RESOLUTION OF THE PITKIN COUNTY PLANNING AND ZONING COMMISSION
ADOPTING THE MAROON CREEK CAUCUS MASTER PLAN

Resolution No. PZ 2018-09

RECITALS

1. By State statute, the Pitkin County Planning and Zoning Commission (P&Z) has the responsibility and the authority to adopt master plans for Pitkin County.

2. Adopted plans are used by the public, appointed and elected officials as a guide in consideration of County-wide land use related policies, as well as future land use designations, planning issues and development proposals within the Plan area boundaries.

3. The Pitkin County Land Use Code specifically requires consideration of master plans as a criterion of approval for certain types of land use reviews (including, but not limited to special review, location and extent review, code amendments, rezoning, activities of local and state interest, and growth management exemptions).

4. Recommendations made within all of the respective Caucus/Neighborhood master plans will be considered by appointed and elected officials in the context of consistency with overarching County land use policies and programs, and broader community goals, including but not limited to infrastructure and essential community facility needs. If a determination is made by the elected and/or appointed officials that a plan recommendation is inconsistent with broader community goals and does not benefit the community as a whole, such recommendation may be considered, but not implemented.

5. All of the respective Pitkin County Caucus/neighborhood plan updates will be adopted by the Planning & Zoning Commission separately. At such time as all of the plans have been adopted, they will be reviewed as a whole to ensure that there are no inherent conflicts that will impair the County’s ability to achieve overarching community goals, land use policies and functional needs. Subsequently, the P&Z will identify and consolidate common plan themes in an update to the 2003 Overview of the Pitkin County Comprehensive Plan. The Comprehensive Plan will provide the overall framework and approach for planning in rural Pitkin County, and the neighborhood plans will provide detail for specific areas.

6. The Maroon Creek Caucus Land Use Master Plan was prepared by the Maroon Creek Caucus Master Plan Committee with assistance from the Pitkin County Community Development Department and input from interested members of the public who reside in, or have business interests in the Maroon Creek Caucus area, as depicted on the attached map (Exhibit B.)

7. The Pitkin County Planning and Zoning Commission reviewed the plan at a worksession, which was a public meeting on February 20, 2018, and at duly noticed public hearings on April 17 and May 15, 2018, at which time public comment was heard with respect to the Master Plan.
NOW, THEREFORE, BE IT RESOLVED by the Pitkin County Planning Commission that it does hereby adopt the Maroon Creek Caucus Land Use Master Plan, attached as Exhibit “A.”


APPROVED AND ADOPTED on the 15th day of May, 2018.

PITKIN COUNTY PLANNING AND ZONING COMMISSION

Joseph Krabacher
By Joseph Krabacher,
Acting Chair
Date Jul-24-2018

ATTEST:

Bonnie Shiles
Bonnie Shiles,
Administrative Assistant

APPROVED AS TO FORM:  

APPROVED AS TO CONTENT:

John Ely
Ass't County Attorney

Cindy Houben
Cindy Houben,
Community Development Director
Attachment A

MAROON CREEK CAUCUS

MASTER PLAN

Adopted May 15, 2018

Prepared by the Maroon Creek Caucus
With Assistance from the Pitkin County Community Development Department
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INTRODUCTION

The Maroon Creek Caucus ("Caucus") area is the entry to the Maroon Bells/Snowmass Wilderness Area and is comprised of lands designated as Pitkin County’s Rural Area, past Aspen Highlands Village and toward the T-Lazy-7 Ranch ("Caucus Area"). This Master Plan is the culmination of years of effort by Caucus members and Pitkin County ("County") to update the 2003 Maroon/Castle Creek Master Plan to include current issues particular to the Caucus Area and also address new concerns (such as climate change and marijuana grow facilities). Since the 2003 Maroon/Castle Creek Master Plan was adopted, the Caucus Area has experienced an increase in use and also development pressures that threaten the environmental, scenic, and rural quality of an area enjoyed by many.

Notable additions to the 2003 Maroon/Castle Creek Master Plan include:

- A modified Caucus area to include only lands located within the Pitkin County Rural Area, located along Maroon Creek Road;
- A new section addressing water issues, a critical, shared natural resource, including recommended designation of upper Maroon Creek as “Wild and Scenic”;
- An expanded commitment to the natural environment, scenic quality and existing topography, including recommendations regarding enhanced scenic review in this critical scenic corridor, a 5,750 square foot limitation for new homes, and limited commercial expansion; and
- A recommendation and call for increased inter-governmental coordination particularly through the use of intergovernmental agreements to preserve the critical natural resources, scenic quality and rural character of the Caucus Area.
THE ROLE OF THE MAROON CREEK CAUCUS MASTER PLAN (AND PLANNING PROCESS)

In 1998, the Pitkin County voters adopted Article IV, Caucuses, as part of the Pitkin County Home Rule Charter, stating in the preamble that:

"the word [caucus] connotes representative democracy at the most local level where policies are formulated and recommended by the people whom they most affect ... these policies provide elected and appointed county officials with recommendations to enact just laws and policies."

(Pitkin County Home Rule Charter, section 4.0, emphasis added.)

Caucuses are recognized, by law, as recommending bodies with two primary responsibilities:

4.6 Function

A caucus, upon recognition by the Board, shall have a recommendatory function for all matters directly affecting the caucus area and shall permit its members to report minority views, as well as majority views, and a division of votes with any such recommendation. Further, a caucus shall have a recommendatory function for all planning matters affecting the caucus area, as well as other County matters affecting the caucus area including, but not limited to, budgetary and work program matters.

4.11 Master Plans

The County Commissioners and the Planning and Zoning Commission will encourage the development of Caucus Master Plans. The County Commissioners shall specify the criteria for the Caucus Master Plan development procedures and local caucus approval. Caucus Master Plans which satisfy such criteria shall be recognized by the Planning and Zoning Commission, and County Commissioners. The Caucus Master Plan shall be considered as one of the primary advisory documents in the development of county laws, rules, and regulations which affect caucus areas.

(Pitkin County Home Rule Charter, sections 4.6 and 4.11, emphasis added.)

The Colorado State Legislature also adopted mandatory comprehensive planning requirements (C.R.S. 30-28-106(4)), which requires Pitkin County to master plan the entire County. Individual caucuses, such as the Maroon Creek Caucus, adopt plans pursuant to the Pitkin County Charter, which are then forwarded to the Planning & Zoning Commission for final adoption under the land use code.

This Maroon Creek Caucus Master Plan is hereby incorporated with and made a part of the Pitkin County Comprehensive Plan. The Pitkin County Comprehensive Plan and its parts,
including this Caucus Master Plan, serve as the duly adopted Pitkin County Master Plan as required by C.R.S. 30-38-106. Notwithstanding anything to the contrary, this Caucus Master Plan, despite any reference to the Comprehensive Plan or any Caucus Master Plan in the Pitkin County Code, shall not be construed as any regulation or requirement or prohibition of law and shall not be binding on any Pitkin County elected official or representative.

The Maroon Creek Caucus was recognized, through Resolution 037-2015, after a broad informational campaign, which involved notification of all qualified electors and non-resident real property owners in the proposed Caucus Area of the time, place, and date of a meeting to vote on the formation of a Maroon Creek Caucus (Reso. 037-2015, para. 3.a.). The Caucus boundaries include the Rural Area properties beyond Aspen Highlands Village and up toward the Maroon Bells/Snowmass Wilderness area, including the Maroon Creek side of Aspen Highlands Ski Area (See Appendix F, Caucus Boundary Map).

Between the May 14, 2015, recognition of the Maroon Creek Caucus and the unanimous adoption of the Maroon Creek Master Plan by the full Caucus on December 11, 2017, and re-adoption (with minor clarifications) on April 5, 2018, the Caucus has conducted over twenty meetings in connection with planning matters and its master plan update. Vast outreach and updates to Caucus members have occurred via email, mailed notice, and advertisements, including advertisements placed by Pitkin County. Early in the master plan update process, the Caucus also sought comments and participation from the City of Aspen, the United States Forest Service, Roaring Fork Transport Authority, Pitkin County Open Space and Trails, Pitkin County Health Rivers and Streams, Aspen Skiing Company, Aspen Cycling Club, and Wilderness Workshop. Referral comments were received after Caucus adoption of the plan, which have been incorporated to the extent the comments are consistent with Pitkin County values and goals.
OBJECTIVES, POLICY AND IMPLEMENTATION

SECTION 1. ENVIRONMENT

1.1 WATER RESOURCES AND AQUATIC/RIPARIAN/WETLAND AREAS

Objective: Preserve the Maroon Creek drainage in its natural state with adequate minimum stream flows in order to protect associated aquatic/riparian/wetland areas, allowing existing water uses by Caucus landowners, legal operators, and residents to continue, while at the same time, seeking permanent protection from industrial water projects and users outside of the watershed when uses are inconsistent with this Master Plan.

Background: ¹

The headwaters of Maroon Creek begin at the Maroon Peaks (14,014 feet and 14,156 feet, respectively). Maroon Creek flows northward toward Aspen and drains into the Roaring Fork River on the northwest edge of town. While Maroon Creek is the main drainage in the area, several smaller creeks, including East and West Maroon Creeks and Willow Creek drain into Maroon Creek. Several diversions exist in the Caucus Area, including the Willow Creek Ditch and Herrick Ditch, the City of Aspen’s hydroelectric plant, and other ponds or diversions on private property. All of the property in the Caucus Area obtains potable water from wells and springs, including a community water system at Maroon Creek Ranch. The drainage supports high quality wetlands and riparian habitat that are an integral piece of the recreational amenities provided in the Maroon Creek area.

In addition to serving as a valuable ecological and recreational asset, Maroon Creek and its tributaries provide water to Caucus Area landowners and residents. Many Caucus Area landowners possess valuable water rights from these water sources. While Pitkin County has some downstream interests, the most significant downstream user is the City of Aspen, which obtains most of its water for its water utility from Castle Creek, and to a lesser extent, Maroon Creek. As a user of City of Aspen water in connection with its operations, Aspen Skiing Company is also a downstream user at Aspen Highlands, just outside the Caucus Area.

In November 1971, the City of Aspen received conditional water storage rights for Maroon Creek for “industrial, irrigation, domestic, municipal and other beneficial uses, both consumptive and non-consumptive.” The reservoirs are granted the right to fill “and to keep said reservoir reasonably well filled. Provided, however, that the storage of water in said reservoir in any one year in an amount in excess of 4,567 acre-feet shall be on the condition

that such excess storage is not to interfere with prior vested rights.” As currently decreed, the Maroon Creek Reservoir would be formed by a 155-foot-tall dam that would back up water over 85 acres of United States Forest Service (USFS or “Forest Service”) land about two miles below Maroon Lake and would flood a portion of the Maroon Bells-Snowmass Wilderness.

In January 1976, the Colorado Water Conservation Board (CWCB) established minimum instream flows in Maroon Creek of approximately 14 cubic feet per second (c.f.s.), which is meant to “protect the environment to a reasonable degree.” The CWCB minimum stream flow right is junior to the City of Aspen’s conditional dam right, meaning that if Aspen builds its Maroon Bells dam, it may legally decrease minimum instream flows. In 1990, the City of Aspen entered into an intergovernmental agreement where it agreed to administer CWCB’s instream flow rights on Castle Creek and bypass some of its senior rights, except in “times of extraordinary drought or emergency conditions in its municipal water supply.” There is no similar intergovernmental agreement for Maroon Creek.

In November 2008, the Healthy Rivers and Streams Fund Program was authorized by Pitkin County voters, which allows a .1% increase in sales tax and up to $12 million in debt to accomplish the following objectives:

- Maintaining and improving water quality and quantity within the roaring fork watershed;
- Purchasing, adjudicating changes of, leasing, using, banking, selling, and protecting water rights for the benefit of the roaring fork watershed;
- Working to secure, create, and augment minimum stream flows in conjunction with non-profits, grant agencies, and appropriate state and federal agencies to ensure ecological health, recreational opportunities, and wildlife and riparian habitat;
- Promoting water conservation; and
- Improving and constructing capital facilities that contribute to the objectives listed above.

The Healthy Rivers and Streams board has adopted an impoundment policy pursuant to its voter-authorized objectives, which the Maroon Creek Caucus acknowledges (https://copitkincounty2.civicplus.com/DocumentCenter/View/11210).

The Roaring Fork Watershed Plan also identifies Maroon Creek monitoring as a highest priority.

In October 2016, the City of Aspen passed a resolution directing staff to pursue diligence for its dam rights on Maroon Creek, stating: “the City is obligated and intends to provide a legal and reliable water supply and to that end can and will develop all necessary water rights, including but not limited to, Maroon Creek Reservoir and Castle Creek Reservoir.” The Maroon Creek Caucus Executive Committee had previously stated its opposition to the City of Aspen’s dams in August of 2016. In December 2016, numerous entities and organizations filed opposition statements, including Pitkin County, the Forest Service, and two Caucus landowners. The case is still pending.

Maroon Creek Master Plan
Studies conducted by the City of Aspen in 2017 assert some potential water shortages along Maroon Creek within the next fifty years, along with significant increases in demand to serve additional projected urban growth within their jurisdiction. As a home rule municipality, the City of Aspen possesses the power of condemnation.

**Policy and Implementation:**

1.1.1 Support the preservation, protection, and improvement of the ecological and recreational resource of Maroon Creek, Maroon Lake, its tributaries, and other lakes and ponds in the watershed along with associated aquatic/riparian/wetland areas.

   a. Support the Pitkin County policy to preserve and protect its present water resources. Furthermore, wetlands and riparian ecosystems, which are important to maintaining the overall balance of ecological systems and important plant communities, wildlife habitat and movement corridors, should be conserved, protected and restored.

   b. Require the design of land uses to preserve and protect present water resources and to avoid significant adverse effects on the quantity, quality, or dependability of water resources in Pitkin County. To that end, land uses should protect against significant increased salinization of water, loss of minimum instream flows, and the need for future major County public expenditures to reacquire or redistribute water resources.

   c. In addition to surface water protection, land use and development review should consider implications for aquifer depletion, subsurface water quality and impacts to domestic water wells.

   d. To protect water resources and/or riparian habitat, development in areas adjacent to water bodies, functional irrigation ditches, and natural watercourse areas should maintain adequate setbacks.

   e. New development should not disturb the integrity of existing and natural drainage patterns. Land use and development activities that subject areas to increased potential for damage by flood, erosion or sedimentation, or increase the potential for water pollution should be prohibited. The Caucus recognizes that improvements and changes to the Aspen Highlands ski area may have such effects and may be acceptable if adequately mitigated and approved through the existing USFS and Pitkin County review processes upon demonstration of compliance with all applicable regulations.

   f. Development should not contribute to the erosion of soil and rock. Natural vegetative cover should be maintained, and areas disturbed by land use or development activities should be revegetated. The foregoing does not imply that new ski trails may not be cut on Aspen Highlands, subject to compliance with all applicable regulations.

   g. Preservation and utilization of water rights for agricultural production and irrigation within the Caucus Area is vital.
h. Efficient use of water by irrigators, homeowners, agricultural users, and other water users to conserve water along with the adoption of appropriate efficiency measures and programs to protect healthy flows in Caucus Area creeks is encouraged. Also encourage the installation of and use of efficient irrigation systems for both homeowners and agricultural users.

i. Establish and enforce regulations against the spread of harmful chemicals on agricultural properties and in road maintenance, pest management, and weed management.

j. Encourage livestock owners to use fencing and other best management practices in order to minimize land disturbance near streams, wetlands, and riparian areas.

k. Establish a system for analyzing the adequacy of a proposed water supply for all purposes associated with a development proposal, including all domestic or other associated uses, such as accessory dwelling units, landscaping, and firefighting.

l. Establish an incentives program for the application of best technologies for water efficient fixtures in buildings, and encourage the retrofitting of existing homes with water efficient fixtures as opportunities arise.

m. Develop Source Water Protection Plans with assistance from the Colorado Dept. of Public Health and Environment, and implement applicable best management strategies to protect the quality and quantity of ground aquifers. The Caucus supports efforts to increase awareness of domestic water source protection issues.

n. Prohibit new water impoundments and diversions above T-Lazy-7 Ranch, such as ponds.

o. Prohibit industrial-scale water projects and extra-jurisdictional water company projects within the Caucus Area (See Pitkin County Ordinance No. 003-2018, regulating industrial water projects). Existing snowmaking efforts are not regarded by the Caucus as an industrial-scale water project; however, future expansions may fall within the purview of Ord. No. 003-2018.

1.1.2 Preserve water quality and the citizens’ rights to minimum stream flow of 14 c.f.s., while still allowing existing water uses by Caucus landowners, legal operators, and residents.

a. Monitor water quality and quantity throughout the Maroon Creek watershed in order to maintain stream flows and protect groundwater.

b. Pitkin County should monitor and administer minimum instream flow, via the Board of County Commissioners and Healthy Rivers and Streams Board, supporting that required by CWCB.

c. Pitkin County should facilitate an intergovernmental agreement similar to the one for Castle Creek, whereby the City of Aspen would agree not to diminish minimum instream flows.

d. Support changes in Colorado water law to prioritize water conservation.
e. Support Pitkin County policy that significant trans-mountain and trans-basin diversions and the vested rights of senior appropriators have materially curtailed the availability of water resources.

f. Oppose new trans-basin and out-of-watershed diversions from Maroon Creek and its tributaries (e.g., to Aspen or Aurora).

g. Support the transfer of water to the Colorado Water Conservation Board or others for the benefit of aquatic wildlife.

h. Support the purchase of water rights holders and donations of those rights to the CWCB for the benefit of aquatic and riparian ecosystems.

1.1.3 Permanently protect the Maroon Creek drainage from industrial water projects and users outside the watershed.

a. Promote regional watershed planning and collaboration which is fundamental to maintaining vibrant, healthy rivers and outstanding water quality in the Colorado River Basin, along with intergovernmental agreements and participation in water court proceedings, as warranted.

b. The County should request that the City of Aspen update their Annexation Policy Plan, with County input as may be warranted.

c. Wild and Scenic designation should be pursued above T-Lazy-7 Ranch.

d. United Nations Educational, Scientific and Cultural Organization (UNESCO) designation should be considered if it is determined this will protect the Maroon Bells and the upper Maroon Creek valley.


1.2 SCENIC QUALITY

Objective: Preserve, for generations to come, the natural beauty and unspoiled scenic character of the landscape within the Caucus Area, particularly the spectacular views of the mountains and ridgelines and natural topography, with scattered, small-scale rural development subordinate to the natural surroundings.

Background:

The natural environment and scenic character are the greatest assets of the Maroon Creek Caucus Area and are among the reasons many people choose to visit and make this area their home. Therefore, it is the goal of this Master Plan to preserve the natural beauty and unspoiled scenic character of the landscape within the Caucus Area, particularly the spectacular views of the mountains and ridgelines across open meadow foregrounds, but also the more intimate views of
the many streams with their riparian corridors, historic agricultural buildings and uses, and other historic structures. It is also important to preserve the dramatic views of the night skies. 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.

T-Lazy-7 Ranch was the original grantor of the easement for access to the public lands above the ranch, along Maroon Creek Road, and its development is consistent with ranch-style development proximate to its historic access.

Policy and Implementation:

1.2.1 The Caucus Area should be considered a critical scenic area, requiring rigorous review as the entry to the Maroon Bells/Snowmass Wilderness area and White River National Forest.

1.2.2 The Pitkin County land use code should be amended to develop more stringent scenic review standards and designate the Caucus Area as a critical scenic area, subject to heightened review requirements. The purpose of such code amendments would be to review all development and infrastructure with the goal of eliminating, or limiting visibility from Maroon Creek Road, adjacent properties, and public trails. To minimize impacts, standards for scenic review should include allowance for modification to optional design elements and to the size of development.

   a. The County should adopt separate scenic review requirements for infrastructure improvements, commercial, and residential development, with particular consideration of the character and uses of existing commercial or quasi-commercial publicly-owned development and its historical proximity to the County road, which standards could be developed through zoning overlay(s).

   b. Scenic review requirements should be strengthened to prioritize, or where feasible, require natural screening without significant grade changes to natural topography or man-made manipulation of natural slopes.

   c. All development approvals within the Caucus area, including Board of Adjustment variances, should be required to comply with all scenic development policies and applicable code criteria.

1.2.3 Require all utility extensions associated with new development or redevelopment within the Caucus Area be installed underground, including any facilities required in association with existing lines.

1.2.4 Work with the Maroon Creek Caucus to study provisions, to be incorporated into the Pitkin County Land Use Code, for limiting fencing that adversely affects the rural character of the Caucus Area.
1.2.5 Preserve and enhance views of the night skies by reducing the amount of exterior lighting through zoning regulations, policies, and education.

a. Support Pitkin County policies addressing the issue of exterior lighting and light pollution including the following:

"The right to see the night sky without the interference of unnecessary artificial light from growth, urbanization and highway development."

b. Establish the strongest possible lighting regulations in order to enhance and preserve the sanctity of night skies, recognizing that certain commercial buildings may require outside lighting for guest safety.

1.3 AIR QUALITY

**Objective:** Maintain, and to the extent possible, improve the current air quality within the Caucus Area to ensure protection of the fragile ecosystem and recreational enjoyment of the area. Strict protection of air quality is an absolute priority against which any development activity and every development application shall be measured. Excellent air is of critical importance to the Maroon Creek Caucus community.

**Background:**

The Maroon Bells/Snowmass Wilderness area is designated a Class I air quality region in the White River National Forest requiring the highest level of protection. Maroon Bells is considered a smoke-sensitive area and has previously been designated as a non-attainment area for particulate matter (PM-10).

In 1994, the Forest Service, Roaring Fork Transit Agency, and Pitkin County entered into a “Master Memorandum of Understanding” (MOU). This MOU clearly recognizes that “visitorship [sic] to the Maroon Valley had increased to a point where resource damage, traffic congestion, and accident potential were not acceptable” (See MOU, 94-25). That same MOU stated an Annual Operating Plan, which closed the road from June 17 until September 25 of each year, between the hours of 8:30 a.m. to 5:00 p.m. A later 1997 Operating Plan, stated that the road would be closed beginning on June 20 of each year.

As the Roaring Fork Transportation Authority (RFTA) states:

"THE MAROON BELLS GUIDED Bus Tours started in 1977 after it was recognized that the beautiful road-side wildflowers were dying and that the overhanging Aspen trees were being choked to death. It was then that the problems of automobile air pollution, inconsiderate drivers, and very fragile high-altitude mountain terrain had to be addressed. The Roaring Fork Transportation Authority worked with the National Forest Service to prevent the
complete closure of the road to the Maroon Bells. To this end, a bus service was initiated during the peak hours and months. The road was closed to private cars from 7:30am to 5pm with the exception of handicap vehicles and those with 12 passengers or more. Since the buses have been in use the trees and flowers have substantially recovered from the damage the heavy car traffic had created and the valley is therefore still available for recreational use.”


Policy and Implementation:

1.3.1 Ensure that current regulations governing air pollution at the local, state, and federal levels are enforced.

a. 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 Pitkin County Code.

b. Work with the Caucus on continued monitoring of air quality within the Caucus Area.

c. Strengthen regulations, policies, and procedures to better address the impacts of construction on air quality.

1.3.2 Vehicular traffic to the Maroon Bells compromises air quality, particularly trips to the Forest Service station above T-Lazy-7 Ranch when the road is not open to traffic. While there is an inter-governmental effort underway to reduce personal vehicle trips and decrease greenhouse gas emissions to address this issue, the Caucus supports immediate action.

a. Improved public education and communication from the public and private sector is an immediate action that would assist locals and tourists in complying with seasonal road closures and access restrictions. Notification of times and dates the road is closed for bus service only and winter closures, including updates when the Highlands and U.S.F.S. parking lots are full.

b. Tiered pricing and coordinated bus/shuttle service from the Brush Creek BRT Station/Park-n-Ride (free or nominal cost), Buttermilk BRT Station/Park-n-Ride (minimal cost), and Aspen Highlands (high cost) to reduce vehicular traffic through the Maroon Creek Roundabout and upper Maroon Creek Road should be pursued immediately.

c. Continue to work collaboratively between commercial interests, jurisdictions, and agencies, and coordinate with the Caucus on potential solutions to vehicles travelling further than necessary on Maroon Creek Road, before being turned-around at the Forest Service Station due to road closure. As one option, consider the following action as a means of improving traffic management and reducing unnecessary travel time and impacts to those accessing the Maroon Bells and to residents on Maroon Creek Rd.:
During restricted hours currently set by Pitkin County and the Forest Service, stop traffic at a location (to be determined,) north of the Aspen Highlands, providing an area for vehicles to turn-around when the road is closed, and allowing thru-traffic for residents and T-Lazy-Ranch customers to proceed.

d. Support exploring alternative traffic mitigation efforts that may be developed in the future, with the goal of reducing traffic through the Maroon Creek Roundabout as a priority consideration.

e. Encourage shared mobility through the use of buses and private vehicles with low or no-carbon fuels. Only allow low-emission, alternative energy buses to access the Maroon Bells, with service extending through October 15th of each year.

f. Encourage and possibly incentivize the use of existing park-and-ride and other existing transit services and facilities. To encourage use of public transit, the Caucus and Aspen Skiing Company should explore the possibility of year-round parking permits at appropriate pricing for Caucus residents. Alternatively, a dial-a-ride, hourly bus service or vanpool could be extended to T-Lazy-7 Ranch.

g. Encourage increased usage of bicycling for alternative transportation and recreation, especially between Highlands and the Maroon Bells.

h. Incentivize alternative energy systems, designed to operate in a manner consistent with the intent of preserving the air and scenic qualities of the area.

1.3.3 Prohibit disturbances and agricultural practices that expose soils to the wind for extended periods of time.

1.3.4 Prohibit asphalt and concrete production, gravel mining, and new trucking operations in the Maroon Creek Caucus Area to preserve air quality.

   a. Subject to permitting requirements and compliance with Pitkin County standards and conditions, the Caucus supports continuation of the existing snow trucking and storage at T-Lazy-7 Ranch without expansion of the operation.


1.4 RENEWABLE ENERGY AND CLIMATE STEWARDSHIP

Objective: Sustainable energy, particularly renewable energy sources within the Caucus Area, should be encouraged for existing development and required for all future projects. On-site renewable energy is best-suited to our small Caucus Area and entrance to the Maroon Bells, whereas large-scale projects to serve the region and the City of Aspen and/or municipal/utility providers are not appropriate for our rural environment. All renewable energy projects, whether on-site or within the Caucus Area, should still seek to preserve natural stream flows, existing ecologies, and scenic qualities of the area.
Background:

Climate change in our region, along with the negative impacts of fossil fuel energy sources and hydroelectricity/dams, makes it important for the Caucus to pursue sustainable renewable energy sources. Paramount should be on-site solutions that do not negatively impact the environment and/or scenic qualities of the Caucus Area. Reasonable compromises that are necessary or appropriate to enable such sustainable renewable energy efforts, particularly on-site efforts, should be considered.

Policy and Implementation:

1.4.1 Advanced energy efficient building designs, passive solar designs, and reasonable energy conservation retrofits are the first priorities for reducing the use of purchased energy, cutting energy costs and pollution, and minimizing the size and cost of solar systems.

1.4.2 The Caucus encourages home designs that use solar, ground source heat pumps, and other renewables that minimize fossil fuel energy consumption and CO₂ emissions. Special attention should be paid to minimizing energy use for second homes/non-primary residences while unoccupied.

1.4.3 Update studies regarding the impacts of large homes over 3,000 square feet 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.

   a. This study should include analysis of local conditions as well as the results of research done elsewhere in the country.

   b. 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.

1.4.4 Encourage development of community renewable energy sources within the Caucus Area on appropriate sites and individual use of renewable energy for primarily private use, including net-metering.

   a. Ridgeline renewable sources, such as windmills and solar panels, should not be allowed.

   b. Micro-hydro projects, primarily for on-site use, like the existing T-Lazy-7 Ranch micro-hydro, located in-stream or with no new diversion points, should be considered, assuming little to no impact on stream health.

   c. The continuation of the existing City of Aspen hydro plant is acknowledged, subject to compliance with all approvals and applicable regulations, and assuming little to no impact on stream health. No new diversion points are supported.
d. Amend the Land Use Code as necessary to address solar panel glare of unreasonable duration and intensity on neighboring properties, requiring effective means of mitigation as needed. Also require that view-plane obstructions (to neighbors) and issues related to height, width and bulk be minimized to the extent feasible.

e. Off-site electricity options are available from Holy Cross Energy and third-party solar electric companies. Holy Cross Energy, Community Office for Resource Efficiency (CORE) and Clean Energy Economy for the Region (CLEER), offer residential and commercial energy efficiency programs, rebates, and financing.

1.4.5 Encourage and support development of renewable on-site energy sources within the Caucus Area for operations on appropriate sites at Aspen Highlands by Aspen Skiing Company for its own use, including potential solar or other renewable sources, subject to view-plane and other development parameters, as determined by Pitkin County.

1.4.6 Encourage and support development of renewable on-site energy sources within the Caucus Area for operations on appropriate sites on Caucus member’s properties for their own use, including potential solar or other renewable sources, subject to view-plane and other development parameters, as determined by Pitkin County.

1.4.7 Support and promote resource efficiency in existing and new structures to support community resiliency, economic vibrancy, and environmental protection.

1.4.8 Support and exceed the Pitkin County goal of reducing energy from non-renewable sources by 20% across Pitkin County by 2020.

a. Calculate energy usage of the Caucus Area by sector, and provide annual updates to show progress.

b. Allow property tax rebates for conversion to renewable energy sources.

1.4.9 Encourage the funding and implementation of alternative energy vehicles. All buses to the Maroon Bells should be powered by renewable sources, i.e. electric buses, if and when possible, and noisier and less-efficient diesel buses should not be used, if at all possible, to transport passengers from Aspen Highlands to a Wilderness Area. Tiered parking in the summer at Aspen Highlands, Buttermilk BRT Station/Park-n-Ride and the Brush Creek BRT Station/Park-n-Ride might be used to further encourage use of the regional and local bus systems and, thereby, reduce noise and greenhouse gas emissions resulting from fossil fuel usage.

1.4.10 Enter into an intergovernmental agreement with the City of Aspen and appropriate utility providers to ensure that all renewable energy projects permitted within the Caucus Area provide service to Caucus residents and are permitted through Pitkin County’s land use process.
Prior Plan: 2003 Maroon/Castle Creek Master Plan, pp. 8 and 23 (which does not directly discuss renewable energy but does include scenic quality and alternative energy vehicles).

1.5 CLIMATE CHANGE AND PREPAREDNESS

Objective: Actively address the threats presented by climate change in order to protect the environment, the wildlife, and the inhabitants of the Caucus Area. Inaction, with respect to climate change, is potentially catastrophic for the natural environment and current and future generations in communities. The Maroon Creek Caucus endeavors to address energy consumption at the local level as well as resiliency relating to local land use and natural resource management.

Background:

Pitkin County’s climate is already changing, and additional changes are anticipated throughout the 21st century and beyond. These local climate shifts will take place within the context of regional and global changes, all of which may result in conditions unprecedented in human history. The impacts of climate change are likely to affect residents, ecosystems, and environmental amenities.

For Pitkin County, climate change will likely include longer summertime warm periods, earlier onset of spring snowmelt, more precipitation arriving as rain rather than snow, and longer dry periods with heavier precipitation events in between. These types of changes could exacerbate already risky wildfire conditions, place extra pressure on watersheds, and negatively affect important ecosystems.

Policy and Implementation:

The Caucus supports coordinated and collaborative efforts between local, state, and federal agencies to design and implement strategies to address the following issues.

1.5.1 Wildfire: Work with Pitkin County to develop and use forest management strategies to address the potential for wildfire, particularly at the wild land/urban interface, and to respond to a wildfire event.

a. Promote land use and forest management strategies to mitigate increased wildfire potential.

b. Enable landowners to create defensible spaces by helping secure fire mitigation funding.

c. Encourage wildfire resistant building and landscaping by providing tax incentives and reducing building and/or other permit fees.

d. Promote land use and forest management strategies to mitigate increased wildfire potential.
e. Additionally, the Caucus will endeavor to educate its membership regarding wildfire issues, including outreach to the public (See T-Lazy-7 Ranch’s wildfire information, Appendix D).

1.5.2 *Flood:* Assist in developing and using natural resource management strategies to address flood hazard and to respond to a flood event, including prohibiting all new development in areas prone to flooding.

1.5.3 *Water Supply:* Actively promote protection of all water sources in the Caucus Area through conservation, irrigation that supports subsurface aquifers and natural springs, and policies that ensure stream protection, including the Roaring Fork Watershed Plan.

1.5.4 *Ground Water:* The Caucus supports water protection and enhancement projects that align with the Roaring Fork Watershed Plan.

a. The Caucus supports a county-wide water conservation plan that includes the Caucus Area in order to protect the area from unreasonable depletion of underground water supplies. Such Plan should be a collaborative effort that includes the City of Aspen, to ensure that water conservation is integral to municipal use, and a consideration and/or limiting factor in consideration of new development within the urban growth area and/or City annexation boundary.

b. Pitkin County should protect the quality and quantity of ground aquifers, encourage the development of Source Water Protection Plans, with assistance from the Colorado Department of Public Health and Environment, and implement applicable best management strategies.

c. Pitkin County should support efforts to increase awareness of domestic source water protection issues, ensure application of best technologies for water efficient fixtures in buildings, and encourage the retrofitting of existing homes with water efficient fixtures as opportunities allow.

d. Pitkin County should provide incentives for the reuse of gray water for domestic irrigation, legal commercial activity, and establish effective and workable regulations governing gray water re-use in order to eliminate or minimize environmental impacts and health and safety concerns related to such re-use within the Maroon Creek Caucus Area.

1.5.5 *Surface Water:* Pitkin County should not only develop natural resource and water use management strategies to maintain healthy streams, but also develop strategies in the event of drought to address potable water supply, wildfire potential, forest health, the local/regional recreation/tourist economy, fisheries, and agriculture.

a. Pitkin County should encourage the use of irrigation that supports subsurface aquifers and natural springs in the application of agricultural irrigation water.

b. Pitkin County should protect Maroon Creek against damming and other diversions to serve growth, which itself contributes to climate change.
1.5.6  *Biodiversity*: The Caucus recommends developing forest management strategies to maintain biodiversity as a means to limit impacts of changing climate.

1.5.7  *Resilient Infrastructure*: Pitkin County should develop regulations for the design and location of new buildings, roads, bridges, and other structures to withstand adverse conditions related to changing climate.

1.5.8  *Economic Resiliency*: Strategies should be developed to encourage a diverse economy in order to respond to changing snow pack and other climate-related factors as they may impact tourism. Pitkin County should review regulations regarding rebuilding in the aftermath of a natural disaster (e.g. wildfire, flood) to promote a rapid return to economic sustainability.

1.5.9  *Food Security*: The Caucus recommends exploring regulations for the encouragement of local food growers and markets, where feasible, in order to rely less on outside sources.

**Prior Plan**: The 2003 Maroon/Castle Creek Master Plan did not address climate change (See page 21 for discussion of wildfire).
SECTION 2. LAND USE

2.1 PUBLIC LANDS

Objective: Manage private and public land development through zoning and access limitations appropriate for the entrance to the Maroon Bells in order to protect public lands and enhance the recreational experience.

Background:

With the exception of a few privately-owned inholdings, the remainder of the Maroon Creek valley above T-Lazy-7 Ranch 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. The Maroon Bells 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 Maroon Creek Caucus Area contains thousands of acres of mule deer, elk, mountain goat, and bighorn sheep summer range, which is mostly on federal land, but adjacent rural properties also provide important habitat. 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 East Maroon Creek-Maroon Creek-Willow Creek routes. There is a fairly significant area of federally-owned public land up Maroon Creek that is currently zoned Rural and Remote (RR), which provides for limited residential and recreational uses, along with transferable development rights (TDRs) for transfer outside of the zone. The RR zone does not prohibit the extension or creation of new forest service roads to serve county lands in order to enable development. Below T-Lazy-7 Ranch, the Caucus Area includes public lands, private lands, and commercial use at Aspen Highlands, with zoning which includes both RR and Ski-Rec (SKI-REC), and also a small parcel owned by the City of Aspen, zoned PUB (the Public zone).

Policy and Implementation:

2.1.1 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.”

a. Rezone federal lands to the RS-G (Resource-Government) zone (other than those already zoned SKI-REC, recognizing some additional lands might be rezoned SKI-REC) as intended through the adoption of the 2006 Pitkin County Land Use Code.

b. Work collaboratively with the U.S.F.S. to amend the RS-G and RR zones and U.S.F.S. Plans as necessary, to develop and coordinate standards and policies regarding the prohibition of development of new or expanded roads utilizing Forest Service land for access to service development on private lands. Consider an exemption for ski-related roads, where approved by Pitkin County through a master plan process.

2.1.2 Seek to commence collaborative efforts between local, state, and federal agencies in the development and updating of Resource Management Plans for public lands.

a. 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 Bureau of Land Management (BLM), to relocate or close a trail.

b. Maintain current parking facilities at trailheads in good condition, while discouraging new parking areas, except under circumstances where new parking areas at trailheads resolve inefficient design, safety considerations or neighborhood access conflicts.

c. Discourage overflow parking on county roads at the Maroon Bells trailheads to help prevent overuse of the existing trail system.

d. Work with Pitkin County, the USFS, and backcountry user’s groups to monitor use levels on backcountry roads and existing trails and consider measures to manage impacts.

e. Work with Pitkin County and the USFS to ensure that the existing outfitting businesses are operating within all applicable state and local regulations.

2.1.3 Recommend that Pitkin County 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.

2.1.4 Recommend that Pitkin County aggressively enforce existing land use and all other local, state, and federal regulations relating to outdoor recreation uses and to establish and enforce penalties for violations of these regulations.
2.1.5 Support, enable and facilitate collaborative review efforts with the USFS and surrounding jurisdictions, including the City of Aspen, for any proposed development of public lands within the Caucus Area, except those already existing within the approved Aspen Highlands Special Use Permit area.

2.1.6 Continue the ongoing collaborative effort by the County, City, USFS, RFTA, Aspen Skiing Company and other agencies to manage and address the impacts of vehicular traffic and related air quality concerns for locals and tourists who utilize Maroon Creek Road for residential and recreational access to public lands. To that end, consider the potential for extending bus service to the Maroon Bells through October 15 of each year to reduce vehicular use of Maroon Creek Road.


2.2 FUTURE GROWTH, RESIDENTIAL AND COMMERCIAL

Objective: Preserve the upper Maroon Creek valley as a low-density, small-scale residential area with open vistas and preservation of existing natural features and topography with only minor variances from zoning. Allow on-going established commercial uses at the T-Lazy-7 Ranch and Aspen Highlands Ski Area to continue or be replaced with those similar in character, without significant expansion and with no expansion of other commercial uses elsewhere in the valley. Implement zoning and conservation measures to preserve the entrance to the Maroon Bells/Snowmass Wilderness Area against incompatible development.

Background:

The upper Maroon Creek valley was re-zoned Agricultural/Forestry/Residential-10 Acre (AFR-10, now called AR-10) in the mid-1970s, allowing one residential unit per every ten acres. Many non-conforming parcels exist in our Caucus Area as a result. Under existing zoning, Pitkin County projects forty-two potential additional residential units in our valley. Those potential units are located primarily on four properties: Roaring Fork Land and Cattle Co. (17 units); T-Lazy Seven Ranch Corp (18 units); Willow Creek Forty LLLP (3 units); and Celestial Land Co. (2 units). An additional, City of Aspen property, is zoned PUB, which could conceivably be developed with uses or dense development incompatible with the Caucus Area. Additional Caucus Area properties include the USFS, which is still zoned RR, despite prior recommendations from the Maroon/Castle Creek Caucus in 2003 to rezone those lands, and subsequent adoption of a new zone district, RS-G (in 2006) for these properties. Additionally, the Caucus Area includes land within the SKI-REC zone and already approved for ski-related development through a master plan approval.

Pitkin County performed the following analysis of potential buildout in the Caucus Area (excluding an analysis of the City of Aspen parcel, zoned PUB, or the USFS land):
Source: Pitkin County 2017 Buildout Analysis

In 2000, Pitkin County enacted growth management regulations that limit houses in the Caucus Area to 5,750 square feet, without the use of TDRs, which may expand the total square footage allowed to 15,000 square feet. The current average house size in the Caucus Area is less than 4,000 square feet. The largest house in the Caucus Area is around 13,000 square feet and is located on a 180+ acre lot. The Maroon Creek Ranch Subdivision, comprised of eight 5-acre lots, has homeowner association (HOA) covenants it has voluntarily adopted that prohibit development beyond 5,750 square feet.

Other caucuses have limited square footage allowed in their area, including: Frying Pan Caucus (5,750 s.f.); Emma Caucus (8,250 s.f.); and Snowmass-Capitol Caucus (8,250 s.f.). Only one
property has utilized TDRs in the Maroon Creek Caucus Area, and it is located on a 180+ acre lot.

In the early 1990s, the Guenther/Larsen/Urschel family put a conservation easement on approximately 14 acres of land within the Caucus Area, which land includes alluvial fans and rock fall and avalanche areas. Both the Deane and Guenther/Larsen/Urschel families have also conveyed mining claims on public lands within the Caucus Area for preservation. No other conservation easements exist in the Maroon Creek Valley.

The City of Aspen owns a small parcel in the Caucus Area, which is developed with a hydrological energy plan and zoned PUB. Because the City of Aspen may claim it is exempt from Pitkin County land use regulations (as well as possessing the power to extra-jurisdictionally take land through eminent domain), this area should be considered a potential development site as well.

**Policy and Implementation:**

2.2.1 Because significant development rights exist on a few properties, zoning and conservation measures should be implemented to ensure the entrance to the Maroon Bells/Snowmass Wilderness Area is preserved.

   a. Pitkin County should work with landowners to accomplish this policy.

2.2.2 Pitkin County should work with T-Lazy-7 Ranch to define a zoning overlay or other mechanism to preserve and make conforming existing commercial operations, allowing for changes that are consistent with the existing character.

2.2.3 The Caucus does not support residential, commercial or other uses allowed within the PUB zone, other than the existing City of Aspen hydro plant, without expansion.

   a. Pitkin County should seek to enter into intergovernmental agreements consistent with the goals of this Master Plan regarding any future development of this parcel.
   b. "Amend the PUB zone to eliminate inappropriate uses in the rural areas of the County, with the intent of allowing existing uses to be maintained in a manner consistent with rural character."

2.2.4 The Caucus acknowledges the existing SKI-REC zoning in place with regard to Aspen Highlands and the existing Aspen Highlands Master Development Plan (MDP). However, all future rezonings and master development plan amendments, should be reviewed for consistency with this Caucus Master Plan, with recognition of specific infrastructure needs and/or operational needs appropriate to the function of the ski area/commercial recreational use.

2.2.5 While the severance of TDRs may be appropriate in some instances, the landing of TDRs within the Caucus Area is inconsistent with the overall goal of maintaining small scale residential development that does not exceed 5,750 square feet.
2.2.6 Development should not dominate the landscape, but instead should be sited and designed with the topography of the site to have the least visual impact possible.

a. Ways to accomplish this would include ranch-style homes, driveways and homes properly located to fit local topography, homes with broken roof lines, and use of native landscaping to reduce the visual impact.

2.2.7 Development should generally not occur in hazard areas.

a. If such development is allowed by Pitkin County, it should require the smallest structure possible (without optional decking and outside amenities, such as pools), sited to avoid hazards to the maximum extent possible with minimal hazard mitigation.

b. Highly constrained sites should be preserved in their natural condition, and TDRs should be granted to be used outside the Caucus Area.

2.2.8 As landowners have an expectation that height limitations and setbacks will be followed, variances from underlying zoning are strongly discouraged.

a. The Caucus maintains and recommends that proper site planning and activity envelope/site plan review necessarily should require minimizing, and preferably eliminating, any use of variances.

b. To the extent that an individual property requires excessive variances, which the caucus considers to be in excess of 25% of zoning—and a de facto rezoning and major amendment to an approved site plan—we recommend that the County explore defining the Board of Adjustment as comprised of the Board of County Commissioners for that purpose. We also support any other legal means to ensure that the Board of Adjustment limits its variances to minor changes to zoning and that variances are not used to facilitate development significantly at variance with the underlying zoning on highly constrained sites.

c. In the case of variance requests in excess of 25% of zoning, and if truly necessary to allow the requested development, the land use code should be amended to require an amendment to the underlying development approval due to an evident failure to identify these issues in the activity envelope/site plan review, including limiting the size and scope of the development and any required hazard mitigation.


2.3 Commercial/Civic/Institutional Uses and Special Events

**Objective:** To preserve the rural character of the planning area, limit commercial/civic/institutional activity to existing uses or those of a similar character at T-Lazy-7 Ranch and Aspen Highlands Ski Area. Minimize permits for special uses and special events.
Background:

The Maroon Creek Caucus Area serves as a transition between the City of Aspen boundary and the densely developed urban-scale, mixed use development at Aspen Highlands and the White River National Forest and Maroon Bells/Snowmass Wilderness Area. Pitkin County Land Use Policy Guidelines state: “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.”

Most of the privately-owned property in the Caucus Area is zoned AR-10, which provides: “The AR-10 district is intended to accommodate small scale agricultural activities and large-lot residential development that maintains the rural character and appearance of the land.” However, special review uses within the AR-10 zone district include a number of uses that may be inappropriate in the Caucus Area (e.g., cemeteries, schools, sewage and water plants, resort cabins, conference centers, junk yards, club houses, and day care homes). Portions of Aspen Highlands are zoned SKI-REC. “A small section of land owned by the City of Aspen is zoned PUB, which in addition to the existing hydro plant on site, currently allows for a significant number of uses that are considered by the Caucus to be incompatible with rural character and several other basic tenets of this Plan. The Caucus recommends that the County revise the PUB zone where it exists outside of Urban Growth Boundary areas, to limit uses to only those consistent with rural residential character.

T-Lazy-7 Ranch and Aspen Highlands Ski Area contain the only commercial development in the planning area. Aspen Skiing Company (ASC) possesses a lease from the Forest Service for commercial ski operations, which is subject to both federal and Pitkin County master plan review. T-Lazy-7 Ranch is a non-conforming use within the AR-10 zone district, in that its development is not allowed under current zoning, but existed prior to existing zoning and is therefore considered “grandfathered” by Pitkin County. Existing commercial restaurant and event sites at T-Lazy-7 Ranch include: the Chuck Wagon Grounds, the Meadow, the T-Lazy-7 Event Lodge, the Klondike Cabin, and the Private Mountain Lodge. Short-term and long-term rentals exist on the T-Lazy-7 Ranch property, as well as other commercial businesses including recreational and agricultural-based businesses. The Caucus supports a mechanism to allow rezoning of existing non-conforming commercial uses at T-Lazy-7 Ranch through an overlay zone, provided there is no major expansion of commercial buildings, significant change in character, or significant increases in traffic. The Caucus also supports the existing activities and SKI-REC zoning at Aspen Highlands, as approved in their master development plan, with the understanding that any expansions will be required to consider this Caucus Master Plan, as may be required through the Pitkin County process.

While existing commercial uses are generally supported by the Caucus, any new commercial activities (other than minimally impactful, forest-based commercial recreational activities and Aspen Highlands ski area uses and infrastructure, reviewed with consideration of this Master Plan,) are more appropriately located within the urban growth boundary areas in Pitkin County. However, because the Caucus Area is immediately adjacent to the Aspen Highlands development, which was annexed by the City of Aspen in 2003, properties within the Caucus...
Area may be subject to annexation and upzoning by the City of Aspen, both of which are opposed by the Caucus.

More industrial commercial uses, such as existing special use permits for snow trucking and storage, are not grandfathered and are subject to renewal.

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

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<tr>
<th>AuthID</th>
<th>DBA Name</th>
<th>Activities</th>
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<tbody>
<tr>
<td>ASP769</td>
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<td>ASP838</td>
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<td>Aspen Ideas Culture Tours</td>
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<td>Fishing</td>
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<td>ASP774</td>
<td>Aspen Wilderness Outfitters</td>
<td>Guided Hunting, Horseback Rides, Pack Trip</td>
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<td>ASP882</td>
<td>Blazing Pedals and Trails</td>
<td>Hiking/Backpacking, Biking</td>
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<td>ASP778</td>
<td>Capitol Peak Outfitters</td>
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<td>Colorado Backcountry</td>
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<td>Dolly's Mountain Shuttle</td>
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<tr>
<td>ASP782</td>
<td>T-Lazy-7 Snowmobiles</td>
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According to Pitkin County, the following special event permits were issued in the Caucus Area between 2007 and 2017:

2007  0019.2007.PSPE  Colorado Tourism Fall TV Commercial Temporary Commercial Use/Special Event Permit
2007  0021.2007.PSPE  Aero Film Temporary Commercial Use/Special Event Permit
2008  0005.2008.PSPE  Bowden Temporary Commercial Use/Special Event Permit
2008  0019.2008.PSPE  Ralph Lauren Photo Shoot Temporary Commercial Use/Special Event Permit
2009  0028.2009.PSPE  Nissan Temporary Commercial Use/Special Event Permit
2010  0003.2010.PSPE  Dodge Ram TV Commercial Temporary Commercial Use/Special Event Permit
2010  0022.2010.PSPE  "Chevrolet" TV Commercial Temporary Commercial Use/Special Event Permit
2011 0003.2011.PSPE  Oakley Photo Shoot Temporary Commercial Use/Special Event Permit
2011 0035.2011.PSPE  CANCELED, DUPLICATE PERMIT
2012 0007.2012.PSPE  David's Bridal/White by Vera Wang Photo Shoot Temporary Commercial Use/Special Event Permit
2013 0011.2013.PSPE  Nike Photo Shoot Temporary Commercial Use Special Event Permit
2014 0003.2014.PSPE  Spring 2014 Lifestyle Photo Shoot Temporary Commercial Use/Special Event Permit
2015 0005.2015.PSPE  New Balance Photo Shoot Temporary Commercial Use/Special Event Permit
2016 0006.2016.PSPE  Duluth Clothing Company Still Photo Shoot Temporary Commercial Use/Special Event Permit Event Date: 3/21/16 3/22/16 3/23/16
2016 0020.2016.PSPE  Lord & Taylor Clothing Company Still Photo Shoot 2016 Temporary Commercial Use/Special Event Permit Date: 8/23-8/25
2016 0025.2016.PSPE  Fabletics Still Photo Shoot 2016 Temporary Commercial Use/Special Event Permit Date: 9/2/16
2007 0017.2007.PSPE  Jeep Liberty Temporary Commercial Use/Special Event Permit
2011 0010.2011.PSPE  Aspen Recreation Center Recreational Bike Rides, Clinics and Hikes Temporary Commercial Use/Special Event Permit
2012 0015.2015.PSPE World Vision 2015 Aspen Invitational Temporary Commercial Use and Special Event Permit
2008 0101.2008.PSPE Aspen Cycling Club Summer Races Special Review for Commercial Outdoor Recreational Use
2016 0012.2016.PSPE Aspen Cycling Club Race Series 2016 Temporary Commercial Use/Special Event Permit
2007 00108.2007.PSPE Aspen/Snowmass Ride for the Cure 2007 Special Event Permit
2010 0026.2010.PSPE Ride for the Cure 2010 Temporary Commercial Use/Special Event Permit
2011 0026.2011.PSPE Ride for the Cure 2011 Temporary Commercial Use/Special Event Permit
2012 0023.2012.PSPE Ride for the Cure 2012 Temporary Commercial Use/Special Event Permit
2013 0017.2013.PSPE Ride for the Cure 2013 Temporary Commercial Use/Special Event Permit
2014 0017.2014.PSPE Ride for the Cure 2014 Temporary Commercial Use/Special Event Permit
2015 0019.2015.PSPE Ride for the Cure 2015 Temporary Commercial Use/Special Event Permit
2010 0028.2010.PSPE The Wapiyapi Classic Temporary Commercial Use/Special Event Permit
2011 0031.2011.PSPE The Roche Constructors Wapiyapi Classic 2011 Temporary Commercial Use/Special Event Permit
2014 0016.2014.PSPE Elk Mountain Grand Traverse (Summer 2014) Temporary Commercial Use/Special Event
2016 0027.2016.PSPE CANCELED--THREE YEAR PERMIT issued on 0027.2016.PSPE// Elk Mountain Grand Traverse Run & Bike(Summer 2017) Temporary Commercial Use/Special Event Permit (Fees pd on 0027.2016.PSPE) Three year permit

Maroon Creek Master Plan
<table>
<thead>
<tr>
<th>Year</th>
<th>File Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>2017</td>
<td>0017.2017.PSPE</td>
<td>Elk Mountain Grand Traverse (Summer 2015) Temporary Commercial Use/Special Event Permit Dates; March 27-28, 2015 Three Year Permit</td>
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<td>2012</td>
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<td>Aspen Back Country Marathon Temporary Commercial Use/Special Event Permit</td>
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<td>2011</td>
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<td>Power of Four Ski Mountaineering Race Temporary Commercial Use/Special Event Permit</td>
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<td>2016</td>
<td>0005.2016.PSPE</td>
<td>Power of Four Ski Mountaineering Race 2016 Temporary Commercial Use/Special Event Permit</td>
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</table>
Policy and Implementation:

2.3.1 Allow existing commercial uses at T-Lazy-7 Ranch and Aspen Highlands Ski Area to continue or be replaced with those similar in character, provided there is no major expansion of commercial buildings, significant change in character, or significant increases in traffic, subject to all necessarily permitting by Pitkin County and/or the Forest Service.

2.3.2 Prohibit new commercial uses, except as described in para. 2.3.1 above.

a. Amend zoning to prohibit new commercial uses, such as new tourist accommodations and commercial grow facilities for marijuana.

b. As this is a heavily used area with icy winter roads and limited winter trailhead parking, the Caucus is preliminarily opposed to Maroon Creek Road, above T-Lazy-7 Ranch, being designated as part of the Pitkin County’s or USFS’s fat tire bike winter-use trail system.

c. Develop provisions to prohibit the use of residential properties as primarily commercial, short-term rental properties, except as grandfathered at T-Lazy-7 Ranch.

d. Revise the Pitkin County Land Use Code to require existing commercial uses that cease to operate for ten years or longer to be permanently discontinued.

e. Explore measures, including zoning changes, to prohibit fractional ownership of residential properties as defined by the Colorado Common Interest Ownership Act (CCIOA) and other complex commercial ownerships, such as real estate clubs, etc.

2.3.3 To preserve existing rural character and residential zoning, discourage annexation and condemnation.

a. Pitkin County and the City of Aspen should seek to enter into an intergovernmental agreement regarding annexation and condemnation to preserve the rural character of the Caucus Area.
2.3.4 **Limit special events to preserve existing rural character and enjoyment of the Caucus Area by recreational users.**

a. All special event permits, other than Aspen Skiing Company events authorized through a separate County master development plan and Forest Service permitting process, should be referred to the Caucus for comment.

b. All permitting for races held on Maroon Creek Road should require cones on side roads/driveways, including “hidden drive” signage.

c. The Pitkin County Sheriff should be required and funded to police all special events permitted for Maroon Creek Road.

d. Special events on private property over certain thresholds require permitting pursuant to section 4-30-50 of the Pitkin County Land Use Code. Aspen Skiing Company special events are authorized through a separate County master development plan and Forest Service permitting process.

e. Special events should be limited in duration (minimal multi-day events), and no road closures should be allowed.

**Prior Plan:** 2003 Maroon/Castle Creek Master Plan, pp. 9-11

2.4 **Mining Claims/Mineral Development**

**Objective:** Promote non-impactful, renewable energy sources, and protect lands within the planning area from the environmental impacts of mining, mineral exploration, commercial or large-scale geothermal mining or exploration, oil and gas drilling and exploration, sand and gravel pits, rock crushers, concrete batch plants, and other extractive operations.

**Background:**

While some prospecting may have occurred in the Caucus Area, no mining or mineral development exists.

**Policy and Implementation:**

2.4.1 **Ensure strict enforcement of all applicable regulations governing extraction and similar exploitation of natural resources.**

a. Amend state and federal laws to enable local regulation of such operations.

b. Require such operations to maintain current air and water quality, and not diminish surface and ground water supply.

2.4.2 **Support policy initiatives that require minimum setbacks from homes for new oil and gas wells, and grant local governments the power to enact environmental regulations more restrictive than state laws.**
2.4.3 Define extractive operations in the Pitkin County Land Use Code to include geothermal.

2.4.4 To the extent possible, prohibit extraction and fracking.

3.1 Roads/Bike Paths

Objective: Protect the rural character and environmental quality of upper Maroon Creek Road and ensure safe and enjoyable recreational use of the road.

Background:

Roads within the Maroon Creek Caucus are both public and private, including some Forest Service roads in the White River National Forest. The character of the roads is rural. Upper Maroon Creek Road is the entrance to the Maroon Bells/Snowmass Wilderness Area, and the White River National Forest. Maroon Creek Road experiences heavy recreational use year-round, including hiking, biking, roller blading, skiing and snowmobiling. There is no county winter maintenance or snowplowing past T-Lazy-7 Ranch.

Anthropogenic sources have already significantly impaired visibility in the Maroon Bells-Snowmass Wilderness, which is a Class I air shed under federal regulations. To protect the area from further degradation, Pitkin County and the Forest Service have partnered to reduce vehicular traffic through road closures and summer bus service to the Maroon Bells. Signage is minimal along the road, and speed limits are not enforced. Despite these efforts, access to the area has increased dramatically, resulting in significant conflicts/safety issues between recreational users and vehicular traffic, especially buses.

According to the Pitkin County Engineer, based on the past three years of traffic counts, the average daily traffic is 3,668 trips above the intersection of Aspen High School.

Policy and Implementation:

3.1.1 Keep the rural character of the planning area intact.

a. Ensure development is compatible with and does not change the rural character of upper Maroon Creek Road.

b. Incentivize mass transit and other non-motorized means of access to publicly-owned land.

c. Require scenic review for all driveways and trails visible from Maroon Creek Road.

d. Maintain upper Maroon Creek Road in its current condition, allowing minimal improvements as necessary for safety.

e. To avoid suburbanizing the Caucus Area, eliminate the requirement that previously addressed properties readdress and rename their roads.

f. Require all county road signage to be rural in character to the greatest extent possible.
g. Continue to preclude Pitkin County winter snowplowing maintenance above T-Lazy-7 Ranch, while continuing to allow T-Lazy-7 Ranch to conduct winter grooming, maintenance, and cross-country track-setting, pursuant to their USFS permits.

h. Establish a process by which road improvements and decisions to extend winter snowplow maintenance are reviewed, including public hearing before the Board of County Commissioners and referral to the Caucus for comment.

3.1.2 Reduce traffic and congestion on upper Maroon Creek Road to improve air quality, safety, and the overall recreational experience.

a. Pitkin County should establish a firm annual road winter closure date of November 15, or sooner, above T-Lazy-7 Ranch, if Pitkin County finds this necessary due to early snowfall for a particular year.

b. Bus service should be revamped with non-polluting (i.e. electric) vehicles of a character suitable for a wilderness area.

c. Utilization of non-polluting vehicles should be incentivized within the Caucus area to the extent feasible.

d. With the exception of access for the disabled, the road should be closed at the Forest Service station to vehicles between 8 a.m. and 6 p.m., which would incentivize more people to take the bus or ride their bikes, etc.

e. Require and strictly enforce the use of construction management plans to reduce construction traffic impacts associated with new developments and major redevelopments.

f. Correct the turn-lane indications from Maroon Creek Road into the Maroon Creek Roundabout. The right-turn lane currently blocks traffic up to the high school and sometimes all the way to Aspen Highlands. Traffic flow will proceed better with a merge option from the right lane, instead of a turn-only on to Castle Creek Road.

3.1.3 Improve safety on upper Maroon Creek Road.

a. Increase signage, including speed limit and “share the road” signs appropriate for a scenic and rural area.

b. Install posted speed limit signs (preferably at 30 mph or less) between Aspen Highlands and T-Lazy-7 Ranch.

c. Implement effective safety measures to maintain the posted speed limit of 15 mph through the T-Lazy-7 Ranch corridor. Consider the use of a permanent solar speed monitoring sign as one potential option.

d. Install “share the road” signs between Aspen Highlands and T-Lazy-7 Ranch.

e. Install a “hidden driveway” sign near the entrance of Maroon Creek Ranch, and consider trimming lower branches from trees to improve visibility.

f. Reduce and enforce the speed limit (30 mph or less) throughout the Caucus area.

Maroon Creek Master Plan
g. Consider the use of a permanent solar speed monitoring sign as one potential option for monitoring speed at the entry of the Caucus Area and at the beginning of the upper portion of T-Lazy-7 Ranch (for vehicles traveling down from Maroon Bells,) and through the T-Lazy-7 Ranch corridor.

3.1.4 Without evidence that bike paths will solve the existing safety issues because road bikers are not likely to use them, the Caucus opposes such paths and their potential impact on rural character.

a. For increased safety, the Caucus would be open to widening the road below T-Lazy-7 Ranch in certain sections where this is feasible with minimum impact and infrastructure, assuming there is evidence this will actually improve safety.

3.1.5 Further reduction in vehicular traffic should be explored along with a pedestrian path through optional cooperation of landowners, at their sole discretion, along Maroon Creek Road.


3.2 Utilities: Water, Electric, Natural Gas, Waste Management, Internet, Etc.

**Objective:** Preserve the rural character and natural resources of the Caucus Area by conserving energy, reducing waste generation, and preventing utility extensions that promote sprawl and serve areas outside of the Caucus Area.

**Background:**

Pitkin County Land Use Policy Guidelines, issued in September 2002, state: “Pitkin County generally does not support extensions of public utilities such as municipal water and sewer lines outside of the Urban Growth Boundaries.”

At this time, Caucus Area utilities are provided by a combination of public utilities, private companies, and on-site delivery. Water is provided by individual wells and other surface water. Holy Cross Energy, a cooperative owned by its members, provides electricity. Black Hills Energy provides natural gas. Waste management and removal is accomplished through private companies, though it should be noted that the Pitkin County Landfill will have to close about the year 2030, which will have many consequences to our level of service as well as increased expense. Most of these providers or on-site production of utilities, like water, function well. Internet service, which is supplied by Century Link, is poor and needs to be updated.
Policy and Implementation:

3.2.1 Extension of public utilities, such as the City of Aspen’s electric or water/sewage, are not supported within the Caucus Area.

3.2.2 The Caucus supports expansion of internet services, provided they are underground or line-of-sight transmissions.

3.2.3 Because the City of Aspen has condemnation power, and annexation is possible for properties within the Caucus Area, Pitkin County should seek to negotiate an intergovernmental agreement to preclude expansion of the City of Aspen’s utilities.

3.2.4 Pitkin County should adopt measures to ensure that, where infrastructure and essential community service improvements are necessary and supported by the objectives and policies of this Master Plan, such improvements are based on technologies and solutions that balance environmental sensitivity, functional efficiency, and economic practicality.

   a. Where appropriate, the cost of these improvements should be borne by future developments.

   b. Pitkin County should explore a neighborhood residential waste management plan to reduce and re-use waste and create a smaller environmental footprint.

   c. Existing county programs that divert materials from the Caucus Area waste stream to extend the Pitkin County Landfill’s life should be continued.

   d. Caucus Area residents (and commercial properties where feasible) should also participate in the new residential waste management plans that include food composting. Visit www.landfillrules.com for the latest information.

Adopted by the Pitkin County Planning & Zoning Commission on May 15, 2018
APPENDIX

A. Future Land Use Map [will be developed after adoption]
B. Implementation Plan, Including Code Amendments [will be added after adoption]
D. Link to Pitkin County Weed Management Plan
E. Maroon Creek Caucus Wildfire Plan
F. Maroon Creek Caucus Boundary Map
Appendix E

MAROON CREEK CAUCUS FIRE AWARENESS AND ACTION GUIDE

Living in the Colorado Wilderness-Urban Interface comes with increased dangers and these next few pages will outline fire prevention tips and offer action plans that address Red Flag Fire Warnings — Smoking/Fire Bans — and Evacuation Orders.

In the Rocky Mountain Region, the worst wildfire danger typically arrives towards the end of the June drought and before the onset of the Pacific Monsoon rain pattern in early July. Some of the first thunderstorms of summer pack plenty of lightening but provide little in the way of rain. A lightening-struck tree can smolder internally or deep into the root system for weeks or longer, then suddenly burst into flames during Red Flag Warnings when winds are high, humidity is low and bone-dry ground cover burns rapidly.

Most wildfires are triggered by human error and when considering how many tourists visit the Maroon-Bells Wilderness every day, the Maroon Creek Valley faces increased fire risk throughout the summer season.

The good news is that Colorado has elite firefighters who are ready around-the-clock to battle fires on the ground and from the air. Aspen is within close proximity to airbases located at Grand Junction, Rifle and Eagle — which provide scouting planes, Hot Shot parachute jumpers, as well as helicopters and air tankers for fire retardant and water drops.

But the best way to fight a fire is to eliminate one before it starts.

- Be aware that a spark, a small flame, an ember or a burning cigarette butt can easily ignite ground cover and spread rapidly to surrounding brush, trees and buildings.
- Do not park a hot car on top of tall, dry grass. If the exhaust system underneath the car makes contact with the ground cover, it can ignite.
- Never leave BBQ’s, Tiki torches, candles, etc. burning while unattended. Make sure you are 100% certain that all ignition sources have been completely eliminated before you leave the area.
- Keep lighters and matches “out of reach” or safely-locked away when children are present.
- Try to prevent white cottonwood fluff from accumulating in concentrated piles. It is highly flammable. A vacuum works great to remove excess cottonwood fluff.
- Never store chemical-infused rags because they can spontaneously combust without warning. (Yes. Burst into flames unexpectedly!) For example, linseed oil on rags is extremely flammable.
- Do not accumulate flammable liquids, dry fuels or trash inside or around buildings.
- Do not light firecrackers and fireworks (and during a fire ban, no sparklers). Leave that to the professionals and be aware it is “illegal to shoot airborne fireworks” in the State of Colorado – and for good reason.
- Do not burn fires in old pits, rigs or chimenea-type furniture during a fire ban, and use extreme caution when no ban is in effect.
- Do not overload electrical outlets with too many plugs.

- Keep stovetops and counters free of clutter. Kitchen fires are the #1 cause of house fires. Please cook carefully.
- Make sure your Smoke Detector is working and has fresh batteries installed. Smoke detectors save lives! Period.
- Obey all Fire/Smoking bans. They are not suggestions but Sheriff ordered misdemeanor laws, enforced by arrest and serious fines. When in effect, the law prohibits smoking outdoors, and requires smokers to be inside a car with windows up, or inside a building.
- Dirt bikes, lawnmowers, chainsaws, and other small gas-powered engines without spark arresters are prohibited under certain bans. Know when it is safe, and know when it’s illegal.
- Use extreme caution when cleaning-out wood stoves or BBQ ash, and place ash in a metal container to cool, as ash can stay hot and flammable for up to a week or more.
- IF YOU SEE SOMETHING, SAY SOMETHING during Smoking/Fire Bans. Politely explain to someone what they are doing is illegal under current fire restrictions, and if they won’t comply, don’t argue with them. Just call 9-1-1 and let the Sheriff Department deal with it.

WHAT TO DO IF YOU ENCOUNTER A HOUSE FIRE OR SMALL EXTERIOR FIRE:

Each home should have at least one fire extinguisher – more, if possible, and on each floor. Do not be intimidated by the thought of using one. Fire extinguishers are easy to operate and highly effective at combating an early-stage fire.

Know where your extinguisher is, be sure it has not expired, and how know to operate it.

Never use water to fight a grease fire in a pan, on the stovetop or in the oven. If possible, immediately and carefully smother the flames with a lid, some larger cookware, or a wet kitchen towel. But whatever you do, be certain not to knock a pan with flaming grease onto yourself or the floor. Put the fire out by discharging a fire extinguisher close to the base of the flames, while maintaining a safety gap, with your head low to avoid smoke.

Similarly, small surface fires involving burning curtains, carpets, furniture, electronics etc. can be put out or greatly diminished using a fire extinguisher promptly. However, should you encounter a structural fire with heavy smoke and large flames:
• Do not open internal doors that are hot to the touch.
• Evacuate the building immediately.
• Wake or warn any neighbors that might be in danger.
• Summon neighbors that can help with the emergency.
• Call 9-1-1. Never worry about making a duplicate call to 9-1-1 because it is better to make a few calls, instead of “assuming” somebody already did, and no one actually does.

EVACUATIONS

The best plan is to Plan Ahead because evacuations can come with little or no warning in Fire Country. An evacuation plan begins with knowing all of your secondary exit options. Make sure windows and doors are operating properly, and never block access with furniture or excessive storage. When the wildfire danger is high and Red Flag warnings are posted in our area – be ready to leave.

• Have important documents, valuables, medications, and sentimental items ready.
• Families with children and residents with roommates should have a predetermined meeting location – (i.e. The ARC, Aspen Library, the Public Golf Course, etc.) in the event phone circuits get jammed, or go down for a period of time.
• Arrange 2nd and 3rd party telephone contacts, preferably outside of the area, to leave messages with should phone service become spotty.

If fire danger increase across the entire Western Slope of Colorado, adjust your evacuation plan accordingly. If a lightening storm spawns several fires in the region, it is probable that there will be heavy traffic on the way out of the valley, and beyond, should other Colorado communities be required to leave at the same time. Plan ahead for the worst-case scenario and don’t expect to find gasoline, drinking water or food “down the road.”

• Have your important personal possessions ready.
• Know where family members and friends are.
• Keep your vehicle gas tank filled as close to full as possible.
• Have a “Go-Bag” packed with important items like flashlight and batteries, a map, a three-day supply of water and food, portable radio, etc. ready to grab. But keep in mind that we live in bear country, and never leave any food inside a car or park with the doors unlocked. Yes, the bears know how to open car doors!
• Please leave a note on your door that you left to help eliminate unnecessary searches. Leave the names of others who live with you if they have left as well.

Be Fire Aware. Plan Ahead. Stay Informed. Be prepared to leave at a moment’s notice.