

To: **Lex Tarumianz, CFA, Aspen Snowmass Sotheby's International Realty**

From: **Patrick Rawley, AICP, ASLA, Rawley Design Planning LLC**

Date: **20 July 2023 (updated 21 February 2024)**

Re: **Land Use Overview / 0209 E. Reds Road, Pitkin County, Colorado (PID: 273706300019)**

The following is a general land use overview of 0209 E. Reds Road, Pitkin County, Colorado, Parcel ID: 273706300019 (the "Property"). The purpose of this overview is to review existing development, the parameters for future development, and to provide general land use information.

This memorandum has been updated to incorporate recent code changes that have been approved by the Pitkin County Board of County Commissioners (BOCC). As of the date of the update of this memo, the most impactful code change was the reduction of the gross maximum floor area for residences in the County from 15,000 SF to 9,250 SF. Additional information on the code changes is provided below. Further code changes, impacting exterior energy use, proposing additional reductions in gross maximum floor area, and various other changes aimed at reducing the energy impacts of residences in Pitkin County, may occur later in 2024.

This memo has also been updated to provide information on the recently submitted land use application seeking subdivision of the Property and the creation of two (2) single-family residences. Additional information on the intent and the status of this application is provided below.

Existing Conditions and Land Use Overview

- The Property is located in the R-30 zone district (Suburban Density Residential – 30,000SF Lot) of Pitkin County. The intent of the R-30 zone district is to accommodate single-family and duplex residential dwelling units with customary accessory uses.
- The Property, containing 5.404 acres (235,398.24 SF), is located within the Urban Growth Boundary (UGB), a boundary that separates urban areas around the City of Aspen from more rural areas of Pitkin County. Being located within the UGB primarily dictates how floor area for certain features like garages and subgrade areas is calculated by the County.
- While adjacent properties are located within the Red Mountain Subdivision, the Property is not located within the subdivision and is not subject to the requirements associated with the subdivision. Only standard zoning regulations apply.
- Legal access to the Property is provided via an easement across E. Reds Road, a private road within the Red Mountain Subdivision.
- Two (2) existing residences are located on the Property, a main residence and a studio/caretaker unit. A garage, shed, and other smaller accessory structures are also located on the Property. It is believed that both residences

(or aspects of the existing residences) were built prior to zoning being enacted in the County which occurred in 1955. While building permits have been issued through the intervening years for remodels and other work, formal documentation of the initial construction of these structures does not exist. Additional coordination with County staff is required to determine the status of these structures.

- The dimensional requirements of the R-30 zone district are:
 - Minimum lot area: 30,000 SF
 - Minimum lot width: 100 feet
 - Height: 28 feet for principal structures, 20 feet for accessory uses;
 - Setbacks vary depending on the lot size:
 - Lot size \leq 3 acres – 30 ft (front), 20 ft (side), 30 ft (rear); and
 - Lot size > 3 acres - 50 ft (front), 30 ft (side), 30 ft (rear).
- The Red Mountain Ditch bisects the Property. The area of the Property above (east) of the ditch contains areas of steep slope and dense vegetation. Wildfire hazard is identified as “low.” Slopes above the ditch range from over 45%, which, per County standards, cannot be developed, to areas between 15% and 44% which can be developed following additional study by an engineer or geologist. Due to the presence of steep slopes, dense vegetation, and the probable scenic view impacts, the County will likely identify this area as “constrained” and deem the area not available for development.
- Portions of the Property are impacted by Pitkin County mapped Elk Winter Range. The proximity to Elk Winter Range restricts development activities during the winter months to minimize impacts on wildlife. Other standard wildlife requirements also apply, such as the limitation on fruit-bearing landscaping, trash being kept in wildlife-proof containers, and the use of round handled doorknobs.
- A man-made pond located on the Property is primarily used for irrigation and aesthetic enjoyment. A one hundred (100) foot setback is not mapped by Pitkin County indicating this feature is man-made. As such, development may be located in closer proximity to the pond, if desired.
- The R-30 zone district is a floor area ratio zone district of Pitkin County. Location within a floor area ratio zone district means that available floor area is identified by multiplying the lot area by 0.13. For instance, the available floor area for a 2.7-acre (117,000 SF) parcel is identified as follows: $117,000 * .13 = 15,000$ SF of available floor area.
- Recent code updates have reduced the maximum gross floor area throughout the County from 15,000 SF to 9,250 SF. This maximum gross floor area cannot be exceeded. Future reductions of gross floor area may be made in 2024.
- Transferable Development Rights (TDRs) must be extinguished on the Property to achieve development greater than the County’s base maximum of

5,750 SF. TDRs are currently worth 2,500 SF of additional floor area per TDR certificate. Therefore, to achieve the gross maximum floor area set by the County, two (2) TDRs would need to be extinguished (5,750 SF + 3,500 SF = 9,250 SF). Additional code changes may occur later this year which will allow TDRs to be sold in 500 SF increments which would avoid unused floor area.

- Floor area refers to the area of development as measured from the outside faces of framing or other primary wall members. Fireplaces, stairs, and similar features are included in the floor area calculations on each floor. Certain areas of a structure are excluded from the calculation of floor area. These include:
 - decks, balconies, and stairways up to fifteen percent (15%) of the approved floor area of the parcel,
 - architectural projections not provided with exterior walls if the projection is equal to or less than eight (8) feet when measured from the face of the structure, and
 - structures which do not exceed thirty (30) inches in height, such as a patio.
 - Properties located inside the UGB, as the Property is, allow for below-grade areas to be exempt from floor area calculations up to 4,000 SF and a garage up to 750 SF.
- While exempt from floor area calculation, garages and basements are not exempt from Pitkin County Growth Management requirements. This means that all development over 5,750 SF (regardless of floor area calculation) must receive either GMQS development allotments or utilize TDRs.
- Development is required to meet certain standards that are intended to limit the visibility of development when viewed from identified scenic corridors such as Highway 82, Castle Creek Road, and Maroon Creek Road. Primarily these standards require avoiding breaking a ridgeline with development and utilizing earth-toned and non-reflective building materials.

Submitted Land Use Application

- A land use application for *Conceptual Subdivision Review, Activity Envelope and Site Plan Review, Special Review for A Caretaker Dwelling Unit, and Special Review and GMQS Exemption to use a TDR for a New Development Right, GMQS Exemption for a TDR for Additional floor area* (the “Land Use Application”) was submitted on 22 January 2024. The Land Use Application is awaiting assignment to a Pitkin County Planner for the substantive review of the application and scheduling of the required public hearings. As the Land Use Application has been deemed complete, the application will be considered under the code in place at the time of submission and future floor area reductions *should* not apply.
- The Land Use Application, if approved, will result in the creation of two (2) approximately 117,000 SF parcels. Two (2) single-family residences containing 9,250 SF are proposed as part of this application. Caretaker Dwelling Units (CDUs) are also proposed to be provided.

- The Land Use Application will require a two-phase, multi-step hearing process: Conceptual review, which occurs before both the Planning and Zoning Commission (P&Z) and the BOCC, and Detailed and Final Plat review, again before P&Z and BOCC. The P&Z provides a recommendation following their review and the BOCC makes the final decision at each phase of review. It is anticipated that final approvals may take approximately twelve (12) to eighteen (18) months depending upon any technical issues and/or the County's project load.
- This application can be abandoned if subdivision of the Property is not desired. No land use approvals will be finalized until Detailed/Final Plat review approval is obtained.
- Concerning the legal status of the existing residences, the County has indicated that the legality of the existing structures will be determined in connection with the Land Use Application. If the County confirms the legality of the structures, two (2) development rights will exist on the Property for future development. If the legality of one of the structures is not confirmed, a TDR will be required to establish a development right. This TDR would confer 2,500 SF of floor area. Utilization of TDRs for the establishment of development rights is only permitted on properties located within the UGB.

We are available to review this memorandum in greater detail and to supplement our analysis with additional information, if necessary.

Please note that every effort is made to provide accurate and complete information. The findings within this analysis are based on our best understanding of the client's intent and our understanding of land use code provisions that address those intentions. No warranty is expressed or implied as to the suitability or accuracy of this information. This analysis must be confirmed through a formal Pre-application Conference with public agency staff. Rawley Design Planning LLC shall not be responsible for any consequential damages arising from any service or action performed.