



**Town Council**  
**Monday, July 17, 2023**  
**4:00 PM**  
**130 Kearns Road**  
**Town Council Chambers**  
**Snowmass Village, CO 81615**  
**You can watch the meeting live on our website [www.tosv.com](http://www.tosv.com)**  
**Agenda**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PROCLAMATIONS AND PRESENTATIONS**

**3.A. Discussion with Representative Elizabeth Velasco & Senator Perry Will**  
[Page 3 Agenda Item Summary RE Senator & Representative visit](#)

**4. JOINT MEETING WITH PLANNING COMMISSION - 4:30 pm**

**4.A. Deerbrook Preliminary Plan**

[Pages 4-8 Agenda Item Summary - TC PC Jt Mtg Pres DTHs Prel Plan](#)  
[Pages 9-11 Resolution 20, Series of 2023 Directives to PC, draft](#)  
[Pages 12-38 Resolution 03, Series of 2022 - Deerbrook THs New & Amd Sketch Plan - SIGNED](#)  
[Pages 39-40 Summary of Land Use & Development Parameters](#)  
[Pages 41-51 REVIEW INTENT & ISSUES for Prel Plan](#)  
[Pages 52-79 REFERRAL AGENCY COMMENTS, COMBINED](#)

**5. 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)*

**6. 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.*

## **6.A. 2023 Agenda Overview**

[Pages 80-82 2023 Agenda Overview](#)

## **6.B. Minutes for Approval**

[Pages 83-89 07-10-23 TC Minutes - DRAFT](#)

## **7. 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.*

## **8. POLICY/LEGISLATIVE PUBLIC HEARINGS**

## **9. ADMINISTRATIVE REPORTS**

### **9.A. Town Park & Woodbridge Construction Update**

[Pages 90-91 Agenda Item Summary - Town Park Woodbridge Construction Updates](#)

[Pages 92-94 Attachment A - Woodbridge Project Photos](#)

[Pages 95-99 Attachment B - Parking Lot Surface Samples](#)

### **9.B. Review of Housing Regulations**

[Pages 100-104 Agenda Item Summary - Housing Regulations Review](#)

[Pages 105-106 Attachment A - Draft Deed house note 6-23-23](#)

### **9.C. Council Compensation Discussion**

[Pages 107-108 Agenda Item Summary - Council Compensation Discussion Staff Report](#)

[Pages 109-110 Attachment 1 - CML Elected Official Compensation Report](#)

[Pages 111-115 Attachment 2 - TOSV Council Compensation Ord No. 06 2018](#)

[Pages 116-119 Attachment 3 - City of Aspen Ord No. 21, Series of 2020](#)

[Pages 120-123 Attachment 4 - Town of Basalt Ord No. 12, Series of 2016](#)

## **10. TOWN COUNCIL REPORTS AND ACTIONS**

*Reports and Updates*

## **11. EXECUTIVE SESSION**

### **11.A. Executive Session**

[Pages 124-125 Agenda Item Summary- Exec Session Performance Review of Town Attorney](#)

[Pages 126 Executive Session Agenda language for performance review Town Attorney](#)

## **12. ADJOURNMENT**



## Town of Snowmass Village

### Agenda Item Summary

#### DATE OF MEETING:

July 17, 2023

#### AGENDA ITEM:

A Discussion with Representative Velasco & Senator Will

#### PRESENTED BY:

Bill Madsen, Mayor

Clint Kinney, Town Manager

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#### BACKGROUND:

This is an opportunity to welcome Representative Elizabeth Velasco and Senator Perry Will to Snowmass Village and have the opportunity for our Councilmembers and community to hear about the last legislative session as well as preparation and plans for the next session. While informal, these types of discussions are invaluable to help ensure our representatives at the State Capital understand the issues before Snowmass Village.

#### FINANCIAL IMPACT:

N/A

#### APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

#### COUNCIL OPTIONS:

#### STAFF RECOMMENDATION:

#### ATTACHMENTS:

N/A

Town of Snowmass Village  
Joint Town Council and Planning Commission  
Meeting

July 17, 2023

Agenda Items:

**Joint Meeting Presentation: – Deerbrook Townhome’s Presentation of the proposed Preliminary Plan application on the Deerbrook Subdivision (previously Parcel L of the Faraway Ranch Subdivision), and a concurrent rezoning from ‘SPA-1’ to ‘MF’ with a PUD overlay; and**

**Resolution No. 20, Series of 2023: – Town Council directives outlining areas of focus for the Planning Commission regarding the review of the Deerbrook Townhome’s Preliminary Plan application.**

Presented By:

Jim Wahlstrom, Senior Planner, AICP

Dave Shinneman, Community Development Director, AICP

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Applicant, Owner, Legal Description:

Applicant: Deerbrook Townhome Condominium Association, Inc.

Project Coordination: John Howard, Willow Creek Management Services

Land Use Planner Representative: Tim Malloy, TGMC, LLC

Deerbrook Subdivision of Parcel L (Faraway Ranch SPA plan and gross parcel plat)

Background:

The proposed Deerbrook Townhomes Preliminary Plan application was submitted on April 6, 2023. It was resubmitted May 11, 2023 to address completeness review comments. Reference the town website for the application materials here:

<https://docs.tosv.com/WebLink/Browse.aspx?id=172094&dbid=0&repo=TOSV&cr=1>

The proposal includes:

- Removal of existing garages and surface parking.
- 15 two-stall garages (30 spaces).
- 20 surface parking spaces (15 spaces with covered carports).
- Widen and improve access drives (on Deerbrook site).
- Enhanced arrival experience including a landscaped entry feature at the point of the entry into the property.
- Swimming pool with seating areas.
- Fitness building with bathrooms of 969 sq. ft.

- Personal storage (incorporated into garages).
- Additional site landscaping.

There are no new units proposed (outside of the added accessory structures) that would trigger an employee housing mitigation requirement, also considering the code's redevelopment credit typically received.

The application was sent to referral agencies on May 30, 2023 with review comments requested due on June 30, 2023. Reference the attached referral agency review comments received. No public comments were received as of the writing of this report.

The primary purpose of the joint meeting is to hear a presentation of the application by the Applicant. For purposes of providing a summary update of the project to the decision makers, the attached code's Preliminary Plan's '*Review Intent and Issues*' has been outlined with staff responses.

Town staff plans to provide an expanded compliance analysis report during the separate Planning Commission and Town Council evaluation reviews. This is required to address in detail each of the municipal code standards associated with the proposed Preliminary Plan application and the intended rezoning request to 'MF' with a PUD overlay for ongoing review and consideration. This would include conclusive findings and recommendations / conditions for a subsequent resolution.

The initial public hearing for the Planning Commission is scheduled for August 2, 2023. This date was set to comply with the code maximum 21-day period from the joint meeting presentation. The required hearing notice was pre-published in the Aspen Times on June 28, 2023.

#### History:

Pursuant to Ordinance 22, 1984 the Faraway Ranch Stage II SPA land use plan with 'SPA-1' zoning, and gross parcel plat was signed and recorded. These documents included Parcel L for the existing Deerbrook property. The Parcel L Stage II SPA land use plan was amended by Ordinance 2, 1988. The Stage III Design Review of Parcel L Deerbrook Townhomes was approved by Town Council Resolution 32, 1988. These actions allowed the current development of a maximum 15 units, each at 2,998 square feet, or equivalent unit mixes meeting the maximum floor area allowances.

Town Council Resolution 34, 1988, accepted a dedication of land to the Town of Snowmass Village and granted an employee housing credit for the Faraway Ranch land use plan. Faraway Ranch included Parcel L for the existing 15 units on the Deerbrook site. In exchange for the anticipated provision of 59 units of restricted housing and 50 seasonal housing units (for Faraway Ranch), the Town desired to acquire Parcel C of the Faraway Ranch SPA gross parcel plat (where the Town Hall currently sits) to

construct employee housing. Upon delivery of the conveyance, the developer was *“deemed automatically, fully and forever relieved of any obligation to building 51 mixed employee units as approved on Parcel C, Faraway Ranch SPA Final Land Use Plan...”*

Town Council Resolution 47, 1989 approved the stand alone detailed Deerbrook Subdivision plat of 2.47 acres on Parcel L, Faraway Ranch. In 1990, the property was developed and completed with the 15 townhomes contained in three buildings located along the western portion of the site and stepped along the eastern border of Assay Hill.

On January 18, 2022, the Town Council accepted the prior Planning Commission recommendations on the new and amended Sketch Plan via attached Town Council Resolution No. 3, Series of 2022, which referenced and incorporates the Planning Commission Resolution No. 6, Series of 2021. These actions permitted the applicant to proceed to the Preliminary Plan stage.

On January 3, 2023, the Town Council granted the Applicant an extension to submit the Preliminary Plan application up until July 18, 2023.

#### Municipal Code Provisions:

According to Section 16A-5-340, Preliminary Plan, it states as follows:

- (a) **Purpose.** *The purpose of preliminary plan review is for the applicant to formulate detailed, properly designed/engineered solutions to the issues and concerns identified during sketch plan review, and to address, in a detailed manner, all other issues that are relevant to the preliminary plan.... The burden at the preliminary plan stage is on the applicant to provide detailed information and mitigation proposals to be evaluated by the Town and the public. For any PUD application that also involves subdivision or that requires approval of an amendment of the Official Zone District Map, the application for subdivision or rezoning shall be submitted with, and considered at the same time as, the preliminary PUD plan review.*
- (b) **Preliminary Plan Review Intent and Issues.** *The questions the Planning Commission and Town Council should consider in a detailed manner during review of the preliminary plan (depending upon the size and complexity of the proposal) include the following.... (See attachment not intended for evaluation but provided as a summary update for the town boards reference along with the attached review comments received thus far).*
- (c) **Preliminary Plan Review Procedure.** *Since the pre-application conference, the submission of the application, and the completeness review have occurred, the application may be referred to collect review comments from the referral agencies.*
- (d) **Joint meeting.** *Pursuant to the municipal code, ‘The following procedures shall apply to an application for review of a Preliminary PUD plan.’*
  - (1) *A complete copy of the application shall be forwarded to the Planning Commission and Town Council. The Planning Commission and Town Council shall hold one (1) joint meeting to hear the initial presentation of the application by the applicant. This joint meeting may occur while referral comments are being collected by the staff. It is the intent of this meeting to simultaneously inform the Town Council and Planning*

*Commission as to what is being submitted in the Preliminary Plan application. Following the presentation or at a subsequent regularly scheduled meeting, the Town Council shall identify the specific components within the application, including project elements, specific areas of the Land Use and Development Code or core issues, that the Planning Commission should focus upon during the course of its review.*

- (2) The Town Council determination and direction shall occur by adopting a resolution at a regularly scheduled meeting. Thereafter, the Planning Commission and Town Council shall commence conducting their reviews of the application.*
- (3) The Town Council may determine that some minor PUD applications, due to the reduced scale, negligible potential impacts upon surrounding properties and limited nature or intensity of the proposed development, do not warrant referral to the Planning Commission and shall proceed directly to the Town Council and be processed in accordance with Subsections (h) and (i) of this municipal code section (referring to the public hearing notice requirements and procedures).*
- (e) **Staff review.** Staff review of the application shall be accomplished, as specified in [Section 16A-5-50](#), Staff Review of Application. Staff shall then meet with the applicant to provide preliminary comments, discuss issues and concerns, request additional information necessary to adequately evaluate the proposal and make recommendations regarding the application. The applicant will then have the opportunity to amend their application or provide additional information in response to the staff comments. Upon receipt of the requested information and following its review by staff, a complete copy of the requested supplemental application information shall be forwarded to the Planning Commission and Town Council, together with a copy of the completed staff review.*
- (f) **Concurrent Town Council and Planning Commission Review.** Following the joint meeting, the Planning Commission and Town Council may begin reviewing the development application in accordance with Subsections (g), (h), (i) and (j) below (referring to the public hearing notice requirements, procedures, further reviews, and amendments). The Planning Commission shall direct its review to those areas identified at the joint meeting as components upon which the Town Council wanted detailed recommendations, as well as other components on which the Planning Commission wishes to make recommendations to the Town Council. The Town Council may review the remaining project components until the Planning Commission has concluded its review. The Town Council may request that the Planning Commission forward to the Town Council their recommendations in reasonable segments. In such a case, the Town Council may move forward with their review of those sections of the application which have Planning Commission recommendations.*

**Note:** Per the code, public hearings will be required for both the Planning Commission and Town Council reviews.

#### Planning Commission / Town Council Options:

Following the presentation of the application by the applicant at the joint meeting on July 17, 2023, and per the code, the following determinations should be made:

- a) Town Council should determine by the separate draft resolution the area of focus directives for the Planning Commission review, which should be acted upon or

deferred to a subsequent meeting for consideration. The Town Council may approve, approve with conditions, modify or deny the resolution.

- b) If the Council determines the proposal to be minor enough, under Code Section 16A-5340(d)(3)), then the Council may commence the review of the application and determine later whether the Planning Commission should review the application, or
- c) Town Council should direct the Planning Commission to begin the review of the application and provide their recommendations before the Town Council begins their review.

#### Staff Recommendation:

For the joint meeting on July 17, 2023, the Planning Commission and the Town Council should hear the presentation of the application by the applicant.

Following the presentation, the Town Council should subsequently consider and approve a resolution providing the components, elements of the application, and/or code criteria, and specific areas of the Land Use and Development Code or core issues, that the Planning Commission should focus upon during the course of its review.

Following the presentation and action on the resolution, the application should be referred to the Planning Commission to begin its review following the public hearing notice, which has been pre-advertised for a meeting on August 2.

#### Attachments:

1. Resolution 20, 2023 outlining the Town Council's components of the application that the Planning Commission should focus upon;
  2. Town Council approved Sketch Plan Resolution No. 3, 2022 including the referenced Planning Commission Resolution No. 6, Series of 2021;
  3. Summary of existing and proposed land use and development parameters;
  4. Code's Preliminary Plan Review Intent and Issues with staff responses;
  5. Review comments from Town Departments, districts and referral agencies received thus far;
- (Note: No public comments were received as of the writing of this report).

TOWN OF SNOWMASS VILLAGE  
TOWN COUNCIL

RESOLUTION No. 20  
SERIES OF 2023

**A RESOLUTION PROVIDING TOWN COUNCIL DIRECTION IDENTIFYING SPECIFIC COMPONENTS OR PROJECT ELEMENTS, AREAS OF THE CODE OR CORE ISSUES FOR THE PLANNING COMMISSION'S REVIEW OF THE DEERBROOK TOWNHOMES PRELIMINARY PLAN APPLICATION.**

**WHEREAS,** The Town Council accepted the new and amended Sketch Plan via attached Town Council Resolution No. 3, Series of 2022, which referenced the Planning Commission Resolution No. 6, Series of 2021, and granted the Applicant permission to proceed to the Preliminary Plan level of review; and

**WHEREAS,** Town Council Resolution No. 3, Series of 2023, granted permission to extend the submission of the Preliminary Plan application until July 18, 2023; and

**WHEREAS,** on April 6, 2023 the Deerbrook Condominium Association formally submitted a Preliminary Plan application, and updated on May 11, 2023 to address completeness review comments pursuant to the municipal code procedures; and

**WHEREAS,** the application was sent to referral agencies on May 30, 2023 with review comments requested due on June 30, 2023; and

**WHEREAS,** a joint meeting of the Planning Commission and Town Council was scheduled on July 17, 2023 to hear a presentation of the application by the applicant; and

**WHEREAS,** pursuant to the municipal code and following the joint meeting or at the next regularly scheduled meeting, the Town Council shall identify the specific components or project elements, areas of the code or core issues for the Planning Commission's review of the Preliminary Plan application involving the Deerbrook Townhomes, as outlined in this resolution.

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

**Section One: Action. Town Council Direction to the Planning Commission.**

Among the municipal code review standards to be complied with, the Town Council directs the Planning Commission to begin focusing upon the following specific components or project elements, areas of the code, or core issues, complete their entire review, then forward recommendations to the Town Council for consideration:

1. **Response to sketch plan issues and concerns.** Determine if the Applicant provided detailed, sufficient, and appropriate responses to each of the issues and concerns identified during the sketch plan review in Town Council Resolution No. 3, Series of 2022, referencing Planning Commission Resolution No. 6, Series of 2021.



2. **Zone district limitations.** Find if the intended rezoning from SPA-1 and its prior land use plan to 'MF' (multi-family) is generally compliant with the review standards for a rezoning, and if so, determine if the proposed development would comply with all of the limitations of the planned zone district.
3. **Comprehensive Plan.** Find consistency with the Comprehensive Plan strategic initiatives and policies.
4. **Access and Connection provisions.** Determine the sufficiency of the vehicular driveway, cul-de-sacs, pedestrian ways, and trail access, emergency services, and compliance with fire protection and wildfire hazard provisions.
5. **Architectural plans and Views.** Study whether the proposed mass, scale, height, density, volume, materials, colors, and detailed design elements of the proposed accessory buildings, affected views, and site walls are compatible with, appropriate for, or an enhancement of the character of the community and with surrounding buildings, including consistency with the municipal code's building design guidelines.
6. **Parking.** Evaluate whether the proposed parking revisions, layout and the associated structures on the site follow applicable municipal code standards.
7. **Landscaping and open space.** Find whether the type, amount, size, species, and location of proposed landscaping are adequate and suitable for the development, including the adequacy of the landscaping screening around the perimeter of the development for compliance with affected code standards. Determine if the application has demonstrated which existing vegetation and trees on the site would be protected or mitigated if removed.
8. **Natural hazard areas.** Study the site-specific location and characteristics of any geologic hazards, steep slopes, flood plains and similar hazards on the property and ascertain the recommended specific measures that will be employed to avoid, minimize, or mitigate these dangers, against the geologic hazard and steep slope standards in the municipal code.
9. **Natural Resource Areas.** Review the site-specific location and characteristics of any wildlife habitat areas, riparian areas, wetlands, and other valued natural features on the property including anticipated impacts of the proposed development on these areas/features and whether the proposed development has been designed so it will comply with the standards of the Development Code, such as the Brush Creek Impact Area standards.
10. **Air Quality.** Find the primary source of air pollutants within the project and determine acceptable methods to employ for the purpose of reducing pollutants, such as those addressed in the construction management plan.

- 96  
97 11. **Grading and drainage.** Address the extent of soil and vegetation disturbance  
98 planned for the site and any disturbed areas be stabilized both during construction  
99 and following completion of the project. This includes where excavated materials  
100 will be stockpiled, and the design and material of the shoring and retaining  
101 structures to be employed. Review how the storm water will be handled and  
102 managed both during construction and following completion of the project.  
103  
104 12. **Pace and phasing.** Determine if the applicant provided a sufficiently detailed  
105 phasing proposal to ensure that the development and segments thereof will occur  
106 in an efficient and orderly manner with consideration given to construction and  
107 other impacts to the community. Determine if the Applicant has provided a  
108 reasonable contingency plan to mitigate impacts resulting from any possible  
109 interruption of construction.  
110  
111 13. **Community welfare.** Find whether the proposed development in its totality  
112 promotes the public health, safety, and welfare.  
113  
114 14. **Other components.** Pursuant to the municipal code, the Planning Commission  
115 may wish to make recommendations to the Town Council on other components.  
116

117 **Section Three: Severability.** If any provision of this Resolution or application hereof to  
118 any person or circumstance is held invalid, the invalidity shall not affect any other  
119 provision or application of this Resolution which can be given effect without the invalid  
120 provision or application, and, to this end, the provisions of this Resolution are severable.  
121

122 **READ, APPROVED AND ADOPTED,** by the Town Council of the Town of  
123 Snowmass Village on July 17, 2023 upon a motion by Council Member \_\_\_\_\_  
124 the second of Council Member \_\_\_\_\_, and upon a vote of \_\_ in favor and \_\_ against.  
125

126 **TOWN OF SNOWMASS VILLAGE**  
127 **TOWN COUNCIL**  
128

129 \_\_\_\_\_  
130 Bill Madsen, Mayor

131 **ATTEST:**

132 \_\_\_\_\_  
133  
134 Megan Harris Boucher, Town Clerk  
135

136 **APPROVED AS TO FORM:**

137 \_\_\_\_\_  
138  
139 Jeffrey J. Conklin, Town Attorney

**TOWN OF SNOWMASS VILLAGE  
TOWN COUNCIL**

**RESOLUTION NO. 3  
SERIES OF 2022**

**A RESOLUTION REGARDING THE PROPOSED NEW, REVISED SKETCH PLAN APPLICATION, AS AMENDED ON OCTOBER 27, 2021, FOR THE DEERBROOK TOWNHOMES / SUBDIVISION (PARCEL L, FARAWAY RANCH SPECIALLY PLANNED AREA (S.P.A.)).**

WHEREAS, the Town Council, by Ordinance No. 22, Series of 1984, approved the Faraway Ranch Specially Planned Area (S.P.A.) Final Land Use Plan; and

WHEREAS, a drawing sheet titled, "Faraway Ranch S.P.A. Final Land Use Plan," which consists of Ordinance No. 22, Series of 1984, was recorded on March 18, 1985, in the Pitkin County Clerk and Recorder's Office in Plat Book 17 at Pages 3, 4 and 5; and

WHEREAS, the Faraway Ranch Subdivision Gross Parcel Plat was recorded at Book 17, Pages 5 and 6, Reception No. 266782 on March 18, 1985, which also platted Parcel L of 2.459 Acres; and

WHEREAS, Ordinance No. 2, Series of 1988, approved an amendment to Parcel L of the Stage Two Land Use Plan for the Faraway Ranch Special Planned Area (SPA) providing three versions for developing the maximum number of units and unit averages. The option eventually selected for development was a maximum of 15 units, each at 2,998 square feet in size; and

WHEREAS, Town Council Resolution No. 32, Series of 1988, approved with conditions the Stage III Design Review of Parcel L Deerbrook Townhomes, of the Faraway Ranch Specially Planned Area (SPA); and

WHEREAS, the Deerbrook Subdivision, formerly known as Parcel L Faraway Ranch Specially Planned Area, was approved by the Town Council Resolution No. 47, Series of 1989, and the plat was executed on July 28, 1989, and recorded at the Pitkin County Clerk and Recorder's Office at Book 23, Page 15, Reception No. 313977 on August 8, 1989; and

WHEREAS, Town Council Resolution No. 34, Series of 1988, accepted a dedication of land to the Town of Snowmass Village, which then granted an employee housing credit for the Faraway Ranch Land Use Plan, which included Parcel L for the 15 units on the Deerbrook Townhomes site; and

WHEREAS, the Town of Snowmass Village adopted a new Amended Comprehensive Plan via Ordinance No. 9, Series of 2018, acted upon on December 17, 2018; and

WHEREAS, Town Council Resolution No. 4, Series of 2021, pursuant to the recommendations provided in Planning Commission Resolution No. 7, Series of 2020, did not accept the initial Sketch Plan proposing an additional 6 units with a 3-level parking structure,

and directed the Applicant to submit a new Sketch Plan pursuant to the Findings and areas of disagreement outlined in those resolutions; and

WHEREAS, a new Sketch Plan application was submitted on June 23, 2021 by the Deerbrook Townhome Condominium Association, Inc. generally proposing: a) The removal of existing garages and surface parking, b) 15 two-stall garages (30 spaces), c) 30 surface parking spaces (15 spaces with covered carports), d) Landscaping along the existing driveways and a landscaped entry feature at the point of the entry into the property, e) Swimming pool with seating areas, f) Fitness building with bathrooms, g) Personal storage (incorporated into garages), and h) Additional site landscaping and other design changes; and

WHEREAS, a joint meeting of Town Council and Planning Commission was held on September 13, 2021, to hear a presentation by the Applicant of the new Sketch Plan; and

WHEREAS, in response to the Timbers Club comments received at the joint Town Council and Planning Commission meeting for the presentation of the new Sketch Plan on September 13, 2021, the Deerbrook Townhomes Applicant submitted an amendment to the application on October 27, 2021, mainly removing plant material and other minor features off the adjacent Timbers Club common open space area; and

WHEREAS, the Planning Commission considered all relevant materials and testimony, the staff reports, and the applicant presentations at meetings on November 17, 2021, and December 1, 2021, and acted upon attached Planning Commission Resolution No. 6, 2021, incorporated here in as Exhibit '1'; and

WHEREAS, a public hearing notice was published in the Aspen Times Snowmass Sun edition on January 5, 2022 for the Town Council meeting on January 18, 2022; and

WHEREAS, the Town Council was scheduled to hold a public hearing on January 18, 2022 to considered public comments, all relevant materials and testimony, the staff reports, and the applicant presentations, and consider and act upon this resolution; and

WHEREAS, the application was reviewed and processed pursuant to Section 16A-5-320, 'Sketch plan,' of the town's municipal code procedures.

**Section One. Findings.** For a Sketch Plan level of review, the Town Council finds:

1. **Completeness.** The new, revised application as amended is sufficiently complete to conduct a Sketch Plan level of review.
2. **Public Notification.** The public hearing notice requirements have been met. The applicant provided the affidavits for the mailing and posting of the public hearing notice.
3. **Other Findings.** The findings listed in the attached Exhibit '1' Planning Commission Resolution No. 6, Series of 2022, are acceptable.

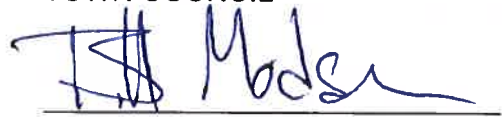
**Section Two. Action.** The Town Council concurs with the Planning Commission's recommendation in attached Resolution No. 6, Series of 2021, that the applicant may proceed to the preliminary plan review stage. This resolution also identifies in Section Three below any other issues the applicant should consider when preparing the preliminary plan, the materials the applicant will be required to submit and the studies the applicant will be required to submit.

**Section Three.** This subsection identifies the aspects of the sketch plan that should be modified for the preliminary plan to be acceptable to the Town. The types of modifications the applicant should consider are sufficiently outlined in attached Exhibit '1' Planning Commission's Resolution No. 6, Series of 2021, incorporated herein.

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

**INTRODUCED, READ, AND APPROVED** by the Town Council of the Town of Snowmass Village on January 18, 2022, upon a motion by Council Member Shenk, the second of Council Member Fridstein, and upon a vote of 5 in favor and 0 against.

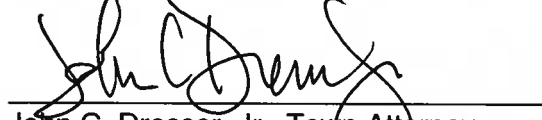
TOWN OF SNOWMASS VILLAGE  
TOWN COUNCIL

  
Bill Madsen, Mayor

ATTEST:

  
Megan Boucher, Town Clerk

APPROVED AS TO FORM:

  
John C. Dresser, Jr., Town Attorney

**Attachments incorporated herein:**

**Exhibit '1'** – Signed Planning Commission Resolution No. 6, Series of 2021, with its referenced Exhibit 'A' of the Referral Agency review comments



**22-03 TC  
RESO  
EXHIBIT '1'**

**ATTACHMENT 2  
of TC Packet**

**TOWN OF SNOWMASS VILLAGE  
PLANNING COMMISSION**

**RESOLUTION NO. 6  
SERIES OF 2021**

**A RESOLUTION REGARDING THE PROPOSED NEW SKETCH PLAN APPLICATION, AS AMENDED, FOR THE DEERBROOK TOWNHOMES / SUBDIVISION (PARCEL L, FARAWAY RANCH SPECIALLY PLANNED AREA (S.P.A.)).**

WHEREAS, the Town Council, by Ordinance No. 22, Series of 1984, approved the Faraway Ranch Specially Planned Area (S.P.A.) Final Land Use Plan; and

WHEREAS, a drawing sheet titled, "Faraway Ranch S.P.A. Final Land Use Plan," which consists of Ordinance No. 22, Series of 1984, was recorded on March 18, 1985, in the Pitkin County Clerk and Recorder's Office in Plat Book 17 at Pages 3, 4 and 5; and

WHEREAS, the Faraway Ranch Subdivision Gross Parcel Plat was recorded at Book 17, Pages 5 and 6, Reception No. 266782 on March 18, 1985, which also platted Parcel L of 2.459 Acres; and

WHEREAS, Ordinance No. 2, Series of 1988, approved an amendment to Parcel L of the Stage Two Land Use Plan for the Faraway Ranch Special Planned Area (SPA) providing three versions for developing the maximum number of units and unit averages. The option eventually selected for development was a maximum of 15 units at 2,998 square feet in size; and

WHEREAS, Town Council Resolution No. 32, Series of 1988, approved with conditions the Stage III Design Review of Parcel L Deerbrook Townhomes, of the Faraway Ranch Specially Planned Area (SPA); and

WHEREAS, the Deerbrook Subdivision, formerly known as Parcel L Faraway Ranch Specially Planned Area, was approved by the Town Council Resolution No. 47, Series of 1989, and the plat was executed on July 28, 1989, and recorded at the Pitkin County Clerk and Recorder's Office at Book 23, Page 15, Reception No. 313977 on August 8, 1989; and

WHEREAS, Town Council Resolution No. 34, Series of 1988, accepted a dedication of land to the Town of Snowmass Village, which then granted an employee housing credit for the Faraway Ranch Land Use Plan, which included Parcel L for the 15 units on the Deerbrook Townhomes site; and

WHEREAS, the Town of Snowmass Village adopted a new Amended Comprehensive Plan via Ordinance No. 9, Series of 2018, acted upon on December 17, 2018; and

WHEREAS, Town Council Resolution No. 4, Series of 2021, pursuant to the recommendations provided in Planning Commission Resolution No. 7, Series of 2020, did not accept the initial Sketch Plan proposing 6 additional units with a 3-level parking structure, and

directed the Applicant to submit a new Sketch Plan pursuant to the Findings and areas of disagreement outlined in those resolutions; and

WHEREAS, a new Sketch Plan application was submitted on June 23, 2021 by the Deerbrook Townhome Condominium Association, Inc. generally proposing: a) The removal of existing garages and surface parking, b) 15 two-stall garages (30 spaces), c) 30 surface parking spaces (15 spaces with covered carports), d) Landscaping along the existing driveways and a landscaped entry feature at the point of the entry into the property, e) Swimming pool with seating areas, f) Fitness building with bathrooms, g) Personal storage (incorporated into garages), and h) Additional site landscaping and other design changes; and

WHEREAS, a joint meeting of Town Council and Planning Commission was held on September 13, 2021, to hear a presentation by the Applicant of the new Sketch Plan; and

WHEREAS, in response to the Timbers Club comments received at the joint Town Council and Planning Commission meeting for the presentation of the new Sketch Plan on September 13, 2021, the Deerbrook Townhomes Applicant submitted an amendment to the application on October 27, 2021, mainly removing plant material and other minor features off the adjacent Timbers Club common open space area; and

WHEREAS, the Planning Commission considered all relevant materials and testimony, the staff reports, and the applicant presentations at meetings on November 17, 2021, and December 1, 2021, prior to considering and acting upon this resolution; and

WHEREAS, the application was reviewed and processed pursuant to Section 16A-5-320, 'Sketch plan,' of the municipal code procedures.

**Section One. General Findings.** For a Sketch Plan level of review, the Planning Commission generally finds:

1. **Completeness.** The new application as amended is sufficiently complete to conduct a Sketch Plan level of review.
2. **Public Notification.** The public hearing notice requirements have been met. A public notice was published in the Aspen Times on September 1, 2021, for the joint meeting held on September 13, 2021. There is no public hearing required for the Planning Commission evaluation review. A public hearing notice will be required for the subsequent Town Council review.
3. **Location relative to Comprehensive Plan's CPAs.** The Deerbrook Subdivision is next to but not within the West Village / the Mall / Base Village Comprehensively Planned Area (CPA) according to the Conservation & Development Map in the adopted 2018 Comprehensive Plan. The Comprehensive Plan states: *"Additional growth and development within Snowmass Village is most desirable within this area (the Village Core Areas / CPAs) due to the presence of existing infrastructure and proximity of transit*



*services. The plan envisions that most residential and commercial development over the next decades will occur in this area."* The Deerbrook site is accessed from Faraway and Ridge Roads which streets do not access the Village Core area's CPAs.

4. **Consistency with Comprehensive Plan's Buildout Chart.** The new and amended Sketch Plan acceptably proposes no buildout variation beyond the 15 existing units designated in the Comprehensive Plan's buildout chart for the site.
5. **Consistency with Comprehensive Plan's Conservation & Development Map.** The Deerbrook Subdivision is located within the '*Residential Area*' designation of the Conservation & Development Map in the adopted 2018 adopted Comprehensive Plan. Within this '*Residential Area*' the Comprehensive Plan states: "*it may be possible to incorporate a small amount of additional multi-family residential units within some existing complexes. These areas are intended to remain in their current form as conventional use-based districts.*" The proposed new application as amended for the Deerbrook site, with the proposal to add garages, carports, parking spaces, and recreational amenities, seems generally consistent with this policy for a Sketch Plan level of review.
6. **Rezoning Consistency.** Subject to the following subsequent PUD stage reviews, the intended proposed Rezoning from Specially Planned Area (SPA) to Multi-Family (MF), with a PUD overlay, is generally consistent with the 'Review standards' found in Section 16A-5-220(e), primarily considering that the 'MF' zone district appears consistent with the 2018 adopted Comprehensive Plan and the '*Residential Area*' designation on the Conservation & Development Map that includes the Deerbrook site.
7. **Environmental matters.** With the new and amended Sketch Plan proposing less impact to the existing slopes and embankments in contrast to the initial Sketch Plan application, there remains ongoing environmental and safety related concerns regarding the movement of ground and surface water through the site, storm water drainage management (including the off-site transporting thereof), soil conditions, the weight of new structures on the top side of disturbed slopes, slope stabilization, phasing and construction management, which shall be further addressed in more detail at the time of the Preliminary Plan review.
8. **Parking design arrangement.** The proposed additional garages, carports, parking spaces with the additional amenity features appear generally acceptable with the green roofs over the garages and affected carport structures tucked into the embankment areas, plus the screen walls, subject to considering and addressing the other issues outlined in Section Three below.
9. **Parking Code Compliance.** With the planned rezoning to 'MF,' the proposed increase from 30 to 60 parking spaces on the site would meet the current Town code's minimum one space per bedroom standard. However, the Planning Commission is concerned with the number of parking spaces proposed and the potential impact on open space. The Planning Commission recommends the garages be used as intended for the parking of

vehicles and the applicant consider reducing the number of parking spaces to 45 to 50 spaces with the preliminary plan submittal.

10. **Vehicular circulation.** The Applicant represented that the current driveway on the site at 16 to 20 feet in width would be widened to approximately 23 feet in width and compliant with the Town's parking code for 90-degree accessed parking spaces and garages.
11. **Building Height Maximums and Legal Nonconformities.** The heights of the existing building are 40 feet as approved under the SPA land use plan and would be considered legal nonconforming under the proposed 'MF' zone district with a height restriction of 38 feet. Accessory buildings will need to comply with the 18-foot height restriction under the 'MF' zone district.
12. **Wall treatments.** The Applicant acceptably represented for a Sketch Plan level of review the design treatment for the exposed retaining and screen walls for the parking areas facing adjacent properties, which should be designed to withstand the test of time and mitigate off-site headlight glare. These walls are planned for stone veneer cladding, including the amenity structures, to compliment or match the exterior finishes on the existing units. Grading will extend up to the lower retaining walls with added landscaping to shorten and soften the visual effects of the walls onto adjacent properties and the impacts upon the pedestrian circulation and ski trail easements.
13. **Employee Housing Mitigation.** The new and amended Sketch Plan application does not require employee housing for the current proposal pursuant to the redevelopment formula in the municipal code.
14. **Brush Creek Impact Report.** The new and amended Sketch Plan reveals the Applicant will deliver, as acceptable, the Brush Creek Impact Report required with the submission of a subsequent Preliminary Plan application considering, a) the Brush Creek Impact Area falls within the northwest portion of the site, b) drainage from the site occurs in this area, and c) the "Extremely Unstable" sub-area of the BCIA affects most of the Deerbrook site.
15. **Alternative sketch plans.** Alternate plans were provided within the same affected area for the proposed development. The Applicant's preferred proposed scenario appears acceptable to proceed to the Preliminary Plan design.
16. **Sketch Plan level of review.** The Sketch Plan the application seems generally consistent with Section 16A-5-300(c), General Restrictions, and Section 16A-5-310, Review Standards, including Article IV of the Development Evaluation Standards, with the exception of the areas of issues outlined in Section Three below.

**Section Two. Action.** The Applicant may proceed to the Preliminary Plan review stage. This resolution also identifies in Section Three below any other issues the applicant should consider when preparing the preliminary plan, the materials the applicant will be required to submit and the studies the applicant will be required to submit.

**Section Three.** This subsection identifies the aspects of the sketch plan that should be modified for the preliminary plan to be acceptable to the Town, and the types of modifications the applicant should consider:

1. **Access issues.** The Applicant shall document and provide a satisfactorily authorized resolution to the private off-site access matters with the submission of the Preliminary Plan application.
2. **Connection provisions.** Emergency, possible shuttle access, enforcement of wildfire hazard provisions, including fire resistive construction, fire suppressive exterior finishes should be further elaborated upon during the next PUD review stage. Modifications as needed to the driveways, the cul-de-sac bulb areas, and other internal pedestrian areas to improve access and circulation to the garage facilities, and for emergency vehicles need to be addressed at the next PUD stage.
3. **Southerly off-site trail connection.** The Applicant shall cooperate with the adjacent owner to the south and support an easement for the benefit of the Town for purposes of improving pedestrian safety and trail connectivity in the vicinity pursuant to policies in the adopted Parks, Open Space, Trails and Recreation (POSTR) Master Plan. Should a trail easement be obtained by the Town, the applicant shall provide for a pedestrian connection to this trail.
4. **Site, walls and buffering design.** At the preliminary plan stage, the Applicant shall demonstrate architectural compatibility, artful uniqueness, and small village character with the visual presentation of the retaining walls, accessory amenity structures, and landscape screening via enhanced plan-view design drawings, a tree preservation / removal and restoration plan, building elevations, cross-sections, and imagery, including the mitigation, buffering and/or screening of headlight glare off-site.
5. **Environmental / safety impacts.** Further details regarding ground and surface water, storm water drainage management (including the off-site transporting and filtering thereof), site dewatering, structural weights upon the top side of disturbed slopes, ways to further stabilize the slopes and soil conditions as demonstrated through additional engineering and geotechnical reports, as well as a construction management plan addressing air quality and noise mitigation, need to be further evaluated during the next PUD review stage.
6. **Timetable.** Further refinement and details of the proposed development and construction phasing, including staging areas, and mitigation thereof shall be provided in accordance with Ordinance No. 12, Series of 2007, during the next PUD phase review.
7. **Referral comments.** The referral agency review comments received with the Sketch Plan review, and incorporated herein as attachment Exhibit 'A,' shall be addressed by the Applicant in a subsequent Preliminary Plan stage application once deemed permissible to proceed.
8. **Parking.** The Planning Commission is concerned with the number of parking spaces proposed and the potential impact on open space. The Planning Commission recommends the garages be used as intended for the parking of vehicles and the

applicant consider reducing the number of parking spaces to 45 to 50 spaces with the preliminary plan submittal.

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

**INTRODUCED, READ, AND APPROVED**, as amended, by the Planning Commission of the Town of Snowmass Village on December 1, 2021, upon a motion by Commission Member Anathan, the second of Commission Member Maclear, and upon a vote of 5 in favor and 0 against. (Commission Members Gustafson and Faurer recused)

**TOWN OF SNOWMASS VILLAGE  
PLANNING COMMISSION**



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Brian Marshack, Chair

ATTEST:



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Sara Nester, Planning Commission Secretary

**Attachments incorporated herein:**

**Exhibit 'A' – Referral Agency review comments**



**ATTACHMENT 3  
of TC Packet**

**EXHIBIT 'A'  
21-06 PC  
RESO**

**Referral Agency Comments**

**To:** Dave Shinneman, Community Development Director  
**CC:** Brandon Hawksley, Riley Bonilla  
**From:** Andy Worline, Parks, Recreation & Trails Director  
**Date:** November 12, 2021  
**Subject:** Deerbrook Trail Connection

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The Town of Snowmass Village proposes maintaining the short singletrack trail located on the south side of the Deerbrook Townhomes for public summer use only. The Deerbrook connection, combined with a newly planned trail section to be built during the building 12 construction, would connect Wood Road, Assay Hill, and Ridge Road. This existing trail would also link Base Village and the bottom of the Elk Camp Gondola, a hub for summer activities in Snowmass.

The Town of Snowmass Village trail system recently received the designation of "Gold Level Standard" by the International Mountain Biking Association (IMBA). However, our trail network lacks connectivity points to intertwine surrounding neighborhoods and lodging options around the Village seamlessly. In the POSTR master plan, under the Trails Policies and Actions, number 5 states, "acquire trail easements where necessary to facilitate a cohesive and connected system of trails." This Deerbrook trail connection addresses this goal to connect neighborhoods and provide safe access for our community members and guests.

We propose adding this existing trail to our system and providing signage and information for users as soon as next summer. We appreciate your consideration.

Respectfully,

Andy Worline  
Parks, Recreation & Trails Director

**From:** Brandon Hawksley <bhawksley@tosv.com> - **PARKS, OPEN SPACE, RECREATION & TRAILS**  
**Sent:** Monday, August 23, 2021 10:15 AM  
**To:** Jim Wahlstrom <JWahlstrom@tosv.com>; Andy Worline <AWorline@tosv.com>  
**Cc:** Anne Martens <AMartens@tosv.com>; Dave Shinneman <dshinneman@tosv.com>  
**Subject:** RE: Deerbrook Townhomes new Sketch Plan - possible trail connection

Jim,

Andy and I had a great site visit out to the Deerbrook Townhomes site this morning! We certainly feel that this could be a desired trail connection in the future. We also looked at the land directly behind the Ridge Condos which belongs to TOSV to create an even larger trail connection over to the Brush Creek Paved Trail above the fire house. Please let me know what is needed from us to solidify the easement. Andy will present this connection to POSTR committee in the future to determine the priority of this project. Thanks again for reaching out.

**Brandon Hawksley**

**Parks, Open Space and Trails Manager**  
Town of Snowmass Village  
PO Box 5010 Snowmass Village, CO 81615  
p: 970-922-2240 c: 401-339-7170



Deerbrook Townhomes  
New, Revised Sketch Plan  
TOSV Community Development  
General Comments  
August 31, 2021

**General:**

A signed authorization / consent letter(s) is required from affected adjacent property owner(s) if any work / improvements are proposed off the Deerbrook site (including landscaping). Please provide prior to town decision making board review.

**Narrative project description:**

Page 13: There is no "current 'PUD' zoning for the property" as noted in the narrative. It was previously approved by the Faraway Ranch SPA land use plan and gross parcel plat, including prior Parcel L subsequently developed for the Deerbrook Townhomes.

Page 15: The application correctly referenced, "subject property is currently zoned 'SPA-1'..."

Page 34: There is another errant reference to the property under a 'PUD.'

Page 34: Explain how the Minimum Lot Area per DU is calculated at 7,172.9 square feet. We calculated 48,000 square feet.

Page 20: The Medical services are now being provided by AVH in Building 8 at Base Village versus at the end of the Mall.

Page 21: Check the "Just Big Enough" reference.

Page 25: New landscaping should be drought tolerant and for purposes of limiting the use of irrigation water on the steep slopes.

Page 41:

- a. The generally description of the architectural design for the proposed accessory structures appear adequate for Sketch Plan review but more detail about all the exterior finishes and colors will be needed for the Preliminary Plan review. Alternating but compatible color or texture for the garage or doors is a useful technique to assist in relieving the elongated appearance of the garage facades.
- b. The approximate 60' dimension between the upper and lower driveway doesn't appear to change significantly from the existing conditions plan to the proposed site plan.

**Proposed Plans & Drawings:**

**Landscaping:**

- a) Landscaped buffers with building setbacks would appear desirable for the proposed fitness room and pool/deck currently planned directly along a vehicular driveway.
- b) Describe or illustrate if a spa is also proposed along with the pool or part of the larger pool or the deck area.

**Pedestrian Design & Connections:**

- a) A stairway connection with adjoining landscape buffer appears useful between the two driveways generally in the vicinity of the fitness room to better serve residents, guests and maintenance personnel. This also might assist in relieving the elongated garage facades.

- b) A more elegant pedestrian entrance(s) onto the pool deck is suggested versus two stairways tucked between garage, with no adjacent landscaping or directly access off vehicular driveway. It appears a better entrance could be designed with the area between the two cul-de-sac driveways.
- c) Perhaps a terraced deck area on the east end of the middle island could be introduced to take advantage of the down valley views.

**Parking:**

- a) The eastern-most proposed garage location appears to create a possible sight-distance concern.
- b) Describe where the service staff would park to maintain the accessory facilities.
- c) Techniques to reduce traffic speed on the driveways should be employed by the easterly side of the parking / garage areas.
- d) The prior underground parking garage, at a compacted smaller scale, would likely offer a better design but with more engineering related issues.

**Roadways:**

- The Engineering report states the existing driveways maintain an approximate 16'-20' width and the proposed design will maintain a minimum width of 16'. This appears different from the proposed site plan calling for 23' wide driveways for the perpendicular accessed garage arrangements.



**TO:** JIM WAHLSTROM, SENIOR PLANNER  
DAVE SHINNEMAN, DIRECTOR OF COMMUNITY DEVELOPMENT

**FROM:** ANNE MARTENS, DIRECTOR OF PUBLIC WORKS

**SUBJECT:** DEERBROOK TOWNHOMES – SKETCH PLAN

**DATE:** AUGUST 31, 2021

**CC:** CLINT KINNEY, TOWN MANAGER  
RYAN GORDON, TOWN ENGINEER

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In reference to the Deerbrook Townhomes sketch plan application for major PUD submitted on July 30, 2021, the following comments are being submitted:

1. Further details related to access and collection details for Solid Waste will need to be provided, reviewed and approved.
2. Analysis of guardrail along ridge road needs to be submitted due improvements on site and within the roadway prism.
3. Additional engineering comments to be addressed in the SGM memo dated August 30, 2021 (attached).

**From:** Anne Martens <AMartens@tosv.com>  
**Sent:** Tuesday, August 31, 2021 1:03 PM  
**To:** Jim Wahlstrom <JWahlstrom@tosv.com>; Dave Shinneman <dshinneman@tosv.com>  
**Cc:** Clint Kinney <CKinney@tosv.com>; Ryan Gordon <ryang@sgm-inc.com>  
**Subject:** RE: Deerbrook - Sketch plan comments

Thanks Jim for the clarification. No fatal flaws at this point. The comment regarding the Ridge Road Improvements pertain to the cutting of the toe of the slope to construct the car ports and garages. Therefore it would be appropriate to do an analysis to ensure that there is not an unsafe condition created by this work that would warrant guardrail.



## MEMORANDUM

**TO:** Anne Martens  
**FROM:** Ryan Gordon  
**DATE:** August 30, 2021  
**RE:** Deerbrook Townhomes Redevelopment PUD

Below are my review comments on the Deerbrook Townhomes Redevelopment PUD Sketch Plan Engineering Report resubmittal dated July 27, 2021.

### On-Site Drainage

1. Applicant is proposing using a CDS unit to remove debris and trash and an sand/oil separator to capture hydrocarbons and other contaminants from the parking areas. A maintenance agreement will need to be provided to ensure that these units are properly cleaned and maintained.
2. The overall stormwater retention system has not been fully designed. The concept of using swales and inlets to capture and convey stormwater to underground vaults and/or surface ponds is appropriate. Further details on the system will need to be provided and reviewed by the Town. The inspection and maintenance requirements for the collection and retention system will need to be included the maintenance agreement.
3. Further consideration is needed with regards to subsurface groundwater. Groundwater will need to be captured and discharged appropriately. Efforts should be made to determine the quantity of expected groundwater and design stormwater facilities appropriately.
4. The applicant should demonstrate that existing stormwater facilities (both on-site and off-site) are adequately sized to accommodate current and anticipated flows. The existing culverts, diversion structures and rip rap channels must have the capacity to convey flows. The applicant needs to demonstrate that adjacent neighbors will not be affected by stormwater or groundwater discharges.

### Geotech/Soils

1. The Geotech report identifies the potential for slope instability due to high groundwater and steep slopes at the site and the appropriate earth retention systems need to be provided and reviewed.
2. Dewatering will likely be required during construction and a permanent dewatering system will likely be necessary. Additional information is needed to review the dewatering system.

Please contact me if you have any questions at 970-384-9034.

Sincerely,

Ryan Gordon, PE  
Project Manager

**From:** Betsy Crum <bcrum@tosv.com> - TOSV HOUSING DEPARTMENT

**Sent:** Wednesday, September 1, 2021 2:56 PM

**To:** Jim Wahlstrom <JWahlstrom@tosv.com>

**Subject:** RE: Deerbrook Townhomes newly revised Sketch Plan & Development Review Team meeting August 19

No comments from Housing.



Betsy Crum  
Housing Director  
Town of Snowmass Village  
[bcrum@tosv.com](mailto:bcrum@tosv.com)  
(970) 922-2267

**From:** Sam Guarino <[sguarino@tosv.com](mailto:sguarino@tosv.com)> - **TOSV TRANSPORTATION DEPARTMENT**

**Sent:** Wednesday, September 1, 2021 4:03 PM

**To:** Jim Wahlstrom <[JWahlstrom@tosv.com](mailto:JWahlstrom@tosv.com)>

**Subject:** RE: Deerbrook Townhomes newly revised Sketch Plan & Development Review Team meeting August 19

Hi Jim,

Transportation has no comments on this one.

Thanks,



Sam Guarino

Parking Program Manager

Town of Snowmass Village

P.O. Box 5010

Snowmass Village, Colorado 81615

p. 970.923.2543 ext. 411, f. 970.923.5986

[sguarino@tosv.com](mailto:sguarino@tosv.com)



**From:** Tesch - DNR, Kurtis <kurtis.tesch@state.co.us> - **COLORADO PARKS AND WILDLIFE**  
**Sent:** Friday, June 19, 2020 11:36 AM (PRIOR COMMENTS ON INITIAL APPLICATION)  
**To:** Jim Wahlstrom <JWahlstrom@tosv.com>  
**Cc:** Anthony Zuniga - DNR <anthony.zuniga@state.co.us>  
**Subject:** DEERBROOK TOWNHOME Application

Jim

Colorado Parks and Wildlife has reviewed the DEERBROOK TOWNHOME Application. CPW has no major issues with this project.

CPW recommends the following to help minimize conflicts with bears:

- Install round handled door knobs on all exterior doors.
- Prohibit all berry, nut, and fruit producing trees or shrubs for landscaping.
- Use only bear proof dumpsters and store trash securely until morning of pickup.
- During construction all food trash must be stored in a bear proof container or taken off site at each day's end.
- Contractors should not be allowed to take dogs on site during construction.

CPW appreciates the opportunity to comment on this application.

Thanks

--

Kurtis Tesch

District Wildlife Manager - Area 8

Law Enforcement and Public Safety



C 970-948-1662

0088 Wildlife Way, Glenwood Springs, CO 81601

[kurtis.tesch@state.co.us](mailto:kurtis.tesch@state.co.us) | [www.cpw.state.co.us](http://www.cpw.state.co.us)

**From:** dunlopenv <dunlopenv@aol.com> - **ENVIRONMENT**  
**Sent:** Sunday, October 31, 2021 6:57 PM  
**To:** Jim Wahlstrom <JWahlstrom@tosv.com>  
**Subject:** Re: Deerbrook Townhomes newly amended, revised Sketch Plan

Hi Jim,

I found your earlier message to me in my spam folder this morning (Sunday). I am leaving town tomorrow until Nov 9th. It will be too late to get a revised review to you by Nov 4th. At this time, please use my earlier comments, but with the understanding I have that a Brush Creek Impact Statement will now be provided. That was one of the key points I wanted to encourage. It appears that sizing of the whole project has been reduced except for the garages and pool. My earlier comments about ground/surface water still apply. Determining if a dewatering permit from Colorado Dept of Public Health and Environment is needed still applies.

I will get in touch with you after I return to see if I can add clarity to this message.

Thank you,  
Tom

Thomas S. Dunlop, MPH, REHS  
245 Woodruff Road  
Glenwood Springs, CO  
81601

[Dunlopenv@aol.com](mailto:Dunlopenv@aol.com)  
(970) 945-4820  
(970) 379-4028 cell



## **Dunlop Environmental Consulting**

Environmental Public Health Planning for the Future

(NOTE: PRIOR COMMENTS ON INITIAL APPLICATION)

June 22, 2020

Town of Snowmass Village  
Jim Wahlstrom, Sr. Planner  
PO Box 5010  
130 Kearns Road  
Snowmass Village, CO 81615

Re: Deerbrook Townhomes Major PUD Application Sketch Plan

Dear Mr. Wahlstrom:

As per your request, Dunlop Environmental Consulting, Inc. (DEC) has reviewed the above-mentioned application and offers the following findings. This review is focused on general categories under Construction Management Plan, water quality, storm water discharge, air quality and noise management, .

**Project summary:** The applicant is requesting an addition of 6 additional townhomes to the 15 townhomes located in 5 buildings currently existing on the property. The 6 additional units will be located in 3 buildings. A new 2 level parking garage will be constructed comprising 57 underground spaces and 6 surface spaces. The existing townhomes will undergo cosmetic architectural changes. A swimming pool, outdoor dining area and fitness center is proposed for private use of homeowners and guests.

After careful review of the application it is evident more detail is needed regarding water quality, air quality, noise management, storm water drainage, site drainage and construction management planning. The applicant states that detailed information related to construction impacts and mitigation will be provided during preliminary and final PID plan phases. This is understandable, but it is important to discuss the need for more specific detail.

### **Construction Management Plan (CMP)**

The sketch plan information provided does not address a CMP. There is a statement in CTL Thompson report that blasting may occur during construction for the underground parking garage if excavation has to go deeper than 5 feet into existing shale. This will be an important point to discuss in the CMP. The applicant and all contractors must be familiar with Town of Snowmass Village (TOSV) Ordinance 12, Series 2007, Standards and Regulations for Construction Management.

245 Woodruff Road

1

Glenwood Springs, CO 81601

(970) 945-4820 Office (970) 379-4028 Cell

## **Water Quality**

The applicant's consultant, TGMC in a Dec 9, 2019 report is requesting an exemption from having to submit a Brush Creek Impact Area (BCIA) study. The reasoning provided is because the project is mostly situated outside the BCIA boundary. A small corner on the north property line encroaches about 25 feet into the BCIA as shown on the site plan. There is a conclusion reached by the applicant that an encroachment into the BCIA is grounded in the parcel vs the property line. The applicant further concludes, since a structure does not encroach the BCIA does not apply. There is also language in the TOSV code that states land that is outside, but close to the BCIA may be subject to BCIA criteria [16A-4-30(c)(2)]. An interpretation among TOSV staff will be necessary to rule on two questions. The first, due to the immediate boundary of the project touching the BCIA, must the applicant submit a BICA statement? Second, is encroachment to the BICA based on the property line or the footprint of the closest structure?

To be weighed in discussion of the above questions, it is obvious from reading content from Sopris Engineering and CTL Thompson findings that surface and ground water may/will become a temporary and permanent issue. This is due to the property being on a steep north facing slope and in an area known empirically and geologically to drain subsurface water in significant amounts depending on the time of year. CTL findings include ground water may fluctuate from being near the surface to the depth of bedrock. The findings continue that permanent dewatering of the site will be required through use of foundation drains and temporary site dewatering will be required during construction. Roof and hard surface drains will have to be directed away from fill material around buildings. More detail is needed to understand the efficiency of treating surface and subsurface water discharge. What engineering design will provide acceptable treatment methods prior to discharge? When appropriate in the TOSV review process the applicant shall contact the State of Colorado for water discharge permits such as construction site dewatering and others that may be appropriate.

The value in having the above facts stated ties directly to the applicant's request to be exempt from a BCIA analysis. While there is no direct water discharge from the property into Brush Creek, the contribution of a yet to be determined amount of water leaving the property should weigh into the decision about granting an exemption. Water leaving Deerbrook Townhomes will immediately discharge in the BCIA.

The project is not in the Brush Creek flood plain, nor in a wetlands.

## **Storm Water Discharge**

Sopris Engineering has developed a site drainage plan that presents options for Contech CDS Vaults to capture and treat site runoff from roadways and parking areas. Details are forthcoming. Storm water detention is still being developed. Further DEC findings will follow completion and review of these water management components.

### **Air Quality**

Impacts of the addition of 6 additional dwelling units on air quality in the Base Village area will be minimal provided auto disincentive criteria are proposed as the application proceeds through the approval process. The applicant shall include a fugitive dust control plan in the CMP due to the close proximity of this project to immediate neighbors.

### **Noise**

The most noise generated from this project will be during the construction phase. As mentioned earlier, should blasting occur during construction special approvals may be necessary from the TOSV. Compliance with TOSV Ord 12, noise standard, will be expected.

### **General**

I conducted a walking site visit on June 14, 2020. The objective was to visualize the concept in the application. An immediate conclusion is the importance of a detailed discussion regarding water management from this site (ground water, surface water and storm water). The closeness of this project in a dense neighborhood will require careful planning addressing noise, traffic, air and water impacts.

This concludes findings for this sketch plan review.

Sincerely,



Thomas S. Dunlop, MPH, REHS  
President

**From:** John Mele <JMele@roaringforkfire.org> - **ROARING FORK FIRE RESCUE**  
**Sent:** Thursday, July 2, 2020 4:04 PM (PRIOR COMMENTS ON INITIAL APPLICATION)  
**To:** Jim Wahlstrom <JWahlstrom@tosv.com>; Julie Ann Woods <JWoods@tosv.com>  
**Subject:** RE: Deerbrook TH

Jim,

The attached documents were sent to reinforce or support the Town of Snowmass Village to not waive any soil testing requirements for the Deerbrook proposal. It is past history for that area of proposed development that is being brought to your attention.

You can certainly share the attachments with the applicant. We have no other concerns at this point of the review that we could not enforce with the currently adopted fire and building codes that the Town of Snowmass Village has in place.

Hope this helps,

John

**From:** Jim Wahlstrom <JWahlstrom@tosv.com>  
**Sent:** Thursday, July 2, 2020 1:19 PM  
**To:** Julie Ann Woods <JWoods@tosv.com>  
**Cc:** John Mele <JMele@roaringforkfire.org>  
**Subject:** Deerbrook TH

Julie, John,

Per the discussions in our staff department meeting Julie, attached is the correspondence from the RFFR re: Deerbrook TH re: past land slide.

I'm uncertain if these are the official review comments or just for our information.

John, may we forward or share the attachments to the applicant? And, does RFFR have any other review comments to offer on the Deerbrook TH Sketch Plan?

Jim



Jim Wahlstrom, AICP, MPCD  
Senior Planner  
Town of Snowmass Village  
P.O. Box 5010, 130 Kearns Road  
Snowmass Village, CO 81615  
p. 970.923.5524 ext. 635  
f. 970-923-1861  
[jwahlstrom@tosv.com](mailto:jwahlstrom@tosv.com)

**From:** John Mele <JMele@roaringforkfire.org> - **ROARING FORK FIRE RESCUE**  
**Sent:** Thursday, June 25, 2020 7:47 AM (PRIOR COMMENTS ON INITIAL APPLICATION)  
**To:** Jim Wahlstrom <JWahlstrom@tosv.com>  
**Subject:** Timbers Club / Deerbrooke road collapse

Jim,

Attached is the letter we wrote to Timbers Club concerning a road collapse above building B. Speaking with Bill recently he remembers the slide and stated they spent upwards of about 90,000 thousand dollars in retaining walls and repair afterwards. The land movement took out a portion of the Deerbrook access roadway. I believe the land is owned by Timbers Club with an access easement for Deerbrooke.

Still can not locate pictures but am still researching.

John

**John Mele**  
Deputy Chief / Fire Marshal  
ROARING FORK FIRE RESCUE  
Office: (970) 340-7040  
Mobile: (970) 376-5526



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**PRIVACY NOTICE** -- This electronic message transmission contains information from the Roaring Fork Fire and Rescue Authority that may be confidential or privileged. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately, and please delete the original message.



## Snowmass-Wildcat Fire Protection District

P.O. Box 6436 Snowmass Village, Colorado 81615 970-923-2212

5-6-03

The Timbers Club  
0065 Timbers Club Ct.  
Snowmass Village, CO 81615  
Attn: Bill Striegler, Director of Maintenance

*U.F.C 1997  
103.4.5  
UNSAFE BUILDINGS*

Dear Bill,

Please be advised that there is potential for damage from mud or water to the Timbers Club property. In particular, Building "B" that is located directly downhill from an above road collapse.

As you are aware, the roadway located directly above the Timbers Club has experienced a partial collapse. It is unclear to us the total extent of damage or the exact probability of any debris sliding down the hill and onto the Timbers Club buildings and property. However, it does appear that the slide is still active.

Furthermore, and even more concerning, is the fact that directly under this collapsing roadway is an 8" water main. Should failure of this water main occur, upwards of 1,000,000 (one million) gallons of water could descend down and onto the Timbers Club property.

In the interest of life safety and the possibility of unknown property damage, I have requested that the Timbers Club Building "B" remain unoccupied until further information can be obtained from the Engineers that are investigating the road collapse.

We are working with the Snowmass Water and Sanitation District to minimize the extent of damage should a water main break.

Should you have any questions or if I can be of further assistance, please call me.

Sincerely,

John T. Mele  
Fire Marshal



# PC Reso 6 2021 w EX 'A'\_Deerbrook TH Sketch Plan - FINAL VERSION W PC EDITS 12-1-21

Final Audit Report

2021-12-03

|                 |                                              |
|-----------------|----------------------------------------------|
| Created:        | 2021-12-03                                   |
| By:             | Sara Nester (snester@tosv.com)               |
| Status:         | Signed                                       |
| Transaction ID: | CBJCHBCAABAA-xSY3PesLsJbAC4vjFwynZeVdO4DiDqz |

## "PC Reso 6 2021 w EX 'A'\_Deerbrook TH Sketch Plan - FINAL VERSION W PC EDITS 12-1-21" History



Document created by Sara Nester (snester@tosv.com)

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Document emailed to Brian Marshack (bmarshack@gmail.com) for signature

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Document e-signed by Brian Marshack (bmarshack@gmail.com)

Signature Date: 2021-12-03 - 11:01:14 PM GMT - Time Source: server- IP address: 73.203.105.101



Agreement completed.

2021-12-03 - 11:01:14 PM GMT



Adobe Sign

**Deerbrook Townhomes**  
**Preliminary Plan**  
**Summary of Land Use & Development Parameters**

## **LAND USE SUMMARY**

### **LAND USE SUMMARY:**

**LOT SIZE:** 107,593 SF (2.47 ACRES)

**EXISTING DWELLING UNITS:** 15 (AVERAGE SF OF EXISTING DWELLING UNITS = 3,163 SF)

**EXISTING BEDROOMS:** 60

**EXISTING UNIT DENSITY:** 6.07/ACRE

### **PARKING:**

EXISTING = 30 SPACES (15 GARAGE AND 15 SURFACE - ALL TO BE REMOVED)

PROPOSED = 30 GARAGE SPACES, 15 CARPORT SPACES, 5 SURFACE PARKING = 50 TOTAL

### **BUILDING HEIGHT:**

EXISTING MAX HEIGHT = 39.9'

EXISTING AVERAGE HEIGHT = 39.4'

EXISTING MAX CHIMNEY HEIGHT = 45'

EXISTING AVERAGE CHIMNEY HEIGHT = 44.39'

*(The 2022-2023 Renovation resulted in a negligible change to existing Building Height, no change to primary rooves, less than 1" height reduction to chimneys.)*

ZONE DISTRICT MAXIMUM HEIGHT = 38' PRINCIPAL BUILDING, 18' ACCESSORY BUILDING

### **OPEN SPACE:**

REQUIRED PER MF ZONE = 25%

EXISTING = 49.68%

PROPOSED OPEN SPACE = 37.24% (EXCLUDES GREEN ROOFS)

PROPOSED OPEN SPACE = 45.68% (INCLUDES GREEN ROOFS)

### **BUILDING SIZE, GROSS (REF. FAR CALCULATIONS FOR FAR):**

EXISTING SF OF STRUCTURES = 52,456 SF

SF OF STRUCTURES TO BE REMOVED = - 3,979 SF

PROPOSED SF OF NEW STRUCTURES = 13,604 SF

COMBINED SF OF STRUCTURES = 62,081 SF

**MISC.: UNCOVERED POOL, DECK AND  
ASSOCIATED STAIRS = 5,156 SF**

### **FAR:**

MAX. FAR PER MF ZONE = .75

EXISTING = .486

PROPOSED = .515

## **PARKING QUANTITIES**

EXISTING BEDROOMS = 60

TOTAL BEDROOMS = 60

### **EXISTING PARKING:**

15 1-CAR GARAGES = 15 SPACES

SURFACE PARKING SPACES = 15 SPACES

TOTAL EXISTING = 30 SPACES (TO BE REMOVED)

### **PROPOSED PARKING:**

15 2-GARAGES = 30 SPACES

15 CARPORT SPACES = 15 SPACES

5 SURFACE PARKING SPACES = 5 SPACES

TOTAL PROPOSED = 50 SPACES

**Table 1**  
Dimensional Standards Comparison

|                        | MF Standards              | Faraway Ranch PUD Standard | Deerbrook Existing      | Deerbrook Proposed      |
|------------------------|---------------------------|----------------------------|-------------------------|-------------------------|
| Min. Lot Area          | 3,000 sf                  |                            |                         |                         |
| Min. Lot Area/DU       | 3,000 sf <sup>4</sup>     | 2,976.6sf <sup>a</sup>     | 7,172.9 sf              | 7,172.9 sf              |
| Min. Lot Width         | 50 feet                   |                            | 288.5 feet <sup>c</sup> | 288.5 feet <sup>c</sup> |
| Min. Building Setback  | Per Subd Plat or PUD Plan | Per Deerbrook Condo Plan   | 1.2 feet <sup>b</sup>   | 10 feet                 |
| Max Height (Principal) | 38 feet                   | 40 feet                    | 40 feet                 | 40 feet                 |
| Max Height (Accessory) | 18 feet                   | No Data                    | 11.7 feet               | 17.95 feet (Carport C)  |
| Min Open Space         | 25%                       | 55%                        | 49.70%                  | 45.7% <sup>d</sup>      |
| Max Floor Area (FAR)   | .75:1                     | .75:1                      | .49:1                   | .52:1                   |

**Notes:**

- a. Derived from minimum equivalent number of dwelling units per acre shown for Parcel L on Faraway Ranch Final Land Use Plan
- b. As measured from Existing Conditions Survey, prepared by SGM on June 24, 2019.
- c. Approximate width of Deerbrook Property at narrowest point.
- d. Including rooftop/green roof spaces.

**Notes From Table 3-2 of LUDC.**

- 4. In addition, minimum lot area per dwelling unit is 1,500 sq. ft. per bedroom, plus 500 sq. ft. for each additional bedroom.

## **Review Intent and Issues Deerbrook Townhomes Preliminary Plan with Staff Responses**

*The questions the Planning Commission and Town Council should consider in a detailed manner during review of the preliminary plan (depending upon the size and complexity of the proposal) include the following:*

- (1) ***Response to sketch plan issues and concerns. Has the applicant provided detailed, sufficient and appropriate responses to each of the issues and concerns identified during the sketch plan review?***

STAFF RESPONSE: The Preliminary Plan includes update mainly in response to the issues and direction provided during the Sketch Plan review:

- a. A private driveway easement agreement has been executed between Deerbrook and The Timbers Club, although a “*Deerbrook Driveway Area Easement*” is shown and labeled on the Timbers at Snowmass final subdivision plat in 2001. The exhibit in the new easement agreement is shown differently in arrangement and description than that recorded on the plat, likely to address current as-built conditions. The agreement states the “*Driveway Easement Area*” is for “*access and underground utility purposes over across under and along the Driveway Easement Area.*” It is to be used for “*all forms of surface travel, access, ingress and egress...*” which should also accommodate the new walkway connection between Deerbrook Townhomes and Ridge Road. Ten feet (10’) on both sides of the easement area may be used for snow storage and maintenance purposes but without any fencing and exterior lighting.
- b. The project reduces the number of proposed parking spaces from 60 to 50 per prior Town recommendation for 45-50 spots. However, the garage spaces are not being used entirely for vehicles but also for owner storage. This Preliminary Plan was submitted prior to the most recent Town parking code changes.
- c. The number of proposed perpendicular parking along the north side of the lower driveway was reduced from 14 to 7 spaces, including 5 carport spots and 2 parallel spaces with added landscape areas.
- d. Parking spaces along the upper driveway were reduced from 6 to 3 spots, including 2 that are ADA accessible and tucked into the hillside.
- e. The driveways are being widened from 23 to 30 feet, but in some instances not including landscape buffering on the same level.
- f. The garage adjustments avoid the 10-foot setback.
- g. The pool was rearranged in a rectangular form and raised to tuck the garages below, and partially underneath.
- h. A pedestrian gravel path is shown between Ridge Road and the existing townhomes.



- i. The landscape plan includes more screening as viewed from the north but mainly on the uphill side or above the proposed garages.
- j. The fitness building and one of the carports have been redesigned with rounded ('barrel vault') roof forms to complement the hillside while maintaining the 18-foot height limitation.
- k. The exterior finishes on the remodeled townhomes, previously permitted, include noncombustible materials also planned for the proposed above-grade structures to comply with the new wildfire hazard provisions.
- l. The applicant is attempting to provide a village character with the design of the buildings as well as landscaping to mitigate headlight glare via use of parapet walls for a carport and along the north side and using parallel versus head-in parking although with no planting buffer on the parking/driveway level.
- m. Inclusion of plans to regulate moisture levels and to prevent over saturation of soils.
- n. A Brush Creek Impact report was submitted for review. Minimal impact is expected.
- o. The Town has been in recent contact with the owner(s) of the property to the south in efforts to obtain a trail easement. The applicant is willing to provide a connection to that easement if granted.
- p. Civil engineer plans and geotechnical reports were provided to address surface and groundwater, stormwater management, site dewatering, structural weights, slope / soil stabilization, and shoring designs were provided for review.
- q. Shallower excavation is proposed for the replacement garages and carports rather than the prior anticipated deeper excavation for a three-level parking structure with additional units (during the initial sketch plan review).
- r. Solid waste storage and collection plans were provided.
- s. A construction management plan was provided for review, including a fugitive dust control plan.
- t. Responses to the prior referral agency comments during the Sketch Plan review were provided.

(2) ***Zone district limitations.*** *Does the proposed development comply with all of the limitations of the underlying zone district? If the applicant proposes to vary any of the property's dimensional limitations, then does the application comply with all of the applicable standards for granting of the variation?*

STAFF RESPONSE: The existing 15 units were approved in the 1980s under the Faraway Ranch SPA land use plan versus by a Planned Unit Development (PUD). Under the SPA land use plan, the existing project meets the current development parameters, including the 40-foot height allowance for the three existing condominium buildings.

No additional units and no variations are sought with the proposed Preliminary Plan. The applicant plans to meet or fall within the other



development parameters, such as the maximum floor area, minimum lot area, and the minimum lot width for the proposed rezoning from the current 'SPA-1' to a 'MF' (multi-family) zone district, if approved.

- (3) ***Comprehensive Plan.*** *Is the proposed development consistent with all relevant policies and recommendations of the Town's Comprehensive Plan? If the applicant proposes a buildout in excess of sixty-five percent (65%) of that identified in the Comprehensive Plan, then will the community purposes that are most appropriate to be accomplished by the proposed development be achieved?*

STAFF RESPONSE: The Deerbrook Townhomes site is located in a 'Residential Area' according to the 2018 Comprehensive Plan's Conservation & Development Map. The Buildout Chart in this plan limits the Deerbrook site to 15 units. The Comprehensive Plan states that, "redevelopment of existing development sites or buildings should happen first to make the most efficient use of Town services while ensuring that carrying capacity of existing infrastructure is carefully addressed and not exceeded." The Comp Plan also states that, "it may be possible to incorporate a small amount of additional multi-family residential units within some existing complexes."

The Deerbrook Townhomes site is next to the West Village/The Mall CPA but is not within it. The Comp Plan states that this CPA's focus is for "noteworthy development and redevelopment." The West Village / The Mall CPA is accessed by Carriage Way and Wood Road, both serving many uses. The Deerbrook site is served by Faraway and Ridge Roads, both servicing residential-only projects. It is not in proximity to consistent transit service, unlike the core area.

The proposal implies that since Deerbrook is 30 years of age or older, it should qualify as encouraging and facilitating the revitalization and reinvestment of multi-family properties that are aging enough to require capital reserve expenditures.

- (4) ***Architectural plans.*** *Are the proposed mass, scale, height, density, volume, materials, colors and detailed design elements of the buildings compatible with, appropriate for or an enhancement of the character of the community and with surrounding buildings?*

STAFF RESPONSE: The building elevations in the preliminary plan show a refinement of the design since the sketch plan review. The accessory buildings now incorporate stone veneer, earthtone colors, barrel vault versus flat roof forms, paneled garage doors with fenestration, and staggered facades which should assist in fitting with the character of the neighborhood.

All the proposed additions for the amenities and parking facilities are considered accessory structures to the existing, principal condominium

buildings. The intended 'MF' district limits principal building heights to 38 feet and accessory structures to 18 feet. The application plans to comply with the 18-foot height limitation for the proposed accessory structures.

The application proposes the height of 40 feet for the existing 15 dwellings be grandfathered. The existing units were constructed up to 40 feet in height per the original 1988 approval. Per the code, these would be considered legal nonconforming structures if the 'MF' rezoning is later approved, provided there is no expansion of a nonconformity.

The exterior materials on the proposed structures are planned to match those used on the recent exterior remodel of the existing townhome buildings. The northerly facing facades of the accessory structures should be analyzed for architectural compatibility, visual interest, blending with surrounding conditions in efforts to mitigate the possible off-site visual impacts of the many garage doors in particular. This could include varied roof forms, exterior materials and colors, staggered facades, as well as the addition of fenestration and trim detailing to avoid a monolithic appearance.

- (5) ***Landscaping and open space. Is the type, amount, size, species and location of proposed landscaping adequate and suitable for the development? Has adequate landscaping been provided as a buffer between uses and around the perimeter of the development? Has the applicant demonstrated that existing vegetation and trees on the site that should be protected will be so protected? Which specific areas of the site will be designated as open space; what is the proposed size, use and landscaping of each area? What are the preliminary plans for the homeowner's association or condominium association to maintain said open space?***

STAFF RESPONSE: The open space on the site is reducing from current approximate 50% to 37%, if not including the buried green roofs planned for most of the garages (or around 45% if including the green roofs). In either case, this is below the original Faraway Ranch standard of 55%. However, it is above the minimum 25% open space noted for the planned 'MF' zone district, which rezoning is required by the code for this type of proposed development. Adjacent owners may have relied on the original open space standard or their most recent approved open space amounts which are generally higher than that proposed by the new, revised Deerbrook redevelopment.

Additional landscape buffering on the driveway/parking level might be desired to provide further screening around the proposed amenity features, but it would further lessen the amount of proposed parking. Although a few shared vehicles or other parking management strategies could mitigate a further parking reduction considering the project has lived with two spaces per unit for over 30 years.

- (6) **Natural hazard areas.** *What is the site specific location and characteristics of any geologic hazards, steep slopes, flood plains and similar hazards on the property? Will any of these natural areas pose a potential threat to life or property? If so, what specific measures will be employed to avoid, minimize or mitigate these dangers?*

STAFF RESPONSE: The site is located on steep slopes (greater than 15%) and there are some geotechnical challenges. Dimensionally, the property measures approximately 337 feet from north to south along Assay Hill, almost 300 feet along the east property line, and about 330 feet from east to west. The grade difference over the Parcel L property ranges in elevation from 8405 feet at the southwest corner to 8350 at the northwest corner along Assay Hill (an approximate 16% gradient) and from 8435 near the southeast corner to 8385 feet, a 50-foot drop along the east property line (an approximate 17% gradient). There are gradients that may be greater than 30% on the south side of the property, likely caused by the construction of Ridge Road, and in between the two previously constructed driveways on the site.

The property is not within a designated floodplain. The specific measures that will be employed to avoid, minimize, or mitigate these hazard areas should be further studied during the respective board reviews. The application includes a Brush Creek Impact Report as determined required during the sketch plan review.

Natural resource / environmental questions may again be the most significant issues to address with the new application. The northwest section corner of the site (where the surface and sub-grade drainage for the existing site and the planned construction area traverses through) is within the Brush Creek Impact Zone. In addition, there is a subarea of the Brush Creek Impact area maps in the 2018 Comprehensive Plan that shows a majority of the Deerbrook site within an '*Extremely Unstable*' area.

The historic drainage from the site flows through the adjacent property (the Timbers) via the existing creek and culvert to Assay Hill then to Brush Creek. A drainage system plans to include new storm sewer lines below the modified driveway with new curb and gutter to collect the drainage from the redevelopment area, direct it to a new combined water quality and detention vault with the northern driveway cul-de-sac, which is designed as recommended for releases at historic rates back to the creek which traverses out through the Deerbrook and the Timbers properties.

In addition, there is a known land slide that occurred in 2003 on the adjacent Timbers common area according to information previously submitted by the fire district. This event impacted the Deerbrook's access road (covered by a plat easement and a new access easement agreement through the Timbers common area property) as well as the adjacent

Timbers units. Certainly, the drainage on the site and the creeks in the area have created their own erosion over the years.

The proposed improvements to be added will need to include mitigation techniques (such as shoring / retaining walls or the garage structures themselves), but the proposed redevelopment will also add some structural weight to a disturbed hillside (albeit also intended for retainage purposes). It should not cause as much excavation or a depression as the earlier three-level parking garage with the initial sketch plan. In contrast to the prior proposal, it would appear that the hillside will be less disturbed than the previously planned construction of a significant underground parking structure and the foundations for six additional units.

Below are the code standards for proposed development on greater than 15% and 30% slopes in Section 16A-4-50(c, d, and e):

*(c) Development Prohibited in Geologic Hazard Areas. No development proposed in any SPA, PUD, subdivision or special review application shall be approved in any area that the Town Council finds, on the basis of competent engineering or geologic data, to be unsuitable for the proposed activity or use due to the potential harm to the public health, safety or welfare that would be posed by mud flow, rock slide, avalanche, steep or unstable slopes or soils, or other geologic hazards, features or conditions.*

*(d) Development Prohibited on Slopes Greater Than Thirty Percent (30%). No development shall be allowed on any slope greater than thirty percent (30%), except in the following circumstances:*

*(1) Ski area improvements. Construction of roads, driveways, ski trails and related ski area improvements including, but not necessarily limited to lift towers, but excluding restaurants and similar structures that are intended for human occupancy, may be allowed on slopes greater than thirty percent (30%).*

*(2) Lots subdivided prior to January 1, 1987. Development may be allowed on lots and within approved building envelopes containing areas of slopes greater than thirty percent (30%) if the lot was subdivided prior to January 1, 1987.*

*(3) Man-made slopes. Development may be permitted on slopes greater than thirty percent (30%) that are the result of minor man-made cutting or filling of an otherwise continuous natural slope.*

*(4) Other circumstances. The Town Council may authorize development on slopes greater than thirty percent (30%) in circumstances not listed above if at least three-quarters ( $\frac{3}{4}$ ) of the members of the Town Council present and voting approve an ordinance finding that:*

*a. The development is unable to avoid the steep slopes, and the reasons therefor; and*

*b. On the basis of competent engineering or geologic reports and data and testimony received, the design and/or construction techniques that will be incorporated within the development will satisfactorily mitigate the risk of potential harm to the public health, safety or welfare.*

*(5) Engineer's opinion. For the Town to allow development under any of the above circumstances, the applicant shall provide an opinion from a professional geotechnical engineer licensed in the State stating that:*

*a. The slope is not prone to instability or failure; or*

*b. The proposed development will not cause greater slope instability or increase the potential for slope failure, and that therefore, there will be no significant risk that damage to adjacent property will result from the proposed construction.*

*Avoid Activities Which May Affect Stability on Slopes Greater Than Fifteen Percent (15%). Development activities that decrease the stability of any slope that is greater than fifteen percent (15%) shall be avoided. These activities include, but are not limited to, activities that add water to a slope, activities that add weight to the top of a slope and activities that steepen the existing grade of a slope.*

STAFF RESPONSE: Currently, the site has some areas that are greater than 30% slopes, but it was represented as man-made disturbance in the application as the pre-development slopes were shown at less than 30%. However, the code provides further differentiation and requires that these man-made disturbances only be minor. It could be interpreted that the Ridge Road cut through the area was a major disturbance event. However, the new development may trigger compliance with the code's steep slope standards because the development parameters for the Deerbrook Townhomes were amended and approved in 1988. Further, Parcel L, Deerbrook Subdivision was re-platted as a standalone plat in 1989 after the January 1, 1987 cut off which triggers compliance with the standards. The applicant's view was that this re-plat was essentially reestablishing Parcel L from the 1985 Faraway Ranch Gross Parcel Plat.

A comprehensive Engineering Report is provided in the Preliminary Plan application. This report include sub-reports on utilities (electricity, gas, fiber optic, and telephone lines), clearing and drainage information, roadway and site improvements, a geotechnical report describing soil conditions, drainage measures, slope information, overall recommendations, and a construction timeline.

Mancos shale is in the area and groundwater will likely be present during the excavation and dewatering and storm discharge permits might be needed.



- (7) ***Natural Resource Areas.*** *What is the site specific location and characteristics of any wildlife habitat areas, riparian areas, wetlands and other valued natural features on the property? What are the anticipated impacts of the proposed development on these features? Has the proposed development been designed so it will comply with the standards of this Development Code that apply to these natural resource areas?*

STAFF RESPONSE: The northwest corner of the site touches the Brush Creek Impact Area according to the Town's Comprehensive Plan, Map 6.6, Brush Creek Impact Zones,' on pages 68 and 69. The site is mostly within an 'Extremely Unstable' area according to the Brush Creek Impact Zone map. Per the municipal code standards, the application includes a Brush Creek Impact Report. Its findings and recommendations are consistent with the Engineering Report findings and recommendations in the application. Minimal impact is expected within the Brush Creek corridor.

- (8) ***Grading and drainage.*** *What is the extent of soil and vegetation disturbance planned for the site? How will disturbed areas be stabilized both during construction and following completion of the project? Where will excavated materials be stockpiled? Will any retaining structures be employed and, if so, what will be their design specifications and materials? How will storm water be handled both during construction and following completion of the project?*

STAFF RESPONSE: This will be one of most important matters to evaluate during the course of the review, including how the surface and sub-surface water moves through the site. The application anticipates maintaining the historic runoff rates and has proposed a combined water quality systems and a detention vault to divert drainage to the existing creek which traverses through the Deerbrook and the Timbers' properties, then enters an inlet which conveys storm water via a culvert to Assay Hill.

- (9) ***Transportation impact.*** *How many vehicle trips will be generated, and what is the anticipated public transportation ridership from the proposed development? What is the capacity of the intersections that the proposed development will impact? What will be the impacts of the proposed development on the Town's public transportation system, road capacities and parking facilities and how will these impacts be mitigated? What measures will the project employ to ensure that following development roadways within the Town will continue to function at the adopted level of service standard? Have roads on- and off-site been designed in a safe and efficient manner, to connect the site to other activity areas and destination points?*

STAFF RESPONSE: With no new units there will be no new vehicle trips being generated. No additional impacts are foreseen on nearby roadways and intersections. The applicant proposes no modifications to the driveways on the site other than to possibly increase the cul-de-sac area from a 69-foot to a 70-foot radius and widen the driveways by approximately 7 feet to

30-feet in width, likely to create more backout room and sight-distance for the new garages and height clearances for emergency equipment under the roof overhangs.

- (10) **Necessary facilities.** *Has the applicant provided detailed engineering plans and reports demonstrating the type, location and capacity of the water supply, sewage disposal, solid waste disposal, fire protection and other necessary facilities that will be constructed to serve the project? Will needed public facilities and services be made available concurrently to offset the potential impacts of such development?*

STAFF RESPONSE: Civil plans and a solid waste plan have been provided in the application materials, although no significant impact on water usage is envisioned other than for primary seasonal use for the proposed pool and fitness center.

- (11) **Pace and phasing.** *Has the applicant provided a sufficiently detailed phasing proposal to ensure that the development phasing will occur in an efficient and orderly manner with consideration given to construction and other impacts to the community? Have all phases, including the initial phase, been designed to sustain itself and function as a complete development not reliant on subsequent phases to operate in an efficient and orderly manner? Has the applicant provided a reasonable contingency plan to mitigate impacts resulting from any possible interruption of construction as it would affect the community as a whole?*

STAFF RESPONSE: The proposed development is intended for completion in one phase and anticipated for construction from April 2024 through August 2025. The excavation, site regrading, and concrete work would occur the first year, with the exterior and interior finish work mostly occurring the second year and ending with surface related improvements. The process requires segmented construction on different areas of the site for the proposed structures and surface improvements.

- (12) **Restricted housing.** *What is the specific mix and configuration of housing that will be provided to meet the Town's restricted housing requirements? What guarantees has the applicant agreed to provide to ensure that such housing will be available at the time it has been required by the Town?*

STAFF RESPONSE: With no new units proposed, and the redevelopment credit applied to the proposed accessory structures, there is no restricted housing mitigation required. The proposed ancillary uses are planned to serve the existing condominium units.

- (13) **Fiscal impact.** *Will the proposed development have a positive or negative fiscal impact upon the Town and other taxing districts that provide services to it? If the proposal is shown to have a negative fiscal impact, then what measures will the applicant employ to mitigate those costs?*



STAFF RESPONSE: With no new units proposed, the fiscal impact for expenditures will be negligible but may slightly improve revenue due to the increase of assessed values for the renovated existing units as well as for the proposed amenity features if constructed.

- (14) ***Energy conservation.*** *What will be the energy utilization of the significant energy-consuming elements of the project (such as heating systems, swimming pools, saunas, Jacuzzis, etc.). What specific active and passive techniques will the development employ to promote energy conservation and take advantage of solar and alternative energy source opportunities?*

STAFF RESPONSE: A snowmelting system is proposed for the driveways, pool deck and exterior stairs on the Deerbrook site. The project would be subject to the Renewable Energy Offset Program (REOP) at the time of building permit review. High efficiency boilers and a retractable thermal cover for the pool are planned. The Exhibit 9 Energy Utilization report in the preliminary plan application calculates the energy consumption and indicates the provision of electric vehicles and Level 2 type chargers.

- (15) ***Air quality.*** *What will be the primary sources of air pollution from the project? What will be the quantity and composition of pollutants that will be discharged on a daily and seasonal basis and what are the dispersal qualities of the site that will affect the pollutants that are generated? What geographic area will be impacted by these pollutants? What techniques will the development employ to reduce the impacts of these pollutants?*

STAFF RESPONSE: This item will be studied with the review of the construction management plan. No significant pollution from additional traffic is anticipated with the proposed accessory structures since no new units are envisioned. The impacts are anticipated with the construction activities. The application was referred to the Town's environmental consultant for review and comments and are included for reference.

- (16) ***Construction management plan.*** *What is the proposed plan for phasing of the project? What is its construction schedule? What measures will be employed to mitigate construction impacts?*

STAFF RESPONSE: The phasing, construction schedule and measures employed to mitigate construction impacts should be confirmed during the review by the town boards. It should be determined or confirmed if the existing units are planned to be unoccupied during the construction.

- (17) ***Community welfare.*** *Does the proposed development in its totality promote the public health, safety and welfare?*

STAFF RESPONSE: This is different from Community Purpose offerings or contributions to justify proposed Variation requests, if proposed. The addition of development and material weight to the hillside might remain a topic of concern in addressing the best interest of the public health, safety and welfare given past and current conditions, such as the stream through

the site, or the surrounding areas. Further, the potential for landslides on unstable slopes could pose a safety issue for the existing residents if the access road is again inundated. The project will require implementation of the engineering recommendations to meet these tests.

**REFERRAL AGENCY REVIEW COMMENTS  
WITH TOWN STAFF & APPLICANT RESPONSES**



**TO:** DAVE SHINNEMAN, DIRECTOR OF COMMUNITY DEVELOPMENT  
JIM WAHLSTROM, SENIOR PLANNER  
**FROM:** MIKE HORVATH, TOWN ENGINEER  
**SUBJECT:** DEERBROOK TOWNHOMES– MAY 2023 SUBMITTAL  
**DATE:** JUNE 29, 2023  
**CC:** CLINT KINNEY, TOWN MANAGER

In reference to the Deerbrook Townhomes application for Preliminary Plan submitted in May 2023 the following comments are being submitted:

**Comments:**

1. **Shoring Plans:** The soil nails on the southern wall extend into a Holy Cross Electric Easement. The western side of the southern micropile wall is within the Holy Cross Easement. Please provide Holy Cross approval for these encroachments at Final Design.
2. **Shoring Plans:** The northern soil nails extend into the existing location of a water line. Protection of this water line is required. Please provide Snowmass Water and Sanitation District approval for this layout at Final Design.
3. **Shoring Plans:** The Lower Garage Wall Station 0+50 cross section depicts grading outside of the property. The grading is within the driveway easement, but easement language doesn't appear to allow for this type of encroachment. Please provide approval for this at Final Design.
4. **Shoring Plans:** Note for micropile wall states no heavy traffic (cranes, concrete trucks, etc.) within 8' of face of wall. The cone of influence from Ridge Rd appears to be in proximity of this limit. Please verify that Ridge Rd traffic will not impact wall or wall is designed for heavy loading on Ridge Rd at Final Design.
5. **Erosion Control Plans:** Inlets need to be protected once installed for the duration of project. Please note this on building permit plans.
6. **Drainage Plans:** Final pipe of storm water daylight is designed 0%. Industry standard is 0.5% minimum slope. Please adjust this pipe slope.
7. **Drainage Plans:** Storm main is within 10' of water line. Please verify with SWSD this is allowed for Final Design.
8. **Drainage Plans:** Manholes within 8' of water line. Please provide an insulation detail at time of building permit.
9. **Drainage Plans:** The ADS detention system recommends designing for the buoyant forces from ground water below the vault. Please incorporate this design into building permit plans/reports.
10. **Drainage Plans:** With detention of the 25-yr storm, please confirm the downhill swale and pipe that the overflow ties into have capacity during events not fully detained in the Final Design submittal.
11. **Drainage Plans:** The discharge pipe from the ADS unit daylights nearly perpendicular to the flowline of the drainage ditch. Please adjust design to soften that angle of entry into the ditch at building permit
12. **Drainage Plans:** Please include all drainage calculations with building permit submittal.

13. **Drainage Plans:** Please include all drainage details (manholes, pipe bedding, etc.) with building permit submittal.
14. **Engineering Report:** On page 10 the report states, “This project does not does worsen conditions off of Ridge Rd.” Please verify that the project will not worsen the condition adjacent to Ridge Rd and provide a report at Final Design that verifies slope stability and safety adjacent to Ridge Rd will not be decreased on any level due to the construction associated with this proposal.
15. **General Comment:** This development shall not negatively affect access to adjacent properties through grading or other improvements that would limit access in the future.
16. **General Comment:** The as-built to include all features of the storm water system including the detention vault and sand oil separator at time of CO application.



# **Dunlop Environmental Consulting, Inc.**

## **Environmental Public Health Planning for the Future**

June 19, 2023

Town of Snowmass Village  
Community Development Department  
Jim Wahlstrom, Sr. Planner  
PO Box 5010  
130 Kearns Road  
Snowmass Village, CO  
81615

Re: Deerbrook Townhomes Preliminary Plan Review

Dear Mr. Wahlstrom,

At your invitation, Dunlop Environmental Consulting, Inc. (DEC) has reviewed the above-mentioned application and offers the following findings. This review is focused on the applicant's response to an earlier review dated June 22, 2020.

Project summary: This application differs from the development that was proposed in 2020. This version does not include more dwelling units which minimizes some of the concerns expressed in my earlier review. The total dwelling units will be a cluster of 3 buildings housing 5 units in each for a total of 15 units. The current land use plan under review will involve improved parking, driveway widening, a swimming pool/therapy tub and fitness center. The pools and fitness center will be for owners and guests only, no public access.

Construction will be completed in one phase, Spring 2024-Spring 2025. Should unforeseen conditions develop, the applicant will approach the TOSV to review options.

The following format mirrors my June 22, 2020 report, but with updated findings.



## **Construction Management Plan (CMP)**

The current application contains a CMP dated May 10, 2023. While detailed, more information relative to certain parts of the CMP will be forthcoming during the construction permitting phase as stated in the application. For example, there will be sound barriers constructed during shoring operations. The “Sound Transmission Classification” (STC) ranking for the barriers should be provided. A more detailed discussion around construction noise will be provided once timing, equipment and excavation techniques are finalized. Snow removal storage will be refined and described at building permit issuance.

In summary at this stage of development, the CMP in this application is acceptable with more details to be provided later as the applicant has committed to in various sections.

## **Water Quality**

As the result of the discussion of this application in 2020, the applicant agreed to submit a Brush Creek Impact Area Study (BCIA). A detailed report of findings was developed by West Elks Ecological Consulting dated Feb 10, 2023 and is included in this application. The BCIA contains a good summary of current conditions of the Brush Creek reach as it passes the Deerbrook Townhomes. The findings include a summary of water treatment processes proposed for storm water, garage drainage and surface flow. Reference to findings in reports from Sopris Engineering and CTL Thompson included in this application are reinforced in the BCIA.

The BCIA Study concludes that the proposed project will have “...minimal to non-existent” impact on Brush Creek. For purposes of compliance with the BCIA Study requirement, the West Elks report satisfies the requirement. However, careful attention to all recommended water quality protective measures from various consultants should be monitored during construction to confirm earlier performance conclusions.



## **Storm Water Discharge**

During the 2020 review of the Deerbrook Townhomes application, Sopris Engineering was in the process of developing a site drainage plan. For this application a detailed report of storm water discharge management dated March 20, 2023 by Sopris Engineering was reviewed. In summary, the report of findings discusses storm water collection, retention, capacity, treatment and discharge. Calculations including soft and hard surface sources of runoff are defined. Surface and sub-surface collection, transport and treatment using oil/sand separators and advanced mechanical separators prior to discharge addresses my earlier request for complete designs.

## **Air Quality**

With no additional dwelling units proposed, no additional concerns are raised that there will be an increase in air quality deterioration resulting from this project when completed. During construction, however, attention must be paid to the Fugitive Dust Control Plan (FDCP) proposed in the Construction Management Plan. Currently the contractor response to a fugitive dust event is to notify the TOSV within 2 hours of noticing off-site transport of dust. It is suggested language be changed to reflect the importance of such an event happening. Suggested change is "Once a construction manager notices off-site transport of dust from the site, that person will immediately take predetermined steps to control the dust." This can include putting resources such as water trucks, hoses, traffic stops, etc to immediate use. Notifying the TOSV can occur after corrective action has been initiated. Waiting 2 hours is an unacceptable time to initiate action.

## **Noise**

Noise management will be addressed in the final CMP. Since the project no longer anticipates blasting into bedrock, earlier questions asked regarding blasting are no longer relevant.

## **General**

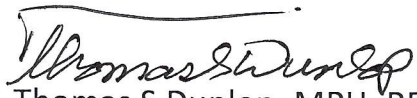
There is mention that pool chemicals will be stored on the property. Will there be a floor drain in the chemical storage room? If so, where will it drain? Should an

upset condition occur in the mechanical room, where will the space ventilation system exhaust?

Under the energy use discussion in the application, 25,000 sq ft of surface area will be snow melted. The applicant is encouraged to provide discussion of the mechanical workings of a snow melt system. For example, storage room, volume balance tanks, pumps, product to be used, which areas will be snow melted, etc.

This concludes findings for this Preliminary Plan review.

Sincerely,

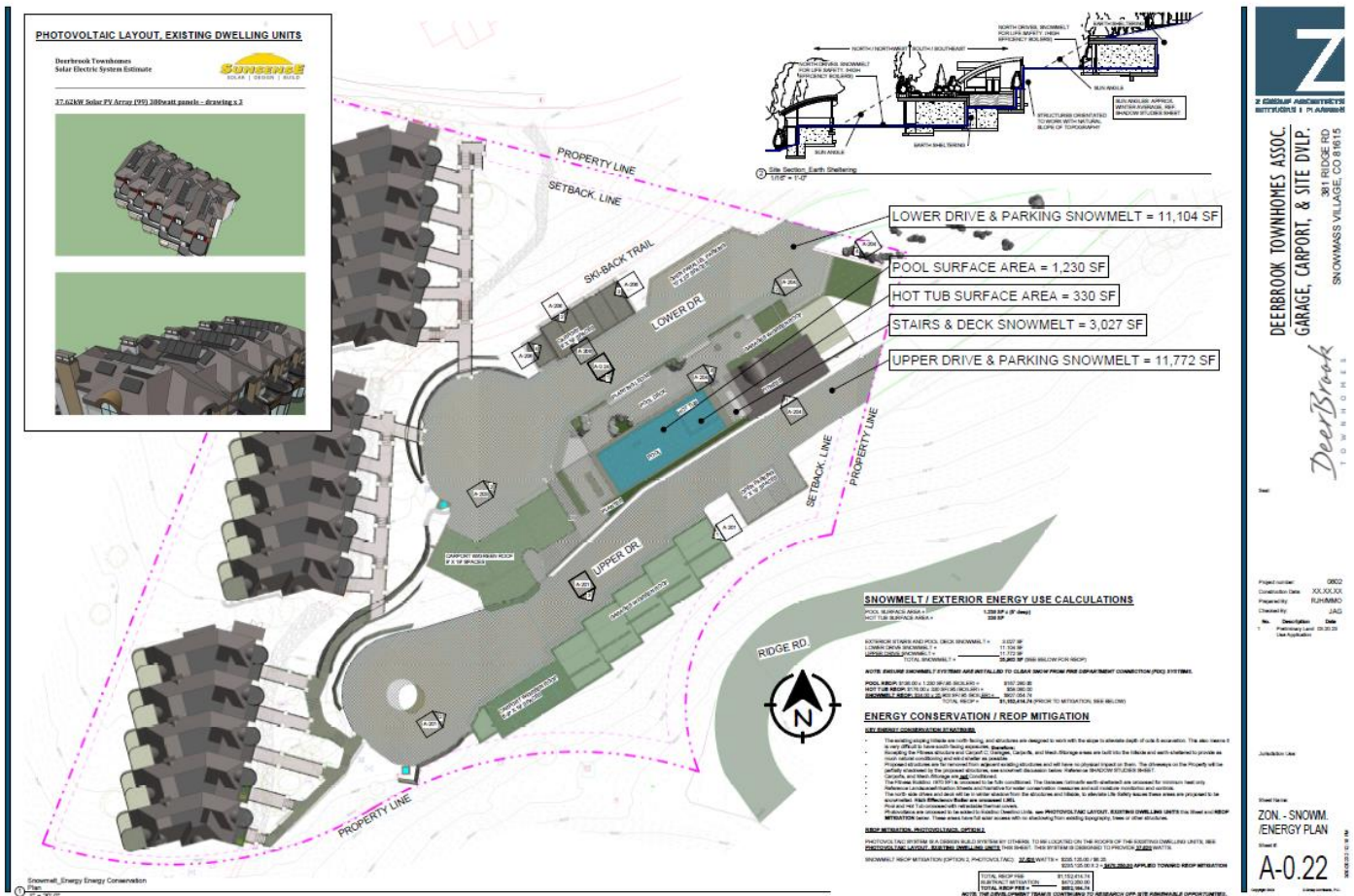
  
Thomas S Dunlop, MPH, REHS  
President

**From:** Jim Wahlstrom <jwahlstrom@tosv.com>  
**Sent:** Tuesday, June 20, 2023 10:12 AM  
**To:** dunloper <dunloper@aol.com>  
**Cc:** Mike Metheny <mmetheny@tosv.com>  
**Subject:** RE: Deerbrook LUR

Hello Tom,

Thank you for the review comments on the Deerbrook Townhomes preliminary plan application. We will plan to forward to the Applicant and then later to the Town decision makers.

At the DRT meeting I mistakenly referenced the civil plans for the snowmelt drawings and calculations. They are instead within the Architectural set, on Sheet A-0.22 (page 8 of the set), per excerpt copied below, which also includes the REOP calculations and copying Mike Metheny on as well:



Let me know if you should have any updates to the review comments.

Thanks, Jim

**From:** Andy Worline <AWorline@tosv.com> - **TOWN PARKS, OPEN SPACES, TRAILS & RECREATION**  
**Sent:** Friday, June 16, 2023 7:17 AM  
**To:** Jim Wahlstrom <JWahlstrom@tosv.com>; Dave Shinneman <dshinneman@tosv.com>  
**Cc:** jmele@swfpd.com  
**Subject:** RE: Deerbrook Townhomes Preliminary Plan application

Jim ,

As discussed, the Town and RFFR would like to request a trail easement (summer only) on the noted ski back trail through the Deerbrook property. This would allow additional fire and safety access to the site and also additional trail connections throughout the Town. Following our trail easement standards, we are requesting a 20' trail easement granted to the Town located on the current ski back access. Let me know if you have any questions or need additional information. Thank you. Andy

**From:** John Mele <[JMele@roaringforkfire.org](mailto:JMele@roaringforkfire.org)> - **ROARING FORK FIRE RESCUE (SWFPD)**  
**Sent:** Friday, June 16, 2023 8:00 AM  
**To:** Andy Worline <[AWorline@tosv.com](mailto:AWorline@tosv.com)>  
**Cc:** Jim Wahlstrom <[JWahlstrom@tosv.com](mailto:JWahlstrom@tosv.com)>; Dave Shinneman <[dshinneman@tosv.com](mailto:dshinneman@tosv.com)>  
**Subject:** Re: Deerbrook Townhomes Preliminary Plan application

Andy,

This looks appropriate for us. I'm trying to find an actual civil plan that shows this proposed easement. Is there a plan that shows this or would one be created if approved?

John

**From:** Jim Wahlstrom <JWahlstrom@tosv.com> - **TOWN COMMUNITY DEVELOPMENT DEPARTMENT**  
**Sent:** Friday, June 16, 2023 9:11 AM  
**To:** John Mele <[JMele@roaringforkfire.org](mailto:JMele@roaringforkfire.org)>; Andy Worline <[AWorline@tosv.com](mailto:AWorline@tosv.com)>  
**Cc:** Dave Shinneman <dshinneman@tosv.com>; jjc@mountainlawfirm.com  
**Subject:** RE: Deerbrook Townhomes Preliminary Plan application

Hello John,

Attached is the private ski trail easement granted by other parties in 1985 to the Ridge Condominium Association. The Town might need their permission so copying Jeff to see what he thinks. The easement agreement didn't come with a map exhibit (other than a legal description), but the ski trail is shown more definitively on Sheet C-1.1 of the Civil plan set and referenced as a separate Exiting Conditions map per the excerpts below. One of the plans state it is referenced on the Deerbrook Subdivision, but it is not per the copy further below.





**From:** Jim Wahlstrom – **TOSV COMMUNITY DEVELOPMENT DEPARTMENT**

**Sent:** Friday, June 16, 2023 9:26 AM

**To:** Andy Worline <AWorline@tosv.com>; jmeJMele@roaringforkfire.org

**Cc:** Dave Shinneman <dshinneman@tosv.com>; jjc@mountainlawfirm.com

**Subject:** FW: Deerbrook Townhomes Preliminary Plan application

Found this note at the bottom of the Deerbrook Subdivision plat FYI:

## NOTE:

PARCEL L AS SHOWN HEREON IS BURDENED WITH A SKI EASEMENT FOR THE BENEFIT OF THE OWNERS OF UNITS IN THE RIDGE CONDOMINIUM AS IS MORE PARTICULARLY SET AND DESCRIBED IN INSTRUMENT RECORDED IN BOOK 511 AT PAGE 673 OF THE PITKIN COUNTY REAL PROPERTY RECORDS.



**From:** Jeffrey J. Conklin <jjc@mountainlawfirm.com> - **TOWN ATTORNEY'S OFFICE**

**Sent:** Monday, June 19, 2023 4:50 PM

**To:** Jim Wahlstrom <JWahlstrom@tosv.com>; Andy Worline <AWorline@tosv.com>; jmeJMele@roaringforkfire.org

**Cc:** Dave Shinneman <dshinneman@tosv.com>

**Subject:** RE: Deerbrook Townhomes Preliminary Plan application

Hi everyone,

The 1985 Easement Agreement is a non-exclusive easement for "skier access and pedestrian purposes". The property owners could use or grant other easements over this area so long as it would not unreasonably interfere with the grantee's (Ridge Condo Association) use of the easement area. The requested summer trail over the easement area would not be in conflict with the uses under the existing easement. Paragraph 4 of Easement Agreement more or less reflects that reservation of right to the grantor and does not preclude a future grant.

One issue, however, is that Paragraph 5 of the Easement Agreement obligates the Ridge Condo Association to maintain the easement area and specifically states that if the grantor authorizes any additional users of the easements, then the costs must shared in proportion with the average number of users. This provision would need to be acknowledged in any future grant of easement and agreed to with the Condo Association when implemented. Just an idea, but it perhaps the Town would take over summer-only maintenance of the easement area?

Happy to discuss.

Thanks,

Jeff

**Karp.Neu.Hanlon<sup>PC</sup>**  
ATTORNEYS AT LAW

**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](mailto:jjc@mountainlawfirm.com) | [www.mountainlawfirm.com](http://www.mountainlawfirm.com)

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**From:** Jim Wahlstrom <[JWahlstrom@tosv.com](mailto:JWahlstrom@tosv.com)> - **TOSV COMMUNITY DEVELOPMENT DEPARTMENT**  
**Sent:** Tuesday, June 20, 2023 10:21 AM  
**To:** Jeffrey J. Conklin <[jjc@mountainlawfirm.com](mailto:jjc@mountainlawfirm.com)>; Andy Worline <[AWorline@tosv.com](mailto:AWorline@tosv.com)>; [jmeJMele@roaringforkfire.org](mailto:jmeJMele@roaringforkfire.org)  
**Cc:** Dave Shinneman <[dshinneman@tosv.com](mailto:dshinneman@tosv.com)>  
**Subject:** RE: Deerbrook Townhomes Preliminary Plan application

Hello Jeff,

Thank you very much for this insight into the current easement agreement language. I may also forward your comments to the Applicant and include in the staff report to the town decision makers later if you're acceptable to that. Looks like a consent from the Ridge Condos will be needed.

Jim

**From:** Jeffrey J. Conklin <[jjc@mountainlawfirm.com](mailto:jjc@mountainlawfirm.com)> - **TOSV TOWN ATTORNEY**  
**Sent:** Tuesday, June 20, 2023 10:27 AM  
**To:** Jim Wahlstrom <[JWahlstrom@tosv.com](mailto:JWahlstrom@tosv.com)>; Andy Worline <[AWorline@tosv.com](mailto:AWorline@tosv.com)>; [jmeJMele@roaringforkfire.org](mailto:jmeJMele@roaringforkfire.org)  
**Cc:** Dave Shinneman <[dshinneman@tosv.com](mailto:dshinneman@tosv.com)>  
**Subject:** RE: Deerbrook Townhomes Preliminary Plan application

Sure thing. Ridge Condos does not need to consent to the grant of the easement itself, but the parties would need to work out maintenance responsibilities (and costs thereof).

Thanks,

Jeff

**Karp.Neu.Hanlon<sup>PC</sup>**  
ATTORNEYS AT LAW

*Jeff Conklin, Partner/Shareholder*

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

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| [jjc@mountainlawfirm.com](mailto:jjc@mountainlawfirm.com) | [www.mountainlawfirm.com](http://www.mountainlawfirm.com)

**From:** Tim Malloy <tim@tgmally.com> - **DEERBROOK THs APPLICANT CONSULTANT**

**Sent:** Monday, June 5, 2023 7:25 PM

**To:** Jim Wahlstrom <JWahlstrom@tosv.com>; John Howard <johnhoward@willowcreekms.com>

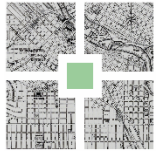
**Cc:** Barclay Miller <barclay@claylorcapital.com>; Randy Henrie <randy@zgrouparchitects.com>

**Subject:** RE: Deerbrook THs Prel Plan

Hi Jim. We'll add some notes to the drawings to clarify the width and location of the gravel path and where the finished grade is on the elevation drawings. I'll send you an email when those changes have been made to let you know where you can find them.

The gravel path will be adjacent to the existing pavement edge of the driveway so it will be added to the overall driveway width.

Tim



**TGMC, llc**

Land Use Planning ■ Site Design ■ GIS Analysis ■ Public Process

Tim Malloy, Principal

402 Park Drive

Glenwood Springs, CO 81601

Office: 970-945-0832

Mobile: 970-618-6097

[tim@tgmally.com](mailto:tim@tgmally.com)

**From:** Jim Wahlstrom <[JWahlstrom@tosv.com](mailto:JWahlstrom@tosv.com)> - **TOSV COMMUNITY DEVELOPMENT DEPARTMENT**

**Sent:** Monday, June 5, 2023 2:50 PM

**To:** Tim Malloy <[tim@tgmally.com](mailto:tim@tgmally.com)>; John Howard <[johnhoward@willowcreekms.com](mailto:johnhoward@willowcreekms.com)>

**Cc:** Barclay Miller <[barclay@claylorcapital.com](mailto:barclay@claylorcapital.com)>; Randy Henrie <[randy@zgrouparchitects.com](mailto:randy@zgrouparchitects.com)>

**Subject:** RE: Deerbrook THs Prel Plan

Tim,

Thank you for the response. We will likely include it with the staff report along with other review comments received, which will be forwarded as they are received. We anticipate additional review comments throughout the review or included with the upcoming reports to the decision makers.

We saw that access language too in the agreement but uncertain of its provision since a walkway is not specified, shown, or labeled in the easement agreement exhibit, so thanks for confirming otherwise. We also saw the photo/notes detail below on last page of the landscape plan and thought the concrete slate (versus gravel path) appeared akin to a driveway border rather than a pedestrian walkway. Would the 3-4' width envisioned for the paths (which is not dimensioned in the drawing sets) be part of the existing driveway width upon repaving (or not if gravel proposed) or added to the existing driveway width? We interpret 'adjacent' as being in addition to the existing driveway width.



If the gray tone of the building elevations are the below-grade foundation walls perhaps it should be noted as such or illustrated where the finished grading occurs. I didn't view it that way at first glance.

Jim

**From:** Tim Malloy <[tim@tgmally.com](mailto:tim@tgmally.com)> - **DEERBROOK THs APPLICANT CONSULTANT**  
**Sent:** Friday, June 2, 2023 6:10 PM  
**To:** Jim Wahlstrom <[JWahlstrom@tosv.com](mailto:JWahlstrom@tosv.com)>; John Howard <[johnhoward@willowcreekms.com](mailto:johnhoward@willowcreekms.com)>  
**Cc:** Barclay Miller <[barclay@claylorcapital.com](mailto:barclay@claylorcapital.com)>; Randy Henrie <[randy@zgrouparchitects.com](mailto:randy@zgrouparchitects.com)>  
**Subject:** RE: Deerbrook THs Prel Plan

Jim – thanks for the update regarding referral.

Regarding your question related to the off-site walkway that passes through the Timbers Club property within the "Driveway Easement Area" and the "Area Outside of Easement" we point out the following language from the Driveway Easement Agreement:

**From Paragraph 1. Grant of Driveway Easement Area.**

*"The Driveway Easement Area shall be used for all forms of surface travel, access, ingress and egress to the Grantee Property, and all parts thereof..."*

**From Paragraph 2. Right to Use Area Outside of Easement.**

*"Grantee shall have the nonexclusive right to access and use that portion of Grantor Property constituting ten (10) feet on either side of the Driveway Easement Area (the "Additional Use Area") for the purpose of snow storage and for maintenance, repair and/or replacement of the driveway and utilities located in the Driveway Easement Area or adding additional improvements not inconsistent with this Easement Agreement in the Driveway Easement Area."*

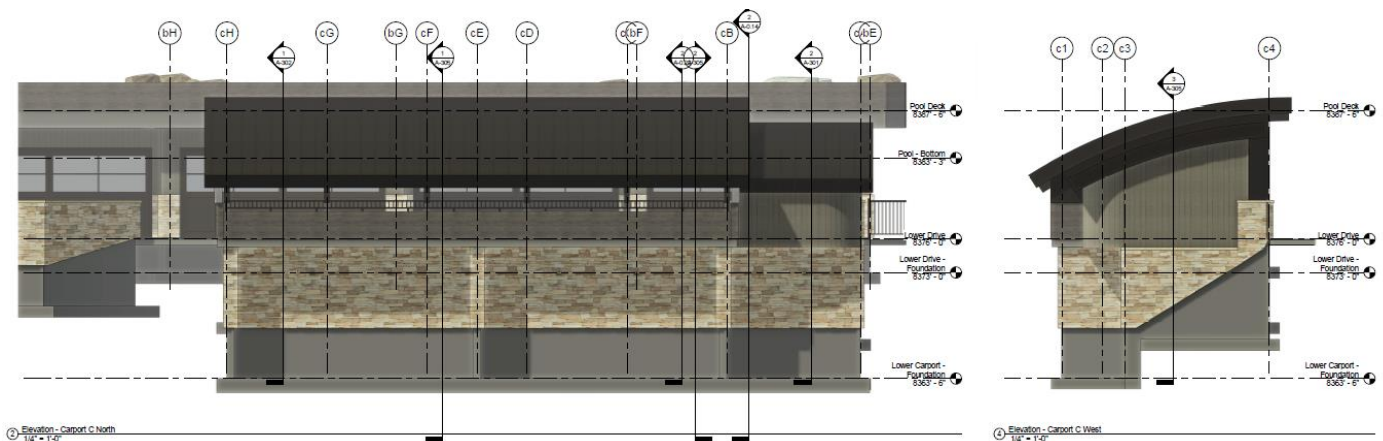
The first excerpt allows "all forms of surface travel" within the Driveway Easement Area, which includes pedestrian travel and improvements related thereto, as provided for in the following language contained in paragraph 3... "Grantee may perform such road *and/or* entranceway improvements from time to time at its sole expense." These provisions apply to the area highlighted in amber in the image below, which includes the triangular area between the upper and lower drives. As you can see, this covers a large portion of the proposed pedestrian path. The excerpt from Paragraph 2 of the Agreement addresses the uses allowed within the area outside of the Driveway Easement Area. This includes everything outside of the amber-highlighted area and inside the dashed line on the image below. The underlined language in this excerpt allows "adding additional improvement not inconsistent with uses allowed within the Driveway Easement Area", which, as mentioned above, includes all forms of surface travel. It was Deerbrook's clear understanding that, when considered together, these provisions allowed for installation of the pedestrian path and related grading (which should be minimal), as well as other entranceway improvements, such as landscaping and signs.

While the Timbers Club letter states that they provide their "full, unequivocal support for the proposed Deerbrook Project", we continue to work them on the engineering review and other matters related to the project and will provide more information from them regarding the pedestrian path issue, if necessary. In addition, we fully expect the Timbers Club to participated in the Town's review process and expect that they will provide any further clarifications they wish during that process.

Regarding the design of the pedestrian path, the intent is that this will be a very simple 3 to 4-foot gravel path that will likely only be used in summer. The path is intended to be adjacent to the uphill side of the driveway and, as stated in the application, will have a gravel surface. The area where the path is shown on the image below is already relatively level and could accommodate the path with minimal grading. The driveway is intended to remain as it is today and will only be repaved after construction of the proposed improvements. No curb & gutter or retaining walls are proposed or anticipated along the driveway or in association with the pedestrian path. Further information regarding drainage on the uphill side of the driveway and path could be provided, if needed, or this could be addressed during the building permit review.



Regarding your question related to the retaining walls below the parallel parking spaces and Carport C, I think you may be responding to the elevations shown on Sheet A-206 (see below). The exposed portion of these walls below the stone cladding will be backfilled and landscaped as shown on the landscape plans. These walls will be clad with a stone veneer all the way to the ground, so the lower edge of the stone cladding represents the top of the finished grade. If this does not address your concern, let's discuss next week. If need be, I can have Randy Henrie join the conversation. Hope this helps!



Tim





**TGMC**, llc

Land Use Planning ■ Site Design ■ GIS Analysis ■ Public Process

Tim Malloy, Principal

402 Park Drive

Glenwood Springs, CO 81601

Office: 970-945-0832

Mobile: 970-618-6097

[tim@tgmalley.com](mailto:tim@tgmalley.com)

**From:** Jim Wahlstrom <[JWahlstrom@tosv.com](mailto:JWahlstrom@tosv.com)> - **TOSV COMMUNITY DEVELOPMENT DEPARTMENT**

**Sent:** Friday, June 2, 2023 11:53 AM

**To:** Tim Malloy <[tim@tgmalley.com](mailto:tim@tgmalley.com)>; John Howard <[johnhoward@willowcreekms.com](mailto:johnhoward@willowcreekms.com)>

**Subject:** Deerbrook THs Prel Plan

Hello Tim,

We have gotten the application referred to the referral agencies as of May 30, and have requested written review comments by June 30.

After reading through the new private driveway easement agreement, we are wondering how the planned off-site walkways and connections from the Deerbrook property to Ridge Road would be physically accommodated if the language in the agreement doesn't specifically reference it or show the walkways in the exhibit. It seems the area outside the roadway is reserved for specific uses, and a walkway might need some regrading or retainage to accommodate it, if even allowed under the easement agreement other than a reference to 'surface travel.' If the applicant feels it is addressed in the agreement, then pinpoint the language and/or the exhibit graphic where you think it is allowed.

However, the walkway connection was an item the Applicant agreed to or acknowledged during the sketch plan review. I think we are going to need some further detailing of the walkway design, cross-sections, how re-graded, surface treatment, curb & gutter, retainage, etc. re: how incorporated. We'd like to know in advance if the adjacent owner is in concurrence with the proposed off-site walkway. Their letter of support does not reference the proposed walkways.

I was also viewing the lower portion of the northerly retaining wall for the parallel parking spaces and the carport (at least in profile view). It didn't appear that these walls, below the stone cladding had any design detailing, unique art or finished cladding that I could tell (pursuant to the prior issues addressed), unless I'm looking at a different drawing or perspective, or not visualizing it correctly.

Jim



**Jim Wahlstrom, Senior Planner, AICP**

Town of Snowmass Village

P.O. Box 5010, 130 Kearns Road

Snowmass Village, CO 81615

p. 970.923.5524 ext. 635

[jwahlstrom@tosv.com](mailto:jwahlstrom@tosv.com)

**From:** Jim Wahlstrom <[JWahlstrom@tosv.com](mailto:JWahlstrom@tosv.com)> - TOSV COMMUNITY DEVELOPMENT DEPT, 2<sup>ND</sup> ROUND COMMENTS  
**Sent:** Wednesday, July 5, 2023 11:05 AM  
**To:** Tim Malloy <[tim@tgmally.com](mailto:tim@tgmally.com)>; John Howard <[johnhoward@willowcreekms.com](mailto:johnhoward@willowcreekms.com)>  
**Cc:** Dave Shinneman <[dshinneman@tosv.com](mailto:dshinneman@tosv.com)>  
**Subject:** Deerbrook THs Prel Plan - CDD & other review comments

Hello Tim, John,

We are in the process of collecting review comments from affected town departments, districts, and other referral agencies. Attached are comments received this far. We may forward these comments to the Planning Commission and Town Council for reference during the joint meeting presentation by the Applicant on July 17. This may include a summary staff report update (likely addressing the code's Preliminary Plan's Review Intent and Issues portion first considering the secondary directive resolution that is required); however, this meeting is not intended to be an evaluation review, but for application presentation only. We will subsequently follow up with a complete compliance report during their separate reviews.

Below are additional Community Development Department comments, although most of our comments, findings and recommendations will be included in the upcoming staff reports to the Planning Commission and Town Council, intended for their separate evaluation reviews later.

**Geology.** After reviewing the geologic report information in the main Engineering Report, we cannot find specifically where the code standards in Section 16A-4-50 below have been met if this could be further addressed. This is with the understanding that the 30% slope conditions on the property may have been man-made. It seems important to have this in hand prior to proceeding a Final Plan stage, in particular that the report under, 'Geologic Setting and Hazards,' states: *"Based on our field investigation, observations, and experience, we believe the potential for slope instability exists at the subject site."* Also, it states under the 'Sub-excavation and Structural Fill' and the 'Foundations' sections: *"The fill and natural sandy clay soil have significant potential for differential movement under building foundation loads. Furthermore, supporting buildings on variable subsurface conditions increases the potential for differential movement."*

*(e) Avoid Activities Which May Affect Stability on Slopes Greater Than Fifteen Percent (15%). Development activities that decrease the stability of any slope that is greater than fifteen percent (15%) shall be avoided. These activities include, but are not limited to, activities that add water to a slope, activities that add weight to the top of a slope and activities that steepen the existing grade of a slope.*

As per the report, a condition will likely be drafted in the decision-marking documents later indicating that a representative of the applicant's geotechnical team should be called to observe conditions in the bottom of sub-excavated areas and to verify that their recommendations are being implemented, including the area around the new pool and the foundation drains around the below-grade areas of the buildings.

**Pedestrian circulation.** The connecting pathway off site should be a hard surface path for snow removal and ease of pedestrian movement to other areas within the neighborhood, if applicant confident that this can be added under the private access agreement.

**Signs.** If another entry or project sign is proposed, it should be located on the Deerbrook property and meet the 10-foot setback from the property line. An off-site monument sign seems redundant if residents/guests already know they have arrived at the site via the directional way finding and project identification markers at the Ridge Road entrance.

**Landscaping.** Additional landscape and plant material buffering is recommended for the carport structure on the north side, while maintaining compliance with the fire protection and wildfire hazard code provisions.

**Emergency Access.** The fire district at the Town's Development Review Team meeting on June 15 requested removal of the center landscape planter in the middle of the cul-de-sac to improve access for emergency vehicles.

Let us know if the applicant wishes to meet and discuss the comments or reply and/or submit any supplemental information which could then be forwarded to the town decision making boards during their separate reviews after the joint meeting presentation.

Jim



**Jim Wahlstrom, Senior Planner, AICP**

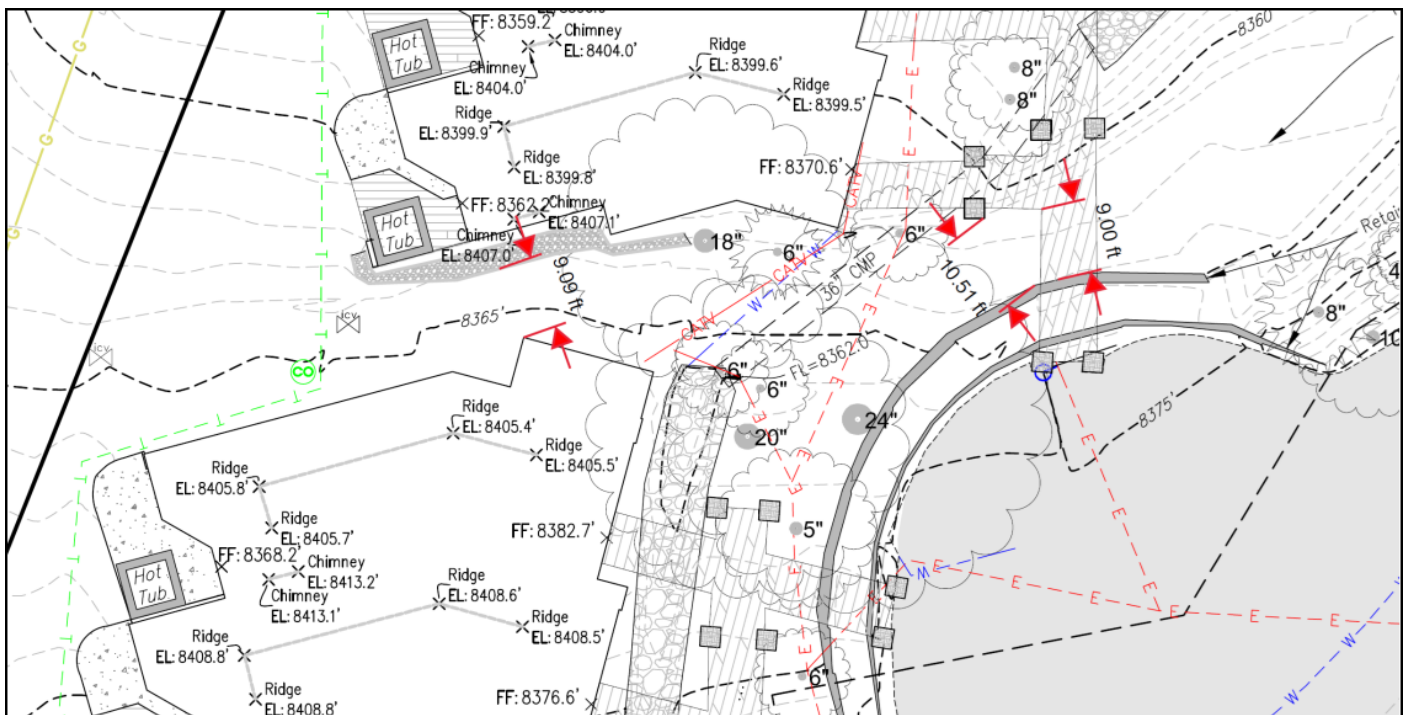
Town of Snowmass Village  
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p. 970.923.5524 ext. 635  
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**From:** Tim Malloy <tim@tgmally.com> - **APPLICANT'S 2<sup>ND</sup> RESPONSE TO REQUESTED PUBLIC TRAIL EASEMENT**  
**Sent:** Friday, July 7, 2023 2:48 PM  
**To:** Jim Wahlstrom <JWahlstrom@tosv.com>; John Howard <johnhoward@willowcreekms.com>  
**Cc:** Dave Shinneman <dshinneman@tosv.com>  
**Subject:** RE: Deerbrook THs Prel Plan - CDD & other review comments

Hi Jim. A couple more thoughts related to the requested summer-only public trail easement along the Ski-Back Trail. The rationale given by Andy in his June 16<sup>th</sup> email for requesting the easement is that it would allow additional fire and safety access to the site as well as additional trail connections throughout Town. I addressed the impediments to the trail connections rationale in my prior email. Regarding fire and safety access, the excerpt from the Existing Conditions Survey below shows how narrow this corridor is when you measure the distances between the existing buildings, drainage swales, retaining walls, and the components of the elevated walkway system. The width is only nine feet in some places and there are mature trees in this area as well. Also, I believe the clearance under the elevated walkway at the point where it passes over the Ski-Back Trail is less than ten feet. The photograph below is taken from the Ski-Back Trail looking toward the elevated walkway and the space between Buildings B and C beyond. There clearly is not adequate room for fire equipment or emergency service vehicles through this corridor.

I'm still looking at the other staff comments you provided and will respond shortly with any questions or thoughts on those.

Tim







**TGMCMC, LLC**

Land Use Planning ■ Site Design ■ GIS Analysis ■ Public Process

**Tim Malloy, Principal**

402 Park Drive  
Glenwood Springs, CO 81601  
Office: 970-945-0832  
Mobile: 970-618-6097  
[tim@tgmally.com](mailto:tim@tgmally.com)

**From:** Tim Malloy <[tim@tgmally.com](mailto:tim@tgmally.com)> - **APPLICANT'S 1<sup>ST</sup> RESPONSE TO REQUESTED PUBLIC TRAIL EASEMENT**

**Sent:** Thursday, July 6, 2023 5:57 PM

**To:** Jim Wahlstrom <[JWahlstrom@tosv.com](mailto:JWahlstrom@tosv.com)>; John Howard <[johnhoward@willowcreekms.com](mailto:johnhoward@willowcreekms.com)>

**Cc:** Dave Shinneman <[dshinneman@tosv.com](mailto:dshinneman@tosv.com)>

**Subject:** RE: Deerbrook THs Prel Plan - CDD & other review comments

Thanks Jim – I'll look over the comments and get back to you about questions and whether we will be submitting any supplemental information and when.

One item which popped out at me right away is that POSTR seems to be asking for a summer-only, 20-foot public trail easement through the Deerbrook property along the ski-back trail alignment. Such an easement would be impractical for several reasons. First, according to the Ski Easement Agreement (Book 511, Page 673), the existing 10-foot "Skier Return Easement" starts at the Deerbrook property line and terminates at the property line between the Ridge and Timbers Club property as shown below. As a result, this easement wouldn't provide access to any public road or other public trail or access easement, other than for skiing. Further, Deerbrook could only grant a short segment of this easement (red cross hatched segment in the images below) since the remainder of the easement traverses Timbers Club property. In addition, the requested 20-foot easement, which is depicted in the second image below, would encumber portions of Deerbrook Buildings B and C, part of the proposed Lower Carport, a portion of the existing retaining wall and two of the supports for the existing elevated walkway system. There simply isn't room for a 20-foot easement through this area.

In addition to these physical impracticalities, Deerbrook has significant concerns regarding liability, privacy and potential vandalism associated with allowing public use of a trail which is within a few feet of Buildings B and C. The current skier return easement is acceptable because it's only utilized by residents of the Ridge Townhomes.

It was our understanding from the Sketch Plan Review process that the Town was interested in pursuing a public trail along the south side of the Deerbrook property on the adjacent SkiCo land. Is it the Town's intent to seek both trails? Deerbrook continues to support the south trail alignment but is opposed to a public trail easement along the Ski-Back Trail alignment, particularly if the Town intends to seek a public trail along the south side of the Deerbrook property as well.

### **Existing Ski-Back Easement**





## Requested 20-Foot Public Trail Easement



Tim



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Mobile: 970-618-6097

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**From:** Tim Malloy <tim@tgmally.com> - **APPLICANT'S 3<sup>RD</sup> REPLY RE: PUBLIC TRAIL EASEMENT**  
**Sent:** Friday, July 7, 2023 9:53 PM  
**To:** Jim Wahlstrom <JWahlstrom@tosv.com>; John Howard <johnhoward@willowcreekms.com>  
**Cc:** Dave Shinneman <dshinneman@tosv.com>; Andy Worline <AWorline@tosv.com>;  
jmeJMele@roaringforkfire.org; jjc@mountainlawfirm.com  
**Subject:** RE: Deerbrook THs Prel Plan - CDD & other review comments

Thanks for the follow-up, Jim.

*Note: I've provided a simple map at the end of this email to remind everyone about the geography of the area since the discussion below is a little involved.*

You didn't address whether the Town intends to continue pursuing the easement through the adjacent SkiCo land to the south, as discussed during Sketch Plan review. I think this is relevant to the question of whether the trail/emergency access easement being requested is necessary or appropriate. There's already a bandit trail on the SkiCo land, which would provide access to the Ridge Run neighborhood above, as well as to Deerbrook.

Also, the easement being requested on the Deerbrook property is of no use without also obtaining similar easements across the Timbers Club and Ridge properties (unless the Ridge property can be avoided by realigning the trail/emergency access to be entirely on Timbers land). The Lift Access Trail has an existing two-track road that is wider than the Ski-Back Trail and could provide access all the way from Assay Hill to Faraway Road. This alignment would achieve the dual objective of providing additional trail connections as well as emergency service access not only to Deerbrook, but to the north and west sides of the Ridge units and the south side of the Timbers Club buildings as well. Both the SkiCo and Lift Access Trail alternatives are far superior to running a substandard public trail easement (10-feet instead of 20) through the middle of an established residential development, especially when that easement wouldn't achieve either of the stated purposes in the email from POSTR and would require an easement across the Timbers Club, and perhaps Ridge, properties anyway.

Regarding emergency access along the Ski-Back Trail, we've already discussed the fact that emergency service vehicles could not get through from Assay Hill and so would have to rely on the Lift Access Trail either from the Assay Hill or Faraway Road sides. Once on the Lift Access Trail, I fail to see the need for emergency vehicles to continue to the Ski-Back Trail since you could manage an emergency for Deerbrook Building C from the Lift Access Trail or the lower Deerbrook cul-de-sac. For Buildings A and B, emergency service access could be provided from the upper or lower Deerbrook cul-de-sacs as in the current situation. The only time that the Deerbrook segment of the Ski-Back Trail easement would serve any emergency service purpose would be if there was a slope failure that affected the Deerbrook driveway, as in 2003, but didn't also affect the Ski-Back Trail; and there was some other event requiring emergency service at the same time. Deerbrook would be willing to grant emergency service access only along the Ski-Back Trail to address this situation, as long as this doesn't affect the quality of the skier experience for Ridge residents. However, even in this case, the Lift Access Trail would be a better solution



since emergency service vehicles could access from either Assay Hill or Faraway Road. In the event of a slope failure that blocked the Deerbrook driveway and either the Ski-Back Trail or both ski trails, emergency access from the Ski-Back Trail would not be possible, but access from either direction to the point of the slope failure, would be possible on the Lift Access Trail.

We also need to consider that the portion of the Ski-Back Trail located on the Deerbrook site would not accommodate even the smallest vehicle without significant widening (see attached photo). This would require further grading, loss of existing trees and other potential impacts on the low wooded area that provides stormwater detention for the Deerbrook property. Such grading and tree removal would further affect the skier experience along the Ski-Back Trail and could limit Deerbrook's ability to install landscaping to soften the impact of the proposed retaining walls on the uphill side of the trail. Even if the trail bed were widened enough to accommodate an emergency service vehicle, it would still be a dead-end situation requiring that the vehicle be backed out to a point where it could be turned around.

These factors would seem to indicate that the real value of the requested summer-only easement is for potential future public trail use. However, even this can't be realized without companion easements on at least the Timbers Club property, if not also the Ridge. Given this situation, why not just seek an easement from Timbers/Ridge along the superior Lift Access Trail alignment for both public trail and emergency service access, in which case, the Deerbrook segment wouldn't be needed. We have no idea whether the Timbers Club would entertain granting such an easement, but it's pointless to seek an easement from Deerbrook if they won't. However, if the Town's intent is to seek an easement from the Timbers Club in the context of some future development approval, the requested Deerbrook segment would be of little use since the Lift Access Trail alignment would provide both public trail and emergency service access. Also, not obtaining the requested easement from Deerbrook now would have no effect on the timing of when the public trail/emergency service access would be available for use since that won't occur until the companion easement(s) is obtained from the Timbers/Ridge.

Finally, consider that if the Town does acquire a public trail easement over the SkiCo property to the south, Deerbrook could end up with public use easements along its northern and southern boundaries and through the middle of the property, as shown below!

Tim



**TGMC**, llc

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Tim Malloy, Principal

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 Mobile: 970-618-6097  
[tim@tgmalley.com](mailto:tim@tgmalley.com)





**From:** Jim Wahlstrom <[JWahlstrom@tosv.com](mailto:JWahlstrom@tosv.com)>  
**Sent:** Friday, July 7, 2023 3:36 PM  
**To:** Tim Malloy <[tim@tgmally.com](mailto:tim@tgmally.com)>; John Howard <[johnhoward@willowcreekms.com](mailto:johnhoward@willowcreekms.com)>  
**Cc:** Dave Shinneman <[dshinneman@tosv.com](mailto:dshinneman@tosv.com)>; Andy Worline <[AWorline@tosv.com](mailto:AWorline@tosv.com)>;  
[jmeJMele@roaringforkfire.org](mailto:jmeJMele@roaringforkfire.org); [jic@mountainlawfirm.com](mailto:jic@mountainlawfirm.com)  
**Subject:** RE: Deerbrook THs Prel Plan - CDD & other review comments

Hello Tim,

I received both applicant replies to the trail easement request and per the attachment, which we may forward to the joint Town Council and Planning Commission meeting on July 17.

The July 17 meeting would be an Applicant presentation of the application rather than an evaluation review, but we plan to provide a summary report update addressing the Preliminary Plan's Review Intent & Issues plus the review comments received thus far and try to give them a head start for the separate evaluation reviews later. We will follow up with a complete compliance review during their separate evaluation reviews.

I think the Town desires obtaining public access trail easements in the area to begin incrementally incorporating within the area, because there seems demand to access the mountain and it could provide a beneficial secondary point of public or emergency access to within the site, especially if the access road becomes inundated again. The attached ski easement references a 10-foot width and you are right that a 20-foot trail easement would not fit between some of the existing as-built structures; although the applicant's proposed expansion of carports and parking areas also encroaches farther toward the ski easement albeit it meets the minimum setbacks under the code.

I think the Town would be able to work with a 10-foot overlaid public trail/access easement through the Deerbrook site, although I'm copying affected town staff and RFFR if they wish to chime in.

Jim



# DRAFT 2023 Agenda Items

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

## **Topic to incorporate:**

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

## **Mon. Jul. 10<sup>th</sup> –Regular Session (Shenk Virtual)**

- Pre-Sketch Meeting on the Draw Site with Planning Commission
- Executive session, performance review attorney – Cont to 7/17/23
- Krabloonik??
- CORE Sustainability Project Approval
- NWCCOG Letter RE Uinta Basin Railway Project
- Emergency Ord RE Money for the Second Culvert Project

## **Mon. Jul. 17<sup>th</sup> – Regular Meeting (Shenk Virtual)**

- **Senator Perry Will and Representative Elizabeth Velasco**
- Deerbrook Preliminary Plan joint meeting with Planning Commission
- Continued Review of Housing Regulations
- Town Park & Woodbridge Construction Update
- Executive session, performance review

## **Mon. Aug. 7<sup>th</sup> – Regular Meeting (Marolt Virtual)**

- Geoff Buchheister, SkiCo CEO
- Election Reso Re IGA with Pitkin
- Election – Reso Re Ballot Language (Aug 21<sup>st</sup> at latest)
- Review and adopt update Employee Handbook
- Leash law ordinance first reading for voice control

## **Mon. Aug. 14<sup>th</sup> – Work Session (Marolt Out)**

## **Mon. Aug. 21<sup>st</sup> – Regular Meeting**

- Exec session with Dept. Dir
- Ord removing Board of Appeals

## **Thur. Aug. 31<sup>st</sup> - EOTC Meeting – Pitkin County Hosts**

## **Tue. Sep. 5<sup>th</sup> – Regular Meeting**

- Exec Session personnel (amongst council)

# DRAFT 2023 Agenda Items

## Mon. Sep. 11<sup>th</sup> – Work Session

## Mon. Sep 18<sup>th</sup> – Regular Meeting

- Reso - In support of Ballot Question
- Executive Session deliver manager review

## Mon Oct. 2<sup>nd</sup> – Regular Meeting ( **Kinney virtual**)

## Mon. Oct. 9<sup>th</sup> – Work Session

## Mon. Oct. 16<sup>th</sup> – Regular Meeting

- POST Grant – 1<sup>st</sup> reading?

## Thurs. Oct. 26<sup>th</sup> – EOTC – City of Aspen Hosts

## Mon. Nov. 6<sup>th</sup> – Regular Meeting

- IGD Meeting - Adopting the GID Budget
- B & C Applications
- Executive session for attorney review

## Mon. Nov. 13<sup>th</sup> – Work Session

- Place holder – CORE Update – date?

## Mon. Nov. 20<sup>th</sup> – Regular Meeting

- B & C Interviews
- POST Grant – 2<sup>nd</sup> reading
- Reso re 2024 TC Dates
- Executive session personnel attorney

## Mon. Dec 4<sup>th</sup> – Regular Meeting

- B & C Interviews

## Mon. Dec. 11<sup>th</sup> – Special Meeting

- GID Meeting – set Mill Levy

## Mon. Dec. 18<sup>th</sup> – Regular Meeting

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

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

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

# DRAFT 2023 Agenda Items

- Planning



**Town Council  
Town Council Meeting Minutes  
Monday, July 10, 2023**

4:00 PM

130 Kearns Road

Town Council Chambers

Snowmass Village, CO, 81615

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

**1) CALL TO ORDER**

4:00 pm

**2) ROLL CALL**

Council Members Present: Tom Fridstein, Britta Gustafson, Susan Marolt, and Bill Madsen. Alyssa Shenk appeared virtual at 4:17pm.

Council Members Absent: None

Staff Present: Clint Kinney, Town Manager; Greg LeBlanc, Assistant Town Manager; Jeff Conklin, Town Attorney; Anne Martens, Public Works Director; Betsy Crum, Housing Director; Dave Shinneman, Community Development Director; Brian McNellis, Planner; Doug Goldfluss, IT Manager; and Megan Boucher, Town Clerk.

Public Present: Erica Golden, Kris Peterson, Patrick Rawley, Harper Powell, Dallas Blaney, Lynda Edwards.

Planning Commission members present: Doug Faurer, Jim Gustafson, Brian Marshack, and Elese Denis. Matt Dube and David Seglin appeared virtually.

Planning Commission members absent: Stan Clauson

3) **JOINT PLANNING COMMISSION SPECIAL SESSION**

Chairperson Marshack opened the Planning Commission meeting with the Town Council at 4:02pm.

Dave Shinneman took roll call for the Planning Commission.

Planning Commission members present: Doug Faurer, Jim Gustafson, Brian Marshack, and Elese Denis. Matt Dube and David Seglin appeared virtually.

Planning Commission members absent: Stan Clauson

3.A) Pre-Sketch Discussion regarding Draw Site Housing Project

Pages 4-5 Agenda Item Summary Draw Site Housing Pre-Sketch 

Pages 6-8 Housing Memo Draw Site Pre-Sketch 

Pages 9-19 Housing Memo Attachments 

Pages 20-23 Draw Site Pre-Sketch Request 

Brian McNellis summarized the agenda item, purpose of pre-sketch plan, and introduced the applicant to present materials from the packet. McNellis and Shinneman specified that this meeting would be discussion only with no formal action. Notes on the comments and discussion will help inform the next steps.

Patrick Rawley & Betsy Crum presented and summarizing materials from the packet to frame this informal discussion and provide a foundation for next steps.

Erica Golden & Kris Peterson presented additional building details and described the five main design options that the team considered. More specifics were presented on the preferred plan which contains three buildings with parking under. This preferred plan was further developed with a site first approach and the Charrette with Town staff.

Betsy Crum presented findings from the Draw Site Open House. Public that attended the event liked the three building design with the lower overall height and parking inside the building.

Patrick Rawley described the on-going pre-sketch process followed by the land use application and then scheduling of hearings. In addition, with the scope and expense of the project, a ballot question will need to be added and go to a public vote.

Crum open it up for discussion. Councilmembers and Planning Commission members' discussion included: time frame of the project, community input, density, grade of the road, two building vs three building designs, Federal Tax credit program money, history of the Draw site, intersection at bottom of road, height of the buildings, parking, need for



78 outdoor space and shared space, space between the buildings being dark and alley  
79 like, high expense of the project and funding possibilities, plan for trash collection and  
80 services, quality of life for residence, fitting into the site, pedestrian safety, storage  
81 options for residents, and partners for the project.

82  
83 Council and Planning Commission members all agree the need for workforce/employee  
84 housing, potential for the Draw Site and would like to see some of these concerns and  
85 challenges addressed as the plan goes forward to next steps.

86  
87 Discussion also included the idea of “yes, and...” Specifically focusing on building AND  
88 finding other options and avenues to address this need for affordable housing.

89  
90 Town Attorney Jeff Conklin clarified that while the members would be in Quasi-Judicial  
91 phase while the project is in Sketch Plan stage, there are still opportunities to explore  
92 options in the Sketch Plan phase. The benefits of this Pre-Sketch Plan discussion was  
93 to have dialog and get key take aways for options and feedback which would inform the  
94 applicant and the Sketch process going forward.

95  
96 Town Council directed staff schedule a meeting as owners to see the plan and the  
97 options that address some of the concerns highlighted in this discussion before it goes  
98 to Sketch and into the Quasi-Judicial Phase.

99  
100 Mayor Madsen asked everybody to manage expectations and accept some nuances to  
101 the plan.

102  
103 Planning Commission member Gustafson motioned to adjourn the Planning  
104 Commission Meeting. Planning Commission member Denis seconded. All in favor.  
105 Adjourned at 6:33pm.

106  
107  
108 **4) PROCLAMATIONS AND PRESENTATIONS**

109 **5) PUBLIC COMMENT**

110 none.

111 **6) CONSENT AGENDA**

112 **6.A) 2023 Agenda Overview**

113 [Pages 24-26 2023 Agenda Overview](#) 

114 **6.B) Minutes for Approval**

115 [Pages 27-31 06-20-23 TC Minutes - Draft](#) 

Councilmember Fridstein pointed out that on or about line 115 that the Snowmass Wine Festival was on September 16<sup>th</sup> and not the Balloon Festival. Councilmember Shenk had a few grammatical corrections that she emailed to Boucher earlier.

6.C) NWCCOG Letter RE Uinta Basin Railway Project

[Page 32 Agenda Item Summary - TOSV Uinta Basin Railway Project Opposition Letter Discussion](#) 

[Pages 33-34 TOSV Uinta Basin Railway Project Opposition Letter](#) 

Council had a few questions and clarifications regarding the letter. Council directed staff to adjust the addressees to include Representative Boebert rather than cc'ing Rep. Boebert at the bottom; confirm the information regarding the 88 miles and add some additional language regarding the big impact a rail accident would have on environment and tourism industry.

Councilmember Fridstein motioned to approve the Consent Agenda. Councilmember Gustafson seconded. All in favor.

7) **PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS**

8) **POLICY/LEGISLATIVE PUBLIC HEARINGS**

8.A) [Emergency Ordinance No. 06, Series 2023 - RE Appropriation of Funds for the Second Culvert Project](#)

Anne Martens summarized the Agenda Item and presented some general information from the packet on the sink hole that developed June 3<sup>rd</sup>, 2023. Further study determined that while stabilized after the initial event, more work is needed.

Clint Kinney clarified that the money would be from the Fund Balance from the "Funds Available" while maintaining the 30% reserves and not touching those reserves.

Martens clarified their choice of design was recommended due to lower cost and longer lifespan. Design and material options will be further explored but urgency lies in the need to get work completed as much as possible before ski season and so that two-way traffic is maintained during the majority of the project. Marten briefly described the proposed timeline of the project.

Councilmember Fridstein motioned to approve Emergency Ordinance No. 06. Series 2023. Councilmember Marolt seconded. A roll call was taken, those in favor were Fridstein, Shenk, Gustafson, Marolt and Madsen, those opposed were none.

[Pages 35-37 Agenda Item Summary - Emergency Ordinance for Brush Creek & Kearns Culvert](#) 

[Pages 38-41 Ordinance No. 06 Series of 2023-Emergency-Brush Creek-Kearns Road Culvert Project](#) 

[Pages 42-43 General Fund Summary for Emergency Ordinance](#) 

[Page 44 Summary of RETT Fund for Emergency Ordinance](#) 

[Page 45 Exhibit 1 Aerial Image 07.06.2023](#) 

[Page 46 Exhibit 2 Brush Crk Rd Culvert RepairShoring](#) 

## 9) ADMINISTRATIVE REPORTS

### 9.A) [CORE Sustainability Project Approval](#)

[Page 47 Agenda Item Summary - TOSV CORE Partnership Update](#) 

[Pages 48-51 CORE SOW 2023 Signed](#) 

Greg LeBlanc summarized the Agenda Item from the packet and introduced Ryland French, Senior Director of Regional Climate Strategy with CORE. LeBlanc and French briefly described the proposed strategies to further the Town Council 2030 environmental goals including a residential and commercial energy efficiency grant program, a building electrification study, regular updates, and continued support for EAB.

Discussion included specifics on the grant program, rebate program, timeline and designated funds for the programs. Next update will be towards end of the year.

Councilmember Fridstein moved to approve the project as described. Councilmember Gustafson seconded. All in favor.

### 9.B) [Resolution approving the settlement with Krabloonik](#)

[Pages 52-53 Agenda Item Summary - Settlement Agreement - Krabloonik](#) 

[Pages 54-55 Resolution No. 19, Series 2023 - Settlement Agreement - Krabloonik](#) 

[Pages 56-65 20230622 Settlement Agreement.Final - signed](#) 

Jeff Conklin summarized the agenda Item. Councilmember Marolt Recuses herself.

Conklin provided a brief overview of the recent activities regarding the proposed settlement agreement to resolve the law suit and future use of the property.

Both care of Dogs and management of property were both paramount in discussions and goals. Settlement provides for a wind down of Krabloonik operations ending on June 1, 2024; the plan Krabloonik has to provide regarding said plan; and benchmarks Krabloonik will have to meet to ensure they vacate by June 1. This plan must be submitted within 30 days and then there will be check-ins every 30 days after to ensure progress. In addition, Krabloonik must continue to meet and move towards Best Practices. Town will also provide a veterinarian to assist & provide oversight to the care of dogs.

Further the Settlement Agreement states that by June 1, 2024, Krabloonik will surrender the property to Town, in a cleaned-up condition, and they have stipulated to a writ of restitution. By executing this Settlement Agreement, Krabloonik forfeits and surrenders its option to purchase the property, which existed under the lease agreement. Krabloonik has agreed to this settlement agreement.

Discussion included the process of securing the Town provided and paid for Veterinarian; adoption program; oversight by Town Manager's Office; specifics from Exhibit 1 and 2 from the Settlement Agreement; restaurant component of the business; and clarifying that Krabloonik will operate for one more year to help them plan, wind down and run the business.

Public Comment - Bill Boineau – Manages the Pines HOA and lives in the Divide. Boineau thanked the Council for all their efforts and commented on the long history. He further asked the Council to consider future options for the property.

Councilmember Sherk motioned to approve the Resolution regarding the Settlement Agreement with Krabloonik. Councilmember Fridstein seconded. Marolt recused herself. All in favor.

## **10) TOWN COUNCIL REPORTS AND ACTIONS**

Councilmember Gustafson attended the NWCCOG meeting where they are restructuring their dues with a 4.8% increase. Town staff will be put this into the 2024 budget which the Council will have for approval in the fall. Council agreed that this was a reasonable increase.

Councilmember Fridstein would like a future discussion to reflect on the increase of property taxes and the possible latitude the Towns has to adjust the Mill Levies if so desired. Suggested FAB to advise the Council on this subject. Kinney clarified that this discussion is underway and can be brought to Council in future.

Councilmember Marolt attended the Nordic Council meeting where they continued discussing snowmaking potential and possible plans for the Aspen Golf Course. They have agreed to a technical feasibility study.

Councilmember Shenk attended the NWCCOG with Gustafson where they also went over the results from the Community Metrics Survey which surveyed how communities rate their happiness. They are expanding the survey with some DOLA grant money. With these additional funds, the survey will be coming to Town staff and Shenk encouraged all to please fill it out.

Mayor Madsen recently visited many different communities in Italy and Austria and noted that they are facing similar housing issues. Madsen proposed all continue to think about how TOSV wants to respect our history, how we want Snowmass Village represented in the wider community, and what features and people we can recognize to help in those efforts.

## 11) EXECUTIVE SESSION

### 11.A) [Executive Session](#)

[Pages 66-67 Agenda Item Summary Exec Session - Performance Review of Town Attorney](#) 

[Pages 68 Executive Session Agenda language for performance review Town Attorney](#) 

Council requested to continue the Executive Session July 17, 2023. All agreed.

## 12) [ADJOURNMENT](#)

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

Adjourned at 7:48 pm

The Snowmass Village Town Council approved this set of meeting minutes at their Regular Meeting on Monday, July 17, 2023.

Submitted By,

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Megan Harris Boucher, Town Clerk



# Town of Snowmass Village

## Agenda Item Summary

### DATE OF MEETING:

July 17, 2023

### AGENDA ITEM:

Town Park & Woodbridge Construction Update

### PRESENTED BY:

Mike Horvath *Town Engineer*

Andy Worline *Parks, Recreation & Trails Director*

### BACKGROUND:

#### **Wood Bridge Project:**

The pedestrian wood bridge is about 50 years old and continues to incur wear and tear. In recent years, the bridge has received considerable investments in structural repair. As part of the 2023 budget, a decking and siding replacement project was approved. The project included the restoration of the wooden piers through epoxy repair and replacement of the bridge siding and deck based upon the structural analysis. This project will bring the bridge back into acceptable safety standards. The bridge condition/life span will be extended approximately 5 to 10 years according to the project engineers. The aesthetics will be largely the same, however there will be a change of material from the wood siding to metal siding. This new material will be safer and increase durability. The attached images show the new siding.

The metal material choice was made to decrease maintenance costs and disturbance to the community while increasing the siding's longevity. Crews have performed siding repairs twice within the last 5 years, and repairs can be disruptive to trail users and traffic below. The metal siding was designed to match the aesthetic of the existing wood siding as much as possible.

#### **Town Park:**

As part of the overall Town Park approval, the Town Council required that the revamped parking lot south of the rodeo arena be a permeable surface rather than traditional asphalt. At the December 19, 2022 Town Council meeting, Staff recommended selecting recycled asphalt with magnesium chloride as the permeable surface for the parking lot. The cost at that time was higher than the alternative permeable surface option of Class 6 road base but was believed to provide a more completed appearance because of the closer resemblance to the paved parking across Town Park. After further review, the engineer on the Town Park project has provided the Town with additional information. After reviewing the proposed heavy truck loading and long-term

maintenance issues associated with using recycled asphalt, JVA Engineering highly recommends using a road base surface for the new parking lot in lieu of recycled asphalt. Both the road base and originally selected recycled asphalt equally adhere to the recommendation that the surface be permeable but the engineering team believes the road base solution will provide a far superior, more durable product once the project is complete. The road base solution will be more structurally sound and easier to maintain than a recycled asphalt surface.

#### **FINANCIAL IMPACT:**

Three bids were received from the advertisement for the Woodbridge project. The approximate \$300,000 cost of this project is already approved in the 2023 budget.

The total Town Park projected cost of this project is currently \$6.4 million. This includes the Parking Lot, Rodeo update, and Parks & Trails maintenance facility. There is minimal cost difference between the road base and recycled asphalt options. However, the road base option is (now) considered a better product due to its durability.

#### **APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:**

The Town Council will:

- 4) Ensure Public Spaces and Facilities Meet Our Community's Unique Character

#### **COUNCIL OPTIONS:**

Listen to presentation and provide staff and consultant team with any feedback.

#### **STAFF RECOMMENDATION:**

No decisions are necessary, regarding the Woodbridge unless a change is desired.

Regarding the Town Park parking lot, it is staff's recommendation that the Council, make a motion to direct staff to use road base rather than recycled asphalt for this parking lot.

#### **ATTACHMENTS:**

- 1 Woodbridge Project Photo
- 2 Town Park Parking Surface Photo















**Class 6 road base (lighter)**





**Class 6 road base (lighter)**





**Recycled asphalt (darker)**





**Recycled asphalt (darker)**





**Recycled asphalt (darker)**





## Town of Snowmass Village

### Agenda Item Summary

#### DATE OF MEETING:

July 17, 2023

#### AGENDA ITEM:

Permanent Moderate Housing Regulations Review

#### PRESENTED BY:

Betsy Crum, Housing Director

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#### BACKGROUND:

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

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

At the June 5, 2023 Town Council meeting, we reviewed the current rental and ownership housing programs in detail and discussed many of the provisions and nuances of the current Regulations. Some consensus was reached on several topics, while others were identified for further research and consideration. Staff have reviewed all of the points of discussion and offer the following for further review.

#### Program Focus:

We all agree that the fundamental focus of our program – to prioritize full-time, year-round employees working for Snowmass Village businesses – should not change. We will continue to define full-time employment as we always have, i.e., working a minimum of 1400 annually (equal to 8 months at 40 hours per week, reflecting the seasonal nature of our Village). People who have worked here the most months will be highest on



the rental list and be in the highest tier for the ownership Lottery. Once they secure their housing, they may change employment provided they continue to work in Pitkin County. In addition, residents may not own or rent another residential unit in the Roaring Fork drainage. If they purchase or rent another unit, they have 6 months to vacate their housing.

Incentivizing Downsizing and/or Increasing Bedroom Utilization: We looked into a number of programs in other communities designed to either incentivize people to move out of their deed restricted home or to rent space within their existing homes to qualified employees. All of these are expensive programs that have significant cash outlays to homeowners (\$200,000 to a deed restricted owner to entice them to move, or \$25,000 annually per household to incentivize bedroom rentals) without a capital asset in return. We are aware of many deed-restricted owners that are currently renting a bedroom or basement and believe that most who are open to this option are already taking advantage of it.

To test this, however, we will be sending a letter to every homeowner outlining the terms under which they can rent a bedroom and the process for downsizing to another deed-restricted unit. We will offer to work with them on this option and should have a better sense of how much interest there is in “filling the bedrooms”. We also want to amend our Regulations to make it clear that the rental rate for the space must be pre-approved by the Housing Department and cannot exceed limits established by us. This will ensure that the subsidy provided to the owner is passed along to their tenants.

There was also some discussion about allowing conversion of space for Accessory Employee Units (AEUs). Our Zoning regulations do not presently allow for this. The Planning Commission will be considering whether and how to change this in the coming months.

Regional Government Organizations: We have always focused our housing on Snowmass Village employees and have required verified employment in the Village upon entry. The Council discussed the possibility of allowing employees in certain regional professions (specifically teachers and Fire District staff) an opportunity to compete on a level playing field with employees of Snowmass Village-based businesses. The same argument might be made for workers in other businesses that are essential to the community, such as the Hospital District, Pitkin County employees, and RFTA. To date we have not prioritized housing for these employees unless they can demonstrate that 80% of their work time is spent in the Village.

We do not recommend that we change this Snowmass Village requirement for our existing units. The region is in a housing crisis that is perhaps more severe than at any other time in our Village’s history. Regional employees do have the option of securing APCHA housing, and they have 3,000 units compared to our 500. We do recommend



that, going forward, we “split the pie” differently if those employers, or any other employers the Council identifies, are interested in participating financially in new development. Our next housing development will provide a good opportunity to test interest in this option.

Percentage employment in Snowmass Village: As stated above, tenants and buyers must work 1400 hours and earn at least 80% of their income in the Village when they get their housing. We do sometimes have applicants that work many more hours than the required 1400 annually and/or earn somewhat less than 80% of their income here in Town. We do not wish to discourage this, and so recommend changing the working requirement to either 1400 hours and 80% of income in Snowmass Village or 1600 hours and 70% of income earned in Snowmass Village allow them to work in other Pitkin County communities.

Weighted Rental Wait List: Our rental waiting list is maintained in order of how many total months the applicant has worked in Snowmass Village. The more months they have worked here, the higher they are on the list. Currently, we are renting to people who have worked 5-7 years, depending on bedroom size. Our process allows someone walking in the door today to be placed above people who have been on the list for a long time, provided they can demonstrate their length of employment here in Town. This sometimes leads to frustration from people who are ‘jumped over’, especially if it means their number on the list doesn’t move much or they even fall lower on the list. We have mitigated some of this impact by requiring that people who leave our existing rental housing and then return need to work a year before getting back on our list.

Retirement: We allow owners of deed-restricted homes to retire and remain in place but have never provided this opportunity to renters. We do not recommend changing the work requirement for rental housing at this time, for the reasons stated above. Rental housing is in the highest demand for new people coming into town for jobs and our waiting list has 230 unique applicants who are waiting 6+ years for their name to come up. We feel that we owe it to them to preserve the rental pool for our workforce. Seniors add to the fabric of our community, and it is difficult to ask them to leave; however, many can also continue to work.

Compliance: Historically we have required annual self-certification of employment for our tenants and bi-annual affidavits from our owners. However, desperation for housing has led to abuses and we can unfortunately no longer work on a “honest-based” system. Our Operations and Compliance Officer Mitch Osur brings new focus to our efforts to identify non-compliance and has already notified our tenants that we will be requiring third-party verification of employment at lease renewal time. abusing our program.



Adding Improvements to Deed Restricted Sales: As discussed, many deed-restricted owners would prefer that we add the cost of improvements, including routine maintenance items, to the calculation of the value of their home. We have allowed this in our regulations for energy efficiency improvements (up to 10% of the value) and in The Crossings and Rodeo Place for decks and basement completion. Other than that, we look to preserve the subsidy that the Town has invested, limiting the appreciation to the lesser of 3% annually or the change in the Consumer Price Index. The housing program provides high quality housing in our market with a small, guaranteed return; it is not intended to be a real estate investment that appreciates like the free market. We also have a requirement that, if the house is sub-par at the time of sale, we will require it to be brought up to standard as part of the sale. We will be engaging a third-party inspector to work with us on ensuring we identify items that need replacement or repair going forward. That cost will be added to our current administrative fee.

Generational Housing: The Council discussed whether the Regulations should allow homes to be deeded to qualifying children by the owner. Currently only surviving spouses may inherit the home. The argument for this change is that it would allow for generations to continue in the home, which would build community and help people to remain here long-term. We do not recommend this change at this time, for many of the reasons stated above. There is an overwhelming demand for housing, including from many people who have lived in rental housing here for decades. Just as we do not permit people to jump the list to get into rental housing and take over the lease, we should not keep deed-restricted units off the market for generations. Again, our housing is more of a Town-subsidized program than it is free market real estate, and should remain as such.

#### FINANCIAL IMPACT:

Not applicable

#### APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

In 2023 the Town Council established the following housing goals:

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

*Understanding that Village residents are served by local governmental organizations that are physically outside of the town, TOSV will work closely with those partner entities to create a more inclusive workforce housing framework that will integrate additional people/positions/organizations into our housing program. TOSV will endeavor*



*to leverage additional financial resources from these partners to help meet our respective housing needs.*

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

#### COUNCIL OPTIONS:

Not applicable – this is for discussion only.

#### STAFF RECOMMENDATION:

Not applicable – this is for discussion only.

#### ATTACHMENTS:

Attachment A – Draft Letter to Deed Restricted Owners

## To Deed Restricted Homeowners

Hi Town of Snowmass Village Deed-restricted homeowners. Hope all of you are doing well and enjoying the fact that summer is finally here!

I wanted to bring your attention to two things that might interest you. These are not changes to our Permanent Moderate Housing Regulations but are “frequently asked questions” so I thought I would send all of you this information in case you were interested in the topic.

### Renting a room in your home:

I am sure it comes as no surprise that there is a lot of demand for rental housing in the Roaring Fork Valley, and Snowmass Village is no exception. The Housing Office’s waiting list has over 230 people currently looking for housing, and it takes an average of six years working in the Village before someone’s name comes up on the list.

As an owner of a deed-restricted home, you are permitted to rent one bedroom to no more than two people, subject to the following criteria:

- The tenant must be a full-time, year-round employee working for a Snowmass Village business, as defined in our regulations. You are not permitted to rent a bedroom to seasonal employees.
- You may only rent one bedroom to a maximum of two people.
- You must maintain residency during the term of the lease, defined as living there a minimum of eight months per year.
- The rent charged must be reasonable, as determined by the Housing Director. Rent reasonableness will be based on the rental amount for similar units in the Town’s rental inventory.
- You will need to receive approval from both your Homeowner’s Association and from the Housing Director.

### Adding Improvements to the Value of your Home:

I know there have been some questions over time about what improvements can – or cannot – be included in the value of your home when you go to sell it. For the most part, unless specified in our Permanent Moderate Housing Regulations, improvements are not eligible to be added to the resale value of your home.

Some homes were built with options to finish your basement or add a deck. If that is the case, it will be described in the section of the Regulations addressing your specific home (17.4.3). Costs must be approved by the Housing Department **within six (6) months of completion**, as evidenced by documentation from the Town Building Official that the work was completed according to code and the building permit.



In addition, you may make energy/water conservation improvements, again subject to the terms of the Regulations:

- The energy efficiency/water conservation improvements allowance is limited to 10% of the resale value at the time of installation.
- Only new replacement items that provide a substantial amount of energy or water conservation greater than the original construction will be considered.
- You will need to submit a proposed improvement to the Housing Department for approval **prior to beginning the work** and include information on the energy/water savings.
- Costs must be submitted to and approved by the Housing Department within six (6) months of completion, as evidenced by documentation from the Town Building Official that the work was completed according to code and the building permit.
- All capital improvements will be depreciated from the date of installation to the sale date.

I hope this is helpful to you. Thank you and please reach out with any questions.

# Town of Snowmass Village

## Agenda Item Summary

### DATE OF MEETING:

July 17, 2023

### AGENDA ITEM:

Council Compensation Discussion

### PRESENTED BY:

Clint Kinney, Town Manager  
Greg LeBlanc, Assistant Town Manager

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### BACKGROUND:

At a recent meeting, Town Council asked to receive information regarding compensation and comparisons with other jurisdictions. Town Council currently is compensated at a rate of \$14,400 annually, plus a \$500 monthly stipend to be put towards health insurance. The Mayor is compensated at 20,400 annually, plus a \$500 monthly stipend to be put toward health insurance.

Per the Town of Snowmass Village Charter *Section 3.6 Compensation*, “members of the Council shall be entitled to receive such compensation as prescribed by ordinance, provided, however, that the compensation of any member during such member’s term of office shall not be increased or decreased.” This language requires that an ordinance be approved prior to the next election. Changes to the rate of compensation become effective for the next sitting Town Council.

If the Town Council chooses to raise the compensation rate, such an increase could occur monetarily, or in the form of additional benefits. Other municipalities in the Roaring Fork Valley provide similar compensation for elected officials as the Town of Snowmass Village. The Town of Basalt pays its Council \$12,500 annually, and the mayor \$18,750 annually. The Town of Basalt does not offer healthcare for its elected officials. The City of Aspen compensates the City Council at a rate of \$2,700/month and the Mayor at a rate of \$3,325/month. The City of Aspen also provides healthcare for elected officials that includes single and dependent coverage only for health/dental/vision insurance, plus access to teledoc. A stipend is offered if health/dental/vision coverage is waived.



## FINANCIAL IMPACT:

Should the Council decide to proceed with an increase in salary or benefits to the Town Council and Mayoral positions, an ordinance would be required and a requisite increase to the respective budgeted line items would be reflected in future budgets.

## APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

## COUNCIL OPTIONS:

The Council may direct staff to perform additional research as necessary.

## STAFF RECOMMENDATION:

This item is intended for the discussion of and possible direction by Council.

## ATTACHMENTS:

- 1) CML Elected Official Compensation Report
- 2) Town of Snowmass Village Council Compensation Ordinance No. 6, Series of 2018
- 3) City of Aspen Ordinance No. 21, Series of 2020
- 4) Town of Basalt Ordinance No. 12, Series of 2016

|    | A                                        | B                     | C     | D          | E      | F          | G         | H           | I  | J      | K   | L      | M    | N    | O   |
|----|------------------------------------------|-----------------------|-------|------------|--------|------------|-----------|-------------|----|--------|-----|--------|------|------|-----|
| 1  | Title                                    | Entity                | # Inc | Avg Yrs Sv | Ann/Mo | Annual Sal | Extra Pay | Extra Pay I | FT | Health | Ret | Dental | Life | 401K | 457 |
| 2  | ATTORNEY/SOLICITOR                       | BRECKENRIDGE, CO      | 1     | 0.00       | M      | 14,250.00  | 0.00      |             | N  | N      | N   | N      | N    | N    | N   |
| 3  | BOARD MEMBER - APPOINTED                 | BRECKENRIDGE, CO      | 15    | 0.00       | M      | 400.00     | 0.00      |             | N  | N      | N   | N      | N    | N    | N   |
| 4  | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | ASPEN, CO             | 4     | 4.00       | M      | 1,700.00   | 0.00      |             | N  | Y      | N   | Y      | N    | N    | N   |
| 5  | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | AVON, CO              | 5     | 0.00       | M      | 500.00     | 0.00      |             | N  | Y      | N   | Y      | N    | N    | Y   |
| 6  | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | BLACK HAWK, CO        | 6     | 0.00       | M      | 933.37     | 0.00      |             | N  | Y      | Y   | Y      | Y    | Y    | Y   |
| 7  | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | BRECKENRIDGE, CO      | 6     | 0.00       | M      | 1,200.00   | 0.00      |             | N  | Y      | N   | Y      | N    | N    | N   |
| 8  | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | CARBONDALE, CO        | 5     | 0.00       | M      | 900.00     | 0.00      |             | N  | N      | N   | N      | N    | N    | N   |
| 9  | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | DURANGO, CO           | 4     | 0.00       | A      | 10,404.00  | 0.00      |             | N  | Y      | N   | Y      | Y    | N    | N   |
| 10 | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | ESTES PARK, CO        | 5     | 0.00       | A      | 8,000.00   | 0.00      |             | N  | Y      | Y   | Y      | N    | Y    | Y   |
| 11 | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | FRISCO, CO            | 0     | 0.00       | A      | 7,200.00   | 0.00      |             | N  | N      | N   | N      | N    | N    | N   |
| 12 | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | GLENWOOD SPRINGS, CO  | 6     | 0.00       | A      | 12,000.00  | 0.00      |             | N  | N      | N   | N      | N    | N    | N   |
| 13 | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | GRAND JUNCTION, CO    | 6     | 0.00       | M      | 500.00     | 60.00     | Auto Allowa | N  | N      | N   | N      | N    | N    | Y   |
| 14 | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | MOUNTAIN VILLAGE, CO  | 5     | 0.00       | A      | 4,800.00   | 1,740.00  | water and s | N  | N      | N   | N      | N    | N    | N   |
| 15 | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | STEAMBOAT SPRINGS, CO | 5     | 0.00       | A      | 11,869.44  | 0.00      |             | N  | Y      | N   | Y      | Y    | N    | N   |
| 16 | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | TELLURIDE, CO         | 6     | 0.00       | A      | 14,916.00  | 0.00      |             | N  | N      | N   | N      | N    | N    | N   |
| 17 | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | VAIL, CO              | 6     | 0.00       | A      | 7,500.00   | 0.00      |             | N  | Y      | N   | Y      | N    | N    | Y   |
| 18 | CITY/COUNTY COUNCIL / TRUSTEE / ALDERMAN | WINTER PARK, CO       | 6     | 0.00       | P      | 200.00     | 0.00      |             | N  | N      | N   | N      | N    | N    | N   |
| 19 | JUSTICE / MUNICIPAL JUDGE                | ASPEN, CO             | 1     | 0.00       | M      | 1,883.00   | 0.00      |             | N  | Y      | N   | Y      | N    | N    | N   |
| 20 | JUSTICE / MUNICIPAL JUDGE                | BRECKENRIDGE, CO      | 1     | 0.00       | M      | 2,400.00   | 0.00      |             | N  | N      | N   | N      | N    | N    | N   |
| 21 | MAYOR                                    | ASPEN, CO             | 1     | 2.00       | M      | 3,325.00   | 0.00      |             | N  | Y      | N   | Y      | N    | N    | N   |
| 22 | MAYOR                                    | AVON, CO              | 1     | 0.00       | M      | 1,000.00   | 0.00      |             | N  | Y      | Y   | Y      | N    | N    | Y   |
| 23 | MAYOR                                    | BLACK HAWK, CO        | 1     | 0.00       | M      | 933.37     | 0.00      |             | N  | Y      | Y   | Y      | Y    | Y    | Y   |
| 24 | MAYOR                                    | BRECKENRIDGE, CO      | 1     | 0.00       | M      | 1,500.00   | 0.00      |             | N  | Y      | N   | Y      | N    | N    | N   |
| 25 | MAYOR                                    | CARBONDALE, CO        | 1     | 0.00       | M      | 1,500.00   | 0.00      |             | N  | N      | N   | N      | N    | N    | N   |
| 26 | MAYOR                                    | DURANGO, CO           | 1     | 2.00       | A      | 13,404.00  | 0.00      |             | N  | Y      | N   | Y      | Y    | N    | N   |
| 27 | MAYOR                                    | ESTES PARK, CO        | 1     | 0.00       | A      | 12,000.00  | 0.00      |             | N  | Y      | Y   | Y      | N    | Y    | Y   |
| 28 | MAYOR                                    | FRISCO, CO            | 0     | 0.00       | A      | 12,600.00  | 0.00      |             | N  | N      | N   | N      | N    | N    | N   |
| 29 | MAYOR                                    | GLENWOOD SPRINGS, CO  | 1     | 0.00       | A      | 14,400.00  | 0.00      |             | N  | Y      | N   | N      | N    | N    | N   |
| 30 | MAYOR                                    | GRAND JUNCTION, CO    | 1     | 0.00       | M      | 750.00     | 60.00     | Auto Allowa | N  | N      | N   | N      | N    | N    | Y   |
| 31 | MAYOR                                    | MOUNTAIN VILLAGE, CO  | 1     | 0.00       | A      | 11,808.00  | 900.00    | ski pass, w | N  | N      | N   | N      | N    | N    | N   |
| 32 | MAYOR                                    | STEAMBOAT SPRINGS, CO | 1     | 0.00       | A      | 15,807.00  | 0.00      |             | N  | Y      | N   | Y      | N    | N    | N   |
| 33 | MAYOR                                    | TELLURIDE, CO         | 1     | 0.00       | A      | 23,316.00  | 0.00      |             | N  | N      | N   | N      | N    | N    | N   |
| 34 | MAYOR                                    | VAIL, CO              | 1     | 0.00       | A      | 12,000.00  | 0.00      |             | N  | Y      | N   | Y      | N    | N    | Y   |
| 35 | MAYOR                                    | WINTER PARK, CO       | 1     | 0.00       | P      | 400.00     | 0.00      |             | N  | N      | N   | N      | N    | N    | N   |
| 36 | MAYOR PRO TEM                            | AVON, CO              | 1     | 0.00       | M      | 750.00     | 0.00      |             | N  | Y      | Y   | Y      | N    | N    | Y   |
| 37 | MAYOR PRO TEM                            | CARBONDALE, CO        | 1     | 0.00       | M      | 900.00     | 0.00      |             | N  | N      | N   | N      | N    | N    | N   |
| 38 | MAYOR PRO TEM                            | ESTES PARK, CO        | 1     | 0.00       | A      | 10,000.00  | 0.00      |             | N  | Y      | Y   | Y      | N    | Y    | Y   |
| 39 | MAYOR PRO TEM                            | FRISCO, CO            | 0     | 0.00       | A      | 7,200.00   | 0.00      |             | N  | N      | N   | N      | N    | N    | N   |
| 40 | MAYOR PRO TEM                            | MOUNTAIN VILLAGE, CO  | 1     | 0.00       | A      | 4,800.00   | 1,740.00  | water & se  | N  | N      | N   | N      | N    | N    | N   |
| 41 | MAYOR PRO TEM                            | STEAMBOAT SPRINGS, CO | 1     | 0.00       | A      | 13,852.32  | 0.00      |             | N  | Y      | N   | Y      | N    | N    | N   |



|    | P        | Q          | R                                                                                                                                                                                                | S | T | U | V | W | X | Y | Z | AA | AB | AC | AD | AE | AF | AG | AH |
|----|----------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|
| 1  | Combined | Updated    | Comments                                                                                                                                                                                         |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 2  | N        | 01/09/2020 | On-site 1 day/week; available by phone when not on-site                                                                                                                                          |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 3  | N        | 01/09/2020 | Planning Commission - \$400.00/month pay; Breckenridge Outdoor Space Advisory Committee - \$200.00/month pay; both receive a \$500.00 Recreation Credit each new plan year.                      |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 4  | N        | 02/01/2023 | Single and dependent coverage only for health/dental/vision insurance. Stipend offered if health/dental/vision covg. is waived. Access to Teladoc                                                |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 5  | N        | 02/22/2023 | 457 is mandatory in lieu of social security, Health insurance optional.Full family recreation center pass                                                                                        |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 6  | N        | 03/06/2017 | Aldermen receive an additional monthly Medical Stipend of \$1,672.42 and monthly retirement of \$312.70. Elected officials are eligible to purchase group insurance coverage on pre-tax basis.   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 7  | N        | 01/09/2020 | Monthly salary is used to offset monthly medical benefit premium. A free Recreation Wellness Pass is provided each new plan year, including reduced Annual Pass rates for dependents.            |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 8  | N        | 02/17/2022 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 9  | N        | 06/07/2023 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 10 | N        | 03/01/2021 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 11 | N        | 02/10/2020 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 12 | N        | 07/23/2019 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 13 | N        | 02/28/2020 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 14 | N        | 03/08/2017 | ELIGIBLE FOR A SEASON SKI PASS                                                                                                                                                                   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 15 | N        | 03/03/2023 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 16 | N        | 03/06/2020 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 17 | N        | 03/10/2023 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 18 | N        | 02/23/2017 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 19 | N        | 02/01/2023 | Single and dependent coverage only for health/Prescription/dental/vision insurance. Stipend offered if health/dental/vision covg. is waived. Access to Teladoc.                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 20 | N        | 01/09/2020 | Works approx 15 hr/month outside; (2) 8-hour court days/month                                                                                                                                    |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 21 | N        | 02/01/2023 | Single and dependent coverage only for health/Prescription/dental/vision insurance. Stipend offered if health/dental/vision covg. is waived. Access to Teladoc.                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 22 | N        | 02/22/2023 | 457 is mandatory in lieu of social security, Health insurance optional. Full family recreation center pass                                                                                       |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 23 | N        | 03/06/2017 | The Mayor receives an additional monthly Medical Stipend of \$1,672.42 and monthly retirement of \$312.70. Elected officials are eligible to purchase group insurance coverage on pre-tax basis. |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 24 | N        | 01/09/2020 | Monthly salary is used to offset monthly medical benefit premium. A free Recreation Wellness Pass is provided each new plan year, including reduced annual pass rates for dependents.            |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 25 | N        | 02/17/2022 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 26 | N        | 03/02/2020 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 27 | N        | 03/01/2021 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 28 | N        | 02/10/2020 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 29 | N        | 07/23/2019 | Paid in full by Mayor                                                                                                                                                                            |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 30 | N        | 02/28/2020 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 31 | N        | 06/25/2020 | eligible for a season ski pass                                                                                                                                                                   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 32 | N        | 03/03/2023 | Actual title: City Council President □                                                                                                                                                           |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 33 | N        | 03/06/2020 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 34 | N        | 03/10/2023 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 35 | N        | 02/23/2017 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 36 | N        | 02/22/2023 | 457 is mandatory in lieu of social security, Health insurance optional. Full family recreation center pass.                                                                                      |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 37 | N        | 02/17/2022 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 38 | N        | 03/01/2021 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 39 | N        | 02/10/2020 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 40 | N        | 01/26/2023 | eligible for a season ski pass                                                                                                                                                                   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |
| 41 | N        | 03/03/2023 |                                                                                                                                                                                                  |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |

# Town of Snowmass Village

## Agenda Item Summary

### DATE OF MEETING:

August 27, 2018

### AGENDA ITEM:

Council Compensation Ordinance No. 6, Series of 2018 - **AN ORDINANCE AMENDING THE MUNICIPAL CODE TO INCREASE THE COMPENSATION PAID TO THE MAYOR AND COUNCIL MEMBERS**

### PRESENTED BY:

Clint Kinney, Town Manager  
Rhonda B. Coxon, Town Clerk

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### BACKGROUND:

Town Council asked staff to research Town Council compensation and provide a comparison which was presented at their regular meeting on December 18, 2017. At that meeting Town Council directed staff to inquire with our insurance provider if it would be possible to offer Town Council insurance benefits. Staff provided information at the February 12, 2018 work session and after discussion the Town Council asked staff to calculate the budget amount if the Council decided to give future Town Council Members a \$2,400 raise per year to \$14,400 annually which is the same as Aspen, and also offering a \$500.00 cash stipend per month for the Town Council and Mayor to be used towards their personal insurance.

The increase would be for 2 Council Members and the Mayor beginning in January of 2019 and the 2 remaining Council Members in November of 2020.

#### 2019

|                                                          |                 |
|----------------------------------------------------------|-----------------|
| 2 Council Member X 2,400 per year is                     | \$4,800         |
| 2 Council Member and the Mayor for \$500.00 per month is | <u>\$18,000</u> |
| Total Annual Budget amount                               | \$22,800        |

#### 2020

|                                                          |                 |
|----------------------------------------------------------|-----------------|
| 4 Council Members X 2,400 per year is                    | \$9,600         |
| 4 Council Member and the Mayor for \$500.00 per month is | <u>\$30,000</u> |
| Total Annual Budget amount                               | \$39,600        |

Town Council directed staff to prepare an Ordinance amending Council Compensation. Per the Town of Snowmass Village Charter Section 3.6 ***The members of the Council***



***shall be entitled to receive such compensation as prescribed by ordinance, provided, however, that the compensation of any member during such member's term of office shall not be increased or decreased.***

**Summary and Recommendation from the July 11<sup>th</sup> Financial Advisory Board (FAB) Meeting:**

The following is a summary of the FAB's meeting on July 11, 2018 and their discussion regarding Town Council compensation increases, which was prepared by Greg Smith, Chair, and approved by the board.

*Clint Kinney presented the cost impact of a potential raise for town Council members of \$2,400 to \$14,400 annually and also offering a \$500 cash stipend per month to help cover health care costs. The total annual budget impact would be \$39,600. The rationale was that it could attract a larger audience of constituents to run for elected positions, and it would match Aspen's compensation level. Staff concludes that the town's budget can accommodate this incremental cost.*

*The FAB noted that Snowmass Village is very fortunate to have an outstanding Council, and also typically good candidates seem willing to run for that position. Certainly, continuing to attract candidates is highly desirable, but there does not seem to be evidence of difficulty. The town also has the strong support of numerous boards and advisory committees whose members serve for no compensation. It seemed unlikely that the incremental compensation would make a material difference in available candidates.*

*Additionally, while the \$2,400 raise would bring Council salaries to Aspen's level, it would be higher than almost all other towns in the state, including Breckenridge, Vail, and Glenwood Springs for example. Also, Aspen's overall size and budget are much greater than Snowmass Village's.*

*Regarding the additional \$500 per month for health care, this would result in total compensation well over other comparators and runs counter to ongoing efforts to control rising benefit and health care costs of town employees. A concern was also noted about potential candidates whose primary motivation could be more about compensation and benefits and less about serving the community. While not recommended, if council does elect to proceed with this benefit, structuring it as a flexible spending account (FSA) for health care, as employees have, may be advisable.*

**FINANCIAL IMPACT:**

**\$39,600 Additional to the Budget**

**APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:**

Current Town Council would like to make the compensation favorable to attract a larger audience of constituents running for an Elected position.

COUNCIL OPTIONS:

Act on Ordinance No. 6, Series of 2018

STAFF RECOMMENDATION:

NA

ATTACHMENTS:

None



TOWN OF SNOWMASS VILLAGE  
TOWN COUNCIL

ORDINANCE NO. 6  
SERIES OF 2018

**AN ORDINANCE AMENDING THE MUNICIPAL CODE TO INCREASE THE  
COMPENSATION PAID TO THE MAYOR AND COUNCIL MEMBERS.**

WHEREAS, the Town Council believes that the remuneration that is paid for service as a member of the Town Council should be reasonable; and,

WHEREAS, the Town Council has reviewed the compensation that has been paid to members of other Town Councils in Colorado and determined that an increase in compensation is reasonable; and,

WHEREAS, pursuant to the laws of the State of Colorado, an increase in compensation for members of the Town Council would not be effective for the current members of the Town Council.

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

1. Municipal Code Amendment. Section 2-43 of the Municipal Code is hereby amended by increasing the compensation paid to each Council Member other than the Mayor from \$1,000.00 to \$1,200.00 per month and further amended to provide a monthly stipend in the amount of \$500.00 for the Mayor and each Council Member for health care expenses.

2. Effective Date. The increase in compensation set forth in Section 1 of this Ordinance shall be paid to the Mayor and members of the Town Council, who are elected in or after November 2018, beginning January 2019, and monthly thereafter.

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

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on First Reading on August 27, 2018 upon a motion by Council Member \_\_\_\_\_, the second of Council Member \_\_\_\_\_, and upon a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on Second Reading on September 4, 2018 upon a motion by Council

ORD. 18-06  
Page 2 of 2

Member \_\_\_\_\_, the second of Council Member \_\_\_\_\_,  
and upon a vote of \_\_\_\_ in favor and \_\_\_\_ against.

TOWN OF SNOWMASS VILLAGE

\_\_\_\_\_  
Markey Butler, MAYOR

ATTEST:

\_\_\_\_\_  
Rhonda B. Coxon, TOWN CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
John C. Dresser, Jr., TOWN ATTORNEY



ORDINANCE NO. 21  
(Series of 2020)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, INCREASING THE COMPENSATION FOR THE OFFICES OF MAYOR AND CITY COUNCILPERSON.

WHEREAS, Section 3.6 of the Home Rule Charter for the City of Aspen provides that members of the City Council and Mayor shall receive such compensation as the Council shall prescribe by ordinance; and

WHEREAS, the current levels of compensation for the Mayor (\$2,325.00 per month) and members of City Council (\$1,700.00 per month) were established in January 2001, and have not been adjusted since that time; and

WHEREAS, the City Council desires to provide a reasonable and equitable increase in the levels of compensation provided to the Mayor and members of the City Council so as to reflect not only the increase in the cost of living since 2001, but the increase in the commitment of time necessarily required to fulfill the duties of such elective offices, which is acknowledged to be a minimum of twenty hours per week; and

WHEREAS, the City Council desires to establish a salary that is fair compensation and maintain that salary as it relates to increases in the cost of living without further action by Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, THAT:

Section 1.

The monthly compensation for the office of Mayor shall be increased from \$2,325.00 per month to \$3,325.00 per month; the monthly compensation for City Council members shall be increased from \$1,700.00 per month to \$2,700.00 per month. Increases in compensation as set forth herein shall become effective upon the first regular City Council meeting in April 2021 for the

Mayor and June 2021 for those Council Members elected in the general election of 2021. In accordance with Section 3.6 of the Home Rule Charter, no current member of the City Council, including the Mayor, shall be entitled to receive such compensation increase until their present term of office has expired, and they have been duly elected or appointed to a new term. Thus, for Council positions set for election in March 2023, increases in compensation as set forth herein shall become effective upon the first regular City Council meeting in April 2023.

#### Section 2.

The monthly compensation for City Council members shall be increased based on the increase in the Denver-Aurora-Lakewood CPI ("CPI") every four years to take effect at the commencement of a new term for each Council position. For Council members elected in 2021, the CPI compensation increase shall take effect in April 2025, and each April every four years thereafter. For Council members elected in 2023, the CPI increase shall take effect in April 2027, and each April every four years thereafter. The monthly compensation for Mayor shall be increased by the CPI every two years commencing April 2023. The Director of Finance shall calculate and implement the CPI increase authorized pursuant to this Section 2.

#### Section 3.

In addition, compensation for the office of Mayor and for City Council members shall include the ability to participate in the City's medical and prescription insurance program at no additional cost or receive an amount sufficient to allow the officeholder to participate in a third-party medical and prescription insurance program. If the Mayor or any member of Council elects to obtain or maintain third-party individual medical and prescription insurance, such individual shall be entitled to receive an insurance stipend; provided, however, that the stipend is actually used to purchase the insurance through a third-party insurer and that the stipend does not exceed the cost of the medical



and prescription insurance for a single person in the City's insurance program, which equals the employee premium plus City's costs for such insurance. Any Council member and Mayor requesting the stipend shall provide evidence of the actual third-party insurance coverage and the cost of the coverage obtained by the individual to the Human Resources Department annually during open enrollment extended through January 31<sup>st</sup>. If electing to participate in the City of Aspen's insurance program, the Mayor and City Council members may also elect dental and vision coverage but shall be responsible for and pay the premium for such coverage. If enrolling in the City of Aspen's insurance program, the Mayor and City Council members may enroll eligible dependents, at the Mayor's or Councilmember's full expense, in compliance with the Affordable Health Care Act. The maximum stipend shall be determined by the Human Resources Department and implemented at the commencement of each Mayor or Council Member's term and shall remain the same throughout the elected individual's term. Further benefits for the Mayor and City Council members shall include access to a deferred compensation (457b) retirement plan, Employee Assistance Program (EAP), and the Elected Official Wellbeing Program. Any additional costs associated with participation in these programs shall be borne by the individual elected official. The EAP allows access for the Mayor and Council members and their dependents up to 26 years old and/or spouse.

#### Section 4.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 5.

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances amended as herein provided, and the same shall be construed and concluded under such prior ordinances.

A public hearing on the ordinance shall be held on the 8<sup>th</sup> day of December 2020, in the City Council Chambers, Aspen City Hall, Aspen, Colorado.

INTRODUCED, READ AND ORDERED PUBLISHED as provided by law by the City Council of the City of Aspen on the 24<sup>th</sup> day of November 2020.

TOPPE  
Torre, Mayor

ATTEST:  
Nicole Henning  
Nicole Henning, City Clerk

FINALLY adopted, passed and approved this 8th day of December 2020.

TOPPE  
Torre, Mayor

ATTEST:  
Nicole Henning  
Nicole Henning, City Clerk



Town of Basalt  
Ordinance No. 12  
Series of 2016

AN ORDINANCE OF THE TOWN OF BASALT, COLORADO, SETTING THE  
SALARIES OF THE MAYOR AND TOWN COUNCIL.

RECITALS

WHEREAS, The Town of Basalt Town Charter, Section 3.9, Compensation of Elected Officials, states, compensation for the Mayor and other Councilors may be established by ordinance from time to time; provided, however that any change or increase passed during a Councilor's or the Mayor's current term of office shall not take effect with respect to that official until a subsequent term, if any.

WHEREAS, The Town of Basalt has reviewed all salaries for appointed employees over the last two years and has reset the ranges to meet the current market conditions for the attraction and retention of employees.

WHEREAS, the Town Staff in conducting these salary reviews has also gathered salary survey data for Roaring Fork Valley towns, cities and counties elected officials.

NOW THEREFORE, BE IT ORDAINED by the Town Council of Basalt, Colorado, as follows:

**Section 1.** Mayor Salary. The Mayor's Salary shall be set at \$1,562.50 per month (\$18,750 annually)

**Section 2.** Councilors Salary. Councilor's Salary shall be set at \$1,041.67 per month (\$12,500 annually).

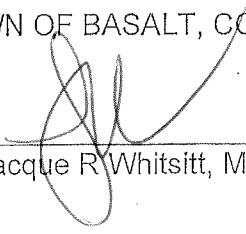
**Section 3.** Salary adjustments for the Mayor and Town Councilors shall only take effect after their next election to a subsequent term.

**Section 4.** This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter.

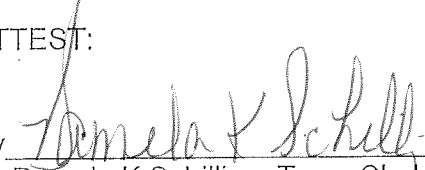
INTRODUCED, READ ON FIRST READING, ORDERED  
PUBLISHED, AND SET FOR PUBLIC HEARING TO BE HELD ON March 22,  
2016, by a vote of 7 to 0 this 8th day of March, 2016.

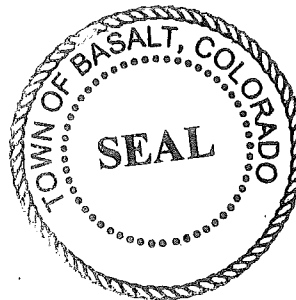
READ ON SECOND READING AND ADOPTED by a vote of 6 to  
0 on March 22, 2016.

TOWN OF BASALT, COLORADO

By   
Jacque R. Whitsitt, Mayor

ATTEST:

By   
Pamela K Schilling, Town Clerk



First Publication: Thursday, \_\_\_\_\_, 2016  
Final Publication: Thursday,  
Effective Date: Thursday,



**Roaring Fork Valley -- Elected Officials Salary Survey**  
(Effective 2016)

| Entity                                                 | Mayor     | Council   |
|--------------------------------------------------------|-----------|-----------|
| City of Aspen                                          | \$ 20,700 | \$ 14,400 |
| Town of Snowmass Village                               | \$ 20,400 | \$ 12,000 |
| Town of Basalt                                         | \$ 14,400 | \$ 9,600  |
| Town of Carbondale                                     | \$ 18,000 | \$ 10,800 |
| City of Glenwood Springs                               | \$ 14,400 | \$ 12,000 |
| Entity Average                                         | \$ 17,580 | \$ 11,760 |
| Proposed Basalt                                        | \$ 18,750 | \$ 12,500 |
| Dollar Difference between Entity Average and Proposed  | \$ 1,170  | \$ 740    |
| Percent Difference between Entity Average and Proposed | 6.66%     | 6.29%     |
| Percent Difference between Current Salary and Proposed | 30.21%    | 30.21%    |

|               |                               |        |
|---------------|-------------------------------|--------|
| Eagle County  | Commissioner<br>(Category 2B) | 85,000 |
| Pitkin County | (Category 2C)                 | 79,750 |

|                                                                  |                                                                                    |
|------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <b>TOWN OF BASALT<br/>ACTION ITEM SUMMARY<br/>ADMINISTRATION</b> | <b>Item Number: 7B</b><br>Date: March 18, 2016<br>From: Mike Scanlon, Town Manager |
|------------------------------------------------------------------|------------------------------------------------------------------------------------|

**SUBJECT:** Ordinance 12, Series 2016

**RECOMMENDATION:**  
This ordinance sets the salary of the Mayor and Town Councilors.

**DETAILS:**

Basalt Town staff over the last several years have conducted various salary surveys and done an extensive review of compensation using both Mountain States Employer Council (MSEC) and information generated internally. By various resolutions and actions we've modified our pay ranges for our appointed employees to stay competitive in our marketplace. As part of these surveys we have also collected information related to the pay of elected officials.

The last time the Town Council took action on Mayor and Town Council salaries was for the 2008 budget year. Given that it has been eight years since the last review and change to Town Council salaries it seems appropriate for the Town Council to consider adjustment in elected officials salaries at this time.

We've selected this period – the month preceding the election – to recommend the Town Council consider pay adjustment because it creates the least amount of disparity in pay over a fixed period of time for those people in office.

Attached is a salary survey for elected officials in the Roaring Fork Valley. We've generated an average pay for the five municipal entities in the Roaring Fork Valley. After reviewing the salaries and the average Town Staff then proposed salaries for the Mayor and Town Councilors. That recommendation is based on maintaining some level of parity between both Mayor and Town Councilor salaries and the salaries that are currently being paid in surrounding communities.

It's important to note that the charter is very clear as to when the new salaries go into effect. And states the following,

*"any change or increase passed during a Councilor's or the Mayor's current term of office shall not take effect with respect to that official until a subsequent term, if any."*

**Related State Statute and/or Town Actions: Town Charter – Article III, Section 3.9**

**Amount Requested: Budgetary Impact -- \$13,050**



## Town of Snowmass Village

### Agenda Item Summary

#### DATE OF MEETING:

July 17, 2023

#### AGENDA ITEM:

Executive Session

#### PRESENTED BY:

Clint Kinney, Town Manager

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#### BACKGROUND:

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

#### FINANCIAL IMPACT:

N/A

#### APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

#### COUNCIL OPTIONS:

Convene in Executive Session  
Choose not to convene in Executive Session

#### STAFF RECOMMENDATION:

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

- a) To discuss personnel matters, except if the employee who is the subject of the session has requested an open meeting, pursuant to C.R.S. 24-6-402(4)(f)(I) and Snowmass Village Municipal Code Section 2-45(c)(6), more specifically related to: Performance Review of Town Attorney

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

#### ATTACHMENTS:

N/A



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

- a) To discuss personnel matters, except if the employee who is the subject of the session has requested an open meeting, pursuant to C.R.S. 24-6-402(4)(f)(I) and Snowmass Village Municipal Code Section 2-45(c)(6), more specifically related to: Performance Review of Town Attorney

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