

MAROON/CASTLE CREEK MASTER PLAN

November 4, 2003 ~~2014~~ UPDATE

Introduction

The purpose of this Master Plan is twofold:

1. To provide information regarding the existing conditions of the Maroon and Castle Creek Valleys today in terms of their environment, resources, infrastructure and development; and
2. To provide direction for appointed and elected officials in making land use policy and regulation decisions relative to the future of these valleys.

The Plan was developed by the Community Development Department with input from members of the Maroon/Castle Creek Caucus.

Several objectives of the Pitkin County *Land Use Policy Guidelines* are reflected in the Maroon Castle planning area today. It is the intention of the County to adopt a master plan that provides direction for future growth in the context of the following objectives:

“It is intended to maintain the rural character of lands proximate to development centers and State highways by preserving agricultural operations, wildlife habitat and scenic quality while permitting low density, single family dwelling units and customary accessory uses.”

“New development should be compatible with and not fundamentally change the character of any neighborhood or area”

“Lands outside the (urban) growth boundaries will be deemed most appropriate for the preservation of agriculture, natural habitat, environmental resources, open space and rural residential uses.”

“Pitkin County seeks to preserve its natural, rural scenery and natural landmarks for the benefit of its residents and the continued viability of its resort economy.”

Planning Area & Caucus Background

Existing Conditions Analysis

A neighborhood caucus for the Maroon and Castle Creek Valleys was established in 1990 by BOCC Resolution #90-99 in order to provide a local forum for residents of the Valleys. The Caucus typically functions as a referral body that provides comments to the County on land use issues. The Caucus boundary generally includes the watershed from Richmond Ridge on the east to the ridge above Maroon Creek on the west ; to the City of Aspen boundary line on the north, to a non-descript boundary on the south on U.S. Forest land. The Maroon/Castle Master plan will cover the current caucus area (outside of the urban growth boundary) and the area to the south all the way to the Pitkin County line. (See Exhibit “A”)

A series of “Statements” were adopted in April 1992 by the Maroon/Castle Creek Caucus to provide direction for future development in the lower portion of the Maroon and Castle Creek Valleys; roughly including the area from the Hospital down to Highway 82 on Castle Creek Road and the Highlands Ski Area down to the Highway on Maroon Creek Road. The statements addressed transportation, community, housing, environment/recreation/open space, and character as they relate to future growth.

Since 1992, the City of Aspen has annexed several properties in this area, including Moore/Five Trees, Highlands Village and Iselin and the Aspen Valley Hospital. All of the area covered by the 1992 Statements has now either been annexed by the City of Aspen and/or is included within the Urban Growth Boundary area established as part of the 2000 Aspen Area Community Plan update. Consequently, this area will not be included as part of the Castle/Maroon Master Plan.

Existing Land Use

Existing Conditions Analysis

While the Maroon and Castle Creek Valleys support a residential community, they also function as portals to mining and ranching history, and to recreation ranging from cycling on County roads, to hiking, horse back riding, snow-mobiling, nordic skiing, backcountry skiing and mountaineering on U.S. Forest lands. The area also contains high quality wetlands and riparian habitat and a healthy beaver population. The valleys provide an excellent opportunity for environmental education, focusing on preservation and stewardship of the area’s natural resources.

As a general overview, the following land uses exist within the Maroon and Castle Creek Valleys:

Maroon Creek:

Above the Highlands Ski area, the majority of development is located on the valley floor and consists of single-family residences on parcels and lots ranging from two to twelve acres, but primarily in the five to six acre range. In addition to several metes and bounds parcels that are vacant or developed with single family homes, Maroon Creek consists of the following land uses:

Subdivisions

- The Maroon Creek Ranch Subdivision consists of eight lots in the five-acre range, five of which are developed.
- Skyview Subdivision consists of 5 lots in the two-acre range, none of which are developed.

Affordable Housing

- There are a few dispersed caretaker dwelling units associated with residences up Maroon Creek.

Commercial

- The T Lazy 7 guest ranch offers lodging, commercial snowmobiling & horse back riding, and “event” facilities. With the exception of commercial recreational

outfitter/guide-type uses, it is the only commercial use on Maroon Creek above the Highlands ski area, and is situated on approximately 230 acres of land.

Agriculture

- The Roaring Fork Land & Cattle Company owns 186 acres of land that is currently used as pasture.

Comment [SW1]: Now developed with a single family residence, caretaker dwelling unit and barns (Pritzker). There is no restriction against subdivision of the property.

Public Lands

With the exception of a few privately owned inholdings, the remainder of the Maroon Creek Valley is federally owned public land within the Maroon/Snowmass Wilderness area. Access to public lands is available via the Maroon Bells recreation area and East and West Maroon Creek trailheads.

Castle Creek: The Castle Creek Valley consists primarily of detached single-family rural residential development, which is located along Castle Creek Road; in the Little Annie/Midnite Midnight Mine/Richmond Ridge area, in the Conundrum Valley and to a very limited extent, up Express Creek. There are mining claims scattered throughout the Valley.

Residential development is located on lots generally ranging in size from two to forty acres, though larger acreages exist. Most of the subdivided land cannot be further subdivided due to zoning or restrictive covenant.

The following paragraphs provide a general summary of existing uses:

Subdivisions

- Hardy (4-3 lots, ranging in size from 24-40-57 acres, 121 ac. total)
- Castle Creek Valley Ranch (16 lots, ranging in size from 3-37 acres; 4 affordable housing lots; 342 ac. total)
- Feinsinger (2 lots, 18 & 45 ac. respectively, 63 ac. total)
- Castle Creek Banks (2 lots, 30 & 20 ac. respectively, 50 ac total)
- Castle Creek Ranch (3 lots, 2 ac each),
- HES 113 (2 lots, 10 & 13 ac. respectively)
- Lime Village (6 lots, approx 2 ac. each)
- Navratilova (2 lots 100 & 20 ac. respectively)
- Castle Creek Four (4 lots, 10 ac. each)

Comment [SW2]: 2 lots were combined in 2010

Affordable Housing

In addition to scattered caretaker dwelling units, affordable housing consists of four PMH (permanent moderate housing) lots at Castle Creek Valley Ranch and approved but not yet built housing associated with Ashcroft/Pine Creek Cookhouse.

Rural & Remote Cabins

In the Little Annie/Richmond Ridge area, which is zoned for rural/remote zone district uses Rural/Remote,

~~six-seven~~ cabins have been built on mining claims since 1994, when the Rural/Remote zone district was established (Several other cabins existed prior to the rezoning.) One cabin was built up Cooper Creek. ~~A total of three~~ An additional five cabins have been approved since 1994 in the Rural/Remote areas up Castle Creek, but not built.

Commercial Uses

The following commercial uses exist up Castle Creek:

- ~~Elk Mountain Lodge (used for weddings, events)~~
- Catto Center at Toklat Gallery (ACES facility/art gallery/retail/cookouts - ???)
- Ashcroft ski touring
- Pine Creek Cookhouse (restaurant associated with ski touring permit)
- Commercial recreation businesses (jeep tours, bike tours, huts)
- Environmental Education

Public Access

Public access to federal lands includes the Cathedral & American Lake trailheads, and Midnight Mine, Little Annie, Express Creek, Montezuma, Cooper Creek and Pearl Pass Roads which provide access for huts, winter skiing & snowmobiling; summer biking, jeeping, dirt biking and hiking.

Transferable Development Rights in Both Maroon and Castle Creeks

Certificates have been issued for 62 transferable development rights in the Maroon and Castle Creek area. As a result, approximately 1,340 acres of land in the rural/remote zone district have been deed restricted against development.

Comment [SW3]: Need to update

Zoning

Existing Conditions Analysis

Zone Descriptions

The planning area has a mix of zoning types including ~~AFR-10AR-10~~, ~~AFR-2AR-2~~, R/R, and ~~AF-SKISKI-REC~~. Following is a summary of the intentions of each zone district. Please refer to Exhibit "A" for a zoning map of the planning area.

Zone District	Intent
AFR-10AR-10 1 Dwelling Unit per 10 acres of land	The intent of the AFR-10AR-10 (Agricultural/ Forestry /Residential) zone district is <u>"to accommodate small scale agricultural activities and large-lot residential development that maintains the rural character and appearance of the land. Because few agricultural activities can be accomplished on a lot of ten (10) acres, the majority of such land will be used for residential uses. Residential development should be clustered and/or grouped at the edges of valleys or wooded areas in order to minimize the visual disruption of the natural landforms and to avoid the appearance of unrelated homes spread randomly across the land."</u> "to maintain the rural character of lands proximate to development centers and State highways by preserving agricultural

	<i>operations, wildlife habitat and scenic quality while permitting low density, single family dwelling units and customary accessory uses.”</i>
<u>AFR-2AR-2</u> (Skyview Subdivision only) <i>maximum of one dwelling unit per 2 acres of land</i>	The intent of the <u>AFR-2AR-2</u> (Agricultural/Forestry/Residential) zone district is; <u>“to provide for a moderate density, transition zone between moderate and low density residential land uses. This zone district primarily contains existing housing concentrations with densities exceeding those in surrounding areas. It is not intended to be used to accommodate new development in the Rural Area of the County.”</u> <i>“to provide for a moderate density, residential/agricultural transition zone for lands along the valley floor located between the County’s development centers and its rural, open land area. The district also contains existing housing concentrations with densities exceeding those in surrounding areas.”</i>
Rural and Remote (R/R) <i>1 dwelling unit per 35 acres of land</i>	The intent of the R/R (Rural/Remote) Zone District is <u>“to: (i) conserve and protect the natural environment and its resources, while allowing for limited recreational uses and limited residential development, (ii) preserve the small scale, low-density backcountry character and lifestyle, (iii) retain undeveloped areas, and (iv) allow for the transfer of development rights to areas that are more appropriate for development. This district accommodates only small new structures and very limited types of development.”</u> <i>“to conserve and protect the natural environment and its resources; to preserve the unique low-scale, low-density backcountry character and lifestyle; to minimize environmental degradation; to retain undeveloped areas; and to allow for limited recreational uses and limited residential development while still preserving the character of rural/remote lands and to allow for the transfer of development rights to areas that are more appropriate for development.”</i>
<u>AF-SKISKI-REC</u> (Ashcroft, Aspen Mountain, Highlands)	The intent of the <u>AF-SKISKI-REC</u> (Agricultural/Forestry Ski-Recreation) zone district is <u>“intended for lands that are used for downhill and cross-country skiing and other uses permitted by a Federal or other public agency, such as grazing, hunting, and passive and other recreational uses. The district also accommodates affordable housing.”</u> <i>“to provide locations for ski areas and the orderly and efficient planning and review of ski areas.”</i> Development activity within the <u>AF-SKISKI-REC</u> zone district is subject to a master plan.

Buildout Analysis

- Buildout analysis for the area indicates that parcels zoned AFR-10AR-10 in both the Maroon and Castle Creek valleys provide the greatest potential for additional residential growth, in that this zoned area is only built to 40% of its potential under the AFR-10AR-10 zoning. In the event that all of the undeveloped properties in both valleys were subdivided and built to their full potential under AFR-10AR-10 zoning, and all of the lots in approved subdivisions were built-out, there would be roughly twice the number of homes built than there are today. This is an unlikely scenario given two factors:
 1. Due to physical constraints, (steep slopes, floodplain, etc.), it is unlikely that zoned density could physically be accomplished on many parcels.

2. To compete successfully in Pitkin County’s Growth management system, density of projects is typically 50% of that allowed under current zoning.

Most of the true growth potential in the ~~AFR-10~~AR-10 zone district exists on relatively few parcels containing large acreage.

- While there is also significant growth potential on parcels in the Rural/Remote zone, it is unlikely that this potential will ever be realized, based on physical and access constraints inherent in the Little Annie/Richmond Ridge area where the zoning primarily exists.
- There is no potential for additional subdivision of land in the small area known as the Skyview Subdivision, zoned ~~AFR-2~~AR-2. ~~As the subdivision is currently undeveloped however, a total of five new residences may be built on these lots~~All five lots have been developed with single family residences.
- Uses in the ~~AF-SKISKI-REC~~ district are dictated by the Ashcroft Ski Area Master Plan. As residential uses in this area are limited to affordable housing associated with the ski area, the area was given zero potential for additional residential buildout.

~~AFR-10~~AR-10 Zoning Analysis

- The character of these valleys is comprised of a combination of rural residential use, limited tourist commercial use, limited agricultural use and recreational uses of public lands. Under current zoning, the bulk of potential development lies within the ~~AFR-10~~AR-10 zone district on a limited number of parcels, which have larger acreages and relatively little existing development. Other recent master plans in the County have reviewed the ~~AFR-10~~AR-10 zone district to see if it continues to achieve the goal of maintaining the rural, low density character that distinguishes the rural valleys from the more urban portions of the County; or whether there are areas in which the ~~AFR-10~~AR-10 zoning should be replaced with larger lot zoning to better achieve rural goals. If the ~~AFR-10~~AR-10 zoning remains unchanged in both the Maroon and Castle Creek valleys, there is a threat of a moderate increase in density in the event that the larger undeveloped parcels subdivide to the full extent possible. While an increase in density is possible on the larger parcels, it is less likely on most of the remaining parcels in the ~~AFR-10~~AR-10 district, which are mostly either built-out or have already undergone subdivision. Citizens in the area believe that increased density is not so much an issue as is the visual impact of large homes which may be built on undeveloped land, and seen from public roads. Increased density may be acceptable (to the limited extent that it may occur in these valleys) if homes are either moderately sized, or located so that they can’t be seen. Consequently, a change in zoning may not be necessary to accomplish the County and Caucus goal of preserving the rural character of these valleys. Rather, the County may wish to address the specific siting of homes by revising current scenic and PUD (planned unit development) regulations, creating residential siting guidelines and regulations and by enforcing limitations on home sizes.
- While the ~~AFR-10~~AR-10 zone district currently supports mostly residential development in the Planning area, several commercial uses also exist within the zone district.

Comment [SW4]: 2006 LUC – added “Rural Character Guidelines for Building Location” to Scenic View Protection. Only applicable in Rural Area.

Residents believe that the district should be modified to preclude any *new* commercial development. (See discussion under the *Commercial Development* section of this Plan.

Rural/Remote Zoning

- The Rural/Remote zone district currently allows any legally established property to either build a cabin or sell the development right off-site as a transferable development right, also known as a “TDR.” There are mining claims in the Little Annie/Richmond Ridge area that are big enough to prospect on, but not big enough to realistically build a cabin on, particularly given the need to have space for a water source (storage at a minimum) and sewage disposal. As these properties are not large enough to accommodate residential development, the County may wish to consider whether it is appropriate to allow them to transfer a development right off-site.
- There are currently parcels in the ~~AFR-10~~AR-10 zone district that gain access off of the Express Creek Road. These parcels share many of the characteristics found in the rural/remote zone district in terms of accessibility and terrain. The County may wish to consider reviewing and revising the current boundary of the rural/remote zone district to include parcels up Express Creek that are more appropriately regulated under the rural remote zoning in terms of use, bulk and area requirements.

Comment [SW5]: LUC includes additional review to obtain a TDR for parcel of less than 1 acre. Must demonstrate that parcel can accommodate 1,000 sf footprint, can accommodate required well and septic separation, and has legal access.

Comment [SW6]: Parcels farther up Express Creek rezoned to RR by Ord 16-2005. Lower parcels remain AR-10.

Public Land Zoning

There is a fairly significant area of federally owned public land up both Maroon and Castle Creek that is currently zoned ~~AFR-10~~AR-10. The intent of the ~~AFR-10~~AR-10 zone district does not readily fit the uses contemplated on the Forest in the White River National Forest Management Plan, and allows for residential uses that would be inappropriate on the Forest. Development potential of the Forest property should be more accurately reflected with a zone district that allows for the non-residential uses typically pursued on the Forest.

Comment [SW7]: Created RS-G (Resource-Government) zone district in 2006 LUC. No lands have been rezoned to RS-G.

Objective

Zoning should support the following County policies regarding land use:

“New development should be compatible with and not fundamentally change the character of any neighborhood or area”

“Lands outside the (urban) growth boundaries will be deemed most appropriate for the preservation of agriculture, natural habitat, environmental resources, open space and rural residential uses.”

Implementation Measures

1. Establish a new zone district (Forest/Natural Resource/Conservation) for public lands zoned ~~AFR-10~~AR-10 within the Planning area (and throughout the County) to preclude residential development and to reflect the resource conservation uses that currently exist on the Forest.
2. Consider reviewing and revising the current boundary of the rural/remote zone district to include parcels up Express Creek that share many of the characteristics found in the rural/remote zone district in terms of accessibility and terrain.

Comment [SW8]: Created RS-G (Resource-Government) zone district in 2006 LUC. No lands have been rezoned to RS-G. “The RS-G (Resource-Government) zone district is intended to control the future use of lands currently owned by the federal, state, or local governments and currently used for non-development purposes, and to avoid inappropriate development of such lands in the event they are sold, exchanged, or otherwise made available (i.e., by long-term lease) for use by an entity other than the federal, state or local government. It is intended to allow a continuation of the types of uses permitted while in federal, state, or local government ownership and control, but not an intensification or replacement of those uses by other uses of the land. The zone district is intended to allow only very low intensity resource uses on such lands.”

Comment [SW9]: Parcels farther up Express Creek rezoned to RR by Ord 16-2005. Lower parcels remain AR-10.

3. Modify the ~~AFR-10~~AR-10 zone district to accomplish the following objectives:
 - a. Require PUD with subdivision
 - b. Modify the intent section to more closely resemble the intent of the “Rural Residential” land use designation identified in the 1987 Down Valley Plan.
 - c. Create/revise scenic and siting standards, possibly relating them to house size;
 - d. Review and modify allowed and special review uses, particularly with respect to commercial uses

4. Consider revising the PUD regulations to allow the County to vary house size depending on the visibility of the residence from public roads
5. Consider revising the Rural/Remote Zone district to only allow a parcel to sever and sell a transferable development right if the parcel contains enough acreage to accommodate development of a residential cabin, sewage disposal and water via well, shared well or other approved County and State approved water source. (Also, please see zoning change recommendations under the *Commercial Development* Section of the Plan)

Comment [SW10]: AR-10 intent is quoted above and resembles the Rural Residential designation in DV Plan, which states, “It is the community goal to preserve the rural character of the district to the greatest extent possible while enhancing visual quality, agricultural operations and wildlife habitat while permitting isolated, carefully sited, low density residential development consistent with existing zone districts.”

Comment [SW11]: 2006 LUC – added “Rural Character Guidelines for Building Location” to Scenic View Protection. Only applicable in Rural Area.

Comment [SW12]: LUC includes additional review to obtain a TDR for parcel of less than 1 acre. Must demonstrate that parcel can accommodate 1,000 sf footprint, can accommodate required well and septic separation, and has legal access. Adopted by Ord. 45-2004.

Residential Development

Objective

All future residential development in the Castle/Maroon Valleys should be consistent with and complimentary to the rural character of the area. The natural environment should dominate a person’s experience of the valleys. To this end residential development should be defined by extremely low density, single family residential housing of moderate size and bulk.

Implementation Measures

1. Prohibit multi-family, condominium, apartments, or townhouses except for on-site employee housing approved by special review.

2. The existing house size limitation of 5,750 square feet as currently defined and regulated in the County Land Use Code is acceptable, including the provision for increasing house size through the purchase of TDR’s. Consider limiting the use of TDR’s for increasing house size within the Maroon/Castle Planning Area to parcels where the visual impacts of a larger home from Maroon and Castle Creek Roads are limited. Consider establishing a maximum square footage for floor area (including the square footage associated with the TDR). The County should consider strengthening the regulations regarding TDR receiver sites so that there will be greater assurance that a site is truly appropriate to receive. Criteria that should be considered in the evaluation of receiver sites within the Planning Area should include but not be limited to the following: visual impacts; impacts on surrounding land uses and rural character; potential for light, air and water pollution; traffic impacts. The special review process should be based on a hierarchical system of applying the criteria. The first step in the review of a TDR receiver site should be whether the characteristics of the proposed site can accommodate the proposed structure with minimal impacts, especially visual impacts from public roads and adjacent properties. If the objective of minimizing visual impacts in particular cannot be accomplished

Comment [SW13]: AR-2, AR-10, RR do not allow multi-family. Duplex is special review use in AR-2; prohibited in AR-10 and RR. Duplex & MF may be approved in SKI-REC – employee housing only.

Comment [SW14]: This is considered in Special Review.

Comment [SW15]: These criteria are considered in Special Review.

through siting, then the property should be considered inappropriate for receiving TDR's, except where an applicant is willing to limit the use of the TDR for below grade space only and this can be shown to mitigate the visual impacts of a proposed structure. Landscaping should be considered as a way to further minimize visual impacts – not as the primary solution for screening.

Note: In light of the fact that there are pending revisions to the County-wide TDR program, it is understood that the recommendations in this Plan related to the use of TDR's, are not necessarily supported by the Planning Commission and may or may not be included in the ultimate revisions to the TDR program.

3. Encourage people to build homes under the current 5,750 square foot limitation.
4. Study the impacts of large homes as part of an effort to establish a set of controls and performance standards for reducing the impacts of large homes in rural residential areas. This study should include analysis of local conditions as well as the results of research done elsewhere in the Country. Issues to examine in the study include, but should not be limited to, traffic generation and road impacts, material and resource consumption, visual impacts, job creation and other economic forces, water use and wastewater treatment, and energy consumption.
5. Consider allowing houses to be sited on steeper slopes (30%+) so that they aren't limited to a location on the most visible, open, flat portion of properties;
6. Within the [AFR-10AR-10](#) Zone District, develop regulations that require homes that are visible from Maroon and Castle Creek Roads to be more restricted in floor area than homes which are sited such that they are not visible (or are minimally visible) from the Roads.
7. Where a parcel has the ability to subdivide under current zoning, give property owners the option of aggregating square footage from potential lots onto one lot as an alternative to creating more lots. This alternative should only be available on parcels where there is realistic potential to build on subdivided lots; and where a larger home can be sited so that it has minimum visual impacts from public roads.
8. Lobby the State to change tax regulations that require undeveloped land to be taxed at a higher rate than developed land. Current tax regulations tend to make property owners feel more inclined to develop land than to leave it open.
9. Ensure that zoning promotes and protects the agricultural and rural residential character and existing low density residential development patterns of the area, providing incentives for the preservation of open, agricultural and other natural resource lands and allowing for very low density development of sensitively sited single-family homes.
10. Encourage landowners of parcels 70 acres or larger to meet with the Pitkin County Open Space Board or Director, at no cost to the land owner, to ensure that such landowners are informed about all voluntary options, programs, and resources available for conserving land. Recommend that such landowners contact appropriate land trusts and preservation consultants for the same educational purposes.

Comment [SW16]: Code does not have a specific provision for this. But this is essentially what was done when Lots 1 and 2 in Hardy Subdivision were combined. Each lot was approved for 11,750 sf total; of which 4,000 below grade and 750 garage via TDRs. Combined lot approved for 14,250 sf – 11,750 sf above grade and 2,500 below grade with 1 TDR.

11. Consider Code amendments which reward landowners who permanently conserve over 90% of the total acreage of their property and preserve a vast majority of open space, historically irrigated lands, and all wetlands, critical habitat and other environmentally sensitive lands. Those well conceived applications which would contain realistic plans for the preservation of large tracts of land and which demonstrate compliance with the goals and objectives of this Master Plan should receive rewards which could include, but need not be limited to, a streamlined and accelerated land use approval process (including priority attention from the Community Development Department, Planning Commission and Board of County Commissioners), eliminated or reduced processing fees, longer vesting and other tangible acknowledgments of the public benefits conferred by voluntary conservation actions.
12. Increase vesting time significantly, and in proportion to the approved application's achievement of preservation and conservation objectives and conformity to the Master Plan, in order to give added incentives to large landholders to resist sale or development in favor of preserving family lands (clearly define the circumstances under which longer vesting terms would be granted.)

Comment [SW17]: Land Use Code has various Conservation Development tools, including Conservation Development PUD (CD-PUD), Limited Development Conservation Parcel TDRs, Open Space Master Plan, and Constrained and Visually Constrained Site TDRs. These Conservation Development tools incorporate many of these concepts – preservation of large tracts of land, protection of environmentally sensitive lands, streamlined review process, longer vesting.

Commercial Development

Existing Conditions Analysis

There is limited commercial development in the Maroon and Castle Creek valleys within the Planning area. Development that exists is tourist-related. In Maroon Creek, there is the T Lazy 7 Ranch. In Castle Creek, there is the Pine Creek Cookhouse, the Ashcroft Ski Touring Company, ~~the Toklat Art Gallery, and the Elk Mountain Lodge.~~

Comment [SW18]: Is Toklat still “commercial”?

The Toklat Gallery and T Lazy 7 Ranch are non-conforming uses within the ~~AFR-10AR-10~~ zone district, in that they are not allowed under current zoning, but existed prior to existing zoning and are considered to be “grand fathered-in.” ~~The Elk Mountain Lodge was approved as a “special review” use allowed under AFR-10 zoning.~~ The Pine Creek Cookhouse is allowed pursuant to the ~~AF-SKISKI-REC~~ Master Plan for the Ashcroft Ski Area.

Comment [SW19]: The Elk Mountain Lodge is now a single family residence.

The T-Lazy 7 Ranch is somewhat unique, in that it’s recreational amenities and open pastures function as both a buffer and transition between the more intense recreational and commercial uses at the Highlands Ski area in the lower end of the valley, and the more rural private residential, and less intense recreational uses on the Forest at the upper end of the valley. It may be prudent to recognize the value of this amenity in this particular location by considering the development of a voluntary rural “tourist/accommodation/recreation” overlay zone to accommodate the existing, currently non-conforming use.

While existing commercial uses are generally supported by residents in the valleys, there is a general consensus that *any new* commercial activities (other than Forest-based commercial recreational) are more appropriately located within the urban growth boundary areas in the County.

The following commercial recreational uses exist subject to U.S. Forest Service permits:

- ⇒ Bus trips to the Maroon Bells

- ⇒ Braun huts
- ⇒ Bike tours
- ⇒ Jeep tours
- ⇒ Hut/mountain guides
- ⇒ Environmental and historical education

The Pitkin County Land Use Policy Guidelines note the following regarding new commercial development:

“New commercial development should be located within established urban growth boundaries unless it is of a scale and capacity deemed to be appropriate within identified boundaries.”

Objectives

- Ensure that *existing* non-conforming and/or special review tourist/commercial uses in the AFR-10/AR-10 zone district may continue to be viable.
- Existing tourist commercial development in the Maroon/Castle Valleys is acceptable at current levels, but new commercial businesses in existing and new locations are not supported.

Implementation Items

1. Revise AFR-10/AR-10 zoning to eliminate new commercial activity on new sites as a use by right or by special review in the Castle/Maroon Valleys with the exception of home occupations.
2. Review the home occupation definition in the Land Use Code to determine whether any modifications are necessary to accommodate acceptable small-scale commercial uses, which would be accessory and secondary to a principal use.
3. Allow existing tourist commercial uses to expand to a limited extent (to remain viable), subject to clear, specific special review standards (to be established) that address traffic, noise, visual impacts and general compatibility with the surrounding neighborhood. Any changes to and/or expansions of uses should be subject to special review.
4. Consider a revision to the Land Use Code that would require existing commercial/tourist uses that cease to operate for five years or longer, to be permanently discontinued.
5. Consider establishing a voluntary overlay zone district to accommodate the rural tourist accommodation/recreation amenity that exists on the T-Lazy 7 Ranch. The intent of this district should reflect the fact that the agricultural and tourist-related uses on this particular property function as a transition from the more intense tourist uses on the Highlands ski area to the more rural private residential, and less intense recreational uses on the Forest at the upper end of the valley.

Comment [SW20]: BOCC granted approval for 7 cross country ski huts on Montezuma Mill Site in 2011. The 2 existing employee units would be converted to huts and 5 more would be built (competed in Growth Management for tourist accommodation units). Huts are tied to operation of ski area. Found that the hut use was not a new commercial use, but extension of existing ski area use.

Growth

Existing Conditions Analysis

In Pitkin County, growth management deals with the rate of growth, the location of growth and the quality and quantity of growth. The *location* of growth is typically determined on a site-specific basis at the time of land use review.

Rate and quantity of growth are determined through zoning allowances, annual competition for a specific amount of square footage allowed via the Growth Management Quota system (GMQS), and through growth management exemptions.

In January 2000, new growth management regulations were adopted in Pitkin County. As a result, house size restrictions were adopted. The Maroon and Castle Creek Valleys lie within the *rural* growth management portion of the County. Consequently, new homes are limited to an initial size cap of 5,750 square feet, which may be exceeded subject to purchase of a transferable development right(s) as a growth management exemption.

As house size is perceived as more of an issue than density in this area, the County may wish to consider lowering the amount of floor area that is currently available County wide, and establishing an allotment specifically for the Maroon and Castle valleys. The County may also wish to consider eliminating the use of TDRs to establish new development rights exempt from growth management. This is another method that may be used to pace growth in the rural area. Any changes to the TDR program will have to be made as part of an assessment of the ~~the~~ TDR program countywide to ensure that the program will continue to be effective subject to proposed modifications.

Comment [SW21]: Eliminated option to use a TDR for initial development right in Rural Area in 2006 LUC.

In the Maroon and Castle Creek Valleys, the following Growth Management approvals have been granted through the competition process: ~~for additional floor area (above and beyond the 5,750 square foot allowance):~~

~~Six lots in Castle Creek Valley Ranch successfully competed in 2001 & 2002 for a total of 31,815 square feet, averaging out at roughly 5,300 square feet per home.~~

- ~~• A lot in the HES 113 Subdivision also competed successfully for 5,000 square feet of additional floor area in 2002.~~

	Location	How is SF to be used?	Parcel ID #	SF Amount	Approval #	Allotment Used?
2001						
CCVR Lot 8	Castle Creek	Additional floor area	273526201003	6,000	BOCC 097-2001	4,553
CCVR Lot 11	Castle Creek	Additional floor area	273526401002	5,500	BOCC 097-2001	
CCVR Lot 12	Castle Creek	Additional floor area	273526401004	5,500	BOCC 097-2001	
CCVR Lot 13	Castle Creek	Additional floor area	273535101001	3,815	BOCC 097-2001	
CCVR Lot 14	Castle Creek	Additional floor area	273526201001	5,500	BOCC 097-2001	455 sf used in 2004
2002						
Rivers Family Trust	Castle Creek	Additional floor area	273535401002	5,000	BOCC 081-2002	4,712 in 2002
CCVR Lot 7	Castle Creek	Additional floor area	273526201002	5,500	BOCC 081-2002	

2004						
Mathys	Castle Creek/Conundrum	Additional floor area	291102100023	1,750	BOCC 064-2004	
2005						
Lester/Cora May 1 & 2 USMS 6817	Castle Creek	Additional floor area	290918300017	4,250	BOCC 159-2005 PZ 01-2005	
2007						
Mathys	Castle Creek/Conundrum	Additional floor area	291102300020	4,250	BOCC 059-2007	
2010						
Ashcroft Ski Touring	Castle Creek	Tourist Accom. units	299906100002	5 XC ski cabins	BOCC 120-2011	
2012						
Castle Creek Investors	Castle Creek/Midnight Mine	New development right	273536200003	1,000 sf	BOCC 024-2013	

The following Growth Management exemption approvals have been granted for [new development rights \(pre-2006\)](#) and additional floor area in the Maroon and Castle Creek valleys:

	Location	# TDRs approved	How are TDRs to be used?	Date Extinguished?	Parcel ID #	TDR Certificate # (if extinguished)	Approval #
1999							
Enough claim	Little Annie	2	Aggregation of square footage within Rural/Remote	Apr, 2001	291101400007	IR-00-02-SW IR-00-03-SW	BOCC 17-2000
2006							
T Lazy 7 Ranch (now Celestial Land Company)	Maroon Creek	2	1-New development right 1-Additional floor area		273521400004		BOCC 13-2006 (replaces BOCC 36-2002)
Roaring Fork Land & Cattle Co.	Maroon Creek	4	Additional floor area to 15,000 sf	3/3/2008	273515300005	IR-06-05-SW IR-07-05-SW IR-10-02-ES IR-00-20-SW	HO 37-2006
2008							
Hardy	Castle Creek	3	Additional floor area for subgrade/garage on Lots 1A & 3	10/2/12 (Lot 1A)	273514402001 273514402002 273514402003	IR-08-08-C-SW	BOCC 118-2008 BOCC 149-2010
Hedstrom	Castle Creek	1	Additional floor area		290919102001		HO 06-2008
Aspeneyes	Castle Creek	3	Additional floor area to 13,250	8/5/09	290918301002	IR-41-07-SW IR-42-08-SW	HO 11-2008

PT Ranch/ Barn LLC	Castle Creek	3	Additional floor area to 13,250	6/1/09	273523403002	IR-32-05-SW IR-28-06-SW IR-40-07-SW	HO 13- 2008
2009							
Launer B	Conundrum	2	Additional floor area		273535400006		HO-04- 2009
Asp Properties	Castle Creek	3	Additional floor area to 15,000	11/13/13	290918301001	IR-20-07-SW IR-21-07-SW	HO 05- 2010 (replaces HO 19- 2007)
2012							
Stringer Trust	Castle Creek	1	Additional floor area	12/11/12	291102100003	IR-46-07-SW	HO 06- 2012

- A mining claim in the Little Annie/Richmond Ridge area received approval for the use of two transferable development rights (TDRs) for a total of 2,400 square feet within the Rural/Remote zone district. (Note: the ability to aggregate square footage in the rural/remote zone district is no longer available.)
- A parcel in the vicinity of the Toklat received approval for the use of 2 TDRs for up to 7,500 square feet of floor area.
- Use of two TDRs for up to 7,500 square feet was approved for a thirty-five acre tract in the Maroon Creek Valley.

Comment [SW22]: This was the "Devaney Parcel," which was to be created from USFS lands as an exchange for Ryan Parcel. Devaney Parcel was never created

Objectives

Revise growth control policies, land use criteria and modify GMQS scoring system to support and incentivize development that reflects and enhances the rural residential character of the Planning area as well as prohibiting development that compromises rural character, reduces the agricultural environment (to the extent that it exists) or impairs the water, air, wildlife and other natural resources and values of the area.

Implementation Measures

1. Recommend that the County reduce the allowable square footage awarded annually for the rural portion of the County, and provide a specified allotment for the Maroon and Castle Creek Valleys based upon historic growth rates and detailed potential square footage and density buildout analysis, including some site-specific analysis.
2. Revise scoring to favor modest-sized homes, with exceptions made for larger homes where siting allows such homes to have minimal to no visual impact from public roads.
3. Given the potential impacts of new development, the process for issuance of new development rights should be more rigorous. Eliminate the growth management exemption that allows transferable development rights to be used for an initial development right (the first 5,750 sq. ft. of floor area) in the Maroon/Castle Creek Planning area, *except* under the following circumstances:
 - Where a development right (TDR) is transferred to a receiving site within the same "fathering" parcel that the preservation site is located *and*
 - The resulting development is conservation-oriented with a clear conservation benefit relative to wildlife and/or agricultural resources and/or open space.

Comment [SW23]: Castle/Maroon is still included in the Rural Area allotments. The allotment for additional floor area for Rural Area was reduced in 2006 from 40,000 sf to 25,000 sf. Allotment for new lots/parcels has not been changed – 25,000 sf.

Comment [SW24]: Scoring criteria include "Reduction of Visible Mass" which provides points for floor area reduction, height reduction, and limiting some floor area to below grade.

Comment [SW25]: Eliminated County-wide in 2006 LUC.

Note: In light of the fact that there are pending revisions to the County-wide TDR program, it is understood that the recommendations in this Plan related to the use of TDR's, are not necessarily supported by the Planning Commission and may or may not be included in the ultimate revisions to the TDR program.

Water Use, Quantity and Quality

Existing Conditions Analysis

Drainages

The headwaters of Castle and Maroon Creeks begin at Castle Peak (14,265 feet) and the Maroon Peaks (14,014 feet and 14,156 feet) respectively. Both creeks flow northward toward Aspen and drain into the Roaring Fork River on the northeast edge of town. While Maroon and Castle Creeks are the main drainages in the area, several smaller creeks, including East and West Maroon, Willow, Conundrum and Express Creeks drain into Maroon and Castle, respectively. The drainages support high quality wetlands and riparian habitat and are an integral piece of the recreational amenities provided in the Maroon/Castle area. Castle Creek also functions as one of the sources for the City of Aspen's water system and for snowmaking.

Water Services

City water is available to the Highlands Ski Area, but not beyond. All others properties are served by individual well.

Sewage Disposal

Properties along Maroon Creek Road are served by Aspen Consolidated Sanitation District (ASCD) as far as the Heatherbed Lodge. However, most properties within the Maroon/Castle planning area are on individual septic systems. The County is currently assessing the impacts of septic systems on water supply within the Roaring Fork Valley.

Objective

Strict protection of all creeks and tributaries, and of all adjacent wetlands and riparian areas, is a priority against which any development activity and every development application should be measured. Preservation of water quantity, including established minimum instream flows, and protection of water quality are equally high priorities. Efforts should also be made to promote the preservation of fish and other aquatic habitat, shoreline integrity and vegetation.

Implementation Measures:

1. Support and enforce all County policies addressing the protection of surface and ground water resources including, and most especially, the following:

"It is the policy of the County to preserve and protect its present water resources, recognizing the county's semi-arid character and that significant transmountain and transbasin diversions and the vested rights of senior appropriators have materially curtailed the availability of water resources. Furthermore, wetlands and riparian ecosystems, which are important to maintaining the overall balance of ecological

systems; and are important plant communities, wildlife habitat and movement corridors, should be conserved, protected and restored. The County seeks to protect citizen's rights to permanently protected minimum stream flows in rivers and creeks, and to the preservation of remaining natural riparian areas and wetlands."

2. Protect Maroon and Castle Creeks and other streams within the Planning Area by seeking an amendment to the required minimum stream setback, contained in the Pitkin County Land Use Code, to require a minimum of 50 feet from the ordinary high water mark. The amendment should include a process by which the stream setbacks can be altered pending a determination of the County Engineer and the County Wildlife Officer.

Comment [SW26]: Adopted a 100' stream setback in 2006 LUC. Can be reduced to 50' if there is no alternative and if does not result in water quality degradation, stream bank erosion and/or reduction in quality of riparian or wetland habitat.

3. Work to ensure the protection of ground water, particularly domestic wells, from potential pollution by poorly designed, inadequate or failing septic systems.

a. Require that the County Environmental Health Department aggressively enforce the existing ~~Individual Sewage Disposal System (ISDS)~~ On-Site Wastewater Treatment System (OWTS) regulations on all new development and redevelopment within the Planning Area.

b. Encourage the County to research progressive new technologies for wastewater treatment and modify its existing ~~ISDS-OWTS~~ regulations and other administrative policies and procedures and other applicable Code provisions to accommodate new technology where it can be shown to provide comparable or greater protection for ground and surface water.

Comment [SW27]: Environmental Health is currently updating the OWTS regulations.

4. Prohibit buildings in flood plains, wetlands, washes and riparian areas.

a. Enforce the floodplain regulations and stream setbacks as regulated under the Pitkin County Land Use Code.

b. Require all land use applications, for properties containing streams, ponds, lakes, washes, wetlands or other surface water bodies, to include information regarding the extent of riparian habitat zone in order to adequately evaluate the impacts of development on riparian habitat.

Comment [SW28]: We do! BOCC adopted new floodplain regulations pursuant to Ord 32-2013 to bring our regulations into compliance with new State law. The County initiated updates to the floodplain maps for the County; FEMA is currently working on the maps.

Comment [SW29]: This is required in the Application Manual.

5. Consider developing a system to evaluate legal and hydrologic proof of an adequate, sustainable water supply before approving development, including domestic, landscape features and institutional uses.

6. Study the possibility of providing incentives for the reuse of gray water for domestic irrigation; and establish effective and workable regulations governing gray water reuse in order to eliminate environmental impacts and health, safety concerns related to such reuse. Especially in the Rural/Remote zone district, explore acceptable and reliable off-the-grid systems.

7. Promote and/or establish public education programs to foster the value of rivers and surface waters in order to prevent pollution and minimize the impacts of human activities on water quality. Special emphasis should be placed on education regarding the critical importance of maintaining in-stream flows particularly during dry years.

8. Install monitoring stations as necessary to monitor water quality and quantity in Maroon and Castle Creeks.
9. Encourage methods for water softening systems that are environmentally sensitive.

Air Quality

Objective

Preserve the current air quality in the Planning area, which is among the best in the State of Colorado.

Implementation Measures

1. Ensure that current regulations governing air pollution at the local, state and Federal level are enforced within the Roaring Fork Valley.
2. Continue efforts to control air pollution through enforcement of current policies and regulations including the Air Pollution Control and Solid Fuel Burning Devices and Restaurant Grill provisions of the County Code.
3. Work with the Caucus on continued monitoring of air quality within the Planning Area.
4. Strengthen regulations, policies and procedures to better address the impacts of construction on air quality.
5. Encourage the development and use of alternative energy vehicles.
6. Encourage the use of existing park and ride and other existing transit services and facilities.

Comment [SW30]: A Fugitive Dust Control Plan is required with any Construction Management Plan.

Roads

The Maroon and Castle Creek roads provide residential and recreational access and are both used extensively for cycling. Maroon Creek Road above the T-Lazy Seven Ranch and the upper portion of Castle Creek Road are both closed to automobile traffic in the winter and may be used for nordic skiing by the public during this period. The Little Annie and ~~Midnite~~ Midnight Mine Roads are also used for hiking, biking and skiing.

Existing Conditions Analysis

Castle Creek Road Service Level

The first five miles of Castle Creek Road (below Conundrum) are considered a *high service area* road per the Pitkin County Asset Management Plan. The next six miles of Castle Creek Road above Conundrum are considered a *moderate service area* road. The remaining 2.1 miles, known as Upper Castle Creek Road is considered a *limited service area* road.

County traffic counts for *Castle Creek Road* are summarized in the following table:

	# vehicles per day, winter	Average # vehicles per day, winter	# vehicles per day, summer	Average # vehicles per day, summer
Castle Creek Road above Conundrum	212 – 677 (1999 – 2002)	384	313 – 987 (1998 – 2002)	697
Castle Creek Road above hospital entrance	646 – 2004 (1998 – 2002)	1202	1233 – 3663 (1998 – 2002)	2632

The 20 Year Maintenance Plan for the Castle Creek area includes a scheduled overlay for Castle Creek Road (below Conundrum) in 2008 and an overlay of Upper Castle Creek Road (above Conundrum), in 2016. In addition, Pearl Pass Road is graded every 3-4 years.

The County Engineer recommends that the Castle Creek Bridge be replaced or rehabilitated within the next 10 years due to current weight restriction. The County recently replaced the Conundrum and Midnight Mine Road bridges. The Music School Bridge is owned by the County but is not on the replacement schedule.

Unpaved Spur Roads

The following County Policy Guideline exists regarding unpaved roads:

“Where practical, the county seeks to retain existing unpaved roads as a reflection of our rural character”

Unpaved area spur roads off of Castle Creek Road include:

- Music School Road – 0.28 miles
- Summer Road/Aspen Mountain Road – 4.5 miles
- Lower Midnight Mine Road – 0.7 miles
- Upper Midnight Mine Road – 4.25 miles (Primitive Access)
- Lower Conundrum Creek Road – 1.12 miles (Primitive Access)
- Lower Little Annie Road – 1.5 miles
- Upper Little Annie Road – 2.85 miles (Primitive Access)
- Taylor Pass/Express Creek – 4.22 miles (Primitive Access)
- Richmond Hill Road – 15.7 miles
- Pearl Pass – 6.1 miles (Primitive Access)

Comment [SW31]: Now paved

Maintenance

There is no winter maintenance provided on Castle Creek Road above the King Cabin; Midnight Mine Road above the Midnight Mine Inn; and on Little Annie Road above the Hurricane Road intersection. Private maintenance is provided above Lime Creek Village up Hurricane to the first residence past Lime Creek Village Subdivision. As directed in the Rural Remote zone district and in the County Asset Management Plan, properties located in the R/R zone district have no wintertime automobile access and must be accessed by over-the-snow vehicles, by foot or by ski. Winter service levels on upper Castle Creek road are intended to accommodate nordic skiing at

Comment [SW32]: Private residence – not sure you want to use this name anymore

Ashcroft and to comply with the road limitations established in the rural/remote zone district, which is located in the upper reaches of the valley.

Several residents who live on Little Annie Road above the area which is plowed in the winter, recommend that the rural remote/zone district and the Asset Management Plan be amended to allow plowing (on Little Annie Road only), between the dates of May 1st and November 1st. Specifying the date when plowing is allowed (rather than just referring to “winter” as the time when plowing is *not* allowed) will allow the road to be plowed during the spring when the road is mostly free of snow but still has drifts. Under this condition, the road is difficult to travel by snowmobile as there is not enough snow, and difficult to travel by automobile because there is too much snow.

Parking

At the point where plowing ends on Little Annie Road, residents park their automobiles and ski, hike and/or snowmobile to their homes. While this particular area has been used for parking for several years, there is no formal agreement on the part of the property owners for use of this transition area for parking.

Comment [SW33]: This issue has resurfaced again with recent applications in Little Annie Basin. Still an issue that the neighbors would like the County to address.

Safety

Complaints regarding roads in the Castle Creek area *generally* consist of problems with rock fall, the need for wider shoulders and passing lanes, and conflicts with bicycle traffic. There is a significant amount of bicycle traffic on both Maroon and Castle Creek Roads. Due to the narrow, winding nature of the rural roads, there is a substantial risk for auto/bicycle conflicts. While residents don’t want significant changes made to the road width, safety improvements such as guardrails, signs and the addition of a shoulder (where feasible), and paved pull-outs are recommended.

Comment [SW34]: Did BOCC approve the Koch guardrail request? Was it completed?

Maroon Creek Road Service Level

Lower Maroon Creek Road below T Lazy 7 stretches for about 2.25 miles and is considered a *high service area* road. The remaining 6.52 miles, known as Upper Maroon Creek Road is considered a *limited service area* road.

County traffic counts for *Maroon Creek* Road are summarized in the following table:

	# vehicles per day, winter	Average # vehicles per day, winter	# vehicles per day, summer	Average # vehicles per day, summer
Maroon Creek Road above High School intersection	1101 – 3239 (1998-2002)	2348	2556 – 3731 (1999-2002)	2660
Maroon Creek Road above T Lazy 7	Closed in winter		346 – 718* (1998-2002)	451

* Limited vehicular traffic in summer on Maroon Creek Road from Forest Service gate to Maroon Lake. Buses run from Highlands.

Maroon Creek Road was overlaid in 2001 from Highlands to Maroon Lake. The next scheduled overlay in the County's 20 Year Maintenance Plan is for 2017. There is no winter maintenance of Maroon Creek Road above the T Lazy 7 Ranch.

Area roads include:

- Glen Eagle Drive – 0.56 miles
- Lower Maroon Creek Road – 2.25 miles
- Upper Maroon Creek Road – 6.52 miles

The City of Aspen recently annexed Maroon Creek Road to the upper end of Iselin (across from Glen Dee Rd.)

Objectives

- Keep the rural character of the Planning Area intact by maintaining the County roads in their current condition allowing minimal improvements as necessary for safety.
- Support Pitkin County Policy with respect to County roads, which reads as follows:

“Where practical, the County seeks to retain existing unpaved roads as a reflection of our rural character. The County also seeks to preclude winter maintenance extending farther into remote areas of the County. The safety and rural character impacts likely from increased winter maintenance is avoidable and undesirable.”

Implementation Items

1. Keep unpaved roads in their current condition with regular maintenance to eliminate washboards and other safety hazards but without further widening, straightening, or changing the type of surface (except where safety is an issue).
2. Consider revising the Asset Management Plan as necessary to specify that snowplowing on the Rural/Remote portion of the Little Annie Road may occur under contract with the County from May 1 through November 1 as needed if the road is not passable by automobile or snowmobile. Consider physical impacts to the road, budget implications and compliance with the intent of the rural/remote zone district.
3. Enforce the speed limits on all roads within the Planning Area.
4. Require and strictly enforce the use of construction management plans to reduce construction traffic impacts associated with new developments and major redevelopments within the Caucus Area.
5. Investigate the cost and feasibility of installation of a wider shoulder or path along Maroon and Castle Creek Roads for bicycles to improve safety in critical areas, and reduce bicycle/vehicle conflicts, but don't improve/widen the road to the extent that rural character is changed and/or vehicles travel faster because the road is wider.
6. Consider the feasibility, expense and effectiveness of installing a limited number of educational signs on Castle and Maroon Creek Roads to improve safety and to make cyclists and drivers more conscious about each other's presence.

Comment [SW35]: John Miller complains that R&B has continually widened Little Annie and Midnight Mine Roads through their maintenance practices.

Comment [SW36]: County proceeding with planning/approvals for trail along lower Castle Creek Road to Music School in 2015. Plan to build in 2016.

7. Work with the Caucus to determine the need and/or feasibility for installing guardrails on Castle Creek Road to address safety issues.
8. Consider modifying solid yellow striping on Maroon and Castle Creek Roads to allow cars to pass cyclists in areas where passing would be safe.
9. Consider paving some of the existing gravel pullouts to provide areas for bicyclists/ roller bladers, etc. to pull over to allow cars to pass; and sign the areas to direct bicyclists to yield to cars in these areas.
10. Support efforts by bicycle shops and other related businesses to post signs, provide handouts or otherwise educate their customers about safely sharing the roads.
11. Enforce County policy, which precludes the extension of winter snowplowing of County roads beyond the current locations identified in the 2003 Asset Management Plan.
12. Establish a process by which extensions of winter maintenance of roads within the Maroon/Castle Creek Caucus area are reviewed, including public hearing(s) and referral to the Caucus for review and approval.
13. Minimize public signs and prohibit all advertising, security and real estate signs within public rights of way.
14. Work with the Caucus to formalize winter parking at the Hurricane/Little Annie Road intersection.

Comment [SW37]: As mentioned above, still an issue for residents. Little Annie HOA raises with each land use application. Pete Stouffer willing to participate.

Transit

Existing Conditions Analysis

Access to transit in the Castle and Maroon Creek valleys is limited. Transit service is provided to the Highlands Ski Area on Maroon Creek and the Music School on Castle Creek. In summer, a bus is available to the Maroon Bells. This service is tremendously successful and is very effective in limiting tourist traffic on Maroon Creek Road. Transit to the Ashcroft area has been considered in the past, but is not currently warranted by the numbers of potential riders. The local taxi company does provide service to the area. Residents support the current level of service.

Objective

Support the current mass transit system in the Roaring Fork Valley and its ability to provide continued, convenient service.

Implementation Measures

1. Encourage commercial and special review uses and special events within the Caucus Area to utilize van service.
2. Do not extend bus service beyond current terminuses on Castle and Maroon Creek Roads.

Natural Environment

A. Wildlife

Existing Conditions Analysis. The Castle-Maroon Planning Area contains numerous occurrences of ecological communities that are of significant importance at the state and global level including a wide assortment of wetland and riparian systems. This area contains habitat for federally listed Endangered and Threatened species including peregrine falcons, boreal toads, and Canada lynx as well as a plethora of U.S. Forest Service Region 2 Sensitive Species.

Fortunately, the vast majority of these important habitats are on public lands – predominantly White River National Forest – and much of that is within the Maroon Bells – Snowmass Wilderness Area. The Castle-Maroon Planning Area contains thousands of acres of mule deer, elk, mountain goat, and bighorn sheep summer range but again, most of this is on Federal lands. While there are few true “migration corridors” within the area there are numerous migration patterns as defined by the Colorado Division of Wildlife. These include the Castle Creek and East Maroon Creek-Maroon Creek-Willow Creek routes.

Comment [SW38]: MOOSE!

It is important to note that elk that summer in this part of the elk range historically wintered from the southwesterly facing slopes above lower Maroon and Castle Creeks down to what is now the Aspen School Campus, Meadowood, the west facing slopes of Shadow Mountain, the former Moore Ranch, and down toward the Aspen Golf Course-Burlingame area. As this habitat was lost to development over time, the elk were forced to find alternative winter range. The only winter range left in this planning area is the west facing slopes above Castle Creek extending from the undeveloped portions of the west side of Shadow Mountain up to about 9800 feet and as far up Castle Creek as Castle Creek Valley Ranch. This is not an optimal situation, and should the Valley see a truly harsh winter these animals may be in dire straits.

Another concern in portions of the Castle-Maroon Planning Area containing private lands are the numerous wetlands and the riparian areas of Maroon and Castle Creeks and their tributaries. These riparian areas support four significant plant communities dominated by Drummond’s willow (*Salix drummondiana*), narrowleaf cottonwood (*Populus angustifolia*) or blue spruce (*Picea pungens*). At the lower elevations dominated by private land, the riparian areas and many of the riparian wetlands are degraded and surrounded by residential development, the golf course, and the Aspen Highlands Ski Area. Roads, associated with the above activities, parallel the riparian areas and cause siltation, erosion, and reduced ecological function.

Objective

It is of great importance to the residents of the Planning Area to preserve and protect the open space, drainage ways, plant species, cover and corridors for the healthy protection, reproduction, movement and migration of all native wildlife species in the Castle and Maroon Creek valleys, and to ensure that large contiguous parcels remain available for wildlife use and movement.

Implementation Measures

1. Require all existing and proposed developments to strictly adhere to the policies and regulations of the Pitkin County Land Use Code concerning wildlife including the following policy statement contained in the County’s Land Use Policy Guidelines.

“It is the policy of the County to ensure that proposed land uses (including structures) are compatible with the ecosystem of wildlife habitats and do not pose immediate, long-term or potential detrimental impacts to such habitats. The county seeks to preserve, restore and perpetuate native wildlife and plant diversity by maintaining sufficient habitat.”

2. Consider the adoption of land use regulations that include a broad perspective in terms of wildlife habitat including the concept of “biodiversity,” which places greater importance on preserving a broad spectrum of plant and animal species as opposed to a few “indicator” species.

3. Consider adoption of stringent policies and regulations to protect the numerous wetlands and riparian areas of both Maroon and Castle Creeks; and the remaining areas of elk winter range on the west facing slopes above Castle Creek as far up as Castle Creek Valley Ranch.

Comment [SW39]: 2006 LUC increased stream setback to 100’.

4. Establish educational information reminding citizens of steps they can take to protect wildlife and wildlife habitat including keeping dogs under control at all times and the dangers of using chemicals in the treatment of noxious weeds in terms of the impacts to wildlife.

5. Enforce dog restrictions within developments where such restrictions were required in the land use approvals granted by the County.

B. Wildfire

Existing Conditions Analysis

As is common throughout the County, the lower, flatter, open portions of the Planning area typically have a *low* wildfire rating and the steeper forested slopes have a *severe* rating due to the vegetative cover and grade of slope. Due to the proximity of private lands to the edge of public lands throughout most of the upper portions of these valleys, the risk for structure-initiated wildfire on the Forest is an issue that must be addressed.

Objectives

Cooperate with the County Sheriff’s office and other appropriate government agencies to establish and administer wildfire policies and programs to minimize the danger and destruction associated with wildfires within the Planning Area.

Implementation Measures

1. Consider modifying County land use and building regulations to require that retroactive “defensible space” standards be met by all existing residences when a building permit is sought for remodeling.

2. Establish and distribute a hand-out to all land owners containing a clear protocol for ditch burning and other controlled burns and providing a description of the process, contacts and information necessary to obtain the required burn permit from the County.
3. Consider amending the current Land Use Code relative to conflicting mitigation requirements. Develop a prioritizing strategy, with Pitkin County, the USFS and DOW and the Caucus to determine the best solution for resolving conflicting mitigation requirements when there are wildfire as well as other environmental constraints on a proposed development site.

Open Space/Trails/Recreation/Tourism

Existing Conditions Analysis

The Maroon and Castle Creek areas provide road and trailhead access to public lands and wilderness areas and provide access to a large range of recreational activities. The Maroon and Castle Creek roads are a public asset for the local and tourist economy. Public access to federal lands includes the Cathedral & American Lake, East and West Maroon Creek trailheads; and Midnight Mine, Little Annie, Express Creek, Montezuma, Cooper Creek and Pearl Pass Roads. Both trailheads and roads provide access for huts, mountaineering, winter skiing & snowmobiling; summer biking, camping, fishing, horseback riding, jeeping, dirt biking and hiking. Developed camping is available up Maroon Creek at the Silver Bell, Silver Bar and Silver Queen campgrounds. Private guided bicycle, jeep, skiing and snowmobile tours are available through the T-Lazy Seven Guest Ranch and/or other outfitter/guides in the area.

Comment [SW40]: Aren't there just two now?

Summary of the Little Annie/Richmond Ridge Management Plan

In 1999, a management plan was developed for the Little Annie, Richmond Ridge and Pearl Pass areas by a group of interested citizens, the United States Forest Service (USFS) and Pitkin County staff. The Plan effort was initiated because there were several recreational groups that were converging on the area to recreate, and there was concern that the overall quality of the recreational experience was degrading because of overuse and/or conflicting uses. The goals of this group included efficient management of the available resources, resolving conflicts between user groups and residents, preserving the environment, and ensuring a quality experience for everyone. The plan addresses specific issues and creates action items dealing with recreation accessing public lands off of Midnight Mine Road, Little Annie Road, Express Creek, and the Pearl Pass Area. Illegal parking, trespassing, and noise were identified as fairly common concerns. The Pitkin County Planning and Zoning Commission informally adopted the Plan on April 18, 2000.

To achieve goals of the Plan, implementation items were divided into a three-phased approach. The first phase implements an education strategy and efficient use of existing facilities. If the educational outreach in Phase 1 proved effective, there would be no need for additional phases. Phase 2 incorporates new regulations and a limited, self-enforcing permit system. If Phase 2 failed, then Phase 3 would be initiated. This phase includes new regulations and a mandatory, all-user pay permit system.

Implementation measures were modeled in part on a user system, which was developed and implemented by citizens in the Shrine Pass area off of Vail Pass. The intent was to come up with a system that could be implemented and to a great extent, enforced by Citizens with assistance from the Forest and/or County. The Plan was not intended to result in a strategy that required more than very limited County or Forest staffing or budget.

Little of the Plan has been implemented to date. A decision should be made as to whether the conflicts in this area have resolved themselves and/or whether the Plan should be revisited and revised to accomplish the Plan's stated goals.

Objective

Preserve existing recreational opportunities within the Planning Area and maintain the quality of the recreational experience.

Implementation Measures

1. Maintain the current trail system and access to public lands through private lands, where it currently exists unless it is determined, through an open study process conducted by the USFS or BLM, to relocate or close a trail.
2. Maintain current parking facilities at trailheads in good condition.
3. Pitkin County, the USFS and backcountry users groups should work together with the Castle/Maroon Caucus to monitor use levels on existing backcountry roads and trails and consider measures to manage impacts to existing backcountry roads and trails.
4. Ensure that the existing outfitting businesses are operating within all applicable Federal, State and local regulations.
 - a. Consider amending the definitions section of the Land Use Code to include a definition for "Outdoor Recreation" and to include "outfitting" and "guide services" within this definition.
 - b. Aggressively enforce existing land use and all other local, state and federal regulations relating to outdoor recreation uses and establish and enforce penalties for violations of these regulations.
5. Provide education to the public regarding the safety and courtesy issues associated with bicyclists and other recreation users of roads.
6. Maintain influence over issues related to the management of federally owned public lands within the Planning Area.
7. Develop intergovernmental agreements (IGA) or memorandums of understanding (MOU) between Pitkin County and Federal land agencies regarding land management within the Maroon/Castle Creek Area.

8. Establish a relationship with the USFS and BLM and pursue direct discussions with these agencies regarding limitations on the establishment of any new campgrounds within the Caucus Area and keeping roadless areas roadless by establishing more restrictive policies regarding the establishment of new roads, and controlling the use of motorized vehicles on public lands within the Planning Area.

9. In the event that expansion of existing campgrounds is proposed, support limited expansion in the event that offsite impacts such as traffic can be adequately mitigated.

10. Revise the bidding procedures for campground concessions on National Forest lands, currently run by private concessionaires, so that local bidders might participate. Current bidding procedures combine all campgrounds in the Frying pan, Roaring Fork, and Crystal River Valleys into one large concession. Divide the concession into 3 permits so that local bidders may compete more successfully.

11. Consider revisiting and revising the Little Annie/Richmond Ridge Plan as necessary; and/or if the Plan is found to be still current, work with the Caucus, the U.S.F.S. and user groups to devise successful strategies to implement the plan.

12. Support and promote the policies of Pitkin County with respect to the management of public lands including the following:

“Pitkin County supports protection of designated Wilderness areas within and surrounding Pitkin County, as these areas provide residents and visitors with incredible vistas and opportunities for experiencing the natural environment while renewing their “mind body and spirit.” The County encourages management of adjacent and neighboring land to preserve the integrity of the wilderness area.”

“The County seeks to preserve and protect public lands from the impacts of incompatible development by promoting land uses within the nearby public lands which are compatible with public use of those lands, and with preservation of the natural environment.”

Agriculture

Existing Conditions Analysis

Agriculture in the Maroon and Castle Creek valleys is limited to a few large remaining parcels. Nonetheless, these parcels contain open pastures on the valley floors that help define the area. As such, they play a critical role in making these valleys appealing to residents and tourists who travel Maroon and Castle Creek roads to their homes and/or recreational activities, or use the roads for recreation.

County Policy Guidelines state the following regarding agriculture:

“ Productive agricultural land is a limited resource of environmental, cultural, open space, visual and economic value that should be conserved”

“ All new development in areas surrounding or incorporated within existing agricultural properties should be designed to minimize impacts on agricultural operations”

“ The fragmentation of large agricultural lands is discouraged and the assemblage of smaller parcels into larger, more manageable and agriculturally productive tracts is encouraged”.

“Preservation and utilization of water for agricultural lands within the County is encouraged”

Objectives/Implementation Measures

1. Give property owners incentives to cluster development and/or to place conservation easements on parcels containing agricultural uses within the planning area.
2. As part of land use reviews on specific properties, and as a requirement for open space purchase with public funds, revise the Land Use Code to ensure that water rights have been secured in order to maintain the limited agricultural use of the valley floor or at a minimum, to keep it as green open space and wildlife habitat.

Comment [SW41]: Land Use Code has various Conservation Development tools, including Conservation Development PUD (CD-PUD), Limited Development Conservation Parcel TDRs, Open Space Master Plan, and Constrained and Visually Constrained Site TDRs.

(See *Residential Development* Section of this Plan to reference other agriculture related implementation measures).

Scenic Quality

Existing Conditions Analysis

One of the qualities that is intrinsic to the “rural character” of the Maroon and Castle Creek valleys is the quantity of open landscape containing irrigated pastures, meadows, mountain views, and remnants of historic buildings.

From Keno Gulch above the music school on Castle Creek Road down to Highway 82 is mapped for scenic review by the County. The Aspen Mountain and Highlands Mountain ridgelines are mapped for ridgeline review. No other areas within the Planning area are currently subject to scenic review by the County.

Comment [SW42]: With 2006 LUC, new Scenic View Protection Area maps were adopted. Includes all areas visible from Maroon and Castle Creek Roads.

Pitkin County Policy guidelines state the following relative to scenic quality:

“To the extent possible, the county seeks to protect scenic corridors along highways, county roadways and mountain road systems”

“It is the policy of the County to ensure that the night sky can be viewed by citizens without the interference of unnecessary artificial light from growth, urbanization and highway development”

Objective

The natural environment and scenic character are among the greatest assets of the Maroon and Castle Creek valleys and are the reasons many people choose to visit and make this area their

home. Therefore it is the goal of this plan to preserve, for generations to come, the natural beauty and unspoiled scenic character of the landscape within the Planning area, particularly the spectacular views of the mountains and ridgelines, but also the more intimate views of the streams with their riparian corridors, and historic structures. It is also important to preserve the dramatic views of the night skies made possible by limiting the use of outdoor lighting. The predominant visual character of the area should remain one where the rural open space feel dominates, with pockets of development remaining subordinate to the natural surroundings.

Implementation Items

1. Recommend that all utility extensions associated with new development or redevelopment within the Planning area be installed underground.
2. Minimize public signs and prohibit all advertising, security and real estate signs within public rights of way within the Planning Area.
3. Through zoning regulations, policies and education, establish the strongest possible lighting regulations in order to enhance and preserve the sanctity of night skies.
 - a. Consider modifying the GMQS scoring system to place greater emphasis on minimizing light pollution.
 - b. Consider establishing a budget and procedure for the enforcement of lighting regulations.
 - c. Consider amendments to the Lighting Regulations to further minimize the impacts of outdoor lighting as new information and technology is made available.
 - d. Design and distribute pamphlets to educate citizens about the need of all rural area residents to take simple and thoughtful steps to encourage tolerance of agricultural practices; to protect abundant wildlife through habitat preservation and restrictions on dogs, noise and lighting; to protect night skies by adhering to lighting regulations; and to protect superior water quality by adhering to stream set backs and other requirements that minimize degradation and sedimentation.
4. After adoption of this Plan, work with a Maroon/Castle Caucus committee to identify specific visually sensitive areas in both the Castle and Maroon Creek valleys, and establish specific recommendations for addressing at least the following potential scenic issues within the Planning area:
 - a. Installation of utility lines
 - b. Potential installation of a gondola between Buttermilk and Snowmass ski areas
 - c. Guidelines for siting residences so that they have little to no visual impact from public roadsConsider amending the Land Use Code to incorporate a scenic component within all types of Land Use review for development within the Planning area.

Comment [SW43]: Standard condition.

Comment [SW44]: Amendments to the lighting regulations are on Susan Pearson's work program.

Comment [SW45]: County created the Guide to Rural Living in Pitkin County in 2006.

Comment [SW46]: 2006 LUC adopted Site Plan Review, which addresses development in Scenic View Protection Areas.

Affordable Housing

Existing Conditions Analysis

- Given the lack of population density in the Maroon and Castle Creek areas, there is a limited amount of affordable housing. In addition to Caretaker Dwelling Units (CDU’s), there are a few other affordable housing options available.

There are four permanent moderate housing lots at Castle Creek Valley Ranch. Some units have been approved in association with the Ashcroft/Pine Creek Cookhouse, which is being rebuilt following a devastating fire. There will be a dorm to sleep 8; one 3-bedroom unit; two 1-bedroom units; and one owner/manager RO unit. Currently Ashcroft/Pine Creek Cookhouse houses their employees in the Schoolhouse, which is scheduled to be demolished. There are some A-frames and cabins on the Ryan parcel that are considered affordable, however they are not deed restricted.

- The Pitkin County Land Use Policy Guidelines note the following regarding citizen housing:

“Citizen housing outside of the urban growth boundaries is only acceptable where the densities are appropriate for the surrounding area, and where such development is containable. Caretaker or employee dwelling units may be acceptable uses in a rural environment.”

The policy guidelines are currently reflected in the land use patterns of the Maroon and Castle Creek valleys in that existing affordable housing is dispersed to reflect the densities in the area.

Objective

To the extent possible, develop affordable housing within the urban growth boundary areas in the County. Allow citizen housing to be considered in the Maroon and Castle Creek valleys only under circumstances where densities are appropriate for the surrounding area, and where such development is containable. Caretaker or employee dwelling units may be acceptable uses within the caucus boundary.

Historic Resources

Existing Conditions Analysis

The following resources in the Maroon and Castle Creek Valleys were identified in the 1999 Historic Building Inventory Record. These properties are not necessarily on the Pitkin County Historic Inventory and may or may not be eligible for such a listing. The County is in the process of developing a voluntary historic resource designation program.

Location	Resource
2 Music School Road	Newman Mine buildings at MAA campus and Music School Buildings; 1965; Fritz Benedict
202 Midnight Mine Road	Waterfall House (demolished); Newman Mine Mill

Comment [SW47]: Only one cabin remains on Ryan parcel – unsure how that is used. At Ashcroft, have built two 1-bedroom units on Montezuma Mill Site, and preparing to build two 1-bedroom units near new King Cabin. Schoolhouse and A-frames demolished. Ashcroft asking to pay impact fee rather than build an additional 3-bedroom unit. Will also be required to mitigate when XC ski huts are built.

Comment [SW48]: 2006 LUC – now have Historic Inventory and Historic Register. Inclusion is voluntary. Incentives provided in LUC.

Comment [SW49]: Master Plan for Castle Creek Campus approved in 2008. Allowed demolition of Fritz Benedict buildings. Designated Administration Building and Business Building (Newman mine buildings) to County Historic Register.

Castle Creek Valley Ranch	Coke ovens
5387 Castle Creek Road	Highland Bavarian Lodge
5835 Castle Creek Road:	King Cabin at King Ranch
10080 Castle Creek Road	Elk Mountain Lodge cabins (2)
11247 Castle Creek Road	Toklat
Castle Creek Road	Ashcroft Townsite – National Register
330 Cathedral Lake Road	Fitzpatrick & Royal cabins; 10 th Mountain tent platforms
3129 Maroon Creek Road	T Lazy 7
Maroon Creek Road	Stein Cabin – Fritz Benedict 1958

Comment [SW50]: Not sure which cabin remains on-site

Objective

1. Provide incentives to property owners for voluntary inclusion in the designation of properties that are pertinent to the history of Pitkin County

Comment [SW51]: Designation to Historic Register is voluntary and incentives are provided in LUC.

Action Item

1. Revise the Pitkin County Land Use Code to include voluntary incentives for protection of historic resources on properties that are pertinent to the history of the County.

Mineral Exploration/Extraction

Existing Conditions Analysis

Mining has historically occurred in the Maroon and Castle Creek valleys, particularly in the Castle Creek Valley. The Little Annie/Richmond Ridge area, which was heavily prospected in the past, contains limited residential development today. Given the price of silver it is unlikely, but under 1872 mining laws, these mining claims may be used for prospecting and mining subject to local and federal regulations.

Objectives

Protect lands within the Planning area from the environmental impacts of mining, mineral exploration, oil and gas drilling and exploration, sand and gravel pits, rock crushers, concrete batch plants, and other extractive operations.

Seek to improve the existing regulations governing mining, mineral exploration and other extractive operations in the Pitkin County Land Use Code to prevent such activities from

occurring on private lands within the Caucus Area and, to the extent possible, discourage such activities on public lands.

Implementation Measures:

1. Revise the Land Use Code definition section to include “extractive operations” and incorporate oil and gas and mineral exploration, drilling and mining in this definition. Consider establishing a more stringent set of review criteria for special use permits for extractive operations.
2. Pursue intergovernmental agreements (IGA) or memorandums of understanding (MOU) with the United States Forest Service and the Bureau of Land Management to allow more aggressive limitations on mining, mineral exploration and other extractive operations on any federally owned public lands in Pitkin County.
3. Encourage local government agencies, local and state politicians to seek amendments to antiquated federal regulations governing mining and mineral exploration on public lands nation wide.
4. Strictly enforce all existing local, state and federal regulations governing mining, mineral exploration, oil and gas exploration and drilling, sand and gravel pits and all other extractive operations when such operations are proposed within the Caucus Area.

Plans Affecting Maroon & Castle Creek Valleys

The Little Annie/Richmond Ridge Management Plan (2000)
Aspen Mountain Ski Area Master Plan (1998)
Aspen Highlands Ski Area Master Plan (1997)
White River National Forest Management Plan (2002)

Future Land Use Map

Residents of the Maroon /Castle Caucus area expressed support for keeping the land use patterns, densities and zoning designations within the Planning area substantially unchanged, with the exception that new commercial uses should be precluded, and public lands should be appropriately zoned to accommodate uses on the Forest. There was also general consensus that development in sensitive visual areas should be subject to siting guidelines. The Future Land Use Map reflects these goals.

