MEMORANDUM

TO: Board of County Commissioners
Regular Meeting – September 8, 2010

THRU: Cindy Houben, Community Development Director

FROM: Suzanne Wolff, Senior Planner

RE: Emma Farms LLC Designation to Historic Register and Request for an Historic Preservation Incentive – Continued Public Hearing

---

SUMMARY: The Applicant is requesting to designate the Queen Anne farm house, shed roof log house and shed to the Historic Register, and as an incentive for the designation, to obtain three TDRs.

The BOCC continued the application on July 28 to allow the Applicant to further address the public benefits that could justify the granting of 3 TDRs. The 7/28/10 minutes are attached for reference (Attachment A).

APPLICANT: Emma Farms LLC – Tom Waldeck and Steve Waldeck

REPRESENTATIVE: Doug Pratte

LOCATION: 3006 Emma Road; corner of Emma Road and Hooks Lane; Lot 7, Emma Farms Subdivision Exemption

ZONING/LOT SIZE: AR-10/52.8 acres (approx 15 in Pitkin County/remainder in Eagle County)

BACKGROUND: The BOCC granted 1041 hazard review, conceptual submission, special review and GMQS exemption approval for development on two 35+ acre parcels, pursuant to Resolution No. 160-2006. The BOCC also listed the Queen Anne farm house and the shed roof log building to the Historic Inventory; no incentives were granted in association with the listing. A portion of Lot 7 is encumbered by a conservation easement to the benefit of Aspen Valley Land Trust. The Community Development Director granted approval for an additional 1,071 square feet to allow a 4,800 square foot hay storage building (the Applicant was eligible for 3,729 exempt square feet), pursuant to Administrative Decision No. 48-2009.

STAFF COMMENTS:

ISSUES: At the July 28 meeting, the BOCC agreed that it was appropriate to designate the farm house, log house and shed to the Historic Register. At issue was whether it was appropriate to grant 2 or 3 TDRs as an incentive for the designation. The Applicant agreed to further address the public benefits that would be provided in exchange for the TDRs, and to obtain additional comments from the Emma Caucus. The Applicant sent a letter to the Emma Caucus and BOCC (Attachment B), which proposes the following additional benefits:

- Participate once a year in an Emma Community Day along with other historically designated properties in the Emma area.
- Develop a time line for the completion of all work under the purview of the Pitkin County Preservation Handbook; and
- Publish a narrative of the history of the ranch and the historic buildings, including a photographic and narrative record of the renovation and restoration of the historic structures.

The Caucus continues to strongly support the request to designate the structures to the Historic Register and to fully "restore," and not just "preserve" the main house. As noted at the July 28 meeting and in the Caucus' supplemental memo, the Applicant's commitment to restore the Queen Anne farm house, rather than to simply preserve the house, exceeds the requirements of the Code for an historic resource designated to the Historic Register. However, the Caucus opted not to weigh in on how many TDRs should be granted.

Suzannah Reid, Historic Preservation Officer, asserted at the July 28 hearing that this historic resource is very significant and is at the "top of the bar" in terms of similar historic resources in the County. She supports the issuance of 3 TDRs and stated in her 6/26/10 memo, "This is a highly significant site and deserves considerable benefits for the restoration and rehabilitation of the house and ranch buildings. The opportunity to restore the house to its original condition is a unique one, because little has been done over the years." Ms. Reid submitted additional comments (Attachment D) wherein she addresses how many other historic sites would be significant enough to be eligible for a similar benefit. She asserts that 3 TDRs "represents the top of the scale of benefits that could be supported for comparable properties." In support of her prior recommendation to issue 3 TDRs, she states, "I still believe that the Emma Farms property and the commitments by the owner to restore the house will be a significant benefit to the community and further the County's commitment to preserving the character of our ranching past. I do believe that some accountability for the actual preservation and rehabilitation of the main house is essential as part of this substantial benefit."

While the Applicant has agreed to additional public benefits as noted above and as discussed with the BOCC at the prior hearing, staff is concerned that the commitment to "develop" a timeline does not provide the assurance that the BOCC is seeking in exchange for issuance of a third TDR. Staff believes that the BOCC anticipated an actual timeline that would provide deadlines for completion of the various phases of the restoration of the historic buildings. Since the Applicant has not yet provided a specific timeline, the attached draft resolution provides for issuance of two TDRs.

Given the comments from Ms. Reid regarding the integrity and significance of this historic resource and the commitments the Applicant has made to restore the resources and to provide additional public benefits, staff would support a third TDR, if the Applicant provides an acceptable timeline for completion of the restoration, subject to the following additional conditions (which are not included in the attached draft resolution):

- At the time of issuance of a Letter of Completion for the restoration of the Queen Anne farm house, the County shall issue one additional TDR Certificate to the Applicant.
- The Applicant agrees to allow the public to visit the site, not more than once a year and on a mutually agreed upon day, to view the historic buildings, once restored, should an organized tour of all of the historic sites in the Emma area be organized.

A suggestion was made at the July 28 hearing to phase the issuance of the TDRs in order to ensure progress of the restoration. Staff agrees that issuing the third TDR at a later date provides an incentive to the Applicant and provides assurance to the County that additional development will only occur in the County as a result of issuance of the additional TDR once the primary benefit – the restoration of the Queen Anne farm house – is completed.

RECOMMENDATION: Staff recommends that the Board of County Commissions make a motion to approve the designation of the Emma Farms LLC property to the Historic Register, and as an incentive for the designation, to grant two TDRs.

ATTACHMENTS:

A. 7/18/10 BOCC minutes
B. 8/16/10 letter to Emma Caucus & BOCC
C. 8/24/10 Emma Caucus letter
D. Historic Preservation Officer

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO DESIGNATING THE EMMA FARMS LLC HISTORIC RESOURCES TO THE PITKIN COUNTY HISTORIC REGISTER AND GRANTING TWO TDRS AS AN INCENTIVE FOR THE DESIGNATION

Resolution No. ___-2010

RECITALS

1. Emma Farms LLC ("Applicant") has applied to the Board of County Commissioners of Pitkin County, Colorado ("BOCC") to designate the Victorian residence, log residence and shed to the the Historic Register, and as an incentive for the designation, to obtain three TDRs.

2. The property is located at 3006 Emma Road at the corner of Emma Road and Hooks Lane, and is described as Lot 7, Emma Farms Subdivision Exemption.

3. The property contains 52.8 acres and is zoned AR-10. Approximately 15 acres of the parcel are located within Pitkin County, while the remainder is located in Eagle County. The historic resources are located within the portion of the property that is within Pitkin County.

4. The BOCC granted 1041 hazard review, conceptual submission, special review and GMQS exemption approval for development on two 35+ acre parcels, pursuant to Resolution No. 160-2006. The BOCC also listed the Queen Anne brick farm house and the shed roof log building to the Historic Inventory; no incentives were granted in association with the listing. A portion of Lot 7 is encumbered by a conservation easement to the benefit of Aspen Valley Land Trust. The Community Development Director granted approval for an additional 1,071 square feet to allow a 4,800 square foot hay storage building (the Applicant was eligible for 3,729 exempt square feet), pursuant to Administrative Decision No. 48-2009.

5. The BOCC considered this application at duly noticed public hearings on July 28 and September 8, 2010, at which times evidence and testimony were presented with respect to the application.

6. The BOCC finds the site meets the criteria in the Land Use Code ("Code") for designation to the Historic Register, as documented by the Historic Preservation Officer.

7. The BOCC further finds that the issuance of two TDRs as an incentive for the historic designation is appropriate, based on the following:

   A. The site is significant as it is representative of the important ranching theme in the development of the region; the Queen Anne farm house sits at a prominent location and is adjacent to another similar brick ranch house, which together preserve the character of the original context in this area; the historic residences will remain a key element of the property and the historic buildings will all remain in their existing locations in the context of an ongoing agricultural operation; and while several ranch sites remain in the valley, few demonstrate the quality and high-style design and construction of the main house.

   B. The level of integrity of the Queen Anne farm house is very high, given that it retains most of its original materials, including the windows, and the only significant alteration to the house is the enclosure/replacement of the front porch. The combination of the farm house, log house and shed serves to define a traditional ranch compound.

NOW, THEREFORE, BE IT RESOLVED by the BOCC that it does hereby designate the Queen Anne Victorian house, the shed roof log house and a shed to the Pitkin County Historic Register, as shown on the map attached as Exhibit B.

BE IT FURTHER RESOLVED by the BOCC that it does hereby grant two TDRs as an incentive for the historic designation, subject to the conditions set forth herein, which shall run with the land and be binding on all successors in interest.

1. The Applicant shall adhere to all material representations made in the application or in public meetings or hearings and shall consider those representations to be conditions of approval, unless amended by other conditions.

2. The provisions of BOCC Resolution No. 160-2006 shall remain in full force and effect.

3. Within 60 days of the date of this approval, the Applicant shall record a covenant agreement in a form acceptable to the County Attorney in which the Applicant agrees to preserve the historic resources in accordance with the Pitkin County Preservation Handbook. The Covenant shall address the future restoration of the historic buildings.

4. Concurrent with recordation of the historic covenant, the County shall issue two TDR Certificates to the Applicant.

5. Any addition(s) to the Queen Anne farm house shall be clearly separated by a linking element from the main house or completely detached from the main house, and shall be subordinate to the main structure. Resolution No. 160-2006 provides a maximum of 1,000 square feet of floor area exempt from growth management to expand one or both of the historic residences on Lot 7.

6. With the building permit application for the restoration of the Queen Anne farm house, the Applicant shall provide the following in addition to all other required items:

   A. A landscape plan that ensures that the existing vegetation that blocks the view of the house from the road is removed and that any new vegetation does not obscure the view of the front façade of the house.
   B. A projected timeline for completion of the restoration.

7. The Applicant shall document the restoration of the historic buildings with photographs before, during and after the restoration. Upon completion of the restoration, the Applicant shall provide a copy of the photographs and a written narrative of the property's history and owners to the Aspen Historical Society or the Basalt Regional Heritage Society, or both.

8. Failure to comply with these conditions of approval may result in revocation of this permit or any subsequent permits related to this property or vested rights associated with this property.

NOTICE OF PUBLIC HEARING PUBLISHED IN THE <u>ASPEN TIMES WEEKLY</u> on the 13th day of June, 2010.

APPROVED AND ADOPTED on the 8th day of September, 2010.

BOARD OF COUNTY COMMISSIONERS,
PITKIN COUNTY, COLORADO

By _____
George Newman, Chair

ATTEST:

_____
Jeanette Jones, Clerk to the BOCC

APPROVED AS TO CONTENT:

Laura Clarke for CH
Cindy Houben
Community Development Director

APPROVED AS TO FORM:

_____
John Ely
County Attorney

P034-10
PID #246510400005

ATTACHMENT 4

Commissioner Hatfield asked for the total length of the trail to be funded through this Intergovernmental Agreement.

Ms. D'Autrechy said that the total length of the trail of this Phase II is about 4500 linear feet, just short of a mile. The portion that we are funding through the Open Space and Trails fund is about 1/3 of that, about 1600 she said.

Commissioner Hatfield would like this linear trail length added to recital number 5 of the BOCC Resolution.

Chair Newman opened the hearing to public comment on both items under Consent Public Hearings, 2nd readings. Seeing none, he brought it back to the board for a motion.

Commissioner Kay-Clapper moved to approve the Resolution Approving the Intergovernmental Agreement with the City Of Aspen for the East Of Aspen Trail II, with an addition to number 5 under recitals for the Board of County Commissioners that includes the amount of linear footage of the trail itself as per Jack's (Commissioner Hatfield) request. This also includes the motion to accept the A Grant Offer(s) from the Federal Aviation Administration Airport Improvement Program to Assist in the Funding of Capital Improvements at the Aspen/Pitkin County Airport. Commissioner Owsley seconded the motion. Motion passed 5 to 0.

LAND USE PUBLIC HEARINGS:

CONTINUED FIRST READING AND PUBLIC HEARING ON RESOLUTION DESIGNATING THE EMMA FARMS LLC (a/k/a SW Enterprises, LLC) HISTORIC RESOURCES TO THE PITKIN COUNTY HISTORIC REGISTER AND GRANTING TWO TDRS AS AN INCENTIVE FOR THE DESIGNATION – MOTION TO CONTINUE TO AUGUST 25, 2010
STAFF: SUZANNE WOLFF

APPLICANT: SW Enterprises, LLC a/k/a Emma Farms, LLC (Tom Waldeck and Steve Waldeck)

APPLICANTS' REPRESENTATIVE: Doug Pratte

REQUEST: The applicant is requesting to designate the Queen Anne farm house, shed roof log house and shed to the Historic Register, and as an incentive for the designation, to obtain three TDRs.

The Affidavit of Posting was submitted to Ms. Wolff.

Ms. Wolff began her presentation to the board as outlined in her staff memorandum. For the record, she told the board that she was given documentation from Mr. Pratte that the current ownership entity of the property is in the name of Emma Farms, LLC as her staff memorandum refers to SW Enterprises, LLC.

Commissioner Richards stated for the record that she had lunch with Tom Waldeck a couple of months ago to look at the calving and cattle operation. They did not discuss this matter now before the board at any time. Commissioner Richards did not know this application was forthcoming at the time of their meeting.

Commissioner Richards also asked that Mr. Pratte respond to the following question during his presentation. She wanted to know if the restoration is to bring the house to a habitable level or is it just to prevent further deterioration.

It was stated by Ms. Wolff during discussion that Historic Designation means just that. There are no requirements to make it habitable.

Doug Pratte proceeded with his presentation to the board based upon his Application packet attached to staff's packet material. He introduced the applicants Tom Waldeck and Steve Waldeck along with their architect, Steve Novey of Greenline Architects.

Mr. Pratte said that the applicant is committed to preserving the historic resources in accordance with the Historic Preservation Handbook and address the future restoration of the historic buildings. They are agreeing to detach any addition to the Queen Anne farm house or clearly separate it with a linking element and keep any addition subordinate to the main structure. They are also committing to a landscape plan that ensures the existing vegetation that blocks the view of the Queen Anne farm house from the road is removed and that any new vegetation does not block it.

Regarding a timeline for completion and restoration, Mr. Pratte stated that in the Covenant Agreement he knows they will have to address the restoration and maintenance process and will work with Community Development staff and Suzannah Reid and possibly John Ely. It is meant to bring it up to a habitable level. The $1,000,000.00 was not just to maintain it in some kind of non-deteriorating condition. It was to bring it up to a habitable structure. They will work with staff or the board to incorporate that into the Covenant.

Mr. Pratte then discussed the 3 TDRs saying that there was some additional value to adding an additional TDR incentive. It has some attributes that go beyond some others in the neighborhood.

The main point for further discussion was that the applicant was requesting 3 TDRs, while staff was recommending 2.

Commissioner Owsley said that Emma is becoming the historical epicenter of Pitkin County. He spoke to rights of public visitation such as Emma Historic Day where there could be a tour of school children that could see a working ranch with a substantial American vernacular Queen Anne house. He said that in conjunction with a graduate student or historical specialist the applicants could put together a book of this restoration and its relationship to the County's guidelines. With additional public benefit, he could see this warrant the 3 TDRs requested on this project.

Commissioner Kay-Clapper agrees with Commissioner Owsley's comments. She would also like to see a public education segment created in concert with the other historic properties in Emma to help warrant the third TDR.

Commissioner Hatfield asked for some feedback from Mr. Pratte regarding the Emma Caucus' request for reducing the vegetation.

Mr. Pratte responded by saying that the main pieces he has seen on the property are some overgrown shrubs that really reduce the view. The older trees that are there will not be compromised if they're healthy. The shrubs and some of the ground level and mid-story vegetation have not been maintained over time and he thinks the opening up of that mid-story vegetation will restore the view of the house from the road.

Tom Waldeck further responded to Commissioner Hatfield by saying that the visibility from the road is the front of the house. The large tree is at the back of the house. There is a grove of overgrown saplings and Aspen trees that will be removed along with the brush in front of the house and so the front of the house will be totally visible without any interruption.

Chair Newman opened the hearing to public comment.

David Parker of Happy Day Ranch is an adjacent property owner. He doesn't have a problem with the request for 3 TDRs, but asked if all 3 had to be given at once. He suggested granting one, then checking on the progress of the restoration, grant another and check on the progress again, etc.

Steve Novey of Greenline Architects addressed the board. He described the process and where they are with the restoration. They will have to do some site grading away from the house to keep the deposit drainage as they have had a lot of water damage to the foundation. They have had to do some exploratory excavation to see what the condition of the foundation is and it is not in great shape so there will have to be a lot of remediation because water is getting into the foundation and the basement. The foundation is stone up to a point and brick

foundation. The process gets very complex as the applicants want to take advantage of the high standards of the County guidelines. The two interior floors will have to be restructured as well as add in additional walls within the brick walls for insulation, electric and plumbing. The roof is in fairly bad shape, he said, and the entire roof structure will be entirely reworked.

He continued on by saying there may be some asbestos abatement and there is also lead base paint they have to deal with. Last, but not least, the actual restoration of the brick on the exterior is a very tedious and expensive process.

Chair Newman was in support of the preservation, but his main concern was the request for 3 TDRs as well. He reminded the applicant that this is just an incentive and is not to cover all the costs of the restoration/maintenance. The TDRs not only provide an incentive for the property owner, but they also allow additional growth in another part of the County, Chair Newman stated. So at this point, he is going to stay with the staff's recommendation of 2 TDRs.

Commissioner Hatfield asked if there were other incentives the applicant could use in the future.

Ms. Wolff responded no. Once someone gets incentives for that designation she thinks that they cannot come back and ask for more in the future.

Commissioner Richards said that her sentiments were similar to Chair Newman. She said that she thinks it is one bite of the apple. She is concerned with setting a precedent, depleting the supply of TDRs and where those TDRs land in the County.

Commissioner Kay-Clapper would like to give the applicant the opportunity to come up with more public benefits.

Tom Waldeck spoke in response to her suggestion saying that there is a lot of work to be done. And, although he endorses what the board has said, he is faced with finding a lot of money for this. With only 2 TDRs he doesn't think they can do the project. He does endorse Commissioner Owsley's suggestion of keeping a record of the history of the farm and the house and the process of the restoration and he would underwrite that. As far as other public benefits, he is also concerned with public visitations due to having a cattle operation and a lot of their diseases are brought in. To the extent that they could, he would love to have classes come in and people visit and use it as an educational resource, but it couldn't be freelance and forever.
NOTE: The public visitation was clarified by Commissioner Kay-Clapper that it would most likely be a once a year event as discussed earlier in the meeting.

Commissioner Hatfield strongly supports the historic designation, but asked the board if they would agree to table this to a future meeting to allow the applicant to further discuss whether or not they want to offer additional public benefits.

CHOICES FOR THE APPLICANT, IF TABLED - After further discussion, Chair Newman clarified that the choices for the applicant would be to come back to the board with some additional public benefits that would justify the 3rd TDR, have staff and the Emma Caucus review those benefits OR decide that they will stay with what they're asking for and allow the board to make their motion and vote on the request as presented today.

When asked for her opinion, Suzannah Reid responded to the board saying that she really feels that in the terms of the inventory that we have in the County that this really represents the top of the bar. Because this is a voluntary system and we have chosen to provide this to property owners, we have put ourselves in a situation of dealing with a risk and reward discussion and so we do get into what is the real value of the improvements to the buildings and how much is the public willing to offset that cost.

Tom Waldeck said that if you don't have a home for the person running the ranch (him) to live in it's not a real workable solution. He said that not having a house to live in could put the agricultural operation at risk.

DIRECTION TO APPLICANT AND EMMA CAUCUS - Commissioner Hatfield asked what a more extensive restoration project means. He would like feedback on this from the applicant and the Emma Caucus and how it would be overseen by the County.

Commissioner Kay-Clapper moved to continue this item to August 25, 2010. Commissioner Hatfield seconded the motion. Motion passed 5 to 0.

CONFIRMATORY PUBLIC HEARING ON EMERGENCY ORDINANCE AUTHORIZING THE CHIEF BUILDING OFFICIAL TO ENACT A TEMPORARY EXTENSION ON THE EXPIRATION OF BUILDING PERMITS – MOTION TO APPROVE
STAFF: LANCE CLARKE, ASSISTANT DIRECTOR OF COMMUNITY DEVELOPMENT AND TONY FUSARO, CHIEF BUILDING OFFICIAL

A significant number of building permits and permit applications have expired or will expire in the coming months. This is a highly irregular scenario that seems to be primarily related to the current economic climate.

Lance Clarke gave a short presentation on this Emergency Ordinance to the board.

ATTACHMENT B

THE LANDSTUDIO INC.
landscape architecture land planning community planning
1002 Lauren Lane • P.O. Box 107 • Basalt, CO 81621 • Tel 970 927 3690 • landstudio2@comcast.net

August 16, 2010

Ms. Liz Newman, Secretary
Emma Caucus
P.O. Box 1405
Basalt, Colorado 81621
newman@sopris.net

Mr. George Newman, Chair
Pitkin County Commissioners
530 E. Main Street
3rd Floor
Aspen, CO 81611
george.newman@co.pitkin.co.us

Reference: Emma Farms LLC Designation to Historic Register and Historic Incentive (CASE P034-10; PID 2465-104-00-003)

Dear Liz and George:

Thanks to the Emma Caucus and the Pitkin County Commissioners for providing all of the input we have received related to the designation of the Emma Farms historic structures to the Historic Register with TDR Incentives. As both the Emma Caucus and the BOCC know from your reviews of the application and the discussions at the July 28, 2010 Piktkin County BOCC hearing, the application has been well supported by both entities.

Much of the discussion has centered on the TDR benefits that should be awarded to Emma Farms as an incentive for the historic designations of the Queen Anne Victorian, the homesteader's cabin, and the ranch outbuilding. Emma Farms LLC has requested three TDRs recognizing that the request is merited because the proposed Historic Designation advances the County's preservation goals by preserving exemplary structures in Pitkin County, Colorado. The funding from the three TDRs will be used to offset the costs of renovation of the structures, which have been estimated at $1,000,000.00 by the owners.

Additionally, both the BOCC and the Emma Caucus have discussed what additional public benefits might be considered by Emma Farms LLC in exchange for the TDR package. As a response Emma Farms LLC would like to propose the following additional benfits:

1. Participate once a year in an Emma Community Day with an open house at Emma Farms. Emma Farms would coordinate participation in the Emma Community Day with the Fender Middle Ranch, the Emma Store, Happy Day Ranch, Tom Clark, and the Emma School House, all of which have historic structures that have been identified in the Pitkin County Historic Inventory and/or placed on the Historic Register;

2. Develop a time line for the completion of all work under the purview of the Pitkin County Preservation Handbook for Historic Properties, and;

3. Publish a narrative of the history of the ranch and the historic buildings including a photographic and narrative record of the renovation and restoration of the historic structures.

Please note that Suzannah Reid, the Pitkin County Historic Preservation Officer, has supported the request for three TDRs as an incentive for the Historic Preservation designation and in particular noted that this is a highly significant site and deserves considerable benefits for the restoration and rehabilitation of the house and ranch buildings. Suzannah noted at the July 28, 2010 that this preservation opportunity sets the highest bar for historic preservation in Pitkin County and it is in your great community of Emma! It will take the support of the Emma Community to make sure that this important project happens.

Please contemplate these additional benefits in your consideration of the three TDRs requested to designate these important Emma structures to the Pitkin County Historic Register. We look forward to any discussion that the Emma Caucus may want to have related to these additional benefits, and anticipate additional discussion with the Pitkin County Commissioners at our continued hearing on September 8, 2010.

Best regards,

The Land Studio, Inc.

By: _____

Douglas J. Watte

ATTACHMENT C

EMMA CAUCUS

P.O. Box 1405
Basalt, CO 81621
(970) 927-3462
newman@sopris.net

MEMORANDUM

TO: **Suzanne Wolff, Community Development Department**
Pitkin County Planning and Zoning Commission

RE: **SW Enterprises LLC Designation to Historic Register and Historic Incentive (AKA Emma Farms)**
(PID 2465-104-00-005, Case P034-10)

Date: **August 24, 2010**

This Memo is a supplement to the Caucus memo prepared for Pitkin County on July 1, 2010. All of our recommendations in the previous Memo remain in force, but this follow-up is to reinforce the Caucus's position on this application.

The Caucus discussed the application at a regular Caucus meeting held on Monday, August 23, 2010. Doug Pratte attended the meeting, representing the property owner/applicant, to describe community benefits connected with the application. According to Doug, the main benefit to the community is the restoration of the historic improvements, which stands to be very costly for the owner. **Caucus members were unanimous in their support of the restoration/ preservation of these historic improvements.**

The Caucus understands that the application proposes to do much more than "preserve" the historic improvements on this property, particularly as regards the main house. It is the Caucus's understanding that the applicant plans to fully "restore" the main house to its historic integrity, which goes beyond our understanding of what Pitkin County code requires in exchange for an historic TDR. The applicant also agrees to participate in a Community Day along with other historic properties in the neighborhood and to document both the history and the preservation of structures on the ranch so they can be viewed by the public. The extent to which the main house is to be "restored" and not just "preserved" was an important distinction for Caucus members.

However, the consensus of those present at the Caucus meeting was that it is inappropriate for the Caucus to decide how many TDR's should be granted with this or possibly any application. We have neither written guidelines nor the expertise to make such a critical decision. Therefore, although we leave it to the County Commissioners to

decide on the amount of incentives to confer, we do want the County to know that this application has **our strong support contingent on the following:**

- The main house, log cabin and shed described in the application should all be **restored/ preserved as described in the original application.** No improvements are planned for the shed but the Caucus believes its preservation should be included in the approval documents as historical support for the log cabin.

- **Because the major restoration proposed for the main house is the basis for the Caucus's strong support of this application**, the **restoration** of the home should be **strictly reviewed** by the County's historic preservation officer to maintain the property's historic integrity **AND a strict deadline for completion of construction should be set and monitored.**

- **Because the major restoration proposed for the main house is the basis for the Caucus's strong support of this application and is so many TDRs are requested**, the Caucus recommends the County employ an enforcement mechanism typical for public projects **such as a performance bond or letter of credit** to assure the County and the public that the work will be completed as proposed.

- An important aspect of the Emma Farms historic homestead is **its visibility from the road.** A thick stand of aspen trees has sprung up directly in front of the home in recent years, blocking much of the public's view of the home from the street. These trees should be removed and the front yard opened back up to the street if incentives are to be granted so that this **home can once again be viewed from the street.**

- **No additional residential FAR** should be allowed on the ranch. Any future construction of agricultural buildings on the Pitkin County portion should go through the County's administrative procedure for flexible agricultural uses.

- The preservation **effort should be documented** with photographs of the process, including before and after pictures, inside and out, as well as a written account of the property's history, its owners, etc. This historic information should be **available to the public** either through safekeeping at the Aspen Historic Society or the Basalt Heritage Society or both. (This same requirement should apply to all historic properties in Emma that receive County incentives, including Happy Day Ranch, Middle Ranch and the Emma Townsite buildings. We realize this may be difficult to obtain after the fact, but every effort should be made.)

- A specific procedure should be established to ensure/enforce County provisions requiring that historic properties that receive incentives are in fact preserved to a set standard and also that they are **maintained over time**, as described in the Code, so that they don't simply languish or disintegrate once the incentives have been utilized.

Thank you again for the opportunity to review this application. Please do not hesitate to contact the Emma Caucus if you have any questions.

ATTACHMENT D

MEMORANDUM

To: Suzanne Wolff
Pitkin County Community Development Department

From: Suzannah Reid
Pitkin County Historic Preservation Officer

Re: Emma Farms LLC Designation to Historic Register and Historic Incentive (CASE P034-10; PID 2465-104-00-003)

Date: 9/8/10

Emma Farms LLC is requesting three TDRs for the preservation of the historic structures on the ranch site. This is a significant benefit for the preservation of a significant site. At the last meeting the Commissioners had several concerns about the number of historic properties that might be comparable to this site, or exceed it. There were also some general questions about our collection of historic sites.

First here is a general breakdown of the historic sites that have been identified in the County:
The County undertook a survey in 1999, to identify and evaluate historic sites in the county. This survey included 176 sites, and had formed the basis of the collection to date. There are a handful of other sites that have since been identified as historic and proceeded through some sort of designation process.

Of the 176 properties,
44 are in the Redstone Historic District, and not eligible for benefits.
15 buildings have already been determined not to be eligible for designation to the Register. Either because they are in the City or no longer retain the threshold qualities of integrity and significance.
Approximately 35 sites have received some sort of approvals and related historic designations.

Approximately 82 sites remain, this is complicated to some extent by fact that some of the 35 approvals were not sites included in the 1999 survey.

These 82 sites cover the range from ruins to residential sites on the edge of the City. Five are on Forest Service property. The townsites of Ashcroft, Nore and Ruby are in this group as well.

As to the most significant sites in the County, the 1999 survey identified 24 sites of the 176 sites surveyed as eligible for listing on the National Register. These represent the most important and intact sites in the County that were included in the survey. And therefore, are the most likely to worthy of significant benefits for their preservation. Of the 24, six are in public ownership and have been protected. Six are in the Redstone Historic District and not eligible for incentives. Two others, are associated with Redstone but do not fall in the district.

I have added four other properties to that list that I feel are locally significant, two have already received approvals and one is on public land.

That brings the list of sites that have a high level of significance and integrity to 16. Five of those sites are not really comparable to the Emma Farms property. They include the Smuggler Mine site, the railroad bridge on the Hoaglund Ranch, a couple of buildings at the Monastery, and the Thomasville School house. Also on that list are the Benedict House, and two other Osgood buildings, not included in the District. These are not comparable to the Emma Farms property. This brings the list to eight.

Five of the eight are substantial ranches with varying degrees of integrity. While they all are likely to be eligible for designation to the Register, without reviewing each one in detail, it is difficult to determine if three TDR's would be appropriate in any of those cases.

Based on this review I feel confident that, based only on the buildings, three TDR's represents the top of the scale of benefits that could be supported for comparable properties.

Clearly each site is different and each development proposal asks for different incentives and offers different benefits to the community. I have not factored those variables into this summary.

My goal was to provide some comfort level for the Board in terms of the potential of the historic sites in the County to generate growth. I still believe that the Emma Farms property and the commitments by the owner to restore the house will be a significant benefit to the community and further the County's commitment to preserving the character of our ranching past. I do agree that some accountability for the actual preservation and rehabilitation of the main house is essential as part of this substantial benefit.