot or parcel with the principal building or use. Accessory buildings shall not be provided with a kitchen or bath facilities sufficient to render them suitable for permanent residential occupancy. An *accessory building* may include facilities such as a pool facility, greenhouse, garage, carport or storage facility.

Accessory employee unit (AEU) means an residential building area attached to or within a single-family dwelling unit, or above or below an accessory garage, and on a lot zoned for a one-family dwelling that meets the following requirements and those set forth in Section 16A-3-230. The AEU shall be occupied by an AEU employee and shall be subject to the provisions contained in this Code. An AEU shall have a separate exterior entrance and shall contain a kitchen, a bathroom and sleeping facilities.

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Accessory use is one that is naturally and normally incidental to, subordinate to and devoted exclusively to the principal use of the premises and does not change the basic character thereof, as determined by the principal use. *Accessory uses* may include accessory employee units (AEUs), a manager's unit, and parking.

Caretaker unit means an area attached to or within a one-family dwelling unit, or above or below an accessory garage, and on a lot zoned for one-family dwellings. It should be occupied by qualified employees, as defined within the Housing Department guidelines, senior citizens or disabled individuals, as defined by the rules and regulations of the Town, which may be adopted from time to time by the Town Council, and subject to the provisions contained in this Code. A caretaker unit shall contain a kitchen with refrigerator and sink, and cooking, sanitation and sleeping facilities. Cooking facilities shall not include only a hot plate and/or microwave oven. Sanitation facilities shall include a bath and/or shower.

Caretaker, for the purposes of determining occupancy of an AEU, shall mean a person employed or contracted by the owner or occupant of the primary residence to, as a primary duty and in consideration for such occupancy, maintain, manage, or care for the subject

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EXHIBIT “A”
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property,

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Caregiver, for the purpose of determining occupancy of an AEU, is a person employed or contractor by the owner or occupant of the primary residence to, as a primary duty and in consideration for such occupancy, assists an individual residing in the primary residence with personal care or household tasks that are necessary for everyday life, including care for a child or a sick, elderly, or disabled person.

Disabled person, is one having a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

Employee, qualified for an AEU, for the purposes of determining occupancy of an AEU, shall mean an person employed as defined in the Permanent Moderate Housing Regulations as adopted in Chapter 17, Article I of the Code, within the County for a minimum of six (6) months a year.

Kitchen, AEU means an area designated for cooking, which minimally contains a twelve-cubic-foot refrigerator, a six-gallon capacity sink, a stove with four (4) cooking surface burners or elements and an oven, and an area for food storage, as allowed for modification by the Town Manager or designee.

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Manager's unit means a dwelling unit which may include a one-family dwelling or a dwelling unit provided within a structure containing multiple-family dwelling units, single-family attached dwelling units, dormitories, or hotel or lodge rooms specifically intended for occupancy by a resident manager of the principal use. A manager's unit may be considered as an accessory employee unit (AEU).

(NOTE: All other definitions remain)

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Ordinance No. 10, Series of 2024
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CHAPTER 16A – Land Use and Development Code

Art. II, Definitions.

Sec. 16A-2-20. Definitions.

Accessory building means a subordinate building, the use of which is customarily incidental to that of the principal use of the land and which is located on the same lot or parcel with the principal building or use. *Accessory buildings* shall not be provided with a kitchen or bath facilities sufficient to render them suitable for permanent residential occupancy (except to permit the installation of an accessory employee unit). An *accessory building* may include facilities such as a pool facility, greenhouse, garage, carport or storage facility.

~~*Accessory caretaker unit (ACU)* means an area attached to or within a single-family detached dwelling, or above or below a detached garage that is located on a lot zoned for a single-family dwelling. The ACU shall be subject to the provisions of Section 16A-3-230(1), Standards for an Accessory Caretaker Unit. An ACU shall have a separate exterior entrance and shall contain an ACU kitchen, a bathroom and sleeping facilities.~~

Accessory employee unit (AEU) means an residential building area attached to or within a single-family detached dwelling, or above or below a detached garage, that is located on a lot zoned for a single-family dwelling that meets the following requirements and those set forth in Section 16A-3-230. The AEU shall be subject to the provisions of Section 16A-3-230(2), Standards for an Accessory Employee Unit. An AEU shall have a separate exterior entrance and shall contain an AEU kitchen, a bathroom and sleeping facilities.

Accessory use means a use that is naturally and normally incidental to, subordinate to and devoted exclusively to the principal use of the premises and does not change the basic character thereof, as determined by the principal use. *Accessory uses* may include accessory employee units (AEUs), a manager's unit and parking, ~~but shall not include any use that is prohibited in the underlying zone district.~~

~~*Caretaker unit* means a dwelling unit that is attached to or is within a detached single-family dwelling unit that is located on a lot zoned for a single-family dwelling, approved by the Town prior to December 10, 1997. The unit should be occupied by employees, senior citizens or disabled individuals. A caretaker unit shall contain a kitchen with refrigerator and sink, and cooking, sanitation and sleeping facilities. Cooking facilities shall not be limited to just a hot plate and/or microwave oven. Sanitation facilities shall include a bath and/or shower.~~

Caretaker, for the purposes of determining occupancy of an AEU, shall mean a person employed or contracted by the owner or occupant of the primary residence to, as a primary

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duty and in consideration for such occupancy, maintain, manage, or care for the subject property.

Caregiver, for the purpose of determining occupancy of an AEU, is a person employed or contractor by the owner or occupant of the primary residence to, as a primary duty and in consideration for such occupancy, assists an individual residing in the primary residence with personal care or household tasks that are necessary for everyday life, including care for a child or a sick, elderly, or disabled person.

Disabled person, is one having a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

Employee, qualified for an AEU, for the purposes of determining occupancy of an AEU, shall mean a person employed within the Town at the time of initial tenancy and who shall remain employed within the Town or County for a minimum of eight (8) months of any calendar year as defined in the Permanent Moderate housing regulations as adopted in Chapter 17, Article I of the Code.

Kitchen, AEU means an area designated for cooking that contains, at a minimum, a twelve-cubic-foot refrigerator, a six-gallon capacity sink, a stove with four (4) cooking surface burners or elements and an oven, and an area for food storage, as allowed for modification by the Town Manager or designee.

Manager's unit means a dwelling unit, which may be a single-family detached dwelling unit, or a dwelling unit provided within a structure containing multi-family dwelling units, single-family attached dwelling units, dormitories, hotel or lodge rooms, or commercial uses and services, specifically intended for occupancy by a resident manager of the principal use. A manager's unit may be considered as an accessory employee unit (AEU).

(NOTE: All other definitions remain)

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CHAPTER 16A – Land Use and Development Code

Art. III, Zone Districts.

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Sec. 16A-3-50. - Zone district use schedule.

TABLE 3-1 SCHEDULE OF USES																		
Uses: A = Allowed; S = Special Review; P = Prohibited	SF 4	SF 6	SF 15	SF 30	SF 150	EST	DU	MF	MF PUD	MU	MU PUD	MU 1	MU 2	CC	CC PUD	PUB	CON	OS REC
Residential and Accommodation Uses																		
Single-Family Detached Dwelling ¹	A	A	A	A	A	A	A	A	A	P	A	P	P	P	P	P	P	P

Notes:

1. An accessory caretaker unit (ACU) or accessory employee unit (AEU) may be permitted in conjunction with any single-family detached dwelling, pursuant to [Section 16A-3-230](#), Accessory Units. See [Section 16A-3-230\(4\)](#), Accessory Employee Units ~~Special Review Standards~~, for standards applicable to this particular use.

Sec. 16A-3-210. Measurement of dimensional limitations.

(b) Measuring Floor Area.

- (1) Areas included in calculations. The total square footage of all levels of a building, as measured at the outside face of the primary structural component of the exterior walls. In the case of adjoining units, measurements shall be taken from the center line of walls separating adjoining units of a building.
- (2) Exclusions, inclusions and adjustments to the gross calculations of Paragraph (1) above.
 - b. Exclusions and adjustments specifically for single-family and two-family dwelling units.
2. ~~Accessory Caretaker Unit (ACU);~~ Accessory ~~Employee Unit (AEU).~~ The floor area for an ~~pre-existing~~ accessory caretaker unit (ACU) ~~shall be included in floor area calculations. The~~ and the floor area for an accessory employee unit, shall be included ~~in the floor area calculations~~ pursuant to the requirements for such units found in Subparagraph 16A-3-230(2)e, Maximum Floor Area.

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Sec. 16A-3-230. Accessory employee units.

~~One (1) accessory caretaker unit (ACU) or~~ One (1) accessory employee unit (AEU) may be installed ~~in on~~ a single-family detached dwelling, ~~lot or one (1) accessory caretaker unit (ACU) may~~ be following these standards:

(1)a. ~~_____~~ constructed as part of a single-family detached dwelling;

(2)b. ~~_____~~ located above, ~~or~~ below, ~~and/or attached to~~ a detached garage, ~~limited at 16 to 18 feet in height, depending on zone district, and not expand the garage building footprint by more than fifty percent (50%). Heights shall be measured pursuant to Section 16A-3-210(a), 'Measuring Height' of the municipal code;~~

(3)c. ~~_____~~ constructed as a separate detached unit, limited to 16 to 18 feet in height, depending on zone district; or

(3)d. ~~_____~~ permitted as a pre-existing dwelling unit within a single-family detached or two-family dwelling, subject to compliance with the provisions of this Section. ~~An ACU or AEU located above or below a detached garage shall require special review approval pursuant to Section 16A-5-230, Special Review.~~

(1) **Standards for a pre-existing accessory caretaker unit.** ~~—, An pre-existing accessory caretaker unit (ACU) as of the effective date of Ordinance No. 10, Series of _____, shall continue to comply with the following standards, unless modified to comply with the accessory employee unit standards in Section 16A-3-230(2):~~

a. Size. The size of the ACU shall be not less than three hundred fifty (350) square feet or greater than seven hundred fifty (750) square feet, and shall be built within the maximum allowable floor area for the lot unless the additional floor area was acquired under the Limited Excise Tax provisions as set forth in Article VI, Chapter 4 of the Municipal Code.

b. Variance. The only variance that may be granted to accommodate the ACU is a setback or height variance.

c. Exterior entrance. The ACU shall have a separate exterior entrance from the single-family detached dwelling that is practically accessible as the primary means of access to the ACU.

d. Parking. There shall be provided at least one (1) on-site parking space per bedroom in the ACU in addition to those parking spaces required for the single-family detached dwelling.

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e. No short-term rental. An ACU shall not be rented on a short-term basis or for vacation-type rentals. All rentals shall be for a minimum term of six (6) months.

f. ~~Pre-existing Unapproved dwelling accessory~~ units. With Town Council approval, one (1) ~~ACU accessory unit~~ created prior to April 16, 1985, in a single-family detached dwelling or one (1) ~~ACU accessory unit~~ created prior to September 21, 1977, in a two-family dwelling within the DU zone district may be permitted to remain ~~as an ACU~~, provided that:

1. The lot owner has submitted architectural drawings reflecting the "As-Built" condition defining the ACU.

2. The lot owner has submitted a report from a private building inspection consultant, whose qualifications are acceptable to the Town, containing his or her findings with regard to consistency with Chapter 18 of this Code as found within the ACU and recommendations as to whether modifications should occur in order for the unit to be occupied in a safe manner.

3. Based upon the review of the inspector's report and recommendations of the Building Official, who may inspect said ACU prior to any approval being granted, the lot owner agrees to obtain the necessary permits and perform the recommended modifications that need to occur prior to any registration, rental or conveyance of the ACU.

4. The lot owner has successfully demonstrated that the subject unit existed within the principal structure on or before the applicable date specified above and that no other ACUs exist on the lot.

5. The existing ACU unit is in conformity with Subsection (1) above, except that the subject ACU may be acceptable for registration if, at the sole discretion of the Town ~~Council~~ and following presentation of evidence thereon, it is satisfactorily demonstrated that such nonconformity may be determined to be minor in nature or that compliance would be impractical and would cause an unreasonable hardship upon the lot owner. In cases such as this, the Town ~~Council~~ may impose conditions reasonably necessary to mitigate impacts upon surrounding property owners or to specify a timeframe within which the ACU or nonconformity must be brought into compliance with Subsection (1) above.

~~g. Comply with its initial registration with the Town.~~

(2) **Standards for an accessory employee unit (AEU).** An AEU, ~~which may include a modification to a previously approved accessory caretaker unit (ACU)~~, shall comply with the following standards:

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a. Size. The size of the AEU shall be not less than three hundred ~~fifty~~ (350) square feet or greater than one thousand (1,000) square feet. ~~Special review approval pursuant to Section 16A-5-230, Special Review, shall be required for an AEU greater than seven hundred fifty (750) square feet in size.~~

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b. Variance. The only ~~development~~ variance that may be granted to accommodate the AEU is a setback or height variance.

c. Contents. ~~An AEU shall contain a "Kitchen, (AEU)," sanitation and sleeping facilities. Sanitation facilities shall include at minimum a sink, shower, a toilet, and washer and dryer hookups for efficiency or stackable units. Sleeping facilities shall be provided up to a maximum of two bedrooms.~~

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~~ed.~~ Exterior entrance. The AEU shall have a separate exterior entrance from the single-family detached dwelling that is practically accessible as the primary means of access to the AEU ~~or may be accessed from a shared, enclosed vestibule entrance.~~

~~de.~~ Parking. There shall be provided at least one (1) on-site parking space per bedroom in the AEU, ~~which may be tandemly arranged,~~ in addition to those parking spaces required for the single-family detached dwelling.

~~ef.~~ Maximum floor area. The AEU shall not cause the resulting floor area of all improvements to exceed the maximum floor area for the lot; ~~except, however, the maximum floor area for the lot may be exceeded by an amount greater than not to exceed ten percent (10%) without special review approval pursuant to Section 16A-5-230, Special Review seven hundred and fifty (750) square feet and not be subject to the Floor Area Excise Tax provisions in Chapter 4, Article VI for the floor area of an AEU, provided the Applicant/Owner for the AEU shall:~~

~~i. comply with all provisions of the Code applicable to AEU's;~~

~~ii. complete an AEU initial registration (if under the floor area cap for the lot); or~~

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~~iii. record a deed / covenant restriction for the AEU in a form to be prepared by the Town containing the material terms of this Section regarding occupancy, and following subsection (3)c2 below, and submit to the Town (if over the maximum floor area of the lot up to a limit of 750 square feet); and~~

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~~iv. enter into a Restricted Housing Agreement with the Town, and the maximum rents for the AEU, which rents shall be established by the Town, and subsection (3)c2 below. Rental rates may be adjusted annually based on the inflation index used by the Town. A restricted housing agreement may otherwise be reviewed and updated not more frequently than every 5 years.~~

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~~fg.~~ No short-term rental. An AEU shall not be rented on a short-term basis or for

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vacation-type rentals. All rentals shall be for a minimum term of six (6) months. This restriction shall be incorporated by the Restricted Housing Agreement with the owner if over the maximum floor area limit.

gh. Occupancy. Occupancy of an AEU shall be by a person or persons employed within the Town at the time of initial tenancy and who shall remain employed within the Town or County for a minimum of eight (8) months of any calendar year. The AEU must be occupied by qualified employees, caretakers, caregivers, senior citizen (> age 65), or disabled individuals, as defined by this Code or the rules and regulations of the Town. Occupancy of an AEU shall not exceed 2 persons per bedroom and shall otherwise be subject to the provisions of this Code.

i. No Restricted sale. A property cannot be condominiumized to create a separately conveyable unit for the AEU.

j. Rental by Employer. The Owner may allow employers within the Town of Snowmass Village to rent and/or sublease accessory employee units to qualified employees, pursuant to a deed / covenant restriction and the restricted housing agreement if above the maximum floor area limit.

(3) Accessory employee unit completion and registration.

a. Completion. A new accessory unit shall be completed within the period prescribed by the building permit issued for its construction. All modifications to a pre-existing ACU shall be completed within the period prescribed by Chapter 18 of this Code or other permits required by the Town Council for it to be registered.

b. ACU notice of registration. Upon issuance of a certificate of occupancy for a new ACU or certificate of completion for a pre-existing ACU and payment of the processing fee established by the Community Development Department's fee schedule, a notice of registration of the ACU shall be issued by the Planning Director, and a true and accurate copy shall be filed for record, at the applicant's expense, in the Office of the Clerk and Recorder of the County. Such registration shall be valid for the existence of the new ACU or, in the case of pre-existing units, may be subject to the terms and conditions imposed by the Town Council.

cb. AEU notice of initial registration and deed / covenant restriction.

1. If the floor area on the lot remains within the maximum limit for the lot. Upon After issuance of a certificate of occupancy or completion for an AEU and payment of the processing fee established by the Community Development Department's fee schedule, a notice of registration of the AEU shall be issued by the Planning Director, and a true and accurate copy shall be filed for recording, at the applicant's expense, in the Office of the Clerk and Recorder of the County.

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2. If the floor area on the lot exceeds the maximum limit for the lot. The Community Development Department shall provide a deed / covenant restriction, which shall identify the size of unit, and the penalty provisions in subsection (5) below for the AEU and contain the material terms of this Section regarding occupancy standards under subsection (2)g above for recording, at the applicant's expense, in the Office of the Clerk and Recorder of the County. The applicant shall also enter into a Restricted Housing Agreement with the Town defining at minimum the maximum rent, the size of unit, the prioritization of occupants, and the occupancy standards under subsection (2)g above. A restricted housing agreement may otherwise be reviewed and updated not more frequently than every 5 years. The initial registration shall be effective until December 31 of the year in which it is issued, unless the unit is initially registered after November 15, in which case the registration shall be effective until December 31 of the year after it is issued.

d. AEU registration renewal. On a yearly basis, the registration of an AEU shall be renewed by filing an application for renewal, accompanied by the applicable processing fee established by the Community Development Department's fee schedule, with the Community Development Department on or before November 15. To qualify for a registration renewal, the owner of the AEU must verify that the AEU complies with the conditions set forth in Subsection (2), Standards for an Accessory Employee Unit, and that the AEU has been occupied by an AEU employee for at least eight (8) months during the previous registration period. Thereupon, the Planning Director shall renew the registration of the AEU until December 31 of the year following the expiration of the current registration.

e. AEU conditional registration renewal. In the event that the owner of an AEU cannot meet the conditions for renewal set forth in Subsection (3)d, AEU Registration Renewal, then a conditional registration renewal may be issued, if the owner agrees to correct the noncomplying conditions prior to March 1 during the conditional registration renewal. The date for compliance may be extended to May 1 if the AEU was initially registered after May 1 of the previous year provided that the AEU can be occupied by an AEU employee for eight (8) of the twelve (12) months following initial registration. The conditional renewal registration of the AEU shall be automatically extended to December 31 upon timely correction of the noncomplying conditions.

f. Inspection. The Community Development Department Town of Snowmass Village shall have a right to inspect the AEU prior to registration renewal or to verify compliance with this Section. At least forty-eight (48) hours' written or verbal notice will be provided to the owner or his or her authorized agent. The owner of the AEU shall also notify the department of any impending sale of the subject property and permit an inspection prior to closing.

gd. Failure to register, deed / covenant restrict, or correct noncomplying conditions. If the owner:

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1. Fails to timely complete the construction of an AEU in accordance with the provisions of Subsection (3)a, Completion;

2. Fails to timely comply with the provisions of Subsection (3)d, AEU Notice of Initial Registration ~~Renewal~~ and Deed / Covenant Restriction, and the recordation thereof; or

3. ~~Has not met the conditions for renewal set forth in Subsection (3)d, AEU Registration-Renewal, at the end of the AEU conditional registration renewal Failure to register, deed / covenant restrict, including the recordation thereof, or correct non-complying conditions, within thirty (30) days of the existence of the event of noncompliance, or February 1 of the year following the lapse of the current registration, whichever shall first occur, shall require the owner shall to~~ remove the kitchen from the AEU; and either comply with the following:

4i. Remove floor area. Remove from the single-family detached lot, dwelling or detached garage structure all floor area being part of the AEU, unless the floor area legally existed prior to the creation of the new AEU code provisions; or

5ii. was acquired under the Limited Excise Tax provisions; ~~or; and~~

iii. Modify with the Town's permission the Restricted Housing Agreement and to release the registration and/or deed / covenant restriction.

5.4. ~~Mitigation Penalty fee.~~ Pay to the Town a mitigation penalty fee for elimination of the AEU as an employee housing unit. The amount of the fee shall be calculated by the Planning Director by as described below:

a) multiplying the square footage of the AEU, minus that portion of AEU floor area that legally existed prior to the creation of the AEU or was acquired under the Limited Excise Tax provisions, by: The penalty in this case would be calculated pursuant to the provisions and formulae in Chapter 4, Article VI, 'Floor Area Excise Tax,' of the Code, only if the floor area square footage was previously granted or allowed up to 10 percent beyond the maximum floor area without the acquisition through the 'Floor Area Excise Tax' of the Code.

b) If under this Ordinance No. 10, Series of 2024, an AEU was approved up to the limit of 750 square feet beyond the maximum floor area standard established by the zoning or PUD for the lot without any prior acquisition of a 'Floor Area Excise Tax,' and the employee unit is subsequently removed, then the amount of penalty fee shall be the calculated per the formulae in Chapter 4, Article VI, 'Floor Area Excise Tax,' of the Code and tripling the resulting fee.

a) The actual value of the lot including the single-family detached dwelling unit, any accessory building and the land as calculated from the records of the County

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Assessor, divided by the floor area square footage of the single-family detached dwelling and any accessory building, not including the AEU, as calculated in accordance with the provisions of Section 16A-3-210(b), Measuring Floor Area; or

b) In the event that the actual value of the lot including the single-family detached dwelling, any accessory building and land is not available from the records of the County Assessor, then one hundred twenty-five percent (125%) of the numeric average of the actual value of all lots including a single-family detached dwelling and land for the subdivision or PUD in which the lot exists as calculated from the records of the County Assessor shall be divided by the floor area square footage of the single-family detached dwelling and any accessory building, not including the AEU; and

c) Multiplying the amount determined above by a factor of 1.5.

Provided, however, that if a change in the actual value of the lot including the principal dwelling unit, any accessory building and land according to the records of the County Assessor occurs within one (1) year from the date of payment of the mitigation fee, then the amount of the mitigation fee shall be recalculated by the Planning Director. The Planning Director shall notify the owner of the amount of the additional mitigation fee, which shall be paid by the owner within thirty (30) days. If the owner paid a mitigation fee in excess of the recalculated mitigation fee, then the Planning Director shall cause the overpayment to be refunded to the owner.

(4) Accessory unit special review standards. Any AEU requiring special review shall comply with the following standards:

a. Community need. The applicant has demonstrated that the proposed accessory unit helps to promote the public policy purpose and community need to create affordable employee housing.

b. Mass and scale. The accessory unit will not contain roof configurations, internal ceiling heights or areas open to the floor below which unnecessarily contribute to the mass and scale of the proposed addition.

c. Special circumstances exist. The applicant shall satisfactorily demonstrate that special circumstances exist or practical difficulties would occur such that a lesser sized caretaker unit should not be created within or utilize portions of the existing structure.

d. Location. The accessory unit shall be carefully situated within the lot so as to be appropriate at its proposed location and compatible with the character of surrounding residences in the area.

e. Visibility. The design of the accessory unit shall be sensitive to its visual impact

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on neighboring properties. The accessory unit design shall include, but not be limited to, sensitive choice in placement, screening with landscaping, sub-grade placement, architectural design, use of materials and colors or any other effective means that minimize or soften its appearance and visibility on the site. The proposed unit may be denied if it is determined that the visibility has not been sufficiently reduced.

f.—Not adversely affect neighborhood. The approval of the accessory unit shall not, in a substantially adverse manner, change the neighborhood character. Nor should it create excessive traffic impacts. It should not have a substantially adverse impact on the land abutting upon or across the street from the property being approved for an AEU. It should not prevent an adequate supply of light or air from reaching adjacent properties, nor should the construction of the unit increase the fire danger or otherwise endanger the public safety. (Ord. 4-1998 §1; Ord. 5-1999 §3; Ord. 19-2000, §1; Ord. 10-2001, §1; Ord. 10-2024, §1)

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CHAPTER 1 – General Provisions.

ARTICLE II - Definitions and Usage

Sec. 1-21. - Definitions.

The following words and phrases, whenever used in the ordinances of the Town of Snowmass Village, and/or any codification of the same, shall be construed as defined in this Section, unless a different meaning is intended from the context or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

Accessory building means a subordinate building, the use of which is customarily incidental to that of the principal building or to the principal use of the land and which is located on the same lot or parcel with the principal building or use. Accessory buildings shall not be provided with a kitchen or bath facilities sufficient to render them suitable for permanent residential occupancy. An *accessory building* may include facilities such as a pool facility, greenhouse, garage, carport or storage facility.

Accessory employee unit (AEU) means a residential building area attached to or within a single-family dwelling unit, or above or below an accessory garage, and on a lot zoned for a one-family dwelling that meets the following requirements and those set forth in Section 16A-3-230.

Accessory use is one that is naturally and normally incidental to, subordinate to and devoted exclusively to the principal use of the premises and does not change the basic character thereof, as determined by the principal use. *Accessory uses* may include accessory employee units (AEUs), a manager's unit, and parking.

Caretaker, for the purposes of determining occupancy of an AEU, shall mean a person employed or contracted by the owner or occupant of the primary residence to, as a primary duty and in consideration for such occupancy, maintain, manage, or care for the subject property.

Caregiver, for the purpose of determining occupancy of an AEU, is a person employed or contractor by the owner or occupant of the primary residence to, as a primary duty and in consideration for such occupancy, assists an individual residing in the primary residence with personal care or household tasks that are necessary for everyday life, including care for a child or a sick, elderly, or disabled person.

Disabled person, is one having a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

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Employee, qualified for an AEU, for the purposes of determining occupancy of an AEU, shall mean an employee as defined in the Permanent Moderate Housing Regulations as adopted in Chapter 17, Article I of the Code.

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Kitchen, AEU means an area designated for cooking, which minimally contains a twelve-cubic-foot refrigerator, a six-gallon capacity sink, a stove with four (4) cooking surface burners or elements and an oven, and an area for food storage, as allowed for modification by the Town Manager or designee.

Manager's unit means a dwelling unit which may include a one-family dwelling or a dwelling unit provided within a structure containing multiple-family dwelling units, single-family attached dwelling units, dormitories, or hotel or lodge rooms specifically intended for occupancy by a resident manager of the principal use. A manager's unit may be considered as an accessory employee unit (AEU).

(NOTE: All other definitions remain)

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CHAPTER 16A – Land Use and Development Code

Art. II, Definitions.

Sec. 16A-2-20. Definitions.

Accessory building means a subordinate building, the use of which is customarily incidental to that of the principal use of the land and which is located on the same lot or parcel with the principal building or use. *Accessory buildings* shall not be provided with a kitchen or bath facilities sufficient to render them suitable for permanent residential occupancy (except to permit the installation of an accessory employee unit). An *accessory building* may include facilities such as a pool facility, greenhouse, garage, carport or storage facility.

Accessory employee unit (AEU) means a residential building area attached to or within a single-family detached dwelling, or above or below a detached garage, that is located on a lot zoned for a single-family dwelling that meets the following requirements and those set forth in Section 16A-3-230.

Accessory use means a use that is naturally and normally incidental to, subordinate to and devoted exclusively to the principal use of the premises and does not change the basic character thereof, as determined by the principal use. *Accessory uses* may include accessory employee units (AEUs), a manager's unit and parking.

Caretaker, for the purposes of determining occupancy of an AEU, shall mean a person employed or contracted by the owner or occupant of the primary residence to, as a primary duty and in consideration for such occupancy, maintain, manage, or care for the subject property.

Caregiver, for the purpose of determining occupancy of an AEU, is a person employed or contractor by the owner or occupant of the primary residence to, as a primary duty and in consideration for such occupancy, assists an individual residing in the primary residence with personal care or household tasks that are necessary for everyday life, including care for a child or a sick, elderly, or disabled person.

Disabled person, is one having a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

Employee, qualified for an AEU, for the purposes of determining occupancy of an AEU, shall mean an employee as defined in the Permanent Moderate housing regulations as adopted in Chapter 17, Article I of the Code.

Kitchen, AEU means an area designated for cooking that contains, at a minimum, a

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twelve-cubic-foot refrigerator, a six-gallon capacity sink, a stove with four (4) cooking surface burners or elements and an oven, and an area for food storage, as allowed for modification by the Town Manager or designee.

Manager's unit means a dwelling unit, which may be a single-family detached dwelling unit, or a dwelling unit provided within a structure containing multi-family dwelling units, single-family attached dwelling units, dormitories, hotel or lodge rooms, or commercial uses and services, specifically intended for occupancy by a resident manager of the principal use. A manager's unit may be considered as an accessory employee unit (AEU).

(NOTE: All other definitions remain)

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CHAPTER 16A – Land Use and Development Code

Art. III, Zone Districts.

Sec. 16A-3-50. - Zone district use schedule.

TABLE 3-1 SCHEDULE OF USES																		
Uses: A = Allowed; S = Special Review; P = Prohibited	SF 4	SF 6	SF 15	SF 30	SF 150	EST	DU	MF	MF PUD	MU	MU PUD	MU 1	MU 2	CC	CC PUD	PUB	CON	OS REC
Residential and Accommodation Uses																		
Single-Family Detached Dwelling ¹	A	A	A	A	A	A	A	A	A	P	A	P	P	P	P	P	P	P

Notes:

1. An accessory caretaker unit (ACU) or accessory employee unit (AEU) may be permitted in conjunction with any single-family detached dwelling, pursuant to [Section 16A-3-230](#), Accessory Units. See [Section 16A-3-230](#), Accessory Employee Units, for standards applicable to this particular use.

Sec. 16A-3-210. Measurement of dimensional limitations.

(b) Measuring Floor Area.

- (1) Areas included in calculations. The total square footage of all levels of a building, as measured at the outside face of the primary structural component of the exterior walls. In the case of adjoining units, measurements shall be taken from the center line of walls separating adjoining units of a building.
- (2) Exclusions, inclusions and adjustments to the gross calculations of Paragraph (1) above.
 - b. Exclusions and adjustments specifically for single-family and two-family dwelling units.
2. Accessory Caretaker Unit (ACU); Accessory Employee Unit (AEU). The floor area for a pre-existing accessory caretaker unit (ACU) and the floor area for an accessory employee unit, shall be included in the floor area calculations pursuant to the requirements for such units found in Subparagraph 16A-3-230(2)e, Maximum Floor Area.

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Sec. 16A-3-230. Accessory employee units.

One (1) accessory employee unit (AEU) may be installed on a single-family detached dwelling lot following these standards:

- a. constructed as part of a single-family detached dwelling;
- b. located above, below, and/or attached to a detached garage, limited to 16 to 18 feet in height, depending on zone district, and not expand the garage building footprint by more than fifty percent (50%). Heights shall be measured pursuant to Section 16A-3-210(a), *'Measuring Height,'* of the municipal code;
- c. constructed as a separate detached unit, limited at 16 to 18 feet in height, depending on zone district; or
- d. permitted as a pre-existing dwelling unit within a single-family detached or two-family dwelling, subject to compliance with the provisions of this Section.

(1) **Standards for a pre-existing accessory caretaker unit.** A pre-existing accessory caretaker unit (ACU) as of the effective date of Ordinance No. 10, Series of , shall continue to comply with the following standards, unless modified to comply with the accessory employee unit standards in Section 16A-3-230(2):

a. **Size.** The size of the ACU shall be not less than three hundred fifty (350) square feet or greater than seven hundred fifty (750) square feet and shall be built within the maximum allowable floor area for the lot unless the additional floor area was acquired under the Limited Excise Tax provisions as set forth in Article VI, Chapter 4 of the Municipal Code.

b. **Variance.** The only variance that may be granted to accommodate the ACU is a setback or height variance.

c. **Exterior entrance.** The ACU shall have a separate exterior entrance from the single-family detached dwelling that is practically accessible as the primary means of access to the ACU.

d. **Parking.** There shall be provided at least one (1) on-site parking space per bedroom in the ACU in addition to those parking spaces required for the single-family detached dwelling.

e. **No short-term rental.** An ACU shall not be rented on a short-term basis or for vacation-type rentals. All rentals shall be for a minimum term of six (6) months.

f. **Unapproved accessory units.** With Town Council approval, one (1) accessory unit

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created prior to April 16, 1985, in a single-family detached dwelling or one (1) accessory unit created prior to September 21, 1977, in a two-family dwelling within the DU zone district may be permitted to remain as an ACU, provided that:

1. The lot owner has submitted architectural drawings reflecting the "As-Built" condition defining the ACU.

2. The lot owner has submitted a report from a private building inspection consultant, whose qualifications are acceptable to the Town, containing his or her findings with regard to consistency with Chapter 18 of this Code as found within the ACU and recommendations as to whether modifications should occur in order for the unit to be occupied in a safe manner.

3. Based upon the review of the inspector's report and recommendations of the Building Official, who may inspect said ACU prior to any approval being granted, the lot owner agrees to obtain the necessary permits and perform the recommended modifications that need to occur prior to any registration, rental or conveyance of the ACU.

4. The lot owner has successfully demonstrated that the subject unit existed within the principal structure on or before the applicable date specified above and that no other ACUs exist on the lot.

5. The existing ACU unit is in conformity with Subsection (1) above, except that the subject ACU may be acceptable for registration if, at the sole discretion of the Town and following presentation of evidence thereon, it is satisfactorily demonstrated that such nonconformity may be determined to be minor in nature or that compliance would be impractical and would cause an unreasonable hardship upon the lot owner. In cases such as this, the Town may impose conditions reasonably necessary to mitigate impacts upon surrounding property owners or to specify a timeframe within which the ACU or nonconformity must be brought into compliance with Subsection (1) above.

g. Comply with its initial registration with the Town.

(2) **Standards for an accessory employee unit (AEU).** An AEU, which may include a modification to a previously approved accessory caretaker unit (ACU), shall comply with the following standards:

a. Size. The size of the AEU shall be not less than three hundred (300) square feet or greater than one thousand (1,000) square feet.

b. Variance. The only development variance that may be granted to accommodate the AEU is a setback or height variance.

c. Contents. An AEU shall contain a "*Kitchen, (AEU),*" sanitation and sleeping facilities.

EXHIBIT “A”
Ordinance No. 10, Series of 2024
Page 8 of 10
FINAL VERSION

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Sanitation facilities shall include at minimum a sink, shower, a toilet, and washer and dryer hookups for efficiency or stackable units. Sleeping facilities shall be provided up to a maximum of two bedrooms.

d. Exterior entrance. The AEU shall have a separate exterior entrance from the single-family detached dwelling that is practically accessible as the primary means of access to the AEU or may be accessed from a shared, enclosed vestibule entrance.

e. Parking. There shall be provided at least one (1) on-site parking space per bedroom in the AEU, which may be tandemly arranged, in addition to those parking spaces required for the single-family detached dwelling.

f. Maximum floor area. The AEU shall not cause the resulting floor area of all improvements to exceed the maximum floor area for the lot; except, however, the maximum floor area for the lot may be exceeded by an amount not to exceed seven hundred and fifty (750) square feet and not be subject to the Floor Area Excise Tax provisions in Chapter 4, Article VI for the floor area of an AEU, provided the Applicant/Owner for the AEU shall:

i. comply with all provisions of the Code applicable to AEU's;

ii. complete an AEU initial registration (if under the floor area cap for the lot); or

iii. record a deed / covenant restriction for the AEU in a form to be prepared by the Town containing the material terms of this Section regarding occupancy, and following subsection (3)c2 below, and submit to the Town (if over the maximum floor area of the lot up to a limit of 750 square feet); and

iv. enter into a Restricted Housing Agreement with the Town, and the maximum rents for the AEU, which rents shall be established by the Town, and subsection (3)c2 below. Rental rates may be adjusted annually based on the inflation index used by the Town. A restricted housing agreement may otherwise be reviewed and updated not more frequently than every 5 years.

g. No short-term rental. An AEU shall not be rented on a short-term basis or for vacation-type rentals. All rentals shall be for a minimum term of six (6) months. This restriction shall be incorporated by the Restricted Housing Agreement with the owner if over the maximum floor area limit.

h. Occupancy. The AEU must be occupied by qualified employees, caretakers, caregivers, senior citizen (> age 65), or disabled individuals, as defined by this Code or the rules and regulations of the Town. Occupancy of an AEU shall not exceed 2 persons per bedroom and shall otherwise be subject to the provisions of this Code.

i. No Restricted sale. A property cannot be condominiumized to create a separately

EXHIBIT “A”
Ordinance No. 10, Series of 2024
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FINAL VERSION

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conveyable unit for the AEU.

j. Rental by Employer. The Owner may allow employers within the Town of Snowmass Village to rent and/or sublease accessory employee units to qualified employees, pursuant to a deed / covenant restriction and the restricted housing agreement if above the maximum floor area limit.

(3) Accessory employee unit completion and registration.

a. Completion. A new accessory unit shall be completed within the period prescribed by the building permit issued for its construction. All modifications to a pre-existing ACU shall be completed within the period prescribed by Chapter 18 of this Code or other permits required by the Town Council for it to be registered.

b. AEU notice of initial registration and deed / covenant restriction.

1. If the floor area on the lot remains within the maximum limit for the lot. After issuance of a certificate of occupancy or completion for an AEU and payment of the processing fee established by the Community Development Department's fee schedule, a notice of registration of the AEU shall be issued by the Planning Director, and a true and accurate copy shall be filed for recording, at the applicant's expense, in the Office of the Clerk and Recorder of the County;

2. If the floor area on the lot exceeds the maximum limit for the lot. The Community Development Department shall provide a deed / covenant restriction, which shall identify the size of unit, and the penalty provisions in subsection (5) below for the AEU and contain the material terms of this Section regarding occupancy standards under subsection (2)g above for recording, at the applicant's expense, in the Office of the Clerk and Recorder of the County. The applicant shall also enter into a Restricted Housing Agreement with the Town defining at minimum the maximum rent, the size of unit, the prioritization of occupants, and the occupancy standards under subsection (2)g above. A restricted housing agreement may otherwise be reviewed and updated not more frequently than every 5 years.

c. Inspection. The Town of Snowmass Village shall have a right to inspect the AEU to verify compliance with this Section. At least forty-eight (48) hours' written or verbal notice will be provided to the owner or his or her authorized agent. The owner of the AEU shall also notify the department of any impending sale of the subject property and permit an inspection prior to closing

d. Failure to register, deed / covenant restrict, or correct noncomplying conditions. If the owner:

1. Fails to timely complete the construction of an AEU in accordance with the

EXHIBIT “A”
Ordinance No. 10, Series of 2024
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FINAL VERSION

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provisions of Subsection (3)a, Completion;

2. Fails to timely comply with the provisions of Subsection (3)c, AEU Notice of Initial Registration and Deed / Covenant Restriction, and the recordation thereof; or

3. Failure to register, deed / covenant restrict, including the recordation thereof, or correct noncomplying conditions, shall require the owner to remove the kitchen from the AEU; and comply with the following:

i. Remove floor area. Remove from the single-family detached lot, dwelling or detached garage structure all floor area being part of the AEU, unless the floor area legally existed prior to the creation of the new AEU code provisions; or

ii. was acquired under the Limited Excise Tax provisions; and

iii. Modify with the Town's permission the Restricted Housing Agreement and to release the registration and/or deed / covenant restriction.

4. Penalty . Pay to the Town a penalty for elimination of the AEU as an employee housing unit. The amount of the fee shall be calculated by the Planning Director as described below:

a) multiplying the square footage of the AEU, minus that portion of AEU floor area that legally existed prior to the creation of the AEU or was acquired under the Limited Excise Tax provisions. The penalty in this case would be calculated pursuant to the provisions and formulae in Chapter 4, Article VI, '*Floor Area Excise Tax*,' of the Code, only if the floor area square footage was previously granted or allowed up to 10 percent beyond the maximum floor area without the acquisition through the '*Floor Area Excise Tax*' of the Code.

b) If under this Ordinance No. 10, Series of 2024, an AEU was approved up to the limit of 750 square feet beyond the maximum floor area standard established by the zoning or PUD for the lot without any prior acquisition of a '*Floor Area Excise Tax*,' and the employee unit is subsequently removed, then the amount of penalty fee shall be the calculated per the formulae in Chapter 4, Article VI, '*Floor Area Excise Tax*,' of the Code and tripling the resulting fee. (Ord. 4-1998 §1; Ord. 5-1999 §3; Ord. 19-2000, §1; Ord. 10-2001, §1; Ord. 10-2024, §1)

From: Jeffrey J. Conklin <jjc@mountainlawfirm.com> - **TOSV TOWN ATTORNEY'S OFFICE**
Sent: Thursday, July 25, 2024 3:02 PM
To: Jim Wahlstrom <JWahlstrom@tosv.com>; Dave Shinneman <dshinneman@tosv.com>
Cc: Clint Kinney <CKinney@tosv.com>
Subject: AEU's - SHOA

Hi Jim and Dave,

As discussed, the body of my email below can be included in the Staff Memo to Council regarding the AEU Ordinance.

As Council is aware, Snowmass Homeowners Association, Inc. ("SHOA"), has recently asserted in Town Council meetings that accessory units are not permitted under the Master Declaration of Protective Covenants (the "Master Declaration"). For Council's awareness, Staff wishes to include the relevant provisions of the Master Declaration and identify a few important elements in the Master Declaration (emphasized below).

The primary covenant SHOA has identified as controlling on this issue is Section 5.1 of the Master Declaration, which provides:

5.1 Lot Restrictions:

Each Lot shall be used exclusively for residential living purposes and such purposes as are customarily incident thereto. Unless otherwise specified on a recorded plat or in a Supplemental Declaration covering the Lot: No Lot shall be improved except with a residence structure or complex designed to accommodate no more than a single family and its servants and occasional guests plus such other improvements and structures as are necessary or customarily incident to a single family residence; No guest house or guest area of a structure shall have its own, separate kitchen facilities; No structures or aboveground improvements shall be permitted on any Lot which are detached or separated from the principal residence structure unless located within a reasonably compact area adjacent to the principal residence structure and unless designed as a single visual element, connected or related visually with the principal residence structure by fencing or other architectural features; The residence structure or complex shall have a minimum living floor area of the number of square feet, exclusive of garages, porches, patios and accessory structures, shown on the recorded plat or specified in a Supplemental Declaration covering the Lot; No residence structure and no other structure or above-ground improvement shall rise more than the number of stories or number of feet, measured in either case, from the highest grade level adjoining the structure, shown on the recorded plat or specified in a Supplemental Declaration covering the Lot; and All above-ground improvements, except landscaping and necessary crossings by access drives, bridges or paths, shall be set back at least the distance from the boundaries of the Lot established by setback lines shown on the recorded plat or specified in a Supplemental Declaration covering the Lot.

As emphasized above, Section 5.1 contains a condition precedent, stating "unless otherwise specified on a recorded plat or in a Supplemental Declaration covering the Lot...." then the restrictions that follow in Section 5.1 apply. There are 11 subdivisions within SHOA that are created by and subject to supplemental plats and declarations, including the Divide, Two Creeks, the Pines, Fox Run, Horse Ranch, the Crossings, Country Club (I and II), Rodeo Place, Melton Ranch (II and III), Wildridge (I and II), Ridgerun (I, II, III, and IV), and Woodrun (I, II, III, IV, and V). The Declarations for several of these subdivisions (i.e. supplemental declarations) contain certain provisions that are different and in some cases conflict with the Master Declaration (note: Staff has not reviewed all declarations that may exist). This is expressly contemplated both Section 5.1 above and by Section 3.4 of the Master Declaration, which states that "a Supplemental Declaration may define and describe

additional or different land classifications other than the land classifications set forth in this [Master] Declaration; may set forth addition or different provisions, covenants, conditions or restrictions...” Importantly, Section 3.4 concludes that “in the event of a conflict or inconsistency between the Supplemental Declaration and this [Master] Declaration...the terms of the Supplemental Declaration shall prevail as to the particular property described in that Supplemental Declaration.” In other words, if the declaration for a specific development permits a use, it controls over the restrictions in the Master Declaration.

Turning to the declarations for the subdivisions under the Master Declaration, several contain more specific provisions in those declarations, including but not limited to the following:

- The Divide: “Each Lot shall be used only for single family residential purposes and such accessory uses as may be permitted by the Land Use and Development Code of the Town, or as the same may be amended.” See Divide Declaration, § 3.1. Thus, the Divide expressly allows for “accessory uses” under the TOSV Code. AEU’s are considered an “accessory use” under the TOSV Code, and not a “two dwelling unit” use or “guest house” use.
- Two Creeks: Like the Divide, the Two Creeks Declaration states: “Each Lot shall be used only for single family residential purposes and such accessory uses as may be permitted by the Snowmass Village Municipal Code, or as the same may be amended.” See Two Creeks Declaration, § 4.1. Thus, Two Creeks expressly allows for “accessory uses” under the TOSV Code. AEU’s are considered an “accessory use” under the TOSV Code, and not a “two dwelling unit” use or “guest house” use.
- The Pines: “The use of the Property shall comply with the provisions of the Land Use Plan.” Pines Declaration, § 3.1. The Land Use Plan is defined as the Land Use Plan for the East Village PUD, which includes “accessory uses associated with and in support of single family residential use.” Again, AEU’s are considered an “accessory use” under the TOSV Code, and not a “two dwelling unit” use or “guest house” use.
- Horse Ranch: “The use of the Property shall comply with the provisions of the Land Use Plan.” Horse Ranch Declaration, § 3.1. The Land Use Plan is defined as the Land Use Plan for the East Village PUD, which includes “accessory uses associated with and in support of single family residential use.” Again, AEU’s are considered an “accessory use” under the TOSV Code, and not a “two dwelling unit” use or “guest house” use.

In each of these cases, the more specific language in the subdivision-specific declaration controls over the Master Declaration. As a result, by the plain language of the Master Declaration and the supplemental declaration, it appears AEU’s and ACU’s are permitted uses in many of the subdivisions in Snowmass Village. Perhaps not coincidentally, over the years, the Design Review Committee for SHOA has approved 12 AEU’s and 85 ACU’s. Staff has prepared a chart of location of these units by subdivision. Further, Staff has reviewed some of the plans that included these AEU’s and ACU’s, and they typically depict kitchen facilities.

In addition, I wish to identify a few issues that may have caused confusion on the issue of accessory employee/caretaker uses.

- SHOA has asserted that the Master Declaration does not allow for more than one kitchen. The Master Declaration simply states that “no guest house or guest area of a structure shall have its own, separate kitchen facilities,” not that a “Lot” may not have more than one kitchen or that an “accessory structure” may not have a kitchen. And again, this provision only applies if it is not superseded by a supplemental declaration, which it has in many cases.

- SHOA has stated that “freestanding structures unrelated a single-family residence are not permitted by the Master Declaration.” The Master Declaration expressly permits accessory structures, which may be detached or attached so long as the structure is “located within a reasonably compact area adjacent to the principal residence structure” and “designed as a single visual element, connected or related visually with the principal residence structure by fencing or other architectural features.” In addition, “accessory” is inherently *related* to the principal residence.
- SHOA states that an accessory dwelling does not fit under the definition of “single family.” To be clear, there is not a definition of “single family” in the Master Declaration. Further, the Master Declaration does permit “accessory” structures. Additionally, SHOA appears to conflate “accessory” with a “two dwelling units.” These are distinct concepts under the Code and the declarations for several of the subdivision under the Master Declaration.

In short, TOSV staff appreciates the discussions to date with SHOA and is open to continuing to discuss these issues. This portion of the staff memo is intended to simply present the specific declaration provisions for the clarification with Council.

Thanks,

Jeff



Jeff Conklin, *Partner/Shareholder*

| Direct: 970.928.2124 | Main: 970.945.2261 | Cell: 970.309.3872 |

Glenwood Springs | Basalt | Aspen | Montrose

| Office: 200 Basalt Center Circle, Suite 200, Basalt, CO 81621

| Mailing: P.O. Drawer 2030, Glenwood Springs, CO 81602

| jjc@mountainlawfirm.com | www.mountainlawfirm.com

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SNOWMASS HOMEOWNERS ASSOCIATION, INC.

Gene Burrus, President - 2027

Jami Lee Ferraro, Sec./Treasurer – 2027

Worthe Holt, Director - 2027

Jack Lafield – Director - 2025

Deborah Madsen, Vice President 2024

Michele Clements, Director - 2024

Norbert Hansch, Director – 2025

July 19th, 2024

Jim Wahlstrom, Senior Planner
Town of Snowmass Village
130 Kearns Road
Snowmass Village, CO 81615

Re: Ordinance No. 10, Series of 2024

Dear Jim:

Thank you for your e-mail of July 15, 2024, asking whether or not another meeting should be scheduled or if the Association intends to submit another letter or further information.

We have explained during our meetings and conversations with you, Dave and Jeff and with the Town Council that the Master Declaration generally prohibits independent living quarters with two kitchens, occupied by individuals unrelated or outside of the control of the owner. Jim Gustafson, who chairs the Snowmass Design Review Committee, feels that from his perspective as an architect, as well as other Committee members, that 1,000 square feet is way out of line. 500 square feet or even 350 square feet is far more appropriate, considering that 1,000 square feet represents as much as a 30% or 40% increase in building size of many of the lots in Snowmass. Councilman Fridstein, also an architect, expressed a similar opinion. 1,000 square feet of additional FAR would present a risk of architectural disharmony, contrary to the long and successful history of the Association. The Design Review Committee assures that the existing single-family homes harmonize with the natural setting of Snowmass and each other. All members of the Board and of the Design Review Committee concur with Jim and Councilman Fridstein.

Please forward this letter and our thoughts to the Town Council. While we all appreciate the time and effort of the Town Staff, we do not feel that another meeting prior to second reading is necessary. That being said we would be willing to participate in another meeting if you strongly feel it would be productive

Very truly yours,

SNOWMASS HOMEOWNERS ASSOCIATION

By: 
Gene Burrus, President

SNOWMASS HOMEOWNERS ASSOCIATION, INC.

Gene Burrus, President - 2027

Jami Lee Ferraro, Sec./Treasurer – 2027

Worthe Holt, Director - 2027

Jack Lafield – Director - 2025

Deborah Madsen, Vice President 2024

Michele Clements, Director - 2024

Norbert Hansch, Director – 2025

June 28, 2024

VIA E-MAIL: council@tosv.com

Mayor Bill Madsen
Members of the Snowmass Village Town Council
130 Kearns Road
P.O. Box 5010
Snowmass Village, CO 81615

Re: Proposed Ordinance No. 10, Series of 2024

Dear Mayor Madsen and Members of the Town Council:

I am writing to report to you concerning the efforts of the Snowmass Homeowners Association's efforts and inquiry concerning the history regarding existing employee and caretaker accessory dwelling units.

The inquiry involved several meetings with Town staff, consultation with Donna Aiken, the Manager of the Association for many years who served on the Town Council and Planning and Zoning Commission, discussions with the Snowmass Architectural Review Committee, including Jim ("Gus") Gustafson, who has chaired the Snowmass Architectural Review Committee since the late 1970s. The Association's inquiry has revealed the following:

- The Master Declaration tasks the Design Review Committee with "complete discretion" to approve or disapprove any change in the existing state of property covered by the Master Declaration and any applicable Supplemental Declarations. Among various standards is to assure that any change will be of good and attractive design and in harmony with the natural and rustic and natural setting and to enhance existing features of natural beauty.
- No one involved with the Design Review Committee, or the Association can recall a situation where two dwelling units (i.e. the existence of a separate kitchen) has been approved, except in the case of a small handful of employee dwelling units where the Design Review Committee mistakenly overlooked the requirement that the single-

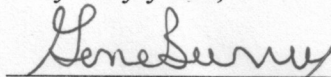
Snowmass Homeowners Association, Inc.
c/o The Romero Group
350 Market Street, Suite 304 / PO Box 4100, Basalt, CO 81621

family structure have no more than one kitchen. As was pointed out during the first reading of Ordinance No. 10, Series of 2024, the Master Declaration of Covenants that governs most of the residential area in Snowmass that require only a single-family dwelling does not allow two independent living quarters occupied by individuals not comprising a single family and having separate kitchens.

- The Association is aware of only a small number of caretaker dwellings that do not entail a separate kitchen that accommodates the caretaking of elderly and sick residents, or management of property where the owner is not in full time residence. While these types of accommodations may have shown up in connection with the original design plans, no separate kitchen was indicated nor approved.
- The Association is not aware of ever having been contacted for approval and/or being made aware of the separate caretaker accessory dwelling unit that does not fit under the definition of a "single family" use.
- The Design Review Committee has historically taken the position that freestanding structures unrelated to a single-family residence are not permitted by the Master Declaration.
- The Design Review Committee has not allowed and feels that the Master Declaration does not permit improvements outside of the building envelope.
- The Design Review Committee does not allow tiered parking.
- The Association believes that it would not be in keeping with the aesthetic harmony to allow additional FAR and construction beyond 350 square feet.
- The Design Review Committee has been tasked with broad discretion in conducting its architectural review and to harmonize all improvements. Anyone can see for themselves the success that the Association through the working of the Design Review Committee has accomplished since the inception of Snowmass.

The Association is grateful for the cooperation of the Town Staff in working with the Association and the Design Committee over the past many years, as well as cooperating, exchanging ideas and attempting to find some common ground in accomplishing the objectives of Ordinance 10 consistent with the requirements of the Master Declaration. Another postponement of the first reading would afford the Town Staff and the Association more time to fully pursue whether any common ground can be found.

Very truly yours,



Gene Burrus, President

Snowmass Homeowners Association

Snowmass Homeowners Association, Inc.

c/o The Romero Group

350 Market Street, Suite 304 / PO Box 4100, Basalt, CO 81621

LAW OFFICES OF
PAUL J. TADDUNE, P.C.

PAUL J. TADDUNE

323 WEST MAIN STREET, SUITE 301
ASPEN, COLORADO 81611
TELEPHONE (970) 925-9190
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AFFILIATED OFFICE

FOWLER, SCHIMBERG, FLANAGAN & MCLECHIE P.C.
350 INDIANA STREET, #810
GOLDEN, COLORADO 80401
TELEPHONE (303) 298-8603
TELEFAX (303) 298-8748

May 31, 2024

VIA E-MAIL: council@tosv.com

Mayor Bill Madsen
Members of the Snowmass Village Town Council
130 Kearns Road
P.O. Box 5010
Snowmass Village, CO 81615

Re: Proposed Ordinance No. 10, Series of 2024

Dear Mayor Madsen and Members of the Town Council:

I write on behalf of the Snowmass Homeowners Association with regard to proposed Ordinance No. 10, Series of 2024, to allow new accessory employee unit replacement standards.

Due to a miscommunication, the Association did not participate in the meetings before the Planning Commission that considered this issue. While the Association is sympathetic to the Town of Snowmass Village employee housing needs, the Association would like to call your attention to the restrictions and requirements of the Master Declaration of Protective Covenants for Snowmass-at-Aspen Residential Areas recorded on December 30, 1966 at Book 225 at Page 6, as amended, which can be found on the Association's website (www.snowmasshomeowners.com). The Master Declaration, as you know, governs most of the residential areas in the Town. The proposal for accessory dwelling units is inconsistent with and precludes the Association from approving accessory dwelling units.

I and other representatives of the Association are planning to attend the meeting on Monday, June 3, to answer any questions you may have.

Very truly yours,

PAUL J. TADDUNE, P.C.



Paul J. Taddune

PJT:nwe

cc: John Kenny: jkenny@romero-group.com
Gene Burrus: gburrus@burrusinvestments.com

**Summary Net Results
of Proposed AEU Code Changes
Page 1 of 2**

Condition	Under Existing Code	Under Proposed Code	Net Change
% of current AEU's (12) and ACUs (85) per 2018 Comp Plan against current SFD housing stock (1,005 lots ~)	10% ~ combined 1% for AEU's 9% ~ for ACUs	N/A (unknown)	Minimal
% of current AEU's (12) and ACUs (85) per 2018 Comp Plan against all residential units in Town (3660 units ~)	5% ~ combined < 1% for AEU's 2% for ACUs	N/A (unknown)	Minimal
AEU size range	350 - 1,000 sq. ft.	300 - 1,000 sq. ft.	50 sq. ft. (+5%)
AEU bonus floor area above lot's floor area cap	10% bonus; or, average +500 sq. ft. ~ (subject to Special Review & building permit review)	Up to 750 sq. ft. (reduced from 1,000 sq. ft. per earlier draft; and subject to building permit review only)	+5% ~ (+200-300 sq. ft. ~)
Location on SFD Lot	Part of SFD home; or located above or below a detached garage	Part of SFD home (up to 28' in height). Above, below or attached to a detached garage (limited to maximum 50% of garage building footprint & 16'-18' in height); or Separately detached unit (limited to 16'-18' in height)	Modified to encourage AEU's consistent with the goals of the Comp Plan, with lower heights, breaking up floor area and resulting mass and scale.
Contents	Separate exterior entrance, kitchen, bathroom, & sleeping facilities.	Separate exterior entrance (which may be via a shared, enclosed vestibule), kitchen standards (which may be modified by the Town Manager), bathroom with shower and toilet, sleeping facilities, and washer & dryer hookups for efficiency or stackable units.	Expanded to define contents more clearly for new AEU's.

**Summary Net Results
of Proposed AEU Code Changes
Page 2 of 2**

Condition	Under Existing Code	Under Proposed Code	Net Change
Occupancy	ACU – All rentals for 6 months. AEU – Employed in Town / County a minimum of 8 months	AEUs must be occupied by qualified employees, caretakers, caregivers, senior citizens (>65), or disabled persons.	All minimum time for rentals or employment removed (minimum rental periods could be addressed in an RHA for qualified occupants).
Vetting of Occupants	By Owner and Town	By Owner and Town	Same
Parking	One (1) on-site space per bedroom (which may be tandemly arranged per the current municipal code)	One (1) on-site space per bedroom, which may be tandemly arranged.	same
Restrictions	For ACU - Recorded initial registration only if ACU is within the floor area cap. For AEU - Recorded initial registration and annual renewals, which allows for a 10% bonus for AEU's (subject to Special Review)	<u>If within floor area cap:</u> Recorded Initial Registration only. <u>If beyond the floor area cap up to 750 sq. ft.:</u> Recorded deed / covenant plus Restricted Housing Agreement with the Town	Versus annual renewals, replacement recorded deed / covenant and an RHA substitute for AEU's over the floor area cap.
Restricted sale or Short-Term rental	Not specified; (but controlled by code/zoning / PUD)	No (and specified in the new draft code)	Generally, the same
Mitigation / Penalty fee for removal.	ACU – building permit required to remove kitchen, release initial registration. AEU – building permit required to remove kitchen; recalculate floor area if above the floor area limit; plus, penalty fee utilizing improvement value of the lot and the existing residence.	<u>If within floor area cap:</u> Building permit required to remove kitchen, release initial registration. <u>If beyond the floor area cap up to 750 sq. ft.:</u> Building permit required to remove kitchen; recalculate floor area if above the floor area limit; plus, mitigation fee utilizing the value of the improvement and three-fold the resulting amount.	Modified to increase the penalty amount if removing an AEU with a floor area bonus.

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

September 16, 2024

AGENDA ITEM:

A Discussion Regarding the Pitkin County Landfill

PRESENTED BY:

Brian Pettet, Public Works Director, Pitkin County

Ann Driggers, Chief Financial and Administrative Officer, Pitkin County

BACKGROUND:

In 1991 Pitkin County required that all trash customers have recycling available. The 2019 ordinance update increased recycling, kept more waste out of the county landfill and created a consistent program to implement throughout the Roaring Fork Valley. The new [Waste and Recycling Code](#) took effect in January 2019. The goal of the code is to offer subscribers of trash service options in the size of trash can they need, increase diversion of recyclable materials, and allow the county to collect more diversion data (which will allow us to streamline and modify diversion programs).

The Pitkin County Landfill offers single stream recycling and composting. Pitkin County Landfill programs include a Waste Allowance coupon Program; the Half and Half Program; a Construction & Demolition Debris Recovery Program and the Motherlode Mercantile.

The ballot question for the Pitkin County Solid Waste Center seeks to issue revenue bonds to fund the expansion of the working face, where waste is deposited. The bond issuance would be for \$22 million to not exceed \$37 million in repayment.

Pitkin County Ballot Issue 1B: County Solid Waste Center Bonds

WITH NO INCREASE IN ANY COUNTY TAX OR TAX RATE, SHALL PITKIN COUNTY DEBT BE INCREASED BY UP TO \$22 MILLION, WITH A MAXIMUM REPAYMENT COST OF UP TO \$37 MILLION, FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING AND EQUIPPING AN EXPANSION TO THE COUNTY SOLID WASTE CENTER, BY THE ISSUANCE OF REVENUE BONDS PAYABLE FROM AND SECURED BY A PLEDGE OF THE REVENUES OF THE COUNTY'S SOLID WASTE CENTER FUND, WHICH BONDS SHALL BEAR INTEREST, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, BE ISSUED, DATED, AND SOLD AT SUCH TIME OR TIMES, AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND IN

SUCH MANNER, IN ONE OR MORE SERIES, AND CONTAIN SUCH TERMS, NOT INCONSISTENT HERewith, AS THE BOARD OF COUNTY COMMISSIONERS MAY DETERMINE?

Pitkin County Public Works Director Brian Pettet and Pitkin County Chief Financial and Administrative Officer Ann Driggers will be present to answer any Council questions.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO, SUBMITTING TO THE ELECTORATE AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, A BALLOT ISSUE AUTHORIZING THE ISSUANCE OF BONDS FOR THE EXPANSION OF THE COUNTY SOLID WASTE CENTER AND THE PLEDGE OF THE REVENUES OF THE SOLID WASTE FUND TO THE PAYMENT OF SUCH BONDS; SETTING THE BALLOT TITLE AND CONTENT FOR THE BALLOT ISSUE TO BE SUBMITTED; AND AUTHORIZING THAT ALL NECESSARY OR APPROPRIATE ACTIONS BE TAKEN RELATING TO THE ELECTION FOR SUCH APPROVAL

RESOLUTION NO. 077-2024

RECITALS

1. Pitkin County, in the State of Colorado (the “County” and the “State,” respectively), is a duly created political subdivision organized and operating as a home rule county pursuant to the Constitution and laws of the State including particularly Title 30, Article 35, Colorado Revised Statutes, as amended, and the Home Rule Charter of the County, adopted March 21, 1978, as amended (the “Charter”).
2. The members of the Board of County Commissioners of the County (the “Board”) have been duly elected, chosen and qualified.
3. The Board has determined that the County’s Solid Waste Center is nearing capacity and must be expanded to allow the County to continue to provide a proper solid waste disposal facility as provided in Article 20 of Title 30 of the Colorado Revised Statutes, as amended (“C.R.S.”), and to otherwise comply with federal and State environmental laws.
4. The Board has therefore determined that the interest of the County and the public interest or necessity demands that the County issue revenue bonds of the County (the “Bonds”) payable from the revenues of the Solid Waste Center deposited to the County’s Solid Waste Fund for the purpose of financing the construction and equipping of an expansion to the Solid Waste Center.
5. The County operates the Solid Waste Center and Solid Waste Fund (collectively, the “Solid Waste Enterprise”) as an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution (“TABOR”).
6. Notwithstanding the qualification of the Solid Waste Center Enterprise as an enterprise for TABOR purposes, Section 10.1.2 of the Charter provides that “[n]o revenue accruing to the County, either in its taxing capacity or in its capacity as an owner or proprietor of property may be pledged, assigned, or anticipated for the purpose of borrowing funds unless and until such borrowing shall be referred to and approved by a majority of the electors voting in an election called for such purpose.”

7. The Board has therefore determined to submit a ballot issue to the registered electors of the County at the general election to be held on November 5, 2024, authorizing the issuance of the Bonds and the pledge of the revenues of the Solid Waste Center Enterprise to the payment thereof, and has further determined to set the ballot title for such ballot issue.

8. Pursuant to Section 1-5-203(3), C.R.S., no later than September 6, 2024, the order of the ballot and ballot content must be certified to the County Clerk and Recorder (the “County Clerk”).

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pitkin County, Colorado that:

1. An election shall be held on Tuesday, November 5, 2024 (the “Election Date”) as part of the general election held on that date, at which shall be submitted to the registered electors of the County a ballot issue regarding the issuance of revenue bonds of the County payable from and secured by a pledge of the Solid Waste Center Enterprise revenues (the “Ballot Issue”), which ballot issue shall be in substantially the form attached hereto as Appendix A. Appendix A is hereby incorporated into this Resolution as if set forth in full herein.

2. The election shall be conducted as a coordinated election in accordance with articles 1 to 13 of title 1, C.R.S. (the “Uniform Election Code”). The costs of the election shall be paid by the County.

3. The “Designated Election Official” shall be the County Clerk.

4. For purposes of C.R.S. 1-11-203.5, this Resolution shall serve to set the ballot title for the ballot issue set forth herein, and the ballot title for such ballot issue shall be as set forth in Appendix A hereto.

5. The County Clerk is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and comply with the Uniform Election Code, TABOR, as applicable, and other applicable laws.

6. No later than 20 days before the Election Date (October 18, 2024), the County Clerk shall ensure that the posting of financial notice is made on the County’s website in accordance with the requirements of Section 1-7-908, C.R.S. Additionally, no later than 20 days before the Election Date the County Clerk shall cause a notice of election to be published in accordance with the Section 1-5-205, C.R.S.

7. If a majority of the votes cast on the Ballot Issue at the election shall be in favor of the Ballot Issue, the County, acting through the Board, shall be authorized to proceed with the necessary action to issue the Bonds in accordance with the approved ballot issue. Any authority to issue the Bonds, if conferred by the results of the election, shall be deemed and considered continuing future authority to issue Bonds so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

8. The maximum net effective interest rate to be borne by the bonds shall be 5.75%.

9. The County Clerk and other County officials and employees are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.
10. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board and the officers and employees of the County and directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.
11. All prior acts, orders or resolutions, or parts thereof, by the County in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.
12. If any section, paragraph, clause, or provision of this Resolution or the Ballot Issue shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution or the Ballot Issue, as applicable, it being the intention that the various parts hereof are severable.
13. This Resolution shall take effect immediately upon its final adoption.

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INTRODUCED, FIRST READ, AND SET FOR PUBLIC HEARING AT A REGULAR MEETING ON AUGUST 14, 2024.

NOTICE OF PUBLIC HEARING AND TITLE AND SHORT SUMMARY OF THE RESOLUTION PUBLISHED IN THE ASPEN DAILY NEWS ON THE 1ST DAY OF AUGUST, 2024.

NOTICE OF PUBLIC HEARING AND THE FULL TEXT OF THE RESOLUTION POSTED ON THE OFFICIAL PITKIN COUNTY WEBSITE (www.pitkincounty.com) ON THE 1ST DAY OF AUGUST 2024.

ADOPTED AFTER SECOND READING AND PUBLIC HEARING ON THE 28TH DAY OF AUGUST 2024.

POSTED BY TITLE AND SHORT SUMMARY, AFTER ADOPTION, ON THE OFFICIAL PITKIN COUNTY WEBSITE (www.pitkincounty.com) ON THE 12TH DAY OF SEPTEMBER 2024.

PUBLISHED BY TITLE AND SHORT SUMMARY, AFTER ADOPTION, IN THE ASPEN DAILY NEWS ON THE 12TH DAY OF SEPTEMBER, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS

By Sam Engen
Sam Engen
Clerk to the Board of the County
Commissioners

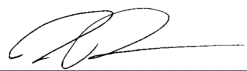
By: 
Greg Poschman, Chair

Date: Sep-04-2024

APPROVED AS TO FORM:

MANAGER APPROVAL


Richard Y. Neiley III
Interim County Attorney


Jon Peacock, County Manager

APPENDIX A

FORM OF BALLOT ISSUE

PITKIN COUNTY BALLOT ISSUE 1___ – COUNTY SOLID WASTE CENTER BONDS

WITH NO INCREASE IN ANY COUNTY TAX OR TAX RATE, SHALL PITKIN COUNTY DEBT BE INCREASED BY UP TO \$22 MILLION, WITH A MAXIMUM REPAYMENT COST OF UP TO \$37 MILLION, FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING AND EQUIPPING AN EXPANSION TO THE COUNTY SOLID WASTE CENTER, BY THE ISSUANCE OF REVENUE BONDS PAYABLE FROM AND SECURED BY A PLEDGE OF THE REVENUES OF THE COUNTY'S SOLID WASTE CENTER FUND, WHICH BONDS SHALL BEAR INTEREST, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, BE ISSUED, DATED, AND SOLD AT SUCH TIME OR TIMES, AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER, IN ONE OR MORE SERIES, AND CONTAIN SUCH TERMS, NOT INCONSISTENT HERewith, AS THE BOARD OF COUNTY COMMISSIONERS MAY DETERMINE?

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

September 16, 2024

AGENDA ITEM:

A Request to Participate in Funding the Roaring Fork Safe Passage Mitigation Plan for a Portion of Highway 82.

PRESENTED BY:

Cecily DeAngelo, Roaring Fork Safe Passages

BACKGROUND:

On June 3, 2024, Roaring Fork Safe Passage made a presentation to the Town Council requesting a \$10,000 appropriation in 2024. Following the presentation, the Council asked Roaring Fork Safe passage to return to the Council in September and review the progress that had been made in their efforts. This meeting is intended to be that update.

Attached are the results from the valley-wide prioritization study that Roaring Fork Safe Passages (RFSP) funded and completed in 2023. They have included both the summary and full study.

They also included the budget memo for the next phase which is the mitigation plan for the stretch of Highway 82 from the Airport to Woody Creek (which commenced a few weeks ago). The mitigation plan is something (RFSP) would like to include the Town of Snowmass Village as both a stakeholder and a funding partner, they are seeking \$10,000. RFSP feels that involving Snowmass Village is beneficial because it strengthens the stakeholder group and Snowmass Village is impacted by both the health of the elk herds that pass over highway 82 and the drivers who live here and commute to work in the village.

FINANCIAL IMPACT:

If approved, a \$10,000 allocation/ appropriation will need to be made.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

While not in Snowmass Village, this project could help to preserve and protect the natural environment to ensure that nature is and remains the dominant feature of the landscape.

COUNCIL OPTIONS:

If the Council decides to fund this project, we will need to determine when the funding should occur and from what sources.

STAFF RECOMMENDATION:

It is the recommendation of Town Staff, that the Council,
Consider funding this study in the 2025 Budget.

ATTACHMENTS:

1. Mitigation Budget Memo
2. Presentation - RFSP Snowmass Village Town Council Mtg
3. RFSP Prioritization Methods & Results Report
4. RFSP Prioritization Study Summary Report
5. Mitigation Plan - Airport to Woody Creek - Budget

MEMORANDUM

To: Snowmass Village Town Council
From: Roaring Fork Safe Passages
Date: June 3, 2024
Subject: Airport to Woody Creek Priority Area Update
and Funding Request



The following narrative outlines steps and estimated budget for developing a Mitigation Plan and Conceptual Designs for the State Highway 82 Airport to Woody Creek priority area. This area is one of six priority areas identified in the [Roaring Fork Safe Passages Prioritization Study](#). This study involved a comprehensive analysis of wildlife-highway interactions on Highways 82 and 133 to identify areas where highway mitigation investments combined with habitat protection will bring the greatest benefits for reconnecting wildlife corridors and reducing wildlife-vehicle collisions. Funding for the prioritization study was provided by Aspen Ski Company Environment Foundation, City of Aspen Parks and Open Space, Pitkin County Open Space the Alpenglou Foundation, the ABC Foundation and other private donations.

The purpose of the SH 82 Airport to Woody Creek Mitigation Plan and Conceptual Design process is to develop science-based and stakeholder-informed strategies for mitigating wildlife-vehicle conflict and improving connectivity for wildlife in the Airport to Woody Creek priority area. Priority locations for wildlife crossing structures and other types of mitigation strategies will be determined based on wildlife movement patterns, wildlife-vehicle collision hotspots, protected lands, terrain, and land use context. We propose that the planning process be conducted in three stages, as presented below. A detailed budget for each planning stage is provided in the budget spreadsheet accompanying this memo.

The Airport to Woody Creek stretch of SH 82 is a vital corridor for Snowmass Village residents and visitors. Investments in wildlife mitigation here will benefit both wildlife and motorists.

STAGE 1: MITIGATION STRATEGY DEVELOPMENT –

Funding Status: Fully funded by Pitkin County Open Space and Aspen Parks and Open Space

Stage 1 work tasks include: project coordination, resource review and site-specific data compilation, two site visits (initial site assessments and a follow-up site visit with partners), partner and stakeholder engagement (including in person and virtual meetings), development and evaluation of mitigation alternatives, preparation of a final mitigation strategy report, and a final presentation to the Board of County Commissioners.

The total cost for Stage 1, including labor and expenses is \$52,685.

Stage 1 Timeline:

The below timeline outlines the Stage 1 work tasks. This stage of the planning process is expected to commence in April 2024 and be completed in February 2025.

	2024								2025	
Work Tasks	APR	MAY	JUN	JUL	AUG	SEP	NOV	DEC	JAN	FEB
1 – Project Coordination	X	X	X	X	X	X	X	X	X	X
2 – Resource Review	X	X	X							
3 – Site Visits			X		X					
4 – Partner & Stakeholder Engagement	X	X	X	X	X	X	X	X	X	X
5 – Mitigation Alternatives Evaluation & Plan Development				X	X	X	X			
7 – Mitigation Report						X	X	X	X	X
8 – Final Presentation										X

STAGE 2: CONCEPT DEVELOPMENT

Funding Status: Anticipated funding from Pitkin County, City of Aspen, grants, and private donors. **Requested contribution from Snowmass Village: \$10,000**

Stage 2 builds on the mitigation strategy that was developed in Stage 1. In this stage the project team will develop models and visualizations of the mitigation strategies proposed in Stage 1. Models and renderings may be developed for 1-3 of the top locations identified for potential structures in Stage 1. Photo visualizations of other recommended strategies for mitigating wildlife-vehicle conflict and improving connectivity for wildlife in the priority area will also be developed.

Drone photogrammetry, high-precision 3D terrain modeling, and renderings

This includes drone photogrammetry, high-precision 3D terrain modeling, and crossing structure renderings at up to 3 identified structure locations. The development of conceptual designs is an iterative process and allows the consultant team and project partners to explore design options and dimensions together in real-time. The 3D models developed from this task can be directly used by an engineering design team on future phases to progress the structure designs.

Stage 2 includes the development of 3D models, final still renderings and animated video renderings and the total cost is \$38,659.

Stage 2 Timeline

The drone photogrammetry and aerial imagery should be conducted during the snow-free months. To provide project continuity, the project team recommends initiating the drone work in fall 2024, prior to snowfall. This timing will ensure that the drone data collection and modeling is targeted to the top 1-3 sites identified for potential wildlife crossing structures in Stage 1 while allowing Stage 2 work to continue during the winter months instead of waiting until spring 2025.

Note, the Stage 2 Timeline overlaps with Stage 1 and feeds back into the Stage 1 final work tasks.

Work Tasks	SEP	NOV	DEC	JAN
3 – Site Visits (drone data and imagery collection)	X			
5 – Mitigation Alternatives Evaluation (3D modelling and renderings)	X	X	X	X

STAGE 3: OUTREACH AND COMMUNICATION MATERIALS

Funding Status: Committed funding from Roaring Fork Safe Passages private donors and grants

Develop outreach and communication materials may include a video, brochure, and ArcGIS Online StoryMap. Outreach materials will focus on the need for wildlife-highway mitigation, the proposed solutions, and the anticipated benefits of these mitigation investments for both wildlife and people. These outreach and communication materials will be useful for engaging with stakeholders, the public, and potential funders.

- Brochure – tri-fold double-sided brochure
- Video – edited video
- ArcGIS Online StoryMap – the story map will guide users through a narrative covering the proposed wildlife mitigation system

The total cost for Stage 1, including labor and expenses is \$22,360.

Stage 3 Timeline:

The timeline for this stage is contingent upon the completion of Stage 2 and which types of outreach materials are requested and is expected to take 2-3 months.

SH 82, Airport to Woody Creek: Project Update

Snowmass Village Town Council
September 16, 2024



ROARING FORK
**SAFE
PASSAGES**

Mitigation Goals

- Reduce wildlife-vehicle conflict
- Improve and preserve long-term permeability for wildlife across SH 82
 - Coordinate wildlife crossing investments with targeted habitat protection efforts



SH 82, Airport to Woody Creek mitigation planning

Stage 1 – Mitigation Strategy Development

- Outcome: Milepost-specific mitigation strategy and recommendations
- Timeline: April – December 2024

SH 82, Airport to Woody Creek mitigation planning

Stage 1 –

Mitigation Strategy Development

- Outcome: Milepost-specific mitigation strategy and recommendations
- Timeline: April – December 2024

Stage 2 –

Mitigation Concept Development

- Outcome: Site-specific models and visualizations of proposed mitigation features at key locations
- Timeline: September – December 2024

SH 82, Airport to Woody Creek mitigation planning

Stage 1 –

Mitigation Strategy Development

- Outcome: Milepost-specific mitigation strategy and recommendations
- Timeline: April – December 2024

Stage 2 –

Mitigation Concept Development

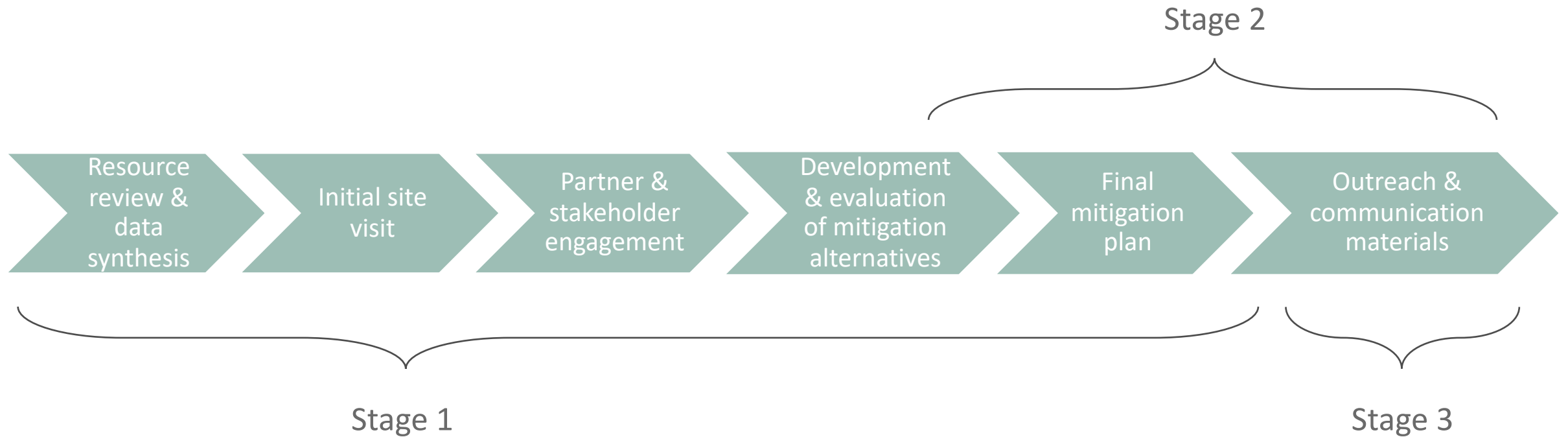
- Outcome: Site-specific models and visualizations of proposed mitigation features at key locations
- Timeline: September – December 2024

Stage 3 –

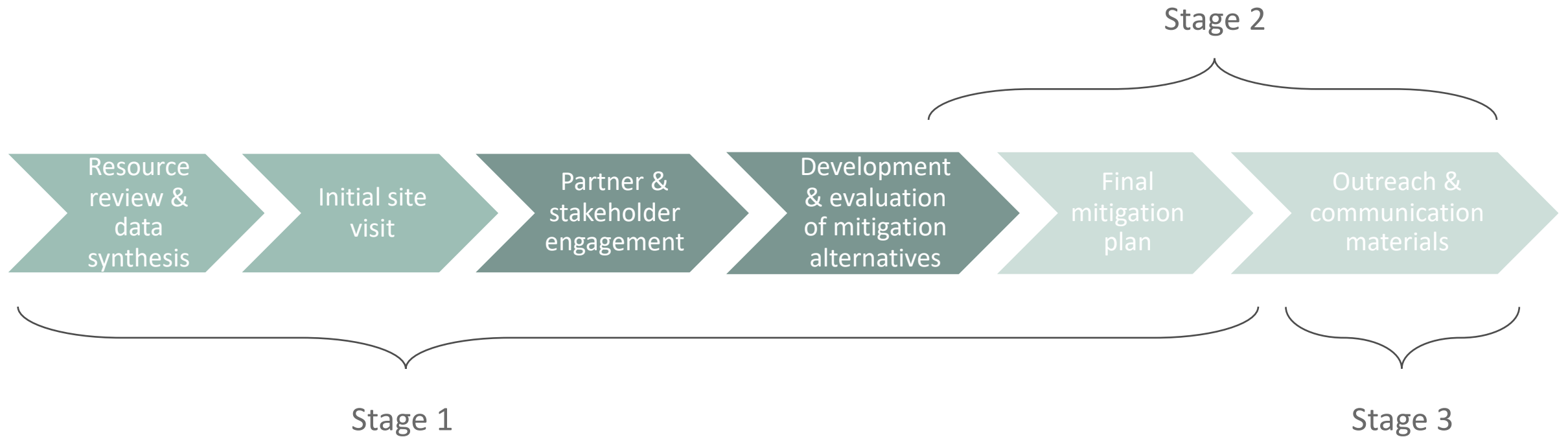
Outreach Materials

- Outcome: Targeted outreach materials for engaging with stakeholders, the public and potential funders
- Timeline: December 2024 – February 2025

Progress update



Progress update



Mitigation alternatives review

Potential Scenarios:

- Improve existing wildlife fence
 - May be combined with other alternatives
- Night-time speed limit reduction
- Replace existing wildlife box culvert
- Two or more wildlife crossings with fencing
- Improve sight-lines for drivers
 - As interim or long-term measure



Mitigation alternatives review

Evaluation criteria:

- Wildlife & biological
 - Habitat use & movement patterns
 - WVC mortality
- Safety and human
 - E.g., land uses, recreation
- Design considerations or limitations
- Construction & maintenance
- Relative cost



Potential wildlife crossing structure locations

Site specific evaluation criteria:

- Wildlife & biological
 - Habitat use & movement patterns
 - WVC mortality
- Safety and human
 - E.g., land uses, recreation, aesthetic
- Land ownership & land use
- Terrain and landscape characteristics
- Crossing structure type & considerations
- Constructability



Airport to Woody Creek mitigation planning

Budget

STAGE		COST	STATUS
1	Mitigation Strategy Development <i>Timeline: April – December 2024</i>	\$52,685	Funded
2	Concept Development <i>Timeline: 2-3 months, recommended start: September 2024</i>	\$35,659	Fundraising
3	Outreach and Communication Materials <i>Timeline: 1.5-3 months, following the completion of Stage 2</i>	\$22,360	Committed Private Donations
TOTAL		\$110,704	



Roaring Fork Safe Passages: Prioritization Study Methods and Results Report

January 2024

Authors:

Julia Kintsch^{*}, Paige Singer[†], and Cecily DeAngelo[‡]

Affiliations: ^{}ECO-resolutions; [†]Rocky Mountain Wild; [‡]Roaring Fork Safe Passages*

Report Prepared for: Roaring Fork Safe Passages, Aspen, Colorado

Introduction and Study Objectives

Wildlife is an essential element of the Roaring Fork Watershed, contributing both to the ecological health of this landscape and to our quality of life. Yet wildlife populations in the watershed – elk herds in particular – are facing increasing pressure from development, recreation activities, and transportation (Mao et al. 2020; Millhouser 2019). Specifically, vehicle-induced mortality and transportation-related habitat fragmentation are major stressors affecting wildlife and population resilience. According to Colorado Parks and Wildlife (CPW), two percent of collared doe mule deer are killed each year in vehicle collisions (A. Holland, pers. comm.) – this suggests that the roadkill rate is higher than the annual hunter harvest but without the economic and social benefits that hunting provides.

The Roaring Fork Watershed Biodiversity and Connectivity Study, completed in 2022, identified and mapped areas for the protection and restoration of natural biodiversity and habitat connectivity on a landscape scale (Rondeau et al. 2022). The study found that *significant opportunities exist to restore degraded habitats and improve connectivity, especially along major transportation corridors and near developed areas*. The Watershed Biodiversity Study generally highlighted areas where improved connectivity is needed but did not specifically identify priorities for creating safe passages between habitat on either side of Highways 82 and 133.

The Roaring Fork Safe Passages Prioritization Study directly addresses this question – one of four ‘Big Ideas’ recommended by the Watershed Study to help improve habitat quality and connectivity for deer, elk, and other wildlife. Preserving wildlife corridors – across major roads and, more broadly, across the landscape – is particularly important in the context of climate change, which amplifies human-wildlife conflict by exacerbating resource scarcity, altering human and animal behaviors and distributions, and increasing human-wildlife encounters (Abrahms et al. 2023).

The objective of the Roaring Fork Safe Passages Prioritization Study was to undertake a systematic and inclusive process to support informed decision-making about wildlife-highway mitigation priorities in the Roaring Fork Watershed. The study involved a comprehensive analysis of wildlife-highway interactions on Highways 82 and 133, building on existing data and analyses. The study also engaged key agencies and stakeholders in the development of the prioritization process and decision-making framework. The resulting prioritization identifies highway segments where mitigation investments combined with habitat protection will bring the greatest benefits for reconnecting wildlife corridors and reducing wildlife-vehicle collisions.

The results of this prioritization study, combined with the mapping of significant conservation and restoration opportunities identified by the Watershed Biodiversity and Connectivity Study, provides a roadmap for highway mitigation and complementary habitat conservation actions in the watershed. It will be incumbent upon the communities, agencies, and other partners to combine efforts to achieve the vision for a connected and resilient landscape.

This Methods and Results Report details the prioritization inputs and analysis methodology used to define wildlife-highway mitigation priorities on Highways 82 and 133 in the Roaring Fork Watershed.

Prioritization Methods

The analysis of highway segments for mitigation investments focused on State Highway 82 between Glenwood Springs and Aspen and State Highway 133 between Carbondale and McClure Pass. Two recently completed studies provided the foundation for the prioritization analysis: 1) the Roaring Fork Watershed Biodiversity and Connectivity Study 2) the Western Slope Wildlife Prioritization Study, a joint initiative by the Colorado Department of Transportation (CDOT) and CPW. The prioritization also integrated mapped elk and mule deer migration corridors data from CPW. Combined, these analyses resulted in a primary prioritization score highlighting sections of highway with the greatest risk of wildlife-vehicle conflict and with the greatest potential for restoring wildlife corridors that are bisected by a highway.

The target species for the prioritization analysis were elk and mule deer. These are species whose habitat use and movement patterns result in frequent interactions with roads. They are also species for which suitable data is available across the watershed. Other potential target species, such as bighorn sheep, black bear, moose, and mountain lion, have more limited distributions in the watershed, often further from these highways, and were not included in this prioritization. Considerations for all these species should be included, where appropriate, in the development of specific mitigations strategies within a prioritized highway segment during the next phase of this.

Figure 1 provides a flowchart of the prioritization process including inputs and analyses for conducting the primary prioritization and the supplementary secondary considerations that comprise this decision support framework.

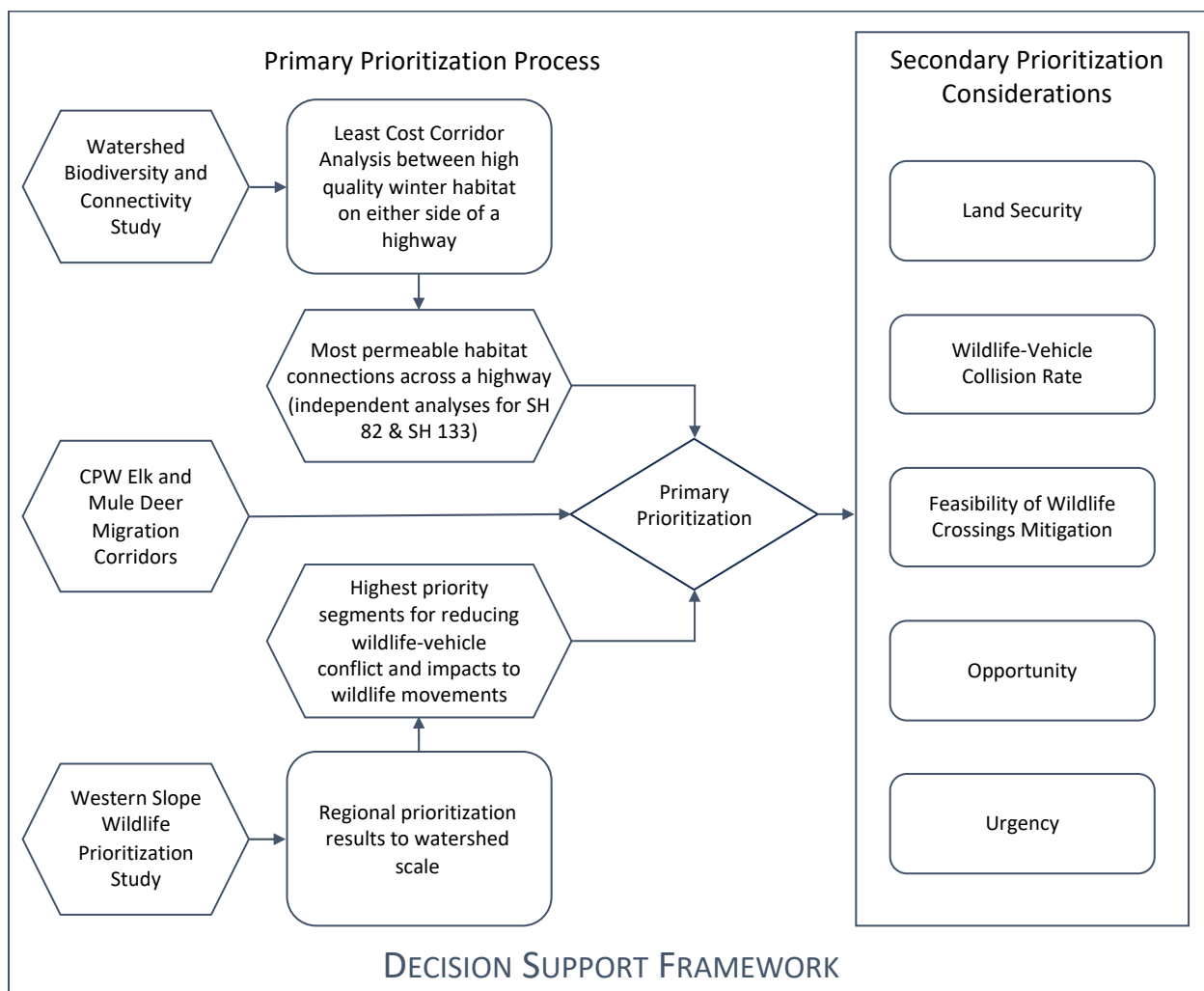


Figure 1. Decision support framework, including the primary prioritization process and secondary prioritization considerations.

Throughout this process, the project team engaged with key agency partners and other stakeholders, including CPW, the CDOT, Pitkin County, the City of Aspen, and non-

governmental organizations. A complete list of participating stakeholders is available in Appendix A. The project team conducted targeted interviews and periodic stakeholder meetings to compile expert and local input on observed conflict areas, wildlife movement patterns, challenges to and opportunities for wildlife-highway mitigation, and to receive feedback on the prioritization process and decision-support framework.

Primary Prioritization

Three inputs informed the primary prioritization:

- 1) A least cost corridor analysis identifying the most permeable areas for mule deer and elk to cross Highways 82 and 133 (ie, incur the least cost, or resistance) based on data from the Roaring Fork Watershed Biodiversity and Connectivity Study (Rondeau et al 2022);
- 2) The Western Slope Wildlife Prioritization Study (WSWPS) (Kintsch et al 2019); and
- 3) Colorado Parks and Wildlife Species Activity Mapping data for mule deer and elk migration corridors (CPW 2022).

The Watershed Biodiversity and Connectivity Study is the most comprehensive analysis of conservation needs and challenges in the Roaring Fork Watershed to date. The Western Slope Wildlife Prioritization was a joint effort with CDOT and CPW to identify, map, and prioritize highway segments across the region based on the risk of a wildlife-vehicle collisions and the need for mule deer and elk to make cross-highway movements, particularly during migration or within winter range. The maps and spatial data layers produced by both of these previous studies provided an important launchpad for a more focused analysis of wildlife-highway mitigation priorities in the Roaring Fork Valley.

Wildlife-vehicle collision (WVC) data were not independently included in the prioritization because these data were already captured in the WSWPS, which used CDOT's wild animal accident pattern recognition data layer as a primary input. The pattern recognition layer is a hotspot analysis conducted by CDOT's Traffic and Safety Engineering Branch that calculates the percentage of WVC accidents per volume of traffic per road type as compared with the relative norm.

The project team also considered including protected or secured lands as an additional input into the primary prioritization but, with input from participating stakeholders, determined that these data would be better to include as a secondary prioritization consideration for informing decision-making.

The geospatial analysis methods for the primary prioritization are summarized below. Detailed methods are provided in Appendix B.

Analysis Inputs & Process

1. Least Cost Corridor Analysis

Least cost corridor analysis is a spatial analysis technique that seeks to define a pathway between two areas using a resistance surface. The resistance surface provides a quantitative measure of how difficult it is for an individual to move across the landscape based on habitat suitability. The least cost corridor minimizes the ‘effective distance’ or accumulated cost of movement between these two geographical endpoints (Rudnick et al. 2012). For this study, the least cost corridor analysis focused on finding the most permeable connections between high quality deer and elk habitat on either side a highway barrier. Research has demonstrated that wildlife do not cross roads randomly. Instead, crossing areas tend to be spatially and temporally clustered, influenced by habitat, terrain, or the characteristics of the roadway itself (Barnum 2003; Neumann et al. 2012). These focused least cost corridors are not intended to represent actual landscape-scale wildlife movements but, instead, highlight areas with the most permeable habitat connections on either side of a highway.

The least cost corridor analysis involved three primary steps: 1) create a resistance layer, 2) define the core habitat areas on either side of the two highways between which the least cost corridor analysis would be run, and 3) run a least cost corridor analysis using the products from Steps 1 and 2. The resistance layer was based on the modeled landscape permeability layer from the Roaring Fork Watershed Biodiversity and Connectivity Study. To develop this layer, CNHP compiled and scored layers for land cover types, roads and trails, fences, topography, and oil and gas layers for elk, mule deer, and bighorn sheep (Rondeau et al. 2022). To perform the least cost corridor analysis, the project team converted this permeability layer into a resistance layer using a raster calculator in ArcGIS Pro. Core areas were also defined based on data from the Roaring Fork Watershed Biodiversity and Connectivity Study, specifically, high value winter habitat from the Elk & Deer Winter Habitat Quality dataset. Individual core areas were defined north and south of Highway 82, and east and west of Highway 133. The analysis was conducted using the Least Cost Corridor tool in ArcGIS Pro to determine the least cost corridor between each high-quality winter habitat core separated by either Highway 82 or Highway 133. Accumulative costs were used to set the threshold for the analyses. When a threshold is specified, all cells with accumulative cost equal to or less than the specified threshold are selected to create the corridor. The threshold was based on a percentage of the maximum accumulative cost for each highway, resulting in a threshold of one percent (1%) for Highway 82, and a half percent (0.5%) for Highway 133. High quality winter habitat west of Aspen on Independence Pass was omitted from the analysis because this stretch of Highway 82 is already highly permeable for wildlife due to a combination of contiguous high-quality habitat on either side of the highway and low traffic

speeds and volumes. The resulting least cost corridors across Highways 82 and 133 are displayed in Figure 2.

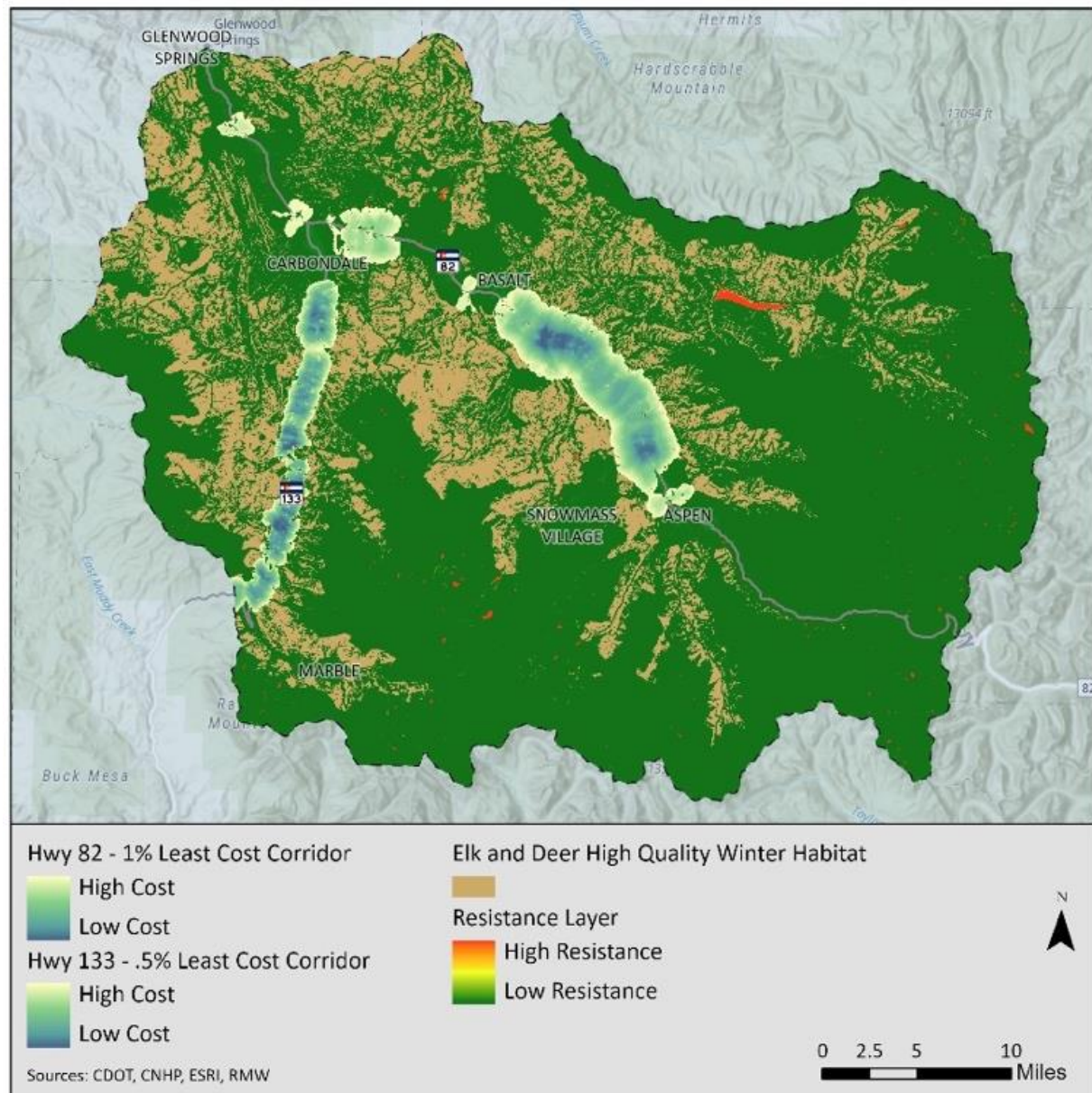


Figure 2. Least Cost Corridors across Highways 82 and 133 between high quality deer and elk habitat.

2. Western Slope Prioritization Study

The Western Slope Wildlife Prioritization Study (WSWPS) scored highway segments (analysis units) based on wildlife and safety criteria. Analysis units that ranked in the 95th percentile were combined into longer high priority segments to identify the top priorities within each CDOT region. For the Roaring Fork Safe Passages Prioritization Study, the WSWPS prioritization

dataset was clipped to the watershed boundary and the regional percentile ranks were used to score the dataset at the watershed scale.

3. *Elk and Mule Deer Migration Corridors*

The final input data layer was mapped mule deer and elk migration corridors (CPW 2022). Any analysis units that intersected with a mapped migration polygon was marked with a ‘1’, and all those that didn’t were marked as ‘0’.

Scoring the Datasets

Each dataset had to be scored using a normalized scale in order to combine them for the primary prioritization. We first created a half-mile buffer layer around the highways matching the analysis units from the WSWPS. The Least Cost Corridor data layers were clipped and unioned to the buffered analysis units with the corresponding least cost corridor values assigned to each analysis unit. We then calculated the mean least cost corridor value for each analysis unit using the dissolve tool. From there, the attribute table was exported into Excel in order to calculate percentile ranks for each analysis unit. These data were then brought back into ArcGIS Pro for the final scoring. For the Least Cost Corridor data, lower percentile ranks received a higher score because the lower number indicates less resistance (ie, more permeable) for an animal traveling across the landscape (Table 1). Figure 3 displays the final Least Cost Corridor scores by analysis unit.

Table 1. Scoring of Least Cost Corridor analysis units in the Watershed.

Least Cost Corridor Percentile	Score
> 0 to < 20 th percentile	5
≥ 20 th to < 40 th percentile	4
≥ 40 th to < 60 th percentile	3
≥ 60 th to < 80 th percentile	2
≥ 80 th percentile	1
= 0	0

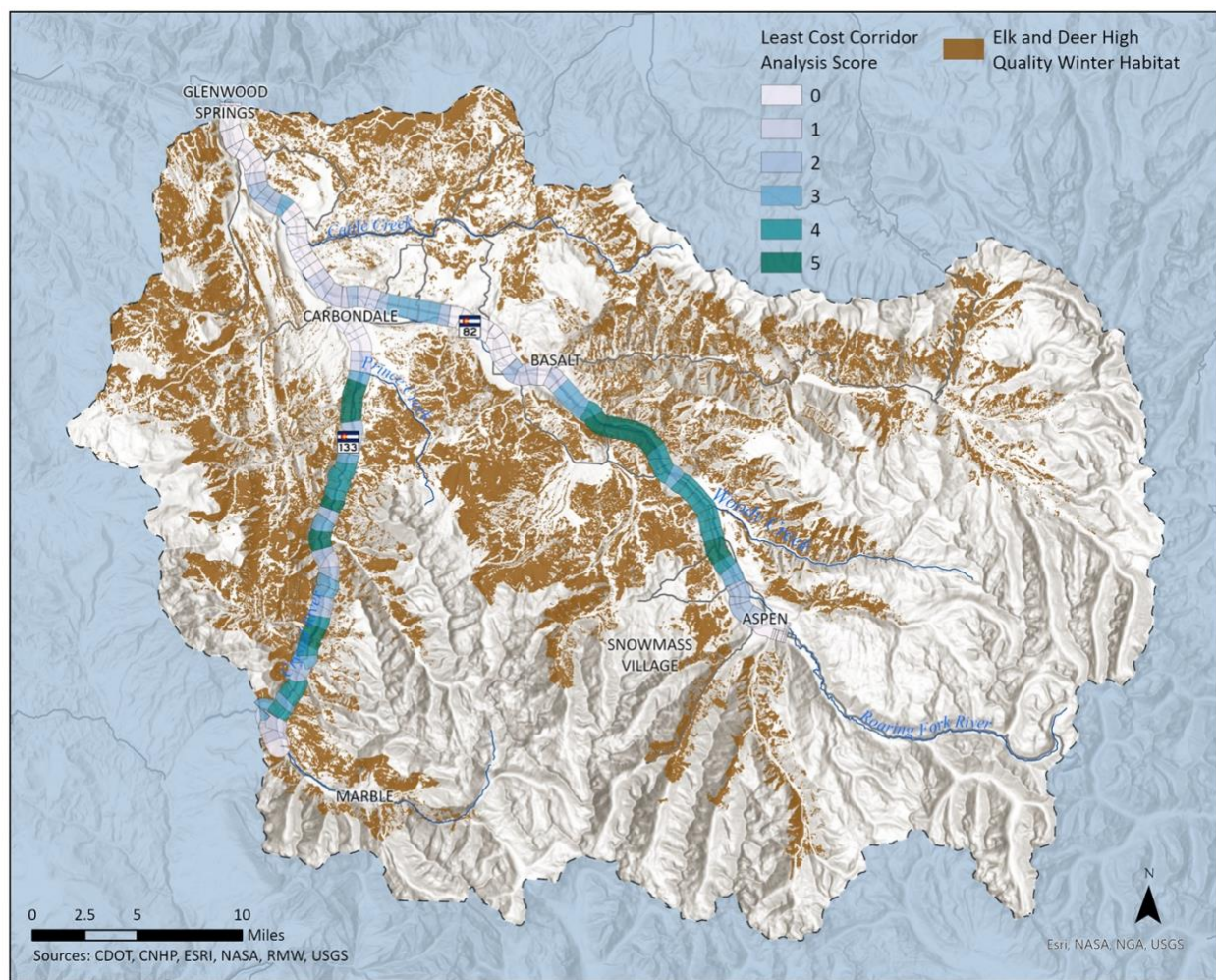


Figure 3. Least Cost Corridor scores by analysis unit.

Because the half-mile buffered analysis units derived from the WSWPS, no additional steps were needed to prepare the WSWPS input layer for final scoring. For the WSWPS, a higher percentile rank indicates a higher priority. Scores were assigned to each analysis unit based on percentile rank as described in Table 2. Analysis units ranking less than the 50th percentile were assigned a score of zero to filter out the lowest priority segments. Figure 4 displays the final scores by analysis unit for the WSWPS input layer.

Table 2. Scoring of WSWPS analysis units within the Watershed.

Watershed Percentile Rank	Score
<50 th percentile	0
≥ 50 th to < 60 th percentile	1
≥ 60 th to < 70 th percentile	2
≥ 70 th to < 80 th percentile	3
≥ 80 th to < 90 th percentile	4
≥ 90 th percentile	5

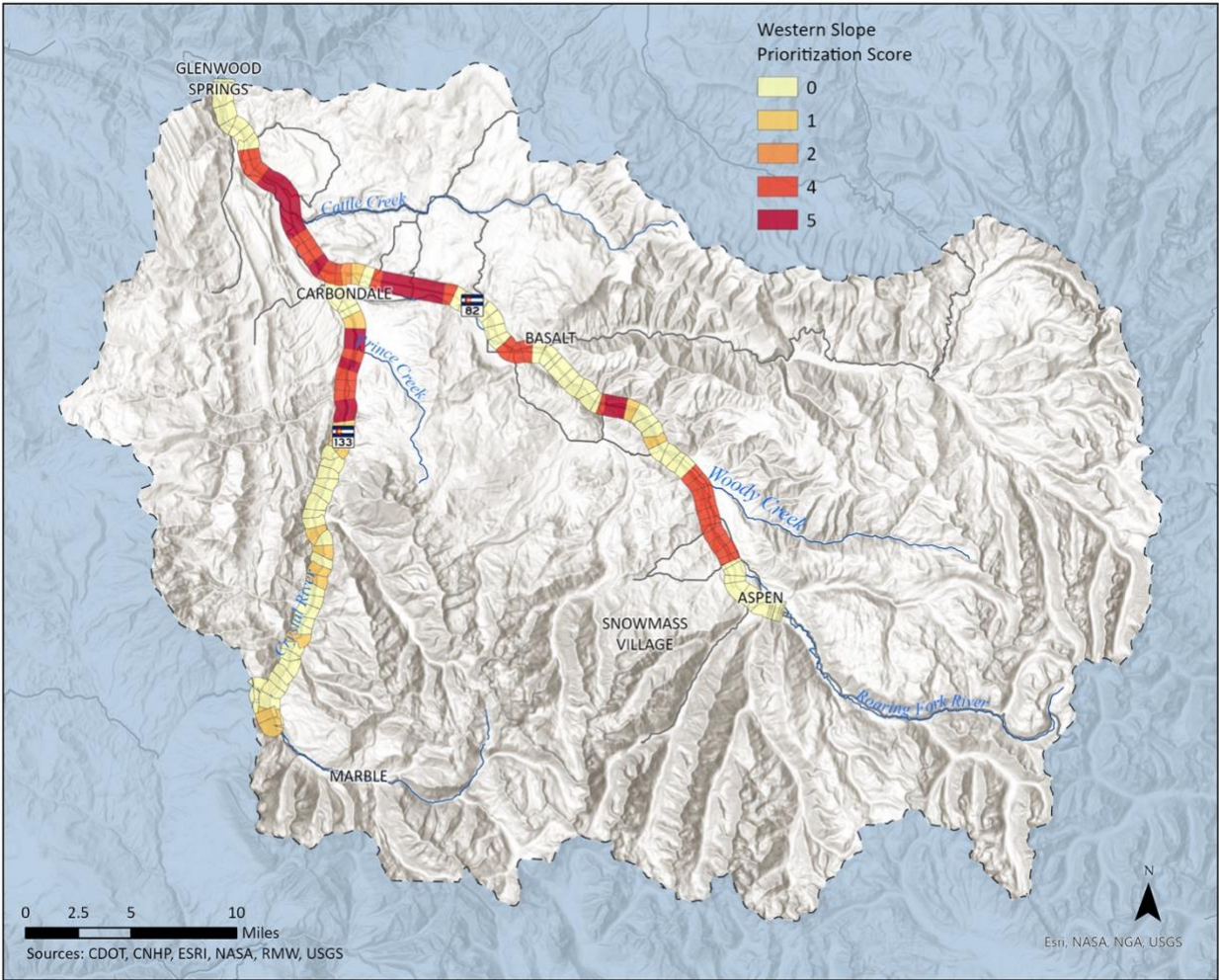


Figure 4. WSWPS scores by analysis unit.

For the elk and mule deer migration corridors, each analysis unit that intersected with the mapped corridors and was marked as '1' was given a score of 5. The highest possible score was 5 regardless of whether the analysis unit intersected with both mule deer and elk migration corridors. All other analysis units received a score of zero.

The final prioritization layer was calculated for each analysis unit as the sum of the three input scores. Final scores ranged from 0 to 14. Highway crossing zones were defined by the highest priority analysis units on each of the two highways. Adjacent high priority analysis units were combined into priority segments (Fig. 5). The priority segments on Highway 82 were determined to be those with a score equal to or higher than '6' while the priority segments on Highway 133 were determined to be those with a score equal to or higher than '8'.

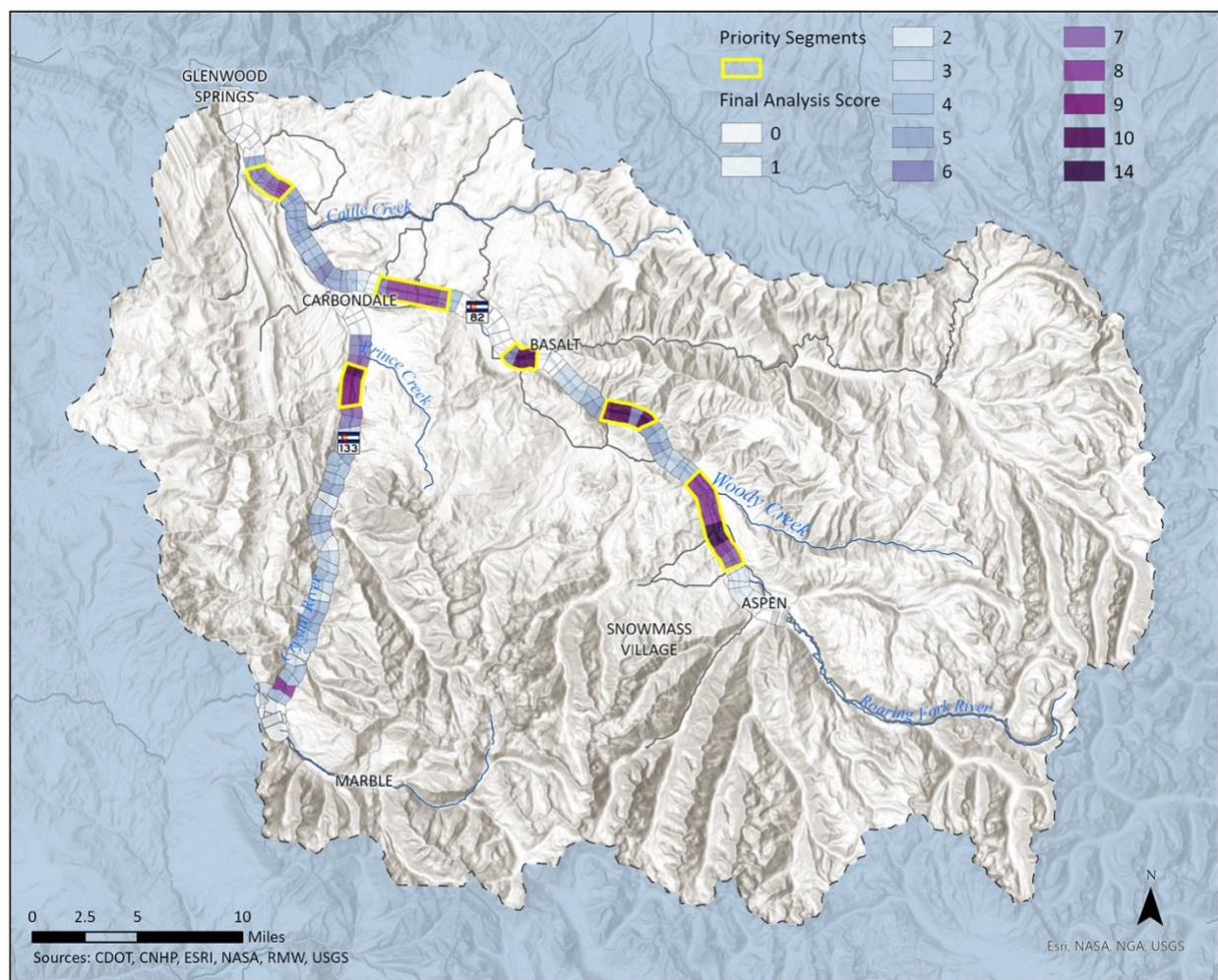


Figure 5. Final prioritization scores by analysis unit and priority segments (outlined in yellow).

Secondary Prioritization Considerations

Restoring wildlife corridors and reducing wildlife-vehicle conflict was the primary driver of the prioritization. However, other factors may also influence the likelihood of mitigation in each highway segment, including factors that affect the feasibility of mitigation. These secondary considerations were not scored as a part of the primary prioritization process but, instead, included as part of the decision-support framework for determining which of the prioritized highway segments offer the greatest opportunity for implementing wildlife crossing systems or other types of mitigation strategies. Secondary prioritization considerations include:

- The security of adjacent lands, specifically the presence of lands managed by a public agency or private conservation lands or easements within a priority segment. Percent Secured Lands was calculated as a percentage of the total area of the priority segment.
- The feasibility and constructability of wildlife crossing structures and associated fencing was based on a preliminary assessment of the roadway situation relative to the surrounding terrain and land uses. Wildlife Crossings Feasibility may also depend on opportunities for additional land protection and/or landowner support. This high-level evaluation of feasibility is subjective relative to conditions and available information at a given point in time and may be re-evaluated and revised.
- Alignment with upcoming transportation improvements identified in CDOT's short-term Statewide Transportation Improvement Program (STIP; CDOT 2023a) or 10-Year Plan Project Pipeline (CDOT 2022). Currently, none of the priority segments align with planned CDOT projects.
- Average WVCs crashes and collisions per mile per year (based on data from 2012-2021; CDOT 2023b) to provide a standardized comparison across highway segments.
- Opportunities to improve existing infrastructure, for example, by retrofitting existing bridges or culverts to function as wildlife crossings or by making improvements to existing wildlife fencing.
- Urgency or threat to wildlife habitat and movement (e.g., from increasing traffic; residential, commercial, or industrial development; recreation activity).

These secondary prioritization considerations may be used to highlight opportunities, partnerships or alignment with other efforts, or challenges to implementing wildlife crossing systems or other mitigation strategies. For the purposes of this prioritization study, a high-level review of the secondary prioritization considerations was used to categorize the identified priority segments as Tier 1 or Tier 2 priorities. Tier 1 priorities indicate areas where wildlife crossing systems may be feasible, based on terrain and existing or potential land security. Tier 2 priorities are areas where other types of mitigation strategies are most feasible, such as improving or extending existing wildlife fencing; removing or replacing barriers along the highway; roadside vegetation management; or other strategies.

Results

The prioritization process identified six wildlife corridors and highway crossing zones, which are described below. Figure 6 displays the three Tier 1 priorities and three Tier 2 priority areas. Table 3 provides a summary of the primary prioritization scores and secondary considerations for each Tier 1 & Tier 2 priority highway segment.

These six segments represent the best opportunities in the watershed for reducing wildlife-vehicle conflict and lessening the impacts of highway infrastructure and traffic on wildlife movements and mortality. Although other sections of these two highways also see wildlife-vehicle conflict and the entire reach of both highways contribute to habitat fragmentation, a prioritization process such as this creates cutoffs to focus mitigation and coordinated land protection efforts in the areas with the greatest opportunity and need. Notably, all six of these prioritized wildlife corridors and highway crossing zones have been identified as areas with high driver safety concerns due to wildlife-vehicle collisions by CDOT.

The Roaring Fork Valley is within the first gray wolf reintroduction area (CPW 2023). Regardless of the specific release locations, over time, wolves are likely to disperse into areas with a suitable prey base, including the Roaring Fork Valley. The presence of wolves will encourage more movement among ungulate populations, which may result in increased WVC conflict where these movements cross roads, emphasizing the need for connectivity and safe passages.

Wildlife Corridors and Highway Crossing Zones

High priority areas where targeted investments in wildlife infrastructure combined with land protection will help to preserve Wildlife Corridors in the Roaring Fork Watershed

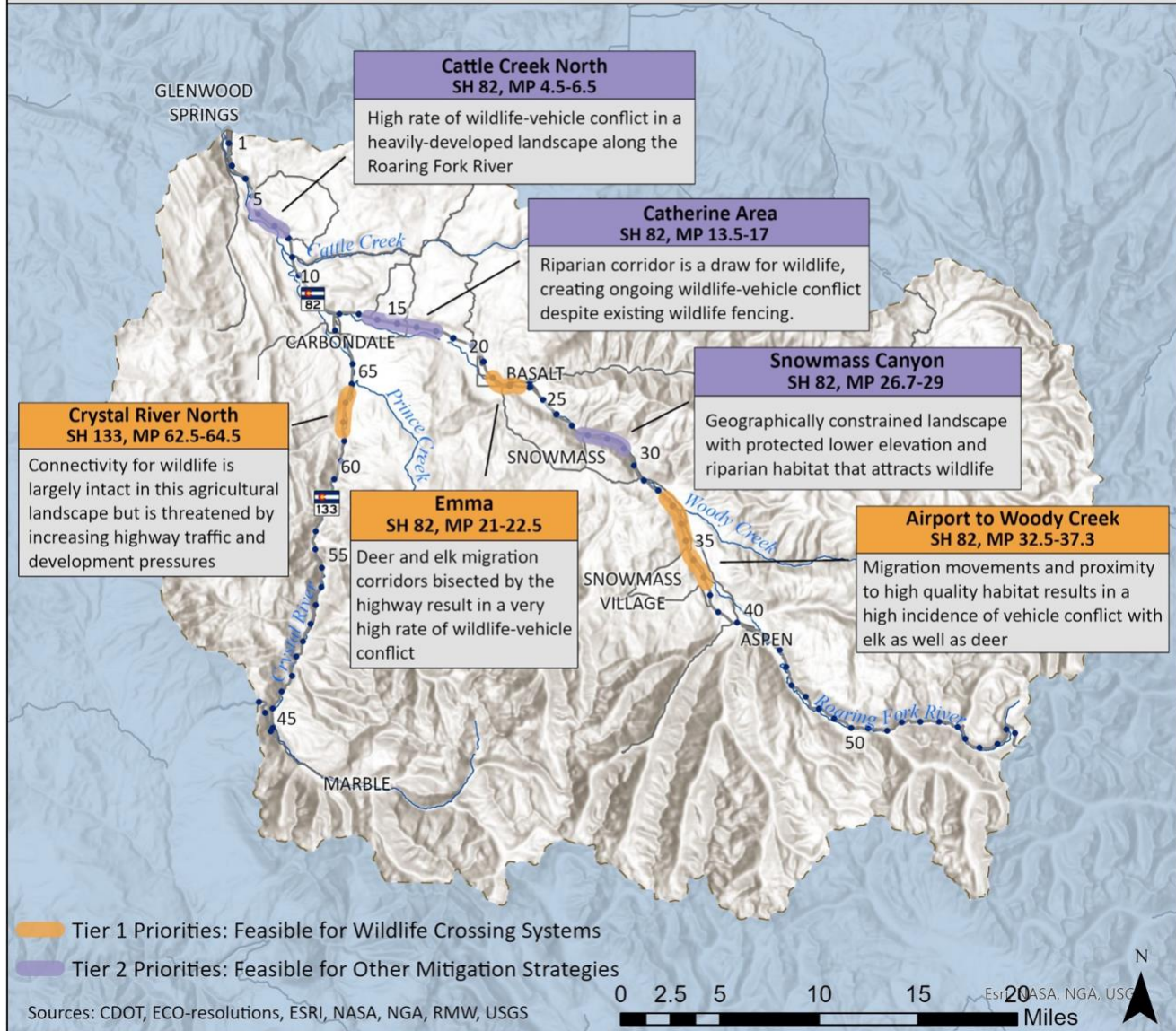


Figure 6. Tier 1 and Tier 2 priority wildlife corridors and highway crossing zones in the Roaring Fork Watershed.

Table 3. Primary prioritization scores and secondary considerations for each Tier 1 & Tier 2 priority highway segment. Within each Tier, highway segments are listed in milepost order.

PRIMARY PRIORITIZATION						SECONDARY CONSIDERATIONS				
		Least Cost Corridor Score	Western Slope Study Score	CPW Migration Corridor	Total Prioritization Score [†]	Percent Secured Land [‡]	Wildlife Crossings Feasibility [§]	WVC/ Mile/ Year	Improve Existing Infrastructure	Threat Urgency ^{††}
TIER 1 PRIORITIES	Hwy 82 – Emma	1	4	Deer & Elk	9	61%	High	6.1	Yes	Medium
	Hwy 82 – Airport to Woody Creek	4	4	Elk	9	31%	Moderate	5.2	Yes	Medium
	Hwy 133 – Crystal River North*	5	4	no	9	66%	Moderate	0.9	No	Medium
TIER 2 PRIORITIES	Hwy 82 – North Cattle Creek	2	5	no	7	14%	Low	5.7	No	High
	Hwy 82 – Catherine	3	5	no	8	10%	Low	3.3	Yes	High
	Hwy 82 – Snowmass	5	3	Deer	9	60%	Low	2.6	Yes	Medium- Low

*Prioritization scores for Hwy 133 not directly comparable to Hwy 82 because separates analyses conducted for each highway

[†]Average score across the analysis units that comprise each segment. Maximum possible score is 15

[‡]Percent public and private conservation lands within a half-mile buffer

[§]Preliminary assessment. Feasibility may depend on opportunities for land protection and/or landowner support

^{††}High-level assessment of relative threat urgency to target species movements. For descriptions of threat types within each area refer to the priority highway segment descriptions.

Prioritized Highway Segments

Tier 1 Wildlife Corridors and Highway Crossing Zones

Tier 1 priorities are where wildlife crossing systems may be feasible, based on terrain and existing or potential land security.

Hwy 82, Emma (mp 21-22.5)

The Emma wildlife corridor is situated between El Jebel and Basalt in a historically important wildlife corridors, where the Frying Pan drainage meets the Roaring Fork Valley (Fig. 7). This wildlife corridor is considered a pinch point between high quality habitat areas to the north and south of Hwy 82 (T. Cardamon, pers. comm.). Specifically, the wildlife corridor is constrained by high levels of residential and commercial development. Wildlife habitat quality is impacted by human activities and land uses. Still, herds of elk and mule deer continue to move across the highway through the adjacent fields to access protected, lower elevation winter range habitat. This segment was also identified as a priority in the Eagle County Safe Passage Plan (Kintsch and Singer 2017).



Figure 7. Aerial perspective of the Emma wildlife corridor.
Credit: EcoFlight

There are, on average, 6.1 wildlife-vehicle collisions per mile per year in the Emma segment – the highest rates of any of the segments. There is a medium-sized box culvert in this segment (mp 22.1) that provides limited passage for deer. Existing wildlife fencing is not continuous through the segment on both sides of the highway, which exacerbates wildlife-vehicle conflict when animals become trapped inside of the fenced highway right-of-way.

The Watershed Biodiversity Study identified areas with the highest or high conservation values as well as significant restoration opportunities within this wildlife corridor (Fig. 8). In some areas, these opportunities overlap with permanently protected lands, including County, City, State, Bureau of Land Management (BLM), and private conservation lands (Fig. 9).

Figure 8. Identified Conservation Values and Restoration Opportunities in the Emma Wildlife Corridor and Highway Crossing Zone.

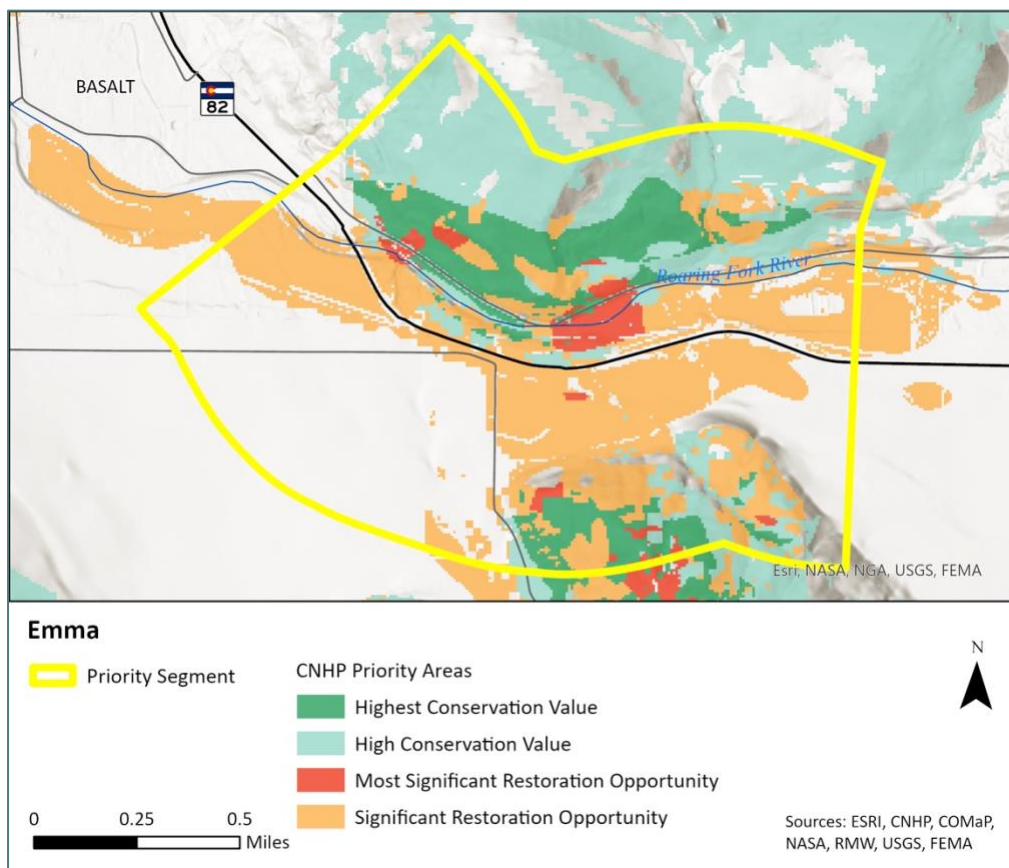
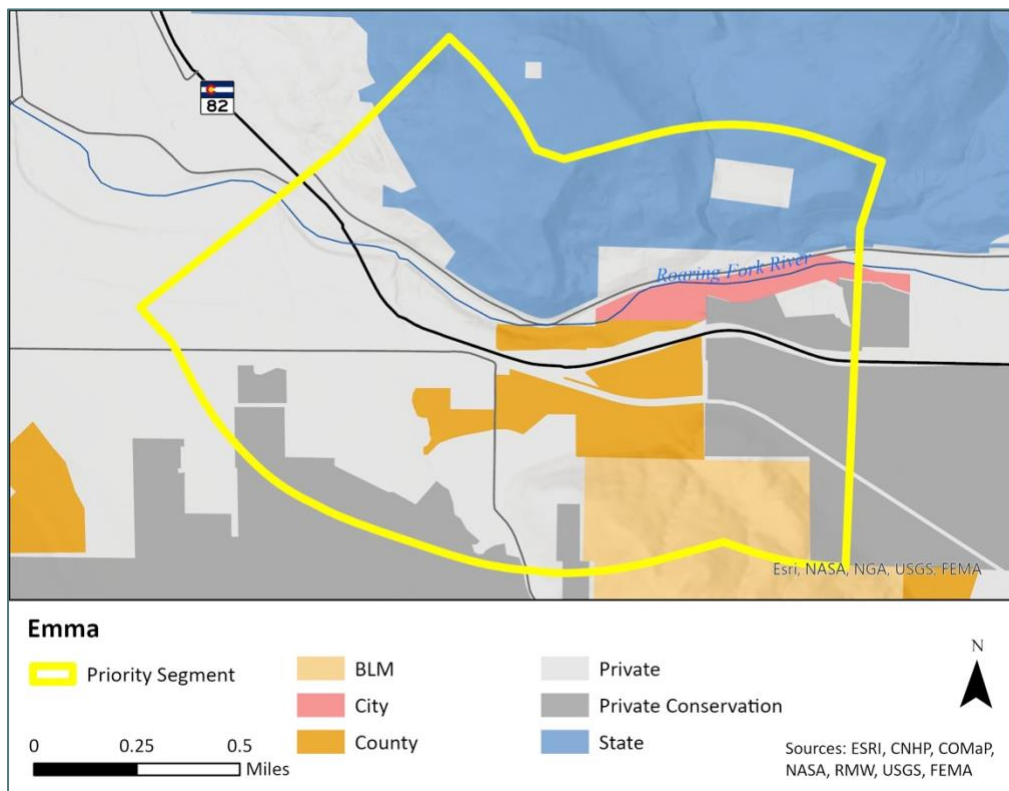


Figure 9. Protected and conserved lands in the Emma Wildlife Corridor and Highway Crossing Zone.



Hwy 82, Airport to Woody Creek (mp 32.5 -37.3)

The Airport to Wood Creek wildlife corridor extends from the Aspen Airport to the Pitkin County Landfill north of Woody Creek. This segment averages 5.2 wildlife-vehicle collisions per mile per year – including 95 reported collisions with elk over 10 years (2 collisions/mile/year).

Pitkin County Open Space and the City of Aspen have protected portions of this landscape adjacent to the highway and along the river corridor, although much of the greater landscape is in private ownership. South-facing slopes above the river corridor offer more accessible winter forage and early spring green-up. Both lower elevation agricultural lands along the river and the adjacent mesas and hillsides are under increasing pressure from residential development.

The far southern end of the segment has wildlife fencing on both sides of the highway, extending from the bridge at the south end of the bluffs (mp 35.8) and tying into the airport fencing at milepost 36.4. A wildlife crossing culvert (mp 36.2) built in 2000 offers a safe passage opportunity primarily for deer and carnivores, and wildlife-vehicle collisions are lower in this area than around Brush Creek Road and farther north (Fig. 10).

The Watershed Biodiversity Study identified significant restoration opportunities throughout much of this wildlife corridor (Fig. 11), although expanding residential development may limit these opportunities without additional habitat protections. There are both County and City protected lands along the highway and the Roaring Fork River (Fig. 12).



Figure 10. Elk tracks in the snow at the intersection of Hwy 82 and Brush Creek Road. Credit: EcoFlight.

Figure 11. Identified Conservation Values and Restoration Opportunities in the Airport to Woody Creek Wildlife Corridor and Highway Crossing Zone.

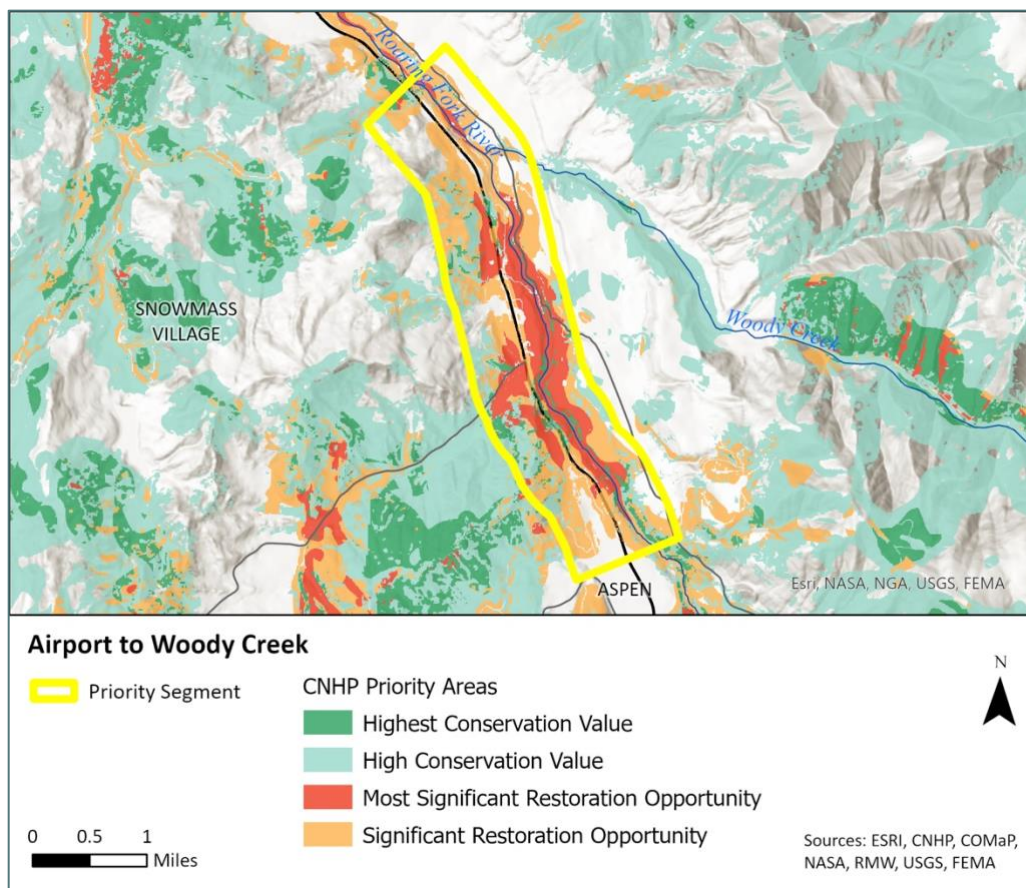
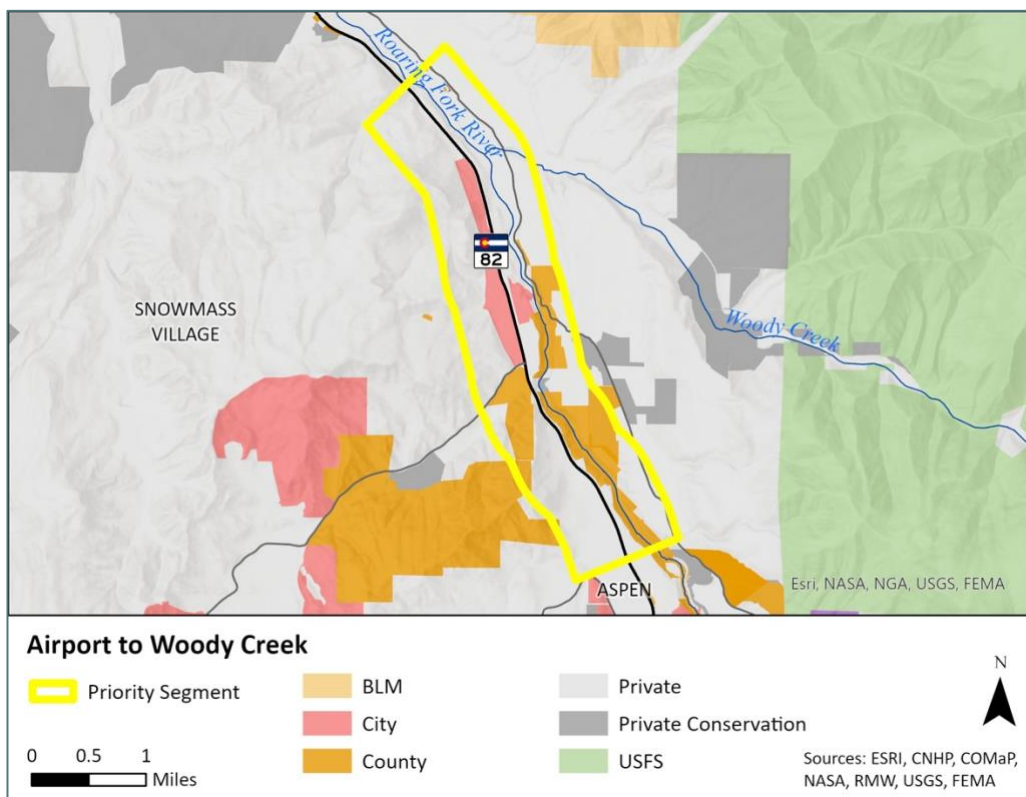


Figure 12. Protected and conserved lands in the Airport to Woody Creek Wildlife Corridor and Highway Crossing Zone.



Hwy 133, Crystal River North (mp 62-64.5)

This wildlife corridor extends through the lower elevation agricultural landscape along the Crystal River south of Carbondale. Under current conditions, wildlife continues to be able to cross the highway and wildlife-vehicle conflict is low (0.9 wildlife-vehicle collisions per mile per year). However, with increasing traffic volumes and development pressures, wildlife movements are expected to become more constrained and cross-highway movements riskier, likely resulting in increased wildlife-vehicle conflict. The Watershed Biodiversity Study identified significant restoration opportunities within this wildlife corridor (Fig. 13).

Pitkin County has protected lands between the Crystal River and Highway 133 through a portion of the corridor with BLM lands further west (Fig. 14). Large, private ranches – including some with conservation easements – comprise much of this area and provide important wildlife habitat. Coordination with landowners is an essential component of any strategy for ensuring the long-term connectivity and habitat values of this landscape.

Figure 13. Identified Conservation Values and Restoration Opportunities in the Crystal River North Wildlife Corridor and Highway Crossing Zone.

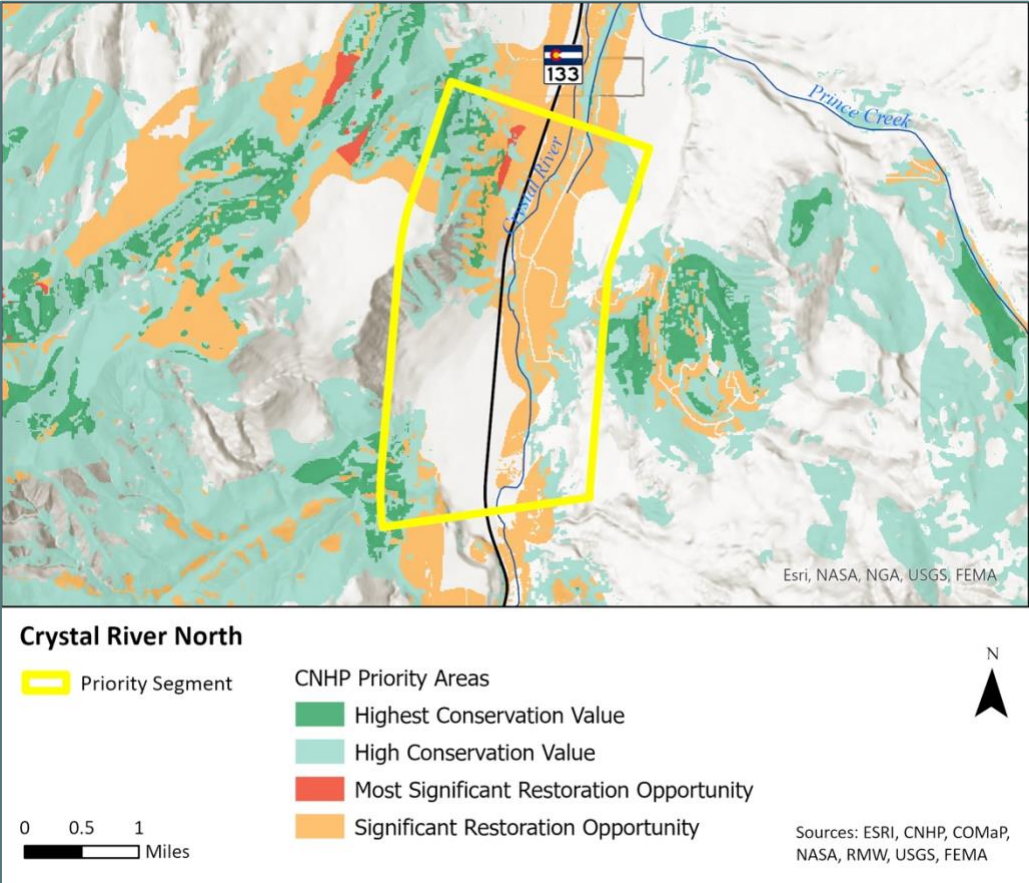
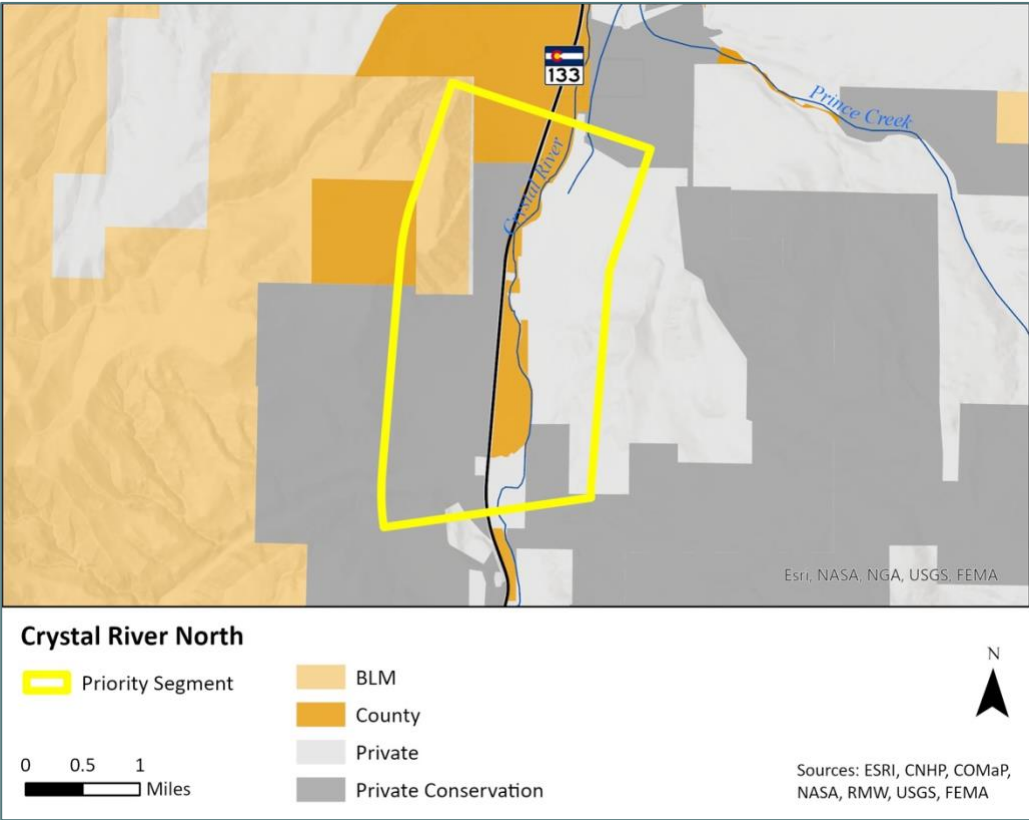


Figure 14. Protected and conserved lands in the Crystal River North Wildlife Corridor and Highway Crossing Zone.



Tier 2 Wildlife Corridors and Highway Crossing Zones

Tier 2 priorities are areas where other types of mitigation strategies are most feasible, such as improving or extending existing wildlife fencing; removing or replacing barriers along the highway with more wildlife perm; roadside vegetation management; or other strategies.

Hwy 82, Cattle Creek North (mp 4.5-6.5)

The Cattle Creek North wildlife corridor south of Glenwood Springs is sandwiched between the steep slopes coming off the mesa to the north and the Roaring Fork River to the south. Many of the lands along this stretch of the Roaring Fork River are developed. Yet wildlife continues to attempt accessing the remaining undeveloped areas along the riparian corridor. This segment averages 5.7 wildlife-vehicle collisions per mile per year – the second highest rate among the priority segments.

The Watershed Biodiversity Study identified significant restoration opportunities within this wildlife corridor (Fig. 15). However, the high threat of additional development may limit potential restoration opportunities. Almost all of this wildlife corridor is in private ownership (Fig. 16). The small Roaring Fork State Wildlife Area (West Bank Lease) has a boat ramp and provides public access to the river.

Figure 15. Identified Conservation Values and Restoration Opportunities in the Cattle Creek North Wildlife Corridor and Highway Crossing Zone.

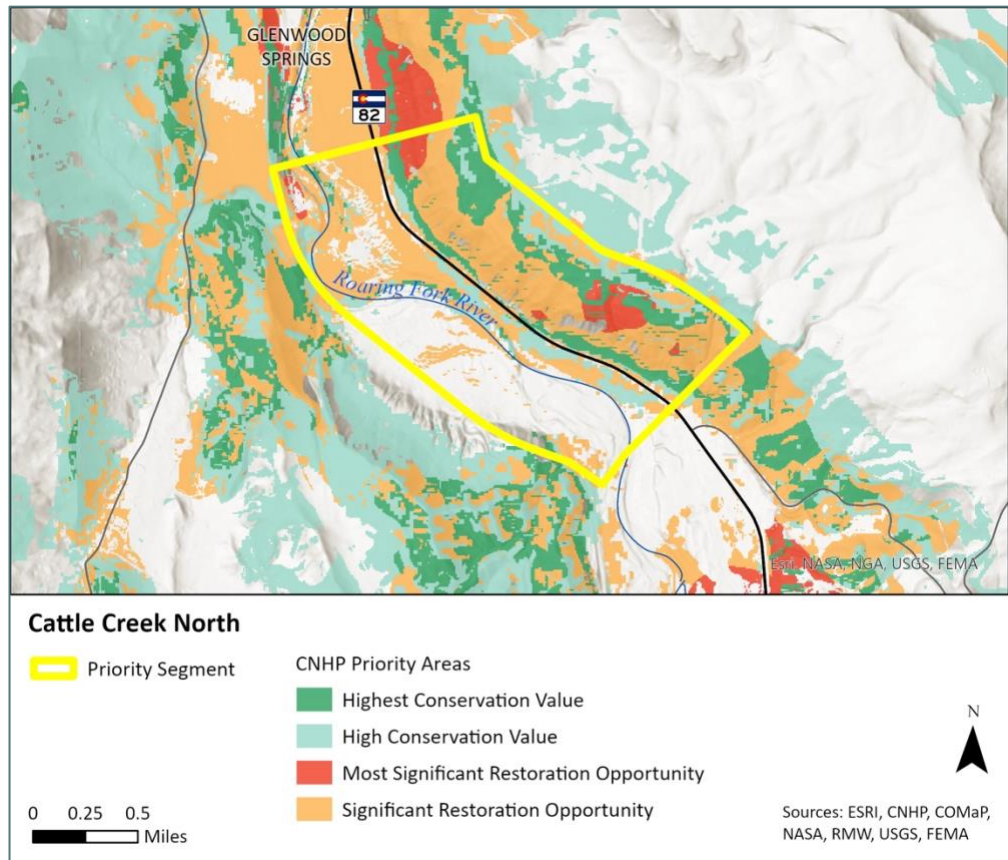
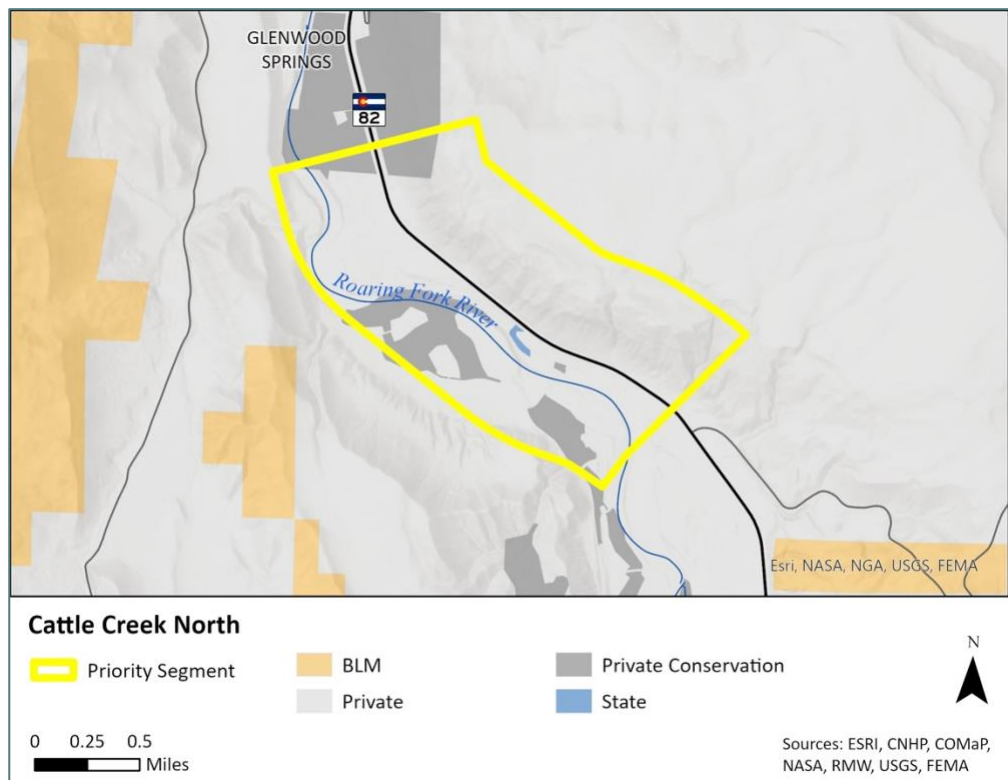


Figure 16. Protected and conserved lands in the Cattle Creek North Wildlife Corridor and Highway Crossing Zone.



Hwy 82, Catherine Area (mp 13.5-17)

This stretch of Highway 82 between Carbondale and El Jebel runs along the north side of the Roaring Fork River and associated floodplain. The landscape in this wildlife corridor is characterized by the Roaring Fork River and associated wetland complexes, agricultural lands, pinyon-juniper habitat along the hills north of the highway. The Watershed Biodiversity Study identifies much of this wildlife corridor as having most significant restoration opportunities (Fig. 17). However, most of the wildlife corridor is in private ownership and under increasing pressure from residential development, particularly on the north side of the highway (Fig. 18).

Despite the presence of wildlife fencing on both sides of the highway throughout this segment, wildlife-vehicle collisions continue to occur at a rate of 3.3 per mile per year. Observers note that the existing wildlife fence is in poor condition and many collisions with wildlife occur in areas where there are gaps in the fence.

Figure 17. Identified Conservation Values and Restoration Opportunities in the Catherine Area Wildlife Corridor and Highway Crossing Zone.

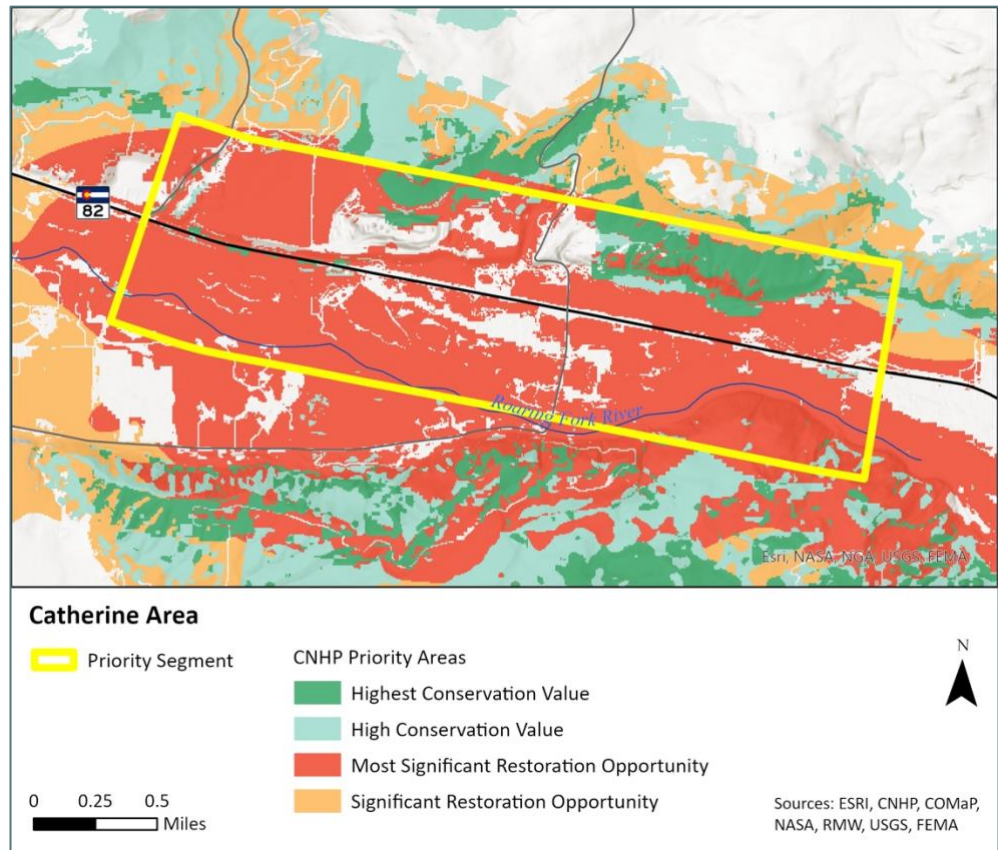
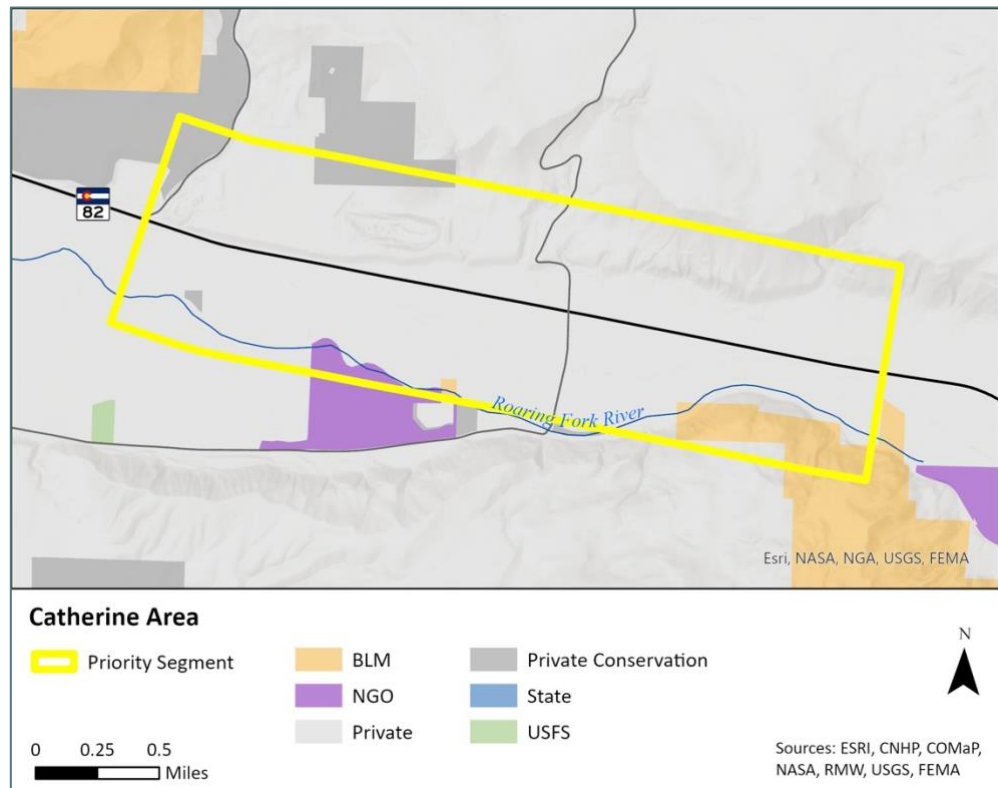


Figure 18. Protected and conserved lands in the Catherine Area Wildlife Corridor and Highway Crossing Zone.



Hwy 82, Snowmass Canyon (mp 26.7-29)

The Snowmass Canyon wildlife corridor extends from Snowmass Creek Road (mp 26.7) south into Snowmass Canyon. Highway 82 through this segment has grade-separated eastbound and westbound lanes hugging the south side of the canyon (Fig. 19). While wildlife fencing is present through much of this segment – including paired bridges suitable for wildlife passage at milepost 28.5 – wildlife-vehicle collisions continue to occur at a rate of 2.6 reported collisions per mile per year, indicating that wildlife is still able to access the highway through gaps in the fencing or at the fence ends.

The Watershed Biodiversity Study identified areas with the highest or high conservation values as well as significant restoration opportunities within this wildlife corridor (Fig. 20). Over half of the landscape within and around this wildlife corridor is protected (Fig. 21). Steep terrain and the river running immediately adjacent to the highway limit the opportunity to construct safe passages for wildlife.



Figure 19. Highway 82 through the Snowmass Canyon wildlife corridor.

Figure 20. Identified Conservation Values and Restoration Opportunities in the Snowmass Canyon Wildlife Corridor and Highway Crossing Zone.

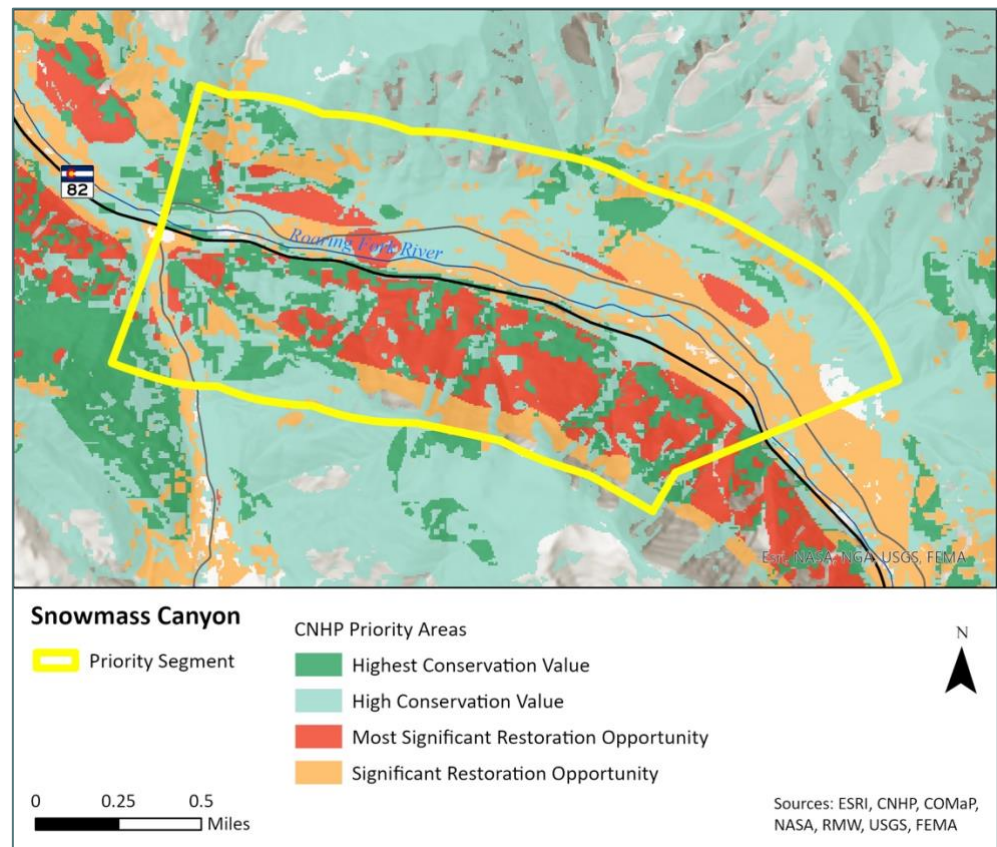
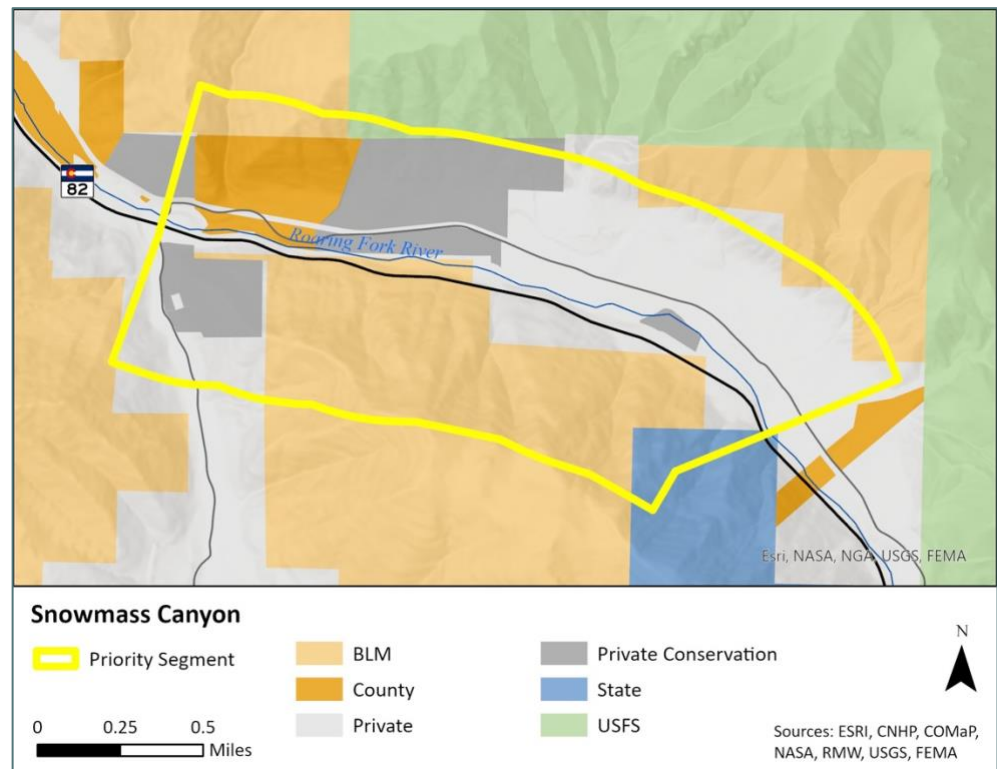


Figure 21. Protected and conserved lands in the Snowmass Canyon Wildlife Corridor and Highway Crossing Zone.



Next Steps

The next phase of this work will focus on developing and evaluating alternative strategies for improving safe passages for wildlife and reducing wildlife-vehicle conflict within these sections of roadway; weighing the benefits and costs of the different options; and making recommendations for highway mitigation and associated conservation actions. Wildlife crossing structures combined with wildlife diversion fencing are known to be an effective mitigation strategy, resulting in 80-90% reductions of collisions with wildlife while allowing deer, elk, and other species to move safely under or over a roadway (e.g., Huijser et al. 2016; Kintsch et al. 2021; Sawyer et al. 2012). Where wildlife crossings are not feasible due to terrain constraints, cost, land use and land management considerations, other types of mitigation strategies may be warranted, alone, or in combination. The development of mitigation strategies for prioritized highway segments will include a complete evaluation of the range of wildlife-highway mitigation options.

Compatible land use and land management to maintain or restore high quality wildlife habitat is integral to the long-term success of wildlife crossings system in providing same passages and reducing conflict. Accordingly, the next phases of this work will also seek to work in tandem with partners to pursue additional habitat protections and compatible land use or management within wildlife corridors. The Watershed Biodiversity and Connectivity Study highlighted the value of private lands for elk and mule deer habitat, as well as the vulnerability of these lands to habitat loss. The study noted that even small patches of high-quality habitat benefit wildlife's ability to move through the landscape; creating safe passages for wildlife across highways would increase the value of these habitats (Rondeau et al. 2022). Combined, the Watershed Biodiversity and Connectivity Study and this Safe Passages Prioritization Study offer a roadmap for improving landscape connectivity and wildlife's access high quality habitat and forage. Specifically, we recommend that the results of the prioritization study be used in conjunction with the Conservation and Restoration Priorities Map produced by the Biodiversity Study to align conservation and restoration actions with strategic investments in wildlife-highway mitigation. Partnership and collaboration with private landowners, open space departments, land trusts, and other public land managers will be essential to realizing wildlife conservation, habitat restoration, and connectivity goals in this landscape.

Acknowledgements

The Roaring Fork Safe Passages Prioritization Study was the result of a collaborative partnership between Roaring Fork Safe Passages, Pitkin County Open Space, the City of Aspen Parks and Open Space, an EcoFlight. Other contributing stakeholders included Colorado Parks and Wildlife, the Colorado Department of Transportation, the Watershed Biodiversity Initiative, Wilderness Workshop, and Aspen Valley Land Trust. Funding for this study was provided by Aspen Ski Company Environment Foundation, City of Aspen Parks and Open Space, the Alpenglow Foundation, the McBride Foundation and many others.

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Appendix A: Participating Stakeholders

Name	Affiliation
Tom Cardamon	Roaring Fork Watershed Biodiversity Initiative
Taylor Elm	Colorado Parks and Wildlife
Patrick King	Roaring Fork Safe Passages
Andrew Knapp	Pitkin County
Matt Kuhn	City of Aspen
Cinnamon-Levi Flinn	Colorado Department of Transportation
Julie Mao	Colorado Parks and Wildlife
Rebecca Mirsky	Roaring Fork Safe Passages
Liza Mitchell	Pitkin County Open Space and Trails
Brian Pettet	Pitkin County
Nathaniel Rayl	Colorado Parks and Wildlife
Jonathan Rose	Aspen Valley Land Trust
Will Roush	Wilderness Workshop
Charles Simon	Roaring Fork Safe Passages
Suzanne Stephens	Aspen Valley Land Trust
Gary Tennenbaum	Pitkin County Open Space and Trails
Kurtis Tesch	Colorado Parks and Wildlife
Tucker Vest Burton	Roaring Fork Safe Passages
Matt Yamashita	Colorado Parks and Wildlife

Appendix B: Primary Prioritization Geospatial Analysis Methods

Prioritization Methods

This prioritization process builds off two recently completed reports, the Roaring Fork Watershed Biodiversity and Connectivity Study (Rondeau et al 2022) and the Western Slope Wildlife Prioritization Study (Kintsch et al 2019). Data from both of these studies were used throughout this prioritization process as outlined below. In order to prioritize highway segments along Highway 82 and 133 in the Roaring Fork Valley, we used data from the Biodiversity and Connectivity Study to perform a least cost corridor analysis, which was used to determine where wildlife will have the easiest time (or incur the least cost) traveling across the landscape. To further the analysis, we used the Prioritization Results dataset from the Western Slope Wildlife Prioritization Study as well as Colorado Parks and Wildlife Species Activity Mapping data for mule deer and elk migration corridors. We considered using protected or secured lands as a third dataset in the prioritization but based on feedback from the Roaring Fork Safe Passages stakeholder group, decided this dataset would be better used as a secondary criterion at a later stage. The following outlines the prioritization process we followed using these datasets.

Prioritization Inputs

1. Least Cost Corridor Analysis

For the least cost corridor analysis, we completed the following three steps: 1) create a resistance layer, 2) determine the areas we wanted to connect across the highway corridor and 3) run a least cost corridor analysis using the products from 1 and 2.

To create the resistance layer, we began with the modeled landscape permeability layer from the Roaring Fork Watershed Biodiversity and Connectivity Study. To develop this layer, CNHP compiled and scored layers for land cover types, roads and trails, fences, topography, and oil and gas layers for elk, mule deer, and bighorn sheep (Rondeau et al 2022). Based on feedback from the team who created the permeability layer, we first filled in any gaps in permeability layer using pixel editor to ensure all values along the highways were 3 (the value highways were given by the original data creators).

Once all the gaps were filled, we then converted this permeability layer into a resistance layer using the formula “cost = (perm / 10) ** -3”. This was done using the Raster Calculator tool in ArcGIS Pro (Fig. 1). The resistance layer was then clipped to the watershed boundary.

To determine the areas we wanted to connect across the highway corridor, we again used data from the Roaring Fork Watershed Biodiversity and Connectivity Study. This time, however, we used the ElkDeer Winter Habitat Quality raster dataset. This dataset includes values for low, medium, and high-quality winter elk and deer habitat, and we determined that using just the high quality would be best for this analysis. We used the ‘Extract by Attributes’ tool to export only the high value (Value = 2) winter habitat from the ElkDeer Winter Habitat

Quality dataset. Once the high-quality data was exported, we created separate habitat areas north and south of Highway 82 and east and west of Highway 133 to use in the least cost corridor analysis. To do this, we created four polygons – one that encompasses north of Highway 82, one south of Highway 82, one west of Highway 133 and south of Highway 82, and one east of Highway 133 and south of Highway 82. This was done by buffering the highway and then using the ‘Reshape Feature’ tool to expand each polygon to the edge of the Roaring Fork Watershed boundary. These polygons were then used to clip (Data Management/Raster/Clip) the High Value Habitat raster dataset to each of the four polygons, resulting in separate habitat segments that could be used in the least cost corridor analysis as the areas we are trying to connect across each highway corridor. After running the least cost corridor analysis once, we determined that we needed to omit the high-quality winter habitat west of Aspen on Independence Pass from the analysis.

To perform the least cost corridor analysis, we used the Least Cost Corridor tool in ArcGIS Pro. With this tool we were able to determine the least cost corridor between each high-quality winter habitat area separated by either Highway 82 or Highway 133. The first step of this process is to use the ‘Distance Accumulation’ tool to create a ‘distance accumulation’ raster and a ‘back-direction’ raster for each separate habitat area. Each cell in the ‘distance accumulation’ raster contains the measured distance from that cell to the closest high-quality habitat cell and considers information from the cost surface or resistance layer. Similarly, each cell in the ‘back-direction’ raster contains the direction (in degrees) that is necessary to go when leaving a given cell in order to get back to the closest high-quality habitat cell. Again, the direction depicted

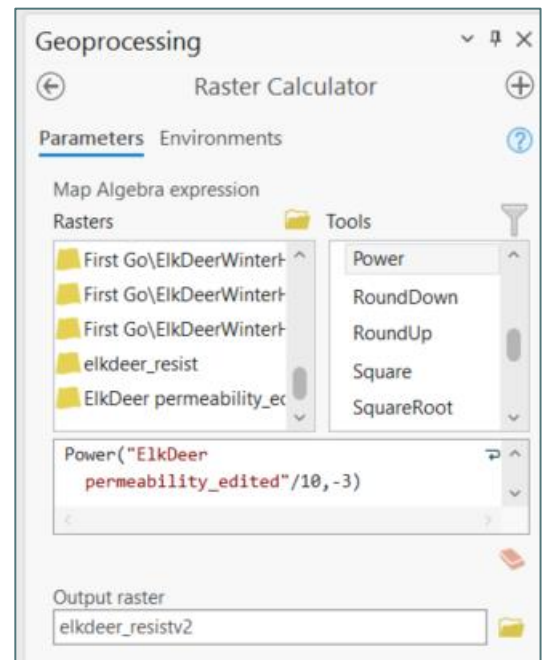


Figure 1. Converting permeability to resistance using the Raster Calculator

incorporates the resistance layer by staying along the least cost path back to the closest and easiest to travel to high-quality habitat cell (Fig. 2).

Once a ‘distance accumulation’ raster and a ‘back-direction’ raster was created for each of the four habitat areas (west of 133/south of 82, east of 133/south of 82, north of 82 and south of 82), these raster layers were inputted into the ‘Least Cost Corridor’ tool. Each time we ran the ‘Least Cost Corridor’ tool, we inputted the ‘distance accumulation’ raster and the ‘back-direction’ raster for two areas we wanted to analyze the least cost corridor between (i.e. east and west of the Highway 133 corridor). In addition, we used the accumulative cost to set the threshold for the least cost corridor analysis. When an accumulative cost threshold is specified, all cells with accumulative cost equal to or less than the specified threshold will be selected to create the corridor. We set the threshold based on a percentage of the maximum accumulative cost for each highway. This was calculated by first running the least cost corridor analysis with no threshold and figuring out an appropriate percentage of the largest value to use for the threshold value. For Highway 82, the largest value was 778944 and we used a 1 percent threshold, or 7789 ($778944 \times .01 = 7789$), for the accumulative cost threshold value. For Highway 133, the largest value was 875468 and we used a .5 percent threshold, or 4377 ($875468 \times .005 = 4377$), for the accumulative cost threshold value (Fig. 3).

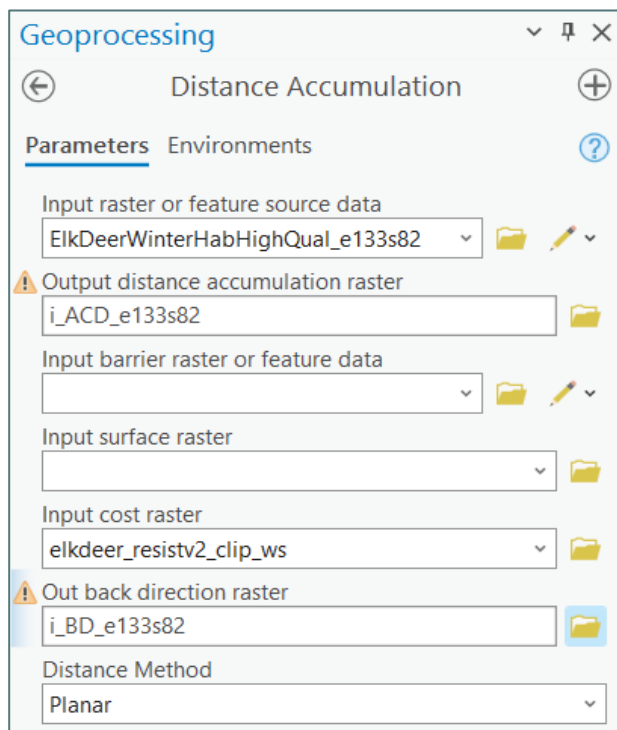


Figure 2. Distance Accumulation tool.

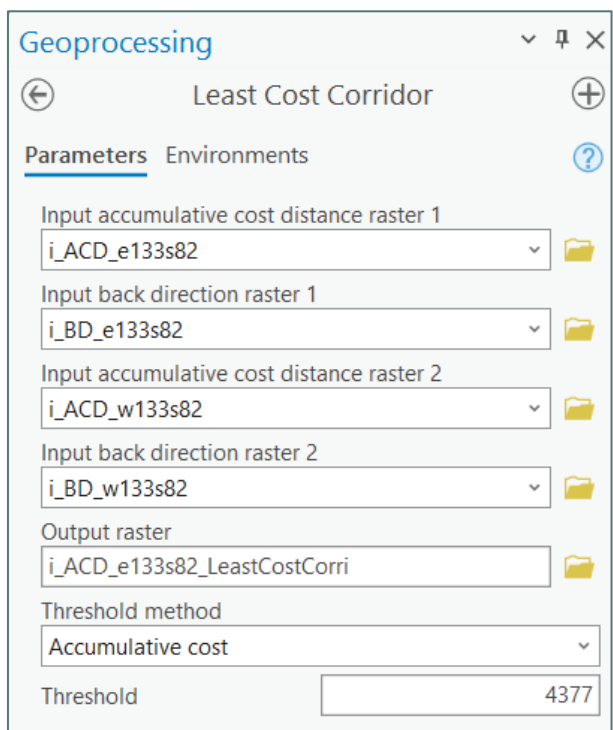


Figure 3. Least Cost Corridor tool.

2. Western Slope Wildlife Prioritization Study Data

To incorporate the Western Slope Wildlife Prioritization Study data, we first clipped the Prioritization Results polyline dataset from the Western Slope Wildlife Prioritization Study to the Roaring Fork Watershed boundary layer. From there, we used the original regional percentile ranks to score the data set for this analysis.

3. Colorado Parks and Wildlife Mule Deer and Elk Migration Corridors

To incorporate Colorado Parks and Wildlife Species Activity Mapping Data for mule deer and elk migration corridors, we downloaded the most recent datasets (December 2022) from the Colorado Parks and Wildlife ArcGIS website. Any analysis units that intersected with a mapped migration polygon was marked with a '1', and all those that didn't were marked as '0'.

Scoring the Datasets

In order to compile and score these datasets, we first created a half mile buffer layer for both Highway 82 and 133 based on the highway segments from the Western Slope Prioritization data. This was done by using the 'Buffer' tool to create a .5-mile buffer around the Western Slope Prioritization polyline feature layer. To create a cleaner buffer on the curving highway layer, the 'Buffer' tool was run for each side of each highway (north of 82, south of 82, west of 133 and east of 133), using a 'Flat' end type and no dissolve in order to preserve the individual highway segments. The different sides of each highway were then merged and dissolved to create fully buffered segments around each individual highway segment. A few of the buffered areas were missing because the area was too small for the tool to create the geometry, so a few sections were added by hand based on the Western Slope Prioritization Study road segments (Fig. 4 and Fig. 5). These buffered highway segments became the analysis units for this study. Each analysis unit was given a unique segment number to facilitate identifying various units in future steps.

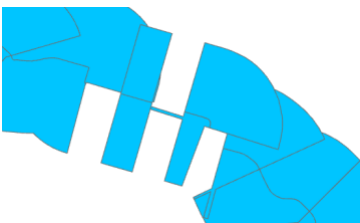


Figure 4. Example of areas missing due to too small geometry

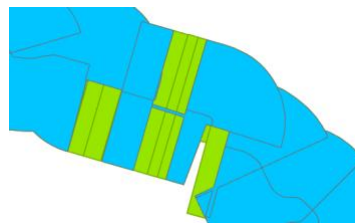


Figure 5 – Example of areas filled in by hand

In order to incorporate the Least Cost Corridor data with the analysis units, we had to convert the raster datasets to polygons. Because the least cost corridor analysis resulted in a floating point raster, we first had to convert it to a integer raster by using the ‘Raster Calculator’ tool. We used the formula $\text{int}(\text{“raster”} + 0.5)$ to insure the integer was rounded up or down correctly based on the original cell value which contained decimals. Once we had an integer raster, we clipped the raster to the analysis unit file, and then used the ‘Raster to Polygon’ tool to convert the raster dataset into a polygon. We then used the ‘Union’ tool to union the clipped least cost corridor polygon data to the analysis unit file so the least cost corridor values were associated with the appropriate half mile buffer analysis unit. We then ran the ‘Dissolve’ tool on the new union layer, dissolving on the Route, Miles, ORIG_FID and SegNum, and calculating the mean least cost corridor value (attribute = Gridcode) for analysis unit (Fig. 6).

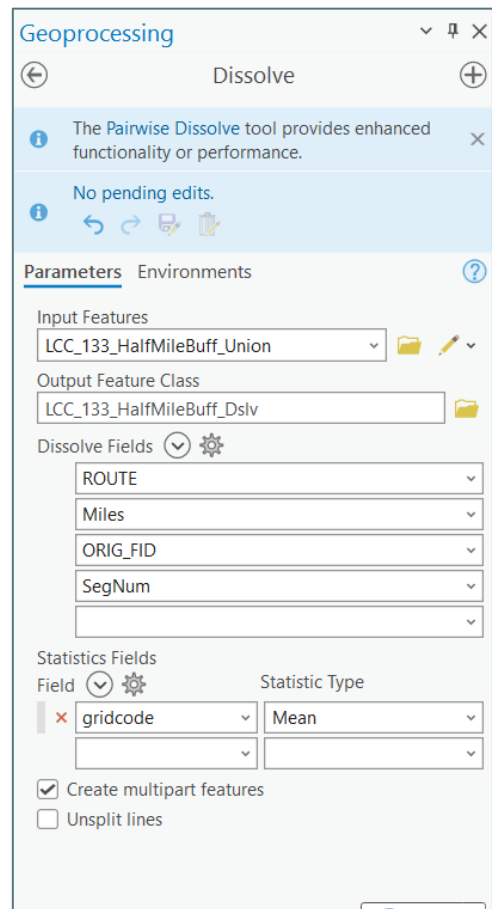


Figure 6. Dissolve tool.

The next step was to calculate the percentiles based on the mean least cost corridor value (attribute = GRIDCODE_MEAN). This was done by first selecting all values that were not equal to 0 and exporting them into a new shapefile to ensure no analysis units that did not intersect with the least cost corridor data were included in the percentile calculation. From there, the attribute table of the new shapefile was exported into Excel in order to calculate the percentiles of each analysis unit. In Excel, the percentiles were calculated based on the GRIDCODE_MEAN attribute using the PERCENTRANK.EXC formula. The table with the newly calculated percentiles was then brought back into ArcGIS Pro and joined to the Least Cost Corridor attribute table using the Orig_FID field. A new attribute field was created in the Least Cost Corridor attribute table, and the ‘calculate field’ tool was used to bring the new percentile information into the original feature attribute table.

Because the analysis unit file was created using the Western Slope Prioritization data, the original percentiles were already associated with the appropriate buffered unit. These percentiles were used for the scoring the Western Slope Prioritization data.

The next step was to score each dataset. The least cost corridor and Western Slope Prioritization datasets were each divided into six categories with scores from 0-5. For the least cost corridor data, lower percentiles were given a higher score because the lower number indicated the least amount of resistance to travel across the landscape. Thus, anything greater than 0 and less than or

equal to the 20th percentile was given a score of five, between the 20th and 40th percentiles were given a score of 4, between the 40th and 60th percentiles a score of 3, between the 60th and 80th percentiles a score of 2 and anything greater than 80th percentile was given a score of 1 (Table 1).

For the Western Slope Prioritization data, higher percentiles were given higher scores because they indicated a higher priority ranking through the Western Slope Prioritization process. Thus, anything less than the 50th percentile was given a score of 0, between the 50th and 60th percentiles were given a score of 1, between the 60th and 70th a score of 2, between the 70th and 80th a score of 3, between the 80th and 90th a score of 4, and anything greater than the 90th percentile was given a score of 5 (Table 1).

Table 1. Least Cost Corridor and Western Slope Prioritization Scoring

Least Cost Corridor Scoring		Western Slope Prioritization Scoring	
Percentile	Score	Percentile	Score
MEAN gridcode = 0	0	< 50	0
> 0 and <20	5	≥ 50 and < 60	1
≥ 20 and <40	4	≥ 60 and < 70	2
≥ 40 and <60	3	≥ 70 and < 80	3
≥ 60 and <80	2	≥ 80 and < 90	4
≥ 80 and <100	1	≥ 90 and < 100	5

For the Colorado Parks and Wildlife migration corridor data, each analysis unit that intersected with the mapped corridors and was marked as ‘1’ was given a score of 5. The highest possible score was 5 regardless of whether the unit intersected with both mule deer and elk migration corridors.

We then created the final layer based on the half mile buffer layer, in which we created fields for each score, joined the final layer with each of the scored layers and transferred over their scores to the final layer. These scores were then combined to calculate final overall score for each analysis unit.

Final Priority Segments

The final priority segments were determined based on the total sum of the least cost corridor score, the Western Slope Prioritization Study score, and migration corridor score for each analysis unit. Final scores ranged from 0 to 14, depending on the location of the segment. The priority segments on Highway 82 were determined to be those with a score equal to or higher than '6' while the priority segments on Highway 133 were determined to be those with a score equal to or higher than '8'. Priority segments were further delineated into Tier 1 and Tier 2 priorities. Tier 1 priorities are those where wildlife crossing systems are feasible while Tier 2 priorities are those where other mitigation strategies are feasible.



PRIORITIZATION STUDY – SUMMARY REPORT

Roaring Fork Safe Passages

December 2023



Photo: EcoFlight

Background and Objectives

Wildlife is an essential element of the Roaring Fork Watershed, contributing both to the ecological health of this landscape and to our quality of life. Yet wildlife populations in the watershed – elk herds in particular¹ – are facing increasing pressure from development, recreation activities, and transportation. Specifically, vehicle-induced mortality and transportation-related habitat fragmentation are major stressors affecting wildlife and population resilience. According to Colorado Parks and Wildlife (CPW), two percent of collared doe mule deer are killed each year in vehicle collisions² – this suggests that the roadkill rate is higher than the annual hunter harvest but without the economic and social benefits that hunting provides.

WILDLIFE-VEHICLE CONFLICT IN THE ROARING FORK WATERSHED STUDY AREA

Wildlife-vehicle collisions were the leading cause of crashes reported to law enforcement, accounting for 30% of all crashes.³

The annual cost of reported wildlife-vehicle collisions, including the value of the wildlife killed, is estimated at \$5.2M.⁴

As many as 2-4 times more collisions with wildlife are never recorded, for example when an animal is hit but dies away from the road.⁵

The objective of the Roaring Fork Safe Passages Prioritization Study was to undertake a systematic and inclusive process to support informed decision-making about wildlife-highway mitigation priorities in the Roaring Fork Watershed. The study involved a comprehensive analysis of wildlife-highway interactions on Highways 82 and 133, building on existing data and analyses. The study also engaged key agencies and stakeholders in the development of the prioritization process and decision-making framework. The resulting prioritization identifies highway segments where mitigation investments combined with habitat protection will bring the greatest benefits for reconnecting wildlife corridors and reducing wildlife-vehicle collisions.

Prioritization Process

The analysis of highway segments for mitigation investments focused on State Highway 82 between Glenwood Springs and Aspen and State Highway 133 between Carbondale and McClure Pass. Two recently completed studies provided the foundation for the prioritization analysis: 1) the Roaring Fork Watershed Biodiversity and Connectivity Study⁶ 2) the Western Slope Wildlife Prioritization Study,⁷ a joint initiative by the Colorado Department of Transportation (CDOT) and CPW. The prioritization also integrated mapped elk and mule deer migration corridors data from CPW.



Combined, these analyses resulted in a primary prioritization score highlighting sections of highway with the greatest risk of wildlife-vehicle conflict and with the greatest potential for restoring wildlife corridors that are bisected by a highway. Figure 1 provides a flowchart of the prioritization process including inputs and analyses for conducting the primary prioritization and the supplementary secondary considerations that comprise this decision support framework.

A complete description of the analysis methods may be found in the *Roaring Fork Safe Passages Prioritization Methods and Results Report* accompanying this summary report.

Secondary Prioritization Considerations

Restoring wildlife corridors and reducing wildlife-vehicle conflict was the primary driver of the prioritization. However, other factors may also influence the likelihood of mitigation in each highway segment, including factors that affect the feasibility of mitigation. These secondary considerations were not scored as a part of the primary prioritization process but, instead, included as part of the decision-support framework for determining which of the prioritized highway segments offer the greatest opportunity for implementing wildlife crossing systems or other types of mitigation strategies.

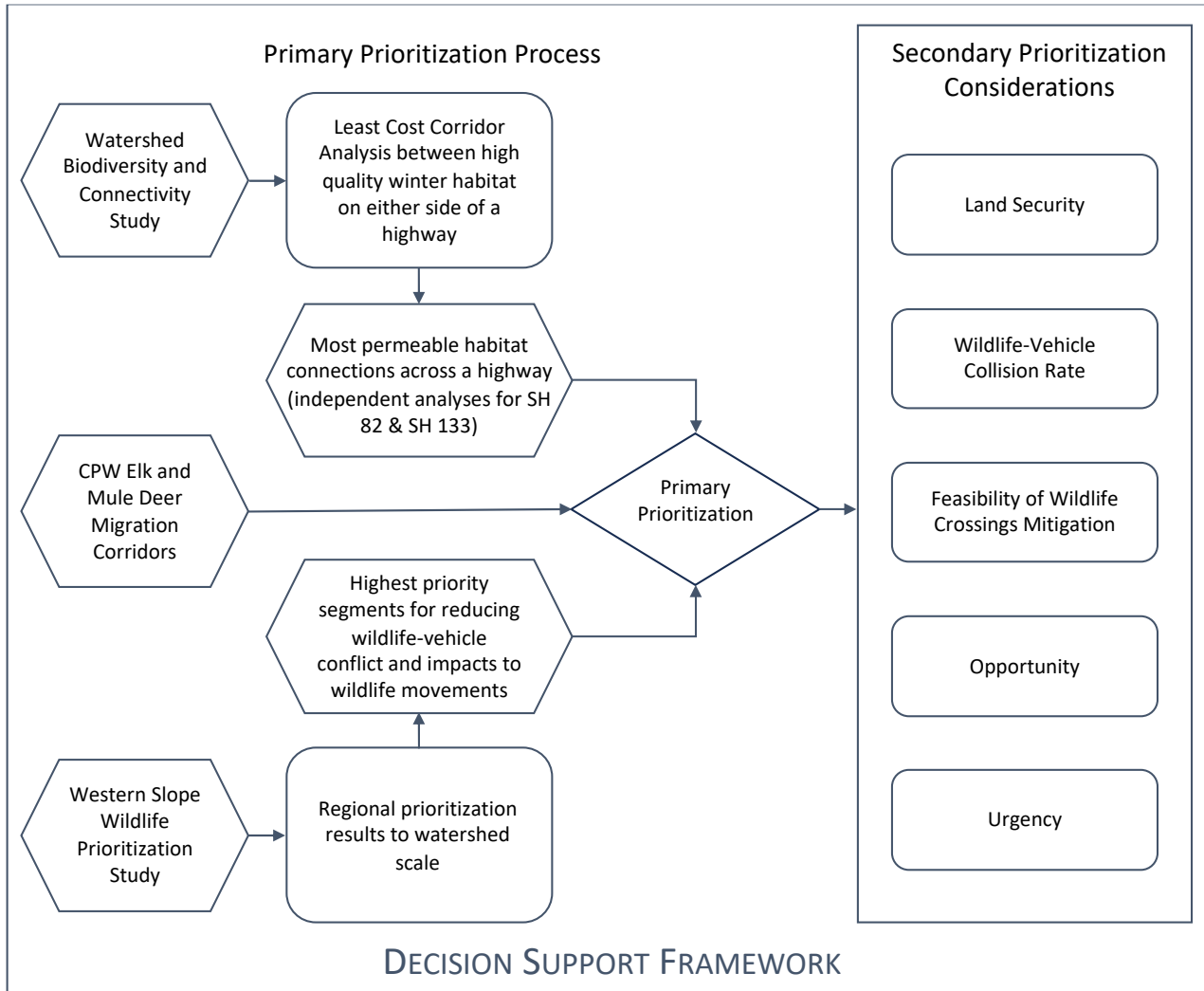
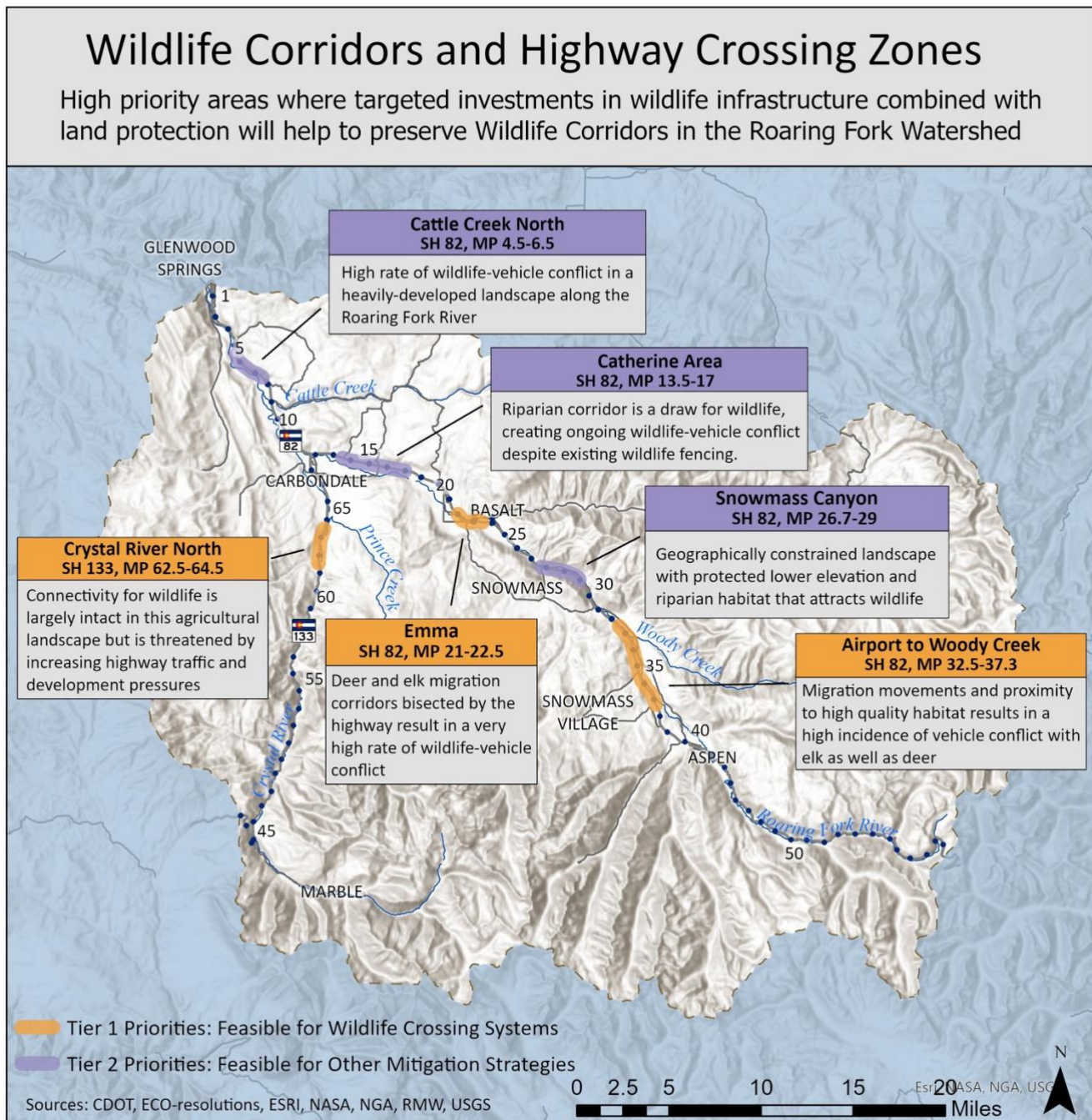


Figure 1. Decision support framework, including the primary prioritization process and secondary prioritization considerations.

Prioritized Highway Segments

The prioritization process identified six wildlife corridors and highway crossing zones, which are described below. These six segments represent the best opportunities in the watershed for reducing wildlife-vehicle conflict and lessening the impacts of highway infrastructure and traffic on wildlife movements and mortality. Although other sections of these two highways also see wildlife-vehicle conflict and the entire reach of both highways contribute to habitat fragmentation, a prioritization process such as this inevitably creates cutoffs to focus mitigation and coordinated land protection efforts in the areas with the greatest opportunity and need. Notably, all six of these prioritized wildlife corridors and highway crossing zones have been identified as areas with high driver safety concerns due to wildlife-vehicle collisions by CDOT⁸.

These prioritized wildlife corridors and highway crossing zones were then separated into Tier 1 and Tier 2 priorities based on the secondary prioritization considerations. Tier 1 priorities are where wildlife crossing systems may be feasible, based on terrain and existing or potential land security. Tier 2 priorities are areas where other types of mitigation strategies are most feasible, such as improving or extending existing wildlife fencing; removing or replacing barriers along the highway; roadside vegetation management; or other strategies.



Tier 1 and Tier 2 priority wildlife corridors and highway crossing zones in the Roaring Fork Watershed.

ROARING FORK SAFE PASSAGES PRIORITIZATION STUDY SUMMARY REPORT

The table below provides a summary of the primary prioritization scores and secondary considerations for each Tier 1 & Tier 2 priority highway segment.

PRIMARY PRIORITIZATION						SECONDARY CONSIDERATIONS	
		Least Cost Corridor Score	Western Slope Study Score	CPW Migration Corridor	Total Prioritization Score [†]	Percent Secured Land [‡]	Wildlife Crossings Feasibility [§]
TIER 1 PRIORITIES	Hwy 82 – Emma	1	4	Deer & Elk	9	61%	High
	Hwy 82 – Airport to Woody Creek	4	4	Elk	9	31%	Moderate
	Hwy 133 – Crystal River North*	5	4	-	9	66%	Moderate
TIER 2 PRIORITIES	Hwy 82 – North Cattle Creek	2	5	-	7	14%	Low
	Hwy 82 – Catherine	3	5	-	8	10%	Low
	Hwy 82 – Snowmass	5	3	Deer	9	60%	Low

*Prioritization scores for Hwy 133 not directly comparable to Hwy 82 because separates analyses conducted

[†] Average score across the analysis units that comprise each segment. Maximum possible score is 15

[‡] Percent public and private conservation lands within a half-mile buffer

[§] Preliminary assessment. Feasibility may depend on opportunities for land protection and/or landowner support



Photo: John Fielder

Tier 1 Wildlife Corridors and Highway Crossing Zones

Hwy 82, Emma (mp 21-22.5)

The Emma wildlife corridor is situated between El Jebel and Basalt. This wildlife corridor has become constricted by high levels of residential and commercial development and the habitat quality is impacted by human activities and land uses. Still, herds of elk and mule deer continue to move across the highway through the adjacent fields to access protected public and private, lower elevation winter range habitat.



This segment averages 6.1 wildlife-vehicle collisions per mile per year – the highest rates of any of the segments. There is a medium-sized box culvert in this segment (mp 22.1) that provides limited passage for deer. Existing wildlife fencing is not continuous through the segment on both sides of the highway, which exacerbates wildlife-vehicle conflict when animals become trapped inside of the fenced highway right-of-way. The Watershed Biodiversity Study identifies significant restoration opportunities within this wildlife corridor.⁶

This segment was also identified as a priority in the Eagle County Safe Passage Plan.⁹

Hwy 82, Airport to Woody Creek (mp 32.5 -37.3)

The Airport to Wood Creek wildlife corridor extends from the Aspen Airport to the Pitkin County Landfill north of Woody Creek. This segment averages 5.2 wildlife-vehicle collisions per mile per year – including 95 reported collisions with elk over 10 years.

Pitkin County Open Space and the City of Aspen have protected portions of this landscape adjacent to the highway and along the river corridor, although much of the greater landscape is in private ownership. Both lower elevation agricultural lands along the river and the adjacent mesas and hillsides are under increasing pressure from residential development, which would limit habitat restoration opportunities in the wildlife corridor.

The far southern end of the segment has wildlife fencing on both sides of the highway, extending from the bridge at the south end of the bluffs (mp 35.8) and tying into the airport fencing at milepost 36.4. A wildlife crossing culvert built in 2000 (mp 36.2) offers a safe passage opportunity primarily for deer and carnivores, and wildlife-vehicle collisions are lower in this area than north of Brush Creek Road.

Hwy 133, Crystal River North (mp 62-64.5)

This wildlife corridor extends through the lower elevation agricultural landscape along the Crystal River south of Carbondale. Under current conditions, wildlife continues to be able to cross the highway and wildlife-vehicle conflict is low (0.9 wildlife-vehicle collisions per mile per year). However, with increasing traffic volumes and development pressures, wildlife movements are expected to become more constrained and cross-highway movements riskier, likely resulting in increased in wildlife-vehicle conflict.

While some of these lands have habitat protections in place, landowner coordination is an essential component for ensuring the long-term connectivity and habitat values of this landscape. The Watershed Biodiversity Study identifies significant restoration opportunities within this wildlife corridor.⁶

Tier 2 Wildlife Corridors and Highway Crossing Zones

Hwy 82, Cattle Creek North (mp 4.5-6.5)

The Cattle Creek North wildlife corridor south of Glenwood Springs is sandwiched between the steep slopes coming off the mesa to the north and the Roaring Fork River to the south. Many of the lands along this stretch of the Roaring Fork River are developed. Yet wildlife continues to attempt accessing the remaining undeveloped areas along the riparian corridor. The high threat of additional development limits potential restoration opportunities. There is no wildlife fencing in this segment, which averages 5.7 wildlife-vehicle collisions per mile per year – the second highest rate among the priority segments.

Hwy 82, Catherine Area (mp 13.5-17)

This stretch of Highway 82 between Carbondale and El Jebel runs along the north side of the Roaring Fork River and associated floodplain. Beyond the riparian corridor, agricultural lands are increasingly being converted to residential development. The Watershed Biodiversity Study identifies this portion of the Roaring Fork riparian corridor as having most significant restoration opportunities.⁶ Despite the presence of wildlife fencing on both sides of the highway throughout this segment, there are gaps in the fencing and wildlife-vehicle collisions continue to occur at a rate of 3.3 per mile per year.

Hwy 82, Snowmass Canyon (mp 26.7-29)

The Snowmass wildlife corridor extends from Snowmass Creek Road (mp 26.7) south into Snowmass Canyon. Highway 82 through this segment has grade-separated eastbound and westbound lanes hugging the south side of the canyon. While wildlife fencing is present through much of this segment – including paired bridges suitable for wildlife passage at milepost 28.5 – wildlife-vehicle collisions



continue to occur at a rate of 2.6 reported collisions per mile per year, indicating that wildlife is still able to access the highway through gaps in the fencing or at the fence ends.

Much of the landscape within and around this wildlife corridor is protected. Steep terrain and the river running immediately adjacent to the highway limit the opportunity to construct safe passages for wildlife.

Next Steps

The next phase of this work will focus on developing and evaluating the benefits and costs of strategies for improving safe passages for wildlife and reducing wildlife-vehicle conflict within these sections of roadway. Wildlife crossing structures combined with wildlife diversion fencing are known to be an effective mitigation strategy, resulting in 80-90% reductions of collisions with wildlife while allowing deer, elk, and other species to move safely under or over a roadway.¹⁰ Where wildlife crossings are not feasible due to terrain constraints, cost, land use and land management considerations, other types of mitigation strategies may be warranted, alone, or in combination. The development of mitigation strategies for prioritized highway segments will include a complete evaluation of the full range of wildlife-highway mitigation methods.

Compatible land use and land management to maintain or restore high quality wildlife habitat is integral to the long-term success of wildlife crossings system in providing same passages and reducing conflict. Accordingly, the next phases of this work will also seek to work in tandem with partners to pursue habitat protections within wildlife corridors. The results of this prioritization study may be used in conjunction with the Conservation and Restoration Priorities Map produced by the Biodiversity Study to align conservation and restoration actions with highway mitigation investments.

Authors and Acknowledgements

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Cecily DeAngelo, Roaring Fork Safe Passages

The Roaring Fork Safe Passages Prioritization Study was the result of a collaborative partnership between Roaring Fork Safe Passages, Pitkin County Open Space, the City of Aspen Parks and Open

Space, an EcoFlight. Other contributing stakeholders included Colorado Parks and Wildlife, the Colorado Department of Transportation, the Watershed Biodiversity Initiative, Wilderness Workshop, and Aspen Valley Land Trust. Funding for this study was provided by Aspen Ski Company Environment Foundation, City of Aspen Parks and Open Space, the Alpenglowl Foundation, the McBride Foundation and many others.

Endnotes

- ¹ Colorado Parks and Wildlife 2023, in [Summit Daily](#) 11/27/2023
- ² A. Holland, Colorado Parks and Wildlife, personal communication.
- ³ Colorado Department of Transportation (CDOT). 2023. *Wildlife-vehicle Collision Crash and Carcass Datasets, 2012-2021*. Traffic and Safety Engineering Branch (crash data), Environmental Programs Branch (carcass data), Denver, Colorado.
- ⁴ Cost calculations based on per animal costs of a wildlife-vehicle collision (WVC) with deer, elk, moose, and grizzly bear (Huijser et al. 2022). As many WVCs go unreported and collisions costs or conservation values have not been calculated for other species involved in WVCs (eg, smaller fauna and birds), these calculations underestimate the actual cost of WVCs to society. Reference: Huijser, M.P., J.W. Duffield, C. Neher, A.P. Clevenger, and T. McGuire. 2022. *Cost-Benefit Analysis of Mitigation Measures Along Highways for Large Animal Species: An Update and Expansions of the 2009 Model*. Report No. 701-18-803 TO1 Part 3. Nevada Department of Transportation, Carson City, Nevada.
- ⁵ Bissonette, J.A., and D. Olson. 2013. *The Olson-Bissonette Report for vehicle related mortality of mule deer in Utah*. UTCFWRU 2014 (5): 1–152.

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- ⁶ Rondeau, R., M. Fink, A. Schuhmann, and L. Grunau. 2022. Roaring Fork Watershed Biodiversity and Connectivity Study. Colorado Natural Heritage Program, Colorado State University, Fort Collins, Colorado, and Watershed Biodiversity Initiative, Basalt, Colorado.
- ⁷ Kintsch, J., P. Basting, M. McClure, J. O. Clarke. 2019. *Western Slope Wildlife Prioritization Study*. Report No. CDOT-2019-01. Colorado Department of Transportation, Denver, Colorado.
- ⁸ Colorado Department of Transportation (CDOT). 2013. *Wildlife-Vehicle Collisions Pattern Recognition Analysis*. Traffic and Safety Engineering Branch, Colorado Department of Transportation, Denver, Colorado.
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- ¹⁰ Huijser, M.P., W. Camel-Means, E.R. Fairbank, J.P. Purdum, T.D.H. Allen, A.R. Hardy, J. Graham, J.S. Begley, P. Basting, D.Becker. 2016. US 93 North Post-Construction Wildlife-Vehicle Collision and Wildlife Crossing Monitoring on the Flathead Indian Reservation between Evaro and Polson, Montana. Report Number FHWA/MT-16-009/8208. Montana Department of Transportation, Helena, MT.

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MITIGATION PLAN & CONCEPTUAL DESIGN BUDGET ESTIMATE:

AIRPORT TO WOODY CREEK PRIORITY SEGMENT (~5 miles)

Option A

	TOTAL COST
Stage 1 - Mitigation Strategy Development	\$52,685
Stage 2 - Concept Development (Option A)	\$23,601
Stage 3 - Outreach & Communication Materials	\$22,360
COMBINED TOTAL	\$98,646

Option B

	TOTAL COST
Stage 1 - Mitigation Strategy Development	\$52,685
Stage 2 - Concept Development (Option B)	\$35,659
Stage 3 - Outreach & Communication Materials	\$22,360
COMBINED TOTAL	\$110,704

MITIGATION PLAN & CONCEPTUAL DESIGN BUDGET ESTIMATE: AIRPORT TO WOODY CREEK PRIORITY SEGMENT (~5 miles)

Stage 1 - Mitigation Strategy Development

Task	Description	Kintsch	Singer	Total Hours per Task	Assumptions
1	Project Coordination	20	5	25	
2	Resource Review	15	20	35	WVC data analysis; spp habitat data; expert input; previous studies, structures
3	Site Visits (2: initial site assessment + partner site visit)	50	25	75	2 trips (20 hrs/trip including 7 hrs RT travel) + site visit prep & synthesis; Paige initial site visit only. Incorporate meetings with site visits where possible.
4	Partner & Stakeholder Engagement (2 in person; up to 4 virtual meetings)	70		70	20 hrs/in-person meeting + prep, follow-up; other partner and stakeholder meetings, misc. communications. Combine travel w/ partner site visit
5	Mitigation Plan Development & Alternatives Evaluation	35	20	55	
6	Outreach & Communications Materials				
7	Final Mitigation Report	35	20	55	
8	Final presentation to BOCC & partners	30		30	1 trip for final presentation
	Total Hours	255	90	345	
	Rate	\$165	\$75		
	Labor Subtotal	\$42,075	\$6,750		
			TOTAL LABOR	\$48,825	

	Expenses	Quantity	Unit Cost	Total Cost	Assumptions
ECO-resolution	Mileage (4 trips @ 380 miles/RT)	1,520	\$0.60	\$912.00	1 trip PS
	Lodging	8	\$250	\$2,000.00	PS & JK GSA rate is \$235 in summer/\$375 March/\$188 Fall
	Per Diem	12	\$79	\$948.00	PS & JK
		TOTAL EXPENSES		\$3,860.00	

STAGE 1 COST \$52,685.00

MITIGATION PLAN & CONCEPTUAL DESIGN BUDGET ESTIMATE: AIRPORT TO WOODY CREEK PRIORITY SEGMENT (~5 miles)

Stage 2: Concept Development

Option A - Preliminary modeling and visualizations using non-drone data

Task	Description	Kintsch	Chinook	Total Hours per Task	Assumptions
1	Project Coordination	6	6	12	
2	Resource Review				
3	Site Visits		52		Drone imagery collection (photo & video). This task supports Task 5 below (mitigation plan development & alternatives evalutation) and Stage 3 - development of outrech materials.
4	Partner & Stakeholder Engagement				
5	Mitigation Plan Development & Alternatives Evaluation	15	52	67	3D modeling and rendering for 1 wildlife crossing location. Includes 1 set of revisions. Base data will be publicly available data and task includes preparation of data for 3D modeling. <i>**Due to resolution of publicly available data, these models will likely be significantly updated using high-rprecision site data to continue concept development and preliminary design**</i>
6	Outreach & Communications Materials				
7	Final Mitigation Report				
8	Final presentation & Outreach Support				
	Total Hours	21	110	131	
	Rate	\$165	\$150		
	Labor Subtotal	\$3,465	\$16,500		
		TOTAL LABOR		\$19,965	

	Expenses	Quantity	Unit Cost	Total Cost	Assumptions
Chinook	Mileage	380	\$0.60	\$228.00	
	Lodging	1	\$250	\$250.00	
	Per Diem	2	\$79	\$158.00	
	Drone Fee (1 days)	2	\$1,500	\$3,000	
		TOTAL EXPENSES		\$3,636.00	

STAGE 2 COST (Option A) \$23,601.00

Option B - Drone photogrammetry, high-precision 3D terrain modeling, and renderings

Task	Description	Kintsch	Chinook	Total Hours per Task	Assumptions
1	Project Coordination	6	6	12	
2	Resource Review				
3	Site Visits		80	80	Drone mapping and aerial imagery collection for up to 5 locations within a segment ~5 miles long. Includes photogrammetry processing of 5 mapped locations. <i>For drone photogrammetry of just one (1) location, hours can be reduced to 20 hrs .</i>
4	Partner & Stakeholder Engagement				
5	Mitigation Plan Development & Alternatives Evaluation	15	100	115	3D modeling and rendering for up to 3 crossing locations (3 locations selected from 5 mapped in Task 3). Includes revisions and working with the team to develop these models and options for design. <i>For 3D modeling and rendering at just one (1) location, hours can be reduced to 40 hrs. Note there is some loss of efficiency for modeling 1 location.</i>
6	Outreach & Communications Materials				
7	Final Mitigation Report				
8	Final presentation & Outreach Support (1 in person)				
	Total Hours	21	186	207	<i>Total Chinook hours for mapping, modeling and creating rendering at 1 location = 66 hrs (\$9,900)</i>
	Rate	\$165	\$150		
	Labor Subtotal	\$3,465	\$27,900		
		TOTAL LABOR		\$31,365	<i>Total Cost for Option B Labor assuming mapping, modeling and rendering at just 1 location = \$13,365</i>

	Expenses	Quantity	Unit Cost	Total Cost	Assumptions
Chinook	Mileage	380	\$0.60	\$228.00	
	Lodging	3	\$250	\$750.00	Assumes drone mapping of 5 locations
	Per Diem	4	\$79	\$316.00	Assumes drone mapping of 5 locations
	Drone Fee (2 days)	2	\$1,500	\$3,000	Assumes drone mapping of 5 locations
		TOTAL EXPENSES		\$4,294.00	

STAGE 2 COST (Option B) \$35,659.00

MITIGATION PLAN & CONCEPTUAL DESIGN BUDGET ESTIMATE: AIRPORT TO WOODY CREEK PRIORITY SEGMENT (~5 miles)

Stage 3: Outreach & Communication Materials

Task	Description	Kintsch	Chinook	Total Hours per Task	Assumptions
1	Project Coordination	4	4	8	
2	Resource Review				
3	Site Visits				
4	Partner & Stakeholder Engagement				
5	Mitigation Plan Development & Alternatives Evaluation				
6	Outreach & Communications Materials:				
	Brochure	5	32	37	
	Video	5	36	41	
	ArcGIS Online StoryMap	5	36	41	Depending on the complexity of the StoryMap (assumes no unusual requests)
7	Final Mitigation Report				
8	Outreach Support	15		15	
	Total Hours	34	108	142	
	Rate	\$165	\$150		
	Labor Subtotal	\$5,610	\$16,200		
			TOTAL LABOR	\$21,810	

	Expenses	Quantity	Unit Cost	Total Cost	Assumptions
	Printing (brochures)	600	-	\$550	
		TOTAL EXPENSES		\$550.00	

STAGE 3 COST \$22,360.00

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

September 16, 2024

AGENDA ITEM:

Personnel Request from EAB

PRESENTED BY:

Rebecca Paschal, Chair of EAB

BACKGROUND:

EAB submitted a letter to the Town Council regarding a personnel request for a Sustainability Coordinator. Council invited the EAB to appear at the September 16th meeting to further discuss the request. Staff has invited the Chair, Rebecca Paschal, and other board members to present their request.

Due to the short notice of the invitation (less than a week), as of the day of this packet publishing, we have not been able to confirm if this presentation can occur. If the presentation cannot occur at this meeting, it will be scheduled for another meeting.

ATTACHMENTS:

1. EAB Letter dated September 3, 2025

September 3, 2024

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

Dear Members of the Town Council,

The Environmental Advisory Board would like to express their strong support for the hiring of a Sustainability Coordinator position within the Town of Snowmass Village. As we continue to advance our sustainability goals and uphold our commitment to environmental stewardship, this role will be instrumental in driving meaningful progress towards climate action targets set forth by the Town Council in 2023..

The Town has six and a half years left to reach the stated 2030 climate action targets. We believe the addition of a Sustainability Coordinator will help achieve these targets. The position would also help the Town address emerging risks and areas outlined in the 2009 Sustainability Plan and 2020 Update that are not currently being addressed.

The Importance of the Sustainability Coordinator Role

The Sustainability Coordinator will play a crucial role in the advancement of our sustainability initiatives by:

1. **Enhancing Sustainability Planning and Development:** This position will spearhead the revision and implementation of our sustainability goals and objectives. By updating the town's sustainability plan and creating targeted programs, the coordinator will address key areas such as water quality, energy efficiency, climate action, waste reduction, and transportation. This ensures we have a concrete and actionable plan moving forward.
2. **Leading Project Management and Implementation:** With a focus on aligning projects with the town's sustainability goals, the coordinator will oversee the execution of various initiatives. This includes monitoring progress, developing success indicators, and recommending improvements to ensure that projects achieve their intended outcomes.
3. **Fostering Public Engagement and Education:** Engaging the community is essential for the success of our sustainability efforts. The coordinator will develop outreach strategies, organize educational events, and create materials that inform and involve residents. This role will help build a culture of sustainability through effective communication and public involvement.
4. **Streamlining Data Collection and Reporting:** The coordinator will manage and analyze data related to sustainability metrics, prepare technical reports, and provide annual summaries. This will enhance our ability to track progress, make informed decisions, and demonstrate the impact of our sustainability initiatives.
5. **Managing Grants and Budgets:** By assisting with program budgets and grant management, the coordinator will ensure that sustainability projects are funded appropriately and comply with all regulations. Their expertise in grant writing will help secure additional resources for our initiatives.

6. **Strengthening Collaboration and Networking:** The coordinator will work closely with various departments, local organizations, and regional partners to address sustainability issues and develop new ideas. Their involvement in the Environmental Advisory Board and other committees will ensure cohesive and coordinated efforts across the community.

Supporting Our Town's Vision

Investing in a Sustainability Coordinator aligns with our town's long-term goals and reflects our commitment to addressing environmental challenges and fostering a sustainable community. This role will provide the expertise and leadership needed to drive progress, engage the community, and ensure that Snowmass Village remains at the forefront of sustainability practices. EAB remains steadfast in its commitment to facilitating community input and key partnerships.

We strongly encourage the Town Council to support the creation of the Sustainability Coordinator position. By doing so, we will be taking a significant step towards achieving our sustainability objectives and making a lasting positive impact on our community and environment. The creation of such position would adhere to practices already seen in Aspen, Crested Butte, Winter Park, Gunnison and Grand Junction.

Thank you for considering this important addition to our town's workforce. We are confident that this role will greatly benefit Snowmass Village and contribute to our ongoing efforts to promote sustainability.

Sincerely,

The Environmental Advisory Board

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO, SUBMITTING TO THE ELECTORATE AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, A BALLOT ISSUE AUTHORIZING THE ISSUANCE OF BONDS FOR THE EXPANSION OF THE COUNTY SOLID WASTE CENTER AND THE PLEDGE OF THE REVENUES OF THE SOLID WASTE FUND TO THE PAYMENT OF SUCH BONDS; SETTING THE BALLOT TITLE AND CONTENT FOR THE BALLOT ISSUE TO BE SUBMITTED; AND AUTHORIZING THAT ALL NECESSARY OR APPROPRIATE ACTIONS BE TAKEN RELATING TO THE ELECTION FOR SUCH APPROVAL

RESOLUTION NO. 077-2024

RECITALS

1. Pitkin County, in the State of Colorado (the “County” and the “State,” respectively), is a duly created political subdivision organized and operating as a home rule county pursuant to the Constitution and laws of the State including particularly Title 30, Article 35, Colorado Revised Statutes, as amended, and the Home Rule Charter of the County, adopted March 21, 1978, as amended (the “Charter”).
2. The members of the Board of County Commissioners of the County (the “Board”) have been duly elected, chosen and qualified.
3. The Board has determined that the County’s Solid Waste Center is nearing capacity and must be expanded to allow the County to continue to provide a proper solid waste disposal facility as provided in Article 20 of Title 30 of the Colorado Revised Statutes, as amended (“C.R.S.”), and to otherwise comply with federal and State environmental laws.
4. The Board has therefore determined that the interest of the County and the public interest or necessity demands that the County issue revenue bonds of the County (the “Bonds”) payable from the revenues of the Solid Waste Center deposited to the County’s Solid Waste Fund for the purpose of financing the construction and equipping of an expansion to the Solid Waste Center.
5. The County operates the Solid Waste Center and Solid Waste Fund (collectively, the “Solid Waste Enterprise”) as an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution (“TABOR”).
6. Notwithstanding the qualification of the Solid Waste Center Enterprise as an enterprise for TABOR purposes, Section 10.1.2 of the Charter provides that “[n]o revenue accruing to the County, either in its taxing capacity or in its capacity as an owner or proprietor of property may be pledged, assigned, or anticipated for the purpose of borrowing funds unless and until such borrowing shall be referred to and approved by a majority of the electors voting in an election called for such purpose.”

7. The Board has therefore determined to submit a ballot issue to the registered electors of the County at the general election to be held on November 5, 2024, authorizing the issuance of the Bonds and the pledge of the revenues of the Solid Waste Center Enterprise to the payment thereof, and has further determined to set the ballot title for such ballot issue.

8. Pursuant to Section 1-5-203(3), C.R.S., no later than September 6, 2024, the order of the ballot and ballot content must be certified to the County Clerk and Recorder (the “County Clerk”).

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pitkin County, Colorado that:

1. An election shall be held on Tuesday, November 5, 2024 (the “Election Date”) as part of the general election held on that date, at which shall be submitted to the registered electors of the County a ballot issue regarding the issuance of revenue bonds of the County payable from and secured by a pledge of the Solid Waste Center Enterprise revenues (the “Ballot Issue”), which ballot issue shall be in substantially the form attached hereto as Appendix A. Appendix A is hereby incorporated into this Resolution as if set forth in full herein.

2. The election shall be conducted as a coordinated election in accordance with articles 1 to 13 of title 1, C.R.S. (the “Uniform Election Code”). The costs of the election shall be paid by the County.

3. The “Designated Election Official” shall be the County Clerk.

4. For purposes of C.R.S. 1-11-203.5, this Resolution shall serve to set the ballot title for the ballot issue set forth herein, and the ballot title for such ballot issue shall be as set forth in Appendix A hereto.

5. The County Clerk is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and comply with the Uniform Election Code, TABOR, as applicable, and other applicable laws.

6. No later than 20 days before the Election Date (October 18, 2024), the County Clerk shall ensure that the posting of financial notice is made on the County’s website in accordance with the requirements of Section 1-7-908, C.R.S. Additionally, no later than 20 days before the Election Date the County Clerk shall cause a notice of election to be published in accordance with the Section 1-5-205, C.R.S.

7. If a majority of the votes cast on the Ballot Issue at the election shall be in favor of the Ballot Issue, the County, acting through the Board, shall be authorized to proceed with the necessary action to issue the Bonds in accordance with the approved ballot issue. Any authority to issue the Bonds, if conferred by the results of the election, shall be deemed and considered continuing future authority to issue Bonds so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

8. The maximum net effective interest rate to be borne by the bonds shall be 5.75%.

9. The County Clerk and other County officials and employees are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.
10. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board and the officers and employees of the County and directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.
11. All prior acts, orders or resolutions, or parts thereof, by the County in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.
12. If any section, paragraph, clause, or provision of this Resolution or the Ballot Issue shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution or the Ballot Issue, as applicable, it being the intention that the various parts hereof are severable.
13. This Resolution shall take effect immediately upon its final adoption.

[remainder of page intentionally left blank]

INTRODUCED, FIRST READ, AND SET FOR PUBLIC HEARING AT A REGULAR MEETING ON AUGUST 14, 2024.

NOTICE OF PUBLIC HEARING AND TITLE AND SHORT SUMMARY OF THE RESOLUTION PUBLISHED IN THE ASPEN DAILY NEWS ON THE 1ST DAY OF AUGUST, 2024.

NOTICE OF PUBLIC HEARING AND THE FULL TEXT OF THE RESOLUTION POSTED ON THE OFFICIAL PITKIN COUNTY WEBSITE (www.pitkincounty.com) ON THE 1ST DAY OF AUGUST 2024.

ADOPTED AFTER SECOND READING AND PUBLIC HEARING ON THE 28TH DAY OF AUGUST 2024.

POSTED BY TITLE AND SHORT SUMMARY, AFTER ADOPTION, ON THE OFFICIAL PITKIN COUNTY WEBSITE (www.pitkincounty.com) ON THE 12TH DAY OF SEPTEMBER 2024.

PUBLISHED BY TITLE AND SHORT SUMMARY, AFTER ADOPTION, IN THE ASPEN DAILY NEWS ON THE 12TH DAY OF SEPTEMBER, 2024.

ATTEST:	BOARD OF COUNTY COMMISSIONERS
By <u>Sam Engen</u>	By: <u></u>
Sam Engen	Greg Poschman, Chair
Clerk to the Board of the County Commissioners	
	Date: <u>Sep-04-2024</u>

APPROVED AS TO FORM:	MANAGER APPROVAL
<u></u>	<u></u>
Richard Y. Neiley III	Jon Peacock, County Manager
Interim County Attorney	

APPENDIX A

FORM OF BALLOT ISSUE

PITKIN COUNTY BALLOT ISSUE 1___ – COUNTY SOLID WASTE CENTER BONDS

WITH NO INCREASE IN ANY COUNTY TAX OR TAX RATE, SHALL PITKIN COUNTY DEBT BE INCREASED BY UP TO \$22 MILLION, WITH A MAXIMUM REPAYMENT COST OF UP TO \$37 MILLION, FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING AND EQUIPPING AN EXPANSION TO THE COUNTY SOLID WASTE CENTER, BY THE ISSUANCE OF REVENUE BONDS PAYABLE FROM AND SECURED BY A PLEDGE OF THE REVENUES OF THE COUNTY'S SOLID WASTE CENTER FUND, WHICH BONDS SHALL BEAR INTEREST, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, BE ISSUED, DATED, AND SOLD AT SUCH TIME OR TIMES, AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER, IN ONE OR MORE SERIES, AND CONTAIN SUCH TERMS, NOT INCONSISTENT HERewith, AS THE BOARD OF COUNTY COMMISSIONERS MAY DETERMINE?