

ASPEN OFFICE
625 East Hyman Avenue Suite 201
Aspen, Colorado 81611
Telephone: (970) 925-1936
Facsimile: (970) 925-3008

GARFIELD & HECHT, P.C.
ATTORNEYS AT LAW
Since 1975
www.garfieldhecht.com

January 16, 2023

CHRISTOPHER D. BRYAN
cbryan@garfieldhecht.com

VIA E-MAIL

Ms. Jeanette Muzio

E-mail: jeanette.muzio@pitkincounty.com

Re: Smith Cabin: Short-Term Rental License Application

Ms. Muzio:

As you know, this law firm represents Aspen natives and lifetime local residents Colter and Bridger Smith and their older sister, Colby Fulton, who, through their family-held company (Mine Claim, LLC) have applied for a short-term rental license from Pitkin County for the Smith Cabin, located at 100 Upper Hurricane Road in unincorporated Pitkin County. The application was taken up at the Pitkin County Board of County Commissioners' meeting on December 7, 2022, and was continued to the upcoming meeting scheduled for January 25, 2023.

The Smith family has authorized me to inform you that it is withdrawing its application for the license at this time, while reserving all rights.

In light of the biased and *ad hominem* and false and unsubstantiated statements made by some commissioners at the last BOCC meeting, the Smiths do not believe they will receive a fair hearing on this application. Moreover, the Smiths sense that the BOCC will attempt to put onerous restrictions—beyond what the Pitkin County Code currently allows—on their private property if they proceed with the application, and they are not interested in that. Consequently, they have decided to use their property in other lawful ways. They also are considering selling the property to someone of substantial means who does not need to generate income on the property to pay for its maintenance, operation, insurance, and taxes.

While the Smiths had intended to short-term rent the Smith Cabin on a very limited basis and only during the warm-weather months (i.e., approximately 8-10% of the calendar year), they will have more options as to the use and disposition of their longtime family property without undertaking the burdens of a short-term rental license and any additional conditions the BOCC may seek to impose on them.

The Smiths hereby formally withdraw the application, obviating the need for further action and consideration by Pitkin County. Accordingly, please notify the county clerk and county attorney and commissioners that this item may be deleted or otherwise omitted from the agenda at the upcoming BOCC meeting.

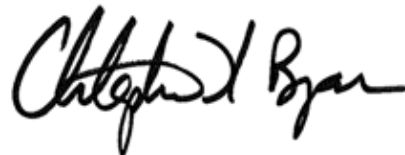
We personally thank you and other staff members at Pitkin County for the careful attention to detail and the considerable time and effort you have expended on this application. You were particularly helpful with respect to the safety plan that you collaborated on with the Smiths following the site visit you conducted, and the Smiths and I believe the staff recommendation for approval of the license was deserved and well-placed. We are grateful for your diligent work on this matter.

Nevertheless, under the circumstances—and given the tone, tenor, and content of certain commissioners' comments and misrepresentations the last time this application was discussed at a BOCC meeting—the Smiths believe withdrawing the application is the best course of action at this time.

If you have any questions, please contact me.

Very truly yours,

GARFIELD & HECHT, P.C.

A handwritten signature in black ink, appearing to read "Christopher D. Bryan". The signature is written in a cursive style with a large initial "C".

Christopher D. Bryan

cc: John Ely, Esq. (via e-mail)