

Development community hot over potential growth measures in Pitkin County, including smaller home sizes

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A crane is used to lift building materials at a residential property off of Willoughby Way on Wednesday, Oct. 7, 2020. (Kelsey Brunner/The Aspen Times)
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As Pitkin County officials consider reducing the maximum size of houses and taking other measures to slow growth in the face of climate change, an entirely different contingent of people want them to slow down any talk of the sort.

At the urging of members of the real estate and development community, Pitkin County officials and commissioners said Tuesday they will take a more inclusive approach to possible growth-control measures that pose major consequences to property owners as well as developers, architects, builders, real estate brokers and others.

They also agreed with critics who asked them to back off making any proposals or decisions in 2020 given the impacts on property owners in unincorporated Pitkin County, which includes Red Mountain, Starwood, Woody Creek, Old Snowmass and other residential areas.

“What’s being proposed, I think, is a shocker and radical change and that’s why you’re seeing so many with public comment,” said attorney Joseph Krabacher, who sits on the Planning & Zoning Commission.

Krabacher, speaking during a joint meeting Tuesday between the P&Z and Pitkin Board of County Commissioners, likened the magnitude of the potential growth-management changes to the proposed Aspen-Pitkin County Airport expansion, a process that has included focus groups, community outreach meetings, surveys and other methods of public engagement.

“I would like to see a letter go to every property owner in the county that the board is considering cutting square footage,” he said, calling the potential alterations “radical.”

Dozens of people ranging from attorneys to Realtors attended the joint Zoom session, which was supposed to be a continuation of their Sept. 15 meeting concerning changes to the county’s growth management-system for residential development.

While no formal decisions can be made during the work sessions, the discussions have been intended to identify potential code amendments to the county’s land use code, which would be done by making changes to its growth-management quota system. For even the wonkiest of land-use planners, attorneys and specialists, the process of altering the land use code — an action requiring final approval from county commissioners — can be arduous and nuanced.

“The growth-management system is quite complex and involves many revisions of the land use code,” said Cindy Houben, director of Pitkin County’s Community Development Department.

Hoeben noted public outreach meetings began in June and ran through August, attracting 20 to 25 participants. The meetings focused on the BOCC’s potential changes to the growth-management including the phase-out of the county’s TDR (transferable development right) program. Ads for the meetings were placed in papers, run on the radio, and released on email and social media, Hoeben said.

Officials said the possible changes are meant to capture the recent vision statement the county made concerning growth management: “Utilize growth management and the Land-Use Code to create an equitable, sustainable and resilient regional quality of life and economy for the future, and to meet our climate action objectives.”

The development and real estate community have been abuzz, and not in a happy way, over potential measures such as reducing the size of homes exempt from growth-management review from 5,750 square feet to 3,250. Reducing the overall cap of 15,000 square feet for a home also is being eyed for reduction to anywhere from 6,000 square feet to 10,000.

On Monday, the day before the work session, a group called Committee for Responsible Growth in Pitkin County ran a full-page ad in Aspen newspapers declaring that “Pitkin County wants to dramatically reduce the value of your Pitkin County real estate assets” by making changes to its growth laws under the “hidden guise of climate action and during the global COVID-19 pandemic.”

In a letter presented to the P&Z and BOCC on Sept. 15, appraiser Randy Gold said the code amendments would benefit the owners of large homes and hurt those with smaller ones.

“In contrast to the longtime local with an older house, you will be significantly benefiting the wealthiest home owners throughout the county, particularly Pitkin Green & Red Mountain although there are many other neighborhoods that will also benefit, including Starwood, McLain Flats, and Independence Pass,” Gold’s letter said. “These neighborhoods, and many others, have an abundance of homes that are already much larger than this, with many over 10,000 SF. By increasing the difficulty to build more than 3,250 SF, you are simply rewarding those homeowners with large houses for already having what will be irreplaceable.”

Commissioners said the process so far has been transparent, but it likely has been absent from the public consciousness because of the pandemic. They did agree that the county needs to ramp up its public outreach efforts, but were adamant that the commissioners haven’t been doing anything sneaky to pass the code amendments like some have suggested.

“The community should be assured that we’re going to go through the public process and their voices will be heard,” Commissioner Greg Poschman said.

In recent days commissioners said they have hit with emails and texts from people concerned about the potential changes.

“All of the people in the building business feel they were not made aware this was going on,” Poschman said. That’s the feedback I’m getting, that people are suddenly becoming aware of this in the past couple of days.”

The meeting was rife with technical issues because multiple people wanting to speak during public comment encountered audio difficulties on Zoom.

“Our board has run big meetings with the public and this was a mess,” said Commissioner Kelly McNicholas Kury. “And I apologize for the clunkiness, and I hope everyone who wanted to was able to speak tonight.”

Steve Child, another commissioner, added: “I’ve been on hundreds of Zoom calls the last six weeks and we’ve never had these kind of difficulties ... we need to fix the system to make sure we can hear the public.”

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