

A G E N D A

ASPEN PLANNING AND ZONING COMMISSION & PITKIN COUNTY PLANNING AND ZONING COMMISSION

SPECIAL MEETING

**TUESDAY, August 9, 2011
4:30 p.m. Rio Grande Meeting Room**

CITY HALL

- I. ROLL CALL**
- II. COMMENTS**
 - A. Commissioners**
 - B. Planning Staff**
 - C. Public**
- III. MINUTES**
- IV. DECLARATION OF CONFLICT OF INTEREST**
- V. PUBLIC HEARINGS –**
 - A. Aspen Area Community Plan**
- VI. OTHER BUSINESS**
- VII. BOARD REPORTS**
- VIII. ADJOURN**

Next Resolution Number: ____

Managing Growth for Community & Economic Sustainability – Review of Policies

The following is a review of the differences in Policy language between the September 2010 draft and the March 2011 draft.

Maintaining our Tourist-Based Economy:

The Policy language is identical. New Action Items have been added under the “Maintaining our Tourist-Based Economy” policy. These additions were discussed by the P&Z in February, and include items like wayfinding, and improving the visitor center.

Residential Sector:

The new draft has eliminated the call for an overall decrease in house size across the UGB, and instead focuses on protecting and preserving environmentally sensitive areas and scenic areas, including potential reductions in house size and density in such areas. This was direction from the P&Z in February. Some Policies and Action Items have been changed to reflect this direction.

A Policy and associated Action Items on TDRS were added based on recent direction received from P&Z; many of the TDR-related Action Items were already written and simply moved under the new policy.

Lodging Sector:

The new draft provides more background and explanation regarding the goal of balancing the lodging inventory. Based on the many discussions with the public, P&Zs, and elected officials, the reference to “modest” was deleted from the chapter, and replaced with “compatible and in harmony with.” This section includes one of the two regulatory statements in this chapter: “New lodging should be compatible and in harmony with the massing, scale, and character of the neighborhood.”

Commercial Sector:

The changes in the new draft reflect a change in tone. There is little if any difference in the substance of this section. There were minor edits to the second policy, which focused on facilitating and assisting businesses in the September draft. The March draft has language about ensuring the sustainability of businesses that provide basic goods and services.

Public, Institutional, and Non-Profit Sector:

The concepts in this section are unchanged. Some minor clarifications in language were made to the Policies, but no content changes were made.

Managing Growth:

The Policies and Action Items in this section are largely unchanged. Policy VI.1 was re-written for clarity and to be consistent with the overall tone changes.

Pace of Construction:

The Pace of Construction Policy was changed to reflect the P&Zs' direction earlier this year. Rather than focusing on creating a construction pacing system, the revised language calls for exploring methods to manage adverse construction impacts. There were also some minor clarifications have been made to the Action Items.

Mitigating Impacts on Community Infrastructure:

In the September 2010 draft, the goal of 100% mitigation was referenced in the Philosophy and Policy sections of the Housing chapter, but was not clearly reflected in the Managing Growth chapter. Because the concept of mitigation is central to managing growth, staff relocated and further clarified this goal to reflect the P&Zs position, in the Philosophy section of Managing Growth, and as Policy VIII.3.

A Policy that called for using mitigation as a tool to bring the lodging inventory into balance was deleted because it is in conflict with the P&Z's direction to have 100% mitigation for all new development.

Please note that this section will need to be edited based on the latest direction from P&Z on mitigation.

Mitigating Impacts on Community Infrastructure

The City of Aspen and Pitkin County currently require new development and redevelopment to at least partially offset ~~mitigate its~~ impacts on the community, such as the need for parks, schools, air quality, affordable housing, adequate roads, public transit, water, sewer, stormwater runoff etc. ~~transportation, etc.~~

Some of our mitigation methods are sound and reliable, but others may not be achieving community goals in an equitable or efficient way.

This plan calls for a comprehensive re-evaluation of the impacts that development has on community infrastructure. We need a clear and reliable understanding of the wide range of impacts that development can have on the Aspen area before we can make sound decisions on fair and equitable mitigation.

Generally speaking, private sector development should not place a financial burden on the tax-paying public, and impacts should be fully offset through various forms of mitigation. At the same time, this plan recognizes that certain types of land uses are beneficial to the community as a whole, and requiring fewer mitigation costs for such uses is in the public interest. In these cases, we must be fully aware of the level of public subsidies being granted in order to have an informed discussion on such issues. Being fully informed of how community infrastructure costs are allocated is a basic responsibility to the public.

~~We must re-evaluate and strengthen our strategies to discourage the types of development and redevelopment that provide minimal public benefit and to ensure that all impacts are mitigated.~~

The Limits of Carrying Capacity

From Cargo Ships to Consensus Building

The phrase that planners know today – “carrying capacity” – originally described the amount of cargo that could be safely transported on a ship in the 19th century. It was primarily a mathematical exercise.

Today, a cattle ranch might have a carrying capacity of 2,000 AU (Animal Units), based on how many cattle can be sustained without eroding and damaging the grasslands. Similar models determine whether deer and elk are so numerous as to be damaging ecosystems, and should be culled through hunting.

In the 1970s, the planning profession began exploring other uses for carrying capacity, such as establishing finite limits to growth. “For many years ... a carrying capacity study has intrigued local elected and appointed officials,” wrote Alan Richman in 1992. “This level of interest was also expressed during community meetings and it was determined the concept should be fully examined...”

However, the planning profession (including Richman) soon encountered a myriad of problems. If grasslands on a ranch reflected the infrastructure needed to sustain cattle, then water systems, sewer systems and roads are some of the basic infrastructure elements that are needed to sustain people.

The difference is that infrastructure can almost always be improved and expanded with the right engineering and enough funding – and can accommodate more and more people. Even if one adds air quality as a basic human need, there are numerous ways to improve local air quality without limiting human population (a dramatically improved transit system, for example). Similarly, if affordable housing is a required infrastructure, there are usually ways to provide more.

There are also legal issues: While a municipality can refuse to extend water lines beyond its borders, it can't refuse to expand a water plant in an effort to limit growth. A central function of local government is public safety, which means clean water, sanitation etc.

In addition, almost every piece of private property has at least *some level* of development rights. Zoning can limit size, use and prescribe the location of a structure – but without compensation, at least some development is a legal right. Therefore, when a peak population cap is reached, there is no legally enforceable way to “close the gate.”

Finally, establishing a population cap can provide a false sense of control that might distract us from exploring realistic and effective tools that can help shape the future. Here are just a few examples of what real zoning tools can do:

- Establish new setbacks from rivers and trails.
- Control the location/size of homes in environmentally sensitive/scenic areas.
- Ensure that new growth downtown is respectful of iconic buildings.
- Protect mountain/open space views.

- Require full housing mitigation to ease pressure on roads.
- Mitigate transportation impacts in any number of ways.
- Establish transitional densities/massing in the West of Castle Creek Corridor.

The Limits to Growth issue paper, contained in the appendix of the 1993 AACP, came to these very same conclusions. The issue paper said that a “carrying capacity analysis is not the appropriate technique to place real limits to growth in the Aspen Area.”

In 1993, Aspen area planners focused instead on the ramifications of estimated build-out, based on zoning at the time. They also focused on the Balanced Growth issue paper, which examined any number of demographic trends, including the ratio of residential units occupied by permanent residents versus tourists.

During the current AACP process, staff generated a similar study in the form of a Population Segment Chart, tracking everything from commuter trends; the number of visitors staying in lodging versus 2nd homes; the number of residents in free market housing versus affordable housing.

The 2011 AACP calls for further research on the various impacts that estimated build-out could have, from job generation to traffic congestion. Estimating and understanding those impacts will help the community make critical decisions during the life of this plan.

Taking the carrying capacity concept to a broader level, many resorts have debated the issue first raised in one of Aesop’s Fables, called: “Killing the goose that laid the golden eggs.” (The subsequent English idiom means taking short-sighted actions that destroys the profitability of an asset.) In our case, the question might be: At what point does a resort erode its own attractiveness by over-development or over-population? This is not exactly a technical question.

“From a social perspective, carrying capacity refers to a destination’s ability to absorb tourism without unacceptable negative effects,” according to *Global Tourism*, by William F. Theobald, published in 2005. “Levels at which inappropriate impacts occur are dependent on values determined by the community ... Identifying these values in a tourism destination requires consensus building amongst community stakeholders.”

Statistics can help tell us how we got to this point, and they can even project some of the impacts of growth as we continue toward full build-out. *But they can’t tell us where we want to go as a community.*

It’s through an institutionalized process of dialogue, compromises and value resolution that a shared vision can be developed about how to balance future growth. There is no magic number that we can establish; so we’re left to do our best in describing the desired conditions of our community. Once that heavy lifting has been done, zoning can help implement the vision and statistics can tell us if we’re getting closer to that shared destination, or further away.

