

TUESDAY, AUGUST 11, 2009

8:30-9:30 AM Town Hall Meeting with Senator Michael Bennett at the Library

**PITKIN COUNTY COMMISSIONERS
WORK SESSION AGENDA
Plaza One Meeting Room**

10:00 AM 11:45	SPECIAL MEETING – EXECUTIVE SESSION Aspen Valley Ranch litigation Figge contract CWCB Trust Agreement Starwood notice of claim C.R.S. 24-6-402 4 b ADJOURN EXECUTIVE SESSION	
12:00 NOON	Travel to Gunnison (brown bag lunch)	
3:00	Annual Meeting with the Gunnison County Commissioners Gunnison County Courthouse	
4:30 PM	ADJOURN	
	Informational Only: Memos of Interest , Future Agendas	

AGENDA IS SUBJECT TO CHANGE

AGENDA ITEM SUMMARY

WORK SESSION DATE: August 11, 2009

AGENDA ITEM TITLE: Annual Meeting with Gunnison County Commissioners

DESCRIPTION OF ISSUE: This is your Annual Meeting with the Gunnison County Commissioners in Gunnison.

Topics for discussion at today's meeting include:

1. Budget Update
2. Property Tax Update
3. Water Issues
4. Marble Development
5. Darien Land Exchange
6. Crested Butte-Carbondale Trail Update

LINK TO STRATEGIC PLAN: Regionalism - Pitkin County will work with citizens and groups and other jurisdictions in order to identify a shared vision for the region and to promote collaboration.

Memos of Interest

MEMO OF INTEREST

WORK SESSION DATE: August 11th, 2009

TOPIC: Update on Clean Energy Financing District Project

STAFF RESPONSIBLE: Dylan Hoffman, Energy Program Manager

ISSUE STATEMENT: At the July 21st worksession, the BOCC directed Staff to continue to move forward with developing a program to create a Local Improvement District (“LID”) which would allow the County to provide a financing mechanism for Energy Efficiency and Renewable Energy (“EE/RE”) improvements for property owners within the County. Staff has since been working internally and externally (with the Governor’s Energy Office [“GEO”], regional governments, and local organizations) to outline the details and steps necessary in order to create this program in Pitkin County. Staff will be presenting a Resolution for first reading to the BOCC at the August 12th meeting in order to refer a ballot question.

BACKGROUND: Since the July 21st worksession, Staff has been working to outline necessary program details, build regional support, and address important concerns and questions about the program. These major items are broken down as follows:

Timeline: As per the Board’s request, a timeline outlining deadlines, deliverables, and project details has been created in order to gauge the reality of the 2009 project timeline (attached). There are several key aspects to this project that need to be completed prior to the election: Drafting a ballot measure, creating the Local Improvement District, and municipality opt-in through ordinance. These measures are necessary to provide the County with the debt authority to create a financing program. If the County receives voter approval, Staff will work with the BOCC, GEO, municipalities, and local partners to create the details of the program.

Financing Mechanisms: Several financing mechanisms exist that will enable a competitive percentage rate for these loans when compared to a conventional municipal bond. These are namely Qualified Energy Conservation Bonds. A large motivation for referring a ballot measure in 2009 is to put Pitkin County in a position to take advantage of these bonding options which have become available through the American Recovery and Reinvestment Act (ARRA). Staff has recently learned that the GEO has dedicated at least \$3 million in QECB allocations to small counties that are able to refer a successful ballot measure. The bonds are described below:

Qualified Energy Conservation Bonds (QECB’s): Qualified Energy Conservation Bonds (QECB’s) received \$3.2 billion in funding as a result of the ARRA and may be used by state, local and tribal governments to finance certain types of energy projects. QECB’s are qualified tax credit bonds. The advantage of these bonds is that they are issued --

theoretically -- with a 0% interest rate. The borrower pays back only the principal of the bond, and the bondholder receives federal tax credits in lieu of the traditional bond interest. Bond volume is allocated to each state based on the state's percentage of the U.S. population. Each state is then required to allocate a portion of its allocation to "large local governments" within the state based on the local government's percentage of the state's population. Large local governments may reallocate their designated portion back to the state if they do not use it, and this allotment will be returned to the State Energy Office for allocation to non-entitled communities.

Regional Movement: Currently, Eagle and Gunnison Counties are moving forward with a 1350-based program and are aiming to also refer a ballot measure by September 4th. Additionally, Summit County is working on creating a financing program which would utilize existing general fund assets for a revolving loan pool and would not require a vote in the general election.

Program Details and Administration: As per the Board's request, Staff has worked with Boulder County to estimate the administrative burden from the program. Boulder County is currently spending approximately 4 hours on each approved project (on providing background to participants, education, loan origination, and administration of the project). Using Boulder County's first round of applications as a guide, Pitkin County would be processing approximately 80 projects. This equates to approximately 8 weeks of staff time, which could most likely be absorbed through existing Energy Management and Public Works Administration staffing capacity. However, this is enabling legislation, and doesn't lock the County into any requirement to run the program beyond a capacity that the organization can support. The County will scale the program only to the degree that we feel we can realistically manage.

As mentioned above, the primary focus is getting the question on the ballot for the voters to consider. Staff has been working to identify major players who will assist in the design of the program after November 3rd, and will bring a plan before the BOCC as to how this "design phase" will run. There are many variables in the administration of the program which will be addressed after the election. Currently, if Pitkin, Eagle, and Gunnison counties refer a successful ballot measure, there is tremendous potential to bundle these programs together with assistance from the GEO in order to alleviate some of the potential staffing burdens on each County.

Program Summary and Message: In local and regional meetings, Staff has been working to filter the program's positive impacts and message into a short list of key points. This simplification of the program will help as other local governments and the public are introduced to the idea.

Program Statement: "The program offers low-interest loans to help families and business afford renewable energy and energy efficient upgrades for their properties – without raising taxes. At a time of skyrocketing energy costs, this innovative program allows property owners to go solar, add energy efficient windows, or make other money-saving energy

upgrades without the upfront cost. Savings from the lower monthly utility bills can be used to help repay the loans.”

Program Benefits:

1. Reduces energy bills
2. Provides low-cost financing for EE and RE improvements with no upfront cost
3. Maintains current taxation rate (not a new tax)
4. Keeps the financial burden with the property not the owner
5. Stimulates the local economy
6. Educates the public on EE and RE improvements

LINK TO STRATEGIC PLAN: This project directly supports the County’s Strategic Issues in Environmental Protection (most notably, *Promotion of Energy Efficiencies, and Regional Activism on Environmental Issues*), and Regionalism (most notably, *Developing Broad Regional Policies, Regional Efficiencies, and Shared Vision*).

BUDGETARY IMPACT: Existing Staff would work to carry out the necessary steps outlined in the attached timeline in order to refer the ballot question, create the LID, and assist municipalities with opting into the District via ordinance. If the County receives voter approval, Staff would work to design the program (with GEO, regional governments, local partners, and the BOCC) and would be able to more accurately assess workload on the County’s existing staff as a result of the program. Regional collaboration, potentially with shared staffing and fees assessed to program participants, would be utilized in order to create an effective program with no additional demand on the General Fund.

STAFF ACTION: Staff has been working to bring a Resolution before the BOCC in order to approve ballot language to meet the September 4th deadline. The attached resolution and ballot language has been drafted and reviewed by Pitkin County Bond Counsel and key Staff. First reading of this Resolution is on August 12th. Additionally, Staff will continue to address any questions or concerns posed by the BOCC as the project moves toward the deadline.

ATTACHMENTS:

1. Project Timeline
2. Draft Resolution and Ballot Language

Pitkin County Property Assessed Clean Energy (PACE) LID Timeline

Ballot Measure

- Draft Resolution and Ballot Language (August 5)
- 1st Reading (August 12)
- 2nd Reading (August 26)
- Deadline to submit approved resolution to Clerk (September 4)
- TABOR Notice and Pro statements to Clerk (September 18)
- Post financial information required by CRS 1-7-908 on website (October 14)

Local Improvement District

- Draft Resolution to create District (September, 2nd week)
- Approve Resolution establishing the District prior to Election (October, 1st week)
- Submit LID Notification Letter to DOLA Division of Local Government (Mid-October)

Municipal Ordinances

- Draft Ordinance (1st week of September)
- Adoption by Municipalities (2nd week of September)

Election (November 4)

If YES on ballot issue, then:

Program Design (Fall 2009): Work with Pitkin BOCC and Staff, GEO, municipalities, regional partners, contractors, and the public to establish program details:

- List of Measures
- Minimum and Maximum Loan Amounts
- Residential vs. Commercial allotments
- Marketing Materials
- Administrative burden/responsibilities
- Financing Options

BOCC Approvals (January 2010): Bring final program details to BOCC for approval through Resolution

- Solicit BOCC comments/suggestions and answer outstanding questions
- Adopt Ordinance authorizing the Program

Program Outreach (February 2010): Market program to participants and contractors.

- Public Education Campaign
- Create Contractor/Participant Workshops

Launch Program (March 2010)

- Collect Applications
- Prequalify Projects
- Aggregate Projects for bond Sale (or other financing mechanism)
- Bond Resolutions to BOCC
- Issue Notice to Proceed
- Pay Contractor upon project completion
- Begin repayment assessment

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO, SUBMITTING TO THE ELECTORATE AT THE ELECTION TO BE HELD ON NOVEMBER 3, 2009, A FINANCIAL QUESTION FOR PITKIN COUNTY CLEAN ENERGY LOCAL IMPROVEMENT DISTRICT ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION

RESOLUTION NO. _____-2009

1. The County of Pitkin in the State of Colorado (the “County” and the “State,” respectively) is a duly created political subdivision of the State, organized and operating as a home rule county pursuant to the general statutes of the State and a county home rule charter (the “Charter”) adopted pursuant to the Colorado County Home Rule Powers Act.
2. The members of the Board of County Commissioners of the County (the “Board”) have been duly elected, chosen and qualified.
3. The Board has a debt proposal that requires voter approval pursuant to Section 20 of Article X of the State Constitution and Article IX of the Charter, and it desires to submit such proposal to the electorate at the general election to be held on November 3rd, 2009.
4. Pursuant to Part 6 of Article 20 of Title 30, Colorado Revised Statutes, as amended (the “Act”), the County is authorized to initiate a local improvement district for the purpose of encouraging, accommodating, and financing Renewable Energy Improvements and Energy Efficiency Improvements (both as defined in the Act).
5. The County desires to encourage, accommodate and provide financing for Energy Efficiency and Renewable Energy improvements (“EE/RE”) in the County (the “Project”) and accordingly expects to initiate a local improvement district to be known as Pitkin County Clean Energy Local Improvement District (the “District”) pursuant to the Act for the purpose of accomplishing the Project, including paying all costs necessary and incidental thereto.
6. Coal and natural gas are the principal sources of generation of commercial quantities of electric energy for the power grid in the western United States, and home and business consumption accounts for over 70% of the overall usage of electric energy.
7. Although new building codes can impact energy usage in new structures, there is a vast quantity of existing structures with many years of remaining life before replacement, and these structures are not very energy efficient by today’s standards, nor do they have renewable energy systems installed to provide for their electric energy needs
8. The continued increase in the costs of electricity and natural gas will have a financial impact on home and business owners and the ability to invest in energy efficiency and renewable energy will decrease this negative impact by allowing for decreased energy use.
9. If the United States hopes to create a sustainable energy future and limit the effects of climate change as a result of fossil fuel emissions, the existing occupied building stock must be retrofitted with energy efficiency materials and modalities, and significant progress towards provision of

renewable electric energy, as well as renewable energy for water and space heating, for use in these structures must take place.

10. Solving this problem will require creative ways of financing that will provide incentives for property owners to seek to install EE/RE now rather than later.

11. Many existing homeowners, and to a certain extent business property owners, are highly leveraged on their properties currently. Even if there is equity available to further pledge for financing for EE/RE, a declining-value housing market would keep property owners from taking action, for fear of being unable to realize sufficient resale value for these improvements. Since the average homeowner moves every 7-9 years, and the expected life of these improvements is 20 – 25 years, and the energy savings paybacks for at least some of these improvements will take around 20 – 25 years as well, these property owners are unlikely to undertake home equity financing that extends from 20 to 30 years.

12. Pitkin County and other local governments in Colorado and elsewhere have attempted to be creative in finding ways to make incentives for financing these improvements available now, and have created legal mechanisms, via Colorado House Bill 08-1350, that allow solar, wind, and other renewable energy and energy efficiency improvements to be financed by local governments with a repayment over 20 years through special assessments collected via the property tax collection system. The responsibility for repayment remains with the property, so that the property owner does not have to worry about covering the improvements costs in the resale price they get for the property. The payment responsibility remains with the person who is getting the benefit of the annual energy costs savings.

13. Pitkin County and other local governments will be able to offer, in part, below-market-rate financing through the creation of funding via issuance of tax-exempt bonds.

14. The District will be formed pursuant to a separate resolution of the Board to be adopted pursuant to and in accordance with the provisions of the Act subsequent to the date of adoption of this Resolution.

15. Funding the construction and acquisition of the Project requires the issuance of special assessment bonds of the County and, pursuant to the requirements of the Act and Article X of Section 20 of the Colorado Constitution, voter approval is required prior to the issuance of such special assessment bonds.

16. The Board has therefore determined to submit a ballot issue at an election to be held on November 3, 2009, and to set the title and content of the ballot issue to be submitted at the election called by this Resolution.

17. Because the Act permits property to be included within the District subsequent to the initial formation thereof by agreement of the owner of such property to such inclusion, it will not be possible for the Board to determine the electors of the District as of the time of such election.

18. The County desires to retain the ability to advance funds for the payment of a portion of such special assessment bonds and reimburse itself for such advances by collecting unpaid assessments as provided in the Act.

19. Pursuant to the Act, any ballot issue for any special assessment bonds which are secured by such County advances must be submitted to all registered electors of the County; and

20. The County will seek to obtain municipal consent from each municipality in the County for the properties within each municipality respectively to be eligible to become a part of the district and to finance improvements to said properties through the district, and therefore the Board finds it appropriate to submit the ballot issue to all registered electors of the County; and

21. The Board has therefore determined to submit such ballot issue to all registered electors of the County; and

22. Pursuant to Section 1-5-203(3), Colorado Revised Statutes, as amended ("C.R.S."), no later than September 4, 2009, the order of the ballot and ballot content must be certified to the County Clerk and Recorder (the "County Clerk").

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

1. An election shall be held on Tuesday, November 3, 2009, at which there shall be submitted to the registered electors of the County a ballot issue regarding the issuance of special assessment bonds (the "Ballot Issue"), which ballot issue shall be in substantially the form attached hereto as Appendix A. Appendix A is hereby incorporated into this Resolution as if set forth in full herein. Pursuant to Section 30-20-619(6), C.R.S., the Board hereby orders that all registered electors of the County shall be eligible to vote on the Ballot Issue.

2. The election shall be conducted as a coordinated election in accordance with articles 1 to 13 of title 1, C.R.S. (the "Uniform Election Code"). The costs of the election shall be paid by the County; provided that the County may elect to reimburse itself for such cost from assessments paid by property owners in the District as a portion of the Project in accordance with the Act.

3. The "Designated Election Official" shall be the County Clerk.

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

5. The County Clerk is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and comply with the Uniform Election Code, Section 20 of Article X of the Colorado Constitution ("TABOR") and other applicable laws.

6. Pursuant to Section 1-5-205, C.R.S., a notice of the election including the date, hours, polling places, and questions and issues submitted shall be published one time in The Aspen Times Weekly and shall be posted in a conspicuous place at the County Clerk's office at least 10 days before the date of the election and until after the election.

7. The County Clerk shall provide the notice of election as required by TABOR and shall ensure that the posting of financial notice required by Section 1-7-908, C.R.S., is made on the County's website.

8. The County Clerk and other County officials and employees are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

9. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board and the officers and employees of the County and directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

10. All prior acts, orders or resolutions, or parts thereof, by the County in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

11. If any section, paragraph, clause, or provision of this Resolution or Ballot Issue shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution or the Ballot Issue, as applicable, it being the intention that the various parts hereof are severable.

12. This Resolution shall take effect immediately upon its final adoption.

INTRODUCED, FIRST READ, AND SET FOR PUBLIC HEARING ON AUGUST 12, 2009.

NOTICE OF PUBLIC HEARING PUBLISHED IN THE ASPEN TIMES WEEKLY ON AUGUST 16, 2009.

ADOPTED AFTER FINAL READING AND PUBLIC HEARING ON AUGUST 26, 2009.

PUBLISHED BY TITLE AND SHORT SUMMARY, AFTER ADOPTION, IN THE ASPEN TIMES WEEKLY ON SEPTEMBER 6, 2009.

ATTEST:

BOARD OF COUNTY COMMISSIONERS

By _____
Jeanette Jones
Deputy County Clerk

By: _____
Patti Kay-Clapper, Chair

Date: _____

APPROVED AS TO FORM:

MANAGER APPROVAL

John Ely, County Attorney

Hilary Fletcher, County Manager

APPENDIX "A"

REFERENDUM 1A

CLEAN ENERGY LOCAL IMPROVEMENT DISTRICT DEBT AND MULTIPLE FISCAL YEAR FINANCIAL OBLIGATION AUTHORIZATION

SHALL PITKIN COUNTY DEBT (FOR CLEAN ENERGY LOCAL IMPROVEMENT DISTRICT) BE INCREASED BY UP TO \$5 MILLION, WITH A MAXIMUM REPAYMENT COST OF UP TO \$11.75 MILLION, WITH NO INCREASE IN ANY COUNTY TAX OR TAX RATE, FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING, ACQUIRING AND INSTALLING SOLAR AND OTHER RENEWABLE ENERGY SYSTEMS OR ENERGY-EFFICIENCY IMPROVEMENTS FOR PROPERTY OWNERS THAT CONSENT TO BE INCLUDED IN THE DISTRICT BY ENTERING INTO A CONTRACT OR AGREEMENT FOR INCLUSION IN THE DISTRICT, AND ANY COSTS NECESSARY OR INCIDENTAL THERETO, INCLUDING WITHOUT LIMITATION THE COST OF ESTABLISHING RESERVES TO SECURE THE PAYMENT OF SUCH DEBT, BY THE ISSUANCE OF SPECIAL ASSESSMENT BONDS PAYABLE FROM SPECIAL ASSESSMENTS IMPOSED AGAINST BENEFITED PROPERTIES FOR WHICH THE OWNERS THEREOF HAVE CONSENTED TO BE INCLUDED WITHIN THE DISTRICT BY ENTERING INTO SUCH A CONTRACT OR AGREEMENT FOR INCLUSION, AND FROM OTHER FUNDS THAT MAY BE LAWFULLY PLEDGED TO THE PAYMENT OF SUCH BONDS, WHICH BONDS SHALL BEAR INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 10%, SHALL BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, SHALL BE ISSUED, DATED, AND SOLD AT SUCH TIME OR TIMES, AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER, IN ONE OR MORE SERIES, AND SHALL CONTAIN SUCH TERMS, NOT INCONSISTENT HERewith, AS THE BOARD OF COUNTY COMMISSIONERS MAY DETERMINE;

SHALL THE COUNTY BE AUTHORIZED TO ENTER INTO A MULTIPLE-FISCAL YEAR OBLIGATION TO ADVANCE AMOUNTS FOR PAYMENT OF A PORTION OF SUCH BONDS AND TO REIMBURSE ITSELF FOR SUCH ADVANCES BY COLLECTING UNPAID ASSESSMENTS AS PROVIDED IN SECTION 30-20-619(2), COLORADO REVISED STATUTES, AS AMENDED;

AND SHALL THE REVENUES FROM SUCH SPECIAL ASSESSMENTS AND ANY EARNINGS THEREON AND FROM THE INVESTMENT OF THE PROCEEDS OF SUCH BONDS CONSTITUTE A VOTER-APPROVED REVENUE CHANGE?

YES ___ NO ___

Sketch Plan Approval was granted by Basalt on February 12, 2008.

Based on a prior agreement with the Town, affordable housing mitigation will be provided by the dedication of 1.3 acres of land near the high school, to be developed by the Town or another entity.

LINK TO STRATEGIC PLAN: Referral comments to adjacent municipalities relate directly to the Growth and Regionalism goals in the Strategic Plan. They respectively promote communication of the County's growth policies, and the objective of working towards a shared vision and action plan for the region.

BUDGETARY IMPACT: There are no budgetary impacts.

STAFF ACTION: Upon direction from the Board, Staff will forward the comments to the Town of Basalt.

MEMO OF INTEREST

WORK SESSION DATE: August 11, 2009

TOPIC: Revised Referral to the Town of Basalt Regarding the Preliminary Plan Application for the *Basalt Design District*

STAFF RESPONSIBLE: Ellen Sassano, Senior Long Range Planner

ISSUE STATEMENT: The attached referral comments regarding the proposed Preliminary Plan for *The Basalt Design District* have been revised to reflect Board direction given to Staff at the August 4th Worksession. Revisions are highlighted in yellow. Upon confirmation that the draft is revised to the Board's satisfaction, it will be forwarded to the Town of Basalt for their consideration.

BACKGROUND: The following quick sketch of the development proposal is provided as background for review of the attached comments regarding the Preliminary Plan for *The Basalt Design District*:

<i>Location:</i>	Within Basalt Urban Growth Boundary; On the corner of Fiou Lane and Basalt Drive extending along the west side of Southside Drive; Basalt High School is to the south at the end of Southside Drive; The Grange Ranch is directly adjacent to the proposed development on the west side.
<i>Existing Pitkin County Zoning:</i>	AR-10
<i>Proposed Zoning:</i>	PUD with underlying Industrial Zone District
<i>Total Acreage:</i>	9.05 Acres
<i>General Development Concept:</i>	Project includes nine mixed use buildings, incorporating a live/work concept, with residences and offices on upper floors and commercial and light industrial spaces below; and two mini storage buildings
<i>Total # of Dwelling Units:</i>	33 three bedroom free market units at a density of 4.3 dus/acre
<i>Total Residential Floor Area:</i>	71,500 sq. ft.
<i>Proposed Gross Floor Area for non-residential development:</i>	
<i>Mini storage</i>	80,840
<i>Office</i>	20,000
<i>Industrial</i>	70,000
<i>Total Floor Area:</i>	242,340
<i>Prior Approvals & Agreements:</i>	Basalt Town Council determined the property was eligible for annexation on November 28, 2006.

TO: Brian McNellis, Planner, Town of Basalt
FROM: Ellen Sassano, Senior Long Range Planner, Pitkin County
RE: Referral Comments re: *Basalt Design district – Preliminary Plan*
DATE: August 5, 2009

Thank you for the opportunity to comment on the preliminary plan application for the Basalt Design District. At a regular worksession on August 4, 2009, the Pitkin County Commissioners reviewed and endorsed the following comments for your consideration.

General Notwithstanding the fact that the Design District property is located within the Urban Growth Boundary, and complies with Basalt’s Master Plan in terms of use and density, Pitkin County has significant concerns about the cumulative impacts of the urban density associated with this and other recently approved annexation and development applications. It is our belief that the only justifiable reason to allow for development at this density is to find that the development provides outstanding, demonstrable benefits to the Community. Benefits should be provided, and impacts addressed by the developer as the first phase of development, rather than at a later date by Basalt or Pitkin County or other service providers down the line. Concerns regarding specific impacts and community needs are enumerated in the following paragraphs.

Free Market Housing - Live/Work Space: The applicant is proposing 33 free market units in a live/work mixed use configuration, with residences and offices on upper floors and commercial and light industrial spaces below. The significant amount of growth proposed, and resulting impacts on infrastructure and quality of life is only acceptable if it satisfies long term community needs and goals in the form of deed restricted workforce housing, and sustains a diverse community. The applicant’s agreement to limit house size to well below the Town’s defined maximum of 5,000 square feet, provides community benefits, but has not proven to be an effective way of maintaining affordability. In order to cater the live/work concept to local needs and goals, Pitkin County recommends that the housing be 100% deed restricted to category units, as defined in Basalt’s affordable housing guidelines.

In order to offset the significant increase in both intensity of use and density allowed as a result of annexation, and to meet the valley-wide need for affordable commercial space, we recommend that consideration also be given to the concept of requiring the commercial square footage in the live/work units to be sold as “*affordable commercial space*,” roughly as defined by Eagle County in their recently updated Affordable Housing Guidelines. Eagle County’s guidelines include the following standards:

- “Applicants for Commercial Developments where 20 percent of Net Square Footage of Commercial Development will be leased or sold as Affordable Commercial Space

are eligible for a 10 percentage point reduction in their Commercial Mitigation requirement.

- Affordable Commercial Space is retail or office space that is leased or sold at or less than 60 percent of existing market conditions, as determined by Eagle County in its sole discretion.
- Affordable Commercial Space may be leased directly by the applicant, but only to a non-relative.
- Side payments from tenants or purchasers are prohibited. The tenant or purchaser must be approved by Eagle County.
- Affordable Commercial Space may increase in rent or sales prices at no more than 5 percent annually in perpetuity, simple interest, pursuant to a recorded deed restriction in a form approved by Eagle County.”

Affordable Housing: The Town has historically had neither the Staff nor the budget to develop housing. The 2007 Basalt Master Plan Update states that “The Town will be a facilitator, not a developer of affordable housing.” Even given the Town’s prior agreement with the developer to allow for a land dedication in lieu of the construction of on-site affordable housing mitigation, Pitkin County recommends that the agreement be renegotiated to require construction of mitigation housing on-site by the developer or through a public/private partnership. This may be an appropriate site for replacement housing for those currently living in local trailer parks impacted by the Roaring Fork River floodplain.

Neighborhood Compatibility To offset the visual impacts of urban level densities, we recommend that building design reflect neighborhood character and mimic some of the better aspects of the Southside development across the street by hiding parking and incorporating green spaces.

Traffic Impacts/ RFTA Based on information provided in the referral packet, the applicant will be responsible for construction of and/or sharing in the cost of local street improvements to address the impacts of traffic generated by the proposed development. Though the applicant is being required to help fund and construct street improvements, we are concerned about the cumulative quality of life impacts associated with the traffic that will be generated as a result of the urban level of density proposed for this area.

While the packet indicates that no CDOT access permit will be necessary, there is no reference to the level of impact anticipated on highway traffic, and whether any mass transit mitigation will be required to offset highway impacts. Pitkin County supports mitigation requested by RFTA to address impacts to the Basalt Park and Ride or other infrastructure or service needs identified. As growth in the area increases, even with mitigation fees it may become increasingly difficult to maintain infrastructure like the Basalt Park-and-Ride facility at a size that effectively accommodates need.

Safe Pedestrian & Bike Access Prior to approval of any more density in the area, developers seeking upzoning should be required to collaborate with local governments to fully integrate the east and west sides of the Basalt Community by providing safe, grade

separated access across Highway 82 for pedestrians and bicycles. Furthermore, developers should be required to help build a local bike culture by funding and/or providing safe and secure bike racks and shelters throughout the community, but particularly at RFTA stops and park and rides.

RE-1 School District Pitkin County is concerned about the cumulative impact of annexed and approved, but not yet built density on Basalt schools, and the RE-1 District. We support mitigation to address impacts identified by the RE-1 School District. Urban level densities should be balanced with the ability of the District to more than adequately address capacity and infrastructure needs.

River Improvements Pitkin County supports the Town's request of the applicant to share in the cost burden of addressing Roaring Fork River flood prevention improvements through participation in a special district as yet to be formed.

Home Supply Ditch We support the applicant's cooperation with the Home Supply Ditch Company in providing appropriate setbacks, access easements to facilitate access to and maintenance of the ditch, etc.

Open Space Pitkin County Open Space and Trails (OST) staff has reviewed the Basalt Design District Referral, which is adjacent to the following two OST property interests: the Rio Grande Trail on the south side of Parcel C, and The Grange Ranch on which Pitkin County, and the Town of Basalt, hold a conservation easement. The development proposed by the sketch plan does not appear to impose any impacts to either of these OST assets. No crossing or other impacts to the use of the trail are proposed in this plan. Additionally, the inclusion of an 8.5' sidewalk in the west side of Southside Drive will provide trail users an alternative to walking/biking on the road's shoulder to get to the trail. OST encourages including a similar sidewalk along the eastern edge of Parcel C.

Development of additional storage units along the west boundary, adjacent to the Grange Ranch, is favorable as Billy Grange has stated that the existing mini-storage has been a "good neighbor" with minimal impacts to his agricultural operation.

Impacts to these important public assets appear to be minimal.

Regional Collaboration – Given the regional benefits associated with resolution of several of the issues identified in this memorandum, including safe passage across Highway 82, Pitkin County acknowledges the need to work collaboratively with the Town of Basalt and other agencies and jurisdictions, moving forward.

MEMO OF INTEREST

WORK SESSION DATE: August 11, 2009

TOPIC: Goals from 2009 BOCC Retreat

STAFF RESPONSIBLE: Charlotte Anderson

ISSUE STATEMENT: During the August 4th BOCC Work Session Commissioner Newman requested the 2009 BOCC Retreat goals be included in the August 11th Work Session packet.

ATTACHMENTS: 2009 BOCC Retreat goals

CONTROL

- Finalize oil and gas regulations
- Diminished staff capacity for environmental protection
- **REVISIONS TO TDR PROGRAM**
 - Landing sites for TDR's
 - Size of annual GMQS allotments
- Help community understand stress of growth
- Aging airport terminal and lack of parking
- Valley regional homeless shelter programs
- Funding for regional association dues
- Growth does not pay for itself
- The time to act for housing is now
- Mix of housing for income levels

INFLUENCE

- **GROWTH – REGIONALISM**
 - Highway 82 corridor
 - State growth mindset, business as usual
 - Over all state national pro-growth model
 - Expansion/pressure to expand UGB
 - Regional transportation mitigate/encourage growth
- **IMPACTS FROM OTHER COUNTIES AND MUNICIPALITIES APPROVALS**
 - Nimbyism
 - Time/costs distance travel structures for binding action
 - Competition for time resources with pure local issues
 - Aspen and Snowmass has money and or land
 - Opening new bus lanes to HOV use
- **PACING OF DEVELOPMENT AND REDEVELOPMENT JOB GROWTH**
 - School system AH UGB
- **DIMINISHED GROUNDWATER QUALITY AND QUANTITY**
 - Front range pressure for our water
- **UNEQUAL FUNDING AND REVENUE SOURCES FOR INFRASTRUCTURE THAT SERVES ALL JURISDICTIONS**
- **REGIONAL IMPACT FEES TO FUND RFTA**

Future Agendas

TUESDAY, AUGUST 11, 2009

8:30-9:30 AM Town Hall Meeting with Senator Michael Bennett at the Library

**PITKIN COUNTY COMMISSIONERS
WORK SESSION AGENDA
Plaza One Meeting Room**

10:00 AM 11:45	SPECIAL MEETING – EXECUTIVE SESSION Aspen Valley Ranch litigation Figge contract CWCB Trust Agreement Starwood notice of claim C.R.S. 24-6-402 4 b ADJOURN EXECUTIVE SESSION	
12:00 NOON	Travel to Gunnison (brown bag lunch)	
3:00	Annual Meeting with the Gunnison County Commissioners Gunnison County Courthouse	
4:30 PM	ADJOURN	
	Informational Only: Memos of Interest, Future Agendas	

AGENDA IS SUBJECT TO CHANGE

**PITKIN COUNTY COMMISSIONERS
WORK SESSION AGENDA
Plaza One Meeting Room**

TUESDAY, AUGUST 25, 2009

11:00 AM to 11:45	SPECIAL MEETING – EXECUTIVE SESSION ADJOURN EXECUTIVE SESSION <i>Convene as Board of Equalization</i> Ratification of Hearing Officers Determinations <i>Adjourn as Board of Equalization</i>	
1:00	ADJOURN SPECIAL MEETING (brown bag lunch)	
1:00	BREAK	
1:15	Airport Update	
2:45	Roaring Fork Business Resource Center, Randi Lowenthal	
3:15	BREAK	
3:30	<ul style="list-style-type: none"> • Memos of Interest • Future Agendas/Agenda Requests/Monthly Calendar • BOCC Open Discussion 	
5:00 PM	ADJOURN	

AGENDA IS SUBJECT TO CHANGE

**PITKIN COUNTY COMMISSIONERS
REGULAR MEETING AGENDA
Plaza One Meeting Room**

WEDNESDAY, AUGUST 26, 2009

12:00 NOON ADDITIONS/DELETIONS TO AGENDA

PUBLIC COMMENT, COMMISSIONER COMMENTS

CONSENT ACTIONS

Convene as Board of Equalization

1. Ratification of Hearing Officers Determinations

Adjourn as Board of Equalization

CONSENT ACTIONS- 1st Readings, Set for Public Hearing on September 9th

1. Consumer Protection Fee Resolution, Carla Ostburg

CONSENT PUBLIC HEARING,

2. 2nd Reading, Resolution Authorizing Clean Energy Financing District, Dylan Hoffman
3. 2nd Reading, Resolution Approving Grant Agreement with Great Outdoors Colorado for Crystal Trail, Barb D'Autrechy
4. Special Event Liquor License Application for Aspen Valley Land Trust, Jeanette Jones

LAND USE CONSENT PUBLIC HEARINGS

1.

LAND USE CONSENT ACTIONS

2. PT Ranch House LLC/PT Barn LLC Extension of Vested Rights, S. Wolff

LAND USE PUBLIC HEARINGS

3.

LAND USE ACTIONS

4.

BOCC OPEN DISCUSSION

ADJOURN

THURSDAY, AUGUST 27, 2009 – NWCCOG COUNCIL & RRR MEETING

Executive Committee – Strategic Planning Session

River Rock Café, Walden / 9:30 a.m. – 3:00 p.m.

AGENDA IS SUBJECT TO CHANGE

**PITKIN COUNTY COMMISSIONERS
WORK SESSION AGENDA
Plaza One Meeting Room**

TUESDAY, SEPTEMBER 1, 2009

10:00 AM	Meeting with Financial Advisory Board on 2010 Economic Assumptions	Tom Oken John Redmond
11:00	JOINT MEETING WITH OPEN SPACE & TRAILS (OST buys lunch)	
12:30 PM	Special Meeting – Executive Session	
1:00	BREAK	
1:30	International Energy Conservation Code	Tony Fusaro
2:00	Crystal River/West Sopris Creek Study Area (kkolm@mines.edu)	Ken Kolm
2:45	BREAK	
3:15	<ul style="list-style-type: none"> • Memos of Interest • Future Agendas/Agenda Requests/Monthly Calendar • Board Membership Reports –NWCCOG, RRR, CORE, QQ, CCI, PEIS I-70, Club 20, CRRTB, RWPA, ACRA, RFTA, NC, BLM, • BOCC Open Discussion 	
5:00 PM	<p>SPECIAL MEETING</p> <p><i>Convene as Board of Equalization</i></p> <p>Ratification of Hearing Officers Determinations</p> <p><i>Adjourn as Board of Equalization</i></p>	
5:15	ADJOURN	

AGENDA IS SUBJECT TO CHANGE

**PITKIN COUNTY COMMISSIONERS
WORK SESSION AGENDA
Plaza One Meeting Room**

TUESDAY, SEPTEMBER 8, 2009

10:00 AM	SPECIAL MEETING – EXECUTIVE SESSION ADJOURN EXECUTIVE SESSION <i>Convene as Board of Equalization</i> Ratification of Hearing Officers Determinations <i>Adjourn as Board of Equalization</i> ADJOURN SPECIAL MEETING	
12:00 NOON	LUNCH BREAK	
1:00	Prep for Meeting with US Forest Service	
1:30	Prep for Meeting with Eagle County	
2:00	Employee Handbook	
3:15	BREAK	
3:30	<ul style="list-style-type: none"> • Memos of Interest • Future Agendas/Agenda Requests/Monthly Calendar • BOCC Open Discussion 	
5:00 PM	ADJOURN	

THURSDAY, SEPTEMBER 10, 2009

1-4:00 PM I-70 Coalition Meeting, Silverthorne Library

**PITKIN COUNTY COMMISSIONERS
REGULAR MEETING AGENDA
Plaza One Meeting Room**

WEDNESDAY, SEPTEMBER 9, 2009

12:00 NOON ADDITIONS/DELETIONS TO AGENDA
PUBLIC COMMENT, COMMISSIONER COMMENTS

CONSENT ACTIONS

Convene as Board of Equalization

Ratification of Hearing Officers Determinations

Adjourn as Board of Equalization

CONSENT ACTIONS- 1st Readings, Set for Public Hearing on

1.

CONSENT PUBLIC HEARING

2. Consumer Protection Fee Resolution, Carla Ostburg

3.

LAND USE CONSENT PUBLIC HEARINGS

1. Code Amendment-Snow Storage, 1st Reading, PN (PH), M. Kraemer

2. Pitkin Group Investment Inc. Appeal of Hearing Officer Determination 10-2008, (Continued from 8/12/09), PH (PN 2/1/09), M. Kraemer

3. Red Butte Ranch Subdivision Exemption for Major Plat Amendment, Designation of Activity Envelopes and Extension of Vested Rights, 1st Reading, PH (PN 8/9/09), S. Wolff

4. Code Amendments-AH, RIF, 1st Reading, PH (PN), L. Clarke

LAND USE CONSENT ACTIONS

5.

LAND USE PUBLIC HEARINGS

6.

LAND USE ACTIONS

7.

BOCC OPEN DISCUSSION

ADJOURN

AGENDA IS SUBJECT TO CHANGE

**PITKIN COUNTY COMMISSIONERS
WORK SESSION AGENDA
Plaza One Meeting Room**

MONDAY, SEPTEMBER 14, 2009

2:00-3:30 PM Annual Meeting with Eagle County Commissioners in El Jebel

TUESDAY, SEPTEMBER 15, 2009

11:00	Aspen Skiing Company Presentation	
12:00	LUNCH BREAK	
1:00 PM	Quarterly Meeting with US Forest Service	
2:00	STAC Update (set up projector)	Mick Ireland
2:30	2010 Budget Process	Phylis Mattice
3:00	BREAK	
3:15	SPECIAL MEETING <i>Convene as Board of Equalization</i> Ratification of Hearing Officers Determinations <i>Adjourn as Board of Equalization</i>	
3:30	<ul style="list-style-type: none"> • Memos of Interest • Future Agendas/Agenda Requests/Monthly Calendar • BOCC Open Discussion 	
5:00 PM	ADJOURN	

AGENDA IS SUBJECT TO CHANGE

WORK SESSION AGENDA
Plaza One Meeting Room

TUESDAY, SEPTEMBER 22, 2009

11:00 AM to 1:00 PM	SPECIAL MEETING – EXECUTIVE SESSION ADJOURN SPECIAL MEETING (brown bag lunch)	
1:00	BREAK	
1:15	<i>Special Meeting - BOCC Convenes As Board of Health</i> Community Health Services Quarterly Update with the Board of Health, Mitzi Ledingham, Liz Stark <i>BOCC Adjourns as Board of Health – Adjourn Special Meeting</i>	
2:00	Prep for Joint Aspen City Council Meeting on October 6, 2009	
2:15	Lenado Task Force Access Recommendations	Brian Pettet
3:15	BREAK	
3:30	<ul style="list-style-type: none"> • Memos of Interest • Future Agendas/Agenda Requests/Monthly Calendar • BOCC Open Discussion 	
5:00 PM	ADJOURN	

AGENDA IS SUBJECT TO CHANGE

**PITKIN COUNTY COMMISSIONERS
REGULAR MEETING AGENDA
Plaza One Meeting Room**

WEDNESDAY, SEPTEMBER 23, 2009

11:30 Pitkin County Cares Awards Reception in Veterans Park

12:00 NOON ADDITIONS/DELETIONS TO AGENDA
PUBLIC COMMENT, COMMISSIONER COMMENTS

Pitkin County Cares Awards

CONSENT ACTIONS

1.

CONSENT ACTIONS- 1st Readings, Set for Public Hearing on October 14

2. Employee Handbook, Laura Laubhan

CONSENT PUBLIC HEARING

1. 2nd Reading, Ordinance Repealing the Aspen/Pitkin Energy Conservation Code and the Aspen/Pitkin Efficient Building Code and Adopting the 2009 International Energy Conservation Code as Amended, Tony Fusaro (continued from 8/12)
3. Town of Basalt Water Tank Activity Envelope, Site Plan with Vesting and Special Review for Major Public Utilities, PH (PN), M. Kraemer

LAND USE CONSENT PUBLIC HEARINGS

1.

LAND USE CONSENT ACTIONS

2. Code Amendment-Snow Storage, 2nd Reading, M. Kraemer
3. Code Amendment-AH, RIF, 2nd Reading, L. Clarke
4. Code Amendment-Scenic (East of Aspen), 2nd Reading, M. Kraemer

5.

LAND USE PUBLIC HEARINGS

6.

LAND USE ACTIONS

7.

BOCC OPEN DISCUSSION

ADJOURN

THURSDAY, SEPTEMBER 24, 2009 – NWCCOG COUNCIL & RRR MEETING

Full Council

Airport Operations Building, Aspen / 9:30 a.m. – 12:00 p.m.

Rural Resort Region: 12:30 – 3:00 p.m.

AGENDA IS SUBJECT TO CHANGE