

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



**TUESDAY, MAY 1, 2012**

(Commissioner Hatfield Not Present)

<b>12:30</b>	Aspen Area Community Plan Overview	Cindy Houben, Ellen Sassano
<b>1:30</b>	Citizen Board Interview / Monty Thompson / P&Z	Lance Clarke
<b>1:45</b>	Citizen Board Interview / Lexi McNutt / P&Z	Lance Clarke
<b>2:00</b>	Citizen Board Interview / Steve Stunda / Housing	Cindy Christensen
<b>2:15</b>	BREAK	
<b>2:30</b>	<ul style="list-style-type: none"> <li>• Memos of Interest               <ul style="list-style-type: none"> <li>○ Budget Supplemental Request – Landfill Scale House Staffing</li> <li>○ Budget Supplemental Request – Electrical and Combo Inspector/Plans Examiner</li> <li>○ Thank You Letters from Non Profits for Healthy Community Fund Grants</li> </ul> </li> <li>• Future Agendas/Agenda Requests/Monthly Calendar</li> <li>• Board Membership Reports –NWCCOG, RRR, CORE, QQ, CCI, Club 20, CRRTB, RWPA, ACRA, RFTA, NC, Intermountain TPR,</li> <li>• BOCC Open Discussion</li> </ul>	
<b>3:45</b>	BREAK	
<b>4:00 PM</b>	Joint Meeting with City Council	
<b>6:00 PM</b>	ADJOURN (P&Z Meeting starts at 5:00 PM)	

**AGENDAS SUBJECT TO CHANGE**

## MINUTES OF WORK SESSION

**Date: May 1, 2012**

**Meeting Start Time: 12:30 PM**

**Commissioners present:**

- Jack Hatfield
- Rob Ittner
- George Newman
- Michael Owsley
- Rachel Richards

**Commissioners not present:**

- Jack Hatfield
- Rob Ittner
- George Newman
- Michael Owsley
- Rachel Richards

**WORK SESSION ITEM:** Aspen Area Community Plan Overview, Cindy Houben & Ellen Sassano

**STAFF DIRECTION:** Cindy Houben, Community Development Director stated the plan has been adopted by City and County Planning and Zoning Commissions. She explained the Commissioners will ratify the plan in the future and the Plan operates as a guiding document. She stated the Aspen Urban Growth Boundary (UGB) is the Plan area and discussed an area where the UGB boundary has been adjusted at the Airport. Commissioner Richards raised a concern regarding the County property that is being excluded in the UGB. Discussion followed. Cindy explained the boundary question will be included in the West of Castle Creek planning process. She reviewed other component parts that the Plan covers in regard to visitor based economy, housing size, Transferable Development Rights, scenic and environmental issues, pace of development and addition of the "Lifelong Aspenite" Chapter. She explained the plan will come back to the Board for ratification. Commissioner Ittner requested information on the regulations covering comprehensive plans.

**WORK SESSION ITEM:** Citizen Board Interview / Monty Thompson / P&Z, Lance Clarke

**STAFF DIRECTION:** The Board interviewed Mr. Thompson.

**WORK SESSION ITEM:** Citizen Board Interview / Lexi McNutt / P&Z, Lance Clarke

**STAFF DIRECTION:** The Board interviewed Ms. McNutt.

**WORK SESSION ITEM:** Citizen Board Interview / Steve Stunda / Housing, Cindy Christensen

**STAFF DIRECTION:** The Board interviewed Mr. Stunda.

**WORK SESSION ITEM:** Memos of Interest

1. Budget Supplemental Request – Landfill Scale House Staffing, Chris Hoofnagle explained the complement change being proposed. The Board asked clarifying questions and staff responded. The Board requested additional information on the effect of the position in the 5-year plan and an analysis of the proposed schedule and effect on other staff, operations and the customer service experience.
2. Budget Supplemental Request – Electrical and Combo Inspector/Plans Examiner, Cindy Houben explained the complement change being proposed. Commissioner Richards recommended an organizational chart be included when staffing requests are advanced. Approved.
3. Thank you letter from Aspen Valley Medical Foundation – informational only.
4. Thank you letters from Non Profits for Healthy Community Fund Grants – informational only.

**WORK SESSION ITEM:** Future Agendas/Agenda Requests/Monthly Calendars

**STAFF DIRECTION:**

1. The Campaign Finance agenda item shown on May 9<sup>th</sup> will be continued until May 23.
2. Airport Master Plan Update on May 22 - Jim Elwood has arranged for John Bower from the FAA to be present to talk about FAA requirements regarding the process including master planning and grant assurances.

**WORK SESSION ITEM: Board Membership Reports**

1. NWCCOG – no report
2. RRR – no report
3. RRR Workforce Board – Commissioner Ittner announced the Colorado Workforce Center will be at the Pitkin County Library to assist with job searching or job recruiting May 3 from 10am to 3pm.
4. CORE – Commissioner Newman announced CORE is working on a formal partnership agreement with CLEER.
5. QQ – Commissioner Richards briefed the Board on a bill introduced addressing nutrient standards that QQ is opposing.
6. CCI – no report
7. Club 20 – no report
8. CRRTB – Commissioner Richards announced the State of the River meeting will be held on May 10 at the Eagle County meeting in El Jebel. She stated she has requested that additional Reudi water sales be placed on the June 25 meeting agenda. Discussion on the Colorado River District tax and funding levels of the membership followed. Commissioner Newman asked for a possible meeting with the River District staff on goals and contributions. The Board asked for a future discussion with John Ely.
9. RWPA – Commissioner Owsley stated he was recently voted Chair.
10. ACRA – Commissioner Owsley discussed the recent action where ACRA withdrew from the National organization. The Board directed staff to write a letter acknowledging their decision.
11. RFTA – Commissioner Owsley reviewed the recent BRT groundbreaking. Opening date Fall 2013.
12. NC – no report
13. Intermtn TPR – Commissioner Newman stated Brian Pettet was to attend a meeting yesterday to obtain funds for the utility relocate for the AABC underpass project.

**WORK SESSION ITEM: Open Discussion**

**STAFF DIRECTION:**

1. Appeal of White Banks Decision – Informal process meeting is scheduled on Friday, May 4, 10:00 am, Aspen District Office - Commissioner Newman and Lance Clark will attend.
2. Commissioner Richards discussed a bill being advanced that would withhold severance tax for any local government that restricts or delays oil and gas production. The Board directed staff to send a letter in opposition of the bill.

**WORK SESSION MOVED TO CITY COUNCIL CHAMBERS T 4:00PM**

**WORK SESSION ITEM: Joint Meeting with City Council**

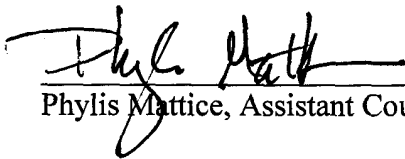
- Wildfire Update (verbal) - Blair Weyer, Public Safety Information Officer reviewed the Community outreach currently underway. Scott Thompson, Basalt Fire Chief, explained the ecosystem in our valley that makes fire a risk and advocated for fire awareness in building codes. Ed Van Walraven, Aspen Fire Marshall outlined wildfire mitigation practices for community members. Barry Crook, Aspen Assistant Manager stated the City will be bringing forward a program to provide homeowners risk assessments with a follow-up service in hauling away mitigated brush. Commissioner Richards asked City staff to discuss the program with the County for possible coordination. Ron Leach, Carbondale Fire Chief discussed agricultural burning and the exemption for burning ditches. John Mele, Snowmass-Wildcat Deputy Chief and Fire Marshal discussed wildfire preparedness and self rescue. Discussion on emergency notifications followed and Mark Gamrat explained how the system works.
- Special Housing Needs – Phylis Mattice provided a brief overview of the Housing issues that emerged at the recent BOCC work session including aging population, lack of comprehensive support services to help people in crisis stay in housing and accessibility and accommodation for persons with disabilities. She stated the BOCC has requested these topics to be included in the upcoming Housing Summit the City is planning. Council supported inclusion of the topics at the Summit. Commissioner Richards

asked for the County to be able to provide input into design of the Summit. Veteran's needs were identified as a possible additional emerging issue. Mayor Ireland suggested County staff work with City staff on content. Discussion on dates for Summit followed. The format of Summit was discussed and whether it is a joint event. Staff were identified to develop the direction and then present to a small group that includes electeds. Tom McCabe, APCHA Director stated APCHA has given latitude to housing residents in the past considering their circumstances and waivers can be applied for with the APCHA board. Nan Sundeen, County HHS Director, commented HHS agencies have identified housing issues as top priority and are interested in partnering in the discussion.

- Special Events Update (verbal) – Phylis Mattice provided an update from the BOCC's recent work session. She explained the BOCC has directed changes in the County's role including developing criteria for making in-kind contributions to support events and reviewing the level of events that need to be permitted. Commissioner Newman recommended a possible summit on how to evaluate events. Carrying capacity regarding the appropriate number and kind of events was discussed. Mayor Ireland recommended ACRA being a part of discussion on what's an appropriate level.
- Information Item: Pro Cycling Challenge – update included in packet, informational only
- Discussion of Future Agenda Topics – Commissioner Richards requested water issues including: water fund, 1177 Roundtable process for creating water plan, planned projects and processes in the state. She stated the 1177 Roundtable and QQ do not currently have a municipal member. Councilman Torre requested the Airport Master Plan. Commissioner Newman stated the Board is having an FAA Representative at their meeting on May 22.

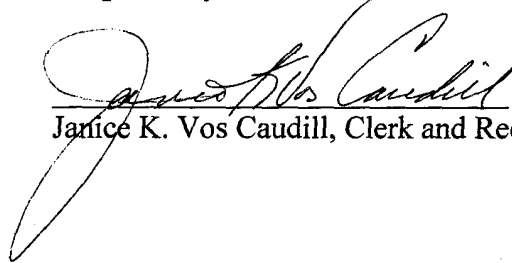
Adjourned at: 5:30 PM

**Prepared by:**



Phylis Mattice, Assistant County Manager

**Respectfully submitted:**



Janice K. Vos Caudill, Clerk and Recorder

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Michael M. Owsley, Chairman  
Board of County Commissioners

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

**TUESDAY, MAY 8, 2012**

(Commissioner Hatfield Not Present)

<b>12:45</b>	Citizen Board Interview / Valerie Carlin – Citizen Grant Review	Nan Sundeen
<b>1:00</b>	<i>Special Meeting - BOCC Convenes As Board of Health</i> Public and Environmental Health Quarterly Update with the Board of Health (2 hour training on Evolving Role of Public Health) <i>Adjourn Special Meeting - BOCC Adjourns as Board of Health</i>	
<b>3:00</b>	BREAK	
<b>3:15</b>	<ul style="list-style-type: none"> <li>• Memos of Interest             <ul style="list-style-type: none"> <li>○ Budget Supplemental Request to Replenish Litigation Funds</li> <li>○ Budget Supplemental Request for Aspen Strategy Center Consulting Services to Research Expanding Broadband Internet in Rural Areas of the County</li> </ul> </li> <li>• Future Agendas/Agenda Requests/Monthly Calendar</li> <li>• BOCC Open Discussion</li> </ul>	
<b>5:00</b>	ADJOURN	

**AGENDAS SUBJECT TO CHANGE**

**MINUTES**

**PITKIN COUNTY BOARD OF COUNTY COMMISSIONERS**

**SPECIAL MEETING**  
**(BOARD OF HEALTH)**

**MAY 8, 2012**

**NOTE:** For all staff memorandums and associated documents, including additional exhibits submitted to the record, refer to the BOCC PACKET FOR MAY 8, 2012.

**CALL TO ORDER:** Acting Chairman George Newman called the Board of County Commissioners Special Meeting to order At 1:03 PM.

**COUNTY COMMISSION MEMBERS PRESENT:** George Newman, Rachel Richards, and Rob Ittner

**COMMISSION MEMBERS ABSENT:** Michael Owsley was out of town and Jack Hatfield was on vacation.

Commissioner Richards moved to open the Special Meeting and convene as the Board of Health. Commissioner Ittner seconded the motion. Motion passed 3 to 0 with Commissioner Owsley and Commissioner Hatfield not present.

**PUBLIC AND ENVIRONMENTAL HEALTH QUARTERLY UPDATE WITH THE BOARD OF HEALTH**

**STAFF: LIZ STARK, DIRECTOR OF COMMUNITY HEALTH SERVICES; DR. MORRIS COHEN, LOCAL HEALTH OFFICER; NAN SUNDEEN, DIRECTOR OF PITKIN COUNTY HEALTH AND HUMAN SERVICES; TOM DUNLOP, PITKIN COUNTY ENVIRONMENTAL HEALTH ADVOCATE**

Liz Stark introduced Dr. Pamela Hanes, Past President and CEO of Colorado Health Institute and now Associate Professor of the University Of Colorado School Of Public Health. Ms. Stark addressed the board giving them thanks for allowing this scheduled 2-hour meeting to occur in order for Dr. Hanes to give a presentation to the board.

Ms. Stark then introduced those who were present for this meeting. They were Mary Fox, Community Health Services board member; Jim Moran, President of the

Community Health Services; Jennifer Ludwig, Eagle County Public Health Director; Jordana Pickman, Project Manager on Community Health Assessments; C. J. Oliver, with the City of Aspen Environmental Health and Public Health; and Rob Dowlin, with the Western Colorado Area Health Education Center.

Dr. Hanes began her Power Point Presentation, as attached as an Exhibit to the end of staff's packet material.

She started her presentation on Colorado's 2008 Public Health Act. She then went over the ten (10) essential public health services followed by the six (6) core public health services outlined in the Act. There was then a discussion of the core services and the role that local Boards of Health play in ensuring they are provided locally. And finally, a discussion developed on the opportunities embedded in the core services and how they can serve as tools for community health improvement as opposed to representing an unwelcome state mandate.

She thanked the board for allowing her the opportunity to spend time with the board today. She hopes that it gave them additional perspective on what could be a dynamic opportunity for them to pinpoint their high need areas and address them through the public health community.

After Dr. Hanes presentation, Liz Stark spoke to the board regarding the Pitkin County Community Health Assessment Plan timeline, a graph of which is included in the Power Point Presentation.

Tom Dunlop informed the board and those present that the County Health rankings were released generated by the University of Wisconsin. This is a program that's been going on for a couple of years now. It identified the health of all the counties in the United States. He happily announced that Pitkin County ranked first out of 64 counties in Colorado as being the healthiest county. Last year we were second or third. This year Douglas County falls behind us in second place.

Also announced at this meeting was the fact that Pitkin County has one of the highest uninsured rates in the state (-25%); high uninsured rates lead to access to care barriers which lead to postponed health care which then leads to hospitalizations and uncompensated care/bad debt incurred by Aspen Valley Hospital.

Ms. Stark reminded the board that in her staff memo she is asking each of the board members to recommend about 10 or so names of people to participate in a focus group to review and provide feedback on the conclusions of the Community Health Assessment as a way of selecting participants in forums this summer.

Acting Chairman Newman announced that anyone watching this meeting on Grassroots TV could reach Liz Stark about this focus group by calling her at 920-5010.

### **ADJOURNMENT:**

**Commissioner Ittner moved to adjourn the Special Meeting as the Board of Health at 3:06 PM. Commissioner Richards seconded the motion. Motion passed 3 to 0 with Commissioner Owsley and Commissioner Hatfield not present.**

Respectfully submitted,



Lyndee R. Dean  
Clerk to the Board of County Commissioners

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Jeanette Jones  
Clerk to the Board of County Commissioners

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George Newman  
Acting-Chair of the Board of County Commissioners

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

(Commissioner Hatfield Not Present)

**WEDNESDAY, MAY 9, 2012 - 12:00 NOON**

Month of the Young Child Proclamation, Shirley Ritter/Kids First  
Additions/Deletions to Agenda  
Public Comment, Commissioner Comments

**CONSENT ACTIONS**

1. Minutes of Work Sessions on: 4/17, 4/24, 4/19 and Regular Meeting of 4/25
2. Resolution Appointing Citizen Board Members

**CONSENT ACTIONS 1<sup>ST</sup> READING and Set for Public Hearing on May 23**

3. Ordinance Authorizing the Acquisition of the Redstone Country Store Property, Dale Will

**CONSENT PULIC HEARINGS, 2<sup>ND</sup> READING**

4. Campaign Finance Resolution, Dwight Shellman (continued to May 23, 2012)

**LAND USE PUBLIC HEARINGS**

1. Anthes/Brown Constrained Site TDR, Designation to Historic Register & Historic Incentives, PH (PN 4/5/12), S. Wolff
2. Snowmass Creek Outfitters Special Review for Outdoor Recreational Use, PH (PN 4/5/12), S. Wolff
3. Aspen Quick Mart Rezoning to B-1, 2<sup>nd</sup> Reading, PH (PH 4/5/12), L. Clarke
4. Aspen Quick Mart Special Review for Gas Station, PH (PN 4/5/12), L. Clarke

**LAND USE ACTION**

5. Aspen Beaver Pond LLC Taking Remediation, S. Wolff

**BOCC OPEN DISCUSSION**

**ADJOURN**

**AGENDAS SUBJECT TO CHANGE**

**MINUTES**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**  
**MAY 9, 2012**

**NOTE:** For all staff memorandums and associated documents, including additional exhibits submitted to the record, refer to the BOCC PACKET FOR MAY 9, 2012.

**CALL TO ORDER:** Chairman Michael Owsley called the Board of County Commissioners Regular Meeting to order at 12:06 PM.

**COUNTY COMMISSION MEMBERS PRESENT:** Michael Owsley, Rachel Richards, George Newman and Rob Ittner

**COMMISSION MEMBERS ABSENT:** Jack Hatfield was on vacation.

**PROCLAMATION:**

A Proclamation from the board was read into the record and presented to Kids First by Chairman Michael Owsley. The Board of County Commissioners and the citizens of Pitkin County join the National Association for the Education of Young Children in proclaiming May 2012 as the MONTH OF THE YOUNG CHILD.

Animal crackers were given to those children present and Shirley Ritter, Director of Kids First accepted the Proclamation from the Board of County Commissioners. Balloons were delivered to Kids First for the children from the board.

**ADDITIONS/DELETIONS TO THE AGENDA:** None

**PUBLIC COMMENT:** None

**COMMISSIONER COMMENTS:**

Commissioner Newman congratulated Aspen High School as noted in a US News and World Report article naming them as the number 1 school in Colorado and the number 59<sup>th</sup> school nationwide. What an accomplishment. Congrats Aspen High School, the parents, the school board and the superintendent.

Commissioner Richards announced that this Thursday, May 10<sup>th</sup> at 6:30 PM at the Eagle County Building in El Jebel will be a Colorado River District's Annual State of the River presentation. Representatives from the Bureau of Reclamation will be there to speak to the operations of Ruedi Reservoir throughout the season and what we'll be facing with the snowpack conditions this year. There will also be presentations by the Roaring Fork Conservancy and others about what we can do as a community to assist with the help of our rivers while we're having such extremely low snowpack and low river flows.

**CONSENT ACTIONS:**

**MINUTES OF THE BOARD OF COUNTY COMMISSIONERS' WORK SESSION MEETINGS OF 4/17, 4/24 AND 4/19 AND REGULAR MEETING OF 4/25 - MOTION TO APPROVE**

**STAFF: LYNDEE R. DEAN/JEANETTE JONES, CLERKS TO THE BOCC**

Commissioner Ittner moved to approve the minutes. Commissioner Newman seconded the motion. Motion passed 4 to 0 with Commissioner Hatfield not present.

**READING ON RESOLUTION APPOINTING CITIZEN BOARD MEMBERS – MOTION TO APPROVE**

**STAFF: CHARLOTTE ANDERSON, EXECUTIVE ADMINISTRATIVE ASSISTANT**

Chairman Owsley read the list of volunteer board member appointments aloud as follows:

Applicant & Board: \_\_\_\_\_ Term Expires:

James Rifkin, Board of Adjustment April 1, 2014

Robert Throm, Board of Adjustment April 1, 2014

Rick Head, Board of Adjustment April 1, 2014

Don Westerlind, Board of Appeals April 1, 2014

Alfred Dietsch, Conflict Committee Pool April 1, 2014

Michael Kinsley, Conflict Committee Pool April 1, 2014

Brooke Peterson, Conflict Committee Pool April 1, 2014

Andrea Kulberg, Election Commission April 1, 2014

Kandi Shaffran, Election Commission April 1, 2014

Jonathon Feldman, Election Commission April 1, 2014

Lex Tarumianz, Financial Advisory Board April 1, 2014

Rudi Scheidt, Financial Advisory Board April 1, 2014

Kathleen Wanatowicz, Financial Advisory Board April 1, 2014

John Wilkinson, Pitkin County Library April 1, 2014

Barbara Reid, Pitkin County Library April 1, 2014

John Howard, Planning & Zoning, regular April 1, 2015

Michelle Bonfils Thibeault, Planning & Zoning, regular April 1, 2013

Monty Thompson, Planning & Zoning, regular April 1, 2013

Anne Rickenbaugh, Open Space & Trails District April 1, 2017

Peter Martin, Redstone Historic Preservation April 1, 2014

Michael McVoy, Retirement Board April 1, 2016

Susan Melville Warren, Translator Advisory Board April 1, 2014

Patti Kay-Clapper, Weed Advisory Board, Alternate April 1, 2014

**Commissioner Richards moved to approve the Resolution Appointing Citizen Board Members. Commissioner Ittner seconded the motion. Motion passed 4 to 0 with Commissioner Hatfield not present.**

**CONSENT ACTIONS – 1<sup>ST</sup> READING, SET FOR 2<sup>ND</sup> READING AND PUBLIC HEARING ON MAY 23, 2012:**

**FIRST READING ON ORDINANCE AUTHORIZING ACQUISITION OF THE REDSTONE COUNTRY STORE PARCEL – MOTION TO APPROVE ON FIRST READING AND SET SECOND READING AND PUBLIC HEARING TO MAY 23, 2012  
STAFF: DALE WILL, OPEN SPACE AND TRAILS DIRECTOR**

Dale Will must have gotten delayed and could not make this presentation. Instead, Chairman Owsley read the staff Agenda Item Summary aloud. As this was first reading, the board will get clarifications at second reading to be held on May 23, 2012.

Commissioner Newman moved to approve the Ordinance authorizing acquisition of the Redstone county Store Parcel on first reading and set second reading and public hearing to May 23, 2012. Commissioner Ittner seconded the motion.

**CONSENT PUBLIC HEARINGS – 2<sup>ND</sup> READINGS:**

**SECOND READING AND PUBLIC HEARING ON ORDINANCE ENACTING NEW TITLE 4 OF THE PITKIN COUNTY CODE, RELATING TO CAMPAIGN FINANCE REGULATIONS APPLICABLE TO COUNTY CANDIDATES, POLITICAL COMMITTEES AND ISSUE COMMITTEES, AND CLARIFYING THE RELATIONSHIP BETWEEN STATE CAMPAIGN FINANCE LAW AND PITKIN COUNTY CAMPAIGN FINANCE REGULATIONS AS SET FORTH IN SAID TITLE 4 AND IN THE PITKIN COUNTY HOME RULE CHARTER – MOTION TO CONTINUE TO MAY 23, 2012**  
**STAFF: JANICE K. VOS CAUDILL, CLERK AND RECORDER AND DWIGHT K. SHELLMAN, III, ELECTION MANAGER**

Chairman Owsley opened the hearing on this item to public comment. There being none, he closed the public hearing and brought the matter back to the board.

Commissioner Ittner moved to continue the second reading and public hearing on Ordinance Enacting New Title 4 of the Pitkin County Code, Relating to Campaign Finance Regulations Applicable to County Candidates, Political Committees and Issue Committees, and Clarifying the Relationship between State Campaign Finance Law and Pitkin County Campaign Finance Regulations as set forth in said Title 4 and in the Pitkin County Home Rule Charter to May 23, 2012. Commissioner Richards seconded the motion. Motion passed 4 to 0 with Commissioner Hatfield not present.

**LAND USE PUBLIC HEARINGS:**

**READING AND PUBLIC HEARING ON RESOLUTION DENYING TWO CONSTRAINED SITE TDRS FOR PARCEL 7 OF SECTION 36 TO DAVID BROWN AND JODY ANTHES – MOTION TO CONTINUE READING AND PUBLIC HEARING TO JUNE 13, 2012 TO ALLOW THE BOARD TO DO A SITE VISIT**  
**STAFF: SUZANNE WOLFF, SENIOR PLANNER**

**APPLICANT:** David Brown and Jody Anthes

**REPRESENTATIVES:** Mitch Haas

**SUMMARY OF REQUEST:** The applicants are seeking to have the parcel designated to the Historic Register as an archaeological site and to have the parcel deemed a constrained site. In exchange for the designation to the Historic Register and the severing of all future development rights, the applicants are requesting two TDRs.

Suzanne Wolff informed the BOCC Clerk that the Affidavit of Posting Notice had been submitted to her by Mitch Haas.

Ms. Wolff then proceeded with her presentation as shown in her staff memorandum.

Mitch Haas, representing the applicants gave his presentation as noted in his packet material on the request for approval by the applicants. He then went over the other lots in that area with the use of a chart on the screen that shows several lots in that area deemed constrained and getting two TDRs as equitable mitigation for sterilizing the properties from future development.

**NOTE:** Mr. Haas stated that the chart he was exhibiting did have additional columns and rows from the chart shown in his packet material.

**Chairman Owsley opened the hearing to public comment.**

David Brown and Jody Anthes, the applicants, spoke to the board. He is a 45-year valley resident and she is a 4<sup>th</sup> generation local. Mr. Brown said the artifacts cover about 80% of the small building envelope. Mr. Brown and Ms. Anthes want desperately to save these artifacts and keep the history of this county intact for future generations.

The board had several concerns.

Commissioner Richards did not see any preservation plan. She said she needs more structure to see how the site will be preserved in the future and to help keep looters from taking any of the artifacts. She also had concerns about archeologists taking the specimens out of Pitkin County and to another state for scientific study and analysis.

She suggested that perhaps the purchase of a conservation easement on the property with funding from Open Space and Trails might be a different way to go.

When asked about any plan, Ms. Anthes said there was no plan.

Commissioner Newman said there are probably many sites in Pitkin County that may have artifacts uncovered at some point. He was concerned with setting a precedent of giving TDRs every time one of them comes to light.

Mr. Haas added that the resource is completely irreplaceable.

Commissioner Richards suggested that the board do a site visit and this was agreed to by the rest of the board as well as the applicants.

**NOTE:** Chairman Owsley would like an archeological expert to be on site as well to better explain the findings.

**NOTE:** Commissioner Richards would also like a couple members of Open Space and Trails to accompany the board on this site visit.

**Chairman Owsley closed the public hearing.**

Commissioner Richards moved to continue this reading and public hearing to June 13, 2012 to allow the board to do a site visit. Commissioner Ittner seconded the motion. Motion passed 4 to 0 with Commissioner Hatfield not present.

**READING AND PUBLIC HEARING ON RESOLUTION GRANTING SPECIAL REVIEW USE APPROVAL FOR SNOWMASS CREEK OUTFITTERS LLC – MOTION TO CONTINUE TO JUNE 13, 2012**  
**STAFF: SUZANNE WOLFF, SENIOR PLANNER**

**APPLICANT:** Snowmass Creek Outfitters LLC

**REPRESENTATIVES:** Chris Wyckoff and Robb Van Pelt

**SUMMARY OF REQUEST:** The applicants is requesting Special Review approval pursuant to Code Sections 4-30-040(q), 2-3030(h)(2) and 2-40-20(c) to use lands owned by Capital Creek Ranch and St. Benedict's Monastery as sites for commercial horseback riding tours. Special Review approval by the Board of County Commissioners is required for commercial outdoor recreational uses that occur on a repetitive or continuing basis more than six (6) times in any twelve (12) month period and is subject to a U.S. Forest Service Permit requirement.

The applicant proposes to conduct horseback rides from the last week of May to the last week of September. Rides would occur five days a week with two rides per day. Each ride could accommodate 1-20 riders.

Suzanne Wolff informed the board that the applicant would like a continuance to June 13, 2012.

Chairman Owsley opened the hearing to public comment. There being none, he closed the public hearing and called for a motion.

Commissioner Richards moved to continue the reading and public hearing to June 13, 2012. Commissioner Ittner seconded the motion. Motion passed 4 to 0 with Commissioner Hatfield not present.

**SECOND READING AND PUBLIC HEARING ON ORDINANCE REZONING THE ASPEN VILLAGE COMMERCIAL PARCEL (Aspen Quick Mart) FROM THE AR-10 ZONE DISTRICT TO THE B-1 ZONE DISTRICT – MOTION TO APPROVE**  
**LANCE CLARKE, ASSISTANT DIRECTOR OF COMMUNITY DEVELOPMENT**

**AND**

**READING AND PUBLIC HEARING ON RESOLUTION GRANTING APPROVAL FOR THE ASPEN QUICK MART SPECIAL REVIEW FOR AN**

**EXISTING AUTOMOBILE SERVICE STATION – MOTION TO APPROVE, AS AMENDED**  
**LANCE CLARKE, ASSISTANT DIRECTOR OF COMMUNITY DEVELOPMENT**

**APPLICANT:** Don & Linda Crouch, Owners

**APPLICANT'S REPRESENTATIVE:** Alan Richman

**SUMMARY OF REQUEST:** The applicant is requesting approval to rezone the Aspen Quick Mart facility on Highway 82 at Aspen Village to B-1, Rural Business.

The P&Z reviewed this request on February 28, 2012. The P&Z recommended approval by a 4-0 vote.

The staff memo to the P&Z and the P&Z recommendation also address a Special Review approval for the existing gas station. Ultimately, the applicant also needs this Special Review approval. This can be considered at the same time as the 2<sup>nd</sup> reading of the rezoning on May 9, 2012, as the Special Review requires only one hearing and does not require action today.

Previous BOCC action: On March 28, 2012, the board approved a first reading of the rezoning ordinance and requested additional information regarding site developability.

Mr. Clarke gave the board an update since first reading based upon his staff memorandum clarifying previous questions from the board.

Part of his presentation was to show the differences between the Snowmass Conoco and the Aspen Quick Mart as shown Attachment C in the staff memorandum.

Commissioner Richards asked if the board can rezone this property with stipulations. Her concern at this time was with the gas pumps and their inspections to ensure safety; what about cell towers wanting to come in on that property; more clearly delineated entrances to the gas station and Aspen Village Subdivision; and whether or not the board could rezone and then not allow some of the Special Review uses.

John Ely, County Attorney responded by saying as a general rule, no. A property is zoned to the Zone District. Any parameters that are legislatively established for that Zone District are what are going to apply. If the board is unsatisfied with the proposed Zone District, but feel it's appropriate to entertain a rezoning then this discussion can easily go to what Zone District would be appropriate.

Alan Richman, representative for the applicant asked if the applicant can stipulate to limitations on the uses that would pertain to this property.

Mr. Ely said that the only way he could think that would be set up was through some type of covenant.

Mr. Ely said that if the board was uncomfortable with that category of use, he said the applicant would be comfortable putting limitations on the property to prohibit

Mr. Richman then proceeded with his presentation as shown in his Addendum to Rezoning application dated May 2, 2012. He said any changes to the property would be subject to Growth Management, Special Review and Site Plan Review.

Mr. Richman went over the reasons for the board to approve the rezoning to B1 as shown on pages 2 and 3 of his Addendum. He reminded the board that every convenience store up and down the valley has been made conforming except for Aspen Quick Mart.

**Chairman Owsley opened the hearing to public comment.**

Richard Jackson is President of the Aspen Village Subdivision Homeowners Association. He wanted to inform Commissioner Richards and the rest of the board that about 6 or 7 years ago, Aspen Village tried to get a cell tower approved on their property as it would give them an income of about \$1000.00 a month, but the BOCC denied the request. He added that Don Crouch is correct when he informed the board that he is not connected to the Aspen Village HOA. He has a small connection with the Aspen Village Metropolitan District, he said, in that they provide him with water. So, they include him in their Service District. His final comment was that their board had a meeting last night and Mr. Crouch came to give them a presentation. Mr. Jackson said that the majority of the board supports this application for rezoning and for special review.

This raised a question from Commissioner Richards. A letter from Mr. Jackson as President of the HOA to Pitkin County Zoning was attached to the applicant's packet material. In that letter he states, "Because of his service to the subdivision we are asking that you consider his application with our support". He then goes on to say a few sentences later that "The B-1 zone allows for a large increase in sq. ft. allowed which we would **not** like to see it built out to its fullest".

Mr. Jackson responded to this by saying that when he wrote that letter it was his understanding that it could be built out to a much larger amount than 6700. We are happy with the 6700, he stated.

Don Crouch clarified Commissioner Richard's concerns on controls on the hazardous materials (gas pumps, etc.). He explained that a State of Colorado

department controls that and that there are extreme controls and leak detectors on everything that they have. Lines are tested annually and there is a huge packet that must be submitted to the Colorado State Oil and Gas Board every year. They are also inspected by them to make sure that every gallon that's pumped is exactly a gallon. They then seal the gasoline pumps with a seal that states it's pumping correctly. If the seal is broken, he would be subject to a huge fine. He is covered by a State Insurance policy should there ever be a leak or problem that needs clean up.

Chairman Owsley asked if Mr. Crouch had an agreement with the Aspen Village HOA to supply him water for whatever size development they have.

Mr. Crouch responded, no. If they did a carwash, they would have to make arrangements with the Metro District to get water and sewer.

Lance Clarke read the April 24, 2012 letter from the Aspen Village Metropolitan District which is shown as Attachment E in Mr. Richman's packet material. Mr. Clarke read a portion of the letter that states, "Further, please be aware that any proposed expansion of demand on the District's water and sewer facilities will require prior approval by the District and the payment of tap fees by the Aspen Quick Mart. Approval may only be granted to extra-territorial uses by the District's finding that it is in the best interest of the District to serve the expanded use".

**MOTION ON REZONING - Commissioner Ittner moved to approve the Ordinance Rezoning the Aspen Village Commercial Parcel (Aspen Quick Mart) from the AR-10 Zone District to the B-1 Zone District on second reading. Commissioner Newman seconded the motion. Motion passed 4 to 0 with Commissioner Hatfield not present.**

Commissioner Ittner said that he would feel more comfortable with a special review for this or for any changes encompassing the entire business revolving around the operations of the gas station. If there is a separate building on this lot that has an office space he can understand not having a special review for that. But, in his interpretation, the operations of the gas station are the space that is operating under one business license and that's the way he interprets what needs a special review.

Lance Clarke offered an explanation to Commissioner Ittner to better explain this item.

Commissioner Ittner said that if they sell oil in the store, which they do, he thinks that the store should be included.

**DIRECTION TO STAFF** - Chairman Owsley said rather than debate this now, the Commissioners are directing Community Development and the Aspen Quick Mart applicants to get together and clarify that issue for the board.

**NOTE: SEE AMENDMENT TO CONDITION #3 BELOW.**

**AMENDMENT TO RESOLUTION CONDITION #3** - Commissioner Richards interjected the following for clarification. She said condition #3 in the draft Resolution states, in part, "This Special Review approval is for the automobile service station facility existing as of this date, which includes two gas pumps and a canopy." She would like this condition modified to read something like, "This Special Review approval is for the automobile service station facility existing as of this date, which includes two gas pumps, a canopy, restrooms and small convenience store for accessory sales for vehicle maintenance products". She added that in the second sentence of that original condition the following wording could be added: "Any expansion or modification of these elements is subject to all applicable Land Use Code requirements".

Alan Richman said that he and the applicant don't object. He added that they understood where the board was heading with this and they see the difficulty of parsing the building where the products are sold from where the gas is pumped.

**MOTION ON SPECIAL REVIEW** - Commissioner Ittner moved to approve the Resolution Granting Approval For The Aspen Quick Mart Special Review For An Existing Automobile Service Station, as amended. Commissioner Newman seconded the motion.

Chairman Owsley opened the hearing to public comment on the Special Review Resolution. There being none, he closed the public hearing on both items and called the question. Motion passed 4 to 0 with Commissioner Hatfield not present.

**LAND USE ACTION:**

**READING ON RESOLUTION FINDING A TAKING AND REMEDIATING THE TAKING FOR ASPEN BEAVER POND LLC – MOTION TO APPROVE,**  
**STAFF: SUZANNE WOLFF, SENIOR PLANNER**

**APPLICANT:** Aspen Beaver Pond LLC

**APPLICANT'S REPRESENTATIVE:** Glenn Horn

**SUMMARY OF REQUEST:** The applicant requested a hearing, pursuant to Section 4-150 of the Pitkin County Land Use Code, as a result of the community Development Director's denial of the Aspen Beaver Pond LLC Activity Envelope and Site Plan Review, pursuant to Administrative Decision No. 07-2012. The entire parcel is within a rock fall hazard area, where development is

prohibited by Sec. 7-20-50(c) of the Land Use Code. The applicant contended the denial constitutes a taking and denies reasonable use and economic return on the property.

On April 11, 2012, the BOCC found that the denial was a taking and directed staff to draft a Resolution finding a taking and proposing remediation for the taking. A draft Resolution approving the Site Plan as proposed is attached to staff's packet material.

Suzanne Wolff gave her presentation to the board based upon her staff memorandum. She went over Recital 9 A-F which shows the request complies with the applicable provisions of the Land Use Code.

**During the discussion with the board, staff and Glenn Horn, Commissioner Richards asked about the landscaping. She referenced condition 5.M on page 3 of the draft Resolution which states, "Submit a detailed landscaping plan". She said that implies that the plan shall be fulfilled and that if the first plantings should die, the applicant would be required to go back in and replace them"**

**Lance Clarke said that they normally require a bond from the applicant for that.**

**Commissioner Richards is concerned that this building is obscured from Highway 82 by being further back. Should we require continued screening from Highway 82, she asked. She said she wouldn't want to see a future owner come in and say they really want to see North Star and then take all the landscaping out that's currently screening it. She thinks that's an important component of the plan.**

**Glenn Horn told Commissioner Richards and the board that they could add this condition, but he doesn't think anyone could go in there and change anything because it would be a material change to the property outside the building envelope.**

**ADDITION TO CONDITION 5.M – Commissioner Richards would like wording added to show a requirement of maintaining existing vegetation.**

**ADDITION TO CONDITION 10.E – Presently it states, "Construction workers shall be prohibited from bringing dogs on-site during construction". And, she sees a condition for using bear proof containers. However, she would like to add the following: No disposal of food on-site to avoid attracting bears.**

**NOTE: Ms. Wolff will check on this as she thinks it may be in the County Code. If not, it will be added.**

Glenn Horn and Mark Hamilton were present on behalf of the applicants. He said that their major objective for this was that they had a building permit for this house and the applicants would like to refresh their approvals for this house. That's of great importance to them and that's where they would like to get back to. He added that all of the mitigation recommended by the State Geologist in the last review was taken care of in the permitting process with respect to stamped engineer drawings and reports by technical geologists. They envision re-submitting those materials at building permit.

He added that rock fall danger to this house and the mitigation involved to protect it has no effect on any neighbors or Highway 82. He thinks that's an important consideration. With that, he said that they reviewed the conditions and they all look good to them and are acceptable.

**Commissioner Richards moved to approve the Resolution Finding a Taking and Remediating the Taking for Aspen Beaver Pond LLC, with the small language additions that we have discussed at the table. Commissioner Ittner seconded the motion. Motion passed 4 to 0 with Commissioner Hatfield not present.**

**BOCC OPEN DISCUSSION:**

John Ely discussed a proposed draft of a letter to Mr. Jerry Strahan, Fluid Minerals Branch Chief, BLM Colorado Office; Mr. Scott Fitzwilliams, Forest Supervisor, White River National Forest; and Mr. Charlie Richmond, Forest Supervisor, Grand Mesa, Uncompahgre, and Gunnison National Forest from the Pitkin County Board of County Commissioners. The subject matter is SB Interests' proposal to unitize Lake Ridge Unit; 3180 (CO-922) and the letter contains new information that has come to the board's attention.

The board is asking that no final decision be made on the unitization proposal until after an investigation is conducted.

**DIRECTION TO STAFF** – Commissioner Newman would also like the letter sent to Matt Sugar, Senator Udall's local representative and to Noah Koerper, Senator Bennett's local representative. Commissioner Richards would also like a letter sent directly (not ) to Harris Sherman, Under-Secretary for Natural Resources.

**TYPOGRAPHICAL CORRECTION** – Page 3 has the words "winning beds" when it should state "winning bids".

Mr. Ely said that Commissioner Newman and Commissioner Richards' suggestion on the letter copies is well taken. The purpose of this letter is to inform the BLM and the two agencies in the US Forest Service system.

Instead of sending this particular letter out it would be better to change the scope of the letter and expand it a little bit more for our two Senators as well as a few of the listed State officials who are cc'd here. That way there's a particular personalized communication that addresses our relationship with them as opposed to just letting them to see the communication that's going on between us and representatives of Federal agencies.

The Commissioners were agreeable to Mr. Ely's suggestions and will await the final letters for BOCC signature.

**ADJOURNMENT:**

**Commissioner Richards adjourned the regular meeting at 4:00 PM.  
Commissioner Ittner seconded the motion. Motion passed 4 to 0 with  
Commissioner Hatfield not present.**

Respectfully submitted,

  
Lyndee R. Dean  
Clerk to the Board of County Commissioners

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Jeanette Jones  
Clerk to the Board of County Commissioners

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Michael M. Owsley  
Chair of the Board of County Commissioners

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