

Mountain Valley Homeowners Association

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MINUTES of
Board of Directors for Mountain Valley Homeowners Association
QUARTERLY MEETING
September 21, 2017
Location: David Epstein's Home (462 Mountain Laurel Drive)

The Quarterly Mountain Valley Homeowners Association Meeting was called to order by Evan Boenning at 4:45 pm at David Epstein's Home on September 21, 2017.

ATTENDANCE

Quorum established. Kenny Smith, Evan Boenning, Bronwyn Bateman, AnneAdare Wood, Don Wrigley, Kim Coates, David Epstein.

REVIEW OF MINUTES

Minutes reviewed for May 18, 2017 Quarterly Meeting. Minutes approved.

FINANCIAL REPORT – Evan Boenning

All is well on the P&L and Balance Sheet. No significant changes from prior meeting.

LANDSCAPING REPORT

Agreement that the new company has done a great job this summer. It was discussed that the next area of focus should be the right side of the road (E. Lupine) at the entrance to the neighborhood. There are a lot of weeds there, and a landscaping treatment there would really complete the beauty of the entrance area. Don is willing to donate some wildflower seed to the effort.

ARCHITECTURAL REPORT

No new major projects have been submitted for review.

OLD BUSINESS

Nice progress has been made on owners being more diligent with the appearance of their respective trash cans. Thank you to Evan for working on this.

NEW BUSINESS

A significant amount of time was spent discussing a new issue that has been brought to the attention of the Board. The group reviewed a letter prepared by Grafton Smith regarding the interpretation of allowable FAR for duplexes in Mountain Valley. There are 28 Duplex lots in MV. Of those, 19 are affected by the difficulty of the interpretation of the rules. The issue involves how duplexes (now largely condominiumized, and separately owned) are able to split the available FAR cap for a duplex in R-15A). (A copy of the letter is below).

Evan made a motion that a representative of the MV Board of Directors go before the Pitkin County Board of County Commissioners (BoCC) to ask for clarity on the interpretation of the issue of FAR "buildability" on a duplex in R-15A, as it is important for all MV homeowners to have a clear understanding of this issue. The motion was unanimously approved.

Bronwyn made a motion that the MV Board of Directors approve/earmark \$1,000 (cap) in HOA funds to research/prepare an informational letter to the MV homeowners regarding the issue, an introductory letter to the BoCC (to show that we are well organized on the issue), and any other necessary research or the services of a professional to assist. The motion was approved by majority.

Meeting adjourned at 6:30 pm.

Copy of September, 2017 letter prepared by Grafton Smith regarding the interpretation of allowable FAR for duplexes in Mountain Valley.

Evan:

The genesis of this discussion has its origin in a recent misunderstanding between Lorrie Winnerman and Joanna Schaffner of the Zoning Office over exactly how allowable floor area square footage was to be calculated in our (Mountain Valley) R-15A zone district, especially as it related to our duplex lots.

As it turns out, the imagined difference was easily resolved in that it was mostly one of a difference in terminology rather than of substance. Joanna has since provided us with a copy of a 2013 letter she crafted for Jane Moy showing how the Zoning Office calculates allowable floor area for our single-family and duplex parcels. A review of this letter shows that the Zoning Office's methodology matches with Lorrie and my (and most likely your) understanding of how the Pitkin County Land Use Code (LUC) works in that regard.

However, in this process it was uncovered that there is a substantial difference between how the County now intends to apply the Growth Management Quota System (GMQS) exemption of 5,750 square feet to our duplex parcels versus the way it was applied prior to the 2006 LUC rewrite.

Under the pre-2006 code, each side ("unit") of a duplex was afforded the 5,750 square foot GMQS exemption, which in effect give the entire duplex (two "units") parcel an exemption of 11,500 square feet. A full build-out of our largest duplex lot would most likely be in the 10,000 square foot range so in effect our duplex lots were immune from having to either purchase TDRs or compete for a GMQS allocation for additional floor area (provided neither side exceeded 5,750, which would be possible in an asymmetrical redevelopment.) This, plus the 30% floor area duplex floor area bonus, were large contributing factors to the value of our duplex parcels.

The single-family lots were before, and still are, considered to be one residential "unit" and as such allowed just the one 5,750 GMQS exemption.

Now the Planning staff interprets the 2006 LUC such that the exemption is to be applicable to entire structure (or parcel) as opposed to each side ("unit")

Under the pre-2006 LUC, any number of duplex parcels were redeveloped utilizing this double exemption (providing us with significant precedents) but interestingly enough there have been no building permit applications for the redevelopment of Mountain Valley duplexes under the 2006 LUC. While since 2006 there have been some rebuilding of duplexes, they have all been via pre-2006 approvals.

Other than the obvious financial implications of this change in treatment, it does raise some serious questions:

1. A large number of our duplex lots have been “condominiumized” and as such have two separate owners and have been granted by the County two separate Parcel ID numbers.
2. Our thusly divided duplex lots, contrary to the definition of “duplex”, have not only separate (not shared) ownerships, they have separate tax bills and utilities bills as well.
3. This then begs the issue of what happens if only one half of a duplex structure wants to expand its floor area. The County has taken the position that the side that asks first gets first call to the exemption. For example; if a duplex is currently 2,000 square feet per side (4,000 sqft total) and Side A wishes to add an additional 1,750 square feet to his side, he could do so without needing to purchase a TDR or go through the GMQS, as the total floor area of the entire structure would still not exceed the 5,750 exemption. However, if subsequently Side B wishes to add any floor area at all, that proposed addition would encounter the need for a TDR or GMQS allotment on the part of Side B because Side B’s additional floor area would then be in excess of the 5,750 square foot exemption.
4. I would imagine that a majority of our un-redeveloped duplex lots have either expired common wall (condominiumization) docs or as they probably predate the 2006 LUC change their covenants do not entertain this situation.