



**Town Council
Monday, July 1, 2024
4:00 PM**

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

1. CALL TO ORDER

2. ROLL CALL

3. PROCLAMATIONS AND PRESENTATIONS

4. PUBLIC COMMENT

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

5. CONSENT AGENDA

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

5.A. Town Council Draft Agendas

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

5.B. Minutes for Approval

[5B - 06-17-24 TC Minutes - Draft.pdf](#)

5.C. Resolution RE IGA for Coordinated Election with Pitkin County

[5C 1 - Agenda Item Summary - Reso 24-15 Re Election & IGA for Coordinated Election.pdf](#)

[5C 2 - Reso 15 series 2024 - Auth Coordinated Election IGA.pdf](#)

6. PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS

Public Hearings are the formal opportunity for the Town Council to LISTEN to the public

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

6.A. Lynn Britt Project Review

[6A - Agenda Item Summary Lynn Britt Expansion.pdf](#)

[6A 1 - Attachment A - draft Reso No. 16 of 2024 Lynn Britt Expansion.pdf](#)

[6A 2 - Attachment B - SkiCo Application Letter.pdf](#)

[6A 3 - Attachment C - PC Reso 5 of 2024 Lynn Britt expansion.pdf](#)

[6A 4 - Attachment D - Planning Commission Staff Report Lynn Britt Expansion.pdf](#)

[6A 5 - Attachment E - Architectural Drawings Lynn Britt Expansion.pdf](#)

[6A 6 - Attachment F - Public Comments.pdf](#)

7. POLICY/LEGISLATIVE PUBLIC HEARINGS

7.A. Ordinance RE AEU modification - First Reading

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

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

[7A 2 - EXHIBIT 'A' PROPOSED REDLINED CODE CHANGES, 2024, MASTER draft 5-3-24.pdf](#)

[7A 3 - PC RESO NO. 3 2024 w EX 'A' AEU code changes, SIGNED.pdf](#)

[7A 4 - Snowmass HOA.Ltr.SV Mayor.Town Council.5.31.24.pdf](#)

8. ADMINISTRATIVE REPORTS

8.A. Draw Site Update

[8A 1 - Owners' Review - Draw Site Housing 7-1-2024.pdf](#)

[8A 2 - Attachment A - PRELIMINARY LANDSCAPE PLAN.pdf](#)

9. TOWN COUNCIL REPORTS AND ACTIONS

Reports and Updates

10. EXECUTIVE SESSION

10.A.Executive Session

[10 - Agenda Item Summary Exec Session.pdf](#)

11. ADJOURNMENT

DRAFT 2024 Agenda Items

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

Topic to incorporate:

- MJ signage regs / tax rate should they be revised?
- Lighting Code Discussion – July?
- Airport discussion & Update from Dan B
- Landfill discussion & Update from Pitkin Couty
- Food Pantry update after summer

Monday June 17 – Regular Meeting (Gustafson Virtual)

- Mall Transit station design review
- Workforce Housing Master Plan from HOA
- Employee handbook on consent
- Exec Session – review

Monday July 1 – Regular Meeting (Shenk Virtual)

- Election Reso auth to participate & IGA with Pitkin (or July 15th – has to be delivered to Cty 100 days prior to Election on 7/28/24)
- Draw site update
- Lynn Britt Project review
- AEU modification first reading
- Exec Session negotiation
-

Monday July 8 – Work Session (Shenk Virtual)

- Rep. Velasco visit
- Snowmass Club Pre-Sketch Meeting (joint with Planning Commission)
-

Monday July 15 – Regular Meeting (Shenk Virtual)

- Owl / Brush Roundabout Update
- ORD - Bs and Cs Update - Ord – First Reading
- Black Hills Energy Franchise Agreement Ordinance first reading.
- Airport Update from Dan Bartholomew
- Connecting Village Nodes Update
- Review 2024 Mall Transit Station Concept Boards

Monday Aug 5 – Regular Meeting

As Of: Thursday, June 27, 2024

DRAFT 2024 Agenda Items

- English in Action – update – Maja Decker
- Election – Reso Re Ballot Language and/or 8/19/24 (Ballot Language has to be to Cty by 9/6/24)
- ORD - Bs and Cs Update - Ord – 2nd Reading
- Discussion regarding community survey
- Little Red Schoolhouse Update

Monday Aug 12 – Work Session

- B & C application & appointment procedure update
-

Monday Aug 19 – Regular Meeting

EOTC – Thursday August 22 – Pitkin County

Tuesday Sept 3 – Regular Meeting

- Review Leash Laws
- Roaring Fork Safe Passages follow up request for funding for Wildlife Corridor study?
-

Monday Sept 9 – Work Session

Monday Sept 16 – Regular Meeting

Monday Oct 7 – Regular Meeting

- Budget
-

Monday Oct 14 – Work Session

- Budget

Monday Oct 21 – Regular Meeting

- POST Grant – 1st reading?
- Budget

EOTC – Thursday October 24 – City of Aspen

Wednesday Nov 6 – Regular Meeting

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

Tuesday Nov 12 – Work Session

Monday Nov 18 – Regular Meeting

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

As Of: Thursday, June 27, 2024

DRAFT 2024 Agenda Items

Monday Dec 2 – Regular Meeting

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

Monday Dec 9 – Special Meeting

- **GID Meeting – set Mill Levy**

Monday Dec 16 – Regular Meeting

- B & C Resolution appointing new Members

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

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

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

1



Town Council
Town Council Meeting Minutes
Monday, June 17, 2024
4:00 PM
130 Kearns Road
Town Council Chambers
Snowmass Village, CO, 81615

Mayor Madsen called to order the Regular Meeting of the Snowmass Village Town Council on Monday June 17, 2024, at 4:01 pm.

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

1) CALL TO ORDER

4:01 pm

2) ROLL CALL

Council Members Present: Alyssa Shenk, Tom Fridstein, Britta Gustafson(virtually), Susan Marolt and Bill Madsen.

Council Members Absent: None.

Staff Present: Clint Kinney, Town Manager; Jeff Conklin, Town Attorney; Greg LeBlanc, Assistant Town Manager; Jim Wahlstrom, Senior Planner; Dave Shinneman, Community Development Director; Doug Goldfluss, IT Manager; Sam Guarino, Transportation Director and Megan Harris Boucher, Town Clerk.

Public Present: Bob Wolfe, Mary Greco, Kristin Jones, Sherry Sultenfuss, Tom Sultenfuss, Mary Blankenau, Tom Cuccio, Leslie Desmond, John Rawlins, Judi Lohr, and Eduard Oliemans. Public Virtual: Ann, Anne, Bob Musher, Phillip Bogart, Chris

Pates, Dana Murray, David Jacobson, David McGrath, Eric Matis, Gary Crayton, Kate Grattan, Judy & Hall Lewis, Hiram, Jeff, Jeff Clark, Jill Cunningham, Jim Braband, Joe Mostowy, John Elmgren, John Hall, John Humphrey, Kathy Clark, Melissa de Cordova, NHV, Parker-Snider, Patricia Wyhinny, Rick Boeshaar, Sherry Goetze, Terry Snider, Todd B and Tony Neidenback.

3) PROCLAMATIONS AND PRESENTATIONS

4) PUBLIC COMMENT

5) CONSENT AGENDA

5.A) Town Council Draft Agenda Overview

[5A 2024 Agenda Overview](#) 

5.B) Minutes for Approval

[5B 06-03-24 TC Minutes DRAFT](#) 

5.C) Resolution approving changes to the Employee Handbook

[5C Agenda Item Summary - Employee Handbook Edits - June 17 2024](#) 

[5C 1 Resolution No. 14, 2024 - Adopting Employee handbook](#) 

[5C 2 2024 TOSV Employee Handbook](#) 

Councilmember Shenk sent a few corrections to the minutes to Town Clerk Boucher.

Council asked about the Ordinance regarding AEU's and staff confirmed it is planned to be on the July 1st agenda.

Councilmember Fridstein motioned to approve the consent agenda. Councilmember Shenk seconded. All in favor.

6) PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS

7) POLICY/LEGISLATIVE PUBLIC HEARINGS

8) ADMINISTRATIVE REPORTS

8.A) [Request to initiate an amendment to the Workforce Housing Master Plan](#)

[8A Agenda Item Summary - TC mtg 6-17-24](#) 

[8A 1 TC Reso 13, 2024, Amdt req to WF Housing MP DRAFT](#) 

[8A 2 PC Reso 4 2024 Amdt to WF Housing MP PC - signed](#)
[8A 3 Comprehensive Plan Update Proposal](#)
[8A 4 Housing Memo comments to CDD re Amending Housing Master Plan, 4-1-24](#)
[8A 5 Roaring Fork Fire District, 4-10-24](#)
[8A 6 Transportation comments re Amdt to WF Housing MP, 4-25-2024](#)
[8A 7 Public Comments - T. Shumaker, 5-5-24](#)
[8A 8 Additional Public Comment - Support Ltr](#)

Senior Planner Jim Wahlstrom summarized the agenda item. A request dated March 12, 2024, was submitted by legal counsel representing the Laurelwood Condominium Association and several other association complexes. They requested the Town initiate an amendment to the Workforce Housing Master Plan to remove the Upper Numbered Lots from consideration regarding a potential site to construct employee housing. It was presented to the Planning Commission on May 15 and June 5th. The Planning Commission recommended no changes to the Workforce Housing Master Plan and found that the plan continues to serve as an important long-range planning document for the Town.

Representing the Laurelwood and the other HOAs, Haley Carmer from Garfield & Hecht gave a presentation which highlighted specific objections to future development above the numbered lots and asked for that location to be removed from the Workforce Housing Master Plan.

Councilmembers comments included: TOSV is currently in a housing crisis with over 272 on a waiting list for workforce rental housing; SMV is about 95% built out; commercial businesses have all expressed interest and support for developing workforce housing; one of Council's 2023 goals states that they remain committed to implementing the 2021 Housing Master Plan which outlines areas for possible further develop; the 2021 Housing Master Plan had extensive community input while it was being developed as well as viability studies for all the sites considered; that the Public Parking lots are a valuable asset and there is no design or application currently being considered for the numbered lots.

Council stated that they want to keep it in the plan and a part of the long range plan. Some other options for housing are more viable, are currently being explored and need community support. Council asked for public comment on the agenda item.

Public Comment:

Mary Blankenau – In person – GM, Timberline - Wants Council to know how the homeowners feel. 347 homeowners have added their voice to this request. If you build on the parking lots, it will add so many more problems/issues.

Gary Crayton – Virtual - Condo owner, Top of the Village – Had a question about parking permitting – Town Manager Kinney and Garfield & Hecht Attorney Cramer clarified.

115 Bob Wolfe - In person – Concerned about density, finances, community and maintaining
 116 the character of the village.
 117

118 Jennifer & Terry Snider – Virtual - Condo owner, Timberline – While Council comments
 119 that it is low on the list, does not understand why Council wants to keep it in the plan. It
 120 effects condo owners long range plans.
 121

122 Mary Grecco – In person -Top of the Village and speaking on behalf of Dave Spence.
 123 Read the letter Dave Spence sent to the Council and was added to the packet.
 124

125 Eric Matis – Virtual - Condo owner, Top of the Village. Concerned about the impacts to
 126 Carriage Way.
 127

128 Tom Saltenfuss – In person – Condo Owner, Sonnenblick - Concerned about potential
 129 development and a private development partnership. Residents are concerned about
 130 this.
 131

132 Hiram Champlin- Virtual – President/condo Owner, Sonnenblick and former Chairman
 133 of SRA. Stressed the long history of the numbered lots in providing parking for the west
 134 village. Suggested that the rodeo parking lot should be included in the housing plan as a
 135 much better option.
 136

137 Jami Downs – In person – GM, Laurelwood & Interlude – Stressed that this means so
 138 much for these 347 owners. Why can't this just come out of the Housing Plan? All want
 139 employee housing but believes the numbered lots location is too close to the mountain,
 140 too dense. Asked for more clarification.
 141

142 Tony Neidenbach – Virtual - Condo owner, Aspenwood – Concerned about parking.
 143 Made a statement that owner consent was required for any public project on the
 144 numbered lots due to parking. NOTE: Attorney Jeff Concklin clarified and gave correct
 145 information at the end of the public comments. See below.
 146

147 David "Jake" Jacobson – Virtual - Condo owner & President of Laurelwood HOA. With
 148 over 347 owners joining him, please take this off the plan. It makes no sense.
 149

150 Dana Murray – Virtual – Condo owner & Secretary, Timberline HOA – Agree with these
 151 others, please take this off the plan. This effects property value and potential profits for
 152 future sale.
 153

154 David McGrath – Virtual – Condo owner, Interlude – Believes it is vitally important to
 155 find a place for employee housing but is concerned about parking and it as a limited
 156 commodity. Ask Council to reconsider and please remove it from the plan.
 157

158 Patricia Wyhinney - Virtual - Condo owner, Timberline - Concerned about parking. about
 159 a potential development project and bait and switch tactics. Does not think employees

should be housed near the ski mountain but rather bussed a distance away.

Jim Braband – Virtual – Condo owner, Timberline – When they bought, they liked Snowmass for its open space and unblocked views. Now comparing SMV to Vail. Concerned about parking and feel development should be avoided at all cost.

Mayor Madsen thanked all for their comments. Madsen confirmed there is no commercial development planned on the numbered lots. Businesses come to the Town and tell us they have a hard time finding employees. While this is not something in the works, the Town needs to keep all options available. The Town is protective of the lots and parking.

Councilmember Fridstein read section three considerations from the resolution. That section protects many of the concerns the public mentioned. If a proposal does come in, then we will address the concern. It is just a visionary document.

Note: Attorney Jeff Concklin clarify Tony Neidenbach's comment. The 2006 agreement with reference to the numbered lots, if the Town wanted to redevelop that area, the Town has to provide notice to the adjacent property owners. If then a majority of the notified homeowners expressed opposition within 30 days, then the Council would need to approve the project by a SUPER majority vote. It was an incorrect statement that TOSV has to get permission.

Councilmembers all agreed that they will not be removing it from the Master Plan.

Councilmember Shenk motioned to approve Resolution 13, Seies of 2024.

Councilmember Marolt seconded. All in favor.

8.B) [Mall Transit Station Design Review](#)

[8B Agenda Item Summary - Mall Transit Center](#)

[8B 1 2024-06-12 TOSV Town Council Submittal](#)

[8B 2 TOSV Transit Center Concept Estimate](#)

[8B 3 2024 Incremental Improvements](#)

[8B 4 TOSV Transit Station Incremental Improvements ROM](#)

[8B 5 2022 Project](#)

[8B 6 TOSV Transit Center 75% CD CES](#)

[8B 7 2024 Mall Transit Design Criteria](#)

[8B 8 PC Reso 2, 2023, Transit Center Special Review](#)

Transportation Director Sam Guarino summarized the agenda item and introduced Alex Jauch, architect with SEH. Jauch highlighted some items in the packet and presented aspects of the potential designs.

Staff is recommending the incremental improvements plan and believes that plan has a path towards the larger 2024 two story plan without losing too much money.

Council discussion and comments included some general questions regarding costs for both designs; the plans for the bathrooms and if it could work for both incremental improvements and for new 2024 design; asked for information on a construction timeline as soon as possible; RFTA and the potential removal of the Stonebridge stop as well as having RFTA busses moved off lower Carriage Way and onto Brush Creek; the plans and how they fits into a potential Mall redevelopment; concern about parking and potential loss of parking spaces; concerns about the impacts during construction to local businesses and if it would be that different than what was proposed in 2022; and suggestions to go forward with the incremental improvements plan while moving towards 2024 two story plan.

Council would like next steps to include community input to ensure community buy in.

Staff suggestion is to get information ready for the public, get input from community on “Plan A, Plan B and 2022 Plan” for comparison via open houses, surveys, etc. Council then incorporates that input and decides next steps.

Council noted that the Comprehensive Plan was developed after much community input, and it sees the redevelopment of the Mall going hand and hand with developing the Transit Center. Take Comprehensive Plan as the guide, use it as guide and keep referring to it throughout the process.

Council suggested going forward with the incremental improvements plan with a design that will allow for the 2024 plan. Asked for team to develop a phased approach where Phase 1 is the incremental changes and Phase 2 is the 2024 plan. Allowing for operational efficiencies by designing them to work together. Then the team could develop information to go out the community for input. Noting the complexity, history and relationship of this potential plan.

Public Comment -

Leslie Desmond – Desmond likes the sound of this 2024 plan and has been taking public transportation recently. Question about where the CABS/Taxi stand will be and that it is not very safe as it is now. Please think about it.

Dywane Romero - Submitted an email for Council to consider. He likes the Phase 1 - Phase 2 approach. Suggests a bigger, broader, deeper outreach for community input, keeping the Comprehensive Plan goals central to the conversation. Construction schedule was a major concern last time around. Ways and means to lessen those impacts. Wants to help in the process.

9) TOWN COUNCIL REPORTS AND ACTIONS

Councilmember Gustafson attended the Economic Development District (EDD) meeting after the NWCCOG meeting. They are interested in moving forward on strategic planning. The Sister Cities’ High School New Zealand trip is in progress.

Gustafson asked if we can have additional discussions with the Collective and find a way to make it more assessable and lower the cost for locals.

Councilmember Marolt - The Board of Health (BOH) is working on gun safety education. There is an event scheduled on June 21 from 5-5:30pm at Pitkin Co Library with a presentation regarding gun safety and storage.

Councilmember Shenk also attended the NWCCOG meeting in beginning of June. They continued the discussion on the Community Metrix project. Of note, the US Postal Service Union has signed off on the Cost of Living/locality pay. Hopefully this will help improve mountain town's postal service. RFTA board had a short meeting followed by the retreat where they discussed the housing plan, a housing navigator position to help new employees find housing, first /last mile and additional funding sources for future. Shenk attended the RFTA Audit Committee meeting where they discussed technology, fraud & cyber security issues. Kinney confirmed that the Town conducts cyber audits regularly.

Councilmember Fridstein - No meetings to report. Has heard from some community members that they are concerned about the Water & Sanitation project up on Faraway. Kinney confirmed that the Town helped coordinate with other utilities so that all was done at once but yes, Faraway will be closed completely rather than one lane in order to minimize length of time for the project.

Mayor Madsen – Both Kearns Culvert and the Highline project are wrapping up. The first Rodeo is Wednesday June 19th. The Community Celebration with ribbon cutting will be Wednesday June 26th. Town gave away 500 tickets to community members for the June 26th Rodeo. The Kind Neighbor project had an event last Tuesday. Great community event. Next one is July 9th at Town Park, community is invited to attend.

10) EXECUTIVE SESSION

10.A) Executive Session - Town Manager Review

[10 Agenda Item Summary Template for Exec Session - Performance Reviews of Town Manager](#) 

Mayor Madsen read the legal language for the Executive Session.

At 6:56 pm Councilmember Fridstein motioned to go into Executive Session. Councilmember Shenk seconded. All in favor.

At 7:38 pm, Councilmember Marolt moved to adjourn the Executive Session and reconvene the Regular Meeting, Councilmember Fridstein seconded. All in favor.

11) ADJOURNMENT

293 Councilmember Shenk motioned to adjourn. Councilmember Fridstein seconded. All in
294 favor.
295

296 Adjourned at 7:38 pm.

297
298 The Snowmass Village Town Council approved this set of meeting minutes at their
299 Regular Meeting on Monday, July 1, 2024.
300

301 Submitted By,
302

303
304 _____
304 Megan Harris Boucher, Town Clerk
305

306

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

July 1, 2024

AGENDA ITEM:

Resolution RE Election & IGA with Pitkin County for Coordinated Election November 5, 2024

PRESENTED BY:

Jeff Conklin, Town Attorney
Megan Harris Boucher, Town Clerk

BACKGROUND:

The purpose of this Resolution is to authorize the Town of Snowmass Village to participate in and for the Town Clerk to execute documents to effectuate the 2024 coordinated election. Specifically, an IGA is required with Pitkin County to conduct a coordinated election including TOSV Council elections and ballot questions.

This upcoming November, the Town will ask voters to elect two individuals to two Council seats and one person to the Mayoral seat. In addition, we will also need to add at least one question on the ballot regarding the Draw Site Apartment project.

FINANCIAL IMPACT:

Customary elections costs

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

Promoting democracy!

COUNCIL OPTIONS:

Adopt, deny or amend Resolution 15, Series of 2024

STAFF RECOMMENDATION:

Staff recommends that the Council adopt Resolution 15, Series 2024 which authorizes the Town Clerk to execute the IGA with the Pitkin County Clerk for a coordinated Election November 5, 2024.

ATTACHMENTS:

Resolution 15, Series of 2024

**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**RESOLUTION NO. 15
SERIES OF 2024**

**A RESOLUTION AUTHORIZING THE TOWN OF SNOWMASS VILLAGE TO PARTICIPATE
IN THE 2024 COORDINATED ELECTION ON NOVEMBER 5, 2024 AND AUTHORIZING THE
TOWN CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH PITKIN
COUNTY TO CONDUCT THE 2024 COORDINATED ELECTION.**

WHEREAS, the Town of Snowmass Village (the "Town"), is a Colorado municipal corporation duly organized and existing as a home-rule municipality pursuant to Article XX of the State Constitution and laws of Colorado; and

WHEREAS, pursuant to Section 2.2 of the Town Charter, the November 5, 2024 election is a regular municipal election date of the Town, which is a coordinated election date; and

WHEREAS, pursuant to Section 2.1 of the Town Charter, all elections of the Town are governed by the Colorado Municipal Election Code unless otherwise provided by ordinance; and

WHEREAS, Section 31-10-102.7 Colorado Revised Statutes, contained within the Municipal Election Code, permits any municipality to elect by resolution to utilize the requirements and procedures of the Uniform Election Code which will thereby permit the Town to participate in the coordinated election being conducted by Pitkin County (the "County") on November 5, 2024; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election; and

WHEREAS, there has been submitted to the Town Council an intergovernmental agreement for the 2024 Coordinated Election, between the Town of Snowmass Village "Political Subdivision" and Pitkin County Clerk and Recorder, a draft copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Town wishes to participate in such coordinated election and, to do so, wishes to approve intergovernmental agreement with Pitkin County to conduct the election, appoint the Town Clerk as the Designated Election Official, and to authorize all other such actions necessary for participation in the 2024 coordinated general election with Pitkin County.

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

1. Recitals. The foregoing recitals are incorporated herein as findings of Town Council.
2. Coordinated Election. The Town Council hereby authorizes participation by the Town in the coordinated election to be held November 5, 2024. The Town Council further authorizes the officers and employees of the Town to take all actions necessary or appropriate to participate in the November 5, 2024 coordinated election, including but not limited to preparing ballot titles.
3. Conduct of the Election. The Council hereby provides that the Town shall utilize the requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1 of Colorado Revised Statutes as authorized pursuant to the Municipal Election Code with respect to the regular election and that such election shall be coordinated with and conducted by the County as provided therein.
4. Designated Election Official. The Town Clerk is hereby appointed as the designated election official of the Town for the purposes of performing acts required or permitted by law in connection with the election. Pursuant to Section 1-1-111(2) Colorado Revised Statutes, all powers and authority granted to the Council may be exercised by the designated election official, including, but not limited to the power to appoint election judges.
5. Intergovernmental Agreements. The officers of the Town are authorized to enter into one or more intergovernmental agreements with the County Clerk of the County pursuant to Section 1-7-116 of Colorado Revised Statutes contained in the Uniform Election Code. Any such intergovernmental agreements heretofore entered into in connection with the election are hereby ratified and approved.
6. Ratification of Prior Action. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Town and its officers directed toward the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.
7. Direction to Town Staff. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.
8. Severability. If any provision of this Resolution or application hereof to any person or circumstance is held invalid, the invalidity shall 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.

8. Inconsistency. All acts, orders and resolutions, and parts thereof, inconsistent with this Resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or Resolution, or part thereof, heretofore repealed.

READ, APPROVED AND ADOPTED, as amended, by the Town Council of the Town of Snowmass Village, Colorado on July 1, 2024, upon the motion of Councilmember _____, the second of Councilmember _____ and upon a vote of ___ in favor and ___ opposed.

TOWN OF SNOWMASS VILLAGE

Bill Madsen, Mayor

ATTEST:

Megan Harris Boucher, Town Clerk

APPROVED AS TO FORM:

Jeff Conklin, Town Attorney

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

July 1, 2024

AGENDA ITEM:

Special Review to Expand the Lynn Britt Cabin and Restaurant

PRESENTED BY:

Brian McNellis, AICP/MLA, Senior Planner

BACKGROUND:

The Aspen Skiing Company wishes to make improvements to the existing Lynn Britt restaurant and area by expanding/enclosing exterior back-of-house and kitchen preparation areas, providing additional restrooms, and formalizing the outdoor dining experience with exterior deck space (to include a mobile bar and grill). The outdoor deck space will also include semi-permanent “umbrella” structures that can be enclosed during times of inclement weather and open-air on warmer sunny days (see Attachment E). These type of improvements are allowed by Special Review and pursuant to the updated 2024 Snowmass Mountain PUD Guide recently adopted by the Town Council in accordance with Ordinance No. 7 of 2024.

PROCESS:

Section 16A-5-230 – Special Review (a) Purpose, of the municipal Land Use Code states: *“There are certain uses which, because of their unusual character and potential impact upon the use and enjoyment of neighboring property, cannot be classified into a particular district or districts without site specific consideration of their impacts upon neighboring lands and upon the public need for the particular use at the particular location. These uses require special review of their location, design, intensity, density, configuration, operating characteristics and impacts on public facilities, and may require the imposition of appropriate conditions to ensure the use will be compatible at a particular location and mitigates its adverse impacts.”*

FINANCIAL IMPACT:

There is no financial obligation to the town as it pertains to the expansion of the Lynn Britt cabin and restaurant, but the improvement will result in additional employee

generation and the need for mitigation by way new restricted housing or a cash-in-lieu contribution to offset the impact. A letter of credit for the total cash-in-lieu amount is acceptable to the Town Staff at the time of building permit issuance if additional housing mitigation is not feasible within 3 years from the issuance of the building permit (see draft condition No. 2 in draft Resolution No. 15 – Attachment A).

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

As stated in the 2018 Comprehensive Plan, ‘The Town of Snowmass Village once again re-affirms the community’s aspiration to be the leading multi-season, family oriented, inclusive resort community. We will do this by creating, marketing, and delivering distinctive choices for fun, excitement, challenge, learning, and togetherness. All of this is done amidst our unique natural splendor...as part of a memorable Aspen/Snowmass experience.’

COUNCIL OPTIONS:

Town Council may approve or deny the application after consideration of Planning Commission Resolution No. 5 of 2024 and taking public comment.

The Town Council may wish to weigh-in on whether the proposed “umbrella” structure constitutes indoor or outdoor space which affects the amount of employee mitigation required by the applicant. In accordance with Finding No. 4 of PC Resolution No. 5 of 2024 (see Attachment C) of, the Planning Commission considers the space to be hybrid indoor/outdoor space that should be calculated at 50%. Staff concurs with this assessment.

STAFF RECOMMENDATION:

It is the recommendation of Staff, that the Town Council, by motion, approve Resolution No. 16 of 2024

ATTACHMENTS:

Attachment A – Draft Resolution No. 16 of 2024

Attachment B – Special Review Land Use Application and Amendment

Attachment C – Approved PC Resolution No. 5 of 2024

Attachment D – PC Staff Report (June 5, 2024)

Attachment E – Site Plan and Architectural Drawings

Attachment F – Public Comments

Meissl Umbrella Examples - <https://www.meissl.com/en/products/umbrella-bars/>

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**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**RESOLUTION NO. 16
SERIES OF 2024**

**A RESOLUTION BY THE SNOWMASS VILLAGE TOWN COUNCIL GRANTING
APPROVAL OF SPECIAL REVIEW WITH CONDITIONS THE EXPANSION OF
THE LYNN BRITT CABIN AND RESTAURANT**

WHEREAS, in accordance with the Town of Snowmass Village (hereafter 'Town') Land Use Code, the Town of Snowmass Village ('Applicant') is requesting Special Review pursuant to Sec. 16A-5-230 of the Land Use Code to expand the existing Lynn Britt cabin by enclosing an exterior breezeway to enlarge the kitchen, to provide food storage and preparation areas, customer bathrooms, and the addition of 2 new outbuildings for food and beverage service to the deck areas, and increasing exterior deck space to contain a semi-permanent umbrella structure; and

WHEREAS, pursuant to Municipal Code Section 16A-5-50, the Community Development Department deemed the application complete for review on April 1, 2024;

WHEREAS, the Town of Snowmass Village approved an updated Snowmass Mountain PUD Guide in accordance with Ordinance No. 7 of 2024 which specified the expansion of on-mountain restaurants (including Lynn Britt) as a Special Review use; and

WHEREAS, the Planning Commission reviewed the Special Review application at a public meeting on May 15, 2024 to consider the proposal and recommendations from Town staff and referral agencies, and continued the meeting until June 5, 2024 at which time a recommendation of approval was adopted; and

WHEREAS, the Town Council reviewed the Special Review application at a Public Hearing on July 1, 2024 and considered the Planning Commission recommendation of approval in accordance with PC Resolution No. 5 of 2024.

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

Section One: General Findings. The Town Council generally finds that:

- 1) **Submission:** The Applicant has submitted the Special Review application in accordance with the provisions set forth in the Municipal Code and the Snowmass Mountain PUD Guide adopted in accordance with Ordinance No. 7 of 2024.
- 2) **Content:** The application contained the Minimum Contents as required by

the Municipal Code Section 16A-5-40, '*Submission of Application*,' and included written and graphic materials of sufficient detail such that the application was deemed complete for referral and review.

3) **Public Process:** The Town Council held a public meeting to review the application on July 1, 2024 to consider the proposal in accordance with the responsibilities and procedures prescribed in the Municipal Code Section 16A-5-230(c)(4), '*Action by Decision-Making Body*'.

4) **Code Requirements:** Subject to the recommendations in Section Three of this Resolution, it was found the land use application follows the Review Standards established in Section 16A-5-230 of the Land Use Code as follows:

A. Consistent with Comprehensive Plan. The proposed use shall be consistent with the intent of the Town of Snowmass Village Comprehensive Plan.

B. Comply with standards of Development Code. The proposed use shall comply with all other applicable standards of this Development Code, including, but not limited to:

1) Zone district standards. The purpose of the zone district in which it is located, the dimensional limitations of that zone district and any standards applicable to the particular use, all as specified in Article III, Zone Districts.

2) Development evaluation standards. The applicable standards specified in Article IV, Development Evaluation Standards.

C. Compatible. The proposed use shall be appropriate to its proposed location and be compatible with the character of surrounding land uses in the area and shall not adversely affect the future development of the surrounding area.

D. Adequacy of access. Access to the site shall be adequate for the proposed use, considering the width of adjacent streets, their grades, intersection safety, visibility, and entrance into the area to be developed. When appropriate, public transportation, or other public or private transportation services, and appropriate pedestrian facilities, shall be made available to serve the use.

E. Design minimizes adverse impact. The design and operation of the proposed use shall minimize adverse impacts and shall not create a nuisance, considering such impacts as traffic congestion or traffic hazards, service delivery, parking and loading, trash removal, odors, noise, glare and vibration.

F. Design minimizes environmental impact. The proposed use shall minimize environmental impacts and shall not cause significant deterioration of water and air resources, wildlife habitat, scenic resources and other natural resources.

G. Facilities. There shall be adequate public facilities available to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies that the use would cause. In particular, the applicant shall demonstrate that adequate water supply and sewage disposal service is available for the proposed use, including sufficient water pressure and proximity to fire hydrants to provide for fire protection needs.

H. Parking. Sufficient off-street parking shall be provided for the proposed use.

4) Employee Generation: The Town Council affirms that the proposal generates a need for additional employee housing in accordance with Division 4 – Standards for Restricted Housing of the Land Use and Development Code. Additional commercial square footage associated with the expansion of the Lynn Britt cabin shall be mitigated at a rate of 3.59 employees per 1,000 interior square feet as measured pursuant to Section 16A-3-210 of the Code. The Town Council agrees with the Planning Commission recommendation that the “umbrella” structure may appropriately be measured as hybrid interior/exterior space, and therefore shall be calculated at 50% of its total square footage for restricted housing and employee mitigation purposes (see total Employee Generation matrix – Attachment A).

Section Two: Action. Pursuant to the findings stated in Section One of this Resolution, the Town Council approves the Aspen Skiing Company, Special Review application by Resolution. This approval is subject to the conditions in Section Three below.

Section Three: Conditions. The Applicant shall comply with and implement the following conditions of the Special Review:

(1) The Applicant shall submit for a Building Permit and receive approval thereof prior to construction.

(2) The Applicant shall mitigate for the employee generation associated with the expansion of 1,505 square feet as represented in the Architectural Plans (see Exhibit A) at a rate of 3.59 employees per 1,000 square feet x 60 percent = **3.2** employees x 448 square feet = 1,452 square feet. The applicant shall either provide the mitigation as “built” units acceptable to the Housing

Department and deed restricted in accordance with Table 4-6 of the Land Use Code or in the form of a cash fee-in-lieu in the amount of \$500,000 per employee = **\$1.6** million paid at time of building permit issuance for work on the Lynn Britt Cabin. A letter of credit in the amount of \$1.6 million would also be acceptable to the Town in lieu of a cash payment at the time of building permit issuance for the cabin which can be redeemed if additional housing mitigation is not provided within 3 years from the issuance of the building permit.

- (3) All construction shall be mitigated with a landscape and revegetation plan as part of the Construction Management Plan to be included as part of the future building permit submittal. Trees over 6"dbh shall be mitigated on a 1:1 basis and disturbed land shall be revegetated with a certified Pitkin County seed mix other deemed acceptable to the Town.

- (4) This approval in no way modifies the agreement for activities allowed at the Lynn Britt cabin area as specified in the 2024 Snowmass Mountain PUD Guide.

Section Four: Severability. If any provision of this Resolution or application hereof to any person or circumstance is held invalid, the invalidity shall 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 Snowmass Village on July 1, 2024, upon a motion by Council Member_____, the second of Council Member_____, and a vote of ___in favor and ___against.

TOWN OF SNOWMASS VILLAGE,
TOWN COUNCIL

Bill Madsen, Mayor

ATTEST:

Megan Harris Boucher, Town Clerk

Exhibits:

- A. Employee Generation Matrix
- B. Architectural and Site Plans

EXHIBIT A

Lynn Britt Cabin Expansion			
Area	Square footage (1)	Square footage to be mitigated	Employees Generated (4)
Lynn Britt BOH Expansion	490	490	1.8
Porch Roof Expansion (2)	83	42	0.1
Bar Container	160	160	0.6
Kitchen Container	200	200	0.7
Umbrella (3)	1,228	614	2.2
Total added SF		1,506	5.4
Mitigate 60% of net new employees (5)		total	3.2
Notes			
1. Total proposed square footage			
2. Section 16A-3-210.b.2.4 allows covered outdoor space to be calculated as Floor Area at a rate of 50% of actual square footage.			
3. Square footage calculated in accordance with Finding No. 4			
4. Employee generation is calculated as Floor area x 3.59 employees/1000 SF per the rate in the Code for Ski Area Restaurants- Cafeteria (Sec. 16A-4-410, table 4-5)			
5. Section 16A-4-400 notes that employee mitigation is required to accommodate sixty percent (60%) of new employees generated by development			

March 18, 2024

Dave Shinneman and Brian McNellis
Community Development Director and Senior Planner
TOSV Community Development
130 Kearns Road
Snowmass Village, CO 81615

Re: Special Review Application- Lynn Britt Cabin

Dear Dave and Brian,

Please find attached Aspen Skiing Company's (ASC) application materials for the Special Review application to modify the existing Lynn Britt Cabin site on Snowmass Ski Area. The project will improve the outdoor dining experience and provide expanded bathrooms and expanded back of house facilities. The application is consistent with the discussions we have had to date in person and via email, culminating in our formal pre-application conference held December 7, 2023. The proposed changes to the site are further described within this application and exhibits.

In preparing this application, we have followed the minimum content requirements as noted in Section 16A-5-230 of the Town of Snowmass Village Municipal code and as listed in the Special Review application. Please find the attached information or note the following:

1. Special review application- including name, address and contact information
2. Legal Description- this property is located on private land within the Town of Snowmass Village
3. Disclosure of Ownership
4. Vicinity map- attached
5. Site Plan, Survey and other supplemental drawings to further describe the project
6. Development Application fee agreement- a check will be remitted to the Town in the amount of \$2,000 for the initial processing of the application
7. Record of Pre-application meeting
8. Will Serve letter from Snowmass Water and Sanitation

Facility History:

The Lynn Britt Cabin is an existing on-mountain food and dining facility offering a fine dining experience for lunch and dinner during the ski season and providing a casual, outdoor après-ski activation that is particularly appealing during clear weather days. The facility is also used in the summer for weddings and special events. The Cabin operates as Ski-Related Commercial facility and within the following allowable uses as noted in the current Mountain PUD guide:

Activities and Uses Allowed All Year:

Use 23. Special events, including weddings, concerts, children's activities, private parties, worship services and other group activities and social events less than 500 people at one time

Use 26. Operation of the mountain restaurants

Use 31. Operation of on mountain restaurants until 12:00 am

Following our pre-application review of the project on December 7, 2023, TOSV Planning Staff and ASC agreed that the project as proposed would fall under an *Activity and Uses Allowed subject to Special Review*. Per the PUD guide, modifications requiring a Special Review process typically require a concurrent PUD Amendment. As ASC currently has a PUD Amendment in process with Snowmass Village which includes a description of this facility, it was deemed appropriate by Staff to proceed under the Special Review process only.

Project Purpose:

Overall, Aspen Skiing Company seeks to provide a unique experience at Lynn Britt Cabin which compliments the existing operation and serves guests by providing a vibrant, memorable outdoor space. There are no proposed changes to the existing sit-down service which guests have come to expect inside Lynn Britt Cabin. Instead, these changes are intended to be separate but complimentary to the sit-down experience and welcome a broader audience to Lynn Britt.

This project will address conditions both at the existing facility and assist with addressing a seating shortage that exists more broadly across the Snowmass Ski Area:

1. An addition of back of house space and restrooms will improve the guest and employee experience at the existing operation. These two additions make up the entirety of the added square footage at the existing cabin. No seating will be added to the existing seated dining operation, nor will staff be added in the back of the house. Current conditions are crowded and offer a sub-par experience at times and these additions will seek to lessen the impact on both guests and staff. For example, the staff at times preps food outside in peak periods due to a lack of space in the current operation. In addition to the staff lockers being outside and unprotected, staff often use a temporary restroom outside in order to prioritize guests' use of the interior restrooms. Neither situation provides an ideal employee experience in the winter. This project improves these conditions, while also providing additional restroom fixtures for guest use.
2. The exterior improvements will formalize an existing and popular late-lunch/après experience that is created 'on-snow' daily. This activation includes a mobile bar and, during busy times, food service on a mobile grill. New food and beverage outbuildings (360 SF total) will provide enhanced, permanent service to this outdoor area while continuing to offer an additional quick-serve food option on-mountain. The improvements will formalize the existing on-snow operation into two containers. The addition of the Coney Express lift, with a load station adjacent to the cabin, will likely generate demand for additional food options in the area.

3. Aspen Skiing Company has identified a shortage of on-mountain restaurant seats at Snowmass during peak periods. The shortage leads to a deteriorated guest experience when existing facilities are overcrowded, and seating is difficult to find. The new deck area will provide seating and food options for approximately 130 people and is designed for all weather conditions with large-scale umbrellas and electric heaters that provide a semi-tempered dining area during inclement weather. Considering this space could turn over roughly two times during a typical day, the added seating particularly with the design around use in adverse weather, will serve to alleviate pressure on other on-mountain dining facilities.

4. Aspen Skiing Company has plans in the near term to replace the Ullrhof Restaurant, as that facility is undersized and at the end of its useful life. Construction of a replacement facility is expected to stretch over two summers and one winter season. The added food service and seating proposed at Lynn Britt will serve as overflow to service guests while the Ullrhof facility is offline for construction.

Project Specific Description:

The project scope specifically includes the following modifications:

- A building addition to provide support and back of house space for the current operation. Construction will enclose an existing exterior deck area between the cabin and a small kitchen outbuilding. The addition will house storage and a new walk-in cooler and provide indoor space for employee lockers located outside. The new floor area will improve the working conditions and support the current operation by providing suitable storage and employee space.
- A second building addition to the south will add restroom facilities to the cabin. The current facility is underserved with only two single occupancy restrooms that serve employees, dining room guests and outdoor guests. The addition will allow expansion of the restroom facilities for two new multi-stall restrooms plus the remodel of a single occupancy restroom.
- A new deck area south of the existing cabin will formalize activations currently taking place on snow, including seating, a bar, a grill and gathering areas around a firepit. This new deck will include the addition of two outbuildings which will provide food and beverages to the guests sitting outside- akin to food carts. The deck will also include a large scale with wind screens which can be deployed in inclement weather. These umbrella systems are used extensively in Europe to provide additional semi-tempered seating when needed, but easily transform back into traditional outdoor seating in favorable weather.

The project proposes to add 1,024 SF of floor area. These calculations exclude square footage as allowable for FAR calculations such as common circulation, public restrooms or loading/delivery areas per TOSV Municipal Code Sec 16A-3-210. d.1. The new square footage calculation includes the two new food and bar buildings.

The building additions will be clad in a combination of materials, proposed as Cement board siding or similar, and prefinished metal- in natural tones to complement the existing rustic cabin aesthetic. The improvements will be served by a new electrical service, which will be sized to allow the facility to transition to all-electric as existing equipment is replaced, furthering Aspen Skiing Company and the Town of Snowmass Village's sustainability goals. The new patio will be concrete with a heavy texture to minimize the risk of slipping and wood in the area of the umbrella. There is no snowmelt planned.

The interior improvements will be designed in compliance with ADA requirements. The exterior spaces will be accessed directly from snow elevation in the winter or via stairs. Summer access will be provided with a combination of stairs and temporary ramps to account for the elevation drop provided for snow management.

Review Standards:

1. Consistent with the Comprehensive Plan:

The Snowmass Mountain Development Plan is a document that outlines a long-term vision for the Snowmass Ski Area, and updates to the Plan are reviewed for consistency and alignment with the most recent, currently 2018 TOSV Comprehensive Plan.

Relative to consistency with the 2018 TOSV Comprehensive Plan, the proposed enhancements align with the Snowmass Village aspiration to "be the leading multi-season, family-oriented inclusive resort community. We will do this by creating, marketing, and delivering distinctive choices for fun, excitement, challenge, learning, and togetherness. All this is done amidst our unique, natural splendor...as part of a memorable Aspen/Snowmass experience."

Lynn Britt Cabin is an existing facility operating within the vision of the current 2017 Snowmass Mountain Master Development Plan (2017 SM MDP) and per the requirements of the approved PUD Guide.

The proposed enhancements are also consistent with the proposed 2023 Mountain Master Development Plan (2023 SM MDP) Amendment currently under review with the Town. Section VI-20 of the proposed 2023 SM MDP references proposed upgrades to food service, seating and facilities. Within this text, the improvements are described as follows:

The Lynn Britt Cabin and the Spider Sabich Picnic/Race Arena areas will be modified. These existing facilities are situated on private land. Currently the Lynn Britt Cabin functions as a table service lunch and snow cat accessed dinner restaurant location. The improvements focus on outdoor spaces with an expanded deck and potentially a more permanent barn structure. Restrooms and some back of house spaces are also planned for remodel.

The proposed improvements at the Lynn Britt Cabin seek to enhance and expand on an existing operation to maximize the utility of an existing developed area within the ski area.

2. Comply with standards of the development code

a. Zone District Standards:

- (i.) Use: The site is located on land zoned “REC” by the Town and is within the Snowmass Mountain PUD. The existing uses and proposed modifications are consistent with the “REC” zone district and Ski Related Commercial Facilities as described in the Mountain PUD Guide.
- (ii.) Maximum Amount of Building: The currently adopted 2017 Snowmass Mountain PUD Guide establishes a maximum limitation for “new development/ re-development since the Ordinance 9-94 approval” for Commercial Space of 120,000 SF. The proposed 2023 Snowmass Mountain PUD Guide currently under review by TOSV does not propose to change that maximum limitation. Table 1 of the adopted 2017 Snowmass Mountain PUD Guide lists 77,252 SF of total built square footage (in the 2023 Amendment this number is proposed to be revised slightly downward due to a math calculation error), thus leaving a total remaining amount of 42,748 SF. The proposed Lynn Britt addition of 1,024 SF is thus well within the permissible maximum square footage.

Given that a separate PUD Amendment application is currently under review, if this Lynn Britt Special Review application is approved, Table 1 of the proposed 2023 Snowmass Mountain PUD Guide will be revised to reflect this addition prior to adoption by TOSV Town Council. Also note that Table 1 of the proposed PUD Guide incorrectly lists the existing square footage of the cabin as 1,650 SF whereas the accurate existing size is 2,217 SF including the existing outbuilding. This figure will also be revised prior to adoption.

- (iii.) Height: The 2017 Snowmass Mountain PUD Guide states that maximum building height is to be 65 feet for mountain restaurant areas, including Spider Sabich. The existing maximum building height is 22’3 as measured at the tallest point from existing grade on the north side of the building and is not proposed to change.

b. Development Evaluation Standards

16A-4-20 Sensitive Wildlife habitat Areas: The site is not shown on the sensitive wildlife habitat areas as illustrated in Comprehensive Plan maps. In reviewing the CPW Species activity map, the site is not shown as a sensitive area for elk, mule deer or bighorn sheep, nor is any mapping of nest activity shown.

16A-4-30 Brush Creek Impact Area: The site is not in the Brush Creek impact area as illustrated in the Comprehensive plan maps.

16A-4-40 Floodplain and wetland areas: The site is not in a flood plain or wetland area.

16A-4-50 Geological Hazard areas: The disturbance area does not impact areas of steep slope or another geological hazard. If desired, the Applicant can provide soils information from CTL Thompson.

The project is not in a ridgeline protection area defined in Section 16A-4-50. f of TOSV Code. In general, the improvements are of the same height or in most cases lower than the existing structure. There will be no additional visual impact from remote locations. Exterior lighting will be selected to meet the code requirements for exterior lighting as noted in TOSV Code section 18.271

Sec 16A-4-210 Streets and related improvements: This provision is not applicable to this project.

Sec 16A-4-220 Public Trails: While mass transit access (other than via chairlift) is not applicable to this project, the site is accessible by pedestrian via hiking, snowshoeing or designated uphill routes via skis. This access is open to the public with existing routes in place. The scope of the project does not propose any changes to access by pedestrians, nor any changes to the existing trail system

Sec 16A-4-230 Water supply, sewage disposal, solid waste disposal and utilities: Plans to continue and expand water, sewage and electrical service are described further in Section 7. Facilities below and as shown on Civil sheet C.007.

Solid waste will continue to be removed daily via snow cat. Trash, compost and recycling will continue to be transported to the existing receiving facility at the Divide.

All utilities outside of the elements noted in exception 2 (e.g. meters, transformers) will be placed underground as required

Section 16A-4-240 Fire Protection: The facility is accessible by emergency services in summer conditions via the Sam's Knob work road. This access will remain, as will the existing hydrant to the north of the current site.

The building is not accessible by firefighting services in the winter conditions as is typical for on-mountain facilities. The current facility is not fire sprinkled. Per discussions in September 2023 with Deputy Chief John Mele and Jim Pidcock of SWFPD, a fire sprinkler system will not be added, but a fully addressable alarm system will be required. The Applicant plans to install this system as part of this project's scope.

The exterior finish of the new building areas will use fire resistant materials where possible such as prefinished metal, cement board and concrete.

The roof of the existing structure is metal. The new roof areas will utilize PVC membrane roofing which according to the manufacturer data is fire resistant.

The Applicant will walk the site with the Fire Marshal to review landscaping and vegetation modifications prior to installation to determine if additional steps can be taken to reduce wildfire risks on the project site, which may further lower the wildfire hazard of the property.

Sec 16A-4-250 Storm Drainage: Based on the site's nature on-mountain, there is no impact on municipal drainage systems. This said, the project does include work to mitigate drainage around the existing building and the new improvements. There is seasonal surface and subsurface drainage running through the site during the spring melt. This can be significant at times due to the amount of manmade snow used above the site to create the halfpipe and other terrain park features. The Civil drawings denote a new underground drainpipe system which will move water around and downhill of the site as drainage best practice. Sheet C.005 denotes the site drainage strategy. All water diverted around the site will be piped to daylight where it will surface drain as it does currently.

Section 16A-4-260 Easement Characteristics: If required, easements will be coordinated with the utility providers and per the requirements noted in this Code section

Section 16A-4-270 Survey Monuments: The Cabin is within a 255-acre parcel and there are no existing monuments available for reference within the survey's extents.

3. Compatible

The proposed improvements will not disturb the area outside the areas already developed for recreational skiing and are contained generally within the existing operational footprint for the Lynn Britt Cabin site. The existing operation and improvements are currently and will remain compatible with the adjacent uses.

4. Adequacy of access

There will be no impacts to the summer or winter access to the site. In winter operations, the site is accessed via skiing or snowcat for winter dinner service. The facility is on the existing route of service for delivery of food and pick up of trash etc. Summer road access, via the gate at the top of Wood Road, will not change as part of this project.

5. Design minimizes adverse impact

The improvements will be modest in scale, and in part, constitute infill development in the case of the back of house addition. The design seeks to maintain the rustic and warm atmosphere of the current operation. All the proposed improvements are in keeping with the existing single-story cabin.

The site is directly surrounded by skiing terrain on all sides. The closest adjacent facilities are ski area related and include the Spider Sabich Picnic cabin and Lizard Lodge, a children's ski school facility. There are no direct neighbors impacted by the facility, improvements or operations as a result. While residential properties do surround the ski terrain on the outskirts of the property, there should be no visual impact to those homeowners, particularly considering that this site is already developed and in operation.

6. Design minimizes environmental impact

The facility expansion is in a currently developed area and the scope of construction is largely infill. As such, there should not be any additional impact on the surrounding environment.

The new facilities will be served by electric utilities as part of Aspen Skiing Company's goal to build new all-electric facilities and to remodel existing ones where possible to maximize use of clean power provided by Holy Cross while limiting use of fossil fuels via natural gas.

Night use of the facility will remain consistent with the requirements within the current and proposed versions of the SM MDP PUD Guide.

Composting of food waste will continue per existing operations. The food and beverage offerings for the outdoor patio area will be served in compostable or recyclable containers.

At the completion of work, all areas disturbed as part of the proposed improvements will be revegetated as per standard practice to ensure the project does not create erosion or drainage issues downstream. As noted, SWFPD will be engaged to discuss best practices for wildfire protection.

7. Facilities

The facility is served by the Snowmass Water and Sanitation District (SWSD) for water and sewer via connections at Spider Sabich. The proposed improvements will include upsizing both of those services. The water line will be tied to a SWSD main which now runs to the north of the existing building. The option to provide a tap directly to Lynn Britt cabin was approved by the District in 2018 by way of an agreement with Aspen Skiing Company to provide an easement to install the new water line. This agreement also provides water for irrigation purposes which will be used for the cabin's south and west.

The facility will remain connected to SWSD for sewer and will be upsized to account for the added demand. The appropriate tap fees for both water and sewer will be remitted to the District upon submittal of the final design documents.

Holy Cross Energy has committed to serving this project to provide the upgraded service of 1200A. A new transformer will be set, in coordination with the new Coney Express mid-station and power will run from that location to the Lynn Britt cabin site.

The gas service will remain to serve existing equipment. The line will be relocated to account for the building additions but otherwise the size and service will remain as existing.

8. Parking

In winter conditions, parking is not directly applicable to this ski in/ski out facility as guests and employees access the cabin over snow or via chairlift. The proposed improvements are intended to serve existing winter ski area guests by addressing existing on-mountain F&B seating shortages and are not anticipated to generate new incremental skier visits to Snowmass, thus not impacting the Town's transit or base area parking capacities. The operation will continue to be served by snow cat for deliveries and trash removal as well as for the winter dinner service. In summer conditions, the existing gravel parking area to the east of the cabin will remain for deliveries and guest transport to the cabin.

Employee Generation:

Individual projects outlined in the Snowmass Ski Area MDP are evaluated for employee generation impacts per Land Use Code Section 16A-4-400 at time of project-specific proposal to the Town. As described in this application, the proposed modifications to Lynn Britt Cabin are primarily intended to formalize and improve the existing operation. When calculated per the Code, the proposed changes will result in 1,033 square feet of new FAR, translating to 3.7 employees, with mitigation required for 60% of those generated, or 2.2 employees. With 448 SF of housing required per employee, 988 SF of housing mitigation is required.

Aspen Skiing Company is studying numerous employee housing opportunities within the Town of Snowmass Village and is currently preparing designs and land use application materials for a new project at the Divide. The required housing mitigation for the Lynn Britt project is proposed to be delivered by Aspen Skiing Company as part of this forthcoming Divide employee housing project. If the Divide project does not come to fruition, the mitigation will be provided via another employee housing project to be constructed within the Town boundaries. Given the timely opportunity to construct the Lynn Britt improvements in conjunction with the Coney Express lift project currently underway, Aspen Skiing Company requests a three-year timeframe within which to deliver the 988 SF of employee housing mitigation in order to allow for land use approval and construction of the Divide project. To ensure satisfaction of the employee mitigation requirement, Aspen Skiing Company is willing to discuss a fee in lieu payment as a condition of approval if timelines for the delivery of the proposed employee housing are not met.

Project Execution

Ideally, this Project would be brought online in the 24/25 ski season, concurrent to the new Coney Express chairlift. As noted, the location of Lynn Britt relative to the new lift provides a convenient alternate lunch opportunity for guests. We are working closely with our project team to plan delivery early in the 24/25 ski season to serve the skier traffic in the area. This said, we understand the submission and review timeline for this land use application could prove challenging to meet this target completion. Pending approval of this application and subsequent building permit approval, Aspen Skiing Company plans to execute on any scope which can be meaningfully completed before the 24/25 season. Timing of approvals may necessitate a phased approach to the work, with certain scope being pushed into spring 2025 for completion.

We look forward to further discussions regarding this application.

Thank you for your consideration,

Dana Dalla Betta
Senior Project Manager- Aspen Skiing Company

cc: Chris Kiley, Susan Cross - Aspen Skiing Company

May 8, 2024

Dave Shinneman and Brian McNellis
Community Development Director and Senior Planner
TOSV Community Development
130 Kearns Road
Snowmass Village, CO 81615

Re: Special Review Application- Lynn Britt Cabin

Dear Dave and Brian,

On March 18, 2024 Aspen Skiing Company submitted a Special review application for proposed modifications at Lynn Britt Cabin on Snowmass Ski area.

Since this time, the proposed scope has been modified primarily due to updated construction costs. Please find attached to this letter a revised site plan, **Sheet L-1.00** detailing the proposed changes, described as follows:

1. The size of the proposed patio to the south of the cabin has been reduced, primarily due to a reduction in depth. The patio as submitted was 5,516 SF (including the Umbrella deck), the revised patio area is 4,955 SF, again including the umbrella.
2. The patio material has been changed from primarily wood to primarily concrete, with wood decking being used at the umbrella area only.
3. The proposed Meissl umbrella system has been changed from two umbrellas to one to respond to the revised depth. The total size of the umbrella has been reduced from 1,585 to 1,228 SF.
4. Also responding to the shallower depth of the patio, the containers, providing food and beverage to the patio, have been rotated to allow sufficient space for queuing and access

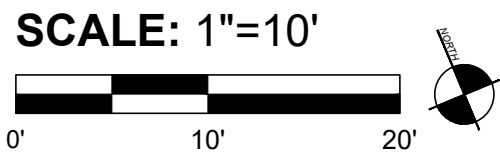
The project purpose and alignment with the review standards remain as described in the original application. For all intents, the operation as described in the original application remains unchanged. The changes are limited to layout and configuration to respond more efficiently to site conditions. There are no changes proposed to the cabin addition, however there was a typographical error to correct in the application. Page 9- Employee Generation of the application letter dated 3/18/24 noted the added square footage as **1,033 SF**. The correct figure is **1,024 SF** as referenced on **Sheet A-0.10 Zoning-FAR Calcs** of the submitted drawings.

We greatly appreciate your assistance in facilitating review of this application. Please reach out with any questions or concerns.

Thank you for your consideration,

Dana Dalla Betta
Senior Project Manager- Aspen Skiing Company

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Plot Date: 05/07/24 Project #: 519Plot Date: 05/07/24 Project #: 519

**TOWN OF SNOWMASS VILLAGE
PLANNING COMMISSION**

**RESOLUTION NO. 5
SERIES OF 2024**

**A RESOLUTION BY THE SNOWMASS VILLAGE PLANNING COMMISSION
RECOMMENDING GRANTING APPROVAL OF SPECIAL REVIEW WITH
CONDITIONS THE EXPANSION OF THE LYNN BRITT RESTAURANT**

WHEREAS, in accordance with the Town of Snowmass Village (hereafter 'Town') Land Use Code, the Town of Snowmass Village ('Applicant') is requesting Special Review pursuant to Sec. 16A-5-230 of the Land Use Code to expand the existing Lynn Britt cabin by enclosing an exterior breezeway to enlarge the kitchen, to provide food storage and preparation areas, customer bathrooms, and the addition of 2 new outbuildings for food and beverage service to the deck areas, and increasing exterior deck space to contain a semi-permanent umbrella structure; and

WHEREAS, pursuant to Municipal Code Section 16A-5-50, the Community Development Department deemed the application complete for review on April 1, 2024;

WHEREAS, the Town of Snowmass Village approved an updated Snowmass Mountain PUD Guide in accordance with Ordinance No. 7 of 2024 which specified the expansion of on-mountain restaurants (including Lynn Britt) as a Special Review use; and

WHEREAS, the Planning Commission reviewed the Special Review application at a public meeting on May 15, 2024 to consider the proposal and recommendations from Town staff and referral agencies, at which time the proposal was continued and further considered on June 5, 2024; and

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

Section One: General Findings. The Town Council generally finds that:

- 1) **Submission:** The Applicant has submitted the Special Review application in accordance with the provisions set forth in the Municipal Code and the Snowmass Mountain PUD Guide adopted in accordance with Ordinance No. 7 of 2024.
- 2) **Content:** The application contained the Minimum Contents as required by the Municipal Code Section 16A-5-40, '*Submission of Application*,' and included written and graphic materials of sufficient detail such that the application was deemed complete for referral and review.

Resolution 5 of 2024
Page 2 of 5

- 3) **Public Process:** The Planning Commission held a public meeting to review the application on May 15 and June 5, 2024 to formulate recommendations to Town Council in accordance with the responsibilities and procedures prescribed in the Municipal Code Section 16A-5-230(c)(4), '*Action by Decision-Making Body*'.
- 4) **Code Requirements:** Subject to the recommendations in Section Three of this Resolution, it was found the land use application follows the Review Standards established in Section 16A-5-230 of the Land Use Code as follows:
 - A. Consistent with Comprehensive Plan. The proposed use shall be consistent with the intent of the Town of Snowmass Village Comprehensive Plan.
 - B. Comply with standards of Development Code. The proposed use shall comply with all other applicable standards of this Development Code, including, but not limited to:
 - 1) Zone district standards. The purpose of the zone district in which it is located, the dimensional limitations of that zone district and any standards applicable to the particular use, all as specified in Article III, Zone Districts.
 - 2) Development evaluation standards. The applicable standards specified in Article IV, Development Evaluation Standards.
 - C. Compatible. The proposed use shall be appropriate to its proposed location and be compatible with the character of surrounding land uses in the area and shall not adversely affect the future development of the surrounding area.
 - D. Adequacy of access. Access to the site shall be adequate for the proposed use, considering the width of adjacent streets, their grades, intersection safety, visibility, and entrance into the area to be developed. When appropriate, public transportation, or other public or private transportation services, and appropriate pedestrian facilities, shall be made available to serve the use.
 - E. Design minimizes adverse impact. The design and operation of the proposed use shall minimize adverse impacts and shall not create a nuisance, considering such impacts as traffic congestion or traffic hazards, service delivery, parking and loading, trash removal, odors, noise, glare and vibration.
 - F. Design minimizes environmental impact. The proposed use shall minimize environmental impacts and shall not cause significant

deterioration of water and air resources, wildlife habitat, scenic resources and other natural resources.

- G. Facilities. There shall be adequate public facilities available to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies that the use would cause. In particular, the applicant shall demonstrate that adequate water supply and sewage disposal service is available for the proposed use, including sufficient water pressure and proximity to fire hydrants to provide for fire protection needs.
- H. Parking. Sufficient off-street parking shall be provided for the proposed use.

4) Employee Generation: The Planning Commission acknowledges that the proposal generates a need for additional employee housing in accordance with Division 4 – Standards for Restricted Housing of the Land Use and Development Code. Additional commercial square footage associated with the expansion of the Lynn Britt cabin shall be mitigated at a rate of 3.59 employees per 1,000 interior square feet as measured pursuant to Section 16A-3-210 of the Code. The Planning Commission further identifies that the “umbrella” structure may appropriately be measured as hybrid interior/exterior space, and therefore shall be calculated at 50% of its total square footage for restricted housing and employee mitigation purposes (see total Employee Generation matrix – Attachment A).

Section Two: Action. Pursuant to the findings stated in Section One of this Resolution, the Planning Commission recommends approval of the Special Review application. This recommendation is subject to the conditions in Section Three below.

Section Three: Conditions. The Applicant shall comply with and implement the following conditions of the Special Review:

- (1) The Applicant shall submit for a Building Permit and receive approval thereof prior to construction.
- (2) The Applicant shall mitigate for the employee generation associated with the expansion of 1,505 square feet as represented in the Architectural Plans (see Exhibit A) at a rate of 3.59 employees per 1,000 square feet x 60 percent = 3.2 employees x 448 square feet = 1,452 square feet. The applicant shall either provide the mitigation as “built” units acceptable to the Housing Department and deed restricted in accordance with Table 4-6 of the Land Use Code or in the form of a cash fee-in-lieu in the amount of \$500,000 per employee = \$1.6 million paid at time of building permit issuance for work on

Resolution 5 of 2024
Page 4 of 5

the Lynn Britt Cabin. A letter of credit in the amount of \$1.6 million would also be acceptable to the Town in lieu of a cash payment at the time of building permit issuance for the cabin which can be redeemed if additional housing mitigation is not provided within 3 years from the issuance of the building permit.

- (3) All construction shall be mitigated with a landscape and revegetation plan as part of the Construction Management Plan to be included as part of the future building permit submittal. Trees over 6"dbh shall be mitigated on a 1:1 basis and disturbed land shall be revegetated with a certified Pitkin County seed mix other deemed acceptable to the Town.
- (4) This approval in no way modifies the agreement for activities allowed at the Lynn Britt cabin area as specified in the 2024 Snowmass Mountain PUD Guide.

Section Four: Severability. If any provision of this Resolution or application hereof to any person or circumstance is held invalid, the invalidity shall 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.

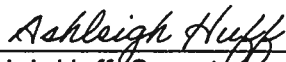
INTRODUCED, READ, AND APPROVED by the Planning Commission of the of the Town of Snowmass Village on June 5, 2024, upon a motion by Commission Member Clauson, the second of Commission Member Dube, and a vote of 4 in favor and 1 against.

TOWN OF SNOWMASS VILLAGE,
TOWN COUNCIL


Brian Marshack (Jun 24, 2024 08:49 MDT)

Brian Marshack, Chairperson

ATTEST:


Ashleigh Huff, Secretary

Exhibits:

- A. Employee Generation Matrix
- B. Architectural and Site Plans

EXHIBIT A

Lynn Britt Cabin Expansion			
Area	Square footage (1)	Square footage to be mitigated	Employees Generated (4)
Lynn Britt BOH Expansion	490	490	1.8
Porch Roof Expansion (2)	83	42	0.1
Bar Container	160	160	0.6
Kitchen Container	200	200	0.7
Umbrella (3)	1,228	614	2.2
Total added SF		1,506	5.4
Mitigate 60% of net new employees (5)		total	3.2
Notes			
1. Total proposed square footage			
2. Section 16A-3-210.b.2.4 allows covered outdoor space to be calculated as Floor Area at a rate of 50% of actual square footage.			
3. Square footage calculated in accordance with Finding No. 4			
4. Employee generation is calculated as Floor area x 3.59 employees/1000 SF per the rate in the Code for Ski Area Restaurants- Cafeteria (Sec. 16A-4-410, table 4-5)			
5. Section 16A-4-400 notes that employee mitigation is required to accommodate sixty percent (60%) of new employees generated by development			

PC Reso 5 of 2024 Lynn Britt expansion_final

Final Audit Report

2024-06-24

Created:	2024-06-24
By:	Ashleigh Huff (Ahuff@tosv.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAMDGwr4ys81FeNRb_vrY31_-nFTk2S2hk

"PC Reso 5 of 2024 Lynn Britt expansion_final" History

-  Document created by Ashleigh Huff (Ahuff@tosv.com)
2024-06-24 - 2:26:21 PM GMT
-  Document emailed to brian@parkstreetdg.com for signature
2024-06-24 - 2:26:43 PM GMT
-  Email viewed by brian@parkstreetdg.com
2024-06-24 - 2:47:45 PM GMT
-  Signer brian@parkstreetdg.com entered name at signing as Brian Marshack
2024-06-24 - 2:49:46 PM GMT
-  Document e-signed by Brian Marshack (brian@parkstreetdg.com)
Signature Date: 2024-06-24 - 2:49:48 PM GMT - Time Source: server
-  Agreement completed.
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MEMORANDUM

TO: Snowmass Village Planning Commission

THROUGH: Dave Shinneman, Director
Community Development Department

FROM: Brian McNellis, Senior Planner – AICP, MLA
Community Development Department

DATE: June 5, 2024

SUBJECT: Special Review of Lynn Britt Restaurant Improvements and Expansion

I. PURPOSE

Section 16A-5-230 – Special Review (a) Purpose, of the municipal Land Use Code states: *“There are certain uses which, because of their unusual character and potential impact upon the use and enjoyment of neighboring property, cannot be classified into a particular district or districts without site specific consideration of their impacts upon neighboring lands and upon the public need for the particular use at the particular location. These uses require special review of their location, design, intensity, density, configuration, operating characteristics and impacts on public facilities, and may require the imposition of appropriate conditions to ensure the use will be compatible at a particular location and mitigates its adverse impacts.”*

II. SUMMARY DESCRIPTION AND BACKGROUND

The Aspen Skiing Company wishes to make improvements to the existing Lynn Britt restaurant and area by expanding/enclosing exterior back-of-house and kitchen preparation areas, providing additional restrooms, and formalizing the outdoor dining experience with exterior deck space (to include a mobile bar and grill). The outdoor deck space will also include semi-permanent “tent” structures that can be enclosed during times of inclement weather and open-air on warmer sunny days (see Attachment D). These type of improvements are allowed by Special Review and pursuant to the recently updated 2024 Snowmass Mountain PUD Guide recently adopted by the Town Council in accordance with Ordinance No. 7 of 2024 (see Attachment G).

III. MUNICIPAL CODE REVIEW STANDARDS

An application for Special Review shall comply with the following review standards pursuant to Section 16A-5-230 of the Land Use Code:

- (1) **Consistent with Comprehensive Plan.** The proposed use shall be consistent with the intent of the Town of Snowmass Village Comprehensive Plan.

Staff Response: *As part of the Aspiration Statement in the 2018 Comprehensive Plan, “Snowmass Village is to be the leading multi-season, family-oriented inclusive resort community. We will do this by creating, marketing, and delivering distinctive choices for fun, excitement, challenge, learning, and togetherness. All this is done amidst our unique, natural splendor...as part of a memorable Aspen/Snowmass experience. Further, we wish to be seen by others as welcoming, dynamic, convenient, and successful.*

Regarding the Guiding Principles of the Comprehensive Plan, the following seems to apply; “Make the Snowmass Village economy sustainable and resilient, while providing opportunities for a variety of new and innovative businesses and endeavors, and continue to support existing and locally-owned businesses. Together, investments in economic development should provide a variety of shopping, dining, cultural, recreational, housing, lodging and working opportunities for residents and visitors alike.”

The Community Development Department supports the Special Review request as it is germane to goal of maintaining Snowmass as a world class tourist destination with varied and exceptional experiences to be offered.

- (2) **Comply with standards of Development Code.** The proposed use shall comply with all other applicable standards of this Development Code, including, but not limited to:
- a. Zone district standards. The purpose of the zone district in which it is located, the dimensional limitations of that zone district and any standards applicable to the particular use, all as specified in Article III, Zone Districts.
 - b. Development evaluation standards. The applicable standards specified in Article IV, Development Evaluation Standards.

Staff Response: *The proposed improvements are located within the Recreation (REC) zone district which is intended, “to regulate recreational facilities, activities and uses within appropriate areas of the Town, including those mixtures of uses related to a ski/snowboard area and operation...”*

Staff feels that the request is in support of the approved recreational activities within the ski area. The proposed improvements will comply with the standards of the zone district and the development evaluation standards which will also be reverified as part of any future building permit submittal.

Commercial development within the ski area is capped by the PUD Guide which allows for the expansion of Lynn Britt cabin as proposed (see Attachment G – Table 1).

- (3) **Compatible.** The proposed use shall be appropriate to its proposed location and be compatible with the character of surrounding land uses in the area and shall not adversely affect the future development of the surrounding area.

Staff Response: *The existing Spider Sabich and Lynn Britt activity area(s) already functions as a main recreation center within the Snowmass ski area as identified in the 2022 Master Development Plan and as accepted by the U.S. Forest Service. The proposed improvements may help to absorb the overflow currently from other on-mountain restaurants (which could be worsened during any future construction of a new Ullrhof restaurant at the Big Burn base area located nearby).*

- (4) **Adequacy of access.** Access to the site shall be adequate for the proposed use, considering the width of adjacent streets, their grades, intersection safety, visibility, and entrance into the area to be developed. When appropriate, public transportation, or other public or private transportation services, and appropriate pedestrian facilities, shall be made available to serve the use.

Staff Response: *Lynn Britt cabin is currently accessed via ski lift during regular winter lift operating times and by snowcat after hours. This will remain unchanged while summer road access will continue to be from upper Wood Road. Also, the new Coneygame ski lift will offer a midway station that will offer an additional means of access to the area.*

- (5) **Design minimizes adverse impact.** The design and operation of the proposed use shall minimize adverse impacts and shall not create a nuisance, considering such impacts as traffic congestion or traffic hazards, service delivery, parking and loading, trash removal, odors, noise, glare, and vibration.

Staff Response: *The proposal will not generate measurable negative traffic impacts and/or parking generation - as it will rarely be used as an exclusive destination by those not already skiing on the mountain. Although trash generation may increase, the method of solid waste removal will remain manageable and well within the capabilities of applicant's current operations. Staff does not anticipate the proposal will generate any greater disturbance than is currently experienced during the occasional on-mountain special event (i.e. weddings) that take place at the Lynn Britt from time to time and on a seasonal basis. The project will add additional space to the ski area restaurant and will require restricted housing mitigation. The staff and the applicant's interpretation of this requirement are different and should be discussed at the meeting.*

- (6) **Design minimizes environmental impact.** The proposed use shall minimize environmental impacts and shall not cause significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

Staff Response: *Staff does not anticipate any environmental impacts that cannot be properly mitigated as required by any future building permit submittal and associated construction management plan – which will require revegetation of disturbed areas and tree mitigation on 1:1 ratio basis.*

- (7) **Facilities.** There shall be adequate public facilities available to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies that the use would cause. In particular, the applicant shall demonstrate that adequate water supply and sewage disposal service is available for the proposed use, including sufficient water pressure and proximity to fire hydrants to provide for fire protection needs.

Staff Response: *The facility is currently connected to services provided by Snowmass Water & Sanitation and Holy Cross Energy. Both entities have ensured their respective ability to adequately serve the proposed improvement.*

- (8) **Parking.** Sufficient off-street parking shall be provided for the proposed use.

Staff Response: *Parking in the winter will not be an issue as guests will arrive by ski lift or snowcat during special events. In the summer, parking shall be arranged as needed for deliveries within the existing parking areas to the east of the cabin. Summer special events shall require arranged transportation by Aspen Skiing Company to eliminate the need for additional parking.*

The Parking & Transportation Department did not have any concerns regarding this proposal.

IV. DISCUSSION ITEM - EMPLOYEE GENERATION

The development or redevelopment of the Lynn Britt Cabin will require additional restricted housing as described in the Municipal Code in 16A-4-400 (see Attachment J). The Applicant initially provided an estimated employee generation for the newly proposed and expanded restaurant space that includes the enclosed kitchen space and the outdoor bar and grill areas (see Attachment E – sheet A0.10). Although the staff agrees these areas should be mitigated as an expansion of the commercial operation, the calculation should also include the deck space enclosed by the proposed Meissl Umbrella System, described in the Background - Section II above. The Community Development Department has made the interpretation that the deck area with the structures (umbrella and side walls) constitute indoor restaurant space since the structures can be enclosed as needed (depending on weather). However, the applicant interprets this area as outdoor space which does not require mitigation. The Land Use Code allows the applicant to suggest an alternative “lesser” employee generation as suggested during informal discussions with staff, although no supporting information has been received to evaluate a formal request at this time. The current application identifies the deck area with the side walls and umbrella system as not an indoor

space which should not be counted as such in determining the amount of additional restricted housing to be provided.

After discussions with the applicant, they have agreed to mitigate at a rate of 3.59 employees per 1000 square feet of interior space which is applied to cafeteria style Ski Area Restaurants based on the applicant's representation that the new areas will not include sit down service. This representation and employee generation rate is acceptable to staff.

However, the overall mitigation will vary depending upon whether the deck area enclosed by side walls and the umbrella structures is included in the calculation or not. The applicant has requested the Planning Commission to provide an interpretation on this issue which will ultimately impact the overall restricted housing requirement.

V. STAFF RECOMMENDATION

Staff recommends the Planning Commission discuss the Special Review application in general, and specifically as it pertains to Employee Generation identified in Section IV above. Staff recommends the Planning Commission determine the deck area enclosed by side walls and umbrella structures be calculated as interior space and the housing mitigation be adjusted accordance with the matrix in Attachment I. Staff further recommends the Planning Commission approve PC Resolution No. 5 2024 with amendments as needed.

NOTE: The Planning Commission should provide adequate time to allow the applicant to argue their position regarding the recommended employee generation and whether it should be applied to the umbrella structure.

VI. ATTACHMENTS

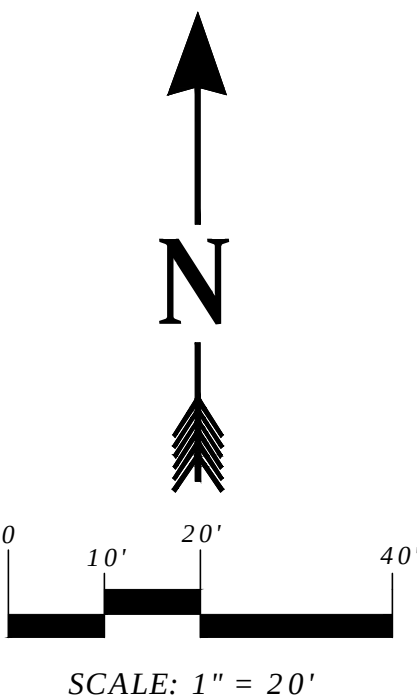
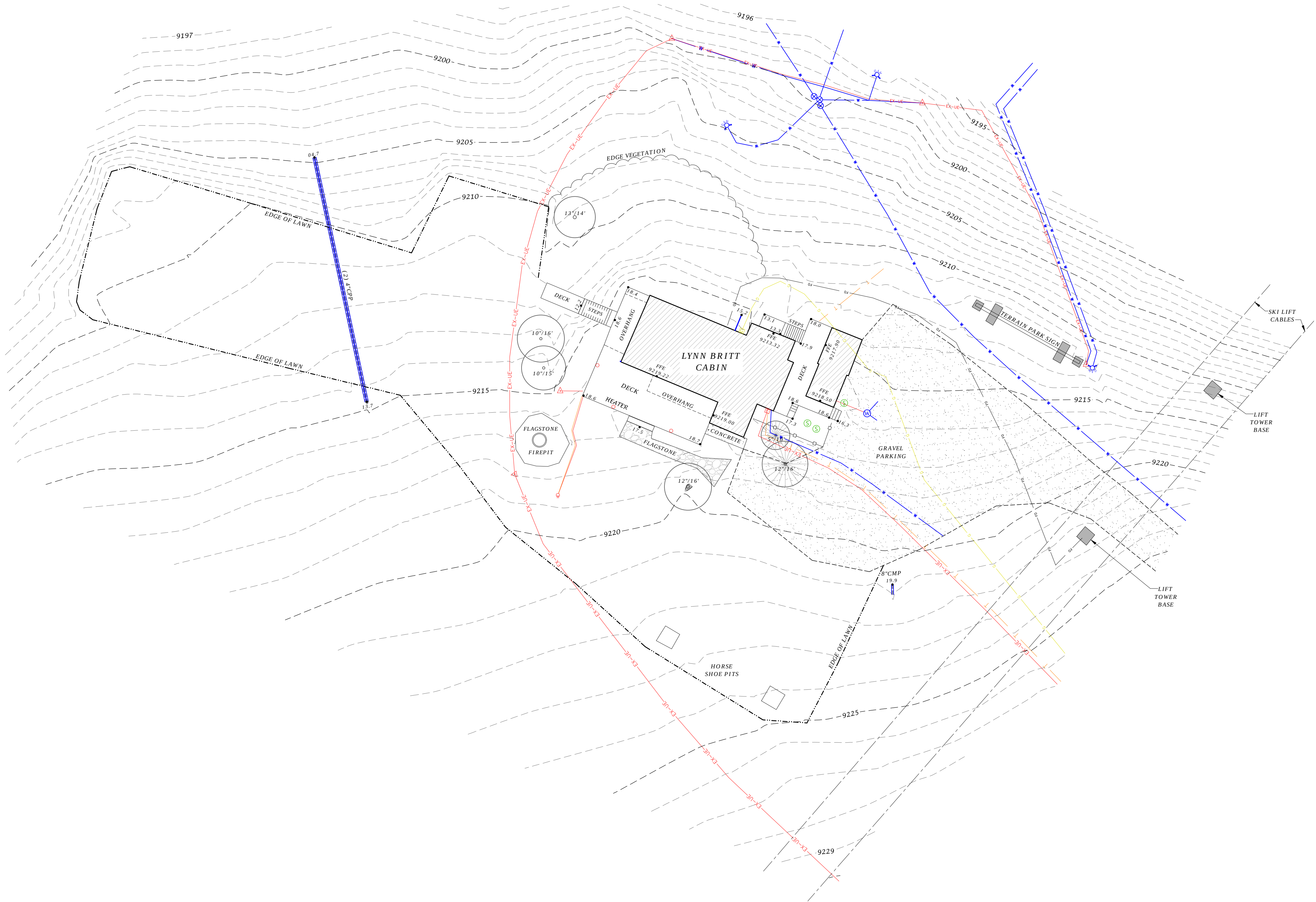
- A. Draft PC Resolution No. 5 of 2024
- B. Staff Correspondence – May 20th
- C. Aspen Skiing Company Special Review Application Letter
- D. Aspen Skiing Company Application Amendment
- E. Architectural Drawings (amended May 8, 2024)
- F. Meissl Umbrella System examples
<https://www.meissl.com/en/products/umbrella-bars/>
- G. 2024 Snowmass Mountain PUD Guide
- H. Will Serve letters (Snowmass Water & Sanitation and Holy Cross Energy)
- I. Staff Correspondence – May 9th
- J. Chapter 16A Article 4 Division 4 of the Municipal Code

EXISTING CONDITIONS

LYNN BRITT CABIN - SNOWMASS MOUNTAIN

COUNTY OF PITKIN, STATE OF COLORADO

Attachment E



LEGEND

- ELECTRICAL TRANSFORMER
- ELECTRICAL METER
- ELECTRIC PEDESTAL
- GAS METER
- YARD HYDRANT
- WATER SHUT-OFF
- SEPTIC LID
- WATER LINE
- TELEPHONE LINE
- FIBER OPTIC LINE
- GAS LINE
- UNDERGROUND ELECTRIC LINE
- WOOD FENCE

NOTES:

- DATE OF FIELD SURVEY: JUNE 13-14, 2023.
- LINEAR UNITS SHOWN ARE U.S. SURVEY FEET.
- ELEVATIONS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS UTILIZING THE CONTINUOUS OPERATING REFERENCE STATIONS (CORS) THROUGH THE MESA COUNTY RTVRN NETWORK BROAD CASTING NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- CONTOUR INTERVAL EQUALS 1 FOOT.

SURVEYOR'S STATEMENT

I, RODNEY P. KISER, DO HEREBY STATE THAT THIS EXISTING CONDITIONS MAP WAS PREPARED BY TRUE NORTH COLORADO, LLC. FOR ASPEN SKIING COMPANY THAT SAID MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND RESPONSIBLE CHARGE AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY BELIEF AND KNOWLEDGE.

RODNEY P. KISER
LICENSED PROFESSIONAL LAND SURVEYOR
COLORADO REGISTRATION NO. 38215
TRUE NORTH COLORADO, LLC.

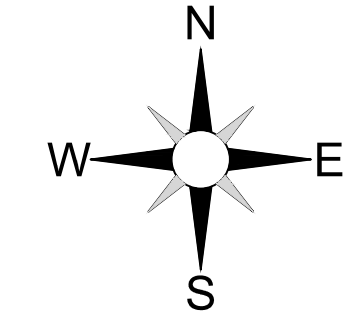
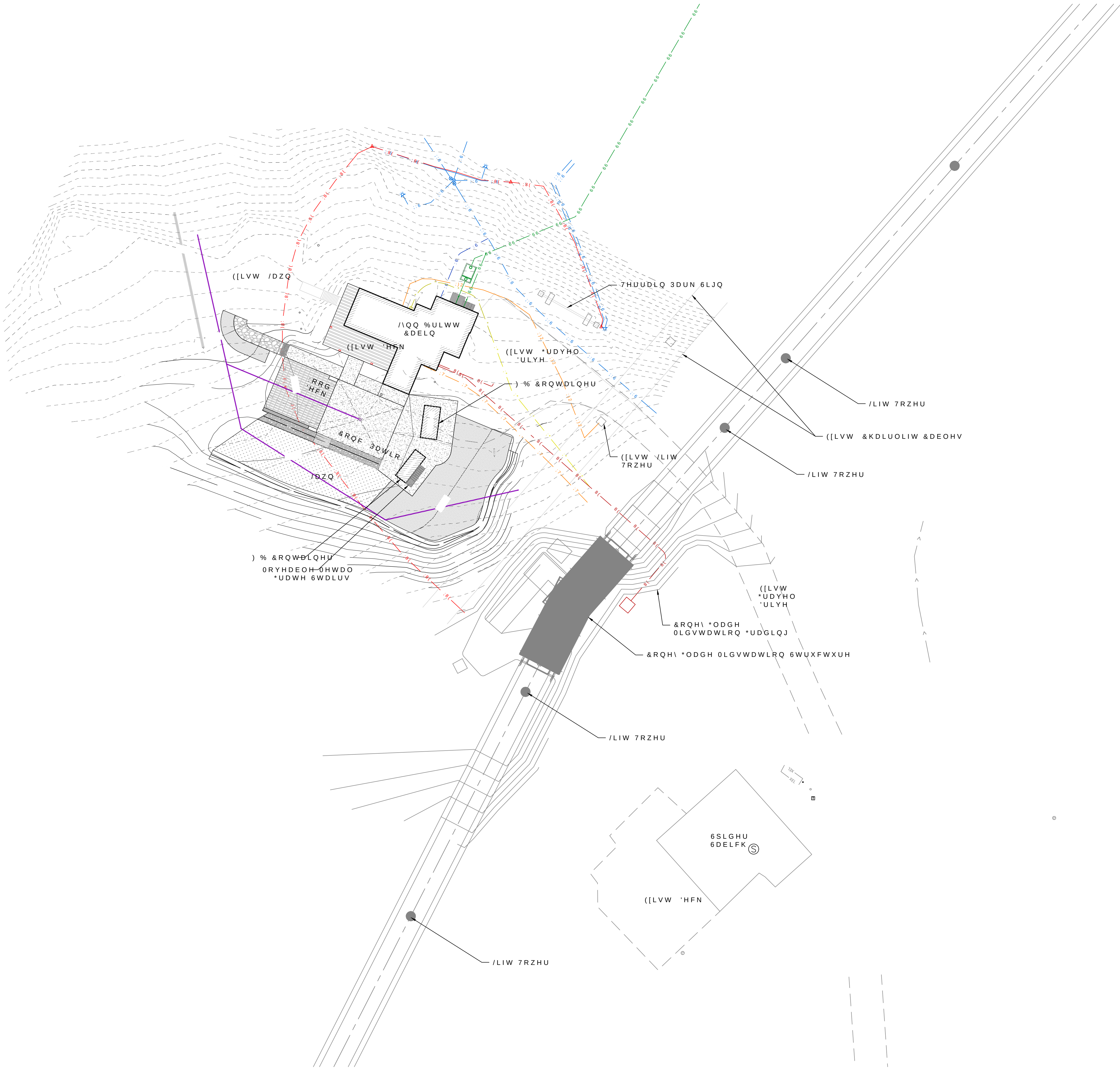
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

TRUE NORTH
COLORADO
A LAND SURVEYING AND MAPPING COMPANY

ASPEN SKIING COMPANY
EXISTING CONDITIONS MAP
LYNN BRITT CABIN - SNOWMASS MOUNTAIN
COUNTY OF PITKIN - STATE OF COLORADO

TRUE NORTH COLORADO LLC.
A LAND SURVEYING AND MAPPING COMPANY
P.O. BOX 614 - 386 MAIN STREET UNIT 3
NEW CASTLE, COLORADO 81647
(970) 984-0474
www.truenorthcolorado.com

PROJECT NO: 2023-246	DRAWN RPK	SHEET 1 OF 1
DATE: June 27, 2023	SURVEYED DJB	



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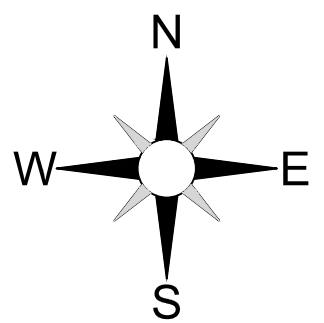
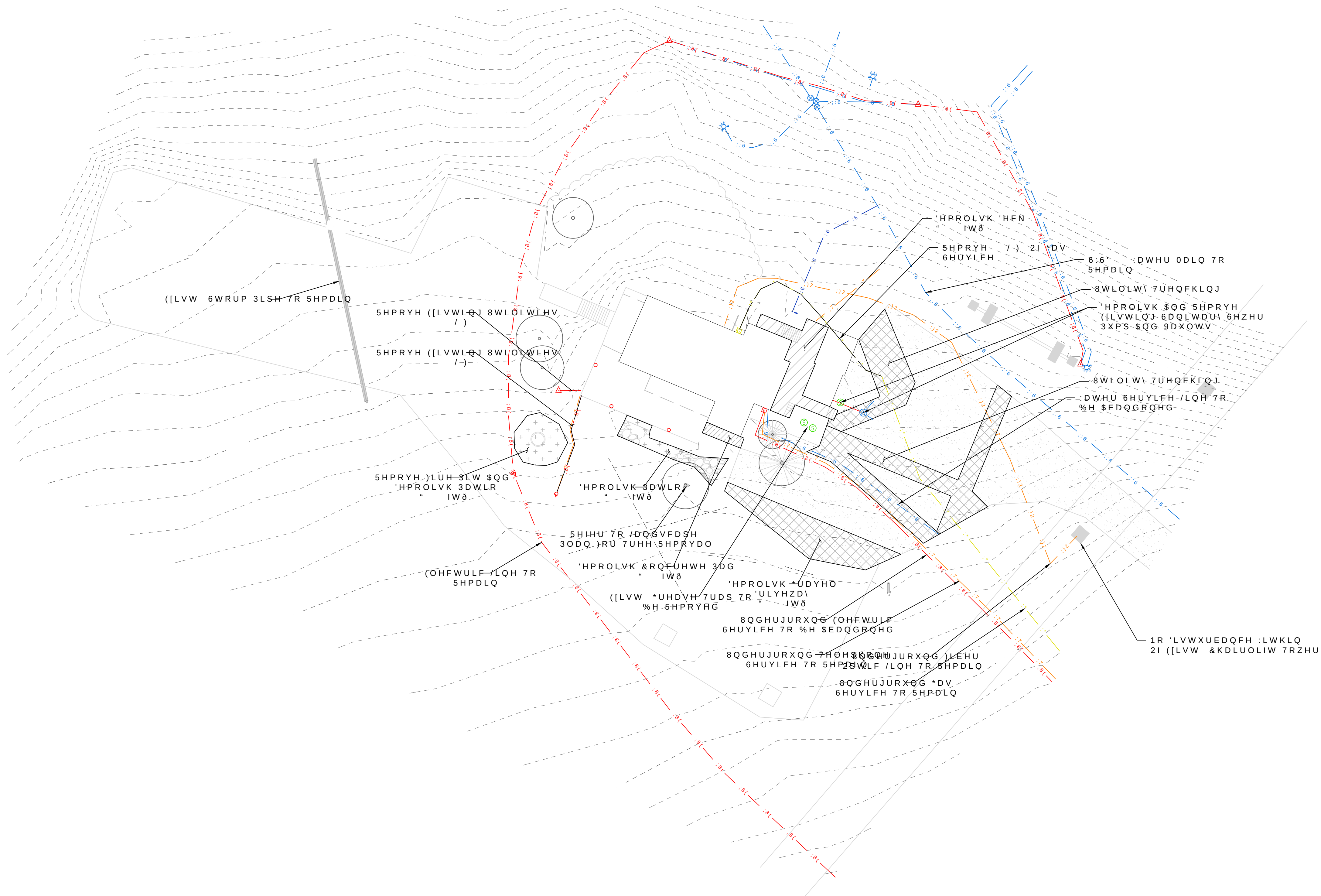
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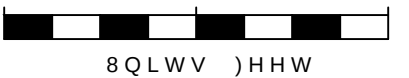
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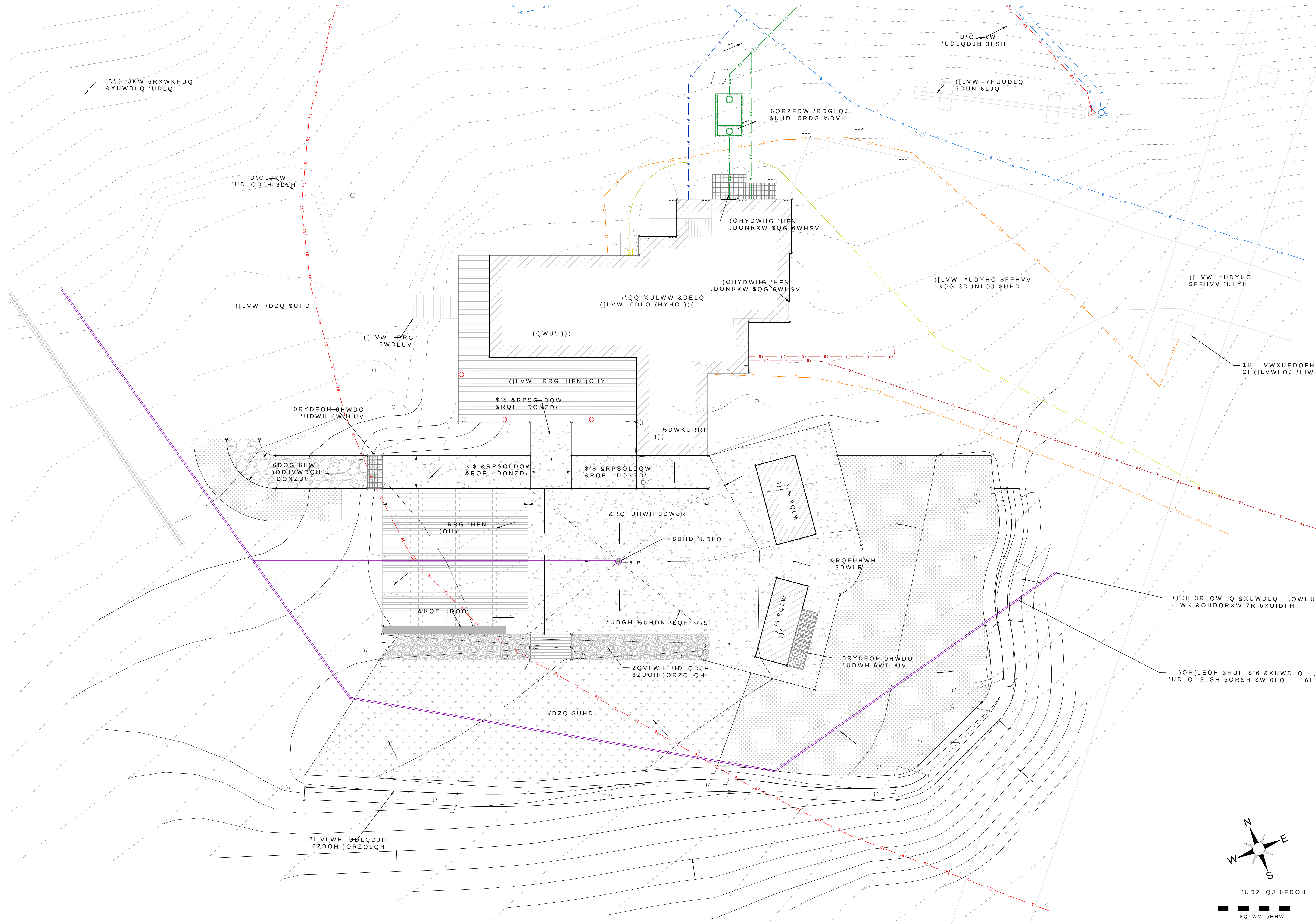
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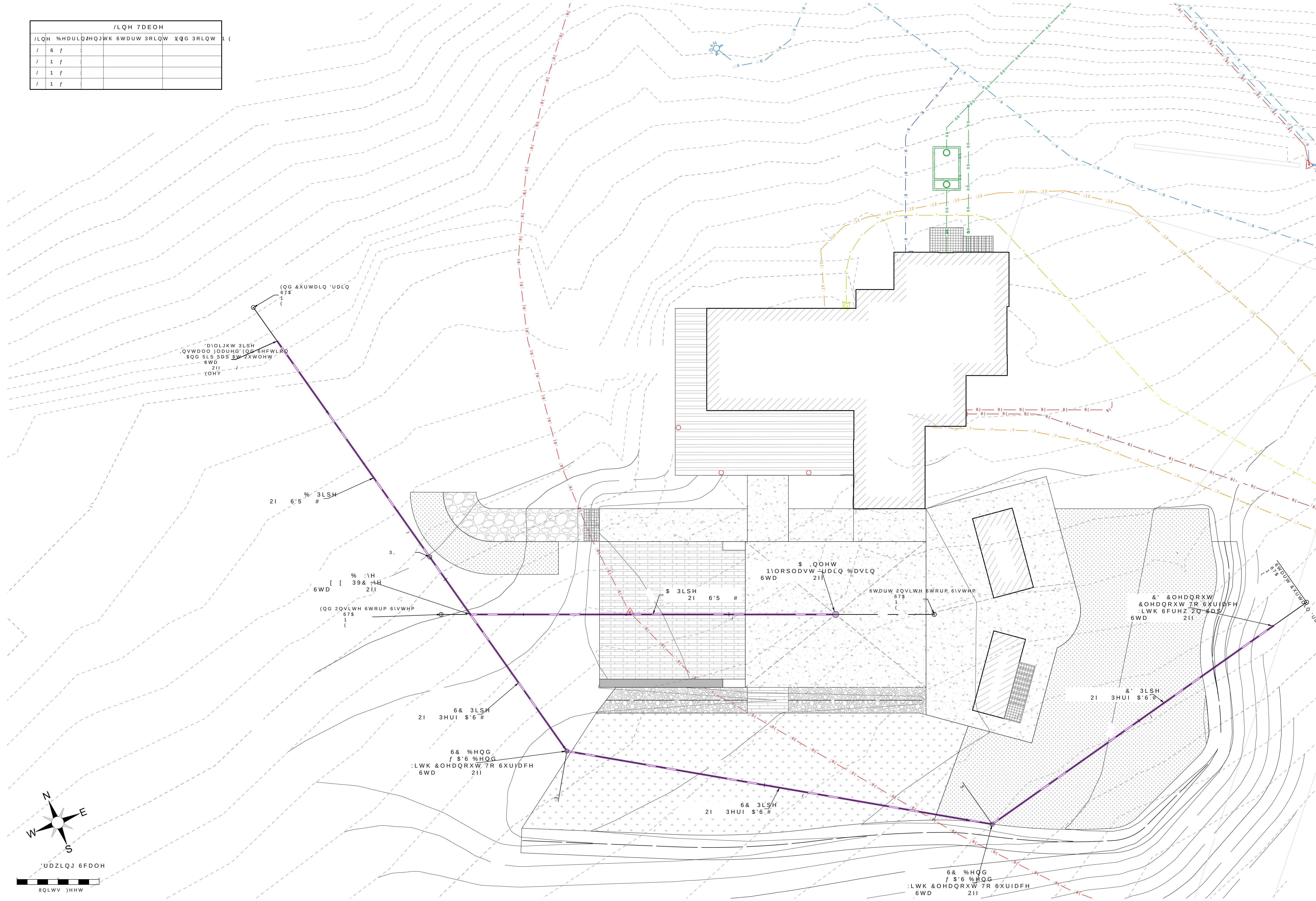
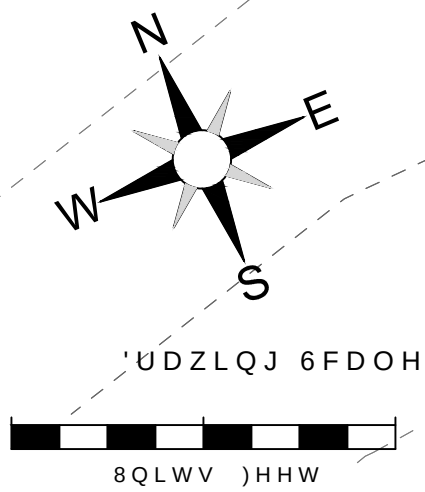
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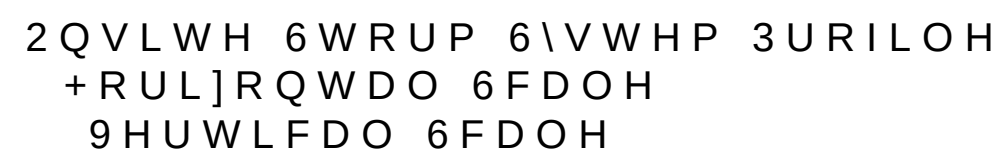
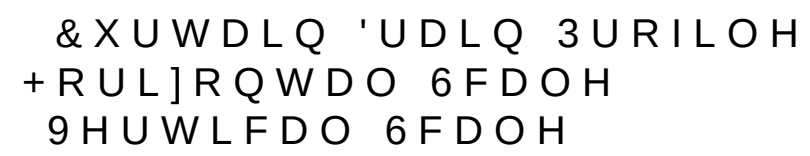
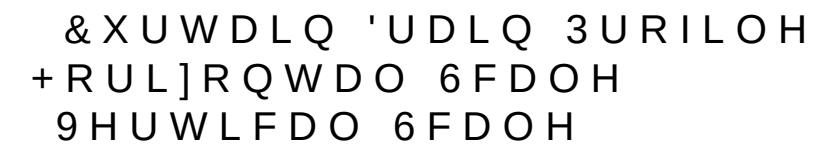
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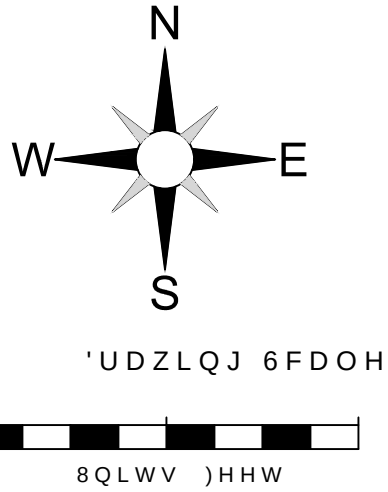
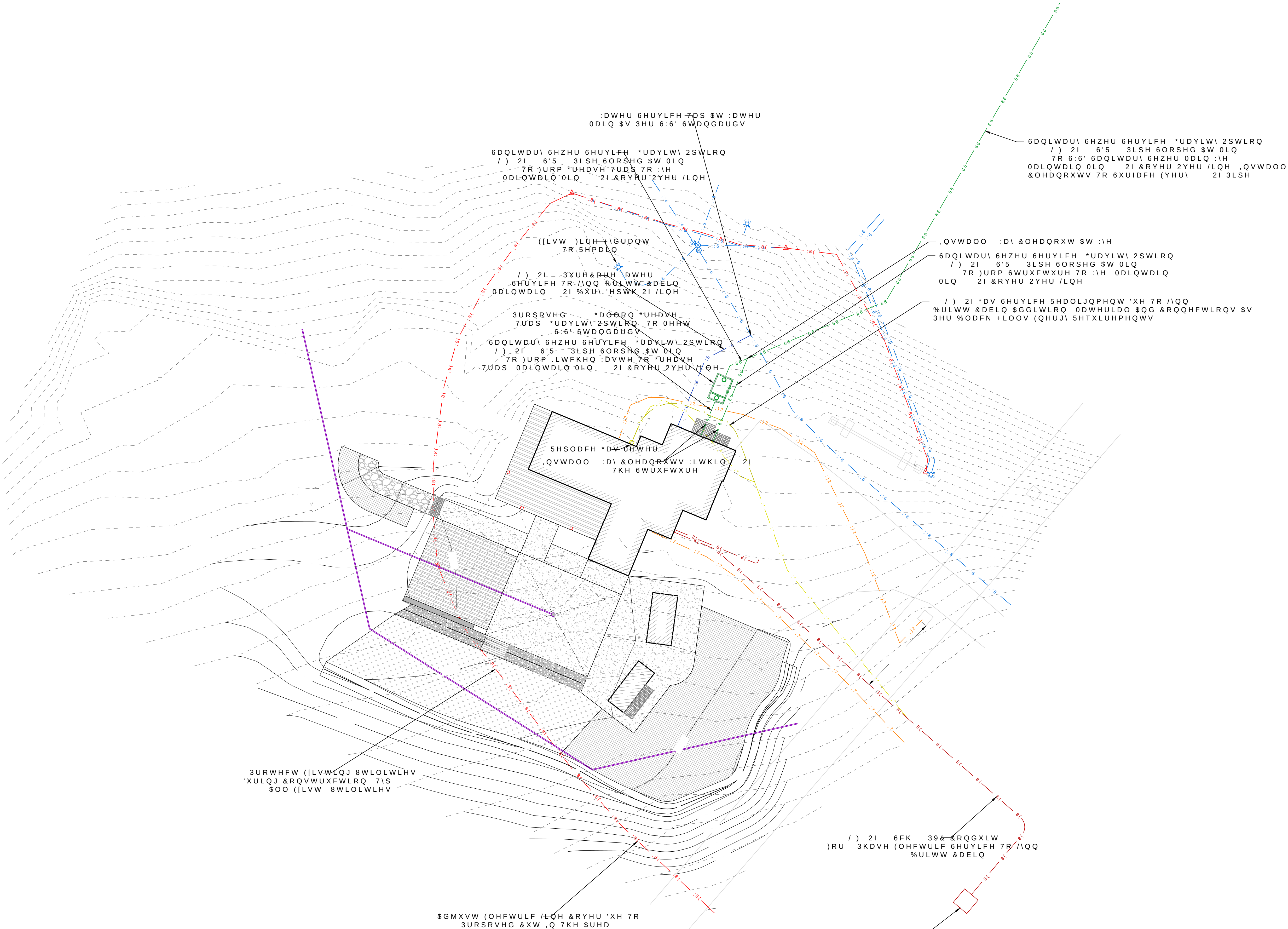
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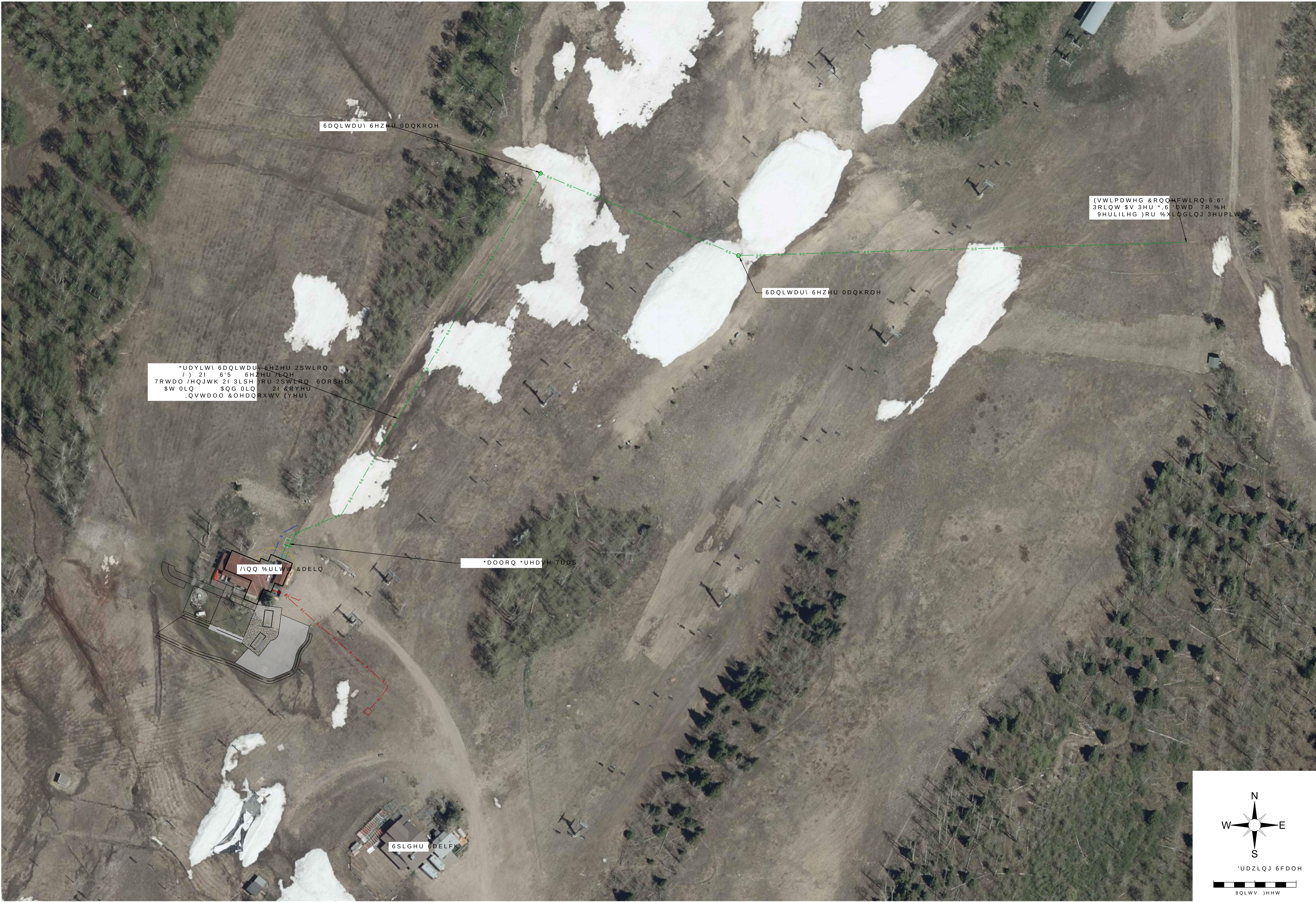
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/IQQ %ULWW & DELQ
6QRZPDVV 0RXQWDLQ
3LWNLQ &RXQW\ &2

UDZQ %15HYLHZHG %\

UDZQ %15HYLHZHG %\

UDZQ %15HYLHZHG %\

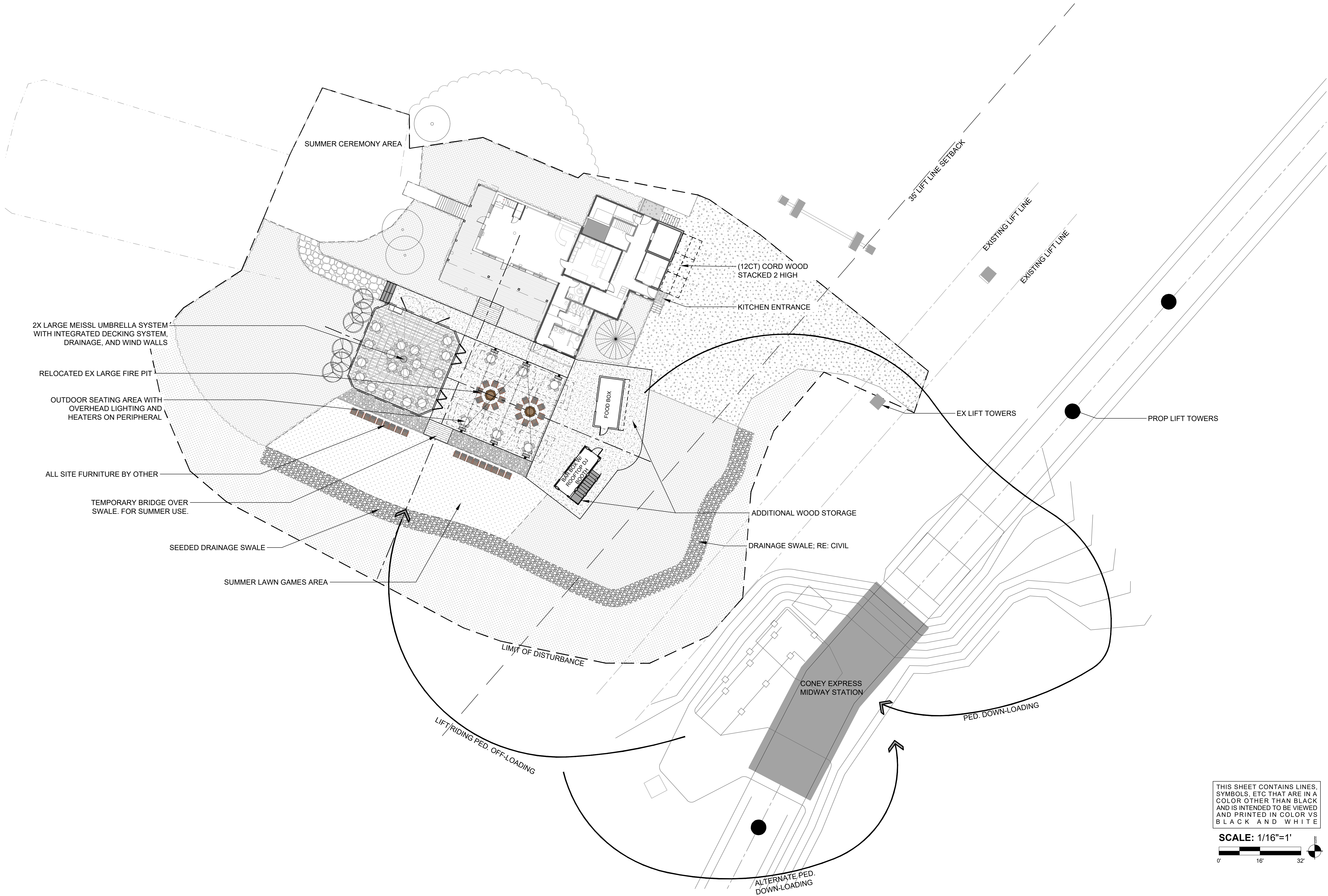
UDZQ %15HYLHZHG %\

HVFULSWLRQ /DQG 8VH 5HYLHZ

-RE 1RW)RRQVWUXFWL

6DQLWDUI 6HZHU \$O\

& 2I 3DJHV



LYNN BRITT CABIN CAMPUS

SNOWMASS MOUNTAIN

TOWN OF SNOWMASS VILLAGE, CO

Drawn By: MS

Checked By: GT

ISSUE & REVISION DATES	
SD COORDINATION SET	09/22/2023
SD SET	10/02/2023
DD COORDINATION	12/28/2023
100% DD SET	01/17/2024
DD UPDATES	04/02/2024
DD UPDATES	05/08/2024

Plot Date: 05/08/24

Project #: 519

THIS SHEET CONTAINS LINES, SYMBOLS, ETC THAT ARE IN A COLOR OTHER THAN BLACK AND IS INTENDED TO BE VIEWED AND PRINTED IN COLOR VS BLACK AND WHITE

SCALE: 1/16"=1'

0' 16' 32'

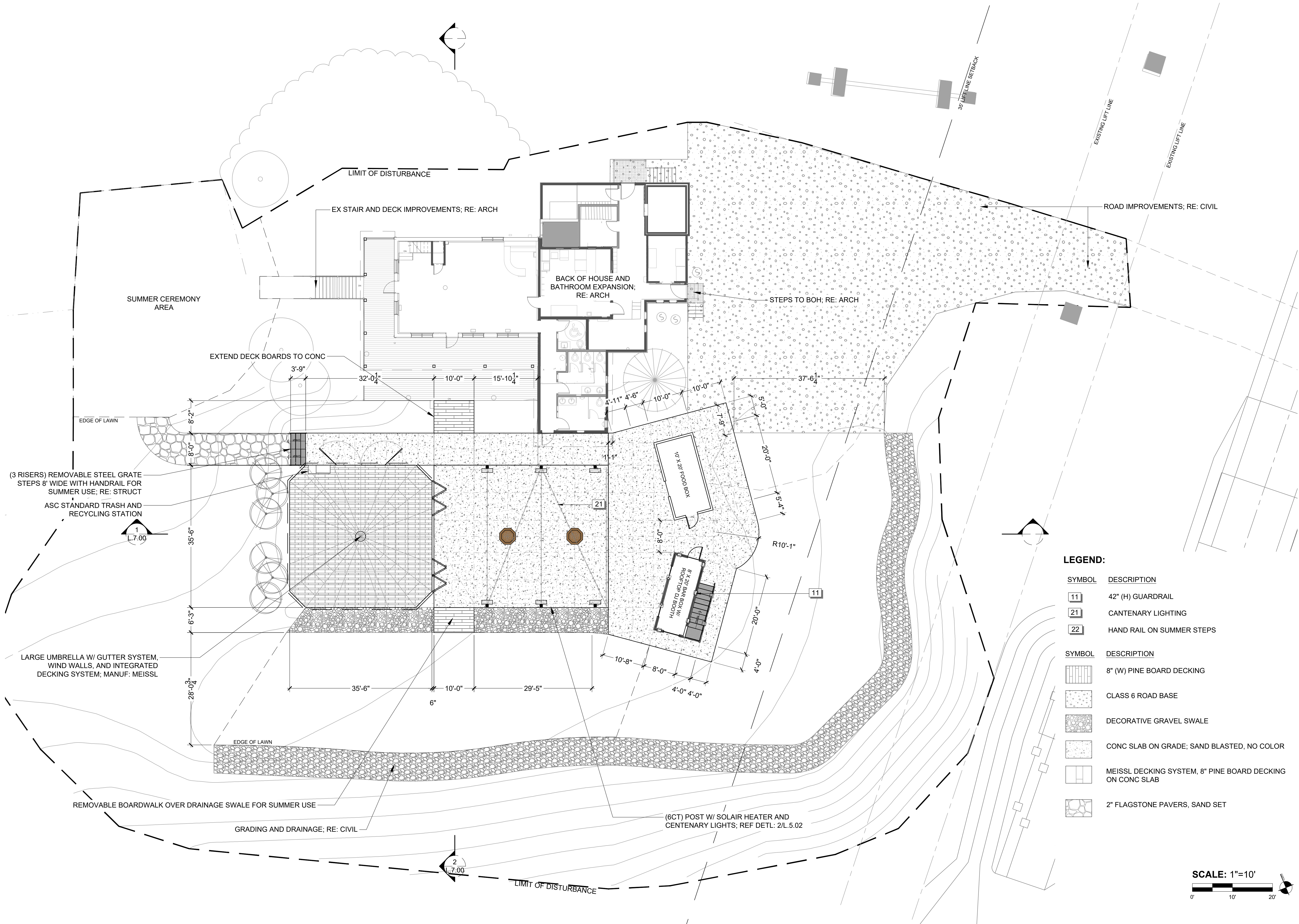
LYNN BRITT CABIN CAMPUS

SNOWMASS MOUNTAIN

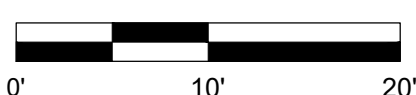
TOWN OF SNOWMASS VILLAGE, CO

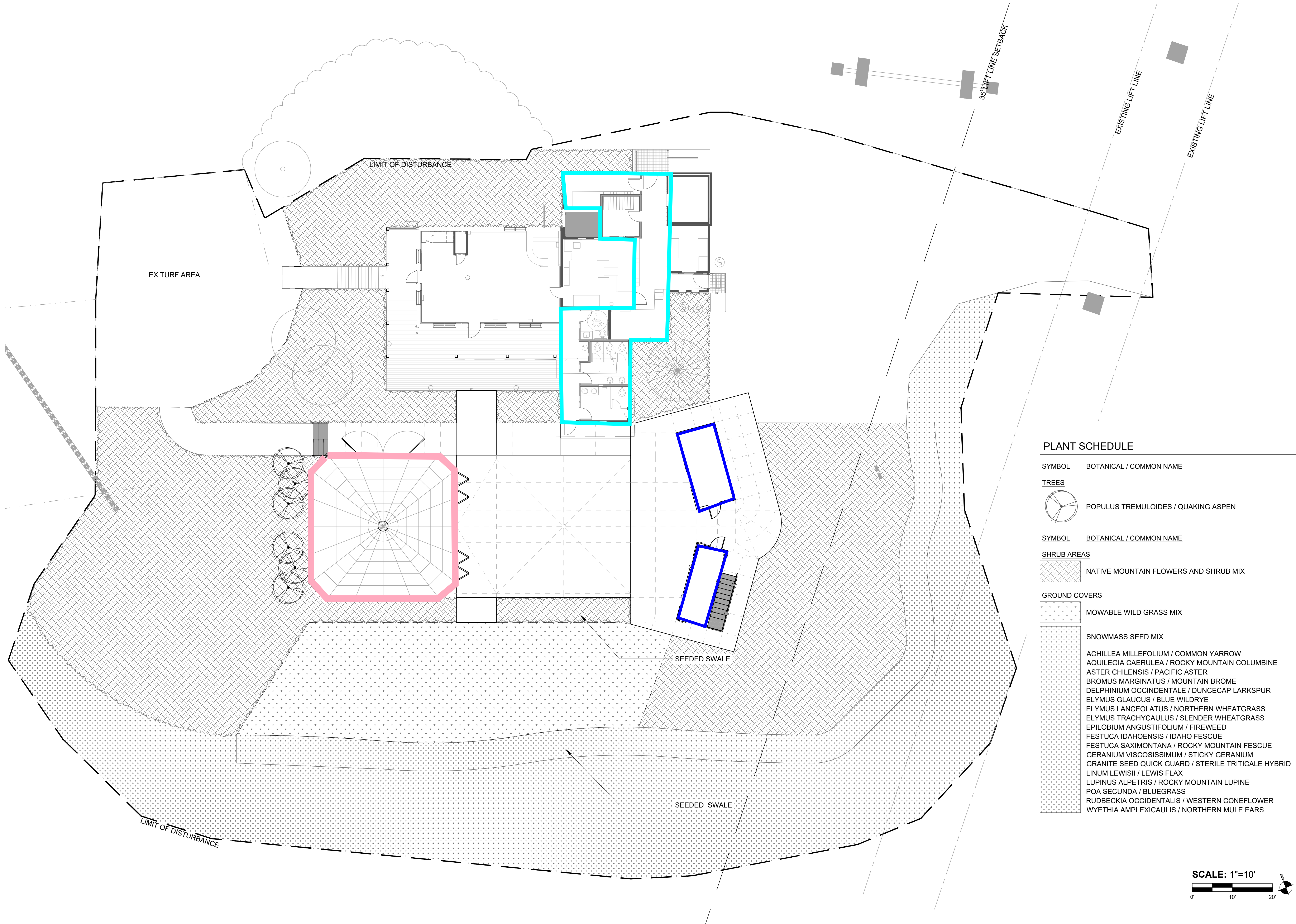
Drawn By: MS	Checked By: GT
ISSUE & REVISION DATES	
SD COORDINATION SET	09/22/2023
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DD UPDATES	04/02/2024
DD UPDATES	05/08/2024

Plot Date: 05/08/24 Project #: 519



SCALE: 1"=10'

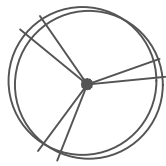




PLANT SCHEDULE

SYMBOL BOTANICAL / COMMON NAME

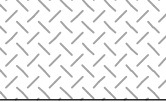
TREES



POPULUS TREMULOIDES / QUAKING ASPEN

SYMBOL BOTANICAL / COMMON NAME

SHRUB AREAS



NATIVE MOUNTAIN FLOWERS AND SHRUB MIX

GROUND COVERS



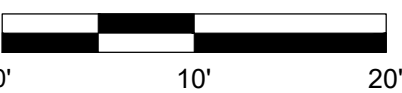
MOWABLE WILD GRASS MIX



SNOWMASS SEED MIX

- ACHILLEA MILLEFOLIUM / COMMON YARROW
AQUILEGIA CAERULEA / ROCKY MOUNTAIN COLUMBINE
ASTER CHILENSIS / PACIFIC ASTER
BROMUS MARGINATUS / MOUNTAIN BROME
DELPHINIUM OCCIDENTALE / DUNCECAP LARKSPUR
ELYMUS GLAUCUS / BLUE WILD RYE
ELYMUS LANCEOLATUS / NORTHERN WHEATGRASS
ELYMUS TRACHYCAULUS / SLENDER WHEATGRASS
EPILOBIUM ANGUSTIFOLIUM / FIREWEED
FESTUCA IDAHOENSIS / IDAHO FESCUE
FESTUCA SAXIMONTANA / ROCKY MOUNTAIN FESCUE
GERANIUM VISCOSISSIMUM / STICKY GERANIUM
GRANITE SEED QUICK GUARD / STERILE TRITICALE HYBRID
LINUM LEWISII / LEWIS FLAX
LUPINUS ALPETRIS / ROCKY MOUNTAIN LUPINE
POA SECUNDA / BLUEGRASS
RUDBECKIA OCCIDENTALIS / WESTERN CONEFLOWER
WYETHIA AMPLEXICAULIS / NORTHERN MULE EARS

SCALE: 1"=10'



ISSUE & REVISION DATES	
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DD UPDATES	05/08/2024



2 WEST SECTION
NOT TO SCALE



1 NORTH SECTION
NOT TO SCALE

3D REPRESENTATION NOTES

- THE IMAGES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY, AND ARE INCLUDED TO CONVEY SCALE, PROPORTION, AND MASS ONLY

THIS SHEET CONTAINS LINES, SYMBOLS, ETC THAT ARE IN A COLOR OTHER THAN BLACK AND IS INTENDED TO BE VIEWED AND PRINTED IN COLOR VS BLACK AND WHITE

LYNN BRITT CABIN CAMPUS
SNOWMASS MOUNTAIN
TOWN OF SNOWMASS VILLAGE, CO

Drawn By: MS Checked By: GT

ISSUE & REVISION DATES	
SD COORDINATION SET	09/22/2023
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DD UPDATES	04/02/2024
DD UPDATES	05/08/2024

Plot Date: 05/08/24 Project #: 519

3D
REPRESENTATION

L.7.00



3 BIRDSEYE NORTH
NOT TO SCALE



2 APPROACH BY SKIS
NOT TO SCALE



3 SECOND VIEW FROM LIFT
NOT TO SCALE



1 FIRST VIEW FROM LIFT
NOT TO SCALE

3D REPRESENTATION NOTES

- THE IMAGES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY, AND ARE INCLUDED TO CONVEY SCALE, PROPORTION, AND MASS ONLY

THIS SHEET CONTAINS LINES, SYMBOLS, ETC THAT ARE IN A COLOR OTHER THAN BLACK AND IS INTENDED TO BE VIEWED AND PRINTED IN COLOR VS BLACK AND WHITE

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DD UPDATES	04/02/2024
DD UPDATES	05/08/2024



1 VIEW FROM TRAIL
NOT TO SCALE

3D REPRESENTATION NOTES

- THE IMAGES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY, AND ARE INCLUDED TO CONVEY SCALE, PROPORTION, AND MASS ONLY

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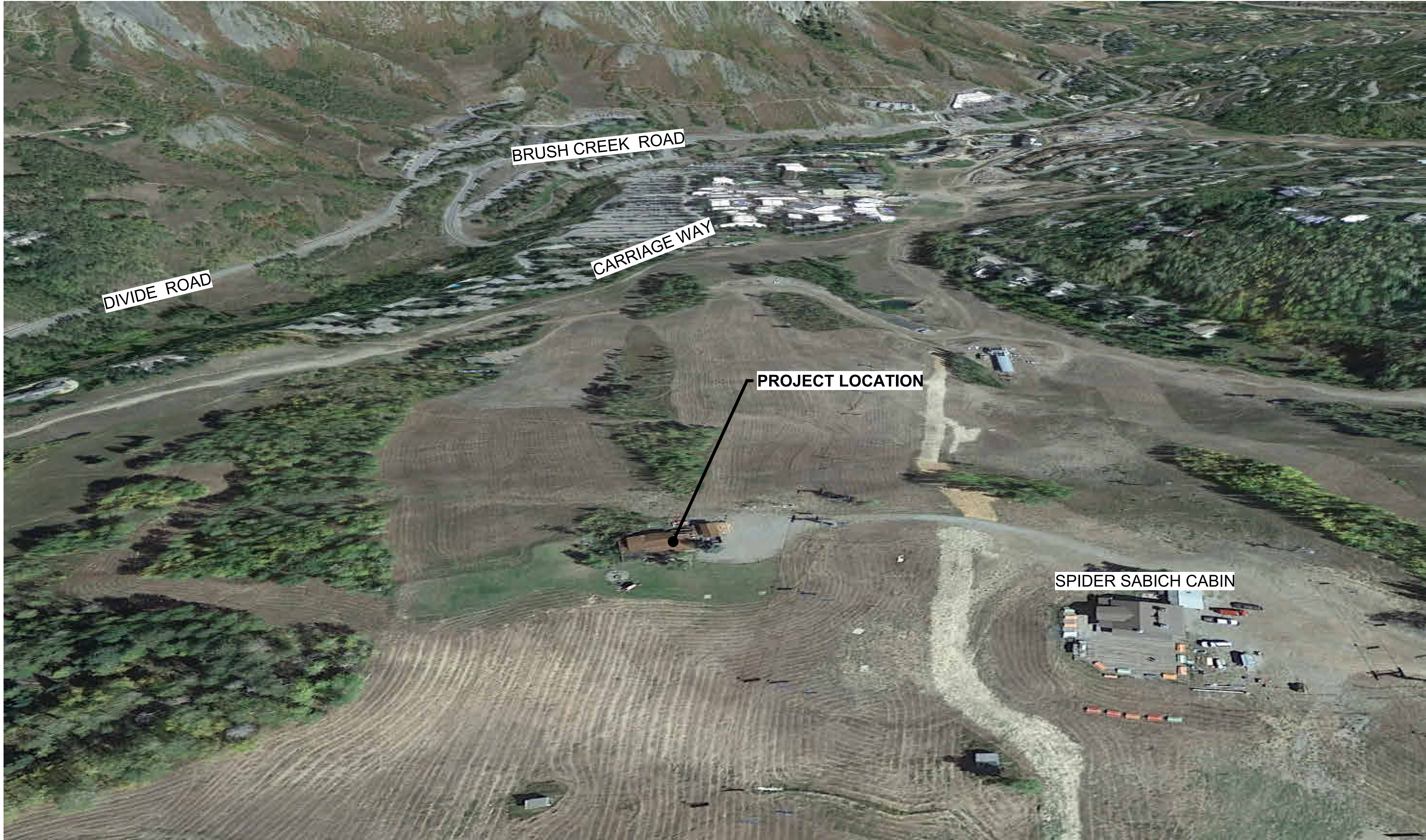
LYNN BRITT CABIN CAMPUS
SNOWMASS MOUNTAIN
TOWN OF SNOWMASS VILLAGE, CO

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DD UPDATES	05/08/2024
Plot Date: 05/08/24	Project #: 519

3D REPRESENTATION

L.7.02

PROJECT SCOPE
This Document Set pertains to the Remodel at the Lynn Britt Cabin property. Scope: Remodel of the existing structure with the expansion of the outdoor covered patio seating/dining areas, along with tying the existing walk in cooler/prep room structures with new walls and roof to provide climate controlled area for additional storage and food prep. The site will also get an expanded detached deck/patio lounging area along with two modular food and beverage "pods" to serve the deck/patio lounge area.



PROJECT INFORMATION		
PROJECT: LYNN BRITT CABIN REMODEL	ADOPTED CODES:	BUILDING CODE: 2015 IRC, IBC, IFC, IFGC IMC, IPC, IEBC, IECC
PARCEL ID: 273302400012		ELECTRICAL CODE: 2014 NEC OTHER: 2012 IGCC
PERMIT#: PER LAND USE APPROVAL	DESIGN CRITERIA:	SNOW LOAD: PER STRUCT. WIND SPEED: 89MPH, EXP. B SEISMIC: C WEATHERING: SEVERE FROST DEPTH: 42" TERMITE/DECAY: NON to SLIGHT WINTER DESIGN TEMP: -15 DEG. F SUMMER DESIGN TEMP: 82 DEG. F ICE SHIELD: YES AIR FREEZING INDEX: 2000 DEG. F MEAN ANNUAL TEMP: 40 DEG. F
LEGAL DESCRIPTION: SEE SURVEY AND PLATS		
ZONE DISTRICT: SKI REC ZONING - ZONING		
OCCUPANCY TYPE: A-2		
CONSTRUCTION TYPE: V-B		
SPRINKLER: NOT REQUIRED		
PROPERTY SIZE: PER LAND USE APPROVAL	SPECIAL INSPECTIONS: YES, REF. STRUCTURAL	
BLDG. AREAS: XXX XXX	SOILS: REPORT #GS06792.000-125, DATED SEPTEMBER, 12 2023, AS PREPARED BY CTL THOMPSON	
MAX HEIGHT: 28' PRINCIPAL STRUCTURES		
SETBACKS: SEE SURVEY AND PLATS		
INSULATION / ENERGY REQUIREMENTS		
COMMERCIAL: CEILING/ROOF: R-35CI / R-49 WINDOWS: FIXED U.29, OPERABLE U.37 MASS WALL: R-15.2 W. FRAME WALL: R-13 + R-7.5CI or R-20 + R-3.8CI FLOOR: MASS R-15CI, WOOD R-30, STEEL R-38 BASEMENT & CRAWL. WALL: R-10CI SLAB EDGE: R-15 FOR 24" (+R-5 FOR HEATED) SKYLIGHT: U.50 OPAQUE NON-SWINGING DOORS: R-4.75 OPAQUE SWINGING DOORS: U.37 ENTRANCE DOORS: U.77 SHGC: SEW PF<0.2 = .45, NR ALL OTHERS		

VICINITY MAP

CONTACT DIRECTORY		
OWNER: ASPEN SKIING COMPANY, PO BOX 1248 ASPEN, CO 81612 CONTACT: DANA DALLA BETTA 970-466-6601 ddallabetta@aspensnowmass.comt	STRUCTURAL: EVOLVE STRUCTURAL DESIGN 1040 MAIN STREET CARBONDALE, CO 81623 970-510-0773 OFFICE STEVE EDMISTON 206-910-7766 steve@evolvestruct.com	
ARCHITECT: Z-GROUP ARCHITECTS, P.C. 411 EAST MAIN ST. #205 ASPEN, CO 81611 970-925-1832 OFFICE CONTACT: SCOTT McHALE 970-925-1832 scott@zgrouparchitects.com	CIVIL: CRYSTAL RIVER CIVIL 1101 VILLAGE RD UL-3C CARBONDALE, CO 81623 970-340-4130 OFFICE CONTACT: VINCE TOMZAK, P.E. 610-252-2075 vince@crystalrivercivil.com	
SURVEYOR: TRUE NORTH COLORADO, LLC PO BOX 814, 386 W. MAIN ST, UNIT 3 NEW CASTLE, CO 81647 CONTACT: RODNEY P. KISER, PLS/Partner 970-984-0474 rodney@truenorthcolorado.com	CONTRACTOR: T.B.D.	
MEP: BIGHORN ENGINEERING 386 INDIAN ROAD GRAND JUNCTION, CO 81501 BLAINE BUCK, P.E. 970-241-8709 blain@bighorneng.com	INTERIORS: Z-GROUP ARCHITECTS, P.C. 411 EAST MAIN ST. #205 ASPEN, CO 81611 970-925-1832 OFFICE CONTACT: AMY COY 970-925-1832 amy@zgrouparchitects.com	
	LANDSCAPE: CONNECT ONE DESIGN 350 MARKET ST #307 BASALT, CO 81621 970-355-5457 OFFICE CONTACT: GYLES THORNELY 970-379-7869 gt@connectonedesign.com	

SURVEY : ARCHITECTURAL HEIGHT REFERENCE
9219' 2-5/8" = 0' - 0" (EXISTING FINISH FLOOR)

DISCIPLINE SEQUENCE:	SHEET INDEX: ARCHITECTURAL									
(SEE INDIVIDUAL DISCIPLINE COVER SHEETS FOR SHEET INDEXES)										
GENERAL INFORMATION, ZONING, AND CODE ANALYSIS (INCLUDED IN ARCHITECTURAL INDEX)										
• SURVEY	A-0.01	COVER SHEET	A-102	FLOOR PLAN GRADE LEVEL	A-503	TYPICAL SEALING DETAILS	I-200	ID ELEVATIONS - DINING		
• CIVIL	A-0.02	GENERAL NOTES	A-103	RCP - FIRST FLOOR	A-504	TYPICAL SEALING DETAILS	I-201	ID ELEVATIONS - DINING & BAR		
• LANDSCAPE	A-0.03	ADA GENERAL INFORMATION	A-104	ROOF PLAN	A-505	STAIR AND RAIL DETAILS	I-202	ID ELEVATIONS - DINING LOFT		
• ARCHITECTURAL	A-0.04	ADA PLUMBING ELEMENTS	A-201	ELEVATIONS	A-506	WINDOW AND DOOR DETAILS	I-203	ID ELEVATIONS - HALLWAY		
• INTERIORS	A-0.10	ZONING - FAR CALCS	A-202	ELEVATIONS	A-507	GENERAL DETAILS	I-204	ID ELEVATIONS - FAM/ADA RR & RR #1		
• MECHANICAL	A-0.20	CODE - ANALYSIS	A-301	BUILDING SECTIONS	A-508	GENERAL DETAILS		ID ELEVATIONS - RR #2		
• ELECTRICAL	A-0.21	ASSEMBLIES/DETAILS	A-302	BUILDING SECTIONS	A-601	DOOR & WINDOW SCHEDULES	I-205			
• PLUMBING	A-0.30	EXISTING PHOTOS - EXTERIOR	A-303	BUILDING SECTIONS	A-901	3D/ISOMETRIC				
• STRUCTURAL	A-0.31	EXISTING PHOTOS - INTERIOR	A-401	ENLARGED PLANS - BOH	A-902	3D/PERSPECTIVE				
• FOOD SERVICE	A-1.01D	DEMO - FLOOR PLANS	A-402	ENLARGED PLANS - RR	I-000	ID SCHEDULES				
• ROXBOX - ACCESSORY FOOD/BEVERAGE STRUCTURES	A-1.02D	DEMO - ELEVATIONS	A-403	ENLARGED PLANS - CLOSET	I-001	ID FINISH SCHEDULE				
	A-1.03D	DEMO - SECTIONS	A-501	TYPICAL SEALING DETAILS	I-100	ID FINISH FLOOR PLAN				
	A-101	ARCHITECTURAL SITE PLAN	A-502	TYPICAL SEALING DETAILS	I-101	ID FINISH FLOOR PLAN				



Z GROUP
ARCHITECTURE &
INTERIOR DESIGN

SKICO

LYNN BRITT CABIN REMODEL

2 Sams Knob Work Rd
Snowmass Village, CO 81615

Seal:

Project number: 2314
Construction Date: XX.XX.XX
Prepared By: XXX
Checked By: XXX

No.	Description	Date
SD Submittal		09.27.23
DD Submittal		01.16.24

Jurisdiction Use:

Sheet Name:
COVER SHEET

Sheet #:
A-0.01

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CABIN/RR'S



PREP DECK/PREP ROOM



PREP DECK



WALK-IN COOLER/CABIN



MECHANICAL/CABIN/KITCHEN



CABIN/RR'S



CABIN



KITCHEN ENTRANCE



PREP ROOM/WALK-IN COOLER



MECHANICAL/CABIN/KITCHEN



CABIN



CABIN



KITCHEN ENTRANCE



PREP ROOM/CABIN



MECHANICAL/CABIN



CABIN SIDE ENTRANCE



KITCHEN ENTRANCE



WALK-IN COOLER



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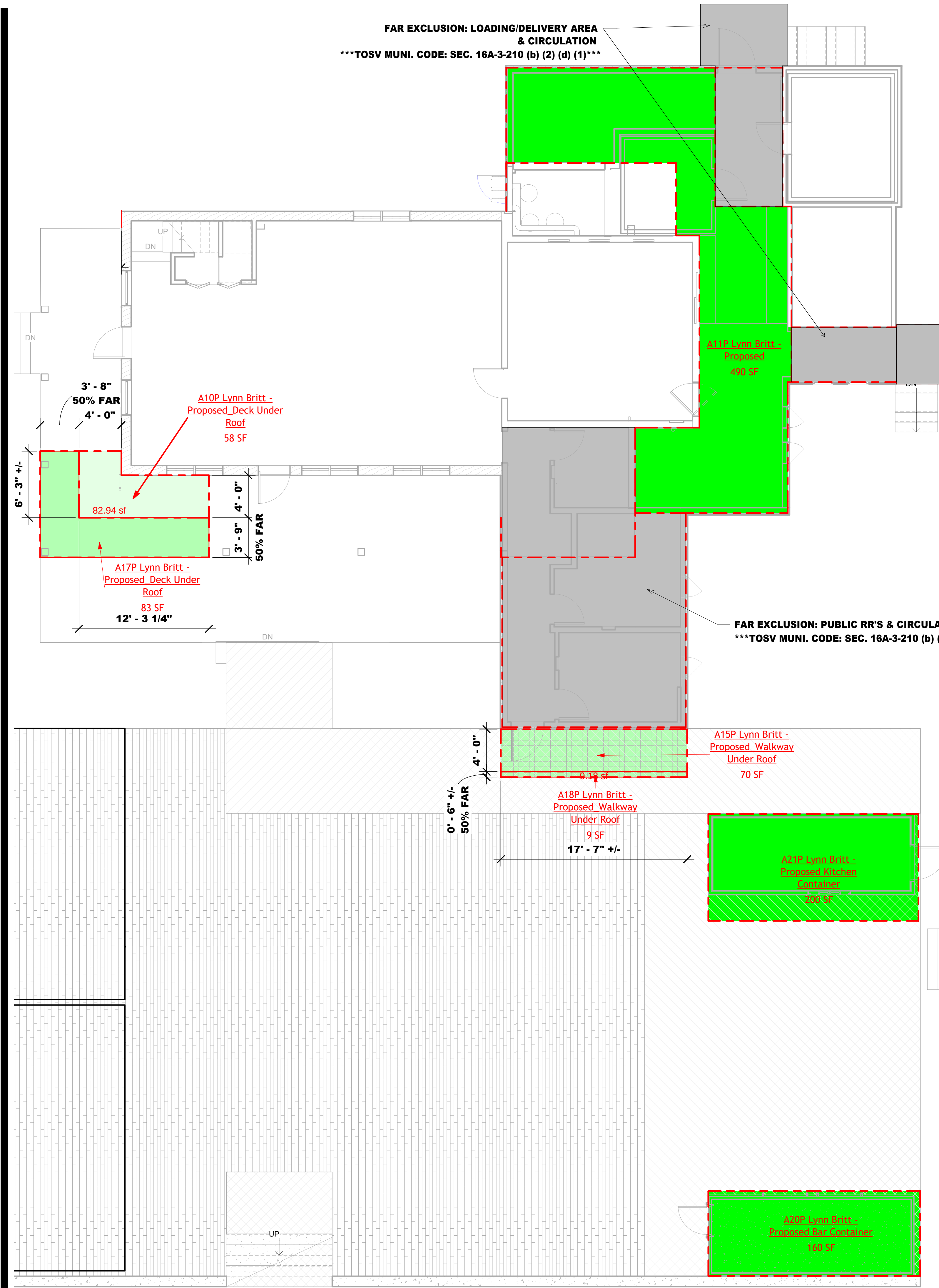
No. Description Date

Jurisdiction Use:

Sheet Name:
EXISTING PHOTOS -
EXTERIOR

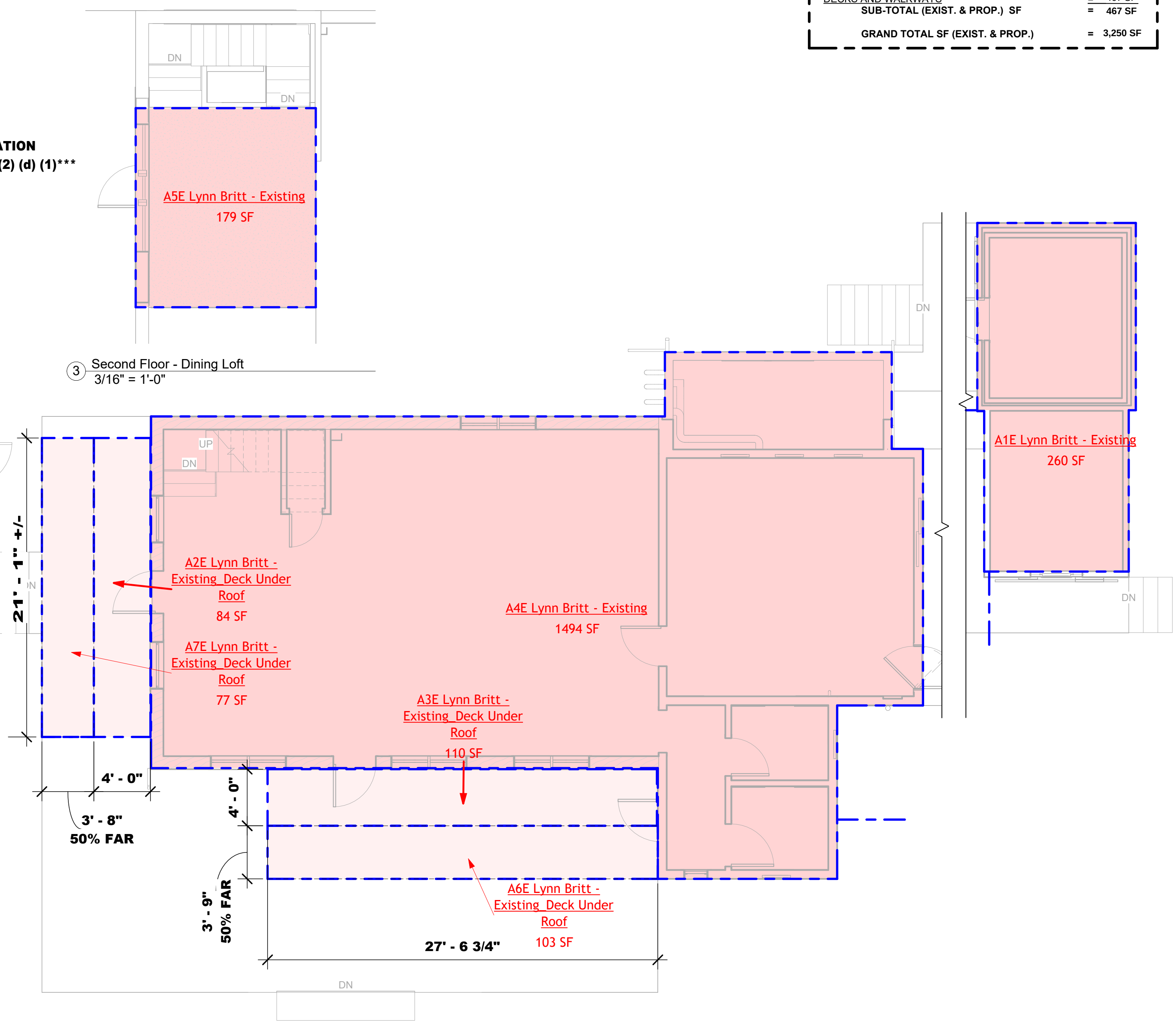
Sheet #:

A-0.30



Area Schedule (FAR)			
##	Name	SF Area	Comments
A1E	Lynn Britt - Existing Cabin	260	
A4E	Lynn Britt - Existing Cabin	1494	
A5E	Lynn Britt - Existing Cabin	179	
A2E	Lynn Britt - Existing Deck under Roof	84	
A3E	Lynn Britt - Existing Deck under Roof	110	
A6E	Lynn Britt - Existing Deck under Roof	51.5	Area over 4' in depth counted at 50%
A7E	Lynn Britt - Existing Deck under Roof	38.5	Area over 4' in depth counted at 50%
TOTAL EXISTING SF		2217	
A11P	Lynn Britt - Proposed Back of House	490	
A20P	Lynn Britt - Proposed Bar Container	160	
A21P	Lynn Britt - Proposed Kitchen Container	200	
A10P	Lynn Britt - Proposed Deck under roof	58	
A17P	Lynn Britt - Proposed Deck under roof	41.5	Area over 4' in depth counted at 50%
A15P	Lynn Britt - Proposed Entry roof	70	
A18P	Lynn Britt - Proposed Entry roof	4.5	
TOTAL PROPOSED SF		1024	
TOTAL- EXISTING + PROPOSED		3241	

AREA CALCULATIONS (FAR)	
MEASURED AS: THE GROSS AREA TO EXTERIOR FRAME OF WALL AND CENTER OF DEMISING WALL. EXCLUDES VENEER.	
AREA INCLUSIONS: COVERED & UNENCLOSED DECKS PATIOS: 50% OF AREAS BEYOND 4' and 50% OF ENTRY AREA OVER 160' STAIRS INCLUDED ON ORIGINATING FLOOR ONLY. ELEVATOR INCLUDED ON ORIGINATING FLOOR ONLY. CARPORTS, 50% OF AREA	
AREA EXCLUSIONS: ATTIC SPACE IS N/A. CRAWL SPACE IS N/A. BASEMENT IS N/A. COVERED & UNENCLOSED ENTRY AREA (UP TO 160 SF) SUB-GRADE PARKING AREAS EXTERIOR STORAGE (UP TO 5% OF UNIT AREA)	
EXISTING - INTERIOR AREAS: GRADE LEVEL = 1,754 SF UPPER LEVEL = 179 SF SUB-TOTAL SF = 1,933 SF	
EXISTING - EXTERIOR AREAS UNDER ROOF: DECKS AND WALKWAYS = 284 SF SUB-TOTAL SF = 284 SF GRAND TOTAL (EXIST.) SF = 2,217 SF	
PROPOSED - INTERIOR AREAS: GRADE LEVEL = 850 SF UPPER LEVEL = N/A SF SUB-TOTAL SF = 850 SF	
PROPOSED - EXTERIOR AREAS UNDER ROOF: DECKS AND WALKWAYS = 174 SF SUB-TOTAL SF = 174 SF GRAND TOTAL (PROP.) SF = 1,024 SF	
TOTAL - INTERIOR AREAS: GRADE LEVEL = 2,604 SF UPPER LEVEL = 179 SF SUB-TOTAL SF = 2,783 SF	
TOTAL - AREAS UNDER ROOF: DECKS AND WALKWAYS = 467 SF SUB-TOTAL (EXIST. & PROP.) SF = 467 SF GRAND TOTAL SF (EXIST. & PROP.) = 3,250 SF	





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SD	Submittal	09.27.23
DD	Submittal	01.16.24
FAR	UPDATE	01.26.24

Jurisdiction Use:

Sheet Name:
ZONING - FAR CALCS

Sheet #:
A-0.10

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KEYNOTE LEGEND

- New Finish on Existing Deck Structure, Proposed Wood Decking, 2x Treated, Cedar Tone
- New Loading Deck w/Removable Railing for Unloading From a Snowcat, Walking Surface to be Metal Safety Tread Type Galvanized Steel, Steel Bar Grating Close-Mesh 11-W4 Ref Structural
- Existing Deck to Receive New Sheathing & Finish and Insulation, See Code Insulation Requirements This Sheet, Finish T.B.D., Ref Structural
- Proposed Floor/Ramp, See Code Insulation Requirements This Sheet, Finish T.B.D., Ref Structural
- New Stair Assembly w/Metal Galvanized Steel Safety Treads & Open Risers, Refer. Struct.
- New Exterior Door, Thermatru w/Wood Jamb. Style/Model T.B.D., See Code Insulation Requirements This Sheet
- 1 3/8" Solid Core Door
- New 2x6 Exterior Wall Assembly, See Code Insulation Requirements This Sheet, Fire Retardant Rustic Wood Plank Siding (Montana Timber Products Or Eq) - Horizontal and/or Vertical, Color and Texture T.B.D., Ref Structural
- 8x8 Heavy Timber
- New FRP Panel (or Code Eq) Wall Finish to be Applied to All Walls of Newly Enclosed Exterior Spaces or New Spaces Used For Food Prep/Cooking. Verify that All Finishes Meet Health Dept Code. Exact Material/Texture/Finish T.B.D., Flooring to be Slip-Resistant Vinyl, Protect-All or Eq. Coordinate with Interiors for All Material Submittals/Approvals
- New ADA Compliant Metal Grate Landing, Refer Struct. & Landscape
- New RR, Provide Toilet Partition System & Urinal Screen, Hiny Hiders Floor and Clg Mount, Stainless Steel Hammered Finish.
- New ADA/Family RR, - Provide a Full ADA Accessible Package (Counter, Sink, Grab Bars, Toilet, etc...), Finish T.B.D.
- Existing Barn Style Door, Replace Door With Plywood Covered w/F.R.P. panels, Color/Finish T.B.D.
- New Wood Framed Curb at Ramp to Allow Shelving to Sit Level w/Existing Prep Deck, Material to be Protect-All, Wrap Flooring Up Curb, Coordinate with Curb Sizing w/GLCD, Ref. Struct.
- New Electrical Equip. Ref MEP.
- New Walk-in Cooler By Others
- New Operable Window, Design & Finish T.B.D., See Code Insulation Requirements This Sheet
- New Fixed Window, Design & Finish T.B.D., See Code Insulation Requirements This Sheet
- Replace Existing Door, Match Existing Size/Design, See Code Insulation Requirements This Sheet
- New Walk-Off Grate, Specs T.B.D.
- New Mat, Ref Int.
- New Base, Door & Window Trim to Match Existing, Ref Interiors For Finish

INSULATION / ENERGY REQUIREMENTS

COMMERCIAL:
CEILING/ROOF: R-35CI / R-49
WINDOWS: FIXED U-29, OPERABLE U-37
MASS WALL: R-15.2
W. FRAME WALL: R-13 + R-7.5CI or R-20 + R-3.8CI
FLOOR: MASS R-15CI, WOOD R-30, STEEL R-38
BASEMENT & CRAWL. WALL: R-10CI
SLAB EDGE: R-15 FOR 24" (+R-5 FOR HEATED)
SKYLIGHT: U-50
OPAQUE NON-SWINGING DOORS: R-4.75
OPAQUE SWINGING DOORS: U-37
ENTRANCE DOORS: U-77
SHGC: SEW PF-0.2 = .45, NR ALL OTHERS

GENERAL NOTES: PLANS, ELEVATIONS, SECTIONS AND SIM.

REFERENCE SHEET A-0.02

NOTE: INSTALL AND HANDLE IN ALL RESPECTS ALL PRODUCTS, MATERIALS, & FINISHES PER MFR. REQ. AND INDUSTRY STANDARDS, TO INCLUDE BUT NOT LIMITED TO: FASTENING METHOD, FLASHING, WATERPROOFING, PREPARATION, SUBSTRATE, SEALING, PROTECTION, ETC. ENSURE SOLID, FLUSH, DRY SUBSTRATES AS REC. BY PRODUCT MFR. AND INDUSTRY STANDARD.

WALL/FLOOR/CLG ASSEMBLIES

REFER TO SHEETS A0.XX SHEETS FOR ASSEMBLY DESCRIPTIONS AND DETAILS



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ARCHITECTURE &
INTERIOR DESIGN

SKICO
LYNN BRITT CABIN REMODEL

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Sheet Name:

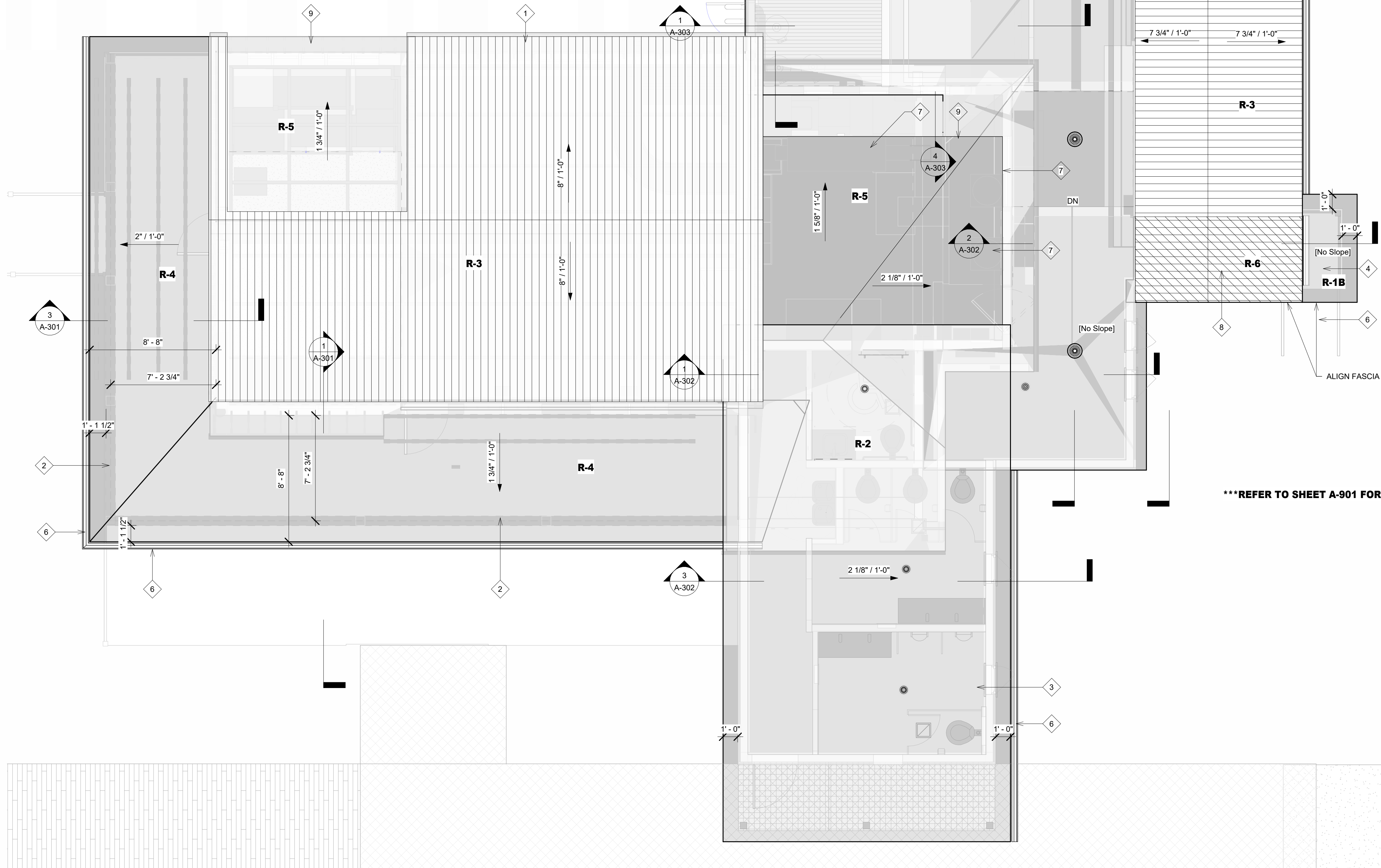
FLOOR PLAN GRADE
LEVEL

Sheet #:

A-102



2 3D View 5 - ROOF PLAN 3D



1 Roof Plan
1/4" = 1'-0"

**GENERAL NOTES: PLANS,
ELEVATIONS, SECTIONS AND SIM.**

REFERENCE SHEET A-0.02

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WALL/FLOOR/CLG ASSEMBLIES

REFER TO SHEETS A0.XX SHEETS FOR ASSEMBLY DESCRIPTIONS AND DETAILS

INSULATION / ENERGY REQUIREMENTS

COMMERCIAL:
CEILING/ROOF: R-35CI / R-49
WINDOWS: FIXED U.29, OPERABLE U.37
MASS WALL: R-15.2
W. FRAME WALL: R-13 + R-7.5CI or R-20 + R-3.8CI
FLOOR: MASS R-15CI, WOOD R-30, STEEL R-38
BASEMENT & CRAWL. WALL: R-10CI
SLAB EDGE: R-15 FOR 24" (+R-5 FOR HEATED)
SKYLIGHT: U.50
OPAQUE NON-SWINGING DOORS: R-4.75
OPAQUE SWINGING DOORS: U.37
ENTRANCE DOORS: U.77
SHGC: SEW PF<0.2 = .45, NR ALL OTHERS

KEYNOTE LEGEND

- Existing Roof To Recieve New Finish. Replacement Options - 1) Prefinished Metal, CMG Metals Dark Bronze 2) Standing Seam Metal 3) Single Ply PVC Membrane, 80 Mil IB With Faux Ribs/Seams, or Eq., Mechanically Fastened, Fully Adhered Option, Color - Bronze
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INTERIOR DESIGN

SKICO
LYNN BRITT CABIN REMODEL
2 Sams Knob Work Rd
Snowmass Village, CO 81615

Seal:

Project number: 2314
Construction Date: XX.XX.XX
Prepared By: Author
Checked By: Checker
No. Description Date
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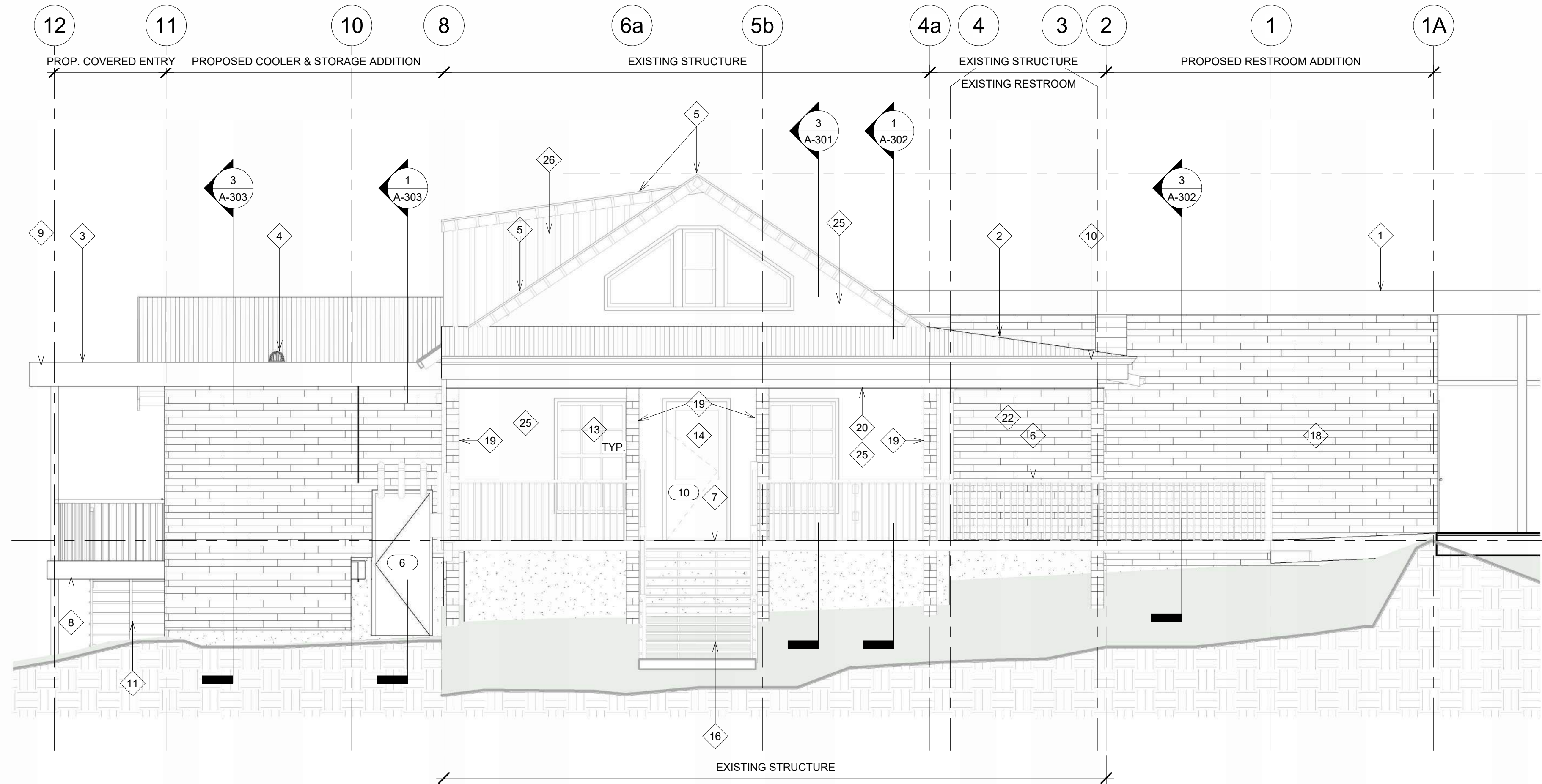
Jurisdiction Use:

Sheet Name:
ROOF PLAN

Sheet #:
A-104

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② Elevation 1 - c
1/4" = 1'-0"

INSULATION / ENERGY REQUIREMENTS

COMMERCIAL:
CEILING/ROOF: R-35CI / R-49
WINDOWS: FIXED U.29, OPERABLE U.37
MASS WALL: R-15.2
W. FRAME WALL: R-13 + R-7.5CI or R-20 + R-3.8CI
FLOOR: MASS R-15CI, WOOD R-30, STEEL R-38
BASEMENT & CRAWL. WALL: R-10CI
SLAB EDGE: R-15 FOR 24" (+R-5 FOR HEATED)
SKYLIGHT: U.50
OPAQUE NON-SWINGING DOORS: R-4.75
OPAQUE SWINGING DOORS: U.37
ENTRANCE DOORS: U.77
SHGC: SEW PF<0.2 = .45, NR ALL OTHERS

GENERAL NOTES: PLANS, ELEVATIONS, SECTIONS AND SIM.

REFERENCE SHEET A-0.02

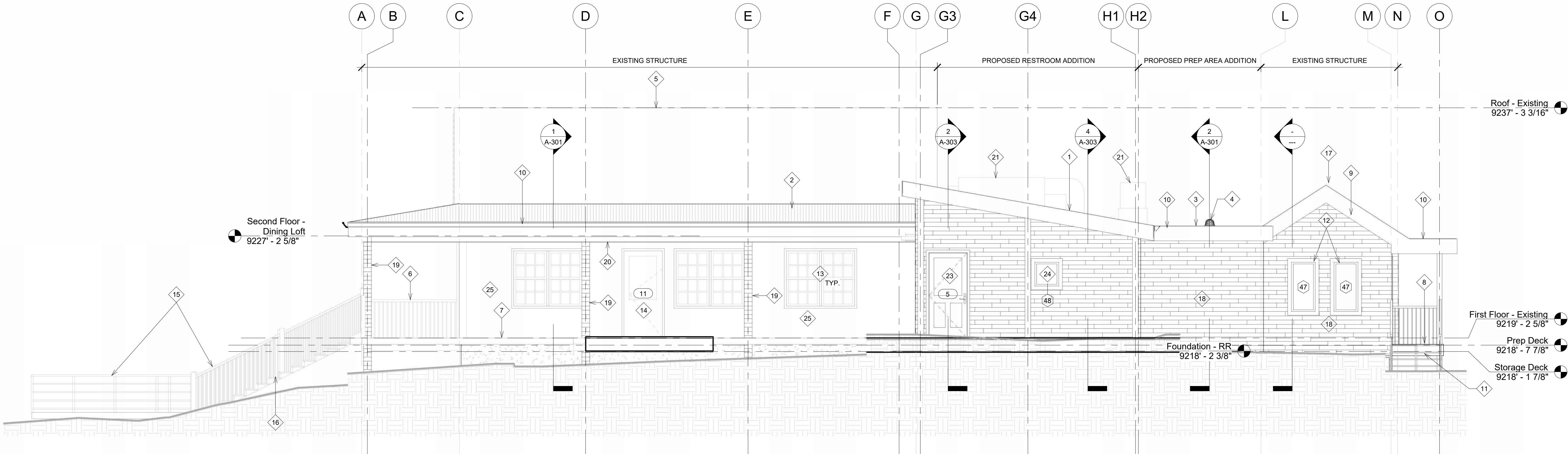
NOTE: INSTALL AND HANDLE IN ALL RESPECTS ALL PRODUCTS, MATERIALS, & FINISHES PER MFR. REQ. AND INDUSTRY STANDARDS, TO INCLUDE BUT NOT LIMITED TO: FASTENING METHOD, FLASHING, WATERPROOFING, PREPARATION, SUBSTRATE, SEALING, PROTECTION, ETC. ENSURE SOLID, FLUSH, DRY SUBSTRATES AS REC. BY PRODUCT MFR. AND INDUSTRY STANDARD.

WALL/FLOOR/CLG ASSEMBLIES

REFER TO SHEETS A0.XX SHEETS FOR ASSEMBLY DESCRIPTIONS AND DETAILS

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- 6 Existing Railing, Remove for Reuse if Possible, Protect/Repair/Refinish as Necessary, Refer. Struct. for Attachment
- 7 New Finish on Existing Deck Structure, Proposed Wood Decking, 2x Treated, Cedar Tone
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- 9 New Fascia Trim, Size to be Determined by Framing size. Fascia to have a 1/2" Reveal Past Soffit. CMG Metals, Dark Bronze, Low Gloss (or approved eq.)
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- 13 Existing Window, Protect During Construction - Refer. Struct.
- 14 Existing Door, Protect During Construction - Refer. Struct.
- 15 Existing Handrail To Remain, Refurbish/Repair as Necessary
- 16 Existing Stair To Remain, Refurbish/Repair as Necessary.
- 17 New Roof Extension, Match Existing/Adjacent - Refer. Struct.
- 18 New 2x6 Exterior Wall Assembly. See Code Insulation Requirements This Sheet. Fire Retardant Rustic Wood Plank Siding (Montana Timber Products Or Eq) - Horizontal and/or Vertical. Color and Texture T.B.D., Ref. Structural
- 19 8x8 Heavy Timber
- 20 W8x31 - Pack Out Beams at Porch With Timber/Roughsawn Lumber to Simulate Timber Columns. Color/Finish T.B.D., Ref. Struct.
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- 22 Existing Wall to Get New Siding, Size Mat'l and Finish T.B.D.
- 23 New Exterior Door, Thermatru w/Wood Jamb. Style/Model T.B.D., See Code Insulation Requirements This Sheet
- 24 New Operable Window, Design & Finish T.B.D., See Code Insulation Requirements This Sheet
- 25 Existing Log Siding to be Cleaned and Sealed, Price as and Option, Sealer/Finish T.B.D.
- 26 Existing board and Batten Siding to be Cleaned and Painted, Price as and Option, Finish Type and Color T.B.D.



① Elevation 1 - a
1/4" = 1'-0"



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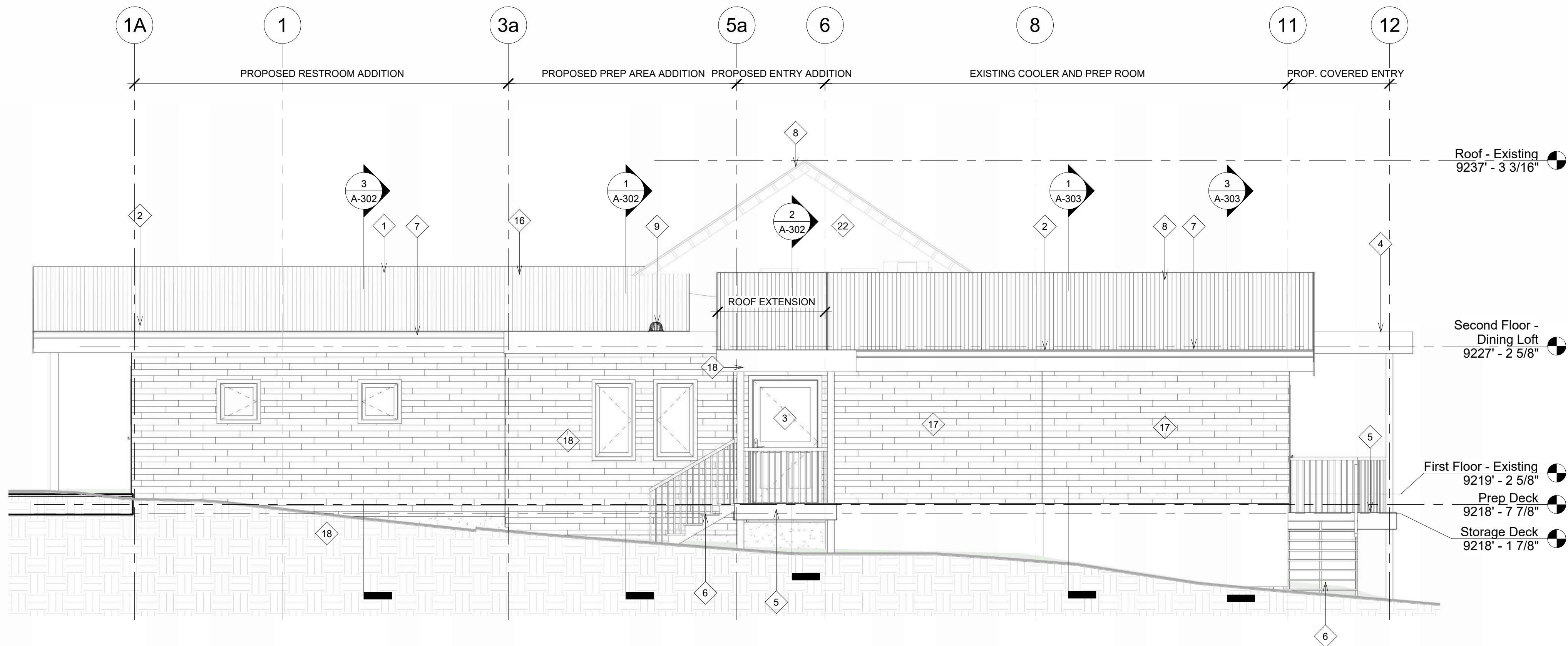
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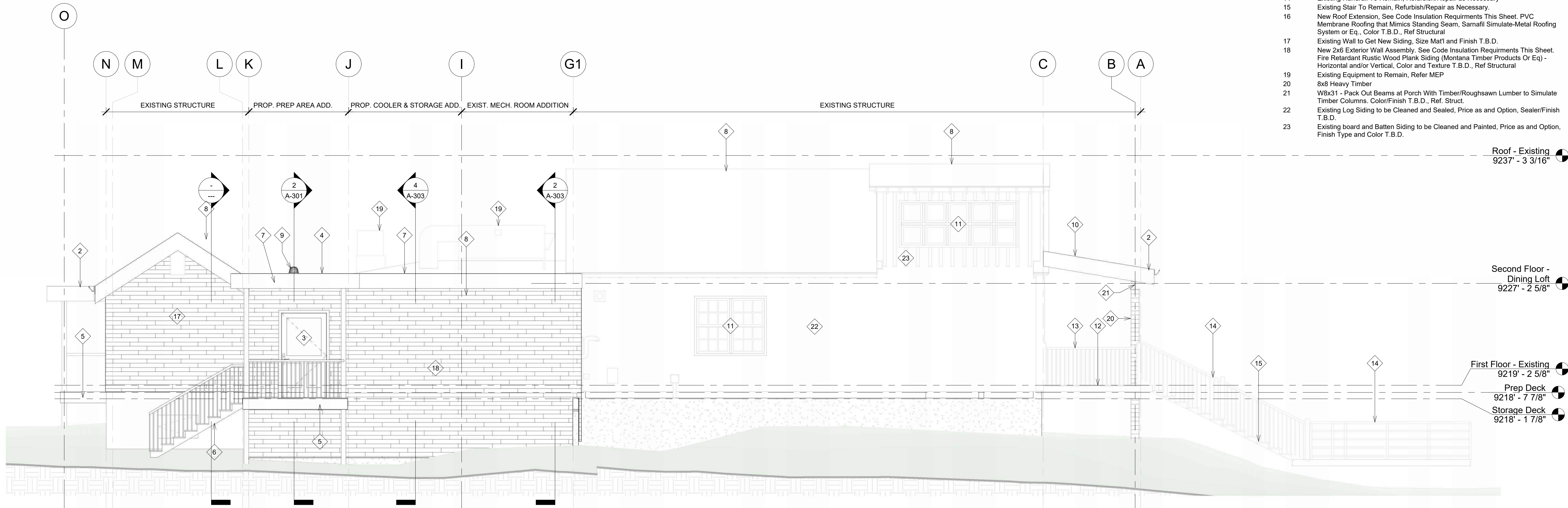
ELEVATIONS

Sheet #:

A-201



1 Elevation 2 - a
1/4" = 1'-0"



2 Elevation 3 - d
1/4" = 1'-0"

GENERAL NOTES: PLANS, ELEVATIONS, SECTIONS AND SIM.

REFERENCE SHEET A-0.02

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REFER TO SHEETS A0.XX SHEETS FOR ASSEMBLY DESCRIPTIONS AND DETAILS

INSULATION / ENERGY REQUIREMENTS

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Jurisdiction Use:

Sheet Name:

ELEVATIONS

Sheet #:

A-202

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TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL

PUBLIC NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BEFORE THE SNOWMASS VILLAGE TOWN COUNCIL. THE PUBLIC IS INVITED TO ATTEND AND COMMENT.

DATE: Monday, July 1, 2024

TIME: During a meeting which begins at 4:00 P.M. or at such time thereafter that the item appears on the agenda of the Town Council.

WHERE: Town Council Chambers
Town Hall, 1st Floor
0130 Kearns Road
Snowmass Village, CO

WHY: To receive public comment on an application by the Aspen Skiing Company proposing 'Special Review' regarding the remodel and expansion of Lynn Britt cabin and restaurant to include additional back-of-house food preparation and storage areas, customer bathrooms, and exterior deck space to accommodate food and beverage areas as well as an enclosable seating area with a semi-permanent "umbrella" structure.

CODE: The application is being processed in accordance with Section 16A-5-230, Special Review, of the Town of Snowmass Village Land Use and Development Code.

INFO: This Special Review is submitted in accordance with requirements of 2024 Snowmass Mountain PUD Guide.

Written comments are encouraged and will be accepted until the close of the public hearing. For inclusion of written comments in the staff report, submissions must be received a minimum of 12 days prior to the public hearing to the following address:

Snowmass Village Planning Department
P.O. Box 5010
Snowmass Village, CO 81615
Attention: Brian McNellis, Senior Planner; Email: bmcnellis@tosv.com

Additional public hearings may be held before the Town Council at later dates, for which only published notice may occur.

Town Clerk Telephone: 970-923-3777
Internet access to Council email: <http://www.tosv.com>
clerk@tosv.com

Printed in the Aspen Times on June 12, 2024.

John Howard
The Segals are all
for This!
Good

Brian McNellis

From: Susan Koranda <susan@koranda.com>
Sent: Friday, June 21, 2024 10:51 AM
To: Brian McNellis
Subject: Proposal of Remodel and Expansion of Lynn Britt Cabin & restaurant

We support the proposed changes. Our family over a span of 30+ years have many memories of special dinners and apres ski at Lynn Britt.

We would like to see dinners return to the Cabin.

As with any modifications on the mountain, with Lynn Britt we ask that the ambience of a cabin on the mountain, wagon/fire pit/outdoor music not be changed in the proposed additions.

The changes made at Gwen's, which will be forever named to us, have been great but the outdoor eating area with high/low tops is too small a footprint.

Any opportunity to enlarge the outdoor living space would be awesome.

Last request, that is forever on my list, is designated hiking trails so that individuals that are not skiers can meander a wooded path to meet family on the mountain, as many of the European ski resorts have.

Thank you for your public hearing notice. I appreciate the opportunity to voice my opinion.

Susan Koranda
Owner, TOV Slope 410
Snowmass Village, CO

Sue Koranda

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

July 1, 2024

AGENDA ITEM:

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

PRESENTED BY:

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

BACKGROUND:

At the Council meeting on June 3, 2024 to review the proposed AEU code changes, the Snowmass Homeowners Association (SHOA) representatives presented concerns regarding possible inconsistencies of the proposed code language with the private Master Declaration of Protective Covenants for Snowmass-at-Aspen Residential Areas, recorded on December 30, 1966 via Reception No. 126313. This occurred prior to Town incorporation in 1977.

Pursuant to SHOA letter dated May 31, 2024, their testimony at the meeting on June 3, 2024, and Town Council's request, town staff met with SHOA and board representatives on June 12, 2024. At this meeting staff requested the SHOA put any additional concerns in writing. The week of June 17, the Town provided the current inventory lists of accessory caretaker and employee units and a GIS map of locations to the SHOA/Board representatives per their request. As of the writing of this report, the SHOA/board representatives requested another follow up meeting with Town staff scheduled for June 27, 2024. To date the staff has not received any additional comments.

Considering other factors, the population and demographics of the country, the state, and the local valley have changed significantly over the past 50+ years. There have been recent significant nationwide trends to accommodate modestly sized affordable housing or accessory units utilizing single-family detached lots. These single-family neighborhoods account for many large-lot subdivisions which are inefficiently under-

utilized. Many of these lots could accommodate accessory units without substantially impacting infrastructure within communities while also reducing commutes as well as further sustaining a local economy and providing much needed housing.

The Planning Commission, Community Development Department, Housing Department, and the Town Attorney's office, have worked collaboratively over the past year to create a draft of the Accessory Employee Unit code amendments. In summary the proposed amendments would combine Accessory Caretaker (ACU's) and Accessory Employee Units (AEU's). The proposed code changes are summarized, below:

1. Definitions:
 - **Modifying the definitions in Chapters 1 and 16A** for consistency and compatibility with the proposed draft edits and with each chapter.
2. Combining the current ACU and AEU code language in Chapter 16A:
 - Address **pre-existing ACUs and AEU**s as legal nonconforming uses.
 - Address **vulnerability of abuse**: Initial registration, restricted deed / covenant, restricted housing agreement, and recordation thereof to run with the land.
 - **Increase penalty for removal** to be three times that of a FAET calculation result.
 - Maintain the allowance for a **town inspection**.
3. Modified use and locational parameters for AEU placement on property:
 - **Uses**: Allowance for attached AEU's to a principal home, or detached AEU's including ones attached to a detached garage subject to design/development parameters.
 - **Standalone accessory units**: New and modified standards for acceptable locational placement on a lot.
 - **Special review**: Removing special review requirement for detached AEU's.
4. Standards for Accessory Employee Units:
 - **Occupancy standards**: Allowance for qualified employees, seniors (> 65), caretakers, caregivers, or disabled persons in a new AEU, plus adding new definitions for caretakers, caregivers, and disabled persons.
 - **Incentives**: Up to 1,000 square foot floor area bonus beyond a property's maximum floor area without Floor Area Excise Tax; Restrictions to obtain.
 - **Prohibiting restricted sales or condominium AEU**s for conveyance purposes.
 - Allowing for **rental of AEU**s by employers to lease back to employees.
5. Miscellaneous updates:
 - Clarify the allowance of an AEU in **Table 3-1, Schedule of Uses**.
 - Clarify the allowance of an AEU in the **code's floor area measurement standards**.
 - Modify the AEU **completion and registration code** for consistency with the draft modified standards.

FINANCIAL IMPACT:

With the proposed bonus floor area up to 1,000 square feet for an Accessory Employee Unit without Floor Area Excise Tax, there could be a loss in that tax revenue with every affected building permit application requesting the bonus floor area. With a reassessment of added floor area there would be future increases in property tax

revenue. Added accessory employee units with the opportunity to house additional occupants would add to the sustainability and economic viability of the community.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

The 2018 adopted Comprehensive Plan, as amended in 2022, incorporates the following Strategic Initiatives and policy statements:

E.3 Incentivize Accessory Dwelling Units -

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

Next Steps:

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

APPLICABLE REGULATIONS:

The current accessory unit provisions can be found in Section 16A-3-230 of the Town's Land Use and Development Code. The black font in the draft edited attachment Exhibit 'A' of the ordinance represents the current code language proposed to remain. The red font represents the deletion or addition of language.

The procedures to amend the text of the development code are outlined in Section 16A-5-210. The section provides a means by which the Town Council may, from time to time, amend, supplement, or repeal the text of the land use and development code.

The review standards for considering amendments to the text of the development code are:

- 1) *Consistent with the purposes of the Development Code, which includes:*
 - a. *To establish a clear, consistent predictable and efficient development review process;*
 - b. *Provide participation and involvement in the development review process by all parties;*
 - c. *Protect and enhance the quality of life to promote the general health, safety, and welfare of the present and future residents of, and visitors to, the Town.*
 - d. *Provide for orderly development of the Town, so that the range of uses provided is necessary to sustain residents of the community and to maintain a healthy resort economy accommodated in a compatible manner; and*
 - e. *To implement the principles and policies of the Town's Comprehensive Plan.*

- 2) *Not conflict with other provisions of the Development Code.*
- 3) *Consistency with the Comprehensive Plan; and*
- 4) *Preserving the public health, safety, general welfare, and environment, and contributing to the orderly development of the Town.*

COUNCIL OPTIONS:

Open the continued public hearing to hear and consider additional comments from the public. Approve, approve with amendments, or deny the first reading of the ordinance. If approved, continue the public hearing to a date certain for the second reading of the ordinance.

STAFF RECOMMENDATION:

It is the recommendation of Staff that the Council, by motion, approve Ordinance 10-2024 on first reading and set the second reading for August 5, 2024.

ATTACHMENTS:

1. Ordinance No. 10, Series of 2024;
2. Exhibit 'A' to ordinance of the edited language regarding the new Accessory Employee Unit replacement code standards;
3. Planning Commission Resolution No. 3, Series of 2024.
4. Letter from the Snowmass Homeowners' Association, dated May 31, 2024.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, a public hearing notice was published in the Aspen Times Snowmass Sun edition on May 15, 2024 for the initial Town Council meeting on June 3, 2024. Following the review and meeting, the public hearing and first reading was continued to July 1, 2024; and

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

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

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of

Snowmass Village:

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

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

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

INTRODUCED, READ, AND APPROVED, on first reading, by the Town Council of the Town of Snowmass Village on July 1, 2024, upon a motion by Council Member _____, the second of Council Member _____, and upon a vote of ___ in favor and ___ against.

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

TOWN OF SNOWMASS VILLAGE

Bill Madsen, Mayor

ATTEST:

Megan Boucher, Town Clerk

APPROVED AS TO FORM:

Jeff Conklin, Town Attorney

Attachments:

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

EXHIBIT "A"
Ordinance No. 10, Series of 2024
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CHAPTER 1 – General Provisions.

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ARTICLE II - Definitions and Usage

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Sec. 1-21. - Definitions.

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

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

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

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

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

Caretaker, for the purposes of determining occupancy of an AEU, shall mean a person or a caregiver employed to look after a residential building, people, including a child or a sick, elderly, or disabled person.

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Caregiver, for the purpose of determining occupancy of an AEU, is someone who assists another individual with personal care or household tasks that are necessary for everyday life.

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

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

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

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

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CHAPTER 16A – Land Use and Development Code

Art. II, Definitions.

Sec. 16A-2-20. Definitions.

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

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

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

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

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

~~*Caretaker*, for the purposes of determining occupancy of an AEU, shall mean a person or a caregiver employed to look after a residential building, people, including a child or a~~

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sick, elderly, or disabled person.

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Caregiver, for the purpose of determining occupancy of an AEU, is someone who assists another individual with personal care or household tasks that are necessary for everyday life.

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

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

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

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

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CHAPTER 16A – Land Use and Development Code

Art. III, Zone Districts.

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

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

Notes:

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

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

(b) Measuring Floor Area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

f. Maximum floor area. The AEU shall not cause the resulting floor area of all improvements to exceed the maximum floor area for the lot; ~~except, however, the maximum floor area for the lot may be exceeded by an amount greater than not to exceed ten percent (10%) without special review approval pursuant to Section 16A-5-230, Special Review one thousand (1,000) square feet and not be subject to the Floor Area Excise Tax provisions in Chapter 4, Article VI for the floor area of an AEU, provided the Applicant/Owner for the AEU shall:~~

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

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

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iii. ~~record a deed / covenant restriction for the AEU in a form to be prepared by the Town containing the material terms of this Section regarding occupancy, and following subsection (3)c2 below, and submit to the Town (if over the maximum floor area of the lot up to a limit of 1,000 square feet); and~~

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

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

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

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

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

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

(3) Accessory employee unit completion and registration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b) ~~If under this Ordinance No. 10, Series of 2024, an AEU was approved up to the limit of 1,000 square feet beyond the maximum floor area standard established by the zoning or PUD for the lot without any prior acquisition of a 'Floor Area Excise Tax,' and the employee unit is subsequently removed, then the amount of penalty fee shall be the calculated per the formulae in Chapter 4, Article VI, 'Floor Area Excise Tax,' of the Code and tripling the resulting fee.~~

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

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

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

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

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

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

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

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

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

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

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

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Ordinance No. 10, Series of 2024
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REDLINED VERSION

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

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

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**TOWN OF SNOWMASS VILLAGE
PLANNING COMMISSION
RESOLUTION NO. 3,
SERIES OF 2024**

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

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

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

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

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

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

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

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

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

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

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

- b. “Multi-generational housing is becoming more of the norm again as families accommodate aging parents.”*
- c. “As mentioned above, they (ADUs) present a great opportunity to provide lower cost housing for in-town employees and seniors alike, as well as a potential source of revenue for homeowners.”*
- d. “ADUs for seniors can be built on their home property or that of their adult children. This is an excellent way to provide senior housing that is personalized, gives them security and privacy, and is accessible for future needs.”*
- e. “Flexibility is the key to a successful ADU program.”*

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

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

WHEREAS, on April 19 and November 15, 2023 and on February 21 and April 3, 2024, the Planning Commission reviewed and heard the findings and recommendations of town staff, considered public comments, made its findings and recommendations, and directed the draft code amendments be referred for review by Town departments, referral agencies, districts and affected homeowners' associations which occurred on March 7, 2024, and to prepare a resolution for consideration and action; and

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

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

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

Section One: General Findings. Based upon the information provided and the staff reports, analyses and testimony given during the meetings, the Planning Commission generally finds as follows:

1. The procedural requirements set forth in Section 16A-5-210, 'Amendments to the Text of the of the Development Code' of the Municipal Code have been satisfied.
2. The proposed amendments comply with the applicable review standards specified within Section 16A-5-210(e) of the Municipal Code.

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

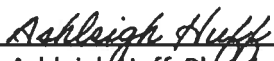
INTRODUCED, READ, AND APPROVED, as amended, by the Planning Commission of the Town of Snowmass Village on April 3, 2024, upon a motion by Commission Member Gustafson, the second of Commission Member Denis, and upon a vote of 6 in favor and 0 against. (Commission Member Dube absent)

TOWN OF SNOWMASS VILLAGE
PLANNING COMMISSION



Brian Marshack, Chairperson

ATTEST:



Ashleigh Huff, Planning Commission Secretary

Attachments:

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

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CHAPTER 1 – General Provisions.

ARTICLE II - Definitions and Usage

Sec. 1-21. - Definitions.

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

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

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

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

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

Caretaker, for the purposes of determining occupancy of an AEU, shall mean a person or a caregiver employed to look after a residential building, people, including a child or a sick, elderly, or disabled person.

Caregiver, for the purpose of determining occupancy of an AEU, is someone who assists

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36 another individual with personal care or household tasks that are necessary for everyday life.

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

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

44 *Kitchen, AEU* means an area designated for cooking, which minimally contains a
45 twelve-cubic-foot refrigerator, a six-gallon capacity sink, a stove with four (4) cooking
46 surface burners or elements and an oven, and an area for food storage.

47
48 *Manager's unit* means a dwelling unit which may include a one-family dwelling or a
49 dwelling unit provided within a structure containing multiple-family dwelling units, single-
50 family attached dwelling units, dormitories, or hotel or lodge rooms specifically intended
51 for occupancy by a resident manager of the principal use. A manager's unit may be
52 considered as an accessory employee unit (AEU).

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CHAPTER 16A – Land Use and Development Code

Art. II, Definitions.

Sec. 16A-2-20. Definitions.

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

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

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

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

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

Caretaker, for the purposes of determining occupancy of an AEU, shall mean a person or a caregiver employed to look after a residential building, people, including a child or a sick, elderly, or disabled person.

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92 Caregiver, for the purpose of determining occupancy of an AEU, is someone who assists
93 another individual with personal care or household tasks that are necessary for everyday life.

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

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

102 Kitchen, AEU means an area designated for cooking that contains, at a minimum, a
103 twelve-cubic-foot refrigerator, a six-gallon capacity sink, a stove with four (4) cooking surface
104 burners or elements and an oven, and an area for food storage.

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

110

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CHAPTER 16A – Land Use and Development Code

Art. III, Zone Districts.

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

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

Notes:

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

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

(b) Measuring Floor Area.

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

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

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

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

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

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

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

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

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

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

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

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

e. No short-term rental. An ACU shall not be rented on a short-term basis or for

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vacation-type rentals. All rentals shall be for a minimum term of six (6) months.

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

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

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

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

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

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

g. Comply with its initial registration with the Town.

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

a. Size. The size of the AEU shall be not less than three hundred ~~fifty (350)~~ square feet or greater than one thousand (1,000) square feet. ~~Special review approval pursuant to~~

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~~Section 16A-5-230, Special Review, shall be required for an AEU greater than seven hundred fifty (750) square feet in size.~~

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

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

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

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

ef. Maximum floor area. The AEU shall not cause the resulting floor area of all improvements to exceed the maximum floor area for the lot; except, however, the maximum floor area for the lot may be exceeded by an amount greater than not to exceed ten percent (10%) without special review approval pursuant to Section 16A-5-230, Special Review one thousand (1,000) square feet and not be subject to the Floor Area Excise Tax provisions in Chapter 4, Article VI for the floor area of an AEU, provided the Applicant/Owner for the AEU shall;

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

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

iii. record a deed / covenant restriction for the AEU in a form to be prepared by the Town containing the material terms of this Section regarding occupancy, and following subsection (3)c2 below, and submit to the Town (if over the maximum floor area of the lot up to a limit of 1,000 square feet); and

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

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

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

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

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

(3) Accessory employee unit completion and registration.

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

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

~~eb.~~ AEU notice of initial registration and deed / covenant restriction.

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

2. If the floor area on the lot exceeds the maximum limit for the lot. The Community Development Department shall provide a deed / covenant restriction, which shall identify the size of unit, and the penalty provisions in subsection (5) below for the AEU and contain the material terms of this Section regarding occupancy standards under subsection (2)g above for recording, at the applicant's expense, in the Office of the Clerk

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and Recorder of the County. The applicant shall also enter into a Restricted Housing Agreement with the Town defining at minimum the maximum rent, the size of unit, the prioritization of occupants, and the occupancy standards under subsection (2)g above. A restricted housing agreement may otherwise be reviewed and updated not more frequently than every 5 years. The initial registration shall be effective until December 31 of the year in which it is issued, unless the unit is initially registered after November 15, in which case the registration shall be effective until December 31 of the year after it is issued.

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

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

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

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

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

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

~~3. Has not met the conditions for renewal set forth in Subsection (3)d, AEU~~

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Registration Renewal, at the end of the AEU conditional registration renewal. Failure to register, deed / covenant restrict, including the recordation thereof, or correct non-complying conditions, within thirty (30) days of the existence of the event of noncompliance, or February 1 of the year following the lapse of the current registration, whichever shall first occur, shall require the owner shall to remove the kitchen from the AEU; and either comply with the following:

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

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

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

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

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

b) If under this Ordinance No. . Series of 2024, an AEU was approved up to the limit of 1,000 square feet beyond the maximum floor area standard established by the zoning or PUD for the lot without any prior acquisition of a 'Floor Area Excise Tax,' and the employee unit is subsequently removed, then the amount of penalty fee shall be the calculated per the formulae in Chapter 4, Article VI, 'Floor Area Excise Tax,' of the Code and tripling the resulting fee.

a) ~~The actual value of the lot including the single-family detached dwelling unit, any accessory building and the land as calculated from the records of the County Assessor, divided by the floor area square footage of the single-family detached dwelling and any accessory building, not including the AEU, as calculated in accordance with the provisions of Section 16A-3-210(b), Measuring Floor Area; or~~

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

EXHIBIT "A"
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of the County Assessor shall be divided by the floor area square footage of the single-family detached dwelling and any accessory building, not including the AEU; and

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

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

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

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

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

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

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

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

~~f. Not adversely affect neighborhood. The approval of the accessory unit shall not, in a substantially adverse manner, change the neighborhood character. Nor should it create excessive traffic impacts. It should not have a substantially adverse impact on the land abutting upon or across the street from the property being approved for an AEU. It should not prevent an adequate supply of light or air from~~

EXHIBIT "A"
Page 13 of 13

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~~reaching adjacent properties, nor should the construction of the unit increase the fire
danger or otherwise endanger the public safety.~~ (Ord. 4-1998 §1; Ord. 5-1999 §3;
Ord. 19-2000, §1; Ord. 10-2001, §1; Ord. -2024, §1)

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May 31, 2024

VIA E-MAIL: council@tosv.com

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

Re: Proposed Ordinance No. 10, Series of 2024

Dear Mayor Madsen and Members of the Town Council:

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

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

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

Very truly yours,

PAUL J. TADDUNE, P.C.



Paul J. Taddune

PJT:nwe

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

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

July 1, 2024

AGENDA ITEM:

Draw Site Housing – Owners’ Review Continued

PRESENTED BY:

Betsy Crum, Housing Director

BACKGROUND:

At the May 20, 2024, Town Council meeting, the Draw Site design team presented an update on our design approach. This evolving design incorporates a fully underground parking garage structure with several levels, with two residential towers set forward in the site and rising above the garage. The front tower (Building A) is envisioned to be one story shorter than the back tower (Building B), and the primary vehicular entrance to the site would be at the east side of Building A. A sizable courtyard would be between the two towers to provide access for emergency vehicles and offer a flexible, green outdoor amenity for all tenants.

Since that meeting, the team has focused on completing the schematic design phase, advancing the civil and site design, and developing the landscape design, particularly in the courtyard area. We would like to present the landscape concepts for your further consideration and input as we advance the design development. We hope to hear your thoughts about the initial direction and incorporate as much of your feedback as possible, as early as possible.

The design sketches in Attachment A offer initial options for your consideration. The designers have focused their initial efforts on three different outdoor opportunities presented in the development. First, they have examined the vehicular approach to the building, which will be most visible to the community and is where most visitors and tenants will enter and exit. The retaining walls will all be softened with mature trees and shrubs to naturalize the masonry. The design for the plaza area imagines using different materials to direct people into the garage or toward the drop-off and bus stop areas. It also leads to a staircase that would bring pedestrians down from the residential buildings to upper Kearns Road. The emergency access road that continues up the

south side of the garage would be clearly marked as “for authorized vehicles only” and some type of barrier would keep people from using it.

The second area of focus is the courtyard space. Because we have located the parking underground, we have an excellent opportunity to create a vibrant, flexible open space between to two towers. This area is envisioned to be the primary focus for Draw Site’s community activity, incorporating play spaces, picnic areas, tiered green space, welcoming walkways and covered bicycle parking. The hardscaped areas would always be available for emergency vehicles but could be flexibly used for pick-up sports or other types of gatherings. Accessibility features would allow all residents to use the spaces, regardless of disability.

The final focus has been on the rooftop gardens. You will recall that our building design incorporates a rooftop space on the southeast corner of both buildings. This would be available for use by residents and would include seating areas, areas for grilling, and possibly sinks adjacent to the grills. Because we are still refining the building design, this is currently a placeholder and has not yet been fully sketched out; however, several concepts for approaching this space are shown in Attachment A.

The Point Site is still a place we want to landscape and make available to the entire community as a small pocket park. This could be a great location to watch the sunset, view fireworks, or just hang out and have lunch. That will be the next feature tackled along with the rooftop gardens.

This is our first attempt at incorporating some of the guidance given, such as providing for a welcoming, versatile and flexible open space for use by the residents and the public; maintaining access for emergency vehicles, as requested by the Fire Department; providing ample opportunity for community-building and informal interactions among residents; maximizing the recreational uses available on-site; ensuring logical and convenient pedestrian and bicycle traffic; and reflecting and incorporating nearby natural and built environments. We look forward to all your input and suggestions.

FINANCIAL IMPACT:

These are continuing discussion items.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

In 2023 the Town Council established the following short-term 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.

In addition, the Council unanimously approved the Housing Master Plan in 2021. The Draw Site development for up to 90 units was the first site recommended in that plan.

COUNCIL OPTIONS:

This is a discussion item.

STAFF RECOMMENDATION:

This is a discussion item only; however, we are looking for feedback and ideas on all these items.

ATTACHMENTS:

Attachment A: Preliminary Landscape Plan



Goals for Today:

1. Identify Key Program Elements which meet the TOSV Housing Standards
2. Identify ways to advance landscapes into the future
3. Review Schematic Landscape Design with a concentration on Program elements, and Access



Major Goals of Landscape:



improve quality of life with **Outdoor Living**
(eg: outdoor grill station)



encourage community **Gathering**
(eg: flexible use lawn)



provide opportunities to **Play** for all ages
(eg: creative play features)



ensure landscape elements provide **Multiple Uses**
(eg: vehicle rated pedestrian spaces)



convenient alt. **Transportation and Access**
(eg: covered bike parking, ADA accessibility)

Previously Viewed Concepts:

Legend:

- 1 vegetated geomodular wall system
- 2 shotcrete retaining wall mimics local geology
- 3 debris flow basin with additional outdoor recreational uses
- 4 pull off or overlook seating
- 5 “sunrise park” with flexible use lawn, seating and natural play features
- 6 relocated solar array
- 7 reconfigured entrance
- ↕ parking garage entrance and exit



Schematic Design:

LEGEND

- a** COMMUNITY SPACE @ SUNSET PARK
- b** SIDEWALKS CONNECTING THE COMMUNITY
- c** ENTRANCE PLAZA
- d** UPPER LEVEL OUTDOOR KITCHEN
- e** MULTI USE EMERGENCY ACCESS PATH TO PLAZA
- f** LOWER CENTRAL PLAZA
- g** UPPER CENTRAL PLAZA
- h** CONNECTION TO BIKE TRAIL
- i** EMERGENCY ACCESS TO UPPER LOT
- j** SHARED STREET

CONNECTIVITY

-  ADA PATH
-  PEDESTRIAN PATH
-  BIKE PATH



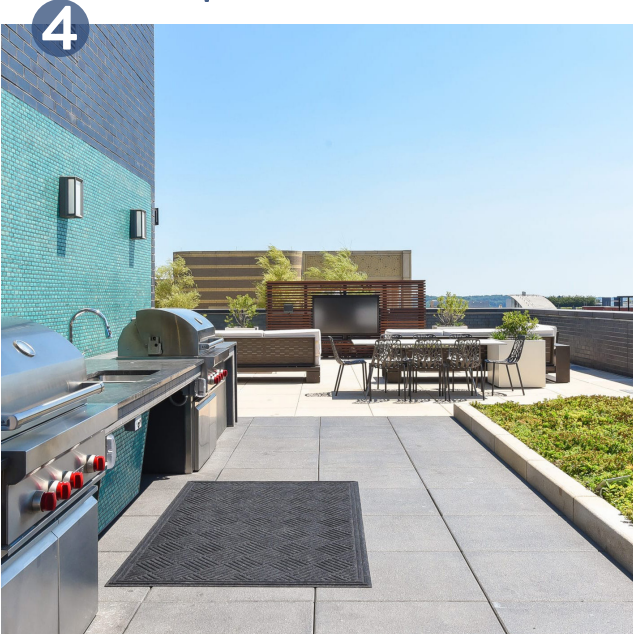
Schematic Design:

LEGEND

- 1 BUS STOP
- 2 OUTDOOR SEATING
- 3 GUEST EV PARKING
- 4 UPPER LEVEL OUTDOOR KITCHEN
- 5 COVERED BIKE PARKING
- 6 EXTERIOR CIRCULATION
- 7 EMERGENCY ACCESS HAMMER HEAD TURN OVER STRUCTURE
- 8 FLEXIBLE USE HARDSCAPE
- 9 ALL AGES PLAY FEATURE
- 10 FLEXIBLE USE LAWN
-  BUILDING ENTRANCE W/ BUILDING LEVEL



Landscape Features:



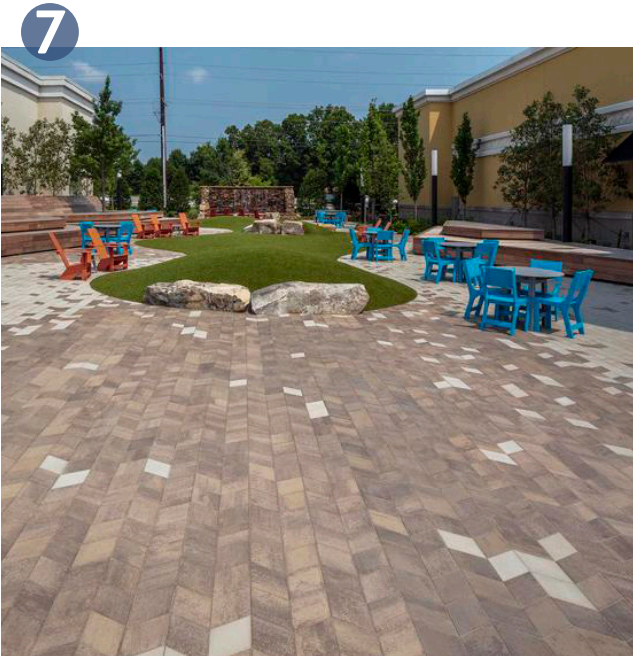
an outdoor kitchen with grills, sinks and dining tables on the upper levels.



provide shade for outdoor living spaces and seating areas



creative and artistic play features integrated into the landscape at a scale and with interest for all ages



Using different paving patterns to indicate areas of vehicle vs pedestrian use and to provide emergency access hammer head turn over structure



provide a variety of seating and hardscape for flexible outdoor use



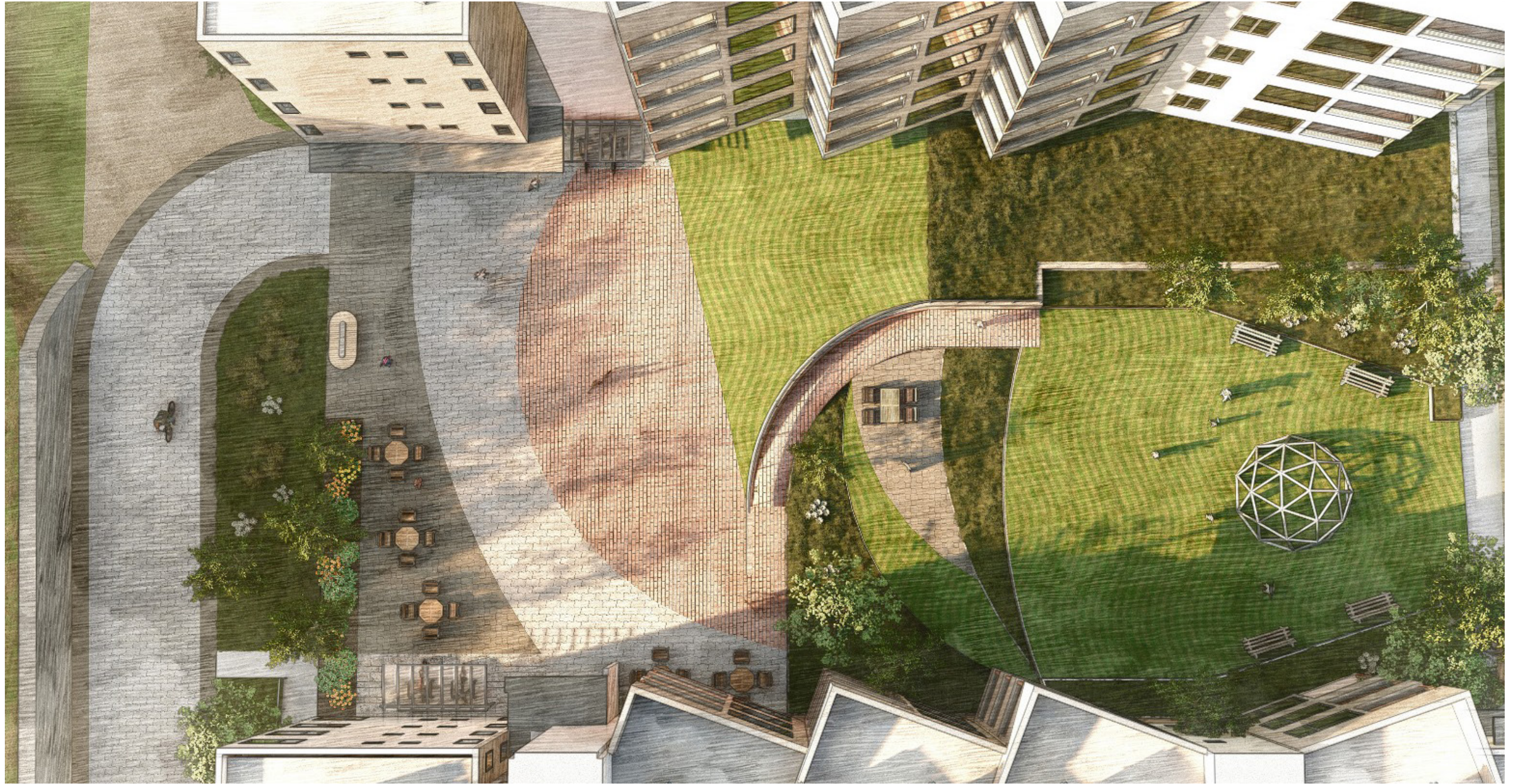
artificial turf or living sod provide a space for all sorts of uses



covered bike storage helps to lengthen the biking season and make bike commuting more convenient













Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

July 1, 2024

AGENDA ITEM:

Executive Session

PRESENTED BY:

Clint Kinney, Town Manager

BACKGROUND:

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

FINANCIAL IMPACT:

N/A

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

COUNCIL OPTIONS:

Convene in Executive Session
Choose not to convene in Executive Session

STAFF RECOMMENDATION:

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

- a) For determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators pursuant to C.R.S. 24-6-402(4)(e) and Snowmass Village Municipal Code Section 2-45(c)(5), more specifically related to: **Skittles Project Plan**
- b) For determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators pursuant to C.R.S. 24-6-402(4)(e) and Snowmass Village Municipal Code Section 2-45(c)(5), more specifically related to: **Potential Property Purchase.**
- c) For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions pursuant to C.R.S. 24-6-402(4)(b) and Snowmass Village Municipal Code Section 2-45(c)(2), more specifically related to: **Quarterly Update from 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 purposes of considering items (a), (b) and (c) 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