

MEMORANDUM

TO: City & County Planning & Zoning Commissions

FROM: Jessica Garrow, City Long Range Planner
Ben Gagnon, City Special Projects Planner
Ellen Sassano, County Long Range Planner
Chris Bendon, City Community Development Director

DATE OF MEMO: January 12, 2011

MEETING DATE: Tuesday, January 18, 4:30pm Sister Cities

RE: Review of Draft AACP

BACKGROUND AND SUMMARY: The joint P&Zs, BOCC, and City Council met on December 7th to agree on a public process for adoption of the AACP. At the meeting, the P&Zs agreed to have staff work on editing the document for tone, and identifying which policy statements are written in a regulatory or guiding manner.

Another joint P&Z, BOCC, City Council meeting was held on January 5, 2011. At this meeting the groups discussed the substance of the plan, focusing on TDRs, affordable housing, modestly sized development, house size, and pacing construction. A summary of this meeting is attached as Exhibit A.

Staff proposes the following agenda for the meeting on January 18th:

1. Review and discuss the January 5th 2011 meeting
2. Review and discuss staff edits to the draft document
3. Review and discuss the Policy Statement categorization (regulatory/guiding)

In addition, the County needs to continue the public hearing for the AACP adoption. Staff recommends continuing the public hearing to February 22, 2011.

Review of Jan 5th meeting: Attached as Exhibit A is a summary of the meeting between the P&Zs, BOCC, and City Council. The group did not cover all the topics, and requested a second special meeting. A second joint work session with elected and appointed officials is tentatively set for 4-6pm on Wednesday Feb 2nd. Staff will notify P&Z as soon as this meeting is confirmed.

Document: Staff has worked on a number of edits to the document for the P&Zs to review. Attached as Exhibit B is a re-written version of the “Common Themes” portion of the Introduction. This has been re-written to include some background context of planning over the years, and to put it into a more positive tone.

Attached as Exhibits C is a “model” revision and reformatting of the Environmental Quality chapter. Part of the revision is an introduction or “prologue” to each chapter, which comes before Vision, Philosophy and Policies. Part of the reformatting has been to pull the action items out of the main body of the document and include them as an exhibit or second part of the document. Staff agrees with previous statements by commission members that this approach will help readers focus on the overall philosophy and policy direction in the document rather than getting caught up in the details of the action items. If the P&Zs like this new approach, staff can continue revising and reformatting the other chapters.

Policy Statement Categorization: Based on direction received at the December 7th joint work session with P&Zs, City Council, and BOCC, staff worked to categorize all the policies into Regulatory or Guiding. After going through this exercise, staff believes these two categories are not sufficient to convey the breadth and depth of the policy statements in the plan. Most of the policies were identified as guiding, and staff felt that simply labeling them as “guiding” oversimplified the purpose of these policies. Staff has created seven different categories which we believe are more specific and create more accountability for implementation, as follows:

1. Regulatory – These statements are regulatory in nature and require consistency from development. By identifying them in the document as Regulatory, any development that is required to show consistency with the Aspen Area Community Plan will have to show consistency with these policy statements.
2. Proposed Amendments – These statements are guiding, but direct future code changes. These code changes range from exploring the creation of a development pacing system to updating affordable housing mitigation levels. These policies will require follow-up and prioritization by appointed and elected officials.
3. Incentive Programs – These statements do not direct regulatory code changes, but look to implement new voluntary programs and policies.
4. Work Programs – These statements describe potential departmental work programs. They may require work from one or more departments. They do not direct code changes, but may direct internal city/county policy changes.
5. Collaborative Initiatives – These statements direct collaboration between a variety of groups, including the city, county, non-profits, other government agencies, businesses, etc. Additional work may result from the collaboration, but the first step is working with interested and affected parties.
6. Data Needs – These statements clearly identify the need for new data gathering. Data gathering may ultimately support code changes, budget priorities, work programs, and initiatives.
7. Community Aspirations – These statements articulate our community aspirations. They guide how we should make decisions on a variety of topics from development to general city/county policies.

Staff has implemented this new approach into the “model” Environmental Quality chapter (Exhibits C), showing the different categories that each policy falls into. If the P&Zs like this new approach, staff can implement the new categories into the other chapters.

Attachments:

Exhibit A: Summary of 1.5.2011 Joint P&Z – Council – BOCC meeting

Exhibit B: Revised Draft Introduction (Common Themes portion)

Exhibit C: Revised Draft Environmental Quality Chapter

Exhibit D: Overall Schedule

Exhibit A: Recap of 1.5.2011 meeting

January 5, 2011 BOCC / Council /Joint P&Z Meeting re-cap

In attendance:

Council	BOCC	County P&Z	City P&Z
Mick Ireland	George Newman	Marcella Larsen	Stan Gibbs
Steve Skadron	Michael Owsley	Mirte Mallory	LJ Erspamer
Torre	Rachael Richards	Jay Murphy	Bert Myrin
Dwayne Romero	Jack Hatfield	Monty Thompson	

The group discussed a number of topic areas, which are outlined below.

TDRs: The group discussed the possibility of creating a cross-jurisdictional TDR program where County TDRs could be landed in the City and City TDRs could be landed in the County. The group ultimately decided that this was something the plan should explore. Some concerns were raised that the City of Aspen may not be able to absorb all the growth that County TDRs would entail, and that this idea should be explored with other cities/towns in the County as well. The group discussed the idea of allowing TDRs to be allowed for things other than house size reductions, including, incentivizing locally-serving commercial spaces and moderately sized lodging.

House Size: The group discussed the idea of lowering house sizes in the UGB. Some members suggested that as house size grows, mitigation measures regarding job generation and energy consumption could grow exponentially and become much more substantial than they are today. Commissioner Michael Owsley referred to this as a “transactional” regulation; and one that people could understand and engage with, rather than a new hard cap on size. For instance, if a homeowner wanted to reach maximum floor area, they would need to ensure the development is carbon neutral. The group agreed that this was an area the P&Zs should discuss further and look to incorporate a transactional structure related to house size. The group also discussed the possible need for a neighborhood by neighborhood look at the house size issue to ensure that new development is consistent with and does not damage the character and quality of life of the different neighborhoods. Commissioner George Newman suggested the neighborhoods could recommend new maximum limits.

Affordable Housing: The group agreed that a goal of housing 60% of our workforce should remain in the plan. The group did not support including 100% mitigation for new development. Commissioner Richards suggested the P&Zs could look at 80%, but in general the group preferred 60%. The group agreed that on-site mitigation is preferred, but that off-site mitigation, the housing credit program and cash-in-lieu are viable options that should be allowed in instances when on-site mitigation does not make sense. Some group members raised concerns that affordable housing is growth, so our housing goals need to be in line with our overall growth goals. The group agreed that there should be some flexibility to reduce mitigation requirements if community benefits are provided. Mayor Ireland cautioned against trying to establish a number of affordable housing units to be built, noting that this process in the 2000 plan “sucked up months of time.”

Exhibit A: Recap of 1.5.2011 meeting

Modest Sized Development: The group agreed that P&Z should continue to look at this issue and determine if “modest” is the best term to use going forward. Other terms that might make sense include “consistency” and “compatibility.” The idea that this should be neighborhood based was endorsed by the group.

Pacing Construction: The group did not support a building permit pacing system, and felt that the issue of construction impacts should be examined through the Growth Management System and Construction Management Plans. The group agreed that while construction impacts may not be significant now, they may increase in the future, so it’s important to discuss the issue now and develop potential solutions for a time when development ramps up.

Next Steps: The group asked for another special meeting to discuss the remaining issues that were outlined in the memo (lodging and the development process) in addition to other potential new topics (transportation).

Exhibit B: Revised Introduction

COMMON THEMES OF THE 2011 ASPEN AREA COMMUNITY PLAN

The scenic views of mountains, a quiet bicycle ride along a river, unparalleled skiing, the preservation of rural character outside of town, extensive Wilderness Areas, an authentic historical character, outstanding arts and cultural events and the sense of a small-scale, small town community are among the many reasons why Aspen has attracted people through the years, and compelled many to make it their home.

Since the 1940s, Aspen has taken numerous intentional steps to create an ideal environment in which to live and visit. Ski areas were founded in the 1940s and '50s, a variety of small lodges sprung up in the 1960s and a grass roots effort to preserve Victorians emerged in the early 1970s.

Pitkin County took ambitious steps to preserve rural character in the 1970s, while the City of Aspen began buying open space and preserving mountain views from downtown. All types of recreational activities emerged over the years, including hang-gliders landing on the Thomas Open Space land in the mid-1970s. Another grass roots movement resulted in the establishment of Wilderness Areas in the late 1970s. Arts and cultural events proliferated with the new Aspen Art Museum in 1979, the renovation of the Wheeler Opera House in 1984 and the establishment of Aspen Theatre in the Park.

All through the 1960s, '70s and '80s, citizen planners and local government consistently linked the beauty of the natural environment and the desirability of the area as a place to live and visit, and they identified small town scale as worthy of protection. Even then, people were worried about the unintended impacts of success.

- *In 1966, the Aspen Area General Plan worried that “The most significant change has been ... the gradual encroachment of (housing and lodges) on the countryside.”*
- *The 1973 Aspen Land Use Plan was committed to “control growth and prevent urban sprawl,” adding that, “Emphasis will be placed on preserving the natural environment where new development occurs.”*
- *“ ... eliminating indiscriminate development in environmentally sensitive areas ... ” was an important concept in the 1976 Aspen/Pitkin County Growth Management Policy Plan.*
- *Maintaining “Aspen’s unique small town character and scale as one of its major attractions to residents and visitors,” was part of the 1986 Aspen Area Comprehensive Plan: Historic Element.*

With the expansion of arts and cultural institutions in the 1980s, Aspen was truly maturing as a resort economy. It was during this same period that national economic trends resulted in an increase in wealthy households, creating an entirely new level of demand for resorts across the country. In some ways, the success and popularity of the

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Aspen Area resulted in challenges to providing the high-quality experience and services that many had come to expect.

Although the 1993 Aspen Area Community Plan clearly said that, “Tourism is the economic force of the community” – that statement was no longer true by the end of the decade.

“During the late 1990s, real estate surpassed retail and lodging to become the dominant factor in the Aspen economy,” according to *The Aspen Economy*, a 2008 report commissioned by the City of Aspen. “By 2007, real estate transactions approached \$1.8 billion, generating far more economic activity than the \$508 million of taxable sales (that year).”

As development pressures continued in the past decade, the Aspen Area’s strong commitment to affordable housing was showing real, tangible results. After-work recreation programs were filling up, new non-profits like Aspen Young Professionals Association and Springboard were emerging, the high school football team was re-established after 15 years and there was a waiting list at the volunteer fire department. Compared to other resorts, there’s a genuine interaction between visitors and residents, whether on the chairlift or at a concert.

Still, the fundamental shift from tourism as the primary economy to real estate and development became a new reality for the Aspen Area, prompting a range of mixed feelings. Although the 2011 AACP was drafted during a deep economic recession amidst little or no development, many residents remained deeply concerned about this fundamental shift.

Taken as a whole, the main theme of the 2011 AACP is to focus again on the elements of the Aspen Area that make it such an attractive place to live and a compelling place to visit. Many parts of the 2011 AACP focus on reaffirming the Aspen Area’s unique ideals, which have the dual effect of sustaining a viable tourism economy:

- Taking ambitious new steps to protect environmental quality, from water and air to reducing greenhouse gases.
- Expanding the use of alternative methods of travel, expanding commuter trails and reducing traffic congestion.
- Continuing to acquire open space and expanding recreational opportunities.
- Improving our stewardship of historical architecture and improving our ability to tell the unique story of our past.
- Rediscovering and sustaining the original intent of the Aspen Idea.
- Expanding opportunities for Community Workforce Housing.

In terms of managing growth and land use, the 2011 AACP emphasizes the importance of the natural setting, scenic views and the enjoyment of a recreational outdoor lifestyle. The AACP recognizes that development activity must be managed so the Aspen area remains a desirable place to live, work and visit. Initiatives include:

Exhibit B: Revised Introduction

- Protecting mountainsides and riparian areas by re-tooling existing land use regulations.
- Exploring methods of managing and controlling the impacts of intense construction activity during economic boom periods.
- Re-examining the land use variances that are part of Planned Unit Development and COWOP (public) projects.
- Encouraging the retention of small lodges.
- Seeking to re-balance our lodging inventory to enable a wide variety of visitors to enjoy the Aspen Area.
- Further developing visual and economic models for growth, to enable a more productive and information-based public review process.
- Taking a neighborhood-by-neighborhood approach to exploring residential design standards that reaffirm our heritage as a small town.
- Creating improved models for predicting the impact of growth at full build-out.
- Exploring the potential benefits of reduced house sizes, ranging from the preservation of scenic views to reducing resource and energy consumption.
- Re-examining building codes to reduce resource and energy consumption, and expanding the potential for renewable energy production.

In addition to addressing a new balance between tourism and development, the 2011 AACP also focuses closely on the day-to-day lives of year-round residents. That includes an entirely new chapter on Planning for a Lifelong Aspenite, which focuses on services ranging from day care to education, from public safety to senior services. This new chapter invites collaboration between a wide range of government agencies, non-profits and other organizations that can foster a healthy and thriving year-round community.

Providing a critical mass of affordable housing remains a long-standing goal of the community, so those who work here can have a real opportunity make Aspen their home. The plan includes an emphasis on the livability and quality design of Community Workforce Housing. The 2011 AACP acknowledges problems in the City and County housing mitigation strategies, and seeks to re-examine such requirements to ensure new growth pays its fair share.

The historic trend in the reduction of working residents has eroded the demand for commercial space that serves the local resident; a phenomenon acknowledged as early as the 1993 AACP. This plan suggests a reliable study on the supply and demand issues regarding the local-driven economy, and includes strategies for increasing commercial space.

Finally, our greatest asset may be the passion and engagement of local residents. Many people have sacrificed something to live here, and they feel strongly about the reason why they choose to stay here. It's no surprise when nine people run for two slots on the City Council. The 2011 AACP will not reflect a perfect consensus – there are many topics that always hover in that 50-50 area, and can only be resolved one case at a time. That's part of our heritage.

Exhibit B: Revised Introduction

We hope this plan captures the broad outlines of our aspirations as a community, that it can help steer us into a future where our challenges come only from our success.

Environmental Quality



Environmental Quality Introduction

The quality of the natural environment is of great importance to the community. As the 1993 and 2000 AACPs note, “The natural environment is one of the community’s greatest assets and the reason many people choose to visit or make the Aspen area their home.”

The 1993 and 2000 AACPs combined the Environment, Parks and Open Space into one chapter. The 2011 update to the AACP recognizes that Environmental Quality is of such importance that it should be highlighted in its own chapter.

Over the past two decades, there have been a significant number of new programs and projects completed with a goal toward improving the environmental health of the Aspen community. Some of the highlights include:

- The City of Aspen and Pitkin County adopted an advanced energy code in 1995 as a response to high energy usage in new residential construction. It set strict standards for mechanical equipment performance, and was the first of its kind to set a cap on energy consumption -- including consumption outside the home in snow melt and pools/spas.
- The City and Pitkin County have partnered with other regional entities to provide one of the largest transit systems in the state in the Roaring Fork Transit Authority (RFTA). It is estimated that the RFTA system saved 8,023 tons of CO₂ from being emitted into the environment in 2006.
- The Aspen Area went from being an EPA PM-10 nonattainment area in 1988 to being in attainment by 2003 through implementation of a variety of strategies focused on improving air quality. These included increasing RFTA frequency and availability, creating dedicated bus lanes and incentivizing carpooling, and limiting the installation of new wood-burning fireplaces and stoves.
- In 2005, the city adopted the Canary Initiative that identifies Aspen and other mountain communities as the “canary in the coal mine” for global warming. The goal is to aggressively reduce Aspen’s carbon footprint to protect our community’s future, and to contribute to the reduction of global warming pollution.
- In 2005, the City of Aspen adopted a Waste Reduction/Recycling Ordinance aimed at increasing the recycling rate, diverting yard waste (grass and leaves) from trash, and establishing a reporting system.
- In 2006 the City created the ZGreen program, a certification and outreach program designed to reduce the environmental impacts of Aspen’s citizens, visitors, businesses, and events.

Environmental Quality Introduction, cont.

- Until 2007, Aspen's stormwater runoff went untreated, directly into the Roaring Fork River, polluting the river with motor oil, detergents, pesticides, fertilizers, sediment, and other pollutants. In November 2007, voters approved a mill levy to fund projects that will improve water quality. In addition to this mill levy, new development fees are charged to offset pollution caused by construction sites. These funds initiated the development of the City's Clean River Initiative.
- In 2007, the City created the Jennie Adair and Rio Grande Stormwater Management Projects. After six months of operation, the Jennie Adair stormwater vault and constructed wetlands that prevented 144 tons of sediment from discharging into the Roaring Fork River.
- The City of Aspen provides municipal water to all areas of the City and parts of Pitkin County. Aspen has been aggressive about reducing the community's demand for water, and the demand for water has decreased due to an ambitious program to find and repair main pipe leaks and because of a new conservation-based water rate system in which users pay higher rates when they use more water.



Environmental Quality Vision

The Aspen Area will be a regional, state and national leader in all aspects of environmental stewardship.



Environmental Quality Philosophy

As stewards of our environment and resources, it is our responsibility to balance human activity and the health of our natural environment. This ethic is our defining characteristic. We continue to endorse the community adopted Ecological Bill of Rights.

The decisions we make today regarding our air, water, and land will have a significant impact on our future. We are committed to making choices and implementing programs that ensure our environmental sustainability.

Environmental Quality Policies

Policy Categories

I. GREENHOUSE GASES

I.1. Within 10 years, reduce the carbon footprint of the Aspen Area from 2004 levels by 30%.

Community Aspiration

I.2. Incentivize alternative forms of transportation to reduce reliance on fossil-fuels.

Incentive Program

I.3. Strive for all development to meet the highest standards to minimize greenhouse gas emissions.

Proposed Amendment

II. AIR QUALITY

II.1. Improve existing air quality.

*Community Aspiration,
Collaborative Initiative*

II.2. Achieve and maintain healthy ozone levels.

*Community Aspiration,
Collaborative Initiative*

III. WATER POLLUTION

III.1. Reduce the quantity of urban pollutants in stormwater runoff that discharges into the Roaring Fork River and its tributaries.

Proposed Amendment

III.2. Require new development to treat its stormwater runoff on site.

Regulatory

III.3. Increase the natural absorption of storm- and meltwater.

Proposed Amendment

IV. WASTE MANAGEMENT AND REDUCTION

IV.1. The Aspen Area's recycling rate should exceed the national average.

Community Aspiration

IV.2. Implement programs and encourage behavior that aim to dramatically reduce waste generation and extend the life of the Landfill.

*Work Program, Collaborative
Initiative*

IV.3. Increase the amount of construction and development materials that are diverted from the landfill, reused or recycled.

Proposed Amendment

IV.4. Ensure adequate funds are available for environmental monitoring and eventual remediation of the Pitkin County Landfill.

Work Program

Policy Categories : Environmental Quality Policies

V. RENEWABLE ENERGY

- Community Aspiration* : V.1. Reduce our dependence on non-renewable energy sources and instill an ethic of energy accountability.
- Community Aspiration* : V.2. Within 10 years, reduce electricity and natural gas usage in the Urban Growth Boundary from 2004 levels by 15%.
- Proposed Amendment, Incentive Program* : V.3. Encourage existing development and require new development and redevelopment to mitigate their energy usage with on-site renewable energies.
- Community Aspiration* : V.4. Continue to pursue efforts to establish an electric grid of 100% renewable energy.

VI. WATER

- Work Program* : VI.1. Maintain minimum stream flows for the Roaring Fork River and its tributaries.
- Work Program* : VI.2. Reduce the detrimental effects of river diversions on the Roaring Fork River and its tributaries.
- Proposed Amendment, Work Program* : VI.3. Maintain and preserve existing riparian habitat and wetlands.

VII. WEED MANAGEMENT

- Work Program* : VII.1. Ensure there is proper resource management to minimize the negative impacts of weeds on the Aspen Area.

VIII. WILDLIFE AND WILDLIFE HABITAT

- Work Program, Collaborative Initiative* : VIII.1. Sustain, protect and restore biodiversity and native ecosystems through land use planning, acquisition and best land management practices on public and private lands.

Exhibit D: AACP Review Schedule

- January 18: P&Zs review draft document. 4:30 - 7:30 in Sister Cities.
- January 25: P&Zs review draft document. 4:30 - 7:30, in Sister Cities.
- February 2: Review draft plan with P&Zs, BOCC, and City Council. 4-6 in Council Chambers.
- February 22: P&Zs review draft document. 4:30 - 7:30 in Sister Cities.
- March 8: P&Zs review draft document. 4:30 - 7:30 in Rio Grande.
- March 22: P&Zs review draft document. 4:30 - 7:30 in Sister Cities.
- March 29: P&Zs review draft document. 4:30 - 7:30 in Sister Cities.