

ABOR Observer

April 2010

Top story —

Hidden Gems proposal in works for Pitkin/Gunnison Counties

Realtors for Wilderness backs the plan

A proposal to officially designate more than 100,000 acres of public lands in Pitkin and Gunnison counties as wilderness is being prepared by a coalition of local residents and environmental groups from Carbondale to Golden.

The Hidden Gems Wilderness Proposal for Pitkin and Gunnison Counties, due out later this spring, will be a companion to the proposal for Summit and Eagle counties that was submitted to Congress at the end of March.

The Hidden Gems would add critical mid-elevation habitat to the existing high-elevation wilderness areas in the Central Rockies. The Basalt Mountain proposal area, for instance, ranges in elevation from 7,000 to 11,000 feet. It contains critical winter range and mating habitat for a number of species, including bighorn sheep.

"We are continuing our outreach efforts in Pitkin and Gunnison Counties," Sloan Shoemaker, executive director of Wilderness Workshop and a member of the Hidden Gems Campaign, told ABOR.

"We urge all interested to visit www.whiteriverwild.org and check out for yourself what's in our proposal," Shoemaker said.

The proposal has caught the attention and support of ABOR-member brokers who support wilderness. Realtors for Wilderness is a 13-member group that is co-chaired by longtime Aspen brokers Craig Ward, Bob Starodoj and Bill Stirling. It is officially a subcommittee of the Aspen Board of Realtors.

Realtors for Wilderness recently endorsed the Hidden Gems Proposal. The endorsement does not extend to the entire membership of ABOR, but members are invited to add their name to the list of supporters by contacting Craig Ward at cward@rof.net.

"Wilderness has a huge and positive impact on our business," Ward told ABOR. "We think the Hidden Gems Campaign has made accommodations that have been significant and profound. This is how wilderness protection should be done."

Over the last several years, Hidden Gems has met with climbers, ranchers, private landowners, snowmobilers, mountain bikers neighboring property owners, fire fighters, water users, the military and various government agencies to discuss the proposal.

"It's important that we hear from the people who are affected by this proposal and work to address their concerns," Shoemaker said.

Shoemaker said that once people understand what's actually in the proposal and what wilderness designation actually entails, many drop their concerns.

Ranchers Tom and Mat Turnbull, Marty Nieslanik and Brad Day, recently asked that 5,000 acres be added to the Hidden Gems Wilderness Proposal at the base of Mt. Sopris, where they graze cattle in the summer.

Hidden Gems advocates have on many occasions adjusted proposal boundaries – sometimes significantly – to accommodate recreational activities, access to water facilities, some ranching activities and public safety concerns.

Wilderness areas are governed by the Wilderness Act, which was passed in 1964. The law is based on a leave no trace ethic and it invites people to visit and enjoy wilderness in ways that respect the land and leave it in its natural state.

The law bans activities like logging, energy development, mining, motorized recreation and most activities that involve the use of machinery, including mountain biking.

"Wilderness really is about preserving our heritage in Western Colorado — bountiful wildlife, ranching, horseback riding, hunting and fishing," Shoemaker told ABOR. "It honors our relationship with the land."

What's Allowed in Wilderness?

- **Ranching** activities, such as grazing and motorized maintenance of stock ponds and ditches;
- **Fire fighting:** The law gives fire fighters decision making authority to do whatever they decide is necessary to fight wildfires in designated wilderness.
- **Mountain Rescue Operations:** Using whatever means necessary.
- **Recreation:** Hiking, hunting, fishing, rafting, camping, climbing, horseback riding, cross country and backcountry skiing, snowshoeing, picnicking, photography, mountaineering are all permitted in wilderness.

Aspen—

Smuggler beetle project to continue this summer

Another round of helicopter logging on Smuggler Mountain has been recommended for the upcoming summer to prevent the spread of mountain pine beetles on open space owned by the city of Aspen and Pitkin County.

The project was initiated last summer at the urging of local nonprofit, For the Forest, to protect lodge pole pines in the popular recreation area.

For the Forest is also working to protect areas around the 10th Mountain Division Huts, the Braille Trail and other recreational assets on Independence Pass and trail throughout the Hunter Creek Valley.

A study of the project by the U.S. Forest Service indicated that the combination of tree removal and the application of Verbenone, a natural pheromone, was highly successful in preventing the spread of pine beetles on Smuggler last summer.

The city and county have identified 52 "brood trees" in the open space that hold live beetles. The plan calls for those trees to be cut down and flown out via helicopter to a site near the bottom of the mountain, where they'll be stripped of limbs and hauled off the site.

The work would occur in June, before the beetle larvae emerge as adult insects and take flight, infesting other trees.

Front Range firm secures Burlingame design contract

Aspen City Council, in unanimous vote, signed off on a \$1.7 million deal with Denver-based OZ Architecture to design the remaining phases at the Burlingame Ranch affordable housing project.

OZ won the bidding last fall, but that original bid was scrutinized after local competitors questioned whether it is too low to realistically complete the work required.

Further study by city staff verified that OZ's bid, which is \$1 million less than what local firms offered, is equal in scope.

Mountain Plaza Building redevelopment reworked

Five years into the review process, the team hired to redevelop one of the most prominent buildings in downtown Aspen has once again revised its plans in hopes of gaining City Council's blessing.

A hearing has been scheduled for April 26, but that may be put off if city officials don't react well to a letter outlining changes to the plan and its construction scheduling.

Mitch Haas, the land-use planner overseeing redevelopment plans for the Mountain Plaza Building, and Mark Bidwell, the owner of the building, first want to see if officials are receptive to their changes for redevelopment of the corner of Galena and Cooper.

The last time the proposal was reviewed was in January, and the resounding message from council members and residents was that the impacts from construction would be too great at what's been characterized as the premiere corner of downtown Aspen.

Judge dismisses Marks' suit

A district court judge dismissed Marilyn Marks' lawsuit demanding that the city of Aspen release of ballot images from the May municipal election.

Pitkin County District Court Judge James B. Boyd ruled that allowing public inspection of photographic images made of the ballots cast in last year's municipal election would violate state law.

"State statute requires that ballots 'remain in the ballot box in the custody of the clerk,'" Boyd wrote. "The clerk is required to maintain the ballots until the expiration of the time for 'contest proceedings.' Then the clerk must 'destroy' the ballots." Boyd also noted the Colorado Constitution's mandate on "secrecy in voting."

Marks, who came in second to Mick Ireland in the election, promised to appeal the ruling.

Aspen-area couple makes two employee units into one

The Aspen-Pitkin County Housing Authority Board agreed Wednesday that homeowners Mike Marolt and Shelly Safir should be allowed to continue living in a W/J Ranch duplex that they converted into a single unit by cutting an opening in the wall.

Making the family find a new home makes no sense, the housing board agreed, since Marolt, Safir and their two daughters would qualify for a four-bedroom residence in the employee housing program, and that is, in essence, what they have now. Each half of the duplex is a two-bedroom, one-bath unit.

When and if Marolt and Safir move out of the W/J Ranch property, the opening must be closed off and two units returned to the housing pool.

The arrangement needs an OK from two more boards – the P&Z and the County Commissioners – before it becomes official.

Aspen beating its own financial estimates — sort of

The city of Aspen based much of the 2010 budget on the assumption that sales tax revenues would fall another 1.5 percent this year. So far, with one month in the books, the city is beating its own projections.

In fact, January's slight increase in sales tax collections compared to the same month a year earlier marked the first positive growth in 15 months.

City finance director Don Taylor welcomed the added revenue, but noted that it is a comparison with last year's tax collections, which were down a dismal 14 percent. He also cautioned that other revenue sources are not showing the same trend.

For instance, building permit fees for January 2010 are down 71 percent compared to January 2009, which was 40 percent down compared January 2008. The city's use tax on construction materials that are bought outside Pitkin County is down 16 percent. Real estate transfer tax revenues are also well behind last year's numbers.

Nevertheless, the City Council last month gave a tentative go ahead to \$3 million in capital projects that had been on hold, based on indications that revenues are stabilizing.

The council action allows several projects to proceed, including a \$400,000 curb-and-gutter replacement, \$330,000 to replace gymnastics pits at the Red Brick recreation center and a \$100,000 upgrade to Aspen City Hall's fire sprinkler system.

Aspen ski club enrollment soars to record high

A record number of children enrolled in the Aspen Valley Ski and Snowboard Club's recreational and competitive programs this winter, despite the recession. In all, 1,979 children enrolled this season, up from 1,907 last year.

The ski club staff and board of directors expected the competitive programs to get hit hardest by the recession because they cost more than recreational ski lessons. But the number participating in competitive programs actually grew by 15 percent to 398 kids.

Some form of scholarship was awarded to 615 ski club participants, compared to 575 a year ago. This winter's scholarships totaled an all-time high of \$225,000.

Nordic Council celebrates marks 25 years

Fans of Aspen's so-called "fifth mountain" may not realize they're enjoying one of the largest free cross-country skiing systems in the country, or that the system quietly marked its 25th anniversary this winter.

The Aspen Snowmass Nordic Council was formed in 1984 with Craig Ward as its inaugural executive director. Its first mission was to bring the disparate elements into one cohesive system.

With help from local governments – Aspen, Snowmass Village and Pitkin County, plus the Aspen Skiing Co. (the town-to-town link had to cross Buttermilk Ski Area) – the Nordic Council secured the rights from 21 landowners to cross private property and in 1985 linked Aspen to Snowmass Village with the Owl Creek Trail.

Today, the system encompasses more than 90 kilometers of groomed trails, much of it linked so that skiers can move seamlessly from one loop to the next and one town to the next.

Alice Rachel Sardy dies at 101

Alice Rachel Sardy, part of a family that built a legacy in Aspen, died last month at the Heritage Park Care Center in Carbondale.

The Sardy House, the classic brick structure across from Paepcke Park on Main Street, bears the family name. The Aspen-Pitkin County Airport is also known as Sardy Field in honor of her husband, Tom, who realized in the 1940s that Aspen needed an airport to develop into a world-class resort and worked hard to make it finally happen.

Tom and Alice Rachel also owned Aspen Supply, a furniture and hardware store in the Collins Block Building at the corner of Mill and Hopkins. They later added Aspen Lumber and Supply across the street to their business portfolio.

Alice Rachel was a member of Aspen Community Church and a longtime member of a sorority known as PEO that promoted education for women.

The couple spent 40 years in the Sardy House, raising two children. Tom died in 1990 at age 79.

Snowmass—

New claims against Viceroy developer in amended suit

About 45 plaintiffs looking to get out of their purchase contracts for Viceroy hotel condominiums have consolidated their lawsuits in Pitkin County District Court.

The first such lawsuits were filed in October 2009, based on the claim that developer Related WestPac violated the Interstate Land Sales Full Disclosure Act (commonly known as ILSA), which gives purchasers two years from signing purchase agreements to break their contracts if certain documents detailing the layout of the units weren't filed in time.

Subsequent lawsuits claimed that Related WestPac made false representations in its marketing and sales, and that property values are negatively impacted by the isolation of the Viceroy from the rest of Snowmass Village, exacerbated by the unfinished buildings at Base Village.

The amended legal action consolidating the claims also alleges that Related WestPac also inflated the square footage of the luxury condos in early documents.

Most purchasers signed contracts and put down 15 percent deposits in early 2008, when real estate prices were still high.

Snowmass recreation center lowers rates

The Snowmass Village Town Council eliminated the different rates for Snowmass residents and non-Snowmass residents to join the town recreation center.

A two-tier rate system was originally implemented, town staff said, to ensure the facility wouldn't get too crowded. But after more than three years in operation, there's room for more members. Non residents can now join for the same fee as residents.

The recreation center includes fitness equipment, pools, a basketball court, tennis and more. The center opened in September 2006 and currently has 1,300 members. It will likely require a subsidy of nearly a half million dollars this year.

Snowmass marketing paying off in downturn

Snowmass Village tourism officials say the town's marketing efforts have paid off during the recession.

Early numbers for March put its occupancy rate ahead of 11 out of 12 resorts with comparable amenities and services.

Robert Sinko, chair of the town's marketing board and manager of the Crestwood condominiums, told the Town Council that heavy advertising of a promotion that allows kids to stay and ski free helped out last month.

Business was up in January too. Bookings in town were up 54 percent, partly as a result of a collaborative marketing effort by the town and Aspen Skiing Co.

In addition to the successful marketing plans, the opening of the Viceroy Hotel also likely affected bookings positively.

Snowmass implemented a 2.5 percent sales tax to fund marketing and special events in 2003. Now topping \$3 million annually, Snowmass' marketing budget is the envy of many other resort towns.

Basalt—

Community garden OK'd in Basalt

Basalt Town Council unanimously approved a request by the Community Gardens Collective to use town-owned property across from the former Methodist Church on Homestead Drive for the 2010 growing season.

The vacant lot will allow 14 or so people to garden in 8-by-10-foot plots. The town government will install the infrastructure necessary to supply water. The collective and the individuals selected to work the plots will take care of cultivating, planting, weeding and harvesting.

Plots will be assigned on a first-come, first-served basis, and a fee of no more than \$50 can be charged, according to the town approval. For information about the Homestead Drive garden, call Gayle Shugars at 927-4563 or Gerry Terwilliger at 927-4629.

Teague, Rappaport and Freedman win in Basalt

Basalt voters returned Glenn Rappaport and Anne Freedman to the town council along with political newcomer Karin Teague.

Freedman is a retired professor of political science. Rappaport is an architect. Each has served for eight years on previous town councils. Teague, while new to political office, has been active in civic endeavors in Basalt and the Roaring Fork Valley. As an attorney she has worked on various environmental causes in the valley.

The three winning candidates will join Mayor Leroy Duroux and council incumbents Pete McBride, Katie Schwoerer and Jacque Whitsitt.

Carbondale—

Trustees question housing in 'Village' plan

The developer of the Village at Crystal River, Rich Schierburg of Denver-based Peregrine Group Development, faced tough questions last month from Carbondale Town Trustees concerned about the level of residential development in his latest proposal.

Schierburg is proposing 268 residential units plus a mix of 125,000 square feet of commercial dispersed between several buildings. The plan includes a new grocery store and 16,000 square feet of office space. The 24-acre parcel is located on the west side of Highway 133.

The trustees were generally favorable to the plan, but expressed concern about the size of the residential component. Some asked that the number of residential units be whittled down to around 160.

Outgoing Mayor Michael Hassig urged his colleagues not let a good deal slip away. He praised Schierburg for his willingness to listen and respond positively to the suggestions from the board.

The application review continues on April 27.

Third Street Center on track for May completion

Work is nearing an end on the transformation of the former Carbondale Elementary School into the Third Street Center, a state-of-the-art home for nonprofit organizations and small businesses.

Set to open in early May, the Third Street Center will provide office and community space for a variety of organizations in the arts, education, senior services, renewable energy and various environmental causes.

The project has provided Carbondale and with an economic boost, employing dozens of craftsmen on jobs ranging from installation of skylights and solar panels to replacing old mechanical systems, painting and carpentry.

The town government took ownership of the old elementary school from the school district in October 2008 and leased the property to the newly formed nonprofit Third Street Center for 49 years.

For more information, log on to www.thirdstreetcenter.net

Bernot wins mayoral race in Carbondale

Stacey Patch Bernot will become Carbondale's new mayor, winning big in Tuesday's election over fellow town trustee and mayoral contender Ed Cortez.

Word came Tuesday that Cortez had been in the hospital for the past two days after suffering a heart attack Sunday.

Bernot said the election was secondary to her concern for her fellow board member.

Three trustee seats were also decided in Tuesday's election, although the races were uncontested. Incumbents John Foulkrod and Frosty Merriott will keep their seats for another four years, and joining the town board will be newly elected trustee Elizabeth Murphy.

Bernot, 32, is a fifth-generation Carbondale native who was raised by Paul and Celia Nieslanik after both her parents died when she was young.

Recession prompts Little Bear to move to Carbondale

Harvey and Nanci Gilmore, owners of Little Bear Antiques, are moving their business from the Cattle Creek Center south of Glenwood Spring to the Sopris Shopping Center in Carbondale.

Even after cutting their retail space in half in response last year to the recession, the couple has decided that relocation is the only cure for what ails their business. And so it is that the antiques and arts store that started in Basalt, moved to Aspen and was most recently in Glenwood Springs, will now be in Carbondale.

The relocation marks another new tenant and reversal of fortunes at the Sopris Shopping Center, which had until recently a two-year trend of growing vacancies. The former home to the Paint Store and Sounds Easy Video had just a handful of restaurants and a Laundromat for most of the last year.

Carbondale on biofuel production frontier

A consortium of governmental, educational and community-based organizations based in Carbondale believes regional production and use of biomass is one more solution to the nation's energy problems.

The Western Colorado Carbon Neutral Bioenergy Consortium's goal is to encourage agricultural production of crops that are high in "bioenergy," grow well in the arid western high country and do not compete with food production.

Switchgrass, orchardgrass, alfalfa, wheatgrass, tall fescue and opuntia prickly pear cactus are among the crops that fit those criteria.

The consortium is proposing "small, regionally located or mobile bioenergy refineries" to process those crops into fuel, a distinct move away from traditional energy processing practice of oil at large-scale, high-impact facilities.

If the effort pans out, farmers and ranchers may eventually use those crops to diversify their traditional incomes.

Pitkin County—

Wildlife thriving where Rio Grande closed for winter



A mountain lion caught by a motion-sensing camera as it prowled a closed section of the Rio Grande Trail in February.

A female mountain lion and her juvenile prowled the closed section of the Rio Grande Trail between Catherine Store and Rock Bottom Ranch throughout the winter.

Their activities were documented on motion-sensor cameras set up by the Roaring Fork Transportation Authority. A variety of species have thrived in the area, ranging from voles at the bottom of the food chain, to predators like mountain lions, golden eagles and bald eagles at the top.

The motion-triggered cameras have captured images of bears, coyotes, bobcats, wild turkey, geese walking down the trail, and lots of deer and elk, including some showing scars that indicate they tangled with mountain lions.

When RFTA developed the trail several years ago, it agreed to close it to the public from Dec. 1 to April 30 to minimize disturbance to wildlife.

Wexners, Pitkin County continue face off

The proposed land swap that would put 1,268 acres of BLM land at the base of Mt. Sopris into private ownership in exchange for 520 acres of private ranchland behind Red Hill, north of Carbondale, may be sent to Congress without Pitkin County's support.

In order to secure the BLM parcel, billionaire Leslie Wexner is willing to hand over the deed to the Sutey Ranch, set up a \$1 million endowment to the BLM to pay for its management, retire 80,000 square feet of development rights on his property, the Two Shoes Ranch, and have his staff to maintain the ditches and irrigation system at Sutey.

The BLM land splits the center of Wexner's estate at the base of Mt. Sopris.

So far, the proposal has been endorsed by Carbondale Town Trustees, the Garfield County Commissioners, the Aspen Valley Land Trust and a number of downvalley organizations. Pitkin County remains the sole hold out.

Wexner implored the Pitkin County Commissioners to act, and threatened to withdraw his offer of cash and development reductions if they didn't. But that may not phase the county or help Wexner in his effort to get Rep. John Salazar to back the swap: Salazar is known for his reluctance to supersede local authorities.

Free Snowmass-Aspen bus extended for three years

Free bus service between Aspen and Snowmass Village, and between the Brush Creek intercept lot and Woody Creek, will continue for at least the next three years.

The Elected Officials Transportation Committee (EOTC) voted 10-3 to continue a \$600,000 subsidy for the bus service out of proceeds from the .5 percent sales tax that funds transit. The EOTC is comprised of all of the members of the Aspen City Council, Pitkin County commissioners and Snowmass Village Town Council.

The majority praised the free service as both an amenity for locals and a marketing tool for tourists. Opposing the measure were Aspen City Councilmen Torre and Steve Skadron, and Pitkin County Commissioner Jack Hatfield.

County puts off decision on stiffer oil regulations

The Pitkin County commissioners delayed their final decision about whether to tighten county regulations on oil and gas development. A public hearing will now be held April 28.

Representatives from driller SG Interests and from the Colorado Oil and Gas Association, asked the commissioners earlier this month to hear their input before they make a final call. SG claims some of the new regulations would be precluded or negated by county and state law.

The strengthened county land-use regulations would go beyond the rules of the Colorado Oil and Gas Conservation Commission and include environmental health provisions such as banning the use of toxic excavation chemicals.

County Commissioners coming to a kitchen table near you

Pitkin County is planning to host a series of private neighborhood meetings to solicit feedback from citizens on how to improve life here.

The county plans a series of 20 to 30 meetings, hosted by volunteers in their homes. The hosts will be asked to invite 10 of their neighbors — anyone they want — to talk openly and privately with one of the five elected county commissioners and a staffer. The chats, facilitated by County Manager Hilary Fletcher, will form the basis for an update of Pitkin County's "Vision Statement."

The commissioners will submit names of people they believe would be good vision party hosts.

Regional—

Officials explore opening Cottonwood Pass to winter traffic

Cottonwood Pass, a rugged dirt road, is currently closed from November through April. But that may change as a result of the emergency closure last month of Interstate 70 through Glenwood Canyon following a massive rockslide.

Eagle County officials are exploring options for developing the road over Cottonwood Pass as an alternative connection between the Eagle and Roaring Fork Valleys. The existing emergency detour that requires a 200-mile trip through Steamboat Springs, Craig and Rifle.

The transformation of Cottonwood Pass would require an extensive environmental analysis of the impact of expanding the backcountry road, then widening it, realigning it, grading it and putting in guardrails, Eagle County road and bridge director Brad Higgins said. If the road is to carry I-70 levels of traffic, it would have to become a paved, four-lane road.

“We’re not at a point to put a cost on it,” Higgins said, although he indicated it would be a very expensive project.

Schwartz-sponsored energy bill becomes law

Legislation that requires utility companies statewide to obtain at least 30 percent of their energy mix from renewable sources, like solar and wind, by 2020 was signed into law last month.

The governor’s office expects an estimated 100,000 rooftop solar panels will be installed in Colorado over the next 10 years as a result of the new law.

The 30 percent renewable mandate is the second highest in the country, just behind California’s 33 percent requirement.

Sen. Gail Schwartz, the Snowmass Village Democrat who represents Pitkin County, was one of the co-sponsors of the law.

Colorado voters passed the nation’s first “renewable energy standard” in 2004, which mandated 10 percent renewable energy be in the state’s mix by 2015. State lawmakers in 2007 doubled the standard to 20 percent by 2020. This year’s law ups the requirement by 50 percent with no extra time to reach the goal.

YOUR PSF DOLLARS AT WORK

Water Rights Initiatives Filed

As reported a few weeks ago, following a wildly contentious battle that pitted rafting rights against property rights, HB 1188 - Clarify River Outfitter Navigation Right by Rep. Kathleen Curry (I-Gunnison) and Sen. Mary Hodge (D-Brighton) was changed to a study.

Under the amended version of the bill, the Colorado Water Congress is charged with studying the legal, economic, environmental, and law enforcement issues related to boating through private property – their report will be due to the legislature on October, 31.

Advocates on both sides of the issues have filed a combined 24 ballot initiatives a week ago to seek their preferred resolution at the ballot box. In order to appear on the ballot in November, proponents must submit 76,047 valid signatures to the Secretary of State by July 12.

CAR was opposed to HB 1188 over concerns that the bill would infringe upon private property rights without just compensation.

For more information on our Political Survival Fund (PSF),
please contact Mark Ronay, AREC, 920.2006 or CAR at 800.944.6550.



"If Real Estate is Your Profession, Politics is Your Business"

By investing in the Political Survival Fund, you are helping to:

- Protect your income and maintain your commissions;
- Educate and elect policy makers who support REALTOR® issues; and
- Improve the Quality of Life in your community and the marketability of property in your neighborhood.

Your support of PSF is critical to our legislative success - [**Invest to your profession today!**](#) This is the most vital piece of insurance your business will ever have.